

MEMORANDUM

TO: All Area News Directors
FROM: Carol Muller and Greg Sattizahn
DATE: November 1, 2016
RE: Press Release

FOR IMMEDIATE RELEASE:

MINNEHAHA COUNTY TO IMPLEMENT NEW TOOL FOR JUDGES TO ASSESS DEFENDANTS' PRETRIAL RISK

(Press Conference today at 12:00 p.m., 2nd Floor Training Room, County Administration Building)

As part of its effort to strengthen its criminal justice system, Minnehaha County today signed a memorandum of understanding to implement the Public Safety Assessment (PSA), a data-driven risk assessment tool that provides objective information that judges can use when deciding whether to release or detain a defendant prior to trial. Developed by the Laura and John Arnold Foundation (LJAF), the PSA uses nine factors to produce two risk scores: one predicting the likelihood that an individual will commit a new crime if released pending trial, and another predicting the likelihood that he or she will fail to return for a future court hearing. The tool also flags defendants that present an elevated risk of committing a violent crime. Risk scores fall on a scale of one to six, with higher scores indicating a greater level of risk. This neutral, reliable data can help judges gauge the risk that a defendant poses. However, the tool does not replace the judge or impede his or her discretion or authority in any way. The decision about whether to release or detain a defendant always rests with the judge.

“Minnehaha County seeks to identify and implement opportunities to ensure public safety. The Public Safety Assessment will join programs such as 24/7 Sobriety, drug court, veterans court, and DUI court,” states Cindy Heiberger, Chair of the Minnehaha County Commission.

Minnehaha County is faced with increased felonies, drug use, and mental health related arrests. The Minnehaha County Commission has reduced the number of beds that will be built in the intake and Community Corrections Center replacement facility due to an anticipated decrease number of individuals



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being detained pre-trial. Minnehaha County is committed to participating in efforts to implement best practices in a collaborative fashion.

The PSA is being used, or is in the process of being implemented, in approximately 30 jurisdictions across the country, including three entire states—Arizona, Kentucky, and New Jersey—as well as some of the nation’s largest cities such as Chicago, Houston, and Charlotte. Initial results indicate that the tool is helping to protect public safety while reducing jail populations and freeing up funds for other government priorities. In Lucas County, Ohio, the percentage of pretrial defendants released by the court on their own recognizance has nearly doubled, pretrial crime is down, and the percentage of defendants who skipped their court date has been dramatically reduced since the county began using the PSA in January 2015.

LJAF partnered with leading criminal justice researchers to develop the tool, which was created using the largest, most diverse set of pretrial records ever assembled—1.5 million cases from approximately 300 jurisdictions across the United States. Researchers analyzed the data and isolated factors that most often exist for defendants who commit a new crime, commit a violent crime, or fail to return to court if released before trial.

The factors are:

- Whether the current offense is violent
- Whether the person had a pending charge at the time of the current offense
- Whether the person has a prior misdemeanor conviction
- Whether the person has a prior felony conviction
- Whether the person has prior convictions for violent crimes
- The person’s age at the time of arrest
- How many times the person failed to appear at a pretrial hearing in the last two years
- Whether the person failed to appear at a pretrial hearing more than two years ago
- Whether the person has previously been sentenced to incarceration.

The weighting of these factors and the formula used to calculate the risk scores is available on the LJAF website at www.arnoldfoundation.org. The PSA does not use information that is considered potentially discriminatory, such as a person’s ethnic background, income, level of education, employment status, neighborhood, or any demographic or personal information other than age.

“The Public Safety Assessment is another tool that the Courts and Judges will have to support their decisions in releasing or detaining those who are arrested. The level of data and research done by the Laura and John Arnold Foundation is substantial and will provide a tremendous foundation for the Courts”, stated Minnehaha County Sheriff Mike Milstead.

LJAF is making the PSA available for free to Minnehaha County and the other jurisdictions that implement the tool. The implementation process is expected to begin in early 2017, and the County is expected to begin using the tool in early 2018.

If you have any questions regarding this press release please contact the Minnehaha Count Commission Office at 605-367-4206 or Greg Sattizahn with the South Dakota Unified Judicial System State Court Administrator's Office 605-773-3474.