

Creating A Reform: Implementing the Plan

The American Bar Association's
Racial Justice Improvement Project
Annual Training Conference/Webinar

Presented by
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Project Director



PublicWelfare
FOUNDATION

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Bureau Of Justice Assistance
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Welfare Foundation



To Begin...

- Clearly identify the problem or issue that needs to be reformed
- Keep an Evidence Based Approach

Step 1: What is Your Proposed Reform?

- What do your TF Experts say?
- Explain the Precise Reform(s) you are proposing
- Articulate exactly how you plan to address the problem identified

Step 2: Work Out Details

- Define the eligibility and program requirements for your proposed reform project
- Keep in mind the project goals
- Have an expert review the plans
- Be willing to compromise!
- Contact ABA to see what other reforms are out there that are similar
- Review Nationwide Criminal Justice Best Practices

Step 3: Finalize the Plan

- Memorandum of Understanding
- Detail exactly what needs to be done, and by who, to implement your reform initiative
- Detail what everyone agrees upon and be sure to write it down

Step 4: Name It

- Create a name for your reform initiative
- i.e., The “Jail Reduction Project” (JRP) or the “Detention Reform Project” (DRP)

Step 5: Buy In

- Get other criminal justice stakeholders to buy in to your reform initiative
- Especially the agencies needed to implement on a pilot basis

Step 6: Define the Pilot

- Determine the parameters of the pilot that should test the proposed reform project on a small scale
- i.e., track 50 people for 6 months

Step 7: Set Goals

- Define “measureable” success and set achievable milestones
- For example:
- How much of a disparity reduction
- How much cost savings
- How many more defendants served

Step 8: Evaluation Plan

- Determine how you will track and measure the progress of your reform initiative
- Plan to gather before and after
- Who will keep data?
- What reports will be generated?
- How frequently?

Step 9: Execute the Pilot

- Execute your plan on a pilot basis and measure effectiveness
- Seek an expert to evaluate outcomes
- What might you do differently?

Collaboration

- Collaborate with existing projects and initiatives in your jurisdiction
- Identify funding needs whether to expand your pilot, or continue the initiative
- Present your Findings and Effort



RJIP PROGRAM EVALUATION

October 10, 2014

Inga James, MSW, PhD
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Why Evaluate?

To Improve Programming:

- ⦿ Understand, verify, or increase the impact of your program on participants and the community
- ⦿ Improve program delivery to be more efficient and less costly
- ⦿ Verify that you're doing what you think you're doing
- ⦿ Decide whether the program should be retained



Why Evaluate?

To Report to the Outside World

- ◎ Produce results that can be used for public relations and promoting services in the community
- ◎ Fully examine and describe your pilot program for replication elsewhere



Program Evaluation for Continuous Program Improvement



Evaluation Stages

Stage I - Preparation for Evaluation

Stage II - Data Collection

Stage III - Analysis

Stage IV - Interpretation

Stage V - Program Improvements

Stage I - Preparation

Goals

- ⦿ Determine what program success means
- ⦿ Decide ways to measure that success
- ⦿ Identify how to evaluate success
- ⦿ Define which participants will take part in the evaluation



Stage I - Preparation

Site Responsibilities

- ◉ Work with the evaluator to determine what success means and how to evaluate it
- ◉ Determine who will participate in the evaluation

Stage I - Preparation

Evaluator Responsibilities

- ◉ Work with the site to determine what success means and how to evaluate it
- ◉ Clearly delineate comparison versus treatment groups

Stage II - Data Collection

Goals

- ◉ Implement methods identified in Stage I
- ◉ Record and track activities of the pilot program
- ◉ Create a statistical picture of the pilot

Stage II - Data Collection

Site Responsibilities

- ⦿ Work with evaluator to implement Stage I
 - Recruit participants
 - Encourage participation by those chosen to take part in the evaluation
 - Coordinate efforts between evaluator and participants
- ⦿ Assist with the collection of identified data
- ⦿ Continue to record and track activities of the pilot



Stage II - Data Collection

Evaluator Responsibilities

- ⦿ Implement the method identified in Stage I
 - Work with the site to coordinate efforts between evaluator and participants
- ⦿ Collect data
- ⦿ Confer with the site on the tracking of the activities of the pilot program

Stage III - Data Analysis

Goals

- ◉ To determine success
- ◉ To identify unintended consequences of the pilot

Stage III - Data Analysis

Site Responsibilities

- ⦿ Confer with evaluator to ensure data are complete and accurate
- ⦿ Work with the evaluator to identify unintended consequences of the program

Stage III - Data Analysis

Evaluator Responsibilities

- ⦿ Ensure data are complete and accurate
- ⦿ Analyze data to determine success of pilot
- ⦿ Work with the site to identify unintended consequences of the program

Stage IV - Results Interpretation

Goals

- ◉ To formulate a final report
- ◉ To use context and assumptions to make sense of the results

Stage IV - Results Interpretation

Site Responsibilities

- ◉ Define the relevant context and assumptions surrounding results
- ◉ Work with the evaluator and pilot expert to make sense of the results

Stage IV - Results Interpretation

Evaluator Responsibilities

- ⦿ Work with the site and pilot expert to understand the context and assumptions
- ⦿ Work with the site and pilot expert to make sense of the results

Stage V - Program Improvement

Goals

- ◎ To inform new program development
- ◎ To inform mid-course corrections
- ◎ To develop a record for tracking

Stage V - Program Improvement

Site Responsibilities

- ⦿ Work with the pilot expert to improve and enhance evaluated program
- ⦿ Determine mid-course corrections
- ⦿ Work with the evaluator to develop a record for tracking



Stage V - Program Improvement

Evaluator Responsibilities

- ⦿ Provide expert assistance in the improvement and enhancement of the program
- ⦿ Evaluate mid-course corrections
- ⦿ Assist the site in the development of a record for tracking and continuous improvement



FINAL PRODUCTS

- ⦿ A complete evaluation of the pilot program
 - Background and introduction
 - Methods used
 - Results
 - Conclusions and recommendations



FINAL PRODUCTS

- ◎ Recommendations will include
 - Promising portions of the project
 - Lessons learned in the implementation and evaluation of the pilot
 - Information about what aspects of the pilot are not working and should be revised or deleted



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The Brooklyn Task Force,

formed under the auspices of the ABA's
Racial Justice Improvement Project

Timeline

2010

- RJIP Task Force Formed in Brooklyn: Chaired by KCDA; members include BDS, Court Staff, Community Representative
- Research focused on DUI cases – no statistically significant racial disparity found

2011

- BTF reorganized under the Chairmanship of BDS, and included senior staff from KCDA, Judiciary, Court Administration, Dept of Probation
- Focused on: (i) “smart justice” for adolescents with DATs in Brooklyn where youths of color make up 85% of those arraigned; (ii) judicial training.

