**Vermont NCJRP Formative Evaluation Report[[1]](#footnote-1)**

1. **Introduction**

*Briefly describe the purpose of the document/plan, what it will present, who developed it, and who the point of contact is.*

The State of Vermont was one of five states to be selected as a participant in the National Criminal Justice Reform Project (NCJRP). The focus of this work was to improve the state’s pretrial justice system through state and local collaboration to increase public safety, improve access to substance use and mental health disorder treatment, strengthen data integration between law enforcement and public health, protect the constitutional and statutory rights of defendants, and protect the statutory rights of victims. As part of the NCJRP, Vermont established the Vermont Pretrial Advisory Committee (“Advisory Committee”) to oversee this work.

The Advisory Committee’s goal has been to develop high-quality services that are informed by evidence-based principles and delivered in a consistent manner in all counties. The Committee focused on creating standardized policies for pretrial screening, risk assessments, monitoring, as well as developing a data collection system that is outcome-based and provides data access to partner agencies.

The original Advisory Committee developed the plan and was comprised of representatives from the Department of Public Safety (DPS), the Attorney General’s Office (AGO), the Judiciary, the Department of Corrections (DOC), Department of Mental Health (DMH), the Department of Health (DOH), the State’s Attorney’s Department, the Office of the Defender General, the Center for Crime Victim Services (CCVS), the executive director of the State Statistical Analysis Center (SAC)/Crime Research Group (CRG), law enforcement and community providers. The Advisory Committee designated a Core Team to help guide the work of the project. The core team is comprised of officials from the Department of Public Safety, the pretrial services director, the executive director of the SAC/CRG, and a state’s attorney. The Advisory Committee and Core Team have been meeting since March 2017. In 2019, the Vermont NCJRP collapsed the Advisory Committee and Core Team into one entity.

Contact Person: Christopher Herrick, Deputy Commissioner, Department of Public Safety

1. **Background**
   1. *Problem statement: Describe the state’s criminal justice reform goals and priorities, highlighting the problem(s) the reforms will mitigate.*

Following the Administration’s decision to transfer Pretrial Services administration from DOC to the AGO, in September 2016, the new Pretrial Services director, providers, and other stakeholders examined successes and challenges in implementing services during the previous two years. The challenges that were identified included a) scarce resources being used to do risk assessment with individuals cited into court (i.e. not detained), b) obstacles to proper use of the ORAS Pretrial Risk Assessment tool, c) defense attorneys’ concerns about use of risk assessment and needs screening results, and d) prosecutors’ reluctance to divert high-need and high-risk individuals without filing charges.

The AGO proposed changes to address these challenges that led to legislation adopted in 2017; Act 61, effective July 1, 2017, limited the group of defendants to whom risk assessments are offered to people who were lodged and unable to post bail within 24 hours, clarified Court ordering of pretrial monitoring, and provided enhanced protections for defendants to encourage participation in Pretrial Services. The new law changed the name of pretrial monitors to pretrial coordinators to better reflect the role of staff and their work connecting people to services. Even though pretrial coordinators provide services throughout the state, the program was in differing stages of development across the state, in addition, the availability and capacity of treatment and support services varied by county.

Meanwhile, Vermont’s Judiciary system was also facing pretrial challenges. For example, judges rarely consider the results of the risk assessment when setting bail. Judges typically already have the same information in the case file, and there were challenges to pretrial coordinators completing the Ohio Risk Assessment System: Pretrial Assessment Tool (ORAS-PAT) with fidelity to the tool’s design. Coordinators did not have adequate time to interview defendants and verify information, and as contracted staff (vs. state or federal employees), they do not have access to NCIC, the national criminal record database to obtain out-of-state criminal histories.

A second challenge has been that although in some jurisdictions’ law enforcement agencies conduct lethality screenings, no one tool is used uniformly throughout the state. Additionally, prosecutors and judges do not have access to any risk assessments that assess for risk of violence.

