

**CRIMINAL JUSTICE COORDINATING COUNCIL
CRIMINAL JUSTICE SYSTEM PROCESS AND OPPORTUNITIES SUBCOMMITTEE**

SEPTEMBER 26, 2013

Call to Order: Chair Gubbin called the meeting to order at 12:02 p.m. in Conference Room 519 on the fifth floor of the Rock County Courthouse-West.

Committee Members Present: Chair Tom Gubbin, Supervisor Sandy Kraft, Judge James Daley, Sheriff Robert Spoden, Perry Folts, (alt. for David O'Leary), and Eric Nelson.

Committee Members Absent: Charmian Klyve.

Others Present: Elizabeth Pohlman McQuillen, Criminal Justice System Planner/Analyst and Nick Sayner, Justice Point, Inc.

Approval of the Agenda: Mr. Nelson moved approval of the agenda as presented, second by Sheriff Spoden. ADOPTED.

Approval of Minutes from Meeting on May 30, 2013: Supervisor Kraft moved approval of the minutes, second by Mr. Nelson. ADOPTED.

Presentation regarding Pre-Trial Programs in Milwaukee—Mr. Nick Sayner, JusticePoint, Inc. Chair Gubbin introduced Mr. Sayner from Justice Point, Inc. in Milwaukee to talk about pretrial programming. Mr. Sayner went over the handout he provided.

Announcements: None.

Time and Date for Future Meeting. Meetings will be scheduled as necessary.

Adjournment. The meeting adjourned at 1:04 P.M. by acclamation.

Respectfully submitted,

Elizabeth Pohlman McQuillen
Criminal Justice System Planner/Analyst

NOT OFFICIAL UNTIL APPROVED BY COMMITTEE.

Milwaukee County Pretrial and Diversion Programs

NICK SAYNER

EXECUTIVE DIRECTOR JUSTICEPOINT, INC

Purpose/Goals of Presentation

Describe Milwaukee County Initiatives

Answer any questions related to:

- Milwaukee Co.'s Programs
- Pretrial Services in General
- JusticePoint, Inc

Nick's Background

Experience

- 16 Years CJ Experience
- Master's Degree in Public Administration (MPA)
- National Institute of Corrections Certified Pretrial Technical Assistance Provider
 - Piedmont Regional Jail, Farmville, VA
- Pretrial Justice Institute Technical Assistance Provider
 - Bozeman, MT

Membership

- National Association of Pretrial Service Agencies Board of Directors
- Milwaukee County Evidence Based Decision Making Initiative Policy Team
- Milwaukee County Community Justice Council
- Problem Solving Courts Subcommittee of the State of Wisconsin Criminal Justice Council

JusticePoint

JusticePoint is a nonprofit organization dedicated to the promotion of evidence informed criminal justice programs, practices and policies.

JusticePoint Currently is the Vendor for:

- Milwaukee County Pretrial Services
- Milwaukee County Behavioral Health Division Central Intake Unit and Recovery Service Coordinator
- Milwaukee County Delinquency & Court Services Electronic Monitoring

What are Pretrial Services?

Pretrial Release

- Risk Assessment-Pretrial
- Screening
- In-reach

Pretrial Supervision

- Case Management
- Monitoring of Court Ordered Conditions
- Electronic Monitoring

Pretrial Diversion

- Risk Assessment-Recidivism
- Monitoring of Diversion Agreement

Pretrial Fundamentals

Risk Principle

- Over condition Low Risk=Negative results

Bail

- Cash bail has never been proven to reduce new criminal activity

Diversion

- Match risk factors with conditions

US v. Salerno

- "In our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception." Chief Justice William H. Rehnquist, U.S. Supreme Court

Overview of Milwaukee Co. Programs

Pretrial Services (Release and Diversion)

- Universal Screening
- Community Supervision
 - Electronic Monitoring
 - Court Reminder Program
 - Repeat Drunk Driver Program*

Pretrial Diversion

- Treatment Alternatives and Diversion
- Central Liaison Unit**
- Drug Treatment Court
- Veteran's Initiative*

*Program not provided by JusticePoint

Pretrial Services

Universal Screening

- Validated Risk Assessment
 - FTA
 - New Criminal Activity
- Sample Attached

Community Supervision

- Case Management Model
- Focused on least restrictive conditions necessary
- Electronic Monitoring

Pretrial Services (cont.)

Court Reminder Program

- Response to FTA for Misdemeanor defendants
- Email/Text/Phone/Mail

Pretrial Diversion

Diversion Viewed as a Continuum (Diagram Attached)

- Treatment Alternatives and Diversion (TAD)
- Central Liaison Unit (CLU)
- Day Reporting Center (DRC)
- Vet. Tx Court
- Drug Treatment Court

Risk Assessment-(LSI:SV & LSI-R)

- Different Measure of Risk
 - Long term risk to reoffend vs pretrial risk assessment (FTA and NCA)
- Difference between Accountability and Behavior Modification Conditions

Pretrial Diversion (cont.)

Conditions of Diversions:

- Community Service
- Restitution
- GPS
- Treatment

Evidence Based Decision Making Initiative (EBDMI)

National Institute of Corrections Initiative

- Provide TA on any CJ related topic

EBDMI Framework

- Professional Judgement of CJ Decision Makers is enhanced when informed by Evidence
- Every interaction is an opportunity to contribute to harm reduction
- Systems achieve better outcomes when they collaborate
- The CJ System will continually learn and improve with the collection of data
- <http://www.cepp.com/documents/EBDMFramework.pdf>

EBDMI (cont.)

Steps

- Develop a CJC
- Construct a Criminal Justice System's map
- Identify Key Decision Points
- Choose which points can have the greatest impact on system
- Develop interventions

Key Research Findings (2013)

Arnold Foundations PSA-CT

- National Risk Assessment Model
- Does not require an interview

Length of Pretrial Detention's Impact

- Increases Risk during Pretrial Phase
- Increases long term risk (permanent and consistent)

Contact Information

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Milwaukee County Pretrial Risk Assessment Instrument – Revised Scoring Guide

Introduction

The following scoring guide directs pretrial service staff in conducting the Milwaukee County Pretrial Risk Assessment – Revised (MCPRAI-R). The scoring guide gives a brief overview of the assessment followed by an elaboration on each of the six variables used to calculate a defendant's risk of pretrial misconduct.

Overview of the Pretrial Risk Assessment

The Milwaukee County Pretrial Risk Assessment-Revised (MCPRAI-R) is a validated tool used to determine a person's risk level for pretrial misconduct, which is defined as new arrests while out on bail and/or failure to appear for court appearances. This tool was validated in August 2011 as part of the Evidence-Based Decision Making Initiative in the Milwaukee County Criminal Justice System.

The MCPRAI-R is comprised of six risk factors: total cases filed, instances of failure to appear, arrest while out on bond, employment/caregiver status, residence status, and UNCOPE score. Analysis of each factor results in a numeric value that, when totaled, provide a score ranging in value from 0 to 9 with higher values indicating greater risk for pretrial misconduct. The risk score is then converted to a risk category ranging from category I to category IV.

The MCPRAI-R takes approximately 10-15 minutes to administer and consists of a criminal history review and a face to face interview. The defendant's responses to several of the questions are then verified through official records or collateral contacts. The defendant's risk category is then applied to a grid, known as the 'Pretrial Praxis', that outlines the bond type, bond range, pretrial supervision, and pretrial supervision conditions that are recommended to mitigate the defendant's risk of pretrial misconduct. An electronic report is then prepared and uploaded for use by key decision makers such as the district attorney, defense attorney, judicial court commissioner and judges.

A full copy of the Milwaukee County Pretrial Risk Assessment Instrument-Revised appears at the end of this Scoring Guide as Appendix A. The Pretrial Praxis appears as Appendix C.

Verification

Verification is critical to quality pretrial risk assessment. Every effort must be made to obtain accurate collateral contact information from the defendant. While verification of assessment items is always the goal, there are times where the assessment must be calculated, reported, and relied upon without aspects of the defendant's responses being verified through outside sources.

Much like other interview-based assessments, verification aids in the acquisition of valid information. However, verification itself is not weighted or otherwise incorporated into the calculation of the final risk score.

Assessments do not need to be verified in order for the risk evaluation to be scored.

Obtaining Verification

Verification is obtained by seeking information from sources other than the defendant to corroborate the information received during the defendant interview. Where applicable, the pretrial investigator must access electronic databases such as the Wisconsin Circuit Court Access Consolidated Court Automation Program (CCAP), the Forward Health Portal (for Title 19 eligibility – an indicator of disability benefits), the Sheriff's CJIS system, the Milwaukee Pretrial Information System, Vinelink, NCIC, etc. in order to verify the defendant's information.

