

# Jail Screening and Assessment Project

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FINAL REPORT BY JUSTICEPOINT, INC.

Sawyer County, Wisconsin

JusticePoint, Inc. contracted with Sawyer County to conduct a 3-month screening and assessment project in the Sawyer County jail. A part-time JusticePoint staff was assigned to the area to conduct screening and assessment for individuals booked into the jail and also to conduct assessments with those individuals being held in the jail. Screening and assessment took place three days per week, every week, for three months. The days were randomly assigned, but most weeks consisted of screening and assessment on Monday, Wednesday, and Thursdays. These days appeared to be the most advantageous to interview people before they appeared in court. However, some individuals posted bail/bond before being interviewed, some were booked and released from the jail, and some refused participation.

JusticePoint utilized the Milwaukee County Pretrial Risk Assessment Instrument (MCPRAI), the UNCOPE, which is an alcohol and drug screening tool, and the Kessler Psychological Distress Scale (K10). The MCPRAI is a validated tool based on Wisconsin data. It contains six risk factors found to be predictive of pretrial failure: number of cases filed; prior failure to appear in court; arrested while out on bond; employed or primary caregiver; amount of time at residence; and the score on a substance-abuse screener. (See Appendix A) The UNCOPE is a substance abuse screening tool which consists of six questions found in existing instruments and assorted research reports. This screening tool has been found to be effective in criminal justice system settings. (Appendix B) The K10 is a mental health screening tool. This is a 10-item questionnaire intended to yield a global measure of distress based on questions about symptoms that a person has experienced in the most recent 4-week period. (Appendix C)

JusticePoint also looked at the population being held in the jail, not on new charges, but due to a previous conviction. Because no new charges were filed, JusticePoint utilized the Ohio Risk and Needs Assessment System, Community Supervision Tool to assess risk and needs for this population. The ORAS is an evidence-based risk and needs assessment developed by the University of Cincinnati and is used statewide by Ohio. It is also used in numerous other jurisdictions across the country. It is a validated tool but has not been specifically validated to Wisconsin or Sawyer County. The tool measures an individual's risk for recidivism and also the eight criminogenic needs driving their behavior. Those criminogenic needs are identified as: criminal history; education and employment; family and social support; neighborhood problems; substance use; peer association; and criminal attitudes and behaviors. A K10 screen was also administered to identify mental health needs.

In addition, JusticePoint collected demographic data, such as, age, gender, race, geographic location, employment status, dependent children, charge level/type, and new cases/warrants.

The objectives of this project were:

- Conduct a MCPRAI/UNCOPE/K10 for defendants booked in the Sawyer County jail
- Conduct an ORAS/K10 on individuals being held post-conviction in the Sawyer County jail
- Summarize assessment results
- Present data analysis of screening and assessment results to CJCC
- Present program implementation options based on the findings to CJCC

## Pretrial Screening

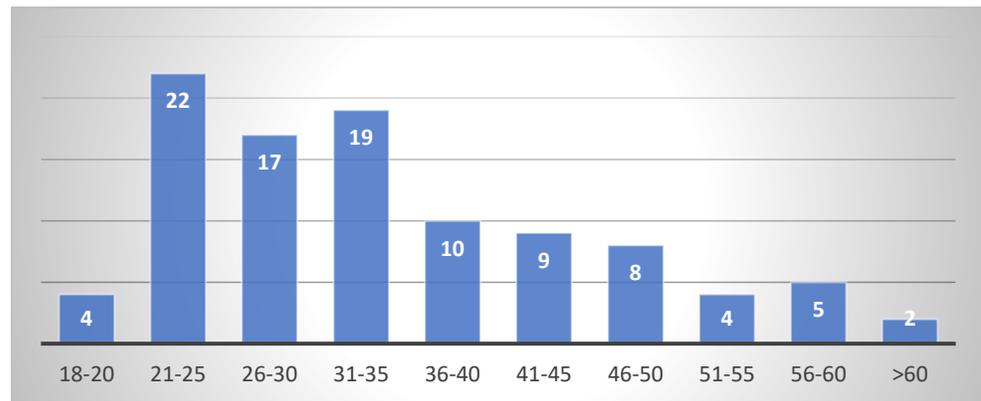
The purpose of screening defendants pretrial is to ensure an impartial screening of all defendants arrested on criminal charges prior to their first appearance in court. The interview is intended solely to assist in determining appropriate pretrial release. Although during the 3-month period of screening the results were not used to determine release status, as this project's intended purpose was data gathering.