Data Challenges - Within the state, there is a history of following a traditional approach of relying on transaction-based information systems for capturing and reporting data. This model relies on disparate silos of data and functionality, resulting in numerous problems ranging from the inability to access the right data, to lengthy delays in obtaining much needed data for analysis and decision making. For example, the data systems that are used in pretrial services and bail reform are segregated as individual silos of information in the Department of Corrections, the Courts, the Attorney General’s Office, and individual providers’ offices. This perpetuates inefficiencies and compromises the effectiveness of criminal justice practitioners as they try to navigate these systems.

Obtaining relevant data in Vermont has also been challenging due to a lack of information-sharing or inability to share data. Not only are there challenges in identifying data but there are also nuances in data fields that make it difficult, and in some cases harmful, to draw conclusions, for example, in the case of failure to appear when actually the defendant was incarcerated.

At the same time, however, Vermont has had a long-standing focus on the value of data-driven systems. Early in this project, Vermont was in the process of developing the Vermont Justice Information Sharing System (VJISS) and had created a technical infrastructure, based on the Global Reference Architecture, that enabled best practices in statewide justice information sharing. The vision for VJISS was not realized and so has been used for limited investigative data sharing among law enforcement agencies. The long-term vision of this effort was for a data system that allows for sharing of data and the integration of disparate information technology systems between and among all partners across the criminal justice system in the state. Vermont is currently re-thinking these efforts.

The Advisory Committee’s goal continues to be to develop high-quality services that are informed by risk/need/responsivity principles and delivered in a consistent manner in all counties. The state focused on creating standardized policies for pretrial screening, risk assessments, and monitoring. Developing a data collection system that is outcome-based and provides data to relevant agencies has also been a focus of the work to further Vermont’s goal and build understanding and support for improving pretrial services.

Risk assessment: As noted above, the administration of the ORAS-PAT was inconsistent, and the results rarely used. The Advisory Committee discussed the value of and challenges of adopting different risk assessment tools, as well as the importance of clarifying what specifically should be assessed – risk of flight, risk of non-appearance, and/or risk of harm to individuals and the broader community. To help inform this analysis, Arnold Ventures provided a webinar on the Arnold PSA for members of the Core Team.

* 1. *Strategic planning/problem solving process: Summarize the state’s strategic planning efforts under Phases I and II of NCJRP.*

Throughout Phase I and II the Core Team had bi-weekly calls and convened in-State Core Team meetings and Advisory Team meetings. The Advisory Committee developed a workplan and executed a Memorandum of Understanding. The Pretrial Advisory Committee conducted system mapping of pretrial decision points and identified three key issue areas (afterhours bail; risk assessment; pretrial monitoring). A subcommittee was convened for each of these key issue areas. During the first phase, the Pretrial Advisory Committee attended a webinar on the Arnold Foundation Public Safety Assessment Tool to educate themselves on the new tool to see if it made sense to switch to this tool in Vermont. In the service of creating a state plan, the Pretrial Advisory Committee conducted a gap analysis, developed a logic model, and each subcommittee developed recommendations for the state plan. Members of the Core Team attended the NCJRP All-State Convening and continued to solicit stakeholder feedback with which to update the draft state plan and logic model.

The following strategies were identified:

Standardize and Increase Use of a Risk Assessment Tool to Assist Decision-Making

The Risk Assessment Subcommittee discussed what risks should be assessed (flight, non-appearance, harm to specific individual, harm to the broader community), criteria for selection of risk assessment tools, and reviewed information about the Arnold Foundation’s PSA tool. The risk assessment workgroup agreed that a thoughtful process should inform any recommendations for new tools or practices. There was strong interest in the Arnold Foundation’s PSA based on the research used to develop the tool, its use in other jurisdictions, and information provided by a representative of the Arnold Foundation during the workgroup’s meeting. Following these discussions, the Advisory Committee recommended that the state seek funding to conduct a retrospective study using the Arnold Foundation’s Public Safety Assessment (PSA)[[2]](#endnote-1) tool to determine its potential value within Vermont’s criminal justice system, examine how to separate out ‘risk of flight’ versus ‘risk of non-appearance’, and examine how to assess risk of victim or community safety at different points in the justice system.

