STATE OF WISCONSIN
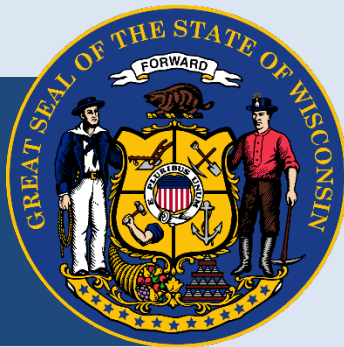## PRETRIAL PILOT PROJECT

Pretrial Outcome and Performance Measures

July 2021

ACKNOWLEDGMENTS

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Introduction

As pretrial programming has expanded in Wisconsin and across the country, it is essential that program managers have the ability to measure progress and track outcomes to ensure that they are meeting established justice system goals. In order to support these efforts, it is important to define specific, measurable outcomes, and their associated indicators. This document is intended to help define such measures and explain the data elements necessary to accurately quantify each one. Where necessary, mathematical equations are provided to support data collection and reporting. Arnold Ventures, LLC, creator of the Public Safety Assessment (PSA), recommends that jurisdictions using the PSA track specific pretrial outcomes including failure to appear (FTA), new criminal activity (NCA), and new violent criminal activity (NVCA). Additionally, other outcomes such as adherence rate, overall compliance rate, and the average length of pretrial detention for defendants prior to initial release may be beneficial to track.

For the purposes of tracking pretrial outcomes, the pretrial period is the time between the defendant's release from custody and the date of case disposition. In most counties, the date released from custody will be a) the date of the Initial Appearance (IA) if the defendant is not in custody on the date of the IA or b) the date of release from jail if the defendant is in custody at the IA. The release date will differ if they were held for another reason after the date of the IA (such as a probation hold). Additionally, it is important to track if a pretrial risk assessment was considered when release conditions were ordered by a judge or determined by pretrial services.

Calculations should be completed for all defendants in the cohorts by defendant sex, age at arrest group, race, ethnicity, and charge-risk profile to evaluate if different groups of individuals have different outcomes. Differences in outcomes across groups should be further analyzed to determine if operational changes may need to be made to address disparities.

Universal Data Elements:

- Demographics of Defendants Assessed Prior to Initial Appearance (Sex, Age at Arrest Group, Race, Ethnicity)
- Type of Case [Criminal Misdemeanor (CM), Criminal Felony (CF), or Criminal Traffic (CT)]
- Highest Charge Class and Severity [e.g. Felony A (FA), Misdemeanor A (MA)]
- PSA Assessed Risk of Pretrial Misconduct (FTA Score, New Criminal Activity (NCA) Score, New Violent Criminal Activity (NVCA) Flag (Y/N))

Outcome Measures

1. Appearance Rate[1]

Outcome Measure: The percentage of defendants who make all scheduled court appearances for the <u>current case</u> while out of custody and who do not have a capias or bench warrant <u>issued</u> against them for failure to appear (FTA) while on release pending disposition for the current case.

To be included in this measure, a defendant must have been released from custody at some time during the pretrial period and not had a FTA for the current case. The following should not be considered a FTA:

- A FTA on a <u>concurrent</u> case or
- One that occurred while the defendant was in custody or
- After case disposition on the current case

APPEARANCE RATE DATA SOURCE:

The Wisconsin Circuit Court Access (WCCA) and National Crime Information Center (NCIC) are considered the valid sources for FTA data.

Recommended Cohort: Defendants Released Pretrial and Their Cases Were Disposed in Quarter

Data Elements:

# of Defendants Released During the Pretrial Period
Date of Release
Date(s) of FTA
Date of Case Disposition

$$\text{Appearance Rate} = \frac{\text{\# of Defendants Released Pretrial with no FTA}}{\text{\# of Defendants Released Pretrial}} \times 100$$

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[1] The *Appearance Rate* may also be presented as the *Failure to Appear (FTA) Rate*, which 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 the pretrial period of the current case.

2. Public Safety Rate[2]

Outcome Measure: The percentage of defendants who are not charged [based on the prosecutorial decision to charge (not arrest)] with a new criminal offense (CM, CF, or CT) that carries a potential penalty of incarceration (such as jail or prison) upon conviction that is alleged to have occurred while on release pending disposition for the current case. To be included in this measure, a defendant must have been released from custody at some time during the pretrial period. A charge for a criminal offense that is alleged to have occurred prior to the filing of the current case, while the defendant is in custody pending disposition for the current case, or after the current case has reached disposition should not be considered for this measure. A new case with stand-alone bail jumping charges (i.e. only charge in new case is bail jumping) should be included.

PUBLIC SAFETY RATE SOURCE:

WCCA and NCIC are considered the valid sources for New Criminal Activity (NCA) data.

