Agenda

What is PJC?

- Project Background
- Research Methods

Descriptive Analysis & Racial Equity Analysis Findings

- Analysis context
- System overview
- Findings

Wrap-up & Questions

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What is PJC?

- Project Background
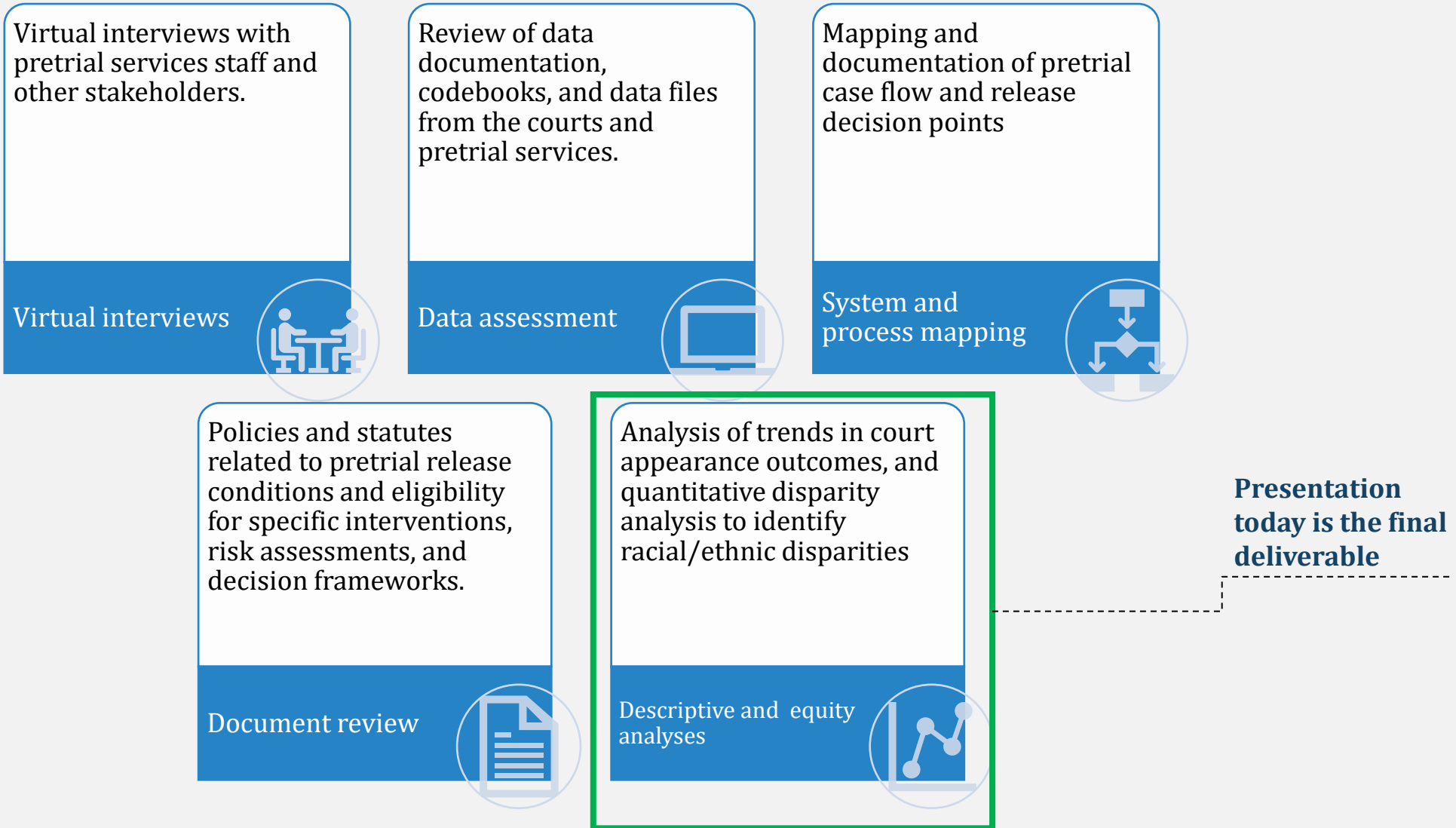- Research Methods

Descriptive Analysis & Racial Disparity Analysis Findings

Wrap-up & Questions

Pretrial Justice Collaborative (PJC)

- Aims to help 8 partner jurisdictions:

  1) understand trends in pretrial monitoring practices, court appearance, and rearrests

  2) identify racial disparities from arrest to disposition, and

  3) (in some jurisdictions) identify the least burdensome monitoring conditions needed to maintain court appearance and public safety.

PJC Research Activities in Dane County

Virtual interviews with pretrial services staff and other stakeholders.

Virtual interviews

Review of data documentation, codebooks, and data files from the courts and pretrial services.

Data assessment

Mapping and documentation of pretrial case flow and release decision points

System and process mapping

Policies and statutes related to pretrial release conditions and eligibility for specific interventions, risk assessments, and decision frameworks.

Document review

Analysis of trends in court appearance outcomes, and quantitative disparity analysis to identify racial/ethnic disparities

Descriptive and equity analyses

Presentation today is the final deliverable

Meet the Research Team

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Interviews
Analysis Review

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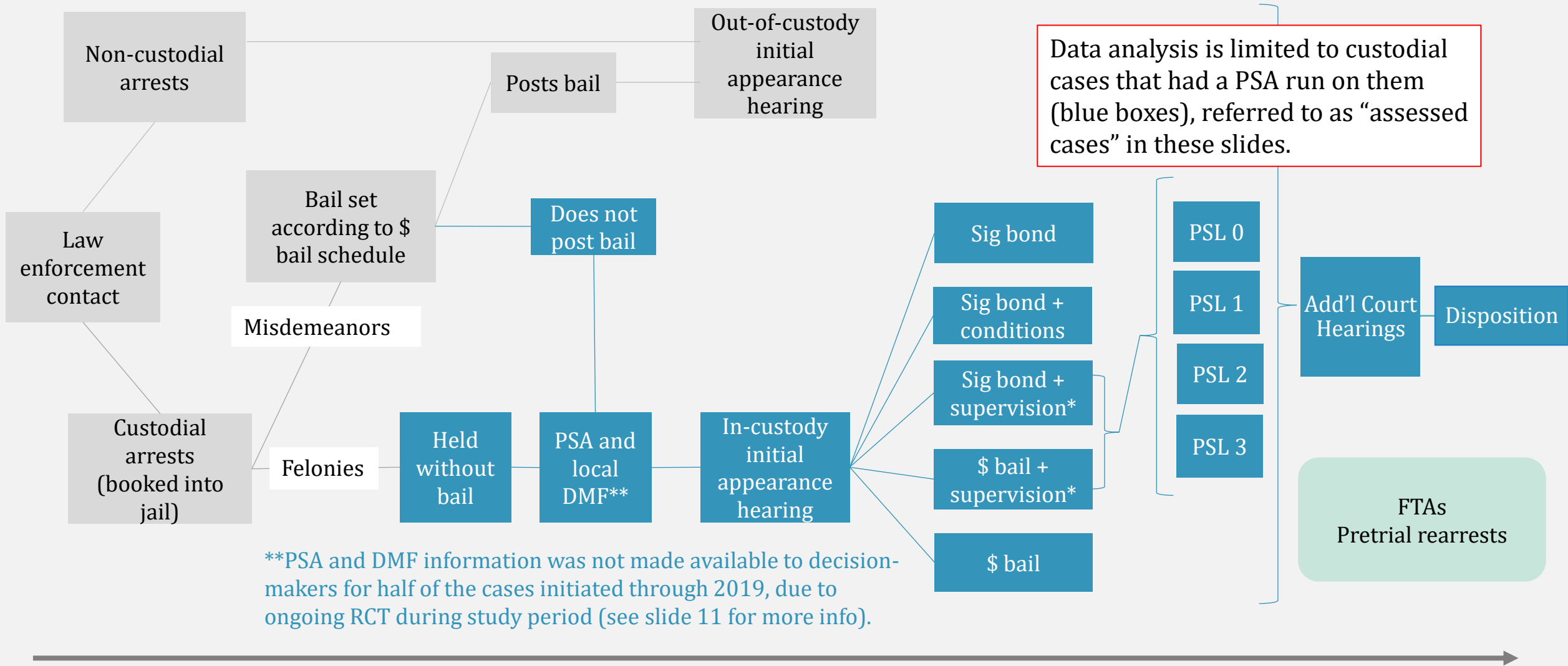MDRC
Senior Advisor

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Dane County Case Flow

Non-custodial arrests

Out-of-custody initial appearance hearing

Posts bail

Law enforcement contact

Bail set according to $ bail schedule

Does not post bail

Misdemeanors

Data analysis is limited to custodial cases that had a PSA run on them (blue boxes), referred to as "assessed cases" in these slides.

Sig bond

Sig bond + conditions

PSL 0

PSL 1

PSL 2

PSL 3

Add'l Court Hearings

Disposition

Custodial arrests (booked into jail)

Felonies

Held without bail

PSA and local DMF**

In-custody initial appearance hearing

Sig bond + supervision*

$ bail + supervision*

$ bail

FTAs
Pretrial rearrests

**PSA and DMF information was not made available to decision-makers for half of the cases initiated through 2019, due to ongoing RCT during study period (see slide 11 for more info).

Pretrial Period (Arrest to Disposition)

*May include additional conditions

Definitions

Non-custodial arrest: an arrest in which an individual is not detained/booked into jail; instead, they can immediately leave the scene. They are given a date to appear in court at a later point.

Custodial arrest: an arrest in which an individual is booked into jail and can be released only after posting bail (if applicable) or after the initial appearance hearing when a release condition can be set (for those who did not bail out of jail previously).

Assessed cases: custodial cases that had a PSA run on them. Includes cases that were assessed by the PSA, yet their PSA scores were not made available to decisionmakers due to RCT study.

PSA: stands for "Public Safety Assessment" and refers to a risk assessment tool that uses information from an individual's criminal history and current charges to estimate their risk of failure to appear in court pretrial, new criminal arrest while on pretrial release, and new violent criminal arrest while on pretrial release.

Local DMF: Refers to Dane County's specific Decision-Making Framework, which is applied to an individual's PSA risk scores and other information about their case to generate a release condition recommendation. Judicial officers and Pretrial Services caseworkers, among others, use PSA risk scores and local DMF recommendations to guide their decisionmaking when setting release conditions or assigning individuals to levels of pretrial supervision.
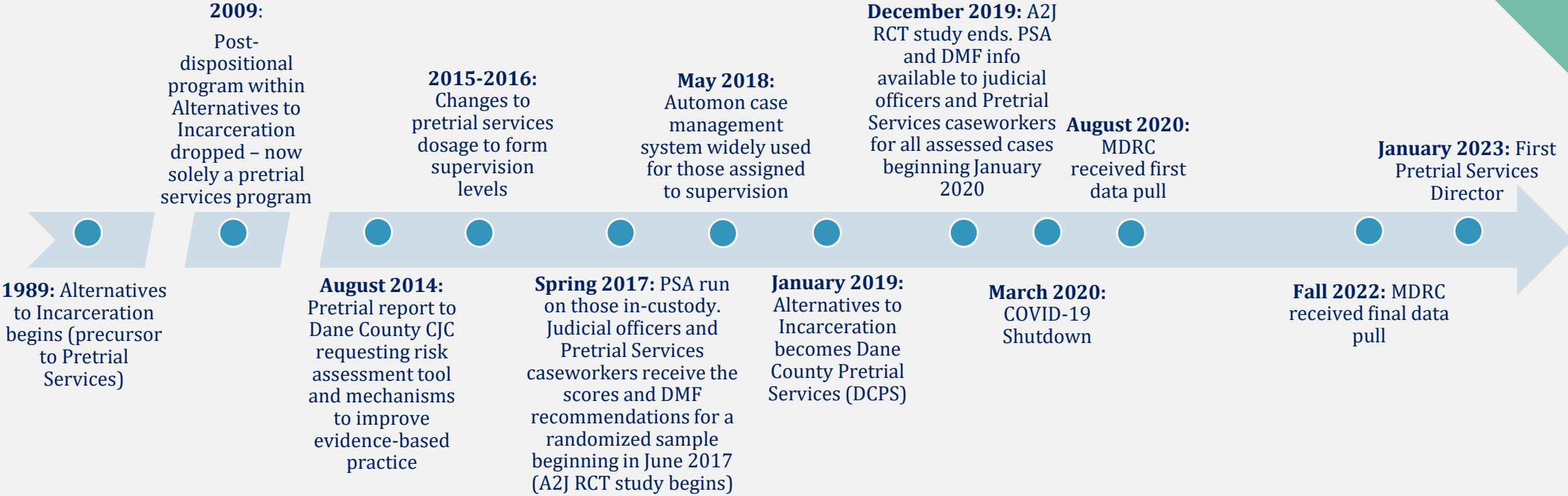
Signature bond: Does not require an individual or third party to pay money to the court to be released pretrial, unless the individual later fails to appear in court.

Time to Disposition: The length of time between a case's arrest date and its last disposition date.

FTA: Failure to appear at a court hearing as indicated in CCAP data system.

Pretrial rearrest: A new arrest date that happened during the case's pretrial period—that is, between the point of initial arrest and the case's last disposition date.

Dane Key Time Points

2009: Post-dispositional program within Alternatives to Incarceration dropped – now solely a pretrial services program

2015-2016: Changes to pretrial services dosage to form supervision levels

May 2018: Automon case management system widely used for those assigned to supervision

December 2019: A2J RCT study ends. PSA and DMF info available to judicial officers and Pretrial Services caseworkers for all assessed cases beginning January 2020

August 2020: MDRC received first data pull

January 2023: First Pretrial Services Director

1989: Alternatives to Incarceration begins (precursor to Pretrial Services)

August 2014: Pretrial report to Dane County CJC requesting risk assessment tool and mechanisms to improve evidence-based practice

Spring 2017: PSA run on those in-custody. Judicial officers and Pretrial Services caseworkers receive the scores and DMF recommendations for a randomized sample beginning in June 2017 (A2J RCT study begins)

January 2019: Alternatives to Incarceration becomes Dane County Pretrial Services (DCPS)

March 2020: COVID-19 Shutdown

Fall 2022: MDRC received final data pull

Time period of MDRC data analysis

June 2017 through **February 2021 (~3 years)**

A Note on Harvard A2J Lab's RCT Study

- Cases that were assessed by the PSA between **June 2017 and December 2019** were part of Harvard University's Access to Justice (A2J) Lab's randomized controlled trial (RCT) study.

- This meant that these cases were randomly assigned to either a **program group** or to a **control group** (half of cases assigned to each). Judicial officers, Pretrial Services caseworkers, and other system actors in Dane County had access to the PSA risk scores and local DMF recommendations for *only the cases that were assigned to the program group* during this period and could use this information to guide their decision-making (for example, in setting release conditions or pretrial supervision levels). They did not have this information for cases that were assigned to the control group during this period.

- Where it is relevant in certain analyses, we limit the analyses to include only the program group cases during this RCT study period. We note which types of cases are included in each analysis in the **footnotes** on the bottom of each of the findings slides in this presentation.

Data Sources

PSA Data

Pretrial Services Data

Automon

Jail Data

Spillman

Court Data

CCAP

New Assessed Cases

Number of new assessed cases* per month

New assessed cases tend to rise in summer months and dip in winter months, while generally hovering between 150 and 300 new assessed cases per month. New assessments were paused for a few months following the onset of the pandemic.
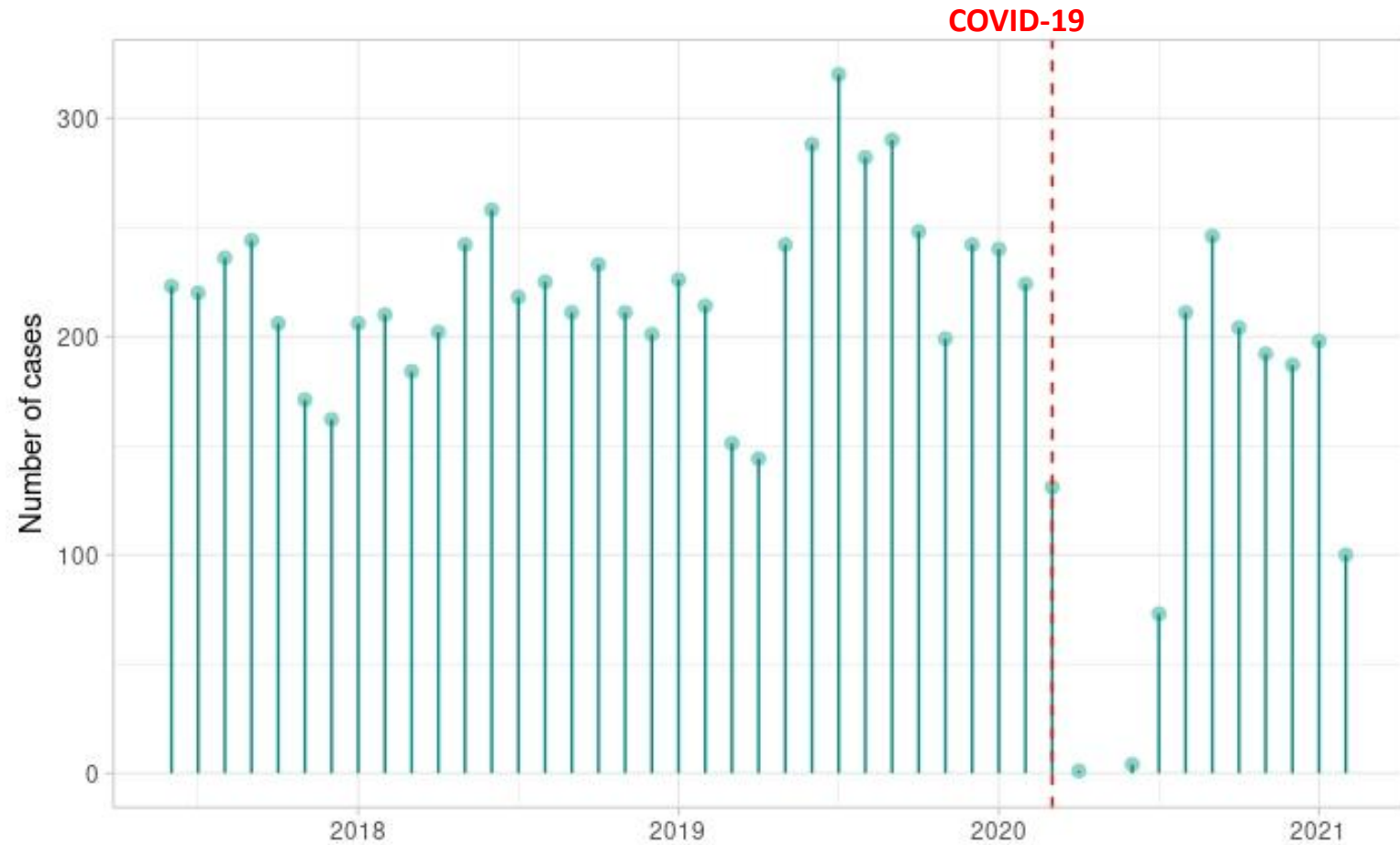
Assessed cases: custodial cases that had a PSA run on them irrespective of randomization (all cases).

*The sample for these analyses is limited to custodial cases that had a PSA run on them, referred to as "assessed cases." The overall sample in this slide includes all assessed cases from June 2017 through February 2021, for a total of 8,920 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

New assessed cases over time, by risk level

The proportion of cases assessed as "high risk" (any 5's or 6's on FTA and NCA scores) increased over the study time period.
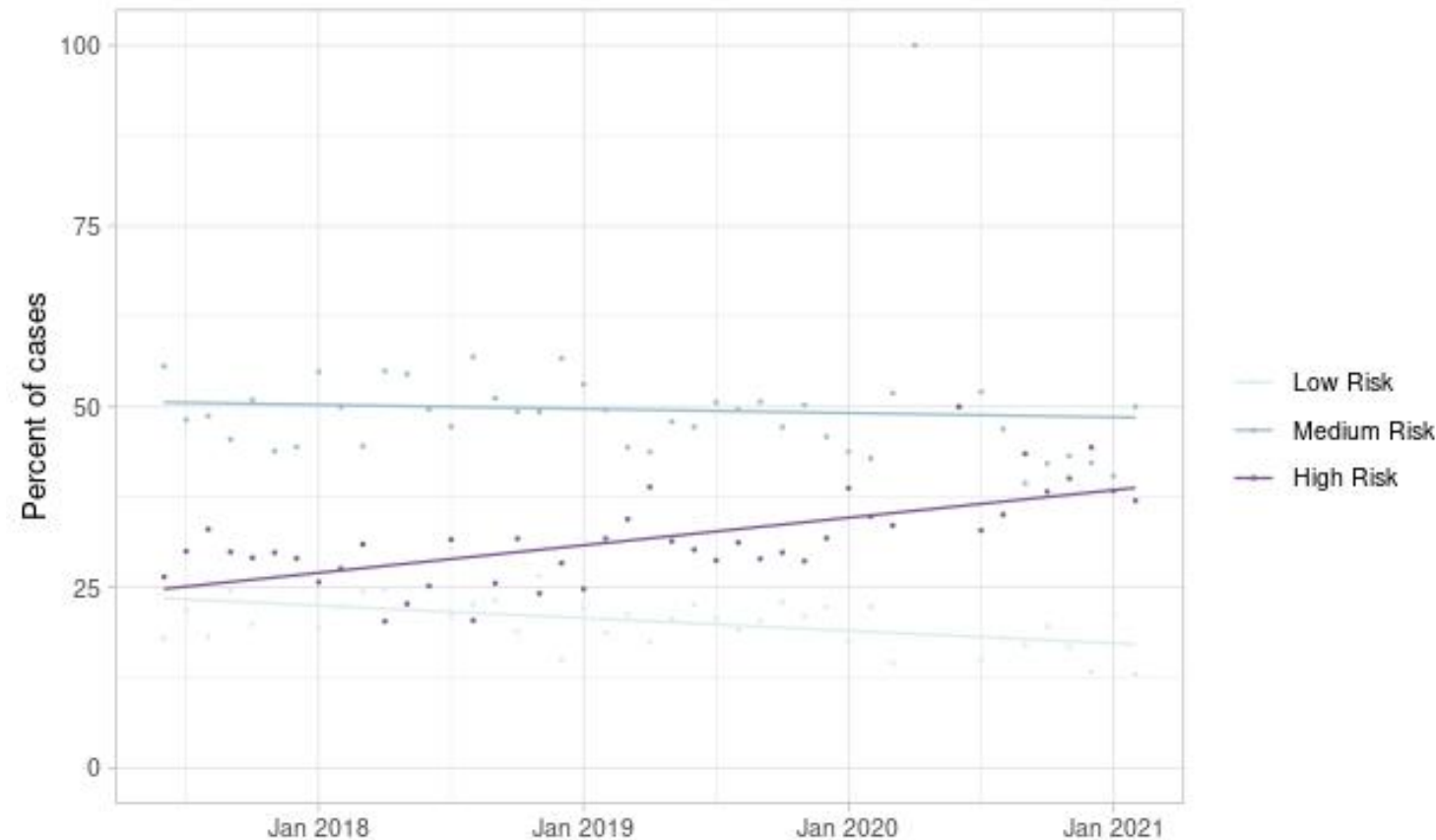
FTA and NCA scores: numerical scores, each ranging from 1-6, that are produced by the PSA risk assessment tool as measures of an assessed individual's risks of failing to appear at a court hearing (FTA score) and of a new criminal activity (NCA score) if they are released from jail pretrial. A score of 1 indicates the lowest risk and a score of 6 indicates the highest risk.