2012

- Quasi-diversion pilot project involving DOP. DAT-Y, phase 1. One-year re-arrest rates are approximately 50% less compared to a control group.
- Judicial training – implicit bias

2013

- DAT-Y, phase2. Six-month re-arrest rates are approximately 50% compared to a control group.
- Judicial trainings – implicit bias; science of the adolescent brain

2014

- BTF expanded to the NYPD, the Mayor’s Office of Criminal Justice, the Legal Aid Society, and the Department of Education (DOE)
- County-wide DAT-Y pilot

Judicial Training

- Cultural and implicit bias and its impact on judicial decision-making
- The emerging science on adolescent brain development and the implications for youth justice
 - In partnership with the NYS Judicial Institute, the judicial educational sessions were conducted nationally recognized experts
 - Attended by 85% of NYC Criminal Court judges. NYC Criminal Court judges handled over 365,000 arraignments in 2013
- The program will be offered to NYC Supreme Court judges in Fall 2014/Winter 2015

Evolution of DAT-Y

- Designed to inform the larger public debate taking place in NY state on youth justice reform
- Modelled on the practice of adjustment for juveniles in Family Court: 16 and 17 year-olds at DAT arraignment are offered the opportunity for a speedy dismissal of their case in exchange for their participation in an appropriate program. Defendants' compliance is monitored by the Department of Probation.
- Deliberately incremental path to expansion of the DAT-Y program, so that the final model is easily replicable. By launching repeated iterations of the pilot, BTF members identify and address issues that arise in implementation.
- Three iterations to date:

Evolution of DAT-Y ... cont.

- Phase 1 (September 2012): 25 eligible youth in 5 arraignment parts over 4 weeks. A Misdemeanor Theft of Services (subway fare beating) and B Misdemeanor Marijuana Possession charges only. 3-hour program on consequential thinking and self-esteem delivered in partnership with CCI and DOE.
- Phase 2 (November 2013): 32 eligible youth in 5 arraignment parts over 5 weeks. All non-violent charges. 3-hour arts-based restorative justice program including concepts of consequential thinking and self-esteem delivered by Young New Yorkers.
- Judicial reinforcement of primary concepts of consequential-thinking and self-esteem in court upon defendant's successful completion of program.

Current DAT-Y pilot, Phase III - 2014

- Established a dedicated DAT-Y arraignment part for all 16 and 17 year-olds issued DATs during the months of July and August.
- Eligible defendants were screened by the Department of Probation for 4 programs: CCI-group (decision-making skills); YNY-group (arts-based restorative justice); DOE-individual (education options); CCI-individual (counselling). Programs were offered the day of arraignment; dismissal scheduled for later the same week.
- Judicial reinforcement of primary concepts of consequential thinking and self-esteem in court upon defendant's successful completion of program.
- Approximately 206 young people were arraigned in the special part – 166 of whom were referred to a program, of which 163 who completed the program and had their cases dismissed and sealed.
- The NYS Office of Court Administration and the BTF partnered with CCI who will do a rigorous evaluation of the Phase III pilot.

Future Plans

- NYPD is working with the DAs' offices in NY and Kings counties to plan a pre-arrest diversion program for 16 and 17 year-olds informed by the DAT-Y experience
- The BTF will work with the court system to evaluate the expansion of the DAT-Y program in all NYC counties
- Joint training for the defense bar and prosecutors on implicit bias and adolescent brain development
- The BTF is analysing possibilities for new projects

Crossroads Diversion Program

**DIVERSION PROGRAM FOR SEX WORKERS
NEW ORLEANS, LOUISIANA**

New Orleans Task Force



- Chief Judge Desiree Charbonnet of New Orleans Municipal Court
 - Deon Haywood, Executive Director of Women With a Vision
 - Jee Park, Deputy Chief Defender of Orleans Public Defenders
 - Mark Burton, Managing Attorney, District Attorney's Office
 - Charlene Larche-Mason, Supervising Attorney, City Attorney's Office
 - Sgt. Henry Dean and Lt. Joe Rome of New Orleans Police Department
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- Between October 2013 and April 2014, the Task Force met 7 times to develop Crossroads Diversion Program.
 - Site visit to NY community court programs, March 2014.
 - Began pilot, June 2014.
 - Crossroads Stakeholders' Luncheon, July 2014.



Data: Racial Inequity in New Orleans

New Orleans Population



New Orleans:

- 60.7% African American
- 30.7% White
- 4.5% Hispanic
- 2.9% Asian

- 23% lives below the poverty level
- 19% did not complete high school
- 23% have a college degree or higher degree

Arrestees from July – September 2013



- 86% deemed to be indigent (rep'd by OPD)
- Of the indigent population:
 - 87% are *African American*
 - 57% are *25 yrs. old or younger*
 - 77% had no education beyond high school with 40% not finishing high school
 - Of the 23% who attended college or professional training, 93% did not earn a degree
 - 43% unemployed at the time of arrest
 - Median monthly income is \$400

Misdemeanor Prostitution from January 2011 to June 2013



- 581 total arrestees
- 63% African American
- 36% White
- Median age: 29 (youngest 17; oldest 68)
- African Americans were less likely to have their charges dismissed
- African Americans were more likely than White defendants to plead guilty

- Average jail sentence: 89 days
- Per day per diem for inmate at Orleans Parish Prison: \$23
- Cost to New Orleans: \$2,047.00

Patterns of Inequality



- Arrestees charged with prostitution are typically nonviolent, low-level offenders.
- Prostitution is a victimless crime.
- Many people who engage in sex work are coerced into doing so either by external forces or by poverty.
- A disproportionate number of individuals arrested for prostitution are women.
- A large number of women arrested for prostitution have children.
- Prostitution conviction is stigmatizing and as a result, women with prostitution convictions have a difficult time entering the mainstream workforce.

Site Visit with Center for Court Innovation and Queens Community Court (March 2014)



- Trauma informed intervention
 - ✦ *Understanding and appreciating the lasting effects of trauma*
 - ✦ *Understanding exploitation of sex workers*

- Redefining success
 - ✦ *Harm reduction*
 - ✦ *Access to services*
 - ✦ *Voluntary engagement of continued services*
 - ✦ *Attendance in court*
 - ✦ *Not getting out of sex work*

- Make the program short, relevant and doable

Program Goals



- ❖ Provide an alternative to incarceration/criminal adjudication
- ❖ Increase access to social services
- ❖ Improve community wellness by teaching harm-reduction strategies
- ❖ Mitigate lasting collateral consequences of conviction
- ❖ Reduce cost to city by diverting low-level offenders out of the criminal justice system
- ❖ Empower women and men to leave the sex work industry

Overview of Crossroads Diversion Program

Mission



Release sex workers with non-violent offenses from jail and provide access to social services and other assistance.

Eligibility



- Misdemeanor prostitution charges
- Not currently on probation or parole
- Must have a current local address
- Can have non-violent misdemeanor or felony convictions/arrests
- Violent misdemeanor or felony convictions must be 5 years or older
- If conviction is within past 5 years, case-by-case determination

What Happens Once Eligible?



