

SAFETY & JUSTICE CHALLENGE

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Community Meeting
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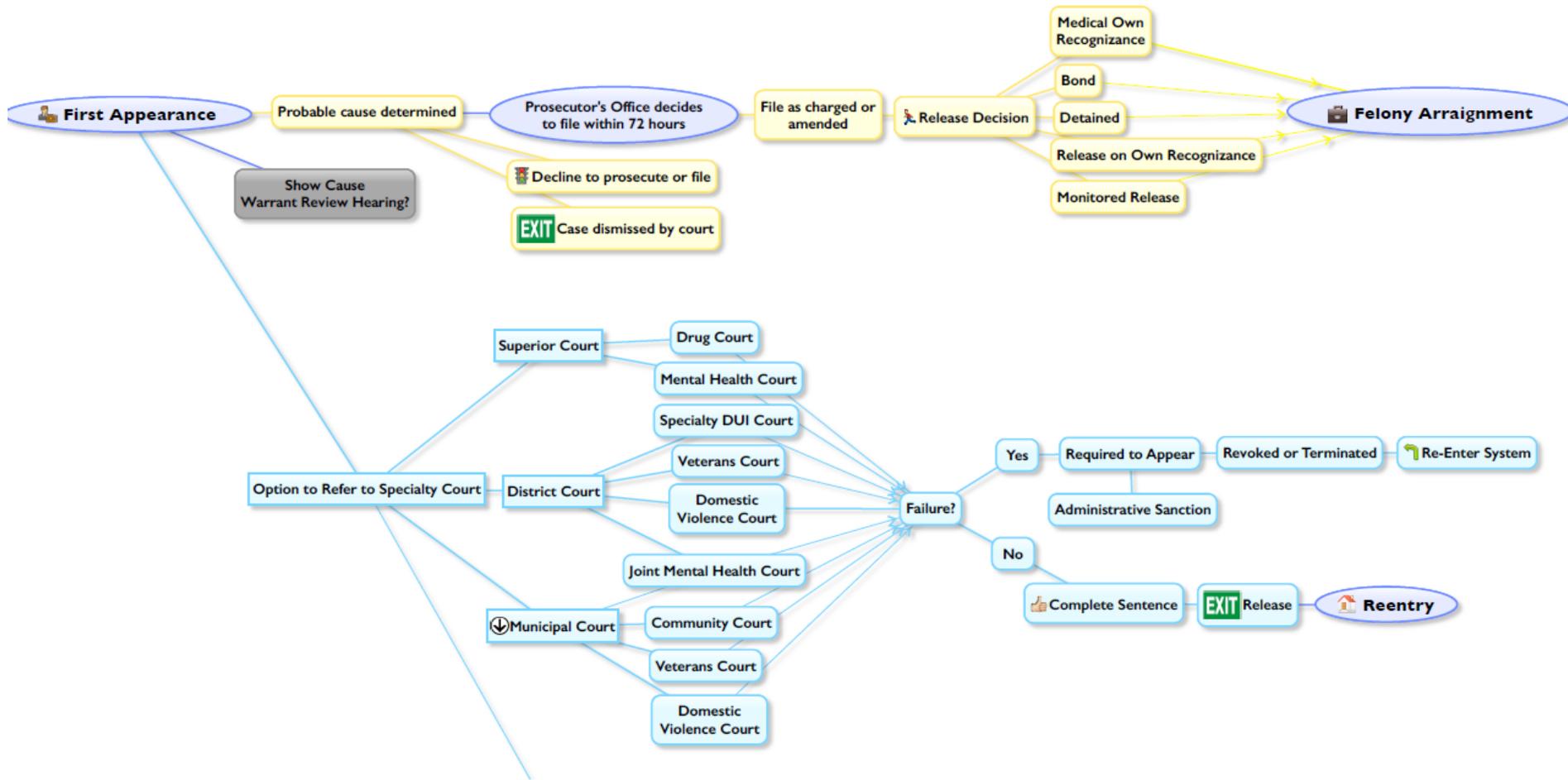


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Phase I

- Site Visit 1 & 2: System Mapping & Data Collection
- Site Visit 3: Challenge Prioritization
- Site Visit 4: Strategy Prioritization & Logic Modeling
- Site Visit 5: Wrapping Up & Application Prep

System Map



Strategies

- RNR System
- Robust Pretrial Services
- Diversion
- Case Processing

Risk/Needs/Responsivity System

1. RISK Principle (Who)

- Focus supervision and treatment on the people most likely to commit crimes or fail to appear (higher-risk).

