MEASURES FOR JUSTICE

Pursuing Data Transparency for System Reform

Presentation to the Montana Law and Justice Interim Committee

October 28, 2021

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Our Mission: No Data, No Change

DEVELOPING THE MEASURES FOR JUSTICE AND IMPROVING ACCESSIBILITY

Individual-level data collection

Collect info on every adult involved with the criminal justice system from arrest to post-conviction.

Analytics

Analyze data and feed them through our Measures and standard methodology, to improve access to information on departments and the entire criminal justice system.

Compare, Share, Act

Compare and share Measures and practices using the MFJ Data Portal, *Commons*, and other tools, to enable action – systemic change

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Our Measures

ASSESSING PERFORMANCE ACROSS THE ENTIRE SYSTEM

Crime	Pre-Trial	Trial & Sentencing	Post-Trial
Reported Crime	Arraignment	Timeliness	Sentence Completion
Arrest	Pretrial Release	Trials & Pleas	Recidivism
Pre-Filing Diversion	Representation	Dispositions	Financial Obligations
Victimization	Prosecutorial Case Review	Sentencing	Collateral Consequences

Department Resources: Staffing, Budget, County context, Policies
Impacted Populations: Race/Ethnicity, Indigency status, Age, Sex/Gender

Public Safety

Fair Process

Fiscal Responsibility

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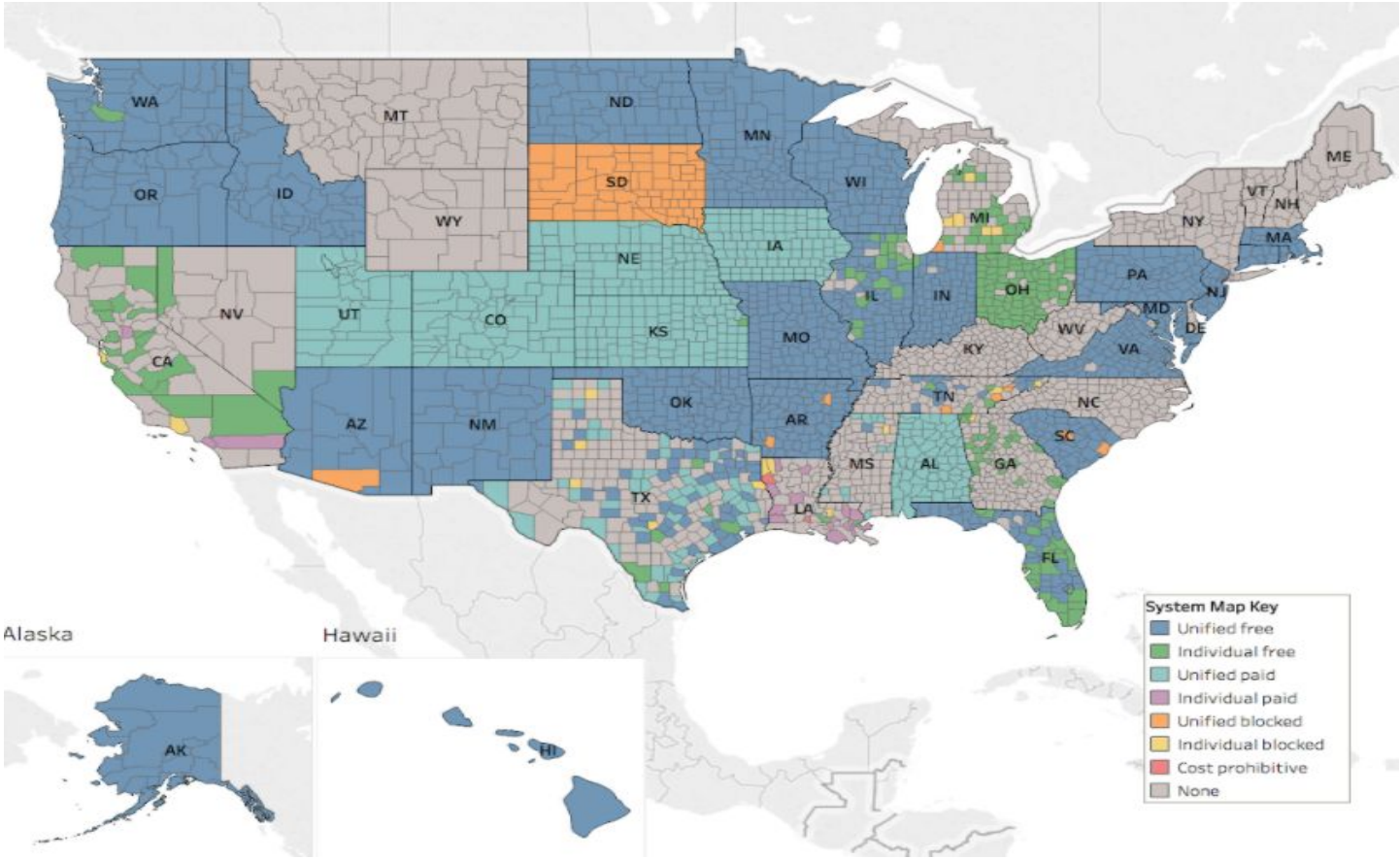
COURT SYSTEM ACCESSIBILITY (2018)