For the purposes of this project, defendants who were in custody were interviewed by a JusticePoint staff, who administered the Milwaukee County Pretrial Risk Assessment Instrument (MCPRAI) with an accompanying UNCOPE and K-10. The UNCOPE measures risk of substance use disorder and identifies need for a more in-depth assessment of substance use disorder, while the K-10 measures risk for mental illness and the need for further diagnostic assessment.

The following outline the demographic data for the clients who were screened in the Sawyer County jail.

### Age

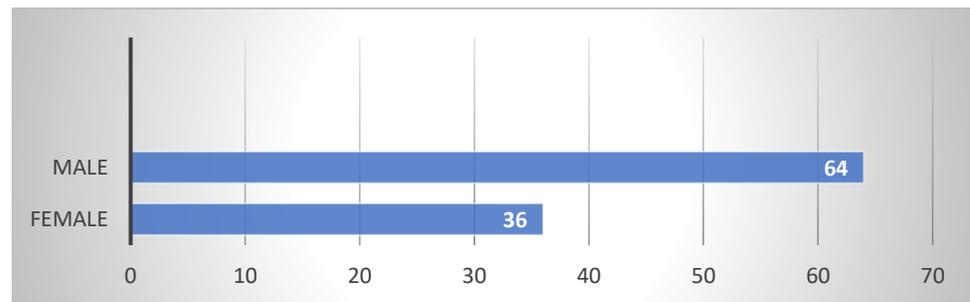
**Figure 1**



For the 186 individuals who were screened pretrial, the age breakdown consists of 4% between the ages of 18 and 20; 22% between the ages of 21 and 25; 17% between the ages of 26 and 30; 19% between the ages of 31 and 35; 10% between the ages of 36 and 40; 9% between the ages of 46 and 50; 4% between the ages 51 and 55; 5% between the ages of 56 and 60; and 2% aged over 60 years.

### Gender

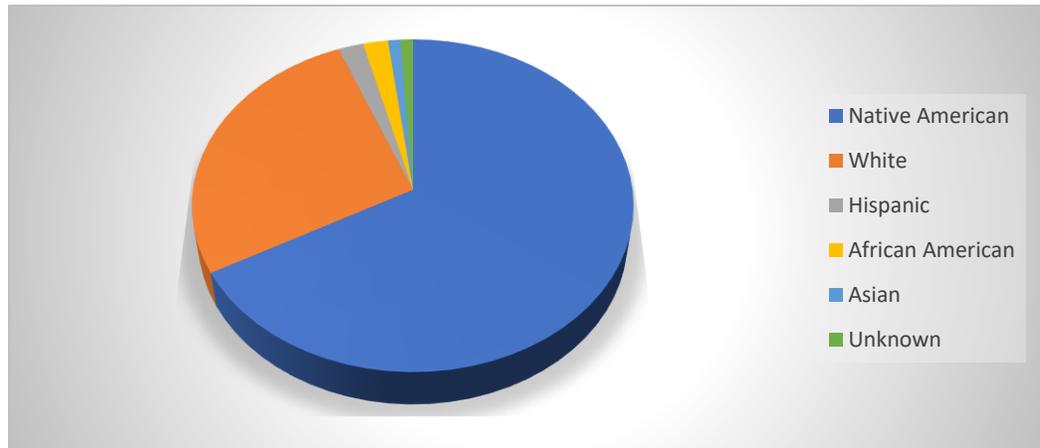
**Figure 2**



The above chart shows the gender breakdown for the screened pretrial population in Sawyer County. 36% of those screened identify as female, and 64% identify as male.

