

DISPARITIES, EQUITY, AND DATA

W. Haywood Burns Institute

October 7, 2016



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The W. Haywood Burns Institute (BI)

Our Mission

- The Burns Institute works to eliminate racial and ethnic disparity in the justice system by building a data-drive, community-centered response to reducing justice system involvement for people of color.

Our Expertise

- Facilitate community and system stakeholders through a data-driven process aimed at creating community-based alternatives to secure detention.
- Experience in consulting with over 200 jurisdictions nationwide to reduce racial and ethnic disparities in the justice system.

Our Role in Safety and Justice Challenge

- Phase I: Provide Technical Assistance to SJC Coordinators.
- Phase II: Diagnostics and Work Planning Assistance to R.E.D. Committees

The W. Haywood Burns Institute (BI)

- **What BI Can Do:**

- Facilitate groups through a data driven process applying a racial and ethnic lens to justice reform

- **What BI Cannot Do:**

- Provide a “Magic Bullet” to make all of a jurisdiction’s social problems go away

Essential Components of Reducing Disparities

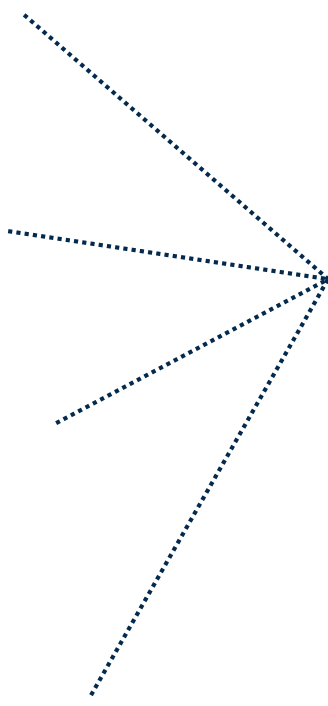
- Creating a Safe Space
- Collaborative Structure
- Defining Success
- Leadership
- Data Driven
- Intentional

Common Challenges to Justice Reform Work Focused on Equity

This is Brand New

- “We have trainings about race, **but...**
- “We collect data about racial/ethnicity, **but...**
- “We’ve established an equity work group, **but...**
- “We had researchers conduct regression analyses to determine whether race is more predictive of jail time than socio-economic status and it was inconclusive, **so...**

We’ve Achieved
Equity!



We don’t
know what
to do next”

BI Strategy for Reducing Racial and Ethnic Disparities

Ongoing process

1. Identify Disparities

- Identify whether and to what extent racial and ethnic disparities exist

2. Identify, Analyze and Strategize around a “Target Population”

- Identify target population to focus the work.
- “Dig deeper” into target population to learn more about policy, practice, and/or procedure and other factors contributing to disparities.
- Strategize around how policy, practice, and/or procedure change might result in reductions in disparities.
- Pilot or adopt policy change

3. Measure Progress

- Monitor Effectiveness of Policy Change
- Document changes in disparities

Defining the Problem:

Whether Disparities Exist vs. Why Disparities Exist

1. Whether Disparities Exist:

Over-representation of people of color in the justice system

- Mathematical comparison of percentages or rates of involvement for white adults vs. people of color

2. Why Disparities Exist:

Unnecessary entry into the justice system and/or deeper penetration into the justice system by people of color

- Low level offenses
- Technical violations of probation or parole
- Mental health or substance use related behavior

Disparate treatment of people of color

- Different treatment for similar behavior

Available Data to Identify Racial and Ethnic Disparities

All Decision Point Data Disaggregated by Race/Ethnicity

1. Arrest/Citation
 - Total Police encounters leading to arrest/citation
 - Type of Arrest: (Citation/Summons; non-custodial arrest; custodial arrest)
2. Prosecutorial Charging
 - Total Cases received by prosecutor
 - Prosecutor Decision (Accept; Deny; Divert prior to filing)
3. Assignment of Counsel
 - Total Cases Accepted for Prosecution
 - Type of Counsel (Institutional Public Defender; Court appointed; Private)
4. Pretrial Release
 - Total Cases continued
 - Pretrial Status (Remand; Release on bail/bond; detain on bail/bond; RoR; Supervised Release)

