



Milwaukee Community Justice Council

Working collaboratively to ensure a fair, efficient, and effective justice system
that enhances public safety and quality of life in our community.

Executive Committee Meeting Agenda

Wednesday, September 17, 2014 12:15pm-1:45pm
Milwaukee County Courthouse, Room 609

SCHEDULED ITEMS:

I. Convene and Updates (Jeff Kremers)

II. Approval of Meeting Minutes (Jeff Kremers)

The minutes from August 2014 were approved.

III. Sex Offender Ordinance (Niel Thoreson)

Regional Chief Thoreson provided an update to DOC's approach to the City of Milwaukee Sex Offender Ordinance. DOC officials met with various city officials to discuss the issue and sent a letter to the city outline various questions pertaining to the ordinance. DOC was advised to use its best judgments in determining how to adhere to the ordinance. The group then had an extended discussion on the potential implications of the ordinance and the need for a long-term solution to the issue.

IV. Statewide EBDM Grant Process Update (Jeff Kremers)

Chief Judge Kremers provided an update on the EBDM process occurring at the state level. At this time, the Milwaukee EBDM project is essentially over and the hopeful transition to the state level is taking place. Various counties applied to be a part of the state-level EBDM process, with six tentatively chosen out of that group. Wisconsin is well positioned to one of the two states chosen to take part in the next stage of the EBDM process.

V. Update on Courts Conference on Racial Issues in the Court System (Jeff Kremers)

Chief Judge Kremers provided an overview of the event scheduled for October 17th at the Varsity Theatre on the Marquette campus to have system personnel discuss the impact of race in the criminal justice system. The courts are being mostly shut down so that system personnel can attend the day-long event, which is being facilitated by Jeff Robinson, a defense attorney out of Seattle who has experience with such events.

VI. Other Business

Chief Judge Kremers provided an update on the exploration of a new risk assessment tool created by the Arnold Foundation that does not require an in-person interview. The tool potentially provides a more accurate and robust risk assessment while potentially freeing up some of the resources currently used for the administration of the current tool. The Arnold Foundation is interested in working with Milwaukee on implementation of the tool and will be in town to begin that process.

VII. Adjourn



**Results from the First Six Months of the
Public Safety Assessment – Court™ in Kentucky**

July 2014



Since adopting the Public Safety Assessment – Court on July 1, 2013, Kentucky’s courts have achieved a truly remarkable result: They have been able to **reduce crime by close to 15%** among defendants on pretrial release, while at the same time increasing the percentage of defendants who are released before trial.

On July 1, 2013, judges in all 120 counties in the Commonwealth of Kentucky began using the Public Safety Assessment – Court™ (or PSA-Court™), a new data-driven risk assessment, to inform their decisions about which defendants can most safely be released from jail while they await trial, and which defendants should be detained because of the risks they pose to public safety. The first six months of results indicate that the PSA-Court is serving Kentucky well. Most importantly, they show that by using the risk assessment and applying their discretion, Kentucky judges have reduced crime, reduced jail populations, and led to a smarter, more effective use of criminal justice resources.

Kentucky has long been a leader in providing effective, research-based pretrial services – and, even prior to adopting the PSA-Court, the system was rightly seen as a national model. But since implementing the new risk assessment, Kentucky’s courts have achieved a truly remarkable result: They have been able to **reduce crime by close to 15%** among defendants on pretrial release, while at the same time increasing the percentage of defendants who are released before trial. In short, the PSA-Court has assisted judges in making decisions that both better protect the public *and* more effectively use the Commonwealth’s criminal justice resources.

The PSA-Court has proven to be highly accurate at identifying the small group of Kentucky defendants who are at an elevated risk of committing violence if released before trial. Indeed, defendants flagged by the PSA-Court as posing an increased risk of violence are, in fact, rearrested for violent acts at a rate **17 times** that of defendants who are not flagged. In addition, the PSA-Court has been accurately evaluating the risk that a given defendant will commit a new crime or fail to come back to court if he is not detained.

