Policy Team Meeting – #3 Meeting

Minutes   **Wednesday, August 5, 2015, 12-1:30pm**

Attendance:

Nancy Bennett	Chair's Office	Chief of Staff
Judy Shiprack	District 3	County Commissioner
Mathew Lashua	District 3	Chief of Staff
Julie Franz	Circuit Court	Chief Criminal Judge
Kevin Modica	Portland Police Bureau	Assnt. Chief
Brent Ritchie	Sheriff's Office	Lieutenant
Shea Marshman	Sheriff's Office	Director of Research & Planning
Scott Taylor	Dept. Community Justice	Director
Ginger Martin	Dept. Community Justice	Deputy Director
Jeff Howes	District Attorney	Deputy DA First Assnt.
Caroline Wong	District Attorney	Deputy DA
Joanne Fuller	Health Dept.	Director
David Hidalgo	Mental Health & Addiction Services Divs.	Divs. Director
C.J. Robins	City of Portland, Black Male Achievement	Director
Lane Borg	Metropolitan Public Defender	Executive Director
Ben Duncan	Office of Diversity & Equity	Director
Suzanne Hayden	Local Public Safety Coordinating Council	Executive Director
Tim Hartnet	CODA	Executive Director
Lily Yamamoto	Local Public Safety Coordinating Council	MCJRP
Lindsay Stover	Mental Health & Addiction Services Divs.	Program Specialist Senior

A.) Introductions:
Partners stated organization and role.

Opening Comments:
- ISLG Site Visit went smoothly. Thank you to all participants. Will share the full report once received. Please recognize staff and additional workload devoted to Site Visit and this project.
- Decisions Summary Document: tracks all the decisions made by the Planning Teams. Will continue to be updated as we move through the planning period. *(See, Attachment: A)*

B.) Systems Map:
Will be sent electronically, please review and submit edits to SJC team.

C.) Behavioral Health:
Target Population: Speaking broadly about mental health, includes all levels of mental health population. Need to drill down and distinguish our target for this project: high mental health/low criminality. Focus on MH population will not realize a 15-20% reduction in jail beds alone so focus on low levels and RED will be necessary to include in our strategies.

Data: Jail data intersection addiction/mental health with criminal justice system. Important to recognize with MH, County will not have all mental health data and info in private/other sectors. Thus, we will never have comprehensive, perfect data in time for SJC. We will approach Family Care, but they have their own priorities and it may be difficult to get what we want by our timeline and it will still be an incomplete data set.

RECOMMENDATIONS:
1. Invest and expand Aid/Assist resources:
   - expand Forensic Diversion program (staff and linkages to treatment/ services)
2. Focus on Mentally Ill on DCJ supervision caseload:
   - expand criteria for MIO Unit and create more connection to treatment
   - expand Forensic Act (FACT) and make sure it aligns with MIO
3. Law Enforcement deflection from jail:
   - expand CATC – Justice Triage
   - more support for BHU
   - utilize Unity Center when it comes online and ensure alignment with other services after the 23 hour crisis stabilization that it provides
4. Mental Health pre-trial holds and expand pre-trial resources:
   - expand pre-trial resources
   - plan for those who would get pre-trial release, except for mental illness concerns

Next Steps:
- Define our Behavioral Health target by: SMI, Addictions, and Co-Occurring Disorders
- Statutory Overlay: Who is incentivized to do what at each decision point
  - Defense lawyers do not have incentive to get their clients out of jail immediately: 30-60days go by, giving the DA the space to dismiss the case. Plug them into treatment right away, otherwise they will spin. (Follow up with Brian Fransiconi about this issue)
- More data needed on this piece:
  1. What is service capacity?
  2. What is culturally specific service capacity?
  3. Cost Benefit Analysis "churn rate" - take into account cost of treatment, recidivism, crisis services utilization, long-term savings?
  4. Racial demographics in BH?
  5. How do we sort out low criminality?

D.) Low-Level Offenders:
Discussion on results of prioritization tabled to next Site Visit. *(See, Attachment: B)*

E.) RED:
(1) RRI by Decision point: *(See, Attachment: C)*
Chart covers 2012, 2013. Over-representation for each group at Jail DP. On page 3, RRI v. County Population: disparity carries throughout decision points. Referrals to MCDA serve as proxy for arrest data. Page 4, RRI for each DP (silo'd analysis) v. general population. However, disparities dissipate throughout DP's; consecutive DP's do not appear to exacerbate disparities.