Available Data to Identify Racial and Ethnic Disparities

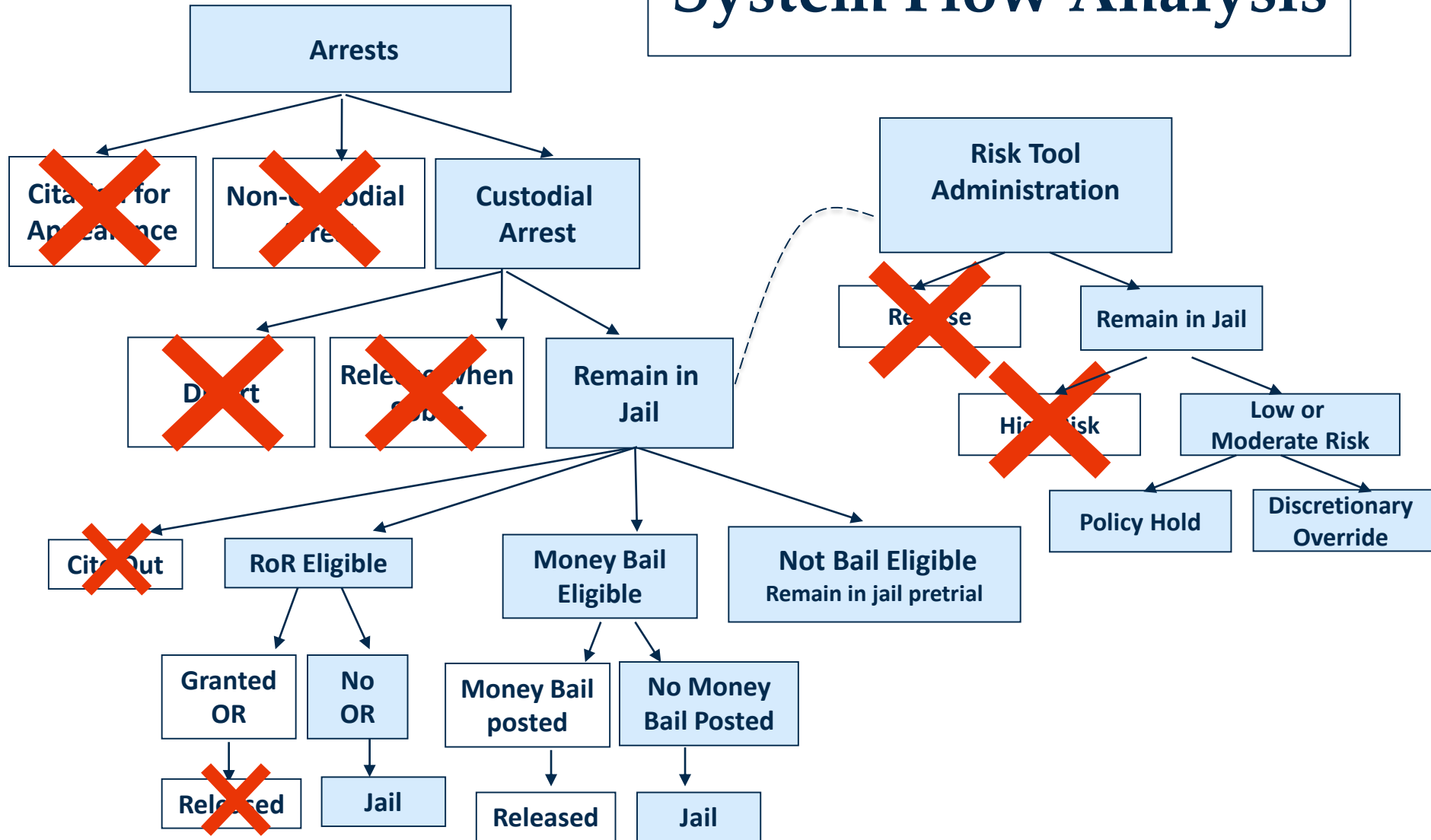
All Decision Point Data Disaggregated by Race/Ethnicity

- 5. Case Processing
 - Total Cases Diverted (at any point from filing on)
 - Total Cases Arraigned
 - Arraignment Result (Dismissed; Continued; Disposed)
 - Case Processing Time (Average Days between arraignment and disposition; Average Court Appearances; Time on Warrant)
- 6. Disposition and Sentencing
 - Total Cases Disposed
 - Disposition (Dismiss/Acquit; Convict)
- 7. Post Conviction Supervision
 - Total Individuals on Probation
 - Total Violations/Revocations resulting in Jail
 - Type of Violation/Revocations resulting in Jail (Technical; new arrest)
- 8. Jail Population Snapshot
 - Total Jail Snapshot
 - Jail Status (Pretrial; Locally Sentenced; State Sentenced; Probation Violation; Parole Violation)

Based on Available Data: Disparity Questions We Can Answer

	Example of Questions BI CAN Answer	Example of Questions BI CANNOT Answer
Arrest	<ul style="list-style-type: none">• Are people of color more likely to be arrested than White adults?• Are people of color more likely than White adults to have a custodial arrest? <div><p>Point Being...</p><p>You will likely need to “dig deeper” to analyze disparities and develop solutions that promote equity.</p></div>	<ul style="list-style-type: none">• What offenses are people of color most likely to be arrested for?• Are people of color more likely to have a custodial arrest for certain offenses?• Where are people of color most likely to be arrested?• Where do arrested people of color reside?• Are there options other than arrest (<i>diversion, treatment, community jobs programs, etc.</i>) that would be more productive and reduce disparities?• Are arrested people of color more likely than White adults to have case result in a prosecution? In a conviction?• Do charges change similarly as people of color are processed through the system?

