Journal of Restoration, Rehabilitation, and Reentry

Volume 2022 Article 1

Stakeholder Perceptions and Potential Barriers to Pretrial Release Reform

Shanell Sanchez
Southern Oregon University, sanchezs2@sou.edu

Jacqueline Strenio
Norwich University, strenioj@sou.edu

Stakeholder Perceptions and Potential Barriers to Pretrial Release Reform

Shanell Sanchez, Ph.D.
Southern Oregon University

Jacqueline Strenio, Ph.D.
Norwich Univeristy

Pretrial release reform is an important component of justice reinvestment initiatives. However, little work has examined the implementation process or stakeholder perceptions of the implementation of a pretrial release program. In this study, we explore the perceptions and experiences of stakeholders in the criminal justice system in a county in Oregon by conducting interviews with judges, district attorney's, defenders, and pretrial staff to assess their perceptions of the reform, including the county's adoption of the Virginia Pretrial Risk Assessment Instrument (VPRAI). Our findings highlight four main themes, which we labeled *Just Keep Them Out of System, The Tool Plus Experience, What Factors Are You Talking About, and Training Would Be Great.* Stakeholders generally had positive perceptions of pretrial release but expressed concern about potential barriers to successful implementation, including the risk assessment tool used, the factors evaluated, and the need for training. This research highlights the importance of assessing stakeholder perceptions when implementing reform efforts.

Keywords: Algorithmic risk assessment, stakeholder buy-in, implementation process, VPRAI

Shanell Sanchez, Ph.D.
Associate Professor at Southern Oregon University. Her primary interests are inequality, race and ethnicity, and teaching pedagogy.

Jacqueline Strenio, Ph.D.
Assistant Professor at Norwich University. She is a health and feminist economist currently researching the economic determinants and consequences of intimate partner violence

Funding details: This work was supported by the Oregon Criminal Justice Commission under their Justice Reinvestment Grant Program. Grant #19200227

Stakeholder Perceptions and Potential Barriers to Pretrial Release Reform

On average, there are 450,000 individuals in pretrial detention in the United States despite research noting the considerable economic and social costs of these practices (Wagner & Rauby, 2020). Pretrial detention is estimated to cost 13.6 billion dollars annually (Rabuy, 2017). Additionally, pretrial detention is associated with a host of negative effects at the individual level, adversely impacting employment, housing, financial stability, and family wellbeing (Digar, 2019) and increasing the odds of reoffending in the future (Sawyer & Widra, 2017). Recently there has been a nationwide shift away from money-based systems of pretrial release and pretrial detention toward pretrial release programs. Pretrial release can be both safe (Herring, 2020) and cost-effective. For example, the Criminal Justice Commission of Oregon estimated that a uniform policy limiting pretrial detention to three days for lower-level offenders resulted in an annual net benefit to society of $68 million (Weinernan et al., 2020).

As part of pretrial release programs, criminal justice stakeholders make decisions about which individuals to release or detain. These decisions require assessing whether individuals will appear at court dates and remain law-abiding citizens if they remain free in the community while their case is processed (DeMichele et al., 2019). Due to time constraints and court overload, decisions must be made quickly, meaning stakeholders sometimes rely on intuition and structured thinking. Historically, judges have decided which release options were appropriate for each client. However, implicit biases may impact judges' decision-making processes and reproduce racial and ethnic disparities (Bridges et al., 1987). To minimize biases, the criminal justice system has seen a shift toward relying on risk assessment instruments to structure pretrial release decisions (Bechtel et al., 2011; DeMichele et al., 2019; Mamalian, 2011). Risk tools evaluate an individual's likelihood of recidivating or missing a court date. Research has demonstrated the predictive validity of these tools, that is, the extent to which a score on a scale or test predicts risk for a pretrial release candidate (Austin et al., 2003; Farabee et al., 2010; Schwalbe, 2007). However, little research has explored the perceptions of either pretrial release reform or risk assessment among criminal justice professionals (DeMichele et al., 2019).

Purpose

The purpose of this study is to explore the perceptions and experiences of stakeholders during the implementation of a pretrial release program in one of the most rapidly growing counties in Oregon, which has also experienced political shifts and increased diversity. It fills a gap in the literature by incorporating the perceptions of criminal justice stakeholders working with the pretrial release supervision program and a new-to-them risk tool. Their perceptions are essential because stakeholders can influence if and how risk assessment tools are used in practice. For example, discretionary use of the tool can result in divergences from stated policies and could thus undermine the purpose of implementing a risk assessment tool (Mamalian, 2011). To better understand the use of pretrial risk assessment tools among stakeholders in the criminal justice system, we conducted in-depth, semi-structured interviews with representatives from pretrial services, jail deputies, judges, public defenders, and district attorneys in the county. We report our findings of their perceptions of the overall reform effort, the use of risk tools, and the

specific risk tool chosen by the county, the Virginia Pretrial Risk Assessment Instrument (VPRAI).[1]

Literature Review

There are approximately 2.3 million people incarcerated on any given day in the United States, with an estimated 20 percent of them currently awaiting trial (Wagner & Rauby, 2020). One of the most significant decisions made about a person accused of a crime is whether they should be held in jail or released to await trial. Research has identified a host of adverse effects associated with pretrial detention, which significantly increases the probability of conviction, even when controlling for observed differences in those detained and those released pretrial (Lee, 2019). Dobbie et al. (2018) find that this occurs primarily by weakening the defendant's negotiating position during plea bargaining. Using survival analysis, Petersen (2020) also examines the association between pretrial detention and conviction, finding that those detained pretrial plead guilty nearly three times faster than those released. Petersen (2020) argues that this implies that an additional 'cost' of pretrial detention is the fairness of guilty pleas. Dobbie et al. (2018) also found that initial pretrial release has no effect on new crime up to two years after the bail hearing. However, for individuals detained pretrial, the criminogenic effects associated with incarceration result in increased odds of that individual reoffending in the future (Alper & Durose, 2018).

Using data from the nationally representative National Inmate Survey, Anderson et al. (2021) argue that pretrial detention has several negative direct effects beyond the increased likelihood of conviction. It can negatively affect social capital by reducing social networks and cohesion through pathways such as limited visitation. It can have the same criminogenic impacts as prison incarceration and, therefore, affect long-term public safety and reduce system efficiency. It can also be a source of trauma to individuals, by exposing them to victimization and solitary confinement. When individuals are isolated from society, they have challenges accessing employment, face voter disenfranchisement, and exclusion from public housing (Mauer, 2002). It can also negatively impact family structures (Clear, 2007), resulting in situations that lead to more crime in the future (Lankin, 2014). Pretrial detention can also perpetuate racial and ethnic inequalities in the criminal justice system. Martinez et al. (2020) found that Black and Latinx defendants were held longer in pretrial detention and had higher bond amounts. Further, these inequalities in pretrial detention have long-reaching consequences; pretrial detention has been identified as the primary mechanism through which racial and ethnic inequalities in conviction and sentencing manifest themselves (Omori & Petersen, 2020).