(2) Diversion: *(See, Attachment: D)*
Notable disparity/underrepresentation at Diversion DP. This is complex when we note these are voluntary/opt-in options; however, maybe it points to the need for greater outreach/education to communities of color.

(3) Length of Stay: *(See, Attachment: E)*
- Recog and expedited processes are able to move a lot out
- PJO impacts those who are staying 1-2 days
- Average LOS v Median LOS decreases due to outliers.
- Increase in days for BLK/HISP. Immigration status impacts LOS significantly.
- LOS is very low overall and includes ALL jail stay data.

Discussion Points:

- we have a lot of folks spending less than 7 days, which means we have a lot more people we need to divert to save overall jail beds.
- MCSO indicated that last look, 65% jail population was felony level. The policy change to "No Cite & Lieu" decreased Failure to Appear (FTA's). Important to consider this if we want to revert back to the old policy, since we could have the opposite effect on the jail population with increased warrants.

RED Next Steps/ Data:

1. Sentencing and Community Supervision – need more information
2. Misdemeants v felons – need more information
3. Identify long stay misdemeanants
4. Race by Charge data
5. Examine credit for time served
6. By booking v charge
7. Victimization by race in order to understand potential strategies for decreasing crime
8. By zip code

F.) Next Steps and Closing:

- Site Visit #3: SEPT 2nd, 8am-2pm, Multnomah Bldg., Room 315
- All Sites Meeting: Chicago travel OCT 6th – 8th we will send core 7 partners plus Abbey
- Cancel Policy Team Meeting on OCT 7th
- Add Policy Team Meetings on: September 30th and OCT

Attachment: A

SJC Planning Teams – Decision Summary Sheet

Item	Description
(1) Vision Statement/ Principles	**Beyond Jail: A Just and Equitable System for a Safe, Healthy Community** <u>Principles:</u> 1. Accountability over punishment: jail is the last alternative for community safety and offender processing 2. Building legitimate and appropriate alternative capacity and access 3. Risk-based and evidence-based decision-making 4. Wise and strategic use of public resources 5. Data-driven planning, implementation, and on-going evaluation to maintain a public safety system learning culture where continual adjustments made based on data 6. Connecting systems: behavioral health treatment, education, workforce, health/ medical resources, and human services

(2) RED	Planning will include a Decision Point Analysis (DPA) by the Relative Rate Index (RRI) to surface areas in the system where disparities are high.
	    Process will include:
	    • System Map
	    • Aggregate Data Template
	    • Additional Data (e.g.: Charge by Race breakdown)

(3) Behavioral Health	BH Framework for planning:
	• Intercepts and opportunities for diversion (information Sharing)
	• Target population: High Mental Health & Low criminogenic risk – Frequent Fliers
	• Past work: MHJD study & Prioritization Meetings results
	
	Prioritization Results:
	1. Aid and Assist:
	        • Increasing staff/ resources for Forensic Diversion program
	2. DCJ caseload:
	        • Mentally Ill Offender (MIO) Unit
	        • PROB caseload
	3. Increased options for Law Enforcement Officers:
	        • People in mental health treatment and are picked up by police
	4. Pre-Trial:

	• Population not released because of MH concerns (MHJD Study)
(4) Data Strategies	Improved data across systems (BH and CJ) requires a sustainably designed infrastructure with a long-term vision of a single-view of a resident and all the county services they have accessed. • Planning will engage Bob Leek and develop a proposal to build into the SJC plan.
(5) Low Level Offenders	**Prioritization Results:** 1. Law enforcement options (cite in leu, drop off/referral center, etc.) 2. Bench probationers (enhanced alternatives to jail, e.g., probation, etc.) 3. Sentenced Misdemeants (DUIIs and DVs options) 4. Pretrial policy holds

SJC Operations Team – Highlighted Decision Points/ Recommendations:
1. Review/ Analyze impact of Open Booking
2. Use Risk as the lens at each decision point
3. Review Pre-Arrest decision point
   a. Analyze impact of discretionary decisions on RED and MH issues
   b. Alternatives are needed beyond jail
4. Review Presiding Judge Orders (PJO) at Booking/ Recog decision point
   a. Alternative response for Behavioral Health issues?
5. Aid & Assist
   a. Focus on Community-based options for treatment and restoration
   b. Increase support for Forensic Diversion Program
   c. MCSO initiate hearings
6. Arraignment Release Decision Point
   a. What are other possible options?
   b. Electronic fix to time for Defense Bar to write reports
   c. Timeliness of police reports at pretrial
7. Early Release from Jail
   a. Not enough treatment capacity and supportive services to meet need
   b. Individuals without family/ other advocates are disadvantaged as they will sit in jail while others may be able to create treatment linkages needed to convince judge to release to treatment
8. Bench Probation Violations
   a. Additional unintended us of dispositional sentencing
   b. Misdemeanor revocations (<1yr)