Where electronic information is not available, phone verification should be attempted. Ideally, information will be verified by the source closest to the question being verified (e.g. from the high school the defendant attends, from the defendant's employer, etc.). When these sources are unavailable, verification through the defendant's family or friends is appropriate.

To verify information through a defendant's family or friends, the investigator should always ask open ended questions. For example, if a defendant reports working full time as a cook, they should ask their collateral contact: "Is Mr. X employed? Where?" The investigator should NOT attempt to verify with leading questions such as "Mr. X reported that he works as a cook at McBurger's, is that true?" By asking open ended questions, the investigator will have the best chance of ensuring that the answer received from the collateral contact is accurate and not a product of the leading question.

When information received from a verification source contradicts information provided by the defendant, the investigator must use their best professional judgment in order to discern which information seems most reliable. The most reliable information shall be used for calculation of the risk score and completion of the MCPRAI-R. Inconsistencies in reported information shall be noted in the 'Comments' section of the MCPRAI-R.

Recording Verification

All verification will be recorded in the Milwaukee County Pretrial Information System under the "Verification" tab. The verification information entered will appear on the risk evaluation report that is available to the bail setting authority, Defense Attorney, and Assistant District Attorney.

The following information will be entered for each verification source provided by the defendant: first name, last name, relationship to defendant, telephone number(s), indication of whether attempt to contact that source was made, and result of the attempt.

Scoring

As elaborated upon later in this scoring guide, each item is scored using specifically defined criteria. On individual items, a score of "0", "1", "2", or "3" is assigned. The final risk score is the summation of each of the individual items creating a range of possible risk scores from 0–9. The higher the score, the greater the risk the individual poses for pretrial misconduct. Individuals scoring between 0-2 are classified as risk category I, 3-5 as risk category II, 6-7 as risk category III, and 8-9 as risk category IV.

Risk Factors

Total Cases Filed

Definition: The total number of case filings as displayed in the Wisconsin Circuit Court Access Consolidated Court Automation Program (CCAP).

Total Cases Filed includes -

- a. All criminal felony, criminal misdemeanor, and criminal traffic cases
- b. All dismissed cases
- c. 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
- d. Cases in summary status (as appearing in CJIS) that have not yet been filed as criminal charges by the District Attorney's Office

NOTE: If the arrestee is in summary status for a criminal charge that has not yet been filed, the pretrial investigator should add "1" to the number of total cases filed. It is not possible to have "0" total cases filed.

Scoring

Score "0" points if the defendant has had 1 total criminal case filing (the current filing only), score "1" point if the defendant has had 2-3 total criminal case filings, and score "2" if the defendant has had 4 or more total criminal case filings.

Failure to Appear

Definition: The total number of instances of failure to appear as found in the Wisconsin Circuit Court Access Consolidated Court Automation Program (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. When examining court records contained in CCAP to determine if an FTA should be counted, there must be documentation of non-appearance for a known court date and the issuance (or stay) of a bench warrant for that non-appearance.

When calculating instances of failure to appear, care must be taken to ensure that all instances of failure to appear happening on the same date are counted as only one total instance of failure to appear. Situations in which the defendant fails to appear for two or more cases in two or more different court shall be considered *one* instance of failure to appear. Similarly, situations in which the defendant fails to appear for two or more cases scheduled to be heard by the same judge on the same day shall be considered *one* instance of failure to appear.

Failure to Appear includes -

- a. All instances of Failure to Appear on dismissed cases as well as cases where 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
- b. Any instance where a defendant does not appear in Court, even if a bench warrant is stayed until the next court appearance

Failure to Appear **DOES NOT** include -

- a. Defendants who appear late for court but appear on the same day
- b. Defendants who were **IN CUSTODY** at the time of the FTA
- c. 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
- d. Defendants who received arrest warrants for missing a hearing occurring *prior* to an initial appearance
- e. 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
- f. Defendants who miss hearings occurring post-sentencing (e.g. probation review hearings)
- g. Warrants issued for pretrial service violations

NOTE: Staff may not rely upon the Milwaukee County Pretrial Information System to automatically and correctly identify the number of instances of FTA appearing in the CCAP system. Because of the inconsistencies in data entry throughout the state of Wisconsin, staff will be required to manually review the court record events for all cases in CCAP to confirm that a bench warrant was issued due to and actual instance of failure to appear.

NOTE: In the event that the case(s) that the defendant will be appearing in front of a judicial authority for bail setting purposes is a 'converted' case in the CCAP system for which detail on the defendant's Failure to Appear history is unavailable, the investigator should review the Milwaukee County Sheriff's Office's JUSTIS system to determine instances of FTA for that case.

Scoring

Score "0" points if the defendant has 0 prior incidents of failure to appear, score "1" point if the defendant has 1 prior incident of failure to appear, score "2" points if the defendant has 2 prior instances of failure to appear, and score "3" points if the defendant has 3 *or more* prior incidents of failure to appear.

Arrested While Out on Bond

Definition: A defendant arrested or charged with an alleged offense that occurred while out on bond for another open case in the Wisconsin Circuit Court Access Consolidated Court Automation Program (CCAP).

The Arrested While Out on Bond measure requires -

- a. The defendant was released pending trial and was re-arrested and is charged with or in summary status for the current misdemeanor or felony offense
- b. New charges must be for a criminal case (i.e. Misdemeanor, Felony or Criminal Traffic)
- c. **The offense date of the new charges must be after the filing date of the open case**

The Arrested While Out on Bond measure DOES NOT include -

- a. Defendants who were NOT released pending trial, but remained in custody and had new charges filed against them while awaiting trial
- b. Defendants who are arrested, released pending trial, and are arrested for a charge with an alleged offense date that is prior to the issuance of bond on the first arrest
- c. Defendants who are charged with 'stand-alone' bail jumping charges only.

Scoring

Score "0" points if the defendant was NOT arrested while out on bond or score "1" point if the defendant was on bond at the time of arrest for the most recent offense.

Employment/Primary Caregiver Status

Definitions:

Employed: **Employed full-time** (30 hours or more per week at one or more jobs) at the time of arrest consisting of regular hours at a legitimate company or business or self-employment as recognized by the IRS.

Employed DOES NOT include -

- a. Part-Time Employment (Less than 30 hours per week)
- b. Informal Employment
- c. Non-verifiable Employment

Primary Caregiver: Being the primary caregiver (responsible and consistently caring for) of at least one dependent child (under the age of 18) or a disabled or elderly family member *living with the defendant* at the time of arrest.

Primary Caregiver DOES NOT include -

- a. Care solely through payment of child support obligations
- b. Less than 50% physical placement of biological children (i.e. weekend or intermittent weeknight placement)

NOTE: Defendants can be either employed OR a primary caregiver OR neither, but cannot be both employed AND a primary caregiver.

Scoring

Score "0" points if the defendant was either employed or a primary caregiver at the time of arrest for the current offense or score "1" point if the defendant was NOT employed or a primary caregiver at the time of arrest for the current offense.

Residence

Definition: The amount of time a defendant has consecutively lived at their current address.

To qualify as a residence, it is *generally* required that the United States Postal Service provide regular mail service to the address. Exceptions to this general principle, while rare, do occur (e.g. defendants living in rural areas with no mail service, defendants living in trailers in dedicated trailer parks, etc.).

Residence DOES NOT include non-permanent residences such as jail, prison, halfway houses or shelters.

In determining whether to score risk to a defendant under the 'Residence' risk factor, pretrial investigators should probe the defendant and their verification source in an attempt to discern the stability and permanence of their living situation over the past 12+ months.

If a defendant was incarcerated for 60 or more days during the previous 12 months, the Residence risk factor should be scored as a 'No' – indicating that they have *not* resided at their address for 1 year or more.

Scoring

Score "0" points if the defendant has lived at their residence for one year or longer. Score "1" point if the defendant has lived at their residence for less than one year, lives at a non-permanent residence, or is homeless.

UNCOPE Score

Definition: A defendant's score on the UNCOPE screening tool.

The UNCOPE is a validated six question tool used to identify risk for substance abuse or dependence. An UNCOPE score merely provides an indication of whether or not a defendant appears at risk for a substance use disorder. Screens are inappropriate for use as treatment intake tools and insufficient for supporting diagnoses. The UNCOPE and other screens for substance use disorders are most appropriate for identifying risk for abuse or dependence when neither is clearly identified as a problem.