The decision to detain or release, with or without conditions, is often made by judges. Laws enacted in states and passed down through judicial precedent govern what factors counsel may argue and what judges may lawfully consider. Under Oregon law (OR. Rev. Stat. §135.230), judges must consider the reasonable protection of the victim or public; the nature of the current charge; the defendant's prior criminal record, if any, including whether the defendant previously has been released pending trial and whether the defendant appeared as required; any facts indicating the possibility of violations of the law if the defendant gets released without regulations; and/or factors that indicate the defendant is likely to appear. Historically, judges have relied on their own expert opinion to make informed decisions about whom should be released or detained pretrial. Recently, however, there has been a shift toward using algorithmic

[1] More information on the VPRAI can be found at: https://nicic.gov/virginia-pretrial-risk-assessment-instrument-vprai

risk assessments to aid in making these decisions. The move away from judicial discretion is an attempt to prevent implicit and explicit bias from impacting decisions, which has been well-documented in the justice system (see, for example, Levinson, 2007; Levinson et al., 2010; Mitchell, 2005; Richardson & Goff, 2012). The move from reliance on judicial discretion only to data-driven models, often in the form of risk assessments, to predict who may commit another crime is becoming commonplace in the criminal justice system, especially those working with Justice Reinvestment Initiative (JRI) grants. Risk assessment instruments have been around since the 1920s, but in 1994, Virginia became the first state to officially adopt one (Burgess, 1928; Harcourt, 2010). Risk assessment instruments provide structure when deciding whether people should be released pretrial (Bechtel et al., 2011; Mamalian, 2011). Research has shown that these tools can accurately place individuals in their appropriate risk category (Austin et al., 2003; Farabee et al., 2010; Schwalbe, 2007). Kahnemann (2011) found that when the courts use structured decision-making tools, it can reduce systematic errors. Modern pretrial risk assessments are more valid than earlier assessments as they contain both static and dynamic risk factors and can even help inform supervision need while on pretrial release (Mamalian, 2011).

Despite the United States being in the "risk assessment era" (Starr, 2015), there are also many challenges and drawbacks associated with the use of risk assessment tools. The first concern is the "individual prediction problem;" that is, since risk assessments use aggregate group characteristics to classify low and high risk, this may go against the value of individualism by classifying risk relative to aggregate subgroups (Hannah-Moffat, 2013; Starr, 2014). Secondly, risk assessment tools are not a panacea for bias in the criminal justice system. Their treatment of race, ethnicity, and gender as binary variables rather than the "complex social constructs" can increase the risk for racial, ethnic, and gender bias (Hannah-Moffat, 2013). In addition, because there are different definitions of recidivism (which is what the tools are attempting to predict; Hannah-Moffat, 2013), the risk assessments may be providing information on the wrong type of risk. For example, they provide information on general riskiness rather than what the judges want to know: how a sentencing decision will affect an individual's risk for recidivism (Starr, 2014). Lastly, although risk assessment tools are described as objective, that label can obscure the subjective nature of how the questions are asked and answered (Hannah-Moffat, 2015). Additionally, practitioners may purposively adjust the score instead of using a formal, but visible, override (Hannah-Moffat, 2015). Although these limitations do not undermine the need for pretrial reform, concerns about the tools require an assessment of the perceptions of the criminal justice professionals using them.

The criminal justice system is in the midst of the "third wave" of bail reform in the United States. The third wave entails a system in which presumptively innocent people charged with offenses are immediately released back into their communities. Rather than placing conditions upon these individuals, the courts offer them services (Van Brunt & Bowman, 2018). Services may include text message reminders, housing assistance, and drug and alcohol treatment. Services may provide the individual with opportunities for long-term community success. The proactive approach to pretrial release has been instrumental in the third wave of bail reform but may result in pushback, such as the assumed guilt of the accused. This assumption can influence the use of discretion, a powerful tool that impacts clients in the criminal justice system. Past research has shown that risk assessment tools can more accurately predict risk to re-offend and fail to appear in court than reliance on professional judgment (Andrews et al., 2006; Grove et al., 2000; Latessa & Lovins, 2010). Reliance on risk-needs assessment tools has also

been found to reduce recidivism in the community (Grove & Meehl, 1996; Grove et al., 2000; Hanson et al., 2009).

Methodology

This qualitative study used in-depth, semi-structured interviews with 24 stakeholders in a county in central Oregon, which we refer to as "Central County." Although Central County has high population growth, it is considered a mid-size county in the state, with a population of under 200,000 people in 2019 (US Census Bureau, 2021). It is relatively rural, with few urban areas (USDA, n.d.). Like the state overall, Central County is predominantly White (87.3% White Non-Hispanic and 5.96% White Hispanic). Less than 1% of people in the county identify as Black or African American, about 1% as American Indian or Alaska Native, and a little more than 1% as Asian. About 8% of the population identifies as Hispanic or Latino (US Census Bureau, 2021). The median household income in Central County is over $67,000 with a poverty rate of over 9% (US Census Bureau, 2021).

Semi-structured interviews were chosen as an appropriate source of data for this type of research because they provide rich qualitative narrative and allow the interviewer to probe freely for more information, change the order in which the questions are asked, and adapt follow-up questions depending on the specific information given by the participant (Saldana, 2009). This approach helped us better understand stakeholders' perceptions, experiences, feelings, and current knowledge about the pretrial release program (Patton, 2002). We developed the interview protocol questions in consultation with the pretrial team coordinators so that it met their research needs and areas of interest. Participants also completed a brief demographic survey that was created and distributed via email using the online tool Qualtrics.

Participants

The data were collected between July 2020 and December 2020. The data collection took place online via Zoom because of the COVID-19 pandemic. Purposeful sampling is a widely used technique in qualitative research to identify information-rich cases for the most effective use of limited resources (Patton, 2002). It involves identifying and selecting individuals or groups knowledgeable about or experienced in a phenomenon of interest (Creswell & Plano Clark, 2011). In addition to knowledge and experience, Bernard (2002) and Spradley (1979) note the importance of availability and willingness to participate. The pretrial team coordinators helped us identify people to contact for interviews. We sent an email to each participant asking for voluntary participation, and every individual agreed to participate if their busy schedules could be accommodated.

The full interview sample consists of 24 stakeholders, representing all dimensions of the pretrial release program: four from the District Attorney's Office, four from the defense counsel, six from Parole and Probation, three jail deputies, six judges, and one from the court. Thirty-eight percent of stakeholders identified as female, and 62 percent identified as male. The majority (88%) of the stakeholder sample self-identified as White, Non-Hispanic/Latinx/Spanish origin, fairly similar to the overall demographics of the county.