SAFETY+JUSTICE CHALLENGE

Attachment: B

SJC Policy Team: Low Level Offender Prioritization - Results

Priority Rank	Policy Area	Description	Score	# of Top Priority Votes	# of Secondary Priority Votes	# of Third Priority Votes	# of Fourth Priority Votes
1	**Law Enforcement Options**	Increased non-booking options, eg: Cite & Release, Refferal/ drop off center, etc.	**30**	6	3	4	0
2	**Bench Probationers**	Decrease use of jail for bench probationers	**31**	6	4	1	3
3	**Sentenced Misdemeanants**	Increase alternative/ non-jail sanction options for sentenced misdemeanants	**34**	4	5	4	2
4	**Pretrial Policy Holds**	Adjust PJO to allow for increased recog releases and/or expedited referral to other pretrial release options	**52**	1	0	5	8

highest possible score: 15

lowest possible score: 60

Attachment: C

Relative Rate Index (RRI) Summary 2013
Multnomah County

As part of the MacArthur Foundation, Safety and Justice Challenge, participating sites were asked to collect data about the population of individuals within the local jail system and about the data at various decision points throughout the system. This document provides a summary of a portion of the data collected in Multnomah County specific to race and ethnicity.

The primary framework for presenting this data is the Relative Rate Index (RRI). The RRI provides a comparison of each racial and ethnic group to a reference group. In this case, the reference group is Whites. To calculate the RRI, a rate is calculated for each racial/ethnic group at a particular point in the system. The rates for each group are then divided by the rate for Whites. This allows comparisons to be made to assess the extent to which disproportionality, or disparities exist.

How to interpret the RRI

As Whites are the reference group, if an RRI was presented for Whites, it would be 1. An RRI value of 1 indicates that a racial/ethnic group is represented at the decision point at the same rate as Whites. Values greater than 1 indicate greater representation than Whites, and values less than 1 indicate representation less than Whites.

RRI of the Overall Jail Population

On any given day, how does the distribution of the jail population by each racial/ethnic category compare to Whites? The RRI can be used to provide this comparison.

Figure 1: Relative Rate Index (RRI) of the Multnomah County Jail Population 2011-2013
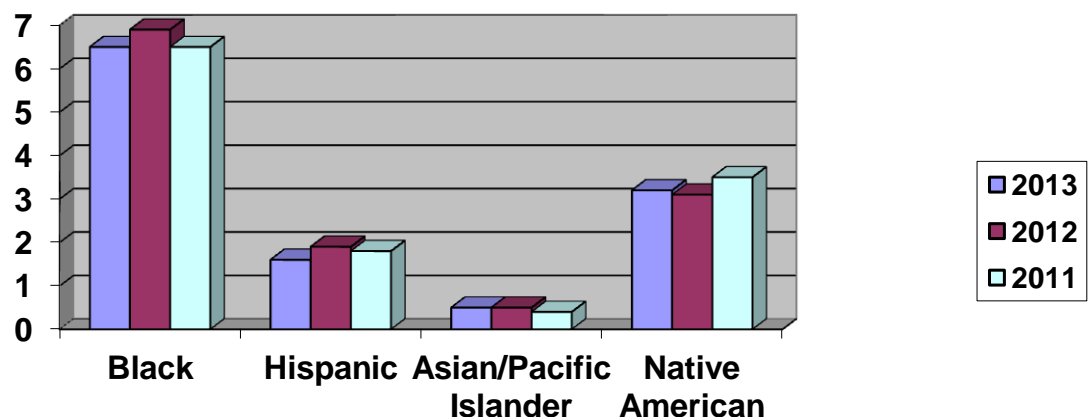
What does the RRI for the jail population indicate?
To illustrate the calculations for the RRI, Table 1 provides the data for 2013 that were used to calculate the RRI.

