

SMART PROSECUTION *Weekly News*

February, 2017

SPOTLIGHT ARTICLE



Patrick Motsay, a native of Northeast Baltimore, is the Project Lead for "Implementing Evidence-Based Risk Assessment During the Pretrial Phase," the Baltimore City State's Attorney's Smart Prosecution Initiative. He also serves as the Chief of the office's Charging Division. Throughout the years, Mr. Motsay has collaborated with law enforcement and community leaders to resolve many issues affecting Baltimore's neighborhoods and families. Upon graduation from University of Baltimore, he began his thirty-year tenure at the Baltimore City State's Attorney's Office, where he helped create the office's Violent Repeat Offenders Program, assisted development of core procedures for the Law Enforcement Assisted Diversion Program, and now plays an integral role creating the office's automated pretrial risk assessment tool, a major function of Baltimore's Smart Prosecution initiative. After receiving federal funding beginning fiscal year 2015, the site immediately began to focus on pretrial detention. The office's automated risk assessment tool will determine offender risk level, thereby equipping charging prosecutors with bail recommendations for violent offenders and release conditions for low-level, non-violent offenders.

Mr. Motsay envisioned the initiative in 2010, when the Baltimore City Detention Center (BCDC) held approximately 4,000

Learn about the Baltimore City State's Attorney's Smart Prosecution Initiative on pages 1-2

Turn to page 3 to read about Harris County's upcoming training on Trauma Informed Care with Dr. Bruce Perry

Turn to page 3 to read about a Peer-to-Peer Exchange between the Los Angeles City Attorney's Office and the DC Office of the Attorney General

Read about the new Maryland rule regarding bail, imposed by the Maryland Court of Appeals on page 4

Turn to page 5 to read about the public health approach to violence prevention provided by SME Dr. Thomas Simon, National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention (CDC) to the King County Prosecutor's Office

individuals; during that year, 2/3 of people in detention centers were charged with non-violent offenses. Despite most of the inmates in these centers being held for non-violent offenses, at a cost of \$150/day, a 2013 FBI Uniformed Crime Report showed Baltimore City accounted for 60% of homicides statewide. The following year, a similar report showed there were 2,675 firearm crimes in Baltimore City, including 160 homicides and 211 non-fatal shootings. In 2013, Mr. Motsay noted that Baltimore ranked near the top in violent crime among the 25 largest cities in the country, and during that time, Baltimore's incarceration rate was three times higher than both Maryland's and national averages.

Recognizing Baltimore's violent crime and incarceration of non-violent offenders, the team strategized to improve community safety and justice for the city through collaboration with law enforcement, the community, and other stakeholder agencies. These efforts led to more convictions of Baltimore's most dangerous offenders, while concurrently reducing the harmful effects of incarcerating low-level individuals who, oftentimes, simply cannot afford to pay bail. To determine an arrestee's risk level, the team will determine risk level through a risk assessment created from Baltimore's Department of Public Safety and Correctional Services (DPSCS) data, and will screen the offender prior to first appearance with a court commissioner. The site collaborated with DPSCS to obtain a three-year extract of individuals (and their criminal histories) processed through the Baltimore City jails. On October 11, 2016, the site received a collection of arrest data, for the period of 2013– 2015 of offenders from DPSCS, which the site uses while it creates the risk assessment.

State officials also recognize the injustice of using pretrial incarceration for low-risk people who cannot afford bail. In February 2017, the Maryland Court of Appeals unanimously approved changes to Maryland's bail system. Under the new rule, effective July 1, 2017, judges must impose alternative methods, including weekly probation visits, drug tests, and home arrest, to ensure people are not held in custody solely because they cannot afford bail. Judges and court commissioners would impose cash bail only as a last resort. Furthermore, the site has created a working group of key stakeholders vital to the success of the risk assessment. These key stakeholders met on January 6, 2017, and will continue to meet on a bi-monthly basis. Lastly, there have been several public announcements and briefings used to ensure the office and other key agencies are aware of the implementation progress of the risk assessment.

An initial challenge for the site was obtaining data from DPSCS to create, implement, and validate the risk assessment specifically for Baltimore City's arrest population. The team credits overcoming this initial challenge to persistence, open communication, dedication, and implementing a MOU with DPSCS to define key roles and shared interests. These factors ultimately ensure shared prioritization of an effective risk assessment that will benefit both the site and DPSCS. The team eagerly anticipates obtaining the remaining data from DPSCS which includes, but is not limited to, factors such as first and last name, state identification number (SID), date of birth,

gender, date of arrest, current charge, failure to appears, and current probation and/or parole status.