For the purposes of the MCPRAI-R, the UNCOPE questions shall focus only on the 12 months preceding the pretrial investigation being conducted.

Scoring

Score "0" points if the defendant scored 0, 1, or 2 on the UNCOPE or score "1" point if the defendant scored 3 or greater on the UNCOPE.

Additional Considerations

The following additional considerations are collected and reported to the court in the risk evaluation report, but are not scored. They represent factors that various stakeholders in the Milwaukee County Criminal Justice System have identified as warranting special attention during the bail decision. Additional considerations that originate from the defendant interview follow the same verification protocol as the factors that are scored in the risk report.

Active Criminal Justice Supervision

Definition: The Department of Corrections (DOC) or pretrial supervision status of a defendant at the time the MCPRAI-R is conducted.

This factor is based upon the defendant's *current* status for being on Probation, Extended Supervision, Parole, or ANY type of Pretrial Supervision (WCS, J2K, DPA/DIV) at the time the MCPRAI-R is being administered for the *current offense*.

Calculation

This factor is determined through both defendant interview and data system review. During the defendant interview, investigators will inquire whether the defendant is aware of any active DOC or pretrial supervision episodes. The investigator will then review the Sheriff's CJIS system to identify whether the defendant had an active VOP hold at any point during the current incarceration period. Finally, the investigator will review the Milwaukee County Pretrial Information System to determine whether the defendant is actively being supervised by any of the Milwaukee County Pretrial Programs and the CCAP system to determine if the defendant may be under pretrial supervision for any open criminal case in any other Wisconsin county.

When time permits, any indication in the Sheriff's CJIS system that the defendant was actively on DOC supervision at any point during the current incarceration period should be verified by phone through the Department of Corrections – Division of Community Corrections.

Active DOC/Pretrial Supervision DOES NOT include defendants who are only being served by the Forensic Case Tracking, Release Planning, TAD Screening, Failure to Appear, or Failure to Appear Follow-Up programs as indicated by the Milwaukee County Pretrial Information System.

Self-Surrender

Definition: The defendant surrendered to a law enforcement **facility** to face prosecution for the current offense.

The circumstances of the surrender must be without coercion from law enforcement officers. To constitute self-surrender, the defendant must have presented himself to law enforcement at a law enforcement facility with the intent of surrendering himself to a law enforcement officer to face criminal prosecution. For example, awareness of an open warrant and voluntary disclosure that a defendant has an open warrant to a law enforcement officer IS a self-surrender, while voluntarily stopping when ordered to do so by a law enforcement officer is NOT a self-surrender. Similarly, a defendant's voluntary presence at a police station for questioning followed by the arrest of the defendant while at that facility is NOT a self-surrender.

Calculation

During the defendant interview, the defendant will be asked whether they self-surrendered for the current offense. If a positive response is given the investigator will inquire as to the circumstances of the self-surrender. If the circumstances appear to be a legitimate self-surrender, the investigator will review the AR22 screen in the CJIS system to determine whether the arrest location corresponds with the law enforcement facility reported by the defendant as the location of self-surrender. Investigators will then call the law enforcement facility that the defendant claims to have self-surrendered at to verify that the circumstances constitute a self-surrender as defined in this section.

Note: If a self-surrender cannot be confirmed it should *not* be documented on the pretrial risk report.

Full-Time Student, Retired, or Disabled

Definitions:

Full-Time Student: A defendant who is currently enrolled in and attending high school, college, university, or technical college. Full-time is generally defined as 12 credits or more, though the internal definitions used by the school for full-time status should be used where differences exist.

Retired: A defendant who has withdrawn from their business, occupation, or office after having finished their active working life.

Disabled: Currently receiving disability benefits.

Collection

This factor is determined by inquiring about the aforementioned statuses during the defendant interview. When possible, verification of this additional consideration should be attempted through contact with schools, disability offices, or other collateral sources.

Veterans Affairs (VA) Benefit Eligible

Definition: Defendants who *appear* to be eligible for treatment and other programming through the Veterans Administration due to current or prior active military service.

Defendants are *generally* VA eligible if they were discharged from military service for reasons other than dishonorable and who served a minimum of 2 years in the armed forces. Discharge statuses that meet these criteria are: honorable, general, medical, or other than honorable.

Collection

This additional consideration will be collected during the defendant interview.

When possible, verification of this additional consideration should be attempted by contacting the Department of Veterans Affairs or other collateral sources.

Considerations That Are Collected but Not Scored or Reported

History of Violence

Definition: The number of violent case filings listed in the Wisconsin Circuit Court Access Consolidated Court Automation Program (CCAP).

A violent offense is *generally* defined as any act that creates the risk of or actual physical injury to another person or animal (e.g. homicide, sexual assault, robbery, all types of battery). A full list of offenses that constitute violent offenses for this purpose can be found in Appendix D of this Scoring Guide.

Calculation

This factor is automatically determined by the Milwaukee County Pretrial Information System based on the history of criminal case filings downloaded by that system from the Wisconsin Circuit Court Access Consolidated Court Automation Program (CCAP).

If, when preparing the MCPRAI-R, the pretrial investigator comes upon a charge that appears to be violent in nature but does not appear on the list of violent charges contained in Appendix D of this Scoring Guide, they shall email the case number, defendant name, criminal charge in question, and statute number to their direct supervisor. The charge in question shall *not* be marked in the Pretrial Information System as a 'History of Violence' offense. Only those charges explicitly appearing in Appendix D of this Scoring Guide may be counted as 'History of Violence' offenses for the purposes of this consideration.

Blood Alcohol Concentration (BAC)/Refusal

Definitions:

BAC: The blood alcohol concentration for a defendant who is currently charged with Operating While under the Influence (OWI) where alcohol was the contributing factor for the current offense.

Refusal: The defendant refused to provide a specimen to law enforcement for their current offense of Operating While Under the Influence or Operating While Intoxicated.

Blood alcohol concentration is a factor based upon the level of alcohol in the defendant's blood at the time of the defendant's arrest. *Generally*, defendants will provide a specimen at the time of arrest (i.e. blood, saliva, breath, hair); however, there are times in which a defendant will refuse to provide a specimen. In the event of a refusal a defendant can be criminally charged for refusing to provide law enforcement with a sample.

Collection

Information regarding the BAC *generally* can be found through a review of the defendant's criminal case filing for the present offense. There will be occasions when the defendant's BAC cannot be determined through a review of the criminal complaint or arrest detention report or the criminal complaint is not available for review prior to the screening process taking place. The BAC level may not be available to the pretrial investigator in all cases.

In order to determine if a defendant has been charged with a refusal, the Wisconsin Circuit Court Access Consolidated Court Automation Program (CCAP) should be reviewed. Investigators will review the defendant's pending charges to determine if the defendant appears to be facing a charge for a refusal. If an investigator determines the defendant has been charged with a refusal in relation to a current charge of OWI, the investigator or case manager will record this information in the Milwaukee County Pretrial Information System.

Prior OWI Case Filings with Filing Date

Definition: The dates of prior known OWI case filings for a defendant presently facing new OWI-related charges.

Collection

Prior OWI Case Filings with Filing Date are automatically recorded by the Milwaukee County Pretrial Information System through its connection with the Wisconsin Circuit Court Access Consolidated Court Automation Program (CCAP).

Detainer/Hold

Definition: A defendant has an *active* hold placed upon them at the time the MCPRAI-R is conducted.

This factor is based upon the defendant's hold status at the time that the MCPRAI-R is administered. A detainer or hold is placed upon a defendant *generally* because a defendant is wanted by another law enforcement agency. However, there are medical reasons for which a detainer or hold can be placed upon a defendant. Reasons for detainer or hold status include: Municipal Warrants (Other Municipalities), Warrants from Other Jurisdictions (e.g. Surrounding Counties, States-Fugitive from Justice), Federal Agencies (i.e. Immigration and Customs Enforcement-ICE, Federal Probation), Safe-Keepers for other Counties and Medical Holds (e.g. Ch. 51-Civil Commitments, Suicide Watch).

Collection

This information is obtained through the use of the Sheriff's CJIS System. A defendant's detainer/hold status is determined by review of the *Hold Screen* in the CJIS system. The Hold Screen will be reviewed in order to determine if the detainer/hold is *Active or Inactive*.

This information will not be scored or considered but recorded in the Milwaukee County Pretrial Database System for data collection but may be used for future analysis.

Comments Section

When conducting the defendant interview, the investigator may learn useful or relevant information that may be helpful to stakeholders during the bail hearing.

Relevant information regarding a defendant's mental health status or other medical concerns should be provided to stakeholders while maintaining the confidentiality of the defendant's mental health or medical status.

