

INNOVATIONS IN PROSECUTORIAL PRACTICES:

Lessons Learned from Safety
and Justice Challenge Leadership
Institutes



Supported by the John D. and Catherine T. MacArthur Foundation





This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails. Core to the Challenge is a competition designed to support efforts to improve local criminal justice systems across the country that are working to safely reduce over-reliance on jails, with a particular focus on addressing disproportionate impact on low-income individuals and communities of color.

More information is available at www.SafetyandJusticeChallenge.org.



Supported by the John D. and Catherine T. MacArthur Foundation



INNOVATIONS IN PROSECUTORIAL PRACTICES:

Lessons Learned from Safety and Justice Challenge Leadership Institutes

TABLE OF CONTENTS:

Introduction.....	4
Long-Term, Data-Driven Strategies.....	4
Reducing Racial & Ethnic Disparities.....	6
Working with Tribal Communities.....	8
Pretrial Risk Assessments.....	9
Conclusion.....	9

INTRODUCTION

The MacArthur Foundation’s Safety and Justice Challenge (the Challenge) focuses on the development and implementation of innovative programs throughout the country that are aimed at fairer and better alternatives to jail incarceration. The Challenge provides support to local leaders from across the country to address and develop solutions to meet these goals.

As a strategic ally in the Challenge, the Association of Prosecuting Attorneys (APA) aims to provide prosecutors and their criminal justice partners with the tools and resources they need to help them meet and sustain their Challenge goals.

The following report is a compilation of four papers containing practical information shared through prosecutor-based peer-to-peer exchanges which took place at APA’s Leadership Institute. The Institute brought together prosecutors from Challenge sites to present and exchange information and obtain feedback on strategic approaches that they have used in their respective jurisdictions. The focus of this report is the prosecutor’s role in using data and collaborating with researchers to successfully reduce jail populations, lower prosecutor caseloads, safely diminish racial and ethnic disparities, and rethink justice systems. Each paper is authored by a site participating in the Safety and Justice Challenge and demonstrates the individual approaches the site took to achieve the specific goals of the Challenge. APA, by compiling these papers, invites other sites developing similar strategies to consider the experiences of sites who have already implemented effective programs.

To learn more about the Challenge, participating sites, APA, or other strategic allies, please visit our website, www.apainc.org. We encourage you to reach out to us for support in implementing and sustaining innovative Challenge solutions in your jurisdiction.

LONG-TERM, DATA-DRIVEN STRATEGIES

Nitin Savur, Office of the District Attorney of New York

The Manhattan Criminal Court system is one of the busiest in the nation. In 2009, the Office arraigned more than 100,000 cases each year, including approximately 76,000 misdemeanors, 12,000 violations/infractions, and 12,000 felonies. By 2010, there was a considerable backlog in criminal court, and exorbitant caseloads for individual prosecutors that hampered the courts trial capacity. In recognition of these problems, Manhattan began to completely transform its criminal court system beginning in 2010 when Manhattan District Attorney Cyrus R. Vance, Jr. first took office.

As a first step, the Office began integrating data-informed approaches into its prosecutorial decision-making. DA Vance and the executive staff bolstered its Planning and Management to create an in-house data-analytics and policy unit in order to produce more efficient programs going forward.

The overarching goal was to create a fairer criminal justice system by employing a community-based justice model and engaging in proactive crime prevention. Key expectations of these changes were that they would continue to reduce the caseload for the Office of the District of New York (DANY) prosecutors. Additionally, the proposed changes sought to better allocate resources so that individuals charged with dangerous offenses remained in the current court system while those charged with low-level offenses are either diverted away from the criminal justice system into treatment or managed by courts that are optimized to try low-level cases. More efficient use of the county’s resources could free up funds and personnel to implement new programs.

Some of the individual reforms that have been implemented to meet the goals of fairer criminal justice and increased community safety while also improving the efficiency of the Manhattan Criminal Court are detailed below:

Project Reset (2015-Present):

In 2015, NY county implemented Project Reset, a pre-arraignment diversion program for first arrest 16- and 17-year-olds charged with non-violent misdemeanors such as farebeats, shoplifts, marijuana possession or trespassing. Eligible defendants are informed about the program by police at booking and are issued Desk Appearance Tickets (DATs) with 9 weeks return dates. Eligible defendants are reviewed by the DA’s Office; if approved, defendants are contacted by defense counsel and/or the service provider, Center for Court Innovation (CCI).

