

Washtenaw Equity Partnership Report: Supplemental Background Information

This document provides additional background information to the spring 2023 report titled *Washtenaw Equity Partnership: Findings and Recommendations on Washtenaw County’s Criminal Legal System*. The purpose of this document is to provide additional context to the WEP Report’s key findings and recommendations with information that is notable and relevant, but that did not fit in the original report. Most of this information is from publicly available sources; some is further detail from the primary research conducted in surveys and interviews. This “supplemental report” is not meant to serve as a stand-alone document. This supplemental material was prepared by the Vera team and did not go through the comprehensive review process with WEP members as the main report did.

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Strategy 1: Invest in Community, Prevention, and Infrastructure

Washtenaw Social Service Organizations and Resources

This section provides more details on social services organizations, all of which are involved in the issues and services discussed in Strategy 1. This list is not comprehensive of all social services organizations in Washtenaw County.

Housing

- [Avalon Housing](#): Avalon aims to address homelessness through affordable housing centered on community, care, and support. It manages affordable housing buildings.
- [Housing Access of Washtenaw County \(HAWC\)](#): HAWC serves as a central intake for emergency shelter and housing resources for people experiencing homelessness.
- [Shelter Association of Washtenaw County at the Delonis Center](#): The Delonis Center provides temporary shelter and services to meet the needs of people who are homeless.
- [Housing Alliance](#): Housing Alliance is a coalition of non-profit and government agencies dedicated to ending homelessness in Washtenaw County.
- Single Point of Access
- [Continuum of Care](#): The Washtenaw County CoC coordinates policies, strategies, and actions on homelessness in the county.

Mental Health

- [Community Mental Health \(CMH\)](#): CMH is a major community-based mental health services organization, with locations in Ann Arbor and Ypsilanti. It provides crisis response services (in cooperation with law enforcement) and a 24/7 phone line. In the community, it provides intensive and standard mental health support services, for children, youth, and adults; psychiatric and nursing services; outreach to unhoused people. For justice-involved people, it offers mental health services for people in jail and serves as a partner for providing services for people in community corrections (probation or parole, under the supervision of the state or county). CMH also provides staff to the mental health court.
- Suicide Prevention services: The Suicide & Crisis Lifeline (9-8-8) is a free and confidential support line for people in distress, concerned loved ones, and professionals in the United States.
- [Sisters United Resilient and Empowered \(SURE\) Moms](#): SURE Moms is a peer-led support group for mothers of youths involved in the juvenile justice system, under the purview of the Sheriff's Office. The group offers a supportive space for individual parents and for the group to be involved in community initiatives to reduce violence.
- [National Alliance on Mental Illness \(NAMI\) Washtenaw County](#): The local affiliate of the national network is a grassroots organization that offers education, advocacy, a helpline, and public awareness events to support people with mental health conditions.
- [Corner Health Center](#): Primary care center that provides health and mental health services for youth.
- [Garrett Space](#): Offers mental health support for young adults ages 18-28. Garrett Space was recently awarded \$4 million dollars to create a residential center to provide short-term stays for young adults with anxiety, depression, or experiencing suicidal ideation.

Substance Use Treatment Services

- [Dawn Farm](#): Dawn Farm is a longstanding nonprofit organization that provides long-term recovery services for people who use alcohol and other substances, "regardless of their drug of choice or ability to pay for treatment." In the community, Dawn Farm provides residential

and outpatient treatment services, transitional housing, detoxification services, for youth and adults. For justice-involved people, it provides support diversion programs in partnership with CMH, runs recovery groups in the county jail, helps with reentry planning for people returning from the jail, runs outpatient programs for people on community supervision (in partnership with the sheriff's office). Dawn Farm emphasizes the importance of abstinence and community recovery groups.

- [Packard Health](#): Packard Health is a general healthcare provider, which provides mental health and substance use treatment services. It provides addiction treatment services (through professional staff such as physicians, nurses, therapists), as well as clinical assessments, referrals to outpatient therapy and treatment, and general addiction consultations. It also provides a Medication-Assisted Treatment program through which physicians can prescribe buprenorphine, in combination with other therapies. Packard Health also works in partnership with primary providers, including a partnership with the St Joseph Mercy Hospital Emergency Room by which people seeking emergency care for opioid use can access addiction specialists at Packard. The organization also provides training and supplies for naloxone kits to local shelters, agencies, and police officers.
- [Washtenaw Recovery Advocacy Project](#) (WRAP): WRAP is a recovery community organization, composed of people in recovery and their families. It advocates for reducing stigma against and increasing opportunities for people in recovery. It distributes naloxone kits across the county through various channels and is currently working on ensuring access for all 11 municipalities. It also does advocacy work and offers peer-based support, public education, and recovery events.
- [The Lookout Project](#): The Lookout Project was founded by several students at the University of Michigan and promotes education about the criminalization of drug use, stigma reduction about people who use drugs, and overdose prevention services. The Lookout Project emphasizes care for those who were previously incarcerated.
- [Home of New Vision Engagement Center](#): The Home of New Vision is a long-standing nonprofit substance use disorder treatment and recovery service provider, accredited by the state and federal agencies. It offers recovery housing in several locations (requires abstinence to access). For shorter-term services, it offers emergency care, withdrawal management, outpatient services (with various models for different groups, needs, and stages), and screening and referral services. It also has a Recovery Opioid Overdose Team (ROOT), that offers support services to overdose situations, in collaboration with police and other partners.