Mr. Motsay recalls a webinar Peer-to-Peer Exchange with Mesa County, Colorado's Senior Trial Deputy District Attorney Bo Zeerip. Mr. Zeerip discussed Colorado's Empirical Pretrial Risk Assessment Tool (CPAT), public safety and pretrial flight risk, data-driven matrices, development of Mesa County's supervision Praxis with jail population and release data, pretrial success rates of low-risk and high-risk pretrial offenders, and appearance rates for unsecured and secured bonds. In addition to hosting the webinar, Mr. Zeerip traveled to Baltimore to visit the site, while presenting and offering guidance regarding bail reform and pretrial release. The site recollects another helpful learning experience, a trip to Louisville, Kentucky's Administrative Office of the Courts, Pretrial Services Division. There, three team members examined the effective processes, measures, and policies currently and successfully being used within Louisville's pretrial services department.

Site member Sarah Labus, Baltimore City's Criminal Justice Project Coordinator, explains "Nothing replaces being able to observe a process in place, hear about the successes, challenges, and mistakes from an agency who has already implemented a risk assessment" and viewing the system during its operation. Ms. Labus adds the site learned "several important things" through these Peer-to-Peer Exchanges with Mesa County and Louisville. "First, communication among stakeholders is paramount. The allied agencies need to develop a relationship of trust through input and communication to implement an effective risk assessment. Many judges are still not convinced that 'the science' is effective, and they continue to rely on their experience...to determine pretrial release. Thus, court outreach is critical." In addition to the judiciary, training and collaboration is also important for other stakeholders to change thinking patterns about risk assessment, pretrial release, and the science that connects the two.

The site's research partner, Applied Research Services (ARS), identifies performance measures and desired outcomes, conducts an evidence-based analysis of existing programs, and implements solutions to increase the prioritization of highest risk defendants for prosecution. Members of ARS involved with the project's success include: Principals John Speir and Tammy Meredith, and Senior Researcher Kevin Baldwin, whom Mr. Motsay describes as "a highly-educated individual with a wealth of knowledge in a variety of areas who has provided us with education, guidance, and support throughout the entire project."

In addition to ARS, Mr. Motsay credits the following individuals to the site's success: Baltimore State's Attorney Marilyn Mosby, Deputy of Operations Valda Ricks, MIS Division Chief Darren O'Brien, Project Coordinator Sarah Labus, Deputy Division Chief of Charging Division Douglas Vey, Database Administrator Shibeshi Tadesse, and Fiscal Officer Wanda Carington. Mr. Motsay explains establishing partnerships is vital for the success of any project, including the Smart Prosecution initiative. He adds that communication among the team and its stakeholders is very important and the key element to the initiative's continuing success.

SITE ACTIVITY

FY '14 SMART PROSECUTION SITES

HARRIS COUNTY (*HOUSTON*)

PROJECT: *SURVIVORS ACQUIRING FREEDOM AND EMPOWERMENT (SAFE) COURT*

SITE HIGHLIGHTS:

Three team members attended the Michigan State University Smart Suite Researcher Practitioner Fellows Academy from February 7-10, 2017, in Denver, CO.

Dr. Bruce Perry, Senior Fellow of the Child Trauma Academy in Houston, Texas, and Professor of Psychiatry and Behavioral Sciences at the Feinberg School of Medicine, will offer an on-site, trauma-informed care training on April 7. The training would be open to the Harris County DAs office, and possibly other agencies including the Harris County Community Supervision and Corrections Department and members of the defense bar.

The site is looking to develop internal multidisciplinary procedures and policies to embed social workers within its office. The social workers would engage with community partners regarding human trafficking and sexual assault.

WEEKLY NEWS:

What Texas can do to help child sex-trafficking victims

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LOS ANGELES

PROJECT: *INTRODUCING NEW TOOLS USING EVIDENCE AND RISK ASSESSMENT TO CONFIRM ELIGIBILITY FOR PROSECUTION TREATMENT (INTERCEPT)*

SITE HIGHLIGHTS:

The Neighborhood Justice Program (NJP) has seen an increase in cases over the past year. The program offers prosecutorial diversion strategies, such as offender participation in city-wide, community-based Neighborhood Justice Panels for participants charged with certain misdemeanor crimes. From February 17, 2016— February 17, 2017, the site reports NJP referrals increasing by 25%, 44% more NJP cases have been initiated, and the site has successfully resolved 35% more NJP cases. There are 10 NJPs across LA; three are used solely for Project INTERCEPT, with a fourth Project INTERCEPT site to be added soon that will focus on participants ages 18–25.