Low risk =	only 1 & 2's on FTA and NCA scores
High risk =	any 5's or 6's on FTA and NCA scores
Medium risk =	anything else (any 3's or 4's on FTA and NCA scores, but no 5's or 6's)

The overall sample includes all assessed cases from June 2017 through February 2021, for a total of 8,920 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Average yearly assessed case rate per 100 adults in the general population,* by race/ethnicity

The analysis suggests that Black and Native American individuals are more likely to be arrested, held pending initial appearance, and assessed by the PSA compared with other groups.

This indicates that almost 4 (i.e., 3.91) per 100 Black Dane County residents are arrested, held pending initial appearance, and assessed by the PSA each year.

Assessed cases per 100 general population
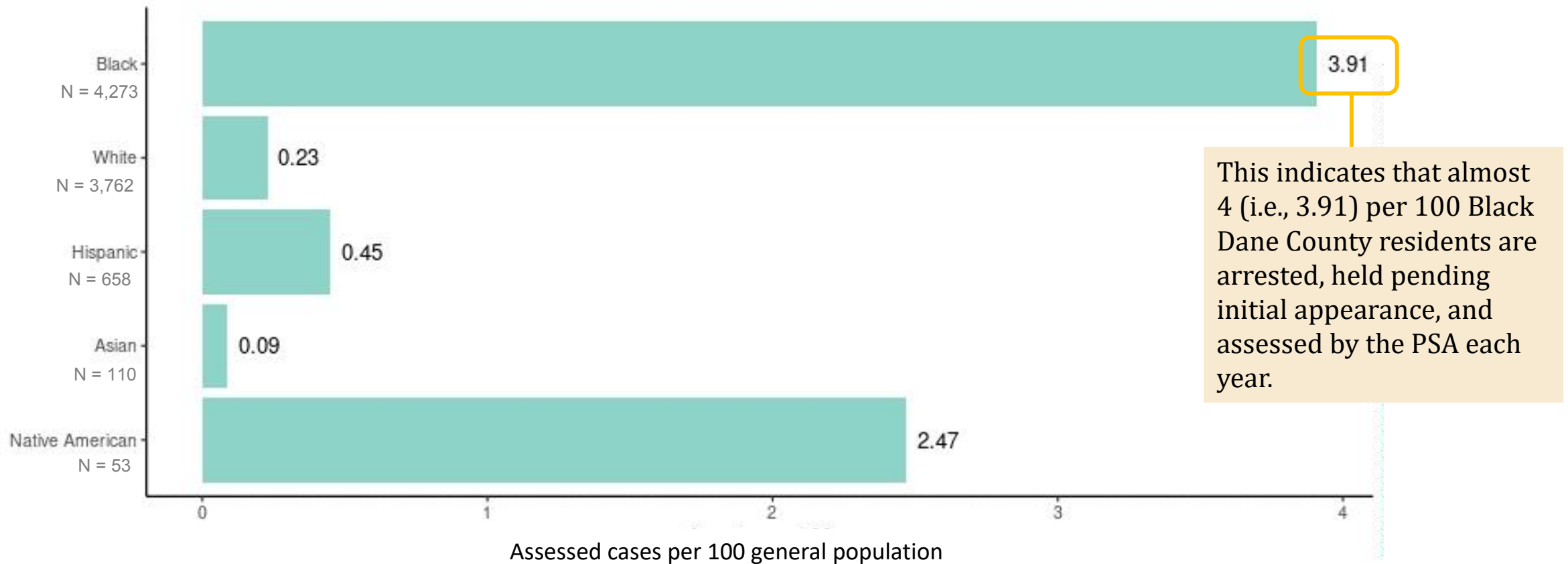
*Yearly average rate calculated using Dane County population demographic data from the 2019 American Community Survey conducted by the U.S. Census Bureau. The overall sample of cases used to calculate these numbers includes all assessed cases from June 2017 through February 2021, for a total of 8,856 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Key Takeaways

New Assessed Cases Over Time

New assessed cases tend to rise in summer months and dip in winter months, while generally hovering between 150 and 300 new assessed cases per month. New assessments were paused for a few months following the onset of the pandemic.

Charge Class and Type

Felony cases made up a greater share of new assessed cases (see Appendix slide 56), which was unsurprising given that most misdemeanors are not assessed by the PSA since they are either given a summons or post bond prior to when the assessment would be done in custody. Cases with felony violent top charges made up the greatest share of new assessed cases (see Appendix slide 56).

Assessed Risk Level

The share of new cases assessed as "high risk" (any 5's or 6's on FTA or NCA score) increased across the study time period.

Racial Disparities

The analysis suggests that Black and Native American individuals are arrested, held pending initial appearance, and assessed by the PSA at far higher rates compared with other groups. For example, the rate at which Black individuals in the general population were assessed was 17 times higher than the rate for white individuals.

Release Conditions Assigned to Assessed Cases

Release conditions assigned to assessed cases over time

The distribution of release conditions assigned to assessed cases did not change much over our analysis period. Most cases (65% across the study period) were given a signature bond without Pretrial Services, 23% were given cash bail without Pretrial Services, and 12% were referred to Pretrial Services on a signature or cash bond.
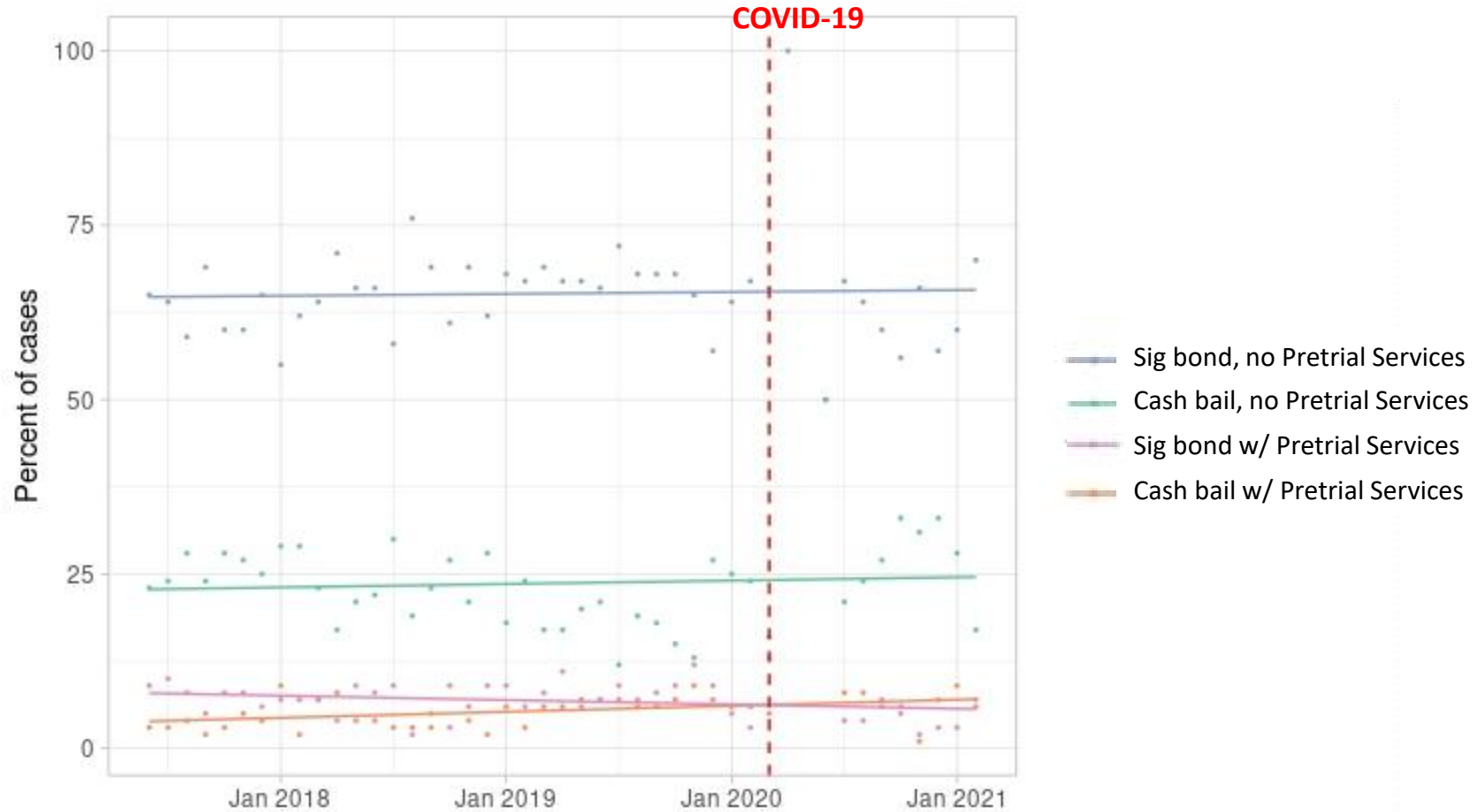
The overall sample includes all assessed cases from June 2017 through February 2021, for a total of 8,757 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Release conditions assigned to assessed individuals, by race/ethnicity

Black, Hispanic, and Native American individuals who were assessed were slightly more likely to be given cash bail (with or without Pretrial Services), compared with white and Asian individuals. Sample sizes for Asian and Native American groups were small.
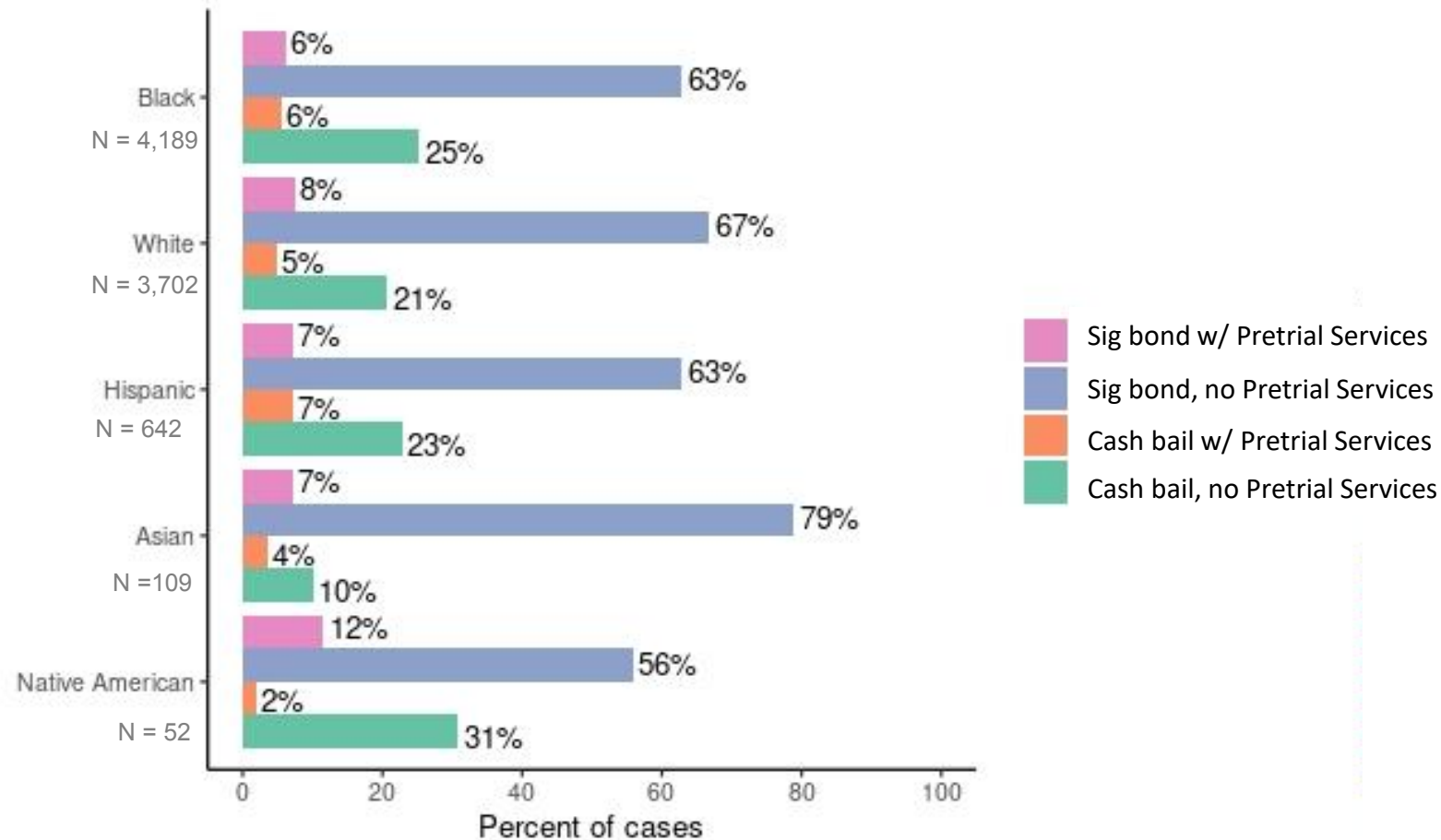
The overall sample includes all assessed cases from June 2017 through February 2021, for a total of 8,694 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Special conditions assigned to assessed cases over time

Special conditions such as electronic monitoring (EM) and sobriety monitoring (SM), measured as either drug testing or alcohol monitoring, were assigned rarely throughout the study period. Almost 90% of all assessed cases were <u>not</u> assigned these special conditions. There were few differences by race/ethnicity in special conditions assigned (see Appendix slide 57).
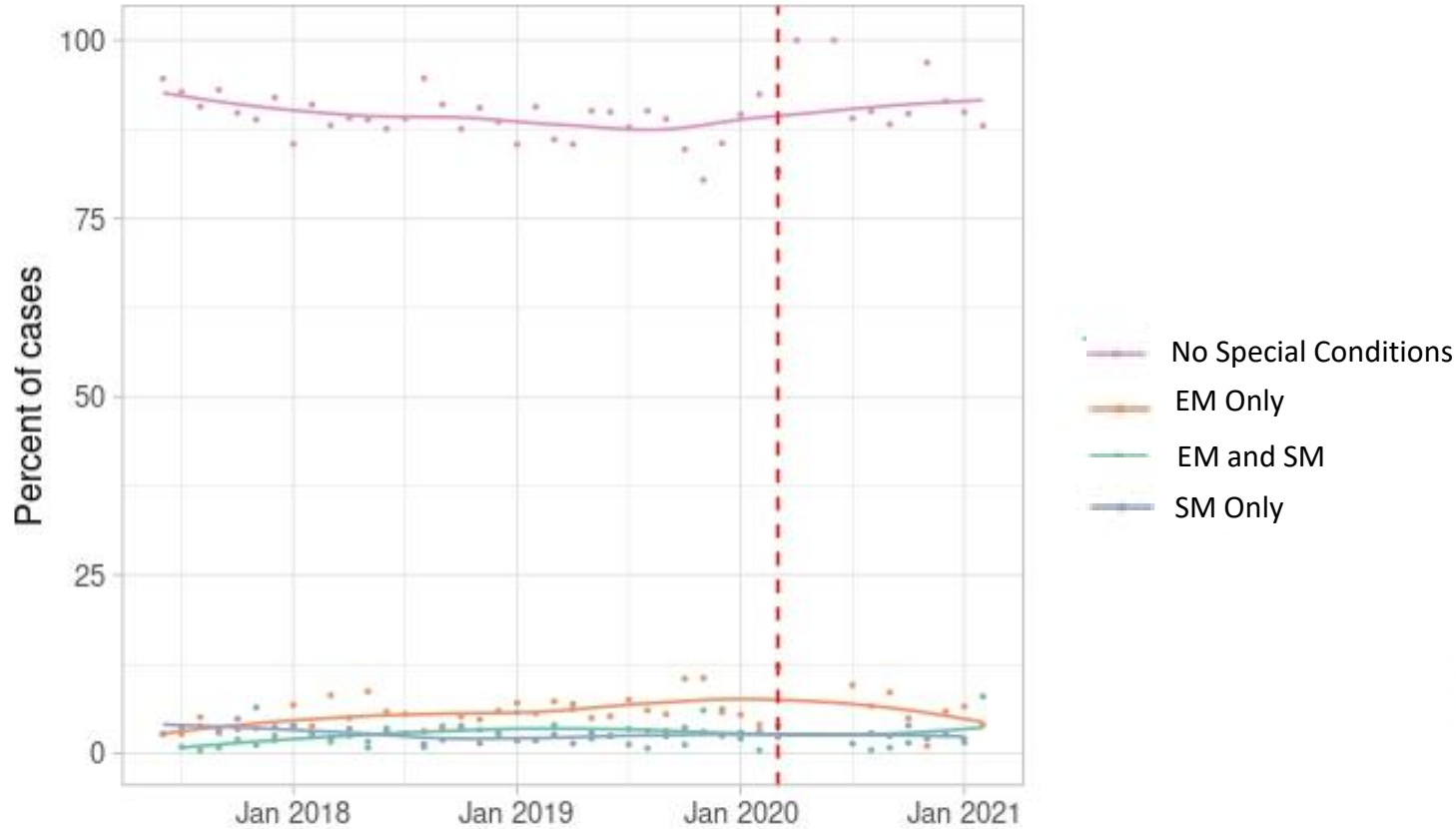
Among those assigned special conditions (11% of all assessed cases):

- 22% received both EM and SM (2% of all assessed cases)

- 53% received EM only (6% of all assessed cases)

- 25% received SM only (3% of all assessed cases)

The overall sample includes all assessed cases from June 2017 through February 2021, for a total of 8,920 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Alignment of Release Condition Assignment with Assessed Risk

The analyses presented on the following slides in this section (slides 23-26) offer insight on alignment of release condition decisions with risk information.

To best assess this, the next few slides are limited to cases whose PSA scores and local DMF recommendations were made available to decisionmakers at the initial appearance hearing (that is, the *control group* during the RCT study period – see slide 11 for more details – was excluded).

Risk level composition of assessed cases assigned special conditions

Individuals assigned to special conditions tended to be assessed as higher risk, on average, compared with those that were not assigned to special conditions. It does not appear that special conditions assignment was driven solely by assessed risk, however, based on the risk level composition across the groups shown below. Decisionmakers are likely considering other unknown factors about a case when assigning special conditions as well as risk.
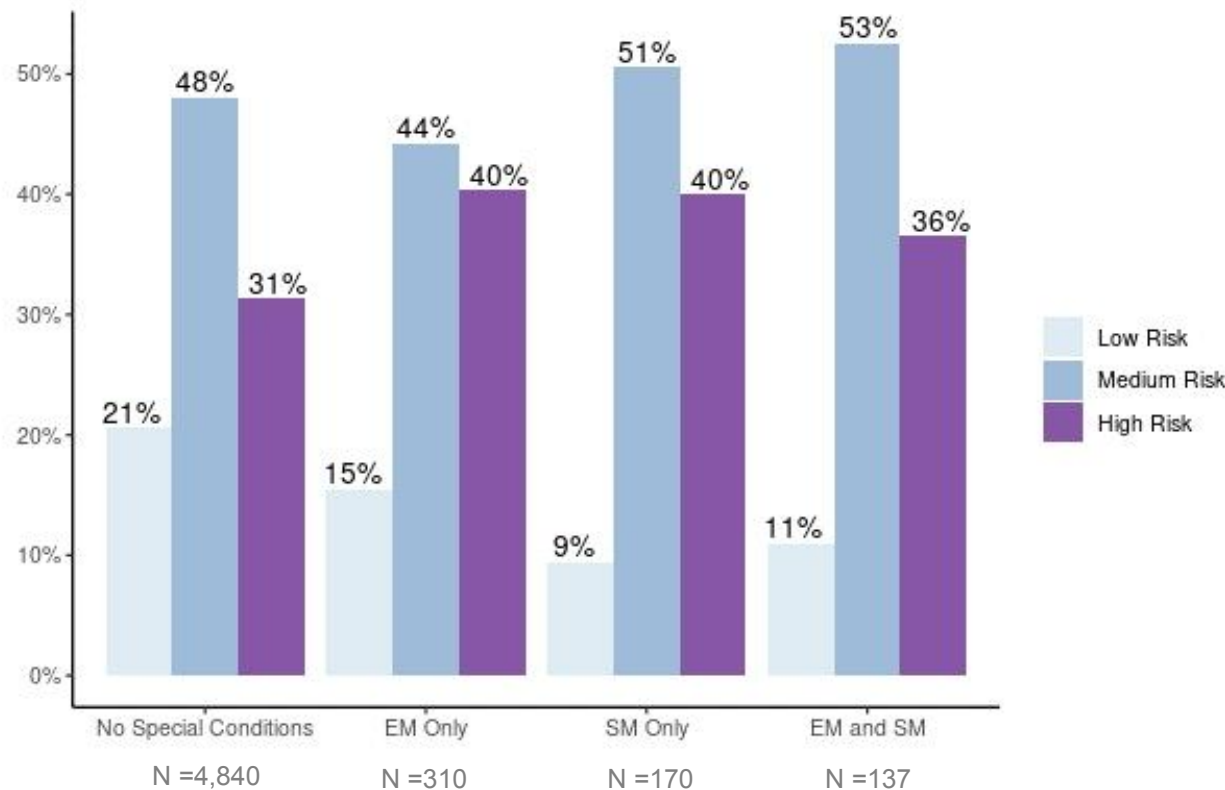
Note: The analyses presented on this slide and in the following slides in this section (slides 24-26) were limited to cases whose PSA scores and local DMF recommendations were made available to decisionmakers at the initial appearance hearing (that is, the *control group* during the RCT study period – see slide 11 for more details – was excluded).

