

ENGAGING WITH LOCAL ELECTED OFFICIALS TO IDENTIFY AND ELIMINATE RACIAL AND ETHNIC DISPARITIES IN THE CRIMINAL LEGAL SYSTEM



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Pennington County, S.D.



Hon. George Dunlap,
Chairman, Board of
Commissioners,
Mecklenburg County, N.C.



Hon. Tracey Flemings-
Davillier, Deputy Chief
Judge, Orleans Criminal
District Court, Orleans
Parish, La.

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Racial Equity in Criminal Justice

Presented to the Safety & Justice Challenge
Network

September 29, 2022

Racial Equity in Criminal Justice

Mecklenburg County Timeline

- **2015:** Data project was launched by local justice system leaders to effectively and responsibly address citizen-initiated complaints
- **2016 & 2017:** Conversations with community representatives and listening sessions
- **2018:** Equity & Inclusion Consultant positions created within Criminal Justice Services to allow for dedicated staff assigned to racial equity efforts within the local criminal justice system

Assessment of the Citizen-Initiated Complaint Process in Mecklenburg County, NC

February 10, 2016

Emily LaGratta
Natalie Reyes
Center for Court Innovation

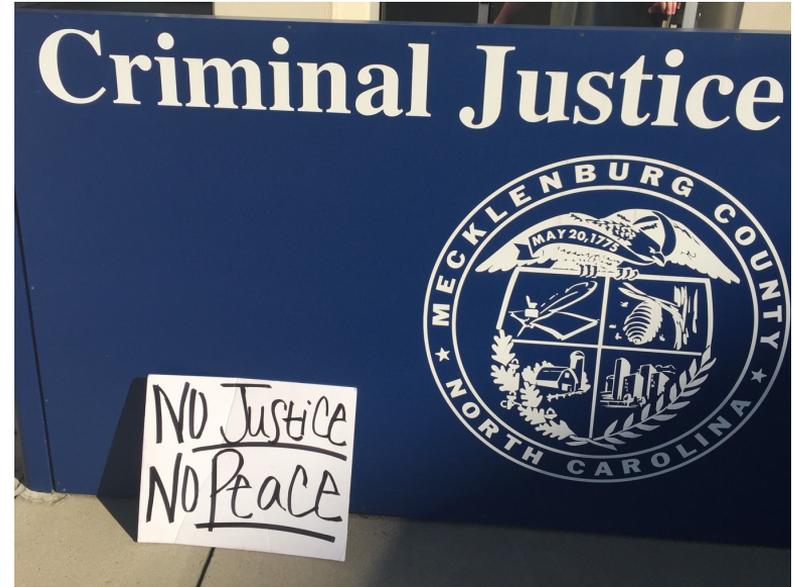
Shelley Listwan, Ph.D.
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Racial Equity in Criminal Justice

Mecklenburg County Timeline

- **2019:** Criminal Justice Advisory Group identifies addressing RED in the justice system as strategic goal
- **2020:** Criminal Justice Services released the initial RED data report on Mecklenburg County's local justice system
 - [RED Data Report \(mecknc.gov\)](https://mecknc.gov)
- **2020:** Launch of implicit bias curriculum for justice professionals
 - [Acknowledging and Addressing Unconscious Bias \(mecknc.gov\)](https://mecknc.gov)



Racial Equity in Criminal Justice

Mecklenburg County Timeline

- **2021:** Criminal Justice Advisory Group established the Criminal Justice Community Engagement Task Group
- **2022:** Created data dashboards that are updated daily and allows data to be seen disaggregated by race, gender, age and zip code
 - [CJS Case Resolution Dashboard \(powerbigov.us\)](https://powerbigov.us)
 - [CJS Person Arrest Event Dashboard \(powerbigov.us\)](https://powerbigov.us)



