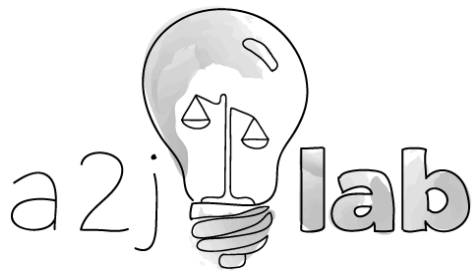


PSA RCT UPDATE

DANE COUNTY CJC MEETING

September 24, 2020



Jim Greiner
Ryan Halen
Matthew Stubenberg

Access to Justice Lab
Harvard Law School

Chris Griffin

University of Arizona
College of Law

A Partnership

This study: a partnership among Dane County, Arnold Ventures, and the A2J Lab

- Dane County
 - Implementation of PSA (guidance from Marie VanNostrand, Luminosity team)
 - Development, adherence to study protocol
 - Compilation of data
- Arnold Ventures
 - Development of PSA
 - Funding of study
- A2J Lab
 - Development of study protocol
 - Analysis of data received from Dane County

The Setting: Pretrial Release

Dane County Commissioner decision to detain or release (if so, then decide conditions) person arrested pending case disposition

- For person arrested, decision likely affects
 - Socioeconomic wellbeing
 - Case disposition
- For Dane County, decision likely affects
 - Community safety
 - Community social fabric
 - Administration of criminal justice
 - Public fisc

The Setting: Pretrial Release

Risk inherent in any pretrial release system

- High costs to incarcerating all persons arrested before disposition
- High costs to incarcerating no persons arrested before disposition
- Decision to release some but not all requires balance of factors
 - Risk of new (violent) criminal activity
 - Racial disparities in predisposition incarceration
 - Failure to appear
 - Social, economic, fiscal costs of incarceration

Public Safety Assessment (“PSA”)

Information for the Commissioner to consider (not binding)

- 1-6 scale for failure to appear (“FTA”)
- 1-6 scale for new criminal activity (“NCA”)
- Flag for elevated risk of new violent criminal activity (“NVCA”)

Public Safety Assessment (“PSA”)

(see <https://advancingpretrial.org/wp-content/uploads/2020/05/PSA-Factors-FTA-Points-700x679.png>)

Factors considered

1. Age at current arrest
2. Current offense violent
3. Pending charge at time of offense
4. Prior misdemeanor conviction
5. Prior felony conviction
6. Prior violent conviction
7. Prior FTA in past two years
8. Prior FTA older than two years
9. Prior sentence to incarceration

Decision Making Framework ("DMF")

Information for the Commissioner to consider (not binding)

- Combines information
 - PSA scores
 - Dane County values and policies
 - Wisconsin law
 - Dane County resources
- Produces recommendation regarding
 - Cash versus signature bond, amount if cash
 - Level of conditions
- Result is a "PSA-DMF System" recommendation

DMF Matrix

	NCA 1	NCA 2	NCA 3	NCA 4	NCA 5	NCA 6
FTA 1	Signature Bond with No Conditions	Signature Bond with No Conditions				
FTA 2	Signature Bond with No Conditions	Signature Bond with No Conditions	Signature Bond with Conditions if Appropriate	Signature Bond with PSL I - Conditions if Appropriate	Modest Cash Bail with PSL II - Conditions if Appropriate	
FTA 3		Signature Bond with Conditions if Appropriate	Signature Bond with Conditions if Appropriate	Signature Bond with PSL I - Conditions if Appropriate	Modest Cash Bail with PSL II - Conditions if Appropriate	Cash Bail, PSL III and Maximum Conditions
FTA 4		Signature Bond with Conditions if Appropriate	Signature Bond with Conditions if Appropriate	Signature Bond with PSL I - Conditions if Appropriate	Modest Cash Bail with PSL II - Conditions if Appropriate	Cash Bail, PSL III and Maximum Conditions
FTA 5		Modest Cash Bail with PSL I - Conditions if Appropriate	Modest Cash Bail with PSL I - Conditions if Appropriate	Modest Cash Bail with PSL II - Conditions if Appropriate	Moderate Cash Bail with PSL III and GPS	Cash Bail, PSL III and Maximum Conditions
FTA 6				Cash Bail, PSL III and Maximum Conditions	Cash Bail, PSL III and Maximum Conditions	Cash Bail, PSL III and Maximum Conditions

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Is the PSA-DMF System Good for Dane County?

How would we know?