The report below summarizes the first six months that the PSA-Court was used throughout Kentucky (July – December 2013). The underlying analysis was conducted by a research team led by Dr. Marie VanNostrand and relied on data (supplied by Kentucky’s Administrative Office of the Courts) on the 56,866 defendants who were booked into jail and released during this period. Although the tool has been in effect for a year, many of the cases arising from January through June 2014 have not yet been resolved and, as such, they have not been included in this analysis. While we do not have sufficient outcome data to analyze the more recent cases, the results identified here continue to be seen in the data from January 2014 to the present.

SYSTEM IMPACTS

As noted above, Kentucky's courts have used the PSA-Court to help identify low-risk defendants who pose little threat to public safety and are therefore suitable for pretrial release. In the first six months that the PSA-Court was used, Kentucky increased to 70% the proportion of defendants released pending trial, up from 68% during the previous four years.

What makes the increase in release rate notable is that it has not come at the expense of public safety; to the contrary, it has been achieved alongside a *decrease* in pretrial crime. Since implementation of the PSA-Court, and as compared to the four years prior to July 1, 2013, the new criminal activity rate has dropped significantly. The average arrest rate for released defendants has declined from 10% to 8.5%. This represents a **15% reduction in pretrial crime**.¹ Moreover, while more defendants are now being released, Kentucky has not seen any increase in the rate at which defendants miss court. In short, Kentucky is now detaining more high-risk and potentially violent defendants, while more low-risk defendants are being released. And crime is down.

In addition to the positive impacts on crime and pretrial incarceration, Pretrial Services has reported that the tool has allowed a more effective deployment of resources. In large part, this is because the PSA-Court can be completed without conducting a defendant interview. The streamlined assessment process permits Kentucky Pretrial Services to use its limited resources to mitigate risk through supervision and services. Moreover, although Kentucky statutes require brief defendant interviews, the overall time it takes to administer the risk assessment tool has decreased significantly; and Pretrial Services can now assess *all* defendants, not just those who consent to an interview and provide information that can be verified.

PREDICTIVE VALIDITY

The PSA-Court is made up of nine risk factors that can be obtained from administrative data (e.g., criminal history and current charge). These factors are weighted and combined to evaluate the risk that if a defendant is released before trial, he will: (1) commit a violent crime; (2) commit any new crime; or (3) fail to appear for court. Data from the first six months of Kentucky's use of the PSA-Court demonstrate that the assessment is predicting all three risks with a high degree of accuracy.²

"When training a new employee or speaking to a judge about the risk assessment, they often ask why some factors are counted and others are not. With this tool, it is much easier to explain the reasons why – and because of that it makes sense to the person you are explaining it to. I think this tool is much more accurate and easier to use than what we had in the past."

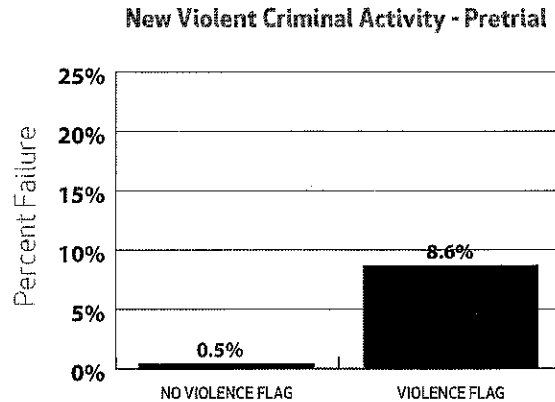
-Michael Greene, Pretrial Services Supervisor

1 Since a small number of cases from the July – December 2013 period remain open, there may be a slight increase in arrest rates as the remaining cases close. But the ultimate reduction in pretrial crime is estimated to fall between 10% and 15%.

2 Since a small number of cases from the July – December 2013 period remain open, there may be a slight increase in failure rates as the remaining cases close.