Violence Prevention Programs

- [Supreme Felons](#): Supreme Felons is a nonprofit organization founded in 2019 that works to help returning citizens achieve success and stability. It also offers support and mental health services for justice-impacted families and youth. Supreme Felons appears to follow, at least in part, the community violence prevention model set out by Cure Violence (a similar organization that originated in Chicago and now operates globally).¹ This model relies on staff forming trusting relationships with residents, mediating disputes before they turn to violent confrontations, and providing access to social services like education and employment connections. Many studies on the Cure Violence model show that this approach, when implemented in line with the principles and with cooperation from local actors, has the strongest effectiveness for violence prevention compared to traditional policing tactics.²
- [WeLIVE](#): Funded by the Mental Health Millage in Washtenaw County, the Washtenaw Embraces Life Is Valuable Everyday, referred to as WeL.I.V.E., combines two violence intervention models: DLIVE (hospital focused) and Cure Violence (neighborhood focused). The program serves young adults ages 13-30 beginning in the hospital after a trauma injury.

- The Washtenaw County Community Violence Intervention team published a recommendation [report](#) in 2022.

Reentry Services

- [A Brighter Way](#), founded by people with firsthand experience in the criminal legal system, provides reentry services to returning members of Washtenaw County.
- [Life After Incarceration: Transition and Reentry](#) (LAITR): LAITR provides occupational therapy services to people inside the Washtenaw County Jail and follows these people into the community to assist with their transition. LAITR focuses on life skills related to healthy habits and routines, emotional regulation, time management, budgeting, health management, medication management and sleep hygiene. Additionally, LAITR runs weekly Life Skills groups inside the jail for 12 weeks focusing on similar topics.
- [Michigan Works!](#) is one state-wide organization that provides employment services to people who are formerly incarcerated.³ Michigan Works! collaborates with both employers and career seekers, and aims to connect people with employment that has a trajectory for advancement.⁴ According to the Executive Director, Michigan Works! also runs a business resource network that requires employers to pay \$10,000 annually to join and in return, Michigan Works! provides an onsite success coach that ensures employees have access to needed resources (such as transportation, assistance with navigating eviction and foreclosures) to successfully complete their job. The benefit of the success coach to an employer is that the coach assists with retention by meeting unmet needs of employees that might prevent them from working. However, the Executive Director of region 9 overseeing Washtenaw County noted anecdotally that the COVID-19 pandemic generated challenges, such as reduced interest among some people to join the workforce and/or to do full-time office work.⁵

Adult Diversion and Restorative Justice

- The [Dispute Resolution Center \(DRC\)](#): The DRC, founded in 1983, provides restorative justice, healing, and conflict resolution services in Washtenaw and Livingston counties. Most of the cases it works with are court referred although the organization also provides services to community members when conflict arises. The DRC works with all courts in Washtenaw County ranging from civil disputes and small claims to low level criminal matters such as family or neighbor disputes that led to someone calling the police.⁶ See the section on court process in the main report for more information.

Youth Programs

- [My Brother's Keeper Washtenaw County \(WMBK\)](#): WMBK is the Washtenaw County local affiliate of the national initiative launched by President Obama in 2014. It focuses on building economic and educational opportunities and success for young men of color, through changing narratives, practice, and policy. WMBK is also involved in juvenile diversion programs in the county.
- [Ozone House](#): Ozone House provides support services and housing for youth ages 10 to 20 years old who have run away from home or are experiencing or at risk of homelessness. It offers counseling, crisis line support, housing and food, job training, and other programs. According to its reports, Ozone House serves about 800 youth each year.
- [Student Advocacy Center of Michigan](#): The SACM provides support for all students to ensure that they have resources and services to stay in school and to protect their rights when faced with disciplinary action or other obstacles in school.
- [The Neutral Zone](#): The Neutral Zone is a youth center that provides arts, educational, and community programs in Ann Arbor. In 2021, its programs served hundreds of local youth.

- [Jovenes Tejedores de la Sociedad 3D](#): This is a program for Latino youth in Washtenaw County, promoting leadership, academic success, and social-emotional skills.
- [Youth Arts Alliance](#): Youth Arts Alliance provides healing therapeutic art services to young people in Washtenaw County.

General Social Services

- The [Washtenaw Interfaith Coalition for Immigrant Rights](#) provides urgent response services for immigration related emergencies among other services such as community organizing, education, and political action.

