

Supreme Court of Nevada
ADMINISTRATIVE OFFICE OF THE COURTS

ROBIN SWEET
Director and
State Court Administrator



JOHN MCCORMICK
Assistant Court Administrator
Judicial Programs and Services

RICHARD A. STEFANI
Deputy Director
Information Technology

MEETING NOTICE AND AGENDA
Committee to Study Evidence-Based Pretrial Release
VIDEOCONFERENCE

Date and Time of Meeting: Wednesday, July 13, 2016 @ 4:00 p.m.

Place of Meeting:

Carson City Supreme Court Law Library, Room 107 201 S. Carson Street Carson City, Nevada	Las Vegas Regional Justice Center Supreme Court Courtroom 200 Lewis Avenue Las Vegas, Nevada
Teleconference Access: 1-877-336-1829, passcode 2469586	

AGENDA

- I. Call to Order
 - a. Call of Roll
 - b. Approval of 5-23-16 Meeting Summary (**Tab 1**)
 - c. Opening Remarks
 - d. Public Comment
- II. NPRA Tool Validation Report
 - a. Mr. James Austin, *JFA Institute* and Ms. Angela Jackson-Castain, *Department of Justice, OJP Diagnostic Center* (**Tab 2**)
- III. Discussion of NPRA Tool Implementation Plan
 - a. NPRA Implementation Plan Update - *Ms. Heather Condon, Mr. Leland Moore, and Ms. Anna Vasquez* (**Tab 3**)
 - b. Risk Level Supervision Conditions - *Ms. Heather Condon*
- IV. Other Items/Discussion
- V. Next Meeting Date: TBD
- VI. Public Comment
- VII. Adjournment

- Action items are noted by * and typically include review, approval, denial, and/or postponement of specific items. Certain items may be referred to a subcommittee for additional review and action.
- Agenda items may be taken out of order at the discretion of the Chair in order to accommodate persons appearing before the Commission and/or to aid in the time efficiency of the meeting.
- If members of the public participate in the meeting, they must identify themselves when requested. Public comment is welcomed by the Commission but may be limited at the discretion of the Chair.
- The Commission is pleased to provide reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If assistance is required, please notify Commission staff by phone or by email no later than two working days prior to the meeting, as follows: Jamie Gradick, (775) 687-9808 - email: jgradick@nvcourts.nv.gov
- This meeting is exempt from the Nevada Open Meeting Law (NRS 241.030)
- At the discretion of the Chair, topics related to the administration of justice, judicial personnel, and judicial matters that are of a confidential nature may be closed to the public.
- **Notice of this meeting was posted in the following locations:** Nevada Supreme Court website: www.nevadajudiciary.us; Carson City: Supreme Court Building, Administrative Office of the Courts, 201 South Carson Street; Las Vegas: Regional Justice Center, 200 Lewis Avenue, 17th Floor.

TAB 1

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JUDICIAL COUNCIL OF THE STATE OF NEVADA

"To unite and promote Nevada's judiciary as an equal, independent and effective branch of government."

Committee to Study Evidence-Based Pretrial Release

Summary Prepared Jamie Gradick

May 23, 2016

2:00 p.m. – 4:30 p.m.

Videoconference (Carson City, Las Vegas)

Members Present

Justice James Hardesty, Chair
Judge Heidi Almase
Judge David Barker
Judge Stephen Bishop
Judge Joe Bonaventure
Jeremy Bosler
Heather Condon
Kowan Connolly (Tammy Counts - Proxy)
Judge Gene Drakulich
Tad Fletcher
Joey Orduna Hastings
Judge Douglas Herndon
Chris Hicks
Judge Kevin Higgins
Judge Cedric Kerns
Phil Kohn
Judge Victor Miller
Judge Michael Montero
Judge Scott Pearson
Judge Melissa Saragosa

Judge Mason Simons
Dagny Stapleton
Judge John Tatro
Judge Alan Tiras
Judge Natalie Tyrrell
Anna Vasquez
Jeff Wells
Steven Wolfson
Judge Bitia Yeager

Guests

Dr. James Austin
Lori Eville
Dana Hlavac
Angela Jackson-Castain
Kim Kampling
Ryan Sullivan

AOC Staff

Myrna Byrd
Jamie Gradick

- I. Call to Order
 - Justice Hardesty called the meeting to order at 2:04 p.m.
- II. Call of Roll
 - Ms. Gradick called roll; a quorum was present.

- III. Approval of Prior Meeting Summary
- The summary from the February 12, 2016 meeting was approved.
- IV. Opening Remarks
- Justice Hardesty welcomed attendees and thanked them for their attendance.
 - Justice Hardesty provided those in attendance with an update on the CCJ/COSCA Western Region Pretrial Justice Reforms Summit held in New Mexico; the conference was attended by Chief Judge Bonaventure, Mr. Jeff Wells, Ms. Heather Condon, Ms. Robin Sweet, Chief Justice Parraguirre, and himself.
 - Nevada has made significant progress in the area compared so some other states represented at the Summit. One of the key items to come from the Summit was a possible “work plan” for NPRA tool and process implementation; this will be addressed in more detail as the Committee moves forward.
 - Justice Hardesty intends to invite speakers from the Summit to attend a future meeting of this Committee.
- V. Public Comment
- VI. There was no public comment in Las Vegas or in Carson City.
- VII. NPRA Tool Testing Results
- VIII. Dr. James Austin, with the JFA Institute, together with Ms. Angela Jackson-Castain with the OJP Diagnostic Center, presented the results of the NPRA tool validation study. (*See PowerPoint presentation included in meeting materials.*)
- Prototype pretrial risk instrument was developed based on other validated instruments.
 - Random samples of defendants released from jail in 2014 were created for Washoe, Clark and White Pine Counties.
 - Forms were completed and returned for statistical analysis.
 - Each case tracked to determine if defendant was re-arrested or had FTA Warrant issued while case(s) were pending
 - Currently 1,000 release data forms have been received and processed. Still checking another 50-60 forms but these results shouldn't change the results.
 - Attributes: most defendants are released quickly, most have multiple charges against them, and the average age is 35 years. Age at first arrest is significantly below current age so many have prior arrests.
 - Follow-up results: based on 999 cases, 25% either FTA or re-arrests. Re-arrest includes parole/probation violation charges.
 - 73% were not arrested for any crimes; FTA based completely on not showing up for court. Taking steps to improve communication with defendants can help decrease this FTA rate.

- “Modified” risk levels by county - “cut-off” ranges were raised to get a better prediction out of the tool (see slide 9)
 - Re-arrest and FTA rates by risk level - (see slide 10) - the tool “doesn’t do a very good job” of separating higher and moderate risk cases.
 - Further adjustments to NPRA tool - Dr. Austin suggested adjustments to the tool (see slide 11) and will make the changes to the NPRA tool and run “simulations” using the proposed changes. (Typo in slide: change “employment” to “residency”)
- IX. Dr. Austin stated that the NPRA tool gives better predictions than the ORAS tool and informed attendees that he will be writing up a complete and documented report on the validation process/findings.
- X. Mr. Steven Wolfson asked for clarification regarding what constitutes an acceptable percentage in terms of FTA rate; the rate results in the study are “typical.”
- Discussion was held regarding the power of interventions such as calling/reminding defendants of court dates and supervision conditions; the courts can take steps to lower FTA rates.
 - Justice Hardesty commented that this idea was supported by discussions held during the CCJ/COSCA Western Region Pretrial Justice Reforms Summit.
- XI. Judge Saragosa asked for clarification regarding whether intensive supervision requirements on those released OR (versus those released “straight OR”) was a factor the study looked at.
- XII. Discussion was held regarding the percentage of high risk defendants that produce the FTAs and re-arrests; Dr. Austin explained that most of those released fell into the low or moderate risk groups. Discussion was held regarding whether those released were released on bond/cash bail vs. OR - (See slide 8). Courts are “OR-ing” (compared to setting surety bond/bail) slightly higher risk group, which drives the FTA and re-arrest rates up; this tool would help mitigate that.
- Discussion was held regarding Nevada bail amounts in relation to “national trends.”
 - Discussion was held regarding definition of “OR” and whether those released without being charged (no complaint filed) are considered “OR”; concern was expressed regarding these types of instances “skewing” the numbers - shouldn’t the validation process only consider those cases that judges have control over and made a decision in?
 - Discussion was held regarding the defendant’s state of mind and perception of OR - it’s possible that the defendant believes he/she doesn’t have a pending case because he/she was released so returning to courts isn’t necessary. Some FTA issues like this can be addressed through clearer communication/explanation and reminder tools.