Participating youth must complete a 2-day program, which consists of an intake and youth counseling, or youth court or restorative justice art project prior to the DAT return date. If the defendant successfully completes program, the DA’s Office will decline to prosecute their case. If the defendant opts out, or does not complete the program, then he/she must appear at their DAT arraignment.

The Manhattan pilot of Project Reset started in May 2015 in the 25th precinct and expanded to three additional precincts by the end of the year. The pilot was expanded to every precinct in Manhattan in October 2016. In the year following full implementation, it was estimated that approximately 1,000 youths were diverted away from the criminal justice system because of the program. The program saves time and resources in complaint processing, reduces overtime hours, decreases arraignment volume, and fosters positive relationships between law enforcement and the community. In February of 2018, Project Reset was expanded to include adults, 18-years and older.

Manhattan Hope Program & Project Green Light (2018-Present):

The national opioid epidemic is compelling law enforcement and public health agencies to implement innovative solutions to combat the number of overdose deaths that are plaguing communities. In September 2018, DA Vance started the Manhattan Hope (Heroin, Overdose, Prevention and Education) program, aimed at diverting cases for those charged with misdemeanor drug possession and connecting people to services through harm reduction and rapid engagement. Manhattan Hope, based on a similar pre-arraignment diversion program developed by Staten Island District Attorney Michael McMahon, pairs high-need individuals with peer navigators at the point of arrest to better facilitate access to treatment and other prosocial activities. Upon successful completion of the program -- which requires an intake to assess the needs of the individual, and one session of a continuum of services -- the Office declines to prosecute the case.

Beginning on April 1, 2018, the Office implemented Project Green Light, which offers diversion options for those charged with failure to answer a summons or pay a fine under Vehicle and Traffic Law Section 511 (Unlicensed Operation of a Motor Vehicle in the Third Degree). This program identifies drivers who have outstanding tickets or failures to appear in traffic court and gives them time to clear their license with the Department of Motor Vehicles by paying their summonses or resolving their outstanding violations. One the driver's license is restored, the Office declines to prosecute the case (pre-arraignment), or dismisses the case (post-arraignment). Project Green Light excludes individuals who pose a risk to public safety, such as individuals whose licenses are suspended due to driving while intoxicated.

Ending the Prosecution of Low-Level Offenses:

In 2016, the Office operationalized numerous initiatives to end the criminal prosecution of approximately 10,000 low-level, non-violent offenses below the misdemeanor level. The Office no longer prosecutes most violations or infractions, and the NYPD no longer arrests individuals who commit these offenses—unless there is a demonstrated public safety reason to do so.

These individuals are now diverted to a Summons Court where they are issued summonses in lieu of arrest. This initiative enables the NYPD to devote its resources to investigating serious offenses, while further reducing the backlog of cases in Manhattan Criminal Court. The Office does, however, continue to prosecute certain violations that affect public safety, driving while impaired, possession of illegal knives, possession of synthetic cannabinoids, and penal law violations such as harassment.

This policy has diverted thousands of individuals from the courtroom and significantly decreased the number of violation and infraction prosecutions. While the Office arraigned approximately 12,000 violations in 2012, that number dropped to 1,531 in 2017. Manhattan achieved an 87% reduction since 2010 without impacting public safety. In fact, 2017 was the safest year in New York City in seven decades.

Decriminalization of Marijuana:

Early in his tenure, DA Vance lobbied the state legislature to decriminalize marijuana possession offenses. In 2012, in the absence of legislative changes, the Office partnered with the NYPD and the Mayor's Office to lessen the impact of being charged with low-level marijuana possession. Under a new policy, which took effect in 2014, the NYPD issues criminal summonses -- in lieu of arrest--to individuals with proper identification who are in possession of 25 grams of marijuana or less. Historically, those same individuals would have been arrested and charged with a misdemeanor, Penal Law Section 221.10 (Criminal Possession of Marijuana in the Fifth Degree).