The overall sample includes all assessed cases from June 2017 through February 2021 whose DMF recommendation and PSA scores were available to judicial officers at the initial appearance hearing, for a total of 5,457 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.
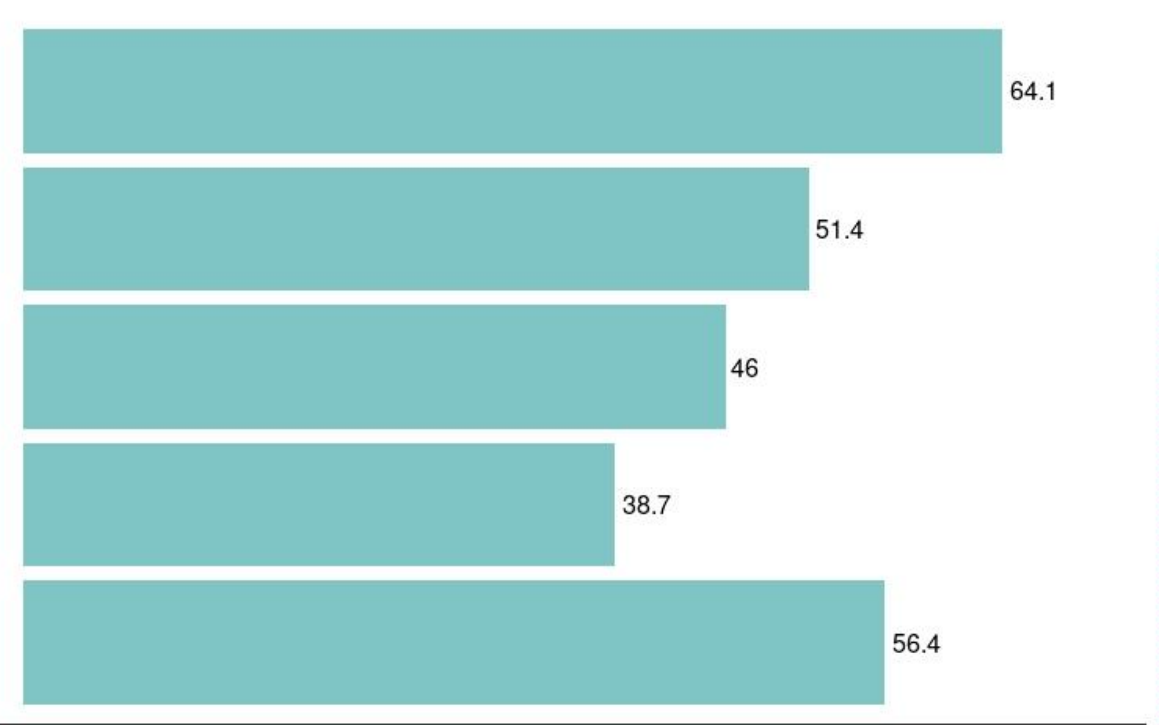
Release conditions assigned, by local DMF recommendation

Judicial officers tended to either assign the same or less restrictive release conditions than what was recommended by the local DMF. Conditions that were more restrictive than what the local DMF recommended were rarely assigned.
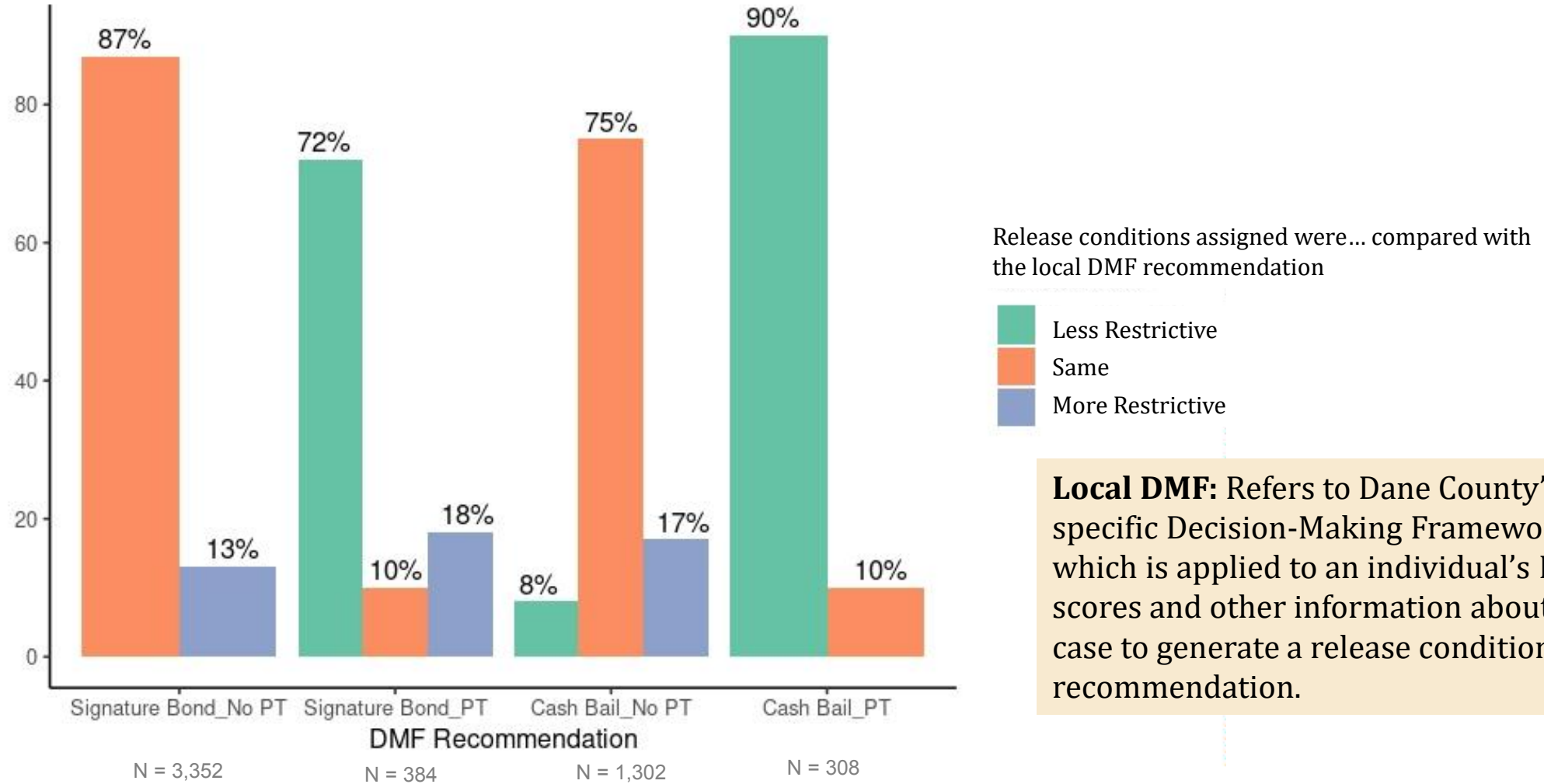
Release conditions assigned were… compared with the local DMF recommendation

- Less Restrictive
- Same
- More Restrictive

Local DMF: Refers to Dane County's specific Decision-Making Framework, which is applied to an individual's PSA risk scores and other information about their case to generate a release condition recommendation.

The overall sample includes all assessed cases from June 2017 through February 2021 whose DMF recommendation and PSA scores were available to judicial officers at the initial appearance hearing, for a total of 5,346 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Release conditions assigned, by local DMF recommendation and race/ethnicity

While judicial officers were less likely to assign release conditions that were the same as what the local DMF recommended for Black individuals...

Ordered release condition that was **the same as** the DMF recommendation (percentage)
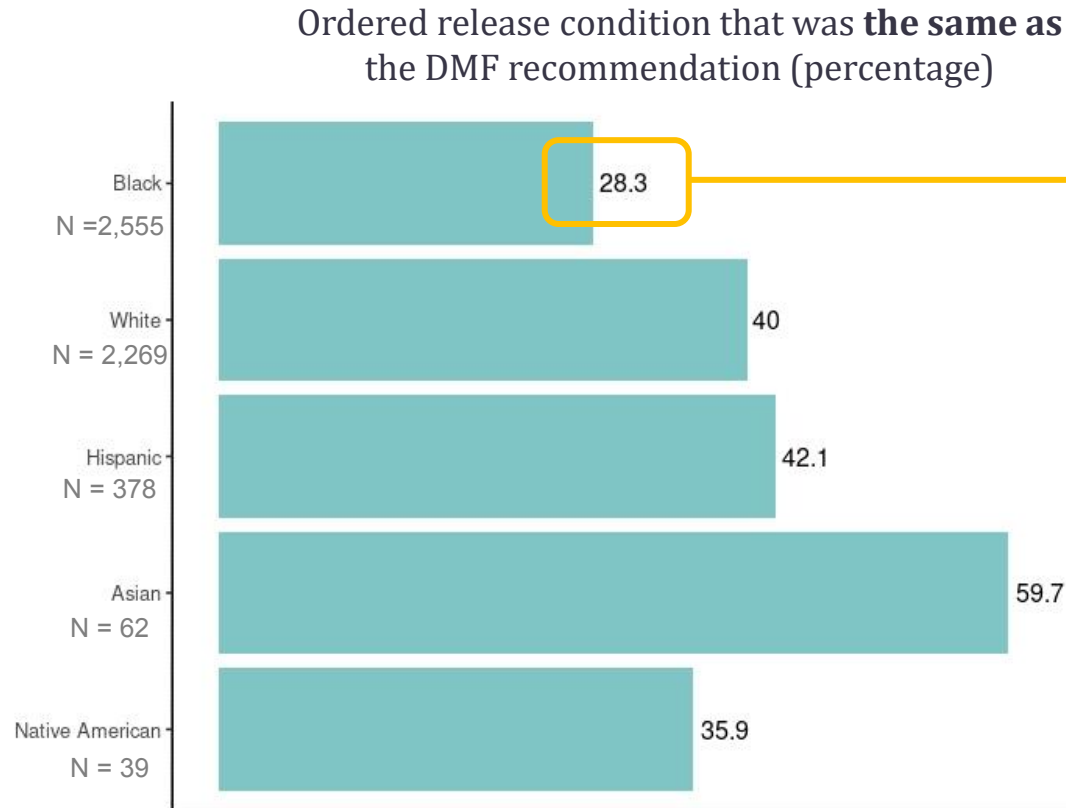
This indicates that 28.3% of assessed cases belonging to Black individuals (28.3% of the 2,555 cases belonging to Black individuals = 723 cases) were ordered a release condition that was the same as the DMF recommendation.

The overall sample includes all assessed cases from June 2017 through February 2021 whose DMF recommendation and PSA scores were available to judicial officers at the initial appearance hearing, for a total of 5,303 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Release conditions assigned, by local DMF recommendation and race/ethnicity (continued)

Black individuals were more likely to be given a **less** restrictive condition than the local DMF recommended.

Ordered release condition **more** restrictive than DMF recommendation (percentage)
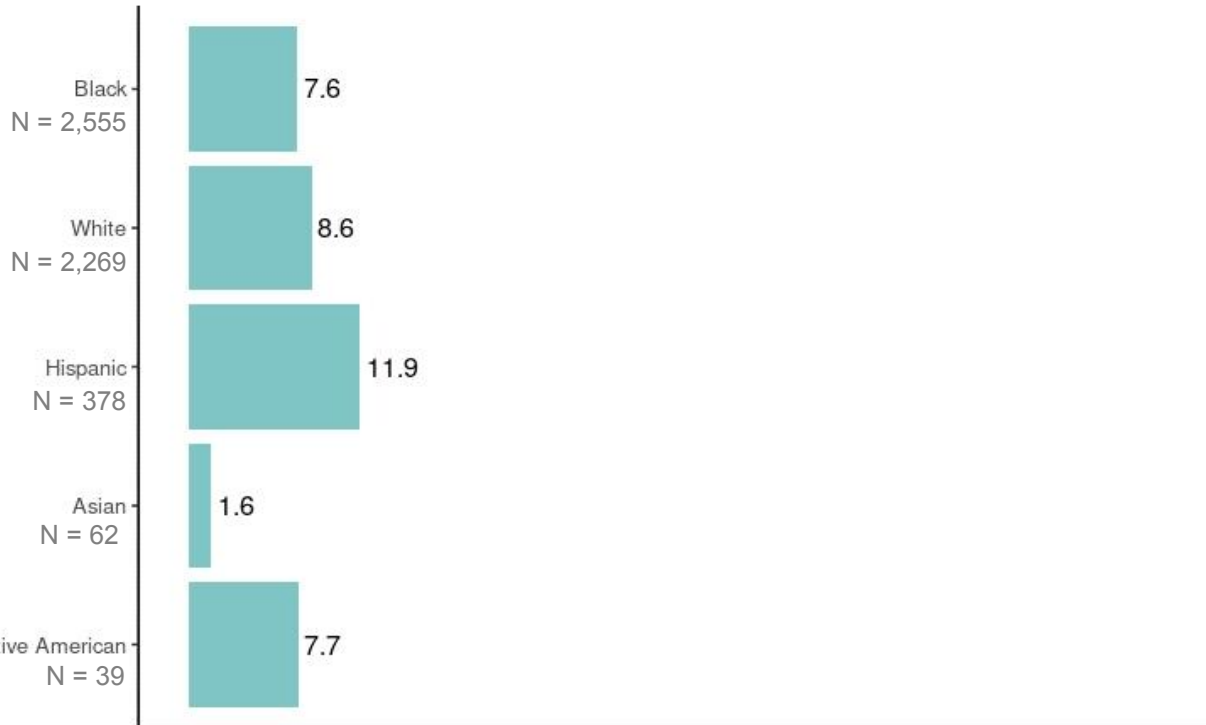
Ordered release condition **less** restrictive than DMF recommendation (percentage)

Race/ethnicity	More restrictive (%)	Less restrictive (%)
Black N = 2,555	7.6	64.1
White N = 2,269	8.6	51.4
Hispanic N = 378	11.9	46
Asian N = 62	1.6	38.7
Native American N = 39	7.7	56.4

The overall sample includes all assessed cases from June 2017 through February 2021 whose DMF recommendation and PSA scores were available to judicial officers at the initial appearance hearing, for a total of 5,303 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Key Takeaways

Release Conditions and Special Conditions

Most assessed cases (65% across the study period) were given a signature bond without Pretrial Services, 23% were given cash bail without Pretrial Services, and 12% were referred to Pretrial Services on a signature or cash bond.

The overwhelming majority of assessed cases had no special conditions assigned. Individuals assigned to special conditions tended to be assessed as higher risk, on average, compared with those that were not assigned to special conditions. However, it does not appear that assignment was driven solely by assessed risk.

Release Conditions Assigned, by Local DMF Recommendation

Judicial officers tended to either assign the same or less restrictive release conditions than what was recommended by Dane County's local DMF.

While judicial officers were less likely to assign release conditions that were the same as what the local DMF recommended for Black individuals, Black individuals were more likely to be given a **less** restrictive condition than what the local DMF recommended.

Pretrial Services Referrals

Number of new Pretrial Services referrals* per month

The number of new monthly referrals hovered between 40 and 50 referrals per month in the months before the pandemic. New monthly referrals were paused for a few months following the pandemic's onset.
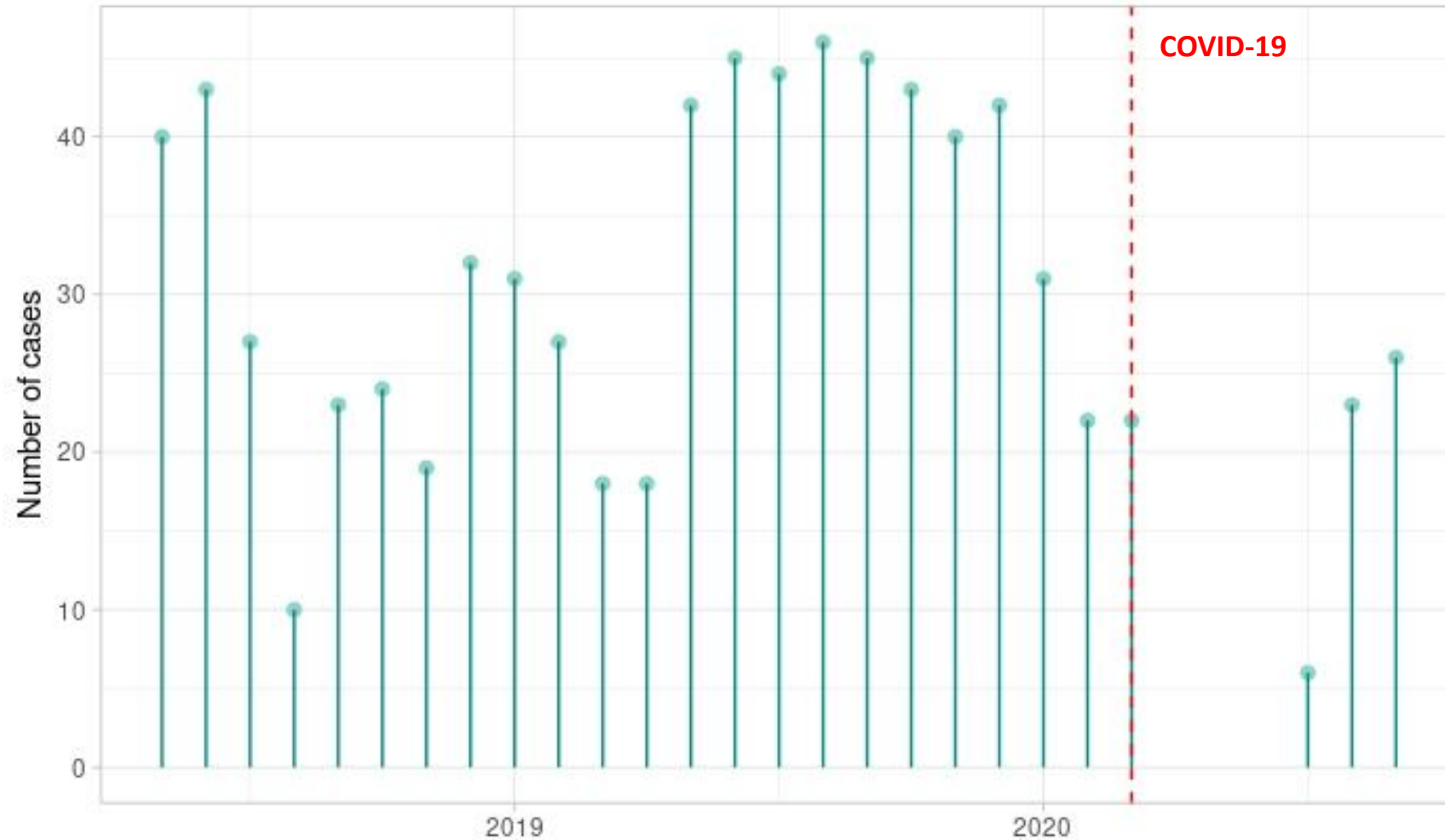
*Includes assessed cases that were referred to Pretrial Services and matched to Automon Pretrial Services data, from May 2018 through September 2020, for a total of 789 cases. **This is a subset of the full sample of assessed cases shown in earlier slides - i.e., it includes just those assessed cases that were referred to and received pretrial supervision**. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Cases referred to Pretrial Services, by race/ethnicity

While comprising a small share of the population of Dane County, Black people made up a relatively large share of those referred to Pretrial Services.

Race/Ethnicity Category	Pretrial Services Cases	Percentage of Total Pretrial Services Cases	Census Percentage (2020)
Asian	6	1%	6%
Black	348	44%	5%
Hispanic	55	7%	7%
Native American	7	1%	<1%
Non-Hispanic White	369	47%	77%
Multiracial/Other	0	0%	5%

The overall sample includes all assessed cases that were matched to Automon Pretrial Services data and had race information available, from May 2018 through September 2020, for a total of 785 cases.

