



# PUBLIC SAFETY ASSESSMENT

San Luis Obispo County Probation

# Public Safety Assessment (PSA)

Source of information

- **CLETS- on all cases**
- **CJIS- on local cases**

The PSA uses nine factors to generate scores that predict three outcomes:

- **Failure to appears (risk score)**
- **New criminal arrest while on pre-trial release (risk score)**
- **New violent criminal arrest while on pre-trial release (potential flag)**

Additionally, the PSA does not use socioeconomic factors to predict risk:

- **Unemployment**
- **Homelessness**

In February 2021, the Access to Justice Lab at the Harvard Law School published the most recent validation of the PSA.

## PUBLIC SAFETY ASSESSMENT - RISK FACTOR WORKSHEET

DEFENDANT NAME				CASE IDENTIFICATION
DOB (AGE)	ARREST DATE			PSA COMPLETION DATE
RISK FACTOR	CIRCLE CORRECT RESPONSE			DOCUMENT DATA SOURCE, DATE, LOCALITY, CASE NUMBER, CHARGE/FT/
<b>1. Age at Current Arrest</b> Defendant age at time of current arrest. If no arrest date or arrest date unknown, use PSA completion date	20 or younger	21 or 22	23+	Current age:
<b>2. Current Violent Offense</b> Consult the violent offense list in the appendix of the PSA Risk Factor and Outcome Definitions document	No	Yes		Current Charge:
<b>3. Pending Charge At The Time Of The Offense</b> Defendant was arrested, released, and allegedly committed a new offense while on release pending trial	NO	Yes		
<b>4. Prior Misdemeanor Conviction</b> Conviction for criminal offense defined as a misdemeanor by statute	No	Yes		
<b>5. Prior Felony Conviction</b> Conviction for criminal offense defined as a felony by statute	No	Yes		
<b>6. Prior Violent Conviction</b> Conviction for violent offense per violent offense list in the PSA Risk Factor and Outcome Definitions document appendix	0	1 or 2	3+	1. 2. 3.
<b>7. Prior FTA Pretrial In Past 2 Years</b> Missed pre-disposition court appearance & warrant issued in past 2 years	0	1	2+	1. 2.
<b>8. Prior FTA Pretrial Older Than 2 Years</b> Missed pre-disposition court appearance & warrant issued more than 2 years prior to arrest	No	Yes		
<b>9. Prior Sentence To Incarceration</b> Prison or jail sentence of 14 days or more (not suspended) imposed at sentencing or re-sentencing	No	Yes		

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# Definition of Violent Offense for the PSA

- An offense is categorized as violent for purposes of the PSA if a person causes or attempts to cause physical injury through use of force or violence against another person.
- A charge of attempt (such as attempted murder or attempted robbery), being an accessory before the fact, solicitation, or conspiracy to commit any of these offenses is considered a violent offense.

# Offenses Not Considered Violent

The following offenses are *not* considered violent for purposes of the PSA:

- involuntary crimes of recklessness and negligence, unless they are charged at the level of manslaughter or homicide; and
- offenses involving threats, intimidation, harassment, and similar behavior—with the exception of stalking, which *is* categorized as violent.

# **VIOLENT OFFENSE LIST**

69	219	245(a)(2)	273.6(b)	288a(f)	667.61(e)(5)
136.1(c)(1)	219.1	245(a)(3)	273.6(d)	288a(g)	667.8
140(a)	219.2	245(a)(4)	273a(a)	288a(h)	667.85
148(b)	220	245(b)	273a(b)	288a(i)	674
148(c)	220(a)(1)	245(c)	273ab(a)	288a(j)	836.6(c)
148(d)	220(a)(2)	245(d)(1)	273ab(b)	288a(k)	4500
148.10(a)	220(b)	245(d)(2)	273d(a)	289	4501
149	222	245(d)(3)	278	289.6(a)(3)	4501.1(a)
151	236	245.2	285	311.4(a)	4501.5
186.26(c)	236.1	245.3	286(b)	311.4(b)	4503
187(a)	237(a)	245.5(a)	286(c)	311.4(c)	4530(a)
191.5(a)	240	245.5(b)	286(d)	347(a)	4532(a)(2)
192(a)	241	245.5(c)	286(f)	368(b)	4532(b)(2)
192(b)	241.1	245.6	286(g)	368(c)	11413(a)
192(c)(1)	241.2	246	286(h)	368(f)	11413(b)
192(c)(3)	241.3	246.3(a)	286(i)	404(a)	11418(b)
192.5(a)	241.4	246.3(b)	286(j)	417(a)	11418(c)
192.5(b)	241.5	261(a)	286(k)	417(b)	11418(d)
192.5(c)	241.6	261.5(a)	288(a)	417(c)	18740
203	241.7	261.5(b)	288(b)	417.3	18745
205	241.8(a)	261.5(c)	288(c)	417.8	18750
206	242	261.5(d)	288.2(a)	422.6(a)	18755
207(a)	243	262(a)(1)	288.3	451(a)	26100(c)
207(b)	243.1	262(a)(2)	288.4	451(b)	18540(a)
207(c)	243.2(a)(1)	262(a)(3)	288.5(a)	451.1	664/187(a)
207(d)	243.25	262(a)(4)	288.7(a)	451.5(a)	664/211
208(b)	243.3	262(a)(5)	288.7(b)	452(a)	
209(a)	243.35	264.1	287(b)	452(b)	Veh Code 2800.3(a)
209(b)(1)	243.4	266a	287(c)	455	Veh Code 2800.3(b)
209.5(a)	243.5(a)(1)	266b	287(d)	646.9(a)	
210.5	243.6	266c	287(f)	646.9(b)	
667.85	243.65(a)	266h(b)	287(g)	647.6(a)(1)	
211	243.7	266i(b)	287(h)	647.6(b)	
212	243.8(a)	266j	287(i)	647.6(c)	
212.5	243.9(a)	267	287(j)	667.61(d)(2)	
214	244	269(a)	287(k)	667.61(d)(3)	
215	244.5(b)	273.4	288a(b)	667.61(e)(1)	
218	244.5(c)	273.5(a)	288a(c)	667.61(e)(2)	
218.1	245(a)(1)	273.5(e)	288a(d)	667.61(e)(4)	