## Race

**Figure 3**

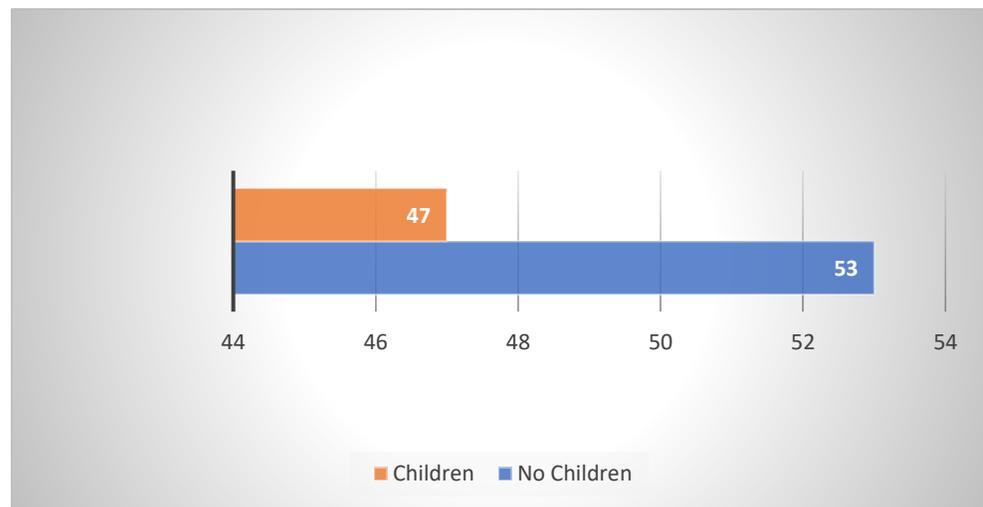


Of the defendants screened pretrial, 67% identified as Native American; 27% Caucasian; 2% Hispanic; 2% African American; 1% Asian; 1% Unknown.

When looking at the racial makeup of these same defendants but whom were released pretrial, we found that percentages closely matched those that were arrested and held pending initial appearance. 64% Native American, 28% Caucasian, 3% Hispanic, 2% Asian, 1% African American.

## Children

**Figure 4**



Defendants were asked whether they had children whom were their dependents, meaning they were primarily responsible for their care. 53% of individuals responded they had no children in their care and 47% responded that they had one or more children in their care. It should be noted that the 53% of respondents may have children, but they are not primarily responsible for their care.

