

CASE STUDIES

EBDM CASE STUDIES: HIGHLIGHTS FROM THE ORIGINAL SEVEN PILOT SITES

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Center for Effective Public Policy

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CHAPTER 1

Case Studies Overview

BACKGROUND

In 2008, the National Institute of Corrections (NIC) launched the Evidence-Based Decision Making (EBDM) initiative. NIC is a federal agency within the U.S. Department of Justice. It provides training, technical assistance, information services, and policy/program development assistance to federal, state, and local justice system agencies and public policymakers. The EBDM initiative's overarching goal was the creation and implementation of a framework designed to improve justice system outcomes through collaborative partnerships and a shared vision of desired outcomes. The initiative is grounded in more than two decades of research on the factors that contribute to criminal reoffending and the methods that justice systems can employ to interrupt the cycle of crime.

The EBDM initiative was established to harness the knowledge from a growing body of evidence that can inform justice system agencies' decisions, leading to improved performance and effectiveness. It was also designed to increase system collaboration around a common set of principles and expected outcomes.

The EBDM Framework can be applied at the local level, state level, or both.

For more information, read the [EBDM Framework](#) and the [EBDM Primer](#).

A Framework for Evidence-Based Decision Making in Local Criminal Justice Systems

was developed during Phase I of the initiative. In August 2010, NIC selected seven communities throughout the United States to pilot the Framework. NIC, in partnership with the Center for Effective Public Policy, provided guidance and technical assistance to these communities and, based upon their success, in 2015 expanded the initiative to 21 teams in three states, including three state-level policymaking teams.

WHAT IS EBDM?

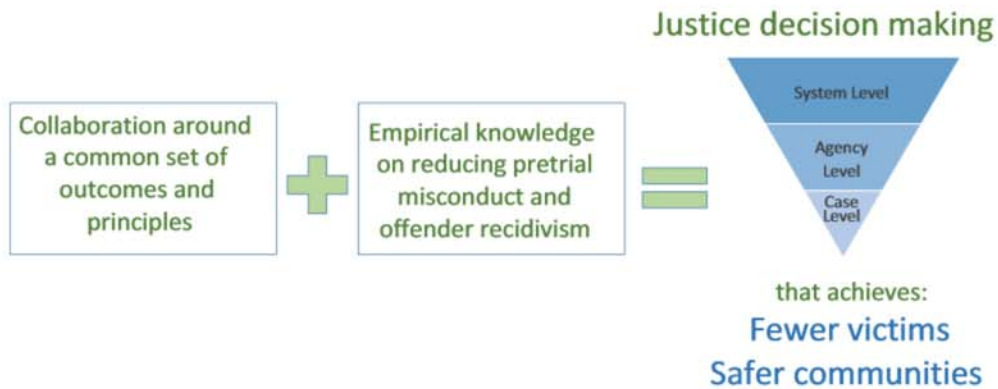
EBDM is *not* a model that prescribes a particular set of justice system reforms. Instead, it is a strategic and deliberate method of applying empirical knowledge and research-supported principles to justice system decisions made at the case, agency, and system levels. Unlike other reform efforts, EBDM requires criminal justice officials to identify change targets of their choosing rather than advocating for particular justice system strategies.

EBDM is guided by the [Framework](#) which articulates the rationale for the EBDM approach to improving and advancing the justice system. The [Framework](#) is based on four central principles:

1. The professional judgment of criminal justice system decision makers is enhanced when informed by evidence-based knowledge.
2. Every interaction within the criminal justice system offers an opportunity to contribute to harm reduction.
3. Systems achieve better outcomes when they operate collaboratively.
4. The criminal justice system will continually learn and improve when professionals make decisions based on the collection, analysis, and use of data and information.

"Harm reduction," as used here, refers to decreases in the ill effects of crime experienced broadly by communities, victims, citizens, justice-involved individuals, and their families.

EBDM Method



HOW IS EBDM APPLIED?

The [EBDM Framework](#) posits that public safety outcomes will be improved when justice system stakeholders engage in truly collaborative partnerships, use research to guide their work across the justice system decision points, and work together to achieve safer communities, more efficient use of tax dollars, and fewer victims.

The core activities of EBDM are described through a set of “roadmaps.” The steps in the [planning roadmap](#) are as follows:

- Build a genuine, collaborative policy team.
- Build individual agencies that are collaborative and in a state of readiness for change.
- Understand current practice within each agency and across the system, including activities and outcomes at key decision points (e.g., arrest, pretrial release, diversion, plea negotiation, sentencing, community corrections, prison reentry).
- Understand and have the capacity to implement evidence-based practices.
- Develop logic models.
- Establish performance measures, determine outcomes, and develop a system scorecard.
- Engage and gain the support of a broader set of stakeholders and the community.
- Develop a strategic action plan for implementation.

The result of completing these steps is a clear, specific, and measurable plan for implementing the policy and practice changes that the policy team agrees will support the achievement of their justice system’s vision and goals under EBDM.

Following the planning stage is the implementation stage, during which additional core activities that support critical change strategies are carried out. These activities—described in the implementation roadmap—include the development of communication strategies, ongoing efforts to embed EBDM knowledge within justice agencies and to engage staff, and the measurement of data to track progress in meeting systemwide goals.

DEFINING “COLLABORATION”

Genuine collaboration is a central focus of EBDM. “Collaboration” is the process of working together to achieve a common goal that is impossible to reach without the efforts of others. It seeks to overcome the limitations of traditional and nonsystemic approaches to justice system problem solving by bringing together stakeholders to share information, develop common goals, and jointly create policies to support those goals—and to do so for a sustained period of time. Criminal justice system “stakeholders” are defined as those who have a vested interest in justice system processes and outcomes; together they are referred to as “policy teams.”

Policy teams are comprised of the justice system agencies and community organizations that impact, or are impacted by, decisions that will be made by the collaborative team. Their specific composition varies depending upon the structure of each community but commonly include those with the positional power to create change within their own organizations. The chief judge, court administrator, elected prosecutor, chief public defender, private defense bar, community corrections director, police chief, elected sheriff, pretrial executive, victim advocates, local elected officials (i.e., city manager, county commissioner), service providers, and community representatives are common policy team members of local teams. On state-level teams, the stakeholder composition is similar but includes those with positional influence across multiple communities (e.g., elected president of the state prosecutors’ or sheriffs’ association; executive director of the state’s association of counties), including agencies and individuals with statewide authority or influence (e.g., state legislature, statewide behavioral/mental health agency, department of corrections, attorney general, governor’s office, state courts). In addition, state-level teams include local team representatives in order to align state and local interests around justice system reforms. Together and separately, each brings valuable information, resources, and perspectives to the collaborative endeavor.

sheriff, pretrial administrator, victim advocates, local elected officials (i.e., city manager, county commissioner), service providers, and community representatives all play a part in the administration of justice and bring valuable information, resources, and perspectives to the collaborative endeavor.

DISTINGUISHING EBDM FROM EBP (EVIDENCE-BASED PRACTICES)

EBPs are policies, practices, and/or interventions supported by research. For example, research demonstrates that empirically based assessment tools predict risk better than professional judgment alone; research also demonstrates that outcomes are improved when intervention strategies are tailored to level of risk. An EBP, then, is using the results of an empirically based risk tool to help determine the appropriate amount of intervention.

EBDM is a comprehensive and disciplined approach to using data and research to inform and guide decision making across the justice system. By way of example, in applying EBDM to the diversion decision point, a policy team would consider the following questions: “What do we intend to achieve through diversion? What do we know from research about the most effective methods for achieve this goal? Based upon our intended outcomes and understanding of the research, who should be eligible for diversion, under what circumstances, and with what expectations?”

The connection between evidence-based practices and evidence-based decision making can be summarized as follows: an EBDM approach seeks to engage and organize the entire justice system in aligning policy and practice with research evidence (EBP) to reduce harm and improve systemwide outcomes.

PILOT TESTING THE FRAMEWORK

In August 2010, NIC selected seven jurisdictions to serve as “EBDM pilot sites” as part of Phase II of the initiative. They included: Mesa County, Colorado; Grant County, Indiana; Ramsey County, Minnesota; Yamhill County, Oregon; City of Charlottesville/County of Albemarle, Virginia; Eau Claire County, Wisconsin; and Milwaukee County, Wisconsin.

NIC provided technical assistance to guide the pilot sites through a series of steps in preparation for implementation. These steps, which were intended to set up processes and the infrastructure needed to successfully implement EBDM, are outlined in the [Phase II roadmap](#).

Local jurisdictions interested in pursuing the ideas in the Framework and engaging in a similar planning process can follow the steps the seven EBDM pilot sites undertook using the [EBDM Starter Kit](#).

With guidance from NIC, project partners, and an assigned technical assistance provider, the seven pilot sites followed the [planning roadmap](#). They devoted the first full year of their EBDM work to building their collaborative teams, understanding current practice within each agency and across the system, learning about risk reduction principles and evidence-based practices and their application across the decision points, and developing strategic plans to address “change targets” for improving the alignment of research and practice. Their plans included logic models and performance measures, a systemwide “scorecard,” and a preliminary public communications strategy designed to gain the support of a broader set of justice system stakeholders and the local citizenry.

For the next two years, beginning in August 2011, NIC and its partners provided ongoing support to the EBDM pilot sites as they implemented their plans and collected and analyzed data to track progress in meeting their locally identified outcomes. Change strategies implemented in the pilot sites included, among others, employing and validating local pretrial risk assessment tools, implementing universal screening of pretrial defendants, adding or redesigning diversionary policies, and aligning interventions for individuals based on level of risk and needs.

THIS RESOURCE

This resource is intended to illustrate, through case studies, some of the significant accomplishments achieved by the seven EBDM pilot sites across the range of EBDM decision points. It is not intended to provide a comprehensive review of policy team goals, activities, or outcomes. Instead, it offers a retrospective account of select change targets and key efforts undertaken by each pilot site to achieve their goals during Phases II and III of the EBDM initiative, and reports on some of the outcomes achieved. (For more information on the range of change targets selected by each pilot site, the reader is encouraged to review each site’s specific logic models, scorecards, and action plans, which are located on the Phase II/III sites’ [webpages](#).)

CHAPTER 2

Charlottesville/Albemarle County, Virginia

Charlottesville and Albemarle County are located at the foothills of the Blue Ridge Mountains, in the Commonwealth of Virginia. Charlottesville is an independent city adjacent to, but separate from, Albemarle County. As of 2015, the city proper had a population of 46,597 (2016 U.S. Census Bureau) and the county's population was 105,703 (2016 U.S. Census Bureau). The area is home to approximately 20,000 students attending the University of Virginia (2016 University of Virginia). The county's population is 82.2% white, 9.2% black or African American, 4.9% Asian, and 5.8% Hispanic or Latino (2016 U.S. Census Bureau); the city's population is 70.2% white, 19.2% black or African American, 7.1% Asian, and 5.0% Hispanic or Latino (2016 U.S. Census Bureau estimate). The median household income is \$68,449 in the county (2016 U.S. Census Bureau estimate) and \$49,775 in the city (2016 U.S. Census Bureau estimate). The population living in poverty is greater in the city (20.7%; 2016 U.S. Census Bureau estimate) than in the county (9.5%; 2016 U.S. Census Bureau estimate).

Charlottesville and Albemarle County are part of the "Thomas Jefferson Area," along with other surrounding jurisdictions in central Virginia. The Thomas Jefferson Area Community Criminal Justice Board (CCJB), established in 1995, supports participating localities in the development of community-based pretrial court services and post-conviction alternatives to incarceration. The board meets quarterly to discuss trends in crime and incarceration and to consider alternatives to incarceration that enhance public safety goals. Each locality has its own general district court to process misdemeanors and circuit court to process felonies. Local probation, pretrial services, reentry services, and the adult drug court are operated by Offender Aid and Restoration (OAR) in the Jefferson Area. The pretrial services program provides investigation of those held awaiting bond determination and supervision of pretrial defendants. OAR also provides probation supervision for misdemeanor and class 5 and 6 felony offenders, whereas the Virginia Department of Corrections, District 9 Probation and Parole, provides felony probation supervision on behalf of the Commonwealth. The Albemarle-Charlottesville Regional Jail, which serves both the city and the county, opened in 1974.

Profile of Charlottesville/Albemarle County's Justice System	2015
Jail Rated Capacity	329
Jail Bookings	4,097
Jail Average Daily Population	455
Felony Court Filings – Charlottesville General District Court	589
Misdemeanor Court Filings – Charlottesville General District Court	1,487
Felony Court Filings – Albemarle County General District Court	514
Misdemeanor Court Filings – Albemarle County General District Court	1,813
State Probation Admissions – District 9	535
Local Probation Admissions – OAR/Local Probation	1,105

The Charlottesville/Albemarle EBDM Policy Team is unique in that its work encompasses two jurisdictions (a city and a county) that routinely share resources and have a long history of collaboration. The local and state probation offices have worked together for many years, particularly around the implementation of evidence-based practices (EBP); both were selected as pilot sites by the Virginia Department of Criminal Justice Services (DCJS) and the Virginia Department of Corrections (VADOC) as EBP pilot sites. For Charlottesville/Albemarle, the EBDM initiative provided an opportunity to systematically and collaboratively expand EBP across the justice system decision points; their selection as a pilot site was based in large part on the high level of commitment to EBP and justice system improvements by both city and county officials.

CHARLOTTESVILLE/ALBEMARLE COUNTY'S EBDM MISSION AND TEAM

The Charlottesville/Albemarle County EBDM Policy Team developed the following mission statement: "The agencies in the Charlottesville/Albemarle criminal justice system seek to achieve justice and make communities safer by working closely together, applying the best-known research to policies and practices, listening to those affected by crime, and recognizing that every interaction can lead to improved outcomes."

Due to the policy team's size (i.e., having representatives from two localities for each discipline group), a steering committee was formed to guide the team's activities. The steering committee, with representation from both the city and county, is responsible for managing day-to-day planning and implementation activities, and for bringing work products to the full policy team for consensus and final approval. The policy team includes:

- a general district court judge;
- the chief magistrate;
- city and county Commonwealth attorneys;
- a county public defender;
- city and county police chiefs;
- city and county sheriffs;
- city and county victim witness coordinators;
- the chief probation officer (state level);
- the director of pretrial services and community corrections (local level);
- the regional jail superintendent;
- the community services board director; and
- the Thomas Jefferson Area criminal justice planner.

The criminal justice planner, employed by OAR, convenes the EBDM policy team on a monthly basis, provides the policy team with analysis of local criminal justice data, and coordinates the work of a number of work groups. The CCJB provides support to and oversight of the EBDM policy team and its steering committee.

CHARLOTTESVILLE/ALBEMARLE COUNTY'S CHANGE TARGETS

Charlottesville/Albemarle joined the EBDM initiative in 2010. Guided by the vision statement “Working together for a safer community, one person at a time,” the EBDM policy team

In addition to the change efforts highlighted in this case study, the Charlottesville/Albemarle County EBDM Policy Team also:

- conducted a review of their domestic violence policies and practices and worked to align them with the research-based “Blueprint Model” for preventing domestic violence homicides;
- examined court processes for potential streamlining;
- conducted a gap analysis and fidelity review to determine the degree of alignment between available services and EBP; and
- expanded its partnership with the University of Virginia to assess and improve automated data collection processes.

developed a system map, logic model, scorecard, and [harm reduction goals](#). They also identified change targets, developed an implementation plan to address each target, and created a plan to build awareness about their work among their local colleagues. The team developed three work groups that focused on:

- 1) arrest, plea, and trial;
- 2) sentencing, violations, and supervision; and
- 3) institutional and community interventions.

This case study offers a summary of the team’s Phase II/III efforts related to:

- use of actuarial tools to identify recidivism risk and criminogenic needs and enhance jail programming; and
- efficient and effective responses to violations of probation.

