Yakima County, Washington Pretrial Justice System Improvements:

Pre- and Post-Implementation Analysis

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Executive Summary

This report was prepared for Yakima County stakeholders as part of the Smart Pretrial Demonstration Initiative, a project of the Bureau of Justice Assistance led by the Pretrial Justice Institute. The author of the report was the Technical Assistance Team Leader assigned to Yakima County for the Smart Pretrial Demonstration Initiative. Claire Brooker is an Associate with Justice System Partners, one of the Initiative's technical assistance providers.

This report compares the outcomes of Yakima County's pretrial justice system before and after policy makers implemented several system improvements in February 2016. These improvements were made as a result of local policy makers' effort to pursue legal and evidence-based pretrial practices that began before and continued throughout their participation in the Smart Pretrial Demonstration Initiative. Using Yakima County's pretrial justice system vision statement, which reflects the three main goals of the Smart Pretrial Demonstration Initiative, as a benchmark for success, the findings in this report suggest that the improvements made were successful. The post-implementation time period reflects a pretrial justice system that is fairer and is as safe and effective as compared to the pre-implementation time period. There are, however, some areas for further improvement. Overall, though, these analyses indicate that a jurisdiction can reduce pretrial detention and improve racial/ethnic equity by replacing high use of secured money bail with non-financial release conditions guided by actuarial-risk-based decision making, and do so with no harm to public safety or court appearance.

Introduction

Yakima County policy makers have been pursuing legal and evidence-based approaches to improving the county's pretrial justice system for several years. Yakima County established a Pretrial Policy Team in 2013 and was one of three sites selected nationally to participate in the Bureau of Justice Assistance's Smart Pretrial Demonstration Initiative that began in late 2014.

As part of this work, policy makers collaboratively developed and implemented new procedural pretrial justice system improvements in February 2016. The improvements included implementing an actuarial pretrial assessment tool for all newly charged defendants who are booked into the county jail, designing and establishing a docket dedicated to first appearances, providing a dedicated public defense attorney to join the dedicated prosecutor at first appearances, and establishing a pretrial services agency that provides pretrial assessment and management services to the county.

With the assistance of the Laura and John Arnold Foundation, local policy makers implemented the actuarial pretrial assessment tool known as the Public Safety Assessment (PSA) and tailored the accompanying Decision Making Framework (DMF) to provide recommendations regarding supervised pretrial release. These recommendations are provided to the attorneys and judge at first appearance.[1] The DMF takes into consideration both the combined scaled score produced by the actuarial tool as well as the defendant's charges, as determined by the local jurisdiction, and also considers local resources available for increasing the likelihood of pretrial success, defined as attending all court appearances with no new arrests. The resulting locally derived recommendations in the DMF fall into five categories. For defendants with profiles associated with high likelihoods of pretrial success, the DMF suggests a recommendation for supervised release with Level 0, Level 1, Level 2, or Level 3 supervision. When the judge concurs with this

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[1] See Appendix for Yakima County's DMF.

recommendation, the judge orders the defendant to some level of services from the local pretrial services agency and the defendant is released on his/her own recognizance without needing to pay a secured money bond first. For people with a lower likelihood of success while on pretrial release, Yakima County's DMF suggests "release not recommended." Such a recommendation is interpreted in Yakima County to be a recommendation against supervised release and, when a judge concurs, a secured money bond is set and a defendant is free to gain unsupervised release by posting that bond.[2]

Local stakeholders are interested in assessing the outcomes of Yakima County's pretrial justice system both pre- and post-implementation of these pretrial justice system improvements. The Smart Pretrial Demonstration Initiative is also interested in this analysis.

The analysis that follows focuses on the outcomes specific to the three goals set forth by the Smart Pretrial Demonstration Initiative and those stated in Yakima County's pretrial justice vision statement. The three Smart Pretrial Demonstration Initiative goals are: "1. Maximize public safety; 2. Maximize court appearance; and 3. Maximize the appropriate use of release, release conditions, detention, and public resources." These goals are referred to as the "3 M's of Smart Pretrial." Yakima County's pretrial justice system vision statement echoes the 3 M's: "The vision of Yakima County is to operate a pretrial system that is safe, fair, and effective and which maximizes public safety, court appearance, and appropriate use of release, supervision, and detention."

Methodology

Yakima County, like many jurisdictions, does not have an integrated database linking all necessary data systems (jail, pretrial services, and court) to assess the relevant pretrial justice system outcomes for the 3 M's of Smart Pretrial. As a result, a randomly selected sample was pulled from the pre- and post-implementation time periods and the information needed to answer the desired questions was collected from each of the different data systems and entered into a spreadsheet by hand.

In April 2017, Yakima County staff provided Justice Research and Statistics Association (JRSA) with a download of all bookings into the Yakima County Jail from January 2014 through early 2017.[3] JRSA pulled a random sample of 250 eligible bookings for the pre-implementation (i.e., Time 1) and post-implementation (i.e., Time 2) time periods. An eligible booking was one that had the most serious charge associated with a citation, investigation, warrant for probable cause, other hold, or FTA warrant in Yakima County District or Superior Court.[4] The same six-month time period was used for both the pre- and post-implementation data pulls: February 1st through July 31st, 2014 for Time 1 and February 1st through July 31st, 2016 for Time 2. Given the

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[2] Almost all defendants are legally eligible for pretrial release; only those charged with a capital offense or an offense punishable by life in prison are eligible for pretrial detention in Washington.

[3] Justice Research and Statistics Association (JRSA) was the research partner for the Smart Pretrial Demonstration Initiative that provided data assistance and analysis for the Initiative. The timing of the grant and the completion of the data collection did not allow for JRSA to perform the analysis presented in this report.

[4] JRSA determined the eligibility criteria with the input of the Smart Pretrial Local Site Coordinator, Harold Dalia, the Pretrial Services Supervisor, Jennifer Wilcox, the Superior Court Judge presiding over first appearances, Judge Richard Bartheld, and the Smart Pretrial Technical Assistance Team Leader, Claire Brooker, in order to capture data for anyone who would be going to first appearance for bond setting and would be eligible for a PSA assessment.

time available for data collection, all cases had at least 9.5 months from booking date to reach disposition in the court.[5]

The randomly selected sample for each time period was provided to the Yakima County Pretrial Services Supervisor by JRSA. An Excel data entry spreadsheet was created by the Smart Pretrial Technical Assistance Team Leader in partnership with the Yakima County Pretrial Services Supervisor to incorporate the elements listed on the Smart Pretrial Demonstration Initiative's combined data request issued in year one and accurately reflected the data elements tracked by local data systems. The Yakima County Pretrial Services Supervisor looked up each case individually in the relevant database and entered the required information into this spreadsheet.[6] While the PSA was not in use in 2014 for the pre-implementation time period (Time 1), the data was collected and entered in the external data collection spreadsheet retroactively as if the PSA was in place and was applied on the date of that booking. This allows for the best possible "apples to apples" comparison of the pre- and post-implementation time periods.

The pre- and post-implementation analysis was performed on those cases that were assessed (or would have been assessed) with the PSA and were in custody at the time of first appearance.[7] The samples from the two time periods were similar with no statistically significant difference in the proportion of sample cases from the population of eligible bookings and the risk/charge distribution of those assessed and in custody for first appearance.[8]

The following analysis looks at the outcomes for the two time periods overall rather than looking at each individual DMF recommendation level because of sample size considerations.[9] At times the analysis looks at high level breakout groups as it makes sense to do so and the data allows for a sufficient number of cases for the analysis to be meaningful and sound. For example, the

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[5] Data collection for the Time 2 sample began on May 19, 2017, 9.5 months after the latest booking date in the sample. Data collection for the Time 1 sample began July 1, 2017.

[6] Jennifer Wilcox was instrumental in filling out the requested information and providing additional detail to improve the data collection spreadsheet. She was critical in completing this data request as she is the person most familiar with the local data systems (jail, pretrial services, and court) and pretrial processes necessary to pull and record accurate and complete information. Jennifer was unable to do this within her hours as a county employee and was hired to complete this work with Smart Pretrial grant funds through Justice System Partners, one of the Initiative's technical assistance providers.

[7] Some cases in the 250 case samples, similar for each time period, were not assessed and in custody at first appearance (28% in Time 1 and 32% in Time 2) and were not included in the analysis. See Figure 6.

[8] The sample size of 250 cases represents 16% of eligible bookings in both Time 1 (N = 1,566) and Time 2 (N = 1,613). The breakout of DMF Recommendations are as follows: Release Level 0 (16% in Time 1 vs. 18% in Time 2), Release Level 1 (16% in Time 1 vs. 20% in Time 2), Release Level 2 (8% in Time 1 vs. 9% in Time 2), Release Level 3 (11% in Time 1 vs. 10% in Time 2), Release Not Recommended (49% in Time 1 vs. 44% in Time 2). The chi-square test found no statistically significant difference in the sample size proportion or the DMF recommendations between the Time 1 and Time 2 samples (p > .10).