- ROR by Court
- Must report to Women With a Vision (WWAV) within 10 days of release
- Case managers at WWAV conduct assessment and develop an individualized service plan
- Must return to court for status hearing with WWAV case manager
- Upon successful completion of the program, charges are dismissed by the prosecution

Women With A Vision



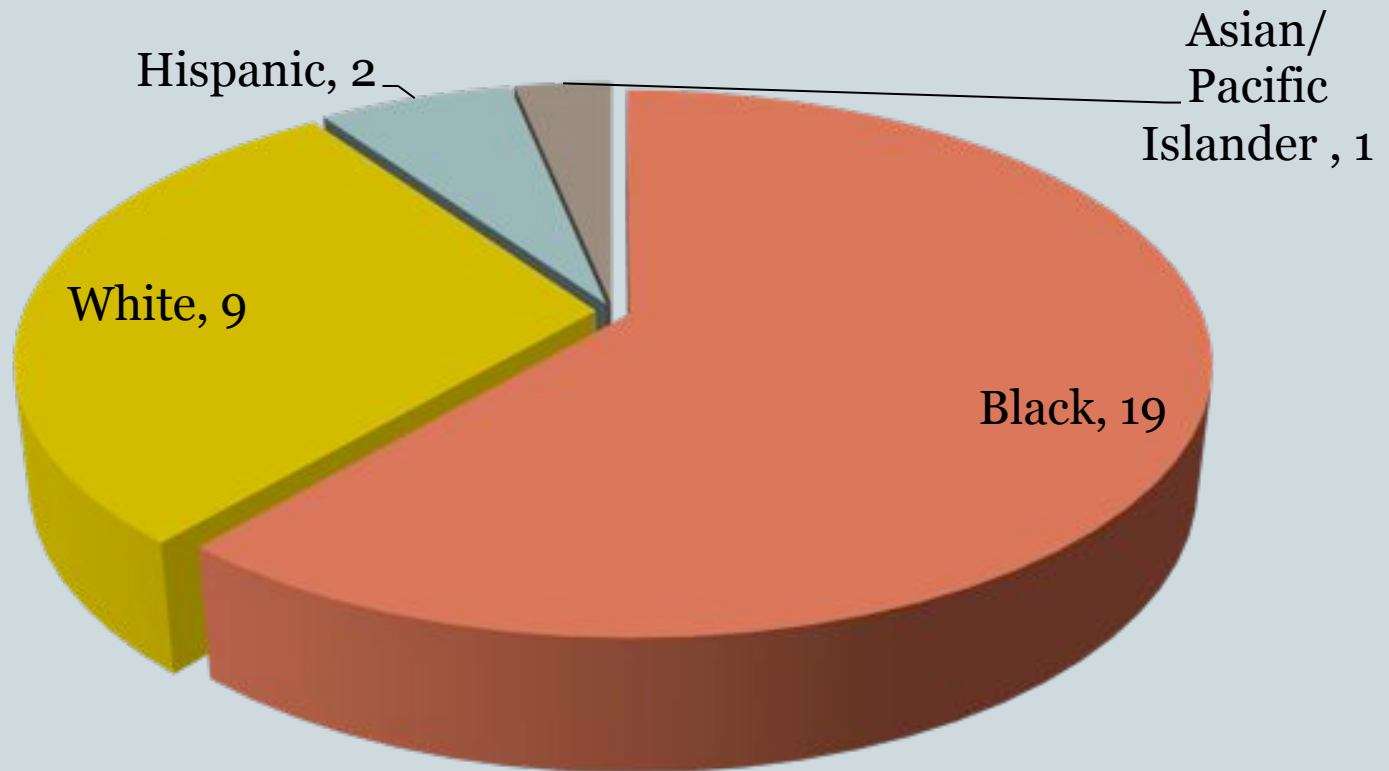
- Created by black women in the 1990s to combat HIV/AIDS
- Dedicated to supporting marginalized women through grassroots services, solutions, and advocacy
- Addresses systemic inequality in communities of color
- Sex worker rights, drug policy reform, HIV positive women's advocacy, and reproductive justice outreach

Services Offered



- Communication styles
- Mindfulness Meditation
- Identifying Emotions
- Understanding Triggers
- Identifying and Changing Harmful Self-Talk
- Undoing Internalized Oppression
- Health Relationships
- Stress Management
- Yoga/Zumba
- Vision Mapping
- Personal Strengths and Weakness Inventory
- GED
- Job/Interview Skill Training
- Financial Responsibility
- Safer Sex Education

Participants



Graduates



- 23 of our clients have graduated
- 8 currently enrolled in the program
- 14 have continued a relationship with WWAV - this is more than 50% of participants!
- No rearrests to date

Participant Biographical Data



- Average starting age : 19 years old
Oldest: 27
Youngest: 16
- Average years in industry : 6 years
Longest: 15 years
Shortest: 2 weeks

Education



- About one-third have **less than** a High School education
- Over one-third **only** have a High School diploma or GED
- Over two-thirds have **no college education**
- **Only five participants** have some college education

Housing



- About **one-fourth** identified as being homeless during their initial intake
- Over **two-thirds** are functionally homeless (includes staying with friends, family, hotel/motel, homeless shelter, or streets)
- About **one-third** rent their living spaces
- **Only 1 person** lived in public housing
- **Nobody** owned their own home

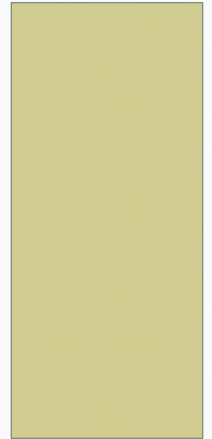
Moving Forward



- Ground Work: formerly incarcerated women's support circle
- Bus tokens
- Job training/job creation
- Expanding housing options/opportunities

MONTGOMERY COUNTY DISPROPORTIONATE MINORITY CONTACT (DMC) PILOT JUVENILE DIVERSION PROGRAM

ANGELA BELL, ESQUIRE
RJIP TASK FORCE FACILITATOR
MONTGOMERY COUNTY DISPROPORTIONATE MINORITY CONTACT COORDINATOR



MONTGOMERY COUNTY RJIP TASK FORCE MEMBERS

The Honorable William Furber, President Judge

Montgomery County Court of Common Pleas

The Honorable Christopher J. Cerski, Magisterial District Judge

The Honorable Risa Ferman, Montgomery County District Attorney

Ms. Sharon Giamporcaro, Deputy District Attorney, Juvenile Division

Mr. Steven Custer, Chief Juvenile Probation Officer

Kelly Brown, Director of Prevention Services

Family Service of Montgomery County

MONTGOMERY COUNTY RJIP TASK FORCE MEMBERS

The Honorable Kier Bradford-Grey, Chief Public Defender

Chief Thomas Nolan, Upper Merion Police Department

Ms. Angela Bell, Esquire, Montgomery County DMC Coordinator
RJIP Task Force Facilitator

Mr. Thomas Haney, Youth Aid Panel Administrator
Montgomery County District Attorney's Office

Ms. Ann Kanof, Information Specialist

WHAT IS THE SPECIFIC DISPARITY YOUR TASK FORCE HAS IDENTIFIED?

- ❑ The specific racial disparity the task force has identified is the overrepresentation and Disproportionate Minority contact of black juveniles at the arrest stage.
- ❑ This problem was identified through statewide DMC data provided by the Pennsylvania Commission on Crime and Delinquency and the Center for Juvenile Justice Training and Research.
- ❑ The task force chose this issue because local DMC RRI arrest data indicates significant racial disparity in 10 jurisdictions across Montgomery County with regard to the arrest of black juveniles.
- ❑ The task force believes that this issue can be effectively addressed through a combination of the Youth Aid Panel diversionary program, training/education for law enforcement, in addition to a partnership and collaboration with Family Services of Montgomery County and District Attorney's office.

WHAT IS THE PROPOSED RACIAL JUSTICE POLICY REFORM THAT YOUR TASK FORCE HAS DEVELOPED TO ADDRESS THIS DISPARITY?