For more information on these change targets, see the Charlottesville/Albemarle County [Phase III implementation plan](#).

WHAT THEY DID: IMPLEMENTED AN ACTUARIAL ASSESSMENT TOOL TO GUIDE JAIL PROGRAMMING

Despite significant crowding in the regional jail (as of 2011, the jail was at 165% of its rated capacity), Charlottesville/Albemarle County officials agreed that expansion was not cost-effective, nor was it an effective way to reduce recidivism rates—a priority for local justice officials. As part of the EBDM work, NIC supported an assessment of the regional jail’s programs. While much of the programming offered was determined to be evidence-based and consistent with programming provided by local and state probation, some improvements were recommended, such as guiding inmates to programs matching their criminogenic needs. To address this, the team agreed to implement an evidence-based screening tool at jail intake (Northpointe’s COMPAS).

Beginning in October 2013, the jail began using the COMPAS screener for all inmates held long enough to classify (i.e., at least 24 hours). A full assessment—which includes dynamic risk factors—is completed for those assessed as medium or high risk on the screening tool who also have a length of stay sufficient to at least begin programming. Inmates with short stays typically begin programming while incarcerated and then continue the same programming when released to community supervision or transferred to the DOC; those with longer sentences have an opportunity to complete programming while incarcerated.

RESULTS

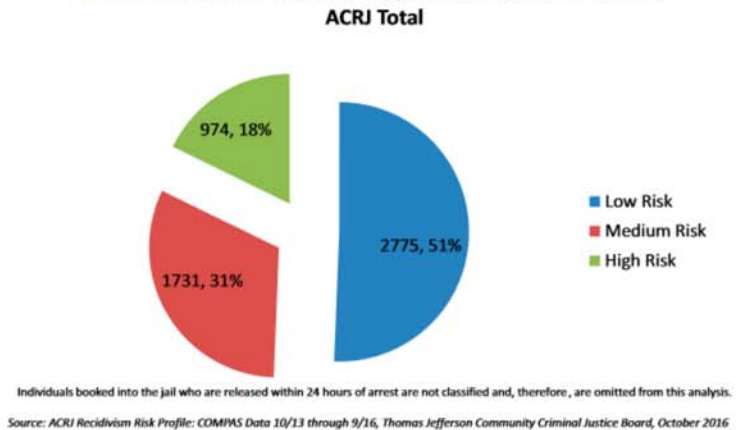
Data on inmate risk and needs, as assessed by the COMPAS, was collected and analyzed to inform policy decisions about inmate programming. From 2013 to 2016, 5,480 screenings of classified inmates were conducted, and 1,081 full risk/needs assessments were completed for those assessed as medium or high risk. Regarding risk, it was determined that more than half (51%) of the inmates held long enough to classify were low risk (defined as having an 8–11% likelihood

of rearrest over a two-year period following release). This finding was instructive to the team from a jail programming point of view but also important given the extensive discussions and planning around applying the risk principle to key decision points, including the strategic use of jail resources. Future data analyses will focus on understanding the average length of stay by risk level and exploring the circumstances under which low risk offenders are sentenced to jail.

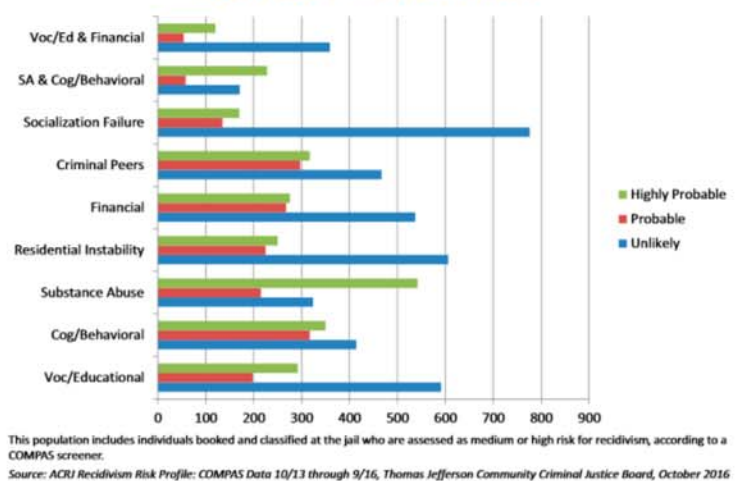
Analysis of these data also provided information about the criminogenic needs of the medium and high risk population and supported strategic expansion of the programming available within the jail. With support from the U.S Department of Justice, Bureau of Justice Assistance, under a Justice Reinvestment Initiative-Local (JRI) grant, the jail put into place a number of additional evidence-based curricula

(Moral Recognition Therapy, the Matrix Model for substance abuse, and Parenting Inside and Out) and certified staff in the delivery of these services.

Albemarle-Charlottesville Regional Jail Recidivism Risk Profile (COMPAS Screener) ACRJ Classified Inmate Population (10/13–9/16)



Albemarle-Charlottesville Regional Jail COMPAS Need Profile



WHAT THEY DID: DEVELOPED STRUCTURED RESPONSES TO VIOLATIONS

During the EBDM planning process, probation violations rose to the surface as a priority for the Charlottesville/Albemarle EBDM Policy Team, given their significant impact on court processing time, jail bed days, and probation officer workload. In 2011, as part of their work under the EBDM initiative, an assessment of both state and local probation violation practices was conducted. The assessment revealed that both policies and practices lacked adherence to empirical research around swiftness, consistency, and proportionality. A subsequent analysis under the auspices of the team's JRI work revealed important empirical information: According to a dataset of persons released from the jail between January 1, 2008 and December 31, 2011, 10% of the jail population represented probation violators, and their average length of stay was 118 days. Violations were determined to be among the top three drivers of the jail population.

In an effort to align responses to noncompliant behavior with social science research, and to reduce the impact on court processes and lengthy jail/prison stays due to technical violations, a subcommittee of OAR and District 9 Probation and Parole representatives was tasked with revising policies and practices around responses to probationer behavior. The process included defining the goal of the behavior management system ("to promote behavioral changes by empowering probation officers to implement consistent, swift, and responsive practices when addressing behavior") and creating a policy framework to guide the work. An [instruction guide](#) was developed for use by officers which explains the goals, policies, and steps of the new probation decision making process. The guide contains a list of both noncompliant (technical and non-technical) and prosocial behaviors and guidelines for staff regarding identification of an appropriate response(s), taking into consideration offender risk, needs, and violation severity.

With support from JRI, the team automated their [structured response matrix](#) and developed a web-based case management information system. The new system, called the Administrative Response Matrix (ARM), enables probation staff to similarly apply objective criteria to noncompliant and prosocial behavior. The software takes into account risk of reoffense and violation severity and provides officers a menu of responses proportional to the behavior from which to choose.

CHARLOTTESVILLE/ALBEMARLE COUNTY PROBATION DECISION MAKING PROCESS AND ADMINISTRATIVE RESPONSE MATRIX

The goals of the violation process are to hold offenders accountable while encouraging and reinforcing prosocial behavior by:

- responding to all noncompliant behavior, thereby reinforcing that antisocial behavior has consequences; and
- responding to behavior in the manner most likely to result in behavior change.

The goals of the incentive process are to promote and reinforce prosocial behavior by:

- responding to all prosocial behavior, thereby reinforcing future prosocial behavior; and
- responding to behavior in the manner most likely to result in behavior change.

In order to maximize the effectiveness of the behavior management process, responses to prosocial and noncompliant behavior will be:

- swift;
 - certain;
 - proportional to an offender's risk and needs, the severity of the violation behavior, and in consideration of the other pertinent factors;
 - transparent;
 - consistent with evidence-based practices;
 - economically sound; and
 - evaluated over time for effectiveness.
-

RESULTS

The new process for behavioral responses was piloted from April through July 2014 and was followed by full-scale implementation immediately thereafter. Data collected from FY 2013 through FY 2016 (i.e., approximately two years prior to implementation and two years following) on the misdemeanor probation population supervised by OAR show modest increases in successful closings (success rates rose from 73.2% in FY 2013/14 to 77.6% in FY 2015/16) and decreases in unsuccessful closings (rates of unsuccessful closings dropped from 26.8% to 22.4%). Of these unsuccessful terminations, fewer probationers were revoked for technical violations following implementation of the matrix (20.3% prior to implementation vs. 13.6% following implementation). In another analysis, the average length of stay for probation violators dropped significantly (by 61%). However, this analysis constituted a relatively small number over a short period of time and therefore should be viewed cautiously. There was also a modest increase in the percentage of unsuccessful terminations due to new misdemeanor and felony convictions; however, these closings made up a very small percentage of all closings (2.4% in FY 2013/14 and 4.7% in FY 2015/16).

Data on revocations of state probation cases out of the Albemarle and Charlottesville Circuit Courts (largely felonies) show a modest (6.5%) decrease in revocations (from 413 in FY 2013/14 to 386 in FY 2015/16). In FY 2015/16, approximately 50% of revocations were for technical

violations only, 13% were for new convictions, and 22% were for both new convictions and technical violations. Detailed data on successful and unsuccessful case closures is not available given the complexities in tracking this data by DOC.

OAR and District 9 also collect fidelity measures to determine the extent to which officers are using the ARM as intended. For example, in FY 2015 the average length of time between the officer's knowledge of a violation and their response was 4 days for OAR officers and 7 days for District 9 officers. Overrides of the recommended response were made in about 3% of cases by OAR and in just over 9% of cases by District 9. Charlottesville/Albemarle County officials continue to collect and monitor data to see if these trends are sustained over time.

More recent data (FY 2016) suggest that some of the modest gains in successful closings and reduced jail bed use may have faded, returning to levels such as those prior to the implementation of ARM. However, these findings are considered preliminary and must be placed within the context of broader policy changes. For example, the FY 2016 data may be attributed, at least in part, to a significant DOC policy change in FY 2015/16 that resulted in a doubling of DOC inmates serving their sentences locally (sentences of two years or less), including felony probation violators. In addition, the FY 2016 probation violator population in the jail had a higher risk profile than the baseline (pre-ARM) population as a result of the transition of approximately 300 low risk probationers from active supervision to a state DOC-controlled administrative caseload during the time of ARM implementation.

MOVING FORWARD

Building on their EBDM efforts, the Charlottesville/Albemarle Policy Team sought funding to support ongoing data collection and evaluation. They were awarded a grant from the National Criminal Justice Association as part of the Justice Information Sharing Initiative to build and pilot an integrated database to share information across their criminal justice agencies. The database captures data about incidents, offenders, and offenses across the entire criminal justice system, while complying with national justice information-sharing standards and maintaining individual stakeholders' legacy data systems.

The Charlottesville/Albemarle County EBDM Policy Team continues with their work of actively implementing the EBDM principles and serves as a model for communities across Virginia. For instance, as a result of their work on ARM, other localities in the Commonwealth have expressed interest in replicating the ARM. In addition, Charlottesville/Albemarle County's EBDM policy team members have provided multiple presentations on EBDM to state officials and other local stakeholders and at professional association meetings throughout the Commonwealth. Policy team members met with state-level officials to encourage Virginia's participation in Phase IV and provided valuable assistance in the development of the Commonwealth's Phase IV, V, and VI applications. Some of its representatives also serve as capacity builders to support expansion of EBDM to other localities in Virginia. Two Charlottesville/Albemarle policy team members serve on the Virginia State EBDM Policy Team and have taken a leadership role in working on two of the state team's change targets.

CHAPTER 3

Eau Claire County, Wisconsin

Eau Claire County, Wisconsin, located in the west central region of the state, is 648 square miles in size. The county has a population of approximately 102,105 (2015 U.S. Census Bureau) and serves as home to more than 20,000 students enrolled at the University of Wisconsin-Eau Claire and the Chippewa Valley Technical College (2016 University of Wisconsin-Eau Claire; 2016 Chippewa Valley Technical College). The median household income is \$48,209, and 14.4% of the population live below the poverty line (2015 U.S. Census Bureau). More than 93% of county residents over the age of 25 are high school graduates, and just over 31% have a bachelor's degree or higher (2015 U.S. Census Bureau). The county's population is 92.5% white, 1.1% black or African American, 4.0% Asian, and 2.3% Hispanic or Latino (2015 U.S. Census Bureau). Healthcare, retail, and manufacturing are among the primary employers (Statistical Atlas 2016). The reported violent crime rate for Eau Claire County in 2012 was 180 per 100,000 population, in contrast with the statewide rate of 280 per 100,000 population (Wisconsin Statistical Analysis Center). Similarly, the reported rate of property crime was 2,266 per 100,000 population, while the state's rate for similar crimes was 2,435 per 100,000 population (Wisconsin Statistical Analysis Center).

The county is governed by the Eau Claire County Board of Supervisors, a 29-member body with a chair and co-chair. The Eau Claire County Circuit Court is composed of five judges and is one of 72 circuit courts in the state of Wisconsin. The Eau Claire County Criminal Justice Collaborating Council (CJCC) was established in 2006 to enhance public safety through system and community collaboration, to maintain and establish effective rehabilitation programs, and to foster innovative correctional programs. In addition, the CJCC is committed to providing the coordinated leadership necessary to establish and foster innovative corrections programs through process improvements. Prior to the creation of the CJCC, stakeholders had been grappling with an inadequate jail facility and declining revenues. In 2009, the county spent \$600,000 to house overflow inmates out of county, and in 2010, 47% of the \$24.1 million anticipated county tax levy for the sheriff's department was targeted for the building of a new jail, which opened in 2012. Probation and parole supervision is provided by the Wisconsin Department of Corrections, Division of Community Corrections. The county operates four treatment courts: a drug court, a mental health court, a veterans' court, and an "Alternatives to Incarcerating Mothers (AIM)" court. There are no formal pretrial services in the county.

Profile of Eau Claire County's Justice System	2015
Jail Rated Capacity	418
Jail Bookings	4,751
Jail Average Daily Population (Secure)	176
Jail Average Daily Population (Huber)	61
Felony Cases Opened	1,281
Misdemeanor Cases Opened	1549
Probation Admissions	821
Number of Pre-Charge Diversions	242

Eau Claire County was selected as a pilot site due to its history of collaboration, the CJCC's consensus-based decision making, and the county's dedication to implementing evidence-based practices to reduce harm and recidivism. The county government has demonstrated ongoing support of criminal justice alternatives and the improvement of programs, funds a Community Transition Center to provide case management as well as a full range of correctional services, and supports a full-time criminal justice coordinator position.

EAU CLAIRE COUNTY'S EBDM VISION, MISSION, AND TEAM

The Eau Claire County EBDM Policy Team's vision is "a research-based justice system that results in less crime and fewer victims." Its mission is to "use coordinated leadership, community collaboration, and innovative criminal justice programs to enhance public safety."

The EBDM policy team was formed as a subcommittee of the CJCC and is chaired by a treatment court judge. The full-time county criminal justice coordinator serves as its local EBDM site coordinator. The EBDM policy team is comprised of a variety of stakeholders, including:

- the county administrator;
- three circuit court judges;
- a district attorney;
- a Wisconsin Department of Corrections representative;
- a state public defender;
- the county board chairperson;
- the county sheriff;
- the chief of police;
- the district court administrator;
- a Department of Health and Human Services representative;
- the CJCC coordinator;
- the director of the Community Transition Center; and
- community members.

"EAU CLAIRE COUNTY'S CAPACITY TO SUCCEED IN THIS ENDEAVOR LARGELY ARISES FROM THE COLLABORATIVE PROCESS THAT EXISTS IN THE COUNTY. THE COUNTY VIEWS THE CRIMINAL JUSTICE SYSTEM AS THE COORDINATED PRODUCT OF SEVERAL KEY STAKEHOLDERS, AS OPPOSED TO THE INDIVIDUAL PRODUCT OF EACH OF THOSE STAKEHOLDER AGENCIES. IN MANY RESPECTS, THIS EBDM INITIATIVE FLOWS NATURALLY FROM THAT EXISTING COLLABORATIVE PROCESS."

