Missoula County
Public Safety Assessment
Validation Analysis

May 2023

Prepared by:

Tatianna Pugmire

University of Montana-Department of Sociology

Graduate Student Intern

Prepared For:

Missoula County Community Justice Department

Table of Contents

Introduction

The Public Safety Assessment (PSA) is a pretrial risk assessment tool developed in 2013 by the Laura and John Arnold Foundation (LJAF) to assess the likelihood a defendant will commit a new criminal offense or fail to appear for a required court hearing during the pretrial period. The aim of the PSA is threefold:

- Reduce the disparate impact that people of color experience during the pretrial stage of the criminal justice process (Pretrial Justice Institute 2017)
- Shift from a money-bail release process to a 'risk-based' decision-making framework (Safety & Justice Challenge 2019)
- Provide objective, supplementary information for judiciaries when deciding to detain defendants who pose a risk to public safety, and release those who do not (LJAF 2013).

To assess the likelihood that a defendant will commit a new crime or fail to appear to a future court hearing, the PSA collects and assesses a defendant's risk level based on age, data drawn from their criminal history, and whether any of the offenses the defendant is charged with are violent in nature. Risk scores are calculated for each defendant in three domains: failure to appear (FTA), New Criminal Activity (NCA), and New Violent Criminal Activity (NVCA). Within each of these domains, an individual receives points based on objective risk factors, including:

- Current violent offense
- Pending charge at time of offense
- Prior misdemeanor conviction
- Prior felony conviction
- Prior violent conviction
- Prior failure to appear in past two years
- Prior failure to appear older than two years
- Prior sentence to incarceration
- Age at current arrest

Each of these risk factor scores are evaluated to produce an FTA and NCA scaled score ranging from 1-6, and a yes/no indicator for the NVCA scaled score.

PSA Implementation in Missoula County

Several jurisdictions that have implemented the PSA have since re-validated the tool with local data, including the state of Kentucky (DeMichele et al., 2018), McLean and Kane Counties, Illinois (Greiner et al., 2020a & 2021); and Harris County, Texas (Greiner et al., 2020b). Best practices for the implementation of the PSA recommends that a validation analysis using local data should be conducted at least every 1-3 years, with any improvements being made as necessary to account for changes in local policies and populations (Advancing Pretrial Policy and Research, 2021).

According to Greiner et al., PSAs are accompanied with a decision-making framework (DMF), "…which incorporates the objective information from the PSA with community-specific determinations regarding local policy and values, state statutes, and jurisdictional resources to produce a release recommendation as well as (in locations that choose to use it this way) a supervision level to be imposed if the individual is released" (2020b, p. 4). Missoula County adopted and began implementing the PSA in 2018 as one of five counties participating in the State of Montana Office of the Court Administrator's PSA Implementation Pilot Project. Appendices A & B provide a copy of the current DMF matrix for Missoula County, and the release activities and conditions for each pretrial monitoring level.

Objective

The primary goal of this analysis is to conduct a simple validation of the PSA in Missoula County. Specifically, we examine whether the PSA is reliably predicting: 1) the likelihood a defendant will fail to appear for a future court date (FTA), and 2) be arrested for a new criminal offense (NCA) during the pretrial period. In addition to assessing failure rates by score and recommendation categories, we calculate Area Under the Curve (AUC) of the Receiver Operating Characteristic (ROC) scores for each outcome to evaluate the PSA's reliability in distinguishing higher risk from lower risk defendants.

Sample

Data for this study were compiled from four primary sources:

- State of Montana Fourth Judicial District Court (Missoula County)
- Missoula County Justice Court
- Missoula County Detention Facility
- Missoula County Public Safety Assessment Pilot Project

The final sample for this study consisted of 1,315 cases disposed in Missoula County Justice Court (N = 397) or the Fourth Judicial District Court (Missoula County) (N = 918) between 2019 and 2022. Cases still pending disposition were excluded from this analysis.