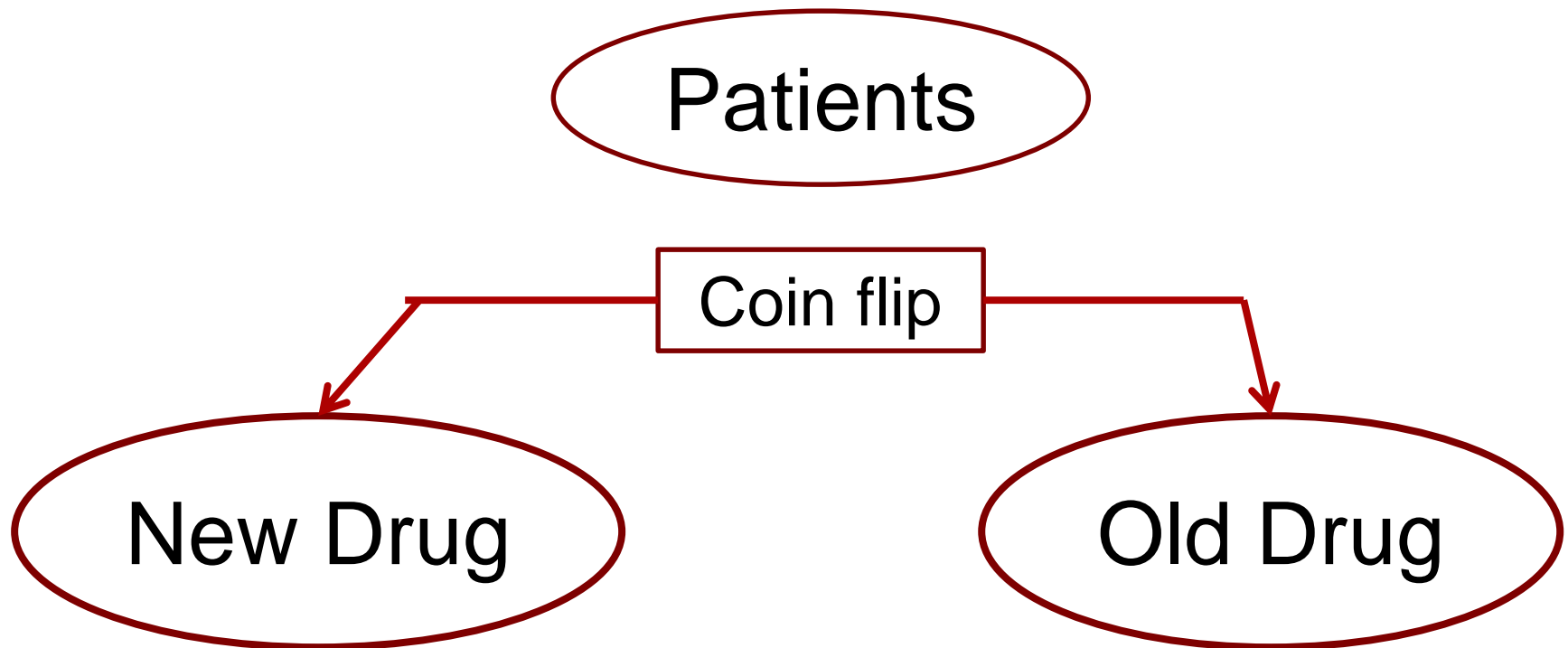
- Previous studies suggest
 - PSA is “valid”: higher scores correlated with increased incidence of FTA, N(V)CA for those released
 - Introduction of PSA coincides with reduction in crime, no increases (sometimes decreases) in FTA, N(V)CA
- But
 - Judges may figure out elevated risk on their own
 - Coincidence of PSA introduction could be other measures adopted at same time
- Need rigorous evidence

Is the PSA-DMF System Good for Dane County?

How would we know?

