

THE MACARTHUR FOUNDATION SAFETY + JUSTICE CHALLENGE

Two-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

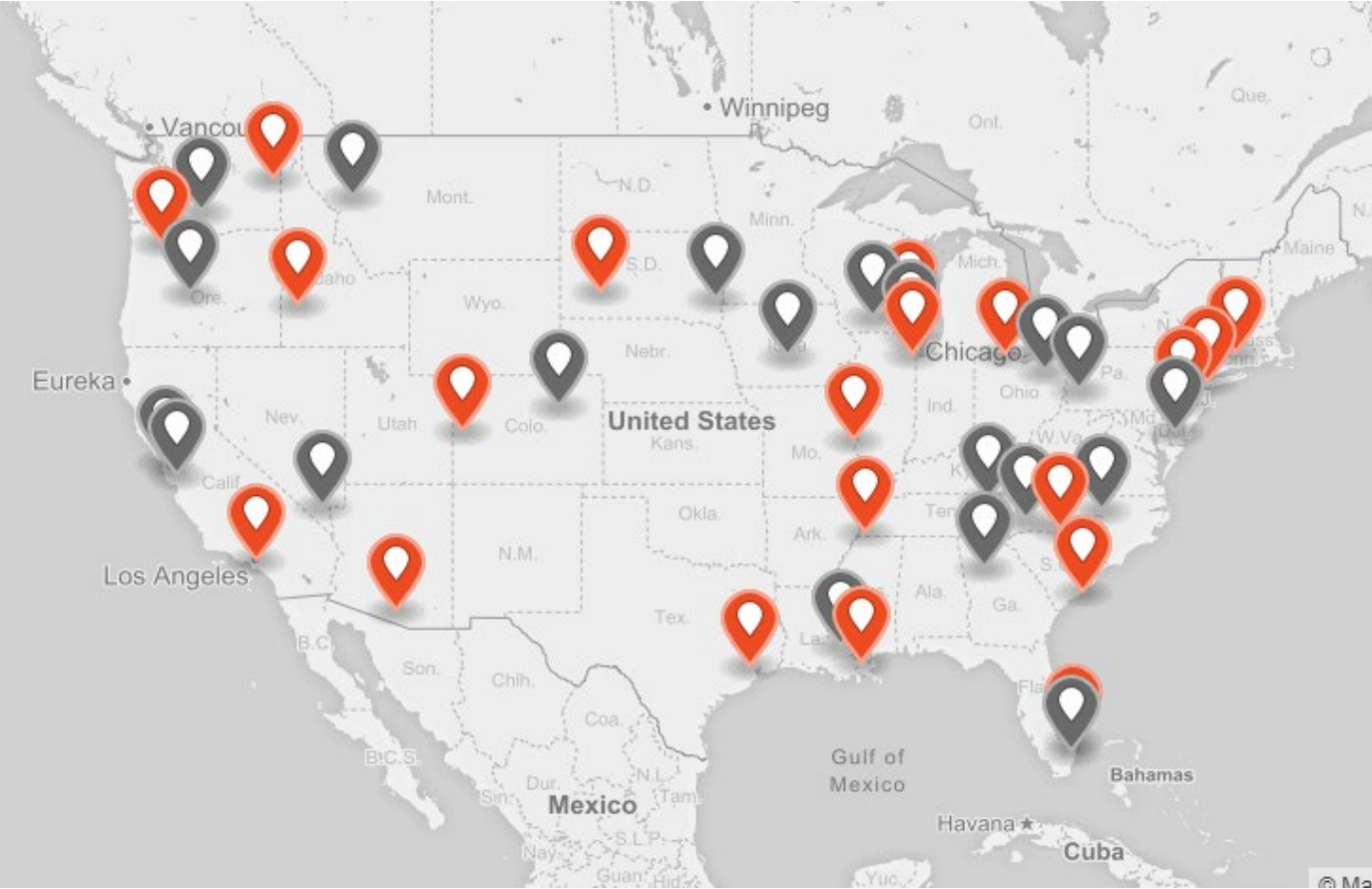


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BACKGROUND

- 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 join the Challenge Network
 - In 2017, 20 new jurisdictions were selected as Innovation Sites