Table 1
Interview Sample Roles and Pseudonyms

Position of Job Title	Names					
District Attorney's	Erica	Jess	Kelly	Angie	---	---
Defense Counsel	Jake	Robert	Misty	Jessica	---	---
Parole and Probation	John	Betsy	Sydney	Tyler	Tommy	Taryn
Jail Deputies	Scott	Joe	Alex	---	---	---
Judges	Andrew	Amber	Shelly	Jim	Annie	Donny
Court	Mike	---	---	---	---	---

Note: The names in this table are pseudonyms assigned by the researchers and are for the purposes of clarifying roles when reporting interview data only.

Procedures

The study was reviewed and received Institutional Review Board (IRB) approval. The interviews were conducted individually at a time chosen by the interviewees, except for one group of three participants from the defense bar. The group interview occurred because the only free time in the participants' schedules was during their regularly scheduled office meeting. Their responses were consistent with all other interviewees, showing no significant differences. For this reason, we chose to keep them in the final analysis. Consent forms were attached to the recruitment email that included information about the study, confidentiality, and the right to withdraw. At the beginning of each interview, we re-read the consent form and asked for verbal consent. Due to the COVID-19 pandemic, the interviews were conducted and recorded on Zoom with the participants' permission. We asked the same questions to all participants; however, interviews ranged from 25 minutes to 90 minutes per participant due to differences in participants' knowledge and involvement in the program. The median interview time was 70 minutes. The shortest interview was due to the participant's time constraints. Interviews that lasted longer were the result of participants who were more forthcoming or excited about that topic. At the end of the interviews, we distributed the link to the demographic survey via email.

We probed and encouraged stakeholders to share their experiences with the county's newly implemented pretrial release program, to express their views and opinions, and to share any concerns they might have about the program. The interview guide was semi-structured and focused on four different topics: (1) values and goals of pretrial release, (2) perceptions of pretrial risk assessment tools, (3) factors evaluated in the VPRAI, (4) and training. We took notes and recorded our observations immediately following the interviews. We transcribed the interviews verbatim using the Trint transcription service. We also took several measures to safeguard the confidentiality of data by transcribing and de-identifying data and using two-factor password protection for all files. We discarded all recordings from Zoom immediately after transcription. All names of participants are pseudonyms assigned by the researchers.

Data Analysis

We used a general inductive approach for the analysis of qualitative data. Data analysis was guided by Richards and Morse's (2012) framework for thematic analysis and included the

following processes: topic coding, creating categories, conceptualizing, and abstracting. Interviews were transcribed and read multiple times in an attempt to absorb rich details and to gain a deeper understanding of each interview (Agar, 1996; Creswell, 2018; Patton, 2015). We began by analyzing the data through organizing and labeling it by hand. During the second and third readings, open coding took place to identify common patterns and representative quotations.

Throughout the coding process, we kept notes on consistent themes, the common language used by participants, and shared stories. We conducted open coding through a line-by-line examination of the data. This was followed by a development of clusters of meaning into themes (Moustakas, 1994). Upon completion of this phase, a story could be told, and the analysis could be justified and explained (Hatch, 2002).

Results

The findings from this study can help illuminate perceptions and potential barriers to implementing a pretrial release program. It was common for the stakeholders to express positive perceptions of pretrial release and the need for the program. Stakeholders also expressed concern about potential barriers to successful implementation, such as the risk assessment tool itself, factors evaluated, and a need for further training. In this section, stakeholders' accounts of four themes are discussed, which have been labeled as follows: Just Keep Them Out of System, The Tool Plus Experience, What Factors Are You Talking About, and Training Would Be Great.

Just Keep Them Out of System

Core values are defined as the fundamental beliefs of a person, program, or organization. All participants were able to identify the core values of the Central County pretrial release program. Despite varying perceptions, the consensus was that pretrial release was meant to "keep them out of the system." John, from Parole and Probation, stated,

> I would hope the objective is to identify persons that don't need to be in jail, that are otherwise in jail, can be on pretrial release. I also think the objective is to identify candidates for discretionary departure, and using this, targeting this pretrial release opportunity for those persons, to assist those persons to be a success once they get on probation.

Erica, from the District Attorney's Office, recognized they had not discussed this as a group, stating,

> I think the main goals of pretrial, whether you're going to set any conditions or hold someone, asked for them to be detained on bail is that they make their court appearances and that they do not commit new offenses while released. I would caveat that, and this may not be a view of the whole group because we haven't discussed this specifically.

The articulated values and goals of pretrial release varied depending on the stakeholder's position in the justice system. Participants in the District Attorney's Office and jail deputies often articulated similar values and goals associated with pretrial release, whereas the defense counsel and Parole and Probation units were more likely to align. Scott, a jail deputy, stated, "I want to see individuals that change. I want them to have a better life than they currently experience. And our society will be better if they're able to be successful." Joe, also a jail deputy, stated, "People need to be held accountable for what they do; otherwise, they will do it again." The District Attorney's Office and jail deputies often wanted to see people change and not return

to the criminal justice system, ultimately making the community safer. “Our first goal is to make sure we let people out that do not need to be held, but our number one priority is community safety,” Jess, from the District Attorney’s Office, stated.

Discussion around the values and goals of pretrial release often resulted in individuals discussing what criteria they had in mind when determining whether the program was successful. Throughout these discussions, it became clear that the pretrial stakeholders’ group had never directly discussed this. Joe, a jail deputy, said, “For me, if we release them, they go out and continue to use heroin or meth, it is a failure. Whereas other people may be like, ‘well, they didn't get charged with any new crimes.’”

Other stakeholders had different definitions of success. For example, Andrew, a judge, said, “I would presume the program is effective if people are getting released that would not otherwise.” Andrew went on to explain that he believed the goal of the county pretrial release program should be to “identify individuals who can be successful outside of an incarceration environment. If we can identify them earlier so they can remain more stable, we will get better outcomes.” The defense bar, bench, and Parole and Probation saw the goals as more to provide opportunities to clients that have not been historically offered and to keep people out of jail while their case is going through the system. “I think this is great that people have the opportunity to go through this program when in the past we didn’t offer this,” Jake, from the defense counsel, stated. He continued, “If I have a client that may be eligible for the pretrial program, I want to know about it so I can try for them.”

In conclusion, there was consensus that keeping people out of the system was the main goal of pretrial release. For many of the justice professionals, however, it seemed that the first time they had discussed the values and goals of the pretrial release program was during our interview. The development and adoption of explicit values and goals could help provide direction and measurable outcomes for the pretrial team when implementing a new program, which ultimately benefits clients and the community.

The Tool Plus Experience

Most respondents thought that pretrial risk assessment tools were an efficient way to review information about a defendant, and they valued its allowance for evidence-based decision-making. However, the majority also believed that the decision of the judge or bench was always the most important factor. Betsy, from Parole and Probation, stated, “I think it is great that the criminal justice system is moving towards evidence-based practices.” The majority of respondents felt that pretrial risk assessment tools helped minimize human error. A common concern was that before the use of pretrial release tools, people could “interject personal attitudes which would make it likely to interject mistakes,” as stated by Jake (defense counsel). Many felt that using a risk assessment tool could be especially beneficial for judges. Amber, from the District Attorney’s Office, said, “using evidence-based tools could help judges when making hard decisions.”

