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TO: Chairman Lee Holloway
Milwaukee County Board of Supervisors

FROM: Chief Judge Jeffrey A. Kremers *JAK*

C: Supervisor Willie Johnson, Jr., Chair-Judiciary, Safety & General Services
Committee

DATE: August 29, 2011

RE: **Items for next Judiciary, Safety & General Services Committee Agenda**

Please place the following item on the next Judiciary, Safety and General Services
Committee agenda:

Universal Screening Pilot Program Status Report

Please see attached report.

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Date: August 25, 2011

To: Supervisor Willie Johnson Jr., Chair, Judiciary, Safety and General Services Committee

From: Jeffrey A. Kremers, Chief Judge 
Holly Szablewski, Judicial Review Coordinator

Subject: **Informational Report: Status of Universal Screening Pilot Program Implementation**

BACKGROUND

The 2011 budget included a \$250,000 appropriation for implementation of a Universal Screening Pilot Program. Originally, it was anticipated that a competitive bid process would be utilized to select a provider for these services. However, in January the County Board (File No. 11-53) granted the Chief Judge permission to execute a professional services contract with Justice 2000, Inc. to provide screening services.

In February, the Office of the Chief Judge executed a professional services contract with Justice 2000. Justice 2000 recruited and trained staff and worked with the Judicial Review Coordinator, Milwaukee County Office of the Sheriff, IMSD and other entities to complete infrastructure and information system modifications necessary to implement screening. Justice 2000 began screening inmates in March. To date the program has screened 1,671 people for diversion/deferred prosecution eligibility.

On May 19, 2011 Milwaukee County received notice from the State of Wisconsin Office of Justice Assistance of a grant in the amount of \$100,000 in support of Universal Screening. In its June cycle, the Board granted permission to the Chief Judge to receipt these funds and amend the Justice 2000 professional services contract accordingly.

CURRENT PROGRAM STATUS

Full implementation of the pilot program has been delayed primarily due to a review of the County's criminal justice system front-end decision making process through participation in the National Institute of Corrections' Evidence-Based Decision Making Initiative.

In July of 2010, the Milwaukee County Community Justice Council submitted an application on behalf of Milwaukee County to participate in Phase II of the National Institute of Corrections Evidence-Based Decision Making Initiative (EBDMI). The purpose of this initiative is to equip criminal justice policymakers in local communities with the information, processes, and tools that will result in measurable reductions of pretrial misconduct and post-conviction reoffending. The initiative is grounded in two decades of research on the factors that contribute to criminal reoffending and the methods the justice system can employ to interrupt the cycle of re-offense.

In August of 2010, Milwaukee County was selected as one of seven sites nationally to participate in the initiative. While no direct funding was provided to jurisdictions selected to participate in the initiative, Milwaukee County received the benefit of extensive technical assistance from a team of providers with expertise in evidence-based decision making, management, and operations in all facets of the criminal justice system (i.e., NIC, OJP, and its consortium of providers and others as was needed). This technical assistance included a complete, detailed mapping of the criminal justice system and review of current processes and practices at key decision points in the system. There was significant focus on the County's bail setting decision point.

During the course of this review and ongoing work with Milwaukee's technical assistance provider, the original Universal Screening Pilot program implementation plan was reviewed by all stakeholders, Milwaukee's EBDMI technical assistance provider and the EBDMI Booking to Initial Appearance Work Group. Several recommendations resulted from these efforts that are intended to enhance the implementation plan, align the program more closely with evidence based practices, increase the likelihood of long term program success, improve the potential fiscal impact, and reduce the possibility of implementation failure.

To address recommendations stemming from the EBDMI as expeditiously as possible, the Chief Judge created the Universal Screening Work Group. This group is lead by the Chief Judge and Judicial Review Coordinator and includes the presiding judges of the felony and misdemeanor divisions, judicial court commissioner, deputy district attorney, public defender and Justice 2000. Significant progress has been made in addressing the following recommendations:

- *Validate the Milwaukee County Pretrial Risk Assessment Instrument (MCPRAI)*. One of the principles of the EBDMI that is supported by extensive research is that actuarial based risk assessment tools consistently perform better than professional judgment alone in predicting the risk for pretrial failure. While the MCPRAI was developed by Justice 2000 in neighboring Racine County and has been in use in Milwaukee County's pretrial services programs for a number of years, it had not been validated locally. Despite research that supports the "portability" of the risk tool across jurisdictions, best practice is to insure the tools are as predictive as possible for the intended population in the intended jurisdiction of use.