Table 1: RRI calculations for the Multnomah County jail population, 2013

	White	Black	Hispanic	Asian/Pacific Islander	Native American
Total Adult Population (18+) in Multnomah County	471,124	33,407	54,768	48,186	5,925
Number of people in jail on June 30, 2013	718	324	131	32	29
Rate of people in jail, per 1000	1.5	9.7	2.4	.7	4.9
RRI		6.5	1.6	.5	3.2

The table indicates that for every 1,000 Whites in Multnomah County, there are 1.5 Whites in jail. For every 1,000 Blacks in Multnomah County, there are 9.7 Blacks in jail. When the rate of Blacks in jail is compared to the rate of Whites in jail, Blacks are 6.5 times more likely to be in jail than Whites.

- There is a great deal of consistency in the RRI of the jail population over the past few years.

- Blacks and Native Americans are significantly over-represented in the jail compared to Whites.

- Hispanics are slightly overrepresented in the jail compared to Whites.

- Asian/Pacific Islanders are under-represented in the jail population compared to Whites.

RRI for Each Decision Point Compared to the Overall Multnomah County Population 2013

Figure 1 provides a comparison of the number of cases at each decision point to the overall population in Multnomah County, as provided by the US Census, for 2013.

The RRI indicates that at decision point 1, which represents referrals received and reviewed by the Multnomah District Attorney's Office, Blacks are 4.3 times more likely than whites to have a referral received and reviewed by the DA. This is a significant disparity.

The level of disparity that exists between Blacks and Whites remains relatively constant throughout each of the decision points. While the disparity remains, it is not exacerbated or made worse at subsequent decision points.

Figure 1: Relative Rate Index (RRI) for Each Decision Point Compared to the Overall Multnomah County Population: 2013
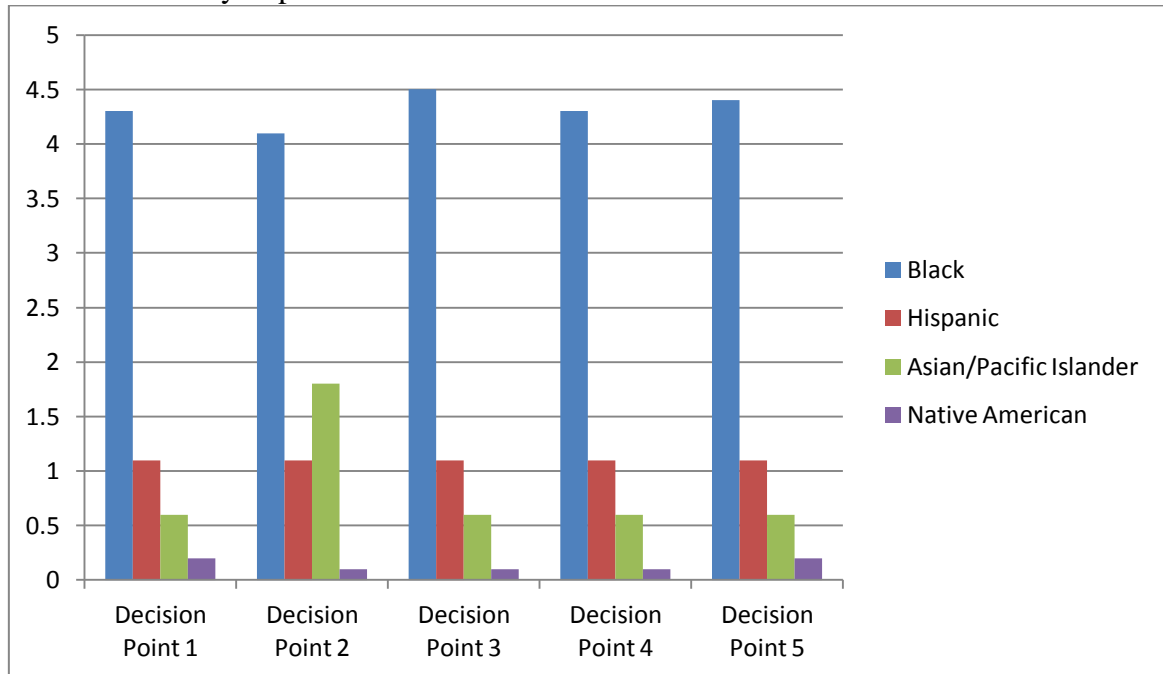

Figure 2 includes RRI calculations for each decision point when compared to the prior decision point. This analysis allows the impact of each decision point on the disparities in the system to be assessed. Figure 2 illustrates that the disparity that exists in the system occurs at the first decision point and does not continue to grow as cases progress throughout the system. For example, at decision point 2, when a decision is made to accept a case for prosecution by the MCDA, the majority of the racial/ethnic groups are treated similar to Whites. The exception is Native Americans who are less likely than Whites to have their case accepted for prosecution.