1.2 Barriers to Housing for People with Criminal Legal System Involvement

Housing First

This section provides more background on Housing First, within Section 1.2 of the main report.

Empirical studies on Housing First models suggest that, compared to traditional or usual care, HF can foster more positive outcomes, particularly for populations with histories of involvement in the criminal legal system, and those living at the intersection of mental illness and homelessness. These outcomes can range from reductions in reconvictions and jail time, to improved behavioral health and housing stability. For example, a 2013 study explored data from participants that were chronically homeless with severe alcohol problems who had a “baseline” criminal history (mostly misdemeanors) and had moved into an HF project in Seattle, Washington between December 2005 and March 2007. They found that the time spent in the HF project was associated with reduced jail time (up to two years).⁷ These findings align with those reported in studies that still explore the impact of supportive housing (long-term housing that also provides other supports in addition to housing), but they use different methodological approaches, and/or employ data from populations outside of the United States.⁸

For example, NYC Frequent Users Systems Engagement (FUSE) II program (2010) identified the highest utilizers of jail, shelter, and healthcare system use, and found that participants in permanent supportive housing were approximately half as likely to have recently used hard drugs and approximately one third as likely to currently struggle with alcohol or substance use disorder, compared to similarly-situated participants receiving usual care.⁹ A spin-off program, Justice Involved Supportive Housing (JISH) found similarly positive outcomes regarding substance use and mental health.¹⁰

In the survey that Vera conducted with professionals working in the behavioral health sector, some questions related to Housing First approaches and principles. (Please refer to Section 1.4 and Appendix 2 in the main report for more information on the survey and research methods).

Vera’s survey asked participants about whether the organizations they work for uphold a Housing First model. Not all respondents’ organizations are involved in the housing sector directly, but all work with people who could potentially have housing needs. Responding to an open question about which types of models organizations employ, only one participant named Housing First as a model. Responding to a question that asks explicitly if organizations adhere to Housing First principles or models, out of 14 respondents, five (36%) said that this question was not applicable. Of the remaining 9 respondents, three did not directly say yes but said something else, including:

- “We refer to HAWC [Housing Access for Washtenaw County] for housing.”

- “Again, we agree HEAVILY with this, however our org doesn't do anything in regards to physically housing people. We work closely with a housing coordinator and believe in this model.”
- “Yes and no. I do everything in my power to implement a housing-first model -- but our community-based housing programs require us to work with landlords and property management companies that do not use a housing-first model. For example, while I would love to be able to help people get housed regardless of whether they have an income, the vast majority of landlords in the community have a minimum income requirement, and [they] will deny my clients' applications if they do not meet that requirement.”

The other six respondents said ‘yes,’ to the question of adhering to a Housing First model, and added some comments, including:

- “Yes. Clients are assisted with finding housing programs/vouchers they qualify for and are assisted with the paperwork for said programs. Clients receive continued case management services focused on life skills and maintaining housing once they are housed.”
- “Yes, we believe in safe and secure housing for all.”
- “Yes, we do not think that any level of substance use should be a barrier to housing. We only will deny housing in extreme cases such as a pattern of excessive violence.”
- “Yes. We work from a Permanent Supportive Housing framework. We support tenants in addressing barrier to being stably housed.”
- “Yes. We make sure that people have their own house first as this can also reduce psychological stress.”

1.3 Behavioral Health Services and Harm Reduction Approaches

This section provides more background on organizations in the harm reduction sector in Washtenaw County.

Harm reduction organizations and services in Washtenaw County include:

- MAT and Medication for Opioid Use Disorder (MOUD) are available within the jail system and by providers in the community. MOUD is available to anyone that enters a hospital in Washtenaw seeking treatment.
- Overdose response: Naloxone vending machines have been set up in areas with high opioid use, and there is a robust Syringe Services Program (SSP) that operates in the county. Naloxone (Narcan) is widely distributed through multiple agencies including all major pharmacies, UNIFIED - HIV Health and Beyond, Ann Arbor Fire Department, Michigan Department of Health and Human Services, and the Community Mental Health Partnership of Michigan¹¹.
- The Washtenaw Health Initiative Opioid Project offers a [comprehensive guide](#) explaining the services available for substance use treatment in Washtenaw County organized by options for those with or without insurance.¹² These include (and are not limited to) Unified HIV Health and Beyond, Dawn Farm, Home Vision, Greenbrook Recovery Center, Sacred Heart, Salvation Army, Brighton Hospital, Oakdale Recovery Center, and Addiction treatment services through the University of Michigan (UMATS).
- The Michigan Users Union and the Michigan Drug User Health Alliance are also active in harm reduction advocacy and services.
- According to the Sequential Intercept Mapping report in 2017, several organizations offer MAT: Ann Arbor Treatment Services (methadone), Greenbrook Recovery Center (suboxone, residential), Christensen Recovery Services (vivitrol).