In addition, should a defendant decline to complete the risk evaluation process, the comment section can be used to communicate this information to the bail setting authorities.

The following is a *non-exhaustive* list of information that may be relevant to the judicial officer, defense attorney, or assistant district attorney at the bail hearing and therefore may be included in the 'Comment' section of the risk evaluation report.

Early Intervention Comment

- The Pretrial Investigator will create an Early Intervention comment if the defendant's charges fall under Grids 1-3 AND there are no CM Weapons charges or CM Sexual Assault charges. This means that no EI comments will be made on any current CM weapon charges, CM sexual assault charges or for any charges falling on Grids 4-7.

- DV charges WILL get an EI comment if they fall under the above established criteria.
- There are two possible comments to make if the person meets the above criteria:
 - Comment if 0-2 on LSI-R:SV→Per the Early Intervention guidelines, NAME appears to be preliminarily eligible for Diversion.
 - Comment if 3+ on LSI-R:SV→Per the Early Intervention guidelines, NAME appears to be eligible for further assessment.
- NOTE: The Pretrial Investigator is not taking past criminal history into account at this stage. The DA's office will need to review this to determine if they would like to offer the defendant EI programming.

Mental Health Concerns

- Defendants who present as actively psychotic, manic, or are currently experiencing active auditory or visual hallucinations
- Defendants who report having been diagnosed with a severe or persistent mental illness or cognitive impairment and are currently experiencing symptoms of their mental illness or cognitive impairment
- Defendants who report that they are not under the care of a treating physician or receiving medication but who are diagnosed with a severe and persistent mental illness
- Defendants who report that they are struggling to maintain their mental health stability, but may be receiving medication and have a treating physician
- Defendants who are unable to respond or participate in the process due to their mental illness or a cognitive impairment

Declined Interview

- Defendants who decline to be interviewed

Conflicting Information during Verification Process

- Information obtained during the verification process from collateral sources that conflicts with information received from the defendant during the pretrial interview

Partial Information during Verification Process

- Information obtained during the verification process from collateral sources that is not exact/precise with information received from the defendant during the pretrial interview

Invalid Address

- Defendants who provide an address that appears to be invalid based on Google or Bing Maps, and USPS.com.

GPS Eligibility

- Defendants who meet the eligibility criteria for GPS monitoring but whose ability to comply with GPS requirements due to uncontrolled severe and persistent mental illness or AODA issues.

72 Hour No Contact/Temporary Housing

- For defendants who may not be able to return to their residence due to the nature of their current charges we should comment about an alternative housing plan (See Examples Below). If the client does not have an alternative address we should comment on whether or not they are willing or planning to reside at a shelter.

Maximum Release Date/Good Time Release Date

- Defendants who are serving prison time should be asked what their maximum release or good time release date is*. This information should be reported in the Comments Section.

***NOTE:** Pretrial investigators do not currently have a reliable method by which to check Wisconsin (or other state) DOC records to determine exact maximum release dates. Information relayed to the court regarding maximum release dates will therefore be 'self-report' from the defendant.

Self-Reported Out of State Convictions/Juvenile Adjudications

- Defendants who report having a criminal history outside of Wisconsin*
- Defendants who report having a juvenile criminal history*

***NOTE:** As of the drafting of this Scoring Guide, pretrial investigators do not have access to out of state criminal history information or State of Wisconsin juvenile delinquency proceedings. Any conviction reported in this section will be based *solely* on self-report by the defendant and will not be corroborated in any other way.

Felony Bench Warrant

- Defendants who have a felony bench warrant at the time the pretrial investigation is taking place. The case number, charge(s) and assigned court should be indicated in the comment section.

Out of Jurisdiction Warrants

- Defendants who have a warrant in another jurisdiction. The comment section should include the jurisdiction, type of warrant (if known), and case number (where applicable). This information can be gathered through a review of the CJIS system and, as applicable, the CCAP system.

Other Holds

- Defendants who have *any* known holds that are not covered by other parts of this guide should be noted in the comments section (e.g. ICE holds, municipal holds, VOP holds, etc.)

Open Cases

- Anytime a defendant has an open case that is not receiving a praxis recommendation, the applicable County and case number should be noted in the comment section.

Documentation for Comments Section

The information provided in the comment section should be clear and concise and should reflect the issue that the investigator deemed relevant to the bail decision. Any verification or attempt at verification for information appearing in the comment section should be noted in the comment section. The investigator should clearly document in the casenote section of the Milwaukee County Pretrial Information system the reason for the comment being included in the risk report to a degree of detail sufficient for other staff reviewing the case to be able to speak at the bail hearing as to the reason for the comment.

Comment Examples

Mental Health Concerns

Example #1: Mr. Doe reports that he has been diagnosed with a severe and persistent mental health issue. Mr. Doe reports that he is currently experiencing active symptoms associated with his mental health issue. Mr. Doe reports that he is not currently under the care of treating physician for his mental health issue.

Example #2: Mr. Doe reports that he has been diagnosed with a severe and persistent mental health issue. Mr. Doe reports that he is experiencing symptoms associated with his mental health issue. Mr. Doe reports that he currently is receiving treatment for his mental health issue and is supported through a case management program in the community.

Example #3: Justice Point/WCS was unable to complete the Risk Assessment with Mr. Doe due to his mental health concerns at this time.

Conflicting Information Obtained During Verification

Example #1: During her pretrial interview Ms. Doe reported that she resides with her parents at 123 Wisconsin Ave, Milwaukee, WI. However, Ms. Doe's mother, Ms. Tabatha Doe reports that Ms. Doe has not lived at this address for more than 3 years and will not be permitted to live there upon release from custody.

Partial Information during Verification Process

Example#1: Mr. Smith's mother, Ms. Smith, was only able to verify his approximate address of N 17th St. and W Wells St., Milwaukee, WI.

Invalid Address Comment

Example #1: Mr. Smith's reported address as indicated above does not appear to be a valid address according to Google Maps and USPS.com.

Self-Reported Out of State Convictions/Juvenile Adjudications

Example #1: Mr. Smith reported having a criminal history in the State of Illinois.

Example #2: Mr. Smith reported having a criminal history as a juvenile.

Felony Bench Warrant

Example #1: Mr. Smith currently has an open felony bench warrant for Kenosha County case number 2012CF002033.

Open Case(s)

Example #1: Mr. Smith has the following open cases: Milwaukee County case 2012CF003023 and Ozaukee County case 2013CM002654.

72 Hour No Contact/Temporary Housing

Example #1: Should Mr. Smith be unable to return to the above address due to his current charges, Mr. Smith plans to reside at 821 W State St. Milwaukee, WI, 53233. This info has/not been verified."

Example#2:Should Mr. Smith be unable to return to the above address due to his current charges, Mr. Smith plans to reside at a shelter/is willing to reside at a shelter."

Example#3: Should Mr. Smith be unable to return to the above address due to his current charges, Mr., Smith plans to live with his sister, Ms. Smith, at an unknown address off of N. 60th and W. Mill Road.

Praxis

Once a defendant's risk score has been calculated, the score will be converted into a risk category which will then be applied to a grid that will guide recommendation made to the bail setting authority in setting the defendant's bond type, bond amount, pretrial supervision, and pretrial supervision conditions. The grids and related supporting information used to guide the bail decision are collectively known as the Pretrial Praxis.

The following instructions will guide the pretrial investigation staff person in generating a recommendation based on the Pretrial Praxis.

NOTE: Cases that are confirmed as Domestic Violence-related or non-OWI related Homicide offenses SHALL NOT be published with a Praxis recommendation.

To determine if a charge is domestic violence related, the Pretrial Investigator should review the Arrest Detention Report (when available), the criminal complaint (when available), the CCAP entry (if charged), or the charge itself in the CJIS system. If it is unclear whether a charge is domestic violence related, the Pretrial Investigator should publish the report with a Praxis recommendation.

Step 1: Generate a Risk Score

This is accomplished by administering the MCPRAI-R as described earlier in this guide.

Step 2: Identify the Risk Category

Using the "Scoring" section of this guide, determine what risk category the defendant falls into.

Step 3: Select the Correct Praxis Grid

The following steps will assist the pretrial investigator in selecting the correct praxis grid. **A visual flow chart of this selection process appears in Appendix E of this Scoring Guide.**

- 1) Are any of the pending charges for an OWI offense?
 - a. If yes, skip to Step 5
 - b. If no, continue to Step 2
- 2) Are any charges a felony that poses a 'risk of injury'?
 - a. If yes, use **Grid 4**
 - b. If no, continue to Step 3
- 3) Are any charges for a felony offense?
 - a. If yes, use **Grid 3**
 - b. If no, continue to Step 4
- 4) Are any charges for a misdemeanor that poses a 'risk of injury'?
 - a. If yes, use **Grid 2**
 - b. If no, use **Grid 1**
- 5) Is the OWI offense a felony?