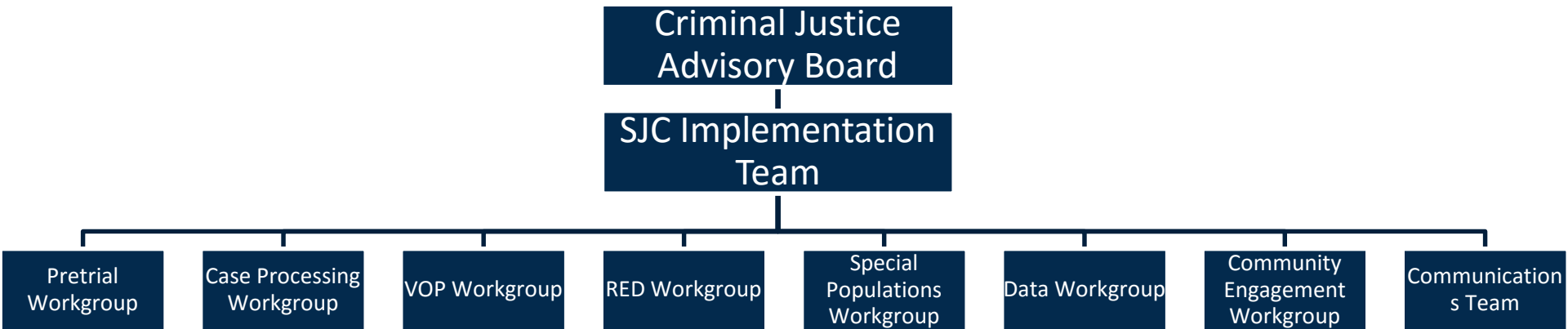
SJC Sites



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, 2018 marks the conclusion of second 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

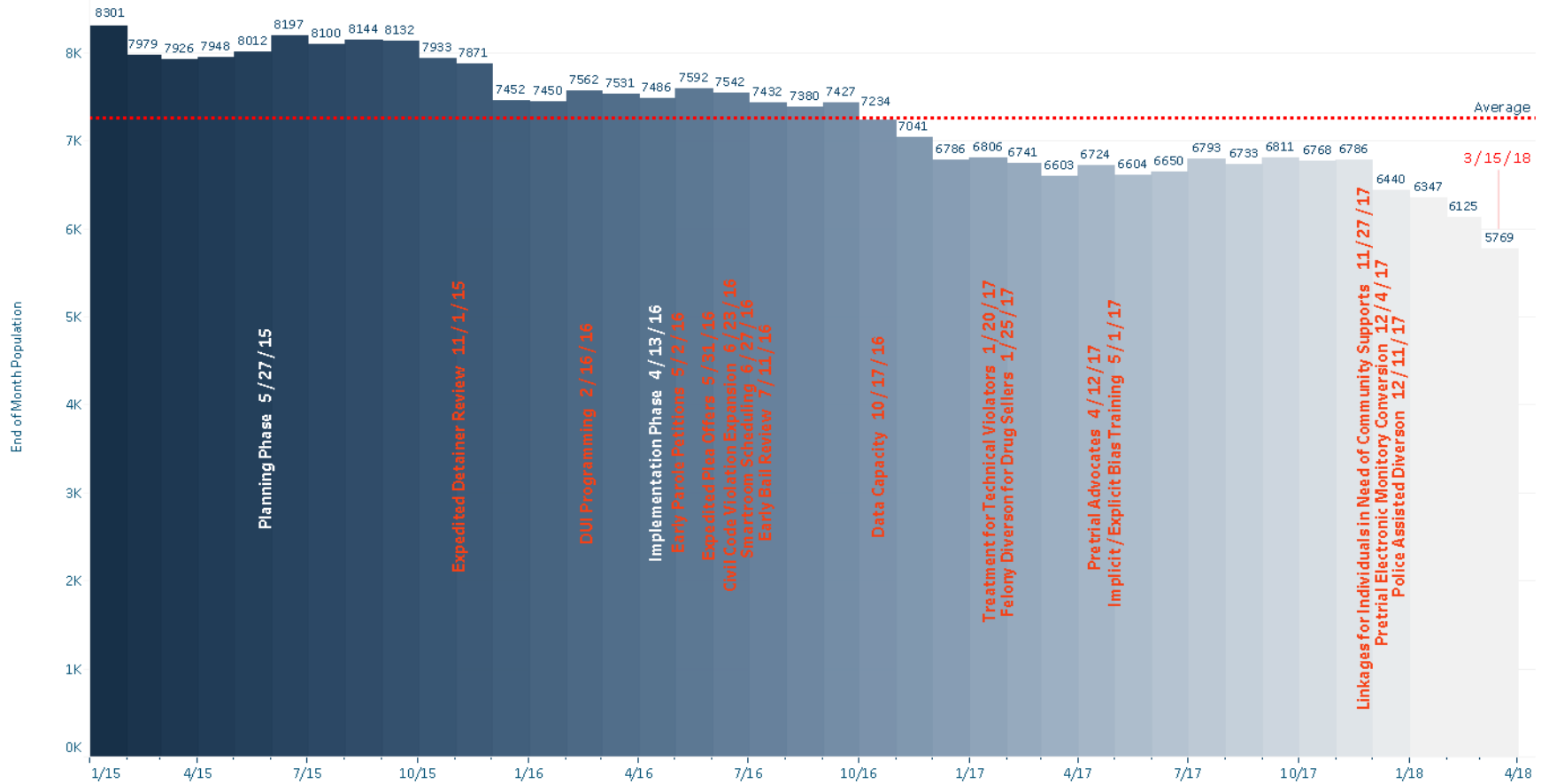
- The Choice is Yours Expansion*
- Continuity of Services Coordination for the Seriously Mentally Ill*