On February 6, Project Lead Jose Egurbide and NJP Case Administrators Will Sheffie and Ofelia Oropeza participated in their second Peer-to-Peer Exchange with FY '16 Smart Prosecution site, the Washington DC Office of the Attorney General. The Los Angeles team discussed external and internal trainings for panelists to the FY '16 site, who is interested in implementing panels of its own that will facilitate

communication between victims and offender participants. Please see the Washington, DC update for more information regarding this Peer-to-Peer Exchange.

WEEKLY NEWS:

Metro approves new multi-agency policing contract for trains and buses

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SAN FRANCISCO

PROJECT: *CASE STRATEGIES UNIT (CSU)*

SITE HIGHLIGHTS:

The site is considering resources for technology support to aid its Crime Strategies Unit in developing data and predictive analytics for strategic prosecution.

The site reports its newly-created Gun Enforcement Unit (GEU) has been operating since January. The team is currently working on map analysis for the unit. The team presented well-received information about GEU to police chiefs in San Francisco and at APA's Major Counties Prosecutors Council Meeting. GEU was created in response to an increase in San Francisco's gun crime, and is structured similarly to CSU; it unites the community prosecution model with analysts to determine crime problems in the community to create a holistic look at crime. SFPD will gather information related to link analysis of firearms.

On February 13, the site participated in a Peer-to-Peer Exchange with SME Faye Taxman to discuss sustainment planning.

As of March 2, the site reports 135 people are registered for the West Coast Crime Strategies Symposium it is hosting concurrently with the Manhattan District Attorney's Office from March 9-10, 2017.

WEEKLY NEWS:

Most crime down in January with major exception: homicides

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FY '15 SMART PROSECUTION SITES

BALTIMORE

PROJECT: *IMPLEMENTING EVIDENCE-BASED RISK ASSESSMENT DURING THE PRETRIAL PHASE*

SITE HIGHLIGHTS:

The site continues to develop an automated, pretrial release risk assessment for charging prosecutors to determine appropriate release or hold recommendations for the Court. Data collection is ongoing, and the site is determining

predictive factors to use for its risk assessment and methods of ranking crime data.

On February 7, Maryland's highest court, the 7-member Court of Appeals Judicial Board, unanimously decided that Maryland Court Commissioners and Judges must impose the "least onerous" pretrial conditions for offenders not posing a flight risk or danger to the community. The Court of Appeals held that the judiciary must first look to other ways of ensuring defendants' presence at court dates (including house arrest, weekly probation meetings, and drug tests.) The team is collaborating with its training unit to create a training for central booking, district and circuit court prosecutors concerning changes necessitated by this new rule, effective July 1, 2017.

WEEKLY NEWS:

Advocates Urge Maryland Lawmakers to Pass Bill Building on Courts' Bail Rule

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KINGS COUNTY (BROOKLYN)

PROJECT: *THE BROOKLYN YOUNG ADULT JUSTICE INITIATIVE*

SITE HIGHLIGHTS:

Since the initiative began on March 2016, the site reports 1,221 defendants have received diversion services through enrollment in alternative-to-incarceration programs, as well as referrals to other social services and community providers. The site continues to operate a Specialized Unit for high-risk young adults. It is staffed by three Assistant District Attorneys (ADAs) and will soon add a fourth ADA.

On March, 2, KCDA attorneys in the Young Adult Justice Initiative and Brooklyn Justice Initiatives provided a training to 50 prosecutors handling misdemeanor cases in the Court Part. The team is offering a second training on March 22. The team is also hosting trainings for the defense bar, judges, and possibly court officers in the upcoming weeks.

WEEKLY NEWS:

Brooklyn D.A. Announces New 'Cold Case' Unit

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SAN DIEGO

PROJECT: *THE COMMUNITY JUSTICE INITIATIVE (CJI)*

SITE HIGHLIGHTS:

Since the program's inception in November 2014, 1163 of San Diego misdemeanants completed the post-plea initiative that provided them with accountability, early intervention and swift consequences. Also since November 2014, there have been 3320 CJI offers; 2270 CJI accepted offers; 1100 CJI rejected offers; and 310 participant failures.

The site and its research partner, SANDAG, report that: the mean participant age is 32.35 years old; participant

ages range from 18-79; 86% of participants are medium-risk or lower according to COMPAS (a needs assessment component designed for use during the pretrial phase); 60% of participants completed their community service, and 78% described their community service as a "positive" experience.

The site is planning a Risk and Needs Assessment Training with a SME for CJI Stakeholders and City Attorney staff.