2. NEED Principle (What)

- Focus resources on the factors that change a person's likelihood to commit a crime (antisocial attitudes, beliefs, and values, antisocial associates, etc.).

3. RESPONSIVITY Principle (How)

- Pay attention to how individuals learn, and maximize their ability to acquire new attitudes and skills.

Risk/Needs/Responsivity System

- Studies consistently show validated actuarial instruments have higher predictive validity than judgment alone
 - Risk instruments measure probability of failure/success based on actuarial (statistical) information, making it possible to group individuals with similar characteristics
 - Ex: Criminal history, age at first arrest, FTAs
 - Each item is scored & scores are summed—higher score = higher risk
 - Needs assessments identify criminogenic needs (factors linked to criminal behavior) & provide the basis for structuring supervision, programming, and interventions
 - Ex: History of antisocial behavior, antisocial personality, associates
- Risk & needs assessments at different decision points focus on different factors
 - A pretrial risk assessment seeks to measure likelihood of FTA or committing an offense while released
 - Assessments upon intake to probation determine supervision level, create case management plan, & measure risk of reoffending & needs

Risk/Needs/Responsivity System

Pretrial Detention	
Decision:	Can a defendant be released safely into the community pending trial?
Use of Risk Needs Responsivity principles:	Risk assessment tool determines defendant's likelihood of failure to appear to court and dangerousness to community. Further assessment can inform pre-trial services.
Goal:	Use jail beds for highest risk offenders, manage others safety in the community. Can reduce use of pretrial detention, which is related to higher recidivism rates and longer sentences.
Examples:	Jurisdictions: Kentucky, Virginia, Ohio, New York City. Tools: VA Pretrial Risk Assessment, OH Pretrial Risk Assessment.

Pretrial Services

- The ABA standards read, “Every jurisdiction should establish a pretrial services agency...”
- Endorsed by US Attorney General, American Bar Association, National Association of Counties, International Chiefs of Police, Association of Prosecuting Attorneys, American Council of Chief Defenders, American Jail Association, Pretrial Justice Institute, and others.
- Operate in approximately 300 counties, 4 states (KY, RI, CT, and DE), and in all 94 federal courts

Pretrial Services

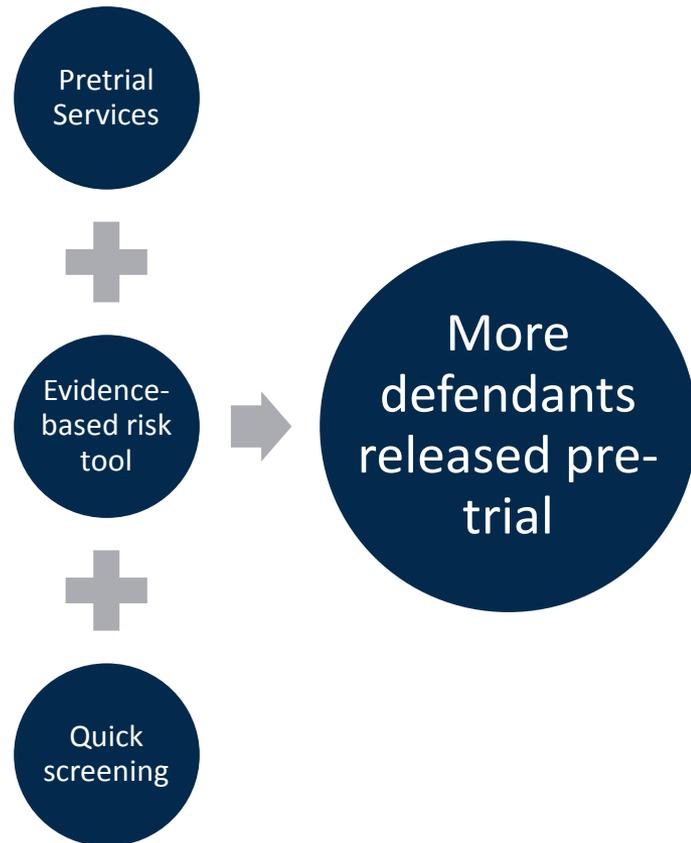
Responsibilities typically include:

