



Promising Practices

How Byrne JAG Funds Support Pretrial Diversion

The State of Wisconsin is supporting the implementation and expansion of pretrial diversion pilot programs in seven counties using Byrne Justice Assistance Grant (Byrne JAG) funding.

These pilot sites have been involved in the state's ongoing work with the National Institute of Corrections' (NIC) [Evidence-Based Decision Making \(EBDM\) initiative](#). EBDM is an approach to decision making that applies empirical evidence and research-supported principles to achieve the most effective and equitable public safety outcomes. "The goal of this initiative is to build a systemwide framework (arrest through final disposition and discharge) that will result in more collaborative evidence-based decision making and practices in local criminal justice systems....The initiative seeks to equip criminal justice policymakers in local communities with the information, processes, and tools that will result in measurable reductions of pretrial misconduct, post-conviction reoffending, and other forms of community harm resulting from crime."

Wisconsin's participation in the EBDM initiative is managed through the Evidence-Based Decision Making Subcommittee in its State Criminal Justice Coordinating Council (CJCC).

The CJCC's goals are threefold:

1. increase public safety, reduce harm, and improve the quality of life
2. promote fairness and equal treatment and
3. use resources effectively.

The pretrial decision point—between law enforcement contact and when an individual's case is resolved—is just one of the areas of focus in Wisconsin's EBDM work.

About the Pretrial Pilot Sites Project

The [Pretrial Pilot Sites Project](#) utilizes data and research to develop a pretrial program that maximizes public safety and court appearance while also maximizing pretrial release. These models can then be evaluated for effectiveness and potentially replicated in other counties.

Sites receiving Byrne JAG funds to support pilot programs include, Chippewa, Eau Claire, La Crosse, Marathon, Outagamie, Rock, and Waukesha Counties. Milwaukee County also serves as a local EBDM site and will participate in the pilot project as a partner and mentor to the other sites, however it does not receive Byrne JAG funding to support this work. Combined, the seven pilot counties account for more than 45 percent of the prison admissions and approximately 35 percent of the average daily jail population in the state annually in recent years.



The sites differ geographically and demographically, but each will adhere to guiding principles developed by the state team. These include:

- maximize public safety and court appearance while maximizing pretrial release
- utilize data and research, and professional judgment to
- promote fairness and equal treatment
- increase public safety, reduce harm, and improve quality of life
- use resources effectively

Each site must employ an empirically validated pretrial risk assessment tool to inform the pretrial diversion or release-detention decision and specific conditions of release—including the imposition of money bail—for everyone who faces arrest and/

or pretrial detention. The assessment instrument supported by the project is the [Public Safety Assessment \(PSA\) tool](#), which was developed using hundreds of thousands of pretrial records and has been validated for use nationally. It is an off-the-shelf tool, free to jurisdictions. Pilot sites may use other risk and needs assessment tools as they see fit, in addition to the PSA.

In keeping with the EBDM approach, the counties will strive to use common nomenclature and collect and analyze data in ways that allow for cross-site collaboration and learning.

Supporting projects like the pilot pretrial program in Wisconsin is just one of the ways Byrne JAG funds can be used to improve public safety while furthering innovation.

The Wisconsin Courts Pretrial Pilot Sites Program includes [12 online video training modules](#) geared toward practitioners. They include:

Introduction Module

Module 1: Overview

Module 2: Pretrial Justice

Module 3: Public Safety Assessment

Module 4: Things To Know

Module 5: Risk Factors 1 & 2

Module 6: Risk Factor 3

Module 7: Risk Factors 4, 5 & 6

Module 8: Risk Factors 7, 8 & 9

Module 9: Criminal History Verification

Module 10: Quality Control

Module 11: Applying Scores to RCM

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