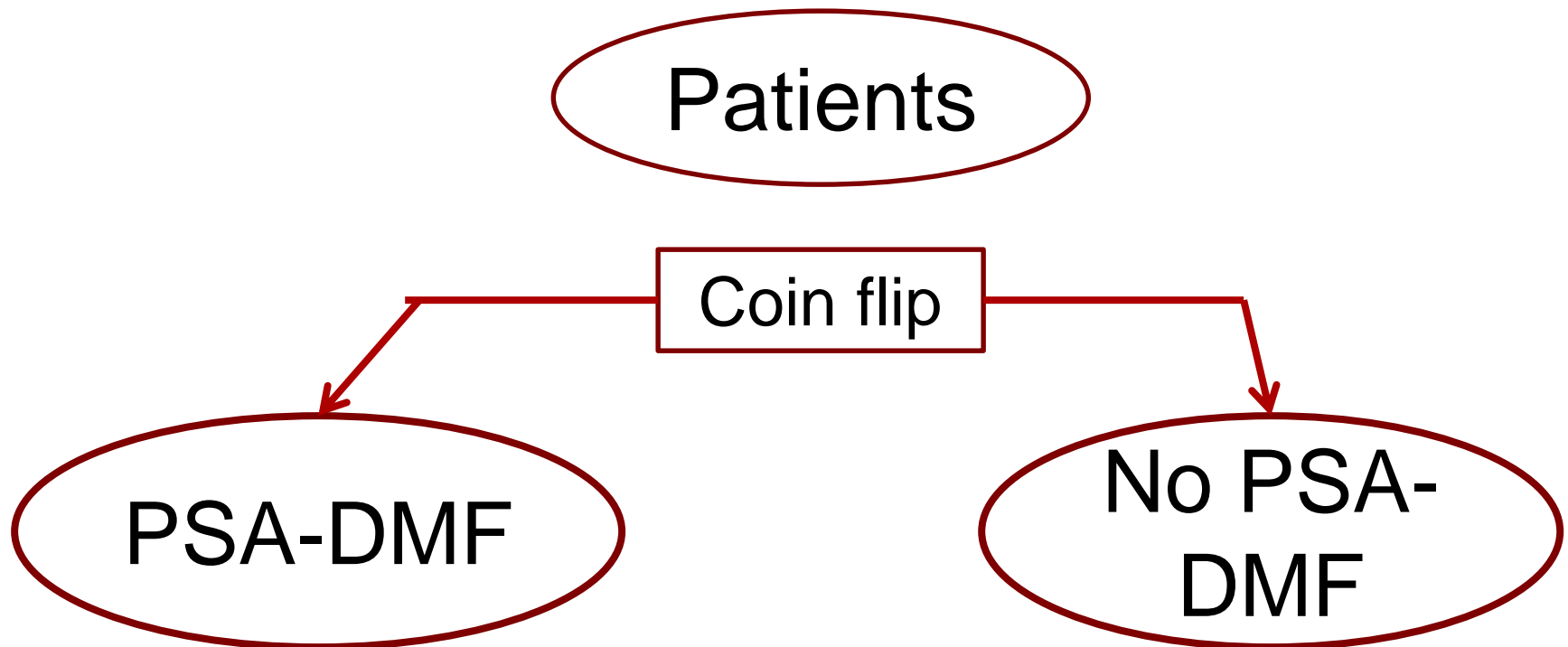
Is the PSA-DMF System Good for Dane County?

How would we know? Borrow an idea from medicine (RCT)



Is the PSA-DMF System Good for Dane County?

How would we know? Borrow an idea from medicine (RCT)



Is the PSA-DMF System Good for Dane County?

How would we know? Borrow an idea from medicine

Primary outcomes (this report)

- FTA
- NCA
- NVCA
- Number of days of predisposition incarceration
- Measures of racial fairness

Other possible outcomes, *e.g.*,

- Conviction & sentence
- Post disposition NCA, NVCA, incarceration

Is the PSA-DMF System Good for Dane County?

Study timeline

- 2016-2017: Discussions, training on PSA/DMF system
- April-May, 2017: PSA/DMF system implemented
 - Other reforms implemented almost simultaneously
 - Makes before/after study problematic, thus need for RCT
- May-June, 2017: Start of study
- Early 2019: Agreement to extend RCT to end of 2019
- December 31, 2019: close of study period
- December 31, 2021: close of follow-up data period

Is the PSA-DMF System Good for Dane County?

This Interim Report: Overall results

- Strong implementation of the PSA-DMF System
- Strong commitment to predisposition justice, a learning criminal justice system
- Not enough information to draw firm conclusions
 - **Have: 12 months of cases, 12-month follow-up**
 - **Plan: 30 months of cases, 24-month follow-up**
- What we see so far
 - Mild effect on Commissioner decisions, in expected direction
 - No effect on FTA, NCA, NVCA, # days of incarceration, racial fairness measures
 - Unexpected: reduction in variation of bond decisions

Is the PSA-DMF System Good for Dane County?

This Interim Report

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Is the PSA-DMF System Good for Dane County?