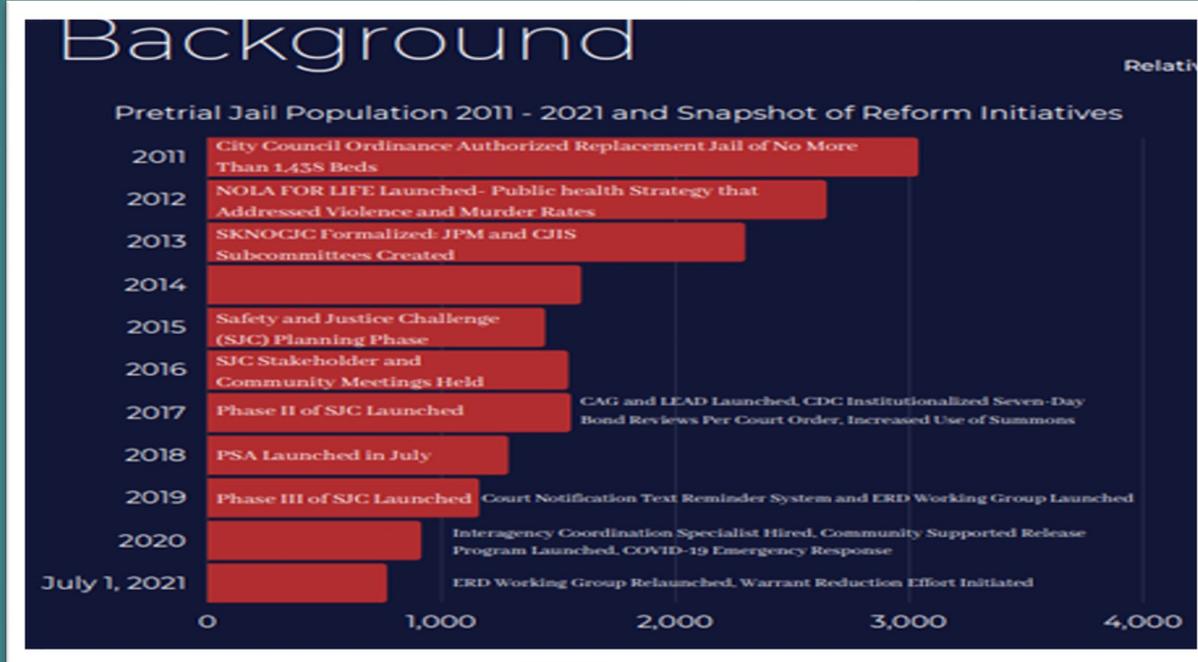


Eliminating Racial and Ethnic Disparities in the Criminal Legal System

Presented by: Judge Tracey Flemings-Davillier,
Orleans Parish Criminal District Court
September 29, 2022

FOUNDATION OF THE ETHNIC AND RACIAL DISPARITY (ERD) WORKING GROUP

The ERD Working Group is a subcommittee of the “Sanford ‘Sandy’ Krasnoff New Orleans Criminal Justice Council” (SKNOCJC). ERD was initially established in 2019 and relaunched in October 2020. ERD is comprised of 35 members: 50% government agencies: The Mayor’s Office of Criminal Justice Coordination, Orleans Parish Criminal District Court, Orleans Parish District Attorney’s Office, Orleans Parish Public Defenders Office; and 50% community Criminal Justice stakeholders. ERD is dedicated to advancing policies to reduce ethnic and racial disparities within the Orleans Parish criminal legal system.



ETHNIC AND RACIAL DISPARITY (ERD) WORKING GROUP GUIDELINES

MISSION

Address the drivers of and make recommendations to reduce ethnic and racial disparities

VISION

- Reduce disparities through a framework of decarceration, decriminalization, and diversion
- Prioritize repairing harms done to Black men and women, and other men and women of color through adoption of transformative justice practices, including rehabilitative and community support services

SJC INITIATIVES

- Public Defender at First Appearance
- Prosecutorial Diversion
- Law Enforcement Assisted Diversion (LEAD)
- Pretrial Services
- Community Supported Release
- Warrant Reduction
- Case Processing

Two Subcommittees

(1) Data Team and (2) Policy Team

POLICY RECOMMENDATIONS

The Working Group shall make recommendations to the Criminal Justice Council (SKNOCJC) regarding legislative, programmatic, and policy to reduce ethnic and racial disparities within the Orleans Parish adult and juvenile criminal legal systems. Recommendations should be clear, attainable, and holistic.

