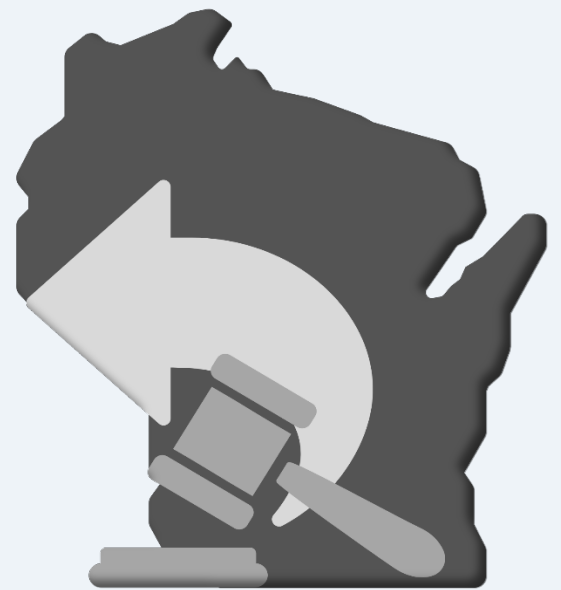
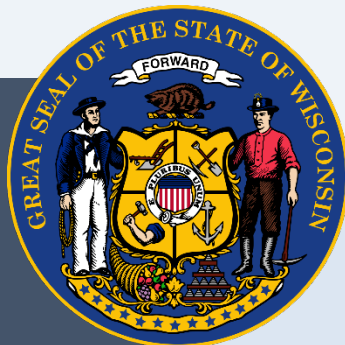


# STATE OF WISCONSIN PRETRIAL PILOT PROJECT



**Operational Guide**  
October 2021



# ACKNOWLEDGMENTS

The hard-working members of this committee have created a roadmap and guide to the practical implementation of the evidence-based pretrial risk assessment tool, known as the Public Safety Assessment (PSA), in Wisconsin counties. The PSA was developed by Arnold Ventures, LLC. The objective of this guide is to ensure that the PSA is implemented correctly, efficiently, and fairly throughout Wisconsin. This guide is a distillation of significant practical experience and conscientious efforts in adhering to the protocol for the PSA. We believe that this guide will be valuable to Wisconsin counties.

This guide is a collective work. We wish to thank the following people who contributed to this guide. Their generous contributions and assistance were invaluable in its creation. To each we are profoundly grateful. The following individuals contributed to this document:

Tanya Anderson, Senior Manager, Center for Effective Public Policy (CEPP)

Rose Baier, Criminal Justice Services Director, Chippewa County, Wisconsin

Mandy Bisek, Deputy Director Human Services, La Crosse County, Wisconsin

Lori Eville, Correctional Program Specialist, National Institute of Corrections (NIC)

Rhonda Frank-Loron, JD, Wisconsin Pretrial Program Manager, Office of Court Operations, Wisconsin Supreme Court

Tiana Glenna, Criminal Justice Director, Eau Claire County, Wisconsin

Alesha Hawkins, Criminal Justice Research Analyst, Bureau of Justice Information and Analysis (BJIA), Wisconsin Department of Justice (DOJ)

Heather Kierzek, Former TAD Technical Advisor, Wisconsin Department of Justice

Dr. Constance Kostelac, Former Bureau Director of Bureau of Justice Information and Analysis, Wisconsin Department of Justice

Rebecca Luczaj, Waukesha County Justice Services Coordinator, Waukesha County, Wisconsin

Elizabeth Pohlman McQuillen, JD, Justice System Manager, Rock County, Wisconsin

Matt Raymer, Justice Programs Supervisor, Wisconsin Department of Justice

Beth Robinson, Deputy Director of Criminal Justice Treatment Services, Outagamie County, Wisconsin

Erika Schoot, Former Research Analyst, Bureau of Justice Information and Analysis, Wisconsin Department of Justice, Division of Law Enforcement

Laura Yarie, Justice System Coordinator, Marathon County, Wisconsin

# Table of Contents

<b>Introduction</b> .....	1
<b>Public Safety Assessment</b> .....	1
<b>Definitions</b> .....	2
<b>Risk Factors and Pretrial Outcomes</b> .....	3
<b>Intended Use of the PSA</b> .....	4
<b>Scoring the PSA: Points and Flags</b> .....	6
<b>PSA Risk Factors</b> .....	7
<b>PSA RISK FACTOR 1: AGE AT CURRENT ARREST</b> .....	7
<b>PSA RISK FACTOR 2: CURRENT VIOLENT OFFENSE</b> .....	9
<b>PSA RISK FACTOR 2a: CURRENT VIOLENT OFFENSE AND 20 YEARS OLD OR YOUNGER</b> .....	10
<b>PSA RISK FACTOR 3: PENDING CHARGE AT THE TIME OF THE ARREST</b> .....	11
<b>PSA RISK FACTOR 4: PRIOR MISDEMEANOR CONVICTION</b> .....	13
<b>PSA RISK FACTOR 5: PRIOR FELONY CONVICTION</b> .....	13
<b>PSA RISK FACTOR 5a: PRIOR CONVICTION</b> .....	16
<b>PSA RISK FACTOR 6: PRIOR VIOLENT CONVICTION</b> .....	17
<b>PSA RISK FACTOR 7: PRIOR FAILURE TO APPEAR PRETRIAL IN PAST TWO YEARS</b> .....	19
<b>PSA RISK FACTOR 8: PRIOR FAILURE TO APPEAR PRETRIAL OLDER THAN TWO YEARS</b> .....	19
<b>PSA RISK FACTOR 9: PRIOR SENTENCE TO INCARCERATION</b> .....	22
<b>Public Safety Assessment (PSA) Assessor Worksheet Example</b> .....	24
<b>Instructions for Criminal History Record Check</b> .....	25
<b>Quality Assurance/Quality Control Protocol</b> .....	34
<b>Release Conditions Matrix (RCM)</b> .....	36
<b>Applying the Scores to the Release Conditions Matrix</b> .....	36
<b>Wisconsin Pretrial Release Conditions Matrix</b> .....	37
<b>Conditions and Verification</b> .....	38
<b>Conditions</b> .....	39
<b>Determining Eligibility for Additional Authorized Conditions</b> .....	39
<b>Consent Form Sample</b> .....	40
<b>Elements of a PSA Report</b> .....	41
<b>Demographic Information</b> .....	45
<b>PSA Scores</b> .....	45
<b>Charges</b> .....	45
<b>Risk Factors</b> .....	45

**Presumptive Release Levels** ..... 46

**PSA Report Local Samples** ..... 47

**Local Example (Outagamie County)**..... 47

**Local Example (La Crosse County)**..... 48

**Local Example (Rock County)**..... 49

**Pretrial Behavior Response Matrix**..... 51

**Violation Response**..... 51

**Sample Incentives Matrix for Compliant Behavior**..... 53

**Appendix** ..... 54

**PSA Violent Offense List** ..... 54

# Introduction

This document is intended to be an operational guide for Wisconsin Pretrial Pilot sites for the implementation of changes to pretrial practices including, but not limited to, the use of a risk assessment tool at the initial liberty decision. This is a working document that will be updated and revised as the pilot project progresses. As described throughout this document, the tool currently being implemented by the pretrial sites is the Public Safety Assessment (PSA) developed by Arnold Ventures, LLC. Additional information on the PSA, and the source material for many of the references made to the PSA throughout this document can be found at <https://www.advancingpretrial.org/>. This guide was developed as part of the Wisconsin Evidence-Based Decision Making (EBDM) Initiative work with the [National Institute of Corrections \(NIC\)](#) at the state and local level.

## Public Safety Assessment

The Public Safety Assessment (PSA) is a pretrial risk assessment that uses nine risk factors to assess the risk of new criminal arrest (NCA), including new violent criminal arrest (NVCA) and failure to appear (FTA) pending case disposition. The PSA considers factors related to a person's age at arrest, current offense, pending charges at time of arrest, prior misdemeanor or felony convictions, prior violent convictions, prior pretrial failure to appear and prior sentence to incarceration. Two risk scores are produced using the PSA: The first predicts risk of failure to appear (FTA) for ongoing required court appearances and the second score predicts risk of being arrested for a new crime (NCA) if released to the community pending trial. Each risk factor is weighted and scored according to the relationship between the risk factor and the identified pretrial outcome. These scores are based on a scale of one to six, with higher scores suggesting a higher likelihood of pretrial failure. The PSA also indicates an elevated risk of individuals being arrested for a new violent crime (NVCA) while in the community awaiting trial and flags those defendants accordingly. The total points assigned to the NVCA score equates to a yes or no flag for violence. The PSA scores do not replace judicial discretion.

## Definitions

Failure to Appear (FTA) Rate is the percentage of defendants who do not make all pretrial court appearances while out of custody resulting in the court issuing a capias or bench warrant against them as a result of their failure to appear during pretrial period of the current case. It may also be presented as the Appearance Rate.

New Criminal Arrest (NCA) Rate is the percentage of defendants who are charged with a new criminal offense that is alleged to have occurred while on release pending disposition of the current case. It may also be presented as the Safety Rate.

New Violent Criminal Arrest (NVCA) Rate is the percentage of defendants who are charged with a new violent offense that is alleged to have occurred while on release pending disposition of the current case. It may also be presented as the Safety (Non-Violent) Rate.

# Risk Factors and Pretrial Outcomes

The table below outlines the nine factors used by the PSA and illustrates which factors are used to predict each of the pretrial outcomes:

PSA FACTORS AND PRETRIAL OUTCOMES			
PSA FACTOR	FTA	NCA	NVCA
1. Age at current arrest		✓	
2. Current violent offense			✓
2A. Current violent offense and 20 years old or younger			✓
3. Pending charge at the time of the arrest	✓	✓	✓
4. Prior misdemeanor conviction		✓	
5. Prior felony conviction		✓	
5A. Prior conviction (misdemeanor or felony)	✓		✓
6. Prior violent conviction		✓	✓
7. Prior failure to appear in the past 2 years	✓	✓	
8. Prior failure to appear older than 2 years	✓		
9. Prior sentence to incarceration		✓	

**NCA = New Criminal Arrest**

**NVCA = New Violent Criminal Arrest**

# Intended Use of the PSA

**Prior to completing the PSA, confirm that the PSA is appropriate to be used.**

- The assessment is intended to assess the risk of NCA, NVCA, and FTA for defendants who have been arrested in the community and are awaiting the disposition of their cases.
- The PSA was developed to assess adults who have been arrested in the community and are pending disposition of their cases. In Wisconsin this includes anyone 17 and older. It can be used if someone under 17 is waived to adult court, but should not include the juvenile record.
- It should not be used for people who are charged with an offense while already incarcerated in jail or prison.

## FREQUENTLY ASKED QUESTIONS (FAQs)

Questions	Answers
<b>Q:</b> Do I complete a PSA for a defendant who is arrested on a bench warrant return for a Deferred Prosecution Program case if the case is still pending?	<b>A:</b> Yes. If the bench warrant was issued for a pre-disposition court event (meaning the case has not reached a disposition), it is considered pretrial and a PSA should be completed.
<b>Q:</b> The defendant was arrested and a PSA was completed. The defendant remains in custody. The charges were subsequently modified. Should I update the existing PSA, complete a new PSA, or do nothing?	<b>A:</b> An existing PSA should be updated when charges are modified related to the same incident/offense date. Upgrading, downgrading, adding, or dismissing charges can affect the Current Violent Offense risk factor (which would also affect the Current Violent Offense and 20 years or Older risk factor). No other risk factors should be modified unless it was determined that they were scored incorrectly based on the status at the time of the arrest.
<b>Q:</b> If a person is in custody for a pending case (Case A) and is subsequently charged for another case (Case B) from conduct before arrest for Case A, would you do a PSA for this new case (Case B)?	<b>A:</b> Yes, if the defendant remains in custody while appearing for Case B. A PSA on Case B should be completed.
<b>Q:</b> Should the PSA be reviewed for every bond modification or bail review request?	<b>A:</b> Yes, if the charges have been changed, and there is an accompanying bond review request, then you would review and potentially modify the PSA.
<b>Q:</b> Should the PSA be updated if the booking charges differ from the issued charges from the District Attorney's Office?	<b>A:</b> The PSA should be reviewed to ensure that the current charges issued (charges being considered for bail) are correctly reflected at the time of initial appearance.



## To complete the PSA, you should use only certain data

- Use only a person’s adult criminal history and adult court appearance history.
  - Do not use a person’s juvenile history.
- Use only administrative data.
  - Do not use any information that the person self-reports (e.g. from an interview).
- Use only traffic and criminal charges that carry a potential penalty of incarceration (jail or prison).
  - Do not use civil traffic violations
  - Do not use local ordinance violations
  - Do not use Expunged Records

<b>FREQUENTLY ASKED QUESTIONS (FAQs)</b>	
<b>Questions</b>	<b>Answers</b>
<b>Q:</b> Should I complete the PSA if the statewide/NCIC criminal history is unavailable?	<b>A:</b> No. If statewide/NCIC criminal history is not accessible, do not complete the PSA. Completing the PSA without a statewide/NCIC criminal history record would likely result in incorrect PSA results and should not be done.
<b>Q:</b> Our agency does not have access to out-of-state criminal history. Does this affect the predictive accuracy of the PSA?	<b>A:</b> Yes. To achieve the greatest accuracy, out-of-state criminal history must be included.
<b>Q:</b> If I am having problems with NCIC, who can I call?	<b>A:</b> 608-266-7633 <a href="https://www.doj.state.wi.us/dles/cib/time-system-control-center">Wisconsin Department of Justice TIME System</a> <sup>1</sup> help desk
<b>Q:</b> If a defendant is serving a custodial sentence via Huber (work release) or GPS monitoring and is charged for a new crime, do we complete a PSA on that person?	<b>A:</b> Yes. The defendant was out of jail/prison and in the community when they allegedly committed the new criminal act.

<sup>1</sup> <https://www.doj.state.wi.us/dles/cib/time-system-control-center>

# Scoring the PSA

The below tables outline the specific risk factors and associated points and weights for the PSA. The PSA should not be hand scored; the expectation from Arnold Ventures is that it is scored through an automated system, in part to reduce the likelihood of calculation errors.

The following represents the point values for the various risk factors for the PSA and the conversion used to calculate the final score for FTA, NCA, and NVCA. These are provided for information only. Factors are weighted in the calculation of the final score. Calculations must be automated using a designated case management system or software tool.