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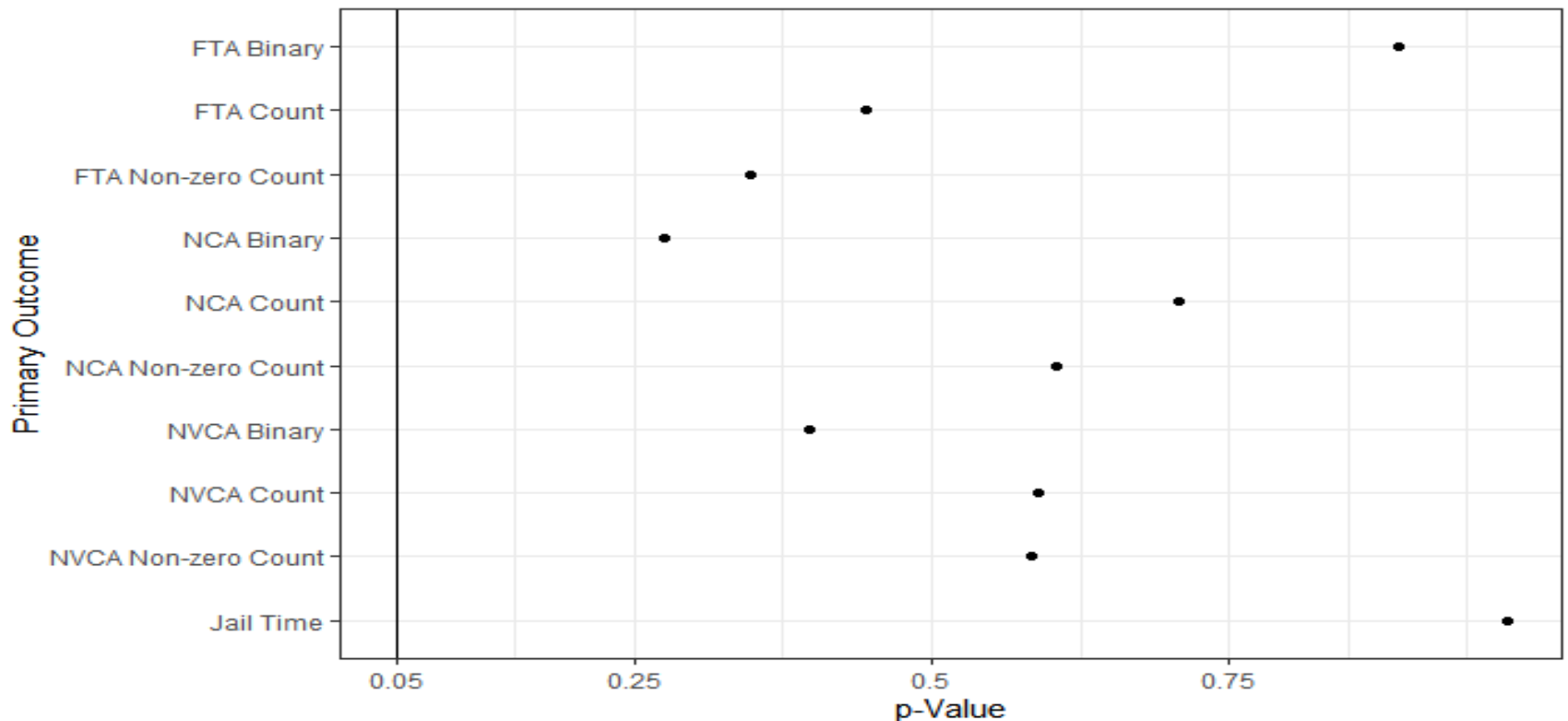
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Is the PSA-DMF System Good for Dane County?