Since 2014, individuals are now charged with Penal Law Section 221.05 (Unlawful Possession of Marijuana) -- a violation -- and issued a summons, significantly reducing the amount of time spent in court. With these policy changes, the Office experienced a sharp drop in prosecutions for misdemeanor marijuana possession. In 2012, the Office screened 8,500 PL § 221.10 cases; in 2017, the Office screened 5,270 -- a 38% decrease. The NYPD, however, continued to arrest those who smoked marijuana in public and the Office continued to prosecute them.

In 2017, prosecution of smoking marijuana in public accounted for 90% of all marijuana cases in Manhattan, and a six-month research study conducted by the Office determined that despite decriminalization, continued prosecution of these low-level offenses does not significantly improve public safety, and instead can disproportionately penalize black and Hispanic individuals in low-income neighborhoods and detrimentally impact their families, education, employment and increase stigmatization and alienation.

As a result of this research, District Attorney Vance announced that the Manhattan DA's Office would decline to prosecute marijuana possession and smoking cases effective August 1, 2018. In the interim, the Office also changed its plea guidelines for first-time arrestees, with a typical offer of a three-month ACD (individuals have their case dismissed if they remain arrest-free for three months); second-time arrestees are offered a six-month ACD. This new policy, to decline to prosecute all marijuana possession cases under Penal Law Section 221.10 -- with the small exception of those that are selling marijuana and those who pose significant threats to public safety -- is expected to reduce Manhattan marijuana prosecutions by 96%. Any arrestee who has been issued a DAT by NYPD or subjected to custodial arrest will not be prosecuted by the Manhattan DA's Office. Instead, those who commit low-level offenses will be issued summonses.

As of March 1, 2018, the Office declined to prosecute all Penal Law Section 165.15(3) (Theft of Services) involving turnstile jumping, and all cases involving Unlicensed General Vendors and Food Vendors under Administrative Code Sections 20-453, 20-461, 17-307,

absent a few public safety exceptions. As a result of these policies, approximately 7,500 cases will be removed from Criminal Court each year.

Clean Slate Program:

Recognizing the impact that outstanding warrants can have on an individual's participation in his or her community, District Attorney Vance, working with the OCA and public defender services, hosted multiple "Clean Slate" events to resolve outstanding warrants for low-level summonses without fear of arrest. Letters were sent to individuals who live in the area with open warrants inviting to the event, which is held in a community center, such as a local church or community center. By attending, individuals can resolve cases without having to plead guilty, and get certificates of disposition. Concurrent with each event is an onsite resource fair, which provides information on immigration services, job training, healthcare, and more.

The first Clean Slate (November 2015) was held in Harlem; the second event (April 2016) was held in the Lower East Side; the third event (June 2017) was held in Harlem; and the fourth event (April 2018) was held in Washington Heights. In total, about 1,740 people were helped to resolve their summons warrants. Individuals with resolved warrants came from all New York City boroughs, some with warrants as old as 1981, and some with as many as 9 warrants.

In addition to the four Clean Slate events, in August 2017, the DA announced the administrative clearing of 240,472 summons warrants ten years or older, eliminating the collateral consequences of years-old warrants for hundreds of thousands of New Yorkers and enabling them to collaborate more fully in their communities without fear of arrest. DA Vance personally moved to vacate the summons warrants in Manhattan Criminal Court and then dismissed the 240,472 cases themselves. A similar initiative is scheduled for mid-September 2018 for DA Vance to vacate over 3,000 warrants going back to 1978 on misdemeanor marijuana possession cases and then dismiss those cases as well.

Results:

New York County's implementation and expansion of reform programs has drastically reduced the workload of New York prosecutors and allowed them to focus their resources on high-level offenses. Since 2014, the Office's efforts have decreased the number of misdemeanor arraignments by 26%, and violation or infraction cases by 87%. In 2010, the Office charged more than 85,000 misdemeanor, violation and infraction cases – in 2017, that number dropped to fewer than 56,000. In 2018, these numbers are anticipated to be in the mid-40,000 range. Programs that focus on more efficient use of personnel time and funding lead to more sustainable success because each program reduces case backlog and frees up additional resources that can be drawn upon for future projects, ultimately saving money and resources. More importantly, these programs have led to a criminal justice system that is fairer and more just. The cases of low-level offenses no longer languish and get relegated to an expanding backlog as they are increasingly managed with appropriate court resources in a timely manner, and individuals with low-level offenses are spared damaging punitive justice that can propagate stigma and disparities. Prosecutors now focus their efforts on high-level offenses in a more efficient criminal court and ultimately a safer city.