## Failure to Appear (FTA) Scoring

Failure to Appear: Points			Failure to Appear: Scaled Score			
PSA FACTOR	RESPONSE	POINTS	TOTAL FTA POINTS	SCALED FTA SCORE		
Pending charge at the time of the arrest	No	0	0	1		
	Yes	1				
Prior conviction (misdemeanor or felony)	No	0			1	2
	Yes	1			2	3
Prior failure to appear in the past 2 years	No	0			3 or 4	4
	Yes, just 1	2			5 or 6	5
	Yes, 2 or more	4	7	6		
Prior failure to appear older than 2 years	No	0				
	Yes	1				

## New Criminal Arrest (NCA) Scoring

New Criminal Activity: Points			New Criminal Activity: Scaled Score	
PSA FACTOR	RESPONSE	POINTS	TOTAL NCA POINTS	SCALED NCA SCORE
Age at current arrest	23 or older	0	0	1
	22 or younger	2	1 or 2	2
Pending charge at the time of the arrest	No	0	3 or 4	3
	Yes	3	5 or 6	4
Prior misdemeanor conviction	No	0	7 or 8	5
	Yes	1	9 to 13	6
Prior felony conviction	No	0		
	Yes	1		
Prior violent conviction	No	0		
	Yes, 1 or 2	1		
	Yes, 3 or more	2		
Prior failure to appear in the past 2 years	0	0		
	Yes, just 1	1		
	Yes, 2 or more	2		
Prior sentence to incarceration	No	0		
	Yes	2		

## New Violent Criminal Arrest (NVCA) Scoring

New Violent Criminal Activity: Points		
PSA FACTOR	RESPONSE	POINTS
Current violent offense	No	0
	Yes	2
Current violent offense and 20 years old or younger	No	0
	Yes	1
Pending charge at the time of the arrest	No	0
	Yes	1
Prior conviction (misdemeanor or felony)	No	0
	Yes	1
Prior violent conviction	No	0
	Yes, 1 or 2	1
	Yes, 3 or more	2

New Violent Criminal Activity: Violence Flag	
TOTAL NVCA POINTS	SCALED NVCA SCORE (VIOLENCE FLAG)
0 or 1	1 (NO)
2	2 (NO)
3	3 (NO)
4	4 (YES)
5	5 (YES)
6 or 7	6 (YES)

# PSA Risk Factors

## PSA RISK FACTOR 1: AGE AT CURRENT ARREST

**DATA SOURCE(S):** JAIL MANAGEMENT SYSTEM/NATIONAL CRIME INFORMATION SYSTEM, INTERSTATE IDENTIFICATION INDEX (NCIC/III)

**DESCRIPTION:**

- Based on the defendant's age at current arrest, answer whether the defendant was 20 years old or younger, 21 or 22 years old, or 23 years old or older.
- Use the age of the person at the time of the arrest.
- Do **not** use the age of the person at the time the alleged offense was committed.
- If the arrest date is unknown, use the age of the person at the time you are preparing the PSA.

### FREQUENTLY ASKED QUESTIONS (FAQs)

#### Questions

#### Answers

**Q:** What date of birth (DOB) should I use if the defendant has been arrested multiple times and has used multiple DOB's?

**A:** Typically, the default DOB is the DOB listed in the jail system. However, if there is clear and convincing evidence that the defendant has an incorrect DOB documented in the jail system for the current arrest, use the DOB from the statewide/NCIC criminal history that appears to be the most accurate. An example of clear and convincing evidence is when a defendant has 2 DOB's which would indicate the defendant is either 21 (DOB jail system) or 31 (DOB in statewide/NCIC criminal history) and the defendant has an arrest record spanning 10 years. This would be clear and convincing evidence that the correct age is 31 and the corresponding DOB should be used.

**Q:** What age do I use when a PSA was completed, the defendant is arrested again on the same case (e.g., after failing to appear), and the defendant is now older than he was when he was arrested the first time?

**A:** The age at the time of the current arrest is always used to calculate the risk factor Age at Current Arrest. The age that is calculated for this risk factor is simply the age on the date of the current arrest even when a defendant has been arrested multiple times for the same case. For example, a defendant was 20 years old at the time of the initial arrest. The defendant then failed to appear at a later pretrial court appearance and a warrant was issued. When the defendant was arrested on the FTA warrant, the defendant was 25 years old. Since the defendant was 25 years old when arrested on the FTA warrant (current arrest), the answer to the risk factor Age at Current Arrest in this scenario is 23 or older.

**Q:** What date of arrest and age would I use for someone who was booked and released and given a future Initial Appearance date? For example, if the person was 22 at the time of their arrest on February 2, 2018, and they were released with an Initial Appearance date of March 3, 2018, and they turned 23 in that time, what age would you use?

**A:** Use the date the PSA is being completed to determine the age at current arrest. In this case, the age would be 23.

## PSA RISK FACTOR 2: CURRENT VIOLENT OFFENSE

**DATA SOURCE(S):** **JAIL INFORMATION SYSTEM/WISCONSIN CONSOLIDATED COURT ACCESS (WCCA)/"WISCONSIN VIOLENT OFFENSE LIST"**

**DESCRIPTION:**

- Check to see if the current offense is listed in the **"Wisconsin Violent Offense List" (Appendix)**.
- A charge of attempt (such as attempted murder or attempted robbery), being an accessory before the fact, party to a crime, solicitation, and conspiracy to commit any of these offenses is considered a violent offense.
- Use the charges filed by the prosecutor.
- If any of the current charges are considered violent, the answer to this risk factor is **yes**.

### FREQUENTLY ASKED QUESTIONS (FAQs)

Questions	Answers
<p><b>Q:</b> When a defendant is arrested on a bench warrant for a pre-disposition court event, how do I determine if there is a Current Violent Offense?</p>	<p><b>A:</b> For a bench warrant return, examine the underlying charge for which the warrant was issued. For example, if the defendant failed to appear for a charge of robbery, the answer to the risk factor Current Violent Offense would be yes. If the defendant failed to appear for a charge of theft, the answer to the risk factor Current Violent Offense would be no. Examine all new charges and all underlying charges related to the warrant to determine if any of the charges are violent per the PSA.</p>
<p><b>Q:</b> When a defendant is arrested on multiple charges, which charge do I look at to determine if there is a Current Violent Offense?</p>	<p><b>A:</b> For Current Violent Offense, look at ALL of the charges related to the current arrest. If any charge related to the current arrest is violent per the "Wisconsin Violent Offense List," the answer to this risk factor would be yes. This is true even when the most serious charge (a felony) is non-violent but a less serious charge (a misdemeanor) is violent. The charge type (misdemeanor or felony) and the charge class are not considered when determining this risk factor.</p>
<p><b>Q:</b> If a defendant is arrested on new, non-violent charges AND bail jumping for an underlying charge that is violent, is the current offense violent?</p>	<p><b>A:</b> In this scenario, the new charges are scored as non-violent. The original violent charge now gets scored as a pending charge (Risk Factor 3). The bail jumping, as long as a warrant was issued for the FTA, now gets scored in Risk Factor 7.</p>
<p><b>Q:</b> Criminal complaints in my jurisdiction are not filed until the time of the initial appearance, what charge do I use to score the PSA?</p>	<p><b>A:</b> Your jurisdiction can do a preliminary assessment utilizing the booking or arrest charge, but it is mandatory that this information be updated at the time the DA files charges, as this has the potential to change the overall risk score and violence flag.</p>

---

## PSA RISK FACTOR 2a: CURRENT VIOLENT OFFENSE AND 20 YEARS OLD OR YOUNGER

---

### DESCRIPTION:

- Check to see if one or more of the current charges is violent (as defined in risk factor 2 above) AND the defendant was 20 years of age or younger at the time of the arrest (as defined in risk factor 1 above), the answer to this risk factor is **yes**.
- This sub-factor is usually auto-scored based on responses to other risk factors.

## PSA RISK FACTOR 3: PENDING CHARGE AT THE TIME OF THE ARREST

**DATA SOURCE(S):** WCCA/NCIC/III

**DESCRIPTION:**

- For this risk factor you are assessing pending charges at the time of the current arrest.
- A pending charge is any misdemeanor, felony, or criminal traffic charge that has not yet reached final disposition. Final disposition is not reached until sentencing, acquittal, or dismissal.
- A charge that is in some form of deferred status is considered a pending charge.
- If a person is in a “pre-charge” diversion program, the offense they are in the program for would not be considered a pending charge.
- If YES to **all** the following, a person has a pending charge:
  - Was the person previously cited or arrested for an offense?
  - Was formal accusation filed by the prosecutor’s office that a specific person has committed a specific crime, also referred to as filing a criminal complaint or information?
  - Had an initial appearance?
  - Bail determination has been made?
  - Was the person released and allowed to stay in the community pending trial?
  - Did the person allegedly commit the current offense while released and in the community pending trial for the first charge?
- If the current arrest is for a charge of bail jumping (including failure to appear) for a pre-disposition court appearance, the underlying charge for the failure to appear is counted as a pending charge.
- If the defendant had a pending criminal or traffic charge that carried a potential penalty of incarceration (jail or prison) at the time of arrest, answer yes to this risk factor.
- If the person has a pending charge, the answer to this risk factor is **yes**.

### FREQUENTLY ASKED QUESTIONS (FAQs)

Questions	Answers
<b>Q:</b> The defendant was previously arrested and is participating in a Deferred Prosecution Program. Now that he was arrested again, it is all but likely that the deferred prosecution will be converted to a conviction. Is this considered a prior conviction or a pending charge?	<b>A:</b> It remains a pending charge. The deferred prosecution agreement has not yet been revoked so the offense is still considered a pending charge.
<b>Q:</b> The defendant had no pending charges at the time the PSA was completed, but 12 hours later she was served with warrants that the sheriff subsequently discovered. Should we update the PSA?	<b>A:</b> Yes. The PSA should be updated if the warrants are for pending charges or the pending charges have an FTA. No other risk factors should be modified unless it was determined that they were scored incorrectly based on the status at the time of the arrest.
<b>Q:</b> If a person was referred to a pre-charge diversion program, and is currently in the program, would you count them as having a pending charge for that event?	<b>A:</b> No. If there was not a criminal complaint filed for that pre-charge diversion, this would not be considered a pending charge.

<p><b>Q:</b> While being detained under the current charge, the defendant was served with a warrant he had no knowledge about due to lack of notification. Is that considered a pending charge?</p>	<p><b>A:</b> No. If the defendant had not previously gone through a release process or been served with a summons on the charge, it is not considered a pending charge. Without a way to verify that the defendant was notified, it should not be counted as a pending charge.</p>
<p><b>Q:</b> We have NCIC data but it's unclear whether the out-of-state offense is a pending charge or a prior conviction. How do we score this?</p>	<p><b>A:</b> If you are unable to determine the status of a charge on the out-of-state record, do not include it when scoring the PSA. If it is a recent or serious charge you may choose to report it to the court and attempt to follow-up with the court of record.</p>
<p><b>Q:</b> If a bench warrant was issued for a pre-disposition court event (meaning the case has not reached a disposition), should this pre-disposition be counted as a pending charge at the time of the arrest?</p>	<p><b>A:</b> Yes, this should be counted as a pending charge at the time of the arrest.</p>
<p><b>Q:</b> If a person is arrested for an offense that took place 2 years ago, which date to use when assessing for this risk factor, the date of the original offense or the date of the arrest?</p>	<p><b>A:</b> Date of arrest.</p>



---

## PSA RISK FACTOR 4: PRIOR MISDEMEANOR CONVICTION

## PSA RISK FACTOR 5: PRIOR FELONY CONVICTION

---

**DATA SOURCE(S):** WCCA/NCIC/III

### DESCRIPTION: PRIOR MISDEMEANOR CONVICTION

- The prior misdemeanor conviction must be for a criminal or traffic offense defined by statute as a misdemeanor and which carries a potential penalty of incarceration.
- A conviction includes any guilty plea or finding of guilt.
- You must check the person's out-of-state and federal criminal history, utilizing NCIC/III.
- An operating while intoxicated (OWI) 1<sup>st</sup> in Wisconsin would not be counted as a prior conviction as it is civil ordinance violation. However, if a person has an OWI 1<sup>st</sup> on their criminal history from another state that was a misdemeanor, this should be counted as a conviction.
- If the person has one or more prior misdemeanor convictions, the answer to this risk factor is **yes**.
- A charge that is in some form of deferred status (e.g., deferred prosecution, diversion, withheld finding, held in abeyance) is not considered a conviction.
- Do **not** count the following as convictions:
  - If the offense was reduced to a forfeiture,
  - If the defendant was found not guilty due to mental disease or defect, and/or
  - Any case that was expunged or for which the conviction was overturned or reversed on appeal.
  - A charge that is in some form of deferred status or pending sentencing (e.g., the person has a pre-disposition court appearance scheduled for the charge or the charge has not been disposed of due to the person's failure to appear pending trial or sentencing; or the case is in some deferred status).

### PRIOR FELONY CONVICTION

- The prior felony conviction must be for a criminal or traffic offense defined by statute as a felony and which carries a potential penalty of incarceration.
- A conviction includes any guilty plea or finding of guilt.
- You must check the person's out-of-state and federal criminal history, utilizing NCIC/III.
- A charge that is in some form of deferred status (e.g., deferred prosecution, diversion, withheld finding, held in abeyance) is not considered a conviction.
- If the person has one or more prior felony convictions, the answer to this risk factor is **yes**.
- Do **not** count the following as convictions:
  - If the offense was reduced to a forfeiture,
  - If the defendant was found not guilty due to mental disease or defect, and/or
  - Any case that was expunged or for which the conviction was overturned or reversed on appeal.
  - A charge that is in some form of deferred status or pending sentencing (e.g., the person has a pre-disposition court appearance scheduled for the charge or the charge has not been disposed of due to the person's failure to appear pending trial or sentencing; or the case is in some deferred status).

## FREQUENTLY ASKED QUESTIONS (FAQs)

Questions	Answers
<p><b>Q:</b> The defendant was previously charged with a misdemeanor or felony and is currently participating in a Deferred Prosecution Program. Now that he was arrested again, it is likely that the deferred prosecution agreement will be revoked and result in a misdemeanor or felony conviction. Is this considered a prior misdemeanor or felony conviction?</p>	<p><b>A:</b> No. It remains a pending charge. The deferred prosecution agreement has not yet been revoked and the case is still considered a pending charge. It is not considered a prior conviction.</p>
<p><b>Q:</b> The defendant was previously charged with a misdemeanor or felony and successfully completed a Deferred Prosecution Program. Is that considered a prior misdemeanor or felony conviction?</p>	<p><b>A:</b> No. Provided that the prior charge was dismissed upon successful completion of the program, it is not considered a prior conviction.</p>
<p><b>Q:</b> The defendant was previously convicted of a misdemeanor or felony offense that is no longer defined by state statute as a misdemeanor or felony. Instead, the misdemeanor is now considered an ordinance violation or forfeiture and the felony is now considered a misdemeanor. Is this still considered a prior misdemeanor or felony conviction?</p>	<p><b>A:</b> Yes. The status of the conviction as a misdemeanor or felony is determined according to the date of the conviction, regardless of any subsequent offense classification changes.</p>
<p><b>Q:</b> The defendant was previously convicted of a felony offense. In the same case, he was also convicted of a misdemeanor offense. Does this count as just a prior felony conviction or does it count as both a prior felony conviction and a prior misdemeanor conviction?</p>	<p><b>A:</b> The PSA is scored based on each prior charge, not prior cases. Score this person as having both a prior felony conviction <i>and</i> a prior misdemeanor conviction.</p>
<p><b>Q:</b> An out-of-state record shows a conviction for an offense but it does not indicate if it is a misdemeanor or a felony. How should I count it?</p>	<p><b>A:</b> Most state statutes are available online and can be quickly accessed. If the specific code section is provided and the statutes are online for the applicable state, it can easily be determined if the conviction was for a felony or misdemeanor. If a general code section is provided and a conviction under that code section can be for either a misdemeanor or felony, the conviction should be counted as a misdemeanor. If no code section is provided or the code section cannot be found online in the applicable state, count the conviction as a misdemeanor <i>unless and only if</i> there is no doubt that the conviction would have been a felony if it were a conviction in your state.</p>

**Q:** The defendant was previously convicted of a misdemeanor or felony but found not guilty by reason of mental disease or defect. Is that considered a prior conviction?

