



Colorado Pretrial Assessment Tool (CPAT)

Administration, Scoring, and Reporting Manual, Version 1

**By The Pretrial Justice Institute
February 2013**

PRETRIAL JUSTICE

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The Colorado Pretrial Assessment Tool (CPAT) Administration, Scoring, and Reporting Manual was created with funding from the Bureau of Justice Assistance: This project was supported by Grant No. 2012-DB-BX-K001 awarded to the Pretrial Justice Institute by the Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also includes the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, the SMART Office, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United States Department of Justice.

Chapter 1: Introduction

The Colorado Pretrial Assessment Tool (CPAT), version 1, 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 and the Pretrial Justice Institute (PJI).¹

The CPAT is consistent with Colorado Revised Statute Title 16, Article 4, which enumerates the factors judges consider when setting the type of bond and conditions of release for defendants. These factors pertain to a defendant's current criminal charges, criminal history, ties to the community, and risk to public safety and for non-appearance in court.

However, statute does not specifically guide judicial officers on how to define or weigh these factors when assessing the degree of risk a defendant's pretrial risk. The CPAT is designed to help provide this guidance. The purpose of a pretrial risk assessment protocol that includes the CPAT is to enable Colorado pretrial services agencies' recommendations for bond conditions, the court's ordering of bond conditions, and/or the agency's pretrial supervision to be more empirically derived and standardized statewide.

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 Pretrial Justice Institute (PJI) is a Washington, DC-based nonprofit organization dedicated to ensuring informed pretrial decision-making for safe communities. Go to www.pretrial.org.

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.

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 the CPAT should not be used. The CPAT can still be used if answers are not known for only a few 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 obtained from the face-to-face interview. Items 9 through 12 are based on information obtained from online criminal justice databases.

Colorado Pretrial Assessment Tool (v1)

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

Scoring CPAT Items 1 through 8 Using an Interview

Information needed to score CPAT items 1 through 8 is obtained from a face-to-face interview with the defendant. Some pretrial services staff elect 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 attempts 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."

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.

Discrepancies 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.

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 areas relevant to the agency's pretrial assessment.

Answer the following questions:

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.
- Score as "No" if the defendant does not financially contribute towards mortgage or rent but does help pay for any household expenses other than 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

- 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 "Yes".

CPAT Item 8

Q: Have you ever been sentenced to prison?

- Score as "No" or "Yes".

Scoring Tips

- Do not include instances when an entire sentence was suspended.
- Do not include placements in the Colorado Division of Youth Corrections or juvenile detention.
- Do not include sentences to community corrections.
- If answer is unknown, score as "Yes".

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

- Do not include the current charges for which the defendant was arrested.
- Do not include pending cases for which the defendant is currently on summons or bond for the charges.
- Active Warrants are defined as warrants that, at the time of the current arrest, did not have a future court date set. Do not include warrant review hearings as future court dates.
- Include even if not extraditable.
- Include warrants for juvenile cases.
- 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

- Do not include current charges for which the defendant was arrested.
- Do not include active warrants.
- 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.
- 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; 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 only on a commercial surety bond.
- 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.
- Include revocations for juvenile cases.
- Include revocations for municipal cases if that information is in the database.
- If answer is unknown, score as “Yes”.

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 probability 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 determined 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 information, such as the arresting agency's documents, detention staff, victims, and/or the defendant's family members. 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 bail/bond setting policies, and any other information relevant to bail/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 (e.g., personal recognizance, cash, surety, or property).

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

“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.

Chapter 4: CPAT Revision

This manual provides a protocol for administering, scoring, and reporting the Colorado Pretrial Assessment Tool (CPAT), Version 1. As an increasing number of Colorado jurisdictions implement the CPAT, this manual can be 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.