Strategy 6- Improve Cross-System Data Capacity*

**initiative has launched*



Philadelphia Prison Population | January 2015 - March 15th 2018 | MacArthur Initiative Launch Dates



PRISON POPULATION OVERVIEW

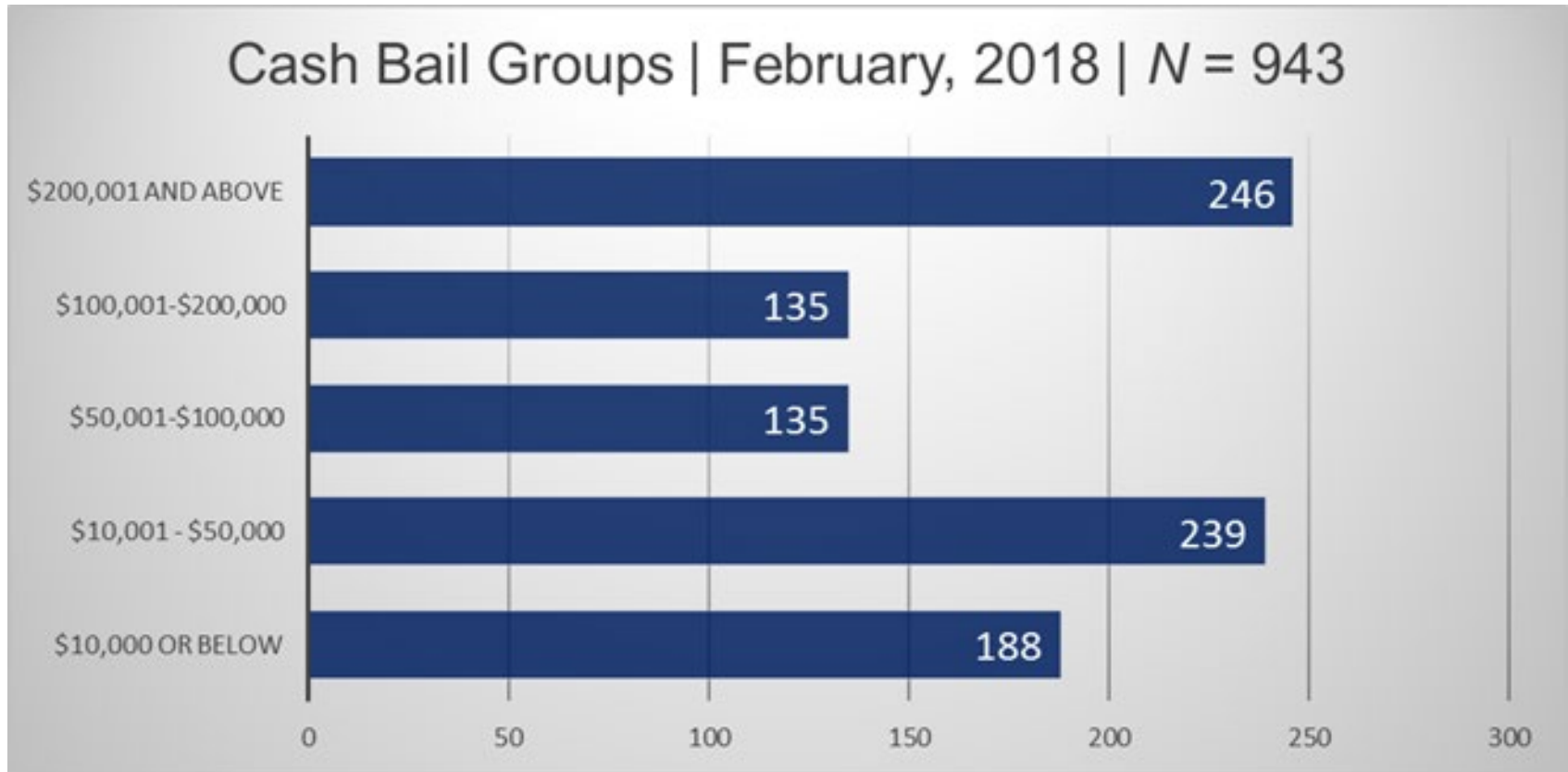
- Planning Phase Baseline: July, 2015
 - Informed initiatives
- Monthly reports using prison census file from the last day of each month
- Initiatives focus on 4 groups:
 - Pretrial, detainers, sentenced, SMI