Wisconsin Counties Magazine, August 2015

EAU CLAIRE COUNTY'S CHANGE TARGETS

Eau Claire County's EBDM policy team, with assistance from their EBDM TA provider, started along the [Phase II planning roadmap](#) to understand the basis upon which decisions were being made at key points across the justice system and to agree on a set of [harm reduction goals](#).

As part of this planning, the policy team underwent a mapping process of their county's criminal justice system and evaluated their policies and practices against contemporary research. By the end of Phase II, the policy team had agreed to a set of change targets that spanned all of the key

criminal justice decision points, and it developed logic models and a detailed plan for change across five areas: utilization of assessment tools, charging practices, felony custodial arrest and pretrial release, sentencing, and probation supervision. This case study offers a review of Eau Claire County's Phase II/III efforts as they relate to:

- the implementation of a risk screening tool by law enforcement; and
- efforts to divert low level, low risk offenders from the criminal justice system.

For more information on the full range of change targets developed by Eau Claire County, see their [Phase III implementation plan](#).

WHAT THEY DID: IMPLEMENTED RISK ASSESSMENT AT KEY DECISION POINTS, INCLUDING ARREST

As part of their planning efforts, Eau Claire County's policy team agreed that the universal utilization of assessment tools was necessary in order to ensure that relevant decisions within the county's justice system were research-informed. Stakeholders worked to design a deliberate, continuous process for the use of assessments across key decision points, starting with the use of a risk screening tool at arrest to provide early information on risk to reoffend.

The team spent much time over the course of a year defining the purpose and intent of administering a risk screening tool at the point of law enforcement contact, and worked with law enforcement (at the city, county, municipality, and university levels) to pilot the [Proxy Risk Assessment](#) (hereafter "the Proxy"), a three-question screening tool designed to provide a brief assessment of a defendant's risk level. After receiving training, law enforcement officers began using the Proxy on all individuals who are cited or referred to the county's diversion program for criminal matters. They also complete the Proxy for all individuals who are the subject of referrals to the district attorney's office for possible criminal prosecution. This includes arrested individuals, individuals who are ordered into court in connection with criminal charges, and individuals who are the subject of an investigation that could result in the issuance of a summons and complaint, or a complaint and warrant. In instances in which the Proxy is inadvertently not completed by law enforcement, it is completed by the diversion coordinator or intake staff in the district attorney's office.

A [decision making matrix](#) was developed to provide law enforcement officers with suggested responses based on assessed risk level and the type of violation or behavior exhibited. Individuals scoring low risk on the Proxy are not subject to [felony custodial arrest](#) unless one or more Wisconsin Supreme Court bond factors is present (e.g., person appears to pose a danger of harm to self or others, unable to provide identification, previous failure to appear in court or respond to a citation).

Following the completion of the Proxy by law enforcement, the results are forwarded to the district attorney's office, which serves as the repository for all Proxy forms. The Proxy scores are made available to decision makers later in the justice process, along with other information, such as risk to appear and/or risk of reoffense and need information from the COMPAS, which is conducted on all defendants/offenders who score medium and high on the Proxy. Risk assessment information then informs [bond review, sentencing and supervision decisions](#), and

placement into alternative justice system programs, such as the transition center, community service, or deferred acceptance of guilty plea.

RESULTS

Eau Claire County seeks ongoing feedback about the implementation of the Proxy from law enforcement (through surveys and weekly meetings), and the police chief and sheriff stay in regular communication with their officers in regards to Proxy implementation. Some changes have been made in order to ensure fidelity to the process. In a county-conducted study comparing the results of the Proxy and the COMPAS, there was a very high correlation between a low risk score determined by the Proxy and a low risk score determined by the COMPAS, confirming the Proxy's use as a triage tool for low risk individuals.

At the case level, the Proxy informs an arresting officer's decision to arrest or release and provides other decision makers later in the justice process with defendant/offender risk information. At the system level, Proxy risk level data is made available to inform criminal justice policy decisions and is an important tool in monitoring the number of low risk individuals held in the jail.

"THE PROXY SCORE IS FUNDAMENTALLY IMPORTANT IN ASSISTING IN THE IDENTIFICATION OF APPROPRIATE INDIVIDUALS FOR OUR DIVERSION PROGRAM. THE UTILIZATION OF THE PROXY, IN COMBINATION WITH TRADITIONAL ASSESSMENT FACTORS, HAS RESULTED IN THE IDENTIFICATION OF OVER 1,000 INDIVIDUALS IN A FOUR-YEAR PERIOD OF TIME WHO HAVE PARTICIPATED IN THE DIVERSION PROGRAM. IT IS CLEAR THAT WITHOUT THE CONSISTENT UTILIZATION OF THE PROXY TOOL, THE IDENTIFICATION OF THOSE PARTICIPANTS WOULD HAVE BEEN NOT ONLY MUCH MORE DIFFICULT BUT LESS ACCURATE IN TERMS OF APPROPRIATE PARTICIPANTS."

Gary King, Eau Claire County District Attorney

WHAT THEY DID: DIVERTED LOW LEVEL, LOW RISK DEFENDANTS FROM THE CRIMINAL JUSTICE SYSTEM

Given the research that low risk individuals are generally self-correcting without criminal justice intervention—alongside a review of local data that indicated there were many low level offenders in the county with criminal records—the policy team decided to focus on diversion as a way to limit criminal justice involvement and reduce recidivism among low risk individuals. A key goal was to reduce the resources spent on the prosecution of low risk individuals, preserving funds for the medium and high risk. In 2011, Eau Claire County successfully applied for a state grant to support the costs of a coordinator to pilot a diversion program. Following startup in 2012, the program became self-supporting through the collection of participant fees.

The targeted population for the [diversion program](#) includes individuals receiving criminal city ordinance violations and lower level misdemeanor offenses. Participants enter the program either by direct referral from a law enforcement officer at the point of contact or by careful triage by prosecutors after cases are referred to the district attorney's office for charge consideration. Individuals participating in the diversion program pay a \$250 fee and all restitution owed, attend a short (one-hour) education session, and must remain offense-free until program

participation is completed. During the short education session, participants receive information regarding how formal records of criminal or civil citation charges, which are publicly available, can impact their future success (i.e., employment) and explore the motivation behind the violation that led them to the program. Individuals who successfully complete the program avoid formal filing of citations/criminal charges. Individuals who do not successfully complete the program are prosecuted through traditional methods.

RESULTS

In 2012, its first year, the diversion program had 258 successful participants; to date, the program has diverted from traditional prosecution more than 1,000 low risk/first-time defendants (264 successful participants in 2013; 268 in 2014; 242 in 2015). A [quasi-experimental study](#) conducted in 2014 found that the risk of reoffense nearly doubles when individuals do not participate in the diversion program and are, instead, formally charged. The recidivism rate for the diversion group was 18.6%, compared to 33.6% for a control group of individuals with similar charges who were processed through the district attorney's office.¹ The study's authors estimate that the risk of reoffending is 80% greater for individuals who do not participate in the diversion program. In addition to lowering recidivism rates of program participants, the program has also collected more than \$33,000 in restitution since its inception (as of July 2016).

The diversion program's success is also reflected in increased case closings. Despite the increase in felony prosecutions (specifically, felony drug offenses) within the county, the district attorney's office was able to keep pace with increased case filings, achieving a clearance rate of 96% in 2012; 98% in 2013; 100% in 2014; and 101% in 2015.

MOVING FORWARD

Eau Claire County's EBDM experience led to an increased appreciation for, and commitment to, the use of data to inform decision making; the EBDM policy team successfully petitioned the county board to fund a data analyst position. The analyst, who has access to the various agencies' data systems, has been critical to the county's ability to monitor progress towards the achievement of their harm reduction goals. In addition to conducting individual studies, such as a study on the [recidivism of diversion program participants](#), the analyst provides the CJCC with regular [criminal justice data reports](#) and has been integral to the county's development of an [interactive dashboard](#).

In addition to participating in EBDM, Eau Claire County was accepted into the Bureau of Justice Assistance's Justice Reinvestment Initiative-Local (JRI) in 2012. The county's participation in JRI provided significant resources for their analytic efforts, resulting in much needed information on the county's law enforcement activity (i.e., risk profiles of those having law enforcement contact), jail and probation populations, and those diverted.

¹ "Recidivism" is defined as receiving a subsequent misdemeanor or felony charge or any citation that could otherwise be criminal within a 12-month follow-up period.

In addition, rather than releasing defendants on a judge's signature, or holding them in custody, Eau Claire County sought to design and implement a formal pretrial program under JRI to include a more robust pretrial release assessment, as well as supervision and services that allow the county to monitor pretrial defendants safely in the community. The target population for this effort includes the population of pretrial defendants historically detained in the jail for longer than 24 hours. Other areas of exploration for the team under JRI included establishing a program for individuals facing misdemeanor OWI (Operating While Intoxicated) charges, which provides them with early assessment and access to treatment/programming as an alternative to incarceration, and providing assessment and treatment to methamphetamine abusers through a deferred prosecution program.

Eau Claire County has served as one of the pioneers of EBDM for the state of Wisconsin. Since 2012, county representatives have presented on EBDM to 45 of the 72 counties within the state and shared their work products and processes with colleague counties. As the state of Wisconsin participates in Phases V and VI of the EBDM initiative, Eau Claire County representatives continue to support statewide efforts to implement EBDM by serving as EBDM capacity builders and by participating regularly on the state CJCC, the state EBDM policy team, and state EBDM policy team work groups. The county's CJCC maintains a [website](#) that highlights its EBDM work, data dashboard and reports, and ongoing justice reform efforts.

CHAPTER 4

Grant County, Indiana

Grant County, a rural county in north central Indiana, has a population of 67,979 (2015 U.S. Census Bureau). The county seat is Marion, located 65 miles north of Indianapolis. The county's population is 89.1% white, 7.3% black or African American, and 4.0% Hispanic or Latino (2015 U.S. Census Bureau). Healthcare, education, retail, and manufacturing are the primary employers (Statistical Atlas, 2016). The median household income is \$40,234 (2015 U.S. Census Bureau). Twenty percent of the population lives below the poverty level (2015 U.S. Census Bureau).

The Grant County felony criminal docket is divided among four courts: the Grant Circuit Court and three superior courts. The county's sentencing options include probation services (funded by county tax dollars, user fees, and state and federal grants), community corrections (funded through an annual grant from the Indiana Department of Correction), the county jail, and behavioral health services provided by Grant-Blackford Mental Health, Inc., or Family Service Society. Grant County is among only 15 counties in Indiana with probation and community corrections services integrated into a single agency. There are no pretrial services, although an early risk screen designed and implemented in 2013 is administered at jail booking for purposes of early identification of defendants for diversion and specialty (drug, veterans, reentry) courts.

Profile of Grant County's Justice System	2015
Jail Rated Capacity	274
Jail Bookings	1,720
Jail Average Daily Population	248
Felony Court Filings	760
Probation Admissions	859
Adult Probation Population	1,288
Community Corrections Admissions	406
Community Corrections Population	135

Grant County was selected as a pilot site in part because many policy officials already had worked together to plan, secure funding, and implement drug and veterans' courts as well as a child advocacy center. Court officials and correctional managers also began, as early as 1998, to attend trainings on evidence-based practices and to apply what they learned to improving correctional supervision and service approaches, with the goal of reducing reoffending.

Grant County's interest in the EBDM initiative was driven by a desire to significantly broaden stakeholder involvement in realizing the benefits of evidence-based practices—to engage the police, jail management, prosecution, defense, university community, victims' advocates, and county council in improving public safety through the EBDM process. Despite a solid history of applying evidence-based practices in the courts and corrections, Grant officials saw the opportunity to do much more.

GRANT COUNTY'S EBDM MISSION AND TEAM

The Grant County criminal justice system's mission statement is to "promote risk and [harm reduction](#) by utilizing collaborative decision-making and interventions founded on evidence-based research."

The policy team spearheading the EBDM initiative is a subgroup of the Community Corrections Advisory Board. This board, established by statute to advise local correctional programs, has been in existence since the early 1980s and has monitored a variety of grant-funded services over the years. The EBDM policy team is composed of the following members:

- felony court judges;
- the county prosecutor;
- the jail administrator;
- the police chief;
- a victim advocate from the prosecutor's office;
- the director of county correctional services;
- the director of community corrections;
- public defenders;
- representatives from the county fiscal body; and
- a mental health agency representative.

GRANT COUNTY'S CHANGE TARGETS

Grant County's EBDM policy team, with assistance from their EBDM TA provider, started along the [Phase II planning roadmap](#) to assess the degree to which research evidence guided their

decisions, and to identify strengths, challenges, and targets for future policy and practice change. By the end of Phase II, the policy team had agreed to a set of change targets and developed logic models and a detailed plan for implementation. This case study offers a review of Grant County's Phase II/III efforts as they relate to the following change targets:

- reallocating probation caseloads to optimize the supervision of higher risk probationers;
- developing a data dashboard; and
- revising the probation violations process and expanding alternatives to revocation.

For more information on the full range of change targets developed by Grant County, see their [Phase III implementation plan](#).

In addition to the change efforts highlighted in this case study, the Grant County EBDM Policy Team also:

- improved the effectiveness of the interventions provided by community (non-criminal justice) agencies by aligning them with evidence-based practices; and
- analyzed the statutory and legal issues regarding the use of a pretrial assessment tool, the Indiana Risk Assessment System (IRAS), to inform pretrial release and detention decisions. (See also the text box below "Grant County: Supporting Statewide Pretrial Reform.")

WHAT THEY DID: REDUCED COMMUNITY SUPERVISION CASELOADS AND ENHANCED SUPERVISION PRACTICES

Based upon an analysis of community supervision caseload size and an intentional focus on risk reduction, the Grant County EBDM Policy Team undertook an effort to reduce supervision caseloads and increase positive outcomes among probationers through the application of effective interventions. Policy team members came to agreement on the purpose of community supervision as “reducing offenders’ risk of future criminal behavior by addressing offenders’ assessed risks and needs.” The caseload reallocation strategy included placing felony low/moderate risk offenders on unsupervised probation after they had completed their risk reduction conditions or programs (other conditions would be monitored by civil judgments) and reserving misdemeanor probation for high risk offenders, domestic violence cases, and moderate risk offenders with substance abuse problems (and monitoring other misdemeanor probationers for new arrests only). In December 2014, Grant County’s caseload reallocation strategy was implemented. Clear policies were established defining [differential supervision standards](#) for felony and misdemeanor probationers based upon risk level, along with expectations for community supervision staff regarding the [steps to effective supervision meetings](#) as well as [risk-based performance measures](#).

RESULTS

Since implementing the caseload reallocation strategy, Grant County has seen a decrease in its misdemeanor probationer population (356 in 2012 vs. 238 in 2016) as well as felony probationers (1,220 in 2012 vs. 1,053 in 2016). These cases include both those supervised by officers and those pending probation revocations, transfer outs, home detention, and incarceration. (There are some challenges in measuring the change in caseload sizes, including the inability to disaggregate data in meaningful ways, and major and ongoing adjustments to the composition of officers’ caseloads due to staff turnover and shifting supervision levels.) The county also reports a decline in the number of new referrals to supervision (1,037 in 2012 vs. 860 in 2015). While imperfect, this data suggests a downward trend in the number of cases under supervision and a decrease in officer workload, which in turn enables officers to spend more time focusing on behavioral interventions with higher risk probationers in order to have the greatest impact on reoffending.

