

## CCJJ Minority Over-Representation Subcommittee

July 26, 2012, 3:00PM-5:00PM

700 Kipling St., Lakewood

### Attendees

Michael Dougherty/Attorney General's office (Chair for Jim Davis)

Anna Lopez/Division of Criminal Justice

Alaurice Tafoya-Modi/Private Defense Attorney

Regi Huerter/ Denver Crime Prevention & Control Commission

Christine Adams/Division of Criminal Justice

Germaine Miera/Division of Criminal Justice

### Guests

Mark Soler/ Center for Children's Law and Policy

Tiana Davis/Center for Children's Law and Policy

Katie / Intern with the AG's office

### Absentees

James Davis/Department of Public Safety

Heather Wells/Department of Corrections

Henry Jackson/Metropolitan State University of Denver

### **Purpose of today's meeting**

- ❖ Presentation from representatives of the Center for Children's Law and Policy on their work with Arapahoe County.
- ❖ Gather report backs from the individual 'teams' regarding the continued work on the seven CCJJ recommendations.

### **Racial and Ethnic Disparities Reduction presentation by Tiana Davis/Center for Children's Law and Policy**

- The Center's work includes efforts around Models for Change and the DMC Action Network
- Targeted work on Conditions of Confinement, developing standards for conditions of confinement
- The Center performs a lot of TA work, public education, etc.
- The Center is investing in a number of states to pioneer models of reform
  - Pennsylvania

- Washington
- Louisiana
- Illinois
- Currently working with OJJDP and MacArthur Foundation in Arapahoe County and in another county in Florida to implement models for change
- Goals for the Center
  - Reduce over-representation of youth of color at key decision points
  - Reduce the disparate treatment of youth of color at key decision points
  - Prevent youth of color from unnecessarily entering and moving through the juvenile justice system
- Common causes or racial and ethnic disparities in juvenile justice
  - Law enforcement responses to offense patterns
  - Policy based on anecdote or gut feeling
  - Policies that are fair on their face but have unintended negative consequences
  - Conscious or unconscious use of racial/ethnic stereotypes
  - Failure to use data to drive decisions
  - Failure to include all stakeholders in policy decision
  - Structural inequities in our society.
- The Center promotes-
  - Making policy decisions based on data
  - Putting as much structure around decision making processes as possible
  - It's not useful to consider societal issues that we can't address something so large
- The effort to reduce racial and ethnic disparities is not
  - A research project, an attempt to solve the problems of racism and poverty, an exercise in blame or a magic bullet

Question-

- What about the RRI data we're collecting now for the CCJJ? Is it too much?

Raw data can give a richer view than RRI data, can tell a better story of what's happening at intervention stages

- Is the RRI useful?

Yes, but it has limited use. You need to dig deeper into data at certain points

- Another issue – statewide info vs. local info. Often, data for the whole state doesn't tell you about the individual communities that have bigger issues
- In Colorado you have a state run JV system. It's possible to do things at state level, but hard to engineer change at the state level.
- **The National Conference of State Legislators is based here – The MOR group should get them involved**

- Most efforts that have been effective are at the local, county and city levels
- Ethnicity/Race issue – There is a federal government approved way to collect this info. It's important to collect these two separately.
- Want to make sure all youth have the same opportunity for diversion

Presentation continues

- Effective efforts for reducing disparities are:
  - **Data-driven**
  - **Locally-driven with state level support**
  - Collaborative
  - Intentional about changing the system's impact on youth and communities of color
  - Focused on targeted system reform
    - Policy
    - Practices
    - Programs
  - Focused on measurable outcomes
- Keep in mind during the MOR work 'What is it we're trying to change? And how do we measure that?'
- What about obstacles around collecting race/ethnicity data?
  - Create a brochure on the best way to collect race and ethnicity and retrain all intake workers
  - Ask the child/offender what their ethnicity is first
  - THEN ask the race question
  - Change the way things are done at intake
  - Once the county changes their procedures, you get better measurable data.
  - Think of changing things concretely
- We need a comprehensive understanding on how youth/offenders are moving through the system
- Find a target to focus your energies on, otherwise you have a number of disparate goals
- As far as RRI for 18<sup>th</sup> and the disparities project-
  - There is over-representation at detention
  - The Arapahoe County data is skewed
  - Need data from the DA's office
  - Can AG's office help with the DA's office cooperation?
- The work on the disparities project is not intended to point fingers at the DA or others, kids should be held accountable
- It is historical that DA's won't collect data
- CDAC has discussed it without reaching consensus
- Is there a way of cracking this? Is there any DA in the state that would be willing to track data as an experiment
- DA's are less likely to take issue with the process if they're part of the process