This Interim Report



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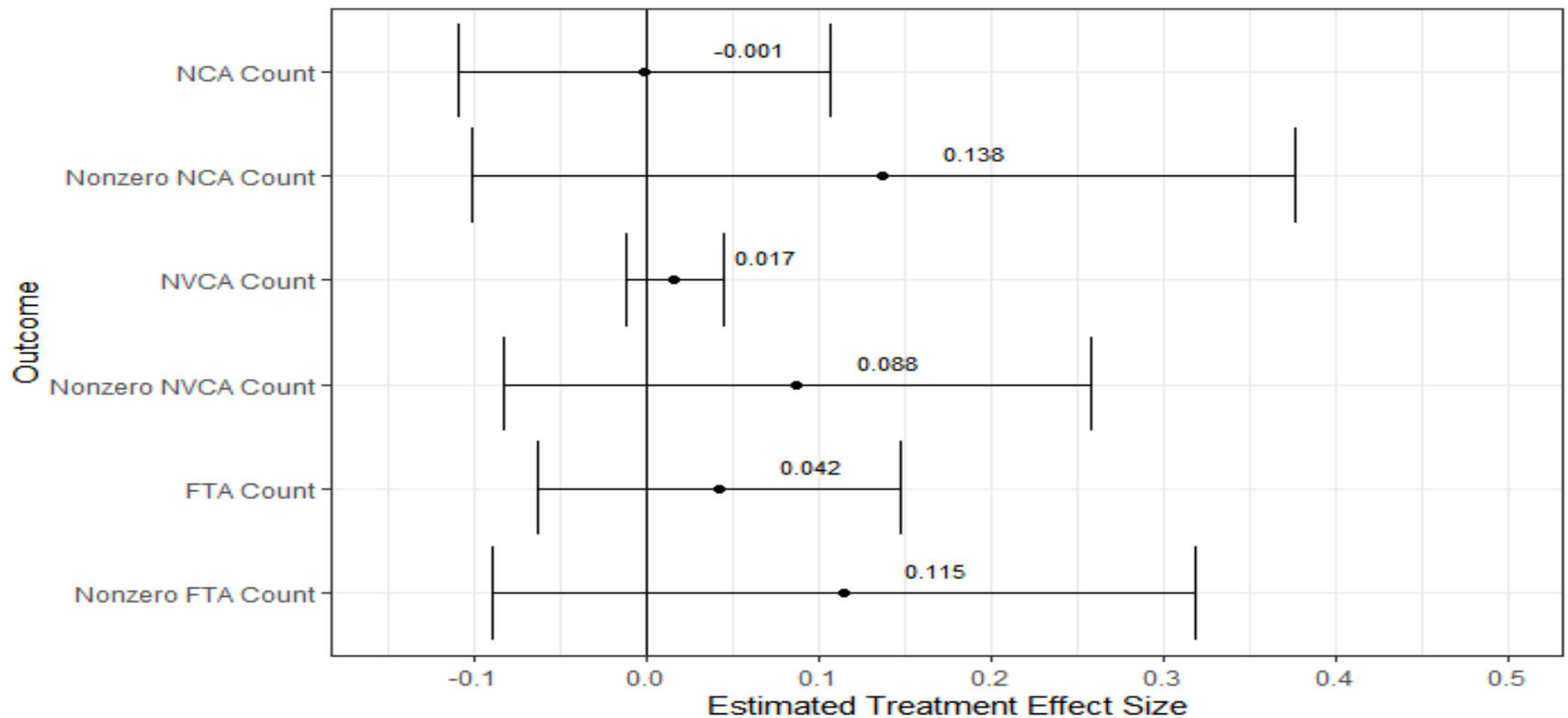
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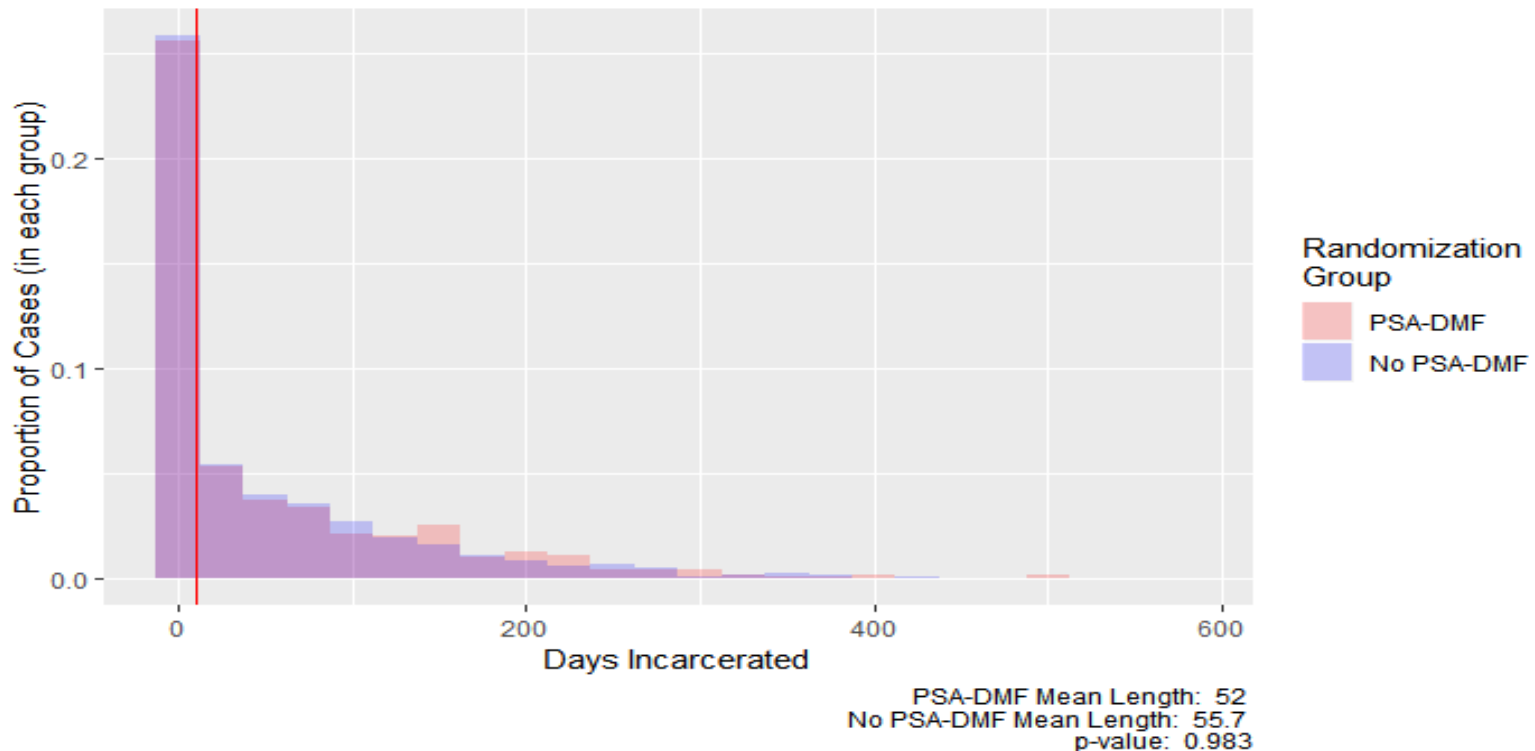
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