- The District Attorney created the Youth Aid Panel (YAP) to divert certain qualifying summary and misdemeanor offenders from the criminal justice system. Despite the existence of YAP, the Montgomery County DMC RRI arrest data indicates significant racial disparity in 10 Montgomery County jurisdictions. The committee identified three policy changes to YAP that will help divert more minority juveniles into YAP and consequently lower DMC arrest data.
 - **YAP Eligibility Criteria:** The new criteria/policy permits a juvenile to complete YAP despite the juvenile possessing two prior summary convictions and prior YAP referral, one prior adjudication of delinquency on a misdemeanor offense, or a pending dependency matter.
 - **Case management services:** YAP possesses no case/offender management service to assist juvenile offenders in successfully completing the diversionary program. Case management services will be provided by Montgomery County Family Services. The case management services will assist the juvenile offender in successfully completing the YAP panel's restorative disposition.
 - **Discretionary referral process:** Law enforcement possesses the sole discretion to refer or not refer a juvenile offender to YAP. Because the case management policy change will be focused in Upper Merion Township, the Upper Merion Chief of Police agreed to implement a more objective referral process. Specifically, Upper Merion will refer all summary retail theft juvenile offenders meeting the YAP eligibility criteria. This policy change eliminates officer discretion.

HOW DO YOU PLAN TO IMPLEMENT THIS REFORM?

- The policy amendments will be implemented as follows:
 - **Step #1:** On July 22, 2014, the District Attorney amended the YAP eligibility criteria to include offenders previously convicted of two summary offenses, adjudicated delinquent for a misdemeanor offense, or subject to a pending dependency petition.
 - **Step #2:** Upper Merion Police Department directs all officers to refer all juvenile offenders who live in zip code 19401 to YAP that meet the eligibility criteria. Upper Merion Police Department will refer to YAP minority juveniles accused of summary retail theft.
 - **Step #3:** Family Services will develop an evaluation tool for use by YAP when deciding whether case management will be ordered.
 - **Step #4:** The Norristown YAP will be trained concerning the use of case management services. The Norristown YAP will accept a maximum of 30 juveniles accused of retail theft from the Upper Merion Police Department. The Norristown YAP will order half the juveniles to complete YAP with case management and half the juveniles to complete YAP without case management. This will be achieved by alternating every other arrest in the pilot program.

HOW DO YOU PLAN TO IMPLEMENT THIS REFORM? CONT' D

- The policy amendments cont' d:
 - **Step #5:** The non-case management juveniles will complete YAP under traditional circumstances. The case management juveniles will be contacted by Family Services and assisted throughout the YAP restorative process.
 - **Step #6:** At the YAP follow-up meeting, the panel will determine if the juvenile successfully completed the program.
 - **Step #7A:** If the juvenile successfully completes the program, then no “arrest” will occur or initiation of court process. The Public Defender’s Office will assist the juvenile in expunging any pre-arrest records retained by the Upper Merion Police Department.
 - **Step #7B:** If the juvenile fails to complete YAP, then Upper Merion Police Department will formally charge the juvenile and initiate court proceedings.

HOW DO YOU PLAN TO IMPLEMENT THIS REFORM? CONT' D

- The policy amendments cont' d:
 - **Step #8:** Post Program Research
 - Committee will evaluate the effect of the eligibility criteria on DMC countywide.
 - Committee will evaluate the effect of case management versus no case management on YAP completion and DMC.
 - Committee will evaluate the effect of the Upper Merion Police Department referral policy change versus other county police departments and any correlation to DMC.
 - Committee will evaluate success rates of the YAP participants with priors and how the statistics correlate to DMC.
 - Committee will evaluate recidivism rates of the 30 juvenile retail theft offenders referred to YAP for a period of two years.

HOW DO YOU PLAN TO TRACK AND MEASURE THE EFFECTIVENESS OF YOUR PROPOSED RACIAL JUSTICE POLICY REFORM?

- A three-pronged approach (aggregate, individual & policy) will be taken to determine the effectiveness of the alternative adjudication program the task force is proposing (i.e. Case Management as a part of the Youth Aid Panel (YAP)).
- Therefore the first prong of the approach will be to collect baseline data for 2011, 2012, 2013 on retail theft for African Americans arrested in Upper Merion Township. From this data, a Relative Risk Index (RRI) will be calculated for each year.
- The second prong will address the individual. The task force will check 6-month recidivism rates up to 2 years after they have completed the program for each participant. This will be compared to a matched control group of youth not receiving Case Management. The control group will also be used to compare YAP completion rates.

HOW DO YOU PLAN TO TRACK AND MEASURE THE EFFECTIVENESS OF YOUR PROPOSED RACIAL JUSTICE POLICY REFORM?

- The control group will consist of every other person being referred to YAP for retail theft. They will not receive case management. The current practice is for participants to not receive any case management.
- For this project a change in criteria for inclusion in YAP was made. Data will be collected for 2 years prior to this policy change to show a picture of number of referrals and will be compared to the number of referrals during the year of this project.

NEXT STEPS

- The task force will create marketing/educational materials regarding the diversion program for youth, parents and law enforcement.
- Disseminate program updates and outcomes to policy makers in the criminal justice system and community groups.
- Host a DMC/Juvenile Justice Summit to provide education and training on DMC and juvenile justice issues.
- Seek additional funding to support the DMC Coordinator position.
- Expand our partnership with the ABA and the Pennsylvania Commission on Crime and Delinquency (PCCD) to continue our efforts beyond the grant period and institutionalize the work of the task force.



St. Louis County Racial Justice Improvement Project (RJIP)

(October 2014 update)

The Task Force

- The Honorable Shaun R. Floerke, Chief Judge of the Sixth Judicial District
- Mark S. Rubin, St. Louis County Attorney
- Daniel Lew, Chief Public Defender, Sixth Judicial District
- The Honorable John E. DeSanto, Judge of the Sixth Judicial District
- Ross Litman, St. Louis County Sheriff
- Anne Clancey, Duluth Police Department Deputy Chief
- Kay Arola, Executive Director, Arrowhead Regional Corrections
- Wally Kostich, Arrowhead Regional Corrections
- Donna Ennis, Community Representative
- Mark Stodghill, Projects and Initiatives for St. Louis County Attorney's Office

Objective in 2010

To address the perceived disproportionate number people of color, charged with felony offenses, incarcerated in pre-trial detention facilities in St. Louis County.

St. Louis County

- Largest County east of the Mississippi River
- Part of the Sixth Judicial District
- Population – 226,000
 - American Indian – 2.2%
 - African American – 1.4%
 - Hispanic/Latino – 1.2%
 - Caucasian – 93%

Initial Data Compiled and Analyzed by Dr. Robert Weidner

- Revealed preliminarily that there was a greater likelihood that people of color would be subject to pre-trial detention when compared to Caucasian arrestees.
- Pre-trial numbers also suggested bail may be disproportionately higher for minorities



Assistance from American Bar Association

- Travel to and meetings with the Pre-Trial Justice Institute(PJI) in Washington, DC
- Arrangements for training for court personnel
- Financial support

Training in St. Louis County

- All 16 judges in the Sixth Judicial District were initially interviewed to determine training needs and bail considerations.
- Judges, probation, corrections, law enforcement, and attorneys personnel gathered for formal training by PJI held in Duluth, Minnesota in 2013



Proposed Policy Reform Developed by the Task Force

To address the racial disparity, a comprehensive and racially valid method of enabling judges was created to make more fair and equitable decisions when setting bail and other conditions of pre-trial release.



Implementation of the Reform

A comprehensive check-list in laminated form was created and placed on the bench of all judges as well as the desktop of their computers.

REFORM

PRE-TRIAL RELEASE CONSIDERATIONS

If there is a Pre-Trial Release study on file for this Defendant for this charge, please proceed with this checklist **ONLY** if there is a *material* change in circumstance that would warrant another report.