[9] Overall, while there are five levels of DMF recommendation breakouts for each time period, the following analysis does not make comparisons between time periods within these groups. This is due to the small sample size when a particular risk/charge group is looked at individually. Variations within such small sample sizes can have an outsized impact on the success/failure rates that may not follow an expected pattern or hold true with a larger sample. For example, when the Time 2 data is analyzed for public safety and court appearance for released defendants broken out by risk/charge, the data follows an expected pattern where in general the lower risk/charge groups perform better and get progressively worse as the risk/charge profile increases. However, the Time 1 public safety and court appearance rates for released defendants broken out by risk/charge follows an unexpected pattern where the lowest and highest risk/charge defendants perform the best and the middle groups perform worst. Because of the small sample size within each of these breakouts, this report looks at overall outcomes in larger groups.

supervised release recommended groups for Level 0 to Level 3 supervision are collapsed into one "release recommended" DMF category.

In comparing the outcomes between the Time 1 and Time 2 samples, the chi-square test was employed to test whether any differences in the percentages observed were likely due to chance or whether they are unlikely to be random. The p value is used in the chi-square test to determine statistical significance. When the p value is greater than .10, then the differences observed are not statistically significant and are likely due to chance (i.e., random occurrences in the data). However, when the p value is less than .10 the results are statistically significant and cannot be explained by chance. The smaller the p value, the more statistically significant the findings are that the observed differences are not due to chance (e.g., p < .05 and p < .01).

As noted above, the analysis centers on the 3 M's of the Smart Pretrial Demonstration Initiative: "1. Maximize public safety; 2. Maximize court appearance; and 3. Maximize the appropriate use of release, release conditions, detention, and public resources." Public safety is measured by counting those released cases that did not have any new misdemeanor or felony arrests in the state between the date of release and the current court case closure date. Court appearance is measured by counting those released cases that did not have any failure to appear warrants issued between the time of release and the current court case closure date.[10] The appropriate use of release, release conditions, detention, and public resources is measured by looking at release rates and the use of supervision in the context of the assessment/charge profile and in the context of equity between race/ethnicities.[11] Pretrial release rates are calculated by using the date that bond was posted.[12]

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[10] New arrests and failures to appear were counted for this report between the bond post date and final court case closure date whether or not the person was in a diversion program or on active supervision. Additionally, the new arrests and failures to appear for this report were recorded directly from the court system and do not reference the supervision case closure reason entered into the supervision case management system (AutoMon). The public safety and court appearance measures reported by the Yakima County Pretrial Services Agency counts those cases where supervision was ordered closed by a judge due to a new arrest or failure to appear. While this is a legitimate and sound way to track and report the data as it is an accurate reflection of the case management, the Pretrial Services Agency is working with the case management software company to add additional tracking capacity to easily report which cases had a new arrest or failure to appear warrant while on supervision whether the judge ordered the supervision case closed or not.

[11] The race/ethnicity data was pulled from the Yakima County jail database. The race/ethnicity categories and definitions used for this analysis were provided by the W. Haywood Burns Institute, the partner agency that assisted the Smart Pretrial sites in reducing racial and ethnic disparities. See Appendix C.

[12] This is the date that the person is no longer held in custody on that pretrial charge; however, it may not always equate to the day the person is released from jail if there are other outstanding issues, such as waiting to be transferred to another jurisdiction.

Findings

Question #1: Was there a difference between the pre- and post-implementation time periods in the balance between maximizing public safety, court appearance, and pretrial release?
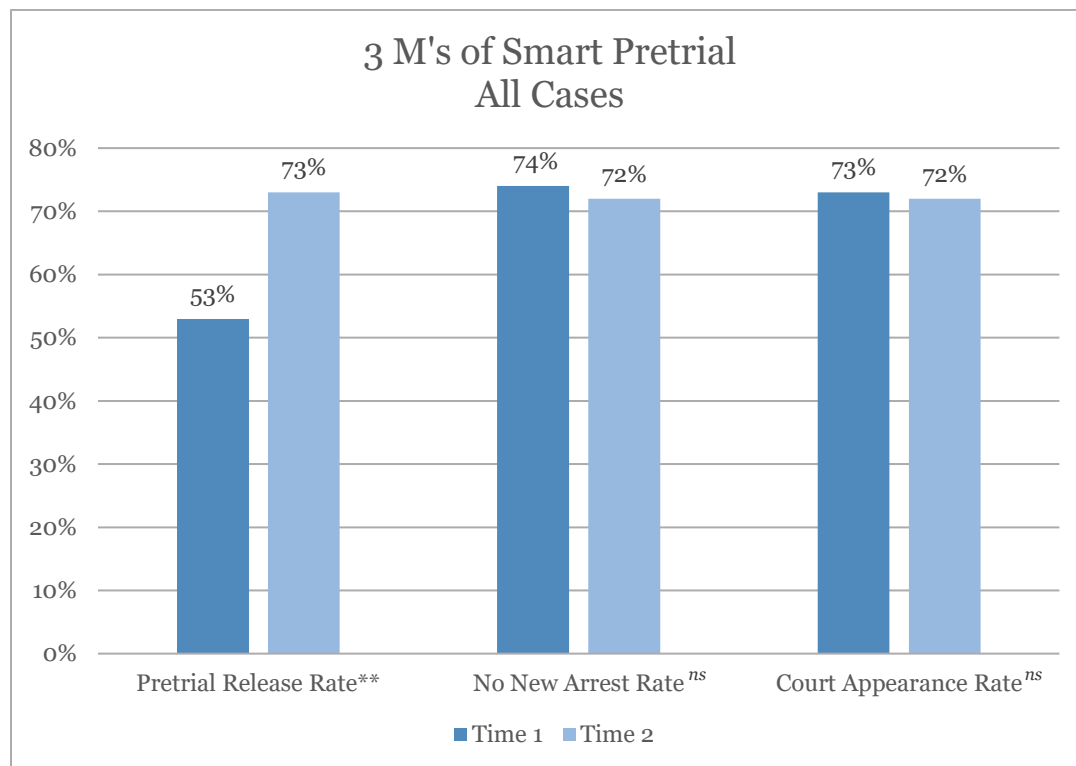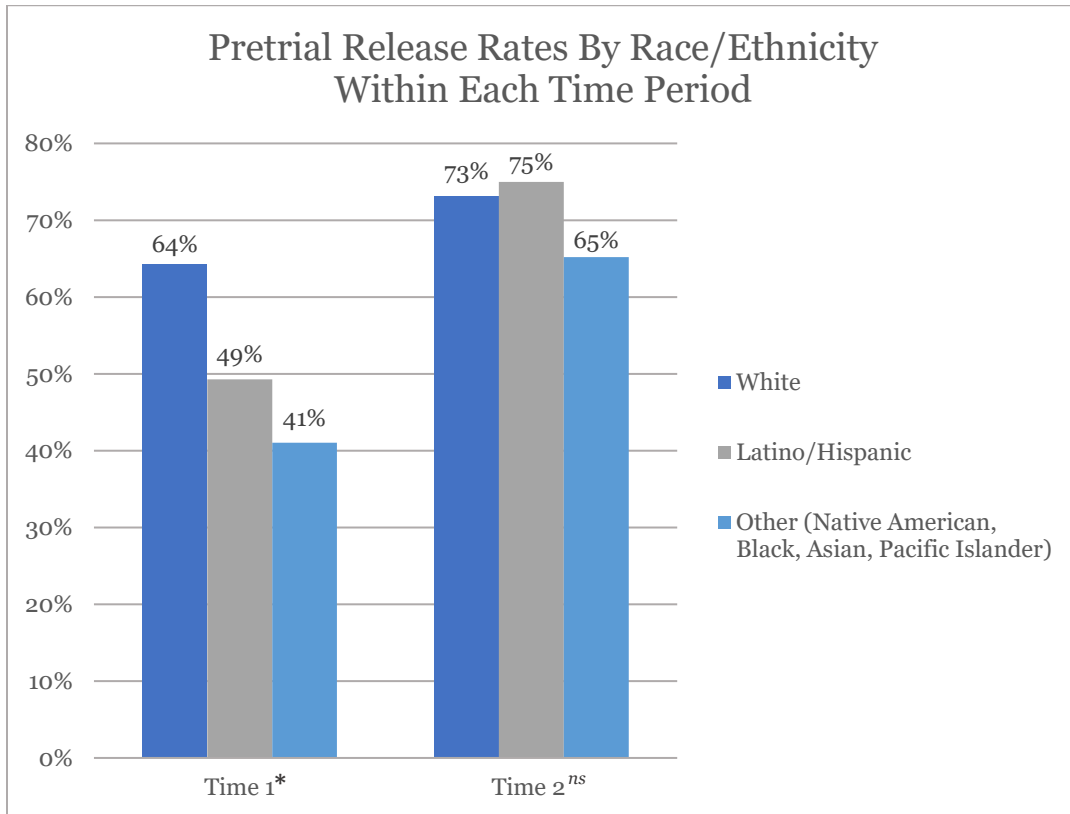

ns Chi-square test was not significant, $p > .10$
** Chi-square test was significant at $p < .01$