Recommended Cohort: Defendants Released Pretrial and Their Cases Were Disposed in Quarter

Data Elements:

# of Defendants Released Pretrial
Date of Release
Date of New Criminal Offense
Date of New Criminal Case Filing
New Criminal Charge(s)
Severity of New Charge
Category of New Criminal Charge(s)
Date of Original Case Disposition

$$\text{Safety Rate} = \frac{\text{\# of Defendants Released Pretrial with No New Criminal Charge for Alleged Offense while Out of Custody}}{\text{\# of Defendants Released Pretrial}} \times 100$$

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[2] The *Safety Rate* may also be presented as the *New Criminal Activity (NCA) Rate*, which is the percentage of defendants who are charged with a new offense that is alleged to have occurred while on release pending disposition of the current case.

3. Public Safety (Non-Violent) Rate[3]

Outcome Measure: The percentage of defendants who are not charged with a new violent criminal offense (see Appendix B) that carries a potential penalty of incarceration (such as jail or prison) that is alleged to have occurred while on release pending disposition for the current case. To be included in this measure, a defendant must have been released from custody at some time during the pretrial period. A charge for a violent criminal offense that is alleged to have occurred prior to the filing of the current case, while the defendant is in custody pending disposition for the current case, or after the current case has reached disposition should not be considered for this measure.

PUBLIC SAFETY (NON-VIOLENT) RATE DATA SOURCE:

WCCA and NCIC are considered the valid sources for the public safety (non-violent) rate data.

Recommended Cohort: Defendants Released Pretrial and Their Cases Were Disposed in Quarter

Data Elements:

# of Defendants on Pretrial Release
Date of Release
Date of New Violent Criminal Offense
Date of Criminal Case Filing for Violent Criminal Charge
New Violent Criminal Charge(s)
Severity of New Criminal Charge
Date of Case Disposition

$$\text{Safety (Non - Violent) Rate} = \frac{\text{\# of Defendants on Pretrial Release with No New Violent Criminal Charge for Alleged Offens}}{\text{\# of Defendants Released Pretrial}} \times 100$$

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[3] The *Safety (Non-Violent) Rate* may also be presented as the *New Violent Criminal Activity (NVCA) Rate*, which 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.

4. Pretrial Success Rate[4]

Outcome Measure: The percentage of defendants who are on pretrial release who do not have a capias or bench warrant issued against them for a failure to appear during the pretrial period on the <u>current case</u> and are not charged with a new criminal offense (CM, CF, or CT) alleged to have occurred while on pretrial release (i.e. offense date of alleged offense falls during the pretrial period).

Recommended Cohort: Defendants Released Pretrial and Their Cases Were Disposed in Quarter

Data Elements:

# of Defendants on Pretrial Release
Date of Release
Date(s) of FTA
Date(s) of New Criminal Charge
Date of Case Disposition

$$\text{Pretrial Success Rate} = \frac{\text{\# of Defendants on Pretrial Release with No FTA on Current Case or NCA while on Relea}}{\text{\# of Defendants Released Pretrial}} \times 100$$

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[4] The *Pretrial Success Rate* may also be presented as the *Pretrial Failure Rate*, which is the percentage of defendants who have a capias or bench warrant issued against them for a missed court appearance on the current case, or are charged with a new criminal offense (CM, CF, or CT) that is alleged to have occurred during the current pretrial period.

5. Pretrial Compliance Rate[5]

Outcome Measure: The percentage of defendants released during the pretrial period ordered to pretrial monitoring who do not have any technical violations[6] of the conditions of their pretrial release for the current case.

Recommended Cohort: Defendants Released Pretrial and Their Cases Were Disposed in Quarter

Data Elements:

Defendants Released During the Pretrial Period and Ordered to Pretrial Monitoring
Date of Release
Date of Technical Violation
Type of Technical Violation
Violation Reported to Court
Date of Case Disposition

$$Pretrial\ Compliance\ Rate = \frac{\#\ of\ Defendants\ Released\ Pretrial\ without\ any\ Technical\ Violations}{\#\ of\ Defendants\ Released\ During\ the\ Pretrial\ Period\ and\ ordered\ to\ Pretrial\ Monitoring} \times 100$$

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[5] *The Pretrial Compliance Rate* may also be presented as the *Pretrial Non-Compliance Rate*, which is the percentage of defendants who have had technical violations on the current case during the current pretrial period.

[6] When a defendant fails to meet a condition other than (1) the condition to appear in court and (2) the condition to have no new arrests during the pretrial period.

Performance Measures

Pretrial Processing Measures

1. Pretrial Risk Assessment Rate[7]

Performance Measure: The percentage of all defendants who are eligible for pretrial release and assessed using a pretrial risk assessment tool.

