

# Report on the State of Dane County Pretrial since 2014

Dane County Criminal Justice Council Meeting  
December 12, 2019



# Dane County Criminal Justice Council Pretrial Subcommittee

*The Pretrial Services subcommittee of the CJC began in July 2014. A team of Dane County criminal justice stakeholders attended the Pretrial Justice Policy Forum in Washington, D.C. earlier in 2014 and created a recommendation and timelines for the implementation of innovative pretrial practices. Commissioner Todd Meurer was a catalyst to move stakeholders forward in pretrial improvements.*

*The pretrial subcommittee emphasized the importance of evidence-based decision-making and the use of data and research in the criminal justice system.*

*These practices can lead to a decrease in the use of pretrial detention by using a validated assessment tool in conjunction with judicial discretion to keep low-risk offenders in the community while awaiting trial.*

# Dane County Criminal Justice Council Pretrial Subcommittee, members

- Nicholas McNamara, Dane County Circuit Court Judge
- Carlo Esqueda, Dane County Clerk of Courts
- Catherine Dorl, Dane County Public Defender
- Chris Nygaard, Dane County Sheriff's Office
- Colleen Clark-Bernhardt, Equity and Criminal Justice Council Coordinator
- Ismael Ozanne, Dane County District Attorney
- Jeff Kostelic, Executive Assistant, Dane County Executive
- Troy Enger, Assistant Chief, Division of Community Corrections District 1



2014



2020

# Where we started:

- A 2014 report to Criminal Justice Council outlines the need for support of a *comprehensive pretrial services program* in Dane County, WI.
- Envisioned functions of a pretrial services program include:
  - Initial, brief screening by law enforcement
  - Alternatives to arrest
  - Comprehensive assessment of those booked in jail using a validated risk and needs assessment tool(s)
  - Early diversion
  - Pretrial monitoring and supervision when appropriate



2014

2015



2020

- CJC-Pretrial subcommittee continued to meet and research best practices in pretrial services.
- Review of current pretrial supervision practices (formally Alternatives to Incarceration Program and/or Bail Monitoring).
- Crafting grant applications and partnerships with Arnold Ventures (formally the John and Laura Arnold Foundation).
- County Board authorizes 1.0 FTE position and .5 LTE position upon receiving grant funds to cover initial personnel costs.



2014



2016



2020

- Dane County Criminal Justice Council receives \$197,000 award from the Arnold Foundation to enhance Dane County research in pretrial.
- First PSA Assessor hired

<p>The PSA score is calculated based on nine factors.</p>			<p>The PSA does NOT look at any of the following factors:</p>		
Current violent offense	Pending charge at the time of the offense	Prior misdemeanor conviction		race	gender
Prior felony conviction	Prior violent conviction	Prior failure to appear pretrial in past 2 years		income	education
Prior failure to appear pretrial older than 2 years	Prior sentence to incarceration	Age at current arrest		home address	drug use history
				family status	marital status
				national origin	employment
				religion	



2014



2017



2020

- Dane County CJC Data Sharing Benchmarks developed and endorsed by CJC in June, 2017
- Data sharing agreement endorsed by criminal justice stakeholders to explore data integration of administrative data in Dane County.





2014



2017



2020

- Wisconsin Evidence-Based Decision Making (EBDM) Initiative Pretrial Pilot Protocol draft report released
- Second PSA Assessor hired
- Dane County begins using the PSA at initial appearance
- Randomized Control Trial (RCT) commences on June 1, 2017





2014



2018



2020

- First PSA quarterly report published, presented to CJC-Pretrial subcommittee providing data on:
  - Demographic profile of in-custody defendants
  - Charge information
  - Holds at arrest
  - A comparison of PSA recommendations and actual release decisions by commissioners
- Frequency Of Signature Bonds In Dane County Criminal Cases: 2012-2016 by Judge Nicholas J. McNamara



2014



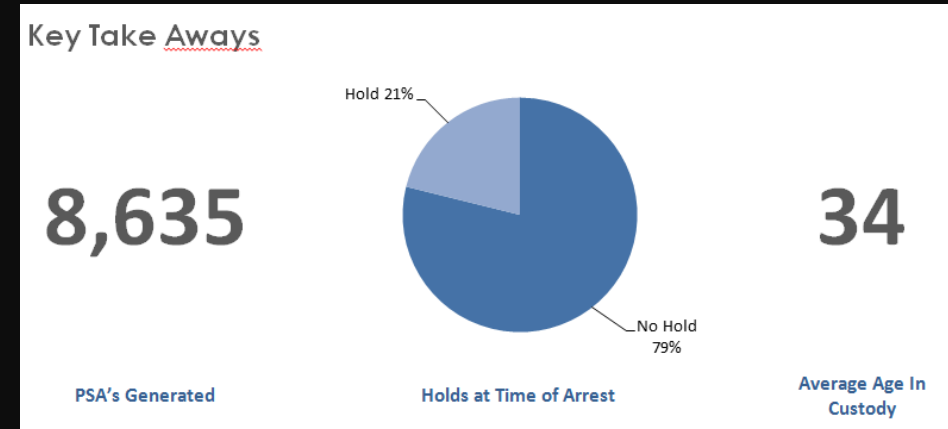
2019



2020

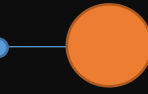
# Where we are now:

- Pretrial Services expanded in Dane County
- RCT trial concludes on December 31, 2019
- First year sample with merged agency data sent to A2J
- 3<sup>rd</sup> quarter PSA report released





