

THE COLORADO PRETRIAL ASSESSMENT TOOL (CPAT)

**Administration, Scoring, and Reporting Manual
Version 2**



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Chapter 1: Introduction

The Colorado Pretrial Assessment Tool (CPAT) is an empirically derived multi-jurisdiction pretrial risk assessment instrument for use in Colorado. It is designed to improve the various pretrial assessment processes that exist in local Colorado jurisdictions.

This manual was created through a partnership between various Colorado pretrial services agencies that are members of the Colorado Association of Pretrial Services (CAPS: www.capscolorado.org),¹ the Pretrial Justice Institute (PJI: www.pretrial.org),² and justice system stakeholders in several Colorado counties. The first version of the manual was published in early 2013, and then was revised in late 2013, both with funding provided by the Bureau of Justice Assistance. Since then, many pretrial services programs have combined to administer the CPAT to tens of thousands of defendants. In administering the CPAT to these defendants, pretrial staff developed several recommendations for improving this manual. These recommendations have been incorporated into the second version.

The CPAT is consistent with Colorado's new bail law, which requires that pretrial services programs "make all reasonable efforts to implement an empirically developed pretrial

risk assessment tool and a structured decision-making design based on the person's charge and the risk assessment score."³ Because the new statute appropriately no longer requires judicial officers to consider certain specific, undefined and unweighted factors when determining a defendant's pretrial risk, the CPAT is designed to provide this information. The CPAT has the 12 factors that, when used together, are the most accurate predictors of pretrial misconduct for Colorado defendants. The standardized use of the CPAT statewide helps ensure objective and consistent assessment of pretrial risk for Colorado defendants, and provides necessary information for the courts' use of risk management strategies shown to be promising or effective in empirical research (e.g., court date reminders, pretrial supervision).

This manual contains information and procedures tested and refined by various Colorado pretrial services agencies, and it describes the CPAT's intended administration and application.

1. The Colorado Association of Pretrial Services (CAPS) is a non-profit organization that focuses to support the establishment of responsible agencies to provide Pretrial and Diversion Services in the state of Colorado and to take a leadership role in legislative issues.
2. The Pretrial Justice Institute (PJI) is a Washington, DC-area--based nonprofit organization dedicated to advancing safe, fair, and effective juvenile and adult pretrial justice practices and policies that honor and protect all people.
3. 16 C.R.S. § 4-106 (4) (c) (2013).

Chapter 2: Scoring the 12 CPAT Items

Chapter 2 describes the 12 items that must be scored for the CPAT to be used to assess a defendant's risk.

The CPAT should be available to the court every time the court has to determine the “type of bond and conditions of release”, pursuant to Colorado law that requires the court to consider the empirical risk level of a defendant if it is available. This should occur whether a defendant has new criminal charges, a FTA/FTC warrant, or a probation violation for new criminal activity. Sometimes, a recently scored CPAT can be updated and submitted to the court.

Information obtained from criminal justice records databases and the face-to-face interview with the defendant is used to score the CPAT for each defendant. If only one of these two sources of information is available for scoring the CPAT items, then caution should be used in interpreting the CPAT's results. The CPAT may still be used in certain circumstances if answers are not known for only a few of the items.

The table below shows the number of points awarded to the possible responses for each of the twelve CPAT items. The defendant's CPAT score is the sum of the points on the twelve items. The minimum score is 0 points (lower risk) and the maximum score is 82 points (higher risk).

Items 1 through 8 are based on information typically obtained from the face-to-face interview. Items 9 through 12 are based on information typically obtained from online criminal justice databases.

Colorado Pretrial Assessment Tool

CPAT Item	Scoring	Points
1. Having a Home or Cell Phone	Yes	0
	No, or Unknown	5
2. Owning or Renting One's Residence	Own	0
	Rent, or Unknown	4
3. Contributing to Residential Payments	Yes	0
	No, or Unknown	9
4. Past or Current Problems with Alcohol	No	0
	Yes, or Unknown	4
5. Past or Current Mental Health Treatment	No	0
	Yes, or Unknown	4
6. Age at First Arrest	This is first arrest	0
	35 years or older, or Unknown	0
	25-34 years	10
	20-24 years	12
	19 years or younger	15
7. Past Jail Sentence	No, or Unknown	0
	Yes	4
8. Past Prison Sentence	No, or Unknown	0
	Yes	10
9. Having Active Warrants	No	0
	Yes, or Unknown	5
10. Having Other Pending Cases	No	0
	Yes, or Unknown	13
11. Currently on Supervision	No	0
	Yes, or Unknown	5
12. History of Revoked Bond or Supervision	No	0
	Yes, or Unknown	4

CPAT Scoring Time Reference

The CPAT should be scored for a defendant according to his/her status at the time of arrest because this coincides with how the CPAT data was collected. If a CPAT is being scored for an arrest pursuant to a warrant, then the CPAT should be scored using information relevant at the time of arrest and not at the time when the warrant was issued. However, if in rare circumstances the scoring based on current conditions differs substantially from the scoring at the time of arrest because a lot of current conditions have changed for the defendant (usually because a long time period has elapsed), then the scoring should be based on the defendant's current conditions so that the court has the most updated and accurate assessment of the defendant's risk.