Create a Formal Structure for Data Tracking and Integration

There continues to be a need for a consistent process to capture, collect, and evaluate pretrial data. Without this data there is an inability to implement quality programs as well as an inability to evaluate pretrial program performance in Vermont. The Advisory Team recommended three activities: 1) conduct an assessment of existing memorandums of understanding and data use agreements between necessary state/local agencies; 2) inventory the data that is available in Vermont, identify any additional data that’s needed and identify the sources of the data; and, 3) create access to state and local pretrial performance data, including detainee population, appearance rate, public safety rate, risk level, and release date.

* 1. *Specification of policy, practice, or program to be implemented: Identify and**describe the policy, practice, or program to be implemented during Phase III that will be the focus of the state’s formative and outcome evaluation efforts.*
     1. *Explain why this policy, practice, or program is a priority for the state.*
     2. *Explain why this policy, practice, or program is evidence-based (or aligns with evidence-based principles).*
     3. *Specify the target population/geographic area for implementation.*
     4. *Specify target outputs (e.g., how many people will the program serve, how many pilot sites will be used, where will implementation take place?).*
     5. *Briefly describe what the state hopes to achieve by implementing this policy, practice, or program.*

Phase *III Updates*:

Retrospective Study Using the Arnold PSA

Based on the recommendations from the State Plan, CRG initiated the process for the retrospective study of the Arnold PSA. CRG extracted 2016, 2107, 2018 disposition data from the Vermont Adjudication Database, which consists of thirty years of court data maintained by CRG. The 26,000 cases were cleaned which resulted in 22,000 names which were then sent to the Vermont Crime Information Center to obtain Vermont criminal history data. CRG converted the text to an XML schema for analysis. The Vermont criminal histories were used to test the Arnold PSA. Early results using only Vermont criminal histories were shared with a small group in January 2020. The team reviewing the data developed questions to be answered once the out-of-state criminal histories are obtained recognizing that the process is not complete until this happens.

CRG contacted BJS about its process for obtaining out of state criminal history records from the FBI. BJS guided CRG to the NLETS Criminal History Parsing Service and the Vermont NLET’s representative. DPS and CRG started exploring this process in December 2020. Since then DPS, CRG, and NLETS have had several calls to discuss the process. CRG drafted and submitted the FBI IRB application to DPS who forwarded it to the FBI. When this is approved CRG will submit the names to obtain out-of-state criminal histories.

Data Tracking and Integration

CRG met with the IT representatives from the Courts, DPS, Department of Corrections (DOC), and Agency of Digital Services (ADS) to discuss the scope of data integration for this project. At the meeting, the team decided to first focus on the data needed for scoring the Arnold PSA. The PSA data tracking sheet was sent to all representatives, filled out, and returned. CRG, NCJRP evaluation TA provider Roger Pryzbylski, Zach Dal Pra, and ADS convened to discuss data tracking and implementation planning. Zach reviewed the Arnold Toolkit and connected CRG with other researchers who conducted historical studies on the PSA to inform Vermont’s process. There are ongoing conversations about what data integration might look like in Vermont.

1. **Policy, practice, or program implementation timeline**
   1. *Present the timeline for implementing the policy, practice, or program, specifying milestones and demonstrating that implementation will sufficiently occur during Phase III.*
   2. *Describe any potential barriers/challenges that could threaten successful implementation of the policy, practice, or program during Phase III, along with contingency plans for dealing with potential timeline deviations.*

November 2019: CRG communicated with Matt DuRose from BJS regarding the NLETS Parsing Service and the process used to translate the out-of-state criminal histories into an analyzable format. Vermont’s NCIC criminal histories are electronic. CRG has a process of converting them from XML to a CSV format for analyzing them. CRG is working with NLETS and their parsing service to get the III electronically for the full retrospective study. Vermont criminal histories will be used first as a test and process check.  CRG extracted the court data for 2016-2018. 26,000 criminal histories were ordered from VCIC.