Distribution of risk level categories among supervised cases, by supervision level

Individuals assigned to more intensive supervision levels tended to be assessed as higher risk, on average, compared with those assigned to less intensive supervision levels.
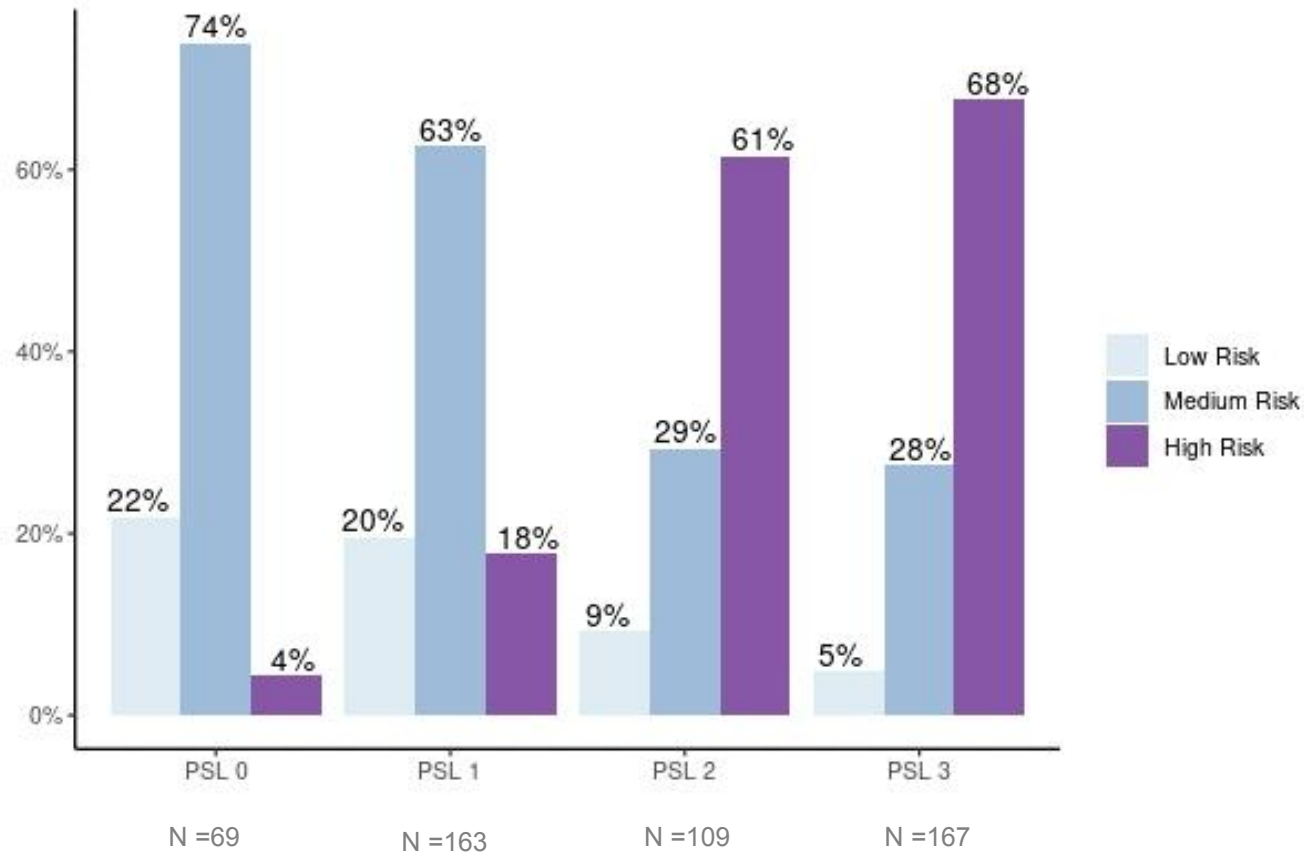

Note: In order to assess alignment of decision-making with risk information, the analysis presented on this slide was limited to cases whose PSA scores and local DMF recommendations were made available to Pretrial Services caseworkers to guide their placement of individuals into supervision levels (that is, the *control group* during the RCT study period – see slide 11 for more details – was excluded).

The overall sample includes all assessed cases that matched to Automon Pretrial Services data, from May 2018 through September 2020, whose PSA scores were available to Pretrial Services caseworkers upon referral to Pretrial Services for supervision level assignment, for a total of 508 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Key Takeaways

Pretrial Services Cases Over Time

The number of new monthly referrals hovered between 40 and 50 referrals per month in the months before the pandemic. New monthly referrals were paused for a few months following the pandemic's onset. Cases with felony violent charges were referred to Pretrial Services in the greatest numbers (see Appendix slide 58).

Risk Level

A larger share of the supervised population was assessed as "high risk" compared with all assessed cases (see Appendix slide 59). Individuals assigned to more intensive supervision levels tended to be assessed as higher risk, on average, compared with those assigned to less intensive supervision levels.

Racial Disparities

While comprising a small share of the population of Dane County, Black people made up a large share of those referred to Pretrial Services.

Time to Disposition

Median time to disposition over time

While the median length of time from arrest to disposition for assessed cases was stable for cases initiated from mid-2017 through mid-2019 (median: ~7 months), there was a sharp increase for cases initiated in the second half of 2019. This is likely driven by later pandemic-fueled backlogs in the courts, which would have affected any open cases at that time.
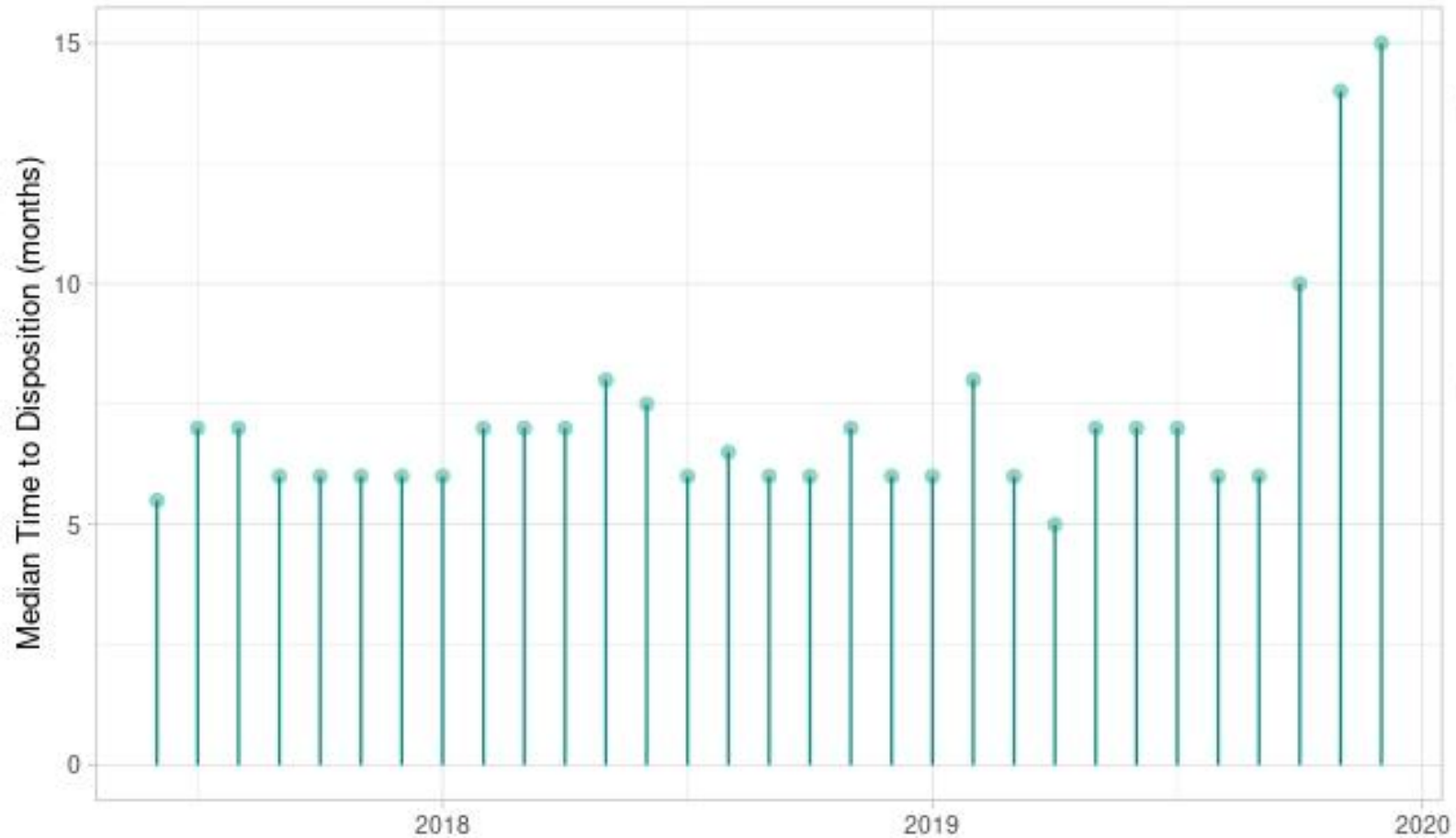
Disposition Type
- ~80% guilty/plea
- ~20% dismissed
- <1% not guilty

Time to Disposition: The length of time between a case's arrest date and its last disposition date.

Arrest month

The overall sample includes all disposed assessed cases that were initiated between June 2017 and December 2019, for a total of 6,909 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed cases in which the individual had no FTAs, by time to disposition
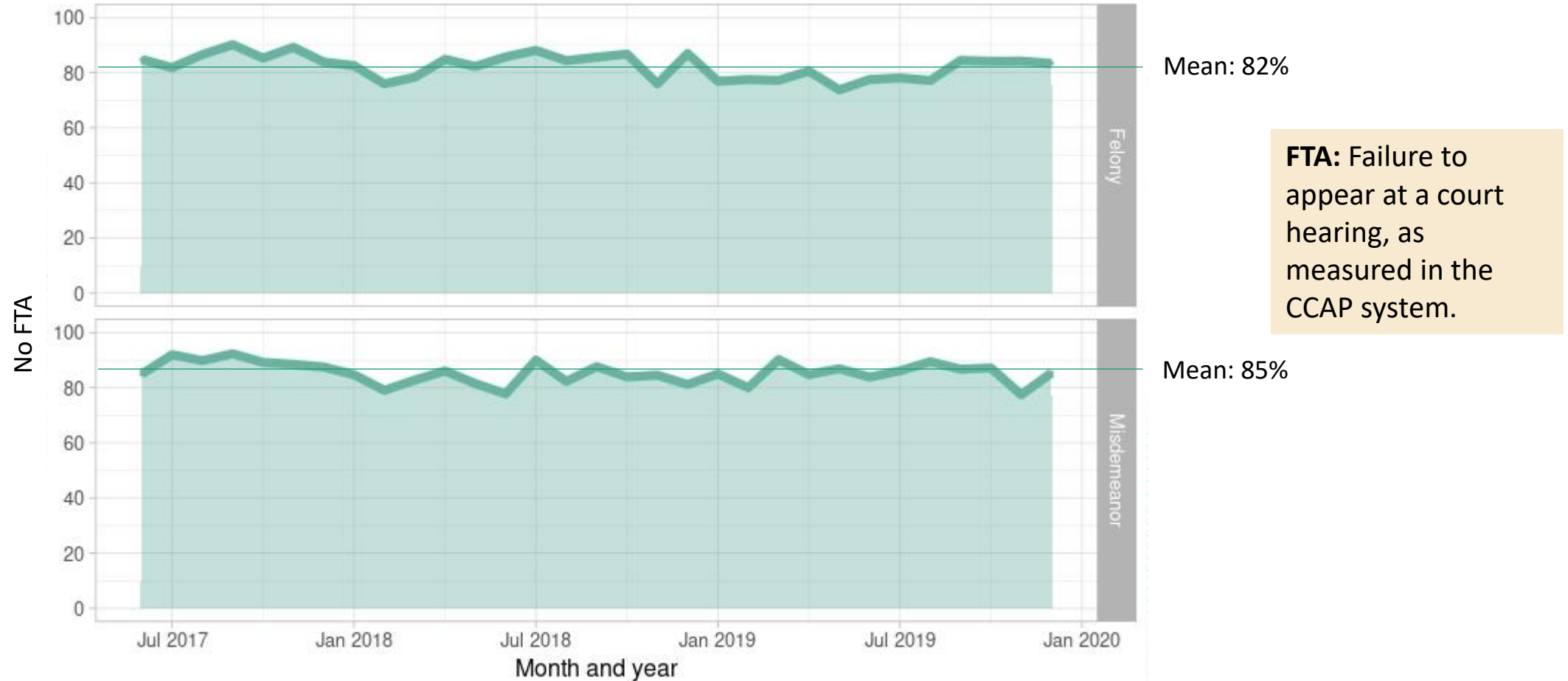
The share of assessed cases in which the individual successfully avoided FTAs decreases as time to disposition increases. This was true among the supervised population as well (see Appendix slide 62).
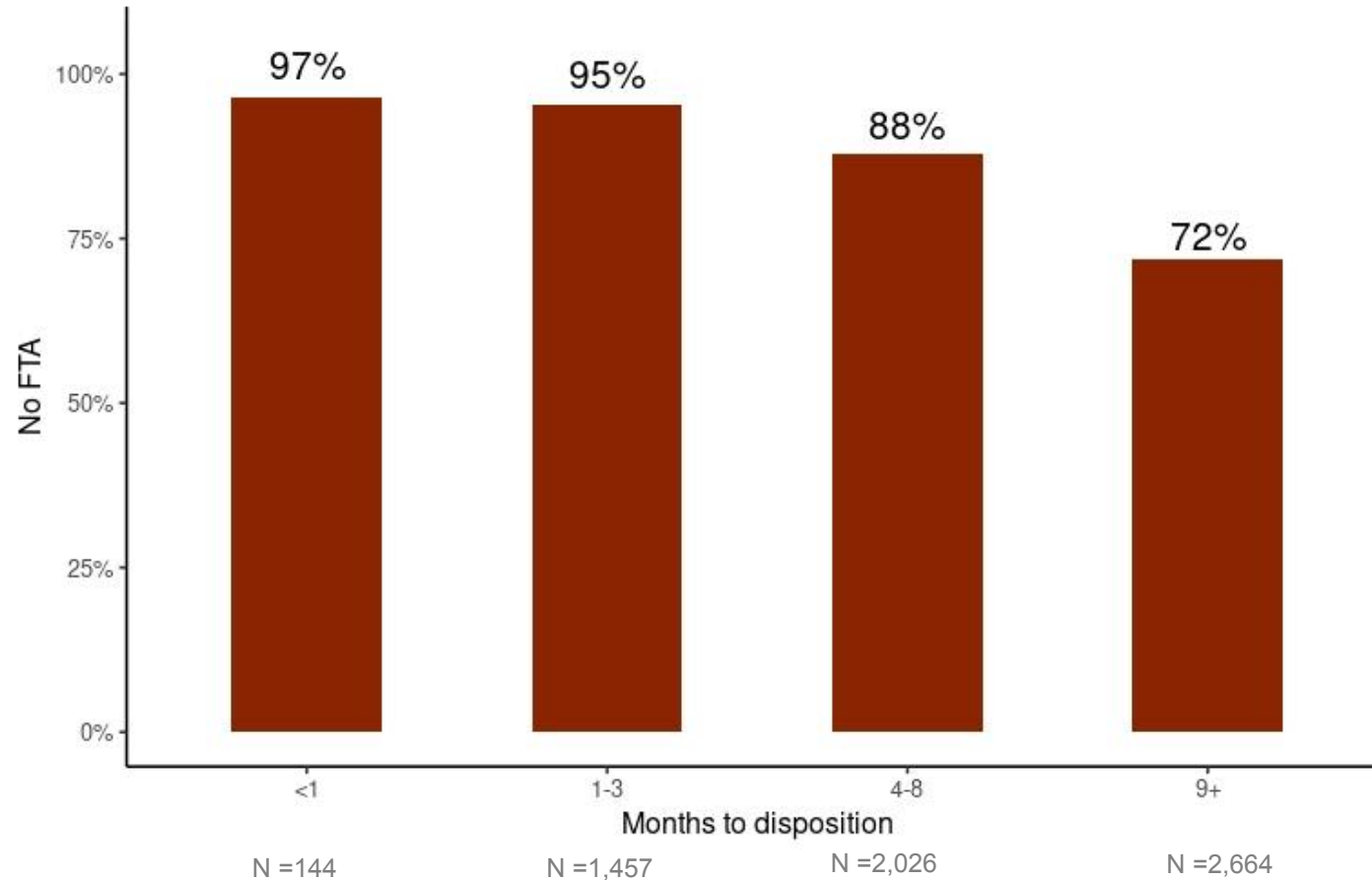
FTA: Failure to appear at a court hearing, as measured in the CCAP system.

The overall sample includes all disposed assessed cases that were initiated between June 2017 and December 2019, for a total of 6,291 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed cases in which the individual successfully avoided pretrial rearrest, by time to disposition

The share of assessed cases in which the individual successfully avoided pretrial rearrest decreases as time to disposition increases. This was true among the supervised population as well (see Appendix slide 63).
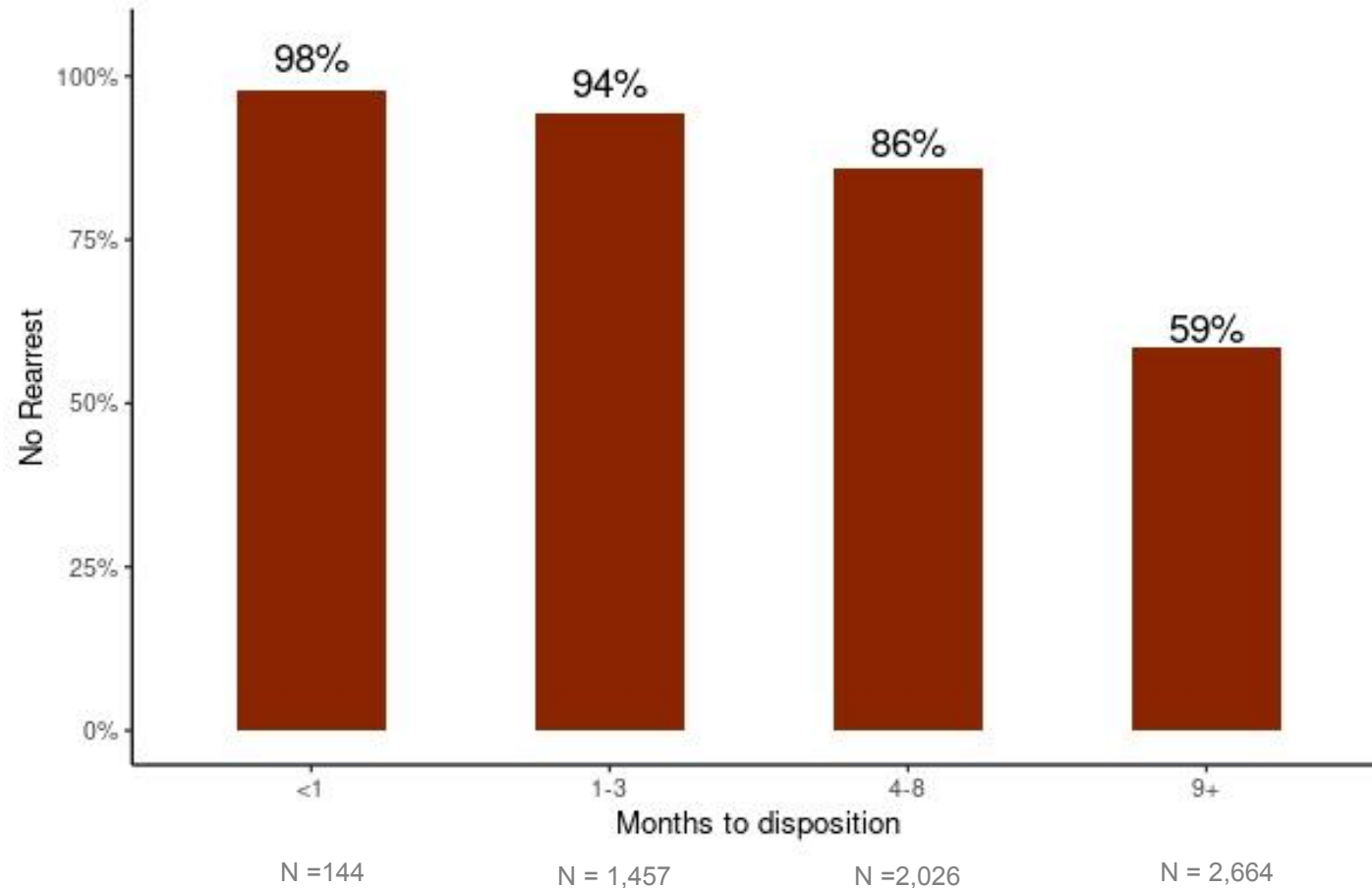
Pretrial rearrest: A new arrest date captured in the CCAP system that happened during the case's pretrial period—that is, between the point of initial arrest and the case's last disposition date.

The overall sample includes all disposed assessed cases that were initiated between June 2017 and December 2019, for a total of 6,291 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Key Takeaways

Time to Disposition

While the median length of time from arrest to disposition for assessed cases was stable from mid-2017 through mid-2019, there was a sharp increase for cases initiated in the second half of 2019. This was likely driven by later pandemic-fueled backlogs in the courts, which would have affected any open cases at that time.

Low risk cases tended to take longer to reach disposition (see Appendix slides 60 and 61).

FTAs and Rearrest

The share of assessed cases in which the individual successfully avoided FTAs and pretrial rearrest decreases as time to disposition increases, with larger decreases among those assessed as "high risk" (see Appendix slides 64 and 65).

Court Appearance

Percent of assessed cases in which the individual had <u>no</u> FTAs over time, by charge class

For over 4 out of 5 assessed cases, individuals showed up to all of their court hearings (i.e., avoided FTAs) over the study time period. This was fairly stable over time for those with both felony and misdemeanor top charges.