MFJ's 2020 states:
AL, AZ, AR, CA*, CT, FL, IN, MN, MO, NY, NC, ND, OR, PA, SD, TN*, UT, VA*, WA, WI



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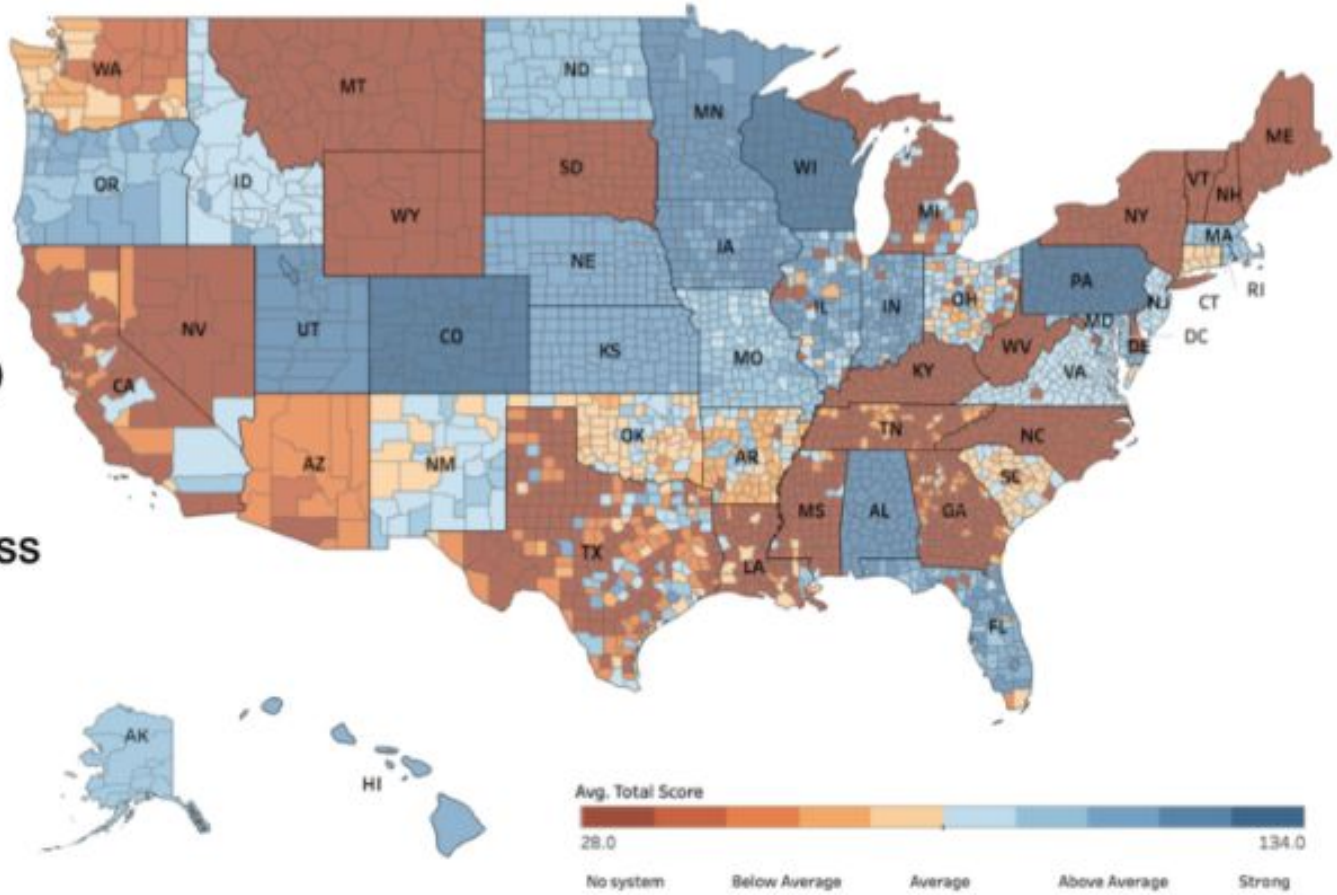
County Case Lookup System

