

# Report of the Racial Disparities in the Criminal and Juvenile Justice Systems Advisory Panel concerning Section 19, Act 148 – an act concerning Justice Reinvestment

Submitted to the General Assembly in accordance with Act 148 of 2020

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## TABLE OF CONTENTS

### Page

- 3 ---- Introduction
- 4 ---- Identification of high-impact, high-discretion moments in the juvenile and criminal legal systems
- 4 ---- Prioritized list of data to be collected – Juvenile Legal System
- 6 ---- Prioritized list of data to be collected – Adult Criminal Legal System
- 9 ---- Data collection and analysis implementation strategies and recommendations
- 11 ---- Conclusion

### **APPENDICES**

- 12 ---- APPENDIX I – All data to be collected – Juvenile System
  - All data to be collected – Adult Criminal System
- 18 ---- APPENDIX II - Statutes used in the State of Connecticut Concerning the Collection of Relevant Data
- 21 ---- APPENDIX III – Statutes used in the State of Connecticut to Create the Criminal Justice Policy and Planning Division in the Office of Policy and Management
- 24 ---- APPENDIX IV – Current State of Data and Data Flows Regarding Racially-Relevant Data among Various State Agencies in Vermont
- 25 ---- APPENDIX V – Information Regarding the National Center on Restorative Justice
- 26 ---- APPENDIX VI – Glossary of Terms
- 28 ---- APPENDIX VII – Court Disposition Data from the Crime Research Group

## **I - Introduction**

Section 19 of Act 148 – An act relating to justice reinvestment – makes the following request of the Advisory Panel on Racial Disparities in the Criminal and Juvenile Justice Systems (hereafter the RDAP):

### **Sec. 19. RACIAL DISPARITIES IN THE CRIMINAL JUSTICE SYSTEM STUDY AND RECOMMENDATIONS; VERMONT SENTENCING COMMISSION**

(a) During the 2020 legislative interim, the Racial Disparities in the Criminal and Juvenile Justice System Advisory Panel, the Executive Director of Racial Equity, the Chief Superior Judge, the Attorney General, the Defender General, the Department of Corrections, and the Executive Director of the Department of State's Attorneys and Sheriffs shall work with Crime Research Group to identify existing data that explores the relationships between demographic factors and sentencing outcomes and determine whether and where current data systems and collections are insufficient for additional analyses and what staffing or resources are needed to support more robust reporting. Relevant data shall include plea agreements, sentence types and length, criminal history, offense severity, and any other metric that may further identify differences in how people are charged and sentenced by county, race, and gender. The stakeholders identified in this subsection shall also:

(1) Perform an initial analysis of sentencing patterns across the State to identify where the use and length of incarceration may result in or exacerbate racial disparities and make any related proposals for legislative action, including recommendations for further study.

(2) Jointly report their findings pursuant to this subsection and any associated recommendations pursuant to subdivisions (1) and (2) of this subsection to the Joint Legislative Justice Oversight Committee and the Vermont Sentencing Commission on or before December 1, 2020. The report shall include any dissenting opinions among the stakeholders.

The RDAP understands that it is in no way comprised of experts on data, on its collection and analysis, but is a body uniquely constituted to be able to describe what data needs to be collected in order to confront and reduce racially disparate treatment in both the juvenile and adult criminal justice systems. It sees this report as an amplification of the work that it has already submitted to the Legislature in its report of December of 2019.

The Panel discussed the need for data as described in Act 148, and consequently appointed a subcommittee charged with deeply investigating three points, all of which are covered in this report:

- 1) the description of the high-impact, high-discretion moments in both the juvenile and criminal legal systems that require data in order to confront racially disparate treatment and outcomes and the prioritization of the collection and analysis of that data;
- 2) the determination, made with the input of the Crime Research Group, concerning what data exist and do not exist for this purpose, and;
- 3) several recommendations concerning the collection and analysis of data, including ensuring adequate staffing and capacity and the use of evidence-based standards and best practices.

## **II - Identification of high-impact, high-discretion moments in the juvenile and criminal legal systems**

Recognizing that discretionary decisions are most vulnerable to the influence of racial bias and accepting the mounting body of research that establishes that racial bias, whether conscious or unconscious, impacts an individual's thinking at a fundamental level, the RDAP identified critical discretionary decision-making points involved in the juvenile and criminal legal systems.

The RDAP recognized many areas of necessary data collection that will capture these high-impact, high-discretion points. To provide a focus for near-term legislative action, the Panel has produced a set of prioritized data collection points in both the criminal and juvenile justice systems. Those charts follow.

In recommending that a wide variety of information be collected and analyzed, the RDAP is not suggesting the unlawful disclosure of confidential information. However, if recommended data collection points ultimately contain confidential information, the Legislature should consider whether this information should remain confidential given the competing and potentially superseding policy interests related to transparency, review, and accountability.

Appendix I contains the full set of necessary data collection points identified by the RDAP.

### **a. Juvenile Legal System:**

**Prioritized list of data to be collected.** In the left column is a category of data related to the juvenile legal system that the state should place an emphasis on collecting in the near term. Bullet points flesh out aspects of these categories. In the right column, Crime Research Group identified whether or not these data exist in a particular system. The fact that the data exist in a system is not an indication that the data are easily extracted or accessible.

<b>Data the Panel Recommends Be Collected</b>	<b>Availability of the Data in a Current State System</b>
<p>Demographics of juvenile, attorneys, judge, GAL, DCF officers, law enforcement, complainants involved in the case, and juvenile’s parents.</p> <ul style="list-style-type: none"> <li>Demographic information should include, but not be limited to: data on race, sex, gender, socioeconomic status, ethnicity, age, and language use, schools (teachers/students/counselors/SROs), how many of the juveniles were/are in the child welfare system.</li> </ul>	<p>Demographics of juvenile, attorneys, judge, GAL, DCF officers, law enforcement, complainants involved in the case, and juvenile’s parents.</p> <ul style="list-style-type: none"> <li>Some information is available in Valcour and the courts.</li> <li>State employee human resource data is at HR.</li> <li>Aggregate race, sex and socioeconomic data available by school.</li> </ul>
<p>Encounters with law enforcement, DCF, mandatory reporters, schools and school resource officers</p> <ul style="list-style-type: none"> <li>Data on where these encounters occur and which entities the encounters occur with</li> <li>Whether initial encounters resulted in release, citations or custodial arrests</li> <li>Data on the basis for arrest and level and length of detention pre-initial court appearance</li> <li>Reports from mandated reporters</li> <li>Data needs to be broken out by school</li> </ul>	<p>Encounters with law enforcement, DCF, mandatory reporters, schools and school resource officers</p> <ul style="list-style-type: none"> <li>Not all incidents are captured in a database, LE and DCF contacts are captured.</li> <li>Available in the law enforcement Valcour CAD/RMS (database)</li> <li>Possibly DCF?</li> <li>DCF captures mandated reporter reports</li> <li>Broken out by school is not generally available. Police response at a school is available.</li> </ul>
<p>Pre- and post-charge diversion and community justice programs</p> <ul style="list-style-type: none"> <li>Referrals by the prosecutor, DCF, law enforcement, school resource officers, and school</li> <li>Acceptance/Rejection of applications by the program</li> <li>Date the juvenile began the program, length of stay, completion of the program</li> <li>Risk assessment tools used, including when and where they are done, what type, and outcomes</li> </ul>	<p>Pre- and post-charge diversion and community justice programs</p> <ul style="list-style-type: none"> <li>Police referrals are available. Court Diversion in court data.</li> <li>Not easily accessible. CJC’S do not have a networked system or consistent data collection. Court Diversion programs began collecting race data for FY20.</li> <li>Not easily accessible. CJC’s do not have consistent data collection. Court Diversion would have this information starting in FY20.</li> <li>YASI score is recorded in DCF</li> </ul>
<p>Charging/Delinquency petition</p> <ul style="list-style-type: none"> <li>Initial and amended charges filed</li> <li>Challenges to the charges and pre-merits disposition by the court</li> </ul>	<p>Charging/Delinquency petition</p> <ul style="list-style-type: none"> <li>Available from court</li> <li>Available from court</li> </ul>
<p>Counsel</p> <ul style="list-style-type: none"> <li>Access to and assignment of defense counsel throughout all stages of case, including initial</li> </ul>	<p>Counsel</p> <ul style="list-style-type: none"> <li>Not available for all stages. Available when counsel is assigned via court order.</li> </ul>