Mean: 82%

Mean: 85%

FTA: Failure to appear at a court hearing, as measured in the CCAP system.

The overall sample includes all disposed assessed cases that were initiated between June 2017 and December 2019, for a total of 6,375 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed cases in which the individual had <u>no</u> FTAs, by risk score

Across risk groups, most people were successful in showing up to their court hearings (i.e., avoiding FTAs). Those assessed as lower risk were more successful, on average, in avoiding FTAs compared with those assessed as higher risk. The pattern was the same among the supervised population (see Appendix, slide 66).
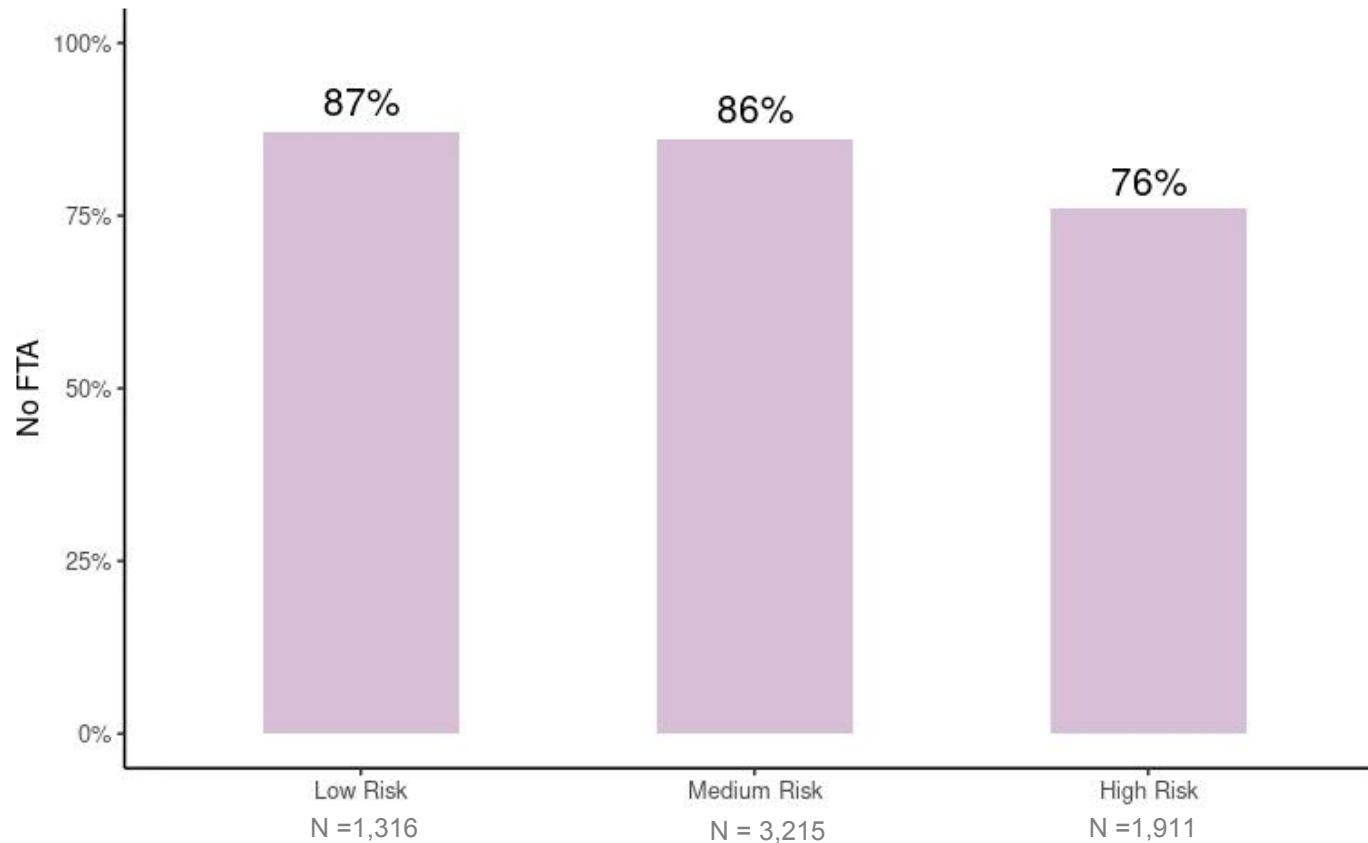
The overall sample includes all disposed assessed cases that were initiated between June 2017 and December 2019, for a total of 6,442 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed Pretrial Services cases in which the individual had <u>no</u> FTAs, by supervision level

Individuals assigned to PSL 1 had the highest success rates in avoiding FTAs (they also tended to be lower risk compared with those assigned to higher levels – see slide 30).
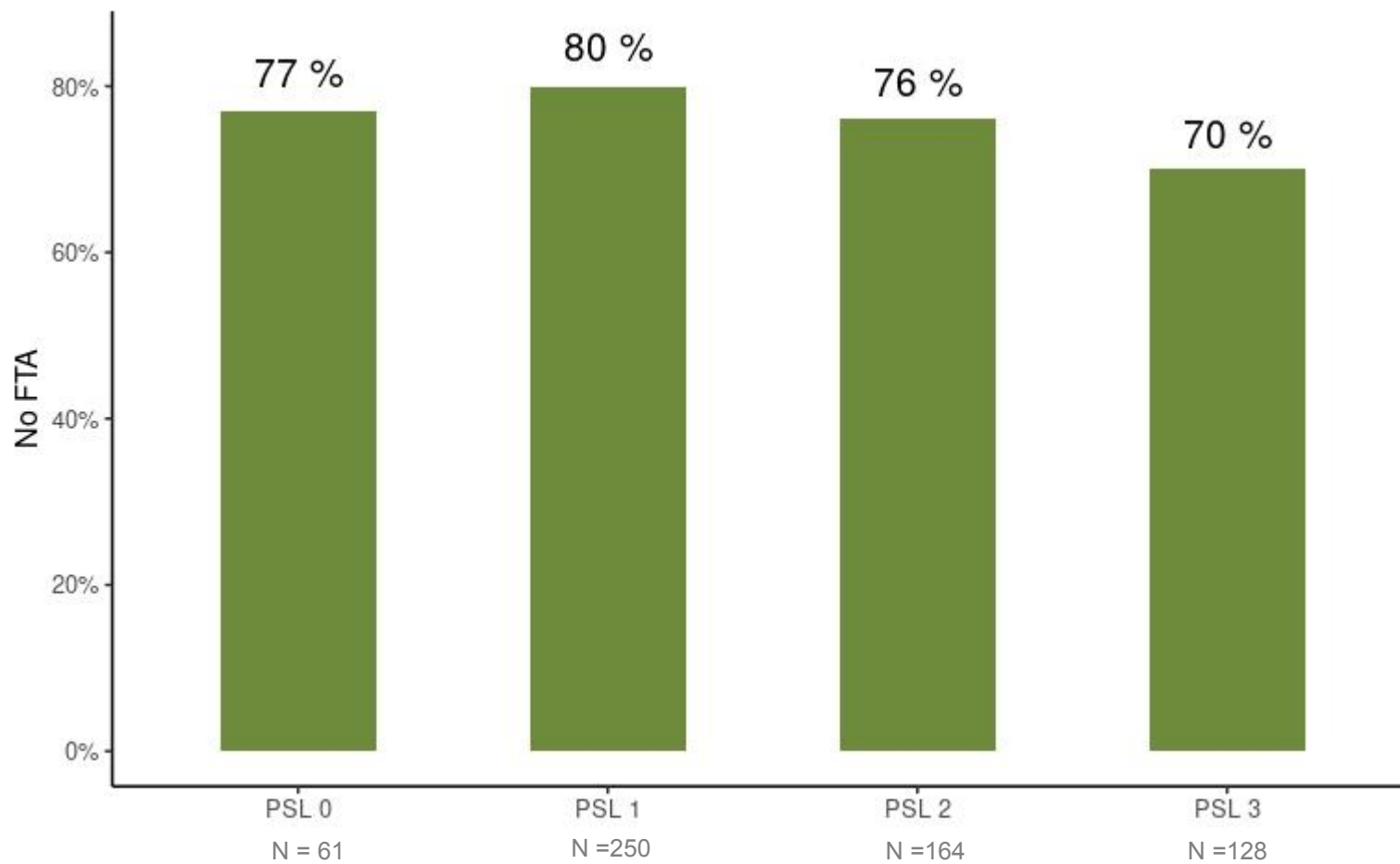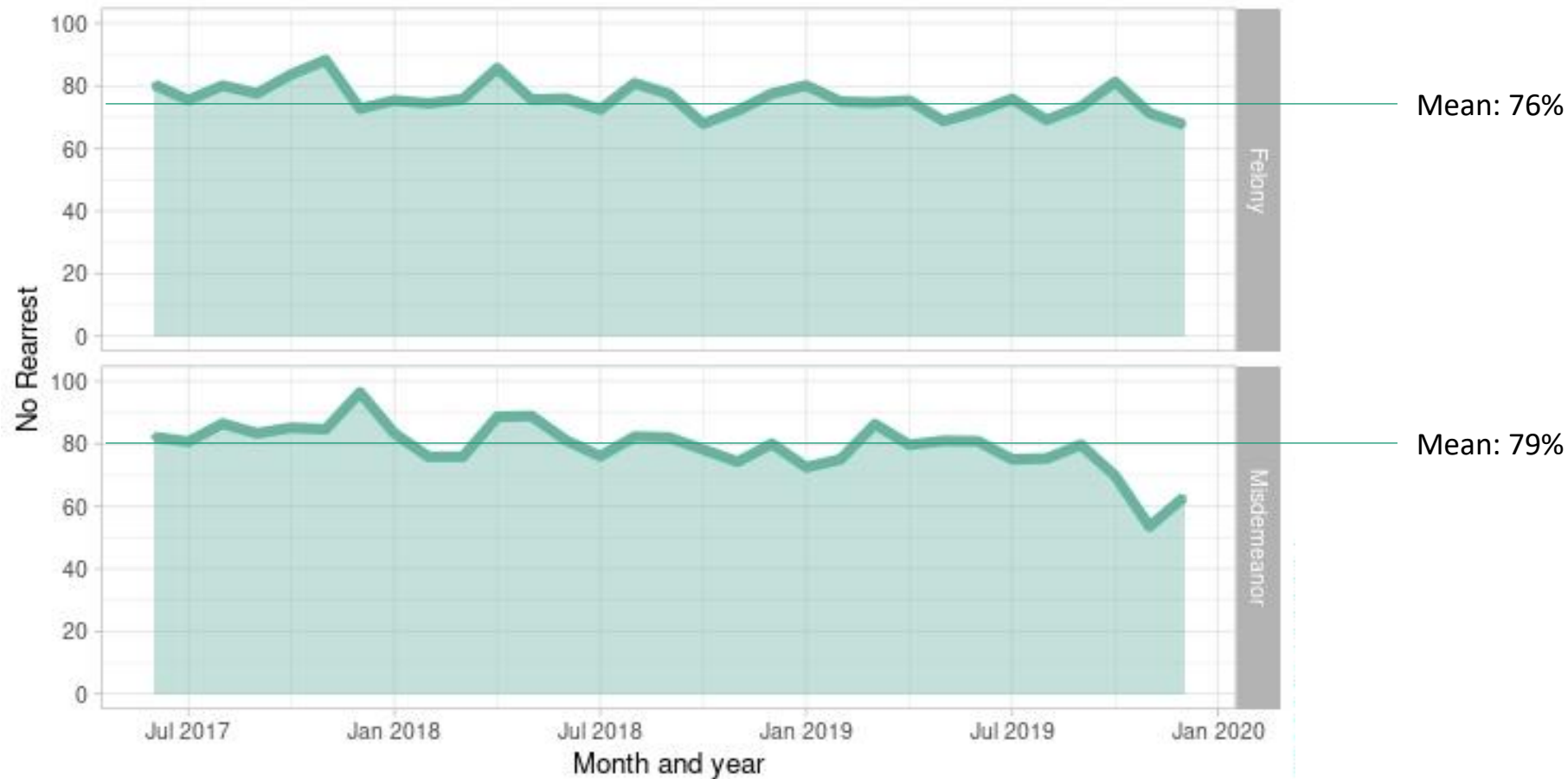

Note: These findings are descriptive and do not control for risk or other factors. Therefore, no causal inferences can be made.

The overall sample includes all disposed assessed cases that were matched to Automon Pretrial Services data and initiated between May 2018 and December 2019, for a total of 603 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed cases in which the individual had <u>no</u> FTAs, by special conditions

Individuals assigned special conditions did not have higher rates of court appearance (i.e., no FTAs), on average, compared with those who were not assigned special conditions. This was true for all assessed cases (below) as well as for the supervised population (see Appendix slide 67).
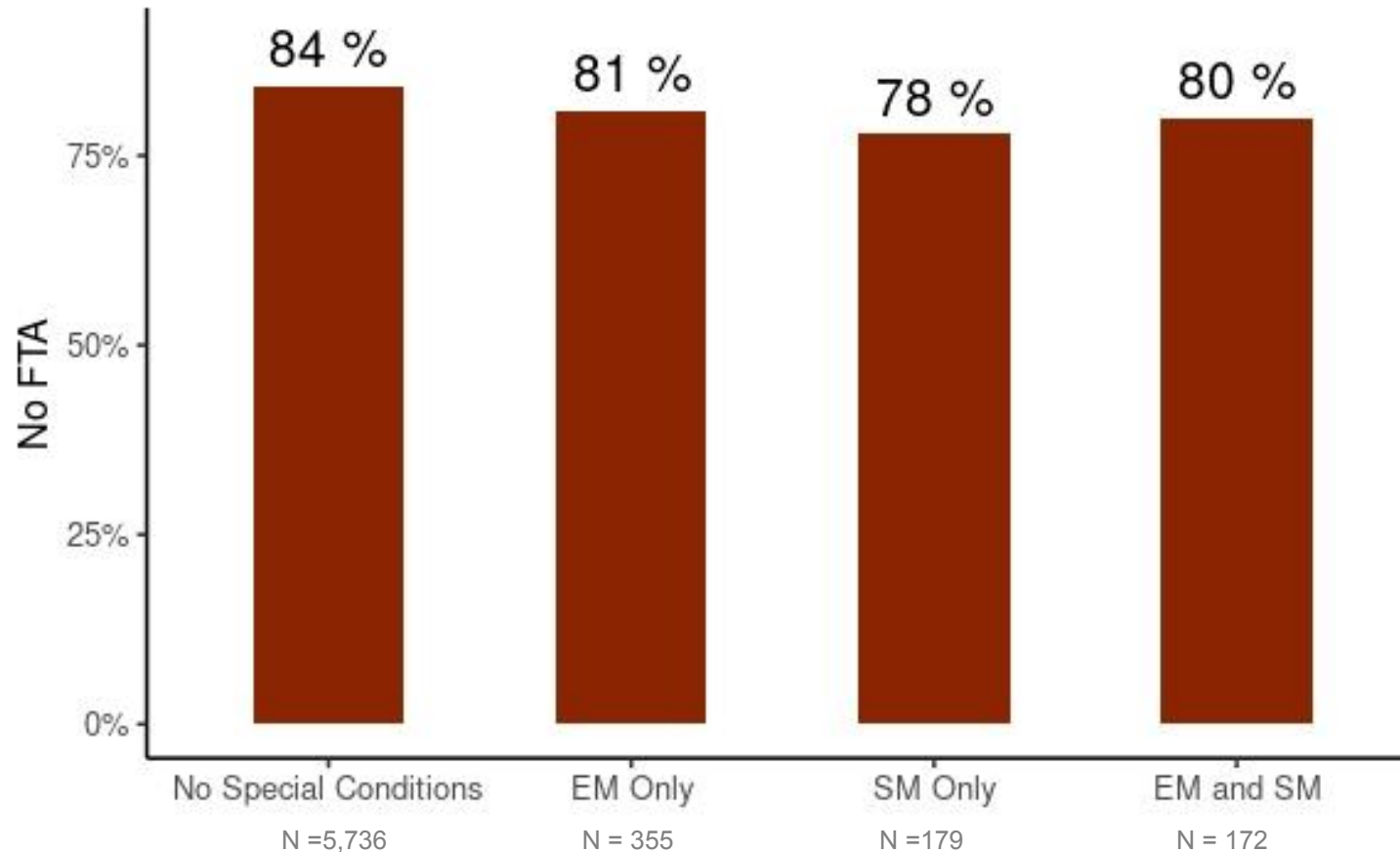
Note: These findings are descriptive and do not control for risk or other factors. Therefore, no causal inferences can be made.

The overall sample includes all disposed assessed cases initiated between June 2017 and December 2019, for a total of 6,442 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Key Takeaways

FTA Avoidance Trends
For over 4 out of 5 assessed cases, individuals successfully avoided FTAs over the study time period. This was fairly stable over time for those with both felony and misdemeanor top charges. Those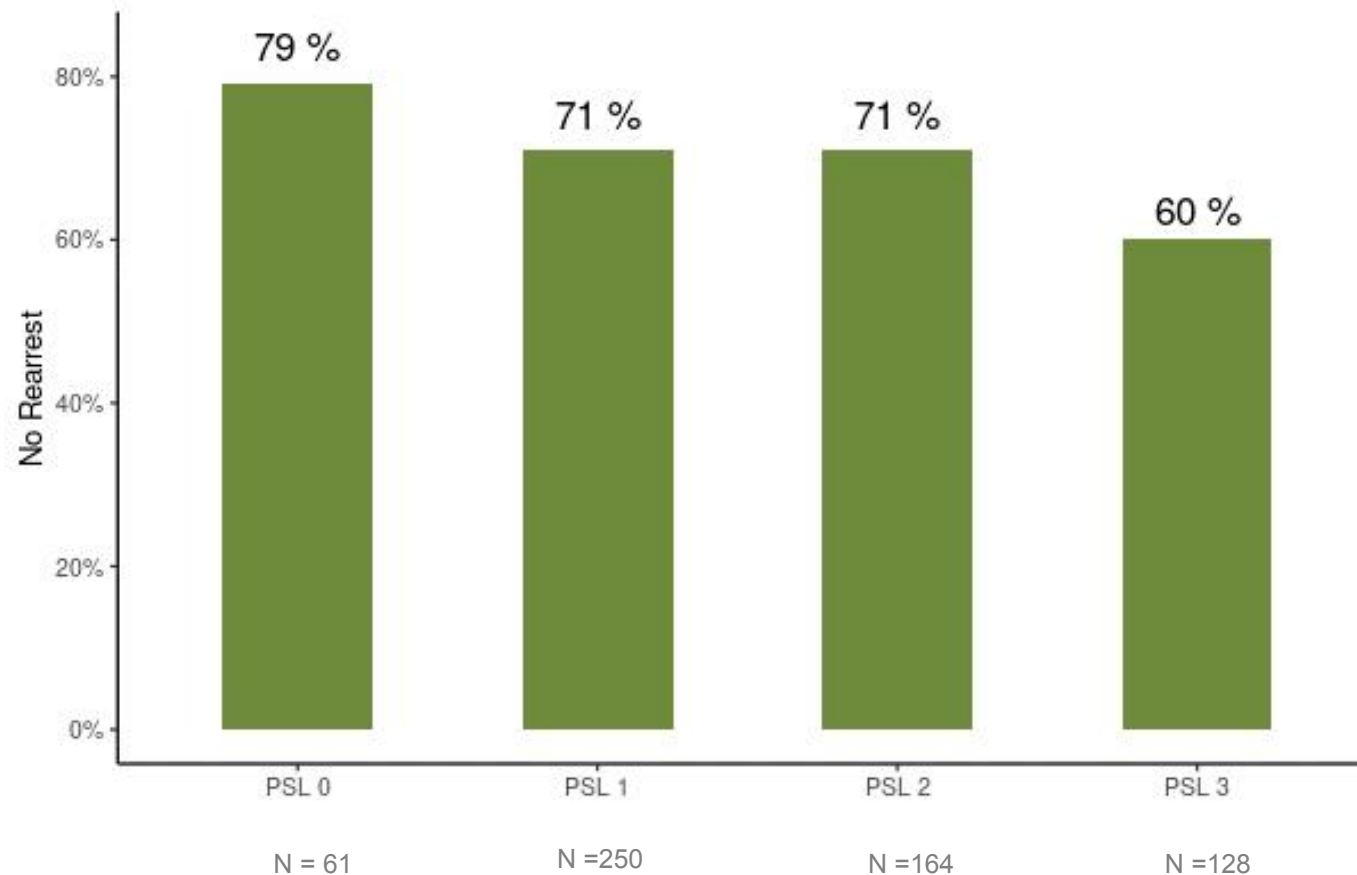 assessed as lower risk are more successful, on average, in avoiding FTAs compared with those assessed as higher risk. However, across risk groups, most individuals successfully avoided FTAs.

Supervision Levels

Individuals assigned to PSL 1 had the highest success rates in avoiding FTAs (they also tended to be lower risk compared with those assigned to higher levels).

Special Conditions

Individuals assigned special conditions did not have higher rates of court appearance, on average, compared with those who were not assigned special conditions.

Avoidance of Rearrest during Pretrial Period

Percent of assessed cases in which the individual avoided pretrial rearrest over time, by charge class

For more than three quarters of assessed cases, individuals successfully avoided a rearrest during the pretrial period. This was fairly stable over time for those with both felony and misdemeanor top charges.

Mean: 76%

Mean: 79%

Pretrial rearrest: A new arrest date captured in the CCAP system that happened during the case's pretrial period— that is, between the point of initial arrest and the case's last disposition date.