Additionally, being that the aim of this analysis is to examine the rate at which individuals failed to appear or were arrested for a new criminal offense while on pretrial release, cases in which the defendant did not have any exposure were excluded from the sample. Exposure is described as the period of time a defendant spends in the community during the pretrial period (Ferguson et al., 2021). While data were not available to determine the exact length of time a defendant spent in the community prior to disposition, exposure was proxied for by determining the length of time between a defendant's first release and case disposition. Table 1 shows a summary of exposure time for this sample. The average number of days between a defendant's first release to disposition was 304 days (median 242 days). Table 2 depicts a categorical breakdown of the number of days between a defendant's first release and disposition. Most defendants (37%) fell within the 180-364 days of exposure category.

Table 1. Summary of Days between Date of Release and Disposition Date

Total	Average # of Days	Median # of Days	Minimum # of Days	Maximum # of Days	25th Percentile	75th Percentile
1315	304.4	242	1	1470	145.5	401.5

Table 2. Number of Days Released by Category

Category (Days Released)	Total	Percent
0-29	39	3.0%
30-89	114	8.7%
90-179	291	22.1%
180-364	486	37.0%
365+	385	29.3%

Lastly, a small number of cases missing assessment information or proving to be duplicate records were removed.

Sample Description

Basic demographic data were compiled from Missoula County Detention Facility booking data and data recorded in the PSA database. The majority (50.9%) of defendants are between the ages of 26-40 (Table

3). The sample was overwhelmingly represented by male defendants (75.7%), while females represent 24.0% of cases (Table 4).

Table 3. Age by Category

Age Category	Total	Percent
18-25	223	17.0%
26-40	669	50.9%
41-64	397	30.2%
65+	26	2.0%

Table 4. Gender

Gender	Total	Percent
F	316	24.0%
M	995	75.7%
Unknown	4	0.3%

Just over three-quarters of defendants in the sample were White (75.4%), followed by American Indian/Alaskan Native, and Black/African American defendants who made up 12.9% and 3.2% of the sample, respectively. The percentage of Hispanic/Latino defendants was 2.7%, and only a very small number of defendants identified as Asian/Pacific Islander. No race/ethnicity information was reported or able to be collected for 5.2% of defendants in the sample (see Table 5).

Table 5. Race/Ethnicity

Race/Ethnicity	Total	Percent
American Indian/Alaskan Native	169	12.9%
Asian/Pacific Islander	8	0.6%
Black/African American	42	3.2%
Hispanic/Latino	36	2.7%
Unknown	68	5.2%
White	992	75.4%

PSA Outcome Measures

Table 6 shows the collapsed PSA release recommendation categories for all defendants included in the sample. The most frequently recommended supervision category was Level 2, Active which accounted for 572 cases (43.5%); 441 cases (33.5%) were recommended to be supervised according to Level 1, Passive conditions, and 302 (23.0%) were recommended to be supervised at Level 3, Active conditions.

Table 6. Recommended Release Decision

Recommended Release Decision	Total	Percent
Pretrial Monitoring Level 1, Passive	441	33.5%
Pretrial Monitoring Level 2, Active	572	43.5%
Pretrial Monitoring Level 3, Active	302	23.0%

Table 7 depicts a specific breakdown of each recommendation level based on a defendant's FTA & NCA scaled score combination. The most assigned scores for defendants who received a Level 1 recommendation were those in the (D) category with 158 defendants or 12.0% of the overall sample. The least common score for defendants at the Level 1 recommendation were those in the (C) category, with only 5 or 0.4% of the sample in that category. For defendants who fell within the Level 2 recommendation level, the most common scaled score combinations were those in the (J) and (O) categories which both had 74 individuals or 5.6% of the sample in each. The least common score in the Level 2 recommendation was those in the (R) and (G) categories with only one individual in each. Of defendants in the Level 3 category, 6.5% of the sample (85 individuals) received the highest possible score of NCA 6 and FTA 6. The least occurring score for this category was those in the (L) category with only 6 individuals, or 0.5% of the sample in that category. Given the overlapping risk factors considered in calculating the FTA and NCA scaled scores, the results, as expected, show that the share of defendants falling in a certain score combination decreases as distance from the diagonal increases.

