



PSA's Risk Assessment Ensures Fair Administration of Pretrial Justice in the District of Columbia

The Pretrial Services Agency for the District of Columbia (PSA) has served the Nation's Capital for more than 50 years. Since our inception in 1967, we have remained dedicated to promoting pretrial justice and enhancing community safety. Consistent with this mission, each day we strive to strike the appropriate balance between individual liberties and public safety. Fundamental to this work is our use of a scientifically-validated risk assessment instrument (RAI), which helps us determine appropriate release conditions to recommend to the court. In accordance with the law, our recommendations to the court reflect the least restrictive supervision conditions required to reasonably assure that defendants awaiting trial remain arrest-free and make all scheduled court appearances.

Today in DC, our local court releases over 90% of arrestees without using a financial bond and approximately 87% of these individuals remain arrest-free while awaiting trial. Of those rearrested, less than 2% are alleged to have committed a violent crime. In addition, over 90% of released defendants make all scheduled court appearances. To provide context for these statistics, each year, an average of 20,015 defendants awaiting trial in DC Superior Court are released into the community, either on personal recognizance or under PSA supervision. The released population is 81% Black, 17% White and 2% other racial groups.

Within PSA, we have used some form of risk assessment continuously since the Agency began and have leveraged developments in science and best practices to refine and improve our protocols and instruments. To be fair and effective, RAIs must be tested regularly to ensure they produce valid results for the population being served and are untainted by bias with respect to race, gender or other factors. In accordance with this understanding, we perform periodic independent revalidation of our tool, the most recent of which was completed in 2018. As one of the oldest pretrial agencies in the US, we are keenly aware of the national concern about the disparate impact on persons of color that can result from the use of risk assessment instruments. Consistent with this awareness, as part of our recent revalidation, we requested a specific analysis of the extent to which racial bias exists in PSA's tool.

PSA's risk instrument was designed exclusively for the District of Columbia using a data set consisting of defendants assigned to pretrial supervision in DC. The RAI predicts each individual's risk of failure to appear and rearrest by evaluating 43 factors from five domains: criminal history, current charge, criminal justice system status, drug test results and defendant social/demographic attributes. The RAI produces two numeric scores that correlate to each defendant's likelihood of court appearance and likelihood of remaining arrest-free during the pretrial release period. The numeric scores are then translated to risk levels by PSA. These levels are used to develop recommended release conditions – and are never used as the basis for detention. PSA's use of an RAI reflects our

understanding of it as a tool that supports – but does not replace – effective decision making by judges.

The recent revalidation analysis assessed algorithmic bias in PSA's RAI. The independent evaluator found that, while risk scores and misconduct rates vary by race, the relationship between risk scores and observed misconduct remains fairly stable across race. Essentially, this means that in the limited instances in which there is over- or under-assessment of risk, it happens consistently across racial groups. Where bias is detected, it is minimal and distributed evenly among all groups.

The error differences found in our RAI are small compared to the biases reported elsewhere in the nation and at the heart of concern in the field. Our analysis suggests that the revalidated RAI is sufficiently predictive and largely unbiased when evaluating defendants of different racial groups.

PSA's use of an RAI represents the longest continuous use of risk instruments in the pretrial field. We recognize that the integrity and effectiveness of pretrial justice depends on the court's access to objective information that helps to eliminate bias in decision-making. Research shows that when risk assessment tools are designed thoughtfully, independently tested and validated, and objectively applied, they can reduce racial and economic bias in decision-making and improve overall outcomes for justice-involved individuals. We believe our efforts contribute significantly to the fair administration of pretrial justice and our results demonstrate the efficacy of our efforts to keep the District of Columbia a safe place to live, work and visit.

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