



OREGON JUDICIAL DEPARTMENT  
Office of the State Court Administrator

March 16, 2023  
**(SENT BY EMAIL)**

The Honorable Floyd Prozanski, Chair  
The Honorable Kim Thatcher, Vice-Chair  
Senate Committee on Judiciary  
900 Court Street NE  
Salem, OR 97301

Re: Response to Request for Additional Information on Pretrial Risk Assessment

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee:

Thank you for inviting the Oregon Judicial Department (OJD) to provide information regarding Pretrial Release and Senate Bill (SB) 48 Implementation. We very much appreciate your time and attention. I write to provide additional information in response to a question asked during the informational meeting on Monday, March 13, 2023. During the meeting, Vice-Chair Thatcher asked several questions about pretrial risk assessments. We thought it may be helpful to provide some additional information to supplement our responses to the Vice-Chair's questions. I hope the following information is helpful but please let me know if you need more information.

**Pretrial Risk Assessment Tools, Generally**

Pretrial risk assessment instruments are actuarial tools developed by drawing on large data sets about people who have previously had contact with the criminal justice system to identify factors that are associated with the likelihood of certain events. These factors are entered into probability models that calculate potential outcomes for similar people in future cases.<sup>1</sup> Risk assessment instruments are not intended to be decision-making tools, but rather their purpose is to provide additional information to aid in the decision-making process of a magistrate or release assistance officer. Risk assessment tools generally rely on objective, non-discretionary data factors such as age at arrest, prior convictions, and prior failures-to-appear. It is important to note that no tool can predict with perfect accuracy an individual's behavior. However, risk assessment tools provide a valuable piece of information (in addition to other sources such as information provided by victims and verification of information gathered from defendant interviews) to be included in the overall picture of an individual being considered for pretrial release and the appropriate conditions to mitigate risk while on release.

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<sup>1</sup> [What Is the PSA? | Advancing Pretrial Policy & Research \(APPR\)](#)

### **Validating Pretrial Risk Assessment Tools**

The process of determining how well a tool performs at predicting risk is called validation, and a risk assessment's performance is referred to as predictive validity. There are other types of validity, and they are typically discussed in the context of how individual risk factors are measured. For pretrial risk assessments, validation tests whether a tool's estimated risk for an individual corresponds to actual behavior, this requires additional data against which the tool's prediction can be tested. Depending on the source of these data there are two general approaches to validating the performance of pretrial assessment tools.<sup>2</sup> Validation is recommended, at a minimum, every five years, or after a significant change in population demographics.

For more information on validation of risk tools see [Policy Brief | Validation of Risk Assessment Tools \(ojp.gov\)](#)

### **Development of Oregon's Pretrial Risk Tool**

In a project led by the Criminal Justice Commission (CJC) and researchers from Portland State University (PSU), OJD is a partner in building an Oregon-specific pretrial risk tool using data from all 36 counties in Oregon. Dr. Kris Henning and Dr. Chris Campbell from PSU's Criminal Justice Center led a feasibility study to determine whether the data currently available from OJD, the Department of Corrections (DOC), and the Law Enforcement Data System (LEDS) would be useable for building a predictive model for pretrial assessment. That phase of the project was completed in December 2022, and it was determined that the currently available data would allow for a tool that was statistically viable in predicting pretrial success.

Data sources for the Oregon Pretrial Risk Tool development include both information specific to pretrial cases (hearings, release events, warrants), as well as additional data for all defendants (full Odyssey records at charge level, LEDS arrest data, DOC admissions and sentences).

The statistical approach used by PSU researchers focused on obtaining the most efficient and robust prediction of targeted outcomes and on whether the addition of new variables adds enough unique value to the prediction of recidivism to include it in the final risk scale. The predictive accuracy of the PSU/CJC scale outperforms other nationally known risk models.

As leaders in the development of the risk tool, CJC may also be able to provide additional information regarding the project and timeline for implementation.

Sincerely,



Nancy J. Cozine  
State Court Administrator

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<sup>2</sup> [Risk Validation | Bureau of Justice Assistance \(ojp.gov\)](#)