Support for pretrial risk assessment tools varied by respondents’ positions. People not in supervisory positions or major decision-making roles had more concerns than those who held such positions. These participants were concerned that risk assessment tools negated individuals’ professional experience. Joe, a jail deputy, said, “I just don’t know how I feel about taking away experience.” Others’ concerns stemmed from their perception that the tools had not proven reliable in the past. There was widespread support for using validated tools in the criminal justice system, however less support for the VPRAI specifically. Perceptions of the VPRAI were tied

directly to individuals' knowledge of the tool, specifically, whether they knew that it was validated and had been modified to meet Oregon statutes. Only a few individuals knew both details.

People were also uncomfortable with the eligible population selected by the county. The District Attorney's Office, defense counsel unit, and Parole and Probation unit wanted to expand the eligible pretrial release population to include more charges. They thought it was great that the county decided "to go big or go home" when selecting the eligible population for pretrial release to be prison-eligible drug and property offenders. However, jail deputies and judges believed the county was already "pushing it" by allowing prison-eligible crimes to be included. These stakeholders often perceived this population as high risk and likely to re-offend. Joe stated,

> Drug abuse is a disease, and a part of recovering from that is relapse. But does the history of drug abuse mean they're a danger to the community or to not reappear? I mean, it depends on how you look at that, right? Most people we see are either heroin or meth addicts, and, in my experience dealing with them, they are not working anymore, and they use government subsidies. They may be out there stealing also.

Many of the participants felt that the VPRAI tool selected by the county was unable to capture the risk of reoffending. Joe went on to say,

> Here's the offender coming down, they are sick, and the quickest way for them to be not sick is to walk out their front door and go find some more drugs. Is that a failure if we released them from jail? You know, to me, it is. They are breaking the law using.

The deputies in the jail felt that overrides were necessary, both to override a detention decision and to override a release decision to detain. For example, Joe said, "It should be overridden, you know, and it can be over in both ways, right? We've had to, you know, override or request bail just for the fact that we thought they were going to get out immediately, go back to using drugs." Another jail deputy, Alex, summarized what most jail deputies we interviewed felt,

> I think there may be times subjectivity creeps in, but very rarely, and I think you should control it, how many times you will override the system. I think if you're wrong, then you've just injured a person for no reason. But I do think that if you see something or know something that may be impactful to the individual or the community, I think it has to be noted.

Conversely, many participants from the District Attorney's Office felt the right population was selected for the program, and that the county should expand the eligible population. Shelly said, "We have to expect people to use again." There was an understanding that using again was a part of the addiction recovery process. We found this group focused more on the safety of the community. Erica, from the District Attorney's Office, said,

> I like the VPRAI because it is an evidence-based data tool shared with other counties, and people are not stepping outside the box because that's where mistakes happen. I think mistakes are going to happen no matter what. If we didn't use a tool, I think we'd have more mistakes occurring and some of these mistakes could be predicted because not everybody fits into the right box. But this tool allows us to go down a path to try to pick the best path for individuals.

Participants in the District Attorney's Office recognized the VPRAI was a validated tool, and they were very comfortable with the tool because they used it daily. Judges also

showed overwhelming support for the VPRAI. They preferred that the score rarely, if ever, be overridden and that if an override were to occur, it should happen in court where prosecutors and defense attorneys both had the chance to argue for or against it. Judge Shelly explained,

> It seems to me like nobody should be overriding the score. When the score comes to court and the state says, 'OK, the score was this, but we think there are these enhanced factors,' and they should be making that argument. I don't think that they should hide behind the tool. Like, I think when you get busy or you hear something is evidence-based, you go, 'oh, it's evidence-based and it must be right.'

Once the judges were informed that the VPRAI was a validated tool, they expressed greater support. As Amber stated, "It would be fact-based, and I would be unlikely to override the tool unless there were exceptional circumstances." Judges also liked that the VPRAI allowed them to see additional notes, as Larry, a judge, said, "It provides context. Sometimes I think it makes a difference to an individual's circumstance."

Nineteen participants in this study felt that the only person that should override or change a score should be a judge, as they felt the judges would be the least biased. Only one person felt that the score should never change, and judicial discretion should not occur. As one person from Parole and Probation stated,

> I would be much more inclined to give discretionary decision-making to the judge than anybody else because the judge would be in a position to weigh multiple factors more independently. I guess I don't know under what circumstances they would overrule something, but I think we've lost a lot of independent justice because you can't weigh any person.

Most people felt that the additional information provided to the judges by the VPRAI would lead to a more informed decision. Additionally, judges recognized that they are very busy and had limited time with each case. Jim, a judge, explained, "We usually only have two minutes." He said,

> I'm never in my colleague's courtroom, but we are very collegial here... And so just the fact that we're participating in this, I think it's important. There's some messaging from the presiding judge this is important. He says here are some studies, and there's enough respect on the bench to say, 'Hey, he knows what he is talking about and it's on our agenda. I need to take a look at this, and I should look at my practices.'

Every participant in this study trusted the judges. Most people believed this tool would allow the judges to make more informed decisions by allowing for discretion. Erica, from the District Attorney's office, provided a generally representative sentiment saying, "I just believe in our system. You know that judges have to have the final say-so." People were interested in tracking how often overrides occur, but only for educational purposes to improve the process. For example, Betsy (Parole and Probation) said, "It will be a key data point I'm looking at is how many times do judges override the recommendations, and I hope not too often."

But the discretion built into the VPRAI is what led to widespread support. Even judges appreciated the discretion built into the decision-making process, but they wanted it used with caution. Larry, one judge, explained,

> When you introduce a human element to something, you introduce something special, and something that can be biased and skewed. To me, you know, as a judge, you have to just say, look you have to trust your partners… Like if you're consistently changing a recommendation, if you're consistently not listening to the

> parties who have more information than you ever will as a judge, like, why are you doing that? Like, when something doesn't feel right, you need to unpack that because there can be good stuff in there, and there can be bad stuff.

The perceptions of the VPRAI appeared to be more positive because the county had allowed for judges to have the discretion. However, there were concerns about discretion if it did not happen in the courtroom. Among our sample, people were unclear who could use overrides and when they were occurring. Most people wanted the changes tracked in the courtroom. While we found overall support for pretrial risk assessment tools, our findings became more convoluted when we focused specifically on the VPRAI tool itself. No one wanted the county to eliminate discretion at the decision-making stage for judges. People also appreciated the VPRAI had discretion built-in by having a comment box to add notes. Transparency was also key for many individuals' support of the VPRAI.

What Factors Are You Talking About?

