



**From:** OPPA

**Date:** February 21, 2020

**Re:** FOIA Request - 20-FOIA-00095

### **Documents Requested**

1. *“All validation studies for risk assessment tools used in pre-trial, parole and sentencing, including but not limited to the DC Pretrial Services Agency Risk Assessment Instrument introduced in 2013 – Spurgeon Kennedy, Laura House, & Michael Williams, Using Research to improve Pretrial Justice and Public Safety; Results from PSA’s Risk Assessment Validation Project, 77 Fed. Probation 28 (2013), [https://www.uscourts.gov/sites/default/files/fed\\_probation\\_june\\_2013.pdf](https://www.uscourts.gov/sites/default/files/fed_probation_june_2013.pdf)”*
- 1) Please click [here](#) to access requested article *“DC Pretrial Services Agency Risk Assessment Instrument introduced in 2013 – Spurgeon Kennedy, Laura House, & Michael Williams, Using Research to improve Pretrial Justice and Public Safety; Results from PSA’s Risk Assessment Validation Project, 77 Fed. Probation 28 (2013)”*
- 2) **Contextual Information about PSA’s Risk Assessment Instrument**

### **Overview - PSA’s Risk Assessment Ensures Fair Administration of Pretrial Justice in 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. As a critical component of the criminal justice community, 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 courts reflect the least restrictive supervision conditions required to reasonably assure community safety and return to court; and when appropriate, we identify detention eligibility for higher risk defendants.

Today in D.C., we release over 90% of arrestees without using a financial bond and approximately 87% of these individuals remain arrest-free while awaiting trial. Of those re-arrested, less than 2% are alleged to have committed a violent crime.

### **Risk Assessment Revalidation**

PSA has used some form of risk assessment since the Agency began. To be fair and effective, RAIs must be tested regularly to ensure they produce valid results for the population being served and untainted by race, gender or other group bias. We perform periodic independent

revalidations of our tool, the most recent completed in 2018. The re-validation confirmed that the instrument continues to effectively predict risk among adult defendants awaiting trial in DC. However, a slightly revised estimation methodology was implemented to improve the instrument’s predictive efficacy and mitigate the minimal predictive bias in the instrument. The revised RAI was implemented at the end of Fiscal Year 2019.

High-level details for the revalidated model include:

1. Reduction from 70 predictive factors to 43. The reduction of the factors is result of consolidating many of the elements related to criminal history.
2. Defendants assigned to the Specialized Supervision Unit (SSU) is now included as one of the social indicators in the revalidated model.
3. Greater weight is now placed on more recent criminal charges.
4. Domestic violence model was dropped due to its low predictive power and a determination that the dangerous/violent rearrest model accurately accounts or domestic violence rearrests.
5. Data suggests that the revalidated risk assessment instrument is largely unbiased in assessing risk of misconduct for defendants of different racial groups.

**Risk Domains and Factors**

Table 1 provides a comparison of the risk factors from the previous version of the RAI that was validated in 2015 versus the risk factors identified in the revalidated RAI from FY 2019.

<b>Table 1 Comparison of Risk Factors from 2015 RAI (previous) and 2019 Revalidated RAI (current)</b>					
<b>Criminal History (11 Current Factors)</b>					
<b>Risk Factor</b>	<b>Current RAI</b>	<b>Previous RAI</b>	<b>Risk Factor</b>	<b>Current RAI</b>	<b>Previous RAI</b>
# of Misdemeanor charges for which convicted (Internal) within last 10 years	X		# of Person Domestic Violence charges for which ever arrested		X
# of Felony charges for which convicted (Internal) within last 10 years	X		# of Criminal Contempt charges for which ever arrested		X
# of Misdemeanor charges for which convicted (Internal) more than 10 years ago	X		# of Bail Reform Act charges for which ever arrested		X

# of Felony charges for which convicted (Internal) more than 10 years ago	X		# of Escape charges for which ever arrested		X
# of charges for which convicted (External) within last 10 years	X		# of Serious Traffic charges for which ever arrested		X
# of charges for which convicted (External) more than 10 years ago	X		# of Felony charges for which ever convicted		X
Lambda Internal (# of Internal arrest charges / Current Age)	X		# of Misdemeanor charges for which ever convicted		X
Lambda External (# of External arrest charges / Current Age)	X		# of Person charges for which ever convicted		X
Lambda (# of total arrest charges / Current Age)		X	# of Property charges for which ever convicted		X
# Prior Bench Warrants	X	X	# of Weapons charges for which ever convicted		X
# Juvenile Arrests	X	X	# of Dangerous charges for which ever convicted		X
# of Felony charges for which ever arrested	X	X	# of Violent charges for which ever convicted		X
# of Misdemeanor charges for which ever arrested		X	# of Sex Crimes charges for which ever convicted		X
# of Person charges for which ever arrested		X	# of Sexual Solicitation charges for which ever convicted		X
# of Property charges for which ever arrested		X	# of Drug Distribution charges for which ever convicted		X
# of Weapons charges for which ever arrested		X	# of Drug Possession charges for which ever convicted		X
# of Dangerous charges for which ever arrested		X	# of Non-person Domestic Violence charges for which ever convicted		X

