

Kentucky Pretrial Risk Assessment Instrument Validation

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Introduction

In 2009, the Kentucky Pretrial Services Agency (KPSA) made a request to the Pretrial Justice Institute (PJI) to receive technical assistance on its risk assessment instrument. PJI has an award from the Bureau of Justice Assistance, U.S. Department of Justice, to provide technical assistance for a wide variety of correctional agencies. The primary partner with PJI is the JFA Institute, which responds to all referrals made by PJI. One of JFA's organizational capabilities is to conduct validation studies of risk assessment instruments. For this reason the KPSA request was forwarded to JFA to complete.

The KPSA has been using a risk assessment instrument for a number of years. The instrument itself was designed based on other pretrial risk assessment instruments that have been validated in other jurisdictions. But the KPSA instrument had never been tested by an external agency on people who had been arrested, detained and subsequently released on pretrial status. Thus the task of this study was to determine the extent to which the current instrument was valid.

Research Methods

Kentucky created pretrial services in 1976 to replace for-profit commercial bail bonding services and is one, of only a few states, that has outlawed commercial bail bonding. Unlike many other jurisdictions, KPSA is part of the state's court system. Furthermore, because it is a statewide agency, all of its functions and data are standardized. Such a statewide structure greatly enhances the ability to conduct a meaningful validation effort.

Data on the Kentucky pretrial release population were obtained and analyzed to assess the extent to which the instrument needed to be modified and, if so, what items needed to be dropped and what additional items needed to be introduced into a modified instrument.

The data used to complete this analysis were based on all cases where a pretrial interview was conducted by the various pretrial services agencies that are located throughout Kentucky. Specifically, there were 52,344 interviews conducted between July 1, 2009 and September 30, 2009. For these interviews, 38, 478 or 74% were released pre-trial. For each case, it was recorded where the person was re-arrested or failed to appear (FTA).

Table 1 shows the basic demographic attributes of the persons who were interviewed and released pretrial. Also included are the FTA, pretrial re-arrest rates, and a composite FTA/re-arrest rate. As in most jurisdictions, the FTA, re-arrest and combined rates are relatively low. Specifically, the FTA rate is 8%, the re-arrest rate 7%, and the combined rate 14%. The table also shows relative associations of each item and the three measures of success/failure on pretrial release.

Tables 2, 3, 4 and 5 repeat this type of analysis for measures that reflect the current charge (Table 2), substance abuse measures (Table 3), and mental health (Tables 4 and 5). In all of these tables there are some items that have no meaningful statistical relationships and others that do have a statistically significant relationship. However, it should be emphasized that because the base rates are so low, there will be few items that have very strong relationships with pretrial release outcomes.

Tables 6, 7, and 8 summarize this same analysis for the 13-item risk instrument. Here, one can see that the current instrument items and scale are associated with pretrial arrest and FTA rates. There are some items that either have a very modest association or have little variance in the scoring results. For example, item 3. ("Reference verified willingness to attend court or

sign surety bond”) has little if any statistical association with the failure rates. The table also shows two additional items (14 and 15), which were test items to see if that would add to the overall risk assessment instrument’s predictive capabilities. As indicated, they show that less than 2% of the assessed cases are being scored into one of the two categories. With such a lack of variance they are unlikely to have much predictive abilities.

In summary, the current 13-item instrument is producing a strong association between the risk levels of low, moderate and high and FTA and pretrial arrest rates. It is also noteworthy that the vast majority of the released defendants are either low (45%) or moderate risk (22%) to either Fail To Appear (FTA) or be re-arrested for a new crime while under pretrial release status.

Use of Special Conditions

The data files also contained information on the use of special conditions. Table 9 shows the extent to which they are being used with most of the conditions being drug testing and special monitoring requirements. We also looked at those persons who received the special conditions of drug testing, special monitoring and notification requirements but are low risk cases. These three conditions have the most low risk cases to do such an analysis. As shown in Table 10, about half of the special condition populations are scored as low risk. More significantly, these low risk cases have higher failure rates than the “average” low risk pretrial releasee. While one cannot say that the special conditions caused the higher rates, the statistical association suggests that imposing such conditions is not beneficial.