- Mr. Jeremy Bosler asked for clarification regarding whether conviction is more predictable of FTA rate than arrest (questions 3-5 on the NPRA tool). Dr. Austin clarified that one wasn't more predictive than the other.
- Mr. Chris Hicks asked for clarification regarding the benefit of breaking the data down by case type. Dr. Austin explained that defendants with felony charges typically have better FTA rates than those with misdemeanors; felonies are typically rearrested at a lower rate as well.
- Discussion was held regarding supervision/release conditions on low risk versus high risk defendants. Dr. Austin explained that studies have shown that supervision on low risk individuals can be "disruptive" and increases the FTA rate while supervision on high risk individuals lowers the rate; supervision is typically most helpful for high risk (and probably moderate risk) offenders.
 - Discussion was held regarding the issue of "OR-ing" because charges weren't filed; Ms. Condon commented that, in Washoe County, these individuals are still supervised.
- Judge Pearson requested clarification regarding how scoring would be handled for no prior criminal history; would the individual get a -2 for no prior misdemeanor arrest and no prior gross or felony arrest or would this remain just a -1? Dr. Austin explained that he will "look at it both ways" to determine which method results in "a better bump."
- Discussion was held regarding possible need for revalidation efforts within 18 months of implementation of the NPRA; Dr. Austin explained that this would be necessary as the tool is implemented in different jurisdictions throughout the state. Because we will be "going forward" and applying the tool to current cases, another validation of current cases will help solidify statistics and pin point focuses for training purposes.
- Discussion was held regarding score cut-offs. Dr. Austin has adjusted the score ranges to make the low and high risk groups overly predictive; this will be documented in the full written report that is currently being drafted.
- Mr. Chris Hicks inquired how the scoring would work if there were no discernible dispositions in criminal history. Discussion was held regarding benefits of using arrest data rather than convictions; this is something the Committee previously agreed to.
- Judge Saragosa asked for clarification regarding lower FTA rate among those charged with felonies; are the results "skewed" by not considering seriousness of charge in the FTA count?
- Discussion was held regarding collecting data on cell-phone and social media accounts - would need to be collecting this data on current cases as part of the interview process in order to go-back and evaluate/validate the data later (if these are elements we want to track).
- Judge Barker inquired whether criteria for data collection, submission, and verification were in place; were there "ground rules" in place? Dr. Austin explained that his team worked with those pilot sites that submitted data to

check how they processed the data they provided and worked with Washoe County to develop the instruction manual.

XIII. Adoption of Validated NPRA Tool

- Justice Hardesty asked the Committee for its preference regarding whether to move forward with implementing the NPRA tool in the pilot sites or to wait for the written validation study report to be released before taking any further action.
- Justice Hardesty explained that certain things would need to be decided before the pilot program can officially begin.
 - Consistent and thorough education and training of court services and staff in the pilot sites will be necessary. Justice Hardesty referenced the manual currently being compiled.
 - A suggestion was made that training/education begin with the judges and court staff and pretrial services staff and then be extended to attorneys, DAs and PDs.
 - Discussion was held regarding the distinction between approving the tool and deciding on how it would be applied. At this time, the Committee is only voting on whether to approve the tool, not how it will be used.
 - Discussion was held regarding the types of cases the tool could be used for and whether a domestic violence component (3-4 questions) could be added into the tool later or should be added in now. Justice Hardesty reminded attendees that the assessment is simply an additional tool for judges to use; they will still have access to the information they usually have. This topic will be discussed at a future meeting.
 - Discussion was held regarding whether Washoe County would need to stop providing the assessment “blurb” they currently provide in order to be operating in a similar process as the other pilot sites. The information in the “blurb” is not the validated information in the tool. Concern was expressed regarding “taking information away from judges.” The synopsis usually contains information on previous supervision conditions and if contact/employment information was verified. The NPRA tool will “supplement” the report the judge receives, not “supersede” it. Justice Hardesty expressed concern regarding the “blurb” containing information that could “throw off” the tool’s effectiveness and explained that more information is needed about the benefit the blurb provides before the Committee can decide whether to continue providing these or not.
 - Dr. Austin commented that this provides an opportunity for the Committee to evaluate and standardize what other information judges around the state should be getting in addition to the tool.
- Judge Bishop made a motion to proceed with implementation of the NPRA tool, with Dr. Austin’s suggested adjustments, in the pilot sites subject to a revalidation after 18 months.

- Judge Herndon seconded the motion.
- Ms. Gradick took a roll-call vote; the motion was approved unanimously by the Committee members in attendance.

XIV. Discussion of NPRA Tool Implementation Protocol

- Ms. Lori Eville, with the National Institute of Corrections, provided an update on the progress and recommendations of the subcommittee tasked with creating the NPRA tool implementation plan for the pilot sites.
 - Developing a plan focusing on 4 key components: training, operational/environment, quality assurance (developing trust in the tool), and communication (both internally and externally) in place. Policies and procedures will need to be developed and put in place for all 4 components.
 - Training will need to be completed as a precursor to implementation; judges and staff need to be trained in the “whys” behind the tool along with the “hows”. Public defenders and prosecutors need to be trained as well as pretrial services staff.
 - Operational aspects will include the processes for using the tools, how with the tools be processed, utilized, recorded? Technology and data management ties into this.
 - Ms. Eville has hired Mr. Leland Moore to assist her with this project; he is currently conducting a “survey” of implementation efforts in other states in order to ascertain what worked well and what did not.
 - Challenges include coordination training and implementation efforts and developing a “resource document” (manual) that meets the needs of stakeholders across the state.
- Ms. Condon explained that consistency in training and implementation efforts across the state is essential. The “same message” needs to be conveyed throughout the state.
- Justice Hardesty requested that the NPRA Implementation Protocol Subcommittee develop a written plan for the pilot sites to use (so that the full-Committee can review/approve) and suggested offsite training/education sessions (for the judges involved in the pilot site program) take place in both the northern and southern parts of the state in June.
- Discussion was held regarding how bail schedules are currently used and how the tool implementation would impact that; particularly if the bail is set before the judge receives the NPRA assessment.
- Justice Hardesty suggested Ms. Eville and Ms. Condon continue to work with Dr. Austin and the NPRA Tool Implementation Protocol Subcommittee to develop the manual while Chief Judge Barker, Chief Judge Bonaventure, Judge Kerns, Judge Pearson, Judge Flanagan, and Judge Higgins begin working with Justice Hardesty to set up training sessions in Las Vegas and in Reno.