**A:** No, it is not considered a prior conviction.

---

## PSA RISK FACTOR 5a: PRIOR CONVICTION

---

### DESCRIPTION:

- If the person has a prior misdemeanor conviction as defined in risk factor 4 above OR the person has a prior felony conviction as defined in risk factor 5 above, the answer to this risk factor is **yes**.
- This sub factor is usually auto-scored based on responses to other risk factors.

---

## PSA RISK FACTOR 6: PRIOR VIOLENT CONVICTION

---

**DATA SOURCE(S):** WCCA/NCIC/III/“WISCONSIN VIOLENT OFFENSE LIST”

**DESCRIPTION:**

- An offense is categorized as violent for purposes of the PSA if a person causes or attempts to cause physical injury through use of force or violence against another person.
- Check to see if the prior conviction is listed in the “**Wisconsin Violent Offense List**” (**Appendix**). Make sure to check the statute numbers.
- A charge of attempt, being an accessory before the fact, party to a crime, solicitation, or conspiracy to commit any of these offenses is considered a violent offense.
- A conviction includes any guilty plea or finding of guilt. A charge that is in some form of deferred status (e.g., deferred prosecution, diversion, withheld finding, held in abeyance) is not considered a conviction.
- Determine whether the person has none, 1 or 2, or 3 or more prior violent convictions.
- Each prior violent conviction is counted separately even if multiple convictions were related to the same incident and/or were disposed of on the same day.
- You must also check the person’s out-of-state and federal criminal history, utilizing NCIC/III.
- Do **not** count the following as convictions:
  - If the offense was reduced to an ordinance violation,
  - If the defendant was found not guilty due to mental disease or defect, and/or
  - Any case that was expunged or for which the violent conviction was overturned or reversed on appeal.

## FREQUENTLY ASKED QUESTIONS (FAQs)

### Questions

### Answers

**Q:** We have NCIC data but it is unclear to me whether the out-of-state conviction is for a violent offense. How should we score this?

**A:** Arnold Ventures has developed the following guidance to help users determine whether out-of-state convictions are violent offenses:

- If the prior conviction is from a jurisdiction that has implemented the PSA, you may be able to review the state's PSA violent offense list. Contact the APPR Help Desk <https://advancingpretrial.org/help>.
- Review the language in the out-of-state statute. The easiest way to find this language is through an internet search, using the statutory code as the search query. It might be clear from the language of the statute that the offense is a violent one.
- Use Nlets [<https://www.nlets.org/>]—a platform for exchanging information about public safety, criminal justice, and law enforcement—to submit inquiries to the jurisdiction where the conviction took place.
- If it remains unclear whether the conviction is for a violent offense, do **not** count it as a prior violent conviction. Arnold Ventures does recommend that it be further investigated and the answer be made available for future assessments.
- If you request information from another state, and find out after the PSA has been scored that the person was convicted of a prior violent offense, the assessment should be updated.

**Q:** A person was previously convicted of a violent offense. He had one court case, but was convicted on two charges, both of which were violent. Does this count as one or two violent convictions?

**A:** This PSA factor is scored on each prior charge, not prior cases. Score this person as having two prior violent convictions.

---

## PSA RISK FACTOR 7: PRIOR FAILURE TO APPEAR PRETRIAL IN PAST TWO YEARS

## PSA RISK FACTOR 8: PRIOR FAILURE TO APPEAR PRETRIAL OLDER THAN TWO YEARS

---

**DATA SOURCE(S):** WCCA

**DESCRIPTION:**

- Count a failure to appear if:
  - A bench warrant or capias has been issued<sup>2</sup>.
  - The missed appearance was for a pre-disposition court appearance **after** the first hearing (bond or initial appearance)<sup>3</sup> for a traffic or criminal offense that carries a potential penalty of incarceration (jail or prison). NOTE: A pre-disposition court appearance is any hearing after arrest and prior to and including sentencing.
- Do **not** count the failure to appear if:
  - There is confirmation that the defendant was in custody (jail or prison) when the failure to appear occurred.
  - A bench warrant has been authorized, but not issued.
  - If the District Attorney's Office filed the case on a warrant, but there was no scheduled initial appearance.
  - Do not count the failure to appear if the warrant or capias is issued and withdrawn on the same day.
- A failure to appear for a single court appearance is counted once, regardless of the number of charges or warrants issued related to that appearance.
- For risk factor 7, the failure to appear must have occurred within two years of the current arrest date. For risk factor 8, the failure to appear must have occurred more than two years before the current arrest date. If you do not know the current arrest date, use the date the PSA is completed.

**Scoring**

- Failure to appear should be counted based on the number of bench warrants issued for pretrial hearings.
- For risk factor 7, determine whether the number of the person's pretrial failures to appear in the past two years is **none**, **one**, or **two or more**.
- For risk factor 8, if the defendant has had one or more pretrial failures to appear more than two years ago, mark this risk factor as **Yes**.

---

<sup>2</sup> As part of this pilot, counties should be working toward consistency in how and when bench warrants are issued for failure to appear. This will assist in developing common measures across counties for similar events.

<sup>3</sup> A pre-disposition court appearance is any hearing after arrest and prior to and including sentencing. However, due to differing practices across jurisdictions and the inability to verify whether the defendant received notice of the hearing date and time, this should **not** include the first hearing (bond or initial appearance). Do **not** count post-sentence failures to appear.

## FREQUENTLY ASKED QUESTIONS (FAQs)

Questions	Answers
<b>Q:</b> The court records indicate that a defendant FTA at a pre-disposition court event, but those records do not indicate that the court took any action. Does this still count as a FTA?	<b>A:</b> No. For the purposes of the PSA, a FTA includes any pre-disposition court appearance for which the defendant FTA <i>and</i> the court took an action such as authorizing <u>and</u> issuing a warrant or <i>capias</i> .
<b>Q:</b> Do I count all warrants for failure to appear as prior FTA pretrial?	<b>A:</b> No. Count only the bench warrants issued for pre-disposition court appearances for traffic or criminal offenses that carry a potential penalty of incarceration. Do <b>not</b> count post-sentence failures to appear, such as an FTA at a hearing on a violation of probation supervision, post-sentencing restitution hearings, probation review hearings, hearings for non-payment/failure to pay, and violations of other court-ordered obligations. And do <b>not</b> count FTAs at civil traffic or local ordinance hearings.
<b>Q:</b> The defendant did not appear pretrial, but the records indicate that he was in prison at the time. Does that count?	<b>A:</b> No. A FTA pretrial is not counted if there is confirmation that the person was in custody (such as jail or prison) when the FTA occurred.
<b>Q:</b> When a defendant posts cash, pursuant to the Bond Schedule with a Sheriff's Office, the defendant may, or may not, have been given their Initial Appearance (IA) date and time. If they FTA for the IA, does this count as an FTA?	<b>A:</b> No. FTAs are not county when the court record is unclear whether the defendant physically went in front of a judge, or court commissioner, and was given their next court date – for which they then FTA.
<b>Q:</b> The records indicate that the defendant FTA pretrial, but he told me during an interview that he was in the hospital at the time of the court appearance and was physically unable to attend. Is the failure to appear still counted?	<b>A:</b> Yes, it is still counted as a FTA. The only exception is being in custody (such as in jail or prison). However, this information can be brought to the judge's attention.
<b>Q:</b> The defendant FTA on a case that included two felony charges or multiple cases. Does that count as two failures to appear?	<b>A:</b> No. This risk factor is counted <b>per court appearance</b> , not per charge or per case. In this scenario, the defendant would have only one FTA.
<b>Q:</b> If a case is dismissed or dismissed and read-in should an FTA still be counted?	<b>A:</b> Yes. An FTA should still be counted even if the case is dismissed or dismissed and read-in. <sup>4</sup>
<b>Q:</b> A defendant FTA, but then appeared later the same day, should this count as a failure to appear?	<b>A:</b> Yes. If a warrant was issued due to non-appearance, count it as a FTA, even if the defendant appeared later that day.

<sup>4</sup> However, only those FTAs that can be identified through WCCA can be counted. If cases have been removed from WCCA due to dismissals or acquittals that are more than two years old, it may not be possible to identify and count these FTAs.



<p><b>Q:</b> If the defendant has two cases with court hearings scheduled on the same day in two separate courts and fails to appear, should be counted as two (2) FTAs? If the court appearances for both cases are scheduled in the same court on the same date, should this be counted as 1 FTA?</p>	<p><b>A:</b> Yes. Two separate court appearances on the same day in the same court would count as 1 FTA, but two court appearances on the same day in separate courts would count as two FTAs.</p>
<p><b>Q:</b> The defendant was arrested and subsequently posted cash bail with the Sheriff's Office as part of the Bond Schedule. When defendant posted, case, defendant was provided the initial appearance date and time. If defendant does not appear for the hearing, does that count as an FTA?</p>	<p><b>A:</b> No. The missed appearance must be for a predisposition court appearance after the first hearing (Bail Bond Hearing or Initial Appearance) for a traffic or a criminal offense that carries a potential penalty of incarceration (jail or prison).</p>

## PSA RISK FACTOR 9: PRIOR SENTENCE TO INCARCERATION

**DATA SOURCE(S):** WCCA/NCIC/III

**DESCRIPTION:**

- The prior sentence to incarceration—either jail or prison—must be for a period of 14 or more days.
- A sentence of 14 or more days is included only if it is imposed as a single sentence and not a combination of multiple lesser sentences.
- It includes incarceration as a result of a resentencing (e.g., for a probation revocation, and/or imposition of a suspended or stayed sentence).
- The sentence must be imposed by a judicial officer. It does not include any time spent in jail by order of a probation or community supervision officer.
- **Count** the prior sentence to incarceration if either of the following is true:
  - The court activates a suspended or stayed sentence of 14 or more days; or
  - The court revokes a person’s probation and orders the defendant to 14 or more days of incarceration.
  - If a defendant is sentenced to incarceration but receives a “time served” disposition, count this as a prior sentence to incarceration.
- **Do not** count any of the following:
  - The sentence of incarceration is in lieu of payment of fines or costs; or
  - If the judge gives the discretion of jail time to a probation officer; or
  - If the judge stays a sentence and places the defendant on probation; or
  - If someone is sentenced to electronic monitoring/home detention.
  - If the sentence was later vacated.
- If there is a prior sentence to incarceration, the answer to this risk factor is **yes**.

### FREQUENTLY ASKED QUESTIONS (FAQs)

Questions	Answers
<b>Q:</b> The defendant was previously sentenced to 90 days in jail but received “credit for time served.” Does this count as a prior sentence to incarceration?	<b>A:</b> Yes. A sentence that is “credit for time served” is counted, provided the sentence was for 14 days or more. Look for a sentence, not whether the person served the time before or after the sentence was imposed.
<b>Q:</b> The defendant was previously sentenced to two years in prison, but the sentence was suspended and the defendant was placed on probation. Does this count as a prior sentence to incarceration?	<b>A:</b> No. A sentence that is stayed or suspended by the court and does not result in the imposition of a sentence of 14 or more days is not considered a sentence to incarceration.
<b>Q:</b> The defendant was previously sentenced to 20 days in jail but it appears he received good time credit and was released after serving only 10 days in jail. Does this count as a prior sentence to incarceration of 14 or more days?	<b>A:</b> Yes, it is counted as a prior incarceration. The length of the imposed sentence is the pertinent factor, not the amount of time served.

<p><b>Q:</b> The defendant was sentenced on several charges on the same date and although his total sentence amounted to more than 14 days, each sentence was less than 14 days. Does that count?</p>	<p><b>A:</b> No. The pertinent factor is whether a court sentenced a person to 14 days or more on a single sentence, not if a combination of multiple sentences resulted in a sentence of 14 days or more.</p>
<p><b>Q:</b> The defendant was sentenced to serve 20 days in jail and was allowed to serve it over a period of 10 weekends. Does that count as a sentence of 14 days or more?</p>	<p><b>A:</b> Yes. A sentence of 14 days or more counts even if the days are not served consecutively.</p>
<p><b>Q:</b> The judge ordered 15 days stayed for use at discretion of the agent for violations. Would this count as prior sentence to incarceration?</p>	<p><b>A:</b> No – IF truly utilized at the discretion of the agent. HOWEVER, if the judge requires the agent to come back to the court for authorization of lifting the stay, then COUNT THIS if more than 14 days in total.</p>
<p><b>Q:</b> If sentenced to probation and as a condition of probation the defendant is ordered and imposed by a judicial officer to more than 14 days of incarceration, would this count?</p>	<p><b>A:</b> Yes.</p>
<p><b>Q:</b> The judge ordered 20 days jail as a sentence. The Sheriff’s Department later determines the defendant is able to serve this sentence on electronic monitoring or Huber. Would this count?</p>	<p><b>A:</b> Yes, because the original sentence by the judge was for jail.</p>
<p><b>Q:</b> The judge ordered 20 days of jail or 250 hours of community services. Does this count as prior sentence to incarceration?</p>	<p><b>A:</b> Yes, as the intent of the judge included the potential for incarceration, it does not matter which option the defendant chose.</p>

# Public Safety Assessment (PSA) Assessor Worksheet Example

The following provides a sample scoring sheet for the various risk factors for the PSA. This is provided for information only. Calculations must be automated using a designated case management system or software tool.

You will enter the responses for each risk factor into the PSA application. To help you with that task, use the PSA Assessor Worksheet. For each case, as you review a defendant's file, you should mark your responses on this worksheet. Then use this worksheet to complete the PSA application in the computer system. Calculations must be automated using a designated case management system or software tool. This worksheet may become a part of the defendant's file (hard copy or scanned into an electronic file), and you may refer back to it to help answer questions that the judge or others might have, or for purposes of quality assurance.

**Defendant Name:**

**Case Identifier:**

**PSA Completion Date:**

**Date of Birth:**

**Arrest Date:**

ASSESSOR WORKSHEET				
PSA Factor	Circle Correct Response			Data Source; Date; Locality, Case Number, Charge/FTA
<b>1. Age at Current Arrest</b> Age at time of current arrest. If arrest date is unknown, use PSA completion date.	20 or younger	21 or 22	23+	Current age:
<b>2. Current Violent Offense</b> Consult the Violent Offense List in the PSA Scoring Manual.	No	Yes		Current charge(s):
<b>3. Pending Charge at the Time of the Arrest</b> Person was previously arrested/cited, released, and allegedly committed this new offense while pending trial.	No	Yes		
<b>4. Prior Misdemeanor Conviction</b> Prior conviction for traffic or criminal offense defined by statute as misdemeanor. Must check out-of-state criminal history.	No	Yes		
<b>5. Prior Felony Conviction</b> Prior conviction for traffic or criminal offense defined by statute as felony. Must check out-of-state criminal history.	No	Yes		
<b>6. Prior Violent Conviction</b> Consult the Violent Offense List in the PSA Scoring Manual. Must check out-of-state criminal history.	0	1 or 2	3+	1. 2. 3.
<b>7. Prior FTA Pretrial in Past Two Years</b> Missed pre-disposition court appearance and court took action in the past two years.	0	1	2+	1. 2.
<b>8. Prior FTA Pretrial Older than Two Years</b> Missed pre-disposition court appearance and court took action more than two years prior to current arrest.	No	Yes		
<b>9. Prior Sentence to Incarceration</b> Jail or prison sentence of 14 days or more imposed at sentencing or resentencing.	No	Yes		

2a and 5a are auto calculated based on the responses to other questions.