Can The Current Instrument Be Improved?

There are two areas to be explored here. First is whether the current instrument can be made more efficient by reducing the number of items being used by the staff? Making the instrument more parsimonious would reduce the burden to staff without jeopardizing the validity of the instrument. Second, are there any items that are not being used that might enhance the validity of the instrument?

To answer these two questions required more sophisticated multivariate analysis. The first task was to re-weight the items included in the current instrument. In doing so, a few considerations should be pointed out:

1. When there was a conflict among the risk models, e.g., a variable has a negative effect on FTA but a positive effect on re-arrest, the re-arrest risk measure model was used to trump the FTA risk model. Examples include items #1 and #4.
2. In some cases, a slight change in the statistical significance cut-off value of 95% would have brought an item into the model (e.g., Risk Item 15). In such cases, the variable was included in the item in accordance with consideration 1 noted above.

Once a modified instrument was constructed, additional variables were included in the analysis—one variable group at a time—to assess their contribution to the discriminating power of the instrument. These additional variables included the following:

1. *Substance abuse related questions*: These variables did not add sufficiently to the model’s predictive power and were therefore ignored.
2. *Mental health related questions*: These variables did not add sufficiently to the model’s predictive power and were therefore ignored.
3. *Mental health history related questions*: As a group, mental health history related questions improved the explanatory power of the model. However, individually only two of them were found to be statistically significant. These include “Received special

education services in school for emotional/behavioral problems?” and “Spoken to counselor or psychologist about personal problem?”.

4. *Domestic violence related questions*: As a group, domestic violence related questions did improve the models. However, only two of them were statistically significant individually. These included “Any record of prior DV restraining order”) and “Was a weapon used?”. However, only a handful (1.2%) of suspects in the sample had affirmative responses to these questions.
5. *Removal of current risk instrument items*: The current risk instrument included items 1 through 13. Items 14 and 15 “Violated conditions of release in past 12 months—and if so, was bond revoked?” were deleted from the revised current instrument. These items were either statistically insignificant or had incorrect effect directions. Similarly, item 3 added little to the predictive attributes of the instrument. So all three can be removed from further consideration.

Based on the above considerations, one new version of the instrument was developed which simply removed item 3 and re-weighted the remaining 12 items. In addition to new weights for the revised risk assessment instruments, the cut-points needed to classify suspects as low, moderate, or high risk were modified as well. Tables 10 and 11 show these changes and provide the cut-points for the 12-item instrument.

Finally, Figures 1, 2, and 3 provide a side-by-side comparison of the current and the revised instruments on risk measures. In general, the modified version performs basically the same as the current version of the risk assessment instrument but without using item 3. It should also be emphasized that although some of the other items that have a significant bi-variate relationship but were excluded from the final instrument can be used as a basis for over-riding the risk level or making a final risk recommendation.

**TABLE 1
FAILURE RATE BY DEMOGRAPHICS**

Item	N	%	FTA rate	Rearrest Rate	Either FTA or Rearrest
Base	38,478		8.0%	7.0%	14.1%
Sex					
Female	10,678	27.8%	7.7%	6.5%	13.3%
Male	27,695	72.0%	8.2%	7.3%	14.4%
Unknown	105	0.3%	3.8%	2.9%	5.7%
Race					
American Indian	117	0.3%	6.0%	3.4%	9.4%
Asian	64	0.2%	4.7%	3.1%	7.8%
Black	6,854	17.8%	9.8%	7.2%	16.0%
Other	738	1.9%	11.5%	2.0%	13.3%
Unknown	448	1.2%	5.8%	1.8%	7.4%
White	30,257	78.6%	7.6%	7.2%	13.8%
Marital Status					
Divorced	5,810	15.1%	7.6%	7.4%	13.9%
Married	7,889	20.5%	6.8%	6.2%	12.1%
Separated	2,501	6.5%	8.9%	8.3%	15.9%
Single	20,714	53.8%	8.5%	7.3%	14.9%
Unknown	1,112	2.9%	6.6%	3.1%	9.4%
Widowed	452	1.2%	8.8%	8.2%	15.7%
Education					
AA	607	1.6%	8.7%	6.1%	13.5%
BA/BS	906	2.4%	5.5%	4.0%	8.5%
Vocational	328	0.9%	7.6%	5.2%	11.9%
GED	3,760	9.8%	8.9%	8.9%	16.2%
HS	9,939	25.8%	7.4%	6.7%	13.3%
Less than HS	10,369	26.9%	9.1%	8.9%	16.8%
Null	6,782	17.6%	7.8%	4.8%	11.9%
Post graduate	334	0.9%	3.6%	3.6%	7.2%
Some college	5,453	14.2%	7.4%	6.6%	13.2%
On Supervised Probation					
No	36,379	94.5%	8.0%	6.8%	13.9%
Yes	2,099	5.5%	8.6%	10.5%	17.8%
Supplied an email address					
No	30,215	78.5%	7.9%	6.6%	13.5%
Yes	8,263	21.5%	8.7%	8.6%	16.0%
Verified Address					
No	11,492	29.9%	8.9%	5.7%	13.3%
Yes	26,986	70.1%	7.7%	7.9%	14.4%
Verified Occupation					
No	12,504	32.5%	9.1%	5.5%	13.8%
Yes	25,974	67.5%	7.5%	7.8%	14.2%