The data in Figure 2 are consistent with Figure 1. They both illustrate the disparity that exists at the first decision point. The lack of disparity that occurs across the subsequent decision points in Figure 2 is reflected by the lack of increase in the amount of disparity that exists across decision points when compared to the overall population.

Figure 2: Relative Rate Index (RRI) for Each Decision Point Compared to the Prior Decision Point: 2013
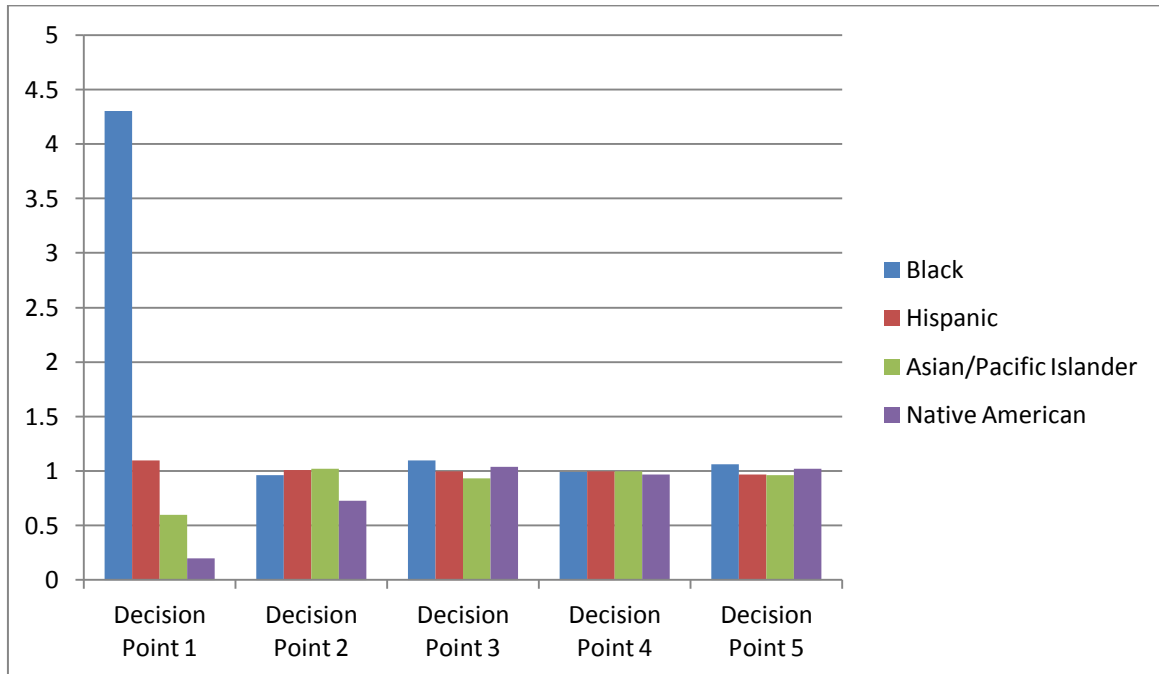
Decision Point Key:

Decision Point 1: Referrals Received and Reviewed by the Multnomah County District Attorney (MCDA)

Decision Point 2: Cases Reviewed by the MCDA that were accepted for prosecution

Decision Point 3: Cases accepted for prosecution that were assigned court appointed counsel

Decision Point 4: Cases arraigned that are continued

Decision Point 5: Cases Convicted

Attachment: D

Diversion

To what extent does the number of cases diverted vary by race/ethnicity?

The Relative Rate Index (RRI) was calculated to determine the extent to which there are differences in the number of cases diverted for each racial/ethnic group when compared to Whites. Table 1 presents the RRI at this decision point comparing the number of cases diverted to the total number of cases processed for each group.

The table reflects the rate of cases diverted per 1,000 cases. For example, for every 1,000 cases processed for Whites, 235 are diverted. The rate per 1,000 cases for Blacks is 170. When the RRI is calculated, Blacks are less likely than Whites to have their case diverted. This is reflected in the RRI value of 72.