1.4. Improving Access to and Quality of Behavioral Health Services

This section provides more details from the survey that Vera conducted with professionals working in the behavioral health sector. (Please refer to Section 1.4 and Appendix 2 in the main report for more information on the survey and research methods, and to Section 1.3 for more background on harm reduction.)

Vera's survey asked the models that behavioral health staff use in their organizations. Most mentioned various clinical treatment approaches, and only two people explicitly mentioned either harm reduction or abstinence-based models. When asked specifically about using abstinence-based models, ten respondents were either unsure or found the question not applicable. Out of the remaining four, two said yes, one said no, and one mentioned other approaches. When asked specifically about following harm reduction approaches, five respondents were unsure or found the question not applicable. Out of the remaining nine, six directly said yes and mentioned related services such as Narcan/naloxone provision, needle exchange, and other harm reduction products like condoms. Three respondents said yes but added some caveats.

Notable comments include:

- "Individual staff encourage harm reduction. I have Narcan, fentanyl test strips. Have helped clients connect to MAT [medication-assisted treatment] services at other agencies."
- "Loosely. We support this model, however, we don't do anything regarding administered meds for this etc. We help people who want to stop using try to develop new habits and coping skills, we try to help them understand the stages of change and the fact that relapse sometimes occurs and that they can still get back up and continue pushing, we use these lens in a harm-reduction way when it comes to any behavior change. The best example is when someone wants to quit smoking, we'd usually work with people on a plan to reduce the frequency until the goal is achieved but it is always THEIR goal."
- "Yes. There is a substance use therapist on site to assist residential clients who are interested in reducing their usage. Residential clients receive medication from CMH but I am unaware of the process for administering meds to clients since I do not work in the residential program."
- "Yes-- in some senses. We do not require abstinence for participation in our programs. We work with clients to identify safer ways to engage in substance use. We work with individuals to identify any goals they have around their substance use, and if individuals are interested in pursuing specialized SUD [substance use disorder] treatment, we refer them for that."

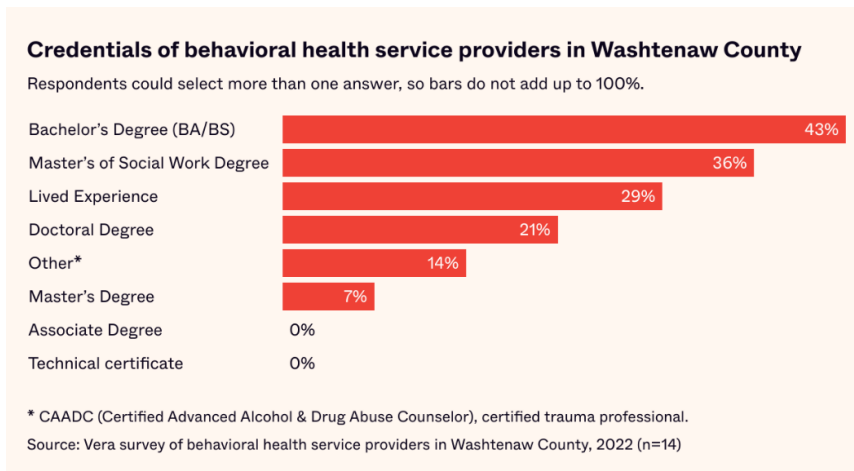
The criminalization of drug use and harm reduction supplies was another prominent theme in the survey responses from behavioral health service providers. In response to a question about how the organization could better meet the needs of people with criminal legal system involvement, almost everyone who answered said something about the problem of stigma and fear of arrest, as well as about harm reduction strategies and mitigating the impacts of the criminalization of substance use. Illustrative comments include:

- [referring to a problem] "Paraphernalia ordinances in some of the townships and cities ... Criminalization of drug use/possession"
- [referring to a problem] "Substance use is criminalized so we are required to report it in some cases."
- [referring to a suggestion] "Decriminalized possession of personal amounts of illicit drugs, ensure syringe, fentanyl test strips and other harm reduction equipment can be purchased over the counter."

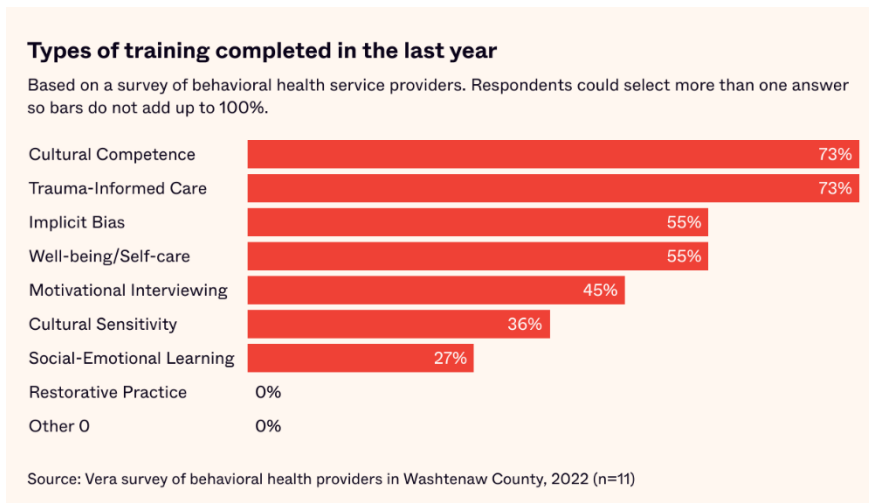
1.5 Staff Capacity and Cultural Competency in the Behavioral Health Sector