System Flow Analysis



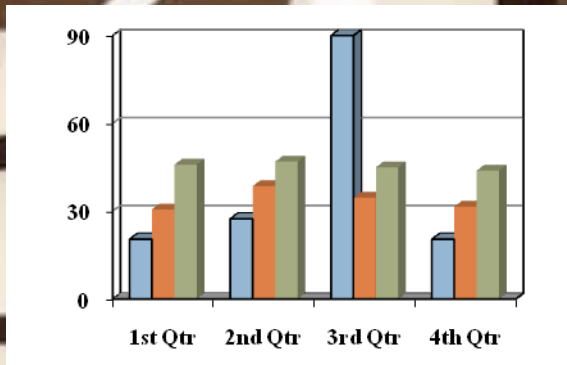
Decision-Making Point Analysis

		Arrest	Case Filing	Pretrial Services	Sentences
Data To Consider	Decision Makers	Police Department Sheriff Probation			
	Decision-making Options	Divert Arrest: Cite and Release Arrest: Transport to County Jail			
	Policy	Booking Criteria to determine cite and release vs. booking			
	Practice	Review of data to determine whether policy is practiced. In other words, are there adults who were eligible for cite/release who were booked into Jail?			
	Statistics	For White; Black; Latino, Asian, Pacific Islander, Native American: = $\frac{\text{Adults Cite and Release}}{\text{Adults Eligible for Cite and Release according to Policy}}$			

Identify Data Source

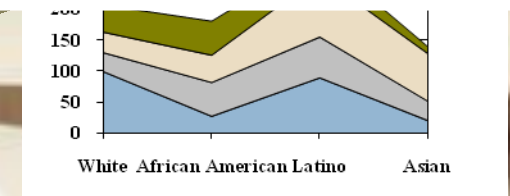
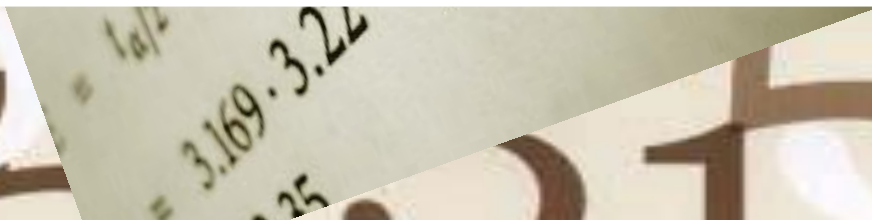
- Where will you find answers to your questions:
 - Regularly Produced System Reports
 - Case Management System Query
 - Community Partners
 - Other Research & Analysis
 - Case File Review
 - Prospective Data Collection
 - Interviews of Focus Groups
 - Surveys/Online Surveys

Digging Deeper: Know When to Say When



A Cautionary Note :

- Let your questions precede your data collection and analysis.
- Know **why** you are collecting and analyzing data and how the data will help to better inform how current policies and practices impact people of color.



Institutionalizing the Process

- **What** is the process for reviewing the data regularly?
- **How** will decisions about “digging deeper” into disparities questions be communicated to analysts and followed up on?
- **Who** will analyze the data and prepare it for use in a meeting or presentation?
- **Other Tips:**
 - Limit the quantity of what you show
 - Provide data training
 - Share data ahead of time

Small Group Activity

- You will have **20 minutes** for a small group discussion.
- **Break into groups of 5.** Make new friends! Develop groups that include representation from **multiple SJC sites**.
- Review the polling question: **“Once you reviewed disaggregated data, did it help your jurisdiction focus on any particular issue, policy or practice?”** Please discuss how you assessed your jurisdiction and reflect on why. What stands in the way of your jurisdiction’s work in moving forward on using data to promote equity and reduce disparities? You may want to reflect on your answers to other polling questions to answer this question.
- Nominate someone in your group to report out. Please identify **one** key insight, lesson *or* question that surfaced in your small group to report back to the full group.

Contact Information



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