> Recommended Cohort: Cases Disposed in Quarter

> Data Elements:

> # of Defendants Eligible for Pretrial Release
> # of Defendants Assessed Pretrial
> Date Assessed Pretrial

$$\text{Assessment Rate} = \frac{\text{\# of Defendants Assessed Pretrial}}{\text{\# of Defendants Eligible for Pretrial Release}} \times 100$$

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[7] Also referred to as *Universal Screening Rate.*

2. Pretrial Initial Release Rate[8]

Performance Measure: The percentage of defendants who are booked into jail and released on the same day as the bail/bond hearing or initial appearance, whichever occurs first.

Recommended Cohort: Defendants Released Pretrial and Their Cases Were Disposed in Quarter

Data Elements:

# of Defendants Released at Time of Bail/Bond Hearing or Initial Appearance
# of Defendants In-Custody at the Time of Bail/Bond Hearing or Initial
    Appearance
# of Released Defendants Not Released Same Day as Bail/Bond Hearing or Initial
    Appearance
Date of Initial Bail/Bond Hearing or Initial Appearance Judge
Date of Release
Type of Release and Money Amount Attached to Signature or Cash Bond (if
    applicable)
Court-Ordered Release Conditions (if applicable)
Reason not Released at Initial Bail/Bond Hearing or Initial Appearance
Date of Case Disposition

$$\text{Pretrial Initial Release Rate} = \frac{\text{\# of Defendants Released at Time of Bail/Bond Hearing or Initial Appearance}}{\text{\# of Defendants In - Custody at the Time of Bail/Bond Hearing or Initial Appearance}} \times$$

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[8] The *Pretrial Release Rate* may also be presented as the *Pretrial Detention Rate*, which is the percentage of defendants who are detained throughout pretrial case processing or the percentage of pretrial defendants who are detained during the entirety of the pretrial phase.

3. Pretrial Time to Release

Performance Measure: The average length of stay in jail for defendants held while awaiting a court date who are eligible by statute for pretrial release (in other words, people without holds for probation/parole/immigration/warrants/federal cases) and were released at some time during the pretrial period prior to case disposition.

Recommended Cohort: Defendants Released Pretrial and Their Cases Were Disposed in Quarter

Data Elements:

> # of Defendants Released Pretrial
> Date of Arrest
> Date of Release
> Date of Case Disposition
> Type of Release and Amount (if applicable)
> Court-Ordered Release Conditions

Step 1: Calculate the pretrial time to release for <u>each defendant</u> in the cohort.

$$\text{Pretrial Time to Release} = [(\text{Date of Release} - \text{Date of Arrest}) + 1]$$

Step 2: Use the "Pretrial Time to Release" result from Step 1 for all defendants in the cohort to calculate the average time in program for <u>all defendants</u> in the cohort.

$$\text{Average Pretrial Time to Release} = \frac{\text{Sum of \# of Days to Pretrial Time to Release}}{\text{\# of Defendants Released Pretrial}}$$

4. Detention Rate

Performance Measure: The percentage of defendants who are booked into jail and detained for the duration of the pretrial phase (i.e. from initial bail/bond hearing or initial appearance until case disposition) of the current case.

Recommended Cohort: Defendants **Not** Released Pretrial and Their Cases Were Disposed in Quarter

Data Elements:

# of Defendants Not Released Pretrial
# of Defendants Eligible for Pretrial Release
Date of Initial Bail/Bond Hearing or Initial Appearance Judge
Date of Case Disposition
Reason(s) for Detention during Pretrial Phase

$$\text{Detention Rate} = \frac{\text{\# of Defendants Not Released Pretrial}}{\text{\# of Defendants Eligible for Pretrial Release}} \times 100$$

5. Pretrial Detainee Length of Detention

Performance Measure: The average length of stay in jail for defendants who are booked into jail and detained for the duration of the pretrial phase (i.e. from Initial Bail/Bond Hearing or Initial Appearance until case disposition) of the current case.

Recommended Cohort: Defendants **Not** Released Pretrial and Their Cases Were Disposed in Quarter

Data Elements:

# of Defendants Not Released Pretrial
Date of Arrest
Date of Initial Bail/Bond Hearing or Initial Appearance
Date of Case Disposition
Reason(s) for Detention during Pretrial Phase

Step 1: Calculate the length of stay for <u>each defendant</u> in the cohort.

$$\text{Detainee Length of Detention} = [(\text{Date of Case Disposition} - \text{Date of Arrest}) + 1]$$

Step 2: Use the "Detainee Length of Detention" result from Step 1 for all defendants in the cohort to calculate the average time in program for <u>all</u> <u>defendants</u> in the cohort.

$$\text{Average Detainee Length of Detention} = \frac{\text{Sum of \# of Days of Detainee Length of Detention}}{\text{\# of Defendants Not Released Pretrial}}$$

6. Pretrial Release Monitoring Level Release Matrix Concurrence Rate

Performance Measure: The percentage of defendants whose monitoring level at the time of release corresponds with their recommended level of monitoring as determined by the Wisconsin Pretrial Release Conditions Matrix. Concurrence rate measures a justice system's compliance at the pretrial stage with the "risk principle," the idea that levels of monitoring and supervision should correspond to assessed levels of risk.[9]

