

What is the Public Safety Assessment?

The Public Safety Assessment, or PSA, is a pretrial risk assessment that judges can use when deciding whether to release or detain a defendant before trial. The PSA uses neutral, reliable data to produce two risk scores: one predicting the likelihood of committing a new crime if released pending trial, and another predicting the likelihood of failing to return for a future court hearing. Scores fall on a scale of one to six, with higher scores indicating a greater level of risk. The PSA also flags cases that it calculates present an elevated risk of committing a violent crime. This objective information can help judges gauge the risk of pretrial failure. However, the PSA does not replace the judge or impede discretion or authority in any way. The decision about whether to release or detain a defendant always rests with the judge.

Why did the Laura and John Arnold Foundation develop the PSA?

The Laura and John Arnold Foundation (LJAF) is working to improve decision making in the criminal justice system in order to promote public safety, improve efficiency, and ensure that all defendants are treated fairly. In analyzing the system, we found that judges don't often have access to basic information, such as a defendant's criminal history, and decisions are frequently made in a subjective manner or with the use of fixed bail schedules. LJAF has come to believe that moving away from a system based solely on instinct or bail schedules to one in which judges have access to neutral, research-based risk assessments can help to improve judicial decision making, increase public safety, promote the fair treatment of all individuals, and ensure the responsible use of taxpayer funds.

How was the PSA developed?

The PSA was created using the largest, most diverse set of pretrial records ever assembled—750,000 cases from approximately 300 jurisdictions across the United States. The researchers analyzed the data to determine which factors are most predictive of new criminal activity, new violent criminal activity, and failure to appear. Ultimately, the team isolated nine factors that most effectively predicted new criminal activity, new violent criminal activity, and failure to appear.

What factors does the PSA take into account?

The Laura and John Arnold Foundation has publicly released all nine factors, the weighting of those factors, and the PSA algorithm. They include:

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

- Whether the person has previously been sentenced to incarceration.

For more information, please see the [PSA Risk Factors and Formula](#).

Does the PSA help judges assign bail?

No. The PSA has nothing to do with the process of “assigning bail.” The PSA assigns a risk assessment score for two key areas: the likelihood that a crime will be committed while on release, and the likelihood of failure to appear. These scores provide objective information that judges can consider when deciding whether to release or detain a defendant before trial. Jurisdictions using the PSA make their own determination about whether bail is made available to defendants.

How is the PSA different than other risk assessments?

When LJAF created the PSA, risk assessments existed, but the majority of them required an interview with the defendant. Therefore, they continued to have the problem of subjectivity. Interviewers asked questions like, “Do you have a landline phone? Are you married? What neighborhood do you live in?” These factors not only can introduce bias, research shows they are not very good at predicting risk. In addition, with a face-to-face interview, the personal biases of the individual conducting the assessment can easily and unintentionally enter into the process. Interviews are also costly and time consuming to administer because of the staffing needed to conduct them. The PSA does not require an interview with the defendant.

There are other unique components of the PSA. First, unlike some other pretrial risk assessments, the PSA is used only in the pretrial phase of the criminal justice process. It is not used in the sentencing phase. Second, LJAF provides the PSA for free to jurisdictions that implement it and funds technical assistance. Third, the [PSA factors and the algorithm](#) are publicly available, which LJAF recognizes is an important step in the transparency and understanding of pretrial risk assessments that often is lacking with other pretrial risk assessments. Finally, the PSA is being rigorously evaluated by independent research organizations to ensure that it works as expected without predictive bias.

Is it expensive to implement the PSA?

The PSA is being provided for free to the jurisdictions that are implementing it. It’s easy to use, and unlike other risk assessments, it does not involve a defendant interview, which can be costly and time consuming to conduct.

Where is the PSA being used?

The PSA is currently being used statewide in Kentucky, Arizona, and New Jersey. It is also being used in a number of major cities and surrounding areas, including Cook County (Chicago), Illinois; Harris County (Houston), Texas; Maricopa County (Phoenix), Arizona; San Francisco County, California; Mecklenburg County (Charlotte), North Carolina; Allegheny County (Pittsburgh), Pennsylvania; Lucas County (Toledo), Ohio; Milwaukee County, Wisconsin; and Santa Cruz County, California.

Is the PSA a robot that is intended to replace a judge?

No. It will always be up to the judge to decide whether to release or detain a defendant. The PSA is an objective resource that judges may use to help gauge the risk that a defendant poses. The PSA does not replace the judge or impede discretion or authority.