WHAT THEY DID: DEVELOPED A DATA DASHBOARD

Early in the EBDM process, the Grant County Policy Team recognized the importance of developing an improved data infrastructure to capture process and outcome data, as well as to feed a data dashboard, or criminal justice system reporting mechanism, for the county. Only through data collection and analysis was the policy team able to explore and refine its change targets, yet they were hampered by siloed information systems. The county made great strides in developing a data dashboard for centralized reporting and was able to secure a partnership with the Indiana Supreme Court to complete the dashboard’s development.

RESULTS

The dashboard acts as a centralized reporting system on key indicators of criminal justice performance for justice stakeholders. The dashboard provides information updated regularly (usually every 30 days) on probation case closures, active probation cases, average length of stay in the jail, and average daily population in the jail.

- The **Probation Case Closure Summary** dashboard item displays a pie chart of the probation cases that closed during the previous month, broken out by closure type.
- The **Active Case Summary** dashboard item provides information about all active probation cases, as of the last day of the previous month, broken out by probation risk level.
- The **Average Length of Stay in Days** dashboard item provides the average number of days incarcerated individuals are held in jail, along with the raw number of inmates that factor into each average.
- The **Average Daily Population** dashboard item displays the average number of people incarcerated in jail in the previous month.

The data dashboard enables data filtering and reporting. In addition to data available at the dashboard level, the system enables deeper operation and trend analyses. While court data is not accessible in the dashboard, the Indiana Supreme Court has since implemented a separate application to allow judges across the state to view and manage case processing times for civil and criminal cases.

WHAT THEY DID: CHANGED RESPONSES TO PROBATIONERS' NONCOMPLIANT BEHAVIOR

Data analysis revealed the impact of violation practices on court processing time (judicial, prosecutorial, and defense) and justice resources, including the volume and proportion of jail bookings and lengths of stay for probation violation holds (6% of all jail bookings and 13% of inmates sentenced to jail). The use of jail bed days for probation violators was determined to cost over \$300,000 annually. A baseline probation recidivism study was conducted by an independent researcher who tracked 524 adult probationers whose probation terms concluded in 2011. Of these, 77% successfully completed supervision. Among those who successfully completed supervision, 13% were rearrested within one year of discharge from supervision, and 30% were rearrested within two years of discharge. A work group composed primarily of probation line staff was established to address these concerns. The purpose of the new approach was to respond consistently, swiftly, and fairly to all violations with responses appropriate to the offense, probationer risk level, and severity of the violation. Grant County's approach to this work is unique in that their assessment of noncompliant behavior takes into consideration both

"THE LOCAL DASHBOARD PROVIDES STAKEHOLDERS WITH UP-TO-DATE INFORMATION ABOUT THE JAIL POPULATION AND PROBATION DEMOGRAPHICS AND OUTCOMES. USERS CAN SELECT A GENERAL DATA POINT AND DRILL DOWN TO THE INDIVIDUAL CASE LEVEL. FOR THE FIRST TIME IN LOCAL HISTORY, STAKEHOLDERS HAVE THE ABILITY TO ACCESS DATA AND INFORMATION TO HELP THEM DO THEIR JOBS MORE EFFECTIVELY."

Cindy McCoy, Director of Grant County Correctional Services

proximal and distal goals and the identification of accountability and behavior change responses to address the criminogenic needs that drive violation behavior. Probation officers respond to every violation with a one-page violation report submitted to the court. The report includes a suggested judicial action, or response, to which the defendant has already agreed. If the judges accept the action, the violation report is recorded and a hearing is avoided.

Following the development of new policies and procedures and a six-month pilot test, in the fall of 2012, the Grant County EBDM Policy Team approved a [new violations policy](#) and [response matrix](#). The new policies and procedures were fully implemented at that time.

RESULTS

In interviews with court officials conducted in August 2015, judges applauded the new policy, noting less time spent processing violations and increased consistency in officers' responses to violation behaviors. Defendants reported an increased sense of fairness. The new violations policy has achieved a 9% decrease in the number of all types of violations filed with the courts (two-year period ending December 31, 2015) and significant progress toward the goal of decreasing technical violations filed with the courts by 10%. Reductions in the volume or length of stay for violators in jail have yet to be realized. Analysis of probationer outcomes following implementation of the violation response guidelines is forthcoming.

"I WOULD COUNT OUR REFORMS ON PROBATION VIOLATION RESPONSES A RESOUNDING SUCCESS. MOST VIOLATIONS ARE NOW RESOLVED QUICKLY BY AGREEMENT. RESPONSES ARE CONSISTENT, FAIR, AND QUICK. THE RESULT HAS BEEN LESS COURT TIME DEVOTED TO PROBATION VIOLATIONS, MORE VIOLATIONS RECEIVING RESPONSES, AND VIOLATIONS RESOLVED WITH MUCH MORE EXPEDIENCY. THE INITIAL EXPERIENCE WITH PROBATION VIOLATIONS LED US TO EXPAND THE APPROACH TO OUR COMMUNITY CORRECTIONS DEPARTMENT WITH SIMILAR EXCELLENT RESULTS. BASED UPON MY OBSERVATIONS FROM THE BENCH, I BELIEVE THAT OUR EARLY INTERVENTIONS (VIOLATION RESPONSES), FOCUSING ON BOTH THERAPEUTIC RESPONSES AS WELL AS SANCTIONS, HAVE ALLOWED US TO GET MANY OFFENDERS ON THE TRACK TOWARD SUCCESSFUL COMPLETION OF PROBATION OR COMMUNITY CORRECTIONS, WHERE THEY MIGHT HAVE OTHERWISE FAILED IN THE PAST."

Mark Spitzer, Grant County Circuit Court Judge

MOVING FORWARD

In addition to participating in EBDM, Grant County was accepted into the Bureau of Justice Assistance's Justice Reinvestment Initiative-Local (JRI) in 2011. The county's participation in JRI provided significant resources for data analysis, including an examination of the characteristics of defendants and offenders in jail and on probation (population drivers) and the costs associated with the current use of sanctions. The policy team plans to continue monitoring the implementation of its change targets and examining outcome data in order to further refine its efforts. The county's dashboard is an ongoing project: the court and probation portions of the dashboard are fully operational, and the court is working with Grant County to bring the final data elements from the jail information system online.

New areas of exploration for the policy team include: improving the jail information system to capture data about the inmate population, bonds, court case numbers and dispositions, and risk information, as well as managing new trends in the use of jail for sentenced inmates and defendants with mental health issues. A particular concern will be the impact of [HSB 1006](#), the revised Indiana Criminal Code, on county resources. The bill mandates that low level felons, formerly eligible for a prison sentence, shall be sentenced to local supervision options (largely probation or jail). As a result, the county is experiencing an increased jail population, as well as an increased demand for substance abuse and mental health treatment, placing greater demands on county services.

Grant County will continue to focus on maintaining a strong collaborative team, and recently invited new members to join the policy team, including a county administrator, additional defense counsel representation, and a city court judge. Further, Grant County has supported statewide EBDM efforts by serving as the state's first EBDM pilot site, supporting and participating on the Indiana statewide EBDM policy team, and sharing its knowledge, experiences, and products with colleagues throughout the state. The Supreme Court intends to use the Grant County dashboard as a template for other counties. Grant County representatives join a team of state officials in Indiana who together serve on the Indiana State EBDM Policy Team. Indiana's state EBDM team and eleven partner counties are currently participating in Phase VI of the EBDM initiative.

GRANT COUNTY: SUPPORTING STATEWIDE PRETRIAL REFORM

Implementation of Indiana's pretrial risk assessment tool (IRAS-PAT) was an early EBDM change target for Grant County, and a primary focus of their pretrial work group. Through their efforts, a number of barriers to implementation of the IRAS-PAT emerged. The most challenging among these were limitations on persons authorized to administer the IRAS-PAT pursuant to Indiana's risk assessment policy, legal and research concerns regarding the tool (i.e., that some items in the tool administered at the pretrial stage could lead to self-incrimination and that the tool had yet to be validated on an Indiana defendant population), and how best to address local reliance on revenues from cash bonds to support critical court and defense counsel services.

Identification of these issues opened dialogue between Grant County and state-level partners, particularly the Indiana Supreme Court. Grant County officials conducted training on pretrial evidence-based practices at the Indiana Judicial Conference Annual Meeting in 2013. In December 2013, the Indiana Supreme Court established the Committee to Study Evidence-Based Pretrial Release, which was tasked with exploring the need for and avenues to improving pretrial reform in Indiana. Grant County officials continue to play a role in the statewide pretrial reform effort, serving either on the Supreme Court committee or one of its subcommittees. Following more than a year of work and the development of a new [criminal rule on pretrial](#), the Supreme Court committee established a partnership with the statewide EBDM initiative to develop and oversee a multicounty pretrial release pilot project.

CHAPTER 5

Mesa County, Colorado

Mesa County (Grand Junction), Colorado, is located on Colorado's western slope, approximately 250 miles west of Denver. The county encompasses 3,300 square miles; 74% of that territory consists of public land. The population of Mesa County is estimated at 148,513 (2015 U.S. Census Bureau). The county's population is 94.1% white, 14.4% Hispanic or Latino, 1.5% American Indian and Alaska Native, and 1.0% black or African American (2015 U.S. Census Bureau). The median household income is \$48,610, and 15.4 percent of the population live below the poverty line (2015 U.S. Census Bureau).

The county's court system constitutes the 21st Judicial District of Colorado, one of several single-county judicial districts in the state. The office of the Mesa County sheriff is an elected position that has responsibility for the county jail, work release, and work-endor programs. The jail capacity is 442, and the average daily population of the jail in recent years has been over 450, with approximately 7,000ailable cases filed each year. The Criminal Justice Services Department (CJSD) is a county department that is responsible for pretrial services, halfway housing for prison alternatives, and other community-based services (i.e., day reporting, pretrial diversion, deferred services, and electronic monitoring). CJSD also has a county-managed treatment facility offering residential and outpatient services. Probation and parole are both state functions, managed by separate entities.

Profile of Mesa County's Justice System	2015
Jail Rated Capacity	392
Jail Bookings	5,850
Jail Average Daily Population	382
Pretrial Supervision Average Daily Population	458
Community Corrections Population (e.g., prison diversion/transition, halfway housing)	168
Probation Admissions	1,247
Probation Population	2,659

Mesa County's interest in the EBDM initiative was primarily driven by a concern for the effective use of fiscal resources as well as a strong interest in improving the outcomes produced by the county's various sentencing options. A previously formed collaborative leadership group identified that its goals and those of the initiative were one and the same and, as a result, pursued the opportunity to participate in the initiative.

Mesa County was selected as a pilot site because of its history of working together to solve challenges in the criminal justice system and its active participation in a state-level effort to develop a pretrial risk assessment tool.

MESA COUNTY'S EBDM VISION, MISSION, AND TEAM

The Mesa County Criminal Justice Leadership Group (CJLG) consists of 17 agencies. It was formed in 2010 (just prior to the county's participation in the EBDM initiative) for the purpose

of collaboratively making system changes to address jail overcrowding. The CJLG serves as the sounding board and oversight committee for the EBDM executive committee.

The Mesa County EBDM Policy Team's vision and mission statement is: "One less crime, one less victim, and one less offender to create a safer community through the use of principles and practices of reliable evidence-based decision making."

The EBDM executive committee is composed of the following stakeholders who committed to work together toward specific risk and **harm reduction** goals:

- the chief judge;
- county judges;
- the deputy director of the State Office of Alternate Defense Counsel;
- the director of the Office of the Public Defender;
- the county sheriff;
- the chief of probation;
- the probation department supervisor;
- the district attorney;
- a deputy district attorney;
- the director of the Mesa County Criminal Justice Services Department;
- a judicial administrator;
- a county data analyst; and
- the contracted local initiative coordinator.

"THIS INITIATIVE HAS MORE POTENTIAL TO REACH THE COMMON GOALS OF LESS CRIME, A STABLE JAIL POPULATION, LESS FEAR, AND INCREASED COMMUNITY SATISFACTION IN THE JUSTICE SYSTEM THAN ANYTHING I'VE SEEN IN THIS COMMUNITY IN THE LAST 25 YEARS."

Sheriff Stan Hilkey

In addition to the change efforts highlighted in this case study, the Mesa County EBDM Policy Team also:

- developed a pilot court that applied principles of evidence-based decision making in drug cases to contribute to recidivism reduction;
- revised the Pre-Sentence Investigation Report (PSIR) and standard conditions of probation to align with evidence-based principles; and
- adopted and normed the Hawaii Proxy risk tool for use in front-end decision making (e.g., summons/arrest decisions, jail intake) and a variety of post-sentencing program decisions (e.g., prison diversion, etc.).

MESA COUNTY'S CHANGE TARGETS

Mesa County's EBDM policy team started along the **Phase II planning roadmap** to assess the degree to which research evidence guided their decisions, and to identify strengths, challenges, and targets for future policy and practice change. The system mapping exercise was critical in developing a shared understanding of the criminal justice system and in identifying the problems and barriers that required further exploration and data collection. A remarkably large number of system actors participated in the system mapping process, including public and private defense counsel, deputy prosecutors, county and district court judges, probation and community corrections officers, and jail and court staff.

Ten months into their EBDM planning work, the Mesa County EBDM Policy Team agreed to a set of change targets and developed logic models and

detailed implementation plans. This case study provides a review of Mesa County's Phase II/III efforts as they relate to the following change targets:

- integrating the use of risk and need information in decision making across the criminal justice system, including at the pretrial stage; and
- redesigning community intervention options, including the conduct of a risk and needs analysis of felony and misdemeanor populations and the development of a sentencing guide.

For more information on the full range of change targets developed by Mesa County, see their [Phase III implementation plan](#).

WHAT THEY DID: REFORMED PRETRIAL PROCESSES

Prior to EBDM, justice system professionals (i.e., pretrial services staff, prosecutors, defense attorneys, and judges) relied on a non-validated risk assessment, as well as their experience and judgment, to determine the level and type of pretrial risk a defendant posed. The EBDM policy team established a multidisciplinary pretrial committee to review the available research on pretrial practice and build a foundation for their work together. An early step involved the careful crafting of a philosophy statement about pretrial practices and the development of agreements around issues such as how best to use risk information within the context of a money-based system. Ultimately, the pretrial committee recommended to the EBDM policy team the adoption of a validated pretrial risk assessment to inform pretrial release decisions, bond conditions, and supervision level.

Based on its review of a number of assessment tools and the specific needs of county stakeholders, the team decided to implement the Colorado Pretrial Assessment Tool (CPAT), an empirically based risk assessment developed and validated in ten counties in Colorado, including Mesa County.² The policy team agreed that use of the tool would provide judges with important information to better mitigate risk for failure to appear and new criminal activity during the pretrial period.

In January 2015, Mesa County implemented a decision guideline, or “matrix,” for bond decisions. The [bond guidelines](#) are based on a combination of the CPAT risk level and the nature of the defendant's offense category. A significant change adopted by the Mesa County EBDM Policy Team was the elimination of money ranges from the bond guidelines.

Mesa County also developed a praxis to guide decisions about the appropriate level of supervision during pretrial. The [SMART Praxis](#) provides a recommended supervision level (e.g., court reminder calls only, basic, enhanced, intensive) based on risk level and crime type. The tool was first implemented in July 2012 and was later updated in January 2015.

² The Colorado Pretrial Assessment Tool (CPAT) was developed with assistance from the U.S. Department of Justice, Bureau of Justice Assistance and the Pretrial Justice Institute.

