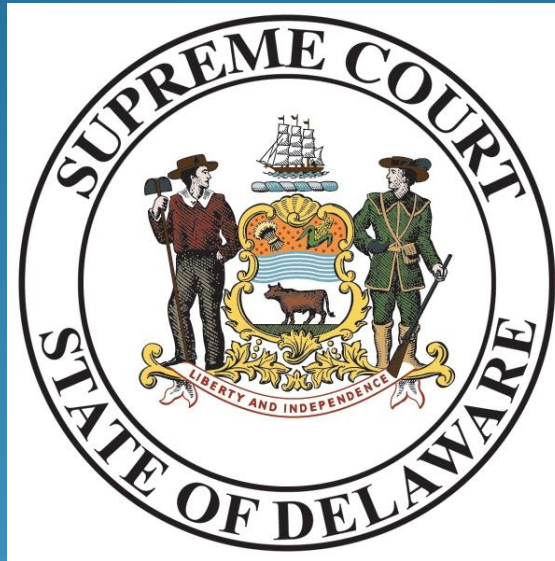


Racial Justice Improvement Project Task Force



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Deputy State Court Administrator
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History of the Delaware RJIP

- Supreme Court Task Force on Racial and Ethnic Fairness
 - created 4/5/95
 - Administrative Directive 101
- Representatives from:
 - the judiciary
 - private attorneys
 - members of the public and the clergy
 - state legislators
 - The Delaware Attorney General
 - The United States Attorney for Delaware
 - The Delaware Office of the Public Defender
- Evaluate racial and ethnic fairness issues in connection with court proceedings and personnel practices
 - personnel and employment practices;
 - access to the courts;
 - civil, criminal and juvenile justice
- Final report issued 10/1/96

History (Cont'd)

- Delaware Criminal Justice Council and Delaware Supreme Court co-sponsored a Racial and Ethnic Fairness Summit
 - September 2007
 - included more than 70 key stakeholders
 - facilitated by staff from the Washington D.C. based The Sentencing Project
 - resulted in the release of a final report and recommendations
- Racial and Ethnic Fairness committee
 - Co-chaired by Justice Henry duPont Ridgely of the Delaware Supreme Court and Chief Judge Alex J. Smalls of the Court of Common Pleas
 - focused on developing recommendation designed to enhance fairness in the areas of data collection, training, resources and policy development.
 - Follow-up planning sessions resulted in the creation of Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice System in Delaware (the “Declaration”)

Initiatives

- Administrative Directive 107
 - adopted 4/4/96
 - created Court's Interpreter Program for LEP litigants
- Delaware State Police developed and implemented policy :
 - reaffirmed commitment to police in a non-biased manner
 - provided training to all troopers
- State wide Racial and Ethnic Fairness Summit in 2007
 - sponsored by the Delaware Supreme Court and the Criminal Justice Council

RJIP Task Force Composition

The Task Force includes:

- Hon. Henry duPont Ridgely, Delaware Supreme Court;
- Hon. Alex J. Smalls, Chief Judge, Court of Common Pleas;
- Hon. Joseph R. Biden, III, Attorney General;
- Hon. Brendan O'Neill, Public Defender;
- Colonel Robert Coupe, Superintendent, Delaware State Police;
- Curt Shockley, Director, Probation and Parole;
- Drewry N. Fennell, Esq., Executive Director, Criminal Justice Council;
- Peggy Bell, Executive Director, Delaware Criminal Justice Information System (DELJIS);
- Janet Leban, Executive Director, Delaware Center for Justice;
- Hon. Patricia W. Griffin, State Court Administrator, Administrative Office of the Courts;
- Amy A. Quinlan, Esq. Deputy Director, Administrative Office of the Courts.

RJIP Task Force – State of Delaware



Chief Judge Alex Smalls with representatives from the Task Force and ABA

Violations of Probation Data Analysis

- Division of Probation and Parole (“P&P”) provided initial data
 - 9 month period (6/1/10 – 2/28/11)
 - Approximately 4,500 VOP’s
 - Compared violations of probations (VOP’s) to probation population by race
- 4% variation by race
- Additional review of the data performed by Delaware Criminal Justice Council (“CJC”) through the Statistics Analysis Center (“SAC”)

Relative Rate Indices for Black and White Probation Violations

VOP Rates in the table below are calculated from the previous tables as the number of VOPs per 1,000 probationers (from Avg. # of Pbs). The Relative Rate Index is calculated as: $RRI = \text{Black VOP Rate} / \text{White VOP Rate}$.