<p>encounters to post-sentencing and expungement</p> <ul style="list-style-type: none"> <li>• Docket size and years of experience as a defense attorney and prosecutor</li> <li>• Other factors relevant to case outcomes and legal representation.</li> </ul>	<ul style="list-style-type: none"> <li>• Docket size is available through query. See above on HR. None of this is available for ad-hoc counsel.</li> <li>• Not agreed upon. Academic studies attempting to quantify representation are generally lacking consensus on how best to measure.</li> </ul>
<p>Pretrial detention, release, and discharge from custody</p> <ul style="list-style-type: none"> <li>• Custody status, conditions, level, place and duration of detention, number of admissions, custody reviews, changes to status, discharge from custody, number of placement changes</li> <li>• Risk assessments, including when and where they are done, what type, and outcomes</li> </ul>	<p>Pretrial detention, release, and discharge from custody</p> <ul style="list-style-type: none"> <li>• Possibly some of this is at DCF</li> <li>• Yasi scores are recorded at DCF</li> </ul>
<p>Plea agreements</p> <ul style="list-style-type: none"> <li>• Total plea agreements, agreements involving probation, level and place of detention, or other agreements</li> <li>• Details relating to offers made by the prosecution, including timing, number, and last best offer</li> </ul>	<p>Plea agreements</p> <ul style="list-style-type: none"> <li>• State's Attorneys do not keep these records.</li> </ul>
<p>Disposition</p> <ul style="list-style-type: none"> <li>• Time to disposition.</li> <li>• Data on disposition, including sentencing minimum and maximum terms, location and level of secure detention, fees and fines, restitution, probation term and conditions, other disposition alternatives</li> </ul>	<p>Disposition</p> <ul style="list-style-type: none"> <li>• Offense date, filing dates are available.</li> <li>• Most of this is available in the court data</li> </ul>
<p>Sanctions and/or disciplinary actions</p> <ul style="list-style-type: none"> <li>• This should include sanctions against law enforcement, prosecutors, defense attorneys, judges, DOC officers, and DCF officers, with the ability to cross-reference with conviction, law enforcement, and prosecutor integrity review.</li> </ul>	<p>Sanctions and/or disciplinary actions</p> <ul style="list-style-type: none"> <li>• Vermont CJTC has a list decertified officers available on its website.</li> <li>• Bar sanctions for attorneys are public.</li> </ul>

**b. Adult Criminal Legal System:**

**Prioritized list of data to be collected.** In the left column is a category of data related to the adult criminal legal system that the state should place an emphasis on collecting in the near term. Bullet points flesh out aspects of these categories. In the right column, Crime Research Group

identified whether or not these data exist in a particular system. The fact that the data exist in a system is not an indication that the data are easily extracted or accessible.

<b>Data the Panel Recommends Be Collected</b>	<b>Availability of the Data in a Current State System</b>
<p>Demographics of defendant, complainant, attorneys, judge, jurors, law enforcement, and corrections officers.</p> <ul style="list-style-type: none"> <li>Demographic information should include, but not be limited to: data on race, sex, gender, socioeconomic status, ethnicity, age, and language use.</li> </ul>	<ul style="list-style-type: none"> <li>Demographic data is available on known victims and arrestees: age, race, sex, gender id, ethnicity are available fields in Valcour.</li> <li>Socioeconomic can be proxied: Did the person get a public defender? Educational attainment (recorded in DOC), census data.</li> <li>HR files may contain demographic data for employees. HR files are not integrated with main case management systems. State HR data is kept in state HR database. Language may be captured in court files when an interpreter is ordered by the court (see below).</li> </ul>
<p>Pre-charge</p> <ul style="list-style-type: none"> <li>Initial encounters resulting in release, citations or custodial arrests</li> <li>Custodial arrests resulting in after-hours conditions or bail; length of pre-arraignment detention</li> <li>Referral, acceptance and completion rates of diversion/treatment program</li> <li>Numbers of cases eligible for referral (establishing authority of the Court to divert cases)</li> <li>Risk assessments, including when and where they are done, what type, and outcomes</li> </ul>	<p>Pre-Charge</p> <ul style="list-style-type: none"> <li>Available - Valcour and NIBRS (Spillman is going away)</li> <li>Available - DOC, Court has record of conditions ordered</li> <li>Not easily accessible. CJC'S do not have a networked system or consistent data collection. Court Diversion programs began collecting race data for FY20.</li> <li>Diversion is based on criminal history or SUD- criminal histories are available- but require manipulation to get answer. SUD or mental health not recorded</li> <li>Unsure on what risk assessments. Don't know of any used pre-charge. (DOC does some after sentencing. Scores and type are recorded.)</li> </ul>
<p>Charging</p> <ul style="list-style-type: none"> <li>Initial and amended charges filed; challenges to charges and pre-trial dispositions relating to charges</li> <li>Circumstances around the charges</li> </ul>	<p>Charging</p> <ul style="list-style-type: none"> <li>Available - Court data</li> <li>Available – Valcour/NIBRS</li> </ul>

<p>Counsel</p> <ul style="list-style-type: none"> <li>• Access to and assignment of defense counsel throughout all stages of the case, including initial encounters to post-sentencing and expungement</li> <li>• Docket size and years of experience as a defense attorney and prosecutor</li> <li>• Other factors relevant to case outcomes and legal representation.</li> </ul>	<p>Counsel</p> <ul style="list-style-type: none"> <li>• Not available for all stages. Available when counsel is assigned via court order.</li> <li>• Docket size is available through query. See above on HR. None of this is available for ad-hoc counsel.</li> <li>• Not agreed upon. Academic studies attempting to quantify representation are generally lacking consensus on how best to measure.</li> </ul>
<p>Post-charge diversion/treatment programs</p> <ul style="list-style-type: none"> <li>• Referral, acceptance and completion rates of diversion/treatment program</li> <li>• Date the defendant begins the program</li> <li>• Risk assessments, including when and where they are done, what type, and outcomes</li> </ul>	<p>Post-charge diversion/treatment programs</p> <ul style="list-style-type: none"> <li>• Not easily accessible. CJs do not have a networked system or consistent data collection. The AG’s office started collecting data from Court Diversion programs for FY20.</li> <li>• CJs do not have a networked system or consistent data collection.</li> <li>• Unsure on what risk assessments. Don’t know of any used by programs post-charge. DOC does some after sentencing. Scores, type are recorded.</li> </ul>
<p>Pretrial detention/release</p> <ul style="list-style-type: none"> <li>• Pretrial detention status of defendants, including conditions of release, bail amounts and HWOB</li> <li>• Bail reviews and changes to pre-trial detention or conditions of release</li> <li>• Revocation of bail or conditions of release</li> </ul>	<p>Pretrial detention/release</p> <ul style="list-style-type: none"> <li>• Available from DOC / Courts have conditions of release</li> <li>• Anything docketed is in the court system</li> <li>• Available in court data</li> </ul>
<p>Plea agreements</p> <ul style="list-style-type: none"> <li>• Total plea agreements</li> <li>• Agreements involving probation, imprisonment, or other agreements</li> <li>• Details relating to offers made by the prosecution, including timing, number, and last best offer</li> <li>• Time to plea agreement</li> </ul>	<p>Plea agreements</p> <ul style="list-style-type: none"> <li>• Per defendant per case? Available - Courts</li> <li>• As agreed to? As offered? - Nothing on the offer is recorded by the SAs in a consistent manner. Court data will include what is docketed. So if it is set for a contested sentencing- that will be in there, plus the actual sentence imposed.</li> <li>• Timing from? Generally, not recorded, unsure of “last best offer”</li> <li>• Time from offense, arraignment, and disposition are known.</li> </ul>
<p>Sanctions and/or disciplinary actions</p>	<p>Sanctions/and or disciplinary actions</p>



<ul style="list-style-type: none"> <li>• This should include sanctions against law enforcement, prosecutors, defense attorneys, judges, DOC officers, and DCF officers, with the ability to cross-reference with conviction, law enforcement, and prosecutor integrity review.</li> </ul>	<ul style="list-style-type: none"> <li>• Vermont CJTC has a list decertified officers available on its website.</li> <li>• Bar sanctions regarding attorneys are public.</li> </ul>
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In the rows above concerning “Counsel”: there was disagreement concerning the amount and type of data regarding judges. Some panelists felt that the length of a judge’s service on the bench was the important information to collect. Others felt that, to provide an accurate understanding of a judge’s perspective, data elucidating judges’ experience, length of time on the bench, and legal background prior to service on the bench were needed.