REDUCING RACIAL & ETHNIC DISPARITIES

Jeff Howes, Multnomah County District Attorney's Office

Working to reduce racial and ethnic disparities (RED) within the criminal justice system often feels daunting and can be fraught with strong emotions and opinions. However, it is imperative that criminal justice system actors work together to address and eradicate unfair disparities in their communities. A crucial first step in reducing RED is acknowledging its existence, and identifying the disparity using data analysis. It is then important to determine at which decision point(s) the RED is occurring. Once those are determined, criminal justice system actors should work together to create changes that directly address the disparity.

Multnomah County, Oregon provides a perfect example. According to Multnomah County's Local Public Safety Coordinating Council's (LPSCC) 2016 Safety and Justice Challenge Report, African Americans were 4.2 times more likely to be referred to the District Attorney's office than a white individual (also known as a Relative Rate Index of 4.2). At proceeding decision points (i.e. charging, booking and arraignment, etc.) each racial and ethnic group was advanced to the next decision point at, or very close to, parity with whites. However, the relative rate of disparities introduced at referral remained roughly unchanged throughout the decision points when compared to their relative populations within the county. One exception is the increased likelihood of receiving prison sentences by African Americans and Hispanics in case dispositions. Through internal policy changes and collaborative partnerships, the Multnomah County District Attorney's Office (MCDA) has developed strategies and programs that aim to combat these inequalities, which include:

Interfering with Public Transportation (IPT):

IPT is a Class A misdemeanor, there are four ways to commit IPT under ORS 166.116:

- 1) Enter or remain unlawfully in a vehicle or station (Trespass)**
- 2) Interfere with movement of or access to transit vehicles**
- 3) Commit disorderly conduct while in a vehicle or station**
- 4) Subject passenger, driver, or officer on TriMet to offensive physical contact (Harassment)**

Many trespasses on TriMet result from exclusions arising from nonpayment of fare. A review of MCDA 2016 case issuance data show that the RRI for fare-based IPT charges was 6.4 for African Americans relative to white individuals. This means that for every 1 white individual per capita prosecuted for IPT, 6.4 African Americans per capita were prosecuted.

In 2017, the MCDA began coordinating with the district attorneys in neighboring Clackamas and Washington Counties, and with TriMet in an effort to change arrest and charging practices. Now, when an IPT arises from an exclusion that is based on nonpayment of fare, MCDA will decline to prosecute the case as IPT. Only chronic offenders are reviewed for possible trespass charges. A review of MCDA 2017 issuing data shows that this policy has reduced IPT

prosecution of African-American individuals by 64.3% and Hispanic individuals by 62.9%.

Law Enforcement Assisted Diversion:

Individuals, disproportionately from communities of color, are being arrested and referred to the MCDA for prosecutorial review for possession of controlled substance felonies. When prosecuted, these cases may result in convictions and sentences that don't always adequately address the underlying abuse or addictions.

The county has implemented the Law Enforcement Assisted Diversion (LEAD) Program as a geographically specific pilot program. LEAD allows police officers to redirect low-level offenders involved in drug activity to intensive case management tailored to the individual's needs instead of jail and prosecution. The goals of this innovative approach are to reduce the harm that a drug offender causes him or herself and the surrounding community, reduce recidivism rates for low-level offenders, reduce the number of low level offenders in jail and decrease the number of people of color prosecuted for low-level drug possession. LEAD is a pre-adjudication diversion program that removes participants from the criminal justice system. Through this diversion process, participants avoid felony convictions, which can result in reducing the collateral consequences associated with criminal convictions.

Since the program's launch, 155 people have enrolled in LEAD to date. Of those 155, 125 remain active in the program. The program is now entering its second year, and the County expanded the LEAD program into southeast Portland.