**TABLE 2
FAILURE RATE BY CHARGE**

Item	N	%	FTA rate	Rearrest Rate	Either FTA or Rearrest
Base	38,478		8.0%	7.0%	14.1%
Charge Level					
Felony	9,122	23.7%	6.0%	10.1%	15.2%
Misdemeanor	26,346	68.5%	8.8%	6.4%	14.1%
O	1,512	3.9%	5.6%	2.8%	8.1%
V	1,356	3.5%	9.5%	5.0%	13.6%
Unknown	152	0.4%	9.9%	3.3%	12.5%
Charge Class					
A	14,388	37.4%	7.5%	6.9%	13.3%
B	12,650	32.9%	9.9%	6.0%	14.9%
C	2,091	5.4%	4.7%	11.0%	14.5%
D	6,317	16.4%	6.7%	9.7%	15.5%
X	2,880	7.5%	7.5%	3.9%	10.7%
Unknown	152	0.4%	9.9%	3.3%	12.5%

**TABLE 3
FAILURE RATE BY SUBSTANCE ABUSE ITEMS**

Item	N	%	FTA rate	Rearrest Rate	Either FTA or Rearrest
Base	38,478		8.0%	7.0%	14.1%
Have you ever felt you should cut down on your drinking?					
No	25,182	65.4%	8.1%	7.2%	14.3%
Yes	8,007	20.8%	7.8%	8.8%	15.4%
Null	5,289	13.7%	7.8%	3.7%	10.9%
Have people annoyed you criticizing your drinking/drug use?					
No	29,230	76.0%	8.0%	7.2%	14.1%
Yes	3,959	10.3%	8.2%	10.3%	17.0%
Null	5,289	13.7%	7.8%	3.7%	10.9%
Have you felt guilty about your drinking/drug use?					
No	26,649	69.3%	8.0%	7.1%	14.1%
Yes	6,540	17.0%	8.2%	9.5%	16.4%
Null	5,289	13.7%	7.8%	3.7%	10.9%
Drink in the morning to get rid of hangover/use drugs to change effects of other drugs					
No	30,997	80.6%	7.9%	7.4%	14.3%
Yes	2,165	5.6%	9.6%	10.4%	18.3%
Null	5,316	13.8%	7.8%	3.7%	10.9%
Willing to participate in residential treatment					
No	27,179	70.6%	8.1%	7.1%	14.2%
Yes	6,008	15.6%	7.9%	9.8%	16.4%
Null	5,291	13.8%	7.8%	3.7%	10.9%