PRISON POPULATION OVERVIEW

| Confinement Category | Baseline | 2/28/2018 | Change |
|------------------------|----------|-----------|--------|
| Pretrial, No Detainers | 2348 | 1491 | -16% |
| <i>Murder</i> | 181 | 255 | +86% |
| <i>Non-Murder</i> | 2167 | 1236 | -25% |
| Detainers | 3880 | 3671 | +25% |
| Sentenced | 1615 | 1073 | -13% |
| SMI | 1089 | 944 | +14% |

**Not all groups are mutually exclusive.*

PRISON POPULATION – CASH BAIL



STRATEGY UPDATES



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STRATEGY 1: PRETRIAL REFORMS

Panelists:

Michael Bouchard, Director, Pretrial Services, First Judicial District

Mark Houldin, Policy Director, Defender Association of Philadelphia



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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

Pretrial Electronic Monitoring

- Electronic Monitoring
 - Need for transition to a new system
 - Goals
 - Transition to new hardware and software

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-December, 2017
 - 82% of defendants who receive an EBR hearing obtained release
 - 88.5% of defendants released appeared at their next court date
 - 85.4% of defendants ordered to Pretrial Services show up for pretrial orientation
 - Over 113,123 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

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. 1409 Individuals have been interviewed to date.
- Expansion is in the plans once a full evaluation of the pilot phase is completed

STRATEGY 2: CASE PROCESSING REFORMS

Panelists

Michael Bouchard, Director, Pretrial Services, First Judicial District

Mark Houldin, Policy Director, Defender Association of Philadelphia

Liam Riley, Senior Policy Counsel, Philadelphia District Attorney's Office



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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.
 - In 2017 alone 10, 939 cases had one week saved from preliminary hearing to formal arraignment
 - 7,236 cases had one week saved from formal arraignment --> SMART Room as of March 16, 2018
- **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 Treatment Court** – Since implementation (Feb, 2016), 21, 1-year cases have entered the program. Previously, participants served 6 months of incarceration and 6 months of house arrest, but now participants serve 3 months of incarceration and 9 months of house arrest. (1, 890 days saved, 10 bed days saved on a given day; 90 days saved per participant).
- **DUI IP** – Offered to those individuals facing a 90-day sentence on a DUI case, but not eligible for DUI Treatment Court. Previously these individuals would have to serve 90 days, but with the offer of IP, they now only serve 20 days.
 - **2016**- 16 cases disposed
 - **2017**- 17 cases thru (11/29)
 - Total 33 cases, 70 days saved per case= 2,310 days saved.
- **Early Parole Petitions**: Since May of 2016, the Defender has increased its capacity to file early parole petitions for non-defender clients. As of April 2nd :
 - 323 Filed
 - 219 Granted

STRATEGY 3: VIOLATION OF PROBATION REFORMS

Panelists:

Michael Bouchard, Director, Pretrial Services, First Judicial District

Mark Houldin, Policy Director, Defender Association of Philadelphia

Liam Riley, Senior Policy Counsel, Philadelphia District Attorney's Office



DETAINDER ALTERNATIVE PROGRAM

- In January 2017, Philadelphia launched DAP, a diversion program for 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.
- As of March 2018:
 - 31 active cases currently
 - 164 participants total
 - 39% Graduation rate
 - 10,710 bed days saved over the life of the program