- a. If yes, skip to Step 7
- b. If no, continue to Step 6
- 6) Are any of the other charges for a felony 'risk of injury'?
 - a. If yes, use **Grid 4**
 - b. If no, use **Grid 5**
- 7) Are there any other charges pending for the same case filing?
 - a. If yes, continue to Step 8
 - b. If no, use **Grid 6**
- 8) Are any charges a felony 'risk of injury'?
 - a. If yes, use **Grid 7**
 - b. If no, use **Grid 6**

ADDITIONAL NOTES:

- 1)) *When there exists both summary cases and warrant cases (bench warrant or arrest warrant), the pretrial investigator will have to conduct 'Step 3' two times – once for the summary cases and once for the warrant case(s). This is also known as a Dual Recommendation Risk Evaluation.*
- 2) *A table of offenses constituting risk of injury for this purpose appear as part of the Praxis in Appendix C of this Scoring Guide.*

When determining whether a defendant is facing a charge that poses a 'Risk of Injury' for purpose of selecting a Praxis grid, all subsections of a listed charge are considered to also be 'Risk of Injury' offenses as well.

- 3) *When there exists more than one warrant cases (Arrest Warrant or Bench Warrant) they are grouped together for one recommendation. The Grid with the most serious Bond Type and Supervision/Conditions should be selected. A list of unusual examples when applying this rule follows:*

What Grid to choose for cases with multiple warrants:

- A) When one case is Grid 1 Risk Level I-BWR and another case is a Grid 2, 3, or 5 Risk Level 1 Arrest Warrant → **Choose Grid 1** (PR Moderate and Court Reminders > PR Low and No Supervision)
- B) When one case is Grid 2 Risk Category I-BWR and another case is a Grid 3, or 5 Risk Level 1 Arrest Warrant → **Choose Grid 2** (PR Moderate and Court Reminders > PR Low and No Supervision)
- C) When one case is Grid 1 Risk Level III-BWR and another case is a Grid 2 Risk Level III Arrest Warrant → **Choose Grid 1** (Cash Low/Enhanced > PR High/Enhanced)
- D) When one case is Grid 2 Level III-BWR and another case is a Grid 3 Risk Level III Arrest warrant → **Choose Grid 2** (Cash Low/Intensive > Cash Low/Enhanced)
- E) If ANY of the cases are Domestic Violence (DV) related, the DV Grid should always be selected to display on the report and the bail recommendation recorded for data collection purposes only should be based on the most serious Bond Type/Conditions of Supervision.

Step 4: Apply the Risk Category to the Grid

Once the risk score has been calculated, the risk category has been identified, and the appropriate grid has been selected, apply the risk category to the first column of the grid to determine which row should be used.

Step 5: Make Recommendations

Using the row identified in Step 4, identify the bond type, bond range, appropriateness for supervision, and supervision conditions. These recommendations will appear in the risk assessment report that will be uploaded to the Milwaukee Pretrial Information System and available to all parties at the bail hearing.

Appendix B

Milwaukee County Pretrial Services
Information System

Milwaukee County Pretrial Risk Assessment Report

Date Prepared: Fri Feb 17 2012

Screened By: Ed Gordon

Identifying Sample, Defendant

Information DOB 08/10/1978 Address 123 N Park Place, Milwaukee, WI 53233

Gender M Telephone 414 555-5555

Verified

Risk Category

I

II

III

IV

Summary Arrest/Issued Charges

346.04(3) Vehicle Operator Flee/Elude Officer Felony I Summary Arrest

Recommendation

Bond Type

Range

Supervision Level

Grid 4 - Felony-Risk of Injury (Excluding DV)

Personal Recognizance
[High]

\$750 to \$2,500

Enhanced

Authorized Condition(s)

Drug Testing

Portable Breathalyzer

GPS Monitoring

SCRAM

Absolute Sobriety

Risk Factors

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

1

2 or 3

4 or more

Prior Failure to Appear in Court - How many times has the defendant failed to appear in court?

0

1

2

3 or more

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

No

Yes

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

Employed Full Time

Verified

Primary Caregiver

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

No

Yes

Verified

UNCOPE Score - Total UNCOPE Score (Substance abuse measure).

Score less than 3

Score 3 or greater

Additional Considerations

Active in Criminal Justice Supervision?

DOC

Pretrial

Self - Surrender?

No

Yes

Student, Retired, or Disabled?

Student

Disabled

Retired

Eligible for Veteran's Benefits?

No

Yes

Comments

Verification Sources

Date	Source-Name and Telephone	Relationship	Outcome	Verified:
02/17/2012	Jane Smith 414 555-2222	Friend	Answered-Spoke	Residence: Yes Employment: Yes School: No
02/17/2012	Bobby Washington 414 555-3333	Friend	Answered-Refused	Residence: Employment: No School: No
02/17/2012	Henrietta Doe 414 555-4444	Parent	Left Message	Residence: No Employment: No School: No

Appendix C

Milwaukee County, Wisconsin

Pretrial Praxis

Grid 1 Misdemeanor and Criminal Traffic (Excluding OWI & Risk of Injury)

Risk Levels	Bond Type [Range]	Supervision	Supervised Conditions
I	Personal Recognizance [Low]	None	None
I-BWR	Personal Recognizance [Moderate]	Court Reminders	None
II	Personal Recognizance [Low]	None	None
II-BWR	Personal Recognizance [Moderate]	Court Reminders	None
III	Personal Recognizance [Low]	Standard	As Authorized
III-BWR	Cash [Low]	Enhanced	As Authorized
IV	Cash [Low]	Intensive	As Authorized

Grid 2 Misdemeanor-Risk of Injury (Excluding Domestic Violence)

Risk Levels	Bond Type [Range]	Supervision	Supervised Conditions
I	Personal Recognizance [Low]	None	None
I-BWR	Personal Recognizance [Moderate]	Court Reminders	None
II	Personal Recognizance [Moderate]	Standard	As Authorized
II-BWR	Personal Recognizance [High]	Enhanced	As Authorized
III	Personal Recognizance [High]	Enhanced	As Authorized
III-BWR	Cash [Low]	Intensive	As Authorized
IV	Cash [Moderate or statutory limit]	Intensive	As Authorized

Grid 3 Felony (Excluding OWI & Risk of Injury)

Risk Levels	Bond Type [Range]	Supervision	Supervised Conditions
I	Personal Recognizance [Low]	None	None
II	Personal Recognizance [Moderate]	Standard	As Authorized
III	Cash [Low]	Enhanced	As Authorized
IV	Cash [Moderate]	Intensive	As Authorized

Grid 4 Felony-Risk of Injury (Excluding DV)

Risk Levels	Bond Type [Range]	Supervision	Supervised Conditions
I	Personal Recognizance [High]	Enhanced	As Authorized
II	Cash [Moderate]	Enhanced	As Authorized
III	Cash [High]	Intensive	As Authorized
IV	Cash [High]	Intensive	As Authorized

Grid 5 Misdemeanor Operating While Intoxicated

Risk Levels	Bond Type [Range]	Supervision	Supervised Conditions
I	Personal Recognizance [Low]	None	None
II	Personal Recognizance [Moderate]	Intensive	Random PBTs
III	Cash [Low]	Intensive	Random PBTs SCRAM Eligible
IV	Cash [Low/Moderate]	Intensive	Random PBTs SCRAM Eligible

Grid 6 Felony Operating While Intoxicated

Risk Levels	Bond Type [Range]	Supervision	Supervised Conditions
I	Cash [Low]	Intensive	Random PBTs SCRAM Eligible
II	Cash [Low/Moderate]	Intensive	Random PBTs SCRAM Eligible
III	Cash [Moderate]	Intensive	SCRAM Mandatory
IV	Cash [High]	Intensive	SCRAM Mandatory

Grid 7 Felony Risk of Injury AND Felony Operating While Intoxicated

Risk Levels	Bond Type [Range]	Supervision	Supervised Conditions
I	Cash [Low]	Intensive	Random PBTs SCRAM Eligible + As Authorized
II	Cash [Moderate]	Intensive	Random PBTs SCRAM Eligible + As Authorized
III	Cash [High]	Intensive	SCRAM Mandatory + As Authorized
IV	Cash [High]	Intensive	SCRAM Mandatory + As Authorized

NOTE: The Praxis does NOT apply to non-OWI related homicides.