### III - Data collection and analysis implementation strategies and recommendations

The collection and analysis of this data will require an implementation strategy to ensure its success. During the initial stages of implementation, a comprehensive mapping of existing and missing data and infrastructure development will be needed. Plans for the actual data collection and analysis will also be required.

The RDAP submits the following specific recommendations in implementing this data collection and analysis:

- Ensure data collection and analysis centers are experienced in juvenile and criminal law systems analysis and in evaluating racial disparities specifically, are adequately staffed and have the capacity to manage the volume and complexity of data involved, and provide timely analysis for policymakers.
- Require that data collection and analysis centers use evidence-based standards and best practices. Mandate that these centers remain independent from state agencies that provide data for collection and analysis.
- Consider resources in Vermont and out-of-state to take advantage of the expertise of other organizations or universities that specialize in this field and that are already collecting and analyzing similar data. Turning to organizations or universities with proven track records in this field will help to ensure maximum efficiency in the implementation of this legislation and allow data to be used and relied upon by policymakers as quickly as possible.
- Ultimately, qualitative feedback, information, and stories need to be a part of any complete study of our criminal and juvenile justice systems.

The RDAP has identified a resource potentially available to help implement this legislation. The State of Connecticut’s Criminal Justice Policy and Planning Division in the Office of Policy and Management are involved in the implementation of that state’s own efforts regarding the collection and analysis of data concerning the amelioration of racial disparities in both the juvenile and adult criminal justice systems. The Panel had a productive meeting with three

officials from the Division who offered useful insight. The Panel felt that their input, gathered from actual experience, would be invaluable. These officials were:

- Marc Pelka, Undersecretary, State of Connecticut's Criminal Justice Policy and Planning Division in the Office of Policy and Management
- Kyle Baudoin, Lead Planning Analyst
- Kevin F. Neary, Lead Planning Analyst

That meeting led to several additional recommendations from the RDAP for the Legislature. The RDAP felt that building on their experience be useful. There is no need to "reinvent the wheel", especially since the need for movement on the matter of racial disparity is so pressing.

The following recommendations are made as a result of the RDAP Act 148 Subcommittee's meeting on 3 November with the abovenamed officials. Some of them overlap and reinforce recommendations the Panel has already made.

- That a body charged with the definition, collection and analysis of data pertaining to racial disparities across the juvenile and adult criminal justice systems both be created and staffed. Experience has shown that Connecticut has needed three (3) staff members charged with data collection and analysis.
- That this body is housed in an entity that is not subject to the vagaries of the political process, nor in any entity that is politically constituted. In short, the matter of reducing racial disparities must not - under any circumstances - be seen as a partisan issue.
- That funding be provided for positions within each Vermont state agency that needs to extract data concerning racial disparities within its purview that is to be provided to this new body. This extraction is both a time consuming and possibly lengthy process.
- That this body produces monthly reports *distinctly* and *deliberately* aimed at both the Legislature *and* at broader communities (including historically impacted communities) pertaining to racial disparities in the juvenile and adult criminal justice systems that are concerned with basic demographic information. Transparency must be prime in these reports.
- That this body's work should be guided by an advisory organ consisting of stakeholders from historically impacted communities, such as BIPOC communities, neurodivergent communities, and communities of gender and sexual minorities, that concerns itself with the definition, collection and analysis of data pertaining to the amelioration of racial disparities in the juvenile and adult criminal justice systems. Stakeholder input on these matters is crucial.

- That the Legislature both expect to create this body, and further be prepared to consider legislation that supports the work of this body as this body's needs change over time.

## **I. Conclusion**

To summarize: the first section of this report contains a description of the task the Panel undertook. The second section of this report contains a schematic outline of high-impact, high-discretion decision points in our criminal and juvenile justice systems, along with related information. These are aspects of our system that the panel recommends be prioritized with respect to data collection. The second section also contains information regarding the current status of data collection in Vermont. And the final section includes recommendations regarding comprehensive and trustworthy data collection in the criminal and juvenile justice systems. We also discuss human resource-related needs for collecting these data, and for making them work to confront extant racial disparities.

APPENDIX I:

The following lists comprise the full set of data the Panel believes Vermont should be collecting in both our juvenile and criminal systems. The prioritized aspects, which were listed in Section II above, are highlighted here.

**a. Juvenile System:**

**All data that should be collected.** Each of the following boxes is a category of data that our system should be collecting. Bullet points flesh out aspects of these categories.

<p>Encounters with law enforcement, DCF, schools and school resource officers</p> <ul style="list-style-type: none"> <li>• Data on where these encounters occur and which entities the encounters occur with</li> <li>• Whether initial encounters resulted in release, citations or custodial arrests</li> <li>• Data on the basis for arrest and level and length of detention pre-initial court appearance</li> <li>• Reports from mandated reporters</li> <li>• Data needs to be broken out by school</li> </ul>	<p>Encounters with law enforcement, DCF, schools and school resource officers</p> <ul style="list-style-type: none"> <li>• Not all encounters are captured in a database. Law enforcement incidents and DCF contacts are captured.</li> <li>• Available in Valcour (LE database)</li> <li>• Possibly at DCF</li> <li>• DCF captures mandated reporter reports</li> <li>• Broken out by school is not generally available. Police response at a school is available.</li> </ul>
<p>Pre- and post-charge diversion and community justice programs</p> <ul style="list-style-type: none"> <li>• Referrals by the prosecutor, DCF, law enforcement, school resource officers, and school</li> <li>• Acceptance/Rejection of applications by the program</li> <li>• Date the juvenile began the program, length of stay, completion of the program</li> <li>• Risk assessment tools used, including when and where they are done, what type, and outcomes</li> </ul>	<p>Pre- and post-charge diversion and community justice programs</p> <ul style="list-style-type: none"> <li>• Police referrals are available. Court Diversion from court data.</li> <li>• Not easily accessible. CJC’S do not have a networked system or consistent data collection. Court Diversion programs began collecting race data for FY20.</li> <li>• YASI score is recorded in DCF</li> </ul>
<p>Charging/Delinquency petition</p> <ul style="list-style-type: none"> <li>• Initial and amended charges filed</li> <li>• Challenges to the charges and pre-merits disposition by the court</li> </ul>	<p>Charging/Delinquency petition</p> <ul style="list-style-type: none"> <li>• Available – court data</li> <li>• Available – court data</li> </ul>
<p>Transfers down and up between criminal and family courts</p> <ul style="list-style-type: none"> <li>• Total number of transfer downs for youthful offender and number of revocations, including total number of petitions filed, granted and denied</li> </ul>	<p>Transfers down and up between criminal and family courts</p> <ul style="list-style-type: none"> <li>• Available – court data</li> </ul>
<p>Counsel</p> <p>Access to and assignment of defense counsel throughout all stages of case, including initial encounters to post-sentencing and expungement</p>	<p>Counsel</p> <ul style="list-style-type: none"> <li>• Not available for all stages. Available when counsel is assigned via court order.</li> </ul>