We asked every participant about their perceptions and understanding of the VPRAI. Eleven participants were unfamiliar with the VPRAI until we began explaining it to them. Betsy, a judge, stated, "Now that you've identified what that is, I am mildly familiar because I've seen the numbers and that grid." Most participants were unaware of the factors evaluated within the VPRAI when first asked. We listed out the factors for all but four participants. As we listed these factors, most people would nod to show agreement. Most participants assumed that the factors would match with Oregon state statutes but were not sure if they did. Some individuals recalled reading the VPRAI report when the score was generated, but they were unsure if that was a comprehensive list of factors. Annie, a judge, stated,

> I've taken it [the VPRAI] off the bench after I've made decisions and before I've made decisions. I've reviewed it carefully to see what goes into these decisions and what boxes were checked. And so, I'm familiar with the report itself. And I could probably surmise some of what you are asking about based on what I see in the report.

Angie, from the District Attorney's Office, said, "Those are the factors already in the statute as primary and secondary criteria." However, most participants were not sure if those were the factors that were in the tool. Once we informed participants of the factors assessed in the VPRAI, all participants were satisfied with the criteria. Jim, a judge, expressed his concerns in the following statement,

> I would think those are typically the things that we're looking at when we talk about the release. I think what is more important is criminal history or pending criminal charges. Whether or not they've got some stuff that's not included in there or pending I would think would be the most important for me at the time of release.

Over half of the participants did not think criminal history should be included to determine pretrial release or detention. Among those that supported the inclusion of criminal history, most felt that it should only include recent criminal history. Jim, a judge, said, "It's going to be hard with our population" to ignore criminal history because they were prison-eligible, which often implies a criminal history. Deputy Joe, from the jail said, "I understand that everyone's innocent till proven guilty. But, you know, if you have someone that's been in jail 25 different times for possession of meth…" Joe's concern was that you could not ignore criminal history because it is indicative of future behavior. This individual was not alone in this concern; thirteen others also felt this way.

However, others had very mixed feelings about criminal history. Erica, from the District Attorney's Office, emphasized *recent* criminal history is most meaningful. "It's important to know whether or not all their history is from the 70s or the 90s." All participants were unaware that the VPRAI does not capture a time frame in criminal history. Judges also saw criminal history as a way to deal with large caseloads because of a lack of time to dive into other factors. Larry said, "And sometimes when you don't have time, you reduce to some fairly historic metrics like criminal history."

This sentiment was in line with many expressed by justice professionals throughout our interviews. Seventeen people believed that criminal history could be problematic, but it is all they have to go on quickly. Others were not concerned with how recent the criminal history was but more about the inherent biases that criminal history can replicate. Annie, who is a judge, stated,

> I'm always concerned when we factor in prior criminal record because it runs the risk of perpetuating racial injustice. You know, I'm sure you understand that if we've been over-policing, the criminal justice system is over-represented by people of color.

Some participants said they would never want to see a report that did not include criminal history, some wanted only recent history, and some were not sure it should ever be used.

A unique finding was that several participants said they would be less likely to review the VPRAI when it comes to pretrial release as they were satisfied with the strategies used before the VPRAI was implemented, such as the criminal history forms and interviews with pretrial deputies. Amber, a judge, explained that the new reports seemed the same as ones they already used,

> We have a separate peace officer that will go to the jail, interview the defendant, make recommendations for release and provide a condensed bit of information, which is very much like what's in these reports that are now generated. I'm pleased to get the information and make the decision, so I can move on to the next 60 or 80 cases in the same two and a half, three hours.

The idea that the current pretrial program was not different from what the county had been doing was widespread. However, there was a sense of frustration about using a new tool when they already had a process in place for pretrial release. There was a lack of consensus among participants that the new tool provided anything more to the release or detention recommendation. As a judge, Amber said, "The number isn't what would persuade me. What persuades me is what the release officer says." All the judges supported interviewing individuals before scoring them, which can result in more subjectivity than the VPRAI. The factors this participant mentioned are included in the VPRAI. Larry, another judge, said, "I would try to look at the person rather than number unless I was truly confident of the basis for that number." Sixteen people were not sure how the score was generated for the VPRAI.

To ensure that the values and goals of the pretrial program are met, it is imperative that stakeholders understand the tool and how the tool generates a risk score (the number). Joe, a deputy in the jail, describes the perceived arbitrary nature of a number. He explains that the score may not always reflect concerns they may have about an individual,

> No, I mean, if I made it clear, like, yeah, if this person gets out, I'm afraid they're just going to instantly go out and use heroin. I think they're going to fail. I admit I relayed that to her (someone in the district attorney's office). She overrode the score. I know

> part of the problem with that. Is that a failure within this program? If we would let them out there rather than use drugs again?

The ability to utilize discretion was critical to all the stakeholders in the program. The tool is being used, but there is discretion in overrides. An individual can show up to court and not get rearrested for a new crime, which would be considered a success. Most of the criminal justice professionals interviewed were unaware of the specific factors used to evaluate risk in the VPRAI. However, once we informed them of the factors, all but four participants said they were the factors that they would have expected to see, and if they were not in the VPRAI, they felt the county had other tools that allowed them to gather what they saw as missing data.

Training Would Be Great

The stakeholders all felt undertrained and uninformed about the use of the VPRAI for pretrial release. All but five explicitly discussed a lack of training provided before the rollout of the program. Erica, from the District Attorney's Office, said, "I know most people do not know as much as I do. I think we could make an effort to give everyone more training." In response to a question about training, Liz, from the defense counsel group, said,

> Even if we had a conversation before it's implemented--because I think that's where you get a lack of buy-in. I don't even think that we understand who qualifies for the program…So, I think if I knew what the boxes are you have to check to even be allowed into the program?

Despite indicating support for risk assessment tools generally, the lack of training made most participants hesitant to support the VPRAI tool. "If the tool was validated, then I would be okay with using it. But I do not even know how they got this tool," Judge Annie said. Despite the tool already being validated, this continuously arose as a concern. Many participants expressed concerns about how the risk score was calculated. It was common for participants to state they were aware of the factors examined in the VPRAI, but when it came to applying the VPRAI, they did not realize those factors helped calculate the score. The tool is designed to minimize subjectivity, but 13 participants preferred to hear what the release officer thought.

We asked questions about training after assessing participants' perceptions of the VPRAI factors during the interview process. While we found widespread support for the VPRAI factors used to calculate the score (except criminal history) and validated risk assessment tools in general, a lack of training made participants feel unclear and frustrated. Jake, a defense counselor, said, "It would be nice to know what my clients are evaluated on and what their risk score is. I do not think anyone has ever told us that." While all the participants talked about the importance of risk assessment tools, there was a desire to better understand the current practices. "I'd love more training," Annie, from the bench, said. Annie even suggested ways training could be incorporated into their busy schedules, "Perhaps they can present at our monthly meetings, briefly, of course. I mean like one page but refresh us."