Building on the supervision matrix, in 2013 the Mesa County EBDM team developed guidelines for structured responses to pretrial violations. The [pretrial violations response guide](#) provides presumptive guidelines for noncompliance based upon two factors: supervision level (identified by the SMART Praxis) and violation severity (i.e., minor, moderate, severe). While low and moderate level responses are generally handled internally by pretrial officials, high level responses result in notification to external parties, such as the district attorney and defense counsel. Judges are notified at the discretion of the district attorney (e.g., during court proceedings or if the district attorney requests a warrant).

RESULTS

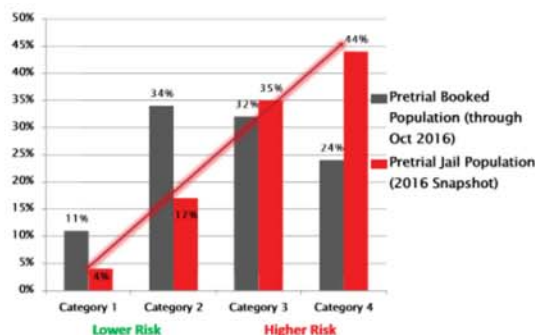
An analysis of data through 2015 indicates an 85% concurrence rate between the Mesa bond guidelines and judges' decisions, representing a significant shift in judicial decision making practices. In 2011—prior to the changes under the EBDM initiative described above—65% of Mesa County defendants were released on cash/surety bonds, while 30% were released on their own recognizance (PR). By 2016, this pattern was reversed, with only 38% of defendants released on cash bonds and the majority of defendants (62%) released on PR bonds. Other key outcomes include the following:

- In 2016, while 45% of the population *booked* into the jail were lower risk on the CPAT, only 21% of the defendants [actually held in jail](#) following the pretrial hearing were lower risk.

“WE ARE VERY SATISFIED AND, INDEED, APPRECIATIVE OF THE MANY REFORMS THAT HAVE BEEN IMPLEMENTED THROUGH THE MESA COUNTY EBDM PRETRIAL PROCESS. AS A MEMBER OF OUR EBDM PRETRIAL COMMITTEE, I CAN ATTEST TO THE FACT THAT THIS HAS BEEN A COLLABORATIVE SYSTEMWIDE EFFORT INVOLVING REPRESENTATIVES OF THE DISTRICT ATTORNEY’S OFFICE, THE LOCAL DEFENSE BAR, THE JUDICIARY, THE SHERIFF’S DEPARTMENT, AND OUR CRIMINAL JUSTICE SERVICES DEPARTMENT. WE BELIEVE THAT OUR SYSTEM IS SIGNIFICANTLY ENHANCED BECAUSE OF OUR UTILIZATION OF A RISK-BASED PRETRIAL ASSESSMENT. OUR PRETRIAL PROGRAM IS NO LONGER LARGELY DEPENDENT ON AN OFFENDER’S ABILITY TO PAY MONEY IN ORDER FOR THAT OFFENDER TO BOND OUT OF JAIL. OVERALL, WE DO A MUCH BETTER JOB OF RELEASING PRETRIAL LOW RISK OFFENDERS AND KEEPING HIGH RISK OFFENDERS IN DETENTION.”

Rich Tuttle, Assistant District Attorney, Mesa County

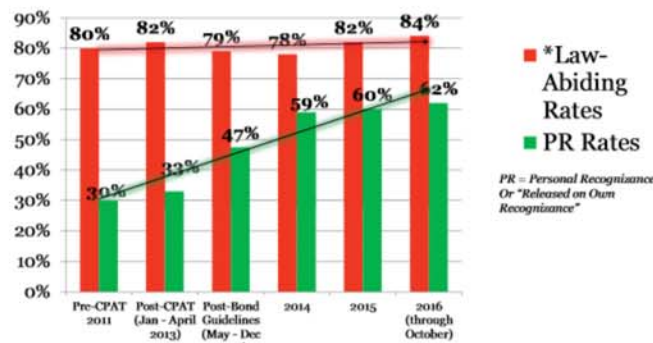
Mesa County, Colorado
Booked Population Versus Population Held Pretrial



Adapted from: Mesa County, Colorado, Evidence Based Reform Outcomes Presentation, 2016

- Approximately 82% of Mesa County's jailable pretrial population is given a summons at arrest or released on a PR bond at first appearance; an additional 8% are released on a secured bond. This means that 90% of Mesa's jailable population is released pretrial, while only 10% are unable to post bond pretrial.
- The increased use of [Release on Own Recognizance \(PR\) bonds](#) did not reduce public safety rates over time for the pretrial supervised population. While PR bond rates at First Appearance more than doubled from 2011 to 2016, public safety rates (no new arrests in the pretrial period) for the supervised pretrial population have improved over this same time period.

Mesa County, Colorado: Impact of Increased Use of PR Bonds on Public Safety Rates

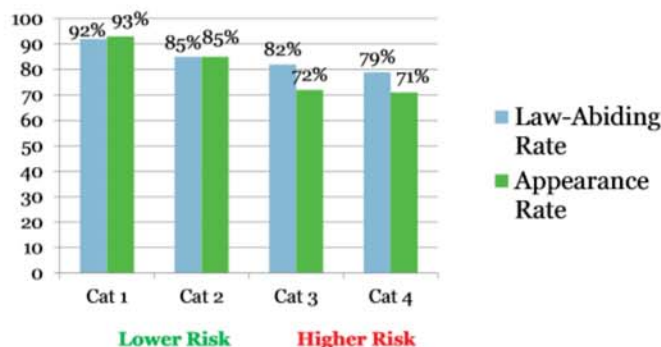


*Law-abiding rate is the supervised group only; the unsupervised group cannot currently be tracked.

Adapted from: Mesa County, Colorado, Evidence-Based Reform Outcomes Presentation, 2016

- Finally, analysis of pretrial [success rates by risk level](#) indicate that the CPAT provides predictive accuracy for the Mesa County population.

Mesa County, Colorado 2016 Success Rates by Risk Level



*Outcomes of supervised defendants only through October 2016

Adapted from: Mesa County, Colorado, Evidence-Based Reform Outcomes Presentation, 2016

In 2013, Mesa County received the [National Association of Counties \(NACO\) Achievement Award](#) for its Evidence-Based Pretrial Project.

WHAT THEY DID: DESIGNED A SENTENCING OPTIONS GUIDE TO INFORM PLEA NEGOTIATIONS AND SENTENCING

Early in their EBDM planning process, Mesa County officials expressed a desire to incorporate evidence-based practices into sentencing decisions to ensure the most efficient use of sentencing resources and improve risk reduction outcomes. The Mesa County EBDM Policy Team formed a Community Interventions Committee to collect information about the purpose and use of the sentencing options available locally and to make improvement recommendations to the policy team. The committee began by conducting a survey of judges, prosecutors, defenders, and other justice system stakeholders. The survey revealed considerable variation in stakeholders' understanding of the purpose of, and services delivered by, the available sentencing options. As a result, the committee engaged in extensive work to carefully describe each option, including assessing, where possible, the risk and needs of the population and the specific program content and intervention approaches used, and documenting other factors such as program duration and cost. The committee then reviewed the research related to the effectiveness of each option, contrasted research findings with local practice, and identified concerns to be addressed. The committee also worked with a number of external experts to create a construct for matching programs to offenders.

RESULTS

This work culminated in the development of a comprehensive [sentencing guide](#). The effort was a critical part of aligning Mesa County's array of dispositional options with evidence-based practices. The guide relates sentencing options to risk reduction; it does not attempt to address the other legitimate purposes of sentencing such as punishment, deterrence, and protection of the public. It describes all local sentencing options, including financial penalties, unsupervised probation, diversion, deferred judgment, in-home detention, day reporting, probation, work release, community corrections, jail, and prison. The guide identifies the primary purpose of each option (accountability/monitoring, behavior change with accountability and monitoring, incapacitation, and alternatives to incapacitation), the risk level ideally served by the option, each option's capacity to address criminogenic needs, and per day cost. The guide also reports programmatic data, including successful completion rates, escape/abscond rates, safety rates (defined as no arrests during the program period), and recidivism rates (defined as new charge filings within one year of program discharge).

The sentencing guide has improved awareness among justice stakeholders of the purpose and design of the various sentencing options available in Mesa County. Since its data is updated annually, it is particularly useful to stakeholders' efforts to understand programs, target populations, and outcomes.

MOVING FORWARD

Mesa County officials continue to promote EBDM and share their experiences with their in-state colleagues. For example, Mesa County officials have conducted trainings for judges and defense lawyers on smarter sentencing and pretrial justice decision making.

Locally, they continue to collect data and meet annually to review this data and make adjustments to various policies and practices. They are currently in the process of revising the bond guidelines for the second time and intend to release a new version of the sentencing guide to include more specific data about the risk levels of the client population placed in various programs. An updated guide containing these results is expected to be released within the first quarter of 2017.

While there are continued efforts to use both the bond guidelines and the sentencing guide as data-driven decision making tools, county officials indicate an ongoing need to expand their analyses, with a particular interest in understanding the outcomes of the unsupervised pretrial population.

CHAPTER 6

Milwaukee County, Wisconsin

Milwaukee County is the largest of Wisconsin's counties. Its county seat is the city of Milwaukee. The county has a population of 957,735 (2015 U.S. Census Bureau). Its racial makeup is 65% white, 27% black or African American, and 14% Hispanic or Latino of any race (2015 U.S. Census Bureau). The median household income is \$43,873, and 22.0% of the population live at or below the poverty line (2015 U.S. Census Bureau).

In calendar year 2015, 5,630 felony and 4,485 misdemeanor complaints were filed, in addition to 2,566 criminal traffic cases. The circuit court is composed of 47 nonpartisan circuit court judges elected by voters, 14 of whom handle felony cases and 7 of whom handle misdemeanors (Wisconsin Court System, 2016). The elected district attorney has approximately 125 assistants, while approximately 60 public defense attorneys handle adult criminal matters and 25 public defense attorneys handle juvenile, Children in Need of Protection or Services (CHIPS), Termination of Parental Rights (TPR), and related cases under the auspices of the Wisconsin State Public Defender's Office. Jail bookings in calendar years 2008, 2011, and 2014 were 42,179, 40,043, and 33,515, respectively.

Profile of Milwaukee County's Justice System	2015
Jail and House of Correction Rated Capacity	3,500
Jail Bookings	33,370
Jail Average Daily Population	947
Felony Cases Filed	5,647
Misdemeanor Cases Filed	4,469
Probation Admissions	3,405
Adult Probation Population	7,150

Several years prior to their selection as an EBDM pilot site, Milwaukee County formed a Community Justice Council (CJC) to ensure that efforts to reduce crime, support victims, and hold offenders accountable were coordinated and collaborative. The council was formed by county board resolution and is comprised of 27 members representing state and local government, criminal justice, and social services. The council's focus on strategic planning and research to identify strategies to improve the justice system made the work of implementing the EBDM Framework a natural fit for the county.

MILWAUKEE COUNTY'S EBDM VISION, MISSION, AND TEAM

The Milwaukee County EBDM Policy Team was formed in 2010 as a subset of the executive committee of the Milwaukee County Community Justice Council. The team includes the following elected officials and stakeholders:

- the county executive;
- the sheriff;

- a county board member;
- the district attorney;
- the city mayor;
- the chief judge of Milwaukee County Circuit Court, First Judicial District;
- the city's chief of police;
- the State of Wisconsin first assistant public defender;
- the executive director of the Benedict Center;
- representatives from the Department of Corrections and the State Office of Justice Assistance;
- the United States Marshal of the Eastern District of Wisconsin (ex officio);
- the court's pretrial services coordinator;
- an inspector from the sheriff's office; and
- the presiding judge of the felony division of the Milwaukee County Circuit Court.

The Milwaukee County EBDM Policy Team's vision and mission statement reflects its commitment to public safety achieved through collaboration and the use of research to support decision making: "By applying what the evidence tells us about what actually works in protecting the community and holding offenders accountable, Milwaukee County's criminal justice system will make the smartest possible use of its limited resources, continuously improving its performance against quantifiable goals and reinvesting the savings in programs that reduce crime in the first place."

In Phases II and III of EBDM, the policy team was staffed by the coordinator of the Community Justice Council, a deputy district attorney, and a public defender. This was a strategic decision designed to ensure that the team's EBDM work was built upon a foundation of strong collaboration between prosecution and defense (among other parties).

MILWAUKEE COUNTY'S CHANGE TARGETS

The early activities of the Milwaukee County EBDM Policy Team focused on establishing a high functioning collaborative team and following the EBDM [Phase II planning roadmap](#). The roadmap assisted them with assessing their policies and practices at each of the EBDM decision points, determining the degree to which research evidence guided their decisions, and identifying strengths, challenges, and targets for future policy and practice change. Three of the areas that the team deemed to offer the greatest opportunity for improving risk and [harm reduction](#) outcomes were:

- developing a pretrial management process that would ensure that release/detention decisions of pretrial defendants were informed by current research;
- revising and expanding diversion and deferred prosecution (or "early intervention") options to avoid traditional case processing, where appropriate, and to maximize the opportunity to support and encourage prosocial attitudes and behaviors among those who become involved in the justice system while minimizing the potential negative consequences that accrue to an individual involved in the system; and

- developing and piloting a new approach to sentencing and probation supervision that allows probationers the opportunity to earn early termination from supervision by completing risk reducing interventions.

This case study offers a review of Milwaukee County's Phase II/III efforts as they relate to these three change targets. For more information on the full range of change targets developed, see Milwaukee County's [Phase III implementation plan](#).

WHAT THEY DID: EXPANDED PRETRIAL SCREENING; DEVELOPED A PRAXIS TO GUIDE PRETRIAL RELEASE DECISION MAKING

Making pretrial release and detention decisions without actuarial assessment information can have deleterious effects on both defendants and the general public. Releasing extremely high risk defendants without assessment or matched supervision can be a threat to public safety. At the same time, [recent research](#) has demonstrated that detaining low and moderate risk defendants in jail for even short periods of time (i.e., 2–3 days) can increase their risk for misconduct both short- and long-term. During Phase III of EBDM, Milwaukee officials took several important steps to ensure that pretrial release and detention decisions were informed by information about defendants and contextualized by these considerations.

First, in 2011 they validated and reconstructed their pretrial risk assessment tool (the Milwaukee County Pretrial Risk Assessment Instrument [MCPRAI]), which had been in use for several years. The resulting [MCPRAI-Revised](#) uses six predictors of pretrial outcomes, including cases filed, prior failures to appear, arrest while on bond, employment/caregiver status, residence, and substance abuse to determine an individual's risk for pretrial misconduct (i.e., failure to appear in court and new criminal activity). Second, they instituted a process for conducting pretrial screening of all detained bailable defendants ("universal screening"), comprising approximately 98% of Milwaukee County arrests. Third, they developed a decision making tool (the [Milwaukee County Pretrial Praxis](#), hereafter "the Praxis") to guide both release and supervision decisions. The Praxis is a decision making framework used to prescribe bond type, supervision level, and supervised conditions during the pretrial stage of the case. The Praxis ensures that bail decisions are based on the defendant's risk of committing a new crime and failure to appear, as well as his or her individual criminogenic needs. Fourth, to ensure broad support for changes, systemwide training was conducted over many months. (The initial

"ONE OF OUR MAIN PRIORITIES IS TO APPLY EVIDENCE-BASED DECISION MAKING TO PRETRIAL RELEASE AND DETENTION DETERMINATIONS. WHILE PUBLIC SAFETY IS ALWAYS OUR PRIMARY CONCERN, WE WANT TO ENSURE THAT WE ARE BEING GOOD STEWARDS OF PUBLIC FUNDS AND MAKING THE BEST USE OF LIMITED COMMUNITY RESOURCES. WE KNOW THAT RISK IS INHERENT IN ALL PRETRIAL RELEASE DECISIONS, SO WE WANT TO BASE OUR DETERMINATIONS MORE ON THE RISK POSED BY A PARTICULAR DEFENDANT RATHER THAN THE CHARGE HE IS FACING. WE HOPE TO MINIMIZE THE DISPARITY IN RELEASE DECISIONS FOR SIMILARLY SITUATED DEFENDANTS."