In June, 2011 the Office of the Chief Judge engaged Dr. Marie VanNostrand along with Dr. Christopher Lowenkamp, nationally recognized pretrial risk assessment instrument experts, in a validation study of the Milwaukee County Pretrial Risk Assessment Instrument (MCPRAI). That study determined that the MCPRAI was not actually predicting pretrial success or failure as well as expected. Additional data analysis and resulting modifications have resulted in significant improvements in its predictive ability. The tool will be finalized (MCPRAI-R) at an upcoming session with Dr. VanNostrand on September 7, 2011.

Dr. VanNostrand was also asked to develop a shorter, pre-screening instrument that could be utilized to screen out low risk defendants from further pretrial intervention. Given the limited funding for Universal Screening, this would allow the program to screen more individuals. A draft pre-screening instrument has been proposed and will be reviewed at the September 7th

Universal Screening Work Group meeting with Dr. VanNostrand.

- *Develop a Praxis to guide front-end release decisions and determination of bail conditions.* (**Praxis** is the process by which a theory, lesson, or skill is enacted, practiced, embodied, or realized. "Praxis" may also refer to the act of engaging, applying, exercising, realizing, or practicing ideas.)

The original Universal Screening proposal envisioned pretrial staff completing the MCPRAI and intake interview with an arrestee. They would then summarize the information and provide the risk score and other bail-related information to the key decision-makers but without an accompanying recommendation or guideline for release or detention or release conditions.

Research has shown that higher risk defendants are more likely to fail (rearrest or fail to appear in court) during the pretrial period. In order to address this risk, more intensive pretrial conditions are necessary whether it be high cash bond, more intensive supervision or pretrial detention. Conversely, low risk defendants are more likely to fail when over conditioned through unnecessary pretrial supervision or imposition of cash bond.

To provide additional guidance to stakeholders in the release decision and to ensure that valuable pretrial supervision resources are directed to the appropriate and most cost-effective target populations, Dr. Marie VanNostrand worked with the Universal Screening Work Group to develop the Milwaukee County Pretrial Praxis. The Praxis incorporates the defendant's risk for pretrial misconduct and the nature of the charge into a resulting guideline for the setting of bail and determination of release conditions.

The Praxis will be finalized at the September 7th Universal Screening Work Group meeting with Dr. VanNostrand.

- *Conduct stakeholder training on evidence-based decision making and use of pretrial risk assessment instruments.* Critical to the successful implementation of any program is obtaining stakeholder understanding and buy-in. This is attained by insuring that the broad research supporting evidence-based decision making, pretrial risk assessment and Universal Screening is presented to key stakeholders. In addition, more specific training on the screening tools (MCPRAI-R, Praxis, Intake Interview, etc.) is critical in gaining an understanding of how pretrial staff apply the screening tools and arrive at resulting recommendations. It is also essential to train personnel in proper interpretation and application of risk assessment/praxis information in their bail decisions.

In October of 2010, the Judicial Review Coordinator submitted an application to the Pretrial Justice Institute (PJI) for technical assistance and training on front-end decision making. The application was accepted and in December, PJI provided free training for approximately 175 Milwaukee County criminal justice system stakeholders including judges, judicial commissioners, district attorneys, public defenders, private bar and pretrial services staff.

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Building on this effort, in May of 2011 the National Institute of Corrections provided additional no-cost training more specific to the EBDMI, risk assessment and release decision-making through Milwaukee's participation in the EBDMI. Almost 200 system stakeholders were in attendance.

Dr. Marie VanNostrand will return to Milwaukee the weeks of September 5th and 26th to complete work on the Praxis and MCPRAI-R and conduct stakeholder training specific to the use and application of these tools.

- *Develop and implement a strong data collection plan.* To measure program activity, outcomes and impact of the program, the Judicial Review Coordinator is working with Milwaukee's EBDMI and Justice Reinvestment Initiative (JRI) technical assistance providers and others. This will insure that essential program activities, data and outcomes are properly collected and stored for analysis and evaluation. This work involves modifying the Milwaukee County Pretrial Services Database to collect the necessary information. The Judicial Review Coordinator is also currently working with the Pretrial Justice Institute and JRI technical assistance provider to further analyze Milwaukee County's current pretrial detention population in an effort to measure the impact and potential cost-savings of Universal Screening.

ANTICIPATED PROJECT IMPLEMENTATION DATE

Full-scale implementation will occur by mid-October.

RECOMMENDATION

The Chief Judge and Judicial Review Coordinator respectfully request this report to be received and placed on file.