Figure 1. *The release rate was calculated for all cases in custody at first appearance that would have been assessed with the PSA in Time 1 (N = 180), and were assessed in Time 2 (N = 169). The no new arrest rate and court appearance rate was calculated for all cases that posted bond independent of release and case closure dates to maintain the largest valid dataset possible (Time 1 N = 96; Time 2 N = 123).*

Note: The data in Figure 1 includes cases regardless of whether or not the case reached final disposition in court. Cases had at least 9.5 months from the latest booking date to either have succeeded or failed on pretrial release. This should be a sufficient amount of time to track outcomes and the status of the case at this time was recorded. This methodology allows for the largest valid dataset possible for this analysis and is the reason it is used here. However, the most desirable methodology is to use only closed cases. Thus, to be thorough, this same analysis was completed for only those cases that reached disposition in the courts with the same time parameters for each time period. While the exact percentages are not the same, the results are similar to those in Figure 1 and the conclusions are the same. See Appendix A.

Finding: A statistically significant and substantial increase was observed in the number of people released pretrial in the post-implementation time period with no statistically significant difference observed in public safety and court appearance outcomes when compared to the pre-implementation time period. This conclusion also holds true when limiting the dataset to closed cases within a controlled timeframe.

Question #2: Is there a difference in release rates between different race/ethnicities within the pre- and post-implementation time periods? Is there a difference in release rates within each race/ethnicity group between time periods?

Pretrial Release Rates By Race/Ethnicity Within Each Time Period

[ns] Chi-square test was not significant, $p > .10$
[*] Chi-square test was significant at $p < .05$

Figure 2a. *All cases in custody at first appearance that would have been assessed with the PSA in Time 1 (White = 70; Latino/Hispanic = 71; Other = 39), and were assessed in Time 2 (White = 78; Latino/Hispanic = 68; Other = 23).*

Pretrial Release Rates Within Race/Ethnicity
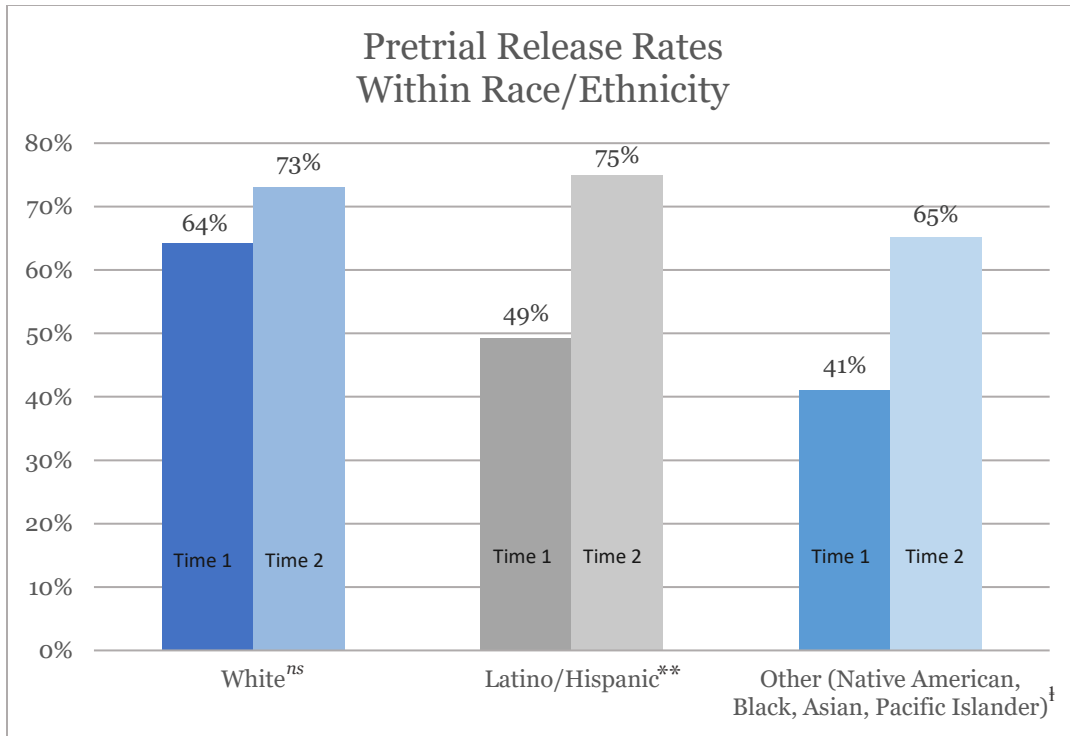
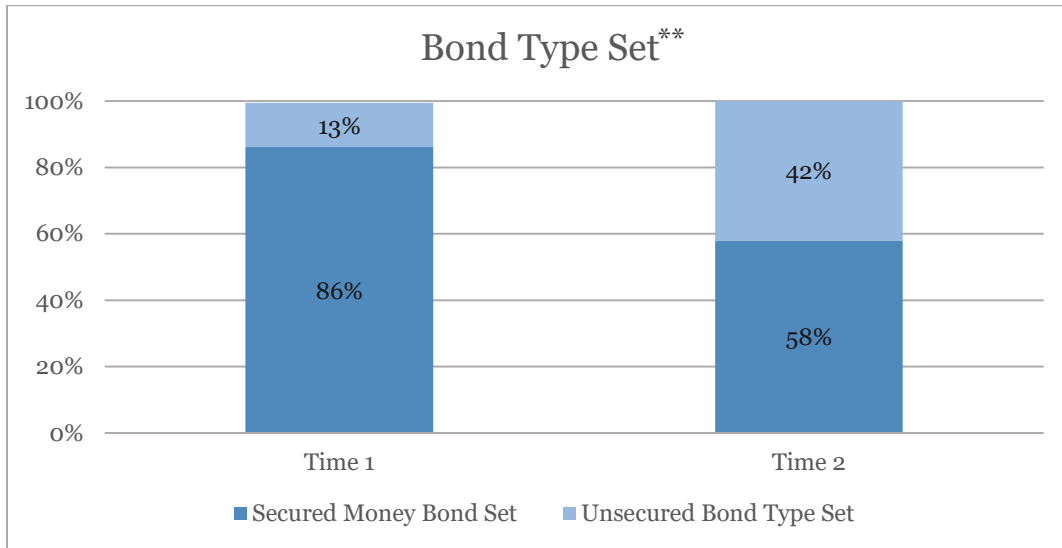ns Chi-square test was not significant, $p > .10$
** Chi-square test was significant at $p < .01$
ɫ Chi-square test was significant at $p = .07$

Figure 2b. *All cases in custody at first appearance that would have been assessed with the PSA in Time 1 (White = 70; Latino/Hispanic = 71; Other = 39), and were assessed in Time 2 (White = 78; Latino/Hispanic = 68; Other = 23).*
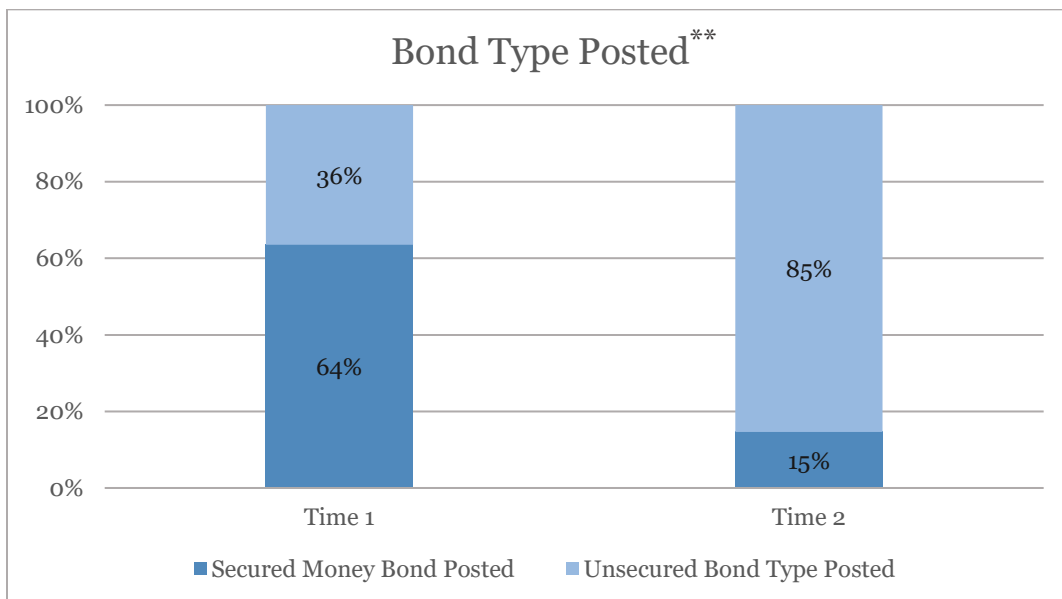
Finding: There was statistically significant disparity in the pretrial release rates between the different race/ethnicity groups in the pre-implementation time period with Whites being released at a higher rate. This disparity was not present in the post-implementation time period as no significant difference was found in the rates of pretrial release between the different race/ethnicity groups. Looking at the release rates within each specific race/ethnicity group, Whites had no statistically significant difference between their release rates in the pre- versus the post-implementation time periods. However, both the Latino/Hispanic and Other (Native American, Black, Asian, Pacific Islander) groups showed a statistically significant increase in their release rates in the post-implementation time period.