# Instructions for Criminal History Record Check

The data used to score this risk factor are typically obtained through a comprehensive criminal history inquiry involving local, state, and national criminal history databases [This is the page that immediately takes user to the Access to public records of the Wisconsin Circuit Courts: (<https://wcca.wicourts.gov/>)]. Staff who complete the PSA must be familiar with local- and state-level nuances when researching criminal convictions; they must also learn how to analyze data from other states through the National Crime Information Center ([www.fbi.gov/services/cjis/ncic](http://www.fbi.gov/services/cjis/ncic)). Staff should be trained on how to query and interpret criminal history data, including NCIC data.

The PSA Scoring Manual provides relevant guidance to address these questions.

*The Public Safety Assessment (PSA) is a pretrial risk assessment that uses nine risk factors to assess the risk of new criminal arrest (NCA), including new violent criminal arrest (NVCA), and failure to appear (FTA) pending case disposition. The assessment is intended to be used to assess the risk of NCA, NVCA, and FTA for defendants who have been arrested in the community and are pending the disposition of their cases. The PSA is not intended to be used for defendants who are charged with an offense while already incarcerated (e.g., an inmate assaults a corrections officer or another inmate).*

All pretrial risk factors are answered based on the defendant's adult criminal history. Juvenile records are not considered when completing the assessment. In addition, all criminal history and failure to appear related factors include only traffic and criminal charges that carry a potential penalty of incarceration (jail or prison). Charges that carry a potential penalty of incarceration (jail or prison) are those for which the statute allows for a sentence of incarceration upon conviction.

- A person's juvenile criminal history should not be considered when completing the PSA.
- Civil traffic and local ordinance violations are not used. In other words, any pending charges, prior convictions, or failures to appear related to civil traffic offenses and ordinances are not used to score the PSA.
- The PSA should not be scored based on a person's self-reported information.

The following provides an overview of the process to search the Wisconsin Circuit Court Access (WCCA) and the National Crime Information Center (NCIC), Interstate Identification Index (III) to gather data relevant to the running of the PSA.

## **I. Wisconsin Circuit Court Access (WCCA)**

### **a. WCCA Searching Access WCCA**

<https://wcca.wicourts.gov/>

**Click Agree**

**Go to Search**

**Click Advanced**



### Enter defendant name

- If listed as Christopher – enter Chris
- Do not include Middle initial
- Do not enter DOB

### Under Case type select

This will narrow the WI search to only include Criminal Cases  
**CT, CF, CM**

Case types

× Criminal Traffic (CT)
× Felony (CF)

× Misdemeanor (CM)
▼

### Click search

- b. This search in WCCA will not include information about dismissed or acquitted misdemeanor or felony cases after two years from the disposition of those cases.<sup>5</sup> Cases that have been removed from WCCA for a variety of reasons, including those older than 2 years that meet certain criteria, will not be reflected in this search.
- c. WCCA records will be used for scoring all Wisconsin based criminal history items with one exception. In some instances, when older WCCA cases do not indicate sentencing or conviction information, and the details of which may impact PSA scoring, an additional NCIC search of WI records will be conducted to look for more information on the case(s) in questions **(See Step VII)**.

**Please note: In instances where a WCCA review “maxes-out” risk points on all of the PSA risk factors, further NCIC record review for those risk factors will not be warranted.**

<sup>5</sup> This is a shorter display period than the required retention period for court records under Supreme Court Rule (SCR) 72. This policy (implemented in March 2018) balances the public’s right to access public court records with the potential harm to individuals whose dismissed or acquitted cases remain on display on WCCA for extended periods of time.

## II. Use of Portal 100 FOR NCIC/III<sup>6</sup>

- a. NCIC/III records will only be used for scoring the Public Safety Assessment (PSA) and reviewing scoring (see QA Protocol).
- b. An NCIC/III search will be completed for all clients who are subject to the PSA.
- c. NCIC/III records will be most often reviewed for scoring the PSA in instances where out-of-state criminal convictions are found via State ID or FBI# searches (See Step V and VI).
- d. WCCA records will be used for scoring all Wisconsin based criminal history items with one exception. In some instances, when older WCCA cases do not indicate sentencing or conviction information, and the details of which may impact PSA scoring, an additional NCIC search of WI records will be conducted to look for more information on the case(s) in questions (See Step VIII).

## III. Portal 100 Log In

- a. Read the Security Warning and check the box indicating that you have done so. Using your TRAIN User Name and Password you log into Portal 100 (See Below).

The screenshot shows a web page titled "Portal 100 Log In" with a "SECURITY WARNING" section. The warning text states: "You are entering the Wisconsin Department of Justice TIME System. By logging in, you acknowledge that you will comply with all federal laws, state laws and regulations related to the TIME System. Unauthorized access is prohibited and may be subject to criminal and/or civil penalties. System usage may be monitored, recorded and subject to audit. Use of the system indicates consent to monitoring and recording of your transactions." It also includes a note that use from publicly accessible computers is prohibited and that users must be recertified every two years. Below the warning is a checkbox labeled "I have read and agree to the above." The login form includes fields for "Terminal ID:", "Terminal ORI:", "User Name:", and "Password:". A "Submit" button is located at the bottom. A white box with a black border is overlaid on the form, containing the text: "This information is redacted for security reasons. Contact State Coordinator for access."

<sup>6</sup> Adapted from documentation provided by JusticePoint (<https://www.justicepoint.org>).

#### IV. 1794 Query III-Name, Sex, Race and DOB or Numerical Identifier

- a. Conducting the search: If we cannot locate a FBI # from the local system for a client, a 1794 search must be run on all individuals to identify if they have a non-Wisconsin State ID # and/or an FBI #, indicating possible criminal records in another State.

By clicking on the "Most Common" folder in the upper left-hand corner of the window, a list of possible searches will open with a 1794 search listed about half way down. Clicking on this option will create a pop-up window to conduct the search.

- b. The required data fields to complete to run this search are:
  - i. **Purpose Code**= "C" for criminal
  - ii. **Attention**= the name of the person conducting the search in a "Last name, First name" format, and the reason for the search, for Universal Screening it will either be "Training" or "PSA". (Ex. Doe, John Training)
  - iii. **Last Name**=client's last name
  - iv. **First Name**=client's first name
  - v. **Middle Name**=middle initial if you have it
  - vi. **Sex**=M or F
  - vii. **Race**=always "U" for Unidentified
  - viii. **Date of Birth**=enter DOB with no separation of numbers (Ex: "01011990", for a January 1, 1990 DOB)
  - ix. **Click Submit**

This information is redacted for security reasons. Contact State Coordinator for access.

**1794 - Query III - Name, Sex, Race and DOB or Numerical Identifier**

Originating Agency Identifier  
Purpose Code  
Attention

Last Name  
First Name  
Middle Name

Enter One of the following fields or sets:

Sex  
Social Security Number  
Miscellaneous Number  
State Identification Number  
FBI Number

Operator

This information is redacted for security reasons. Contact State Coordinator for access.



**c. Reviewing the records**

**Identification/State ID #'s/FBI#:** The Identification section may include a lot of unique personal identifiers such as scars, tattoos, aliases, prior addresses, prior employment, etc. *This is the most important section, where we will identify if someone has any non-Wisconsin State ID numbers and an FBI number.*

If a non-Wisconsin State ID number or an FBI number is not found, then no further NCIC search is deemed warranted as there is no indication of the client having criminal history in another state (most common for younger defendants with no criminal history) and the 1794 records can be shredded.

If a non-Wisconsin State ID # and/or FBI# is found then move on to step V and VI.

**V. 1157 – Criminal History Full Record Query**

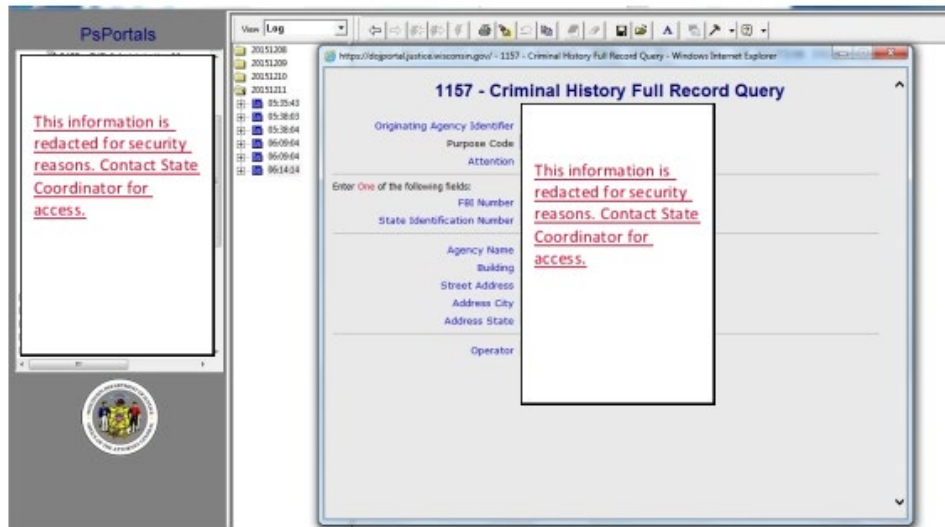
**a.** Conducting the search: An 1157 search must be run on all individuals who have an FBI#. The FBI# (if a person has one) can be found in one of two ways:

1. Reviewing the fingerprint information in the local system.
2. When doing a 1794 search in Portal100.

By clicking on the "Most Common" folder in the upper left-hand corner of the window, a list of possible searches will open and the 1157 – III Full Record search will appear about ¾ of the way down the list. Clicking on this option will create a pop-up window to conduct the search.

**b. The required data fields to complete to run this search are:**

- i. Purpose Code** = "C" for criminal
- ii. Attention** = the name of the person conducting the search in a "Last name, First name" format, and the reason for the search, for Universal Screening it will either be "Training" or "PSA". (Ex. Doe, John Training)
- iii. FBI#** = enter the FBI# obtained from 17941 NCIC search or CMS search
- iv. Click Submit**
- v. Gather any printed records for review when all searches are complete. Look for "End of Record" to ensure that all records have been printed.**
- vi. Continue to step VI if out-of-state ID #'s were found, otherwise, skip to step VII.**



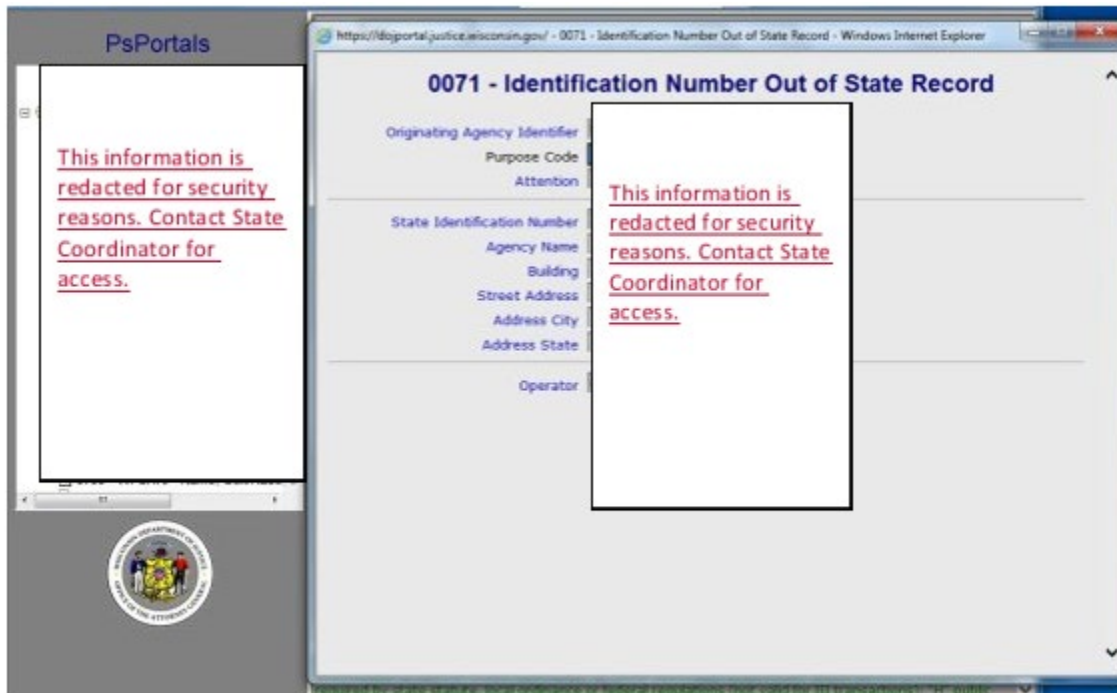
## VI. 0071 Identification Number Out of State Records Search

- a. **Conducting the search(s):** A 0071 search must be run on all individuals who have a **non-Wisconsin State ID #**, in order to account for any possible criminal records in another State.

By clicking on the “Most Common” folder in the upper left-hand corner of the window, a list of possible searches will open and the 0071 search will appear about ½ to ¾ of the way down the list of “Most Common” searches. Clicking on this option will create a pop-up window to conduct the search.

- b. **The required data fields to complete to run this search are:**

- i. **Purpose Code** = “C” for criminal
- ii. **Attention** = the name of the person conducting the search in a “Last name, First name” format, and the reason for the search, for Universal Screening it will either be “Training” or “PSA”. (Ex. Does, John Training)
- iii. **Destination State** = enter to letter state abbreviation
- iv. **State Identification Number** = Enter State ID obtained from 1794 search
- v. **Click Submit**
- vi. **Gather any printed records for review when all searches are complete. Look for “End of Record” to ensure that all records have been printed.**



## VII. Reviewing the records

- a. When reviewing records from 1157 and/or 0071 searches the focus is to look for criminal records that could impact the scoring of the PSA Risk Factors. When there are records from both searches, the records will need to be compared and cross-referenced to look for consistency and/or additional information. In most cases the records should be consistent but there may be cases where records are discovered in one search but not the other.
- b. **Cycles:** Cycles= Cases. Most states refer to criminal cases as cycles, but the format can differ between states. Review the pages carefully to ensure that you are accurately following all relevant information from the same cycle (case).
- c. **Counting Convictions:** We will only count convictions for cases that clearly show a severity of criminal misdemeanor or felony and have a "Guilty" disposition. Cycles with "Other" listed for the severity or with no clear disposition will not be counted. *When you find a conviction that you believe will count/impact the scoring of the PSA, circle it and hand write next what you are counting it for a CM or CF conviction. This will help during the QA review of these records.*
- d. **Counting Violent Convictions:** All violent convictions must accurately match the PSA's Violent List and must follow the above rules for counting a conviction. Any unclear statutes or charge descriptions should be staffed to determine if it meets the PSA's violent definition. *When you find a violent conviction that you believe will count/impact the scoring of the PSA, circle it and hand write next what you are counting it as a violent conviction and also include what number violent conviction it is (can stop once the sum total between WCCA and NCIC=3) This will help during the QA review of these records.*

- e. **Counting Sentence to Incarceration:** All cycles with guilty convictions entered for criminal offenses should be reviewed for details regarding sentence length. Length of sentence should be reviewed for risk in accordance with PSA guidelines. *When you find record of a sentence to incarceration that you believe will count/impact the scoring of the PSA, circle it and hand write next what you are counting as a sentence to incarceration. This will help during the QA review of these records.*
- f. **Submit for QA:** See QA protocol for information on how to review NCIC records.