<ul style="list-style-type: none"> <li>• Docket size and years of experience as a defense attorney and prosecutor</li> <li>• Other factors relevant to case outcomes and legal representation.</li> </ul>	<ul style="list-style-type: none"> <li>• Docket size is available through query. See above on HR. None of this is available for ad-hoc counsel.</li> <li>• Not agreed upon. Academic studies attempting to quantify representation are generally lacking consensus on how best to measure.</li> </ul>
<p>Interpreters and translations</p> <ul style="list-style-type: none"> <li>• Points when interpreter and translation needs were assessed and provided</li> </ul>	<p>Interpreters and translations</p> <ul style="list-style-type: none"> <li>• Generally not available</li> </ul>
<p>Continuances, including number, timing, and reason why continuance sought; invocations of speedy trial</p>	<ul style="list-style-type: none"> <li>• Motions for continuances are docketed. Speedy trial motions are docketed. Reasons why are not captured.</li> </ul>
<p>Pretrial detention, release, and discharge from custody</p> <ul style="list-style-type: none"> <li>• Custody status, conditions, level, place and duration of detention, number of admissions, custody reviews, changes to status, discharge from custody, number of placement changes</li> <li>• Risk assessments, including when and where they are done, what type, and outcomes</li> </ul>	<p>Pretrial detention, release, and discharge from custody</p> <ul style="list-style-type: none"> <li>• Possibly at DCF</li> <li>• Yasi scores are recorded in DCF</li> </ul>
<p>Plea agreements</p> <ul style="list-style-type: none"> <li>• Total plea agreements, agreements involving probation, level and place of detention, or other agreements</li> <li>• Details relating to offers made by the prosecution, including timing, number, and last best offer</li> </ul>	<p>Plea Agreements</p> <p>SA/DG do not keep these records.</p>
<p>Cases going to contested merits</p> <ul style="list-style-type: none"> <li>• Data on cases added per month, pending contested merits cases, plea offers accepted and rejected by the court per month, disposition</li> <li>• Time to merits</li> </ul>	<p>Cases going to contested merits</p> <ul style="list-style-type: none"> <li>• Available in the court data</li> </ul>
<p>Disposition</p> <ul style="list-style-type: none"> <li>• Time to disposition.</li> <li>• Data on disposition, including sentencing minimum and maximum terms, location and level of secure detention, fees and fines, restitution, probation term and conditions, other disposition alternatives</li> </ul>	<p>Disposition</p> <ul style="list-style-type: none"> <li>• Available in the court data</li> </ul>
<p>Post-disposition detention, release, and discharge from custody</p> <ul style="list-style-type: none"> <li>• Number of admissions, duration, conditions, level and place of detention, changes in custodial status, discharge from custody, number of placement changes</li> </ul>	<p>Post-disposition detention, release, and discharge from custody</p> <ul style="list-style-type: none"> <li>• Possibly at DCF</li> </ul>

<ul style="list-style-type: none"> <li>• Data relating to alleged violations, requests to revoke status and outcomes/dispositions.</li> <li>• Risk assessments, including when and where they are done, what type, and outcomes</li> </ul>	<ul style="list-style-type: none"> <li>• Yasi scores are recorded in DCF</li> </ul>
<p>Post-disposition programming</p> <ul style="list-style-type: none"> <li>• Referrals by DCF, acceptance/rejection of applications by the program</li> <li>• Date juvenile begins program, length of stay, completion of program, number of program changes</li> <li>• Risk assessments, including when and where they are done, what type, and outcomes</li> </ul>	<p>Post-disposition programming</p> <ul style="list-style-type: none"> <li>• Possibly at DCF</li> <li>• Yasi scores are recorded in DCF</li> </ul>
<p>Expungement</p> <ul style="list-style-type: none"> <li>• Applications submitted, approved, and rejected</li> </ul>	<p>Expungement</p> <ul style="list-style-type: none"> <li>• Available</li> </ul>
<p>Demographics of juvenile, attorneys, judge, GAL, DCF officers, law enforcement, complainants involved in the case, and juvenile’s parents.</p> <ul style="list-style-type: none"> <li>• Demographic information should include, but not be limited to: data on race, sex, gender, socioeconomic status, ethnicity, age, and language use, schools (teachers/students/ counselors/SROs), how many of the juveniles were/are in the child welfare system.</li> </ul>	<p>Demographics of juvenile, attorneys, judge, GAL, DCF officers, law enforcement, complainants involved in the case, and juvenile’s parents.</p> <ul style="list-style-type: none"> <li>• Some information is available in Valcour and the court</li> <li>• State employee HR data is at HR.</li> <li>• Aggregate race, sex and socioeconomic data available by school.</li> </ul>
<p>Zip+4 code of juvenile’s primary residence</p>	<p>Not available. Zip+4 isn’t tied to a geographic entity- it is a postal route. The same street in a town could have more than 1. Lat/Long of police activity is available. Valcour has some historical address data. What needs to be measured?</p>
<p>Contact between complainant and prosecutorial and DCF officers throughout all stages of the case, including data on cases involving victims. This should include victim impact statements and victim testimony received by court</p>	<p>Not available</p>
<p>Sanctions and/or disciplinary actions</p> <ul style="list-style-type: none"> <li>• This should include sanctions against law enforcement, prosecutors, defense attorneys, judges, DOC officers, and DCF officers, with the ability to cross-reference with conviction, law enforcement, and prosecutor integrity review.</li> </ul>	<p>Sanctions</p> <ul style="list-style-type: none"> <li>• Vermont CJTC has a list decertified officers available on its website.</li> <li>• Bar sanctions for attorneys are public.</li> </ul>

**b. Adult Criminal System:**

**All data that should be collected.** Each of the following boxes is a category of data that our system should be collecting. Bullet points flesh out aspects of these categories.

<p><b>Pre-charge</b></p> <ul style="list-style-type: none"> <li>• Initial encounters resulting in release, citations or custodial arrests</li> <li>• Custodial arrests resulting in after-hours conditions or bail; length of pre-arraignment detention</li> <li>• Referral, acceptance and completion rates of diversion/treatment program</li> <li>• Numbers of cases eligible for referral (establishing authority of the Court to divert cases)</li> <li>• Risk assessments, including when and where they are done, what type, and outcomes</li> </ul>	<p><b>Pre-Charge</b></p> <ul style="list-style-type: none"> <li>• Available – Valcour/NIBRS</li> <li>• Available- DOC, Court has record of conditions ordered</li> <li>• Not easily accessible. CJCS do not have a networked system or consistent data collection. Court Diversion programs began collecting race data for FY20.</li> <li>• Diversion is based on criminal history or SUD- criminal histories are available- but require manipulation to get answer. SUD or other not recorded</li> <li>• Unsure on what risk assessments. Don't know of any used pre-charge. (DOC does some after sentencing. Scores and type are recorded.)</li> </ul>
<p><b>Charging</b></p> <ul style="list-style-type: none"> <li>• Initial and amended charges filed; challenges to charges and pre-trial dispositions relating to charges</li> <li>• Circumstances around the charges</li> </ul>	<p><b>Charging</b></p> <ul style="list-style-type: none"> <li>• Available- Court data</li> <li>• Available in Valcour/NIBRS (LE database)</li> </ul>
<p><b>Counsel</b></p> <ul style="list-style-type: none"> <li>• Access to and assignment of defense counsel throughout all stages of the case, including initial encounters to post-sentencing and expungement</li> <li>• Docket size and years of experience as a defense attorney and prosecutor</li> <li>• Other factors relevant to case outcomes and legal representation.</li> </ul>	<p><b>Counsel</b></p> <ul style="list-style-type: none"> <li>• Not available for all stages. Available when counsel is assigned via court order.</li> <li>• Docket size is available through query. See above on HR. None of this is available for ad-hoc counsel.</li> <li>• Not agreed upon. Academic studies attempting to quantify representation are generally lacking consensus on how best to measure.</li> </ul>
<p><b>Interpreters and translations</b></p> <ul style="list-style-type: none"> <li>• Points when interpreter and translation needs were assessed and provided</li> </ul>	<ul style="list-style-type: none"> <li>• Court may have info if ordered</li> <li>• PD/SA could record it- but likely do not</li> <li>• Police narrative would contain info on interpreter</li> </ul>
<ul style="list-style-type: none"> <li>• Continuances, including number, timing, and reason why continuance sought; invocations of speedy trial</li> </ul>	<ul style="list-style-type: none"> <li>• Anything that gets docketed gets an entry in the court data (Defendant filed motion- date is in there, Court ruled on motion- date is in there)</li> </ul>