- Conducting risk assessments of individuals in jail soon after their arrests
- Providing courts with recommendations & pertinent information to inform their release decisions
- Screening individuals for diversion programs & other interventions
- Supervising defendants who are in the community while their cases are being resolved & keeping courts updated
- Reminding clients of upcoming court dates

Pretrial Release: Best Practices

Best practices from the American Bar Association (ABA) and NAPSA :

- 1. Use a pretrial services program**
2. Use a validated pretrial risk assessment tool
3. Screen jail detainees within 24 hours of detention
4. Shift away from use of monetary bail
5. Offer a range of pretrial supervision conditions & tailor to individuals' risk-levels

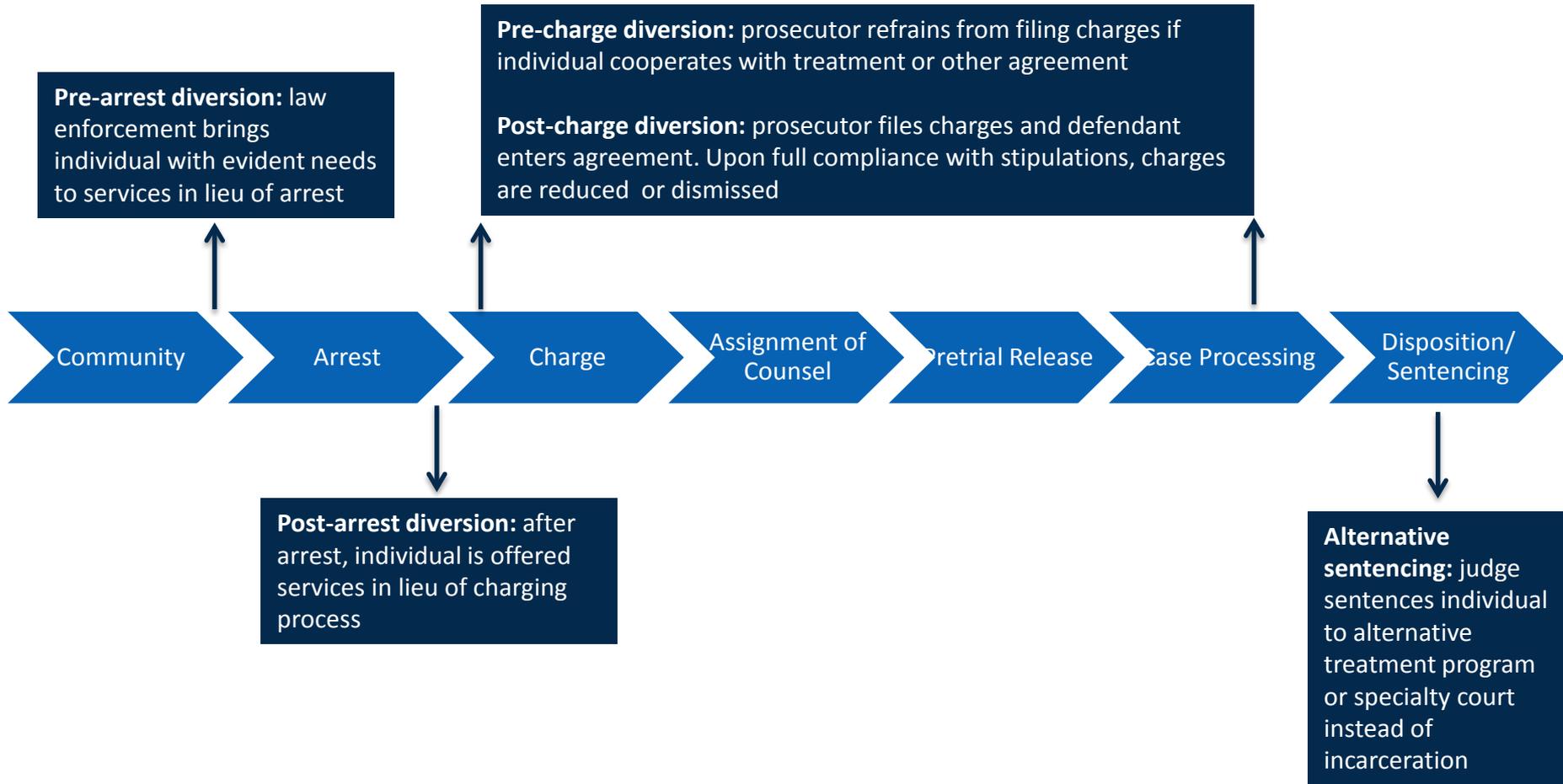


Pretrial Release: Best Practices

- Have a pretrial services program
 - WHY? Need a neutral agency that can work quickly
- Use a validated risk assessment tool
 - WHY? Research shows that an assessment tool is much more accurate than individuals' discretion alone
- Screen for release eligibility within 24 hours of detention
 - WHY? Research shows that even a few days in jail has negative consequences for people
- Shift away from use of monetary bail
 - WHY? Using money bail disadvantages impoverished people. Also, research shows that bail is **not** effective at getting people to appear in court.
- Offer a range of pretrial supervision levels
 - WHY? Some high-risk defendants need intense supervision in the community, but low- and medium-risk people do not (risk principle).

Diversion Programs

- Voluntary alternatives to the traditional criminal justice process, which upon successful completion, result in the dismissal or reduction of charges or avoid the charging process altogether.
- Can take place in the criminal justice process anywhere from before arrest to after disposition (after a defendant has entered a plea agreement).



Examples

- Pre-arrest:
 - **Crisis Intervention Team (CIT) model.** Specially trained law enforcement officers direct those who appear to be in mental health crisis to treatment & community services instead of using arrest and jail.
- Post-arrest:
 - **Seattle's Law Enforcement-Assisted Diversion (LEAD).** Police arrest those who they suspect are involved in drug and/or prostitution activity. However, instead of booking them into the jail, police offer them services and treatment coordinated by a case-manager. Those who accept and comply with expectations do not receive criminal charges or spend time in jail.
- Pre-charge:
 - **Milwaukee County DA's Diversion Program.** Eligible low-risk individuals enter a Diversion Agreement, and DA does not formally file charges. Participants must pay restitution and remain crime free for 6 months. Those who are successful will not receive a criminal charge on their records; those who fail will be charged and prosecuted.