WEEKLY NEWS:

San Diego preps largest smart city platform

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FY '16 SMART PROSECUTION SITES

DISTRICT OF COLUMBIA

PROJECT: *USING OUR BRAINS: REDUCING RECIDIVISM AMONG YOUTH AND YOUNG ADULTS*

SITE HIGHLIGHTS:

The site continues its collaborative efforts with the US Attorney's Office (USAO). Both offices are discussing a diversion-based initiative, using restorative justice panels, for youth (ages 12-17) and young adults (ages 18-24) who commit certain crimes, such as theft, destruction of property and non-injury simple assault cases with victim consent.

On February 6, the site participated in a Peer-to-Peer Exchange with FY '14 site Los Angeles' Project Lead Jose Egurbide and NJP Case Administrators Will Sheffie and Ofelia Oropeza. The LA team explained how it implemented its Neighborhood Justice Panels and offered guidance to the DC team as the DC team begins interviewing their own potential panel facilitators. LA also offered guidance on giving external and internal training to community panelists and case administrators. This Peer-to-Peer Exchange was a continuation of an earlier exchange between the two sites on January 12 that focused on the DC OAG's initiative, implementing panels that facilitate communication between victims and participant offenders.

WEEKLY NEWS:

Senate Judiciary Members Rail Against Juvenile Detention Rather Than Therapy

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JACKSON COUNTY (KANSAS CITY)

PROJECT: *JACKSON COUNTY MISSOURI PROSECUTOR'S OFFICE SMART PROSECUTION INITIATIVE*

SITE HIGHLIGHTS:

On February 13, the team consulted with SME Janet Fine of Northeastern University, to discuss community engagement for victims and/or families of victims living in the East Zone, Kansas City's notoriously violent neighborhood. The discussion [cont.](#)

centered on training, targeting an audience, developing a program agenda, locating presenters, and partnering with local organizations.

The team is focusing on five hotspots for its initiative. The team is also in the process of building its in-house victim advocacy unit.

Two team members and research partner are attending West Coast Crime Strategy Symposium in San Francisco from March 9-10, 2017.

WEEKLY NEWS:

MO lawmakers look at proposal to address rising crime in St. Louis & Kansas City

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ESSEX COUNTY (NEWARK)

PROJECT: *ESSEX COUNTY SMART SOCIAL MEDIA INITIATIVE*

SITE HIGHLIGHTS:

Team members anticipate their screening process will begin in March. The site anticipates implementing a matrix that will identify offenders, their social media usage, gang affiliations, criminal background and history, as well as crime hotspots. The team has identified criteria it will use for screening.

Joseph Giordano, a prosecutor in the Initiative, trained the office's Juvenile Department about using social media to prosecute cases.

WEEKLY NEWS:

Newark's public safety community program

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CHATHAM COUNTY (SAVANNAH)

PROJECT: *THE CHATHAM COUNTY SMART PROSECUTION PROGRAM*

SITE HIGHLIGHTS:

The site and its Research Partner, Dr. Chad Posick, are in the process of developing a screening process to identify local hotspots and track the most violent offenders active in these areas. The team reports that it is "honing in" on identifying incidents in hotspots and in Savannah in general.

Team members and research partners attended the Michigan State University Smart Suite Researcher Practitioner Fellows Academy from February 7-10, 2017, in Denver, CO.

WEEKLY NEWS:

13 Savannah gang members busted in End Gun Violence Initiative

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FY '16 3PI SITES

KING COUNTY (SEATTLE)

PROJECT: *SHOTS FIRED*

SITE HIGHLIGHTS:

Team members and research partner attended the Michigan State University Smart Suite Researcher Practitioner Fellows Academy from February 7-10, 2017, in Denver, CO. The conference assisted the team as it institutionalizes standardized intelligence gathering and sharing to concentrate resources on reducing shots-fired incidents and identifying those involving chronic victims and offenders in hotspot locations.

On February 14, the team participated in a call with Dr. Thomas Simon, Associate Director for Science, Division of Violence Prevention, National Center for Injury Prevention and Control at the Centers for Disease Control and Prevention (CDC). The discussion focused on the public health approach to violence prevention, including: CDC's 4-step approach to public health and CDC's The Youth Violence Technical Package (**available at:** <https://www.cdc.gov/violenceprevention/pdf/yv-technicalpackage.pdf>).

Four team members are attending West Coast Crime Strategy Symposium in San Francisco from March 9-10, 2017.

WEEKLY NEWS:

South Seattle community group learns what to say on a 911 call

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