<p>Post-charge diversion/treatment programs</p> <ul style="list-style-type: none"> <li>Referral, acceptance and completion rates of diversion/treatment program</li> <li>Date the defendant begins the program</li> <li>Risk assessments, including when and where they are done, what type, and outcomes</li> </ul>	<p>Post-charge diversion/treatment programs</p> <ul style="list-style-type: none"> <li>Not easily accessible. CJs do not have a networked system or consistent data collection. The AG's office started collecting data from Court Diversion programs for FY20.</li> <li>CJs do not have a networked system or consistent data collection.</li> <li>What risk assessments? DOC does some after sentencing. Scores/type are recorded.</li> </ul>
<p>Pretrial detention/release</p> <ul style="list-style-type: none"> <li>Pretrial detention status of defendants, including conditions of release, bail amounts and HWOB</li> <li>Bail reviews and changes to pre-trial detention or conditions of release</li> <li>Revocation of bail or conditions of release</li> </ul>	<p>Pretrial detention/release</p> <ul style="list-style-type: none"> <li>Available from DOC, Courts have conditions of release</li> <li>Anything docketed / available in the court data</li> <li>Anything docketed / available in the court data</li> </ul>
<p>Plea agreements</p> <ul style="list-style-type: none"> <li>Total plea agreements</li> <li>Agreements involving probation, imprisonment, or other agreements</li> <li>Details relating to offers made by the prosecution, including timing, number, and last best offer</li> <li>Time to plea agreement</li> </ul>	<p>Plea agreements</p> <ul style="list-style-type: none"> <li>Per defendant per case? Available- Courts</li> <li>As agreed to? As offered? Nothing on the offer is recorded by the SAs in a consistent manner. Court data will include what is docketed. So if it is set for a contested sentencing- that will be in there, plus the actual sentence imposed.</li> <li>Timing from? Generally not recorded, unsure of "last best offer" Defenders don't record offers</li> <li>Time from offense, arraignment and disposition are known.</li> </ul>
<p>Cases going to trial</p> <ul style="list-style-type: none"> <li>Cases added per month, pending trial cases, plea offers accepted by the court per month, plea offers rejected by the court per month, disposition by jury or bench trials</li> <li>Time to trial</li> </ul>	<p>Cases going to trial</p> <ul style="list-style-type: none"> <li>Generally available</li> <li>Time to trial from when? Arraignment to Disposition can be calculated.</li> </ul>
<p>Sentences/Dispositions</p> <ul style="list-style-type: none"> <li>Court fines, minimum and maximum imprisonment terms, restitution amounts, probation term and conditions, or sentencing alternatives</li> </ul>	<p>Sentences/Dispositions</p> <ul style="list-style-type: none"> <li>Court data contains sentencing info. Probation Terms and Conditions would be from DOC</li> </ul>
<ul style="list-style-type: none"> <li>Duration and conditions of confinement, security level of confinement, location of confinement, movement history, number and duration of segregation, number and type of alleged disciplinary violations, dispositions,</li> </ul>	<ul style="list-style-type: none"> <li>DOC OMS (Offender Management System) tracks the individual through the DOC system. Most of this data are available if DOC creates the data. For example, internal disciplinary decisions are available</li> </ul>



<p>and sanctions, and administrative and judicial reviews and final outcomes</p> <ul style="list-style-type: none"> <li>• Numbers of persons released at their minimum and maximum sentences, disciplinary violations, sanctions, segregation, access to health care, and data relating to health of inmates</li> </ul>	<ul style="list-style-type: none"> <li>• DOC OMS data captures releases, disciplinary violations etc. Inmate healthcare and needs are in a separate electronic health records protected database</li> </ul>
<p>Community supervision release (probation/parole /furlough)</p> <ul style="list-style-type: none"> <li>• Timing of release, including who is released at the minimum sentence, changes in supervision status, and numbers and types of conditions of release imposed; status reviews, alleged violations and dispositions, revocations, and duration and conditions of confinement after prior release on community supervision</li> </ul>	<p>Community supervision release</p> <ul style="list-style-type: none"> <li>• Some definitional issues, but DOC OMS has these data.</li> </ul>
<p>Post-sentencing treatment programs</p> <ul style="list-style-type: none"> <li>• Referral, acceptance and completion rates of program</li> <li>• Date defendant begins program</li> <li>• Risk assessments, including when and where they are done, what type, and outcomes</li> </ul>	<p>Post-sentencing treatment programs</p> <ul style="list-style-type: none"> <li>• What programs? For CJC re-entry and reparative probation - DOC has some data.</li> </ul>
<p>Expungement</p> <ul style="list-style-type: none"> <li>• Applications submitted, approved, and rejected</li> </ul>	<p>Expungement</p> <ul style="list-style-type: none"> <li>• Court data</li> </ul>
<p>Demographics of defendant, complainant, attorneys, judge, jurors, law enforcement, and corrections officers.</p> <ul style="list-style-type: none"> <li>• Demographic information should include, but not be limited to: data on race, sex, gender, socioeconomic status, ethnicity, age, and language use.</li> </ul>	<ul style="list-style-type: none"> <li>• Demographic info is available on known victims/arrestees: age, race, sex, gender id, ethnicity are available fields in Valcour.</li> <li>• Socioeconomic can be proxied (but still needs to be defined): did the person get a public defender? Educational attainment (recorded in DOC), census data.</li> <li>• HR files may contain demographic info for employees. HR files are not integrated with main case management system in: Defenders, SAs, or DOC. Outstanding: Valcour, Courts</li> </ul>
<ul style="list-style-type: none"> <li>• Zip+4 code of defendant's primary residence</li> </ul>	<ul style="list-style-type: none"> <li>• Not available. Zip+4 isn't tied to a geographic entity- it is a postal route. The same street in a town could have more than 1. Lat/Long of police activity is available. Valcour has some historical address data. What needs to be measured?</li> </ul>
<ul style="list-style-type: none"> <li>• Contact between victims and prosecutorial officials throughout all stages of the case, including data on cases involving victims. This should include victim impact statements and victim testimony received by court</li> </ul>	<ul style="list-style-type: none"> <li>• SAs do not have standard data collection.</li> </ul>

<p><b>Sanctions and/or disciplinary actions</b></p> <ul style="list-style-type: none"> <li>• This should include sanctions against law enforcement, prosecutors, defense attorneys, judges, DOC officers, and DCF officers, with the ability to cross-reference with conviction, law enforcement, and prosecutor integrity review.</li> </ul>	<p>Sanctions/and or disciplinary actions</p> <ul style="list-style-type: none"> <li>• Vermont CJTC has a list decertified officers available on its website. Bar sanctions are public.</li> </ul>
<ul style="list-style-type: none"> <li>• Criminal histories of defendants</li> </ul>	<ul style="list-style-type: none"> <li>• Available. But need to be analyzed for specific questions.</li> </ul>

**APPENDIX II – Statutes used in the State of Connecticut Concerning the Collection of Relevant Data**



Substitute Senate Bill No. 880

Public Act No. 19-59

AN ACT INCREASING FAIRNESS AND TRANSPARENCY IN THE CRIMINAL JUSTICE SYSTEM.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective July 1, 2019) (a) Not later than July 1, 2020, and annually thereafter, the Office of Policy and Management shall make a presentation to the Criminal Justice Commission, established under section 51-275a of the general statutes, as amended by this act, on existing prosecutorial data, and report such presentation in accordance with the provisions of section 11-4a of the general statutes to the chairpersons and ranking members of the joint standing committee of the General Assembly having cognizance of matters relating to the judiciary and make such presentation publicly available on the Internet web site of the Office of Policy and Management. The Office of Policy and Management shall include in any such presentation made on or after July 1, 2021, data described in subsection (b) of this section.