Sydney, from Parole and Probation, said, "If I understood this is our process and we do this process the same way every time, and this is how we reach the number I may be inclined to support this program." The only participants who felt properly trained were those working with the tool daily or who helped select it. They were aware that further training for all stakeholders may be needed to increase buy-in and ensure successful program implementation. For example, 15 people were concerned that the judges had not received adequate training. "I could be wrong on this, but my sense is the judges have not received formal training," Betty, from Parole and Probation, stated. The concern about providing adequate training for the judges also stemmed

from their role as "gatekeepers." Jake from the defense counsel said, "If judges are not buying into this, will the program work?"

All the stakeholders recognized the importance of training and how that can improve the rollout of any new program. There was a desire to offer more training to improve people's perceptions and experiences. There was also recognition that the judges are critical to the success of the program. Often the judges were seen as the gatekeepers for a successful program, and without judges on board, it would never work. The stakeholders in the present study felt confident that they could make time in their schedules for more training. They also felt their county has always worked well together, so this would give them opportunities to continue collaborating. As Robert, in defense counsel, said, "We all work so well together. I know it sounds cliché, but we all respect each other and have great working relationships."

Discussion

In Central County, most people we interviewed supported the use of evidence-based practices. Several findings from the current study are worth discussing, and the present study explores people's perceptions of the potential barriers with pretrial release tools and the tool adopted by their county. While most research on pretrial release reform explores measurable outcomes, this research fills in the gaps using rich qualitative data. The accounts of stakeholders provide Central County with a unique opportunity to examine its current implementation strategies and to ensure a successful program. We identified a level of shared agreement between pretrial officers, judges, and prosecutors regarding risk assessment tools. They recognized the importance of objective decision-making and enhanced efficiency in the decision-making process, valued simplicity, and appreciated the use of validated tools. Future research should explore these experiences, especially the discrepancies distinguished by respondents' role in the criminal justice system.

A primary barrier to consistent implementation was a lack of understanding of the VPRAI and how it was different from what the county was already using to make pretrial release decisions. It is important to understand what professionals think about the factors evaluated within the VPRAI because this could influence how they implement and use the risk assessment tool. Recent research found negative perceptions of risk assessment tools by justice professionals can affect adherence to the tool (Terranova et al., 2020). If the factors evaluated are seen as unreliable or missing key variables, it may lead to less support.

Many participants implied that their resistance to using a new tool was because they did not understand why it was being used. These concerns suggest the need to develop values and goals to provide direction and measurable outcomes as well as to provide support for training. Identifying values can help people within organizations determine if they are on the right path in fulfilling the overall goals and mission. This contrasts with the goals of a program, which are the concrete, measurable outcomes that can be obtained or finished (Hayes, Barnes-Holmes, & Roche, 2011). The values and goals identified by the criminal justice professionals in this study were inconsistent when it came to identifying the role of pretrial release in the justice system, a finding that is supported by the literature (DeMichele et al., 2019). Understanding individual stakeholders' perceptions and experiences of pretrial release can help improve adherence to any pretrial risk assessment tool and, therefore, improve the accuracy and reliability of pretrial decisions (Terranova et al., 2020).

Terranova et al. (2020) found that support for pretrial risk assessment tools will be impacted by perceptions of the tool. Those who knew that it was a validated, evidence-based tool

were also those most likely to support it. The judges were supportive of the tool but often untrained. This was a significant finding because judges were seen as "the key" to the success of the program. Being cognitively busy induces judges to rely on intuitive judgment, which may lead to hasty decisions (Guthrie et al., 2007). There was widespread recognition that the judges had very heavy caseloads and not a lot of time. Nugent (1994) found most judges attempt to reach their decisions utilizing facts, evidence, and highly constrained legal criteria while putting aside personal biases, attitudes, and emotions. If they were further informed about the purpose of the VPRAI and how the report is generated and assured that overrides could only occur in the courtroom, the judges would be more supportive of the VPRAI.

Our results show that training is critical when beginning to implement a program. Some respondents had extensive knowledge of the current program, but others had limited information. Although there was widespread support for evidence-based practices, risk-assessment tools, and the factors within the VPRAI, training is needed to improve overall support. Many participants were unaware of why the VPRAI was selected, that it is validated, how the score is calculated, and how decisions were being made when asking to detain or place conditions upon individuals.

Judges already have continuing legal education programs in place. The justice system could build on this existing training to offer opportunities more relevant to the current pretrial release program being implemented (Guthrie et al., 2007). Although judges usually make the ultimate decision to hold or release an individual, several stakeholders can have an influence on these decisions along the way. If there is a heavy reliance on the perspectives of the person interviewing the clients, it may lead to bias (Guthrie et al., 2001). Training may help judges understand the extent of their reliance on intuition and identify when such reliance is risky, which can be the first step to instituting change. They may then be more likely to deliberate and intervene to modify behavior and address underlying prejudices and attitudes (Guthrie et al., 2007). Criminal justice professionals serve an essential role in the implementation of pretrial release; however, the push toward evidence-based risk assessments can create further challenges if they are not properly trained. Training and education help ensure smooth policy implementation, which can increase awareness, understanding, utilization, and commitment to policy changes (Mallicoat & Gardiner, 2013).

Limitations

Despite these contributions, there are also several limitations to the current study. First, the current sample only includes stakeholders in the criminal justice system. Although we originally set out to include both stakeholders and clients, we did not capture a large enough sample size to make the data meaningful with the few client interviews we were able to conduct. Unfortunately, research has continued to exclude clients' perceptions, and future research should explore their experiences within the criminal justice system. In addition to our sample size, our study was designed to include certain people, which may have unintentionally excluded other professionals who work with pretrial release (Ross & Bibler Zaidi, 2019), and therefore may represent a bias with the study design. The sample may be biased because we relied on purposeful sampling, and the pretrial coordinator team provided us with recommendations of people to contact.

Second, threats to external validity include factors that might inhibit the generalizability of results from the study's sample to the larger, target population. Third, interviews may lead to inaccuracies due to social desirability bias, which threatens internal validity (Lavrakas, 2008). Participants' awareness that they are part of the research study can also influence outcomes,

commonly referred to as the Hawthorne effect, and limit the external validity of findings (Segwick & Greenwood, 2015).

Conclusion

Despite these limitations, this research adds to the growing body of literature on pretrial release reform. First and foremost, this study illuminates the implementation process of pretrial release. As noted, future work should incorporate more perspectives to fully understand stakeholders' experiences and perceptions since evidence-based practices are not without risks and challenges. Research is continually occurring on pretrial risk assessment tools, and it is crucial to stay informed of critiques (VanNostrand & Keebler, 2009). Since judges' decisions may be predicated on empirically based risk-assessment models, the level of pretrial detention may be affected only marginally, if at all, with the implementation of a tool. Success cannot be measured via quantitative data alone. Even if the rates of pretrial detention decrease, jurisdictions may be making unfounded determinations about whom is a viable risk, using discretion rather than tool recommendations. Research also encourages counties to ensure that they limit the use of conditions placed on individuals released pretrial because highly restrictive conditions, including GPS tracking and electronic monitoring, may have negative outcomes (Van Brunt & Bowman, 2018).