The Violent Offense List used by the six Judicial Council pretrial pilot sites that implemented the PSA. Although, California does not have a state authority requiring one list, the Judicial Council collaborated with Judges from the six pilot counties using the PSA, to create one list for those counties to use.

## Public Safety Assessment

### Points and Scales/Flag

Calculate points by using the Risk Factor tables. Then convert total points to scaled score/flag.

#### Failure to Appear (FTA)

Risk Factor	Points
Pending charge at the time of offense	No = 0 Yes = 1
Prior conviction (misdemeanor or felony)	No = 0 Yes = 1
Prior failure to appear in past 2 years	0 = 0 1 = 2 2 or more = 4
Prior failure to appear older than 2 years	No = 0 Yes = 1

Total FTA Points		FTA Scaled Score
0	=	1
1	=	2
2	=	3
3	=	4
4	=	5
5	=	6
6	=	7

#### New Criminal Activity (NCA)

Risk Factor	Points
Age at current arrest	23 or older = 0 22 or younger = 2
Pending charge at the time of offense	No = 0 Yes = 3
Prior misdemeanor conviction	No = 0 Yes = 1
Prior felony conviction	No = 0 Yes = 1
Prior violent conviction	0 = 0 1 = 1 2 = 1 3 or more = 2
Prior failure to appear in past 2 years	0 = 0 1 = 1 2 or more = 2
Prior sentence to incarceration	No = 0 Yes = 2

Total NCA Points		NCA Scaled Score
0	=	1
1	=	2
2	=	2
3	=	3
4	=	3
5	=	4
6	=	4
7	=	5
8	=	5
9	=	6
10	=	6
11	=	6
12	=	6
13	=	6

#### New Violent Criminal Activity (NVCA)

Risk Factor	Points
Current violent offense	No = 0 Yes = 2
Current violent offense AND 20 years old or younger	No = 0 Yes = 1
Pending charge at the time of the offense	No = 0 Yes = 1
Prior conviction (misdemeanor or felony)	No = 0 Yes = 1
Prior violent conviction	0 = 0 1 = 1 2 = 1 3 or more = 2

Total NVCA Points		FTA Scaled Score
0	=	No
1	=	No
2	=	No
3	=	No
4	=	Yes
5	=	Yes
6	=	Yes
7	=	Yes

## Public Safety Assessment (PSA) Decision-Matrix Framework (DMF)

SAN LUIS OBISPO COUNTY, CA

	NCA 1	NCA 2	NCA 3	NCA 4	NCA 5	NCA 6
FTA 1	Low	Low				
FTA 2	Low	Low	Low	Medium	High	
FTA 3		Low	Low	Medium	High	High
FTA 4		Low	Low	Medium	High	High
FTA 5		Medium	Medium	High	High	High
FTA 6				High	High	High



New Violent Criminal Activity (NVCA) Flag

=If yes, will be considered when suggesting release conditions and Pre-Trial Monitoring Levels (PML)

**Pre-**

San Luis Obispo Co. PSA-DMF

## **Case Example:**

**Defendant:** John Doe

**Age:** 29

### **Prior Record:**

2013: VC 23152- Misdemeanor, FTA-bench warrant, served 2 days in custody, 3 years bench probation

2018: PC 647(f)- Misdemeanor, served 1 day in custody

2019: PC 242- Misdemeanor, served 30 days in custody. 3 years formal probation. Per AB 1950 cases closed 1/1/21

### **Current Charge:**

PC 273.5(A)- Felony