(b) Not later than February 1, 2021, and annually thereafter, the Division of Criminal Justice, in consultation with the Judicial Branch, the Department of Correction and the Criminal Justice

Information System Governing Board, established under section 54-142 of the general statutes, shall provide to the Office of Policy and Management data collected under section 2 of this act for the previous calendar year.

Sec. 2. (NEW) (Effective July 1, 2019) (a) The Division of Criminal Justice, in consultation with the Judicial Branch, the Department of Correction and the Criminal Justice Information System Governing Board, established under section 54-142 of the general statutes, shall collect for the purposes of section 1 of this act disaggregated, case level data by docket number pertaining to defendants who are eighteen years of age or older at the time of the commission of an alleged offense under each of the categories described in subdivisions (1) to (13), inclusive, of this subsection, as follows:

- (1) Arrests, including data on citations, summonses, custody arrests, warrants and on-site arrests;
- (2) Arraignments of individuals in custody;
- (3) Continuances;
- (4) Diversionary programs, including data on program applications, program diversions, successful completions by defendants of such programs, failures by defendants to complete such programs and people in diversion on the first of the month;
- (5) Contact between victims and prosecutorial officials, including data on cases involving victims;
- (6) Dispositions, including data on pending cases and cases disposed of;
- (7) Nonjudicial sanctions, including data on nonjudicial sanctions applied, successful completion of nonjudicial sanctions, failure of nonjudicial sanctions and persons on nonjudicial sanction status on the first of the month;
- (8) Plea agreements, including data on total plea agreements, agreements involving probation, agreements involving prison, other agreements and prosecutor's last best offer;
- (9) Cases going to trial, including data on cases added per month, pending trial cases, plea offers accepted by the court per month, plea offers rejected by the court per month, disposition by trial, disposition involving probation, disposition involving prison and other dispositions;
- (10) Demographics, including data on race, sex, ethnicity and age;
- (11) Court fees or fines, including those imposed by the court at the disposition of the defendant's case and any outstanding balance the defendant may have on such fees or fines;
- (12) Restitution amounts ordered pursuant to subsection (c) of section 53a-28 of the general statutes, including any amount collected by the court and any amount paid to a victim; and
- (13) The zip code of the defendant's primary residence.

(b) No information collected under this section that personally identifies a victim may be disclosed under section 1 of this act.

Sec. 3. (NEW) (Effective July 1, 2019) The Chief Public Defender shall, within available appropriations, establish a pilot program to provide representation to persons at parole revocation hearings. Not later than January 1, 2021, and annually thereafter, the Chief Public Defender shall submit a report to the Secretary of the Office of Policy and Management on cases served as part of such program during the prior calendar year. Such report shall aggregate information, including, but not limited to, the number of public defenders funded through the pilot program, the number of preliminary hearings and final parole revocation hearings served by such public defenders and the associated outcomes of such hearings.

Sec. 4. (NEW) (Effective July 1, 2019) Not later than January 1, 2021, and annually thereafter, the Board of Pardons and Paroles shall report to the Secretary of the Office of Policy and Management and make available on its Internet web site the following information:

(1) Outcomes of preliminary hearings, including whether (A) probable cause of a parole violation was found and that the alleged violation was serious enough to warrant revocation of parole, (B) probable cause of a parole violation was found, but the alleged violation was not serious enough to warrant revocation, and (C) no probable cause of a parole violation was found;

(2) The number of (A) individuals remanded to the custody of the Department of Correction for criminal and technical violations, and (B) individuals held in custody beyond a preliminary hearing pending a final parole revocation hearing;

(3) Outcomes of final parole revocation hearings, including whether there was a recommendation to (A) reinstate parole, or (B) revoke parole; and

(4) Case level data on demographics, including data on race, sex, ethnicity and age.

Sec. 5. Section 51-275a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2019):

(a) There is established a Criminal Justice Commission which shall be composed of the Chief State's Attorney and six members nominated by the Governor and appointed by the General Assembly in accordance with section 4-2, two of whom shall be judges of the Superior Court.

(b) The chairman shall be appointed by the Governor.

(c) Members shall serve without compensation but shall be reimbursed for actual expenses incurred while engaged in the duties of the commission.

(d) The commission shall post notices concerning the time, date and place of meetings of the commission on an Internet web site operated by the commission.

(e) Any meeting of the commission held pursuant to section 51-278 or section 51-278b, the sole purpose of which is to appoint, reappoint, remove or otherwise discipline the Chief State's Attorney, a deputy chief state's attorney or a state's attorney, shall be held in the Legislative Office Building and shall include an opportunity for public testimony.

[(d)] (f) The commission may adopt such rules as it deems necessary for the conduct of its internal affairs.

[(e)] (g) The commission may adopt regulations in accordance with chapter 54 to carry out its responsibilities under this chapter.

[(f)] (h) The commission shall be within the Division of Criminal Justice. Said division shall provide staff support for the commission.

Approved July 1, 2019

### **APPENDIX III – Statutes used in the State of Connecticut to Create the Criminal Justice Policy and Planning Division in the Office of Policy and Management**

#### **General division statutes**

Sec. 4-68m. **Criminal Justice Policy** and **Planning Division**. Duties. Collaboration with other agencies. Access to information and data. Reports. (a) There is established a **Criminal Justice Policy** and **Planning Division** within the Office of Policy and Management. The division shall be under the direction of an undersecretary.

(b) The division shall develop a plan to promote a more effective and cohesive state criminal justice system and, to accomplish such plan, shall:

- (1) Conduct an in-depth analysis of the criminal justice system;
- (2) Determine the long-range needs of the criminal justice system and recommend policy priorities for the system;
- (3) Identify critical problems in the criminal justice system and recommend strategies to solve those problems;
- (4) Assess the cost-effectiveness of the use of state and local funds in the criminal justice system;
- (5) Recommend means to improve the deterrent and rehabilitative capabilities of the criminal justice system;

(6) Advise and assist the General Assembly in developing plans, programs and proposed legislation for improving the effectiveness of the criminal justice system;

(7) Make computations of daily costs and compare interagency costs on services provided by agencies that are a part of the criminal justice system;

(8) Review the program inventories and cost-benefit analyses submitted pursuant to section 4-68s and consider incorporating such inventories and analyses in its budget recommendations to the General Assembly;

(9) Make population computations for use in planning for the long-range needs of the criminal justice system;

(10) Determine long-range information needs of the criminal justice system and acquire that information;

(11) Cooperate with the Office of the Victim Advocate by providing information and assistance to the office relating to the improvement of crime victims' services;

(12) Serve as the liaison for the state to the United States Department of Justice on criminal justice issues of interest to the state and federal government relating to data, information systems and research;

(13) Measure the success of community-based services and programs in reducing recidivism;

(14) Develop and implement a comprehensive reentry strategy as provided in section 18-81w; and

(15) Engage in other activities consistent with the responsibilities of the division.

(c) In addition to the division's other duties under this section, the division may perform any function described in subsection (b) of this section to promote an effective and cohesive juvenile justice system.

(d) In the performance of its duties under this section, the division shall collaborate with the Department of Correction, the Board of Pardons and Paroles, the Department of Mental Health and Addiction Services and the Department of Emergency Services and Public Protection and consult with the Chief Court Administrator, the executive director of the Court Support Services Division of the Judicial Branch, the Chief State's Attorney and the Chief Public Defender.