- Justice Hardesty asked that Mr. Bosler, Mr. Kohn, Mr. Wolfson, and Mr. Hicks begin conferring on possible training dates/locations for public defenders and district attorneys.
- XV. Subcommittee to Study Bail Schedules Status Update
- Judge Mason Simons provided attendees with a status update on the subcommittee's work. The subcommittee has met once and is currently working to compile the various bail schedules in use throughout the state in order to conduct a thorough analysis of differences. (*See meeting materials for the subcommittee's meeting summary*).
 - Discussion was held regarding possible challenges of developing a "unified" or "statewide" bail schedule.
 - Mr. Kohn inquired whether bail is "stacked" anywhere in the state - how is bail established in cases of multiple versions of the same charge? Justice Hardesty asked the Subcommittee to add this topic to its agenda for its next meeting.
- XVI. National Task Force on Fines, Fees, and Bail Practices Discussion
- Justice Hardesty informed attendees that this topic was not originally within the scope of the Committee's work but was assigned to the Committee by the JCSN for examination.
 - Justice Hardesty informed attendees that he will work on compiling information being generated nationally and will set this as an agenda item in future meetings.
- XVII. Other Items/Discussion
- Ms. Eville requested that there be one "master-plan" for training in order to keep things consistent and organized. Ms. Gradick can help Ms. Eville coordinate this.
 - Discussion was held regarding possible venues/plans for recording trainings (either through AOC's Judicial Education department or using Washoe County Commission chambers, etc.).
 - Ms. Condon suggested conducting a "resources survey" of the rest of the counties now in order to be better prepared when the NPRA tool is ready to be implemented on a statewide basis. Justice Hardesty commented that the focus should be limited to just the pilot sites for now.
- XVIII. Next Meeting Date
- Justice Hardesty informed attendees that the next meeting would be set for early July, if possible, depending upon training plans.
- XIX. Additional Public Comment
- There was no additional public comment offered from either Las Vegas or Carson City.
- XX. Adjournment

- Justice Hardesty adjourned the meeting at 4:33 p.m.

TAB 2

Development of the
Nevada Pretrial Risk Assessment System
Final Report

Prepared by

James Austin, Ph.D.
Robin Allen

June 2016

Introduction

This report summarizes how the Nevada Pretrial Risk Assessment (NPR) was developed. It provides a description of the procedures and research methods (including sampling process, data collection and analysis) that were used to create a validated instrument for Nevada's criminal courts. It should be emphasized that further testing and analysis will be required as the NPR is used on a pilot basis for Clark, Washoe and White Pine counties over the next 12 months.

This study was supported by the U.S. Department of Justice, Office of Justice Programs, which provides technical assistance to state and local criminal agencies through its Diagnostic Center program. This technical assistance effort was coordinated by Angela Jackson-Castain who provided all of the administrative and management for the project.

Development of the Proto-type Instrument

Under the leadership of Associate Chief Justice James W. Hardesty, a Committee to Study Evidence-Based Pretrial Release in Nevada was convened in 2015. The purpose of the Committee was to study the current pretrial release system and to examine alternatives and improvements to that system through evidence-based practices and current risk assessment tools. As part of its work, the Committee held several meetings during which it receive information on a variety of pretrial risk instruments that have been implemented in numerous jurisdictions. These reviews included in formation on the Arnold Foundation, COMPAS, and Ohio Risk Assessment System (ORAS).

It was decided that it would be preferable to develop a customized pretrial risk instrument that incorporated all of the positive attributes of these risk instruments but had the advantage of being tested and normed on defendants being released in Nevada.

The first step was to create a proto-type instrument that was presented to the Committee in February 2016. Referred to as the Nevada Pretrial Risk (NPR) instrument, Committee members were briefed on its design and were asked to offer constructive recommendations to modify the proposed NPR or other factors that should be considered. The initial NPR instrument also included information on other potential risk factors that could be tested as part of the validation effort.

The following nine items were selected to be on the prototype instrument:

1. Existing pending criminal case at time of current offense;
2. Age at first arrest (adult or juvenile);
3. Prior misdemeanor arrests;

4. Prior felony or gross misdemeanor arrests;
5. Prior arrests for violent crimes;
6. Prior FTA's past two years;
7. Current employment status;
8. Current residency; and,
9. Indications of substance abuse.

The weights for each of the nine scoring items and the overall risk scale were based on prior studies of other similar risk instruments. In particular the ORAS was relied upon as several of the NPR factors were based on that system. However, it was expected that both the weights and scale would be modified after the data were collected and analyzed.

By the close of February 2016 the prototype instrument was completed and was ready to be pilot tested on a representative sample of released defendants.

Sampling Process

The next task was to create a sample of defendants who had been released from custody in the three target counties. The plan was to have the prototype instrument completed on each cases that was sampled. In doing so, the following goals of the pilot test would be completed:

1. Description of the types of people currently being released in pretrial status in terms of their demographics, offense, and criminal history;
2. The methods of release and time in custody prior to release;
3. Re-arrest and Failure to Appear (FTA) rates;
4. Testing of the prototype instrument in terms of its validity; and,
5. Methods for improving the NPR predictive qualities.

Four separate samples of cases were created. In Clark county, two random samples were created for defendants released from either the Clark County Detention Center or the Las Vegas City Jail in 2014.¹ A third random sample was created for people released from the Washoe County Detention facility in 2014. Finally, a fourth sample that consisted of all defendants also released in 2014 from White Pine County. Because the number of people released from that county was so small there was no need to actually sample the cases.

There were a total of 1,160 cases originally sampled from the data files received from the four jurisdictions. Of that number 1,057 (91%) were finally captured and used for analysis. Virtually all of the 101 deleted cases presented jail releases that were not pretrial releases (e.g., credit for time served, transferred to state prison,

¹ The SPSS random number generator was used to select samples that reached a specific threshold sufficient for statistical analysis within each jurisdiction.

etc.). Statistical tests were performed to ensure that both the original and final samples were comparable to the original universe of pretrial releases for all four sites.

Table 1. Sample and Final Sample Sizes

County	2014 Pretrial Releases	Original Sample	Final Sample
Clark			
Detention Center	7,172	416	406
Municipal Jail	5,419	259	179
Washoe	5,982	421	410
White Pine	63	63	62
Total	18,637	1,160	1,057

Data Collection

Once the samples were created, the names and identifiers of the sampled cases were forwarded to designated criminal court staff (typically pretrial service agency staff) with instructions on how to complete the prototype form. There were several conference calls between these staff to address questions on how to collect and record data on the form. The forms were sent to the consultants on a regular basis and double-checked for accuracy. The data were hand entered into a spreadsheet and then converted to an SPSS data file for statistical analysis.

Table 2 summarizes the key attributes of the sampled cases by the four jurisdictions. There are both similarities and differences among the four sites. Across the sites, the vast majority are males who reside in Nevada. Regarding race and ethnicity, Washoe County had predominantly white defendants while Clark County had higher proportions of Black and Hispanic defendants. The dominant forms of release were Own Recognizance and Surety Bond. The average and median bail amounts ranged from \$3,251 (Clark Muni) to \$19,122 (Clark Detention Center). Many of the defendants had prior misdemeanor, gross misdemeanor and felony arrest histories.

Analysis

The two key dependent variables that were recorded on each sampled case were 1) whether the released defendant was rearrested for a new crime and 2) whether there was a bench warrant issued for failing to appear (FTA) for any scheduled court hearing.

Table 2. Key Attributes of the Pretrial Releases by Jurisdiction

Attribute	Clark	Clark Muni	Washoe	White Pines	Total
Releases	406	179	410	62	1,057
Gender					
Male	77%	73%	85%	77%	80%
Female	23%	27%	15%	23%	20%
Race					
White	46%	40%	66%	NA	50%
Black	30%	30%	11%	NA	21%
Hispanic	16%	26%	18%	NA	18%
Asian	6%	3%	1%	NA	3%
Other	2%	1%	4%	NA	8%
Method of Release					
Cash Bail	3%	10%	9%	10%	7%
Surety Bond	37%	23%	36%	63%	35%
OR	46%	31%	55%	26%	46%
Other	14%	36%	0%	1%	12%
Nevada Resident	78%	74%	86%	81%	81%
LOS Prior Release	15	8	12	5	12
Ave. Bail	\$19,122	\$3,251	\$8,043	\$12,563	\$11,674
Median Bail	\$10,000	\$2,115	\$2,500	\$9,000	\$5,000
Ave Prior Misd Arrests	6	3	2	3	4
Ave Prior Fel/GM Arrests	4	1	2	2	3

Validation analysis was designed to determine if the scoring items that were contained on the proto-type NPR instrument were statistically associated with either the rate of re-arrest or FTA.