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
 - 480 Offers Accepted
 - 60 days saved per person
- **Violation Electronic Monitoring (VEM)**- Alternative to incarceration for supervision offenders with non-violent potential direct violations.
- AS of March 13th, 2018:
 - Phase 1: Individuals currently in custody and eligible for VEM (237 cases reviewed, 7 releases to date)
 - Phase 2: Individuals who would otherwise be detained but can be but directly into the VEM Program as an alternative to incarceration (12 individuals reviewed to date, 4 individuals approved for release)

STRATEGY 4: RACIAL AND ETHNIC DISPARITY REFORMS

Panelists:

Francis Healy, Captain, Special Advisor to the Commissioner, Philadelphia Police Department
Dr. Jaime Henderson, Director of Research and Development, First Judicial District



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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 May 2016 to April 2017, 1,547 CVNs were issued by police in these categories.
 - From May 2017 to February 2018, 1,297 CVNs were issued by police in these categories.

Police-Assisted Diversion

- Launched in December of 2017, PAD involves an active collaboration between police officers, social service providers, and community residents (Pilot Zone, 22nd & 39th Police Districts)
- PAD provides an opportunity for services at the point of contact with law enforcement for individuals who are committing low-level, non-violent offenses and whose criminal activity is likely connected to Substance Use Disorder (SUD) and/or Co-occurring mental health.
- Two Pathways into the Program:
 - Arrest Referral
 - Social Referral

Police-Assisted Diversion Cont'd

- Program Stats as of March 27, 2018
 - 37 PAD-trained Officers active in the field (8 Arrest, 23 Social)
 - 40 Individuals have been referred to PAD
 - 31 have met our eligibility criteria and accepted the PAD offer
- None of our PAD participants have been rearrested as of today

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, Managing Director'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 2017)
 - Phase 2: Management Training (Completed October 2017)
 - Phase 3: Train the Trainer (Completed February 2018)
 - Phase 4: Agency-wide Trainings (Upcoming)

RACIAL AND ETHNIC DISPARITY REFORMS (CONT'D)

- 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.

STRATEGY 5: SPECIAL POPULATIONS

Panelists:

Liam Riley, Senior Policy Counsel, 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.
- Overall Program Stats:
 - There are currently **110** clients actively in TCY.
 - There are also **20** in TCY orientation, and
 - **90** in TCY enrollment.
 - **179** graduates to date since the program started.
- All 50 MacArthur-Funded slots have been utilized to date.

Linkages for Individuals in Need of Community Supports (LINCS)

- Provides enhanced services and linkages to community treatment and supports for individuals who:
 - are currently in jail on a Violation of Probation (VOP); and
 - are under supervision of the Adult Probation and Parole Department's Mental Health Unit
- This program launched in November of 2017. Since that time there have been:
 - 22 total referrals (this does not include referrals denied by DA),
 - 15 assessments completed,
 - 7 individuals who have completed the program and have been released from jail.

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 42 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
 - Merging multiple data sources

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

COMMUNICATIONS & COMMUNITY ENGAGEMENT

Panelists:

Julie Wertheimer, Chief of Staff, Managing Director's Office of Criminal Justice

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



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Communications

- Communications Team made up of representatives from the City, FJC, DAO, Defender, Police, and Prisons
- Respond to requests for information in coordinated way
- Seek proactive opportunities to highlight SJC work in local and national media outlets

Community Engagement

- Participation in community dialogues across the city
- Ongoing conversations with advocates and community groups
- Art for Justice- Collaboration with the Mural Arts Program
 - Major Public Art Project
 - Artist Fellowship for Formerly Incarcerated Artists
 - Expansion of the Guild Program
 - Evaluation of the Guild Program

NEW INITIATIVES

Panelists:

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

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



Stepping Up

- A national initiative to reduce the number of people with mental illness in jails
- Philadelphia is mobilizing to better respond to people with mental illness
- The City will implement a systems-level, data-driven plan aimed at affecting these key measures:
 - Reduce the number of people with mental illnesses booked into jail
 - Reduce the length of time people with mental illnesses remain in jail
 - Increase connections to treatment
 - Reduce recidivism

The Beginning of Philadelphia's Localized Action Plan

- Post-Booking Stabilization Initiative
 - A post-arrest behavioral health screening and diversion pilot that facilitates linkages to community treatment and supports
- Frequent Users Systems Engagement (FUSE)
 - An initiative to identify frequent users of jails, shelters, and mental health services and then improve their lives through supportive housing

Thank You



SafetyAndJusticeChallenge.org