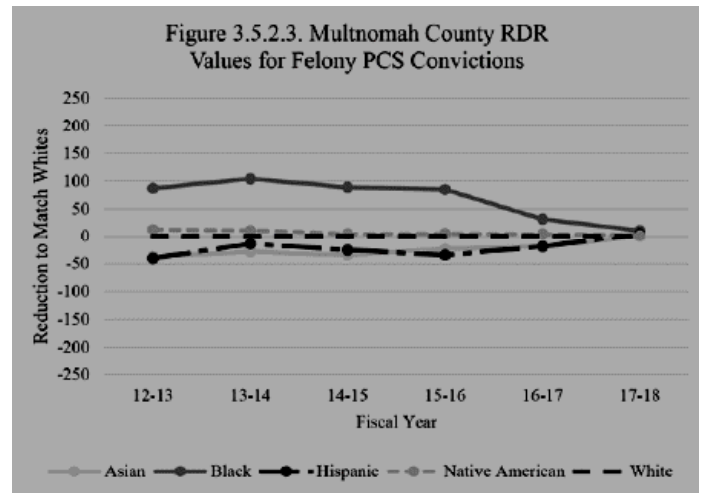
Treatment First:¹

Possession of controlled substances is a felony for which individuals from communities of color were disproportionately arrested and prosecuted. In August 2017, the Oregon legislature changed the law to turn possession of control substance charges for first-time offenders into misdemeanors. MCDA took this change a step further by reducing virtually all felony possession charges to misdemeanors at the point of case issuance. Prior to the change, the prosecution of these offenses as felonies had significant collateral consequences and did not always emphasize treatment as a health and medical concern over punitive sanctions.

In addition, the MCDA gathered local law enforcement, the defense bar, treatment providers, courts, and parole/probation to change the way these cases were processed in Multnomah County. Treatment First is a new drug diversion program for drug possession charges in which individuals choosing to participate will have the option of having their charges dismissed or reduced (depending on several variables) in exchange for voluntary participation in abuse and addiction treatment.

Fewer felony drug possession convictions have resulted in reduced collateral consequences and increased emphasis on addressing the needs of individuals impacted by abuse and addiction.

As shown in the figure below, the State of Oregon Criminal Justice Commission's Raw Differential Representation (RDR) indicates that disparities for African American defendants prosecuted for felony PCS has decreased since the implementation of Treatment First.



Gang-Designated Individuals:

In Multnomah County, "active" or "designated" gang members, who are disproportionately African-American males, have been excluded from community court diversion opportunities. This can lead to increased rates of conviction and harsher sentences for that population. In 2014 and 2015, 36 African-Americans were excluded from community court eligibility due to the individual's previous "gang-affiliated" designation.

Successful completion of community court can either reduce misdemeanors to violations or eliminate them altogether. The MCDA is no longer treating gang designation as a disqualifier for community court. Instead, gang designated individuals whose offenses are community court eligible will be offered the opportunity to participate in a culturally specific mentorship program.

By offering gang-designated individuals a more equitable opportunity to divert their cases from the criminal justice system, MCDA has reduced convictions, collateral consequences, and recidivism related to gang involved activity.

Multnomah County Justice Reinvestment Program:

Through the Multnomah County Justice Reinvestment Program (MCJRP), Multnomah County challenged itself to more carefully determine whether a prison sentence was necessary for all individuals, particularly for people of color who are more likely to receive prison sentences as juvenile offenders.

According to the "MCJRP Outcomes Report (11/10/16)," 68% of defendants eligible for MCJRP were diverted from prison and received probation and services while remaining in the community. This resulted in an overall 24% reduction in countywide prison use since 2013.

The reduction was observed through a 41% decrease in the number of prison sentences and an equal increase in offenders sentenced to supervision. When further examined, the change in all individual racial and ethnic groups' rate of prison sentences decreased between a range of 26% to 61% (Bernard, Lamb, & Schwager, 2016).

Juvenile Justice Reinvestment Program & MCDA's BM11 Tier II: Ballot Measure 11 (BM11) applies mandatory minimum prison sentences for certain violent crimes and requires that juveniles aged 15 or older charged with these crimes be tried as adults. A disproportionate number of referred and prosecuted BM11 cases for juveniles are from communities of color. These cases have historically been adjudicated in adult court and receive prison sentences or adult probation if mitigating circumstances are present. These minors, therefore, incur the collateral consequences of an adult felony conviction.