If a Pre-Trial Release study has **NOT** already been completed:

- ☐ Does the Defendant have any holds from the Minnesota Department of Corrections or other jurisdictions?
- ☐ Is the Defendant facing murder or attempted murder charges?

If YES to **either**, a *Pre-Trial Release study is NOT recommended.*

- ☐ If ultimately found guilty, do the *Minnesota Sentencing Guidelines* call for a presumptive stay of execution or imposition of sentence?
- ☐ Does the Defendant have a criminal history score of zero, **OR** does the court have the Defendant's most recent *Minnesota Sentencing Guidelines* worksheet score?

If YES to **both**, and the Defendant is **NOT Released on his/her Own Recognizance**, a *Pre-Trial Release study should be ordered.*

- ☐ Was the Defendant granted pre-trial release or released on her/his own recognizance?

If NO, the court should **state its reasons** either **on the record**, or in a **subsequent order**.



The Racial Justice Improvement Project

<http://racialjusticeproject.webbly.com/>

PRE-TRIAL RELEASE CONSIDERATIONS

Conditions of Release: If the Court determines that pretrial release is appropriate, please consider the following factors under *Minnesota Rules of Criminal Procedure, Rule 6.02, Subd. 2*, in determining conditions of release:

- (a) the nature and circumstances of the offense charged;
- (b) the weight of the evidence;
- (c) family ties;
- (d) employment;
- (e) financial resources;
- (f) character and mental condition;
- (g) length of residence in the community;
- (h) criminal convictions;
- (i) prior history of appearing in court;
- (j) prior flight to avoid prosecution;
- (k) the victim's safety;
- (l) any other person's safety;
- (m) the community's safety.

This checklist is provided to you by the
St. Louis County Racial Justice Improvement Project Task Force:

Key Arola, Executive Director, Arrowhead Regional Corrections
Honorable John DeSanto, Judge, Sixth Judicial District
Donna Ennis, Community Member
Fred Friedman, Chief Public Defender, Sixth Judicial District
Wally Kostich, Chief Probation Officer, Arrowhead Regional Corrections
Mark Rubin, St. Louis County Attorney
Rebecca St. George, RJIP Task Force Coordinator/Community Member

For more information on the work of the Task Force or the ABA Racial Justice Improvement Project please visit our website: <http://racialjusticeproject.webbly.com/>

Special thanks to Salma S. Safiedine, RJIP Project Director from the American Bar Association, and American University Washington College of Law Professor Cynthia Jones, former RJIP Project Director.

The American Bar Association Criminal Justice Section's Racial Justice Improvement Project is funded by the Bureau of Justice Assistance with additional support from the Public Welfare Foundation



The Racial Justice Improvement Project

RJIP in St. Louis County

Next Steps

- Track and measure the effectiveness of the proposed reform through collection of data and comparison with pre-reform numbers.
- Dr. Robert Weidner will be called upon again to assist in this next phase of:
 - Data mining
 - Tracking
 - Reporting

Intensive Supervised Release (IPTR)

- Created by Arrowhead Regional Corrections (ARC)
- Initial budget support (\$1 million) provided by St. Louis County Sheriff Ross Litman
- Forfeiture funds provided by St. Louis County Mark Rubin to purchase bullet-proof vests and computers for SR agents
- Track and measure the results of the District's newly implemented pre-trial option of Intensive Pre-Trial Release (IPTR)
- Promising results in 9 months
 - 141 people released
 - 10,000+ days on the program versus jail
 - 4,700+ days on electronic monitoring
 - 6% decrease in pre-trial jail population
 - Addressed chemical and mental health pre trial
 - Over 1/2 of all participants were active in seeking or maintaining employment



Recognition of Need for Additional Training

The Task Force intends to offer additional training to:

- Assure new players in the system know what has been done
- Assure compliance with Reform measures
- Continue to explore alternative measures of pre-trial release (e.g., IPTR)
- Learn from the additional report of IPTR

Definition of Success?

- Assurance that every judge is utilizing the checklist
- Assure the judges and players in the system have confidence in pre-trial alternatives such as IPTR
- Assure that every Defendant appearing in the District will be treated equally and fairly

Shift to Direction/Leadership

- The original grant was applied for and directed by the St. Louis County Attorney's Office
- Success has been achieved through participation and a mutual respect between all major players in the Criminal Justice System
- The group recognizes the need for the judiciary to be the true “driver of the bus” for continued reform
- Chief Judge Shaun Floerke, Chief Public Defender Daniel Lew, and St. Louis County Attorney Mark Rubin will continue Phase II

DANE COUNTY RACIAL JUSTICE IMPROVEMENT PROJECT

October 10, 2014

RJIP TEAM MEMBERS

- ◉ Ismael Ozanne, District Attorney
- ◉ Shelia Stubbs, County Board Supervisor
- ◉ Nicholas McNamara, Dane County Criminal Judge
- ◉ Dee Dee Watson, Public Defender
- ◉ Richelle Anhalt, Captain, Dane County Sheriff
- ◉ June Groehler, Lieutenant, Madison Police Department
- ◉ Colleen Clark, Equity Coordinator/Criminal Justice Council Coordinator

THE DANE COUNTY TEAM

- ◉ The Dane County DA's Office launched a new diversion program designed to protect all children and strengthen families (child abuse initiative).
- ◉ Our reform is the evaluation of the Child Abuse Initiative (from goals and objective to data to outcome) utilizing expert advise from the University of Wisconsin—as well as the experts on our RJIP Team.

CHILD ABUSE INITIATIVE-INITIAL DATA LEAD TO FOCUS

- ◉ Between June 1, 2011 and June 1, 2012, the Dane County District Attorney's Office (DA) received 174 referrals for Intentional Physical Abuse to a Child. Of those referrals, 54% were minority offenders. When this percentage is compared with the minority population of 15% in Dane County, the disparity is clear.
- ◉ In 2012, the DA's Office received almost double the number of overall child abuse referrals, which has caused child abuse professionals to be gravely concerned for the safety and security of children in Dane County.

DATA

- ◉ 31 Defendants are active in contract
 - ◉ Black: 10
 - ◉ White: 13
 - ◉ Hispanic: 4 (1 self identifies as Hispanic and Native American)
 - ◉ Asian: 4
- ◉ Following successful completion of Deferred Agreement, cases will result in:
 - ◉ 2 Reductions: 1 White Male, 1 Black Female
 - ◉ 24 Dismissals
 - ◉ 5 Pre-Charge Referrals: 3 White males, 2 Hispanic Males
- ◉ 3 Defendants have completed successfully (since Jan 2014):
 - ◉ 1 White Male: Dismissal
 - ◉ 2 Hispanic Females: 1 Dismissal, 1 Direct Referral
- ◉ 5 defendants assessed, and are set to sign contracts:
 - ◉ 2 Hispanic Males
 - ◉ 2 White Males
 - ◉ 1 White Female
- ◉ 82 Children affected by parents being involved in program

PROGRESS THUS FAR:

- ◉ Robust vetting of goals and objectives
- ◉ Data Base Design
- ◉ Parenting program offered in house
- ◉ Corporal Punishment conference featuring national speakers
- ◉ No Hit Zone within all DA Offices
- ◉ Full evaluation of the conference-with results shaping future conferences

OUR CHALLENGES

- ◉ The American criminal justice system is based on a philosophy of separation of powers and adversarial engagement—this makes true collaboration challenging.
- ◉ Length of the deferred agreements exceeds (for most) the length of the grant award and evaluation.
- ◉ Staffing—From the District Attorney's Office, to RJIP members—a lack of resources
- ◉ Other systems: creating a collective paradigm shift among agencies that normally do not do business together.