(1) Recommendation Checklist

ERD Working Group recommendations must meet all checklist requirements. The checklist will be in the form of a rubric and will ensure that the recommendations consider all legal, process, and policy considerations, as well as certifying recommendations as clear, attainable, and holistic.

(2) Recommendation Flowchart

ERD Working Group recommendations must also follow a procedural workflow to ensure that all Working Group members have voice in all recommendations, and to ensure that agencies impacted by recommendations are given adequate notice, with an opportunity to respond, before recommendations are submitted to the Criminal Justice Council.

(3) Recommendations that Change Law

Recommendations must be attainable. If a recommendation is not consistent with the relevant law, the recommendation must include steps for the agency to take to enact changes in applicable laws.

ERD RECCOMENDATION REPORT

In July 2021, the ERD Working Group released its Recommendation Report, focusing on three (3) programs/initiatives, specific to supporting and funding both traditional and non-traditional organizations and efforts that deliver services to individuals who are underserved and overrepresented within the criminal legal system, in particular Black, Indigenous, People of Color.

Law Enforcement Assisted Diversion (LEAD) Program

LEAD is a point of arrest diversion model that provides NOPD officers with the opportunity to divert an individual at the point of arrest to intensive case management when the alleged offense is believed to be a product of underlying mental illness, abuse, or social challenges.

Based on a national model, LEAD is a public health approach to policing for those who are criminalized for underlying and unmet behavioral health needs.

The National model piloted in Seattle as a response to the disproportionate impact of the War on Drugs on communities of color. In Orleans Parish, the LEAD program piloted in the 8th District of the New Orleans Police Department in 2017. The LEAD program will expand to the 7th District of the New Orleans Police Department in the near future.

Prosecutorial Diversion

The Prosecutorial Diversion program connects individuals to community-based services, as well as prevents further involvement and adverse impacts of the criminal legal system. The goal of this initiative is to provide opportunities for release and diversion, to steer individuals out of the criminal legal system.

Black, Indigenous, People of Color (BIPOC)

The City of New Orleans, Office of Criminal Justice Coordination allocated \$118,106.14 to the ERD working group, which in 2022 decided to allow BIPOC organizations to apply for funding. This process included submission of an application and presentation to the ERD and vote by the ERD. The goal of this funding is to provide unique opportunities to fund community efforts that support system-impacted individuals in ways that would not be possible through federal, state, or other “formalized” funding and/or programs.

This funding specifically supports:

- New Orleans-based programs that directly target the reduction of individual involvement in the criminal legal system
- Programs/efforts to engage communities disproportionately impacted by the criminal legal system in the reform effort, particularly those that center and engage “non-traditional” stakeholders.

FUNDED PROJECTS

ORGANIZATION	AMOUNT ALLOCATED
Operation Restoration	\$57,000
Free ALAS	\$23,000
Technical assistance in the amount of \$37,000.00 has been allocated to provide technical assistance to program participants. The ERD recently surveyed program participants to determine the type of technical assistance that would best serve programs. Technical assistance workshops are scheduled to take place in November and/or December of 2022.	

PRETRIAL SERVICES PROGRAM

In 2015, Orleans Parish Criminal District Court, in conjunction with the Louisiana Supreme Court and the City of New Orleans, began working on development of the Pretrial Services (PTS) Program. PTS was officially established in 2017 and assists the Court with alleviating the detention of low risk non-violent individuals, minimizes the practice of detaining individuals based on the ability to pay a bond, expedites the release of non-violent individuals and supports Judicial decision making through the use of objective assessments, risk score, and criminal background information.

The Pretrial Services Program is a part of Court Intervention Services (CIS). The Pretrial Services involves two (2) phases of service:

Pretrial Assessment / Intake

Pretrial Intake Specialists conduct Public Safety Assessments (PSA) on felony and misdemeanor arrests for first appearance hearings in Magistrate Court.

Intake Specialists attend first appearance hearings. PSA reports are emailed to all parties prior to court.