Question #3: Is there a difference in the types of bond that are set and posted?

Bond Type Set**

	Time 1	Time 2
Unsecured Bond Type Set	13%	42%
Secured Money Bond Set	86%	58%

■ Secured Money Bond Set   ■ Unsecured Bond Type Set

** Chi-square test was significant at $p < .01$

Figure 3a. *All cases in custody at first appearance that would have been assessed with the PSA in Time 1, and were assessed in Time 2 (Time 1 N = 179 (1 No Bond Hold was removed); Time 2 N = 169).*

Bond Type Posted**

	Time 1	Time 2
Unsecured Bond Type Posted	36%	85%
Secured Money Bond Posted	64%	15%

■ Secured Money Bond Posted   ■ Unsecured Bond Type Posted

** Chi-square test was significant at $p < .01$

Figure 3b. *All cases in custody at first appearance that would have been assessed with the PSA in Time 1, and were assessed in Time 2, and posted bond (Time 1 N = 96; Time 2 N = 123).*

Finding: Judges set considerably more unsecured bonds in the post-implementation time period (13% in Time 1 vs. 42% in Time 2). Defendants posting bond were much more likely to post an unsecured bond type in the post-implementation time period (36% in Time 1 vs. 85% in Time 2). The findings were statistically significant.

Question #4: Is there a difference in how long it takes for people to post bond in the pre- and post-implementation time periods? Is there a difference in the time to post bond between different race/ethnicities within the pre- and post-implementation time periods? Is there a difference in the time to post bond within each race/ethnicity group between time periods?
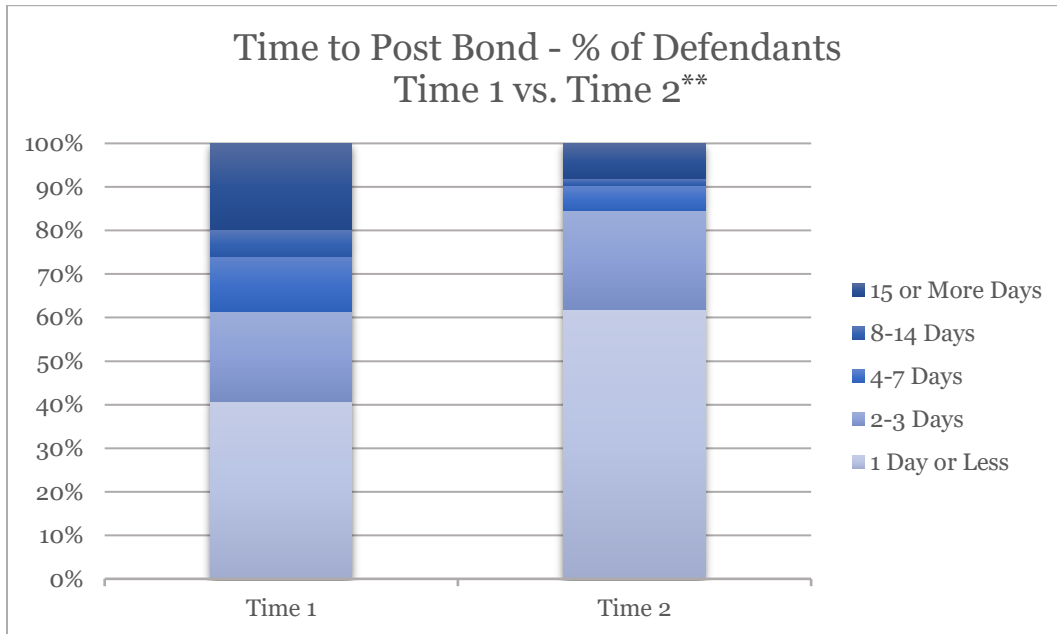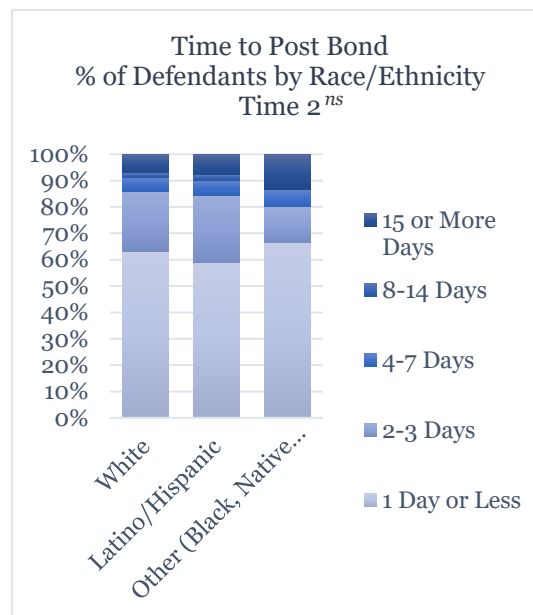

** Chi-square test was significant at $p < .01$

Figure 4a. *All cases in custody at first appearance that would have been assessed with the PSA in Time 1, and were assessed in Time 2, and posted bond (Time 1 N = 96; Time 2 N = 123).*
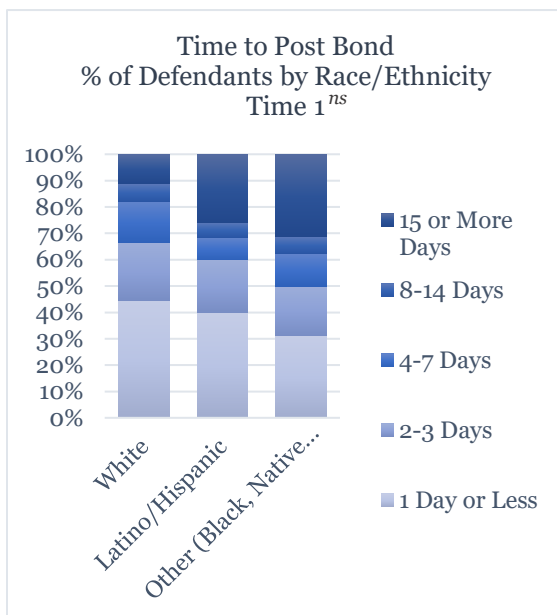
[ns] Chi-square test was not significant, $p > .10$

Figure 4b. *All cases in custody at first appearance that would have been assessed with the PSA in Time 1 and posted bond (White = 45; Latino/Hispanic = 35; Other = 16).*

[ns] Chi-square test was not significant, $p > .10$

Figure 4c. *All cases in custody at first appearance that were assessed in Time 2 and posted bond (White = 57; Latino/Hispanic = 51; Other = 15).*