A “composite” dependent variable that measured whether the person was either re-arrested or had an FTA was also constructed although the FTA is measuring a somewhat different phenomenon (criminal behavior versus non-compliance with a court order).

Table 3 shows the re-arrest, FTA and composite rates for the four jurisdictions. The overall re-arrest rates is 135 with White Pine having the highest rate (23%) and Clark Muni having the lowest (3%). Conversely, Clark Detention Center has the highest FTA rate (28%) followed by White Pine. These two jurisdictions also have the higher composite rate of 37% and 36%. Compared to other jurisdictions, the low re-arrest rates are comparable with the exception of White Pine (23%). Clark Detention Center releases have a higher FTA rate then one would expect. This

higher FTA rate could be a function of the risk levels for Clark Detention Center releases and/or pretrial supervision options and methods.

It should also be noted that 73% of the people who had an FTA warrant issued against them did not have any re-arrests for criminal charges (Table 4). Conversely, of the 135 people who were re-arrested, 62% of them had no FTA warrants issued. As has been noted in the other studies, FTA behavior should be viewed as distinct from re-arrest behavior.

Table 3. Re-Arrest and FTA Rates By Jurisdiction

Attribute	Clark	Clark Muni	Washoe	White Pines	Total
Releases	406	179	410	62	1,057
Re-Arrest	16%	3%	12%	23%	13%
FTA	28%	16%	9%	19%	18%
Arrest or FTA	37%	17%	17%	36%	26%

Table 4. Re-Arrest by FTAs

Re-Arrested	FTA		Total
	No	Yes	
No	784	138 (73%)	922
Yes	84 (62%)	51	135
Total	868	189	1057

The next level of analysis was to test the prototype instrument against the outcome measures of re-arrest, FTA and the composite FTA or Re-arrest rates. It was expected that there would be some tweaking of the proto-type instrument’s nine scoring item’s weights and the overall risk scale. Consequently, a number of statistical runs were completed to find those factors that had the strongest relationship with the dependent variables. While all of the nine scoring items had statistically significant bivariate relationships, there were some subcategories that were not performing well in terms of risk assessment. Consequently, it was necessary to either modify or consolidate certain subcategories. There was also an effort to see if some “non-scoring items” were predictive and should be added to the NPR. This re-assessment process produced the following adjustments to the prototype NPR:

1. Added the factor of possession of valid cell phone number (non-cell phone releases had a higher FTA rate);
2. Consolidated the substance abuse factor by only using prior drug/alcohol related arrests (other measures of drug use were not valid);

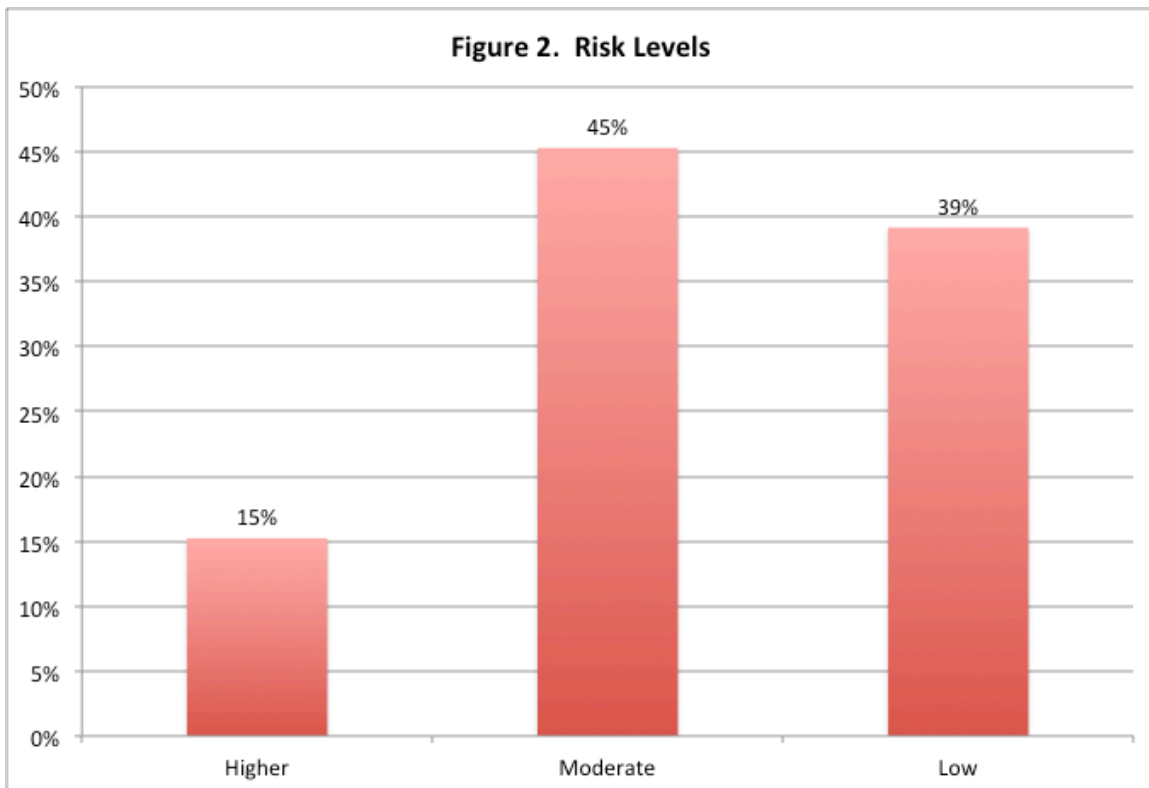
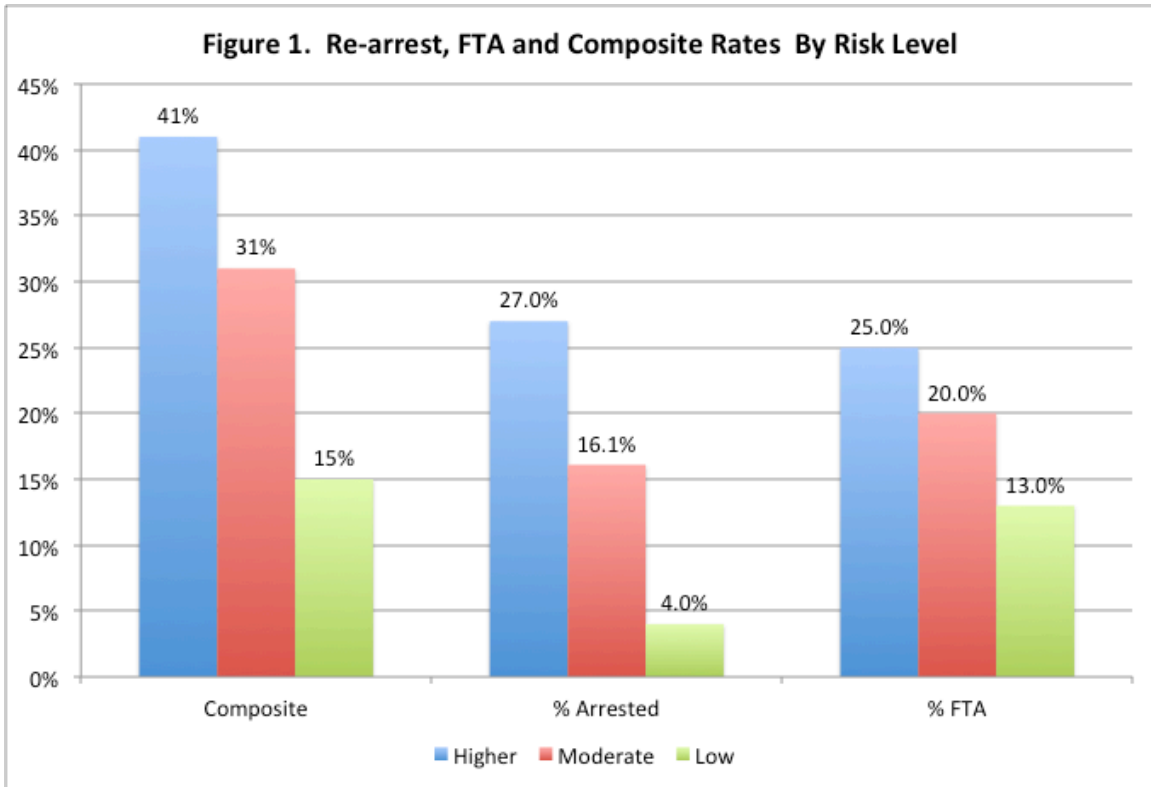
3. Modified the residence factor by adding whether the person was a resident of Nevada (non- residents have a higher FTA rate);
4. Consolidated prior misdemeanor arrest score so that 3 or more receive 2 points (no difference in rates by 3-5 and 6 or more categories);
5. Consolidated prior felony/gross misdemeanor arrests score so that 2 or more are scored as 2 points (no difference in rates by other categories); and,
6. Re-calibrated the overall scale so that it matches the new scoring process.