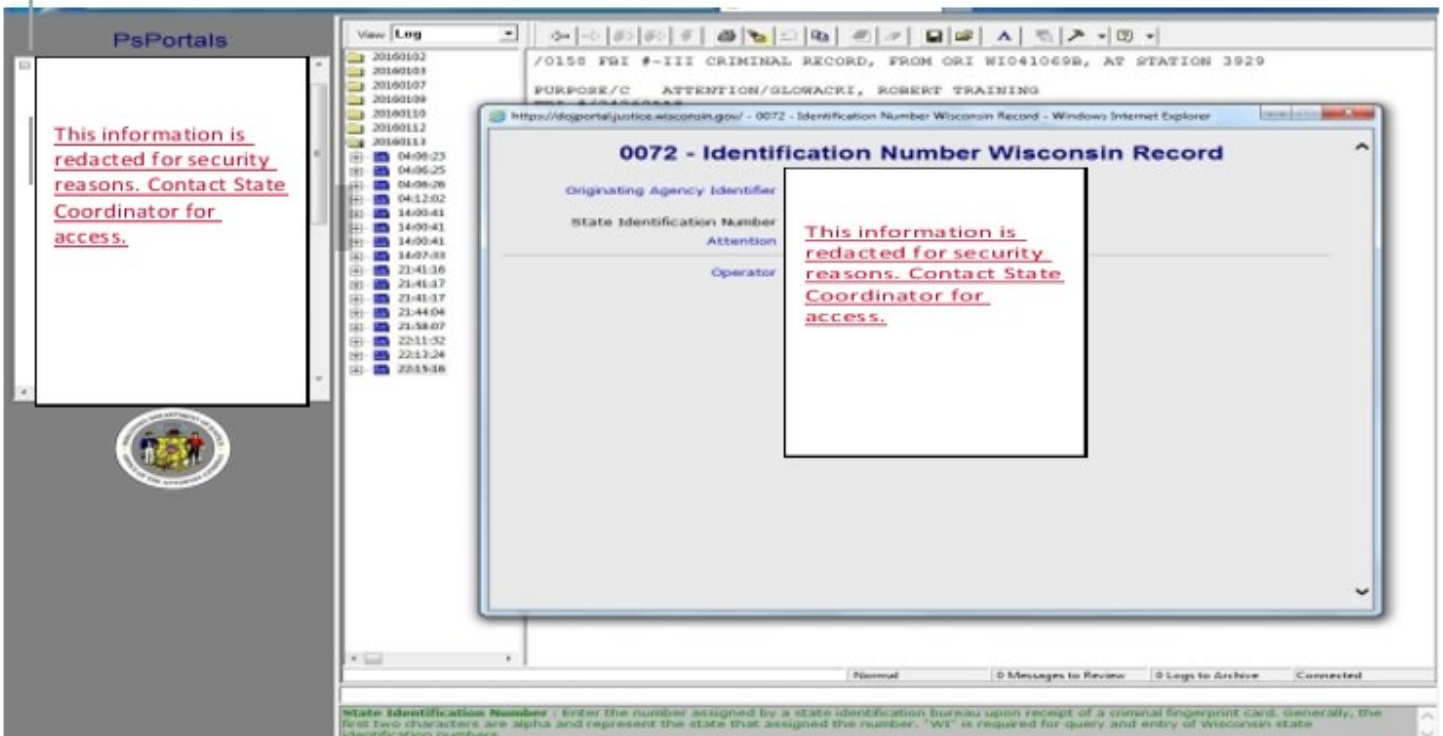
## VIII. 0072 Identification Number Wisconsin Record (Special Circumstances Only)

- a. **Conducting the search:** A 0072 search must be run on ONLY in special circumstances where:
  - 1. Clients have OLD WCCA cases missing conviction for sentencing information and the results of which may IMPACT the PSA. This would mean that the PSA was not already maxed out on risk based on records available from WCCA and NCIC.
  - 2. Clients have "missing OWI's" based on review of criminal history that may impact PSA.
  - 3. The 1157 search indicates inconclusive WI records that may impact PSA
  - 4. There are cases under aliases that need to be ruled out/or included as belonging to client.

The Wisconsin State ID # is used for this search.

By clicking on the "Most Common" folder in the upper left-hand corner of the window, a list of possible searches will open and the 0072 search will appear about ½ to ¾ of the way down the list of "Most Common" searches. Clicking on this option will create a pop-up window to conduct the search.

- b. **The required data fields to complete to run this search are:**
  - 1. **State Identification Number**=WI State Number obtained from NCIC or CMS, include "WI"
  - 2. **Purpose Code**= "C" for criminal
  - 3. **Attention**= the name of the person conducting the search in a "Last name, First name" format, and the reason for the search, for Universal Screening it will either be "Training" or "PSA". (Ex. Smith, Alison Training)
  - 4. **Click Submit**
  - 5. **Gather any printed records for review when all searches are complete. Look for "End of Record" to ensure that all records have been printed.**



### c. Reviewing the records

- i. The same rules for reviewing records as noted in previous searches are followed for this search, however the main goal will be to find the old WCCA cases in question to look for sentence to incarceration information.
- ii. **Submit for QA:** All NCIC records ran will be submitted for QA (**SEE NCIC QA Protocol**).

Wisconsin Department of Justice TIME System Help Desk  
608-266-7633

(Note: This is also on Page 5.)

# Quality Assurance/Quality Control Protocol

## PURPOSE

To ensure that risk assessments are properly and accurately scored to provide the highest possible level of quality information to support investigation, verification, and reporting services to the courts, attorneys, and defendants of the Wisconsin criminal justice system.

## OVERVIEW

The following information provides a guide for new hire proficiency, on-going quality assurance of completed PSAs and follow-up quality control. Additional resources can be found on the PSA website<sup>7</sup>.

All the following information is provided as a guide, but local protocols and resources will dictate process.

### New Hire Training and Proficiency

Sites implementing the PSA should ensure the following for their assessors:

- Training on the overall Public Safety Assessment (PSA), risk factors, and the scoring process.
- Practice with sample records.
- Support provided by an identified person to review test records that has demonstrated proficiency.
- Testing to proficiency for correctly scoring the PSA for a minimum of 20 cases at 100% accuracy.
  - This should be reached before assessors are allowed to score independently.

### On-Going Quality Assurance

An on-going process for reviewing completed PSAs in a timely manner should also be developed.

- The goal would be to establish a standard for review, such as all PSAs going to court as part of a bail/release decision and reviewing them after they are completed, but prior to having them utilized in court.
- When conducting a QA check, the following should be reviewed: WCCA; NCIC; investigation report; PSA report, including scoring and subsequent Release Conditions Matrix (RCM) application; and any other systems utilized in the scoring and application of the PSA.
- This may not be realistic initially, so set an interim goal such as reviewing 25% of those going to court as part of a bail/release decision.

---

<sup>7</sup> Refer specifically to the Quality Assurance Section. Note: In order to view guides, you will need to sign-up or login to the APPR website (<https://advancingpretrial.org>).

## **Quality Control**

A maintenance quality control process should also be created for regular review of completed PSAs for accuracy.

- A target could be quarterly reviews of random sample of 10% of the completed PSAs.
- Any with one or more identified issues that impact the scoring should be discussed with the person completed the PSA.
- Updated training should be provided as needed.
- At least one time per calendar year, the program coordinator shall conduct written and verbal testing of each pretrial investigator's knowledge of the PSA and RCM. Staff will be asked questions about the overall risk tool, the manner and nuances of collecting data for each risk factor, the research behind the risk tool, the risk principle, and the application of the risk score to the RCM.
- Feedback from this testing will be provided verbally to the pretrial assessor. Ongoing or consistent problems will be recorded in writing and documented in the pretrial assessor's personnel file. Where needed, additional training will be provided to ensure the pretrial investigator meets or exceeds agency expectations of performance.

## **Quality Assurance - Interviewing**

**If an interview or additional screening/assessment tools are utilized, a quality assurance process will also be developed for this process.**

- Staff will be observed conducting a full pretrial interview at least one time per quarter by a supervisor or program coordinator.
- Staff will be assessed on their interviewing technique, mastery of the investigation report, interaction with the client, and ability to obtain needed information from the client.
- Feedback will be given verbally to the pretrial investigator, and a record of any areas in need of improvement will be documented in the pretrial assessor's personnel file.
- Where needed, additional training will be provided to ensure the pretrial assessor meets or exceeds agency expectations of performance.

## Release Conditions Matrix (RCM)

The PSA is used to *measure* a person's pretrial risk, whereas the Release Conditions Matrix is used to help *manage* that risk. On its own, the PSA does not direct a judicial officer to release or detain a person or recommend a presumptive level of pretrial release (or its associated conditions). The PSA results may help inform these decisions, but they are made at the discretion of a judicial officer. The matrix was developed by local policy makers to help judicial officers use PSA results to make decisions that are based on assessed pretrial risk, are consistent with the risk principle<sup>8</sup>, align with statutes and local policies, and consider available resources.

What we know from the research completed to develop the PSA – and from empirical research on pretrial release – is that most people released pretrial succeed. They succeed in very high numbers. Nationally, about 80% of people released return to court and do not get arrested while on pretrial release. If people are arrested during pretrial release, it is almost never for a violent offense.

Release conditions should be:

- Individualized;
- The least-restrictive conditions that are designed to reasonably assure court appearance and public safety;
- Consistent with the risk principle; and
- Based on strategies that support pretrial success.

### Applying the Scores to the Release Conditions Matrix

Once the PSA is completed, apply the scores to the Wisconsin Release Conditions Matrix. The Release Conditions Matrix uses the scores obtained from the PSA and plots the individual onto the graph using the application of FTA and NCA scores. The intersection of scores determines the category into which a person falls on the grid. Judicial officers use the Release Conditions Matrix to determine the release and/or supervision conditions that might be applicable to mitigate an individual's risk while out on release during the pretrial period. Detention is not included in the matrix because eligibility for detention is based on state law, and the matrix becomes relevant only after a judicial officer decides a person will be released. The PSA is used to help measure a person's pretrial risk, whereas the Release Conditions Matrix is used to help manage that risk.

The Release Conditions Matrix has two sections:

- A grid, which is a structured tool that matches a person's scores on the two PSA scales (FTA and NCA) to presumptive levels of pretrial release and supervision;
- A table that lists the conditions associated with each pretrial release level.

Below is the Wisconsin RCM and corresponding instructions for the application of the RCM.

---

<sup>8</sup> The Risk Principle maintains that resources directed at people assessed as moderate and higher risk will result in better outcomes; targeting lower risk people with resources produces little if any positive effect and may contribute to negative outcomes.



## Wisconsin Pretrial Release Conditions Matrix

Version 4 (6/8/2021)

	<b>NCA 1 (91% Likely Arrest-Free*)</b>	<b>NCA 2 (85% Likely Arrest-Free*)</b>	<b>NCA 3 (78% Likely Arrest-Free*)</b>	<b>NCA 4 (68% Likely Arrest-Free*)</b>	<b>NCA 5 (55% Likely Arrest-Free*)</b>	<b>NCA 6 (47% Likely Arrest-Free*)</b>
<b>FTA 1 (89% Likely to Appear*)</b>	Level 1	Level 1				
<b>FTA 2 (85% Likely to Appear*)</b>	Level 1	Level 1	Level 1	Level 2	Level 4	
<b>FTA 3 (81% Likely to Appear*)</b>		Level 1	Level 1	Level 2	Level 4	Level 4
<b>FTA 4 (73% Likely to Appear*)</b>		Level 1	Level 2	Level 3	Level 4	Level 4
<b>FTA 5 (69% Likely to Appear*)</b>		Level 1	Level 2	Level 3	Level 4	Level 4
<b>FTA 6 (65% Likely to Appear*)</b>				Level 3	Level 4	Level 4

\*The percentages listed in the table above are PSA-Court Success Rates by Risk Level for Failure to Appear (FTA) and New Criminal Activity (NCA). The success rates associated with each PSA score is from Advancing Pretrial Policy & Research's implementation guide 9, which averaged the development and validation studies conducted by the researchers who developed the PSA. For more information about this research visit [www.advancingpretrial.org](http://www.advancingpretrial.org).

	<b>Level 1</b>	<b>Level 2 (Standard)</b>	<b>Level 3 (Enhanced)</b>	<b>Level 4 (Intensive)</b>
<b>Face-to-Face Contact</b>	No	1x/month	Every other week	Weekly
<b>Alternative Contact</b>	No	1x/month	Every other week	No
<b>Supervised Conditions</b>	No	As Authorized	As Authorized	As Authorized
<b>Court Date Reminder</b>	Yes	Yes	Yes	Yes
<b>Criminal History (local check)</b>	No	Yes	Yes	Yes

**NOTE: SAMPLE DOCUMENT. AUTHORIZED CONDITIONS WILL VARY BY COUNTY BASED ON RESOURCES.**

<b>Condition</b>	<b>Authorized</b>
<b>Drug Testing</b>	Defendant Level 2 or greater supervision on the RCM <b>AND</b> Scores X or greater on substance use screen <b>AND</b> has a history of illegal drug use/abuse
<b>Portable Breathalyzer</b>	Defendant Level 2 or greater supervision according to RCM <b>AND</b> Scores X or greater on substance use screen <b>AND</b> (has a history of problematic alcohol use/abuse <b>OR</b> current alcohol abuse) <b>OR</b> charged with an OWI case <b>AND</b> qualifies for supervision
<b>Absolute Sobriety</b>	Defendant has Score of X or greater on substance use screen and a history of alcohol abuse or current alcohol abuse <b>OR</b> Police report and/or criminal complaint indicate the defendant was intoxicated at time of arrest <b>OR</b> charged with an OWI case and qualifies for supervision
<b>GPS Monitoring</b>	Defendant charged with a felony non-OWI offense <b>OR</b> scored Level 4 Supervision <b>AND</b> charged with a violent offense <b>OR</b> Concern for victim safety
<b>SCRAM</b>	Defendant charged with an OWI offense and qualifies for Level 2 Supervision according to the RCM <b>AND</b> if any 1 of the following is true: Scores X or higher on substance use screen <b>OR</b> Currently on pretrial release for an OWI at time of alleged new OWI <b>OR</b> Charged with 3 <sup>rd</sup> or greater OWI. If defendant does not qualify for supervision, private pay SCRAM is an option depending upon program capacity.

## Conditions and Verification

- An interview is not required for the completion of the PSA. However, verification of information gathered through an interview may be helpful for the purposes of court notification and/or supervision.
- Pilot counties *may* use additional supplemental screening tools that may require an interview.
  - Additional screening or validated assessment tools may be used to determine eligibility for other programming, to help guide decisions on conditions, or for the purpose of identifying needs related to mental health, substance abuse, supervision, etc. if resources allow.
  - If additional screening tools are used then a verification process may be needed to ensure that accurate information is obtained from or about the defendant.
  - In addition, one process that is important after the completion of an interview is verifying the information gathered in the interview. Every effort must be made to obtain accurate collateral contact information from the defendant.
  - A consent form may be needed if conducting an interview or additional supplemental screening or assessment tools.
    - However, a consent form is not required for completion of the PSA since it does not require interaction with the defendant.

# Conditions

## Determining Eligibility for Additional Authorized Conditions

In addition to pretrial supervision, some pilot sites may have available additional special monitoring conditions such as GPS, Secure Continuous Remote Alcohol Monitoring (SCRAM), drug testing, or portable breathalyzer testing.