- **Guiding principles for reform**
  - Divert youth from formal system involvement and unnecessary system penetration when consistent with public safety.
  - Structure system decision-making to decrease opportunity for bias.
  - Serve youth in the community, or in the least restrictive environment required to meet the youth's supervision and service needs.
  - Ensure that youth of color have comparable access to opportunities for diversion as white youth.
  - Use data to inform policy, practice and program development.
- The key focus is diverting youth as soon as possible, not just at arrest, but whenever possible at any decision point
- People currently look at Diversion as a program instead of Diversion as a PROCESS / we have to look at Diversion differently
- Diversion isn't just about the DA
- We need a Diversion POLICY
- What's the difference between kids that are diverted and those that aren't? This is being looked at in Arapahoe County – at schools and at Assessment Centers
- Need more programs that divert before charges are filed
- Some Colorado counties already have robust Diversion programs and don't want their programs impacted by possible statewide legislation
- A statewide Diversion program may negatively impact current successful county programs
- Can judges have the discretion to offer Diversion as well?
- 4 innovations
  - Data Practices
  - Culture and Community
  - Arrests and Pre-Adjudication
    - Developing memorandum of agreements with schools and police on when the police will be called
    - Make sure criteria for detention is race neutral – need a tool, then need a good tool, must not have disparate impact on kids of color
  - Post-Adjudication
- Next steps for Replication in Arapahoe County
  - Enhance Collaboration
    - Are the right stakeholders involved in the initiative?
    - Who else should be at the table and how do we leverage their participation?
  - Data Collection
    - Who collects the data that we need?
    - How can we leverage access to the necessary data?
  - System Policy Mapping
    - How do youth move through the system?
    - What policies and protocols determine how decisions are made?

- Do policies have a disparate impact on youth of color?

DISCUSSION POINTS from Presentation

- Tiana to present at the SB94 conference this year
- Tiana and Mark are coming back on the 16<sup>th</sup> of October to continue their work in Arapahoe
- States usually look at what could have statewide impact – but it’s hard to change things at the state level. Therefore the Center often targets a couple pilot sites (like Arap. County) to see what works and then replicate it
- They started with Arapahoe county because they were ready to do some action
- October 19<sup>th</sup> – elected DA’s meeting (if the Center want to present anything at that time)
- We could maybe have another DA from another state where this works to speak to our DA’s

CCJJ RECOMMENDATIONS UPDATE

**Recommendation #3/State and local justice agencies should collect race and ethnicity information on the populations they serve.**

- Anna and Alaurice came up with a list of possible questions
  - What’s collected now
  - How is it collected
  - What form is data collected in
  - What are the barriers
- Is this the correct approach?
  - Be mindful always of agencies who have Hispanic/Latino as a race choice
- The Center can put us in touch with the people in PA who have already done this
  - Get training manual for collecting data
- Who is responsible for data integrity? You can have the field, but it doesn’t mean there’s data integrity there.
- We need to think about legislation that lays out standards of how data is collected throughout Colorado
- Add questions regarding whether any agencies have scheduled modifications to their IT systems
- If CIJS were set up with race and ethnicity and there was a ‘you cannot move forward’ field, that would be great. CIJS – Anna to check.
- If police agencies and DA’s aren’t collecting – then not a surprise that CIJS doesn’t have it.
- Anna to check with Brian Moody in Regi’s office
- MOR members to look over survey and get back to Anna with any feedback