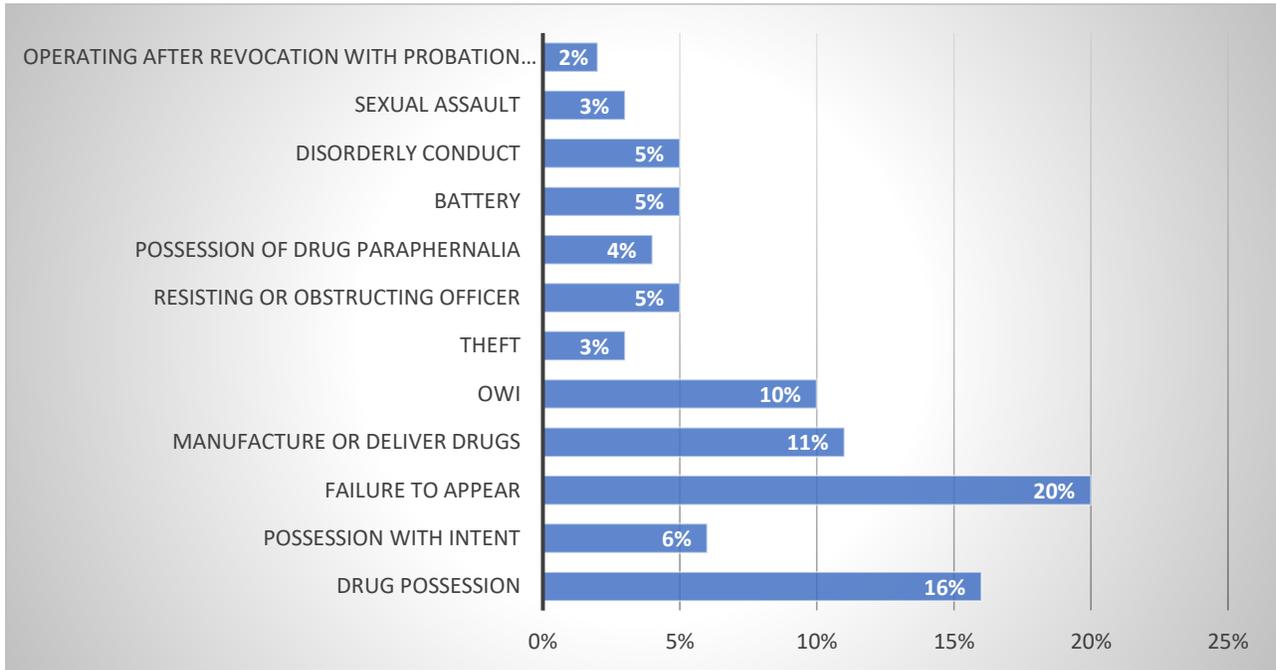
## Employment

29% of respondents reported that they were employed (full or part-time) or a fulltime caregiver. 71% of respondents reported that they were unemployed.

## Current Charge

The current charge was identified for individuals, screened pretrial, by the booking sheet provided by the Sawyer County Sheriff's Department. The following were identified as new charges:

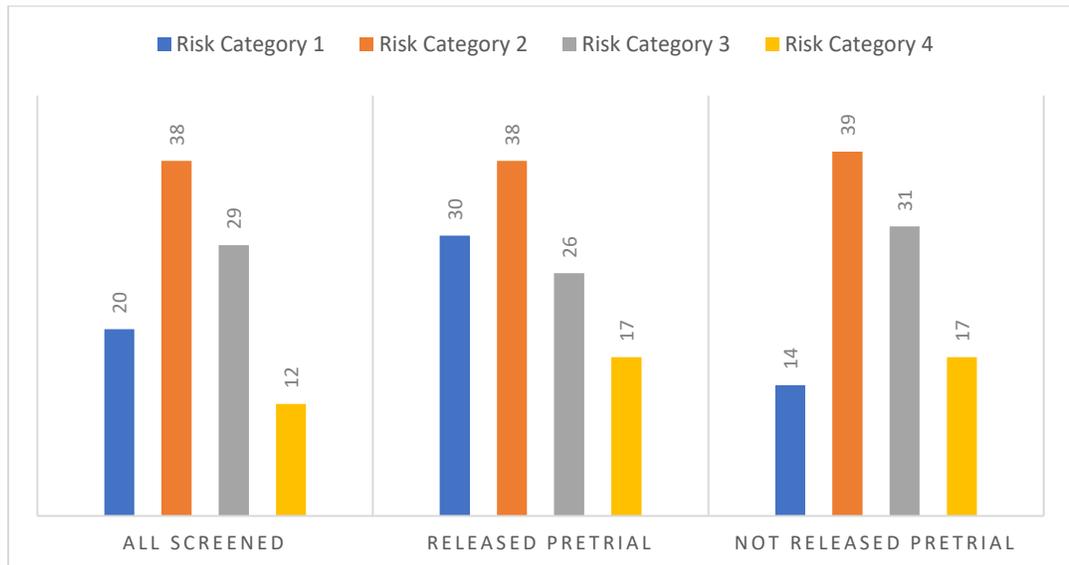
**Figure 5**



Additionally, 19% of defendants held pretrial had an accompanying probation violation that was identified in addition to the new charge on the booking sheet.

## Risk Score

**Figure 6**



The MCPRAI identifies four risk categories, with risk category 1 being the lowest risk for pretrial recidivism and failure to appear. In Sawyer County, individuals screened scored: Risk Category 1 (0-2) 20%; Risk Category 2 (3-5) 38%; Risk Category 3 (6-7) 29%; Risk Category 4 (8-9) 12%.