The idea of the tool is that it can objectively predict the defendant's risk of recidivating and risk of flight without relying on intuition, discretion, or subjective beliefs (Van Brunt & Bowman, 2018). The focus should be less on ascertaining risk and more on ensuring the success of those who are in the community pending trial (Van Brunt & Bowman, 2018). There is limited work that explores stakeholders' perceptions around the implementation stage of risk-assessment tools. This study suggests that there is potential for creating a dialogue that can improve policy implementation. As such, additional research and investment in this topic can lead the way to enhanced implementation of programs, policy changes, the dialogue surrounding evidence-based practices, and partnerships with researchers.

References

Agar, M. (1996). *The Professional Stranger*. (2nd ed.). Academic Press. New York, NY.

Alper, M. & Durose, M. (2018). *Update on prisoner recidivism: A 9-year follow-up period (2005-2014)*. Bureau of Justice Statistics. https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6266

Anderson, C. N., Cochran, J. C., & Montes, A. N. (2021). The pains of pretrial detention: Theory and research on the oft-overlooked experiences of pretrial jail stay. In C. S. Scott-Hayward, J. E. Copp, & S. Demuth (Eds.), *Handbook on pretrial justice* (1st ed.). Routledge.

Andrews, D., Bonta, J., & Wormith, J. (2006). The recent past and near future of risk and/or need assessment. *Crime & Delinquency, 52*(1), 7-27. https://doi.org/10.1177/0011128705281756

Austin, J., Coleman, D., Peyton, J., & Johnson, K. D. (2003). *Reliability and validity study of LSI-R risk assessment instrument, final report* (NCJ No. 221277). Washington: The Institute on Crime, Justice, and Corrections, George Washington University. https://www.ojp.gov/ncjrs/virtual-library/abstracts/reliability-and-validity-study-lsi-r-risk-assessment-instrument

Bechtel, K., Lowenkamp, C. T., & Holsinger, A. (2011). Identifying the predictors of pretrial failure: A meta-analysis. *Federal Probation*, *75*(2), 78-87. https://www.uscourts.gov/federal-probation-journal/2011/09/identifying-predictors-pretrial-failure-meta-analysis

Benard, H. (2002). *Research methods in anthropology: Qualitative and quantitative approaches* (3rd ed.). Alta Mira Press, Walnut Creek, CA.

Bridges, G. S., Crutchfield, R. D., & Simpson, E. E. (1987). Crime, social structure, and criminal punishment: White and nonwhite ratesu of imprisonment. *Social Problems*, *34*(4), 345-361. https://doi.org/10.2307/800812

Burgess, E. W. (1928). Factors determining success or failure on parole. In A. A. Bruce, E. W. Burgess, J. Landesco, & A. J. Harno (Eds.). *The workings of the indeterminate-sentence law and parole system in Illinois*, (pp.2 21-234). Illinois State Board of Parole.

Clear, T. (2007). *Imprisoning communities: How mass incarceration makes disadvantaged neighborhoods worse,* Oxford University Press.

Creswell, J. & Poth, C. (2018). Qualitative inquiry and research design: Choosing among five approaches. Sage Publications, Inc.

Creswell, J. & Plano Clark, V. (2011). *Designing and conducting mixed-method research* (2nd ed.). Sage Publications, Inc.

DeMichele, M., Baumgartner, P., Barrick, K., Comfort, M., Scaggs, S., & Misra, S. (2019). What do criminal justice professionals think about risk assessment at pretrial? *Federal Probation*, *83*(1), 32-41. https://www.uscourts.gov/federal-probation-journal/2019/06/what-do-criminal-justice-professionals-think-about-risk-assessment

Digard, L. (2019). Justice denied: The harmful and lasting effects of pretrial detention. Vera Evidence Brief, Vera Institute of Justice. https://www.vera.org/downloads/publications/Justice-Denied-Evidence-Brief.pdf

Dobbie, W., Goldin, J., & Yang, C. (2018). The effects of pretrial detention on conviction, future crime, and employment evidence from randomly assigned judges. *American Economic Review, 108(2)*, 201-240. https://doi.org/10.1257/aer.20161503

Farabee, D., Zhang, S., Roberts, R. E., & Yang, J. (2010). *COMPAS validation study final report*. Prepared for California Department of Corrections and Rehabilitation, University of California, Los Angeles. https://www2.epic.org/EPIC-19-11-08-NE-DCS-FOIA-20191112-Northpointe-Self-Validation-UCLA.pdf

Grove, W. M. & Meehl, P. E. (1996). Comparative efficiency of informal (subjective impressionistic) and formal (mechanical, algorithmic) prediction procedures: The clinical-statistical controversy. *Psychology, Public Policy, and Law, 2*(2), 293-323. https://doi.org/10.1037/1076-8971.2.2.293

Grove, W. M., Zald, D. H., Lebow, B. S., Snitz, B. E, & Nelson, C. (2000). Clinical versus mechanical prediction: A meta-analysis. *Psychological Assessment*, *12*, 19-30. https://doi.org/10.1037/1040-3590.12.1.19

Guthrie, C., Rachlinski, J., & Wistrich, A. (2007). Blinking on the bench: How judges decide cases. *Cornell Law Faculty Publications*, 917. https://scholarship.law.cornell.edu/cgi/viewcontent.cgi?article=1707&context=facpub

Hannah-Moffat, K. (2013). Actuarial sentencing: An "unsettled" proposition, *Justice Quarterly*, *30*(2), 270-296. https://doi.org/10.1080/07418825.2012.682603

Hannah-Moffat, K. (2015). The uncertainties of risk assessment: Partiality, transparency, and just decisions. *Federal Sentencing Reporter*, *27*(4), 244-247.