Based on these changes the overall validity of the instrument (see appendix A for a copy of the modified instrument) is shown in Figures 1 and 2.

In terms of re-arrest rates, the scored low risk group has a very low risk (4%) of being arrested for a new crime until their cases are disposed of. But even the vast majority of the “higher risk” group is also very unlikely (73%) to be re-arrested while awaiting the disposition of their criminal cases. Looking at the composite rates, 85% of low risk people will neither be re-arrested or FTA. Conversely, 59% of the higher risk group will not be re-arrested or FTA. But this group only accounts for 15% of all releases (Figure 2).

Summary

Based on these results, the modified NPR has proven to be a statistically valid pretrial risk instrument that meets industry standards in terms of the factors being used and their overall predictive accuracy. The NPR has been normed on representative samples of the four jurisdictions that were involved in the pilot test. It is now ready to be implemented in the four jurisdictions. Additional training will be required for 1) staff who will be using the instrument to score pretrial defendants and 2) court officials who will be using the results to make pretrial release decisions.



Appendix A

Finalized Nevada Pretrial Risk Instrument

NEVADA PRETRIAL RISK ASSESSMENT (NPR)

Defendant's Name: _____ Assessment Date: ____/____/____
Case #: _____ County: _____ Assessor: _____
Most Serious Charge: _____ Initial Total Bail Set: \$ _____
Verified Cell Phone #: _____ Address: _____
City State Zip

SCORING ITEMS

SCORE

1. Does the Defendant Have a Pending Case at Booking?
a. Yes - 2 pts. b. No - 0 pts. _____
2. Age at First Arrest
a. Under age 21 yrs. - 2 pts.
b. 22-35 yrs. - 1pt.
c. 36 Plus. - 0 pts. _____
3. Prior Misdemeanor Arrests.
a. Two or less- 0 pts.
b. 3 or more - 2 pts. _____
4. Prior Felony/Gross Misd Arrests
a. None or One - 0 pts.
b. 2 or more - 2pts. _____
5. Prior Arrests - Violence:
a. None - 0 pts.
b. 1 or more - 2 pts. _____
6. Prior FTAs Past 24 Months
a. None - 0 pts.
b. 1 FTA Warrant - 1 pt.
c. 2 or more FTA Warrants - 2 pts. _____
7. Employment Status at Arrest
a. Employed or Student or Retired - 0 pts.
b. Unemployed - 2 pts. _____
8. Residential Status Date of Residency: ____/_____
a. Nevada Resident - Living in current residence 6 mos. or longer - 0 pts.
b. Nevada Resident - Not lived in same residence 6 mos. or longer - 1 pt.
c. Homeless or Non-Nevada Resident- 2pts. _____
9. Substance Abuse
a. Otherwise - 0 pts.
b. Prior multiple arrests for drug possession/alcohol/drunkenness - 2 pts. _____
10. Verified Cell Phone
a. Yes - 0 pts. (list) _____
b. No - 2 pts. _____

Total Score: _____

Scored Risk Level: 0-4 pts. LOW 5 -10 pts. MODERATE 11+ pts. HIGHER

Over-Ride? ____ Yes ____ No

Over Ride Reason(s): ____ Mental Health ____ Disability ____ Gang Member ____ Flight Risk

Other Reason: _____

Final Recommended Risk Level; ____ LOW ____ MODERATE ____ HIGHER

TAB 3

***Nevada Pretrial Risk Assessment:
Pilot Site Program
Implementation Plan***

Version **1.0**

07/11/16

Implementation Plan (v1.0)

Produced by the National Institute of Corrections for the State of Nevada. This document is a draft and does not represent the official opinion of the National Institute of Corrections, the U.S. Department of Justice, or the State of Nevada.

VERSION HISTORY

Version #	Implemented By	Revision Date	Approved By	Approval Date	Reason
1.0	NIC	07/11/16	Subcommittee	07/11/2016	Submission to Committee

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1. Introduction

This *Implementation Plan* describes milestones, timelines, and deliverables to implement the Nevada Pretrial Risk Instrument (“NPR”) at four separate pilot sites in the State of Nevada. These sites include the Las Vegas Justice Court (“LVJC”), the Las Vegas Municipal Court (“LVMC”), White Pine County, and Washoe County. This plan includes work to be done by the Nevada Pretrial Risk Assessment (“NPRA”) Implementation Protocol Subcommittee, the Supreme Court of Nevada Administrative Office of the Courts, the four participating pilot sites, and technical assistance performed by the National Institute of Corrections (“NIC”), the Office of Justice Programs (“OJP”), and the Urban Institute (“Urban”).

The plan assumes a September 1, 2016 deployment date and the following technical assistance areas, identified by the Administrative Office of Courts, Pretrial Services officials, and National Institute of Corrections project staff:

- *Operational Support and Procedure*, such as policy and procedure development, operational infrastructure development, revisions/development of information systems, case management processes, and review of existing defendant supervision protocols to support an increase or change in composition of the managed defendant population.
- *Communication* strategies to introduce the risk assessment to criminal justice partner agencies and outline the expected improvements and outcomes from using a validated, evidence-based instrument.
- *Training* program development along with initial training for pretrial services staff and judges.
- *Performance measurement and quality control* to track and report changes in appearance, safety, and release rates; overall defendant compliance and judicial agreement with pretrial agency release/detention recommendations following risk assessment deployment; and information pertinent to NPR revalidation. Assistance area includes the development of instrument revalidation plan and performance measurement infrastructure.

The purpose of this program is to provide site specific, uniform, pretrial justice system improvements that will allow the State of Nevada to accurately reflect upon plan successes, failures, and utilize that information to determine the feasibility of state-wide improvements. This plan is designed to provide the preparation, uniformity, and coordination necessary to obtain accurate results from the pilot program.

1.1 Background

In June 2015, the Judicial Council of the State of Nevada unanimously approved a resolution creating a Committee to Study Evidence-Based Pretrial Release in Nevada (“the Committee”).

The purposes of the Committee are to study the current pretrial release system and to examine alternatives and improvements to that system through evidence-based practices and current risk assessment tools. Under the Chairmanship of Justice James W. Hardesty, the Committee will ultimately make recommendations to the Judicial Council and the Nevada Supreme Court regarding possible strategies for reforming and improving Nevada’s pretrial release system.