Beginning in June 2016, the MCDA instituted a new policy and procedure for handling juveniles charged with certain BM11 offenses. Whereas individuals ages 15 to 17 charged with a "Tier II" BM11 offense, such as Robbery II, Assault II, and Kidnapping II, had previously been processed in adult court, this new policy provides the opportunity for these youth to have their cases resolved within the juvenile system. Through the Juvenile Justice Reinvestment Program (JJRP), youth may be eligible for a juvenile resolution that avoids sentences to adult probation or to prison. Aggravating and mitigating circumstances as well as victim input, among other factors, are considered in making this determination.

Since the implementation of MCJRP and JJRP, and with additional resources and services made available for juveniles, a greater number of youth were sentenced to intensive juvenile supervision. These programs saw a 69% reduction in prison sentences for juveniles compared to the year prior to the start of justice reinvestment efforts (MCDA Data, 2018). In the long term, we believe the resources available in juvenile court can reduce recidivism, intercept the criminal behavior early on and avoid associated collateral consequences of an adult felony conviction.

Results:

Overall, the implementation of these programs has reduced not only the number of defendants being held in jail but has also reduced the impact the criminal justice system has on communities of color. By using data analysis to identify disparities, Multnomah County was able to modify policy and create targeted programs to successfully reduce rates of arrest, conviction, or negative consequences for people in those communities. MCDA will continue to monitor the program data and is committed to looking for additional ways to make system improvements and reduce system involvement for Multnomah County's minority populations.

WORKING WITH TRIBAL COMMUNITIES

Tracy Decker, Pennington County State's Attorney Office²
Liz Hassett, Pennington County State's Attorney Office²

To uphold the mission of the Safety and Justice Challenge, Pennington County has instituted new programs meant to reduce the number of persons in jail as well as racial and ethnic disparities in the jail population. Native Americans from neighboring reservations make up 10.1% of Pennington County, but represent approximately 51% of the daily jail population.

An outside expert or analyst can be instrumental in leveraging available data to characterize a problem. In this case, the county worked with an outside expert to identify the most common causes for release from jail, which are bond or bailing out, on personal

recognizance, or time served. Once it was clear many individuals in jail would ultimately be released because they are charged with low-risk, non-violent offenses, the county was better able to formulate programs and initiatives to reach their goals of reducing the jail population by 20% and eliminating the over-representation of Native Americans in their criminal justice system within 2 years.

The Tribal Outreach Initiative:

The county sought to reduce the overrepresentation of Native Americans within the criminal justice system. In interest of this goal, Pennington County established the Tribal Outreach Initiative, which aims to improve relations between county government and tribal communities. The outreach takes place on the reservations and includes several initiatives ranging from programs such as:

- ID issuance or recognition of tribal IDs
- The opportunity for community work and/or warrant resolution
- Working towards a unilateral extradition agreement with reservations
- Accelerating the case process and providing for a new case processing and management plan to reduce the number of those incarcerated in the county jail
- A pre-trial monitoring system and post-trial community service programs have been implemented as well to keep those with lower-level charges out of the jail before and after trial.
- The ultimate goal is to create initiatives and improve relationships that build pathways that lead away from the criminal justice system.

Pre-Trial Diversion Programs:

Several pre-trial diversion programs have been implemented in Pennington County to reduce their jail population. For example, the Young Adult Diversion Program allows those 18-25 years of age that have committed low-level crimes to be diverted away from the criminal justice system and into community service and report for evaluations to have their records expunged. Additionally, a Cite and Release Program has been implemented, which issues citations to individuals in lieu of arrest and detention, particularly for shoplifting cases. Pennington has also expanded its Safe Solutions Program, which diverts intoxicated people away from arrest and into a sobering house that also provides voluntary addiction services.

Results:

Pennington County is continuing their efforts in reducing their local jail population and ensuring long-term, sustainable change. By working with an outside expert and identifying the factors that were contributing to their jail population, Pennington County was able to establish programs that aim to target issues of disparities and reducing their jail population.