Jeffrey Kremers, Chief Judge, Milwaukee County

training event included 200 representatives from the court, district attorney's office, and public defender's office, among others; a subsequent event included 325 representatives from agencies throughout the justice system community; and smaller meetings were convened within the court and the district attorney and public defender's offices. These and other events served as venues to explore relevant research, discuss the changes underway in the county, and provide opportunities for stakeholder discussion and feedback.) Fifth, to confirm that the MCPRAI-R was predictive for the jurisdiction's population, a validation study was conducted in 2012 using data from approximately 3,500 individuals who had been booked into the Milwaukee County Jail on criminal charges. The results of the study indicated that the instrument was, in fact, accurately predicting pretrial failure.

In addition, in May 2012, the EBDM policy team conducted a survey of stakeholders (i.e., court officials, prosecutors, public defenders, and pretrial) to gauge their level of satisfaction with the use of the pretrial risk assessment instrument, the Praxis, and accompanying pretrial processes. Survey results were used to inform further training and to refine pretrial practices. The results and key findings of both the validation study and stakeholder survey were presented to all stakeholder groups in a day-long session in May 2013.

RESULTS

Highlights from the 2012 validation study and stakeholder survey include the following:

- 80% of survey respondents indicated that implementation of the MCPRAI-R provides stakeholders with better and more consistent information to make decisions on pretrial release. 67%–80% of respondents indicated they believe the MCPRAI-R accurately predicts the risk for pretrial failure and that the Praxis leads to sound decisions about release.
- Milwaukee County had a 75% pretrial release rate.
- Judicial officers adhered to the Praxis-recommended bail type and supervision in 78% of cases.
- 87% of pretrial felony and 84% of pretrial misdemeanor defendants had no new criminal activity during the pretrial period.
- 84% of pretrial felony and 62% of pretrial misdemeanor defendants appeared for all scheduled court dates.
- The MCPRAI-R was accurately predicting pretrial failure.
- There was a relatively high failure to appear rate for misdemeanor defendants who fell into Risk Level IV. (In order to improve outcomes for this group, recommendations were made and subsequently implemented to modify recommended conditions of release.)

More recent outcome data is lacking due to significant structural issues with Milwaukee's very antiquated pretrial information system. To remedy the ongoing data challenges, a new pretrial data and case management system has been constructed. The system will include much more robust data-reporting capabilities and is expected to be implemented in early 2017.

WHAT THEY DID: REDESIGNED AND EXPANDED DIVERSION AND DEFERRED PROSECUTION PROGRAMS

Dating back to March 2007, the Milwaukee County district attorney's office had worked in collaboration with the public defender's office to identify suitable defendants for diversion and deferred prosecution; approximately 117 defendants per year were provided the opportunity to avoid traditional case processing, criminal charges, and prosecution. However, as stated

Milwaukee County's "early intervention (EI)" strategy is a set of diversionary options designed to follow key research principles—primarily the risk and need principles—and reduce the time, cost, and collateral consequences associated with traditional processing in appropriate cases.

The goal of these EI programs is to reduce the long-term recidivism risk of individuals involved in the criminal justice system while at the same time ensuring public safety and the efficient allocation of limited criminal justice resources.

The programs seek to maximize the opportunity to support and encourage prosocial attitudes and behaviors among those who become involved in the justice system while minimizing the potential negative consequences that may accrue to an individual involved in the system, such as social stigma, exposure to higher risk offenders, and loss of prosocial supports (family, employment, educational activities, etc.).

in the words of one Milwaukee official during the course of EBDM discussions, "It was a very non-uniform process...A lot of these decisions were just gut-based." Identification of Diversion and Deferred Prosecution Agreement (DPA) cases was dependent upon the assigned assistant district attorney and/or defense attorney, and formal eligibility criteria and conditions associated with participation in each option had not been formulated. The system was not informed by risk in terms of selection criteria or by social science research in terms of program expectations. As a result, a key area of focus for Milwaukee's EBDM work included a redesign and expansion of diversion and deferred prosecution and the development of an "early intervention (EI)" strategy.

Under the EBDM initiative—and then continued with funding provided by a U.S Department of Justice, Bureau of Justice Assistance, Justice Reinvestment Initiative-Local (JRI) grant—Milwaukee officials developed a conceptual framework for the early intervention strategy and a [comprehensive document](#) articulating the policies, procedures, and protocols to support the strategy. The EI strategy includes:

- integrating a risk/needs assessment process for early intervention options into the universal screening approach applied to pretrial defendants;
- redefining the eligibility requirements for both the diversion and deferred prosecution tracks;
- tailoring the programmatic requirements of each track to the risk level of the target population, with a "minimum intervention" approach for the low risk diversion participants and a risk reduction approach for the moderate risk deferred prosecution participants; and
- creating a "Central Liaison Unit (CLU)" to provide case management and, for the moderate risk population, risk reduction interventions.

An important modification to their assessment process included adding the Level of Service Inventory-Revised Screening Version (LSI-R:SV) and, in some cases, the Level of Service Inventory-Revised, to the universal screening protocol. While these tools are not relevant to the pretrial release/detain decision, they do serve to identify potential eligibility for diversion and deferred prosecution eligibility. Given that diversion was established as a pre-charge option for low risk defendants, obtaining this information prior to charges being filed is critical.

Diversion and deferred prosecution eligibility and program requirements were established as follows:

- To be eligible for the diversion program, a defendant must be screened as low risk (an LSI-R: SV score of 0–2) and have pending charges for non-exclusionary crimes. Individuals who enter the diversion program must meet specific program expectations and remain crime-free for the term of the diversion (typically 6 months). Since participating defendants are assessed as low risk, conditions are focused on victim restoration (e.g., victim–offender mediation, letters of apology, restitution) and/or accountability (e.g., community service, educational programs or classes, referrals for school/job training) rather than risk reduction. The program is designed to encourage defendants to continue or pursue prosocial activities. Participants in the diversion program are required to have legal counsel and complete and sign a written [Diversion Agreement](#). If the defendant satisfactorily completes the terms of the agreement, charges are not filed by the district attorney. If the defendant does not satisfactorily complete the terms of the agreement, the district attorney issues the criminal charges and proceeds with formal prosecution.
- Individuals who are assessed as moderate risk (i.e., those who have an LSI-R:SV score greater than 2 and are then assessed as moderate on the LSI-R) and are charged with non-exclusionary crimes are eligible to enter into a [Deferred Prosecution Agreement \(DPA\)](#). The conditions of a DPA must address risk reduction (e.g., cognitive behavioral therapy [CBT], substance abuse/mental health treatment, anger management with a CBT component), although they may also include accountability and/or restoration strategies (e.g., drug testing, restitution, electronic monitoring/GPS). Conditions are focused on addressing the defendant's top 1–3 criminogenic needs, and over-conditioning is avoided. DPA participants are assessed and routinely monitored by case managers; progress/compliance reports are required initially at three months and subsequently at six-month intervals. Prosocial behaviors are intentionally encouraged and recognized. If there is noncompliance with program conditions, a written plan is put in place to address the noncompliance. DPA duration is based on risk and need, but is generally between 6 and 18 months. DPA participants are considered successful if they complete the requirements as agreed and remain crime-free during the period of monitoring under the DPA. If the individual satisfactorily completes the program, the formal charges are either dismissed or reduced. If the individual does not satisfactorily complete the deferred prosecution program, the individual is sentenced on the charge(s) as pled.

RESULTS

Through careful protocol development, Milwaukee County successfully re-engineered its approach to diversion and deferred prosecution in an effort to more closely align its services with evidence-based practices: decreasing the level of intervention with the low risk population while delivering, as early as possible, risk reduction services to the moderate risk. From 2007, when the first diversion and DPA programs were developed, to 2012, slightly more than 70% of participants successfully completed Diversion/DPA Agreements. An evaluation of data from March 2014 to June 2016 (the most current data available) demonstrates that the

EI strategy redesign both increased the number of defendants participating in these programs and improved their outcomes. Specifically, more than 1,100 individuals were served through these early intervention programs (808 through diversion and 331 through deferred prosecution) during the 15-month study period, the vast majority of whom completed their agreements successfully: 81% of diversion cases satisfied their agreement with no charges filed, and 77% of DPA cases had charges dismissed or reduced. Less than 3% of diversion participants and less than 8% of DPA participants had a new arrest during the agreement period. Finally, jail beds for this population were significantly reduced, with 24,891 jail days saved as a result of the diversion program and 16,835 saved as a result of the DPA program (calculations based upon the recommended sentence by the state at the time the agreement is entered). For more information, see the report [Milwaukee County, Wisconsin, Early Intervention Strategy: A Case Study in Evidence-Based Diversionary Practices](#).

WHAT THEY DID: DEVELOPED A RESEARCH-BASED APPROACH TO SENTENCING AND PROBATION

During their Phase II work, in concert with their EBDM TA provider, the Milwaukee County EBDM Policy Team conceived of a new model of sentencing and probation called “[Dosage Probation](#).” The model is designed to more closely align probation sentencing practices with risk reduction research; its ultimate goal is to improve offender outcomes (i.e., recidivism reduction). The key elements of the model include incentivizing offenders’ engagement in risk reducing activities, ensuring offenders receive interventions and services that have been demonstrated effective in reducing recidivism, and providing the opportunity for early termination from supervision when risk reduction goals (i.e., dosage targets, based upon risk level) have been met.

One of the first planning activities included developing a [logic model](#) to identify key activities and anticipated outputs and outcomes for the project. The team also came to agreement on the dosage probation process, including eligibility criteria and how offenders are assigned to the dosage probation unit. Other key steps included developing intervention tools to support dosage probation (e.g., behavior response guidelines, staff behavioral checklist, offender behavioral checklist) and developing and conducting training and coaching activities for the dosage probation officers (i.e., “the four core competencies,” Motivational Interviewing, use of risk reduction tools and worksheets).

RESULTS

Following the initial implementation of the dosage model, it was expanded to a second probation unit in Milwaukee. In addition, NIC has funded a pilot project to test the model in two jurisdictions outside of Wisconsin; a research study to demonstrate the efficacy of the model may be funded in the future. In Phase VI of their EBDM work, the Wisconsin State EBDM Policy Team is considering the potential of expansion of this model to other probation units in the state.

MILWAUKEE COUNTY DOSAGE PROBATION PILOT

The project seeks to:

- lower recidivism among the target population;
- reduce the average length of supervision for those who successfully complete supervision; and
- achieve system alignment by aligning sentences with risk/needs assessment information, supervision practices with risk reduction-focused sentencing, community-based treatment options with criminogenic needs, and incentives with the achievement of risk reduction goals.

Short-Term Goals:

- Reduce new charge arrests, technical violations, and revocations
- Shorten the time that individuals are on probation

Long-Term Goals:

- Cut costs of probation by 15%
- Reduce probation recidivism by 15%

For more information, visit <http://milwaukee.gov/cjc/CJCommunityInitiatives/Dosage-Probation.htm>.

MOVING FORWARD

In 2015, Milwaukee County decided to take another step to improve its pretrial justice system by seeking to become an implementation site for the Laura and John Arnold Foundation's Public Safety Assessment. Milwaukee County was ultimately selected, and after approximately one year of technical assistance, full implementation occurred in June 2016. This work also included development of a new pretrial decision-making framework. The decision to change from the MCPRAI-R to the PSA was based on the robust research and data behind the development of the PSA. In addition, the PSA does not use risk factors such as employment, residence, and substance abuse that could lead to disparities. This change marks an ongoing commitment by Milwaukee County justice system stakeholders to continuous system improvement by implementing the most current, evidence-based risk assessment instrument available.

In 2016, Milwaukee County was selected to receive \$2 million from the John D. and Catherine T. MacArthur Foundation as a participant in the *Safety + Justice Challenge*. Their efforts build on previous EBDM and JRI reform efforts and aim to reduce the length of jail stays for low level nonviolent misdemeanants, divert individuals with mental health and substance abuse issues, and provide more trauma-informed response options to professionals and community members.

As Wisconsin advances its EBDM efforts through Phase VI, Milwaukee County representatives continue their contribution to the [Wisconsin State EBDM Policy Team's](#) efforts and, at the same time, will continue to meet to advance local strategies to improve performance and reduce harm in their local community.

CHAPTER 7

Ramsey County, Minnesota

Ramsey County, Minnesota, has a population of 538,133 (2015 U.S. Census Bureau). Its county seat is Saint Paul, which is also Minnesota's state capital. Its racial makeup is 69.3% white, 11.9% black or African American, 14.4 Asian, and 7.4% Hispanic or Latino of any race (2015 U.S. Census Bureau). The median household income is \$56,104, and 15.1% of the population lives at or below the poverty line (2015 U.S. Census Bureau).

Ramsey County has more than a dozen law enforcement agencies, including the Ramsey County Sheriff's Office (Minnesota's first law enforcement agency) and Saint Paul Police Department. The Saint Paul Police Department, the county's largest law enforcement agency, averages about 247,000 calls for service a year (City of Saint Paul Police Crime Report 2015). The Ramsey County Sheriff's Office runs the Adult Detention Center (ADC), a 500-bed facility that houses pretrial defendants and probation and parole violators. The sheriff's office is also responsible for providing court services (court security, warrants, civil process, gun permits, and summons bookings), protecting the county's waterways, and delivering community services. Ramsey County is a Community Corrections Act county; as such, the county is administratively responsible for providing misdemeanor and felony probation and parole supervision and correctional services. The community corrections department is responsible for operating the Ramsey County Correctional Facility, a 556-bed post-conviction institution, housing inmates serving sentences of one year or less.

The county attorney and the county sheriff are elected every four years, while judges are elected every six years. Appointed criminal justice leaders include the director of community corrections, the chief public defender, city attorneys, and city chiefs of police.

Profile of Ramsey County's Justice System	2015
Adult Detention Center Bookings (Pretrial)	21,057
Adult Detention Center Daily Population	359
County Correctional Facility Bookings (Post-Conviction)	4,109
County Correctional Facility Daily Population	347
Felony Cases Filed	2,994
Misdemeanor Cases Filed	15,486
Adult Community Corrections Admissions	5,917
Adult Community Corrections Population Served	19,282

Ramsey County's past experiences working on successful interagency initiatives, such as the Juvenile Detention Alternatives Initiative (JDAI) and the St. Paul Blueprint for Safety, led to its selection as a pilot site.

RAMSEY COUNTY'S EBDM VISION, MISSION, AND TEAM

As an EBDM pilot site, Ramsey County's criminal justice leaders agreed and to work together to address broad systemic policy issues. The Ramsey County EBDM Policy Team included the following stakeholders:

- the county sheriff;
- the county attorney;
- a county commissioner;
- the chief judge of the Second Judicial District Court;
- the county community corrections director;
- the chief of the Saint Paul Police Department;
- the chief public defender of the Second Judicial District Court;
- the city attorney for the City of Saint Paul;
- the county pretrial services executive director;
- the county chief deputy sheriff;
- the first assistant county attorney;
- a deputy city attorney for the City of Saint Paul;
- the executive director of the state Office of Justice Programs; and
- representatives from victim services organizations.

Ramsey County's vision for the EBDM initiative is: "One less crime. One less victim. One less offender. A strategy for safer communities."