- What about logistics – who sends it, who do we send it to, what’s the best bet for getting answers
- Anna/Alaurice to come back to the next meeting with the completed survey, run it past the group, then send it out. Sending out should be fairly easy.
- Two different surveys. One at state level (judicial, etc.) vs. one to every judicial probation department. Then the police chiefs association – but that practice may differ to each police department.
- Should this survey focus on state agencies or local? The goal is a standard for statewide collection.
- For Community Corrections. – ask Glenn but let him give us advice on how to get this distributed.
- Would want to send this through POST
- The big question is what’s the most effective way to collect this data
- We can measure the results of success by numbers going down
- Must show numbers
- Let’s get results from what Pennsylvania did

*From the Center – think more about concrete outcomes and things we can measure, rather than policies that are good but very hard to count. If you don’t have strategies to both reduce MOR and track the measurements, you’re not going to know if you’re successful.*

*People get very excited when you can correlate change with actual numbers.*

**MOR #3 – Action steps**

- Anna to get with Brian Moody in Regi’s office on CIJS data
- MOR group members to review survey questions distributed by Anna and Alaurice and get back to her with any feedback
- Anna/Alaurice to come back to the August meeting with the completed survey, run it past the group, then plan for distribution

**Recommendation #2/ All justice agencies should track the racial and ethnic diversity of their staff. Every organization should actively recruit minority candidates for both job opportunities and as members of boards and commissions.**

- Michael distributed the women in law enforcement/minority survey
- POST is prepared to send out a survey regarding MOR
- Michael anticipates having the survey done in the next month or two with the assistance of Katie

**MOR #2 – Action steps**

- Michael working with Katie (intern) his office on the final version of the survey. Possibly by August.
- The survey will basically address “Are you collecting race, ethnicity and gender data and how are you collecting this”
- When survey is completed, Michael to send this, on behalf of CCJJ, to POST, CDAC, Public Defenders office, Judicial
- Heather Wells to get the same data collection form to DOC
- Jim to distribute to the State Patrol

**Recommendation # 5/The Commission should develop and maintain a disproportionate minority representation web site to promote recognition and understanding of this problem. The site should have local, state and national data and link to educational resources**

- Chrissy has completed the Dashboard – working with Kevin to get it up on the new CCJJ website

**MOR #5 – Action steps**

- Chrissy and Kevin migrating the Dashboard to the CCJJ website
- Present to the CCJJ once finalized

**Recommendation #6/ To serve as a model for its expectations of criminal justice agencies, the Commission should develop and implement a Commission-specific mentoring program for minority juveniles and young adults who are interested in working in the criminal justice system.**

- Germaine to get with Henry on this initiative, see what’s already being done at the university/college level

**MOR #6 – Action steps**

- Germaine to put together a list of statewide Criminal Justice agencies, their purpose and key contacts in those agencies to be distributed to teachers, professors and career counselors at high schools, colleges and universities for use during career counseling, job fairs and intern opportunities, etc.

**Recommendation #4/ Develop a mechanism that requires a specific review of proposed justice legislation to determine whether the legislation will have an adverse impact on minority over-representation. Some states refer to this as a Minority Impact Statement.**

**MOR #4 – Action steps**

- *To take place during the 2013 legislative session*

**Recommendation #7/ The Commission’s Sentencing, Drug, and Juvenile Task Forces shall review recommendations to ensure those proposals do not have a negative impact on minority over representation.**

**MOR #7 – Action steps**

- *Ongoing*

**Recommendation #1/ Require comprehensive cultural competency training for all justice agencies and for all treatment and service organizations used by justice system agencies.**

**MOR #1 – Action steps**

- *Work with the curriculum from the ABA that Regi sent?*

**UPCOMING MEETINGS**

- ❖ **August 29<sup>th</sup>, 3pm-5pm, 700 Kipling, 4<sup>th</sup> floor conference room**
- ❖ **September – TBD**
- ❖ **October 16<sup>th</sup>, 3pm-5pm, 710 Kipling, 3<sup>rd</sup> floor conference room**