Committee membership consists of members of the Nevada judiciary, lawyers practicing criminal law in Nevada, and court services officers and management staff from counties throughout Nevada.

A subcommittee was formed on April 11, 2016, under the chairmanship of Ms. Lori Eville to develop the NPRA system implementation protocol. The following individuals were appointed to the group: Judge Stephen Bishop, Ely Justice Court; Judge Joe Bonaventure, Las Vegas Justice Court; Heather Condon, Washoe County Pretrial Services; Kowan Connolly, City of Las Vegas Pretrial Services; Judge Scott Pearson, Reno Justice Court; and Anna Vasquez, Clark County Pretrial Services

In January of 2016, the National Institute of Corrections (“NIC”) agreed to assist the Judicial Council of the State of Nevada with the creation of and implementation planning for a pilot program that utilizes legal and evidence-based practices and empirical risk assessment.

The pilot program is part of the Committee’s objective to design strategies to safely and effectively reduce the jail population, expand jail programming to impact recidivism and partner with community stakeholders on prevention and reentry efforts.

In March of 2016, members of the Urban Institute’s Risk Assessment Clearinghouse team conducted training for 17 pretrial officers working for the Las Vegas Municipal Court, in response to a 2015 request for assistance made to BJA’s National Training and Technical Assistance Center (“NTTAC”). This training covered foundational concepts of how actuarial risk assessment works, how risk assessment instruments are developed and validated, and evidence regarding why assessment information should inform pretrial practice. The overall goal of the training was to increase staff knowledge and understanding of risk assessment to build support for the anticipated implementation and use of a pretrial risk assessment. Since the conclusion of the training, Urban has continued to confer with colleagues working via the OJP Diagnostic Center and NIC on overall development and implementation of the Nevada Pretrial Risk Instrument, to coordinate TA and training provision in support of the most impactful collective assistance to all stakeholders involved locally in the effort.

In partnership with the Bureau of Justice Assistance, the Urban Institute’s Justice Policy Center is carrying out the Risk Assessment Clearinghouse project, which includes development of a web-based central resource for practitioners interested in issues related to

the development, implementation, and maintenance of risk assessment tools in adult criminal justice, as well as provision of training and technical assistance (“TTA”) regarding these issues upon request. Urban is building a network of TTA providers to complement the expertise of the in-house subject matter experts and thereby expand the TTA capacity of the Clearinghouse and provide more specialized assistance

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1.2 Management Overview

Successful implementation will depend upon the delegation of significant responsibility to key points of contact involved in the pilot project.

1.2.1 Points-of-Contact

Role	Name	Contact Number
Pilot Site (LVJC)	Hon. Joseph Bonaventure	702-671-3330
Pilot Site (LVMC)	Kowan Connolly	702-229-4269
Pilot Site (White Pine County)	Hon. Stephen Bishop	775-293-6540
Pilot Site (Washoe County)	Heather Condon	775-325-6610
Training (LVMC & LJMC)	Jesse Jannetta, Urban Institute	202-261-5593
Training Lead	Jeff Wells	702-455-3530
Database Development & Information Systems	TBD	
NPR Development	James Austin, PhD	310-867-0569
Communications	Jamie Gradick	775-687-9808
Case Management Processes	Pilot Site POC's (Above)	N/A
Policy & Procedure	TBD	

Table 1.0 – Points-of-Contact

2. Operational Support & Procedure

Timeframe: 1 month

Operational and procedural items are functions tied to coordinating deployment, planning, developing pretrial infrastructure, and incorporating the risk assessment into pretrial operations.

2.1 Implementation Protocol Subcommittee

A subcommittee comprised of Judge Stephen Bishop, Ely Justice Court; Judge Joe Bonaventure, Las Vegas Justice Court; Heather Condon, Washoe County Pretrial Services; Kowan Connolly, City of Las Vegas Pretrial Services; Judge Scott Pearson, Reno Justice Court; and Anna Vasquez, Clark County Pretrial Services, will oversee all planning and deployment milestones, deadlines and deliverables. The subcommittee will approve products submitted by pilot site POC's, and other partners and finalize strategies in the planning areas. The subcommittee also will respond to unexpected delays in planning or aggravating issues that require local attention.

2.2 Operational Infrastructure

Pilot site POC's will utilize the operational items listed below to develop the infrastructure necessary to support successful deployment of the NPR at each pilot site. Pilot site POC's will present the results of the assessment, gap analyses, and infrastructure development report to the subcommittee on August 17, 2016

2.2.1 Process Identification and Comparison

Pilot Site POC's will meet on July 6th, 2016 to review and compare the previously performed site descriptions and identify common areas for improvement during the program.

2.2.2 Assessment & Gap Analyses

Each pilot site POC will review and summarize the pretrial services infrastructure available at each site to deploy the NPR and will conduct a gap analysis for his or her respective site. Pilot site POC's will submit their summary and analysis to the subcommittee by July 15, 2016.

2.2.3 Infrastructure Development

The subcommittee will utilize the previously performed gap analyses and work with the pilot site POC's to make recommendations and develop—within existing resources—the pretrial infrastructure necessary to successfully deploy the NPR at each pilot site.

2.2.4 Case Management Processes

The pilot site POC's will work to develop a common case management process for the pilot program and will submit this process to the subcommittee by August 10, 2016 for approval.

2.2.5 Goals and Objectives for Pretrial Services

The pilot site POC's will develop a mission, goals, and operational model for the pretrial services providers participating in NPR implementation at each of the three pilot sites. The pilot site POC's will submit this report to the subcommittee by August 10, 2016 for approval.

2.3 Policy and Procedure

Pilot Site POC's will identify risk assessment areas needing new or revised policies and procedures. These may include: an overarching policy on evidence-based risk assessment (as a possible *Communications* item); a manual or set of instructions on using the NPR, including appropriate override reasons and procedures; a presentation of recommendations to court; and recording NPR results and subsequent recommendations and court bail decisions in each sites' information system. Policy and procedure identification should be completed by August 1, 2016, with a follow-up report to the subcommittee. By August 10, 2016, the subcommittee will prioritize identified procedures for development. All procedures should be completed by August 17, 2016 for use in the NPR instruction manual and *Staff Training*.

2.3.1 Development of Supervision Strategies

The NPR development team and persons designated by the subcommittee will develop differential supervision strategies guides by risk while utilizing the least restrictive conditions to reasonably assure public safety and court appearance.

2.3.2 Defendant Pretrial Statements

Individuals designated by the subcommittee will work to address concerns regarding the disclosure of information obtained by pretrial services in formulating their recommendations to the court.

2.3.3 Development of Pretrial Diagnostic Procedure

Pilot site POC's will develop protocol and procedures for interviewing defendants, assessing risk, researching relevant background information and providing documentation regarding the least restrictive recommendations for release conditions.

2.3.4 NPR Instruction Manual

NPR development team and persons designated by the subcommittee will develop an NPR instrument instruction manual that incorporates previously identified policies and procedures.

2.4 Information Systems

Each pilot site will incorporate the NPR into its current information system. Staff will enter risk factors and variables into the system, and the information system will calculate risk scores and categories. As part of deployment planning, site POC's and IT staff designated by the subcommittee will verify the information system's risk assessment programming using data from the workload review pilot program described below. Site POC's and IT staff also will verify that NPR results are retrievable from the information system and available for evaluation and outcome and performance measurement.

