

Pretrial Justice Network Meeting Minutes
Thursday, February 27, 2020
1:00 pm to 4:30 pm

Marion County, Salem, OR
Public Safety Building
3610 Aumsville Hwy SE
Salem, OR 97317

Attendees: Brian Snaza, Ryan Black and Tiffany Gibson from Lane Co., Mia Granados, Jodi Merritt and Lexi Rincon from Polk Co., Kim Choquette, Nicole Ricker and Renae Cowan from Clackamas Co., William Amaya from Jackson Co., Deanine Benitz and Janet Wilson from Marion Co., Jessica Kampfe from the Public Defenders Office, Ken Sanchagrin and Bridget Budbill from the Criminal Justice Commission, Kristen Hanthorn from Clatsop Co., Karla Upton from Multnomah Co., and Jessica Beach from Yamhill Co.

Via phone: Eric Anderson and Malcom McDonald from Clackamas Co., Wende Jackson from Multnomah Co., Abraham Griswold from Benton Co. and Jaime Russell from Lincoln Co.

Guests: Dr. Chis Campbell, Dr. Brian Renauer and Kelsey Hendson with Portland State University

Marion County Pretrial Program Overview:

Public Safety Task Force Update:

Senate Bill 24 (Pretrial Monitoring/Aid and Assist):

STOP Program Report: Ken Sanchagrin with the Criminal Justice Commission (CJC) provided a power point presentation on the first STOP Program results due to the passage of HB 2355. The resulting mandate required that all Oregon Enforcement Agencies (state, city and county) report all stats on police stops, searches, citations and arrests to determine whether or not racial disparity was a problem in Oregon. Per the current results from Tier I sights (largest of the policing agencies vs Tier II and Tier III), the only policing organization that showed statistical significance for racial disparity against Black and Hispanic individuals was the Portland Police Bureau. They are currently working collaboratively with the Department of Safety Standards and Training (DPSST) to determine the cause of this disparity and potential interventions to correct it.

Statewide Pretrial Practices and Services Project: Dr. Chris Campbell, Dr. Brian Renauer and Kelsey Hendson with the Portland State University discussed Phase II of the Oregon Pretrial Detention Research Project. Phase I was completed in 2018 and investigated the effects of pretrial detention on the severity of the sentence imposed upon criminal conviction (probation or incarceration). This replicated a study originally completed in Kentucky that has been

replicated again from 2013-2018 in several other jurisdictions nationally. Oregon data was collected through the CJC looking at DOC and court information systems from nine Oregon counties. 3400 cases were included in the study that were convicted between 2016 and 2017. Using propensity score matching, PSU was able to compare statistical twins, matching cases with persons who received probation vs. prison. This study only addressed persons who were detained vs. not at all. PSU is working toward additional study on pretrial jail detention length that may specify if there is a correlation with sentence outcome and how much time in jail can result in more severe sentences. PSU considered demographics, instance offense, multiple custody cycles, as well as cases detained and sentence to any incarceration. Ultimately, it was found that, all else being equal, pretrial detention is 2.4 times more likely to result in an incarceration sentence than those not detained. Phase II of the research project includes completion of an on-line survey by all counties in Oregon who currently have pretrial programs in place as well as qualitative interviews to determine what would be most helpful to counties in implementation of pretrial justice. See handout/attachment with additional data points sought via Phase II. PSU is asking for PJN's assistance to identify the best contact person for each county in Oregon with a pretrial justice program. Jessica Beach offered to also send this request out through OACCD to identify those persons for counties that were not present.

Pretrial Risk Assessment Tool Discussion: Last week, the Pretrial Justice Institute (PJI) released a statement that they no longer support the use of pretrial risk assessment (PRA) due to the racial disparity they caused. PJI has a long-standing history of supporting PRA but has since changed their opinion because criminal history is considered by PRA, which some may deem to be based on racial disparity. Lori Eville with the National Institute of Corrections (NIC) called in to facilitate a discussion should stakeholders have questions about continued use of pretrial risk assessments in their jurisdictions. The intention was to provide some talking point as to why we should continue to support validated pretrial risk assessment. Dr. Chris Campbell and Dr. Brian Renauer with PSU also contributed to the discussion. Risk assessment have been in use since the 1960's with regard to business, social science, medical field and criminal justice system. PRA serve as a scientific means to combat unintentional racial disparities that may occur without use of assessment. Points of discussion were:

- There is limited research on the result of PRA on racial bias. However, research on both the Virginia Pretrial Risk Assessment Instrument (VPRAI) and the Public Safety Assessment (PSA) have shown these tools to not to have racial disparity. Further, best practices are to use a risk assessment tool for the tool's intended purpose (assessment pretrial risk vs. recidivism) and to confirm the PRA is working through local validation.
- No release decision should be considered by risk assessment alone. PRA are only intended to be a guiding tool for jail release and release decisions should never be made by PRA alone. Oregon state statute currently requires Judges to consider criminal history when considering the pretrial release decision, along with other factors such as community stability, employment, etc.
- There is often misunderstanding about the different in definition between racial disproportionality vs. disparity. Racial disproportionality occurs when individuals of race in the criminal justice system are greater than the normal percentage of the local population. Racial disparity occurs when a certain race is treated differently from

another once involved in the criminal justice system. Media can often confuse these two terms.

- PRA have significantly assisted with lowering local jail populations safely and can assist with targeting the monitoring and resource support needed for pretrial populations.
- PRA can help jurisdictions move from a money-based to a risk-based bail system.
- PRA can minimize any predictive bias based on race, gender and ethnicity.

Lori encouraged attendees to consider the most recent JFA published release “The Value of Pretrial Risk Assessment Instruments: Don’t Throw the Baby Out with the Bathwater”. Jessica Beach agreed to send the link to the article out to members. NAPSA, APPR and NIC also continue to support the use of PRA and attendees were encouraged to seek additional material on each website.

Next meeting agenda items:

- Yamhill County Pretrial Presentation
- eStats presentation on new state data system
- Northpoint, pretrial information system software
- Executive Team elections

Next meeting location: Yamhill County on 5/28/20 from 1-430pm