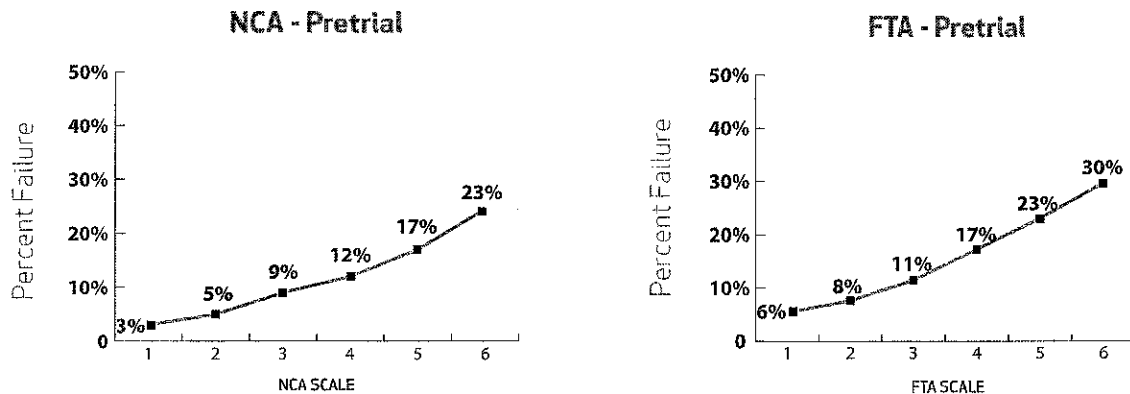
NEW VIOLENT CRIMINAL ACTIVITY

During the first six months of the PSA-Court implementation, a select group of judges pilot-tested the PSA-Court's violence "flag," which identifies a small group of defendants who are significantly more likely to commit an act of violence if released before trial. Indeed, flagged defendants – just 6% of individuals who were released – were 17 times more likely to be arrested for new violent criminal activity than defendants who were not flagged. All Kentucky judges began receiving this information on July 1, 2014, which could potentially help improve public safety even further.



NEW CRIMINAL ACTIVITY AND FAILURE TO APPEAR

The new criminal activity (NCA) and failure to appear (FTA) scales classify a defendant's risk from one to six, with one representing the lowest risk and six representing the highest. As can be seen in the graphs below, the scales accurately group defendants according to the risk they pose of being arrested for new criminal activity or failure to appear while on pretrial release. With each increase in risk score, defendants become significantly more likely to fail.

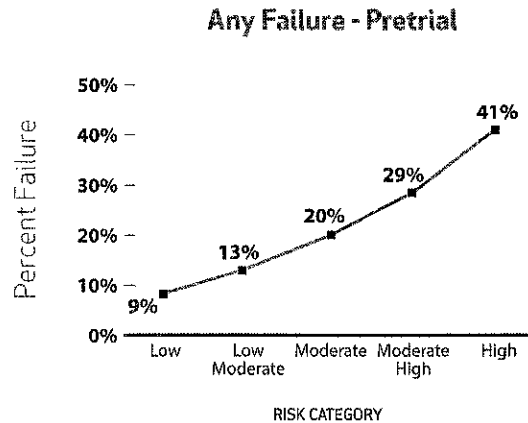


"Thanks in large part to the risk assessment tool, Kentucky judges have a pretty good grasp on making appropriate release decisions. When used correctly and in conjunction with other factors which may appear, the instrument is extremely helpful in aiding courts with making good release decisions."

- Circuit Court Judge David Tapp

ANY FAILURE

Although not a part of the PSA-Court, Kentucky uses the NCA and FTA scales to create an additional measure of pretrial failure. This “Any Failure” measure represents any type of pretrial failure – NCA, FTA, or both. The scores from the NCA and FTA scales are added together and, as can be seen in the graph, the combined Any Failure rate increases with each corresponding increase in risk level.