For those defendants released from custody pretrial, 30% were scored in Risk Category 1; 38% in Risk Category 2; 26% in Risk Category 3; 6% in Risk Category 4.

For those individuals who were not released pretrial, 14% were scored in Risk Category 1; 39% in Risk Category 2; 31% in Risk Category 3; 17% in Risk Category 4.

### **K10 Score**

The K10 screening tool measures the likelihood of psychological distress. Of all the individuals screened in Sawyer County: 40% are likely to be well; 11% are likely to have a mild mental disorder; 15% are likely to have a moderate mental disorder; and 34% are likely to have a severe mental disorder.

### **UNCOPE Score**

The UNCOPE provides a simple and quick means of identifying risk for abuse and dependence for alcohol and other drugs. A score of 2 or more is generally recommended for further assessment of substance abuse and scores of 4 or more generally indicate substance dependence.

For the screened population, individuals scored: 0 - 16%; 1 - 6%; 2 - 7%; 3 - 10%; 4 - 10%; 5 - 16%; 6 - 35%. 71% of those screened are in need of a full alcohol and drug assessment to determine substance use abuse or dependence.

### **Cases Filed**

The MCPRAI measures the total number of case filings as displayed in the Wisconsin Circuit Court Access Consolidated Court Automation Program (CCAP), this includes: all criminal felony, criminal misdemeanor, and criminal traffic cases; all dismissed cases; all cases in which the defendant was adjudicated guilty, not guilty, not guilty by reason of mental disease or defect, or not competent and not likely to regain competency; cases in summary status (as appearing in CJIS) that have not yet been filed as criminal charges by the District Attorney's Office.

1	14%	6	7%
2	8%	7	6%
3	6%	8	8%
4	4%	9	3%
5	8%	10>	36%

### **Prior Failure to Appear (FTA)**

The MCPRAI also measures how many prior failures to appear are tracked in CCAP. For a failure to appear to be counted for risk assessment purposes, the defendant must have missed a known court date (non-appearance) and had a bench warrant issued or stayed. Failure to Appear does not include: defendants who appear late for court but appear on the same day; defendants who were in custody at

the time of the FTA; defendants who FTA in one or more courts due to having multiple cases in multiple different court rooms at the same time and on the same date; defendants who received arrest warrants for missing a hearing occurring *prior* to an initial appearance; defendants who have charges issued against them at a later date due to further investigation by the DA's office who were not ordered in and have an arrest warrant filed for their arrest; defendants who miss hearings occurring post-sentencing (e.g. probation review hearings). In Sawyer County the following percentages of individuals had prior failures to appear.

0 = 37%	3 = 6%
1 = 25%	4 = 6%
2 = 17%	5 or more = 6%

### **Arrested While Out on Bail**

The MCPRAI scores whether individuals were arrested on the current charge while they were out on bail for a prior charge. In Sawyer County 55% of respondents were not arrested while out on bail and 45% of respondents were arrested on the current charge while they were out on bail for another charge.

### **Release**

Due to the length of the project, an end date for data collection was set one week after screening ceased. This allowed JusticePoint to fully evaluate the data to present the findings to Sawyer County.

44% of those screened were still in custody as of November 1, 2018.

- 58% of these are due to bail/bond not being posted
- 16% of these are due to a probation hold
- 26% had no information updated in CCAP