Recommended Cohort: Defendants Assessed for Pretrial Risk and Released in Quarter

Data Elements:

# of Defendants with a Release Matrix Recommendation at Bail/Bond Hearing or Initial Appearance
Case Type (CM, CF, or CT)
Recommended Monitoring Level
Monitoring Level at Time of Release
Judge or Commissioner

$$Concurrence\ Rate = \frac{\#\ of\ Defendants\ with\ Monitoring\ Level\ Equal\ to\ the\ Release\ Matrix\ Recommendation}{\#\ of\ Defendants\ with\ a\ Release\ Matrix\ Recommendation\ at\ Bail/Bond\ Hearing\ or\ Initial\ Appearance} \times 100$$

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[9] Lowenkamp, C.T. and Latessa, E.J. (2004). "Understanding the Risk Principle: How and Why Correctional Interventions Can Harm Low-Risk Offenders." Topics in Community Corrections, pp. 3-8. National Institute of Corrections.

7. Time from Pretrial Release to Start of Pretrial Release Monitoring

Performance Measure: The average length of time from order to pretrial monitoring and release, and the defendant's first contact with pretrial release monitoring for the current case.

Recommended Cohort: Defendants Released and Ordered to Pretrial Monitoring and Their Cases Were Disposed in Quarter

Data Elements:

# of Defendants Assessed
Date defendant released from custody
Type of Release and Money Amount Attached to Signature or Cash Bond (if applicable)
Date of Defendant's First Contact with Pretrial Release Monitoring (i.e. Monitoring Start Date)

Step 1: Calculate the time from release to pretrial monitoring for <u>each defendant</u> in the cohort.

$$\text{Time from Release to Pretrial Monitoring} = [(\text{Monitoring Start Date} - \text{Date Defendant Released from Custody}) + 1]$$

Step 2: Use the "Time from Release to Pretrial Monitoring" result from Step 1 for all defendants in the cohort to calculate the average time from release to pretrial monitoring for <u>all defendants</u> in the cohort.

$$\text{Average Time from Release to Pretrial Monitoring} = \frac{\text{Total Time from Release to Pretrial Monitoring for All Defendants}}{\text{\# of Defendants Assessed}}$$

8. Average Length of Pretrial Release Period

Performance Measure: The average length of time between the defendant's release from custody and case disposition in number of days.

Recommended Cohort: Defendants' Cases That Were Disposed in Quarter

Data Elements:

# of Defendants Released Pretrial
Date defendant released from custody
Date of Case Disposition
Case Outcome

Step 1: Calculate the length of stay for <u>each defendant</u> in the cohort.

$$\text{Pretrial Release Period Length} = [(\text{Case Disposition Date} - \text{Date Defendant Released from Custody}) + 1]$$

Step 2: Use the "Pretrial Period Length" result from Step 1 for all defendants in the cohort to calculate the average time in program for <u>all defendants</u> in the cohort.

$$\text{Average Pretrial Release Period Length} = \frac{\text{Sum of Pretrial Period Length for All Defendants}}{\text{\# of Defendants Released Pretrial}}$$

Pretrial Monitoring Measures

9. Average Time of Pretrial Monitoring

Performance Measure: The average length of time from the monitoring start date to the monitoring end date. The monitoring start date should be the date the defendant first made contact with pretrial monitoring for the current case and the monitoring end date is the date of case disposition or the date new release orders are issued or the defendant is detained.

Recommended Cohort: Cases Disposed in Quarter

Data Elements:

# of Defendants on Pretrial Monitoring
Date of Defendant's First Contact with Pretrial Monitoring (i.e. Monitoring Start Date)
Date Defendant was Removed from Pretrial Monitoring (i.e. Monitoring End Date)
Date of Case Disposition

Step 1: Calculate the length on pretrial monitoring for <u>each defendant</u> in the cohort.

$$\text{Time on Pretrial Monitoring} = [(\text{Monitoring End Date} - \text{Monitoring Start Date}) + 1]$$

Step 2: Use the "Time on Pretrial Monitoring" result from Step 1 for all defendants in the cohort to calculate the average time in on pretrial monitoring for <u>all defendants</u> in the cohort.

$$\text{Average Time on Pretrial Monitoring} = \frac{\text{Sum of \# of Days on Pretrial Monitoring for All Defendants}}{\text{\# of Defendants on Pretrial Monitoring}}$$

10. Caseload Ratios

Performance Measure: The ratio of the number of supervised defendants divided by the number of case managers.