- Post-charge:
 - **Milwaukee County DA's Deferred Prosecution Program.** Eligible medium- and high-risk defendants agree to plead guilty and sign an agreement. Conditions of the agreement may include cognitive-behavioral therapy, drug testing, etc. The DA will fully prosecute those who do not comply with their agreement. For defendants who are successful, prosecution ends, but an arrest stays on their permanent record.

Benefits of Diversion Programs

- Positive outcomes for defendants:
 - Treatment & programming can address needs (mental illness, addiction) and root causes of behavior
 - Services (education, job training, health care) can enhance defendants' and their families' chances for success
 - Stigma and collateral consequences of criminal justice involvement are avoided or reduced by preventing further entry into the system
- Positive outcomes for justice system:
 - Reduced costs and improved efficiency (prosecutors, public defenders, courts)
 - Reduced usage of jail
 - Reduced recidivism
 - Enhanced victim restitution collection
- Supported by National Association of Pretrial Services Agencies (NAPSA); Pretrial Justice Institute; National Association of Criminal Defense Lawyers; and the National District Attorney's Association

Case Processing

- Series of touch points with the court between initial appearance and case disposition
- Failures to appear and continuances cause delays and case backlogs
- Processing cases in different courts simultaneously is difficult for defendants to navigate, can increase length of stay, and is time- and resource-intensive for the system

Case Processing

- Case Consolidation Pilot:
 - One judge, one prosecutor, one defense counsel
 - Fewer court appearances
- Examples
 - Orange County, CA: All of a defendant's criminal cases—from traffic violations to felonies—across the various courts are 'packaged' and heard by one judge. The new system was found to increase the average number of hearings per appearance, with the result of reducing transportation and jail overcrowding.
 - Maine: Unified Criminal Docket project turned a two-tiered system into a single efficient way of processing criminal cases and violations, eliminated duplicative clerical workload created by case transfers between District Court and Superior Court, and reduced the number of court appearances required to process individual cases.

Case Processing

- American Bar Association:

“Elements of a plan for effective overall criminal caseflow management in a local jurisdiction should include: ... procedures enabling resolution of all charges pending against a defendant, whether in the same case or in different cases ... provided that defense counsel and the prosecutor(s) who filed the charges agree to the consolidation of the cases.”

Criminal Justice Standard 12-4.3

Thank you!



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