December 2019: CRG and Zach Dal Pra reviewed the Arnold Ventures Implementation Toolkit, and the Data Subcommittee met. The Data Elements Work Sheets was sent out to the Data Subcommittee, collected and reviewed. CRG started processing the Vermont criminal histories.

January 2020: CRG and Zach Dal Pra conferenced about the definitions of violence and reviewed the violence statutes in other states. The Sentencing Commission met, CRG described the Retrospective Study and several Sentencing Commission members offered to participate to review the violence statutes for the Retrospective Study work as well as using it to update the list of violent crimes in Vermont. CRG intends to work with the AV implementation materials and the NCJRP team to discuss "crimes of violence."  The end product is expected to be a code book first of Vermont statutes that qualify, then of other jurisdictions. The product will be used by the screener to reduce error.

February 2020:

CRG sent the violence statutes to the committee for review and received responses. Robin/CRG performed the study on the court disposition data using only in-state criminal histories.

March 2020: A group met to review the Vermont criminal history and initial preliminary data analysis.

April 2020: The FBI IRB was submitted for approval. It is unknown how long this process will take along with the NLETS Parsing Service especially during COVID 19.

1. **Formative evaluation strategy, components, and methods**
   1. *Formative evaluation strategy and methods*
      1. *Describe the framework that will be used to guide fidelity assessment (i.e., prerequisites for sound implementation [adequate staffing, training, resources, enabling context, etc.], adherence to program/practice protocols, including the incorporation of core elements and prescribed dosage/exposure levels, and competency with which practices are carried out or programs are delivered).*
      2. *Specify the techniques and/or tools that will be deployed for measuring implementation fidelity (these may include quality assurance techniques) and how they will be used and/or embedded in organizational processes. Examples of techniques/tools include inter-rater reliability, case management plan reviews, alignment with risk-need-responsivity, implementation checklists, etc.*
      3. *Specify the performance indicators/measures that will be collected and analyzed.*
      4. *Specify the data sources that will be accessed to obtain each performance indicator/measure and demonstrate that the data source will permit/facilitate access.*
      5. *Describe the form and manner of ongoing reporting on implementation progress and fidelity, including the mechanism to be used to provide ongoing implementation feedback to NCJRP management and staff.*
      6. *Management plan/capabilities and competencies*
         1. *Specify the resources (e.g., staff, funding) that will be available/deployed for the formative evaluation work.*
         2. *Describe the roles and responsibilities of the SAC, academic research partners, and other relevant parties in executing the formative evaluation work.*
         3. *Briefly describe the capabilities and competencies of key participants (organizations and individuals).*

As noted above, Vermont is currently in the process of drafting the formative evaluation for the work currently being done on the retrospective study. Once that study yields results and the two pilots are approved to move forward, we will address implementation fidelity. At that time, we will look to the Arnold PSA toolkit for guidance as well as the NCJRP TA team. Performance indicators and measures will be identified at that time and will be selected pursuant to the national work that has been done. For the data sources it appears that most, if not all, data is available in the criminal histories. Having said this, CRG is currently working on obtaining the out-of-state criminal histories. The Vermont NCIC criminal histories are electronic.  CRG has a process of converting them from XML to a CSV format for analysis. DPS and CRG are working with NLETS and their parsing service to get the III electronically as well for the full retrospective study.   Vermont criminal histories will be used first as a test and process check.  26,000 criminal histories were ordered with 14,000 coming back with matches. Processing took place in December and January.  DPS and CRG worked with the implementation materials and the NCJRP Core Team here in Vermont regarding "crimes of violence."  The end product is expected to be a code book first of Vermont statutes that qualifies for the Arnold PSA definition, then of other jurisdictions.  The Vermont product will be used by the screener to reduce error.  If there are other suggestions on inter-rater reliability other than a manual and supervision- we're happy to entertain them as the process moves forward.