The overall sample includes all disposed assessed cases initiated between June 2017 and December 2019, for a total of 6,375 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed cases in which the individual avoided pretrial rearrest, by risk level

Across risk groups, most people were successful in avoiding rearrest during the pretrial period. Those assessed as lower risk were more successful, on average, in avoiding rearrest compared with those assessed as higher risk. This pattern was similar among the supervised population too (see Appendix, slide 68).
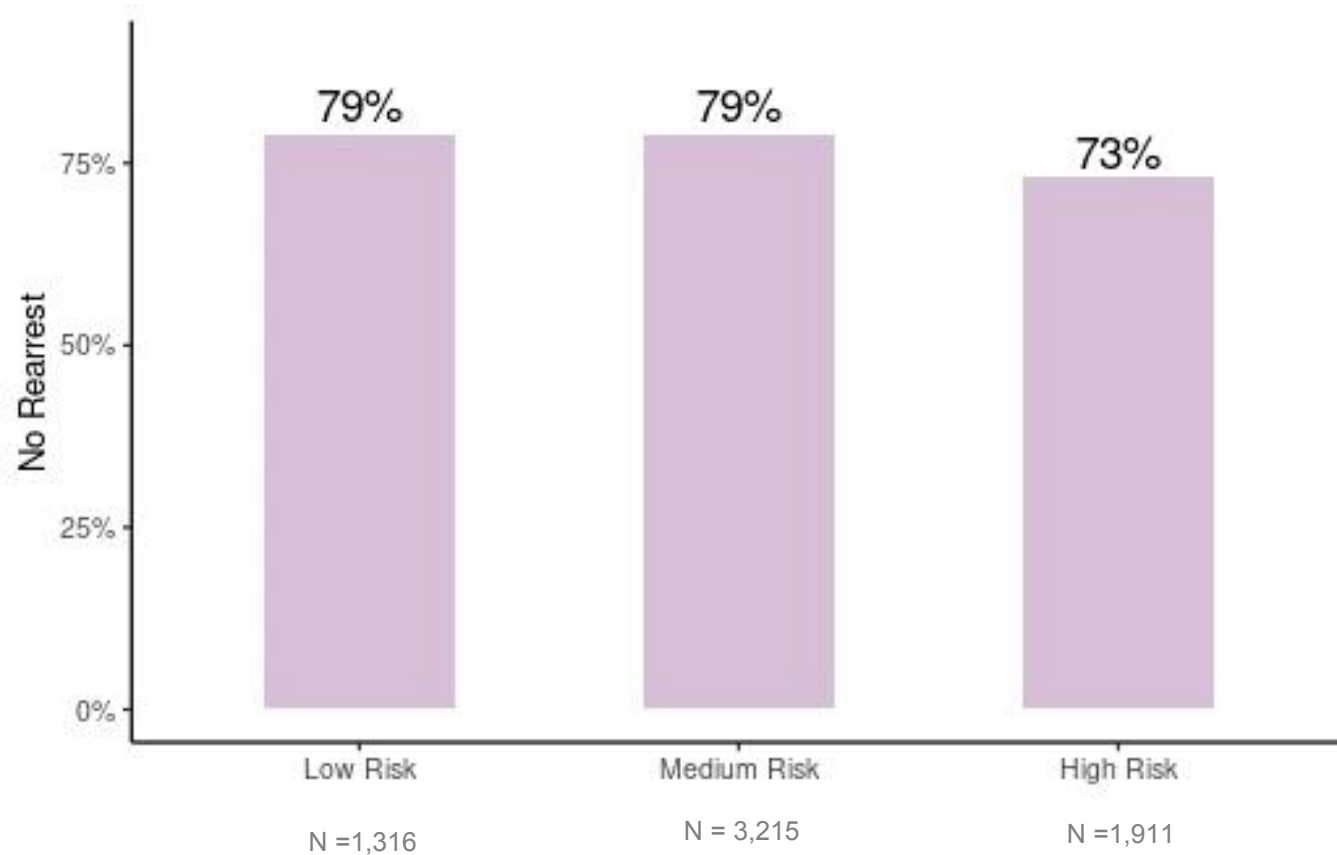
The sample includes all disposed assessed cases initiated between June 2017 and December 2019, for a total of 6,442 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed Pretrial Services cases in which the individual avoided pretrial rearrest, by supervision level

Success rates for avoiding rearrest were higher for those assigned to lower levels of pretrial supervision. This likely reflects risk level differences among those assigned to varying levels of supervision.

Note: These findings are descriptive and do not control for risk or other factors. Therefore, no causal inferences can be made.

The overall sample includes all disposed assessed cases that were matched to Automon Pretrial Services data and initiated between May 2018 and December 2019, for a total of 603 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed cases in which the individual avoided pretrial rearrest, by special conditions

Individuals that were assigned to special conditions and those that were not assigned to special conditions had similar rates of pretrial rearrest avoidance, on average.
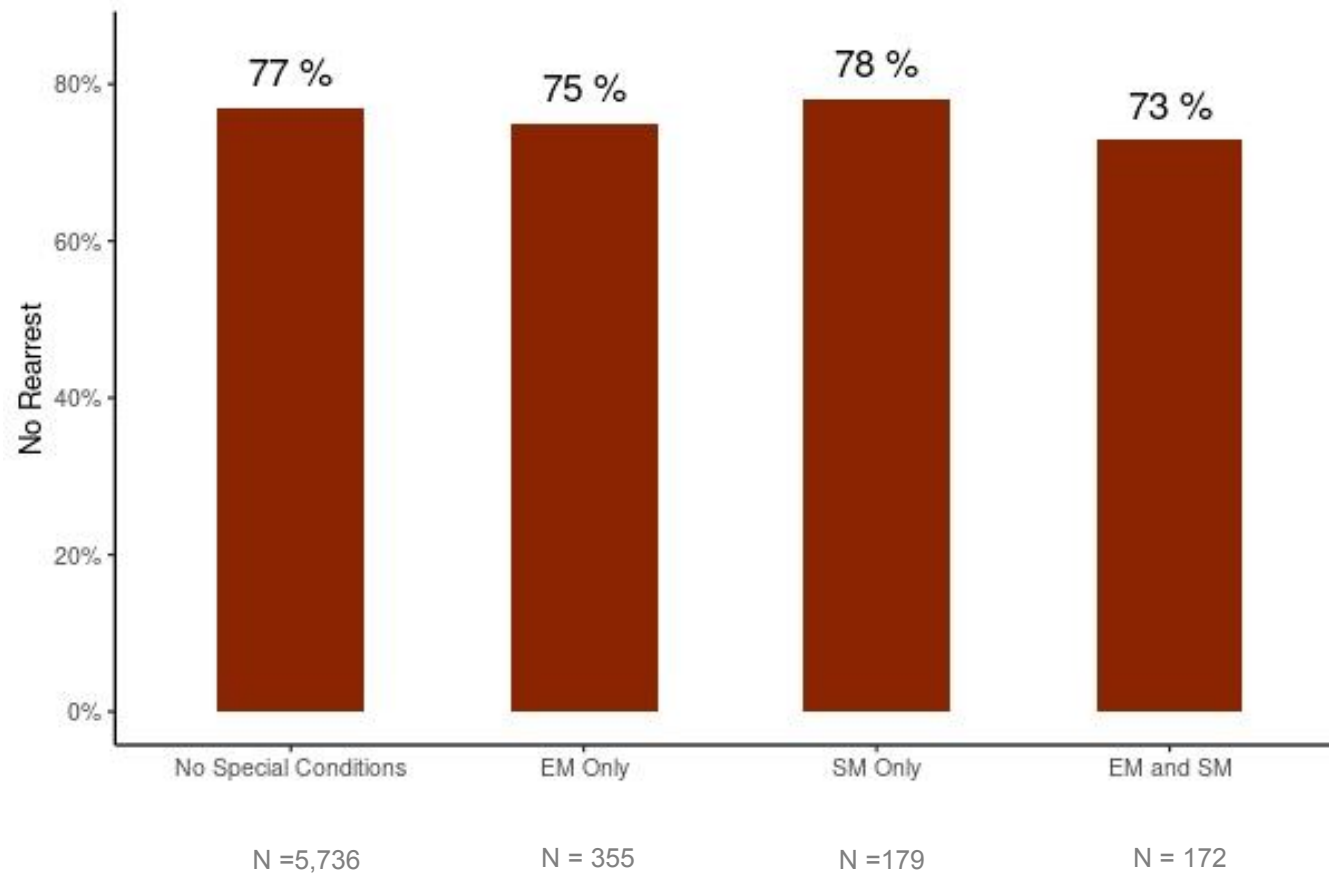
Note: These findings are descriptive and do not control for risk or other factors. Therefore, no causal inferences can be made.

The overall sample includes all disposed assessed cases initiated between June 2017 and December 2019, for a total of 6,442 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Key Takeaways

Pretrial Rearrest Trends

For more than three quarters of assessed cases, individuals successfully avoided a rearrest during the pretrial period. This was fairly stable over time for those with both felony and misdemeanor top

charges. Those assessed as lower risk were more successful, on average, in avoiding rearrest during the pretrial period compared with those assessed as higher risk. However, across risk groups, most individuals successfully avoided rearrest.

Supervision Levels

Success rates for avoiding rearrest were higher for those assigned to lower levels of pretrial supervision. This likely reflects risk level differences among those assigned to varying levels of supervision.

Special Conditions

Those that were assigned to special conditions and those that were not assigned to special conditions had similar rates of pretrial rearrest avoidance.

Among the supervised population (see Appendix slide 69), those assigned to special conditions appear to have slightly higher rates of avoiding rearrest during the pretrial period, though this did not hold up after controlling for charge category and risk level. No causal inferences can be made.

Agenda

What is PJC?

- Project Background
- Research Methods

Descriptive Analysis & Racial Disparity Analysis Findings

- Analysis context
- System overview
- Findings

Wrap-up & Questions

Summary and Implications

- Judicial officers tended to assign the same or less restrictive release conditions than what was recommended by Dane County's local DMF → Considerations for recalibration/transition to Release Conditions Matrix

- The share of assessed cases in which the individual successfully avoided FTAs and pretrial rearrest decreases as time to disposition increases (observed in other jurisdictions too), with particularly dramatic decreases among those assessed as "high risk" → Underscores need to resolve cases quickly

- Racial disparities in new assessed cases entering Dane's pretrial system and Pretrial Services department (observed in other jurisdictions too) → Reform efforts targeting entry points into the system may have the greatest potential to reduce racial disparities

- No strong evidence that assignment to special conditions like EM and sobriety monitoring are associated with greater success in appearing in court and avoiding pretrial rearrest → In line with findings from more rigorous impact analyses in other jurisdictions on the comparative effectiveness of pretrial supervision levels and special conditions

Discussion and Looking Forward

Which findings were most surprising? Most helpful?

Consider:

⇒ Trends in new assessed cases and Pretrial Services cases (volume, charge type, and racial disparities)

⇒ Release conditions

⇒ Special conditions (electronic monitoring and sobriety monitoring)

⇒ Disposition

⇒ FTA avoidance

⇒ Avoidance of rearrest

Questions?

Thank you!

For questions, contact Chloe Anderson at chloe.anderson@mdrc.org

Appendix

Number of new assessed cases over time, by charge category

Unsurprisingly, felony cases made up a greater share of new assessed cases. Felony cases with violent top charges made up the greatest share.
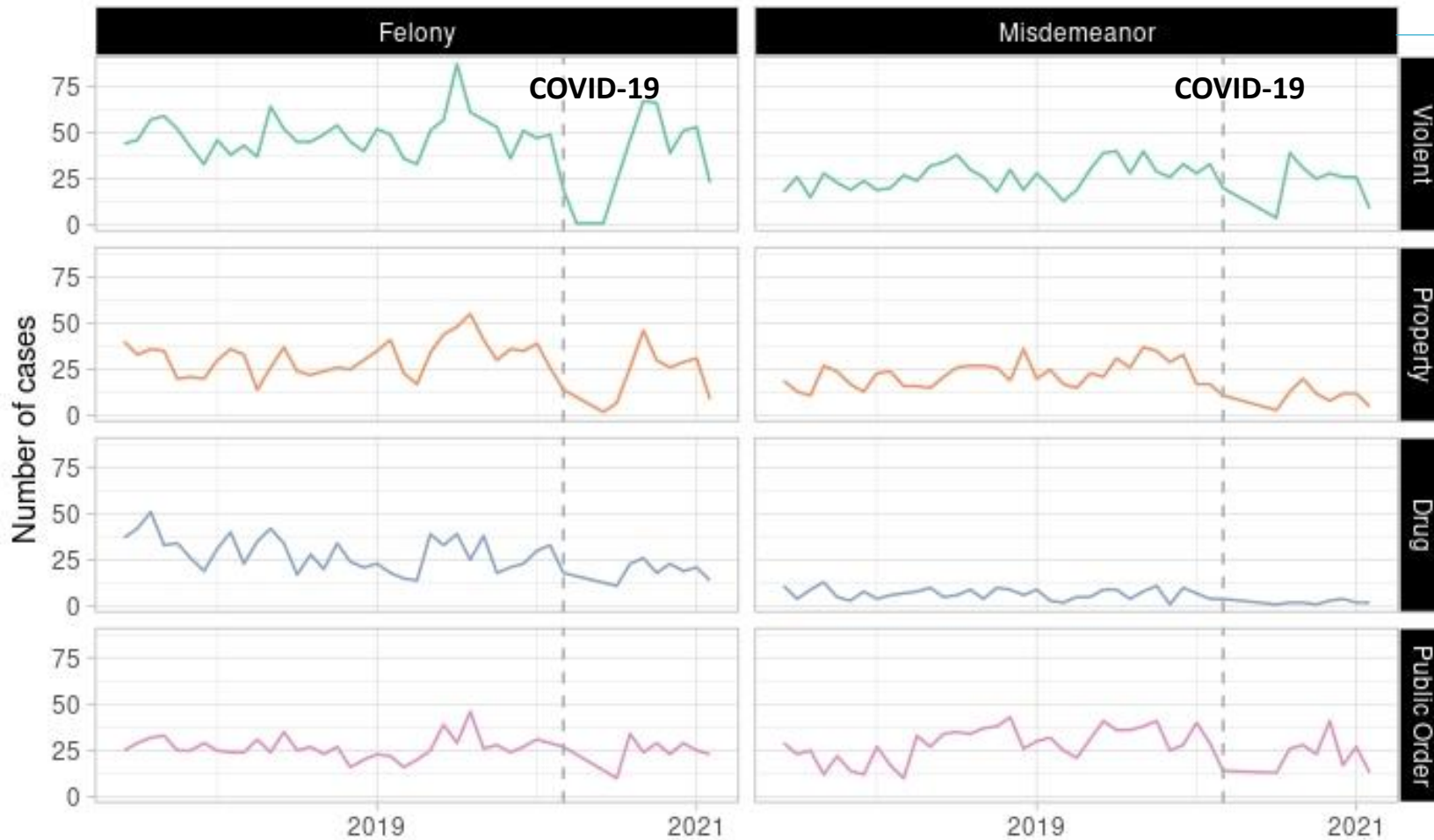
Note: Does not include non-custodial arrests (most misdemeanors) or misdemeanor custodial arrests where the person posted money bail prior to PSA.

The five most common charges in the Public Order/Other category (total category N=2,261) are:
-disorderly conduct (n=420)
-operating without a license (n=350)
-bail jumping (n=350)
-obstructing an officer (n=333)
-operating while intoxicated (n=310)

The overall sample includes all assessed cases from June 2017 through February 2021, for a total of 8,829 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Special conditions assigned, by race/ethnicity

There were few differences in special conditions assigned to assessed cases by race/ethnicity.
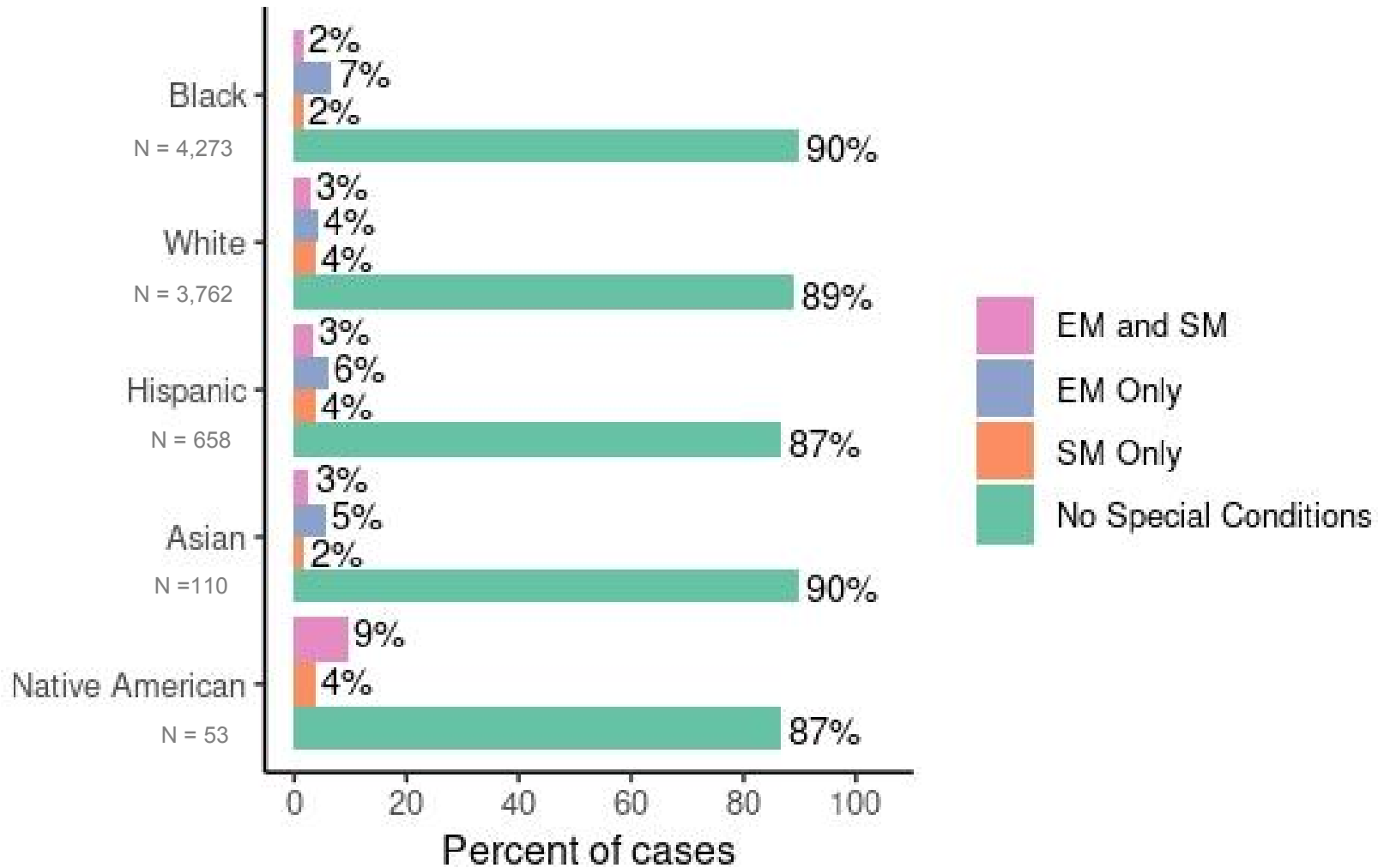
The overall sample includes all assessed cases from June 2017 through February 2021, for a total of 8,856 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables. SM = sobriety monitoring; EM = electronic monitoring.

Number of new Pretrial Services referrals over time, by charge class and category

Cases with felony violent charges were referred to Pretrial Services in the greatest numbers. This trend continued in the wake of the pandemic.
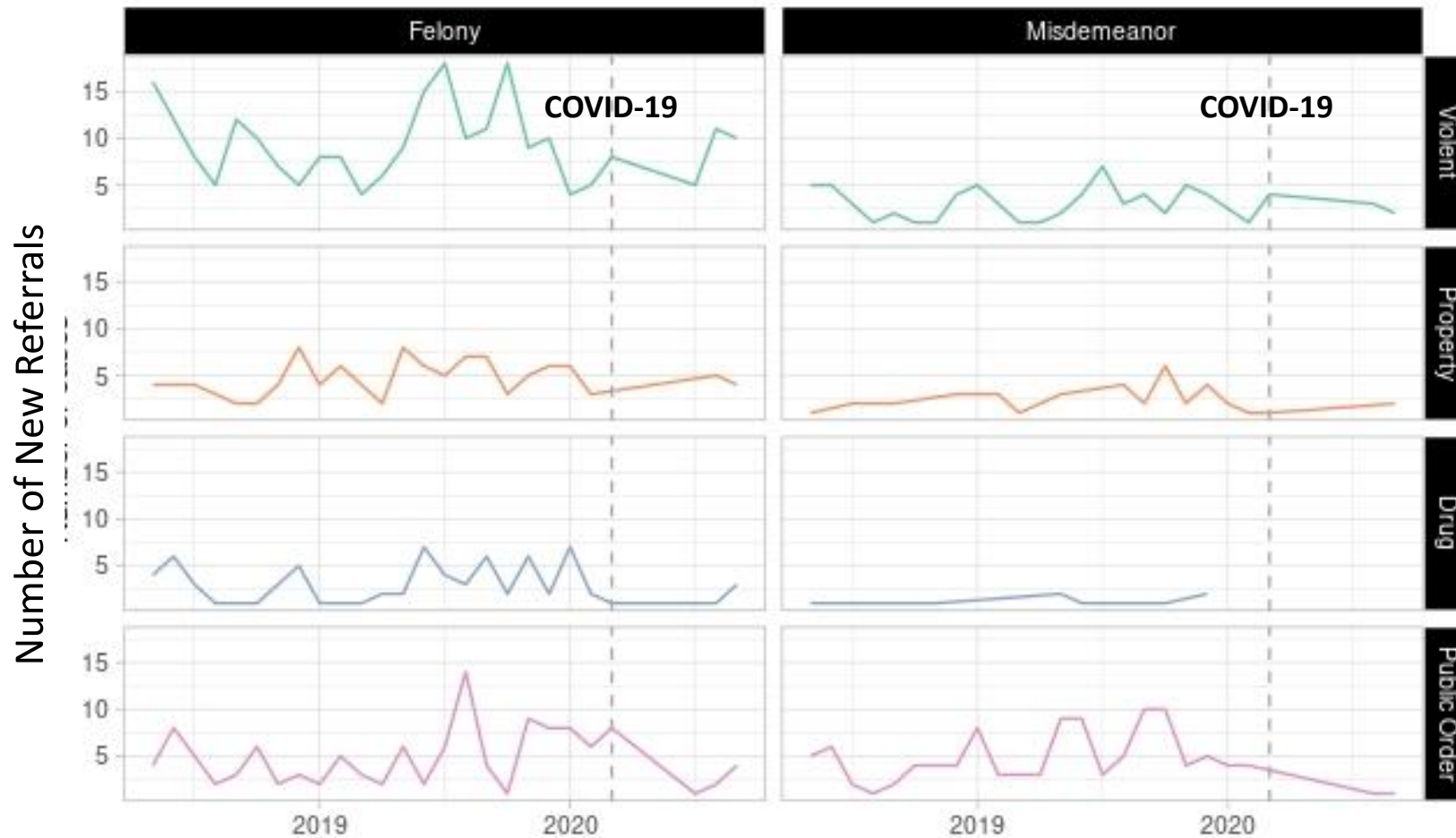
The overall sample includes all assessed cases that were matched to Automon Pretrial Services data, from May 2018 through September 2020, for a total of 783 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Distribution of risk level categories

A larger share of the supervised population (right) was assessed as high risk, whereas a smaller share was assessed as low risk, compared with all assessed cases (left).