Operational Support Timeline and Milestones

Milestone	Lead	Deadline	Product
NPR Completion and Report	Dr. Austin/OJP	June 20, 2016	Final Report and Instrument
Process Identification and Comparison	Site POC's	July 6, 2016	Site Process Summaries
Site Gap Analyses	Site POC's	July 15, 2016	Finalized Gap Analyses
Development Recommendations	Site POC's	August 1, 2016	Report to Subcommittee
Pilot Site Case Management Processes	Site POC's	August 10, 2016	Report to Subcommittee
Mission, Goals, and Operational Model	Site POC's	August 10, 2016	Report to Subcommittee
Operational Infrastructure	Subcommittee	August 17, 2016	Finalized Report to EBDM Committee
Identify areas for P&P development	Site POC's	August 1, 2016	Report to Subcommittee
P&P Development Prioritization	Site POC's	August 10, 2016	N/A
Final P&P + Report	Subcommittee	August 17, 2016	Report to Committee
Information System Readiness	Site POC/IT	August 17, 2016	Report to Subcommittee

3. Communication Strategies

Timeframe: 1.5 months

The subcommittee will oversee all communications and outreach milestones, deadlines and deliverables. The subcommittee will approve products submitted by project partners and finalize communications strategies. The subcommittee also will respond to unexpected delays in planning or aggravating issues that require local attention.

The purpose of this segment is to assure that the EBDM Committee is adequately educating and communicating with all internal and external stakeholders including at the local, state, and national levels while promoting partner agency and public understanding of the NPR and the EBDM Committee’s rationale for its use, thus minimizing potential resistance to implementation.

3.1 Communications Goals and Objectives

Communications goals and objectives serve as a framework for NPR Implementation communications strategy and will help to determine key messages and communications content as the communications strategy is deployed.

Communications goals include:

1. inform local, state, and national community leaders about the value of the changes being made;
2. engage and instill confidence in Criminal Justice System staff regarding the changes being made; and
3. educate and obtain buy-in from those involved in the process.

The subcommittee will work with the Administrative Office of Courts to expand upon the goals listed above—if necessary—, develop objectives for each goal, and submit said list to the Committee by July 21, 2016 for review and final approval.

3.2 Key Messages and Methods of Communication

Key messages will include a description of the NPR, an outline of the expected improvements and outcomes from incorporating a validated, research-based assessment, and the NPR's place within Nevada's comprehensive evidence-based practices framework.

Communication will include general descriptive materials and audience-specific strategies targeted to groups identified by the subcommittee, such as pilot site court services and pretrial services staff, the judiciary, prosecutors, the defense bar, and public advocacy agencies. Communications materials also will address particular issues or concerns each group is anticipated to have, reinforce the group's positive perceptions about using evidence-based practices, and identify specific group functions the NPR may support (for example, better identification of defendants who pose a threat to public safety as a communications point to the courts and prosecution).

The subcommittee will work with the Administrative Office of Courts to develop a list of key messages and submit said list to the committee by July 21, 2016 for review and final approval. Key messages should be incorporated in all communications materials to the greatest extent possible.

3.3 Internal Communications

Internal stakeholders are the immediate, hands-on users of the Nevada Criminal Justice System. These include law enforcement, prosecutors, public defense attorneys, judges, court personnel, corrections, and service providers.

It is imperative that internal stakeholders understand the EBDM and NPR implementation process, the rationale for investing in the initiative, and what participation will achieve for each pilot site. A methodical, well-defined communication process is necessary for internal stakeholder buy-in and—ultimately—successful NPR implementation.

The subcommittee will work with pilot site POC's to develop a comprehensive list of internal stakeholders on the pilot site and state levels and develop a list of proposed outreach methods and cost requirements by July 25, 2016 for submission to the committee for review and approval. Following approval, the communications POC will create a timetable for outreach method deployment and work with the subcommittee to assign individual outreach leads to develop and implement each outreach method by August 1, 2016.

3.3.1 Internal Stakeholder Education & Programming

Judges: OJP will work with members of the Nevada judiciary to develop a series of onsite educational programming for judges at the Clark County pilot site. The goal of these programs is to provide an opportunity for judges to become conversant in the use and benefits of the new instrument. The programs will explain the development process for the new instrument, its function and use, and its benefits. The programs will also provide a forum for members of the judiciary to ask questions and raise concerns regarding the instrument and the

implementation process. The program will utilize a member of Dr. Austin’s team and a local judge from each site to provide training. OJP will provide a program description, training sites, available trainers, for the review and approval of the subcommittee by July 11, 2016.

Criminal Justice System Stakeholders: Urban/BJA will work to develop a series of informational seminars geared toward pilot site prosecutors, defense attorneys, law enforcement officers, court personnel, and other criminal justice stakeholders. The goal of these seminars is to assure that stakeholders understand the instrument and the rationale for its use. Urban/BJA will provide a program description, seminar locations, available trainers, and proposed seminar dates for the review and approval of the subcommittee by July 11, 2016.

3.4 External Communications

External stakeholders are groups and individuals outside Nevada Criminal Justice System or individuals who are not directly working within the system but are affected in some way from the decisions of the system. External stakeholders include members of the general public, community leaders, the news media, local service providers, and others impacted by changes to the system.

The subcommittee will work with pilot site POC’s and the Administrative Office of Courts to develop a comprehensive list of external stakeholders on the pilot site, state, and national levels and develop a list of proposed outreach methods and cost requirements by July 25, 2016 for submission to the committee for review and approval. Following approval, the Communications POC will create a timetable for outreach method deployment and work with the subcommittee to assign individual outreach leads to develop and implement each outreach method by August 1, 2016.

Communications Timeline and Milestones

<i>Milestone</i>	<i>Lead</i>	<i>Deadline</i>	<i>Product</i>
Communications goals and objectives	Subcommittee	July 21, 2016	Goals and Objectives
Key Messages	Subcommittee	July 21, 2016	List of Key Messages
Internal Communications Strategy	Subcommittee	July 25, 2016	Report to Committee
Internal Communications Deployment	Communications POC	August 1, 2016	Timeline and Deployment
Judicial Education & Programming	Urban/OJP/Justice Hardesty	August 18-19, 2016	Training
CJ Education & Programming	Urban/OJP	August 18-19, 2016	Programming
External Communications Strategy	Subcommittee	July 25, 2016	Report to Committee
External Communications Deployment	Communications POC	August 1, 2016	Timeline and Deployment

4. Training

Timeframe: 1.5 months

Training will be developed for specific professional groups, including, pretrial services agency staff, criminal justice stakeholders, and judges. Training will be separated based on professional group and pilot site.

The Las Vegas Justice and Municipal Courts, Washoe County Court, and Ely Justice court will receive stakeholder education, judicial education, and risk assessment training from the Urban Institute/Bureau of Justice Assistance (“BJA”) Risk Assessment Clearinghouse and Office of Justice Programs (“OJP”).

Following the Las Vegas training sessions, NIC will conduct further training at the Washoe County and Ely Justice Court sites.

4.1 Las Vegas Municipal & Justice Courts

OJP will utilize Dr. Austin as a trainer and will identify adequate training sites and times by July 11, 2016.

Dr. Austin and OJP will provide one to two in-depth, 2-hour long training sessions for LVMC & LVJC pretrial services professionals on how to properly administer and score the NPR. OJP will also provide a similar training for LVMC & LVJC for judges and other court officials. These training sessions will occur in mid to late August.

The Risk Assessment Clearinghouse will provide an overview training on how pretrial assessments are developed and generally work, with a focus on the particulars of the NPR development and validation. The training will also cover the evidence regarding why risk-informed pretrial practice produces better public safety outcomes. This training will be similar to that provided to LVMC. It should be noted that this training will not be focused on how to administer and score the NPR, but rather on what a "consumer" of the scores should know about pretrial risk assessment. The Risk Assessment Clearinghouse will utilize Jesse Jannetta and/or Mike Jones as trainers and will identify adequate training sites and times by July 11, 2016.

The training participants will include judges, prosecutors, defense attorneys, and other key stakeholders in the pretrial assessment process, as identified by the subcommittee. Participants will be primarily from Clark County, but will include select attendees from White Pine and Washoe counties to facilitate replication of the training there.