**TABLE 4
FAILURE RATE BY MENTAL HEALTH ITEMS**

Item	N	%	FTA rate	Rearrest Rate	Either FTA or Rearrest
Base	38,478		8.0%	7.0%	14.1%
Past 30 days how often do you feel nervous					
None of the time	21,046	54.7%	8.1%	6.9%	14.1%
A little of the time	3,856	10.0%	7.7%	8.1%	14.6%
Some of the time	3,831	10.0%	7.9%	8.5%	15.2%
Most of the time	1,716	4.5%	7.4%	9.1%	15.2%
All of the time	2,737	7.1%	8.6%	10.0%	17.2%
Null	5,292	13.8%	7.8%	3.7%	10.9%
Past 30 days how often do you feel hopeless					
None of the time	27,050	70.3%	8.0%	7.3%	14.3%
A little of the time	2,195	5.7%	7.5%	8.0%	14.5%
Some of the time	1,972	5.1%	8.6%	9.4%	16.7%
Most of the time	870	2.3%	7.8%	8.6%	15.2%
All of the time	1,099	2.9%	9.3%	10.3%	18.5%
Null	5,292	13.8%	7.8%	3.7%	10.9%
Past 30 days how often do you feel restless or fidgety					
None of the time	23,839	62.0%	8.2%	7.2%	14.3%
A little of the time	2,839	7.4%	6.8%	7.7%	13.5%
Some of the time	3,180	8.3%	8.1%	8.7%	15.6%
Most of the time	1,364	3.5%	7.6%	9.0%	15.5%
All of the time	1,964	5.1%	8.9%	9.4%	16.8%
Null	5,292	13.8%	7.8%	3.7%	10.9%
Past 30 days how often do you feel so depressed nothing cheers you up					
None of the time	26,819	69.7%	8.1%	7.2%	14.3%
A little of the time	2,088	5.4%	8.0%	9.2%	16.2%
Some of the time	2,065	5.4%	7.5%	8.7%	15.5%
Most of the time	939	2.4%	6.8%	9.4%	15.1%
All of the time	1,275	3.3%	9.3%	8.5%	16.6%
Null	5,292	13.8%	7.8%	3.7%	10.9%
Past 30 days how often do you feel everything was an effort					
None of the time	27,194	70.7%	8.0%	7.3%	14.3%
A little of the time	1,742	4.5%	7.0%	9.8%	15.8%
Some of the time	2,016	5.2%	9.1%	8.7%	16.4%
Most of the time	908	2.4%	8.4%	8.1%	15.4%
All of the time	1,326	3.4%	8.1%	8.7%	15.7%
Null	5,292	13.8%	7.8%	3.7%	10.9%
Past 30 days how often do you feel worthless					
None of the time	28,903	75.1%	8.1%	7.3%	14.4%
A little of the time	1,344	3.5%	6.8%	10.5%	16.3%
Some of the time	1,445	3.8%	8.7%	8.0%	15.6%
Most of the time	598	1.6%	6.9%	8.9%	14.2%
All of the time	896	2.3%	9.4%	9.6%	17.6%
Null	5,292	13.8%	7.8%	3.7%	10.9%

**TABLE 5
FAILURE RATE BY MENTAL HEALTH HISTORY**

Item	N	%	FTA rate	Rearrest Rate	Either FTA or Rearrest
Base	38,478		8.0%	7.0%	14.1%
Has doctor prescribed meds for emotional problem					
No	24,337	63.2%	8.0%	7.0%	14.1%
Yes	8,547	22.2%	8.0%	9.3%	15.9%
Have you been hospitalized for emotional problem					
No	29,448	76.5%	8.0%	7.3%	14.2%
Yes	3,443	8.9%	8.7%	10.0%	17.3%
Did you have special schooling for emotional problems					
No	30,953	80.4%	8.0%	7.3%	14.3%
Yes	1,937	5.0%	9.6%	11.6%	20.0%
Ever spoken to a counselor or psychologist					
No	24,335	63.2%	8.0%	6.9%	14.0%
Yes	8,551	22.2%	8.2%	9.4%	16.3%
Ever received treatment for drug/alcohol abuse					
No	26,476	68.8%	8.0%	7.1%	14.1%
Yes	6,417	16.7%	8.3%	9.8%	16.7%