PRETRIAL RISK ASSESSMENTS

Kristina Henson, Palm Beach County Criminal Justice Commission

As part of the Safety and Justice Challenge, jurisdictions are seeking to safely reduce their incarceration rates. Risk assessment instruments can provide relevant information about a defendant's risk of committing new crimes and risk of flight while sustaining pretrial release.

Choosing a risk assessment that's right for your jurisdiction:

To be effective, risk assessment instruments must consider the jurisdiction's unique demographics and challenges, such as the demographics of offenders, the set of risk factors to be considered, and the quality of information systems used to collect data for the assessments. Once these are determined, a collaborative effort is needed to implement the assessment and continuously evaluate its performance as an effective and unbiased method of assigning risk.

When choosing a risk assessment tool, consider enlisting academic researchers, whether you choose an existing tool or wish to recreate one. Researchers that study risk factors can help create the right risk assessment tool for your jurisdiction by synthesizing available data given the quality of information systems, staffing levels to conduct the assessments, and priorities for those risk factors that mean the most to your jurisdiction. All system actors should be involved throughout the process of implementing the assessment and should possess a clear understanding of its purpose and use. Whether you choose to create your own tool or use an existing one, you should enlist a researcher to conduct a validation of the tool. This validation will measure to what extent your judicial decisions match the recommendations of the tool, success and failure of individuals released under the tool's guidance and identify areas for improving the performance of the tool to reduce failure rates of those released.

Results of Utilizing Risk Assessments:

By using a risk assessment tool that is most appropriate for your community, you can ensure that only those who pose an unacceptable risk of reoffending or absconding remain in jail. To complement the risk score, you can mitigate the risk of those released by assigning Pretrial Services Program staff to supervise defendants in levels determined by the assessment, ranging from "no active supervision needed" (ex. court date reminder) to "intensive supervision" (ex. GPS monitoring or drug and alcohol assessment and placement in treatment). By efficiently allocating pretrial services and program supervision using the results of risk assessment tools, you can safely and effectively reduce your incarceration rates.

CONCLUSION

Through the Safety and Justice Challenge, many jurisdictions across the country are evaluating their criminal justice systems and developing innovative reforms. By working with researchers, outside experts, and all other criminal justice system actors, this sampling of jurisdictions were able to hone in on specific issues facing their communities and create programs that help resolve them. The results are safer communities, reduced recidivism, and reductions in racial and ethnic disparities and jail populations.

If you would like more information on any of these programs or prosecutors' offices, or if you would like to learn how to implement

similar programs in your office, please feel free to contact us. It is the goal of the Association to disseminate this knowledge so that it is readily accessible to every prosecutor's office in the country, and that any jurisdiction can consider a program to not only improve the efficiency of their criminal justice system, but reduce their jail population, and improve the livelihood and safety of their communities.

1 The Oregon Criminal Justice Commission generated a report that highlights the work that has been done in Multnomah County. The report shows that first time felony convictions are down and racial and ethnic disparities are minimized. The report states that "[w]hen disaggregated by race, this means that only two people who identified as Asian, twelve people who identified as African American, seven people who identified as Latinx, two people who identified as Native American, and twenty-one people who identified as White were convicted of felony PCS. Thus, the reduction in disparities was due, in large part, to reductions in the number of felony PCS convictions in the county. This, however, should not obscure the fact that the reductions in felony convictions in Multnomah County have substantially reduced the magnitude of the human impact on racial inequality on those who would otherwise have been convicted of felonies in the past." A full link to the report can be found here: <https://www.oregon.gov/cjc/SAC/Documents/PossessionofControlledSubstancesReport-9-2018.pdf>

2 As of May 2018, Tracey Decker is no longer with the Pennington County State's Attorney Office. Liz Hassett transitioned from the State's Attorney Office to the Pennington County Sheriff's Office in June 2018.

This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails. Core to the Challenge is a competition designed to support efforts to improve local criminal justice systems across the country that are working to safely reduce over-reliance on jails, with a particular focus on addressing disproportionate impact on low-income individuals and communities of color.

More information is available at www.SafetyandJusticeChallenge.org.



Supported by the John D. and Catherine T. MacArthur Foundation



ASSOCIATION of
PROSECUTING
ATTORNEYS





Supported by the John D. and Catherine T. MacArthur Foundation

┌ This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails.

www.SafetyAndJusticeChallenge.org