Table 7. PSA Recommendation Categories

Failure to Appear	New Criminal Activity					
	NCA 1 Count | Percent	NCA 2 Count | Percent	NCA 3 Count | Percent	NCA 4 Count | Percent	NCA 5 Count | Percent	NCA 6 Count | Percent
FTA 1	(A) 139 - 10.6%	(B) 49 - 3.7%				
FTA 2	(C) 5 - 0.4%	(D) 158 - 12.0%	(E) 86 - 6.5%	(F) 85 - 6.5%	(G) 1 - 0.1%	
FTA 3		(H) 82 - 6.2%	(I) 74 - 5.6%	(J) 74 - 5.6%	(K) 28 - 2.1%	(L) 6 - 0.5%
FTA 4		(M) 9 - 0.7%	(N) 46 - 3.5%	(O) 74 - 5.6%	(P) 50 - 3.8%	(Q) 28 - 2.1%
FTA 5		(R) 1 - 0.1%	(S) 14 - 1.1%	(T) 52 - 4.0%	(U) 58 - 4.4%	(V) 59 - 4.5%
FTA 6				(W) 24 - 1.8%	(X) 28 - 2.1%	(Y) 85 - 6.5%

PSA Scaled Scores

Table 8 displays the frequency of cases by FTA scaled scores. The largest share of cases received an FTA 2 score (25.5%). Defendants in the sample skewed toward the lower end of the risk spectrum for FTAs, with nearly 60% of the sample scoring an FTA 3 or lower. The least frequently assigned score was FTA 6 with only 10.4% of defendants scoring at the highest risk level.

Table 8. Summary of Failure to Appear (FTA) Scaled Scores

Failure to Appear	Total	Percent
FTA 1	188	14.3%
FTA 2	335	25.5%
FTA 3	264	20.1%
FTA 4	207	15.7%
FTA 5	184	14.0%
FTA 6	137	10.4%

Table 9 displays the frequency of cases by NCA scaled scores. The largest share of cases received an NCA 4 score (23.5%) while only 11.0% of defendants in the sample fell in the lowest NCA risk category. Unlike the FTA score, defendants in the sample did not skew towards either end of the risk spectrum, with 50% scoring an NCA 3 or lower and 50% scoring higher.

Table 9. Summary of New Criminal Activity (NCA) Scaled Scores

New Criminal Activity	Total	Percent
NCA 1	144	11.0%
NCA 2	299	22.7%
NCA 3	220	16.7%
NCA 4	309	23.5%
NCA 5	165	12.5%
NCA 6	178	13.5%

Of the 1,315 cases included in the sample, 72.6% did not have a new violent criminal activity (NVCA) flag, while the remaining 27.4% did (see Table 10).

Table 10. Indication of New Violent Criminal Activity (NVCA)

New Violent Criminal Activity	Total	Percent
No	955	72.6%
Yes	360	27.4%

Table 11. FTA Rate by Recommendation Level

Recommended Release Decision	Total	FTA	Percent
Pretrial Monitoring Level 1, Passive	441	74	16.8%
Pretrial Monitoring Level 2, Active	572	97	17.0%
Pretrial Monitoring Level 3, Active	302	122	40.4%

Table 11 represents the overall FTA rate by PSA recommendation category. The PSA defines an FTA as a missed court appearance resulting in the issuance of a bench warrant against the defendant during their period of pretrial release. Of the 302 defendants who were recommended for the Level 3 category, 122 (40.4%) of those defendants failed to appear. Of the 572 defendants who were recommended for the Level 2 category, 97 (17.0%) failed to appear; and of the 441 defendants who were recommended for the Level 1 category, 74 (16.8%) failed to appear. Further, the FTA rate of Levels 1 and 2 are nearly the same, while the FTA rate for Level 3 is significantly greater (more than twice the rate than that of Levels 1 and 2), suggesting that the composite release recommendations may not be sufficient alone to assess risk of FTA for defendants scoring on the lower end of the risk spectrum.