**TABLE 6
FAILURE RATE BY RISK ASSESSMENT SCORE ITEMS**

Item	N	%	FTA rate	Rearrest Rate	Either FTA or Rearrest
1. Verified local address & lived in area for past 12 months					
No	2,856	7.4%	11.1%	6.3%	16.5%
Yes	24,227	63.0%	7.2%	8.1%	14.2%
2. Verified sufficient means of support					
No	13,798	35.9%	8.4%	9.1%	16.2%
Yes	13,287	34.5%	6.9%	6.7%	12.7%
3. Reference verified willingness to attend court or sign surety bond					
No	2,195	5.7%	8.7%	9.2%	16.5%
Yes	24,889	64.7%	7.6%	7.8%	14.3%
4. Current charge class A, B or C felony					
No	24,404	63.4%	8.0%	7.5%	14.4%
Yes	2,677	7.0%	4.6%	11.3%	14.8%
5. Charged w/ new offense while case pending					
No	21,258	55.2%	6.9%	5.6%	11.7%
Yes	5,822	15.1%	10.5%	16.4%	24.5%
6. Active warrant or prior FTA					
No	22,325	58.0%	6.6%	7.5%	13.2%
Yes	4,753	12.4%	12.5%	9.7%	20.3%
7. Prior FTA for traffic violation					
No	22,465	58.4%	6.9%	7.4%	13.4%
Yes	4,614	12.0%	11.5%	10.1%	19.7%
8. Prior misdemeanor conviction					
No	8,769	22.8%	6.3%	4.7%	10.4%
Yes	18,311	47.6%	8.3%	9.4%	16.4%
9. Prior felony conviction					
No	20,416	53.1%	7.1%	6.9%	13.1%
Yes	6,664	17.3%	9.3%	10.9%	18.6%
10. Prior violent crime conviction					
No	21,770	56.6%	7.4%	7.0%	13.4%
Yes	5,309	13.8%	8.7%	11.6%	18.8%
11. History of drug/alcohol abuse					
No	23,865	62.0%	7.5%	7.2%	13.7%
Yes	3,214	8.4%	9.1%	13.0%	20.4%
12. Prior conviction of felony escape					
No	26,536	69.0%	7.6%	7.8%	14.2%
Yes	541	1.4%	12.6%	14.4%	25.0%
13. On probation/parole for felony conviction					
No	24,933	64.8%	7.5%	7.6%	14.0%
Yes	2,142	5.6%	9.6%	11.0%	19.4%

Item	N	%	FTA rate	Rearrest Rate	Either FTA or Rearrest
14. Test Item: Violated conditions of pretrial release in last 12 mos.					
No	32,516	84.5%	8.1%	7.4%	14.5%
Yes	671	1.7%	7.6%	14.0%	20.3%
15. Test Item: If yes, was bond revoked?					
No	32,383	84.2%	8.0%	7.6%	14.6%
Yes	153	0.4%	5.2%	11.1%	15.7%

**TABLE 7
FAILURE RATE BY RISK ASSESSMENT SCORE**

Risk Score	N	%	FTA rate	Rearrest Rate	Either FTA or Rearrest
Base	38,478		8.0%	7.0%	14.1%
0	2,898	7.5%	4.0%	2.9%	6.8%
1	4,909	12.8%	4.9%	3.9%	8.4%
2	3,863	10.0%	6.5%	5.0%	10.8%
3	2,143	5.6%	7.0%	6.8%	12.7%
4	1,780	4.6%	7.1%	6.1%	12.1%
5	1,838	4.8%	8.9%	8.3%	16.4%
6	2,066	5.4%	8.9%	9.8%	17.4%
7	1,887	4.9%	9.9%	11.3%	19.3%
8	1,292	3.4%	10.8%	13.1%	22.0%
9	1,074	2.8%	11.6%	14.5%	23.9%
10	878	2.3%	10.6%	13.8%	22.0%
11	798	2.1%	12.4%	15.2%	24.6%
12	620	1.6%	12.1%	14.5%	25.0%
13	360	0.9%	11.7%	17.5%	26.9%
14	261	0.7%	13.0%	16.9%	26.8%
15	166	0.4%	10.2%	12.1%	28.3%
16	123	0.3%	15.4%	18.7%	30.9%
17	79	0.2%	11.4%	20.3%	29.1%
18	36	0.1%	11.1%	13.9%	25.0%
19+	18	0.0%	7.1%	35.7%	39.9%
Null	11,389	29.6%	8.9%	5.0%	13.2%