(e) (1) At the request of the division, the Department of Correction, the Board of Pardons and Paroles, the Department of Mental Health and Addiction Services, the Department of Emergency Services and Public Protection, the Chief Court Administrator, the executive director of the Court Support Services Division of the Judicial Branch, the Chief State's Attorney and the Chief Public Defender shall provide the division with information and data needed by the division to perform its duties under subsection (b) of this section.

(2) The division shall have access to individualized records maintained by the Judicial Branch and the agencies specified in subdivision (1) of this subsection as needed for research purposes. The division, in collaboration with the Judicial Branch and the agencies specified in subdivision (1) of this subsection, shall develop protocols to protect the privacy of such individualized records consistent with state and federal law. The division shall use such individualized records for statistical analyses only and shall not use such records in any other manner that would disclose the identity of individuals to whom the records pertain.

(3) Any information or data provided to the division pursuant to this subsection that is confidential in accordance with state or federal law shall remain confidential while in the custody of the division and shall not be disclosed.

(f) Not later than January 15, 2007, the division shall submit the plan developed pursuant to subsection (b) of this section to the Governor and, in accordance with the provisions of section 11-4a, to the joint standing committees of the General Assembly having cognizance of matters relating to criminal justice, public safety and appropriations and the budgets of state agencies. Not later than February 15, 2009, and biennially thereafter, the division shall update such plan and submit such updated plan to the Governor and said legislative committees.

### **Correction population forecast**

Sec. 4-68n. Correctional system population projections. The **Criminal Justice Policy** and **Planning Division** within the Office of Policy and Management shall develop population projections for the correctional system for planning purposes and issue a report on such projections not later than February fifteenth of each year.

### **Monthly Indicators Report and recidivism**

Sec. 4-68o. Reporting system to track criminal justice system trends and outcomes. (a) The **Criminal Justice Policy** and **Planning Division** within the Office of Policy and Management shall develop a reporting system that is able to track trends and outcomes related to policies designed to reduce prison overcrowding, improve rehabilitation efforts and enhance reentry strategies for offenders released from prison.

(b) The reporting system shall, at a minimum, track on a monthly basis: (1) The number of admissions to prison (A) directly from courts, (B) on account of parole revocation, and (C) on account of probation revocation, (2) the number of releases on parole and to other forms of community supervision and facilities, (3) the rate of granting parole, (4) the number of probation placements and placements to probation facilities, (5) the prison population, and (6) the projected prison population.

(c) The reporting system shall, at a minimum, track on an annual basis: (1) Recidivism of offenders released from prison, (2) recidivism of offenders on probation, and (3) recidivism of offenders participating in programs designed to reduce prison overcrowding, improve rehabilitation efforts and enhance reentry strategies for offenders released from prison. The division shall measure recidivism in accordance with a nationally-accepted methodology.

(d) The reporting system shall define outcomes for major programs and annually report these outcomes and delineate strategies to measure outcomes when information is not yet available to measure the effectiveness of particular programs.

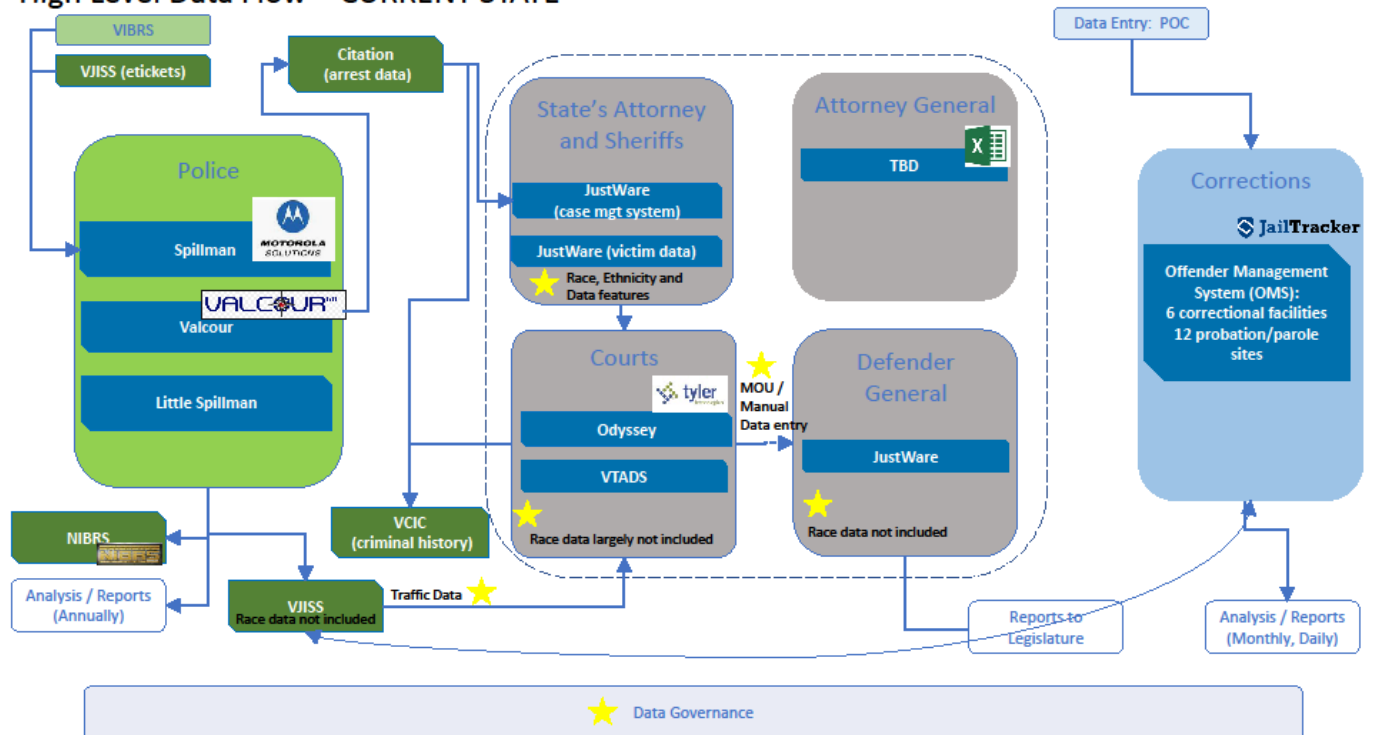
(e) The division shall publish the first monthly report not later than November 1, 2006.

(f) The division shall publish the first annual outcome report not later than January 1, 2007, and shall publish an annual outcome report not later than February fifteenth of each year thereafter. Such report may be included as part of the report submitted under section 4-68p.

**APPENDIX IV – Current State of Data and Data Flows Regarding Racially-Relevant Data among Various State Agencies in Vermont.**

The following chart, created by Kristin McClure of the Agency of Digital Services, were created as a result of meetings held with the RDAP Subcommittee and with IT officers in various State agencies handling racially-relevant data. These meetings were held between late August and early September of 2020. The complexity not merely of the data but further and even more strikingly of their flows is manifest. It also points to the need for a body such as the one proposed in this report to collect, *co-ordinate*, and analyze such data. It should further be noted that these charts represent a picture of the data flows in September of 2020, and likely do not presently represent what is a changing and fluid situation.

**High Level Data Flow – CURRENT STATE**





## **APPENDIX V – Information Regarding the National Center on Restorative Justice**

During its discussions regarding data collection the panel received a presentation from the newly constituted National Center on Restorative Justice. This is a resource based here in Vermont that could provide support for Vermont’s efforts to reform some aspects its criminal system—including efforts to make data collection more systematic and revealing.

The following is a summary of their mission and work.

### **National Center on Restorative Justice**

In April 2020, the National Center on Restorative Justice (NCRJ) was formed at Vermont Law School (VLS) in partnership with the University of Vermont (UVM), the University of San Diego (USD), and the Bureau of Justice Assistance, Office of Justice Programs (BJA/OJP).

The objective of the NCRJ is to improve criminal justice policy and practice in the United States.