This section provides additional information from Vera’s survey of staff in the behavioral health sector. (See sections 1.4, 1.5, and Appendix 2 for more information on the survey.)

Survey participants’ responses about their educational credentials:



Survey participants’ responses about recent training:



Strategy 2: Reduce Initial System Contact, Restructure Custody and Court Processes

2.1 Reducing Pretrial Detention and Initial System Contact

This section provides more background on how bail works generally in Michigan.

Bail in Michigan

The Michigan Constitution allows people to be held without bond only in rare circumstances.¹³ For example, bail may only be denied when the proof is evident or the presumption great, and only to people charged with a violent felony who have two or more convictions for violent felonies in the previous 15 years; people charged with murder, treason, criminal sexual conduct in the first degree, armed robbery, or kidnapping with the intent to extort; and people charged with a violent felony who are on bail, probation or parole for another violent felony.¹⁴ The Michigan Constitution also

requires that bail not be excessive.¹⁵ Judges are also required to set a cash bond or require a surety other than the person charged if a person is charged with a crime alleged to have been committed while on bail on a bond personally executed by him or her, or if a person has twice been convicted of a felony in the preceding five years.¹⁶

Outside of those limits, judges have little guidance for setting bail, leading to broad differences in outcomes across the state. For example, the Michigan Joint Task Force on Jails and Pretrial Incarceration found in its 2020 report that bond amounts for use of a controlled substance ranged from personal recognizance to \$20,000 cash.¹⁷ The overuse of money bail leads to large numbers of people being held in jail on low-level offenses because they cannot afford even relatively low cash bonds.¹⁸ For example, in Wayne County in 2018-2019, 38% of people with cash bonds of \$2,500 or less remained in jail until their cases were resolved.¹⁹ In some Michigan courts, judges routinely impose money bail or conditions like tether or drug testing in almost all cases rather than in response to a specific threat the person poses to the community.²⁰ Judges are not required to put their bail decision-making process on the record, which can make it very difficult to understand why so many people are being held pretrial.

2.2 Alternatives to Traditional Courts and Court Processes

This section provides more background information on specialty courts.

Research on Drug Courts

Most research on specialty courts has been about drug courts, because they have been around longer than other types of specialty courts. Unless otherwise noted, the studies referenced here are based on research about drug courts.

There have been several meta-analyses and at least one national study that have concluded drug courts significantly reduce recidivism compared to people who receive traditional sentences, although there has been criticism of the quality of these studies generally and some other studies suggest that this effectiveness in reducing recidivism is primarily due to large reductions among white and female participants.²¹ There are also a smaller number of studies showing that mental health courts and veterans courts are generally effective at reducing recidivism.²² It should be noted, however, that studies of specialty courts generally compare outcomes for participants in those courts to those for people whose cases are dealt with through regular court processes, rather than comparing specialty court outcomes to those of people who complete treatment in the community without a criminal legal mandate or supervision. Some scholars and practitioners argue that people do better in non-coerced treatment settings, though there is limited research to date to demonstrate this empirically.²³

The use of jail as a sanction for noncompliance in specialty courts is common, although research suggests that jail sanctions are ineffective at motivating compliance; do not lead to better outcomes; can interrupt treatment and jeopardize housing and employment in ways that negatively affect recovery; and reinforce the idea that people are criminal because of their behavioral health conditions, the exact sort of stigmatizing stereotype that specialty courts were designed to reject.²⁴ Researchers have noted the lack of consistent tracking of race/ethnicity data by specialty courts, with many courts found not to track this data at all and the majority found not to track ethnicity.²⁵ The lack of accurate ethnicity data is especially problematic because, when this data is not collected, Hispanic people are often counted as white, which makes accurate analysis of disparities more difficult.²⁶ There is evidence that people who enter specialty courts and fail to complete them receive harsher sentences than they would have gotten if they had never tried the specialty court.²⁷

Specialty Courts and “Net-Widening”

“Net-widening” refers to the phenomenon of the existence of drug courts leading to more people being arrested and prosecuted for drug offenses because police and prosecutors believe that those people will be able to get help from those courts.²⁸ This can result in drug courts being used for more low-level cases that previously would have been diverted out of the system entirely for community-based treatment.²⁹

