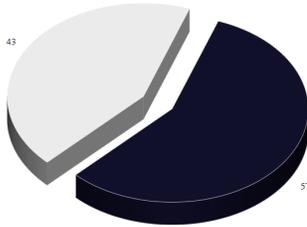
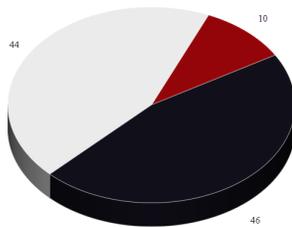


## BALTIMORE CITY'S STATE'S ATTORNEY'S OFFICE: Implementing an Evidence-Based Risk Assessment

### Baltimore City's Incarceration Rate: Three Times the State and National Averages



**Chart 1: (FY '16)<sup>1</sup>**  
Approx. 57% of inmates were committed to DPD facilities



**Chart 2: (FY '16)<sup>2</sup>**

- 44% initial appearances resulted in a release on personal recognizance or unsecured personal bond
- 46% resulted in defendant being held on bond
- 10% resulted in defendant being held without bond

### The Problem: The Price of Pretrial Detention

Pretrial detention imposes enormous costs on public funds and on individual defendants. Along with the potential loss of a job, loss of custody over a child, eviction and debt, even a short stay in detention has been shown to sharply increase an individual's probability of future justice system involvement. In Baltimore, the decision to release someone pretrial, either with or without bail, is ultimately made by District Court Commissioners. These Commissioners meet with each defendant within 24 hours of being booked. Prosecutors make recommendations to these Court Commissioners based on a defendant's criminal history and current offense. Unfortunately, Baltimore City prosecutors lack scientific evidence to prioritize the highest risk cases for detention recommendation or make accurate assessments for the lowest risk cases. A 2014 study found an overall

On January 1, 2017, 1,756 individuals were held in pretrial detention in Baltimore City with an average length of stay of 135 days.<sup>3</sup>

inverse relationship between bail amounts and risk levels, with defendants assessed to be at a lower risk for failing to appear and reoffending having costlier bail set than their high-risk counterparts.<sup>4</sup>

### The Science: Using Data and Intelligence to Fight Crime

In 2015, the Baltimore City State's Attorney's Office (SAO) secured an Innovative Prosecution Solutions grant (formerly Smart Prosecution) from the Department of Justice's Bureau of Justice Assistance to develop and implement a pretrial risk assessment that will enable prosecutors to make recommendations on bail and release using evidence-based practices for arrestees in Baltimore City. Risk assessments generate "scores" for individual defendants intended to reflect the probability of future outcomes such as failure to appear (FTA) and threat to public safety. In conjunction with Baltimore City's Pretrial Services, and Department of Public Safety and Correctional Services (DPSCS), the assessment is being designed by researchers at Applied Research Services (ARS), a consulting firm with experience in criminal justice programming.

“ Actuarial scores, generated by algorithms relying on analysis of sufficient swathes of relevant data, have been proven to be more predictive of future outcomes than assessments produced through clinical methods. ”

**Dr. Kevin Baldwin,**  
*Research Partner*

<sup>1</sup> [mgaleg.maryland.gov/pubs/budgetfiscal/2018fy-budget-docs-operating-q00t04-dpccs-division-of-pretrial-detention.pdf](http://mgaleg.maryland.gov/pubs/budgetfiscal/2018fy-budget-docs-operating-q00t04-dpccs-division-of-pretrial-detention.pdf)

<sup>2</sup> [http://mgaleg.maryland.gov/2017rs/fnotes/bil\\_0008/hb1318.pdf](http://mgaleg.maryland.gov/2017rs/fnotes/bil_0008/hb1318.pdf)

<sup>3</sup> <https://goccp.maryland.gov/wp-content/uploads/justice-reinvestment-oversight-20170424-goccp-detention-population-chart.pdf>

<sup>4</sup> <http://www.goccp.maryland.gov/pretrial/documents/2014-pretrial-commission-final-report.pdf>

**Baltimore City's Risk Assessment is automated, evidence-based, locally-tailored, and based on five factors**

**Automated or 'Actuarial':** As opposed to an interview-based or clinical assessment, the SAO chose to implement an automated assessment due to Baltimore City's high case volume. This also reduces the chance for human error in decision-making.

**Locally-Tailored:** Rather than importing a "one-size-fits-all" tool, the assessment was developed specifically for use in Baltimore City and validated against its data.

**Five Factors:** The assessment relies on a combination of five weighted factors: age, current drug/property offense, prior parole/probation violation charge, prior failure to appear, and any prior convictions.

**Biggest Challenge: Data Acquisition**

Developing a locally-tailored risk assessment relies on the ability to pull together data from a variety of sources. While the Baltimore City team initially encountered an agency's reluctance to share data, that challenge was overcome through collaboration and identification of common goals. This highlights the need for stakeholder buy-in at the beginning of an initiative.

“ Building strong partnerships with other agencies from the beginning has been a critical part to the success of our project. ”

**Sarah Labus,**  
*Project Coordinator,*  
*Baltimore City State's Attorney's Office*

“ Research suggests that using evidence-based risk assessments instead of relying solely on intuition and experience, helps decision makers gauge the risk that each offender poses, and aides in making better release decisions. ”

**Patrick Motsay,**  
*Chief of Central Booking*  
*Baltimore City State's Attorney's Office*

**The State of Maryland also recognizes the importance of bail reform.** On February 7, 2017, the Maryland Court of Appeals, Maryland's highest court, unanimously decided that Maryland Court Commissioners and Judges must impose the "least onerous" pretrial conditions for offenders not posing a flight risk or danger to the community. The Court of Appeals held that the judiciary must first look to other ways of ensuring defendants' presence at court dates (including house arrest, weekly probation meetings, and drug tests.) This new rule became effective on July 1, 2017.

**Lessons and Next Steps:**

Partnerships and collaboration are the key to pretrial justice reform. As the SAO team analyzes data for the risk assessment, it will continue to work with DPSCS and Pretrial Services. Team members will regularly engage with other stakeholders, which include the judiciary, the defense bar, Pretrial Services, and DPSCS. Once the risk assessment is in place, it will require revalidation two years after implementation, then approximately every five years unless laws, policies, or population changes, in which case revalidation will take place sooner. Revalidation will ensure the risk assessment is providing stable predictive risk results for the following: failing to appear in court, and/or rearrest within six months of release.