Recommended Cohort: Defendants on Pretrial Monitoring in Quarter

Data Elements:

# of Defendants on Pretrial Monitoring
# of Pretrial Monitoring Case Workers
Pretrial Monitoring Case Worker

$$\text{Caseload Ratio} = \frac{\text{\# of Defendants on Pretrial Monitoring}}{\text{\# of Pretrial Monitoring Case Workers}} \times 100$$

References

Advancing Pretrial Policy & Research (APPR) (Revised June 2020) Implementation Guide 16. Guide to Outcomes and Oversight.

National Association of Pretrial Services Agencies (NAPSA) (Revised 2020). Standards on Pretrial Release: Revised 2020.

National Institute of Corrections (NIC). (2011). *Measuring What Matters: Outcome and Performance Measures for the Pretrial Services Field*. Washington, DC.

National Institute of Corrections (NIC). (February 2017) A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency. Washington, DC.

National Institute of Corrections (NIC). (2021). *Measuring what Matters: Outcome and Performance Measures for The Pretrial Services Field – 2nd Edition*. Washington, DC.

Appendix A

Additional Measures

1. Average Daily Jail Population of Pretrial Defendants

Outcome Measure: The average number of pretrial defendants who are in jail each month.

Recommended Cohort: Pretrial defendants in jail each day at a specified time. Alternatively, pretrial defendants in jail on the first day of each month at a specified time.

Data Elements:

Reason(s) for Detention
# of Pretrial Defendants in Jail

Step 1: Take a count of all pretrial defendants in jail at a specified time (usually around 12:01am).

Step 2: Add each day's counts for the month.

Step 3: Divide the sum of pretrial defendants in jail on each day by the number of days in the month.

$$\text{Average Daily Jail Population of Pretrial Defendants} = \frac{\text{Sum of \# of Pretrial Defendants in Jail Each Day}}{\text{\# of Days}}$$

2. Pretrial Subsequent Release Rate

Performance Measure: The percentage of defendants who are booked into jail and released during the pretrial period on a date that occurs after the date of the initial bail/bond hearing or initial appearance, but prior to case disposition.

Recommended Cohort: Defendants Released Pretrial and Their Cases Were Disposed in Quarter

Data Elements:

# of Defendants In-Custody at the Time of Bail/bond hearing or Initial Appearance
# of Defendants Not Released Same Day as Bail/Bond Hearing or Initial Appearance
# of Defendants Released Same Day as Bail/Bond Hearing or Initial Appearance
# of Defendants Continuously Detained through Case Disposition Judge
Date of Release
Type of Release and Money Amount Attached to Signature or Cash Bond (if applicable)
Court-Ordered Release Conditions
Reason not Released at Initial Bail/Bond Hearing or Initial Appearance
Date of Case Disposition

Step 1:

$$\text{\# of Defendants Not Released Same Day as Bail/Bond Hearing or Initial Appearance}$$
$$= \text{\# of Defendants In - Custody at the Time of Bail/Bond Hearing or Initial Appearance}$$
$$- \text{\# of Defendants Released on Same Day as Bail/Bond Hearing or Initial Appearance}$$

Step 2:

$$\text{\# of Released Defendant Not Released Same Day as Bail/Bond Hearing or Initial Appearance}$$
$$= \text{\# of Defendants Not Released Same Day as Bail/Bond hearing or initial appearance}$$
$$- \text{\# of Defendants Continuously Detained through Case Disposition}$$

Step 3:

$$Pretrial\ Subsequent\ Release\ Rate$$
$$= \frac{\#\ of\ Released\ Defendants\ Not\ Released\ Same\ Day\ as\ Bail/Bond\ Hearing\ or\ Initial\ Appearance}{\#\ of\ Defendants\ In - Custody\ at\ the\ Time\ of\ Bail/Bond\ Hearing\ or\ Initial\ Appearance}$$
$$\times 100$$

3. Frequency of Drug Testing

Performance Measure: The average number of drug and alcohol tests per defendant ordered to drug or alcohol testing per week.

Recommended Cohort: Defendants on Pretrial Monitoring and Their Cases Were Disposed in Quarter

Data Elements:

# of Defendants on Pretrial Monitoring Ordered to Drug or Alcohol Testing
Date of Initial Bail/Bond Hearing or Initial Appearance
Date of Defendant's First Contact with Pretrial Monitoring (i.e. Monitoring Start Date)
Date Defendant was Removed from Pretrial Monitoring (i.e. Monitoring End Date)
Date(s) of Drug Test(s)
Test type (Alcohol or drug)
Test Attendance
Date of Case Disposition

Step 1: Calculate the percentage of drug tests for <u>each defendant</u> in the cohort who were ordered to receive drug or alcohol testing.

$$\text{Frequency of Drug or Alcohol Tests per Defendant} = \frac{\text{\# of Drug or Alcohol Tests per Defendant}}{\text{\# of Weeks of Pretrial Monitoring}}$$

Step 2: Use the "Frequency of Drug or Alcohol Tests per Defendant" result from Step 1 for each defendant in the cohort to calculate the frequency of drug or alcohol tests across the cohort for <u>all defendants</u> who were ordered to receive drug or alcohol testing.

