



Public Safety Assessment/Decision Making Framework Study in Dane County, Wisconsin Frequently Asked Questions

What is the Public Safety Assessment/Decision Making Framework System?

The Public Safety Assessment (“PSA”) uses nine factors to generate scores that assess risk of three outcomes—failure to appear pretrial, new criminal arrest while on pretrial release, and new violent criminal arrest while on pretrial release. Judicial officers use the PSA scores along with a Release Conditions Matrix also known as a Decision Making Framework (“DMF”) to inform pretrial release decisions. To learn more about the factors please visit <https://advancingpretrial.org/psa/factors/>. The report generated by the PSA and DMF is called the PSA-DMF System report.

What is the “study”?

The study is a randomized control trial (“RCT”) which tests the effects of the PSA-DMF System report in Dane County, Wisconsin. During the enrollment period of the study (now closed), an arrested person who did not immediately post bond pursuant to a preset schedule attended a hearing known as an “initial appearance” at which a judicial officer decided whether the individual would have to post bail to secure release pending trial. The judicial officer also specified what monitoring conditions, if any, would accompany release. A randomized process based on whether the case number was odd or even, which operated like a coin flip, decided whether the judicial officer would receive a copy of the PSA-DMF System report. Thus, the judicial officer received the PSA-DMF System report in roughly half of initial appearance hearings, with no report in the other half. This type of randomized study is the gold standard in discerning whether new interventions, such as the PSA-DMF System report, are beneficial and cost-effective. The study randomized cases from May 2017 to December 2019. The outcomes will be observed for two years. We have data on cases randomized during the study’s first 12 months with a 12-month observation period.

What is the Access to Justice Lab?

The Access to Justice (“A2J”) Lab is a research group within Harvard Law School dedicated to transforming the legal profession into an evidence-based field. The A2J Lab advances the required transformation by creating randomized control trials (“RCTs”) to evaluate programs and practices among courts and legal offices, then generalizes results into actionable lessons. The A2J Lab creates knowledge, constructs best practices, and trains current and future scholars and practitioners to transform the U.S. justice system.

What is the A2J Lab’s role in studying the PSA-DMF System report in Dane County?

The A2J Lab worked in partnership with the Dane County Criminal Justice Council to construct the study. For the present interim report, Dane County provided data on study cases for the first year of the study with one year of follow up, and the A2J Lab analyzed the data. The A2J Lab

will produce a future report with the full 30 months of cases and a two-year follow-up period in 2022.

What outcomes is the A2J Lab studying?

For each initial appearance, the A2J Lab analyzes:

- Failures to appear at future hearings;
- New criminal activity;
- New violent criminal activity;
- The number of days individuals spend incarcerated pretrial; and
- Racial and gender fairness

What is covered in this interim report?

This report examines data on the first year's initial appearances with a one-year follow-up period.

What are the results of the interim report?

The primary conclusion is the A2J Lab does not yet have enough first appearance hearings, or enough of a follow-up period on those hearings, to make firm conclusions about the benefits (if any) of the PSA-DMF System report.

There is evidence that providing a PSA-DMF System report to the judicial officer caused a mild change in the officer's decisions. When the PSA-DMF System report indicated a lower risk, the judicial officer was mildly less likely to require that the individual post cash bail to secure release or, if cash bail was required, the amount was mildly lower. The opposite was generally true when the report indicated that the individual presented higher risk.

There was no statistically significant difference between the report-present and report-not-present groups with respect to:

- various measures of fairness;
- the number of days (if any) of pretrial incarceration;
- the frequency with which arrestees failed to appear at court dates; or
- the frequency with which arrestees were arrested for new crimes, including new violent crimes, during the pretrial period.

When will the final report be completed?

While randomization and enrollment into the study concluded on December 31st, 2019, the observation period will last two years from the date of the initial appearance. Data collection and merging from multiple databases cannot begin until January 1, 2022. The A2J Lab anticipates the final analysis and report will be available in 2022.