OUR EARLY WINS

- ◉ RJIP has met monthly since the original award. Members are updated on Child Abuse Initiative
- ◉ Two day Conference: “The Cultural Context of Corporal Punishment”
- ◉ No Hit Zone: DA’s Office the first in the country to establish a No Hit Zone.
- ◉ 82 Children affected by parents being involved in program
- ◉ New partnerships with national experts in corporal punishment
- ◉ Government and Faith Community coming together in conversation about tough issues
- ◉ Larger conversation of trauma in childhood, juvenile justice and criminal justice involvement

NEXT STEPS:

- ◉ Meeting with Watson, Ozanne to discuss eligibility requirements
 - Share areas of disagreement in document to potentially share with ABA/Justice Policy Institute for assistance.
- ◉ Invitation to Human Services (CPS) to become a member of RJIP.
- ◉ Meeting prior to next RJIP meeting to discuss webpage, brochure.
- ◉ Evaluation continues with UW Population Health. UW Population Health attends the November Meeting and gains insight from Human Services.

NC-CRED

NORTH CAROLINA
COMMISSION ON RACIAL AND ETHNIC DISPARITIES
IN THE CRIMINAL JUSTICE SYSTEM



TRAFFIC STOP DISPARITIES

- Report by Dr. Frank Baumgartner on ten years of traffic stop data across North Carolina.

JUVENILE JUSTICE

- Report by Dr. Susan McCarter on the School to Prison Pipeline
- Partnering with NCCD to develop risk assessments in public schools.

PRETRIAL RELEASE

- ABA RJIP Project in Halifax County to develop a pretrial risk assessment.

JURY POOL FORMATION

- Sponsoring research at the SOG on jury pool formation in Orange and Chatham Counties.

Halifax County Task Force

Members:

- Melissa Pelfrey, District Attorney Halifax County
- Judge Brenda Branch, Chief District Court Judge
- Jay Burch, Halifax County Sheriff's Office
- Rebecca Spragins, Clerk of Court Halifax County
- Cynthia Pitchford, Chief Magistrate Halifax County
- Tonza Ruffin, Halifax County Defense Attorney

Halifax County, North Carolina

- Rural, mostly agricultural area
- Democratic majority
- Population 55,000
 - Black non-Hispanic 53%
 - White non-Hispanic 39.4%
 - American Indian 3.7%
 - Hispanic 2.1%
 - Asian .7%
 - Two or more races 1%
- Median household income \$29, 490
- Processed 163 felony convictions in 2011-12



Halifax County Research

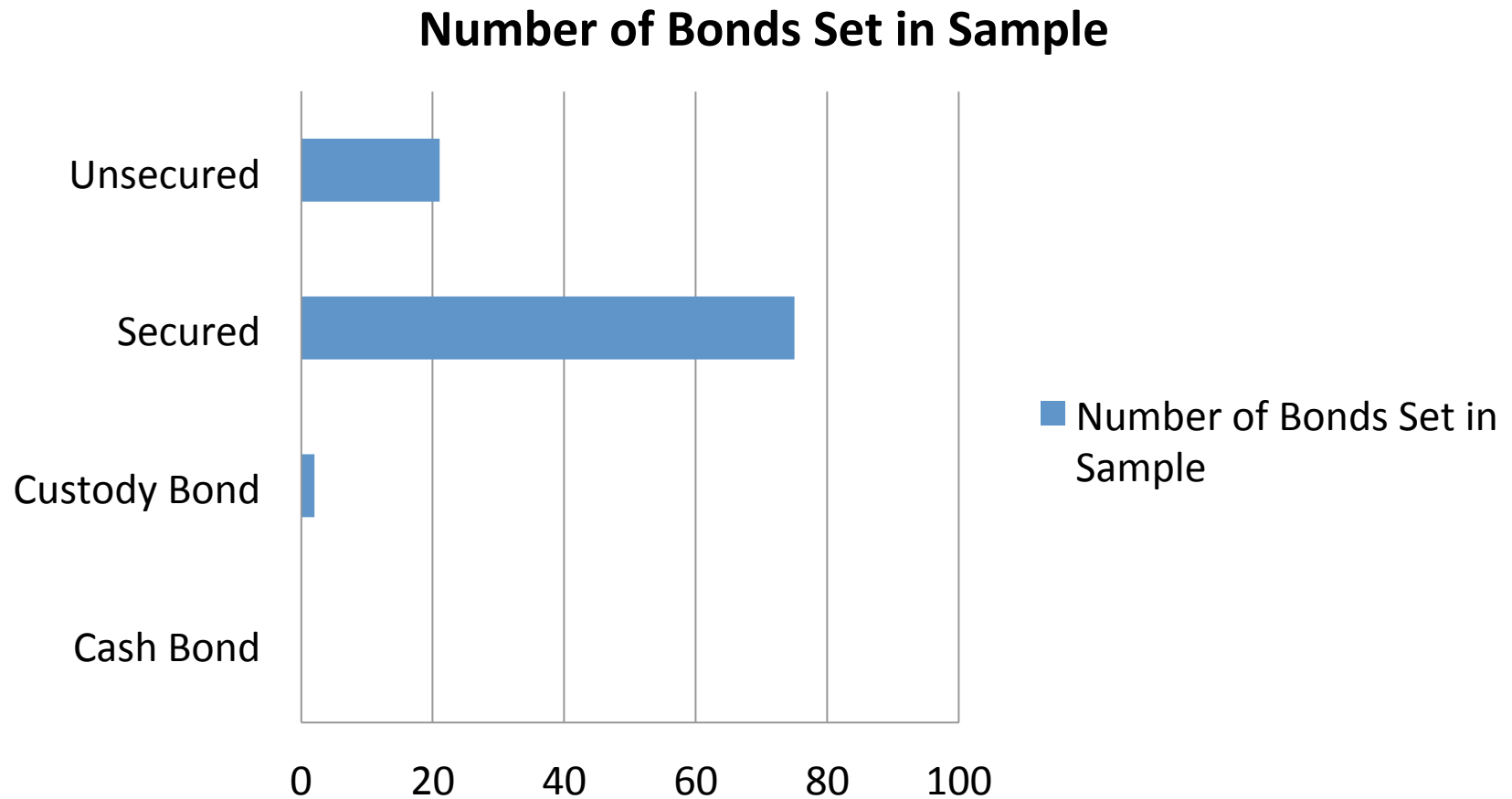
- 100 cases, Class H
 - Property & low level drug crimes
- Raw data analysis & regression analysis controlling for criminal history
- Limitations--no single source of data in NC
- Goal is to get to 500 cases—of *all* felonies, not just Class H

Pretrial Release in Halifax County

- Initial Appearance with Magistrates; First Appearance with District Court Judge
 - Exceptions: DWI and DV cases
- No Pretrial Services office or probation involved in bond hearings; Defendants usually unrepresented at first two bond hearings
- Generally a D must have conditions of pretrial release determined, N.C.G.S. 15A533(b)
- The statutory presumption is for a non-secured bond amount, with exceptions