Among all assessed cases
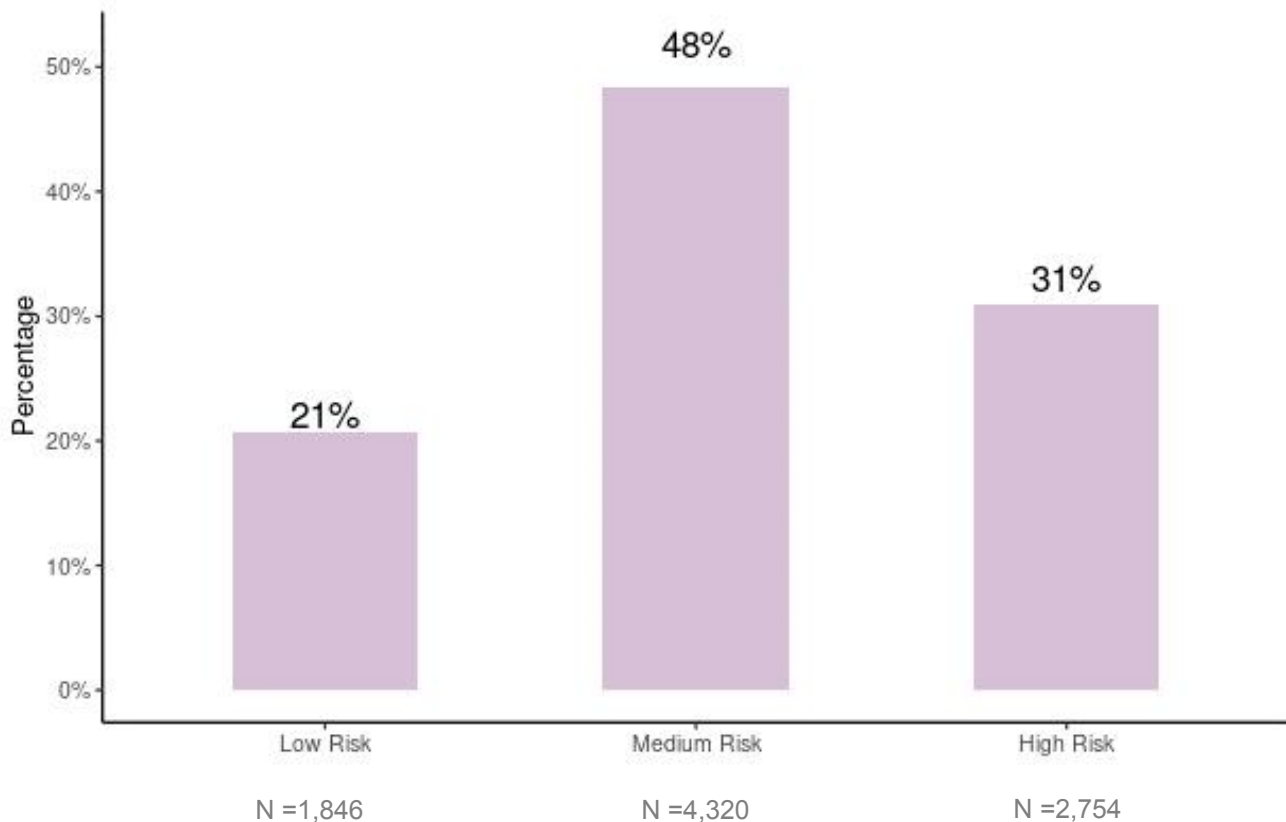
Among cases that received supervision and whose PSA scores and local DMF recommendation were available to decisionmakers
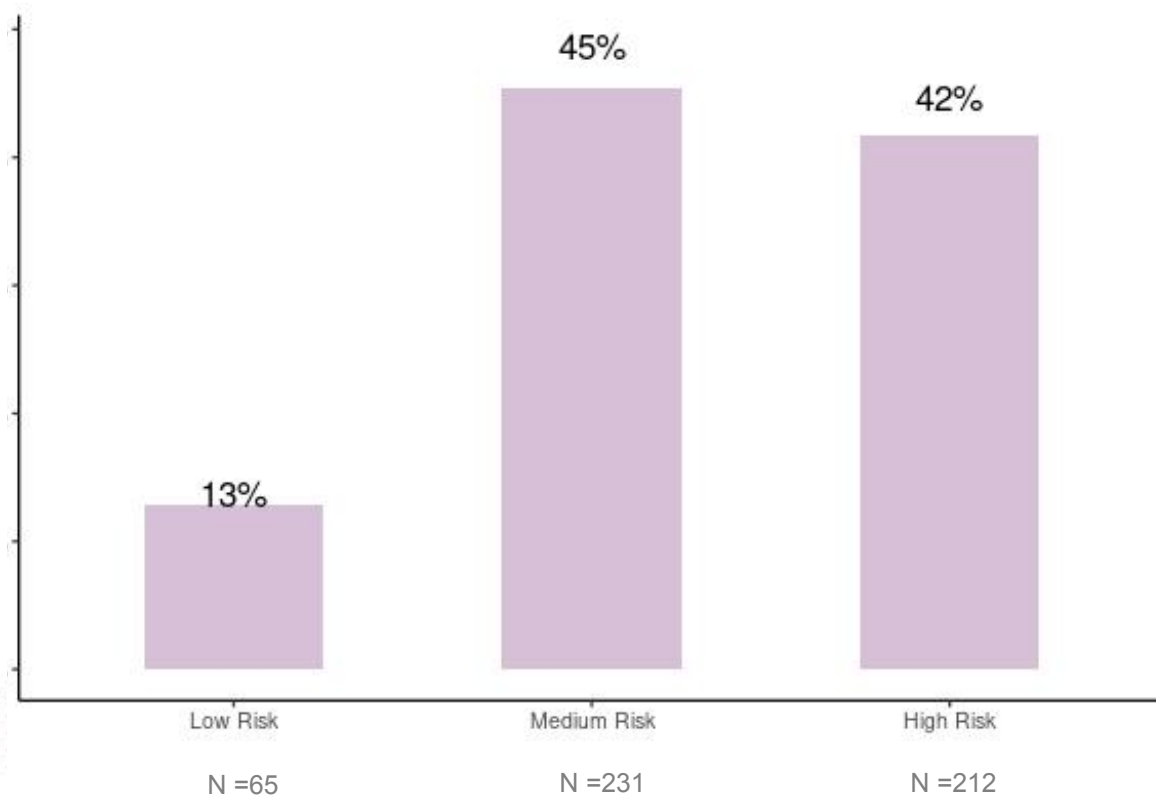
The overall sample used to create the lefthand graph includes all assessed cases from June 2017 through February 2021, for a total of 8,920 cases. Court officials and Pretrial Services caseworkers did not have risk score information for half of all cases initiated from June 2017 through December 2019 due to the Harvard A2J RCT study; these cases are excluded from the sample used to create the righthand graph in order to show how the decision to refer someone to supervision is generally reflective of the individual's assessed risk. Sample sizes for specific analyses may vary due to missing data on relevant variables.
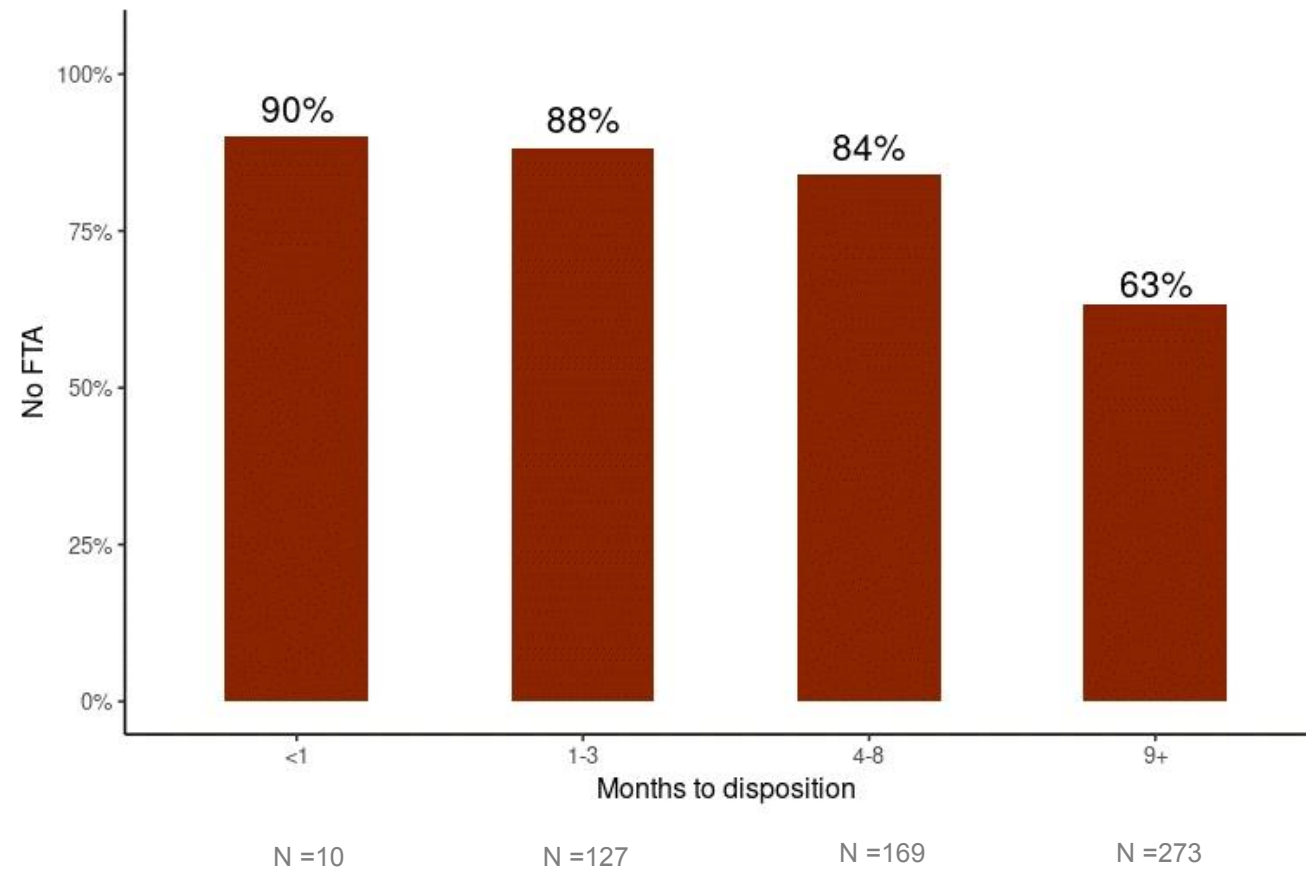
Time to disposition among assessed cases, by risk score

A larger proportion of cases assessed as "low risk" took at least nine months to be disposed, compared with other risk score categories. This pattern was the same among the supervised population (see Appendix, slide 61).
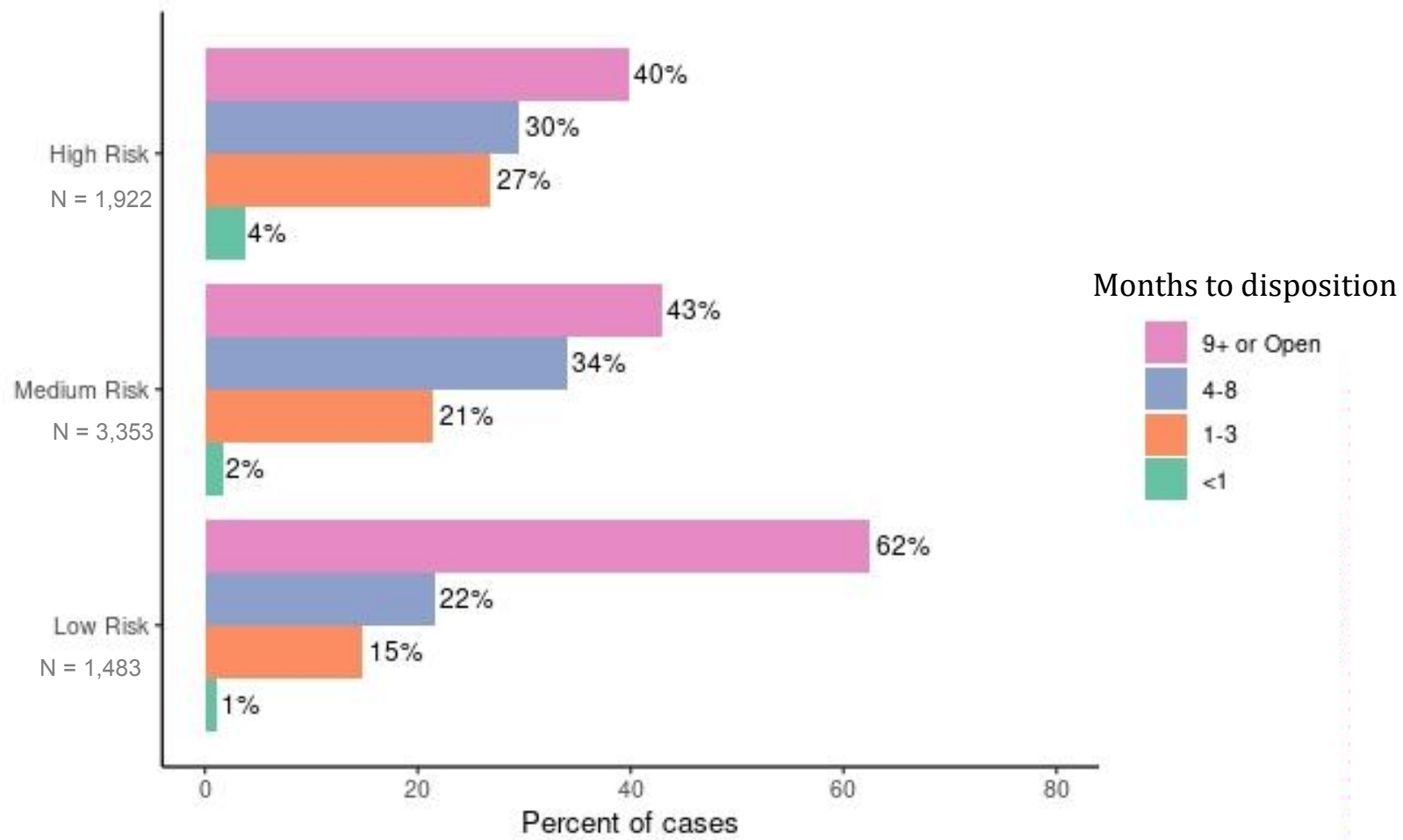
The overall assessed sample includes all assessed cases that were initiated between June 2017 and December 2019, for a total of 6,758 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Time to disposition among assessed Pretrial Services cases, by risk score

A larger proportion of "low risk" cases took at least nine months to be disposed, compared with other risk score categories.

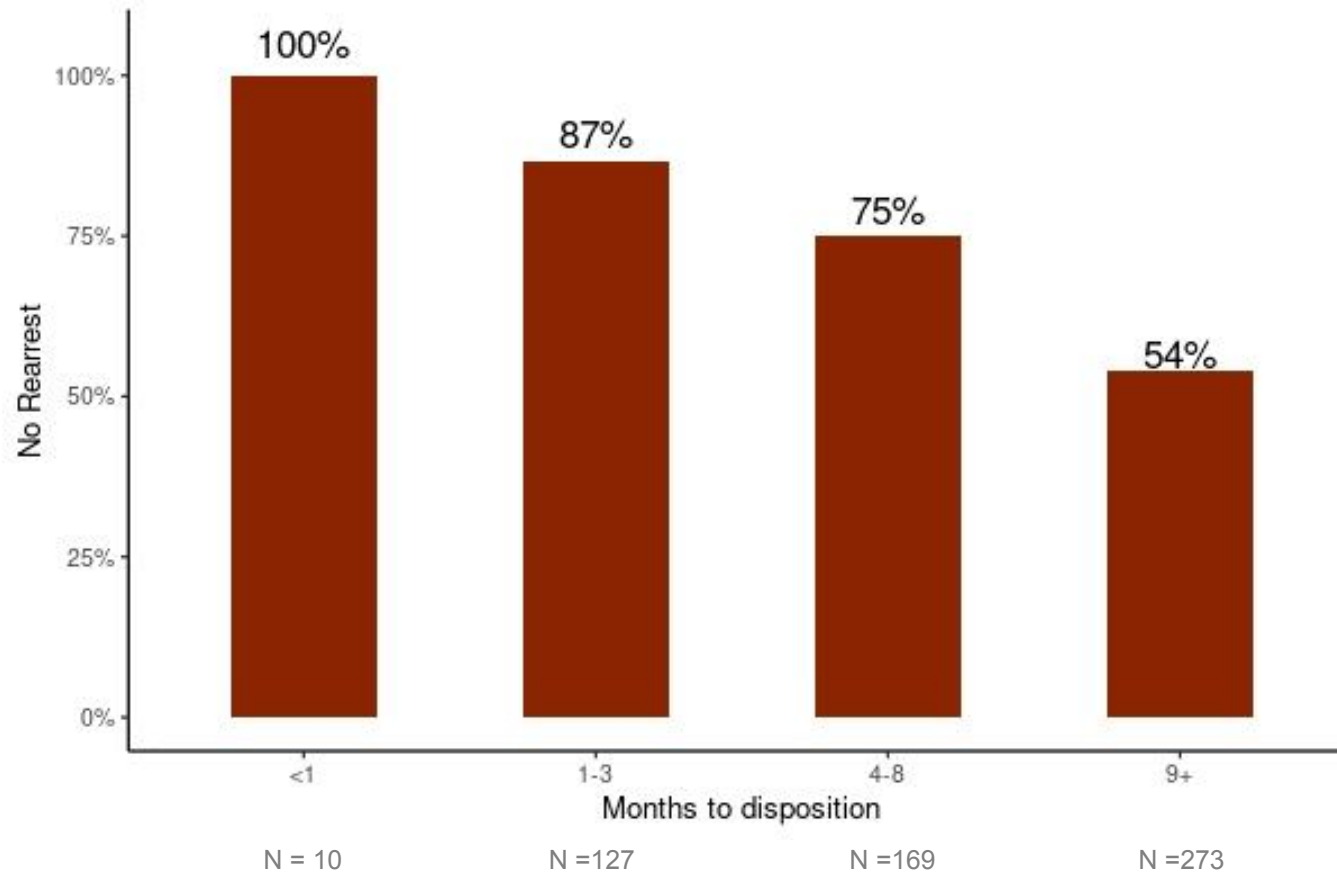# Percent of assessed Pretrial Services cases in which the individual had <u>no</u> FTAs, by time to disposition

The share of assessed Pretrial Services cases in which the individual successfully avoided FTAs decreases as time to disposition increases.