$$\text{Average Frequency of Drug or Alcohol Tests} = \frac{\text{Sum of Frequency of Drug or Alcohol Tests per Defendant}}{\text{\# of Defendants on Pretrial Monitoring Ordered to Drug or Alcohol Testing}}$$

4. Average Percent of Days of Noncompliant Continuous Drug/Alcohol Monitoring (e.g. SCRAM®/Portable Breathalyzer)

Performance Measure: The average percent of days on which a defendant is out of compliance with continuous monitoring out of total days monitored. A result is considered positive if the defendant tested positive, was found to have tampered with the testing equipment or sample, admitted use, missed a test, or failed to keep equipment in proper working order.

Recommended Cohort: Defendants on Pretrial Continuous Drug/Alcohol Monitoring and Their Cases Were Disposed in Quarter

Data Elements:

  # of Defendants on Continuous Monitoring (CM)
  Date of Initial Bail/Bond Hearing or Initial Appearance
  Date of Defendant's First Contact with Pretrial Monitoring (i.e. Monitoring Start Date)
  Date Defendant was Removed from Pretrial Monitoring (i.e. Monitoring End Date)
  Start Date of Continuous Monitoring
  End Date of Continuous Monitoring
  Type of Continuous Monitoring
  Date of Noncompliance with Continuous Monitoring
  Type of Noncompliance with Continuous Monitoring
  Date of Case Disposition

Step 1: Calculate the percentage of days with a non-compliance event for <u>each defendant</u> in the cohort who was ordered to continuous drug/alcohol monitoring at some time during the pretrial period.

$$\text{\% of Days with Noncompliant Event per Defendant} = \frac{\text{\# of Days with a Noncompliant CM Event per Defendant}}{\text{\# of Days on CM}} \times 100$$

Step 2: Use the "% of Days with Noncompliant Event per Defendant" result from Step 1 for each defendant in the cohort to calculate the average % of Positive CM Tests across the cohort for all defendants who were ordered to continuous monitoring at some time during the pretrial period.

$$\text{Average \% of Days of Noncompliant CM Events} = \frac{\text{Sum of \% of Days with Noncompliant Event per Defendant}}{\text{\# of Defendants on CM}}$$

5. Absolute Sobriety Rate

Performance Measure: The percentage of defendants on pretrial monitoring ordered to absolute sobriety who are not found in violation of the order during the pretrial period.

Recommended Cohort: Defendants on Pretrial Monitoring and Their Cases Were Disposed in Quarter

Data Elements:

# of Defendants on Pretrial Monitoring Ordered to Absolute Sobriety During the Pretrial Period
Date of Initial Bail/Bond Hearing or Initial Appearance
Date of Defendant's First Contact with Pretrial Monitoring (i.e. Monitoring Start Date)
Date Defendant was Removed from Pretrial Monitoring (i.e. Monitoring End Date)
Date(s) of Noncompliance
Date(s) of Drug/Alcohol Test
Test type (Alcohol or drug)
Test Attendance
Type of Noncompliant Substance(s)
Date of Case Disposition

$$Absolute\ Sobriety\ Rate$$
$$= \frac{\#\ of\ Defendants\ ordered\ to\ absolute\ sobriety\ who\ did\ not\ Test\ Positive\ to\ a\ Drug\ or\ Alcohol\ Test\ during\ the\ Pretrial\ Period}{\#\ of\ Defendants\ on\ Pretrial\ Monitoring\ Ordered\ to\ Absolute\ Sobriety\ During\ the\ Pretrial\ Period}\ x\ 100$$

6. Frequency of Pretrial Monitoring Contacts

Performance Measure: The average number of contacts with the defendant for the purpose of monitoring over a period of time. The measure is based on actual monitoring attendance; however, it is recommended that missed monitoring dates be tracked as well.

Recommended Cohort: Defendants on Pretrial Monitoring and Their Cases Were Disposed in Quarter

Data Elements:

# of Defendants on Pretrial Monitoring
Date of Initial Bail/Bond Hearing or Initial Appearance
Date of Defendant's First Contact with Pretrial Monitoring (i.e. Monitoring Start Date)
Date Defendant was Removed from Pretrial Monitoring (i.e. Monitoring End Date)
Pretrial Monitoring Case Worker
Date of Monitoring Contact
Type of Monitoring Contact (Office, Phone Call, Text Notification, etc.)
Monitoring Contact Person
Monitoring Attendance
Date of Case Disposition

Step 1: Calculate the number of monitoring contacts attended per month for <u>each defendant</u> in the cohort.

$$\text{\# of Pretrial Monitoring Contacts per Month per Defendant} = \frac{\text{\# of Pretrial Monitoring Contacts Attended by Participant}}{\text{\# of Months on Pretrial Monitoring}}$$