Imposition of these conditions is ideally determined not only based on application of the risk principle, but also the use of objective screening instruments, or based on facts contained in the criminal complaint that indicate that the ordering of such conditions is warranted.

Release conditions should be:

- Individualized;
- The least-restrictive conditions that are designed to reasonably assure court appearance and public safety;
- Consistent with the risk principle<sup>9</sup>; and
- Based on strategies that support pretrial success

**NOTE: BELOW IS A SAMPLE DOCUMENT. AUTHORIZED CONDITIONS WILL VARY BY COUNTY BASED ON RESOURCES.**

Condition	Authorized
<b>Drug Testing</b>	Defendant Level 2 or greater supervision on the RCM <b>AND</b> Scores X or greater on substance use screen <b>AND</b> has a history of illegal drug use/abuse.
<b>Portable Breathalyzer</b>	Defendant Level 2 or greater supervision according to RCM <b>AND</b> Scores X or greater on substance use screen <b>AND</b> (has a history of problematic alcohol use/abuse <b>OR</b> current alcohol abuse) <b>OR</b> charged with an OWI case <b>AND</b> qualifies for supervision.
<b>Absolute Sobriety</b>	Defendant has Score of X or greater on substance use screen and a history of alcohol abuse or current alcohol abuse <b>OR</b> Police report and/or criminal complaint indicate the defendant was intoxicated at time of arrest <b>OR</b> charged with an OWI case and qualifies for supervision.
<b>GPS Monitoring</b>	Defendant charged with a felony non-OWI offense <b>OR</b> scored Level 4 Supervision <b>AND</b> charged with a violent offense <b>OR</b> Concern for victim safety.
<b>SCRAM</b>	Defendant charged with an OWI offense and qualifies for Level 2 Supervision according to the RCM <b>AND</b> if any 1 of the following is true: Scores X or higher on substance use screen <b>OR</b> Currently on pretrial release for an OWI at time of alleged new OWI <b>OR</b> Charged with 3 <sup>rd</sup> or greater OWI. If defendant does not qualify for supervision, private pay SCRAM is an option depending upon program capacity.

<sup>9</sup>Andrews, D. & Dowden, Craig. (2007). The Risk–Need–Responsivity Model of Assessment and Human Service in Prevention and Corrections: Crime-Prevention Jurisprudence. Canadian Journal of Criminology and Criminal Justice.

# Consent Form Sample

## Pretrial Interview and Release of Information Consent Form

Name: \_\_\_\_\_ Date of Birth: \_\_\_\_\_  
First Middle Last xx/xx/xxxx

I understand that I am being requested to give information about myself to the XX County XX Program. I also understand the following:

1. The pretrial representative will conduct a criminal background check for the purpose of completing a pretrial risk assessment, utilizing the Public Safety Assessment (PSA). The information collected will be used by the court to determine my pretrial release status (bail and conditions).
2. The pretrial representative will be conducting an interview collecting information concerning my substance abuse and mental health status for the purpose of early screening for treatment court eligibility. Participation in the interview is voluntary. The information collected cannot be used in my current or future prosecution and/or sentencing with the exception of mandatory reporting requirements as indicated in #8 below.
3. The **[what is being released]** and my responses to questions asked during this interview can be released to **[who it will be released to]** **[why it is being released]**.
4. I will not be asked anything about my charge(s) nor will I discuss my arrest and charge(s).
5. I will be asked to provide contact information for people who can verify the information I provide, including phone numbers, addresses, and place of employment where I can be contacted.
6. The information I provide will be verified and that any false information I give may delay final decisions about my release status.
7. The risk factors and scores from the PSA, along with the presumptive release level, will be released by **[insert agency's name]** to the District Attorney's Office and the Public Defender's Office; additionally, this information will be provided to the court. My consent is not required for the PSA Report to be released to these parties.
8. Mandatory reporting requirements may allow information that I share pertaining to threats to harm myself, threats to harm others, or abuse and/or neglect to a child, a disabled person, or an elderly person to be released without my written authorization.

I have read the above form, or had it read to me, and consent to the pretrial interview and the release of information outlined above. I understand that this is not a waiver of my medical and mental health privacy rights.

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pretrial Representative

\_\_\_\_\_  
Date

### DECLINED INTERVIEW

\_\_\_\_\_  
Defendant's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Pretrial Representative

\_\_\_\_\_  
Date

## Elements of a PSA Report

The Standard PSA Report provides an example of the layout and types of information to present to a judicial officer who makes pretrial decisions. Once designed, the report should be provided to your IT staff, who can program the system to auto-generate a report every time a PSA is completed. Each system-generated report is unique to the person who has been assessed; it is defendant-specific, charge-specific, and assessment-specific.

All PSA reports must include basic demographic information, the current charge(s), PSA scores, and the answers for each risk factor. The PSA report should use only the headings that appear in the Standard PSA Report. In some jurisdictions, in addition to a PSA report, the pretrial judicial officer is provided the defendant's full criminal history, information collected during an interview (such as the person's housing, family support, employment, or participation in school or a job-training program), juvenile criminal history, and/or a visual of [the Release Conditions Matrix](#). It is up to your implementation team to decide which information to provide to the judicial officer, but the PSA report must stand apart from any additional information.

The PSA report does not need to include a recommendation or other statement about release conditions. On its own, the PSA does not make a recommendation. The PSA is used to inform pretrial decisions. The PSA score uses research-based factors to predict pretrial success (e.g. reappearance in court and no new criminal arrests). The assessment does not tell a judicial officer to release or detain someone. The PSA does not mandate the conditions under which a person should be released. Ultimately, all of those decisions are left to the sole discretion of the judicial officer. If the implementation team chooses to include in the PSA report a section on presumptive release conditions or recommendations, that language should clarify that this information is based<sup>10</sup> on local policy.

---

<sup>10</sup> The information in this section was taken from the Public Safety Assessment implementation guide <https://advancingpretrial.org/guide/guide-to-the-psa-report/>.

**Name:** John Defendant**Arrest Date:**

06/15/17

**PID:** 123456**PSA Completion Date:**

06/16/17

**Current Charge(s):** 14-113.9 FINANCIAL CARD THEFT F 1**PSA Score****FAILURE TO APPEAR**

1	2	3	4	5	6
---	---	---	---	---	---

**NEW CRIMINAL ACTIVITY**

1	2	3	4	5	6
---	---	---	---	---	---

**NEW VIOLENT CRIMINAL ACTIVITY FLAG:** NO**Risk Factors:**

1. Age at Current Arrest:	23 or Older
2. Current Violent Offense:	No
2a. Current Violent Offense and 20 Years Old or Younger:	No
3. Pending Charge at the Time of Arrest:	No
4. Prior Misdemeanor Conviction:	Yes
5. Prior Felony Conviction:	Yes
5a. Prior Conviction:	Yes
6. Prior Violent Conviction:	0
7. Prior Failure to Appear in Past 2 Years:	1
8. Prior Failure to Appear Older than 2 Years:	Yes
9. Prior Sentence to Incarceration:	Yes

**Presumptive Release Level**

Based on the Release Conditions Matrix, the defendant's presumptive release level is **Release Level 2**.

[Insert jurisdiction's or agency's logo here.]

## Template Pretrial Assessment Report

[Insert jurisdiction's name here.]

**Name:** [Auto-populate charged person's full name here.]

**Identification Number:** [Auto-populate charged person's unique identification number here.]

**Arrest Date:** [Auto-populate charged person's arrest date here.]

**Pretrial Assessment Report Date:** [Auto-populate report completion date here.]

**Case Number:** [Auto-populate charged person's court case number here, if known.]

**Current Charge(s):** [Auto-populate person's charge(s) here.]

**Eligible for Release Before First Appearance?** Yes No

Notes: [If yes, auto-populate or staff enter the reason(s) why, e.g., charges, PSA scores, preconditions, local policy, etc.]

**Eligible for Pretrial Detention?** Yes No

Notes: [If yes, auto-populate or staff enter the reason(s) why, e.g., charges, preconditions, etc.]

### PSA Results:

*Note: This template report provides an example of how to display the person's PSA scores. In this example, the person received a score of 3 for both Failure to Appear and New Criminal Activity, and received the flag for New Violent Criminal Activity. The likelihood of success associated with each scaled score and the NVCA flag is also displayed.*

**Failure to Appear:** Score = 1 2 **3** 4 5 6

<b>81% Likely to Appear*</b>	<b>19%*</b>
------------------------------	-------------

**New Criminal Activity:** Score = 1 2 **3** 4 5 6

<b>78% Likely to Remain Arrest-Free*</b>	<b>22%*</b>
--	-------------

**New Violent Criminal Activity:** Flag = **Yes**

<b>92% Likely to Remain Violent Arrest-Free*</b>	<b>8%*</b>
--	------------

\* Percentages are from the original PSA development and validation sites.

**Presumptive Pretrial Release Level:** [Auto-populate the release level from the Release Conditions Matrix.]

**Additional Notes:**

**PSA Factors:**

1. **Age at Current Arrest:** [Auto-populate the score.]
2. **Current Violent Offense:** [Auto-populate the score.]
- 2a. **Current Violent Offense and 20 Years Old or Younger:** [Auto-populate the score.]
3. **Pending Charge at the Time of the Arrest:** [Auto-populate the score.]
4. **Prior Misdemeanor Conviction:** [Auto-populate the score.]
5. **Prior Felony Conviction:** [Auto-populate the score.]
- 5a. **Prior Conviction:** [Auto-populate the score.]
6. **Prior Violent Conviction:** [Auto-populate the score.]
7. **Prior Failure to Appear in Past 2 Years:** [Auto-populate the score.]
8. **Prior Failure to Appear Older than 2 Years:** [Auto-populate the score.]
9. **Prior Sentence to Incarceration:** [Auto-populate the score.]



**The following sections describe each heading that appears in the Standard PSA Report.**

## **Demographic Information**

The PSA report should include basic demographic information about the defendant. This may include the person's name, date of birth, and personal identification number or another unique identifier the jurisdiction uses. This section should also record the date the person was arrested and the date the PSA was completed.

The implementation team will need to decide which personal information the PSA report makes available. This may depend on whether the report is considered a public court record. Many jurisdictions limit the personal identification information included in such records—and often exclude the person's date of birth, race, ethnicity, gender, and Social Security number. Although this information is usually captured in the jurisdiction's court data system, it is typically limited or removed from public court documents. In many jurisdictions, the PSA report includes the person's year of birth, but not information about race, ethnicity, or gender.

## **PSA Scores**

The PSA report should display the person's scores for failure to appear (FTA) and new criminal arrest (NCA) and show whether the person received a flag for new violent criminal arrest (NVCA). The report should also include the percentages of the likelihood of pretrial success based on each auto populated score. The implementation team must decide how to convey and depict these items.

Most jurisdictions choose to display the PSA scales for FTA and NCA and mark the person's score accordingly. The FTA and NCA scales are often depicted as a bar chart from 1 to 6, as they appear on the Standard PSA Report. The person's score can be marked by filling in the scale to match the score or in whatever way the team decides.

The presence or absence of the NVCA flag is often depicted simply as a Yes or No. Some jurisdictions also use a flag symbol when the NVCA flag is present.

## **Charges**

This section of the PSA report enumerates the charge or charges for which the defendant is appearing before a judicial official. This section typically includes the statute number(s), offense(s), whether the offense is a misdemeanor or felony, and the charge degree.

## **Risk Factors**

Below the scores, the report should list all nine PSA risk factors, as well as the response assigned for each one. This provides the judicial officer and other key stakeholders (such as the prosecutor and defense lawyer) the information they need to understand the risk factors that generated the PSA scores.

## Presumptive Release Levels

If the implementation team chooses to include a section on presumptive release conditions or recommendations in the PSA report, it must be clear that this information is based on local policy about release conditions. The information may derive from your jurisdiction's [Release Conditions Matrix](#) or could be attributed to your pretrial services agency. For instance, the team may decide to program the PSA report to include a statement such as "Based on the Release Conditions Matrix, the presumptive release level is Release Level 2."

Some PSA sites also include a "Notes" subsection to inform the judicial officer of additional relevant information about the defendant, such as the existence of a probation or parole hold or a warrant from another jurisdiction. The notes section should not include a person's criminal history or information gathered from an interview; such information, if it will be given to the judicial officer, should be presented independent of the PSA report.

# PSA Report Local Samples

## Example (Outagamie County)<sup>11</sup>

### Outagamie County PSA Report

**Name:** Sherlock Holmes      **Arrest Date:** 7/8/2020  
**SID:** WI00000001      **PSA Completion Date:** 7/9/2020

**Current Charges:**

Case Number	Charge	# of Counts
2020CM00001	947.01(1) Disorderly Conduct	1
2020CM00001	968.075 - Modifier - Domestic Abuse Incident	1

PSA (Public Safety Assessment) Score [scale of 1 – 6]					
1	2	3	4	5	6
Failure to Appear:			FTA 5		
New Criminal Activity:			NCA 4		
New Violent Criminal Activity:			No		

**PSA Risk Factors:**

1.	Age at Current Arrest	23 or older
2.	Current Violent Offense	No
2a.	Current Violent Offense & 20 Years Old or Younger	No
3.	Pending Charge at the Time of the Arrest	No
4.	Prior Misdemeanor Conviction	Yes
5.	Prior Felony Conviction	No
5a.	Prior Conviction	Yes
6.	Prior Violent Conviction	1
7.	Prior Failure to Appear in Past 2 Years	2 or more
8.	Prior Failure to Appear Older Than 2 Years	Yes
9.	Prior Sentence to Incarceration	Yes

**Presumptive Pretrial Supervision Level:**

Based on the Release Conditions Matrix, the defendant's presumptive supervision level is:  
**Level 3 – Enhanced Supervision**

**Electronic Monitoring Eligibility:**

Based on the Release Conditions Matrix, the defendant may be appropriate for the following authorized condition(s) of bond:  
**Electronic Monitoring Not Applicable per RCM**

<sup>11</sup> Report generated using Automon case management software (<https://automon.com/pretrial/>).