% Posting Bond in 3 Days or Less
Time 1 vs. Time 2 by Race/Ethnicity

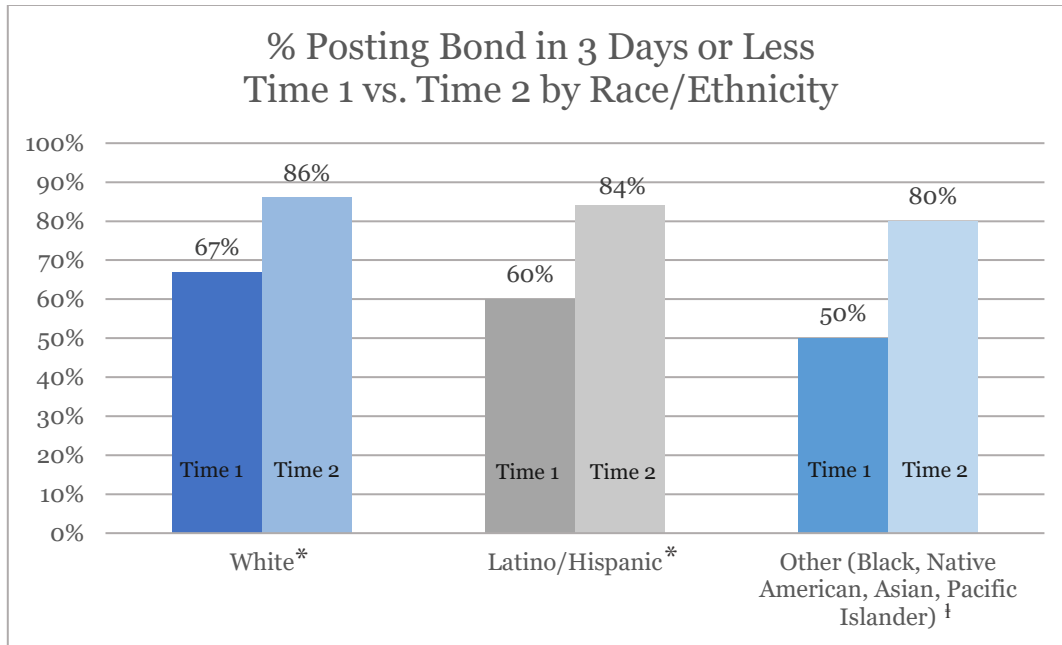* Chi-square test was significant at $p < .05$
ɫ Chi-square test was significant at $p = .081$

Figure 4d. *All cases in custody at first appearance that would have been assessed with the PSA in Time 1, and were assessed in Time 2, and posted bond (Time 1: White = 45; Latino/Hispanic = 35; Other = 16) (Time 2: White = 57; Latino/Hispanic = 51; Other = 15).*

Finding: More defendants are posting bond in shorter timeframes in the post-implementation time period. This finding was statistically significant. While there was no statistical difference found in the percentage of people posting bond in the designated timeframes between the different race/ethnicity groups within each time period, there was a statistically significant improvement in the percentage of people posting bond who were able to post bonds faster within each race/ethnicity group in the post-implementation time period.

Question #5: Are any defendants in the "release not recommended" DMF category released in the post-implementation time period? If yes, are they released with supervision?
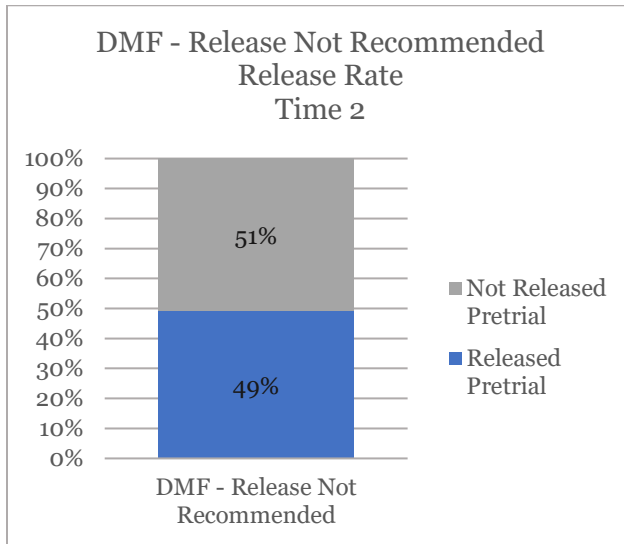

Figure 5a. All cases in custody at first appearance that were assessed in Time 2 with a DMF – "Release Not Recommended" category (N = 74).
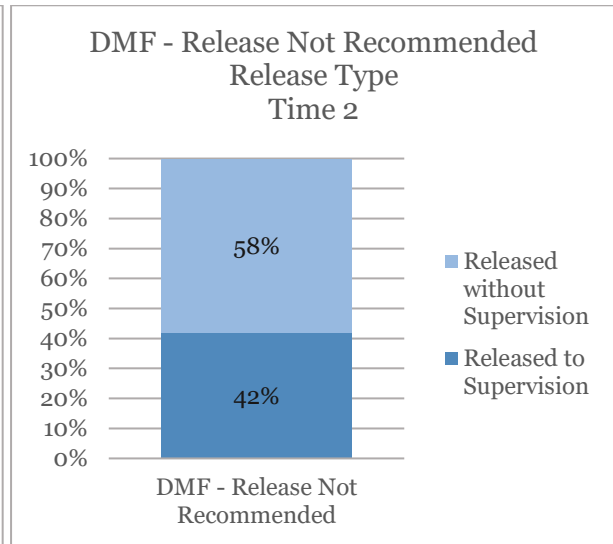
Figure 5b. All cases in custody at first appearance that were assessed in Time 2 with a DMF – "Release Not Recommended" category and posted bond (N = 36).

Finding: Forty-nine percent of defendants assessed as being in the "release not recommended" category of the Decision Making Framework (DMF) were released pretrial in the post-implementation time period. This is legally appropriate as almost all these defendants are legally eligible for release in Washington and cannot be preventively detained. Fifty-eight percent of defendants released in Time 2 from the "release not recommended" category were released without supervision (either by posting a secured money bond or an unsecured or own recognizance bond), while forty-two percent of defendants released were released with supervision services provided by the pretrial supervision agency.

Question #6: Are defendants posting bond before they see a judge at first appearance?
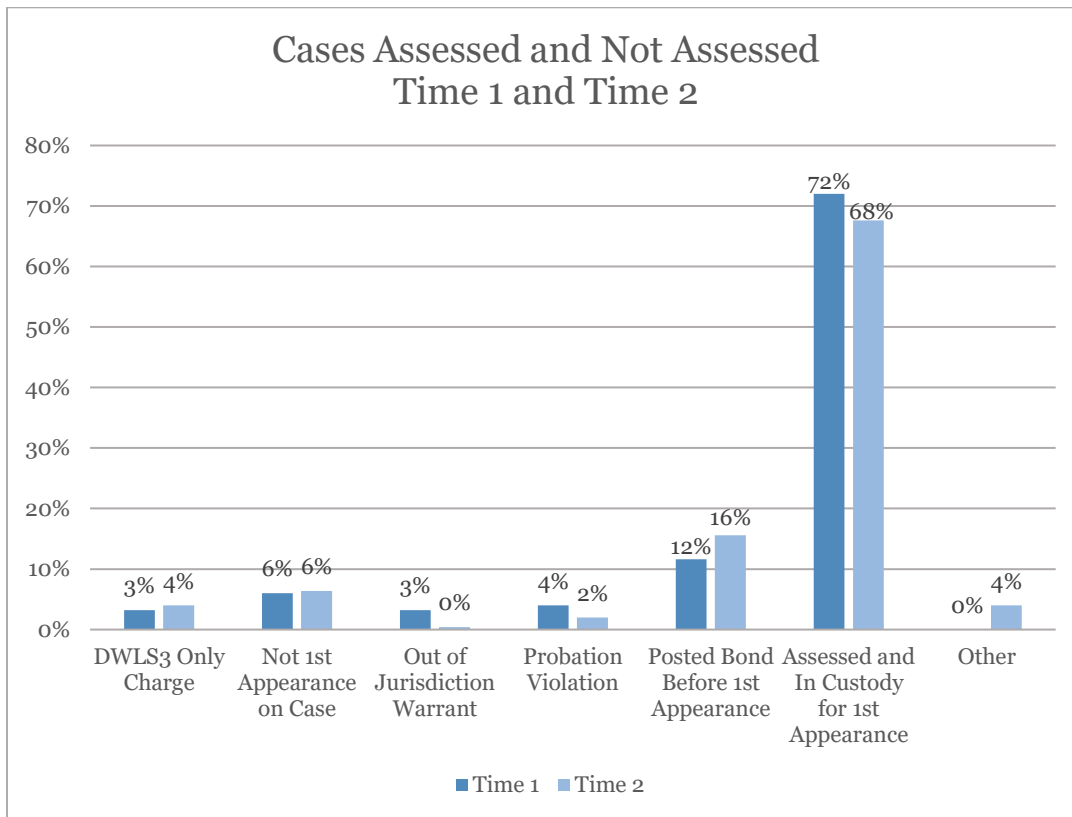
Figure 6. Breakout of all 250 cases in each of the Time 1 and Time 2 samples.

Finding: Defendants posted bond before seeing a judge at first appearance at similar rates in the pre- and post-implementation time periods. All of the cases that posted a bond before first appearance in Time 1 and Time 2 posted secured money bonds. The bond amounts posted ranged from $350 to $15,000.