Scoring CPAT Items 1 through 8 Using an Interview

Information needed to score CPAT items 1 through 8 is most often obtained from a face-to-face interview with the defendant. Some pretrial services staff choose to look-up information in the online databases prior to the interview. Staff members do this not only to score CPAT items 9 through 12, but also so they can record information relevant for gauging the accuracy of the defendant's responses to the other CPAT items.

Agency staff should attempt to collect the most accurate and comprehensive information from the defendant as possible. Interviewers can achieve this by following the local pretrial services agency's policies and procedures on conducting the pretrial assessment and interview, including:

- Using professional interviewing techniques and rapport building;

- Notifying the defendant of the purpose of the pretrial risk assessment, including the interview, and how and with whom the information will be shared;
- Explaining the voluntary nature of the interview and the defendant's right to first speak with an attorney;
- Discussing confidentiality and mandatory reporting;
- Avoiding discussion of the nature of the alleged offense and any evidence; and
- Using a language interpreter or other communication aid when needed.

Occasionally, a defendant will have difficulty answering a question. After the interviewer has used a reasonable amount of time or methods to provide information to assist the defendant in answering the question as accurately as possible, the interviewer can state, "I've provided you all the information I can for this question. Please just answer the question the best you can."

Discrepancies in sources of information would most likely arise for CPAT items 6 (Age at First Arrest), 7 (Past Jail Sentence), and 8 (Past Prison Sentence), because information for these items can often be found in the databases. Nonetheless, it is important that the pretrial services staff not answer these questions solely based on information from the databases. It is still necessary to ask the defendant these questions.

For handling any discrepancies between the defendant's self-report and information obtained from the databases for CPAT items 1 through 8, if in the interviewer's professional judgment the defendant's response to any of these CPAT items contradicts information obtained from another source (e.g., database), staff should use the information that seems most credible to score the item, and should

consider noting the discrepancy in a “Notes” section of the pretrial assessment report submitted to the court. The pretrial services agency may also adapt its recommendations for bond conditions to account for the discrepancy.

Pretrial services agencies may incorporate the 8 CPAT interview items into a longer, conversational-type interview that includes other questions that pertain to the defendant’s demographic information, residence, employment, education, alcohol and drug use, mental and physical health, criminal and juvenile justice history, the defendant’s contacts and references, and any other topics relevant to the agency’s pretrial assessment and strategies for managing the defendant’s risk.

Ask the defendant the following 8 questions verbatim, and record the defendant’s answers:

CPAT Item 1

Q: Do you have a working home or cell phone?

- ▶ Score as “No” or “Yes”.

CPAT Item 2

Q: Do you own or rent where you lived at the time of your arrest?

- ▶ Score as “Own” or “Rent”.

Scoring Tips

- Score as “Own” if defendant has a mortgage for his or her residence, either as an individual or as a part of a couple. For all other responses, score as “Rent”.
- If answer is unknown, score as “Rent”.

CPAT Item 3

Q: Do you financially contribute towards the mortgage or rent at this address?

- ▶ Score as “No” or “Yes”.

Scoring Tips

- Score as “Yes” if the defendant is making mortgage or rent payments or if the dwelling is completely paid for, whether the funding source is employment, inheritance, a (student) loan, Social Security, SSDI, and/or retirement.
- Score as “No” if the defendant does not contribute towards mortgage or rent with his/her monetary resources listed above. Still score as “No” if the defendant does help pay for other household expenses that are not mortgage or rent.
- Score as “No” if the defendant is staying in a hotel.
- If answer is unknown, score as “No”.

CPAT Item 4

Q: Do you believe that you currently have or have ever had a problem with your use of alcohol?

- ▶ Score as “No” or “Yes”.

Scoring Tips

- If answer is unknown, score as “Yes”.

CPAT Item 5

Q: Have you ever been treated for mental health problems?

- ▶ Score as “No” or “Yes”.

Scoring Tips

- If answer is unknown, score as “Yes”.

CPAT Item 6

Q: How old were you the first time you were arrested?

- ▶ Record the defendant's response, in years.