Step 2: Use the "# of Monitoring Contacts per Month per Defendant" result from Step 1 for all defendants in the cohort to calculate the average number of pretrial monitoring contacts per month for <u>all defendants</u> in the cohort.

$$\text{Average \# of Pretrial Monitoring Contacts per Month} = \frac{\text{Sum of \# of Pretrial Monitoring Contacts per Month per Defendant}}{\text{\# of Defendants on Pretrial Monitoring}}$$

7. Pretrial Release Conditions Concurrence Rate

Performance Measure: The percentage of defendants whose conditions at the time of release correspond with the conditions recommended by pretrial monitoring, if the jurisdictions make specific recommendations. <u>The measure only applies in circumstances in which the pretrial monitoring recommends conditions prior to the release decision</u>.

Recommended Cohort: Defendants Assessed for Pretrial Risk and Released in Quarter

Data Elements:

# of Defendants with Release Condition Recommendations At Bail/Bond Hearing or
     Initial Appearance
Judge or Commissioner
Conditions Recommended by Pretrial Monitoring
Conditions Ordered by Judge or Commissioner

$$Concurrence\ Rate = \frac{\#\ of\ Defendants\ with\ Court\ Ordered\ Conditions\ Equal\ to\ the\ Pretrial\ Monitoring\ Recommendations}{\#\ of\ Defendants\ with\ Release\ Condition\ Recommendations\ at\ Bail/Bond\ Hearing\ or\ Initial\ Appearance} \times 100$$

8. GPS Monitoring Violation Rate

Performance Measure: The average percent of days on which a defendant violated the GPS Monitoring agreement out of total days monitored.

Recommended Cohort: Defendants on Pretrial Monitoring and Their Cases Were Disposed in Quarter

Data Elements:

# of Defendants on Court Ordered GPS Monitoring
GPS Monitoring was ordered by Judge
Date GPS Monitoring began
Date GPS Monitoring ended
Date of GPS Monitoring Violation
Type of GPS Monitoring Violation
Date of Case Disposition

Step 1: Calculate the percentage of GPS monitoring violations for <u>each defendant</u> in the cohort who was ordered to GPS Monitoring at some time during the pretrial period.

$$\text{\% of Days with GPS Monitoring Violation per Defendant} = \frac{\text{\# of Days with GPS Monitoring Violation per Defendant}}{\text{\# of Days on GPS Monitoring}} \times 100$$

Step 2: Use the "% of Days with GPS Monitoring Violation per Defendant" result from Step 1 for each defendant in the cohort to calculate the average % of days with a GPS monitoring violation across the cohort for <u>all defendants</u> who were ordered to GPS Monitoring at some time during the pretrial period.

$$\text{Average \% Days with GPS Monitoring Violation} = \frac{\text{Sum of \# of Days with GPS Monitoring Violation per Defendant}}{\text{\# of Defendants On Court Ordered GPS Monitoring}} \times 100$$

9. Response to Defendant Noncompliant Conduct

Performance Measure: The percentage of pretrial monitoring staff responses that adhere to response matrix (See Appendix C) noncompliance with court-ordered release conditions.

Recommended Cohort: Defendants on Pretrial Monitoring and Their Cases Were Disposed in Quarter

Data Elements:

# of Staff Responses
# of Defendants on Pretrial Monitoring
Date of Initial Bail/Bond Hearing or Initial Appearance
Date of Defendant's First Contact with Pretrial Monitoring (i.e. Monitoring Start Date)
Date Defendant was Removed from Pretrial Monitoring (i.e. Monitoring End Date)
Date of Noncompliant Conduct
Type of Noncompliant Conduct
Pretrial Monitoring Case Worker
Date of Staff Response
Court Ordered Conditions of Pretrial Monitoring
Judicial Action (if applicable)

$$\% \text{ Pretrial Monitoring Staff Responses that Adhere to Response Matrix Noncompliance with Court Ordered Release Conditions} = \frac{\# \text{ of Pretrial Staff Responses that Adhere to Response Matrix}}{\text{Total } \# \text{ of Pretrial Staff Responses}} \times 100$$

Appendix B

PSA Violent Offense List

(Updated 04.19.21)

Code	Description	Severity
940	**Crimes Against Life and Bodily Security**	
940.01	**First Degree Intentional Homicide**	
940.01(1)(a)	1st-Degree Intentional Homicide	F
940.01(1)(b)	1st-Degree Intent. Homicide-Unborn Child	F
940.02	**First Degree Reckless Homicide**	
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
940.03	**Felony Murder**	
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
940.05	**Second Degree Intentional Homicide**	
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
940.06	**Second Degree Reckless Homicide**	
940.06(1)	2nd Degree Reckless Homicide	F
940.06(2)	2nd Deg. Reckless Homicide-Unborn Child	F