24% were in custody 2 days or less

11% were in custody 3-5 days

3% were in custody 7-10 days

4% were in custody 11-15 days

14% were in custody >15 days

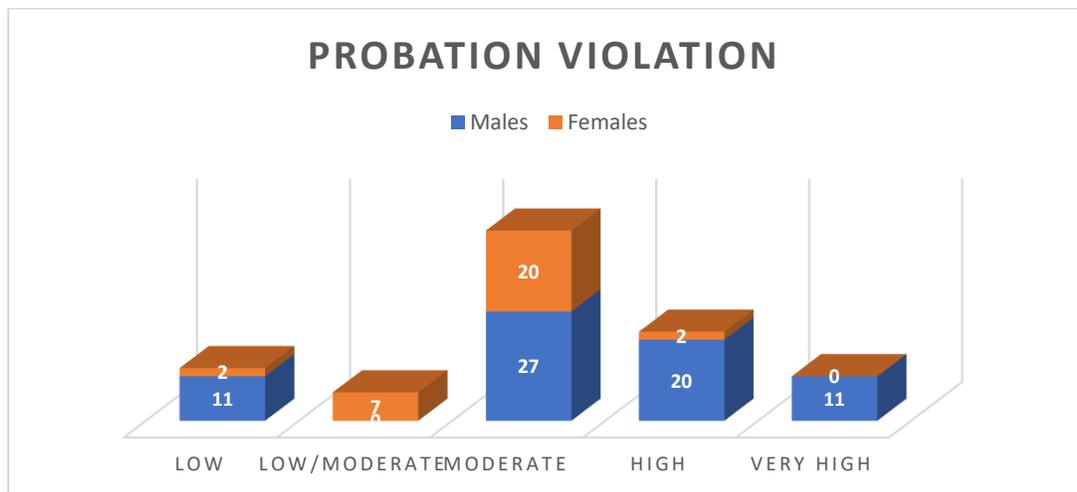
## Post-Conviction Assessment

Any individual who was not being held in the Sawyer County jail on a new charge was assessed using the Ohio Risk and Needs Assessment System (ORAS). These individuals are identified as the post-conviction cohort. 82 individuals were identified as being in custody post-conviction during the 3-month period. 68 individuals were screened using the K10 and assessed using the ORAS. 4 individuals declined to be interviewed; 8 were released before the interview could take place; and 2 individuals were transferred to Bayfield County before the interview could take place.

Of the 68 individuals interviewed, 46 individuals were identified as being held on a probation violation with no new charges associated. JusticePoint conducted an analysis for those individuals on probation violation alone versus sentenced individuals on another offense.

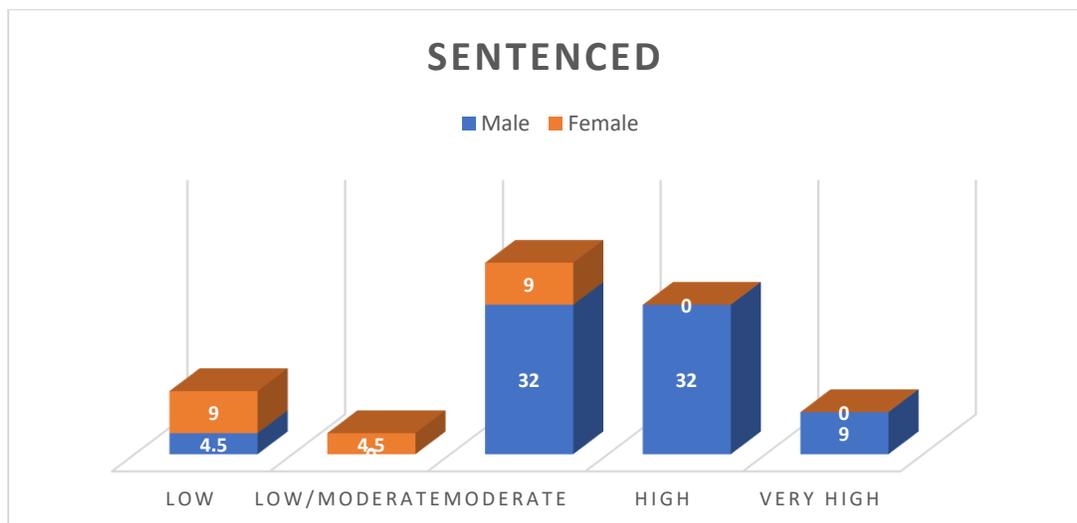
## Risk Score

**Figure 7**



The ORAS measures risk for recidivism, scoring females, low, low/moderate, moderate, and high, and scoring males, low, moderate, high, and very high.