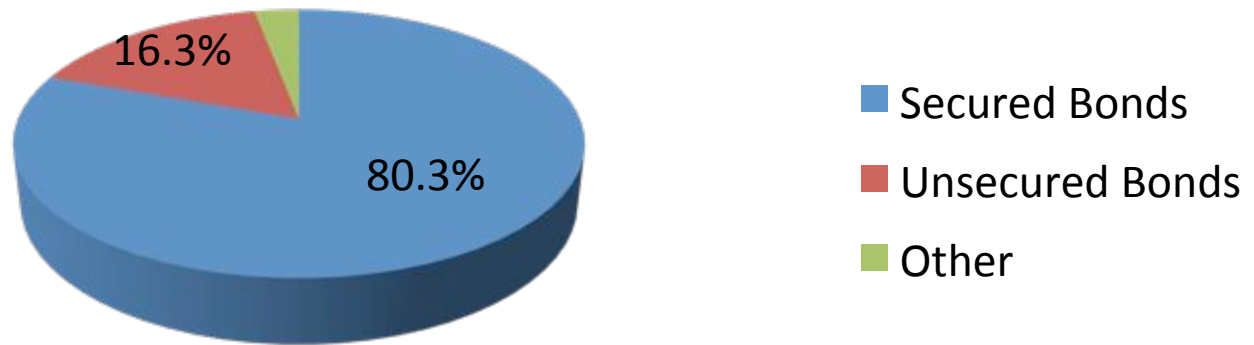
TYPE OF OFFENSE	MAXIMUM PUNISHMENT	SUGGESTED SECURED BONDS
Local Ordinance	\$50 Fine or 30 Days	Written Promise
Class 3 Misdemeanor	20 Days	Written Promise
Class 2 Misdemeanor	60 Days	\$0 to \$500
Class 1 Misdemeanor	120 Days	\$0 to \$1,000
Class A1 Misdemeanor	150 Days	\$0 to \$2,000
Driving While Impaired	24 Months	\$0 to \$5,000
Class I Felony	15 Months	\$1,000 to \$5,000
Class H Felony	30 Months	\$1,000 to \$10,000
Class G Felony	44 Months	\$2,500 to \$15,000
Class F Felony	59 Months	\$2,500 to \$25,000
Class E Felony	98 Months	\$5,000 to \$50,000
Class D Felony*	229 Months	\$10,000 to \$150,000
Class C Felony*	261 Months	\$15,000 to \$250,000
Class B2 Felony*	480 Months	\$25,000 to \$500,000
Class B1 Felony*	Life Without Parole	\$50,000 to \$1,000,000
Class A Felony*	Death, Life Without Parole	No Bond (unless set by judge)
Habitual DWI*	59 Months	\$5,000 to \$50,000
NC Probation Violation		Set amount appropriate for underlying offense with consideration for the nature of any violations and any new charges
Fugitive Warrant		
Governor's Warrant		
Interstate Compact		No Bond
Parole Warrant		

