

THE MACARTHUR FOUNDATION SAFETY + JUSTICE CHALLENGE

One-Year Implementation Update



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

INTRODUCTION

Panelists:

Rachael Eisenberg, Project Manager, Managing Director's Office of Criminal Justice

Dr. Jaime Henderson, Director of Research and Development, First Judicial District

Julie Wertheimer, Chief of Staff, Criminal Justice, City of Philadelphia



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BACKGROUND

- The Safety and Justice Challenge is a national initiative where jurisdictions across the country seek to safely reduce the size of their local jail populations over three years and significantly reduce the rate of racial, ethnic, and economic disparities in the criminal justice system
 - 191 Jurisdictions applied to the planning grant
 - 20 jurisdictions were selected to participate in the planning process
 - 10 jurisdictions were selected for implementation grants

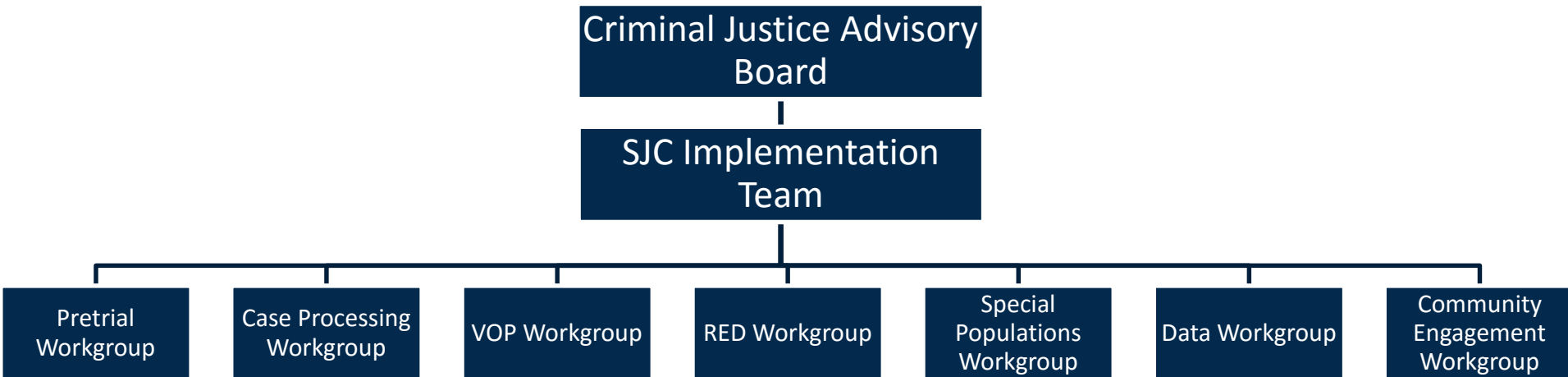
SJC Sites



Background (Continued)

- Planning Phase: Beginning in May of 2015, Philadelphia's criminal justice partners participated in a 7-month planning phase to develop the 6 strategies and 19 different programs in its reform plan.
 - Philadelphia-Specific Target: 34% reduction over three years
- Implementation Grant: \$3.5 million dollar grant awarded in May, 2016. (two-year grant, three-year project timeline). May 1, 2017 marks the conclusion of first year of the grant.
 - The City and the FJD contributed \$2,079,759 in matching dollars to the effort.

PHILADELPHIA'S TEAM



PHILADELPHIA'S REFORM PLAN

Strategy 1- Reduce Incarceration for Pretrial Defendants

- Risk Tool
- Alternatives to Cash Bail
- Pretrial Advocates*
- Early Bail Review*

Strategy 2- Create Efficiencies in Case Processing

- Continuance Review
- Smartroom Scheduling*
- ER Expansion*
- Sentenced Populations*

Strategy 3- Address Violations of Probation

- Case Consolidation*
- Detainer Alternative Program*
- Alternatives to Incarceration

Strategy 4- Reduce Racial and Ethnic Disparities

- CVN Expansion*
- Pre-Arrest Diversion
- Implicit Bias Training*
- Disparity Data Diagnostic