**Figure 8**



## K10 Score

The K10 screening tool measures the likelihood of psychological distress. Of all the individuals screened with probation violations in Sawyer County: 30% are likely to be well; 19% likely to have a mild mental disorder; 21% are likely to have a moderate mental disorder; and 30% are likely to have a severe mental disorder. For sentenced individuals: 42% are likely to be well; 26% are likely to have a mild mental disorder; 11% are likely to have a moderate mental disorder; and 21% are likely to have a severe mental disorder.

## Criminogenic Needs

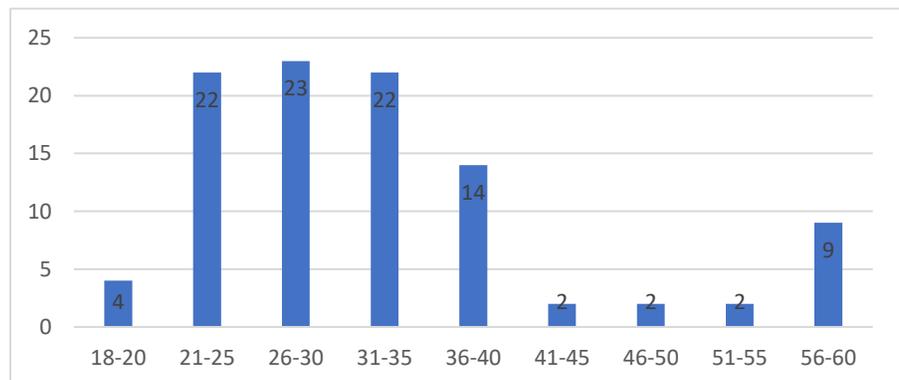
**Figure 9**



In both populations the percentage of individuals scoring highest were in the criminogenic need areas of Education, Employment, and Financial Situations, as well as Family and Social Support, Neighborhood Problems, and Peer Associations. In JusticePoint's original presentation to the Criminal Justice Coordinating Council, the needs driver appeared to be Criminal Attitudes and Behavioral Problems, but when each group was broken down, the above chart reflects the current analysis.

## Age

**Figure 10**



The above chart shows the breakdown for probation violation and sentenced individuals based on age.

## **Race**

The racial analysis for probation violation and sentenced individuals in Sawyer County is 58% Native American, 39% Caucasian, 2% Asian, 1% Hispanic.

## **Recommendations**

The four recommendations for implementation in Sawyer County were developed with the analysis of this data and the implementation foundation for evidence-based practices in the criminal justice system.

- Continue pretrial screening
- Implement pretrial release program
- Reinstate citations for Operating After Revocation
- Implement programs for education, employment, and social support

The importance of collecting and utilizing data to make decisions in the criminal justice system has been well documented. Data collection and analysis is a foundation of implementing evidence-based practices, because desired outcomes cannot be achieved unless there is documentation and evaluation. Continuing to conduct pretrial screening will assist Sawyer County with identifying the risk level of individuals and assist in making release decisions based on that risk. Pretrial screening is most advantageous when there is an opportunity for pretrial release. When individuals can be released from custody pretrial, jail beds are not utilized holding those individuals that simply cannot make bail, regardless of their risk level. Holding low risk individuals pretrial only increases their future risk of recidivism. In Sawyer County, 14% of those held pretrial were scored at the lowest risk and 39% of those held pretrial were scored at the second to lowest risk level. It is recommended for individuals who score between 0-2 that no supervision or conditions, aside from appearing in court, are required. For those scoring 3-5, check-in calls and court reminders are recommended, enhanced supervision and conditions are recommended for those individuals scoring above 5. With conditioned monitoring, those individuals can be held accountable in the community, while still ensuring that they are not a risk for reoffending or failing to appear for court.

In Sawyer County, 56% of individuals who were not screened pretrial were booked and released from the jail. While these individuals were not held in custody, thereby not taking up bed space in the jail, the process of transporting them to the jail for booking does create a staffing issue for the Sheriff's department. If Sawyer County returned to the practice of issuing citations for individuals Operating After Revocation, which comprises 23% of book and release charges, they would free up staffing resources.