**TABLE 8
FAILURE RATE BY SCORED RISK LEVEL**

Risk Level	N	%	FTA rate	Rearrest Rate	Either FTA or Rearrest
Base	38,478		8.0%	7.0%	14.1%
Low	17,311	45.0%	6.0%	5.0%	10.4%
Moderate	8,519	22.1%	10.4%	12.5%	20.9%
High	1,031	2.7%	12.1%	18.3%	57.8%
Ineligible	5,722	14.9%	8.4%	4.0%	11.8%
Not Verified	5,895	15.3%	9.4%	6.2%	14.8%

**TABLE 9
FAILURE RATE BY RELEASE CONDITIONS**

Item	N	%	FTA rate	Rearrest Rate	Either FTA or Rearrest
Base	38,478		8.0%	7.0%	14.1%
Condition - Drug test					
No	37,621	97.8%	8.0%	6.9%	13.9%
Yes	857	2.2%	7.4%	14.6%	20.3%
Condition - Reporting					
No	37,253	96.8%	8.0%	6.8%	13.9%
Yes	1,225	3.2%	8.5%	13.1%	20.4%
Condition - Court Notify					
No	38,304	99.5%	8.0%	7.0%	14.1%
Yes	174	0.5%	10.3%	10.3%	17.8%
Condition - Curfew					
No	38,339	99.6%	8.0%	7.0%	14.1%
Yes	139	0.4%	6.5%	13.7%	17.3%
Condition - Home incarceration					
No	38,455	99.9%	8.0%	7.0%	14.1%
Yes	23	0.1%	8.7%	8.7%	17.4%
Condition - Mental health treatment					
No	38,471	100.0%	8.0%	7.0%	14.1%
Yes	7	0.0%	14.3%	28.6%	28.6%
Condition - drug/alcohol treatment					
No	38,455	99.9%	8.0%	7.0%	14.1%
Yes	23	0.1%	4.3%	17.4%	21.7%
Condition - Other					
No	38,251	99.4%	8.0%	7.0%	14.0%
Yes	227	0.6%	17.2%	12.3%	25.6%

Table 10
SUPERVISION CONDITIONS VS. RISK LEVEL

Yes Condition	N	% of Special Conditions	FTA rate	Rearrest Rate	Either FTA or Rearrest
All Low Risk	17,311		6.0	5.0	10.4
Low Risk Condition - Drug test	419	49%	7.2%	8.1%	14.3%
Low Risk Condition - Reporting	565	46%	3.4%	8.1%	13.6%
Low Risk Condition - Notification	82	47%	7.3%	6.1%	11.0%

Table 11
The Current And New Weighting Rules For The Revised Pretrial Risk Assessment Instrument.

	Scoring Items	Current		Modified	
		Yes	No	Yes	No
1	Does the defendant have a verified local address and has the defendant lived in the area for the past twelve months?		1		2
2	Does the defendant have verified sufficient means of support?		1		1
3	Did a reference verify that he or she would be willing to attend court with the defendant or sign a surety bond?		1	Removed	
4	Is the defendant's current charge a Class A, B, or C Felony?	1		1	
5	Is the defendant charged with a new offense while there is a pending case?	5		7	
6	Does the defendant have an active warrant(s) for Failure to Appear prior to disposition? If no, does the defendant have a prior FTA for felony or misdemeanor?	4		2	
7	Does the defendant have prior FTA on his or her record for a criminal traffic violation?	1		1	
8	Does the defendant have prior misdemeanor convictions?	1		2	
9	Does the defendant have prior felony convictions?	1		1	
10	Does the defendant have prior violent crime convictions?	2		1	
11	Does the defendant have a history of drug/alcohol abuse?	2		2	
12	Does the defendant have a prior conviction for felony escape?	1		3	
13	Is the defendant currently on probation/ parole from a felony conviction?	2		1	
	Did you receive special education services in school for an emotional or behavioral problem?	Not Used			
	Have you ever spoken to a counselor or psychologist about a personal problem?	Not Used			
	Violated conditions of pretrial release in last 12 mos	Not Used			
	If yes, was bond revoked?	Not Used			

