Potential Disparity Issues to Address in Probation Regarding...

Data
Practice
System

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Potential Disparity Issues to Address in Probation Regarding…

Data

- Race/Ethnicity captured in single category in Judicial, are and reported by LE separately, are not self identified at first collection. Data are inaccurate, misleading, and unreliable.

- Case Management system is from the 1990s and race/ethnicity data cannot be changed without major impacts to CICJIS, official court records (e.g. warrants), SIPA and local LE practices without wide change and stakeholdering.

- TF should ID a short-term and long-term solution to collect self identified race and ethnicity data yet to address the need for a 'single source of truth' in the Judicial data system. There are legislative concerns, however, self-ID race data being suppressed at LE level by arrestees.

- The DCJ CLEAR Act report reliably adjusts for poor race/ethnicity data in probation and shows disparities well before the probation experience yet no ethnic disparities in probation revocation outcomes.

- **Q: Based on somewhat divergent data among Judicial and DCJ race-adjusted data, is probation contributing to or moderating ethnic disparities in revocation terminations? What is going well in probation that should be replicated in revocation practices and where else do disparities exist that we can target?**

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Practice

- ***PRIORITIZED TOPIC-***There are disproportionate BIPOC representation in placement in the LS-INT program (Intensive Supervision for High Risk, clients)

- ***PRIORITIZED TOPIC-***The LSIP algorithm should be examined to determine if and where problems exist that may contribute to disproportionate BIPOC placement into the LS-INT programs.

- ***PRIORITIZED TOPIC-***Task Force should also examine issues of bias in using validated assessments and subscales for decisions into intensive programs.

- Probation staff do not receive formal training statewide on implicit bias, stigma, and other issues related to ethnic disparities.

- Targeting other solutions for ethnic disparities is difficult with unclear data.

- **Q: Are the data presented sufficient to make a recommendation and resolve potential areas of disparity in probation?**

- **Q: What about the probation workforce and its ethnic/race proportions?**

- **Q: What about the client voice and experience to inform areas where data cannot inform?**

- **Q: What about Length of Stay (LOS) outcomes? Are there disparities in LOS in probation? E.G. Percent of Sentence served?**

Potential Disparity Issues to Address in Probation Regarding...

System

- There are larger systemic biases around probation that directly and indirectly impact probations ethic disparity situation. Probation is a subcomponent of a much larger systemic issue.

- Agencies across systems do not use the same data platform, and communication/tracking data can be problematic.

- ***PRIORITIZED TOPIC-*** Review the Presentence Investigation Report (PSIR) process. To what degree might there be disparities in the PSIR process or where the PSIR process contributes to disparities in sentencing decisions? (e.g. sentence to incarceration versus probation) Probation has little influence regarding which defendants are and are not the subject of a PSIR. Not all Judicial Districts make recommendations to the court in the PSIR process.

- SB 20-217 is making changes to law enforcement data that are in the process of implementation and may be beyond the scope of this Working Group and the Sentencing Reform Task Force.