Several studies have documented this phenomenon. For example, a study from Denver found that, in the first two years after the implementation of a drug court there, the number of drug cases filed almost tripled, and the lack of capacity of the drug court to handle the influx of cases resulted in the number of people being sentenced to prison for drug offenses more than doubling.³⁰ One multi-year study of over 8,000 jurisdictions found that drug court implementation was associated with a 12-15% increase in arrests for minor drug offenses during a period when arrests for other minor offenses was decreasing.³¹ Similarly, another multi-year study of U.S. cities with populations over 50,000 found that drug court implementation was associated with a 16.8% increase in minor drug possession arrests, even while arrests for both other minor offenses and for drug sales were declining.³²

Net-widening can have particularly negative effects on Black people. Increased enforcement of drug possession offenses mean that Black people are more likely to be arrested, as police typically conduct most drug sweeps in their neighborhoods.³³ At the same time, due to restrictive eligibility criteria or other factors, they are less likely to be actually accepted into drug court programs, which can result in more incarceration-based sentences.³⁴

2.3 Pre-sentence Investigations (PSI)

The PSI Process

A presentence investigation (PSI) is required prior to sentencing for people convicted of felonies and may be ordered at the judge’s discretion in misdemeanor cases.³⁵ The most significant components that must be included in the PSI by statute are:

- An evaluation of and a prognosis for the person’s adjustment in the community;
- A victim impact statement, if requested by the victim;
- A specific written recommendation for disposition; and,
- For cases that fall under the sentencing guidelines: the sentence grid that contains the recommended minimum sentence range, the computation determining the recommended minimum sentence range, a statement about the applicability of intermediate sanctions, and the recommended sentence.³⁶

The Michigan Department of Corrections (MDOC) requires probation agents (who are MDOC employees) to include in PSIs a great deal of information which either expands on or adds to the information required by statute, such as:

- An objective description of the offense, including the name and age of the victim(s);
- The person’s description of the offense and the circumstances surrounding it, as well as any other statement they request to make;
- A description of the person’s adult and juvenile criminal history;
- Unless included in a victim impact statement, the financial, social, psychological, or physical harm suffered by any victim of the offense;

- A description and status of all criminal charges that are pending against the person at the time of the PSI;
- The offender's education background; employment qualifications, background, and status; military record; and social history including family relationships, marital status, financial status, interests, activities, and residence history;
- Medical and substance use history, including a psychiatric or psychological report when available and appropriate or when requested by the court;
- Information on any gang activity;
- An evaluation of the person with respect to their strengths, weaknesses, abilities, established behavior patterns, and readiness for change;
- Information about available treatment centers, residential facilities, vocational training services, special educational facilities, rehabilitative programs of facilities to which the person may be committed, special programs available through probation and other similar programs relevant to the person's situation, and a determination of the person's eligibility for the Special Alternative to Incarceration Program;
- A recommended disposition consistent with the calculated sentencing guideline range for the offense unless a departure is warranted;
- If probation is a possible sentence, the proposed terms and conditions of probation, the objectives to be achieved and the proposed supervision plan related to the person's success; and,
- The amount of restitution to be paid to the victim, if applicable.³⁷

A new MDOC Operating Procedure, which took effect in October 2022, also states that probation agents, when listing the person's criminal history, should include felony and misdemeanor arrests that resulted in dismissal, nolle prosequi, finding of not guilty, unofficial adjudication, or those where the disposition is unknown.³⁸ Additionally, although not mandated by statute, MDOC requires agents to verify the person's citizenship and notify ICE if the person is not a U.S. citizen.³⁹

Probation agents are required to interview the convicted person, preferably face-to-face, to get the necessary information.⁴⁰ When requested by the person's defense attorney, agents must give notice and reasonable opportunity for the attorney to attend this interview.⁴¹ The MDOC policy also says that agents "shall attempt to interview the spouse, parents, other family members, or significant others to verify or dispute information provided by the [convicted person]."⁴² It is not clear, however, how often this happens. The evaluation of the person's strengths, weaknesses, readiness for change, etc. is mostly done through the use of the COMPAS risk/needs assessment.⁴³

While the existing MDOC Work Statement instructed probation agents to use MDOC's "PSI Recommendations Guidelines," essentially a flow chart for determining whether to recommend a community or prison sentence in addition to the Michigan Sentencing Guidelines, the new Operating Procedure only refers to the sentencing guidelines.⁴⁴ According to the new Operating Procedure, probation agents are allowed to recommend departures from the sentencing guidelines only with prior approval from a supervisor and only for one or more of the following reasons:

- There are mitigating factors about the person (including but not limited to age, disability, illness, or mental health problems) in conjunction with a specific plan for community supervision as an alternative to prison.
- There are aggravating factors not considered in the sentencing guidelines.
- The person was committed to a state or federal prison at the time of the current offense and/or sentence.
- There is a sentencing agreement for a community sanction supported by MDOC.⁴⁵