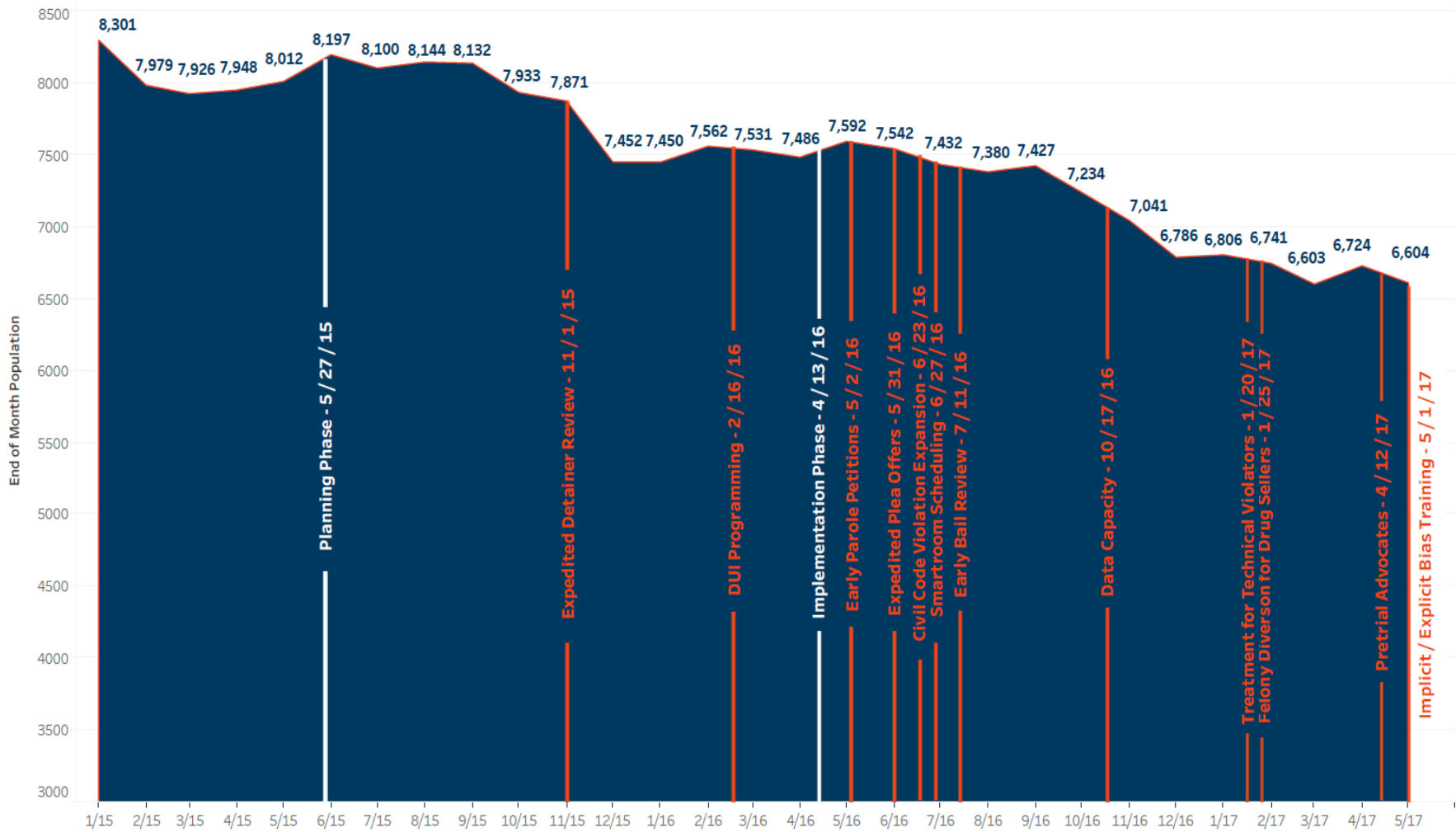
Strategy 5- Address Special Populations

- The Choice is Yours Expansion*
- Continuity of Services Coordination for the Seriously Mentally Ill

Strategy 6- Improve Cross-System Data Capacity*

**initiative has launched*

Philadelphia Prison Population | January 2015 - May 2017 | MacArthur Initiative Launch Dates