DPS and CRG will continue to meet with the Advisory Committee and the NCJRP TA team as needed to provide updates on the validation study’s progress and findings, as well as other formative work undertaken to support the implementation of pre-trial risk assessment in pilot sites.

* 1. **Data infrastructure development**
     1. *Building on items 4. a. iv. and 4. a. v. above, describe the data that will be needed to support the Phase III formative evaluation work as well as what likely will be needed to support a rigorous outcome evaluation during Phase IV.*
     2. *Describe the current situation in the state regarding how well data needs described above can be met.*
     3. *Identify existing data infrastructure gaps and data sharing or integration challenges.*
     4. *Describe how the state plans to bridge gaps, build capacity, and access/share information efficiently and effectively.*
     5. *Describe the form and manner of ongoing reporting on data infrastructure development progress, including the mechanism to be used to provide feedback to NCJRP management and staff.*
     6. *Management plan/capabilities and competencies*
        1. *Specify the resources (e.g., staff, funding) that will be available/deployed for data infrastructure development.*
        2. *Describe the roles and responsibilities of the SAC, academic*

*research partners, and other relevant parties in data infrastructure capacity building.*

* + - 1. *Briefly describe the capabilities and competencies of key participants (organizations and individuals).*

Vermont is in the process of drafting a data integration plan to support NCJRP efforts and more broadly address existing data gaps and challenges across the criminal justice system. As summarized above, a substantial amount of targeted data development work to support the PSA validation study has already taken place. The necessary data to support forthcoming formative work related to risk assessment tool implementation in pilot sites.

* 1. **Evaluability assessment**
     1. *Briefly reiterate the state’s interest in implementing and evaluating the policy, practice, or program that will be the focal point of NCJRP Phase III and Phase IV efforts (i.e., why is this a fit with state priorities?).*
     2. *Briefly describe the key items that will have to be in place, or the key issues that will have to be addressed, before a rigorous outcome evaluation could take place (e.g., implementation progress and fidelity, adequate coverage/client case flow, data needs sufficiently met).*
     3. *Summarize how the fidelity measurement and data infrastructure development efforts described above will tie together to inform decision making about the feasibility of a rigorous outcome evaluation of the policy, practice, or program implemented during Phase III, including how these efforts will provide information about the feasibility of various outcome evaluation design options (e.g., control/comparison group construction, matching variable for ensuring comparison and treatment group equivalency, key outcome variables).*
     4. *Describe any additional efforts that will be undertaken to inform evaluability, though these may be folded into section 4. c. iii.*
     5. *State when (date and whether concurrent with or before development of the outcome evaluation plan) an evaluability summary report will be produced/delivered and who will draft it and summarize how it will inform the outcome evaluation plan.*

Vermont is interested in creating evidence-based pretrial services using a risk assessment that effectively measures the criminal justice populations risks. To further this goal, the Vermont team plans to implement a retrospective study on the Arnold PSA. Once this study is completed, the Vermont team will know if using the Arnold PSA in two pilots in Vermont is feasible. This needs to occur prior to a rigorous outcome evaluation of the pilots. Once the retrospective study is completed, the evaluability summary report will be drafted, and a determination will be made as to whether Vermont is able to implement the pilots using the Arnold PSA and at that time will develop the outcome evaluation plan.

1. [↑](#footnote-ref-1)
2. It should be noted that this plan was completed in April 2020 anticipating the quick passage of the coronavirus pandemic (COVID-19) and the full implementation of a retrospective study and potential pilot implementation of the Pretrial Safety Assessment (PSA) in two Vermont jurisdictions. As a result of the impact of COVID-19 and other variables, a respective analysis was not completed, initial findings were inconclusive, and pilot implementation of the PSA was not possible. This plan is made available as an artifact of the project and example for other states. [↑](#endnote-ref-1)