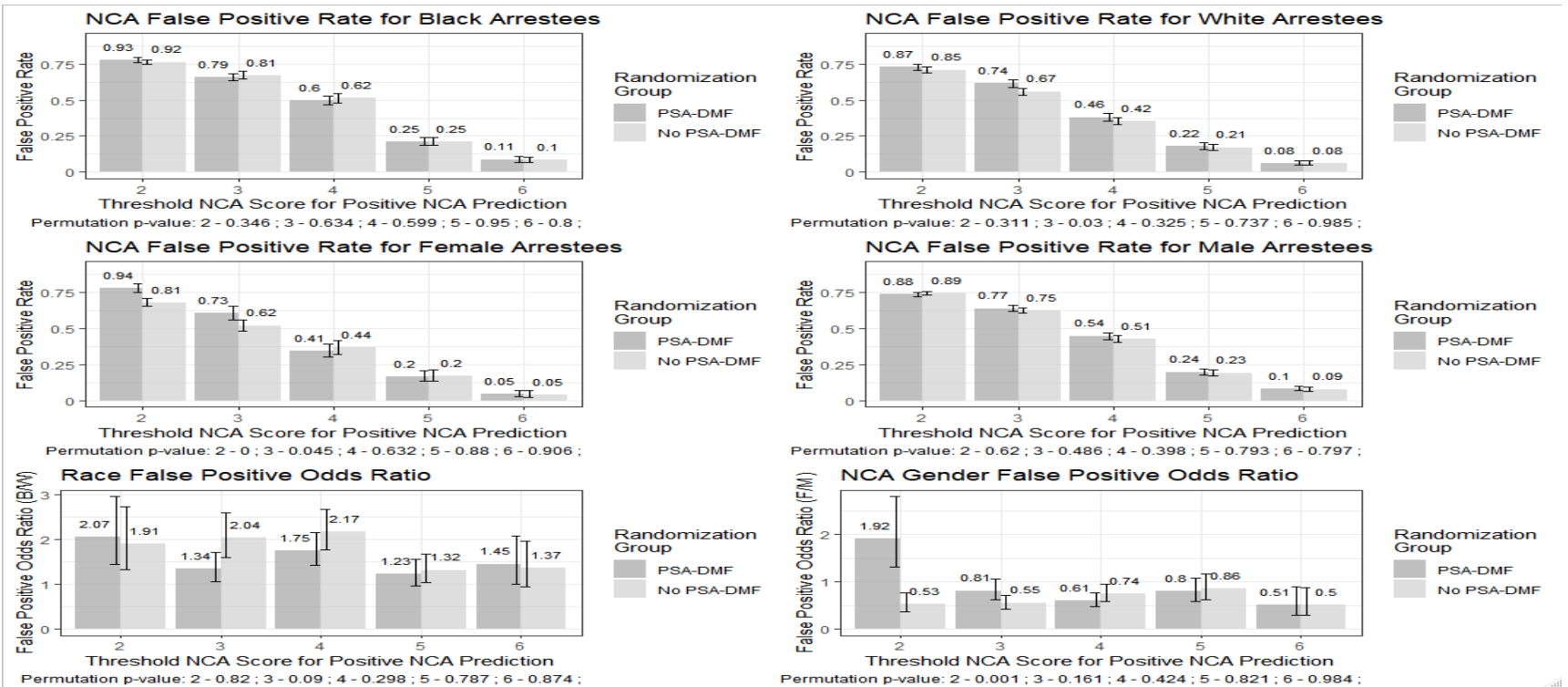
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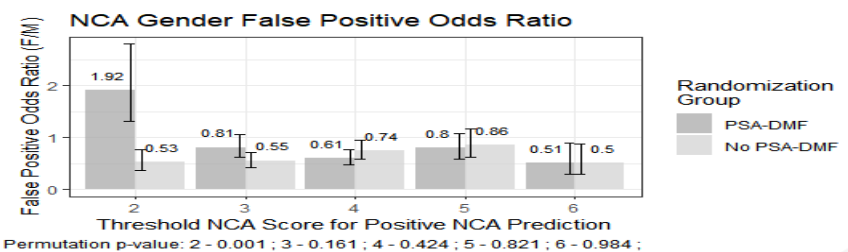
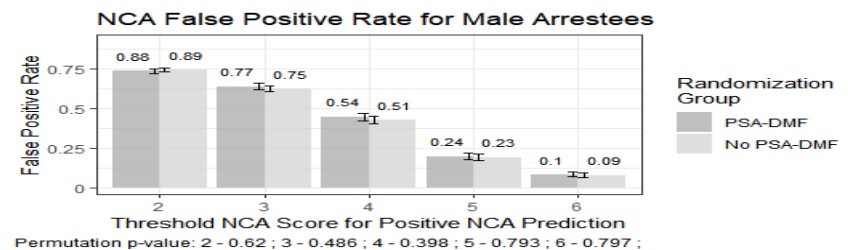
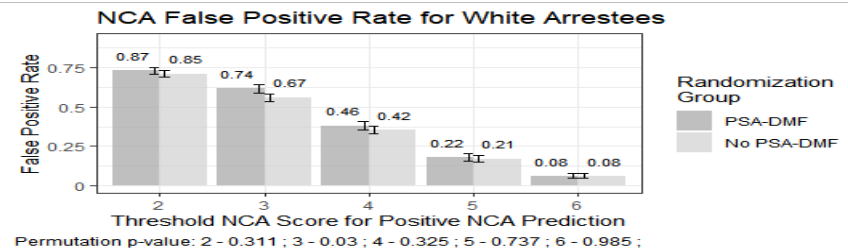
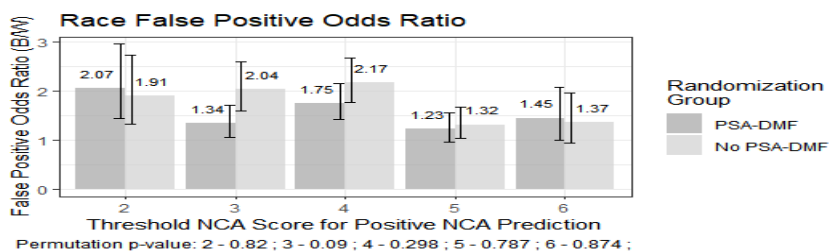