https://doi.org/10.1525/fsr.2015.27.4.244
Hanson, R. K., Bourgon, G., Helmus, L., & Hodgson, S. (2009). A meta-analysis of the effectiveness of treatment for sexual offenders: Risk, need, and responsivity (Research Report No. 2009-01). Ottawa, Ontario, Canada: *Corrections Research*, Public Safety Canada.
Harcourt, B. E. (2010). Neoliberal penalty: A brief genealogy. *Theoretical Criminology, 14*(1), 74-92. https://doi.org/10.1177/1362480609352785
Hatch, A. (2002). *Doing qualitative research in education settings*. State University of New York Press.
Hayes, S. C., Barnes-Holmes, D., & Roche, B. (2011). *Acceptance and commitment therapy: A mindful approach to behavior change*. Guildford Press, New York.
Herring, T. (2020). Releasing people pretrial doesn't harm public safety. Prison Policy Initiative. https://www.prisonpolicy.org/blog/2020/11/17/pretrial-releases/
Kahnemann, D. (2011). *Thinking, fast and slow*. Farrar, Straus, and Giroux
Lankin, P. (2014). Crack cocaine, congressional inaction, and equal protection. *Harvard Journal of Law & Public Policy, 37*(1), 241-294. https://www.harvard-jlpp.com/wp-content/uploads/sites/21/2014/01/37_1_241_Larkin.pdf
Latessa, E., & Lovins, B. (2010). The role of offender risk assessment: A policymaker guide. *Victims and Offenders, 5*(3), 203-219. https://doi.org/10.1080/15564886.2010.485900
Lavrakas, P. J. (2008). *Encyclopedia of survey research methods* (Vols. 1-0). Sage Publications, Inc. https://doi.org/10.4135/9781412963947
Lee, J. G. (2019). To detain or not to detain? Using propensity scores to examine the relationship between pretrial detention and conviction. *Criminal Justice Policy Review, 30*(1), 128-152. https://doi.org/10.1177/0887403416668016
Levinson, J. D. (2007). Forgotten racial equality: Implicit bias, decision-making, and misremembering. *Duke Law Journal*, *57*, 345-424. https://scholarship.law.duke.edu/dlj/vol57/iss2/2
Levinson, J. D., Cai, H., & Young, D. (2010). Guilty by implicit racial bias: The guilty/not guilty implicit association test. *Ohio State Journal of Criminal Law, 8*, 187-208.
Mallicoat, S. & Gardiner, C. (2013). *Criminal justice policy*. Sage Publications, Inc.
Mamalian, C. (2011). *State of the science of pretrial risk assessment*. Bureau of Justice Assistance. https://www.bja.gov/publications/pji_pre-trialriskassessment.pdf
Martinez, B., Petersen, N., & Omori, M. (2020). Time, money, and punishment: Institutional racial-ethnic inequalities in pretrial detention and case outcomes. *Crime & Delinquency, 66*(6-7), 837-863. https://doi.org/10.1177/0011128719881600
Mauer, M. (2002). Mass imprisonment and disappearing votes, in *Invisible Punishment: The Collateral Consequences of Mass Imprisonment*, 50-57.
Mitchell, O. (2005). A meta-analysis of race and sentencing research: Explaining the inconsistencies. *Journal of Quantitative Criminology* 21, 439–466. https://doi.org/10.1007/s10940-005-7362-7
Moustakas, C. (1994). *Phenomenological research methods* (1st ed.). Sage Publications, Inc.
Nugent, D. (1994). Judicial Bias. *Cleveland State Law Review, 42*(1), 431. https://engagedscholarship.csuohio.edu/clevstlrev/vol42/iss4/6
Omori, M., & Petersen, N. (2020). Institutionalizing inequality in the courts: Decomposing racial and ethnic disparities in detention, conviction, and sentencing. *Criminology, 58*(4), 678-713. https://doi.org/10.1111/1745-9125.12257

Oregon Revised Statute citation. Arraignment and Pretrial Provisions, OR. Rev. Stat. §135.230.
Patton, M. (2002). *Qualitative evaluation and research methods* (2nd ed.). Sage Publications, Inc.
Patton, M. (2015). *Qualitative research & evaluation methods* (4th ed.). Sage Publications, Inc.
Petersen, N. (2020). Do detainees plead guilty faster? A survival analysis of pretrial detention and the timing of guilty pleas. *Criminal Justice Policy Review, 31*(7), 1015-1035. https://doi.org/10.1177/0887403419838020
Rabuy, B. (2017). *Pretrial detention costs $13.6 billion each year*. Prison Policy Initiative. https://www.prisonpolicy.org/blog/2017/02/07/pretrial_cost/
Richards, L. & Morse, J. (2012). *Readme first for a user's guide to qualitative methods* (3rd ed.). Sage Publications, Inc.
Richardson, L. S. & Goff, P. A. (2012). Implicit racial bias in public defender triage. *The Yale Law Journal*, *122*, 2626-2649. https://www.yalelawjournal.org/pdf/1199_pzeey4t1.pdf
Ross, P. & Bibler Zaidi, N. (2019). Limited by our limitations. *Perspectives on Medical Education, 4*, 261-264. https://doi.org/10.1007/s40037-019-00530-x
Saldaña, J. (2009). *The coding manual for qualitative researchers.* Sage Publications, Inc.
Sawyer, W. & Widra, E. (2017). *Findings from Harris County: Money bail undermines criminal justice goals*. Prison Policy Initiative. https://www.prisonpolicy.org/blog/2017/08/24/bail/
Sawyer, W. & Wagner, P. (2020). *Mass incarceration: The whole pie 2020.* Prison Policy Initiative. https://www.prisonpolicy.org/reports/pie2020.html
Segwick, P. & Greenwood, N. (2015). Understanding the Hawthorne effect. *BMJ (Clinical research ed.), 351,* h4672. https://doi.org/10.1136/bmj.h4672
Schwalbe, C. S. (2007). Risk assessment for juvenile justice: A meta-analysis. *Law & Human Behavior, 31*(5), 449-462. https://doi.org/10.1007/s10979-006-9071-7
Spradley, J. (1979). *The ethnographic interview*. Holt, Rinehart, & Winston.
Starr, S. B. (2014). Evidence-based sentencing and the scientific rationalization of discrimination. *Stanford Law Review, 66*(4), 803-72. http://www.stanfordlawreview.org/wp-content/uploads/sites/3/2014/04/66_Stan_L_Rev_803-Starr.pdf
Starr, S. B. (2015). The risk assessment era: An overdue debate [Editorial]. *Federal Sentencing Reporter, 27*(4), 205-206. https://doi.org/10.1525/fsr.2015.27.4.205
Terranova, V., Ward, K., Slepicka, J., & Azari, A. (2020). Perceptions of pretrial risk assessment: An examination across roles in the initial pretrial release decision. *Criminal Justice & Behavior,* 47*(8),* 927-942. https://doi.org/10.1177/0093854820932204
U.S. Census Bureau. (2021). *QuickFacts*. https://www.census.gov/quickfacts/fact/table/US/PST045219.
Van Brunt, A. & Bowman, L. (2018). Toward a just model of pretrial release: A history of bail reform and a prescription for what's next. *Journal of Criminal Law and Criminology*, *108*(4), 701-774. https://scholarlycommons.law.northwestern.edu/jclc/vol108/iss4/3
VanNostrand, M. & Keebler, G. (2009). Pretrial risk assessment in the federal court, *Federal Probation, 73*(7), 3-29. https://www.uscourts.gov/federal-probation-journal/2009/09/pretrial-risk-assessment-federal-court
Weinernan, M., McAlister, S., & Tallan, K. (2020). Cost-benefit analysis of pretrial release in Oregon. *Oregon Criminal Justice Commission.* https://www.oregon.gov/cjc/CJC%20Document%20Library/Pretrial%20CB_memo_FINAL.pdf