RAMSEY COUNTY'S CHANGE TARGETS

As the Ramsey County Policy Team worked through the EBDM [Phase II planning roadmap](#), they assessed their policies and practices at each of the EBDM decision points through a system-wide mapping exercise and considered the degree to which their decisions were informed by research. The result was the identification of a number of strengths, challenges, and targets for policy and practice change. The team created work groups to focus on three substantive areas: arrest and law enforcement, pretrial diversion, and pleas and sentencing. The individual work groups developed logic models and implementation plans, and advanced recommendations for policy and practice change to the EBDM policy team. Two of the efforts prioritized by

"THE POLICY REVIEW, SYSTEM MAPPING, AND DATA ANALYSIS EXERCISES REQUIRED AS PART OF THIS INITIATIVE WERE VALUABLE. EACH EXERCISE SERVED TO FOSTER TEAMWORK AND COLLABORATION. THROUGH THESE ASSESSMENTS, WE WERE ABLE TO IDENTIFY AREAS FOR IMPROVEMENT AND ESTABLISH PERFORMANCE METRICS TO ENSURE OUTCOMES WERE CONSISTENT WITH COMMUNITY VALUES."

Kyle Mestad, Director of Planning & Policy, Ramsey County Sheriff's Office

the policy team in support of achieving their [harm reduction goals](#) are the focus of this case study:

- expanding eligibility for a misdemeanor diversion program; and
- developing structured responses to pretrial violations.

WHAT THEY DID: EXPANDED ELIGIBILITY CRITERIA FOR DIVERSION

Through the system mapping process, the Ramsey County EBDM Policy Team became aware that, despite the availability of diversion options post-arraignment, there were limited options prior to arraignment. It was determined that affording selected defendants an alternative to prosecution could produce several benefits, including reducing the collateral consequences of conviction while still holding defendants accountable and potentially reducing the number of court hearings.

Through NIC-supported technical assistance, Ramsey County conducted a study to validate the Proxy tool on the local population and to determine who might be appropriate for diversion ([Tammy Meredith, 2014](#)). A random sample of 200 misdemeanants processed through the city court in 2008 who were subsequently rearrested during a three-year follow-up period were identified. The study revealed that individual items on the tool varied in their correlation to recidivism within the local lower level misdemeanor population. For instance, the study revealed that the data element “current age” was not significantly correlated to recidivism among the local population. And while the element “age at first arrest” did correlate, the number of prior adult arrests was the most predictive factor for Ramsey County low level misdemeanor cases.

The results from the study provided helpful information for redefining eligibility for the St. Paul misdemeanor diversion program and, as a result, the city attorney and local pretrial agency, Project Remand, adjusted the program’s eligibility criteria. The revised criteria of two convictions or less in a lifetime represented a significant change in policy; previously, only defendants with no prior record were eligible for diversion.

To further align the diversion program with the risk principle, the number (and type) of requirements placed on diversion participants was reduced. Finally, to allow for swifter processing, diversion cases were removed from heavy arraignment calendars and placed on a special administrative calendar.

In March 2015, the St. Paul City Attorney’s Office (SPCAO) Criminal Division launched its new diversion program for misdemeanor and gross misdemeanor criminal cases. Under the new program, the city attorney can recommend diversion for defendants with no more than two nonviolent convictions. Qualifying offenses include criminal trespass, criminal damage to property, theft, visiting a disorderly house, and operating a disorderly house. On a case by case basis, other offenses are accepted for diversion. If the defendant agrees to participate, he or she does not enter a guilty plea and is required to complete certain conditions, such as community work service or educational programs, within a specific period of time. If the defendant successfully complies, the criminal case is dismissed. Failure to comply results in traditional prosecution of the case.

The diversion program is well-supported by local justice partners, including the Ramsey County District Court judges, Project Remand, and the public defender's office.

RESULTS

Since March 2015, the city attorney's office has referred 889 cases to the diversion program; 377 of referred defendants accepted the diversion offer. The majority (78%) of defendants who accepted the offer of diversion successfully completed all conditions.

WHAT THEY DID: DEVELOPED STRUCTURED RESPONSES TO PRETRIAL VIOLATIONS

Data analysis during Ramsey County's Phase II work revealed a high volume of active warrants. A close examination revealed a total of 12,000 warrants issued in CY 2011, a practice that was determined to be a customary first response to failure to appear, probation violation, and new criminal charges for pretrial defendants and post-conviction offenders. Out of concern for the sheer volume of warrants—as well as their impact on law enforcement and court case processing—the team agreed to a pilot project that would explore alternatives to conditional release violations. Following a similar effort implemented for probation violators, the team formed a subcommittee of representatives from pretrial, defense, prosecution, and community corrections. The group defined the range of pretrial violation behaviors, scaled them by severity level, and identified available responses. They developed a [pretrial violation response worksheet](#) to guide pretrial case manager decision making. A [pretrial condition violation behavior chart](#) was also developed to assist case managers in determining the level of seriousness of the violation behavior as follows:

- Low: Client demonstrates a lapse in judgment.
- Medium: Client demonstrates a lack of motivation to comply with expectations.
- High: Client demonstrates either ongoing violations or willful disregard for complying, such as a new arrest for a serious charge.

"AS A RESULT OF [OUR WORK DEVELOPING STRUCTURED RESPONSES TO PRETRIAL VIOLATIONS], I AM CONFIDENT THAT THE PRETRIAL AGENTS ARE RESPONDING APPROPRIATELY TO EVERY VIOLATION AND IN ACCORDANCE WITH THE RESEARCH THAT CALLS FOR A MEASURED RESPONSE THAT TAKES INTO ACCOUNT BOTH THE RISK LEVEL OF THE DEFENDANT AND THE SERIOUSNESS OF THE VIOLATION."

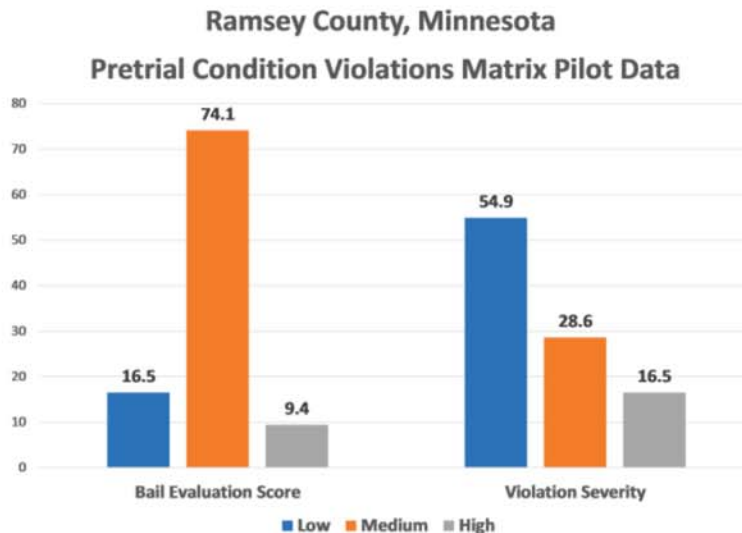
Mary Pat Maher, Executive Director, Project Remand

Case managers use the bail evaluation score, in combination with the violation severity, to determine a presumptive response level (i.e., low, medium, or high) using a prescribed set of [pretrial violation responses](#). If the case manager recommends a response outside of the presumptive level, the reasons for requesting a departure are documented through the identification of aggravating or mitigating factors; supervisors must review and approve departures.

RESULTS

In February 2013, Ramsey County began a study of its Pretrial Conditions Violations Matrix pilot project. Analyses of 8 months of data identified 255 violation cases and revealed that the

majority of violations were committed by medium risk defendants (74.1%) and that more than half of the violations were low severity violations (54.9%).



Source: Pretrial Conditional Release Violations Report, November, 2013

The most common violation behaviors included failure to call in at the assigned time (27.6%), failure to report on time for urinalysis or breathalyzers (17.5%), and repeated failures to comply with a reporting or contact condition (17.5%). In 9.2% of the cases, the violation was for new arrests resulting in new charges (excluding nonviolent misdemeanor or traffic/alcohol-related driving arrests).

The recommended response levels to these behaviors were: 1.6% high, 30.2% medium, and 53.7% low. The most common responses included verbal warning (35.2%), report for urinalysis or breathalyzer immediately (14.0%), and report in person (10.6%). Override requests were made in 25 cases (9.8% of the time).

Following the pilot, it was determined that violation worksheets would only be completed for medium and high severity cases. That practice continues today, as does the use of the pretrial violation matrix.

MOVING FORWARD

Through the EBDM process, members of the Ramsey County Policy Team recognized the importance of meeting regularly to discuss criminal justice system issues and practices. They also agreed to the importance of information and data to support problem

"THE PRINCIPLES ESTABLISHED DURING OUR EBDM JOURNEY CREATED AN ONGOING MUTUAL COMMITMENT TO CONTINUOUSLY IMPROVE OUR JUSTICE SYSTEM. SPECIFICALLY, WE FOUNDED THE CRIMINAL JUSTICE COORDINATING COUNCIL (CJCC) AND HARNESSED THE MOMENTUM CREATED THROUGH EBDM. AS A RESULT, WE ARE CONTINUING TO IMPROVE OUR SHORT-TERM AND LONG-TERM CRIMINAL JUSTICE OUTCOMES."

Matt Bostrom, Ramsey County Sheriff and First Chair of the CJCC

solving and effective decision making. Using the EBDM policy team as a foundation, the county's criminal justice leaders formed a [Criminal Justice Coordinating Council](#) (CJCC); its membership includes multidisciplinary leadership from across the justice system. It serves as a permanent decision making body officially sanctioned by the Board of Commissioners and the Second Judicial District. The CJCC meets regularly. In 2015, [priorities for the CJCC](#) included reducing the number of active warrants in the county (including holding a [Warrant Resolution Day](#)), enhancing performance measures, improving data integration across the county's justice agencies, and improving communication and community engagement.

CHAPTER 8

Yamhill County, Oregon

Yamhill County, Oregon, encompasses 718 square miles and is home to more than 102,000 residents (2015 U.S. Census Bureau). It is approximately 40 miles southwest of the heart of Portland. The county's population is 90.9% white, 15.9% Hispanic or Latino, 2.0% American Indian or Alaskan native, and 1.1% black or African American (2015 U.S. Census Bureau). The median household income is \$53,864 (2015 U.S. Census Bureau). Just over 15% of the population lives below the poverty level (2015 U.S. Census Bureau).

The Yamhill County Jail can house 259 inmates but most often operates well under capacity, with an average daily population typically under 200. Yamhill County Department of Community Justice supervises just over 1,000 adult offenders on misdemeanor and felony probation, and on post-prison supervision. The county also has a Day Management Center, where medium and high risk Community Justice clients receive employment support services.

Yamhill County has four circuit court judges who operate problem solving courts, including an adult drug court, a mental health court (Court Coordinated Services), a restitution court, and a family drug court (Women's Recovery Court).

Profile of Yamhill County's Justice System	2015
Jail Rated Capacity	259
Jail Bookings (monthly average)	374
Jail Releases (monthly average)	380
Jail Average Daily Population	194
Felony Court Filings	685
Probation Admissions	274
Adult Probation Population	665
Community Corrections Admissions	733
Community Corrections Population	1,040

Prior to joining the EBDM initiative, Yamhill County benefitted from an active Local Public Safety Coordinating Council (LPSCC) composed of county leadership, justice system stakeholders, other county service agencies, and citizens. The multidisciplinary council and its associated policy team advise and make critical decisions on local public safety concerns. Another committee works in parallel to address concerns regarding the delivery of mental health and chemical dependency services, and to identify alternatives to incarceration for those suffering from mental illness.

Yamhill County's interest in the EBDM initiative was fueled by their commitment to policy improvement through data-driven approaches and concerns about rapid population growth in the face of diminishing resources. County leadership identified EBDM as an opportunity to advance criminal justice policy and practice using a research-informed approach. In selecting Yamhill County to serve as an EBDM pilot site, NIC acknowledged the collaborative history

among key stakeholders and their previous efforts to use data-driven management strategies to improve local justice system practices.

YAMHILL COUNTY'S EBDM VISION, MISSION, AND TEAM

The vision of the Yamhill County EBDM Policy Team is “a safer community where professionals work together utilizing data, research, and evidence-based practices in the criminal justice system.” Their mission speaks to the team’s steadfast commitment to **harm reduction**: “Yamhill County will experience enhanced public safety, a reduction in the number of victims, greater offender accountability, and a reduced threat of harm through the appropriate application of proven practices at all phases of the criminal justice process.” The team is comprised of:

- the presiding judge;
- a county commissioner;
- the district attorney;
- the sheriff;
- a defense attorney;
- a victim advocate;
- the director of Yamhill County Health and Human Services; and
- the director of community corrections.

YAMHILL COUNTY'S CHANGE TARGETS

The Yamhill County EBDM Policy Team, with assistance from their EBDM TA provider, started along the **Phase II planning roadmap** to assess the degree to which research evidence guided their decisions, and to identify strengths, challenges, and targets for future policy and practice. The team engaged in a comprehensive analysis and system mapping of the local justice system from arrest to discharge. As a result of this process, the team created work groups to focus on four areas: pretrial decision making, sentencing, correctional treatment programming, and policies and services for individuals with special needs. The policy team developed logic models and implementation strategies for each change target in Phase II; in Phase III, they put their implementation strategies in place. (For more information on these change targets, see Yamhill County’s **Phase III implementation plan**.) This case study offers a summary of Yamhill County’s work in two areas:

- implementation of an evidence-based pretrial justice system; and
- establishment of a “case analysis” process to inform sentencing decisions.

WHAT THEY DID: IMPLEMENTED AN EVIDENCE-BASED PRETRIAL JUSTICE SYSTEM

An analysis of the Yamhill County jail during Phase II of EBDM revealed that 56% of the detained pretrial population fell into the low risk category. Although pretrial defendants were assessed, the county had not been using a validated instrument, nor was a formal structure for pretrial

supervision in place. Following a review of the pretrial literature and practice examples from other jurisdictions, the team designed an evidence-based [pretrial release and supervision program](#).

Following a review of available pretrial assessment tools, the EBDM pretrial work group selected the Virginia Pre-Trial Risk Assessment Instrument (VPRAI). The county's pretrial release officer and jail booking officers received training on the VPRAI; other key stakeholders (judges, defense bar, and prosecutors) were briefed on the tool as well. To support its use, the team finalized [policies and procedures](#), developed agency-specific release guidelines, and designed risk-based pretrial supervision levels. Pilot implementation of the VPRAI began in November 2012.

As Yamhill was gearing up to pilot the VPRAI, the state of Oregon released the Oregon Public Safety Checklist (PSC)—a fully automated actuarial assessment of risk developed and normed on a large sample of justice-involved persons in the state. The Yamhill County EBDM Policy Team decided to pilot and collect data on both the VPRAI and the PSC simultaneously to determine which was more predictive of pretrial misconduct for their population.

As a result of the pilot and data collection effort, Yamhill found that the PSC, while not intended to serve as a pretrial tool, was a better predictor of pretrial outcomes among their local population across all risk levels. The PSC also offered a practical utility: administration of the tool does not require an interview, contributing to its ease of use, particularly by jail booking officers. The policy team agreed to adopt the PSC as their pretrial risk assessment tool but retained the VPRAI as a secondary tool when a PSC score was not available (e.g., lack of an assigned defendant state identification number; extensive out-of-state criminal history).

Yamhill County's pretrial efforts culminated in the development of a formal pretrial assessment process informed by a tool validated on the local population. Under the [new program, guidelines](#) were established to enable the sheriff's jail deputies to identify and release some detainees at jail booking. Considerations include, among others, the severity of the criminal charge and the defendant's PSC risk score.

For those not eligible for release at jail booking, the county's pretrial services officer (PSO) conducts a full pretrial investigation. Once completed, the PSO uses the policy team-developed [pretrial release risk matrix](#) to formulate a release and supervision recommendation, which is documented in a [pretrial release recommendation report](#) and provided to the court at arraignment.