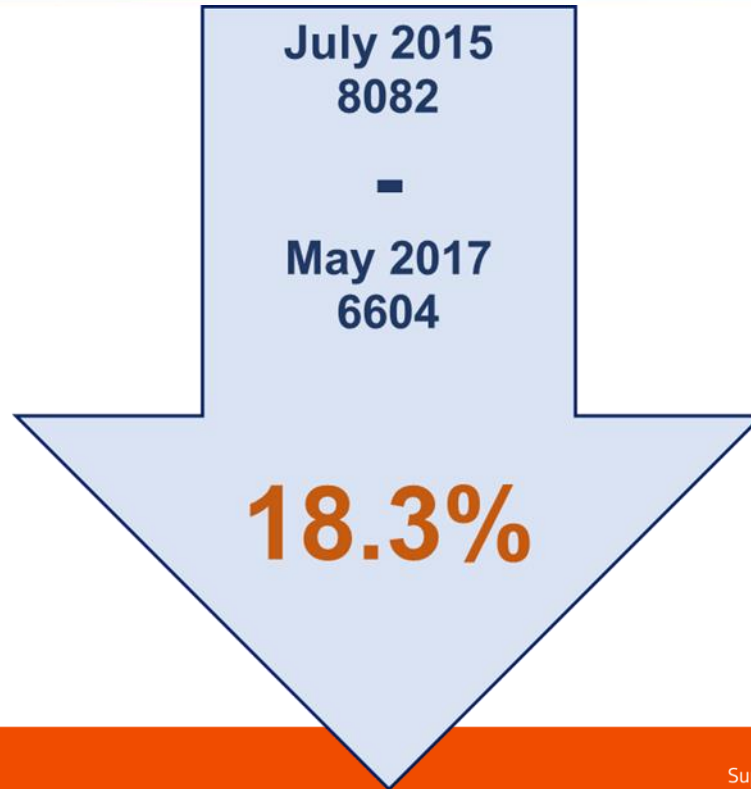
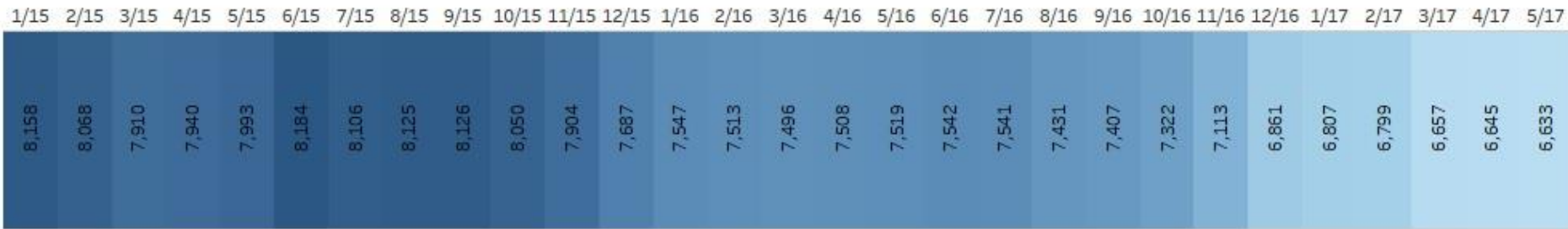


PRISON POPULATION OVERVIEW

- Planning Phase Baseline: July, 2015
 - Informed initiatives
- Monthly reports using prison census file from the last day of each month
- Initiatives focus on 4 groups:
 - Pretrial, detainers, sentenced, SMI

PRISON POPULATION OVERVIEW

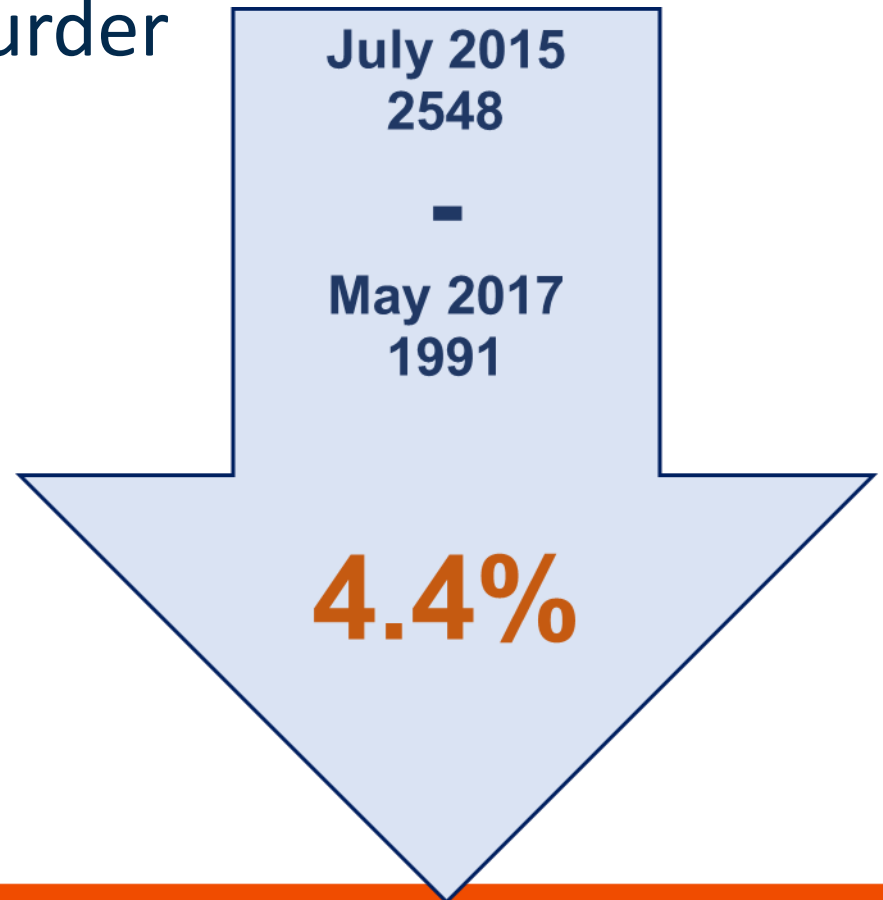
Average Daily Prison Population | January 2015 - May 2017