# Example (La Crosse County)<sup>12</sup>



## La Crosse County Pretrial Report

333 Vine St. La Crosse, WI 54601

Assessment Date: 8/25/2020

Screened By: HOLINKA,KATE

**NAME: TEST CLIENT**

Client ID: 6274

DOB: 5/19/2001

Address: 123 Liberty Street La Crosse, WI 54601

Veteran Status: Unknown

Gender: Male

Home Phone: 000-000-0000

Identifies As: Male

### ARREST SUMMARY

Current Charge(s)	Booking Date: 8/25/2020	Case Filing Date: 8/25/2020	Charge Count	Severity
947.01 Disorderly Conduct			1	Misdemeanor

### ADDITIONAL ASSESSMENTS

PROXY SCORE: 6	UNCOPE ASSESSMENT: 2	DOMESTIC VIOLENCE: Medium High	CORRECTIONAL MENTAL HEALTH ASSESSMENT: Male: 6
----------------	----------------------	--------------------------------	--

### PSA (PUBLIC SAFETY ASSESSMENT)

PSA Completion Date: 8/25/2020	Response	FTA Score: 4 (Failure to Appear)	Based on the Release Conditions Matrix, the defendant's recommended supervision level is:  <b>Level 4</b>
1. Age at current arrest:	19	NCA Score: 6 (New Criminal Activity)	
2. Current violent offense:	No		
2a. Current violent offense and 20 years old or younger:		NVCA Flag: No (New Violent Criminal Activity)	
3. Pending charges at time of offense:	Yes		
4. Prior misdemeanor conviction:	Yes		
5. Prior felony conviction:	No		
5a. Prior conviction:	Yes		
6. Prior violent conviction:	0		
7. Prior failure to appear pretrial in last two years: 1/12/20	1		
8. Prior failure to appear pretrial older than two years:	No		
9. Prior sentence to incarceration:	Yes		

### SUGGESTED TERMS AND CONDITIONS

#### Level 4 Suggested Conditions

- Yes Court Reminders
- Weekly Face-to-Face Contact:
- No Alternative Contact:
- Yes Criminal History Checks:

Supervision Conditions:  
No Conditions

	NCA 1 (90%)	NCA 2 (85%)	NCA 3 (77%)	NCA 4 (70%)	NCA 5 (52%)	NCA 6 (45%)
FTA 1 (90%)	Level 1	Level 1				
FTA 2 (85%)	Level 1	Level 1	Level 1	Level 2	Level 4	
FTA 3 (80%)		Level 1	Level 1	Level 2	Level 4	Level 4
FTA 4 (80%)		Level 1	Level 2	Level 3	Level 4	Level 4
FTA 5 (85%)		Level 1	Level 2	Level 3	Level 4	Level 4
FTA 6 (80%)				Level 3	Level 4	Level 4

### COMMENTS

PO HOLD

#### Potential Program Eligibility:

- OWI Court
- Drug Court
- Fresh Start
- Pre-Charge Diversion
- Post-Charge Diversion

<sup>12</sup> Report generated using Avatar case management software.

# Example (Rock County)

## Rock County Pretrial Risk Report

PSA ASSESSMENT DATE: 2020-08-31

PREPARED BY: Santos, Nicole

JusticePoint Phone Number: 608-741-3400

**IDENTIFYING INFORMATION**

Defendant Name:

Gender:

DOB:

Address:

Address Verified:  Yes  No

Phone Number: (608) 365-8457

**CURRENT CASE INFORMATION**

Arrest Date: 8/31/2020

Statute #: 976.03(13)

Statute Description: Extradition-Arrest Prior to Requisition

Severity: Felony

RELEASE CONDITIONS MATRIX RECOMMENDED SUPERVISION LEVEL: 1

LSI-R:SV: Not completed

	NCA 1 (90%*)	NCA 2 (85%*)	NCA 3 (77%*)	NCA 4 (70%*)	NCA 5 (52%*)	NCA 6 (45%*)
FTA 1 (90%*)	Level 1	Level 1				
FTA 2 (85%*)	Level 1	Level 1	Level 1	Level 2	Level 4	
FTA 3 (80%*)		Level 1	Level 1	Level 2	Level 4	Level 4
FTA 4 (69%*)		Level 1	Level 2	Level 3	Level 4	Level 4
FTA 5 (65%*)		Level 1	Level 2	Level 3	Level 4	Level 4
FTA 6 (60%*)				Level 3	Level 4	Level 4

	Level 1	Level 2 (Standard)	Level 3 (Enhanced)	Level 4 (Intensive)
Face-to-Face Contact	No	1x/month	Every other week	Weekly
Alternative Contact	No	1x/month	Every other week	No
Supervised Conditions	No	As Authorized	As Authorized	As Authorized
Court Date Reminder	Yes	Yes	Yes	Yes
Criminal History (local check)	No	Yes	Yes	Yes

Comments: |

## Example (Rock) Page 2<sup>13</sup>

---

### ASSESSMENT RISK SCALES

---

**Failure To Appear (PSA):** 2  
**New Criminal Activity (PSA):** 2  
**New Violent Criminal Activity (PSA):** No

---

### Risk Factors

---

1. Age at current arrest  
 20 or younger  21 or 22  23 or older
2. Current Violent Offense  
 No  Yes  
2a. Current Violent Offense & 20 Years Old or Younger  
 No  Yes
3. Pending Charge at the Time of the Offense  
 No  Yes
4. Prior Misdemeanor Conviction  
 No  Yes
5. Prior Felony Conviction  
 No  Yes  
5a. Prior Conviction  
 No  Yes
6. Prior Violent Conviction  
 0  1  2  3 or more
7. Prior Failure to Appear Pretrial in Past 2 Years  
 0  1  2 or more
8. Prior Failure to Appear Pretrial Older Than 2 Years  
 No  Yes
9. Prior Sentence to Incarceration  
 No  Yes

---

<sup>13</sup> Report generated using Equivant case management software (<https://www.equivant.com/northpointe-suite-pretrial-2/>).

# Sample Pretrial Behavior Response Matrix

## Violation Response

Pilot counties should utilize a response matrix. The below matrix should be the starting point for all pilot counties.

Violation Definitions		
Low Severity	Moderate Severity	High Severity
Definition: Involves violations that show a lapse in judgment but do not cause harm to the justice-involved individual or others.	Definition: Violations that appear to show a disregard for court orders and pretrial supervision but do not cause harm or potential harm to others.	Definition: Violations that appear to show a willful and/or repeated disregard for court orders and pretrial supervision, and/or violations that cause or present a risk of harm to the justice-involved individual and/or others.
Late to scheduled office contact without acceptable excuse.	Failure to respond to call or communication from PTS within 24 hours.	Any new criminal charge.
Insufficient UA/diluted UA/refusal to follow UA collection Protocol.	Failure to report a new arrest.	Missed scheduled face contact.
Disruptive behavior in PTS office.	Missed scheduled alternate contact.	Missed court date (FTA).
GPS low severity violations (see list).	GPS moderate severity violations (see list).	GPS high severity violations (see list).
SCRAM minor severity violations (see list).	SCRAM moderate severity violations (see list).	SCRAM high severity violations (see list).
Failure to report police contact.	Failure to comply with verification.	Tamper/attempt tamper-UA.
Failure to report after court.	Missed UA/PBT, refusal to submit UA/PBT, positive drug test/PBT.	Violation of no contact/stay away order.
Failure to report address/phone number change.	Repeated* low severity violations.	Failure to complete a violations response.
		Repeated* moderate severity violations.

\*Repeated = More than two events within the period of supervision.

Response Levels			
Supervision Level	Low Severity Violation	Mod. Severity Violation	High Severity Violation
Level 2 (Standard)	Low Response	Low-Mod. Response	Mod.-High Response
Level 3 (Enhanced)	Low-Mod. Response	Mod.-High Response	High Response
Level 4 (Intensive)	Low-Mod. Response	Mod.-High Response	High Response

Violation response should reflect both violation response and risk level.

<b>Response Definitions</b>	
<b>Low Response</b>	Verbal warning, review release conditions with defendant, consult with attorney, consult with family/support, role clarification, use of disapproval.
<b>Moderate Response</b>	Meet with attorney and defendant (staffing), reflective writing assignment, increase frequency of substance testing, increase PBT/UA testing frequency, refer for AODA assessment, refer for mental health services, increase supervision level, consult with AODA/MH treatment provider, Event worksheet, Risk Mitigation Plan.
<b>High Response</b>	Notify court, ADA, defense attorney; request additional bail conditions (SCRAM, GPS, curfew, drug testing, treatment); request bail hearing; return to custody; Court Appearance Plan; Thinking Model.

<b>SCRAM/GPS-Specific Violations</b>		
<b>Violation Severity</b>	<b>GPS</b>	<b>SCRAM</b>
<b>Low</b>	First low battery event.	Low battery event.
<b>Moderate</b>	Inclusion zone violation, failure to respond to order-in by case manager, subsequent low battery event.	Failure to download; loss, damage, or destruction of equipment; failure to respond to order-in by case manager.
<b>High</b>	Failure to cooperate/show for install, exclusion zone violation, confirmed tamper.	Failure to cooperate/show for install, loss of contact, confirmed tamper, confirmed drinking event.



## Sample Incentives Matrix for Compliant Behavior

The following protocols provide a sample framework for how Pretrial Services staff may respond to clients' compliance with conditions of pretrial release, if stakeholders choose to utilize an incentives matrix. The purpose of this structured protocol is to provide clarity for defendants, staff, and other criminal justice stakeholders what the expectations are, and what the responses to compliant behavior may be for defendants monitored by Pretrial Services. The protocols are structured to provide a menu of graduated options based on the level of compliant behavior. Such protocols help to prioritize limited staff time and resources, and help ensure that responses are consistent across case managers, while at the same time allowing for professional discretion within the response level options. It is important to notice and reinforce compliant behavior. During pretrial monitoring, defendants are to remain crime-free, appear in court as scheduled, and abide by other court-ordered conditions of pretrial release. The Case Manager reserves the right to deviate from these protocols due to extenuating circumstances.

### Pretrial Compliance Matrix

Low Positive/Prosocial Behavior	Moderate Positive/Prosocial Behavior	High Positive/Prosocial Behavior
Timely attendance for office contacts and other scheduled appointments	Keeping appointments	Attendance at court hearings
Make-up missed appointments in a timely manner	Continued negative UA/PBT	Keeping appointments
Notify case manager or treatment providers of tardiness or absence	Compliance with verification	Continued negative UA/PBT
Report address/telephone change without prompting	Continued reporting after violation	No non-compliance
Negative UA/PBT		No GPS violations/low battery/etc. for 60 days (if court-ordered to GPS monitoring)
		No SCRAM violations/low battery/etc. for 60 days (if court-ordered to SCRAM)

### Incentives Matrix for Compliant Behavior

Always document responses in case management program.

Low Positive Responses	Moderate Positive Responses	High Positive Responses
Verbal praise/encouragement from case manager	Inclusion of information in court report	Verbal praise for negative UA/PBT
Note card with message	Verbal praise for negative UA/PBT	Reduced monitoring schedule
Verbal praise for negative UA/PBT	Referrals for additional services	Accommodation of work or school schedule
Awesome jar/fish bowl	Reduction in supervision level ( <b>Judicial</b> )	Discharge of pretrial supervision to court reminders or just telephone contact ( <b>Judicial</b> )
Other individualized incentives	Bus passes/transportation passes	Positive feedback in Court ( <b>Judicial</b> )
Bus passes/transportation passes	Donated gifts	Removal from GPS ( <b>Judicial</b> )
		Bus passes/transportation passes

# **Appendix**

## **PSA Violent Offense List**

(Updated 04.19.21)

Code	Description	Severity
<b>940</b>	<b>Crimes Against Life and Bodily Security</b>	
<b>940.01</b>	<b>First Degree Intentional Homicide</b>	
940.01(1)(a)	1st-Degree Intentional Homicide	F
940.01(1)(b)	1st-Degree Intent. Homicide-Unborn Child	F
<b>940.02</b>	<b>First Degree Reckless Homicide</b>	
940.02(1)	1st-Degree Reckless Homicide	F
940.02(1m)	1st-Deg. Reckless Homicide-Unborn Child	F
940.02(2)(a)	1st Reckless Homicide/Deliver Drugs	F
940.02(2)(b)	1st Reckless Homicide/Administer Drugs	F
<b>940.03</b>	<b>Felony Murder</b>	
940.03	Felony Murder-Sexual Assault	F
940.03	Felony Murder-Arson of Building	F
940.03	Felony Murder-Burglary	F
940.03	Felony Murder-Armed Robbery	F
940.03	Felony Murder-Battery/Threat to Witness	F
940.03	Felony Murder-Battery	F
940.03	Felony Murder-False Imprisonment	F
940.03	Felony Murder-Battery/Threat to Judge	F
940.03	Felony Murder-Battery/Person w/Injunct.	F
940.03	Felony Murder-Battery to Unborn Child	F
<b>940.05</b>	<b>Second Degree Intentional Homicide</b>	
940.05(1)	2nd-Degree Intentional Homicide	F
940.05(1)(a)	2nd-Degree Intentional Homicide	F
940.05(1)(b)	2nd-Degree Intentional Homicide	F
940.05(2g)	2nd-Deg.Intent.Homicide-Unborn Child	F
940.05(2g)(a)	2nd-Deg.Intent.Homicide-Unborn Child	F
940.05(2g)(b)	2nd-Deg.Intent.Homicide-Unborn Child	F
<b>940.06</b>	<b>Second Degree Reckless Homicide</b>	
940.06(1)	2nd Degree Reckless Homicide	F
940.06(2)	2nd Deg. Reckless Homicide-Unborn Child	F

Code	Description	Severity
<b>940.07</b>	<b>Homicide resulting from vicious animal</b>	
940.07	Homicide Resulting from Vicious Animal	F
<b>940.08</b>	<b>Homicide by Negligent Handling of Dangerous Weapon, Explosive, or Fire</b>	
940.08(1)	Homicide by Negligent Handling of Dangerous Weapon/Explosive	F
940.08(2)	Homicide-Dangerous Weapon-Unborn Child	F
<b>940.09</b>	<b>Homicide by Intoxicated Use of Vehicle or Firearm</b>	
940.09(1)(a)	Homicide by Intoxicated Use of Vehicle	F
940.09(1)(am)	Homicide by Veh. Use-Control. Substance	F
940.09(1)(b)	Homicide by Use of Vehicle with PAC	F
940.09(1)(bm)	Homicide by Use of CMV with PAC	F
940.09(1)(c)	Homicide-Intox. Use/Vehicle-Unborn Child	F
940.09(1)(cm)	Homicide-Con. Subst. Use/Veh-Unborn Child	F
940.09(1)(d)	Homicide-Use Vehicle/PAC-Unborn Child	F
940.09(1)(e)	Homicide/Unborn Child - Use CMV w/ PAC	F
940.09(1g)(a)	Homicide by Intoxicated Use of Firearm	F
940.09(1g)(am)	Homicide by Firearm w/ Control. Substance	F
940.09(1g)(b)	Homicide by Firearm with PAC >= .08	F
940.09(1g)(c)	Homicide-Intox. Firearm Use-Unborn Child	F
940.09(1g)(cm)	Homicide-Firearm/Contr. Subs-Unborn Child	F
940.09(1g)(d)	Homicide/Unborn Child - Firearm w/ PAC	F
940.09(1m)(a)	Homicide by Intoxicated Use of Vehicle or Firearm - Combination of Crimes	F
<b>940.10</b>	<b>Homicide by Negligent Operation of Vehicle</b>	
940.10(1)	Homicide by Negligent Operation/Vehicle	F
940.10(2)	Homicide-Neg. Operate Veh.-Unborn Child	F
<b>940.19</b>	<b>Battery</b>	
940.19(1)	Battery	M
940.19(2)	Substantial Battery-Intend Bodily Harm	F
940.19(4)	Aggravated Battery-Intend Bodily Harm	F
940.19(5)	Aggravated Battery-Intend Great Bod. Harm	F
940.19(6)	Aggravated Battery	F
940.19(6)(a)	Aggravated Battery-Elderly	F