Table 12. FTA Rates by PSA Recommendation Category

Failure to Appear	New Criminal Activity					
	NCA 1	NCA 2	NCA 3	NCA 4	NCA 5	NCA 6
	Count | FTA Rate	Count | FTA Rate	Count | FTA Rate	Count | FTA Rate	Count | FTA Rate	Count | FTA Rate
FTA 1	(A) 9 - 6.5%	(B) 4 - 8.2%				
FTA 2	(C) 1 - 20.0%	(D) 11 - 7.0%	(E) 13 - 15.1%	(F) 18 - 21.2%	(G) 0 - 0.0%	
FTA 3		(H) 12 - 14.6%	(I) 21 - 28.4%	(J) 12 - 16.2%	(K) 5 - 17.9%	(L) 2 - 33.3%
FTA 4		(M) 0 - 0.0%	(N) 12 - 26.1%	(O) 17 - 23.0%	(P) 14 - 28.0%	(Q) 9 - 32.1%
FTA 5		(R) 1 - 100.0%	(S) 4 - 28.6%	(T) 20 - 38.5%	(U) 27 - 46.6%	(V) 23 - 39.0%
FTA 6				(W) 13 - 54.2%	(X) 12 - 42.9%	(Y) 33 - 38.8%

Table 12 depicts a specific breakdown of each recommendation category based on the FTA rate of the overall sample. This model proposes that the higher the recommendation level, the more likely the defendant is to fail to appear. For example, of the 85 individuals who fell within category (Y) (refer to table 5) 33 (or 38.8%) of those defendants failed to appear compared to category (A) where just 9 (6.5%) of 139 individuals failed to appear.

The FTA rate by FTA scaled scores is shown in Table 13 below. Overall, as the FTA scores increased, so did the FTA rate; this is true at every level of FTA score. Defendants who scored a 1 on the FTA scale failed to appear 6.9% of the time. The FTA rate then increased to 12.8% for those who scored a 2, 19.7% for those who scored a 3, 25.1% for those who scored a 4, and 40.8% for those who scored a 5. Finally, the FTA rate increased to 42.3% for those who scored a 6 on the FTA scaled score.

Table 13. FTA Rate by FTA Scaled Score

Failure to Appear	Total	FTA	Percent
FTA 1	188	13	6.9%
FTA 2	335	43	12.8%
FTA 3	264	52	19.7%
FTA 4	207	52	25.1%
FTA 5	184	75	40.8%
FTA 6	137	58	42.3%

New Criminal Activity

Table 14. NCA Rate by Recommendation Level

Recommended Release Decision	Total	NCA	Percent
Pretrial Monitoring Level 1, Passive	441	101	22.9%
Pretrial Monitoring Level 2, Active	572	150	26.2%
Pretrial Monitoring Level 3, Active	302	156	51.7%

Table 14 represents the overall NCA rate by PSA recommendation category. The PSA defines NCA as a defendant's arrest for an alleged new criminal offense during their period of pretrial release and is intended to include both custodial arrests and arrest by citations or summons. Of the 302 defendants who were recommended for the "Level 3, Active" category, 156 (51.7%) of those defendants were arrested for new criminal activity during their period of pretrial release. Of the 572 defendants who were recommended for the "Level 2, Active" category, 150 (26.2%) were re-arrested; and of the 441 defendants who were recommended for the "Level 1, Passive" category, 101 (22.9%) were re-arrested. Similar to results for rates of FTA, NCA rates for Levels 1 and 2 are quite similar, while the NCA rate for Level 3 is over twice that of Levels 1 and 2. These results suggest again that the composite release recommendation alone may not be sufficient to assess a defendant's risk of NCA for defendant's who score on the lower end of the risk spectrum.