2014



2019



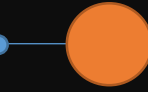
2020

# Public Safety Assessment

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2014



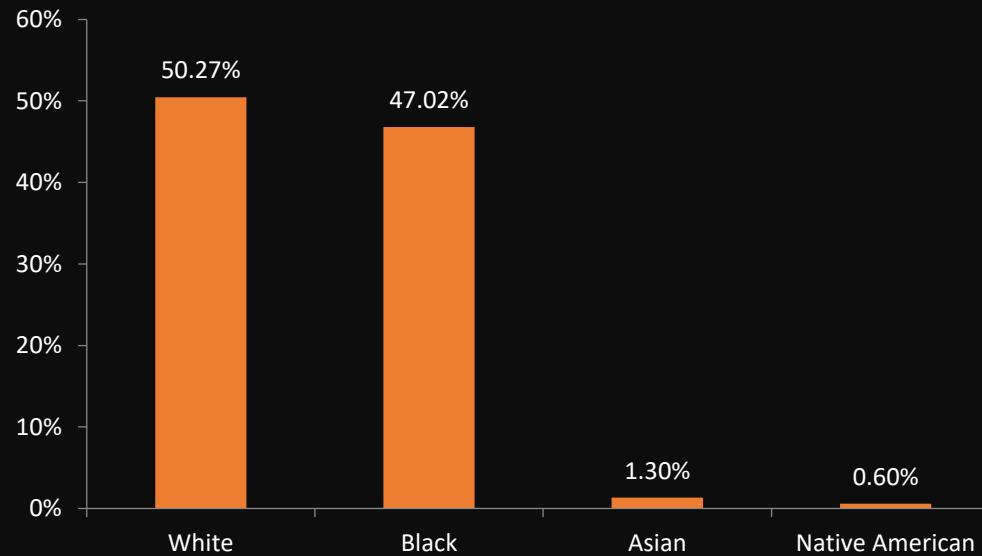
2019



2020

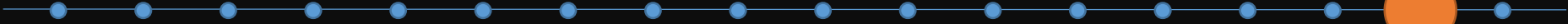
# Public Safety Assessment – 3<sup>rd</sup> quarter 2019

Race





2014



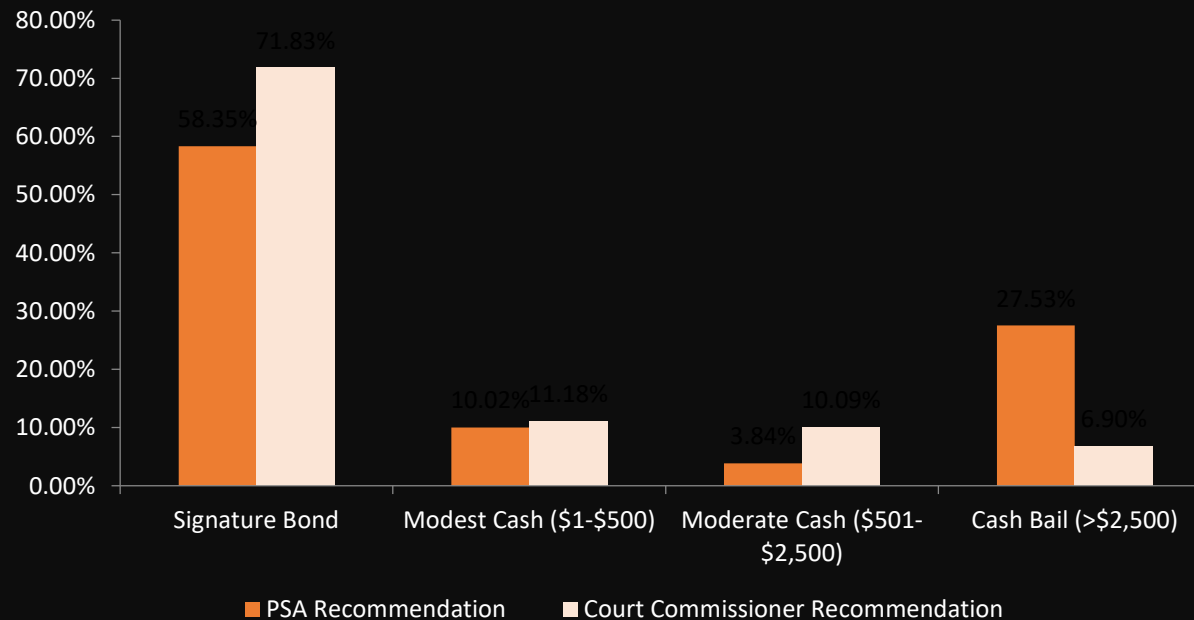
2019



2020

# Public Safety Assessment – 3<sup>rd</sup> quarter 2019

### PSA Recommendation & Release Decision by Court Commissioners Title





2014



2020

# Where we are headed:

- PSAs set to print for all in-custody defendants starting January 3, 2020
- Continued research and reporting via the PSA quarterly reports to the CJC-Pretrial Subcommittee
- Ongoing partnership with Access to Justice Lab, Harvard University to analyze results.

# Recommendations moving forward:

- Disaggregate PSA data points by race, gender, age and charge level.
- Ongoing data and policy analysis for jail stay reductions
- Partnership with the (future) jail population manager
- Enhanced ability to determine supervision dosage level and success rates.
- Disaggregate bail study by race, gender, age.

# Questions for CJC stakeholders:

- January, 2020 PSAs will begin be printed for *all* in-custody defendants, are there key data questions or data monitoring to report to PT subcommittee?
- Other comments or questions



# Questions



Thank you