Level	VOP Rate (VOPs/1,000 Probationers)		RRI
	Black	White	
II	301.2	259.9	1.17
III	454.7	416.3	1.09
II and III	378.2	326.1	1.16

Objectives of the RJIP Task Force

1. Ensure race does not play a role in violations of probation (“VOP”)
2. Implement *Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice System*

Declaration

- Mandates the following:
 - all stakeholders from the criminal justice system continually strive for an effective system that is fair, efficient and accountable
 - Delaware criminal justice agencies and the courts adopt policies on the following:
 - ✓ Bias-free decision-making
 - ✓ Use of deadly force
 - ✓ Internal and external complaint process
 - ✓ Other areas that will promote racial and ethnic fairness
- Adopted by Delaware Criminal Justice Council on 4/19/10

RJIP Task Force – Short Term Deliverables

Training – July 2011

- Day-long
- implicit bias and bias-free decision making
- all supervisory probation officers
- approximately 42 upper-level management officers
- all three counties
- Wayne McKenzie (VERA Institute of Justice) and Edwin Burnette (National Legal Aid and Defender Association) served as facilitators.



Short Term Deliverables (Cont'd)

- Implementation of Delaware Criminal Justice Council's Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice System - 2010
- Development of automated traffic "warnings" within the Delaware State Police so that information about warnings would be stored electronically – Spring 2011
- The Department of Probation & Parole Professional Conduct Policy amended to expressly prohibit discriminatory decisions – July 2011
- Implicit bias training now mandatory training for all new probation officers – Fall 2011
- Train-the-trainer session on implicit bias for Probation and Parole and judicial staff – Spring 2012

Short Term Deliverables (Cont'd)

- Implicit bias training provided by Professor Jerry Kang, University of California, Los Angeles School of Law to all Delaware Judicial Officers in October 2012
- P&P collaborating with CSOSA regarding modifications to the case management system modeled, in part, after CSOSA's SMART System - 2011 to 2012
- The Graduated Responses Policy implemented - August 2013.

Year 2 Reform Implementation

- P&P's data collection system ("DACCS")
 - Manual process to obtain racial make-up of probationers at different levels
 - Lacking method for tracking decision making relating to graduated sanctions
 - identified need to track and report on
 - ✓ number of past violations
 - ✓ type of graduated sanctions imposed by Officer prior to submission of VOP report
 - ✓ recommended SENTAC Level from the submission of the VOP report

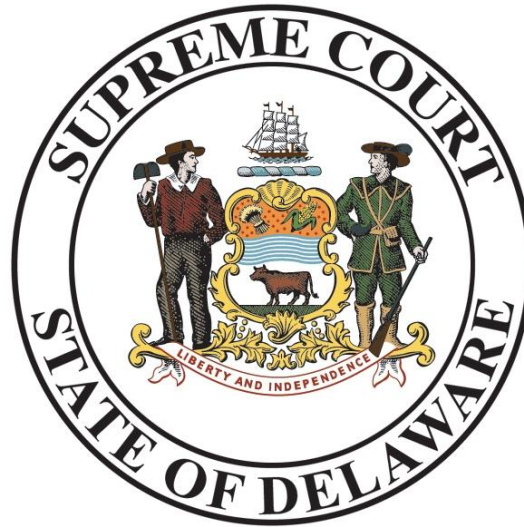
Change in Plans

- Delaware Justice Reinvestment Initiative (“JRI”) proposed systems changes to address
- Efforts to secure additional funding for Comprehensive Implicit Bias and Motivational Interview training for P&P Officers proposed
- Training to be completed in one day to:
 - accommodate all 350 officers
 - Diminish disruption in critical services to litigants and courts
- Request for funding to support initiative was denied

Year 2 Reform Implementation – Back to the Drawing Board

- Revisited originally proposed reform
 - Could a portion of data collection modifications be accomplished outside the scope of the JRI initiative?
- Retained vendor to design and develop enhancements to the case management system
 - Delaware Automated Correction System (DACS)
 - aid in tracking violations of probation
- Modifications completed in February 2013 and rolled out to staff Spring 2013
- Evaluation tool created
 - Project Technical Advisor, Inga James, I Jay Consulting
 - Recommendations adopted by P&P
 - 2 phases
 1. Qualitative interviews with probation officers re protocol (currently underway)
 2. Quantitative analysis 6 months after implementation of new tracking system

RJIP Task Force – State of Delaware



Questions/Comments