Pretrial Supervision Monitoring

Pretrial Case Managers provide supervision for individuals referred to Pretrial Supervision. Case Managers conduct assessments, refer for treatment services and monitor clients referred for monitoring via weekly telephone calls and office visits as needed. Case Managers provide status reports for clients to Magistrate Court and to Section court once a case is formally instituted and allotted to a section of Court.

Public Safety Assessment (PSA)

The PTS Program utilizes the PSA to provide objective information - criminal history and failures to appear - to generate a risk level for arrested persons. The PSA is an evidence-based tool that was developed during a two year process with a working group of stakeholders to determine what factors should be considered in developing the tool, what constitutes a crime of violence in conjunction with Louisiana law and what conditions of release, including monitoring and supervision, may be appropriate. The PSA is only used as a tool. The Judge or Magistrate has the final decision as to bond settings and conditions of release.

The PSA uses the following 9 risk factors:

- Age at current arrest
- Current Violent offense
- Pending charge at the time of offense
- Prior misdemeanor conviction
- Prior felony conviction
- Prior violent conviction
- Prior failure to appear in the past 2 years
- Prior failure to appear older than 2 years
- Prior sentence to incarceration

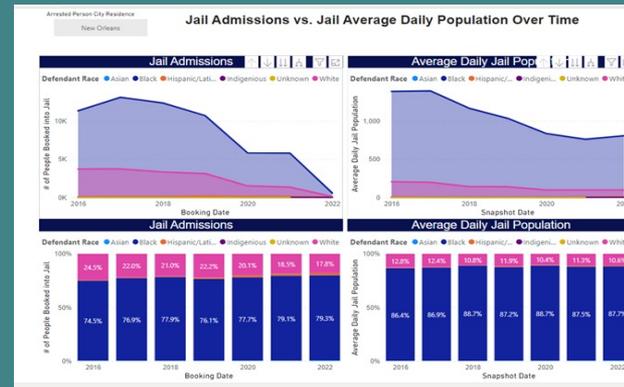
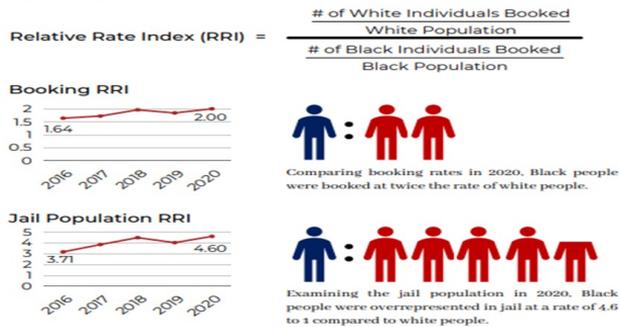
August 2022 Data		
Charge Type	Number of PSAs conducted	Percentage
Felony	343	71%
Misdemeanor	128	27%

Jail Population Reduction

In the last 10 years, the pretrial jail population in Orleans Parish has significantly declined by 74%. Some of the main strategies responsible for this decline include:

- Development of the Orleans Parish Criminal District Court Pretrial Services Program
- Utilization of evidence based public safety assessment (PSA) tool to:
 - ☐ provide objective information to the Court regarding pretrial release
 - ☐ provide first-appearance advocacy
 - ☐ develop risk-based supervision recommendations to increase court appearances and divert individuals with mental illness and substance use disorders toward community-based services
 - ☐ Provide resources for employment assistance and / or educational services
- Development of the Jail Population Committee
- Restructuring how Filed Arrest on Capias matters are handled to expedite the process of setting defendants to appear before the assigned Court
- Warrant Recall Policy

The Relative Rate Index (RRI) is a helpful way to compare the experiences of different groups at a certain decision point. Whenever groups are treated equally, both will have an RRI equal to "1."



DATA ANALYSIS ACTION PLAN FOR ERD DASHBOARDS

ERD Working Group developed a comprehensive, structured process to examine and advance data-driven policy to address drivers of disparities. The ERD Working Group utilizes Data Dashboards as a tool identify disparities.