Table 1: RRI calculations for cases diverted from prosecution

2013	Total Multnomah Population	White	Black	Hispanic	Asian/ Pacific Islander	Native American
Decision Point 5: Case Processing						
Total number of cases at the case processing decision point[1]	24,226	16,472	4,483	2,107	1,070	23
Number of cases diverted	5,390	3,878	762	475	252	3
Rate of cases diverted per 1,000	222	235	170	225	236	130
RRI			**.72**	**.96**	**1.0**	**.55**

It should be important to note that while the RRI indicates if there are differences across racial/ethnic groups in the decisions compared to Whites, the data does not address the question of why. Additional data and analysis would be needed to address that question.

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[1] The total number of cases includes the number of cases diverted and the number of cases arraigned.

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Attachment: E

Length of Stay (LOS) in Multnomah County Jail – 2013

As part of the Safety and Justice Challenge, data was reviewed on the total number of people released from custody in a given year, including length of stay. The data from 2013 are summarized here.

Table 1 provides the number of people released by the length of stay.
- Just under half of the individuals are released in less than one day.
- Seven out of 10 (71%) are released within 7 days.
- Nine out of 10 (91%) are released within 30 days.

Table 1: Individuals released by length of stay, 2013 (N=36,201)

Length of stay	Number of individuals	Percentage
< 1 day	17,220	48
1-2 days	3,277	9
3-7 days	5,218	14
8-30 days	7,115	20
31-180 days	2,998	8
181-365 days	322	1
366 – 730 days	45	0
> 730 days	6	0

Figure 1: Length of stay by race/ethnicity, 2013
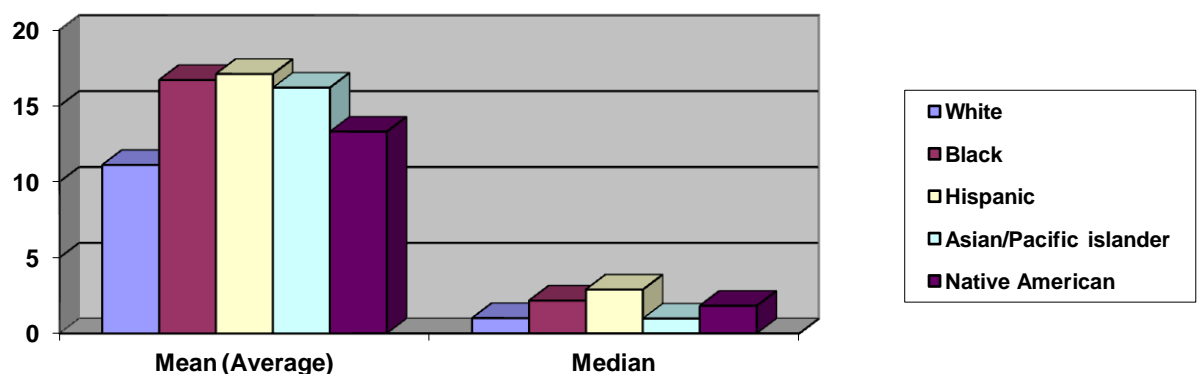
Length of stay information was also captured by race/ethnicity. Figure 1 presents the mean (average) and the median length of stay for each group. The summary includes the entire population of individuals released, regardless of the reason in custody. Across all groups, the average length of stay was 12.9 days. This ranged from a low of 11.1 days for Whites to a high of 17.1 days for Hispanics. The median is a more stable measure that is not subject to

the influence of extremely long stays. It is the point exactly in the middle. The median length of stay for all groups was 1.3 days. This ranged from a low of .98 days for Asians to a high of 2.89 days for Hispanics.

A comparison was made between the median length of stay for each group compared to Whites. Values of 1 would indicate that the median length of stay is the same as Whites. Values greater than 1 indicate a longer length of stay compared to Whites. Values less than 1 reflect a shorter length of stay compared to Whites. This comparison is done for the overall population of individuals released and also by the reason in custody.

Table 2 provides an illustration of the calculations conducted for the overall length of stay. The table illustrates that when compared to Whites, the median length of stay for each group except for Asian/Pacific Islander, is longer than the median LOS for Whites. For example, the median LOS for Blacks is 2.1 times longer than for Whites.

Table 2: LOS comparison across race/ethnicity

	White	Black	Hispanic	Asian/Pacific Islander	Native American
Median LOS (in days)	1.01	2.16	2.89	.98	1.82
Comparison to Whites		2.1	2.9	.97	1.8

Figure 2 provides the comparison of the length of stay for each group in custody compared to Whites.

Figure 2: Comparison of median LOS by race/ethnicity and custody status