Types of Bonds

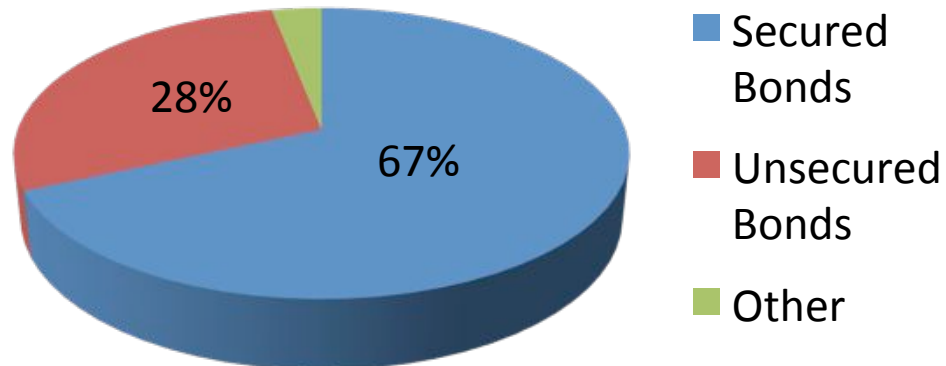


Types of Bonds, by Race

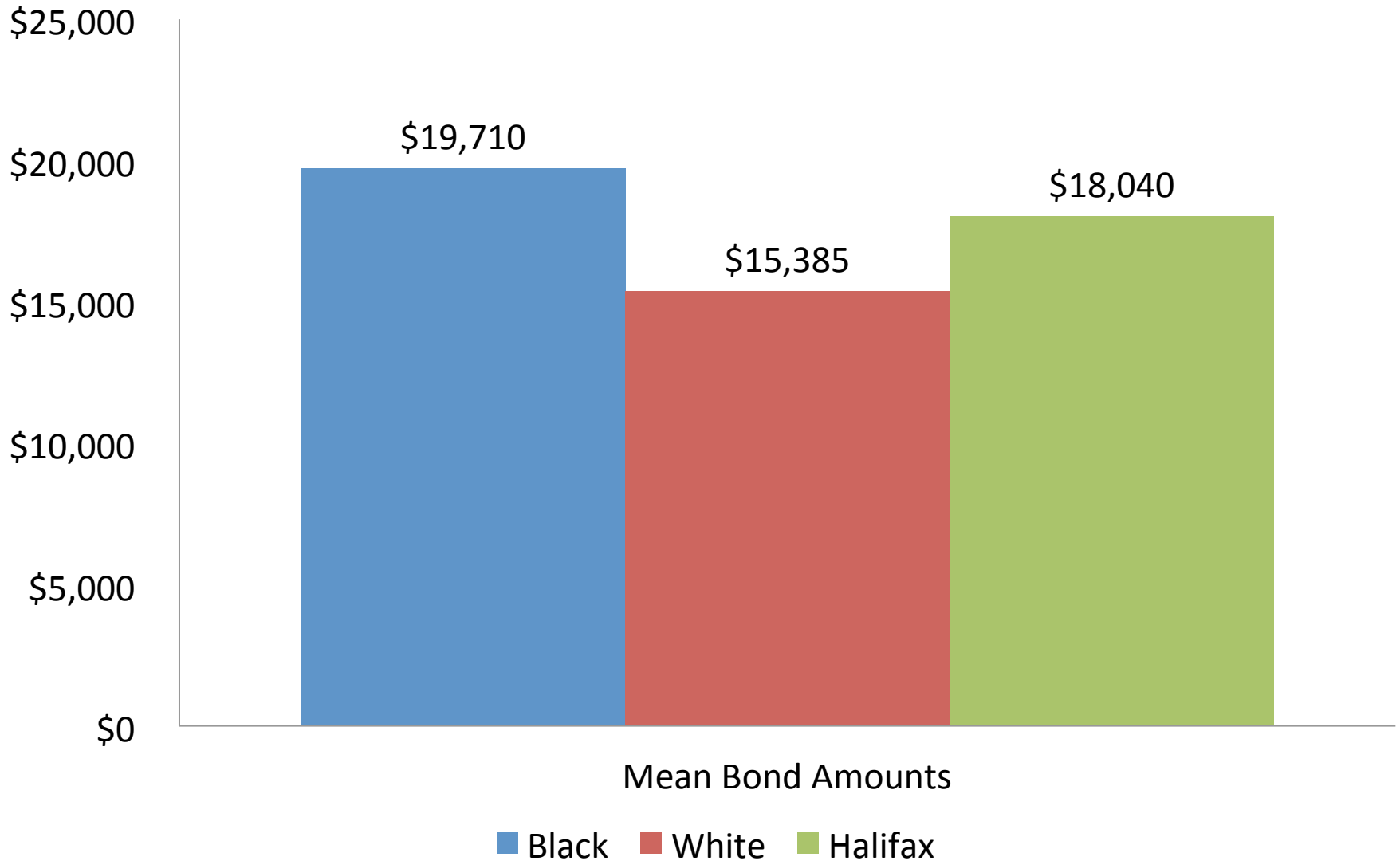
Black Defendants, Total 61



White Defendants, Total 36

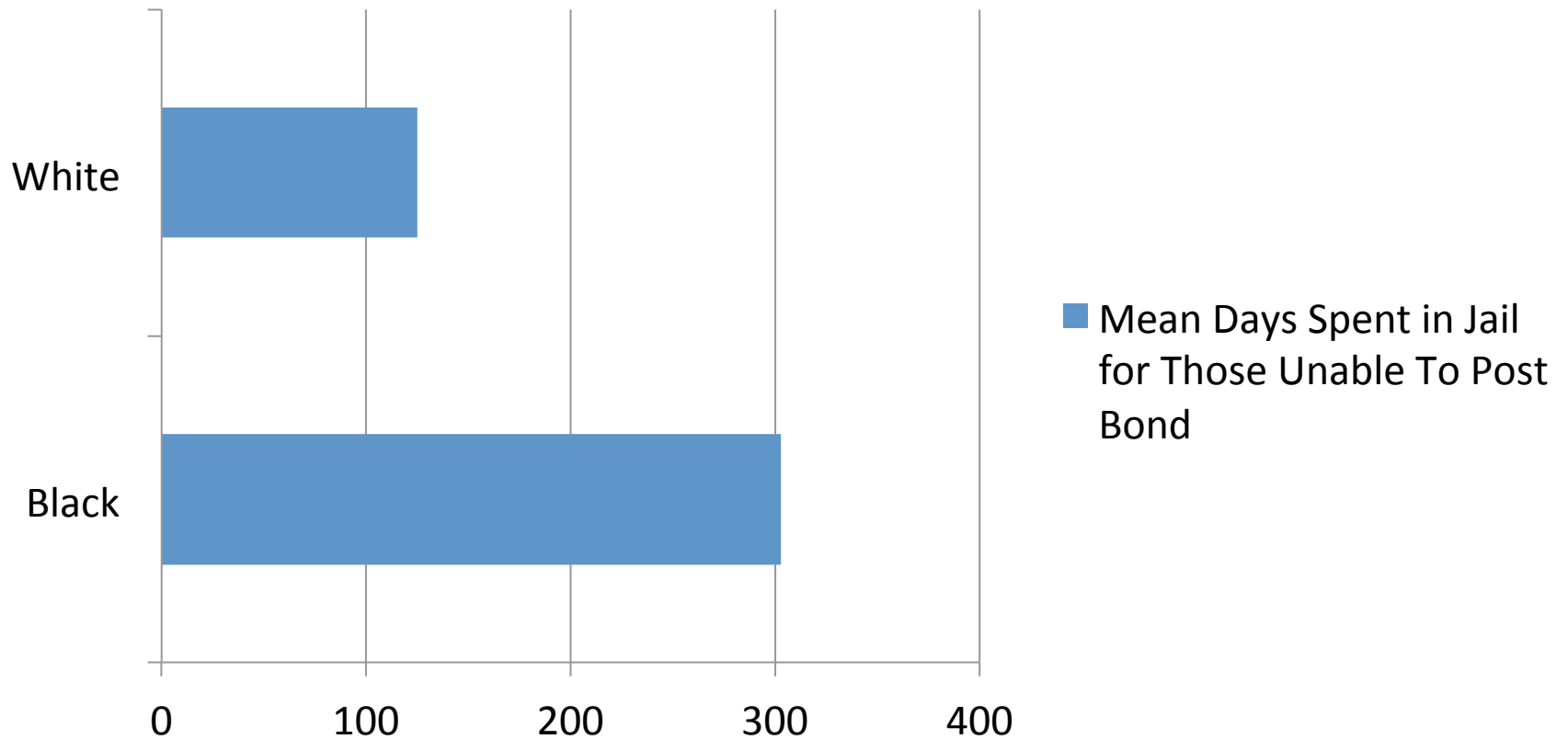


Types of Bonds Set



Length of Stay



Mean Days Spent in Jail for Those Unable To Post Bond



Factors in Bond Determination

1. Number of Associated Cases
2. Prior FTAs
3. Number of Offenses
4. Prior Infractions
5. Residency
6. Gender
7. Prior Felony Arrests
8. Race
9. Age
10. Prior Felony Convictions
11. Prior Misdemeanor Convictions
12. Prior Traffic Convictions
13. Prior Misdemeanor Convictions

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12. Prior Traffic Convictions
13. Prior Misdemeanor Convictions

Halifax County

- Halifax is doing well with racial equity, at least according to this imperfect analysis (need more samples)
- We have willing partners in Halifax that are ready to create and promote innovative and cutting edge reforms to their pretrial release policies and practices

HALIFAX COUNTY PRETRIAL RELEASE BEST PRACTICES

Grand Jury Room, Halifax County Court House

10:00 am – 2:00 pm

Overview of Pretrial Release in North Carolina

Jeff Welty, Associate Professor of Public Law and Government, UNC School of Government

Professor Welty summarized the law of pretrial release in North Carolina, highlighting differences in how the law is applied across the state, and discussing practical considerations for public officials involved in the pretrial release system.

Pretrial Best Practices & Pretrial Release Reforms from Other Jurisdictions

Tim Murray, Director Emeritus, Pretrial Justice Institute

Mr. Murray discussed the purpose of bail and the outcomes associated with current practices. Mr. Murray then described national efforts to reform pretrial justice and discussed what has been done in specific sites to achieve pretrial outcomes that more safe, effective, and fair.

Halifax County Risk Assessment

- **Residency**
 - 1+ years, contribute to payments-0
 - 1+ years, do not contribute to payments-1
 - Less than a year, but contribute to payments-2
 - Less than a year and do not contribute to payments or homeless-3
- **Criminal History**
 - None-0
 - Past Jail Sentence-1
 - Past Prison Sentence-2
- **Pending Charges**
 - No-0
 - Yes-1
- **Currently on Supervision**
 - No-0
 - Yes-1
- **Charge Type**
 - Misdemeanor-0
 - Felony-1
- **Past Failures to Appear**
 - None-0
 - One-1
 - Two+-3
- **History of Revoked Bond**
 - No-0
 - Yes-1
- **Drugs/Alcohol**
 - Neither-0
 - Alcohol abuse/treatment-1
 - Drug abuse/treatment-2
- **Mental Health Treatment**
 - Have never received-0
 - Have received outpatient treatment-1
 - Have received inpatient treatment-2
- **Age at First Arrest**
 - No prior arrests-0
 - 35+ years- 1
 - 25-34 years-2
 - 16-24 years-3

Risk Levels & Score Ranges

- Level 1: 0-3
 - WPA, Custody Release
- Level 2: 4-8
 - Unsecured Bond, low range
- Level 3: 9-12
 - Unsecured Bond, high range
- Level 4: 13-16
 - Secured Bond, low range
- Level 5: 17-19
 - Secured Bond, higher range

Next Steps

- Finalizing Risk Assessment particularized for Halifax County
- Applying the Risk Assessment to 300 closed cases to test efficacy
- Apply results to a new Risk Assessment for piloting in Halifax County
- Continue data collection to get sound results on initial study