Table 15. NCA Rates by PSA Recommendation Category

Failure to Appear	New Criminal Activity					
	NCA 1	NCA 2	NCA 3	NCA 4	NCA 5	NCA 6
	Count | NCA Rate	Count | NCA Rate	Count | NCA Rate	Count | NCA Rate	Count | NCA Rate	Count | NCA Rate
FTA 1	(A) 15 - 10.8%	(B) 11 - 22.4%				
FTA 2	(C) 0 - 0.0%	(D) 18 - 11.4%	(E) 15 - 17.4%	(F) 28 - 32.9%	(G) 1 - 100.0%	
FTA 3		(H) 19 - 23.2%	(I) 25 - 33.8%	(J) 22 - 29.7%	(K) 8 - 28.6%	(L) 1 - 16.7%
FTA 4		(M) 4 - 44.4%	(N) 14 - 30.4%	(O) 22 - 29.7%	(P) 22 - 44.0%	(Q) 12 - 42.9%
FTA 5		(R) 1 - 100.0%	(S) 7 - 50.0%	(T) 22 - 42.3%	(U) 31 - 53.4%	(V) 31 - 52.5%
FTA 6				(W) 15 - 62.5%	(X) 14 - 50.0%	(Y) 49 - 57.6%

Table 15 illustrates a specific breakdown of each recommendation category based on the NCA rate of the overall sample. This model suggests that, generally, the higher the recommendation level, the more likely the defendant is to be re-arrested during their period of pretrial release. For example, of the 85 individuals who fell within category (Y) (refer to table 5) 49 (or 57.6%) of those defendants were re-arrested compared to category (A), where 15 (10.8%) of the 139 individuals were re-arrested during pretrial release.

The NCA rate by NCA scaled scores is shown in Table 16 below. As NCA scores increased, so did the NCA rate. Defendants who scored a 1 on the NCA scale were re-arrested for new criminal activity 10.4% of the time. The NCA rate then increased to 17.7% for those who scored a 2, 27.7% for those who scored a 3, 35.3% for those who scored a 4, and 46.1% for those who scored a 5. The NCA rate increased to 52.2% for those who scored a 6 on the NCA scale.

Table 16. NCA Rate by NCA Scaled Score

New Criminal Activity	Total	NCA	Percent
NCA 1	144	15	10.4%
NCA 2	299	53	17.7%
NCA 3	220	61	27.7%
NCA 4	309	109	35.3%
NCA 5	165	76	46.1%
NCA 6	178	93	52.2%

Predictive Validity of the PSA: AUC Scores

Consistent with other PSA validation studies (DeMichele et al. 2018; Greiner et al. 2020a; Greiner et al. 2020b; Greiner et al. 2021; Ferguson et al. 2021) the predictive validity of the PSA scaled scores was assessed using 1) Area Under the Curve (AUC) of the Receiver Operator Characteristics (ROC) scores and 2) logistic regression.

AUC scores are commonly used to evaluate the accuracy of risk assessments tools, medical diagnoses, and image recognition (DeMichele et al. 2018; Ferguson et al. 2021). For this analysis, the AUC score measures the probability that a randomly selected defendant who had a failure during their pretrial release period would also have received a higher risk score than a defendant with no failures. In other words, a higher AUC score indicates a greater probability that the PSA will correctly assign a higher risk score to a defendant who is more likely to receive an FTA or NCA than to a defendant who is less likely. An AUC score of 0.60, for example, would indicate that the PSA would put these two defendants in the correct risk order 60% of the time.

According to Ferguson and colleagues (2021), in applications such as medical diagnosis, a test is considered acceptable if it's AUC score is between 0.7 and 0.8, and excellent if it is 0.8 or higher (p. 22). However, in a prior meta-analytic review of recidivism risk-assessment instruments, Desmarais and Singh discuss the dynamic factors of human behavior and how they can sometimes be changeable or have unpredictable characteristics. Therefore, Desmarais and Singh suggest lowering the standards in assessing risk pertaining to human behavior to AUC score categories where less than .55 is considered poor, .55 to .63 is fair, .64 to .71 is considered good and .71 to 1.00 is considered excellent (2013, p. 12).