The objectives of the training are:

1. Ensure participants understand how actuarial pretrial risk assessment instruments work and how to assess their predictive validity, as well as to understand the specifics of the NPR relative to these concepts.

2. Familiarize participants with the extant research evidence regarding using actuarial assessment to inform pretrial decision-making, and what is known about the relationship between doing so and relevant public safety outcomes.
3. Enhance support for the use of pretrial assessment in Nevada, in part by providing sufficient time and space for participants to raise concerns and ask questions regarding the validity and use of actuarial assessment in the pretrial context.
4. Transfer knowledge to local subject matter experts in Nevada who will play a role in ongoing training and communication regarding pretrial assessment as implementation proceeds.

The training session is anticipated to last two hours, inclusive of both lecture and discussion. The training will be video recorded, and all training materials will be shared with the local partners in Nevada for their use going forward.

4.2 LV Courts, Washoe County, & Ely Justice Court

Ad Hoc NIC Training and Technical Assistance TBD.

Training Timeline and Milestones

<i>Milestone</i>	<i>Lead</i>	<i>Deadline</i>	<i>Product</i>
Identify Pilot Site Training Leads	Pilot Site POC's	June 23, 2016	Report to Subcommittee
LV Stakeholder Training Plan	Urban	July 11, 2016	Report to Subcommittee
LV Pretrial Services & Judicial Training Plan	OJP	July 11, 2016	Report to Subcommittee
LV Judicial Education Session	Urban/OJP/Justice Hardesty	August 18-19, 2016	Report to Subcommittee
LV Pretrial Services Training Session	OJP	August 18-19, 2016	Report to Subcommittee
LV Stakeholder Training Session	Urban/OJP/Justice Hardesty	August 18-19, 2016	Report to Subcommittee
Ad Hoc Training & TA	NIC	TBD	N/A

5. Performance Measurement and Quality Control

Suggested Timeframe: 12 months

Pilot sites will utilize the performance measures adopted by the Committee during its January 8th, 2016 meeting. These measures will gauge expected outcomes and performance following NPR deployment. Identified measures are definable through currently collected or anticipated new data and consistent with the Committee’s mission and established national and state pretrial release standards. The performance measures adopted are those endorsed by both NAPSA and the National Institute of Corrections.¹

By July 22nd, 2016, OJP/Dr. Austin will submit to the Committee an outline for a *Quality Assurance Plan* (“QAP”) containing procedures to guarantee and improve operations and product value in risk assessment mission critical areas.

¹ National Institute of Corrections (2011). *Measuring What Matters: Performance Measures for the Pretrial Release Field*. www.nicic.gov/library/025172.

The QAP Outline also will identify the chain of command for executing quality requirements, responsible staff, and applicable command media (for example, written instruction or quality measures built into the automated risk assessment) to meet quality assurance requirements.

5.1 Performance Measures

On January 8th, 2016, the Committee adopted the four performance measures for use in the pilot site program.

1. Universal screening: the percentage of defendants eligible for release by statute or local court rule that a program assesses for release.
2. Recommendation rate: reflects how frequently the pretrial program follows its risk assessment criteria when recommending release or detention
3. Response to defendant conduct: measures how often case managers respond appropriately to compliance and noncompliance with court-ordered release conditions.
4. Pretrial intervention rate: measures the pretrial program's effectiveness at resolving outstanding bench warrants, arrest warrants, and capiases.

These four measures will be utilized to evaluate program function at each pilot site.

5.2 Data Collection Mechanisms

Pilot Site POC's will work with OJP to develop uniform data collection mechanisms for all four pilot sites. Suggested mechanisms will be submitted to the subcommittee by July 22nd, 2016 for review and approval. Where possible, these data collection mechanisms will be coordinated with and integrated into existing criminal justice information data systems. If this is not feasible, standalone spreadsheet data files will be created and provided to the sites.

5.3 Fidelity and Inter Rater Reliability

During the training sessions, guidelines on how to conduct an inter-reliability study will be provided. It is expected that each site will conduct such a test by September 12, 2016 or shortly after NPR deployment. The test consists of having 25-50 cases that have been scored by a trained NPR staff person rescored by another staff persons. Comparisons can be made on the level of consistency in the scoring process. There should be a minimum of 80% agreement on each scoring item and a minimum of 90% agreement on the risk level score.

5.4 Re-Validation Planning

OJP will work with the subcommittee to develop a re-validation plan. Such a plan will consist of developing a re-validation sample for each site similar to the ones used to create the original NPR validation test. Assuming the NPR is fully implemented no later than September 1, 2016, it should be possible to establish re-validation samples by December 31, 2016. Follow-up data (re-arrest and FTA) can then begin to be collected in the summer of 2017 followed by statistical analysis of the data.

5.6 Feedback and Improvement

Starting September 1st, 2016 and continuing over the next 12 months, quarterly data and analysis will be provided to each site and the subcommittee on the how defendants are being assessed on the NPR instrument. The distribution of risk levels by each site should be comparable to the risk levels reported in the initial validation report. There should also be some level of monitoring of each sites pretrial jail population to determine if there are any changes in the baseline numbers. Finally, quarterly conference calls will be needed with the sites to review any issues or questions that need to be addressed as the NPR is implemented. If there is a consensus that changes are needed in the administration and/or interpretation of the NPR scores, these can be made by the subcommittee at that time.

Performance Measurement Timeline and Milestones:

<i>Milestone</i>	<i>Lead</i>	<i>Deadline</i>	<i>Product</i>
Performance Measures Adopted	Committee	January 8, 2016	Performance Measures
Data Collection Mechanisms	Pilot Site/OJP	July 22, 2016	Mechanisms to Subcommittee
QAP Outline	Pilot Site/OJP	July 22, 2016	Outline to Committee
Fidelity & Inter Rater Reliability	OJP/Dr. Austin	September 12, 2016	Report to Subcommittee
Re-Validation Planning	OJP/ Dr. Austin	December 31, 2016	Report to Subcommittee

6. Next Steps and Timeline

6.1 Next Steps

NIC project staff will circulate a draft plan to specific stakeholders on June 20, 2016 to for feedback and will revise the implementation plan accordingly. NIC project staff will submit a revised plan to the NPR Implementation Subcommittee on June 28, 2016 for group revision and review. A second draft will be submitted to the Subcommittee on July 6th for group revision and review. The subcommittee will submit the plan to the EPDM committee for approval by July 13, 2016. Implementation planning will begin the following week.

Implementation Plan Timeline and Milestones

<i>Milestone</i>	<i>Lead</i>	<i>Deadline</i>	<i>Product</i>
Rough Draft	NIC	June 20, 2016	Rough Draft of Plan
1 st Revision	NIC/Pilot POC	June 23, 2016	Draft to Subcommittee
Subcommittee Revisions	NIC	June 28, 2016	Draft to Subcommittee
Final Draft	NIC/Subcommittee	July 13, 2016	Report to EPDM Committee
Implementation Start	See plan	July 14, 2016	N/A
Operations Segment Start	Site POC/Subcommittee	July 14, 2016	N/A
LVMC Training	Urban/OJP/ Justice Hardesty	August 18-19, 2016	Report to Subcommittee
Ad Hoc NIC Training Segment Start	NIC	TBD	N/A
Communications Segment Start	Communications Lead	July 14, 2016	Report to Committee
Implementation Status Update	Site POC's	August 10, 2016	Report to Subcommittee
Performance Measurement Start	Dr. Austin	September 1, 2016	N/A
NPR Deployment	Committee/Site POC's	September 1, 2016	N/A
Follow Up	NIC	TBD	Report to Committee

APPENDIX A: Approval

The undersigned acknowledge that they have reviewed the **NPR Implementation Plan** and agree with the information presented within this document. Changes to this will be coordinated with, and approved by, the undersigned, or their designated representatives.

Signature: _____ Date: _____
Print Name: _____
Title: _____
Role: _____

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