PRISON POPULATION - PRETRIAL

- Open cases with no detainers, *includes* those charged with Murder

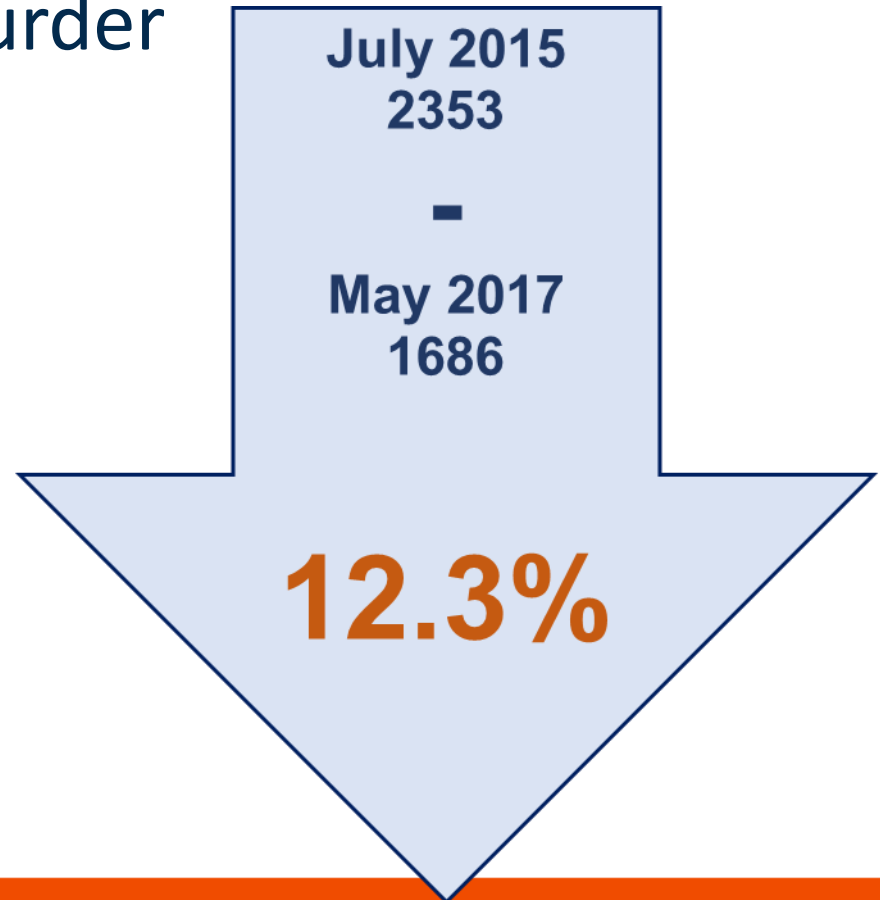
30.1% of
the Total
Population



PRISON POPULATION - PRETRIAL

- Open cases with no detainers, *excludes* those charged with Murder

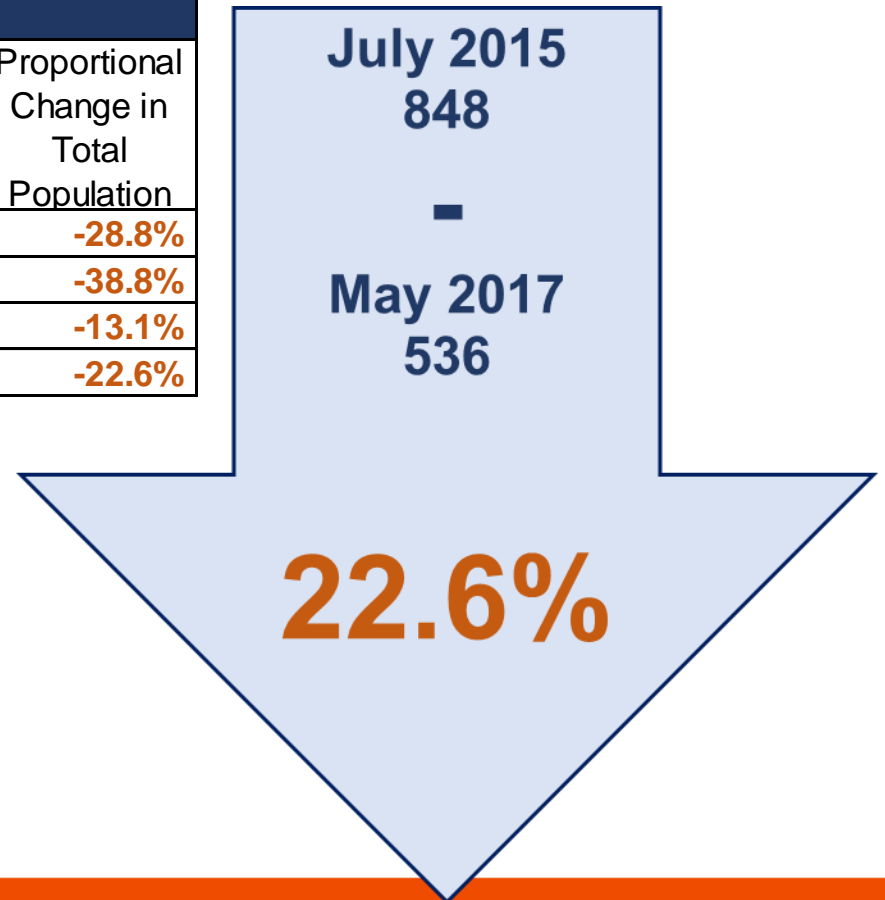
25.5% of
the Total
Population



PRISON POPULATION - PRETRIAL