The [Data Dashboards](#) are comprised of two separate dashboards, the Relative Rate Index Dashboard (RRI) and the Ethnic and Racial Disparity Cumulative Dashboard.

❓ The [RRI Calculation](#) is a quantitative measure that compares outcomes for People of Color to the outcomes of white people.

❓ The [Ethnic and Racial Disparity Cumulative Dashboard](#) is an examination of race in the criminal legal system at every decision point (arrest, jail, release, screening decision, conviction/case outcome)

Dashboard Information:

- Relative Rate Index Trends at Each Decision Point
- Custodial Arrest Trends Over Time, by Charge Category, by Police Dispatch Types, and by Individual Charge
- Jail Admissions and Jail Snapshot Trends
- Jail Population Snapshot Trends Over Time, by Charge Category, and by Individual Charge
- First Appearance Outcome Trends Over Time, by Charge Category, and by Individual Charge
- Accepted Cases Trends Over Time, by Charge Category, and by Individual Charge
- Refused Cases Trends Over Time, by Charge Category, and by Individual Charge
- Convicted Cases Trends Over Time and by Charge Category

Decision Points:

- Arrest Decision Point
 - 1) Arrest Trends
 - 2) Arrest Decision: In-Depth View
 - 3) Summons Decision: In-Depth View
- Jail Booking Decision Point
 - 1) Jail Admissions: In-Depth View
- Jail Admission vs. Jail Snapshot
 - 1) Jail Admission and Snapshot General Trends
 - 2) Jail Admission and Snapshot Trends by Charge
- First Appearance
 - 1) First Appearance Trends
 - 2) First Appearance: In-depth View
- Screening Decision Point
 - 1) Screening Trends
 - 2) Screening Decision: In-Depth View
 - 3) Refused Case/Charge Decision: In-Depth View
 - 4) Accepted Case/Charge Decision: In-Depth View
- Conviction Decision Point:
 - 1) Conviction Trends
 - 2) Conviction Decision: In-Depth View
 - 3) Cases Not Convicted Trends
 - 4) Cases Not Convicted: In-Depth View

DATA ANALYSIS

PHASE I: Identifying Focus Areas

This phase will be used to collaboratively identify an area of focus and begin to generate additional questions about disparities within the Orleans Parish criminal legal system. The area of focus will direct the group's attention through August 2022, although it can always be modified. It will also set the blueprint for ongoing and future work to reduce racial disparities in the criminal legal system. The ERD Working Group should end this phase with an area of focus identified.

PHASE II: Identifying Additional Research Questions

This phase will be used to identify additional research questions and further narrow the scope of the Working Group's focus, as needed. The ERD Working Group will end this phase with having identified any research questions to be answered in order to make policy and practice changes within the area of focus.

PHASE III: Identifying Solutions to Create Policy and Practice Change

This phase will be used to summarize research finds thus far to the ERD Working Group and to fill out a Solutions Brief to start to identify policy and practice changes at the decision point of focus.

PHASE IV: Operationalizing Identified Solutions

This phase will be used to determine how to operationalize solutions identified in the previous phase. What are the set of actions that need to happen over the next two years to implement a robust strategy for this recommendation topic? What will help advance the solution while overcoming relevant barriers, including, but not limited to structural racism? Consider the information listed above on background context and barriers, and your understanding of the given solution. These actions could be sequential, or could be happening in parallel. The most important thing is that they are clearly stated and when taken together would amount to a robust strategy to implement this recommendation topic. This phase should end with all the information needed to draft a recommendation report.

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Breakout Group Discussion Questions

- What is one policy/program/practice you/your county has undertaken to engage with elected officials to identify and eliminate racial and ethnic disparities in the local criminal legal system?
- What narratives have you used to engage local elected officials in this work and what were the results?
- Are there any strategies that the speakers mentioned that you may consider bringing back to your home jurisdiction?

Resources

- [Grantmaking: A County Strategy to Address Racial and Ethnic Disparities in the Criminal Legal System](#)
- [SJC Racial Equity Cohort](#)
- [Reducing Racial and Ethnic Disparities in Justice Reform](#)

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