Comprehensiveness



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Gaps Identified

MISSING DATA AND CHALLENGES IDENTIFIED ACROSS 20 STATES

Crime	Pre-Trial	Trial & Sentencing	Post-Trial
Reported Crime	Arraignment	**Timeliness**	Recidivism
Arrest	**Pretrial Release**	Trials & Pleas	**Financial Obligations**
Pre-Filing Diversion	**Representation**	Dispositions	**Collateral Consequences**
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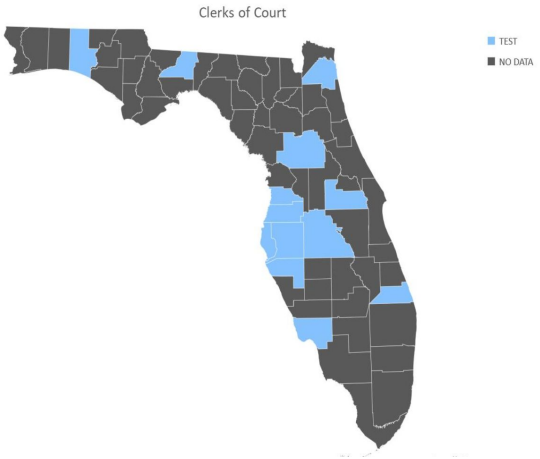
What Happened in Florida

1. **MFJ:**
   Collected existing data; provided data gap analysis.

2. **Legislators:**
   Understood the opportunity; seized the moment.

3. **Legislation:**
   Bill requiring CJ agencies* and every county to:
   - ➡ collect uniform data elements
   - ➡ share data in public, central place (FDLE)

*Court clerks, prosecutors, public defenders, jails, and DOC



THE RESULT

Florida decided to close its data gap

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Big Data, Big Change

Making Accurate Criminal Justice Data Available To Spur Reform

County Performance

Show how local criminal justice looks like nationwide.

- Methodology & measures
- Data pipeline
- Data Portal and Statutory Context
- **Policing measurement**

Data Standards & Legislation

Standardize and improve criminal justice data nationwide.

- Data legislation in FL & CA
- Model data legislation consultation
- National State of Data tool
- Data standards with NCSC, BJA-CSG

Tools, Services, & Research

Stimulate data use to generate impact.

- ***Commons***
- Karpel Foundation partnership
- Research publication agenda to connect data to policy
- Evaluation, Consulting, & TA

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TRANSPARENCY

Get a look at what's happening month by month.

What if everyone could see exactly how cases were moving through the system AND dig deeper?