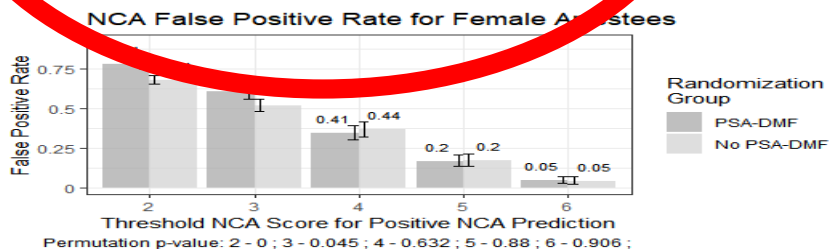
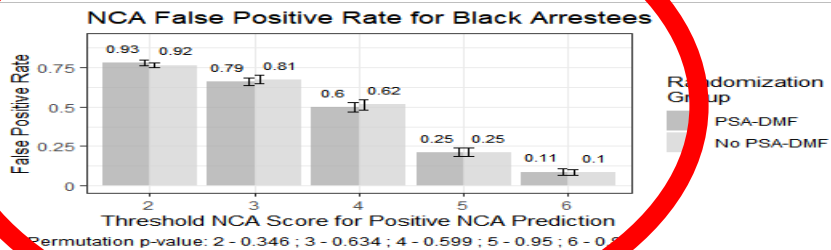
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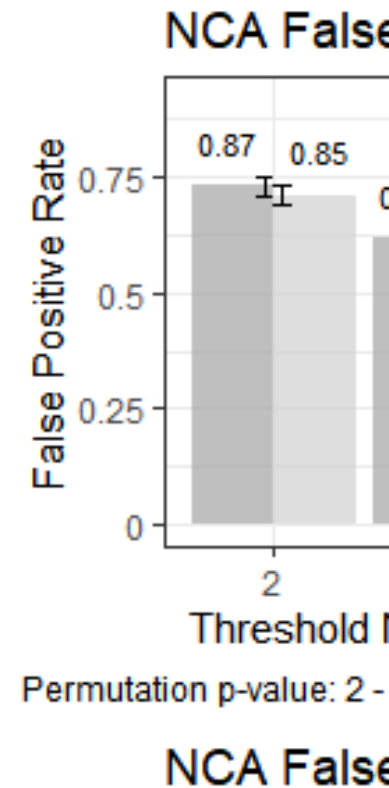
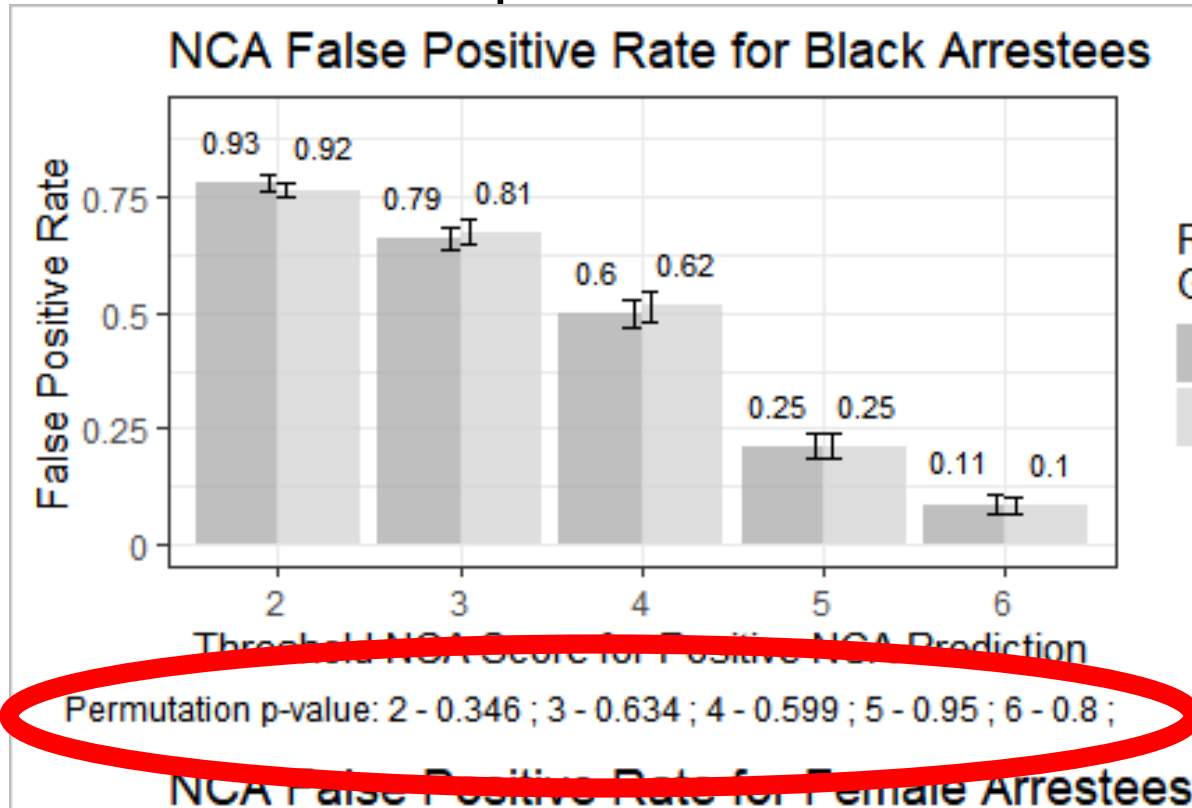
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Is the PSA-DMF System Good for Dane County?

This Interim Report

- So far, can't tell yet
- So far, no evidence large effects, good or bad (however defined)
- More to come, likely in the summer of 2022

**Thank You for This
Opportunity!!**