To achieve this objective, the NCRJ will:

- Develop and test educational curriculum designed to broaden the understanding of justice systems and restorative approaches through a degree program, a summer-term institute, or brief courses, while encouraging access to educational opportunities for incarcerated individuals; and
- Support research to advance restorative justice principles and practices: focusing on how best to provide direct services to address social inequities; access to substance abuse treatment and education; restorative justice impact on attitudes, recidivism, and costs

The above deliverables will be carried out through specific educational opportunities including: a course mapping and evaluation of the existing Master of Arts in Restorative Justice program offered at VLS; augmenting and expanding UVM’s Liberal Arts in Prison Program (LAPP); offering semi-annual Restorative Justice Institutes tailored to specific professional cohorts as led by USD; and providing education to treatment court participants based on individual needs (GED, vocational, and/or undergraduate offerings). Each of these educational endeavors will be fully researched and evaluated.

UVM’s Justice Research Initiative (JRI) serves as the “Research and Data Hub” for the National Center on Restorative Justice. In addition to supporting the evaluation of the Center’s educational activities, UVM’s JRI serves as a research incubator for projects focused on restorative approaches and reducing social disparities for justice-involved populations. Initial efforts prioritize addressing disparities in the justice system, restorative alternatives, substance use disorder and incarceration, educational programming in prison, and restorative approaches in correctional and community settings. <https://www.uvm.edu/cas/justice-research-initiative-jri>

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## APPENDIX VI – Glossary of Terms

**Bench Trial** – A trial in which there is no jury and the judge decides the case.

**Complainant** – The person who makes the complaint in a legal action or proceeding.

**Conditions of confinement** – Details of how someone was held in prison or detention, i.e., location and security level.

**Contested** – Matters requiring argument by opposing sides and judicial resolution.

**Continuance** – The suspension or postponement of a trial or court proceeding. Continuances are made on a case-by-case basis at the court’s discretion.

**Custodial arrests** – Arrests with the intent to detain a person for further proceedings.

**Custodial status** – Where a person is physically located as they move through the criminal or juvenile justice system, e.g., pretrial detention, prison, halfway house, etc.

**Discretion** – The power of law enforcement, prosecutors, judges, or other public officials to make decisions within the boundaries set by law.

**Disposition** – The final settlement of a criminal case. In a juvenile case, a disposition is a final order following a merits adjudication.

**Diversion** – A mechanism to divert a person who may have committed a crime or delinquency from the criminal or juvenile justice system to engage in services or enter treatment in exchange for reducing or avoiding time in detention, prison, or on community supervision.

**Docket** – The court clerk’s record of scheduled proceedings for both the court as a whole and for each case pending before it.

**Expungement** – The legal process through which a dismissed charge, conviction or juvenile disposition may be erased or sealed from state or federal records.

**Furlough supervision** – A status under which the Department of Corrections may release a person from their sentenced period of incarceration for reintegration into the community under supervision by community correction officers.

**Invocation** – A calling upon for authority or justification, as in “I am invoking my privilege under the Fifth Amendment.” Here, used in reference to invoking rights under the Speedy Trial Act.

**Mandatory reporter** – Certain people (such as pediatricians, childcare workers, teachers, mental health professionals, social workers, etc.) who must report when they know or suspect that child abuse (i.e., physical abuse, sexual abuse, emotional abuse, neglect, and exposure to family violence) is going on.

**Parole supervision** – When someone who has been incarcerated is conditionally released from prison by the parole board to serve the remainder of their sentence under community supervision.

**Petition** – A document initiating a case.

**Pre-arraignment detention** – When a person is taken into custody before their first court hearing, when the charges against them are read and they enter a plea in response.

**Pre-merits disposition** – Resolution of contested matters before a final adjudication.

**Probation supervision** – When a person who is found guilty of a crime, by verdict or plea agreement, is released by the court to community supervision. Probation sentences often do not include incarceration, but under split sentencing a person may serve a period of confinement along with their community supervision as part of their probation sentence.

**Recidivism** – Various defined as rearrest, reconviction, or reincarceration of a person in the criminal justice system.

**Restitution** – The repayment of financial losses by a person who committed a crime to the victim of that crime.

**Revocation** – When a person on community supervision is placed in prison as a response to a violation to their conditions of supervision.

**Risk and needs assessment** – An actuarial evaluation to guide decision-making at various points across the criminal and juvenile justice continuum by approximating a person’s likelihood of reoffending and determining an individual’s rehabilitation needs.

**Sanction** – A penalty for breaking rules or laws. In community supervision, a sanction is a response to a supervision violation.

**Sentencing** – Judicial imposition of formal legal consequences of criminal conviction, including probation or incarceration, a fine, and payment of restitution to the victim.

**Sentencing alternative** – A program and practice that seeks to reduce or eliminate incarceration for people by connecting them to community-based treatment and support services.

## **APPENDIX VII – Court Disposition Data from the Crime Research Group**

The following three pages contain a report from the Crime Research Group regarding Court Disposition Data in 2019. This report is intended to demonstrate how one aspect of the Connecticut's data analysis can be applied to Vermont.

## 2019 Court Disposition Data

- 26,059 rows of data = number charges of disposed (compare CT= 300K) (incl sealed or expunged)
- 15,937 unique dockets (excl sealed and expunged)
- 14,693 unique cases - all charges filed for arraignment on the same day in the same county regardless of docket number (excl sealed and expunged)
- 10,053 unique people

- 485 unique statutes
- 10,553 guilty charges
- 11,802 Nolle Pros. Charges
- 2,429 charges disposed as alternative dispositions including: diversion, drug court, mental health court - 2,413 were diversion charges

- 2,402 people (23.89%) had more than one docket disposed in 2019 (could be multiple charges)
- 2,361 people (23.48%) had more than one case disposed of in 2019 (could have multiple dockets)
- 8,499 dockets had at least 1 guilty charge (53.32%)
- 6,316 people had at least 1 guilty charge (62.82%)
- 4,856 dockets had no guilty charges and at least one Nolle Pros (30.46%)
- 3,028 persons had no guilty charges and at least one Nolle Pros (30.12%)

449 zip codes

### Race Data:

Court disposition data has race information that comes in from the police reports and is self-identified. The race categories are: Black, Asian, White, Latinx, Indigenous, Multiracial, not reported, unknown, Other, missing. The \*\* denotes 5 or less. (There are some people who were only charged with ordinance violations. They are not reported out – this only seems to happen in Windsor County).

Race	Number of persons	Number of Cases	Number of Dockets
Black	541	949	982
Asian	91	143	143
White	8,623	12,857	13,814
Latinx	107	133	135
Indigenous	**	**	**
Multiracial	6	8	8
Not Reported	477	538	548
Other	9	12	12
Unknown	152	180	180
Missing	79	111	111

Dockets with at least one felony filed:

Race	Number of persons	Number of Cases	Number of Dockets
Black	241	298	302
Asian	19	26	26
White	2,307	2,772	2,820
Latinx	35	41	42
Indigenous	**	**	**
Multiracial	**	**	**
Not Reported	73	80	81
Other	**	**	**
Unknown	37	40	40
Missing	24	32	32

Dockets with only misdemeanors filed:

Race	Number of persons	Number of Cases	Number of Dockets
Black	292	438	445
Asian	72	99	99
White	6,266	8,337	8,780
Latinx	70	80	80
Indigenous	**	**	**
Multiracial	**	7	7
Not Reported	401	442	450
Other	**	9	9
Unknown	113	131	131
Missing	54	58	58

Top five felonies charged in 2019:

Statute	Total Charges
13V1043A1- Aggravated Domestic	297
13V1201C1- Burglary	218
13V3705D-Unlawful Trespass	180
13V2501- Grand Larceny	147
13V1201C3A- Burglary Occupied Dwelling	145

Top five misdemeanors charged in 2019:

Statute	Total Charges
13V7559E- Violations of Conditions of Release	3112
23V1201A2#1- DUI #1	1677
23V674A2 DLS	1483
23V674B# DLS for DUI	1164
13V2575-1 - Retail theft	935

\*probation violations are included in these data. It takes more work to remove those from the data.