Pretrial Holds with Low Cash Bail – includes those with multiple open matters

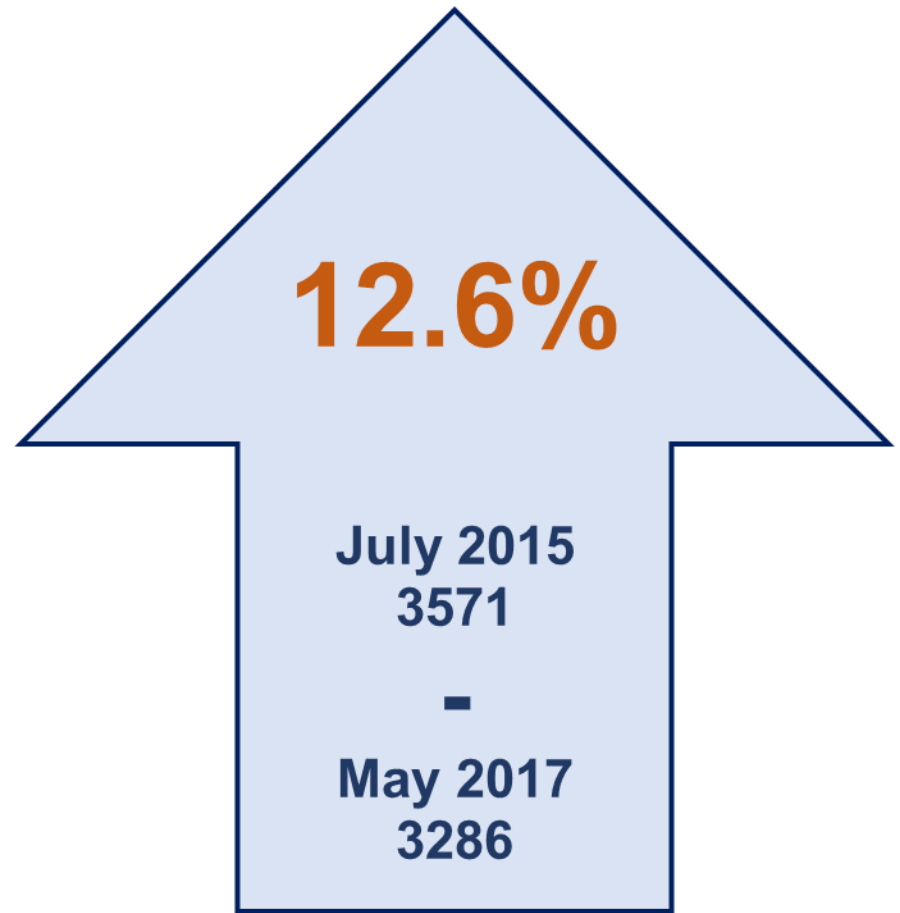
Bail Amount	July 2015		May 2017		Proportional Change in Total Population
	#	% of Total Population (8082)	#	% of Total Population (6604)	
0 - 5,000	213	2.6%	124	1.9%	-28.8%
5,001 - 10,000	186	2.3%	93	1.4%	-38.8%
10,001 - 50,000	449	5.6%	319	4.8%	-13.1%
TOTAL	848	10.5%	536	8.1%	-22.6%