The AUC score for FTA scaled scores was evaluated to 0.69. Using the score thresholds suggested by Desmarais and Singh (2013), this result suggests the PSA is a "good" assessment tool at assigning individuals who are more likely to fail to appear for court a higher FTA score. Similarly, the AUC score for defendants who received an NCA was 0.68. Again, this result suggests the PSA is a "good" assessment tool at assigning individuals who are more likely to be re-arrested to a higher NCA score. It is worth noting that both AUC scores approached the "excellent" threshold outlined by Desmarais and Singh (2013).

Predictive Validity of the PSA: Logistic Regression Analysis

In addition to AUC scores, the data was also fit with logistic regression as done in previous validation analyses (DeMichele et al. 2018; Greiner et al. 2020a; Greiner et al. 2020b; Greiner et al. 2021; Ferguson et al. 2021). Logistic regression is a method of analysis that estimates the likelihood of a binary event occurring (in this case, whether a defendant failed to appear or not, or whether they were re-arrested or

not). Logistic Regression produces an 'odds ratio' which estimates the increase in the likelihood of failure based on a set of predictors. In this analysis, the likelihood of FTA is estimated against a single predictor, the FTA scaled score, and the estimates provide the odds of failure to appear in a given score category relative to the odds of failure in the reference category (in this case, defendants scoring an FTA 1).

Table 17. Logistic Regression Coefficient Table for FTA

	Estimate	Significance Level
Intercept	0.07	***
FTA 2	1.98	*
FTA 3	3.30	***
FTA 4	4.52	***
FTA 5	9.26	***
FTA 6	9.88	***

Note: Asterisks denote statistical significance at the following levels: *= 10%, **=5%, ***=1%

For example, the results above (Table 17) suggest defendants scoring an FTA 6 are 9.88 times more likely to fail to appear than those who received an FTA 1 score (this result is statistically significant at the 1% level). Consistent with findings previously noted (see table 12), this model suggests that as a defendant's FTA risk score increases, so too do their odds of failing to appear. Notably, the odds ratio for FTA 2 was not statistically significant at the 5% level, suggesting there is no difference in likelihood of failure between defendants scoring an FTA 1 and defendants scoring an FTA 2. This result suggests that the PSA may be less reliable in distinguishing risk of FTA between defendants in adjacent score categories and warrants further analysis.

Table 18. Logistic Regression Coefficient Table for NCA

	Estimate	Significance Level
Intercept	0.12	***
NCA 2	1.85	*
NCA 3	3.30	***
NCA 4	4.69	***
NCA 5	7.34	***
NCA 6	9.41	***

Note: Asterisks denote statistical significance at the following levels: *= 10%, **=5%, ***=1%

Table 18 lists the odds ratio estimates for the NCA risk score model. Defendants scoring an NCA 6 are 9.41 times more likely to be re-arrested for a new criminal offense in the pretrial period than those who received an NCA 1 score (this result is statistically significant at the 1% level). Similar to findings in Table 17, this model suggests that as a defendant's NCA score increases, so too do their odds of re-arrest. Additionally, consistent with results presented in table 17, NCA 2 was the only category that did not reach the statistical significance threshold of 5%, suggesting again that the PSA may be less reliable in distinguish risk of NCA between defendants in adjacent score categories.

Overview

The Laura and John Arnold Foundation developed the PSA to improve judicial decision-making, speed and assist the arraignment process, decrease jail overcrowding, and decrease racial and ethnic disparities in the pretrial period. While the PSA's release recommendations are a compilation of objective criminogenic risk factors, risk assessments are, by nature, probabilistic models and do not provide certainty of pretrial failure for any given defendant. As a result, judicial discretion is an important component when considering PSA recommendations, determining bail, and setting conditions of release. Nevertheless, results from this analysis suggest that the PSA is reliably distinguishing between high and low-risk defendants in Missoula County on the two key measures of pretrial failure.