The risk scores are not available for all defendants that posted bond prior to first appearance as the assessment may not have been completed, or if it was the results may not have been retained in the case management system. This is an area to explore further as some of these defendants may have a higher risk/charge profile suggesting that some level of pretrial monitoring or supervision may be desired.

There are similar numbers of defendants booked into the Yakima County jail with a DWLS3 only charge in both the pre- and post-implementation time periods.

Question #7: Do the DMF recommendations correspond to the combined PSA scaled scores?[13]

Figure 7. Time 2 cases assessed and in custody at first appearance (N = 169).
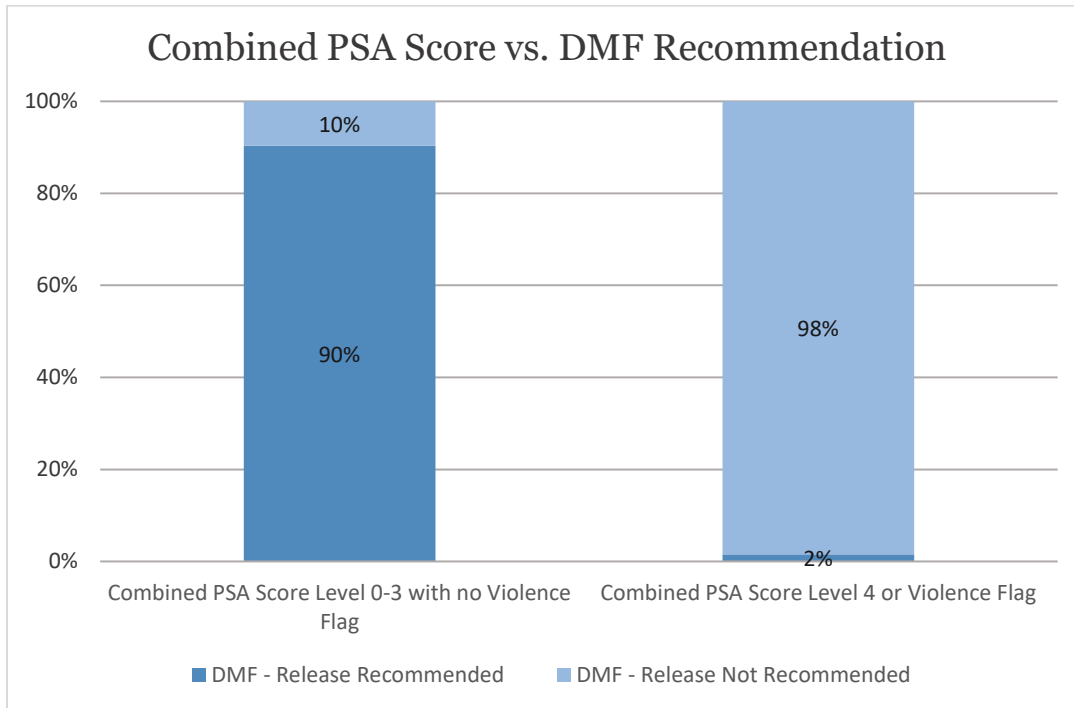
Finding: Overall, the DMF recommendations correspond to the combined PSA scaled score. Namely, the lower risk defendants were recommended for immediate release whereas the most restrictive condition of secured money bail was primarily reserved for the highest risk defendants.[14] The jurisdictional discretion built into the DMF is not resulting in very many "bump-ups" overriding the actuarial pretrial risk assessment tool when looking at the rate of those falling into the lower risk levels for less restrictive supervised "release recommended" vs. the higher risk level with the most restrictive conditions of release where supervised "release not recommended" in Yakima County's DMF.[15] More than half of the 10 cases that are in the 10% of cases in the combined PSA score Level 0 to Level 3 with no violence flag group but got a DMF "release not recommended" recommendation scored in the FTA5 and NCA4 group, which is a border-line combined scaled risk score category. The 2% of cases that appear to be bumped down in the combined PSA scaled score Level 4 or violence flag group represents 1 case and may be due to a data entry error.

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[13] The combined PSA scaled score was calculated by taking the FTA and NCA results and putting them into five levels (Level 0 to Level 4) mirroring the PSA scaled score matrix without the step 2 adjustment in the DMF. Cases scoring FTA5 and NCA4 were placed in the combined PSA scaled score Level 3 to simplify the analysis. If the PSA resulted in a violence flag, the person was put in the highest combined PSA scaled score category.

[14] However, ironically, if the defendant is able to meet this restrictive condition to gain release, that person with a higher risk/charge profile is not subject to any supervision or monitoring while on pretrial release.

[15] This analysis did not look at the "bump-ups" that occur within supervised release recommended sub-categories (i.e., within Level 0 to Level 3 supervision).

Question #8: Do the judicial release decisions correspond to the DMF recommendations?

DMF Recommendation v. Bond Type Set
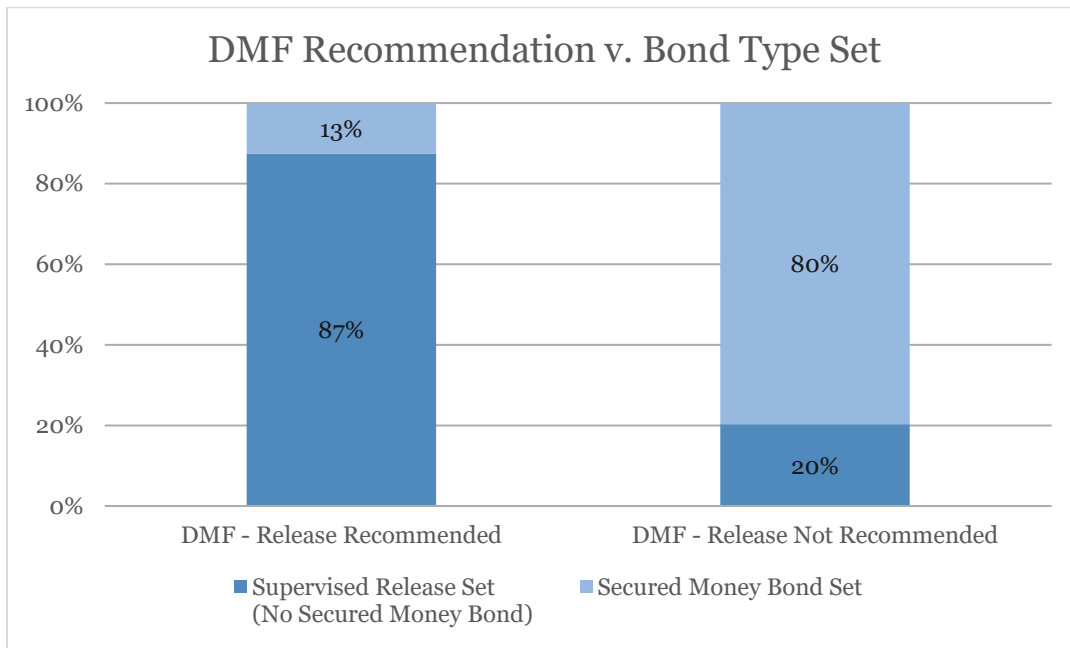
Figure 8. Time 2 cases assessed and in custody at first appearance (N = 169).

Finding: The judicial decisions correspond to the DMF recommendations overall. However, judges do exercise discretion by choosing to set secured money bonds on some lower risk defendants where immediate supervised release is recommended and ordering higher risk defendants to be released with supervision when the understood recommendation of the DMF is to set a secured money bond with no supervision.

Conclusion

Yakima County policy makers set forth a vision for their pretrial justice system by stating: "The vision of Yakima County is to operate a pretrial system that is safe, fair, and effective and which maximizes public safety, court appearance, and appropriate use of release, supervision, and detention." This vision statement reflects the three main goals of the Smart Pretrial Demonstration Initiative: "1. Maximize public safety; 2. Maximize court appearance; and 3. Maximize the appropriate use of release, release conditions, detention, and public resources." Using these goals and vision statement as a benchmark for success, the findings in this report suggest that the pretrial justice system improvements made in Yakima County were successful. The post-implementation time period reflects a pretrial justice system that is fairer and is as safe and effective as compared to the pre-implementation time period. There are, however, some areas for further improvement. Overall, though, these analyses indicate that a jurisdiction can reduce pretrial detention and improve racial/ethnic equity by replacing high use of secured money bail with non-financial release conditions guided by actuarial-risk-based decision making, and do so with no harm to public safety or court appearance.