Sentences

This section shows data on the number and percentage of cases resulting in conviction, by sentence type.After conviction, and depending on the seriousness of the offense, an individual will be sentenced to prison, jail, probation, monetary penalties such as restitution and fines, or to other penalties such as community service.

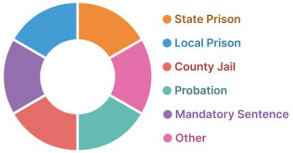
Total Sentenced May 2020

Compared to May 2019

300 ↓ 23 (7.7%)

Breakdown

Sentencing by type May 2020



	Misdemeanors Sentenced	Felonies Sentenced
	166 ↑00(0.0%)	134 ↑00(0.0%)
State Prison	Not Applicable	16 ↑00(0.0%)
Local Prison	Not Applicable	23 ↑00(0.0%)
County Jail	49 ↓00(0.0%)	26 ↓00(0.0%)
Probation	76 ↓00(0.0%)	41 ↓00(0.0%)
Mandatory Sentence	21 ↑00(0.0%)	22 ↑00(0.0%)
Other	20 ↑00(0.0%)	6 ↑00(0.0%)

ACCOUNTABILITY

Share a goal and meet that goal.

What if the D.A., police chief, court judge worked with community leaders to co-create a goal and track it publicly?

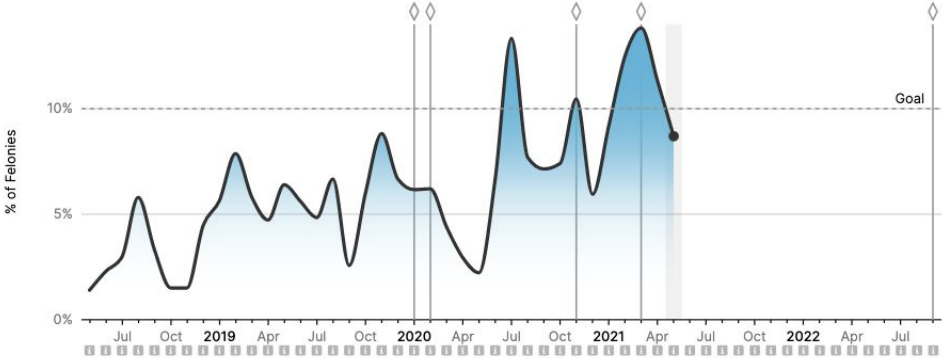
Increase Felony Diversions to 10% by September 2022

"As part of our ongoing effort to reduce incarceration and recidivism rates, we have worked with several partners, including the Multi-Cultural Community Council, to develop innovative diversion programs designed to responsibly and comprehensively address the harms caused by crime in our community. Our experience has established that many felony-level crimes are better addressed through such local diversion alternatives and that stakeholders at all levels are more satisfied. For this progressive initiative, we chose 10% as a felony diversion rate because we felt this was a fair starting point which balanced community safety and victim's rights with innovation in restorative justice."

Jeff Reisig, District Attorney
Yolo County, California
Contact YCDA Office

Cases Diverted: Felonies - May 2021

● 8.70%



Improving data quality is part of the process of being transparent. As we continue to refine and improve how diversion data are tracked and processed, you will see some changes in these data.

Closing the Criminal Justice Data Gap

Better (and available) criminal justice data

STAKEHOLDERS

- More informed policy and decision-making.
- A valid, coherent, and comprehensive set of measures by which to set goals and gauge success.
- A path to communicating with, and learning what's important to, communities.

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Considerations for criminal justice data legislation

Data Collection Requirements

What is currently being collected and by whom?

What is being reported and to where?

What is working, what is not working?

Centralization & Standardization

Are there data standards and who sets them?

What agencies match and aggregate data?

Does this need to be addressed legislatively or addressed through regulation?

Access & Transparency

Who should have access to what information?

How do you balance transparency & privacy?

What do your current transparency and public records law cover?

Have a plan to assess technological and human resource implications

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