<b>Code</b>	<b>Description</b>	<b>Severity</b>
940.19(6)(b)	Aggravated Battery-Physically Disabled	F
940.195(1)	Battery to Unborn Child	M
940.195(2)	Subst. Battery-Int. Bod. Harm-Unborn Child	F
940.195(4)	Agg. Battery-Intend Bod. Harm-Unborn Child	F
940.195(5)	Agg. Battery-Intend Great Bod. Harm-Unborn	F
940.195(6)	Aggravated Battery-Unborn Child	F
<b>940.20</b>	<b>Battery - Special Circumstances</b>	
940.20(1)	Battery by Prisoners	F
940.20(1g)	Battery by Sexually Violent Person in Secure Facility	F
940.20(1m)(a)	Battery to Injunction Petitioner	F
940.20(1m)(b)	Battery to Injunction Petitioner	F
940.20(2)	Battery to Fire Fighters or Commission Wardens	F
940.20(2m)(b)	Battery to Probation/Parole Agents	F
940.20(2r)(b)	Battery to a Nurse	F
940.20(3)	Battery to a Juror	F
940.20(4)	Battery to Public Officers	F
940.20(5)(b)	Battery to School District Officers, etc	F
940.20(6)(b)	Battery to Public Transit Operator, etc.	F
940.20(6)(b)1	Battery to Public Transit Operator, etc.	F
940.20(6)(b)2	Battery to Public Transit Operator, etc.	F
940.20(6)(b)3	Battery to Public Transit Operator, etc.	F
940.20(7)(b)	Battery to Emergency Rescue Worker	F
940.201(2)	Battery or Threat to Witnesses	F
940.201(2)(a)	Battery or Threat to a Witness	F
940.201(2)(b)	Battery/Threat-Family Member of Witness	F
940.203(2)	Battery or Threat to Judge, Prosecutor, or Law Enforcement Officer	F
940.205(2)	Battery to Dept. of Revenue Employee	F
940.207(2)	Battery to Workforce Develop. Employee	F
940.208	Battery to Certain Employees of Counties, Cities, Villages or Towns	F
<b>940.21</b>	<b>Mayhem</b>	
940.21	Mayhem	F

Code	Description	Severity
<b>940.22</b>	<b>Sexual Exploitation</b>	
940.22(2)	Sexual Exploitation by Therapist	F
<b>940.225</b>	<b>Sexual Assault</b>	
940.225(1)	1st Degree Sexual Assault	F
940.225(1)(a)	1st Deg. Sexual Assault/Great Bodily Harm	F
940.225(1)(b)	1st Deg. Sexual Assault-Use/Dang. Weapon	F
940.225(1)(c)	1st Deg. Sexual Assault/Aided by Others	F
940.225(2)(a)	2nd Degree Sexual Assault/Use of Force	F
940.225(2)(b)	2nd Deg. Sexual Assault/Sex Organ Injury	F
940.225(2)(c)	2nd Deg. Sex. Assault/Mentally Ill Victim	F
940.225(2)(cm)	2nd Deg. Sex Assault-Intoxicated Victim	F
940.225(2)(d)	2nd Deg. Sex. Assault/Unconscious Victim	F
940.225(2)(f)	2nd Deg. Sexual Assault/Aided by Another	F
940.225(2)(g)	2nd Deg. Sexual Assault/Treat. Facility Ee	F
940.225(2)(h)	2nd Deg. Sex. Assault by Correct. Staff	F
940.225(2)(i)	2nd Deg. Sex. Assault by Prob. Agent	F
940.225(2)(j)	2nd Degree Sexual Assault by Employee of Child Welfare Agency or Care/Service Residential Facility	F
940.225(3)(a)	3rd Degree Sexual Assault	F
940.225(3)(b)	3rd Degree Sexual Assault - Sexual Contact - Bodily Fluids	F
940.225(3m)	4th Degree Sexual Assault	M
<b>940.235</b>	<b>Strangulation and Suffocation</b>	
940.235(1)	Strangulation and Suffocation	F
940.235(2)	Strangulation and Suffocation (with a Previous Conviction)	F
<b>940.285</b>	<b>Abuse of Individuals at Risk</b>	
940.285(2)(a)1	Intentionally Subject an Individual at Risk to Abuse	F
940.285(2)(a)2	Recklessly Subject an Individual at Risk to Abuse	F
940.285(2)(a)3	Negligently Subject an Individual at Risk to Abuse	F
<b>940.29</b>	<b>Abuse of Residents of Penal Facilities</b>	
940.29	Abuse of Residents of Penal Facilities	F
<b>940.295</b>	<b>Abuse and Neglect of Patients and Residents</b>	
940.295(3)(a)1	Intentionally Abuse Patients	F

Code	Description	Severity
940.295(3)(a)2	Recklessly Abuse Patients	F
940.295(3)(a)3	Negligently Abuse Patients	F
<b>940.30</b>	<b>False Imprisonment</b>	
940.30	False Imprisonment	F
<b>940.302</b>	<b>Human Trafficking</b>	
940.302(2)(a)	Human Trafficking	F
940.302(2)(b)	Benefit from Human Trafficking	F
940.302(2)(c)	Receive Compensation for Human Trafficking	F
<b>940.305</b>	<b>Taking Hostages</b>	
940.305(1)	Taking Hostages	F
940.305(2)	Taking Hostages/Release w/o Bodily Harm	F
<b>940.31</b>	<b>Kidnapping</b>	
940.31(1)(a)	Kidnapping/Carry w/o Consent	F
940.31(1)(b)	Kidnapping/Seize or Confine w/o Consent	F
940.31(1)(c)	Kidnapping/Use Deceit to Induce	F
940.31(2)(a)	Kidnap with Intent to Transfer Property	F
940.31(2)(b)	Kidnap/Intent/Transfer Prop. w/o Injury	F
<b>940.32</b>	<b>Stalking</b>	
940.32(2)	Stalking	F
940.32(2e)	Stalking - Prev Conviction Sex Assault	F
940.32(2m)(a)	Stalking - Prev Conviction Violent Crime	F
940.32(2m)(b)	Stalking - Prev Conviction w/in 7 Yrs	F
940.32(2m)(c)	Stalking - Intent. Gain Access to Record	F
940.32(2m)(d)	Stalking-Intercept Elect. Communication	F
940.32(2m)(e)	Stalking - Victim is Under 18 Yrs of Age	F
940.32(3)	Stalking	F
940.32(3)(a)	Stalking-Bodily Harm Result	F
940.32(3)(b)	Stalking - Previous Conviction	F
940.32(3)(c)	Stalking - Use Dangerous Weapon	F
<b>940.42-.45</b>	<b>Intimidation of Witnesses</b>	
940.43(1)	Intimidate Witness/Use or Attempt Force	F

Code	Description	Severity
940.43(2)	Intimidate Witness/Damage Property	F
940.43(3)	Intimidate Witness/Threaten Force, etc.	F
940.45(1)	Intimidate Victim/Use or Attempt Force	F
940.45(2)	Intimidate Victim/Damage Property	F
940.45(3)	Intimidate Victim/Threaten Force, etc.	F
<b>941</b>	<b>Crimes Against Public Health and Safety</b>	
<b>941.2</b>	<b>Weapons</b>	
941.20(2)(a)	Endanger Safety/Reckless Use of Firearm	F
941.20(3)(a)1	Discharge Firearm/Vehicle-Towards Person	F
941.26(2)(f)	Use Bomb-Bodily Harm/Peace Officer	F
941.26(2)(g)	Use Bomb-Bodily Harm/Crime	F
941.26(4)(b)	Intent. Use Oleoresin Device-Bodily Harm	M
941.26(4)(d)	Intent. Use Oleoresin Device-Officer	F
941.26(4)(e)	Use Oleoresin Device-Harm/Crime	F
<b>941.3</b>	<b>Other Dangerous Instrumentalities and Practices</b>	
941.32	Administering Dangerous/Stupefying Drug	F
941.325	Placing Foreign Objects in Edibles	F
941.327(2)(a)1	Tamper/Household Products	F
941.327(2)(a)2	Tamper/Household Products-Labels	F
941.327(3)	Tamper/Household Products-False Info	F
941.38(2)	Intent. Solicit Child-Crim. Gang Activity	F
<b>943</b>	<b>Crimes Against Property</b>	
<b>943.1</b>	<b>Trespass</b>	
943.10(2)(d)	Burglary-Commit a Battery on Person	F
<b>943.2-.7</b>	<b>Misappropriation</b>	
943.23(1g)	Operate w/o Consent-Possess Weapon	F
943.23(1g)	Operate Vehicle w/o Consent-Passenger	M
943.32(1)	Armed Robbery ( <i>firearm displayed or recovered</i> )	F
943.32(1)	Robbery	F
943.32(1)(a)	Armed Robbery with Use of Force ( <i>firearm displayed or recovered</i> )	F
943.32(1)(a)	Robbery with Use of Force	F



Code	Description	Severity
943.32(1)(b)	Armed Robbery with Threat of Force ( <i>firearm displayed or recovered</i> )	F
943.32(1)(b)	Robbery with Threat of Force	F
943.32(2)	Armed Robbery ( <i>firearm displayed or recovered</i> )	F
<b>943.8-.9</b>	<b>Crimes Against Financial Institutions</b>	
943.87	Robbery of a Financial Institution	F
<b>944</b>	<b>Crimes Against Sexual Morality</b>	
944.18(2)(h)	Bestiality Force/Coerce Child Under 13 to Have Sexual Contact with Animal (1 <sup>st</sup> )	F
944.18(2)(h)	Bestiality Force/Coerce Child Under 13 to Have Sexual Contact with Animal (2 <sup>nd</sup> +)	F
944.18(2)(j)	Bestiality Force/Coerce Child 13 to 17 to Have Sexual Contact with Animal (1 <sup>st</sup> )	F
944.18(2)(j)	Bestiality Force/Coerce Child 13 to 17 to Have Sexual Contact with Animal (2 <sup>nd</sup> +)	F
<b>946</b>	<b>Crimes Against Government and Its Administration</b>	
946.01(1)(a)	Treason-Levy War Against State	F
946.01(1)(b)	Treason-Give Aid to Enemy of State	F
946.03(1)(a)	Sedition-Use/Threaten Violence	F
946.03(1)(b)	Sedition-Party to a Conspiracy	F
946.03(1)(c)	Sedition-Advocacy, etc.	F
946.03(1)(d)	Sedition-Organize Assembly	F
946.03(2)	Sedition-Allow Use of Premises	F
946.41(2r)	Resist/Obstruct Officer - Subst. Bodily Harm/Soft Tissue Injury	F
946.41(2t)	Resist Officer - Cause Great Bodily Harm	F
946.43(1m)(a)	Assault by Prisoner-Cause Fear/Battery	F
946.43(1m)(b)	Assault by Prisoners-Confines/Restrains	F
<b>947</b>	<b>Crimes Against Public Peace, Order and Other Interests</b>	
947.013(1m)(a)	Harassment-Fear of Death/Injunction (2+)	F
947.013(1m)(a)	Harassment-Fear of Death/Injunction	M
<b>948</b>	<b>Crimes Against Children</b>	
948.02(1)(am)	1st Degree Child Sex Assault - Contact/Intercourse w/ Person under 13 and Causes Great Bodily Harm	F
948.02(1)(b)	1st Degree Child Sexual Assault - Intercourse with Person under 12	F
948.02(1)(c)	1st Degree Child Sexual Assault - Intercourse with Person under 16 - Use/Threat of Force/Violence	F
948.02(1)(d)	1st Degree Child Sex Assault-Contact w/Person under 16-Use/Threat of Force/Violence (Actor is 18)	F

Code	Description	Severity
948.02(1)(e)	1st Degree Child Sex Assault - Sexual Contact with Person under Age of 13	F
948.02(2)	2nd Degree Sexual Assault of Child	F
948.02(3)	Failure to Act/Sexual Assault of Child	F
948.025(1)(a)	Repeated Sex Assault of Same Child (At Least 3 Violations 1st Degree w/ Child under 13 & Harm	F
948.025(1)(b)	Repeated Sexual Assault of Same Child (At Least 3 Violations of 1st Degree Sexual Assault)	F
948.025(1)(c)	Repeated Sexual Assault of Same Child (At Least 3 Violations of 1st Degree Sexual Assault)	F
948.025(1)(d)	Repeated Sexual Assault of Same Child (At Least 3 Violations of 1st Degree Sexual Assault)	F
948.025(1)(e)	Repeated Sexual Assault of Same Child (At Least 3 Violations of 1st or 2nd Degree Sexual Assault)	F
948.03(2)(a)	Child Abuse - Intentionally Cause Great Bodily Harm	F
948.03(2)(b)	Child Abuse-Intentionally Cause Harm	F
948.03(2)(c)	Child Abuse-High Probability/Great Harm	F
948.03(3)(a)	Child Abuse-Recklessly Cause Great Harm	F
948.03(3)(b)	Child Abuse-Recklessly Cause Harm	F
948.03(3)(c)	Child Abuse-Reckless Probab./Great Harm	F
948.03(4)(a)	Child Abuse-Fail/Prevent Great Harm	F
948.03(4)(b)	Child Abuse-Fail/Prevent Bodily Harm	F
948.03(5)(a)1	Physical Abuse of a Child, Repeated Acts Causing Death	F
948.03(5)(a)2	Physical Abuse of a Child, Repeated Acts Intentionally Causing Great Bodily Harm (2x)	F
948.03(5)(a)3	Physical Abuse of a Child, Repeated Acts Causing Great Bodily Harm	F
948.03(5)(a)4	Physical Abuse of a Child, Repeated Acts w/ High Probability of Great Bodily Harm	F
948.03(5)(a)5	Physical Abuse of a Child, Repeated Acts Causing Bodily Harm	F
948.05(1)(a)	Child Sexual Exploitation-Employ, Use, Induce	F
948.05(1)(b)	Child Sexual Exploitation-Videos, Records, etc.	F
948.05(1m)	Child Sexual Exploitation-Produce, Perform, etc.	F
948.05(2)	Child Sexual Exploitation-Fail to Prevent	F
948.051(1)	Trafficking of a Child	F
948.051(2)	Benefit from Trafficking of a Child	F
948.06(1)	Incest with Child	F
948.06(1m)	Incest with Child by Stepparent	F
948.06(2)	Incest with Child-Failure to Prevent	F
948.07(1)	Child Enticement-Sexual Contact	F

<b>Code</b>	<b>Description</b>	<b>Severity</b>
948.07(2)	Child Enticement-Prostitution	F
948.07(3)	Child Enticement-Expose Genitals/Pubic Area/Intimate Parts	F
948.07(4)	Child Enticement-Recording	F
948.07(5)	Child Enticement-Cause Mental/Bodily Harm	F
948.07(6)	Child Enticement-Give/Sell Drugs	F
948.075(1r)	Use a Computer to Facilitate a Child Sex Crime	F
948.08	Soliciting a Child for Prostitution	F
948.085(1)	Sexual Assault of Child by Foster Parent or Treatment Foster Parent	F
948.085(2)(a)	Sexual Assault of Child Placed in Shelter Care Facility by Facility Worker or Volunteer	F
948.085(2)(b)	Sexual Assault of Child Placed in a Group Home by Facility Worker or Volunteer	F
948.085(2)(c)	Sexual Assault of Child Placed in Residential Care Center by Facility Worker or Volunteer	F
948.09	Sexual Intercourse with Child 16 or Older, Actor 19 or Older	M
948.095(2)	Sex Assault of Student by School Staff	F
948.095(3)(a)	Sexual Assault of Child by Person Who Works or Volunteers with Children	F
948.30(1)(a)	Abduction of Child-Taking	F
948.30(1)(b)	Abduction of Child-Detaining	F
948.30(2)(a)	Forceful Abduction of Child-Taking	F
948.30(2)(b)	Forceful Abduction of Child-Detaining	F
948.51(2)	Hazing-Result: Death	F
948.51(2)	Hazing-Result: Great Bodily Harm	F
948.51(2)	Hazing-Result: Bodily Harm	M