The overall sample includes all disposed assessed Pretrial Services cases that were initiated between May 2018 and December 2019, for a total of 579 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed Pretrial Services cases in which the individual successfully avoided pretrial rearrest, by time to disposition
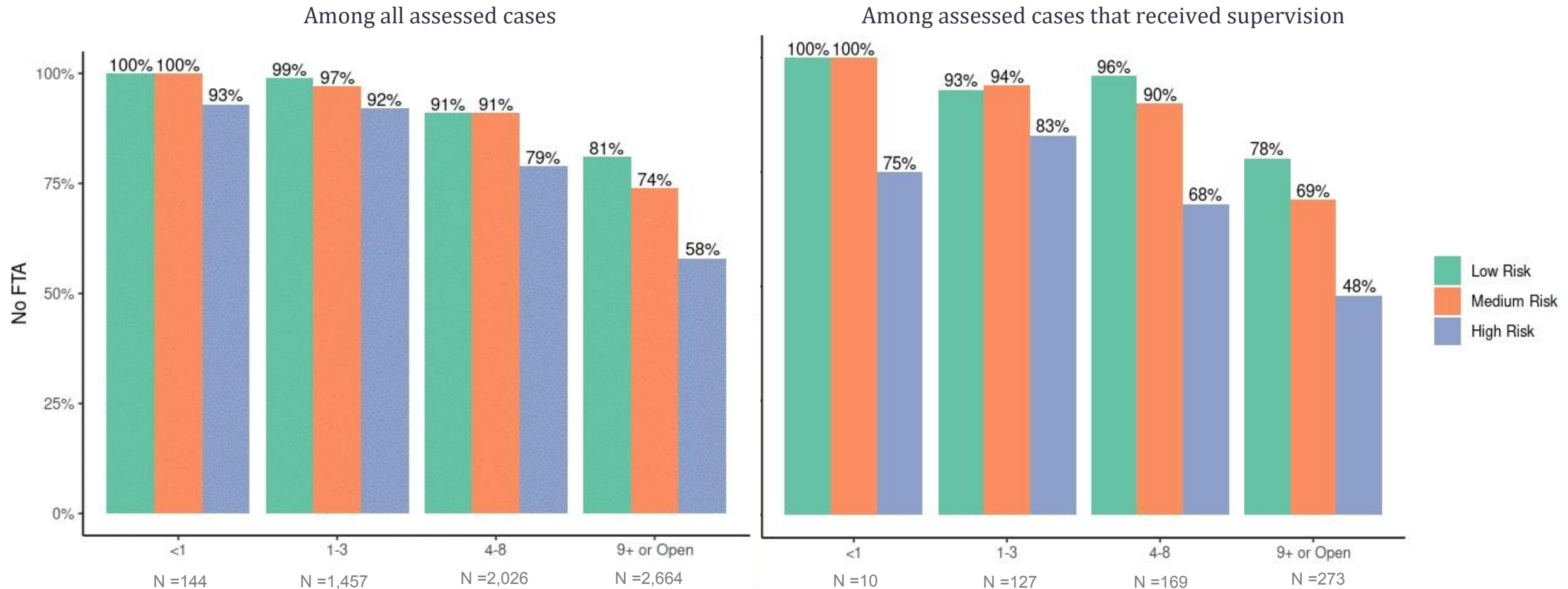
The share of assessed Pretrial Services cases in which the individual successfully avoided pretrial rearrest decreases as time to disposition increases.

The overall sample includes all disposed assessed Pretrial Services cases that were initiated between May 2018 and December 2019, for a total of 579 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed cases in which the individual had <u>no</u> FTAs, by time to disposition
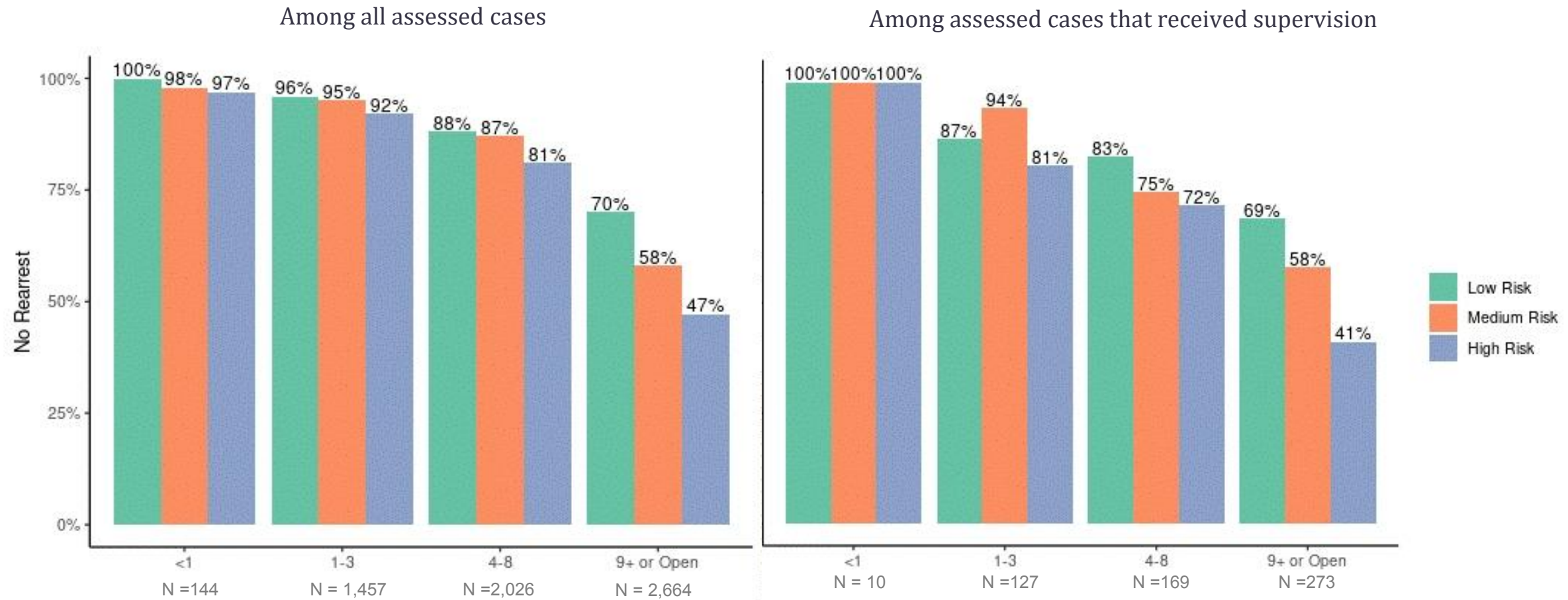
For all groups, success rates drop as time to disposition increases. Success rates become lower for those assessed as high risk over time.

Among all assessed cases

Among assessed cases that received supervision

Legend:
- Low Risk
- Medium Risk
- High Risk

The overall sample includes all disposed assessed cases that were initiated between June 2017 and December 2019, for a total of 6,291 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed cases in which the individual successfully avoided pretrial rearrest, by time to disposition and risk level
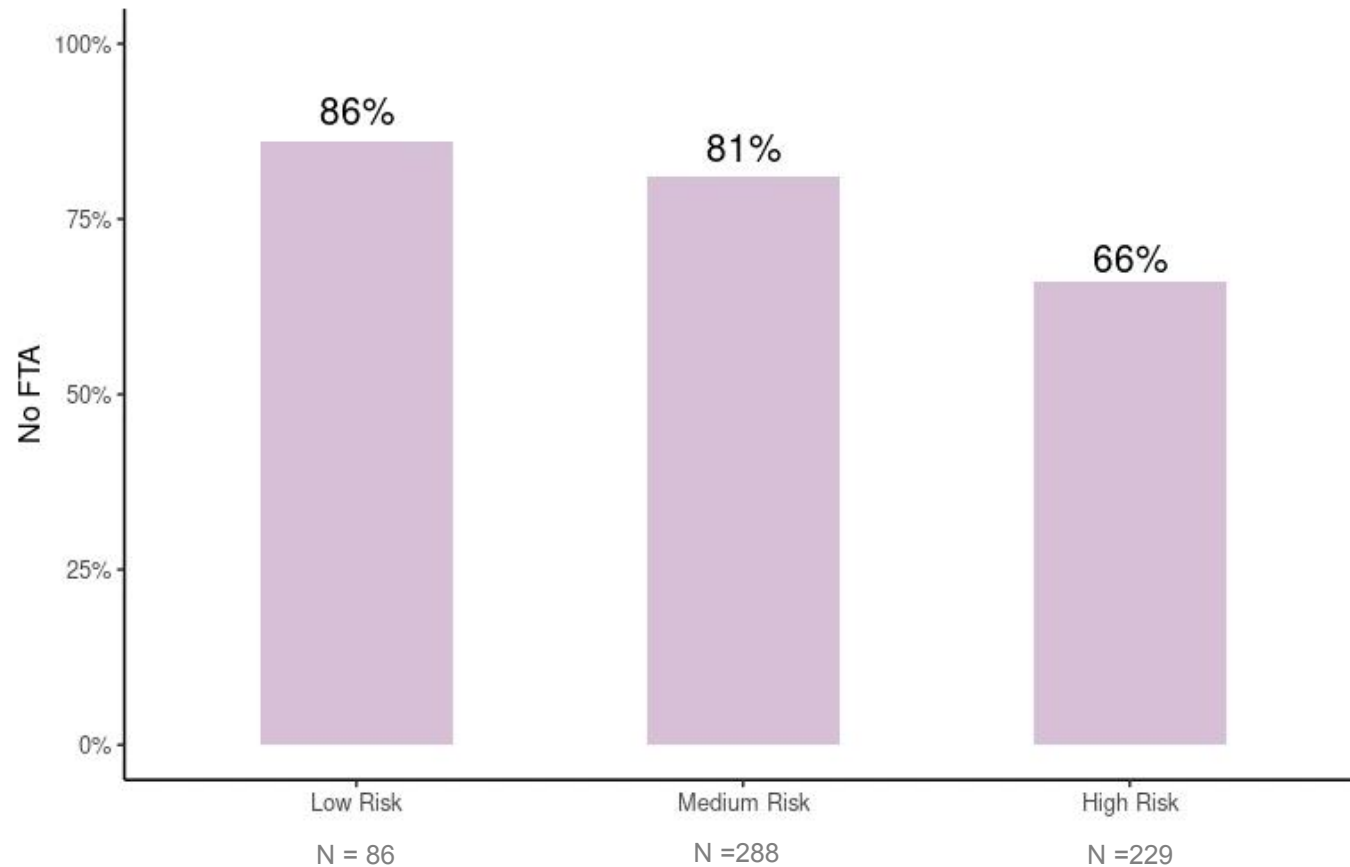
For all groups, success rates drop as time to disposition increases. This drop is more dramatic for higher risk individuals.

The overall sample includes all disposed assessed cases that were initiated between June 2017 and December 2019, for a total of 6,291 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed Pretrial Services cases in which the individual had <u>no</u> FTAs, by risk score

Across risk groups, most people were successful in showing up to their court hearings (i.e., avoiding FTAs). Those assessed as lower risk were more successful, on average, in avoiding FTAs compared with those assessed as higher risk.

The overall sample includes all disposed assessed Pretrial Services cases that were initiated between May 2018 and December 2019, for a total of 603 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed Pretrial Services cases in which the individual had <u>no</u> FTAs, by special conditions

Those assigned special conditions were not more successful in avoiding FTAs, on average, compared with those who were not assigned special conditions.
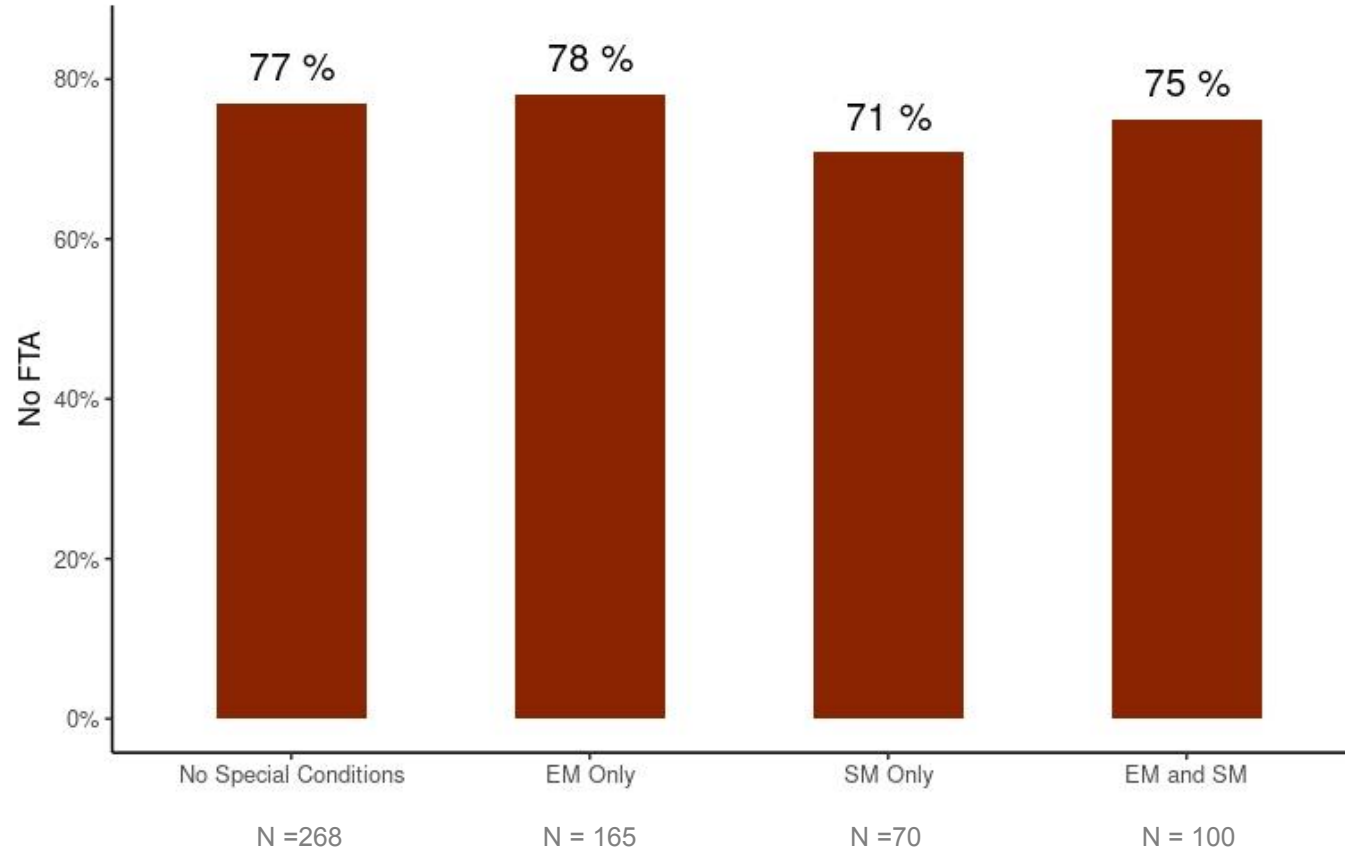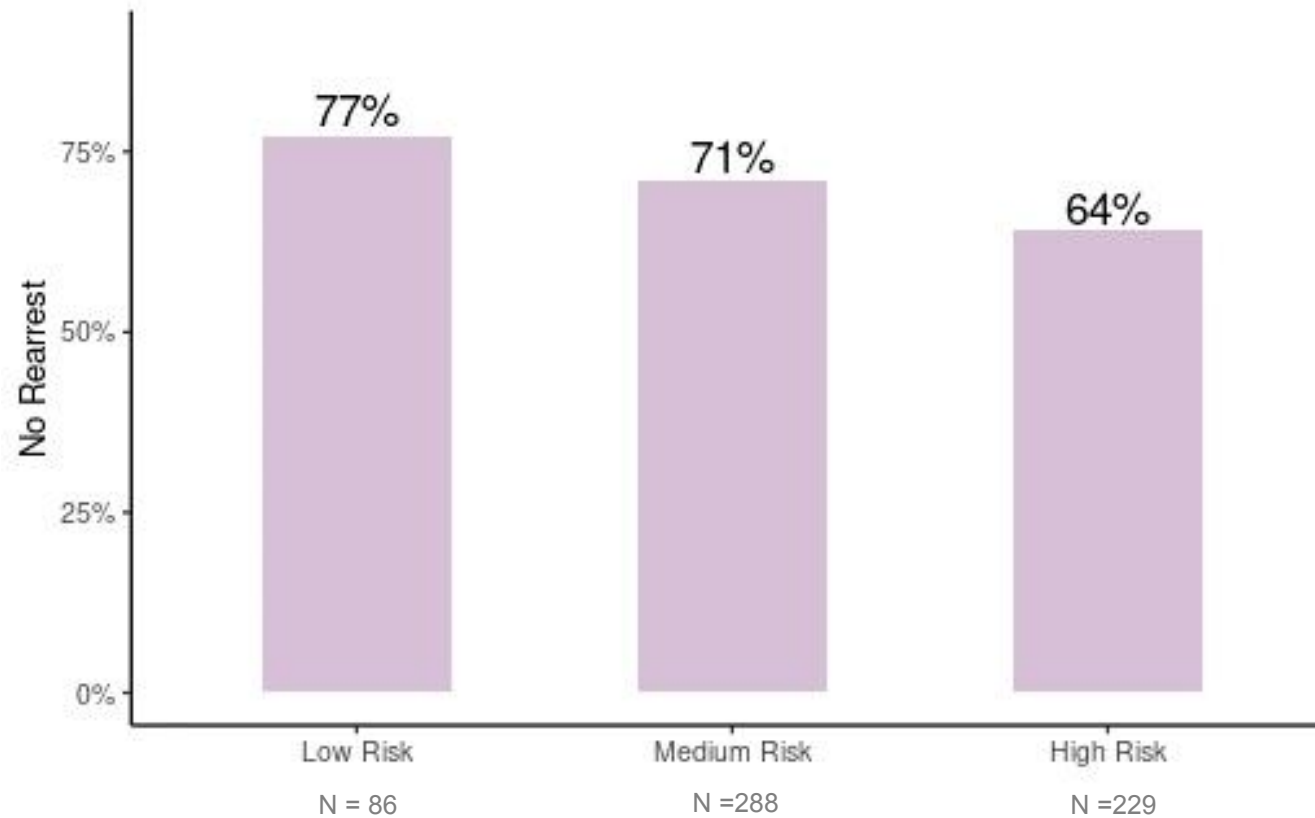

Note: These findings are descriptive and do not control for risk or other factors. Therefore, no causal inferences can be made.

The overall sample includes all disposed assessed Pretrial Services cases initiated between May 2018 and December 2019, for a total of 603 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed Pretrial Services cases in which the individual avoided pretrial rearrest, by risk level
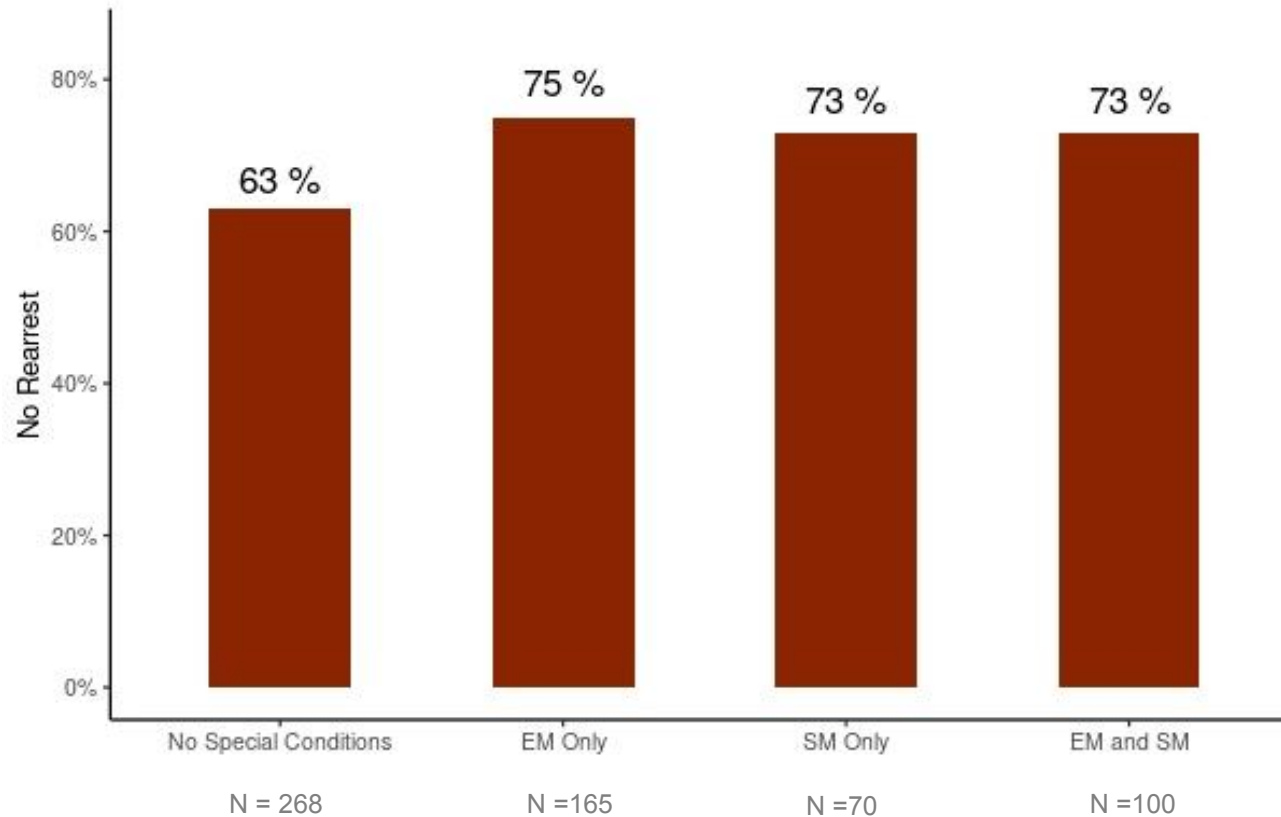
Those assessed as lower risk were more successful, on average, in avoiding rearrest during the pretrial period compared with those assessed as higher risk.

The overall sample includes all disposed assessed Pretrial Services cases initiated between May 2018 and December 2019, for a total of 603 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.

Percent of assessed Pretrial Services cases in which the individual avoided pretrial rearrest, by special conditions

Those assigned to special conditions appear to be more successful in avoiding rearrest during the pretrial period, though sample sizes are small and this difference was not significant after controlling for PSA risk scores and charge category. No causal inferences can be made.

Note: These findings are descriptive and do not control for risk or other factors. Therefore, no causal inferences can be made.

The overall sample includes all disposed assessed Pretrial Services cases initiated between May 2018 and December 2019, for a total of 603 cases. Sample sizes for specific analyses may vary due to missing data on relevant variables.