Bond Type [Ranges]

Personal Recognizance [Low] = \$0 to \$250
 Personal Recognizance [Moderate] = \$250 to \$750
 Personal Recognizance [High] = \$750 to \$2,500

Cash [Low] = \$1 to \$500
 Cash [Low/Moderate] = \$500 to \$2,500
 Cash [Moderate] = \$2,500 to \$10,000
 Cash [High] = Minimum of \$10,000

Supervision Levels

	STANDARD	ENHANCED	INTENSIVE
Face-to-Face Contact	Monthly	Every other week	Weekly
Alternative Contact (phone, text, e-mail)	1 x/month	Every other week	NA
Supervised Conditions Compliance Verification	As authorized	As authorized	As authorized
Court Date Reminder	X	X	X
Criminal History/CJIS Check	X	X	X

Supervised Conditions

CONDITION	Authorized when:	CONDITION	Authorized when:
DRUG TESTING	-Defendant is eligible for supervision according to the Praxis. AND -Scores 3 or greater on UNCOPE. AND -Has a history of illegal drug use/abuse	GPS MONITORING	-Defendant qualifies for Intensive Supervision on Grids 2-4. OR -Concern exists for victim safety/no contact monitoring.
PORTABLE BREATHALYZER Testing	-Defendant is eligible for supervision according to Grids 1-4 of the Praxis. AND -Scores 3 or greater on UNCOPE. AND -The defendant has a history of problematic alcohol use/abuse or current alcohol abuse. OR -Is eligible for supervision on OWI Grids 5-6 OR -The defendant qualifies for supervision and the court is ordering absolute sobriety due to allegations of intoxication at time of alleged offense.	SCRAM Eligible	-Qualifies for supervision on Grid 5, Risk Level III or IV, Grid 6, Risk Level I or II or Grid 7 Risk Level I or II:- AND ONE OF THE FOLLOWING IS TRUE -Scores 3 or greater on UNCOPE -Already on pretrial release for an OWI at time of alleged new OWI. -Is charged with 4 th or greater OWI offense.
Absolute Sobriety	-Defendant has an UNCOPE Score of 3 or greater and has a history of problematic alcohol use/abuse or current alcohol abuse. OR -The police report and/or criminal complaint indicate the defendant was intoxicated at the time of arrest. OR -The defendant is charged with an OWI case and qualifies for supervision.		

Felony Crimes-Risk of Injury (List applies to and includes all subsections of the listed statutes)

346.04(3)	Felony Fleeing
346.62(4)	Reckless Driving-Cause Great Bodily Harm
346.63(2)(A)1	OWI Cause Injury (<i>Grid 7</i>)
346.67(1)	Hit and Run Involving Injury/Death
939.63	While Armed
940.11	Mutilating or hiding a corpse
940.19–940.20	All forms of Felony Battery
940.21	Mayhem
940.22	Sexual exploitation by a therapist
940.225	All forms of Felony Sexual Assault
940.23	Reckless injury
940.235	Strangulation and suffocation
940.24	Injury by negligent handling of dangerous weapon, explosives or fire
940.25	Injury by intoxicated use of a vehicle (<i>Grid 7</i>)
940.285	Abuse of individuals at risk
940.29	Abuse of residents of penal facilities
940.295	Abuse and neglect of patients and residents – <u>all but sub (5)</u>
940.30	False imprisonment
940.302(2)(a)	Human Trafficking
940.305	Taking hostages
940.31	Kidnapping
940.32	Stalking
940.43	Intimidation of witnesses; felony
940.45	Intimidation of victims; felony
941.01(1)	Negligent Operation of a Vehicle
941.11	Unsafe burning of buildings
941.12	Interfering with firefighting – <u>all but sub (3)</u>
941.20(1m)	Endangering safety by use of a dangerous weapon
941.21	Disarming a police officer
941.26 / 941.27	Machine Guns/Other Weapons
941.28	Possession of short-barreled shotgun or short-barreled rifle
941.29	Possession of a firearm
941.291	Possession of Body Armor
941.295(1)	Possession of Electric Weapon
941.296	Use or possession of a handgun and an armor-piercing bullet during crime
941.298(2)	Firearm silencers
941.30	Recklessly endangering safety
941.31	Possession of explosives
941.31(2)(B)	Possession of Improvised Explosives
941.32	Administering dangerous or stupefying drug
941.325	Placing foreign objects in edibles
941.327	Tampering with household products
941.37	Obstructing emergency or rescue personnel - <u>all but sub (2)</u>
941.375	Throwing or discharging bodily fluids at public safety workers
941.38(2)	Criminal gang member solicitation of a child
943.02	Arson of buildings
943.02	Aron of Property other than building(Only if person present at time of fire)

943.06	Molotov cocktails
943.07	Criminal damage to railroads – <u>all but sub (4)</u>
943.20(1)a & (3)d(5)	Theft of Firearm
943.20(1)a & (3)e	Theft From Person
943.20(1)(c)	Theft of Firearm
943.30	Threats to injure/accuse of crime
943.32	Robbery and armed robbery
943.76	Infecting animals with contagious disease
943.87	Robbery of a financial institution
943.10	Burglary (residential - victim present at any point during burglary)
943.10(2)(a), 943.10(2)(b), 943.10(2)(c), 943.10(2)(d), 943.10(2)(e)	Burglary, aggravated
943.23(1)(g)	OMVWOOC - Carjacking
946.01	Treason
946.02	Sabotage
946.03	Sedition
946.41(2r)	Resisting/Obstructing an Officer-Cause Substantial Bodily Harm
946.415	Failure to comply
946.42(4)	Aggravated Felony Escape (resulting in injury)
946.43	Assault by prisoners
947.015	Bomb Scares
948.02	Sexual assault of a child
948.03	Physical abuse of a child
948.05	Sexual Exploitation of a Child
948.051	Trafficking of a Child
948.06	Incest with a child
948.07	Child enticement
948.075	Use of a computer to facilitate a child sex crime
948.08	Soliciting a child for prostitution
948.095	Sexual assault by school staff member
948.10(1)(a)	Exposing genitals to a Child
948.11(2)(a)	Expose Child to Harmful Material
948.20	Abandonment of a child
948.21	Neglecting a child - <u>all but sub (a)</u>
948.30	Abduction of another's child
948.51	Hazing
948.605(2)(A)	Possess Firearm in School Zone (<u>both misdemeanor and felony</u>)
951.02	Mistreating animals
951.06	Use of poisonous and controlled substances
951.08	Instigating fights between animals
951.09	Shooting at caged or staked animals
951.095	Harassment of police and fire animals
951.097	Harassment of service dogs
961.41(1)	Distribution of a controlled substance – “while armed”;
961.41(1m)	Possession of a controlled substance with intent to distribute – “while armed”

Misdemeanor Crimes –Risk of Injury

940.19(1)	Misdemeanor Battery
940.225	4th Degree Sexual Assault
940.42	Intimidation of witnesses; misdemeanor
940.44	Intimidation of victims; misdemeanor
941.20(1)	Endangering safety by use of a dangerous weapon
941.23 etc.	Carrying a Concealed Weapon
943.50 (1M)(D)	Retail Theft (modifier/enhancer--While Armed)
947.01	Disorderly conduct while armed
947.012(1)(A)	Unlawful Phone Use-Threatens Harm (this provision only)
947.0125(2)(A)/(B)	Computer Message-Threaten Injury or Harm
939.63	While Armed
941.24	Possession of switchblade knife
948.55	Leaving/Storing a Loaded Firearm with the Reach of a Child
948.60	Possession of Dangerous Weapon by a Child
948.605	Gun Free School Zones
948.605(2)(A)	Possess Firearm in School Zone (both misdemeanor and felony)
948.61	Dangerous Weapons other than Firearms on School Premises
951.02	Mistreating animals
951.08	Instigating fights between animals
951.09	Shooting at caged or staked animals
951.095	Harassment of police and fire animals
951.097	Harassment of service dogs

Appendix D

Violent Offenses*

***NOTE: Violent Offenses are an 'Additional Consideration' and should not be confused with Risk of Injury offenses which are used in the Pretrial Praxis and found in Appendix B.**