In JusticePoint's presentation to the Criminal Justice Coordinating Council, it was recommended to work with probation on the implementation of Cognitive Behavioral programming due to the criminogenic need drivers. While analyzing the data based on probation violation versus sentenced individuals, JusticePoint found that the high criminogenic need drivers were Education, Employment, and Financial Situations, as well as Family and Social Support, Neighborhood Problems, and Peer Associations. Thus, JusticePoint is recommending that programming around these needs be implemented in the jail and in the community so that individuals have these needs addressed in order to curb future recidivism rates. Education programs, job placement resources, and organized prosocial activities are options for these types of services.

APPENDIX A

**MILWAUKEE COUNTY PRETRIAL RISK ASSESSMENT**

**INSTRUMENT-REVISED (MCPRAI-R)**

**Name:** \_\_\_\_\_ **Case Number:** \_\_\_\_\_

**Charge(s):** \_\_\_\_\_ **Assessment Date:** \_\_\_\_\_

**Cases Filed** – How many criminal case filings has the defendant had?

0 = 1 case 2 = 4+ cases

1 = 2-3 cases

**Prior Failure to Appear in Court** – Has the defendant failed to appear in court?

0 = None 2 = 2 prior FTAs

1 = 1 prior FTA 3 = 3 or more prior FTAs

**Arrested While Out on Bond** – Was the defendant on any form of pretrial release at the time of the alleged offense?

0 = No

1 = Yes

**Employment/Primary Caregiver** – At the time of arrest, was the defendant either a primary caregiver or employed full time?

0 = Yes

1 = No

**Residence** – Has the defendant lived at current residence 1 year or more?

0 = Yes

1 = No

**UNCOPE Score** –Total UNCOPE Score (Substance abuse measure)

0 = UNCOPE Score < 3

1 = UNCOPE Score of 3 or greater

**Total Points-add all points together**

## APPENDIX B

### The UNCOPE

U – Have you continued to use alcohol or drugs longer than you intended?

N – Have you ever neglected some of your usual responsibilities because of alcohol or drug use?

C – Have you ever wanted to cut down or stop using alcohol or drugs but couldn't?

O – Has your family, a friend or anyone else ever told you they objected to your alcohol or drug use?

P – Have you ever found yourself preoccupied with wanted to use alcohol or drugs?

E – Have you ever used alcohol or drugs to relieve emotional discomfort, such as sadness, anger or boredom?

Scoring: Two or more positive responses indicate possible abuse or dependence and need for further assessment

## APPENDIX C

### K10 Test

These questions concern how you have been feeling over the past 30 days.

1. During the last 30 days, about how often did you feel tired out for no good reason?

1. None of the time 2. A little of the time 3. Some of the time 4. Most of the time 5. All of the time

2. During the last 30 days, about how often did you feel nervous?

1. None of the time 2. A little of the time 3. Some of the time 4. Most of the time 5. All of the time

3. During the last 30 days, about how often did you feel so nervous that nothing could calm you down?

1. None of the time 2. A little of the time 3. Some of the time 4. Most of the time 5. All of the time

4. During the last 30 days, about how often did you feel hopeless?

1. None of the time 2. A little of the time 3. Some of the time 4. Most of the time 5. All of the time

5. During the last 30 days, about how often did you feel restless or fidgety?

1. None of the time 2. A little of the time 3. Some of the time 4. Most of the time 5. All of the time

6. During the last 30 days, about how often did you feel so restless you could not sit still?

1. None of the time 2. A little of the time 3. Some of the time 4. Most of the time 5. All of the time

7. During the last 30 days, about how often did you feel depressed?

1. None of the time 2. A little of the time 3. Some of the time 4. Most of the time 5. All of the time

8. During the last 30 days, about how often did you feel that everything was an effort?

1. None of the time 2. A little of the time 3. Some of the time 4. Most of the time 5. All of the time

9. During the last 30 days, about how often did you feel so sad that nothing could cheer you up?

1. None of the time 2. A little of the time 3. Some of the time 4. Most of the time 5. All of the time

10. During the last 30 days, about how often did you feel worthless?

1. None of the time 2. A little of the time 3. Some of the time 4. Most of the time 5. All of the time