Improvements Made

- More defendants are being released pretrial without a negative impact on public safety and court appearance.
    - A statistically significant and substantial increase was observed in the number of people released pretrial (an additional 20%) in the post-implementation time period with no statistically significant difference observed in public safety and court appearance outcomes when compared to the pre-implementation time period.
- Defendants posting bond do so in shorter timeframes.
- Yakima County's pretrial justice system is less reliant on secured money.
    - Judges set more unsecured bonds in the post-implementation time period.
    - The majority of defendants posting bond no longer have to pay a secured money amount in order to gain release.
- There is less disparity at the bonding decision point.
    - There was significant disparity in the pretrial release rates between the different race/ethnicity groups in the pre-implementation time period with Whites being released at a higher rate. However, in the post-implementation time period, no significant difference was found in the rates of pretrial release between the different race/ethnicity groups.
    - There was a statistically significant improvement in the release rates for Latino/Hispanic and Other race/ethnicity group (Native American, Black, Asian, Pacific Islander) after the implementation of the pretrial justice system improvements.
    - There was a statistically significant improvement in the percentage of people posting bond who were able to post bond faster in the post-implementation period within each race/ethnicity group.
- All persons with a non-financial release order with supervision receive some level of services from the pretrial services agency when released from jail.

- At a high level, Yakima County's Decision Making Framework (DMF) corresponds well with the PSA scores and does not result in very many "bump-ups" to the most restrictive DMF recommendation category of "release not recommended."
- The judicial decisions in the post-implementation sample showed a high concurrence with the DMF supervised release recommendations overall. However, judges still exercised discretion by setting unsupervised secured bonds for some of the lower risk/charge cases and ordering non-monetary supervised release for some of the higher risk/charge cases.

Areas to Address

- The Yakima County pretrial justice system continues to allow the highest risk/charge profile defendants to be released on a secured money bond without monitoring or supervision.
- Requiring a secured money bond to be posted delays the eventual release of defendants legally eligible for release.
- The Yakima County pretrial justice system continues to detain defendants legally eligible for release because of their inability to pay a secured money bond.
- Yakima County policy makers may want to collaborate with state-level officials to refine the legal authority to detain defendants with high risk and charge.
- The "release not recommended" wording of the DMF recommendation for the higher risk/charge defendants implies that these defendants are legally eligible for detention; however, many are not. Yakima County policy makers should consider revising the higher risk/charge DMF recommendation language to something such as: "release with maximum supervision/consider detention hearing if legally eligible."
- The Yakima County pretrial justice system continues to allow some defendants to post a secured money bond before the defendant sees a judge at first appearance. Policy makers may want to assess the risk/charge profile of these defendants and have a judge determine whether some level of supervision or monitoring is desired.
- Defendants charged only with a DWLS3 continue to be booked into the jail at a similar rate as in the pre-implementation time period. Policy makers should consider whether these cases need to be booked into the jail.
- While this report does not provide an analysis of case processing times, disposition reasons, and sentence types, and how these trends apply to those released and detained pretrial, these are areas for further investigation and review. Appendix B has some initial information to begin that investigation and conversation.

Appendix A

3 M's of Smart Pretrial – Controlled Timeframe
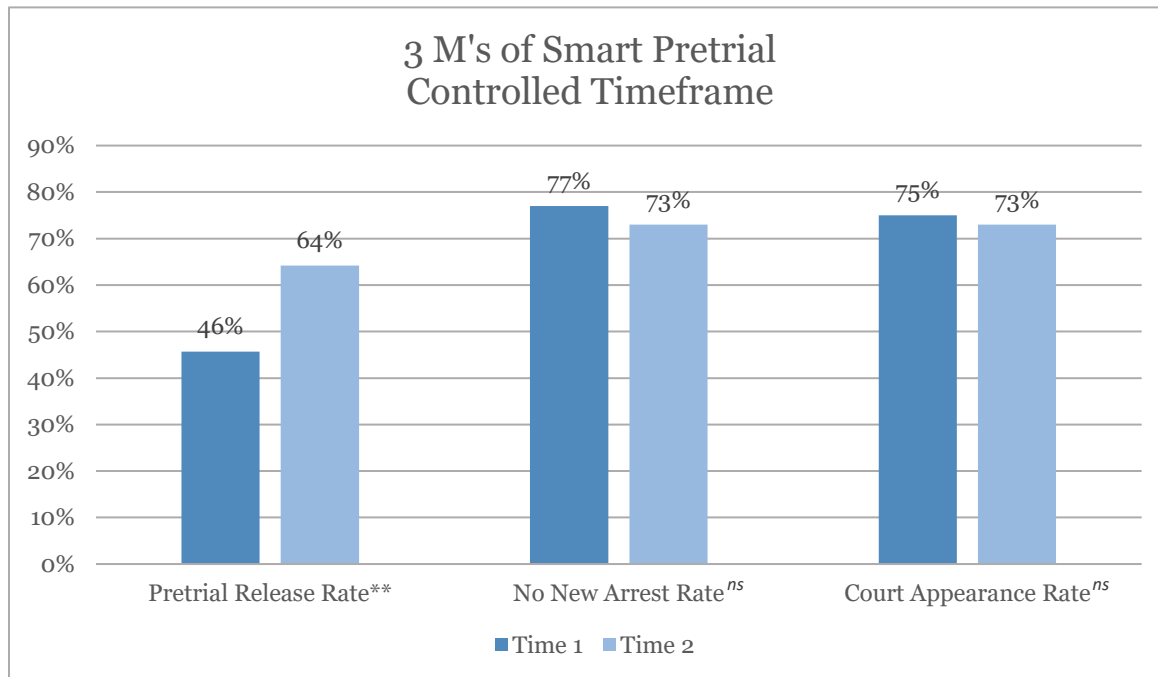
^{ns} Chi-square test was not significant, $p > .10$
**Chi-square test was significant at $p < .01$

Figure 9. All cases in custody at first appearance that would have been assessed with the PSA in Time 1, and were assessed in Time 2, and reached disposition at least 9.5 months after the booking date (Time 1 N = 151; Time 2 N = 123). The release rate, no new arrest rate, and court appearance rate was calculated only for those that posted bond and had a release date from the Yakima County jail by the end of July and reached case disposition by May 19th of the following year (Time 1 N = 69; Time 2 N = 79).

Finding: A statistically significant and substantial increase was observed in the number of people released pretrial in the post-implementation time period with no statistically significant difference observed in public safety and court appearance outcomes when compared to the pre-implementation time period.

Appendix B

Additional Analyses – Disposition

Figure 10. *All cases in custody at first appearance that would have been assessed with the PSA in Time 1 (N = 180), and were assessed in Time 2 (N = 169) and outcomes for those reaching disposition by May 19th of the following year, 9.5+ months after booking (Time 1 N = 150; Time 2 N = 123).*

Finding: More cases reached disposition within 9.5 months of booking in Time 1 vs. Time 2 (83% vs. 73%). Of those that reached disposition within 9.5 months of booking, the disposition types were about the same: Dismissed (34% in Time 1 vs. 32% in Time 2), Guilty at Trial (1% in Time 1 vs. 1% in Time 2), Guilty Plea (65% in Time 1 vs. 67% in Time 2).

Figure 11. *All cases in custody at first appearance that would have been assessed with the PSA in Time 1, and were assessed in Time 2, that reached disposition by May 19th of the following year, 9.5+ months after booking [All cases (Time 1 N = 150; Time 2 N = 123), Dismissed cases (Time 1 N = 51; Time 2 N = 39), Guilty Plea (Time 1 N = 98; Time 2 N = 82)].*

