

# A Guide to Manually Calculating a Public Safety Assessment (PSA) – Utah May 2018

Use this guide with the “PSA Calculator w Report Capability and Lists-May 2018.xls” workbook. Use the sheet named “Input” to type in the answers. View the results on the “Report” worksheet. The Violent, Step Up, and Hold or Max Condition Offense lists are unique to Utah and must be used to produce accurate calculations and recommendations. This guide should be used in conjunction with the “PSA Risk Factor and Outcome Definitions” document for clarification and accuracy.

## 1 Age at Current Arrest

Be sure age matches DOB in Defendant Information.

## 2 Current Violent Offense

Determine if any offense in current case is on the Violent Offenses List.<sup>1</sup> If it is, answer YES.

## 3 Pending Charge at Time of Offense

**Rule 1:** If one or more misdemeanor and/or felony cases (not infraction cases) have one or more charges pending, answer YES.<sup>2</sup>

**Rule 2:** If a misdemeanor or felony case (not infraction case) has plea being held in abeyance (PIA) with no dismissal, it is a pending charge. Answer YES.

### Information sources:

- District Ct and Justice Ct records (XChange)
- NCIC. If an unclear response is received from NCIC, a PSA is not completed.

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**Prior Criminal History Search Tip:** As you search for convictions, make a note if:

- 1) a prior conviction is for an offense on the Violent Offenses list. See #6 Prior Violent Conviction below.
- 2) the sentence for any prior conviction resulted in **jail or prison** (not suspended) **of more than 14 days**. Post-sentence incarceration should be counted **if more than 14 days**. Incarceration in lieu of payment of fines or costs, suspended sentences, and sanctions imposed by non-judges (e.g. probation officers) should NOT be counted. See #8 Prior Sentence to Incarceration.

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## 4 Prior Misdemeanor Conviction

Answer Yes or No based on searches of the following Information sources.

- District Ct and Justice Ct records (XChange)
- NCIC. If an unclear response is received from NCIC, a PSA is not completed.

## 5 Prior Felony Conviction

Answer Yes or No based on searches of the following Information sources.

- District Ct and Justice Ct records (XChange)
- NCIC. If an unclear response is received from NCIC, a PSA is not completed.

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<sup>1</sup> Specific to Utah

<sup>2</sup> Charges must carry a potential penalty of incarceration – either jail or prison – to qualify

## 6 Prior Violent Conviction

Determine the number of prior convictions for offenses included on the “Violent Offense” list based on searches of the following Information sources. Entry options are: 0, 1, 2, or 3 or more.

- District Ct and Justice Ct records (XChange)
- NCIC. If an unclear response is received from NCIC, a PSA is not completed.

## 7 Failure to Appear Pretrial

The calculator asks for two Prior Failure to Appear Pretrial values.

- Prior Failure to Appear Pretrial in Past 2 Years. Entry options are 0, 1, or 2 or more.
- Prior Failure to Appear Pretrial Older than 2 Years. Entry options are YES or NO.

“Past 2 Years” is any qualifying warrant issued for failure to appear two years before the date the PSA is being calculated. Entry options are 0, 1, or 2 or more. If you find more than 2, you can stop searching.

“Older than 2 Years” is any qualifying warrant for failure to appear issued more than two years from the date the PSA is calculated. Entry options are YES or NO.

**Rule 1:** The PSA definition for a failure to appear (FTA) is the issuance of a bench warrant for not appearing at a scheduled court hearing. Review the issue reason for all warrants issued prior to sentencing and the recall reasons provided.

The following Warrant Reasons indicate a warrant was issued for failure to appear and **SHOULD** be counted as a pretrial FTA.

- Failure to Appear
- Failure to appear for.....
- Failed to appear....
- Issue warrant on failure to appear
- Warrant issued for failure to appear
- Defendant failed to appear.....

If one of the following Warrant Recall Reasons is present, the warrant should **NOT** be considered a pretrial FTA.

- Error (any kind of error, computer, clerical, etc.)
- Defendant currently incarcerated/jail (This is not the same as “Recalled because defendant was booked.”)
- Cancelled
- Warrant recalled to issue new warrant
- Warrant amount changed
- Recalled on legacy system
- Recalled for conversion

**Rule 2:** Warrants issued in justice courts prior to July 2012 should not be counted.

### Information sources:

- District Ct and Justice Ct. records (XChange)

## 8. **Prior Sentence to Incarceration**

Determine if any prior conviction resulted in a sentence to jail or prison (***that was not suspended***) of 14 or more days. Do not add sentences together to get to 14 days. Post-sentence incarceration should be counted if more than 14 days. Incarceration in lieu of payment of fines or costs, suspended sentences, and sanctions imposed by non-judges (e.g. probation officers) should NOT be counted. Entry options are YES or NO (Count by charge, not by case).

### **Information sources:**

- District Ct and Justice Ct. records (XChange)
- NCIC. If an unclear response is received from NCIC, a PSA is not completed.

## **MAKING A RELEASE RECOMMENDATION USING THE DECISION-MAKING FRAMEWORK (DMF)**

A standard Decision-Making Framework (DMF) is included as a tab in the PSA Calculator workbook. Each county may have a modified DMF based on the various pretrial release supervision options available in that county. Please ensure you are using the correct DMF when making a release recommendation. Contact the court if you are unsure of the DMF in use.

### 1. **Plotting PSA Score on DMF**

Once you've completed your initial calculations, plot the PSA score on the DMF.

### 2. **Step-Up or Detain Offenses**

Determine if any of the current charges are on either the "Step Up Offense" or "Hold or Max Offense" Lists. If so, note any increase in supervision level.

#### **Examples:**

- PSA calculated score is in a PRL1 box, but one of the current charges is listed on the "Step Up Offenses" list. The recommendation would change to PRL2.
- PSA calculated score is in a ROR box, but one of the current charges is listed on the "Hold or Max Offenses" List. The recommendation would change to PRL5.

### 3. **Recommendation for Release Type**

There are two release types:

- 1) Release on Own Recognizance (ROR) with NO conditions, and
- 2) Release with Conditions (PRL1, PRL2, PRL3, PRL4, or PRL5)

Using the PSA score, and any increase in supervision level based on #2 above, determine which release type applies.

### 4. **Recommendation for Release Conditions**

If the release type is "Release with Conditions," the release options included under the applicable release level (PRL 1-5) should be the standard recommendation to the court.

If there are extenuating circumstances in your case, you may recommend something different.

***The PSA and DMF are recommendations only.  
As with any case, judges have discretion when making release decisions.***