Statute	Offense
940.01(1)(a)	1 st Deg. Intentional Homicide
940.01 (1)(b)	1 st Deg. Intentional Homicide-unborn child
940.02(1)	1 st Deg. Reckless Homicide
940.02(1m)	1 st Deg. Reckless Homicide-unborn child
940.02(2)(a)	1 st Deg. Reckless Homicide-by manufacture, delivery, distribution of controlled substance
940.03	Felony Murder
940.01(1)	1 st Deg. Murder
940.05(1)	2 nd Deg. Intentional Homicide
940.05(1)(a)	2 nd Deg. Intentional Homicide
940.05(1)(b)	2 nd Deg. Intentional Homicide
940.05(2g)	2 nd deg. Intentional Homicide-unborn child
940.05(2g)(a)	2 nd Deg. Intentional Homicide-unborn child
940.05(2g)(b)	2 nd Deg. Intentional Homicide-unborn child
940.06(1)	2 nd Deg. Reckless Homicide
940.06(2)	2 nd Deg. Reckless Homicide-unborn child
940.08(1)	Homicide by Negligent Handling of Dangerous Weapon/Explosives or Fire
940.08(2)	Homicide by Negligent handling of Dangerous Weapon/Explosives or Fire-Unborn Child
940.09(1)(a)	Homicide by Intoxicated use of Motor Vehicle-Intoxicant
940.09(1)(am)	Homicide by Intoxicated use of Motor Vehicle-Cont. Substance
940.09(1)(b)	Homicide by Intoxicated use of Motor Vehicle-Prohibited Alcohol Concentration
940.09(1)(bm)	Homicide by Intoxicated use of Motor Vehicle-Commercial
940.09(1)(c)	Homicide by Intoxicated use of Motor Vehicle-Unborn Child
940.09(1)(cm)	Homicide by Intoxicated use of Motor Vehicle-Cont. Substance/Unborn Child
940.09(1)(d)	Homicide by Intoxicated use of Motor Vehicle-Prohibited Alcohol Concentration-Unborn Child
940.09(1)(e)	Homicide by Intoxicated use of Motor Vehicle-Commercial/Unborn Child
940.09(1g)(a)	Homicide by Intoxicated use of Firearm/Airgun-Under Influence
940.09(1g)(am)	Homicide by Intoxicated use of Firearm/Airgun-Cont. Substance
940.09(1g)(b)	Homicide by Intoxicated use of Firearm/Airgun-BAC .08 or >
940.09(1g)(c)	Homicide by Intoxicated use of Firearm/Airgun-Under Influence-Unborn Child
940.09(1g)(cm)	Homicide by Intoxicated use of Firearm/Airgun-Cont. Substance-Unborn Child
940.09(1g)(d)	Homicide by Intoxicated use of Firearm/Airgun-BAC .08 or >/Unborn Child
940.25(1)(a)	Injury by Intoxicated use of Vehicle
940.25(1)(am)	Injury by Intoxicated use of Vehicle-Cont. Substance
940.25(1)(b)	Injury by Intoxicated use of Vehicle-Prohibited Alcohol Concentration
940.25(1)(c)	Injury by Intoxicated use of Vehicle-Unborn Child

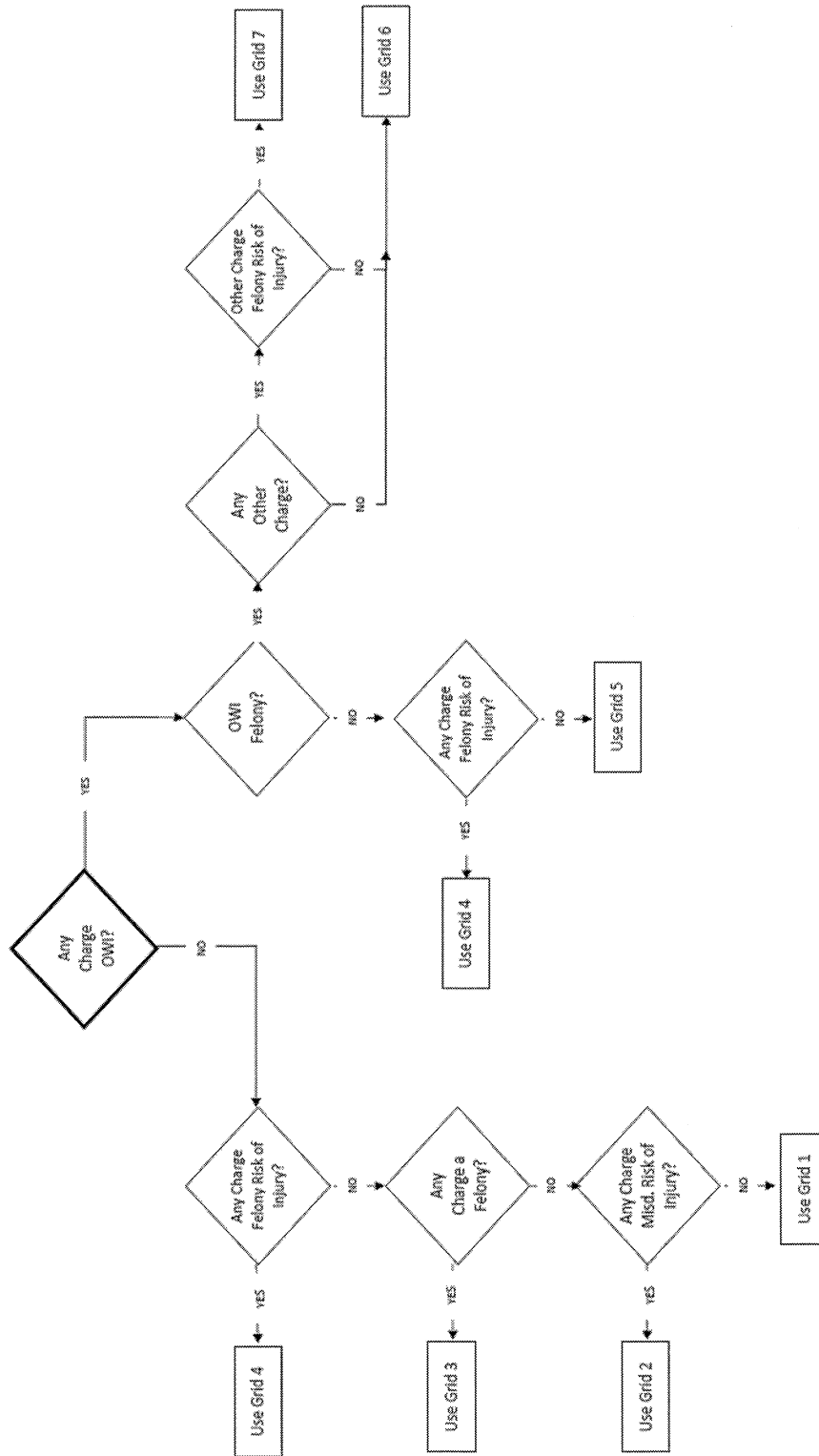
940.25(1)(cm)	Injury by Intoxicated use of Vehicle-Cont. Substance/Unborn Child
940.25(1)(d)	Injury by Intoxicated use of Vehicle-Prohibited Alcohol Concentration/Unborn Child
940.25(1)(e)	Injury by Intoxicated use of Vehicle-Commercial/Unborn Child
940.19(1)	Battery-misdemeanor
940.19(2)	Substantial Battery-Bodily Harm
940.19(4)	Substantial Battery-Great Bodily Harm
940.19(5)	Aggravated Battery-Intend Great Bodily Harm
940.19(6)	Aggravated Battery
940.19(6)(a)	Aggravated Battery-Elderly
940.19(6)(b)	Aggravated Battery-Disabled
940.195(1)	Battery-unborn child (misd)
940.195(2)	Aggravated Battery-Substantial Bodily Harm-unborn child
940.195(4)	Aggravated Battery-Great Bodily Harm-unborn child
940.195(5)	Aggravated Battery-Intend Great Bodily harm-unborn child
940.195(6)	Battery-Substantial Risk of Great Bodily Harm-unborn child
946.43(1m)(a)	Assault by Prisoners
940.20(1)	Battery by Prisoner
940.20(1m)	Battery by Persons Subject to Injunction
940.20(1m)(A)	Battery to Domestic Violence Petitioner
940.20(2)	Battery to Law Enforcement, Firefighter, Warden
940.20(2m)	Battery to Probation, Extended Supervision, Parole Agent and Aftercare Agent
940.20(3)	Battery to Jurors
940.20(4)	Battery to Public Officers
940.20(5)	Battery to Technical College District or School District Officers and Employees
940.20(6)	Battery to Public Transit Vehicle Operator
940.20(7)	Battery to Emergency Medical Care Providers
940.201(2)(A)	Battery or Threat to Witness
940.203	Battery or Threat to Judge
940.205	Battery to Department of Revenue Employee
940.207	Battery to Workforce Development Employee
940.205	Battery to Employees of Counties, Cities, Villages, or Towns
940.21	Mayhem
940.225(1)	1 st Deg. Sexual Assault
940.225(1)(a)	1 st Deg. Sexual Assault-Great Bodily Harm
940.225(1)(b)	1 st Deg. Sexual Assault-Use/Dang. Weapon
940.225(1)(c)	1 st Deg. Sexual Assault-Aided by Others
940.225(2)(a)	2 nd Deg. Sexual Assault-Use/Threat of Force/Violence
940.225 (2)(b)	2 nd Deg. Sexual Assault-Sex Organ Injury or Mental Harm
940.225(2)(c)	2 nd Deg. Sexual Assault-Mentally Ill Victim
940.225(2)(cm)	2 nd Deg. Sexual Assault-Unconscious Victim
940.225(2)(d)	2 nd Deg. Sexual Assault—Unconscious Victim
940.225(2)(f)	2 nd Deg. Sexual Assault/Aided by Another
940.22(2)	Sexploitation by Therapist
940.225(3)	3 rd Deg. Sexual Assault
940.23(1)(a)	1 st Deg. Reckless Injury