Finding: The length of time to reach case closure appears to be increasing in Time 2 as compared to Time 1 (104 days in Time 1 vs. 121 days in Time 2 for All Cases, 82 days in Time 1 vs. 98 days in Time 2 for Dismissed Cases, 114 days in Time 1 vs. 128 days in Time 2 for Cases that Plead Guilty). This calculation only takes into account those cases that did reach case closure at some point up until May 19th in the year following the Feb 1st – July 31st booking and could be longer when taking into account more cases that have a longer time to reach disposition.
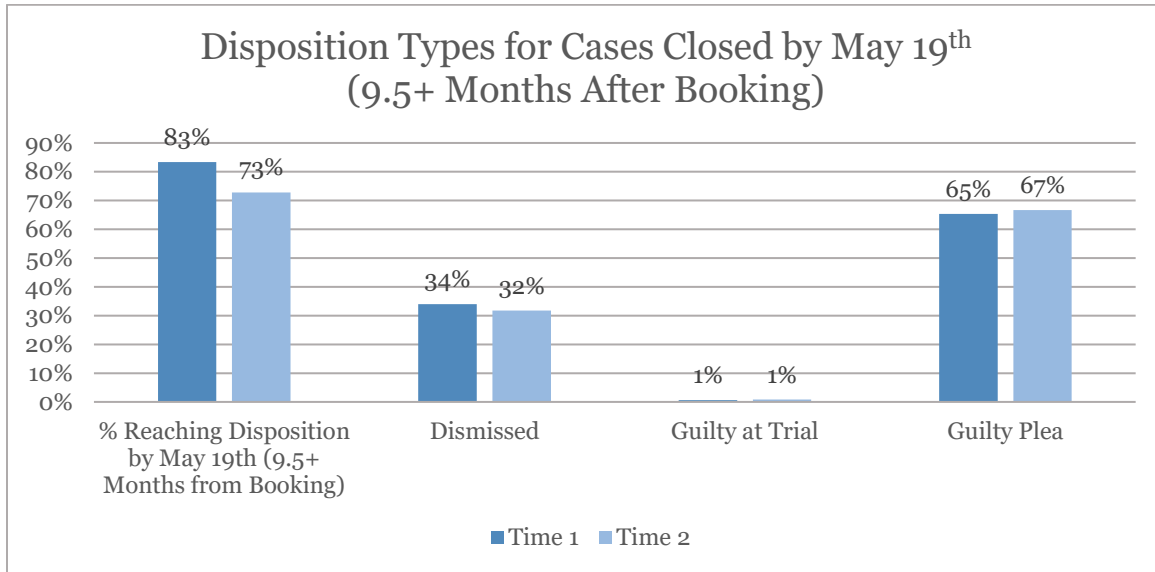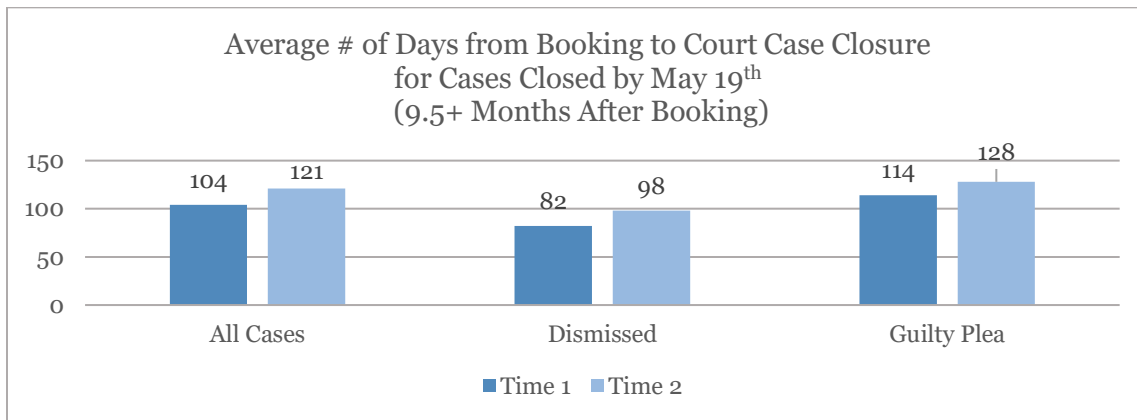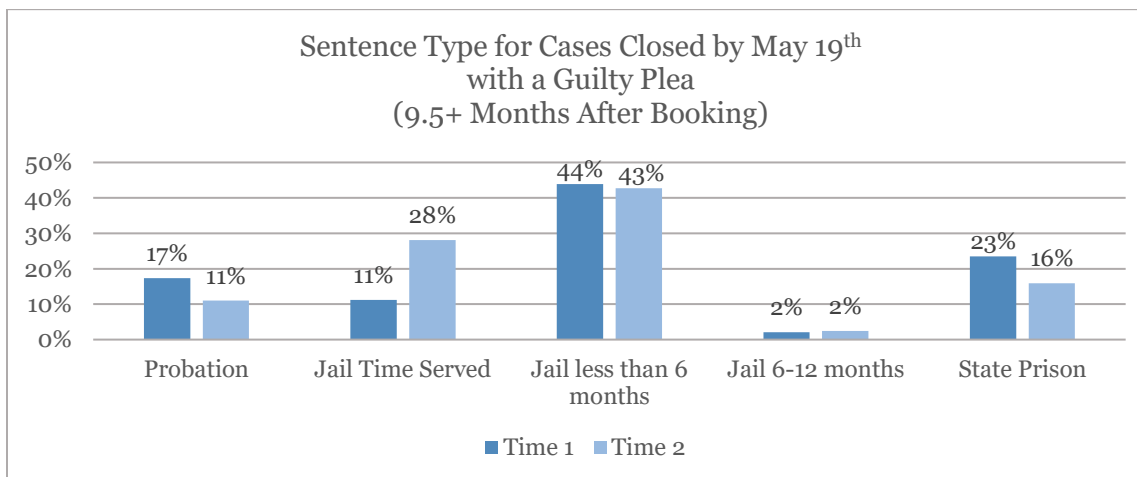

Figure 12. *All cases in custody at first appearance that would have been assessed with the PSA in Time 1 (N = 180), and were assessed in Time 2 (N = 169), that reached a Guilty Plea disposition by May 19th of the following year, 9.5+ months after booking (Time 1 N = 98; Time 2 N = 82).*

Finding: Of those that plead guilty, the rate of sentences to probation, jail less than 6 months, and jail 6-12 months is about the same given an expected level of margin of error. However, the data suggests that more cases in Time 2 received a time served sentence (11% in Time 1 vs. 28% in Time 2) and fewer cases received a state prison sentence (23% in Time 1 vs. 16% in Time 2).

Appendix C

Race/Ethnicity Definitions

Race/Ethnicity	Race/Ethnicity Definitions
White	A person having origins in any of the original peoples of Europe, North Africa, or the Middle East who is not of Hispanic origin.
Black	A person having origins in any of the black racial groups of Africa who is not of Hispanic origin.
Latino/Hispanic	A person of Mexican, Puerto Rican, Cuban, Central or South American or other Spanish culture or origin, regardless of race.
Asian	A person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian Subcontinent, or the Pacific Islands. The Asian area includes, for example, China, India, Japan, and Korea.
Pacific Islander	A Person having origins in any Pacific islands including, for example, Samoa, Guam, and Hawaii.
Native American	A person having origins in any of the original peoples of North America, and who maintains cultural identification through tribal affiliations or community recognition.
Other	Any other

Figure 13. *Provided to the Smart Pretrial sites by the W. Haywood Burns Institute, the partner agency assisting Smart Pretrial Demonstration Initiative sites in reducing racial and ethnic disparities.*

YCPPT Decision Making Framework Process

Complete PSA

Step 1   Step 2   Step 3   Step 4

Did the PSA result in a New Violent Criminal Activity Flag?

- Step 1: Complete PSA
- Step 2: Check predetermined circumstances for when release is not recommended
- Step 3: Apply FTA and NCA weights from Matrix
- Step 4: Enforce local 'bumps' in supervision levels

Yes

No

Do current charges include Murder 1 or 2, Assault 1, Kidnap 1, Rape 1, Robbery 1?

Yes

No

Was the defendant extradited?

Yes

Release not recommended

No

Does the defendant have a Federal or Out of County Hold?

Yes

No

Does the Matrix indicate **Release Type = Release not Recommended?**

Yes

No

What Supervision Level does the Matrix indicate?

None [0]	Level I	Level II	Level III

Is 1) current charge DV, person-person sex crime, arson, involve the use of a weapon or 2) is defendant a documented gang member?   Yes

Is 1) current charge DV, person-person sex crime, arson, involve the use of a weapon or 2) is defendant a documented gang member?   Yes

Is 1) current charge DV, person-person sex crime, arson, involve the use of a weapon or 2) is defendant a documented gang member?   Yes

Is 1) current charge DV, person-person sex crime, arson, involve the use of a weapon or 2) is defendant a documented gang member?   Yes

No

No

No

No

Release – No conditions

Release – Level I Supervision

Release – Level II Supervision

Release- Level III Supervision

Yakima County, Washington - February 2016

Supervision Strategies per Release Recommend

Decision Making Framework - Matrix

NCA scale

	NCA 1	NCA 2	NCA 3	NCA 4	NCA 5	NCA 6
FTA 1	★					
FTA 2	★	★	★			
FTA 3		★	★			
FTA 4		■	■	■	✖	✖
FTA 5		■	■	✖	✖	✖
FTA 6			✖	✖	✖	✖

Supervision Level

★ Level | ■ Level | ■ Level | ■ N/A

Release Type

★ Release OR | ■ Release OR with | ✖ Detain is reco

Supervision Conditions

Supervision Condition

Common Condition	Special co	Phone Con		Face-to-face Con		None
Reminder f Criminal hi court da court da	EHM, Drug T	Weekly	Monthly	Every oth		
Release Level	★ ★					
Level	■	■				
Release Level with Co	■	■	■			
Level	■	■	■		■	
Release N/A recomme						✖

NCA = New Crim FTA = Failure to Ap EHM= E HOR= Home Detention