Limitations

Although results from this analysis suggest the PSA is generally performing well in Missoula County, it is important to consider the limitations of this analysis. While logistic regression is useful in determining the likelihood of pretrial failure when compared to a single base category (in our case FTA 1 or NCA 1), the results do not inform us about the change in risk between other score categories and whether these results are statistically significant (for example the change in likelihood between scores 2 and 3 compared to the change in likelihood between scores 3 and 4). In particular, further analysis should be explored to assess the PSA's reliability in assessing risk between defendants in adjacent score categories.

Additionally, caution should be exercised around omitted variable bias. In this study, we have a single independent predictor (PSA scaled scores), but there are many other factors that may influence whether an individual fails to appear to court or is re-arrested for a new criminal offense that is not accounted for in these models. Namely, there could be individual and case characteristics as well as situational factors (substance abuse, mental health concerns, housing difficulties) that may be highly correlated with risk scores and these outcomes and have meaningful impacts on these results. Future analyses should attempt to account for these factors to determine whether the PSA is performing reliably across different population groups.

Other limitations within this analysis are a result of challenges with data collection and quality. The current dataset left out a number of variables that could have given more insight into this analysis, particularly data with respect to the nature and severity of new crimes allegedly committed by defendants re-arrested during pretrial release. Additionally, data quality and integrity were at times in question, likely due to consistent staff turnover and vacancies for the Missoula County PSA Coordinator position, though improvements have been made in staff retention, training, and process documentation.

Recommendations

This analysis outlines essential first steps in validating the PSA's performance in Missoula County. Looking ahead, we provide the following recommendations to further evaluate the PSA's performance not only in Missoula County, but in the State of Montana:

1) Implement a validation analysis schedule to ensure a validation using local data is conducted at least once every three years in alignment with best practices. Ideally, future analyses would include data from all jurisdictions using the PSA in the State of Montana.

2) Improve quality and consistency of data collection to further evaluate the severity and nature of new criminal activity amongst pretrial defendants and assess the validity of the NVCA indicator flag.

3) Assess the PSA's performance in assigning risk across demographic and case characteristics to determine whether the tool performs less reliably for particular populations.

4) Periodically review the State of Montana Decision-Making Framework and consider revisions according to observed pretrial success rates. Since PSA frameworks vary across jurisdictions, it is crucial to examine if certain categories are repetitively demonstrating high failure rates and consider modifying the recommended release level and/or recommended release conditions for that category. Alternatively, recommended release levels may need to be collapsed if failure rates are observed to be consistently similar across score combinations.

REFERENCES

Advancing Pretrial Policy & Research. (2021). PSA Fidelity Manual: High-Fidelity Implementation of the Public Safety Assessment. Retrieved from: Implementing the PSA | Advancing Pretrial Policy & Research (APPR).

DeMichele, M., Baumgartner, P., Wenger, M., Barrick, K., Comfort, M., & Misra, S. (2018). The Public Safety Assessment: A Re-Validation and Assessment of Predictive Utility and Differential Prediction by Race and Gender in Kentucky. Retrieved from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3168452.

Desmarais, S.L., & Singh, J.P. (2013). Risk Assessment Instruments Validated and Implemented in Correctional Settings in the United States. Council of State Governments Justice Center. Retrieved from: https://njoselson.github.io/pdfs/Des.pdf.

Desmarais, S.L., & Lowder, E.M. (2019). Pretrial Risk Assessment Tools: A Primer for Judges, Prosecutors, and Defense Attorneys. Retrieved from: https://safetyandjusticechallenge.org/resources/pretrial-risk-assessment-tools-a-primer-for-judges-prosecutors-and-defense-attorneys/.

Ferguson, E., De La Cerda, H., Guerin, P., & Moore, C. (2021). Bernalillo County Public Safety Assessment Validation Study. University of New Mexico, Institute for Social Research, Center for Applied Research and Analysis. Retrieved from: https://isr.unm.edu/reports/index.html.