Code	Description	Severity
940.07	**Homicide resulting from vicious animal**	
940.07	Homicide Resulting from Vicious Animal	F
940.08	**Homicide by Negligent Handling of Dangerous Weapon, Explosive, or Fire**	
940.08(1)	Homicide by Negligent Handling of Dangerous Weapon/Explosive	F
940.08(2)	Homicide-Dangerous Weapon-Unborn Child	F
940.09	**Homicide by Intoxicated Use of Vehicle or Firearm**	
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
940.10	**Homicide by Negligent Operation of Vehicle**	
940.10(1)	Homicide by Negligent Operation/Vehicle	F
940.10(2)	Homicide-Neg. Operate Veh.-Unborn Child	F
940.19	**Battery**	
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

Code	Description	Severity
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
940.20	**Battery - Special Circumstances**	
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
940.21	**Mayhem**	
940.21	Mayhem	F

Code	Description	Severity
940.22	**Sexual Exploitation**	
940.22(2)	Sexual Exploitation by Therapist	F
940.225	**Sexual Assault**	
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
940.235	**Strangulation and Suffocation**	
940.235(1)	Strangulation and Suffocation	F
940.235(2)	Strangulation and Suffocation (with a Previous Conviction)	F
940.285	**Abuse of Individuals at Risk**	
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
940.29	**Abuse of Residents of Penal Facilities**	
940.29	Abuse of Residents of Penal Facilities	F
940.295	**Abuse and Neglect of Patients and Residents**	
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
940.30	**False Imprisonment**	
940.30	False Imprisonment	F
940.302	**Human Trafficking**	
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
940.305	**Taking Hostages**	
940.305(1)	Taking Hostages	F
940.305(2)	Taking Hostages/Release w/o Bodily Harm	F
940.31	**Kidnapping**	
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
940.32	**Stalking**	
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
940.42-.45	**Intimidation of Witnesses**	
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
941	**Crimes Against Public Health and Safety**	
941.2	**Weapons**	
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
941.3	**Other Dangerous Instrumentalities and Practices**	
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
943	**Crimes Against Property**	
943.1	**Trespass**	
943.10(2)(d)	Burglary-Commit a Battery on Person	F
943.2-.7	**Misappropriation**	
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 *(firearm displayed or recovered)*	F
943.32(1)	Robbery	F
943.32(1)(a)	Armed Robbery with Use of Force *(firearm displayed or recovered)*	F
943.32(1)(a)	Robbery with Use of Force	F

Code	Description	Severity
943.32(1)(b)	Armed Robbery with Threat of Force *(firearm displayed or recovered)*	F
943.32(1)(b)	Robbery with Threat of Force	F
943.32(2)	Armed Robbery *(firearm displayed or recovered)*	F
943.8-.9	**Crimes Against Financial Institutions**	
943.87	Robbery of a Financial Institution	F
944	**Crimes Against Sexual Morality**	
944.18(2)(h)	Bestiality Force/Coerce Child Under 13 to Have Sexual Contact with Animal (1st)	F
944.18(2)(h)	Bestiality Force/Coerce Child Under 13 to Have Sexual Contact with Animal (2nd +)	F
944.18(2)(j)	Bestiality Force/Coerce Child 13 to 17 to Have Sexual Contact with Animal (1st)	F
944.18(2)(j)	Bestiality Force/Coerce Child 13 to 17 to Have Sexual Contact with Animal (2nd +)	F
946	**Crimes Against Government and Its Administration**	
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
947	**Crimes Against Public Peace, Order and Other Interests**	
947.013(1m)(a)	Harassment-Fear of Death/Injunction (2+)	F
947.013(1m)(a)	Harassment-Fear of Death/Injunction	M
948	**Crimes Against Children**	
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

Code	Description	Severity
948.02(1)(d)	1st Degree Child Sex Assault-Contact w/Person under 16-Use/Threat of Force/Violence (Actor is 18)	F
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

Code	Description	Severity
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
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

Appendix C

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

Response Definitions	
Low Response	Verbal warning, review release conditions with defendant, consult with attorney, consult with family/support, role clarification, use of disapproval.
Moderate Response	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.
High Response	Notify court, ADA, defense attorney; request additional bail conditions (SCRAM, GPS, curfew, drug testing, and/or treatment); request bail hearing; return to custody; Court Appearance Plan; Thinking Model.

SCRAM/GPS-Specific Violations		
Violation Severity	**GPS**	**SCRAM**
Low	First low battery event.	Low battery event.
Moderate	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.
High	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.

Appendix D

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

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 (**Judicial**)	Discharge of pretrial supervision to court reminders or just telephone contact (**Judicial**)
Other individualized incentives	Bus passes/transportation passes	Positive feedback in Court (**Judicial**)
Bus passes/transportation passes	Donated gifts	Removal from GPS (**Judicial**)
		Bus passes/transportation passes

Always document responses in case management program.