# of Violent charges for which ever arrested		X	# of Person Domestic Violence charges for which ever convicted		X
# of Sex Crimes charges for which ever arrested		X	# of Criminal Contempt charges for which ever convicted		X
# of Sexual Solicitation charges for which ever arrested		X	# of Bail Reform Act charges for which ever convicted		X
# of Drug Distribution charges for which ever arrested		X	# of Felony charges for which ever convicted		X
# of Drug Possession charges for which ever arrested		X	# of Felony charges for which ever convicted		X
# of Non-person Domestic Violence charges for which ever arrested		X	# of Juvenile convictions		X
# of Felony charges for which ever arrested		X	# of Person Domestic Violence charges for which ever arrested		X

<b>Instant Offense (14 Current Factors)</b>					
<b>Risk Factor</b>	<b>Current RAI</b>	<b>Previous RAI</b>	<b>Risk Factor</b>	<b>Current RAI</b>	<b>Previous RAI</b>
Current case includes a Felony charge	X	X	Current case includes a Sex Crime charge	X	X
Current case includes a Misdemeanor charge	X	X	Current case includes a Sexual Solicitation charge	X	X
Current case includes a Person charge	X	X	Current case includes a Drug Distribution charge	X	X
Current case includes a Property charge	X	X	Current case includes a Drug Possession charge	X	X
Current case includes a Weapons charge	X	X	Current case includes a Nonperson Domestic Violence charge	X	X
Current case includes a Dangerous charge	X	X	Current case includes a Person Domestic Violence charge	X	X
Current case includes a Violent charge	X	X	Current case includes a Criminal Contempt charge	X	X

<b>Current Criminal Justice Status (3 Current Factors)</b>					
<b>Risk Factor</b>	<b>Current RAI</b>	<b>Previous RAI</b>	<b>Risk Factor</b>	<b>Current RAI</b>	<b>Previous RAI</b>
Defendant has pending Criminal charge	X	X	Defendant is currently on probation/parole	X	X
Defendant has pending Dangerous or Violent charge	X	X			

Lock-up Drug Tests (5 Current Factors)					
Risk Factor	Current RAI	Previous RAI	Risk Factor	Current RAI	Previous RAI
Tested positive for Amphetamines @ lockup	X	X	Tested positive for PCP @ lockup	X	X
Tested positive for Cocaine @ lockup	X	X	Tested positive for K2 @ lockup	X	
Tested positive for Opioids @ lockup	X	X	Overall compliance @ lockup drug test		X

Demographic/Social Predictors (10 Current Factors)					
Risk Factor	Current RAI	Previous RAI	Risk Factor	Current RAI	Previous RAI
Defendant is female	X	X	Total number of children defendant has	X	X
Defendant age	X	X	Does defendant live with children	X	X
Defendant is US citizen	X	X	Defendant has emotional problems	X	X
Defendant is DC Resident	X	X	Defendant has physical problems	X	X
Defendant's employment status	X	X	Defendant has prior SSU supervision	X	

We are aware of the concern about whether recommendations made by risk instruments are racially neutral or favor non-minority groups. As part of our recent revalidation, we requested an additional analysis of our RAI for any racial bias in the tool's administration.

PSA's risk instrument is based on scores computed by aggregating weights applied to 43 risk items from five domains: criminal history, current charge, criminal justice system status, drug test results and defendant social/demographic attributes. The risk score measures the likelihood of court appearance and remaining arrest-free during the pretrial release.

The analysis was designed to assess algorithmic bias in PSA's recently revalidated RAI. We found that while risk scores and misconduct rates vary by race, the relationship between risk scores and observed misconduct remains fairly stable across race. Moreover, while the predictive efficacy of RAIs generally are better among white defendants, the errors made by the instrument

are fairly consistent across different races. Where bias is detected, it is minimal and distributed evenly among all groups.

The error differences found in PSA's RAI are small compared to the biases reported elsewhere and at the heart of concern in the field. Our analysis suggests that the revalidated RAI is largely unbiased in assessing risk of misconduct for defendants of different racial groups.

PSA's use on 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 courts' access to objective information that helps to eliminate bias in decision-making. "Validated pretrial risk assessment tools, when thoughtfully designed and tested and objectively applied, can help jurisdictions reduce racial and economic bias in the decisions they make and the outcomes they produce."<sup>1</sup> 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 for to live, work and visit.

2. *"All correspondences, memoranda, and records relating to the use of validation studies on risk assessment tools used by the PSA or CSOSA."*

Please refer to the link below for email correspondence in pdf form between OPPA members and Avinash Bhati, Maxarth Corporation, the contractor who re-validated PSA's RAI in 2018.

#### [Email Correspondence](#)

3. *"All records concerning risk assessment tools, including but not limited to source codes, interview guides, training documents, and risk-based recommendations matrixes to support judicial decision making used by the PSA or CSOSA."*

#### [Risk Assessment Revalidation Final Report](#)

#### [Predictive Bias Report](#)

4. *"Purchase and sales contracts, request for proposals, and bids between evidence-based risk assessment tool companies or software development contractors and the PSA or CSOSA."*

#### [Purchase and sales contracts](#)

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<sup>1</sup> Pretrial Justice Institute (2017). "Pretrial Risk Assessment Can Produce Race-Neutral Results".