Greiner, D.J., Stubenberg, M., & Halen, R. (2020a). Validation of the PSA in Harris County, TX. Access to Justice Lab, Harvard Law School. Retrieved from: https://a2jlab.org/public-safety-assessment-validation-studies/.

Greiner, D.J., Stubenberg, M., & Halen, R. (2020b). Validation of the PSA in McLean County, IL. Access to Justice Lab, Harvard Law School. Retrieved from: https://a2jlab.org/public-safety-assessment-validation-studies/.

Greiner, D.J., Stubenberg, M., & Halen, R. (2021). Validation of the PSA in Kane County, IL. Access to Justice Lab, Harvard Law School. Retrieved from: https://a2jlab.org/public-safety-assessment-validation-studies/.

Laura and John Arnold Foundation. (2013). Developing a National Model for Pretrial Risk Assessment. Retrieved from: https://search.issuelab.org/resource/developing-a-national-model-for-pre-trial-risk-assessment.html.

Pretrial Justice Institute. (2017). Pretrial Risk Assessment Can Produce Race Neutral Results. Retrieved from: https://nicic.gov/weblink/pretrial-risk-assessment-can-produce-race-neutral-results-2017.

Appendix A: Montana Pretrial Release Conditions Matrix

PSA's Failure to Appear Scaled Score	PSA's New Criminal Activity Scaled Score					
	NCA 1	**NCA 2**	**NCA 3**	**NCA 4**	**NCA 5**	**NCA 6**
FTA 1	(A) Pretrial Monitoring Level 1, Passive	(B) Pretrial Monitoring Level 1, Passive				
FTA 2	(C) Pretrial Monitoring Level 1, Passive	(D) Pretrial Monitoring Level 1, Passive	(E) Pretrial Monitoring Level 1, Passive	(F) Pretrial Monitoring Level 2, Active	(G) Pretrial Monitoring Level 2, Active	
FTA 3		(H) Pretrial Monitoring Level 1, Passive	(I) Pretrial Monitoring Level 1, Passive	(J) Pretrial Monitoring Level 2, Active	(K) Pretrial Monitoring Level 2, Active	(L) Pretrial Monitoring Level 3, Active
FTA 4		(M) Pretrial Monitoring Level 1, Passive	(N) Pretrial Monitoring Level 1, Passive	(O) Pretrial Monitoring Level 2, Active	(P) Pretrial Monitoring Level 2, Active	(Q) Pretrial Monitoring Level 3, Active
FTA 5		(R) Pretrial Monitoring Level 2, Active	(S) Pretrial Monitoring Level 2, Active	(T) Pretrial Monitoring Level 2, Active	(U) Pretrial Monitoring Level 3, Active	(V) Pretrial Monitoring Level 3, Active
FTA 6				(W) Pretrial Monitoring Level 3, Active	(X) Pretrial Monitoring Level 3, Active	(Y) Pretrial Monitoring Level 3, Active

Appendix B: Montana Release Activities and Conditions by Pretrial Release Level

Release Activities & Conditions	Monitoring Level 1, Passive	Monitoring Level 2, Active	Monitoring Level 3, Active
Minimal Conditions	Yes	Yes	Yes
Court Reminders	Yes	Yes	Yes
Check-In Once per Month		Yes	
Check-In Twice per Month			Yes
Secured Financial Conditions			If Court Ordered (unless a minor offense)
Other Case-Specific Conditions		If Court Ordered	If Court Ordered

- Basic Required Conditions: The defendant shall appear in court for all hearings, abide by all laws, maintain contact with their attorney, and not leave the state without prior permission from the court.
- Court Reminders: The defendant shall read or listen to all court date reminders and reply if requested.
- Check-In: The defendant will check-in with a pretrial case manager at least once or twice per month.
- Check-ins may occur, at the discretion of the case manager, in-person or through telephone or videoconference.
- Other Case-Specific Conditions: May include No Contact Orders, Substance Testing, Electronic Monitoring, Criminal History Checks (upon court request), and any other case-by-case release condition.