After it is completed by the probation agent, the PSI report, including the sentence recommendation, can be modified by a probation supervisor to ensure that it complies with MDOC's policy directives and operating procedures.⁴⁶ The appropriateness of the report's sentencing recommendation may also be reviewed by a Probation Sentencing Specialist, who can change that recommendation.⁴⁷ Probation Sentencing Specialists will review the sentencing recommendations for people who fall in straddle cells on the guidelines to make sure there is consistency in the recommendations for these people across the state and may also change a recommendation for a prison sentence to one for community supervision based on their knowledge of available programs.⁴⁸

A copy of the final PSI report must be provided to the prosecution and the defense attorney no less than two business days before sentencing.⁴⁹ At the sentencing hearing, either party can challenge the accuracy or relevancy of any information in the PSI report.⁵⁰ If the judge finds that the challenged information is inaccurate or irrelevant, that information is removed from the report.⁵¹

2.5 Probation and Probation Violations

MDOC probation violation guidelines

This section provides additional background to section 2.5. of the main report.

Under MDOC's PV guidelines, the probation agent first determines whether the violation is considered level 1 or level 2, based on a specific categorization of types of violations and on their discretion.⁵² Level 1 violations include things like associating with known criminals; changing residence without permission; failure to report; failure to seek employment; positive drug or alcohol tests, etc.⁵³ Level 2 violations include things like absconding (which MDOC defines as missing two consecutive in-person meetings or monthly mail-in reports); conviction of an assaultive misdemeanor, operating under the influence of liquor (OUIL), or a felony; intimidating or threatening behavior; possession of a weapon; leaving a residential program, etc.⁵⁴ The agent then determines whether the person is on probation for an offense that is on MDOC's assaultive offense list (which appears to be far longer than statutory lists of assaultive offenses (e.g., in MCL 770.9a or MCL 769.4a).⁵⁵ Finally, the agent uses the Probation Violation Guide, which uses the level of the violation, whether the person's offense is on the assaultive list, and the person's risk level according to the COMPAS to determine whether the PV can be dealt with administratively or needs to be filed with the Court, and what level of response to impose or recommend based on the Probation Violation Response Guide.⁵⁶ Response range 1 includes sanctions like a verbal warning; increased reporting or level of supervision; extending probation; and up to 45 days in jail.⁵⁷ Response range 2 includes sanctions like up to 200 hours of community service; intensive outpatient or residential treatment; participation in the Special Alternative to Incarceration program; and up to 6 months in jail.⁵⁸ Response range 3 includes any response or combination of responses from range one and two, and/or up to a year in jail or a prison sentence.⁵⁹

Beyond what's set out in the Probation Violation Response Guidelines, probation agents are required to request a bench warrant and request revocation of probation if there is reason to believe a person has engaged in new felony behavior; there are allegations of threats or assaultive behavior; or there is evidence that a person absconded while in possession of a firearm.⁶⁰ Additionally, if a person has their probation revoked by the Court for behavior that involved owning or possessing a firearm, the agent is required to recommend a minimum sentence of at least 60 months, or the highest minimum sentence permitted under the sentencing guidelines if that is under 60 months.⁶¹

There is no public information about how housing assignments or security classifications for the jail or MDOC are made. There is also almost no public information about how conditions, housing assignments, or security classifications in the jail or MDOC facilities affect access to programs or release and reentry.

Strategy 3 - Restructure In-Custody Programming, Release, Reentry, and Community Support

3.4 MDOC Reentry Programs

This section provides more background to section 3.4. of the main report.

Michigan Prisoner Reentry Initiative (MPRI) Structure and Operations

MPRI was organized around seven key decision points across three phases.⁶²

- Phase One - Getting Ready. This phase covered the period from a person's admission to prison through the parole decision, and included two decision points:
 - Measuring the person's risks, needs, and strengths.
 - Assignment to programming to reduce risk, address needs, and build on strengths.
- Phase Two - Going Home. This began several months before a person's target release date.⁶³ It involved creating specific reentry plans that addressed housing, employment, and behavioral health services and included two more decision points:
 - Developing a strong parole plan that was conscious of public safety.
 - Improving parole release guidelines.
- Phase Three - Staying Home. This phase began when a person was released from prison and continued until discharge from parole. It included the final three decision points:
 - Provision of supervision and services.
 - Revocation decision making that uses graduated sanctions.
 - Discharge and aftercare planning to determine community supports for after a person's parole ends.

One of the central features of the MPRI model was the development and use of Transition Accountability Plans (TAPs) that describe what is expected from the person, corrections/community supervision staff, and communities at four key points.⁶⁴

- TAP 1: Prepared at prison intake and covering the expectations for the person to prepare for release.
- TAP 2: Prepared at the point of the parole decision and covering the terms and conditions of the person's release to the community.
- TAP 3: Prepared when the person returns to the community and covering the supervision and services that will be provided.
- TAP 4: Prepared when the person is about to be discharged from parole and covering the elements of a plan for discharge.