Scoring Tips

- Arrests include when the defendant was first processed at a juvenile facility, taken into custody, or fingerprinted.
- Score as "This is first arrest," if defendant says this is his/her first arrest, regardless of his current age.
- Do not include a citation or summons as an arrest.
- ▶ If answer is unknown, record as "Unknown".

CPAT Item 7

Q: Have you ever been sentenced to jail or work release?

- ▶ Score as "No" or "Yes".

Scoring Tips

- If the information source states "yes" to jail or work release, then score as "Yes" regardless of the level of offense (e.g., felony or misdemeanor).
- Do not include instances when an entire sentence was suspended.
- Do not include placements in the Colorado Division of Youth Corrections or juvenile detention.
- If answer is unknown, score as "No".

CPAT Item 8

Q: Have you ever been sentenced to prison?

- ▶ Score as "No" or "Yes".

Scoring Tips

- If the information source states "yes" to prison, then score as "Yes" regardless of the level of offense (e.g., felony or misdemeanor).

- Include all sentences to the Youthful Offender System (YOS).
- Do not include placements in the Colorado Division of Youth Corrections or juvenile detention.
- Do not include instances when an entire sentence was suspended.
- Do not include sentences to community corrections.
- If answer is unknown, score as "No".

Scoring CPAT Items 9 through 12 Using the Databases

Information needed to score CPAT items 9 through 12 is obtained from one or more of the three following online databases:

- (1) The Colorado State Judicial Branch's statewide (public access) court information system, including its link to the City/County of Denver;
- (2) The Federal Bureau of Investigation's National Crime Information Center (NCIC) database;
- (3) The Colorado Bureau of Investigation's Colorado Crime Information Center (CCIC) database.

Answer the following questions:

CPAT Item 9

Q: Does the defendant have any active warrants?

- ▶ Score as "No" or "Yes".

Scoring Tips

- Active Warrants are defined as warrants that, at the time of the current arrest, did not have a future court date set. Include even if not extraditable.

- Include warrants for stand-alone FTA, FTC, FOJ, and probation violations.
- Include warrants for juvenile cases.
- Include if the defendant has active warrants for other separate alleged criminal activity at the time of arrest.
- Do not include the current charges for which the defendant was arrested, even if the defendant was arrested pursuant to a warrant for those charges.
- Do not include stand-alone in-county or out-of-county probable cause warrants when the defendant does not have any other warrants or cases, because when using the CPAT to score a defendant's risk, there is no distinction between new crimes allegedly committed within the past day or two and those allegedly committed in the past for which the defendant is just now being arrested. Both of these scenarios count as the current case and should not be scored for this item. Thus, if a defendant has only one or more warrants and these warrants are the only reason a CPAT is being scored, then the warrant is counted as the current case and Item 9 is scored as "No." If the defendant has one or more warrants and also has another case separate from these warrants, and is being assessed for pretrial risk because of this other case, then Item 9 is scored as "Yes."
- Do not include pending cases for which the defendant is currently on summons or bond for the charges.
- Do not include pending probation revocation hearings if there is not an active warrant for the defendant.
- Do not include warrant review hearings as future court dates.
- If answer is unknown, score as "Yes".

CPAT Item 10

Q: Does the defendant have any other cases pending against him/her in any criminal or traffic court?

- ▶ Score as "No" or "Yes".

Scoring Tips

- Pending cases require that the defendant was previously arrested or issued a summons for one or more criminal or traffic charges and had a future court date pending at the time of the current arrest.
- Defendant may be on summons or bond for the pending case.
- Include any criminal or traffic case listed in any one of the databases.
- Include pending juvenile cases.
- Include pending probation violations.
- Do not include current charges for which the defendant was arrested.
- Do not include active warrants.
- If answer is unknown, score as "Yes".

CPAT Item 11

Q: Is the defendant currently on supervision for another court case not related to the current charges?

- ▶ Score as "No" or "Yes".

Scoring Tips

- Include if the defendant is under some form of court-ordered, community-based supervision, such as: pretrial supervision; diversion; deferred judgment, prosecution, or sentence; in-home detention; any kind of probation (including if pending revocation); community corrections; parole; or any other combinations or forms of community-based supervision for which a justice system staff person is monitoring the defendant's compliance with court-ordered conditions.

- Include supervision for juvenile cases.
- Include if the defendant is released on a commercial surety financial condition of bond, regardless of whether he/she is also under pretrial supervision by a pretrial services agency.
- Do not include if the defendant was ordered to a form of supervision but was never released from jail to begin the community-based supervision.
- If answer is unknown, score as “Yes”.

CPAT Item 12

Q: Has the defendant ever been revoked from any bond or supervision before this arrest?

- ▶ Score as “No” or “Yes”.