PRISON POPULATION - DETAINERS

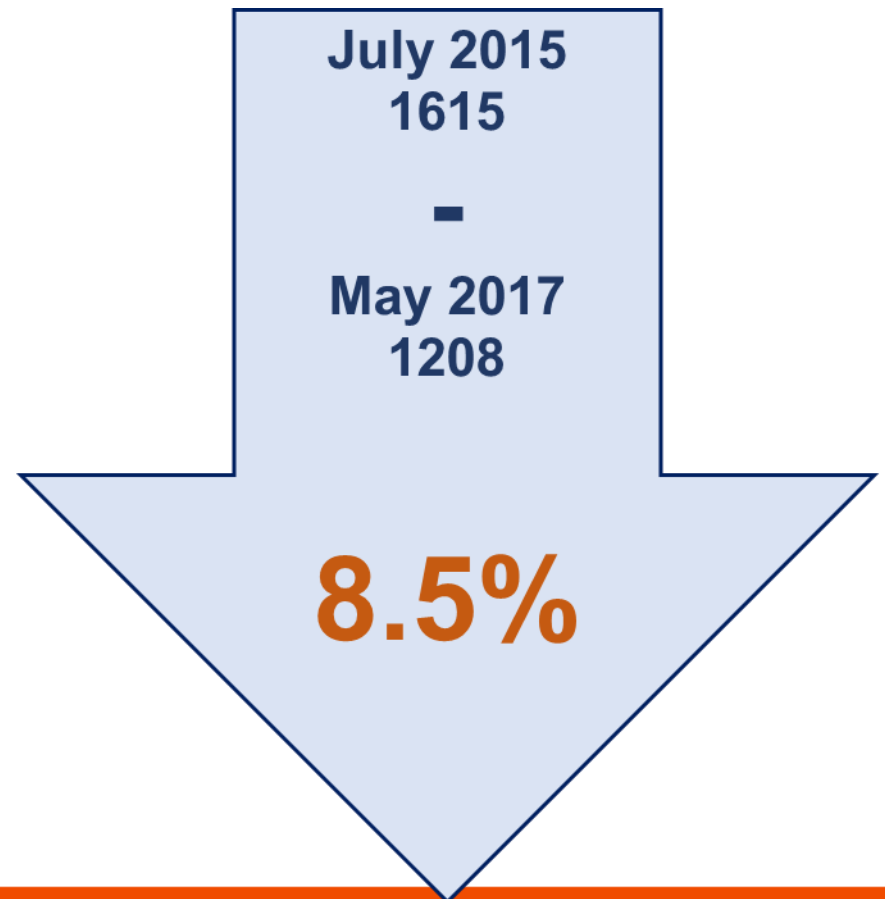
- Includes detainers from other jurisdictions

49.8% of
the Total
Population



PRISON POPULATION - SENTENCED

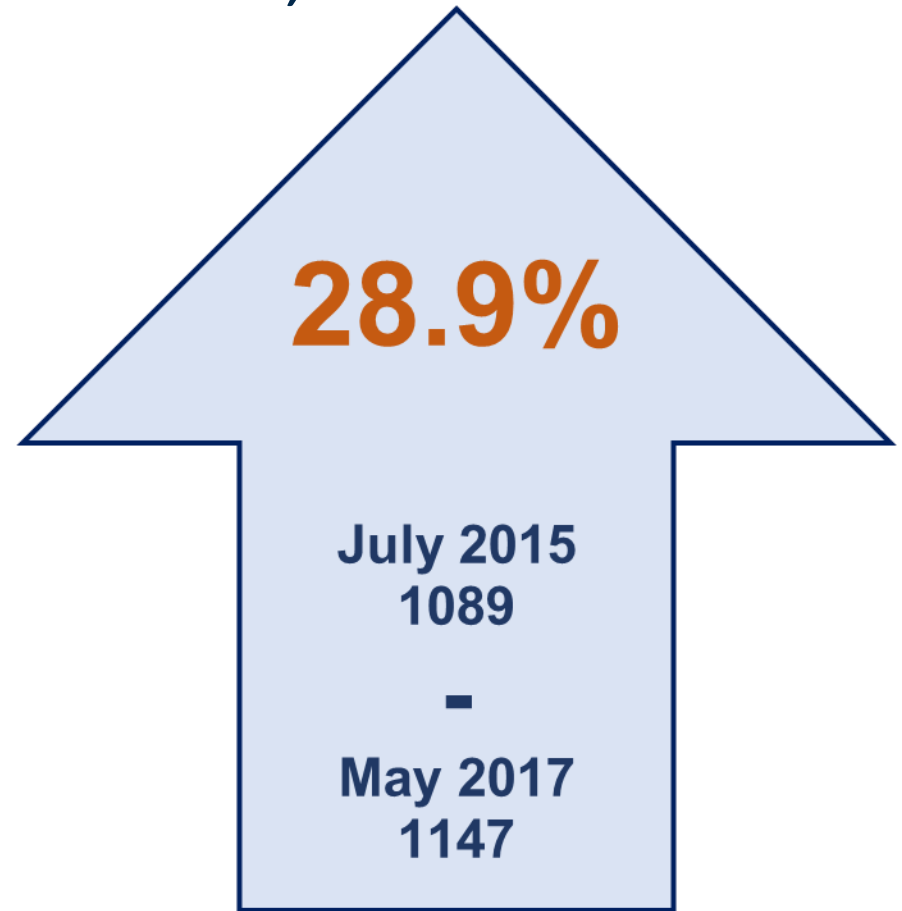
18.3% of
the Total
Population



PRISON POPULATION - SMI

- Includes open cases, detainers, and sentenced

17.4% of
the Total
Population



STRATEGY UPDATES



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STRATEGY 1: PRETRIAL REFORMS

Panelists:

Sarah Allen, Chief, Municipal Court Pretrial Unit, Defender Association of Philadelphia