Table 12:
The Current And New Cut-Points For The Revised Pretrial Risk Assessment Instrument

	Current	Modified
Low	0-5	0-5
Moderate	6-12	6-13
High	13-High	14-High

Figure 1: FTA Rates by Risk Category

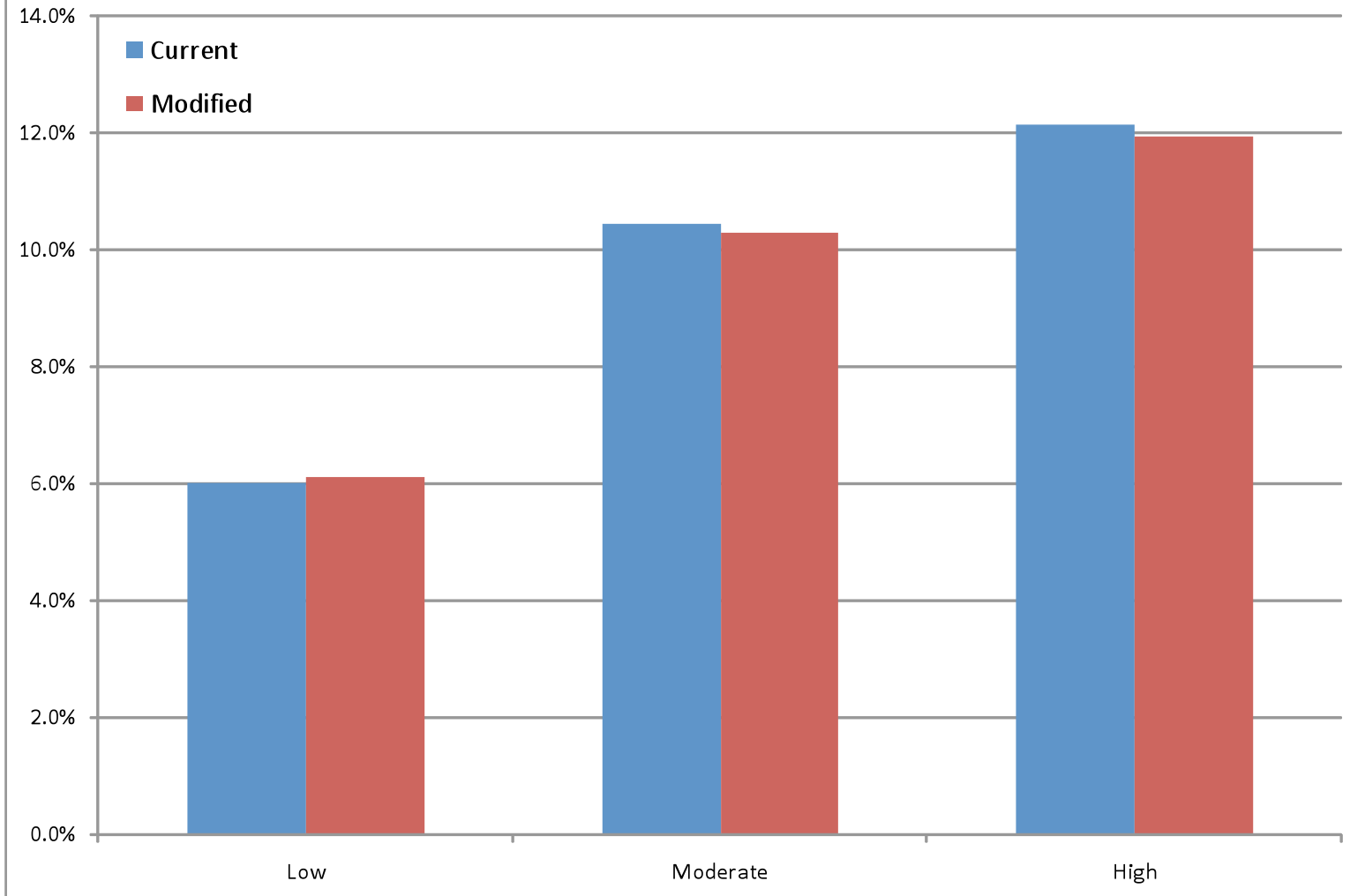


Figure 2: Rearrest Rates by Risk Category

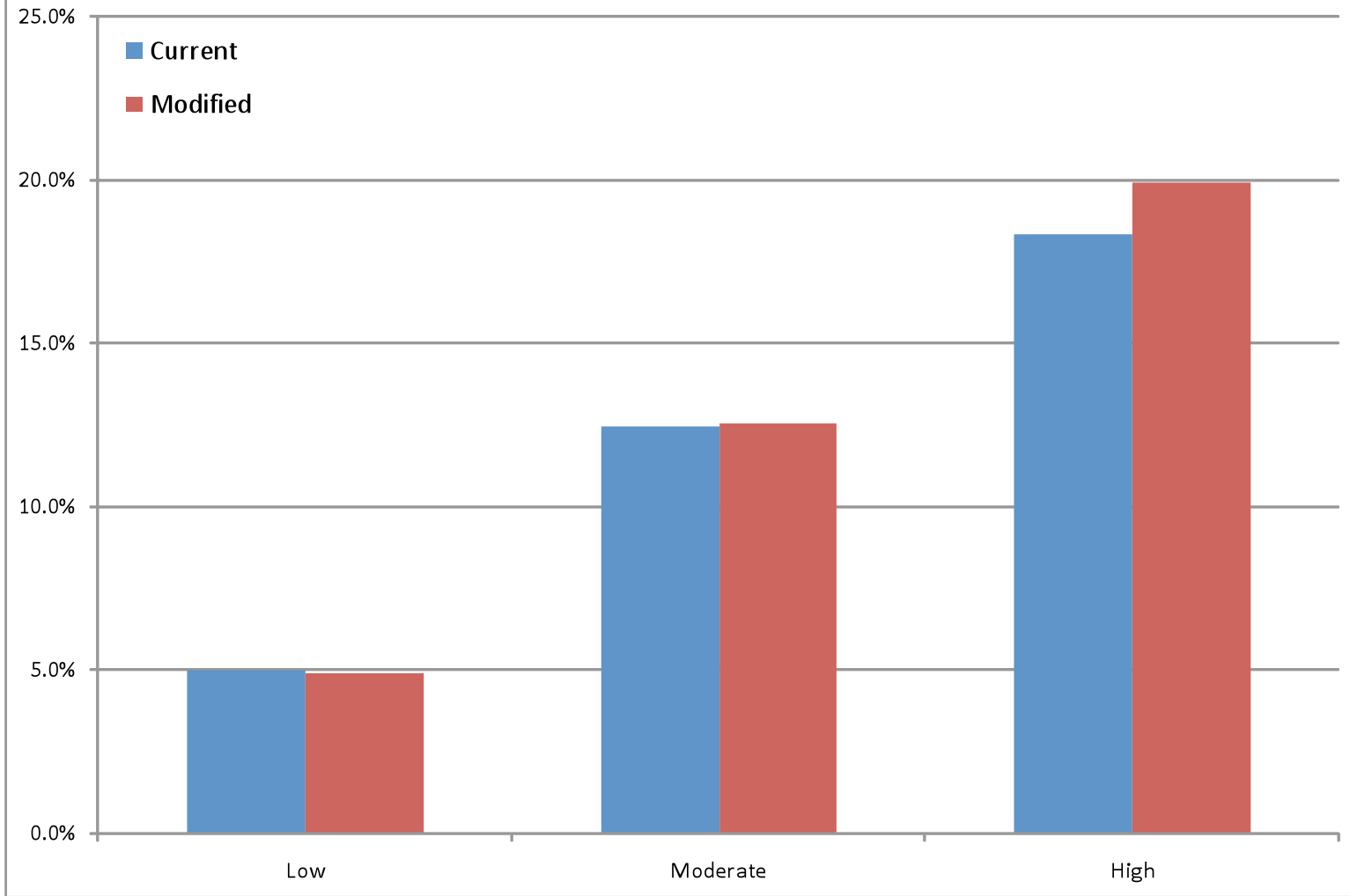


Figure 3: Combined Rearrest or FTA Rates by Risk Category