In addition to implementing the pretrial assessment, Yamhill County's enhanced pretrial release process included the development of a "second look" process. Defendants who remain in pretrial detention are reviewed 5–10 days following arraignment to determine if pretrial release is possible.

Finally, Yamhill implemented an automated court date notification system in an effort to maximize court appearance rates. Data reflects that a large majority of pretrial defendants are receiving delivered court notifications: of 1,341 notices sent in the first quarter of 2016, 81% were deemed successful in message delivery.

RESULTS

Analysis of local data reveals several findings of import. First, data from the first quarter of 2016 reflects a high concurrence rate (89%) between the PSO's recommendations and the court's decisions at arraignment. Second, the pretrial jail population has been reduced by approximately 18% (the average daily pretrial population was 45% pre-program, compared to 37% post-program). Finally, FTA rates have been positively impacted: the 2015 FTA rate was 17% compared to 4% for the first three quarters of 2016.³

WHAT THEY DID: CONDUCTED A CASE ANALYSIS PROCESS TO INFORM SENTENCING

The Yamhill County Department of Community Justice (formerly, Yamhill County Community Corrections) had long been using risk assessment data for supervision purposes prior to participating in EBDM. At the same time, local practice was to hand down sentence conditions based upon crime type rather than criminogenic

factors. Through their Phase II work, the stakeholder team gained an appreciation for the value of needs assessment information and concluded that its availability at sentencing would result in conditions that were better matched to needs. As a result, the team developed a "case analysis process" to provide information to all parties (court, prosecution, defense) following conviction but prior to sentencing. The process resulted in the referral of felony presumptive community supervision cases to probation for screening using the PSC. Those assessed as medium risk or above were administered the Level of Service/Case Management Inventory (LS/CMI). Risk/need assessment results, as well as additional specialized assessments (e.g., sex offenders, domestic violence, motivation), were conducted as appropriate and their results were captured on a [Case Analysis Report](#).

In 2013, in response to the passage of [HB 3194](#), the case analysis process was modified to provide prosecutors, defense attorneys, and judges with risk/needs information for nonviolent presumptive prison cases. The Case Analysis Report became the [Defendant Analysis Report \(DAR\)](#); it is prepared prior to sentencing to help identify individuals who could be safely managed in the community. (With the implementation of the DAR, the older case analysis process was discontinued due to insufficient resources for both. However, Yamhill County hopes to reinstitute the process to better match appropriate probation conditions with risk and needs factors.)

"IN MY NEARLY 40 YEARS WORKING IN THE CRIMINAL JUSTICE SYSTEM, I HAVE OBSERVED MANY CHANGES. THREE STAND OUT: THE INCREASED ROLE AND RESPECT PAID TO VICTIMS OF CRIME, THE INCREASED EFFECTIVENESS OF INTERVENTIONS FOR THE WELFARE OF CHILDREN IN JUVENILE COURT, AND THE IMPLEMENTATION OF EVIDENCE-BASED 'SMART SENTENCING' AND OTHER EVIDENCE-BASED DECISION MAKING THROUGHOUT THE PROCESS. I BELIEVE THE TIME HAS NEVER BEEN RIPER FOR ADVANCEMENT OF EBDM THAN NOW, WHEN WE FACE A CRITICAL NEED FOR GREATER EFFECTIVENESS AND COST REDUCTION."

Presiding Judge John Collins, Yamhill County, Oregon

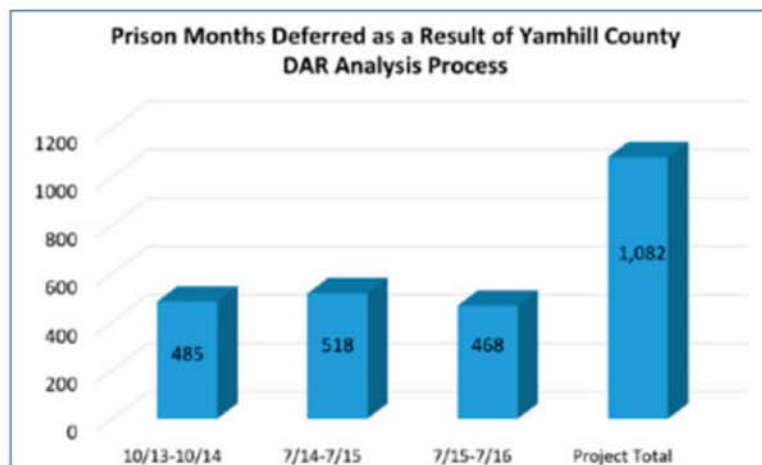
³ Data on pretrial misconduct (technical violations and new crime) were not available at the time of this writing.

Under the current DAR process, eligible defendants are referred to probation for assessment following arraignment on an indictment. A validated assessment instrument (LS/CMI for males, the Women's Risk Needs Assessment for females) is used to assess risk along with other assessments (e.g., substance use, mental health, motivation) as needed. Gender-specific responsivity factors and strengths/protective factors are assessed as well. The process includes a detailed defendant interview which takes about three hours to complete. The officer completing the DAR provides a recommendation regarding suitability for community supervision (no recommendation regarding sentence length is made); the results are shared with stakeholders prior to sentencing.

RESULTS

Yamhill County has analyzed the impact of the DAR process in terms of the court's concurrence rate with probation's recommendations and its impact on prison admissions. Their findings are as follows:

- In early 2016, approximately 65% of the DAR assessments resulted in a recommendation of probation; the court's concurrence rate with these recommendations was 67%. The remaining 35% of cases were not recommended for probation; the court concurred with these recommendations at the rate of 100%. Overall, this represents an 80% concurrence rate between probation's recommendations and the court's sentencing decision.
- As of April 2015, Yamhill saw an 11% reduction in prison use, exceeding their target of 6% ([Oregon Justice Reinvestment Summit Presentation, April 6, 2015](#)). Between October 2013 and July 2016, Yamhill County calculated that the DAR process resulted in a total savings of over 1,000 prison months.



- In an analysis of a sample of 49 DAR cases that the court decided to place on probation per the DAR recommendation instead of send to prison per Oregon State Sentencing Guidelines, only 4 (8.2%) were revoked due to technical violations and no cases were revoked as a result of new crimes.

MOVING FORWARD

Yamhill County's EBDM efforts have led to several significant developments:

- The county was accepted into the Bureau of Justice Assistance's Justice Reinvestment Initiative-Local (JRI) in 2011. The county's participation in JRI has provided further support for the pretrial program. In July 2013, Oregon implemented their statewide Justice Reinvestment Initiative, which brought financial resources to Yamhill County to fund an automated data system and the hiring of two additional PSOs. The automated pretrial case management system, Pretrial Justice Information System (PJIS), went live in August 2016; it allows pretrial stakeholders remote access to real-time data about pretrial defendants and significant analytic and reporting features for purposes of continued performance measurement.
- Since the implementation of their pretrial program, Yamhill has received numerous requests from colleague counties for additional information. This resulted in the convening of a one-day "Pretrial Summit" in June 2016, which was attended by representatives from 15 counties, the state Criminal Justice Commission, and the State Judicial Department, and it has led to a statewide focus on pretrial reform through the governor's Public Safety Task Force.
- Interest in Yamhill's DAR process has led to its replication in nine additional Oregon counties.

CHAPTER 9

Pilot Results

As a result of their participation in EBDM, the pilot sites from Phases II and III of the initiative have all benefited from the more consistent application of evidence-based decision making across multiple agencies and stakeholders. They have sustained multidisciplinary collaborative teams over the course of three years (or more) and have removed structural barriers that are common inhibitors to complex, cross-system policy development. As highlighted in the earlier chapters, some of the areas in which EBDM sites made policy and practice changes to align their activities with research included:

- using a proxy tool at the cite/release, booking, charging, and/or plea negotiation stages;
- implementing objective risk/needs tools at pretrial;
- conducting universal screening of pretrial defendants;
- developing a praxis to guide pretrial release conditions;
- expanding or implementing diversion and/or deferred prosecution/early intervention programs;
- increasing the use of risk/need information at sentencing;
- aligning specialty courts with evidence-based research;
- increasing the use of evidence-based programming in jails and community settings;
- establishing Preferred Provider Networks; and
- developing evidence-based responses to pretrial and post-conviction supervision.

In September 2010, NIC selected the Urban Institute to evaluate the quality, relevance, and content of the technical assistance provided during Phase II of the EBDM initiative. Results indicate that the TA enhanced site capacity in critical areas, including:

- strengthened collaboration;
- increased EBDM and system knowledge;
- increased support for EBDM principles and practices;
- identification of change targets; and
- facilitation of strategic planning.

Furthermore, EBDM pilot site stakeholders generally rated the TA positively, giving it high marks on relevance, quality, responsiveness, and utility. The assistance of the sites' TA providers was noted as the most essential component of Phase II.

For more information on the Urban Institute's report, visit the [NIC Evaluation Brief](#).

CHAPTER 10

Following the Pilot

Starting in 2013, NIC shifted its focus to expanding the use of the [EBDM Framework](#) beyond single, local jurisdictions. The goal of Phase IV of the EBDM initiative was to equip and build capacity within interested, participating EBDM states to expand their EBDM efforts to include additional local jurisdictions and state-level colleagues. In Phase IV, NIC and its EBDM partners worked closely with state-level planning teams in five states—Colorado, Indiana, Oregon, Virginia, and Wisconsin. These teams conducted exploratory analyses of their policies, practices, and capacity to collect and analyze data; took steps to gauge the level of interest in and understanding of EBDM across their respective states; and conducted EBDM awareness-building activities. As a result of these activities, each state-level planning team identified a strategic alignment of state and local partners to support the advancement of EBDM within their state.

In November 2014, Indiana, Virginia, and Wisconsin were selected, on a competitive basis, to work in partnership with NIC on Phase V of the initiative. The goal of Phase V was to advance criminal justice system outcomes throughout communities in their states. As in the previous phases, jurisdictions received technical assistance from NIC and its partners to conduct a series of planning activities, with the goal of implementing systemwide change strategies to align local and state jurisdictions with one another and with the principles of EBDM. The following 21 teams participated in Phase V of the EBDM initiative:

- Indiana: State EBDM policy team, Bartholomew County, Hamilton County, Hendricks County, Jefferson County, Porter County, Tipton County.
- Virginia: State EBDM policy team, Chesterfield/Colonial Heights, Norfolk, Petersburg, Prince William County/Manassas/Manassas Park, Richmond, Staunton/Augusta County/Waynesboro.
- Wisconsin: State EBDM policy team, Chippewa County, La Crosse County, Marathon County, Outagamie County, Rock County, Waukesha County.

In September 2016, NIC announced that it would continue to provide some level of support to each of the three states as they move to Phase VI and implement their action plans in accordance with the Phase VI roadmap. In Indiana, NIC technical assistance will include a special focus on developing a high functioning pretrial justice system at the state and local levels.

ILLUSTRATIONS OF PILOT SITES' CONTRIBUTIONS TO STATEWIDE EBDM EFFORTS

An important step on the EBDM Phase III roadmap is sharing information about the benefits of the EBDM approach with in-state colleagues. The following highlights some of the ways EBDM pilot sites engaged their colleagues and catalyzed expansion of EBDM to additional counties within their states, and at the state level.

- EBDM team members from Eau Claire and Milwaukee counties laid the groundwork for EBDM expansion in Wisconsin in a variety of ways. For example, representatives from Eau Claire County have presented on EBDM to 45 of Wisconsin's 72 counties in various forums. Representatives from Milwaukee County have hosted numerous colleagues interested in learning from their EBDM experiences. Both Wisconsin pilot sites played a critical role in Wisconsin's participation in Phase IV, and ultimately the expansion of EBDM in the state through Phase V. They also serve as members of the Wisconsin State EBDM Phase V and VI Policy Team and on the state team's work groups.
 - The interest of Grant County, Indiana, in a data dashboard led to their engagement with the Indiana Supreme Court's Office of Technology for assistance with its development. Using Grant County's dashboard as a prototype, the Supreme Court has since implemented a version for all Indiana judges to help them manage case processing times for civil and criminal cases. Similarly, identification of concerns by Grant County team members with pretrial assessment resulted in a dialogue between local officials and state-level partners, particularly the Indiana Supreme Court which, in December 2013, established a committee (which includes Grant County representatives) tasked with exploring the need for and avenues to improve pretrial practices in Indiana. Grant County's involvement in EBDM led to the state's participation in Phase IV, the formation of the Indiana State EBDM Policy Team, and the expansion of EBDM to six additional counties in Indiana in Phase V. Indiana's Phase VI EBDM work will focus in large part on statewide pretrial reform.
 - EBDM policy team members from Charlottesville/Albemarle County, Virginia, provided multiple presentations on EBDM to state officials and other local stakeholders and at professional association meetings throughout the state. Policy team members met with state officials to encourage Virginia's participation in Phase IV and provided valuable information and assistance in the development of the state's application. The team continues with their work of actively implementing the EBDM principles and serves as a model for communities across Virginia. Some of its representatives also serve as capacity builders to facilitate understanding of EBDM and have assisted other Virginia-based teams in roadmap activities. Two of their policy team members are part of the Virginia State EBDM Policy Team and have taken a leadership role in working on two of the state's key change targets (responses to probation noncompliance and the alignment of pretrial policies with research evidence).
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CONCLUSION

Through its EBDM initiative, which posits risk and harm reduction—including improved public safety—as fundamental goals of the justice system, NIC has supported the implementation of its [EBDM Framework](#) in multiple jurisdictions across the country since 2010. Pilot sites participating in the EBDM initiative made great progress in aligning key decisions, policies, and practices with the research evidence and the specific goals they articulated for their criminal justice systems. They successfully sustained multidisciplinary collaborative teams and removed structural barriers that typically inhibit the effectiveness of cross-system efforts. The collaborative process has resulted in a greater degree of systemwide evidence-based decision making and more consistent application of evidence-based practices across multiple agencies and stakeholders. As reflected through these case studies, key areas of advancement among the EBDM pilot sites include:

- expanding universal screening of pretrial defendants;
- expanding or implementing diversion and/or deferred prosecution/early intervention programs;
- increasing the use of risk and/or need assessment information across various decision points (e.g., diversion from the justice system, booking, pretrial release and supervision, sentencing, jail programming);
- utilizing structured processes and tools to ensure that actuarial risk assessment data informs pretrial release decisions (e.g., bond, level of pretrial supervision);
- designing methods to use research evidence to inform plea negotiations and sentencing;
- increasing the use of evidence-based programming in jails and community settings;
- reducing community supervision caseloads and enhancing the use of risk reduction supervision strategies; and
- developing structured responses to prosocial and noncompliant behavior throughout the justice system.

In addition, the EBDM sites designed and implemented methods to capture and analyze performance measurement data, and created dashboards and other mechanisms to track progress towards meeting their systemwide goals.

Evidence-based decision making holds great promise for achieving improved criminal justice outcomes, including reducing pretrial misconduct and post-conviction offending, and reducing victimization. Local and state leaders are successfully engaging in deliberate, collaborative policymaking informed by social science research, and demonstrating that it is possible to collaboratively implement significant policy changes that reduce crime and victimization while, at the same time, holding those who perpetrate crime accountable for their behavior.

Additional EBDM Resources:

- A Framework for Evidence-Based Decision Making in State and Local Criminal Justice Systems
- Evidence-Based Decision Making (EBDM) Primer
- Evidence-Based Decision Making Stakeholder Briefs
- Evidence-Based Decision Making User's Guides
- Evidence-Based Decision Making Starter Kit

For more information, or to view these and other resources on EBDM, visit <http://www.nicic.gov/ebdm> or <http://ebdmoneless.org/>.

EBDM

