

MEMO

TO: Carlo Esqueda, Clerk of Courts,
Judge Nicholas McNamara, Chair of the CJC-Pretrial Subcommittee
Interested Parties



FROM: Colleen Clark-Bernhardt, Manager of Policy and Practice Innovation

DATE: December 20, 2019

RE: End of randomization on PSA used during pre-trial initial appearance in Dane County

Commencing on January 3, 2020, Dane County will begin printing PSA's (Public Safety Assessments) for PSA-eligible in-custody defendants. This change follows a 2 ½ year randomized control trial (RCT) in which half of all PSA-eligible defendants received a PSA during their in-custody initial court appearance. The randomized control trial is led by Harvard's Access to Justice Lab, with research and analytical support from the Criminal Justice Council Research and Innovation team.

What is the PSA?

The Public Safety Assessment (PSA) was designed by Arnold Ventures (Formerly the Laura and John Arnold Foundation, LJAF) to better inform judicial officers when making a release decision. The assessment provides two predictive risk scores; one being the risk that a person will fail to appear at future court hearings and the second the risk of new criminal activity. The PSA does not direct a judicial officer to release or detain a person or decide any conditions of release.

To help judicial officers make use of the PSA scores in their pretrial decision making, local stakeholders develop policy frameworks (the Decision Framework and Release Conditions Matrix) that reflect local statutes, court rules, and policy preferences. The Decision Framework is designed to support justice professionals in making decisions that align with the law, and the release condition matrix is structured to help judicial officers associate the PSA scores with the appropriate supports that may benefit a person while on pretrial release.

For additional information on the PSA, please visit www.psapretrial.org.

What is happening with the RCT?

Dane County Criminal Justice Council and its stakeholders have been closely working with Arnold Ventures and Harvard Law School's [Access to Justice Lab](#) to conduct the first randomized control experiment in the nation to test the effectiveness of the PSA. Specifically, this evaluation will test whether the tool provides better pretrial incarceration decisions and associated decreases in failure to appear and repeat offenses.

Since June, 2017, all in-custody cases were randomized by case number either into a "treatment" or "control" group. All randomized cases into the treatment group received a PSA printout produced by the Wisconsin Clerk of Courts office. PSAs were appended to the case file and made available to the prosecuting and defense attorneys as well as the Commissioner in time for the initial appearance. All cases randomized into the control group did not received a PSA printout during initial appearance. Defendants were notified of their participation in the study while in-custody.

What happens next?

On January 3, 2020 PSAs will be made available during initial appearance for cases involving in-custody defendants accused of a crime in Dany County.

The Criminal Justice Council (CJC) Pretrial Sub-Committee remain committed to monitoring the effectiveness of the PSA tool for Dane County residents. To that end, the CJC-Pretrial subcommittee will review the Decision Making Framework, as well as specific research requests around racial equity and the PSA/DMF in 2020.