Michael Bouchard, Director, Pretrial Services, First Judicial District

Dr. Jaime Henderson, Director of Research and Development, First Judicial District

Roseanne Unger, Director of Criminal Administration, Municipal Court



RISK TOOL AND ALTERNATIVES TO CASH BAIL

- Both are still in preliminary stages
- Pretrial Risk Tool
 - Philadelphia has had a risk tool since 1985
 - Updated tool to be developed using updated statistical techniques with historical Philadelphia data to separately forecast the risk of failure to appear and new arrests.
- Alternatives to Cash Bail
 - More robust range of alternatives to cash bail based on risk level to ensure that more individuals can be supervised safely in the community awaiting trial.
 - FJD currently has an array of Pretrial Services including automated court reminders which were put in place in the late 90's as well as text and e-mail reminders which were put in place in 2014.
 - FJD also currently has Pretrial Supervision which includes various levels of defendant supervision
- Electronic Monitoring
 - FJD is close to finalizing the selection of a vendor for the upgrades to our EM system for Pre and Post-trial individuals

PRETRIAL BAIL ADVOCATES

- On April 12, 2017, the Defender Association launched a pilot program where they will interview clients prior to their initial bail hearings.
- A Defender representative is stationed at police headquarters to interview individuals relay individualized information to the court during preliminary arraignment.
- This program expects to serve 60 individuals per week in the first phase of the pilot program.
- Expansion is in the plans once a full evaluation of the pilot phase is completed

EARLY BAIL REVIEW

- In July 2016, the Courts launched an early bail review program to review cases within 5 days for individuals who are in jail for non-violent offenses with bails of \$50,000 or less and no other hold. This new hearing process provides an early release opportunity for people who remain in custody because they cannot afford bail.
- Early Bail Review Statistics: July, 2016-April, 2017
 - 84.1% of defendants who receive an EBR hearing obtained release
 - 90.6% of defendants released appeared at their next court date
 - 88.2% of defendants ordered to Pretrial Services show up for pretrial orientation
 - Over 53,580 jail inmate bed days saved since the inception of EBR in July, 2016

EBR Accomplishments

- National Inquiries
 - Chicago and New York City
- Individual Stories
 - Single Father
 - Single Mother
- Community Programming

STRATEGY 2: CASE PROCESSING REFORMS

Panelists

Sarah Allen, Chief, Municipal Court Pretrial Unit, Defender Association of Philadelphia

Michael Barry, Deputy District Attorney, Pretrial Division, Philadelphia District Attorney's Office

Roseanne Unger, Director of Criminal Administration, Municipal Court, First Judicial District



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CASE PROCESSING REFORMS- PRETRIAL POPULATIONS

- **Smartroom Scheduling**: Since June of 2016, Philadelphia has also improved how quickly cases are scheduled for hearings during the pretrial stage.
 - 5,274 cases had one week saved preliminary hearing → formal arraignment
 - 3,114 cases had one week saved from formal arraignment → SMART Room
- **Early Resolution Expansion**: Since July of 2016, approximately 2x more individuals were offered an opportunity to resolve their case more quickly before the court, based on new categories of program eligibility.
- **Continuance Review-** review of continuance data to identify delays in case processing and work with the various justice partners to address them.

CASE PROCESSING REFORMS- SENTENCED POPULATIONS

- **DUI Programming:** Since February of 2016, Philadelphia has also expanded eligibility for DUI Treatment Court (32 new cases) and the DUI Intermediate Punishment Program (11 new cases). These expansions significantly reducing mandatory jail sentences through house arrest and intensive probation
- **Early Parole Petitions:** Since May of 2016, the Defender has increased its capacity to file early parole petitions for non-defender clients.
 - 174 Filed
 - 108 Granted

STRATEGY 3: VIOLATION OF PROBATION REFORMS

Panelists:

Sarah Allen, Chief, Municipal Court Pretrial Unit, Defender Association of Philadelphia

Charles Hoyt, Chief, Adult Probation and Parole, First Judicial District

Derek Riker, Chief, Diversion Unit, Philadelphia District Attorney's Office



DETAINDER ALTERNATIVE PROGRAM

- In January 2017, Philadelphia launched DAP, a diversion program people who are on probation for non-violent crimes but continue to struggle with substance abuse and addiction.
- As an alternative to a technical violation for positive drug screens, the Probation Department can now refer them to a court-monitored program providing additional opportunities for treatment.
 - Avg. 6 per referrals per week
 - 74 admitted
 - 17 grads
 - 3557 total prison days saved

VIOLATION OF PROBATION (CONT'D)

- **ARC**: In November, 2015, Philadelphia implemented a new method of consolidating and processing cases when someone on probation gets re-arrested on new misdemeanor charges and detained
 - 57 days saved per person
- **Violation Electronic Monitoring (VEM)**- Alternative to incarceration for supervision offenders with non-violent potential direct violations.