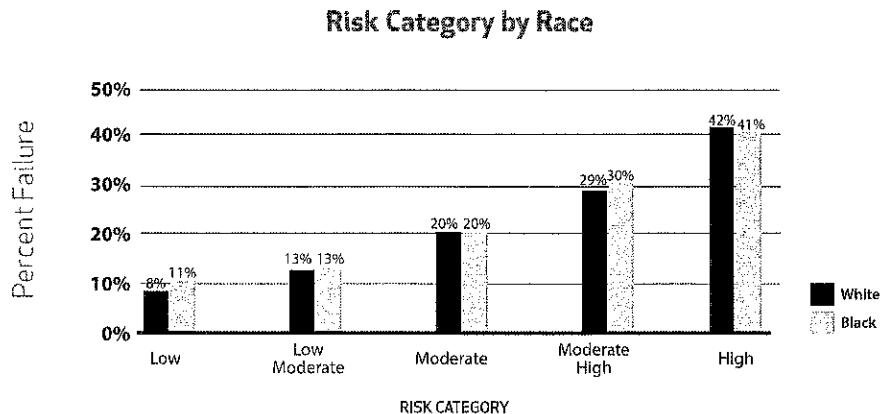


RACE AND GENDER

Data from Kentucky’s first six months using the PSA-Court were also closely examined to determine whether the instrument had any discriminatory impact on minorities or women. What it revealed is that the tool is both racially neutral and gender neutral. It accurately classifies defendants’ risk levels *regardless* of their race or gender, meaning it does not have a discriminatory impact.

RACE³

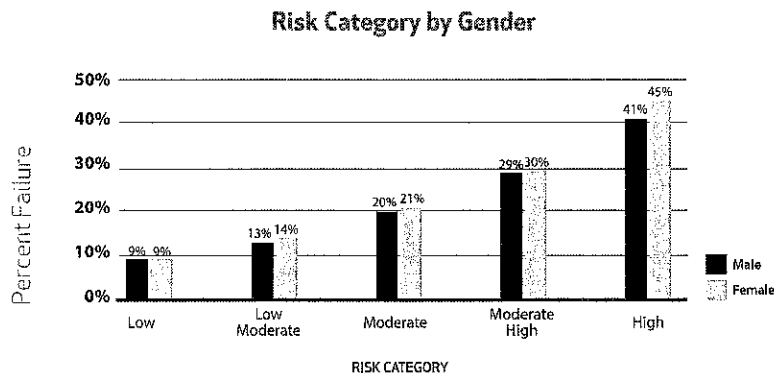
As we see in the chart below, black and white defendants at each risk level fail at virtually indistinguishable rates, which demonstrates that the PSA-Court is assessing risk equally well for both whites and blacks, and is not discriminating on the basis of race.



³ In Kentucky, over 96% of the population is either black or white. As a result, other racial groups are not sufficiently represented in the sample to perform the analysis.

GENDER

Similarly, when we look at gender, we see that men and women in the same risk category fail at almost exactly the same rate. This indicates that the PSA-Court is assessing risk accurately for both genders and is not discriminating on that basis.



"The instrument is a valuable tool and one that I rely on, along with my judicial discretion, to set an appropriate bond, taking into account the current offense, the criminal history of the accused, and the likelihood of reappearance in court if released."

-District Court Judge Ann Bailey Smith

CONCLUSION

Kentucky is highly regarded nationally as a leader in providing effective pretrial services and has remained at the forefront of the field for the past four decades. The Commonwealth's decision to be the first site in the nation to adopt the PSA-Court is in keeping with that tradition. The first six months of results indicate that the PSA-Court is serving the state well. Most importantly, the results show that by using the risk assessment and applying their discretion, Kentucky judges have effectively made pretrial decisions that have reduced crime, reduced jail populations, and led to a smarter and more effective use of criminal justice resources.

"The performance of the PSA – Court in Kentucky is truly remarkable. Being able to accurately identify defendants with an elevated risk of violence, as well as being able to distinguish between the risks of new criminal activity and failure to appear, has proven invaluable. Because it is based on administrative data, Pretrial Services is able to conduct risk assessments on all cases within 24 hours of arrest and provide the Courts with critical information to inform the pretrial release decision-making process."

-Tara Klute, General Manager Kentucky Pretrial Services