940.23(1)(b)	1 st Deg. Reckless Injury-Unborn Child
940.23(2)(a)	2 nd Deg. Reckless Injury
940.23(2)(b)	2 nd Deg. Reckless Injury-Unborn Child
940.235(1)	Strangulation and Suffocation
940.24(1)	Injury by Negligent Handling of Dangerous Weapon, Explosives or Fire
940.24(2)	Injury by Negligent Handling of Dangerous Weapon, Explosives or Fire-Unborn Child
940.285(2)(a)(1)	Intentionally Maltreat Vulnerable Adult-Cause Bodily Harm
940.285(2)(a)(2)	Intentionally Maltreat Vulnerable Adult-Great Bodily Harm
940.295(3)(a)(1)	Intentionally Abuse Patients-Cause Death
940.295 (3)(a)(2)	Intentionally Abuses Patient-Cause Death
940.302(2)(a)	Human Trafficking
940.31(1)(a)	Kidnapping-Carry from one place to another
940.31(1)(b)	Kidnapping –Seize or Confine
940.31(1)(c)	Kidnapping-Deceit/Inducement
940.31(2)(a)	Kidnapping-Transfer Property
940.31(2)(b)	Kidnapping-Transfer Property
940.305(1)	Taking Hostages
940.32(3)(a)	Stalking-Bodily Harm Result
941.20(2)(a)	Endangering Safety/Reckless Use of Firearm
941.20	Endanger Safety by Use of Dangerous Weapon
941.30(1)	1 st Deg. Recklessly Endangering Safety
941.30(2)	2 nd Deg. Recklessly Endangering Safety
941.37(4)	Obstructing Emergency Personnel-Causing Death
943.10(2)(a)	Burglary-Armed with Dangerous Weapon, Device, Container
943.10(2)(b)	Burglary-Arms with Dangerous Weapon, Device, Container after entry and while still in enclosure
943.10(2)(c)	Burglary-Opens/Attempts to Open any Depository by use of Explosive
943.10(2)(d)	Burglary-Commission of Battery Upon Person
943.10(e)	Burglary-Dwelling, Boat or Motor Home while Another is Lawfully Present
943.23(1g)	Operating Vehicle w/o Owner’s Consent-use/threat of Force or Dangerous Weapon
943.32(A)	Armed Robbery Offense (Converted)
943.32(1)(a)	Robbery-Use of Force
943.32(1)(b)	Robbery-Threat of Force
943.32(2)	Robbery-Use/Threat of Use of Dangerous Weapon
948.02(1)	1 st Deg. Sexual Assault-Child
948.02(1)(am)	1 st Deg. Sexual Assault-Child
948.02(1)(b)	1 st Deg. Sexual Assault-Intercourse w/Person <12
948.02(1)(e)	1 st Deg. Sexual Assault-Sexual Contact w/Person <13
948.02(2)	2 nd Deg. Sexual Assault-Child < 16
948.025(1)	Repeated Sexual Assault-Same Child
948.025(1)(a)	Repeated Sexual Assault-Same Child
948.025(1)(b)	Repeated Sexual Assault-Same Child
948.025(1)(c)	Repeated Sexual Assault-Same Child
948.025 (1)(d)	Repeated Sexual Assault-Same Child

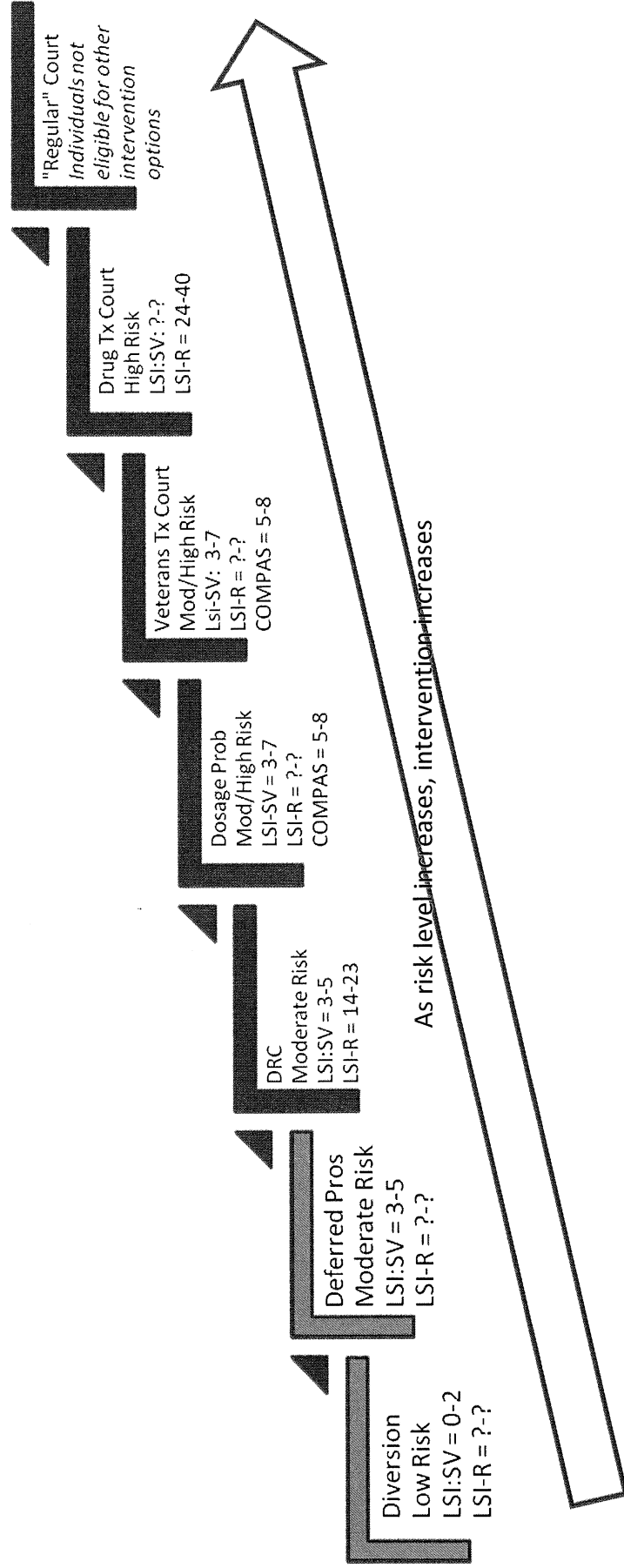
948.025(1)(e)	Repeated Sexual Assault-Same Child
948.03(2)(a)	Child Abuse-Intentionally Causing Great Bodily Harm
948.03(2)(b)	Child Abuse – Intentionally Cause Harm
948.03(2)(c)	Child Abuse – High Probability/Great Harm
948.03(3)(a)	Child Abuse Recklessly Cause Great Harm
948.03(3)(b)	Child Abuse Recklessly Cause Harm
948.06(1)	Incest with Child
948.07	Child Enticement
948.225	Incest with Child
948.30	Abduction of a Child
948.40(4)(a)	Intentionally Contribute/Delinquency-Death
948.51(2)	Hazing-Great Bodily Harm/Death
948.51(3)(b)	Hazing-Great Bodily Harm
948.51(3)(c)	Hazing-Causing Death

Appendix E

Pretrial Praxis Flowchart



Milwaukee County, Wisconsin Continuum of Risk Based Interventions



Key

Green = Pre-adjudication options

Blue = Post adjudication options