STRATEGY 4: RACIAL AND ETHNIC DISPARITY REFORMS

Panelists:

Michael Barry, Deputy District Attorney, Pretrial Division, Philadelphia District Attorney's Office

Francis Healy, Captain, Special Advisor to the Commissioner, Philadelphia Police Department

Darlene Miller, Deputy Chief, Adult Probation and Parole, First Judicial District

Julie Wertheimer, Chief of Staff, Criminal Justice, City of Philadelphia



CIVIL CODE VIOLATIONS

- In July 2016, the Philadelphia Police Department started issuing civil tickets for certain types of disorderly conduct rather than issuing criminal citations.
- This new practice ensures that large numbers of people will no longer come into contact with the criminal justice system for low-level nuisance behavior.
 - From the period of 7/1/2015 to 12/31/2015 there were reportedly 1252 arrests for disorderly conduct, failure to disperse, and obstructing the highway.
 - With the introduction of these new CVN categories, the arrest numbers for the same period in 2016 (7/1/2016 to 12/31/2016) went down to 289. This is a decrease of 963 arrests or 76.9% decline. (416 CVN's were issued in that time period for these offenses).

RACIAL AND ETHNIC DISPARITY REFORMS (CONT'D)

- Police-Assisted Diversion Program- pilot program providing diversion in lieu of arrest for low-level drug offenders whose primary need is treatment for addiction.
- Race and Ethnicity Data Diagnostic- review of race and ethnicity data across the criminal justice system to identify opportunities for further policy and practice changes.

IMPLICIT BIAS TRAINING

- On May 1st, 2017, Philadelphia began its implicit bias training program with the Perception Institute
 - Agencies Involved: Courts, Pretrial Services, the Probation Department, the Defender Association and the District Attorney's Office.
- Each agency will train their staff to recognize and address implicit bias in its policies and practices, and will customize the training to be relevant to their own responsibilities.
 - Phase 1: Leadership Training & Individual Agency Meetings (Completed May 1)
 - Phase 2: Management Training (Upcoming)
 - Phase 3: Train the Trainer
 - Phase 4: Agency-wide Trainings

STRATEGY 5: SPECIAL POPULATIONS

Panelists:

David Ayers, Manager, Criminal Justice Programs, Department of Behavioral Health and Intellectual Disabilities Services

Rachael Eisenberg, Project Manager, Managing Director's Office of Criminal Justice
Christopher McFillin, Director, Specialized Supervision, Adult Probation and Parole Department

Derek Riker, Chief, Diversion Unit, Philadelphia District Attorney's Office

Jac Rivers, Forensic Services Manager, Department of Behavioral Health and Intellectual Disabilities Services



THE CHOICE IS YOURS EXPANSION

- In January of 2017, TCY felony diversion program was expanded to include more participants.
- This program provides intensive job training and other services designed specifically for people who have been engaged in the sale of drugs, to help them lead more productive lives and positively contribute to their community.
 - 39 individuals orientation since late January, and 23 participants have enrolled in the program

MENTAL HEALTH CONTINUITY OF SERVICES

- Creating a linkage program to provide better connection to services and treatment for the seriously mentally ill population who can be safely supervised in the community.

STRATEGY 6: DATA CAPACITY REFORMS

Panelist:

Dr. Jaime Henderson, Director of Research and Development, First Judicial District



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DATA CAPACITY

- MacArthur's Safety & Justice Challenge is data driven
- Data should be used to inform decisions, policy, and practice
- Evidence-based practices

DATA - TEAMwork

- Formed in June, 2015
- Largest MacArthur subcommittee with 41 members
- Goals
 - Improve & expand data sharing practices
 - Improve data integrity
 - Generate statistical reports & evaluations
 - *PROVIDE EVIDENCE!*

DATA – Accomplishments

- A common language
- Prison Snapshot
 - Source of decision-making during Planning Phase
- Planning Phase data deliverables
- 2 full-time Research Assistants
- Monthly statistical Reports

DATA – Efforts Underway

- Data deliverables for MacArthur partners to evaluate our initiatives
 - City University of New York (CUNY)
- Race/ethnicity data documentation
- Race/Ethnicity Data Diagnostic
 - RED Committee
 - Relative Rate Index at key decision points
- Monthly reports for all initiatives
 - Dashboards

DATA – Prison Population

- Several databases used to determine why people are in prison
- Multifaceted holds, nuanced data
- Monthly reports generated
- Correction of previous numbers provided to this Committee and various media outlets

DATA – Prison Population Takeaways

- 18.3% reduction in Total Population since July, 2015
- < 2% held on cash bail of \$5,000 or less
- 25.5% pretrial holds with no detainer, and non-murder charge(s)
- Half of the prison population has a detainer
 - *Includes detainees from other jurisdictions*
- 17.3% of the prison pop is SMI
- 18.3% of the prison pop is sentenced

Thank You



SafetyAndJusticeChallenge.org