Scoring Tips

- Include revocations for when the defendant was under some form of court jurisdiction, such as: pretrial supervision; on any type of bond; diversion; deferred judgment and/or sentence; electronic monitoring; probation; unsupervised probation; community corrections; parole; or any other form of community-based supervision for which a justice system staff person is monitoring the person’s compliance with court-ordered conditions.
- Forfeited bonds are counted the same as revoked bonds.
- Include if a previous bond was revoked, regardless of whether the court reinstated that bond.

- Include revocations for juvenile cases.
- Include revocations for municipal cases if that information is in the database.
- Include only past revocations.
- Do not include a current pending revocation because it is still awaiting disposition.
- Do not include a procedural revocation for an entry of plea when the court enters a revocation of bond upon entry of plea, because this court administrative action does not involve any misconduct by the defendant. If answer is unknown, score as “Yes”.

Thus, if a defendant is arrested for new criminal charges, including warrants on affidavit, and the defendant also has an active warrant at the time of arrest for a probation violation, items 9 through 12 would be scored as:

#9 Active Warrants: “Yes.”

#10 Pending Cases: “No,” or score as “Yes” only if other pending cases exist.

#11 Currently On Supervision: “Yes.”

#12 History of Revoked Bond: “No”, or score as “Yes” only if defendant has prior history of such revocations.

The current alleged probation violation is not scored because it is still pending disposition.

Chapter 3: CPAT Reporting

After the 12 CPAT items have been scored and the points summed, the total CPAT score can be used to determine the defendant's risk category and likelihood of pretrial success. This information can be used to inform the court of the defendant's risk level and for informing recommendations for bond conditions that may reduce a defendant's risk.

Risk Level Categories

After determining the defendant's total CPAT score, the defendant can be placed into one of four risk categories, as shown in the table below.

Risk Category	Risk Score	Public Safety Rate	Court Appearance Rate
1	0 to 17	91%	95%
2	18 – 37	80%	85%
3	38 – 50	69%	77%
4	51 - 82	58%	51%

Making Bond Recommendations Using the CPAT

The pretrial services agency may use the table above to inform judicial officers of the defendant's empirically-based risk to public safety (as defined as the defendant's likelihood of incurring a new filing of any kind) and for failing to appear in court by stating:

"[Defendant's name] has a CPAT risk score consistent with other Colorado defendants

whose average public safety rate is [##]% and whose average court appearance rate is [##]."

The pretrial services agency may then recommend to judicial officers any bond condition that the agency believes will reasonably manage the defendant's risk to public safety and for not appearing in court. Any recommended conditions should be based on information and observations obtained from the interview, review of criminal justice databases, and other sources of relevant information, such as from the arresting agency's documents, detention staff, victims, and/or the defendant's family members.

For example, pretrial staff can state:

"The [pretrial services agency's name] recommends the following conditions of bond to reasonably assure public safety and [the defendant's name]'s appearance in court:

- Condition 1*
- Condition 2*
- Condition 3*
- Etc.*

The recommended conditions should be consistent with Colorado law, the jurisdiction's bond setting policies, and any other information relevant to bond-setting and the pretrial release or detention decision. The CPAT is not designed to guide pretrial services agencies in making recommendations to judicial officers on the type of bond – that is with unsecured or secured (cash, surety, property) financial conditions.

When the defendant's risk to public safety or for not appearing in court does not appear to be reasonably manageable given the supervision or other risk management strategies and resources of the pretrial services agency, the agency can state, for example:

“The [pretrial services agency's name] believes that no set of bond conditions can reasonably assure the public's safety or [the defendant's name]'s appearance in court.”

Additional Notes

The local pretrial services agency and stakeholders may elect to collect additional information from the interview or databases to inform the agency's recommendations for bond conditions, the court's ordering of bond conditions, and/or the agency's supervision of the defendant while on pretrial release. Any additional information should be relevant to the court's determining the defendant's pretrial risk and/or for ordering release conditions to manage pretrial risk (e.g., the defendant's recent performance on pretrial release). The defendant's CPAT risk score or category should not be used for any purpose other than pretrial risk assessment, including determining eligibility for programming or specialty courts, plea bargaining, or sentencing.

Chapter 4: CPAT Revision

This manual provides a protocol for administering, scoring, and reporting the Colorado Pretrial Assessment Tool (CPAT). As an increasing number of Colorado jurisdictions implement the CPAT, this manual can be periodically revised to enable data collection for purposes of revising and updating the CPAT to ensure the Tool's accuracy in assessing Colorado defendants' pretrial risk.

Future revisions to the CPAT Administration, Scoring, and Reporting Manual will be completed and published by the Colorado Association of Pretrial Services.