TAPs were administered by a Transition Team which might include prison staff, parole supervision staff, and community agencies and service providers, with the membership and their respective roles and responsibilities changing depending on what point in the process a person was in.⁶⁵ To facilitate the process of transition accountability planning, MDOC designated certain prisons, based on proximity to population centers as "in-reach" facilities.⁶⁶ People who were close to their parole release date were transferred to reentry units in the in-reach facility that was closest to where they were going to be released, allowing for greater allowing for greater local contact and coordination.⁶⁷

MPRI involved local reentry advisory councils with strong community representation and local steering teams, which included key stakeholders, service providers, and community members, and were led by four co-chairs, two of whom had to be community representatives.⁶⁸ A community coordinator oversaw the project locally, working to increase community support and buy-in; conveying community input to local service providers and MDOC; identifying community assets, barriers, and service gaps; and developing community-based Comprehensive Prisoner Reentry Plans.⁶⁹ This focus on a local, community-based model created strong support for the program among community partners and members of the public.⁷⁰

MPRI was at its peak from around 2008 to 2011. During this period, the program was increasingly well funded by MDOC, with an overall budget of \$26.9 million for 2007-2008 steadily increasing to a high of \$60 million for 2009-2010.⁷¹ The majority of that money was also allocated for community funding, e.g., 75% of the total for 2009-2010.⁷² During this period, MPRI achieved significant results. By providing reassurance to the Parole Board that community-based resources were able to handle larger number of releases, especially for people considered medium- to high-risk, the parole approval rate was increased significantly.⁷³ The combination of greater support for community reintegration and more focus on graduated sanctions led to much lower parole revocation rates.⁷⁴ Starting around 2012, MDOC began cutting funding for MPRI, particularly community funding, and taking greater control over local planning and programs.⁷⁵ MDOC stopped participating in planning meetings with local partner organizations and shifted away from a decision-making process that was transparent and collaborative to one that was more internal and state run.⁷⁶ From the high in 2009-2010 of \$60 million with 75% devoted to community funding, by 2014 total funding was reduced to \$25.9 million with 53% devoted to community funding, a 69% overall reduction in community funding.⁷⁷

3.5 Parole

This section provides more background to section 3.5. of the main report.

Michigan Parole Guidelines

There is no entitlement to parole in Michigan—eligibility is left almost entirely to the discretion of the Michigan Parole Board (“Board”).⁷⁸ The Board used to be comprised of 15 members appointed by the governor, but now is made up of 10 members appointed by the director of MDOC.⁷⁹ In determining if parole is appropriate, the Board can consider the person’s criminal behavior, institutional adjustment, readiness for release, personal history and growth, and physical and mental health.⁸⁰ Most people are eligible for parole when they have served the minimum term of their sentence.⁸¹ One major exception, however, is that most people serving a minimum sentence of two years or more are not eligible for release on parole unless they have either a high school diploma or a GED – so accessing educational programming early in a sentence is important.⁸²

The determination about whether to grant parole is largely determined by the parole guidelines developed by MDOC, which have replaced the previous Parole Sanction Certainty Program.⁸³ These guidelines look at eight areas:

1. The nature of the offense for which the person is incarcerated;
2. The person’s prior criminal record;
3. The person’s conduct while incarcerated;
4. The person’s assaultive and property risk screening scales;
5. The person’s age at the time of consideration;
6. The person’s performance in programming;

7. The person's mental health; and,
8. The person's housing level.⁸⁴

The guidelines are scored by looking at certain specified factors under each area which have points attached to them; in some cases, the points assessed differ depending on how many years the person has served before being considered for parole.⁸⁵ The points for each area are added to create a preliminary total score, which may be adjusted based on the range of the preliminary score and factors like the points assessed for prior criminal record or conduct, or the person's age.⁸⁶ The point ranges for the final score determine whether the person has considered a high, average, or low probability of parole.⁸⁷ People can challenge the calculation of their guidelines scores administratively by filing an objection.⁸⁸ The guidelines scores are not determinative of a person's release on parole, as the Board is explicitly permitted to depart from the guidelines by denying parole to someone who has a high probability of parole or by granting parole to someone who has a low probability.⁸⁹ A departure can only be for substantial and compelling reasons stated in writing, which may not include characteristics of the person such as race.⁹⁰

There are a couple of differences between the statute authorizing the creation of the guidelines and the administrative rule and policy directive implementing them, which raise questions about the legality of MDOC's process. The statute requires that the reasons for departure be not only substantial and compelling but also objective, but the word "objective" is omitted from the administrative rule and policy directive, and there is some evidence that the Board's decisions are actually based on subjective reasons.⁹¹ Similarly, the statute specifies that the substantial and compelling objective reasons for departure from the guidelines are limited to certain listed circumstances, while the administrative rule and policy directive do not include these circumstances or place any restrictions on that type of departure.⁹²

There are other concerning aspects of the guidelines. For example, there is nothing to indicate that the scores assessed for different factors are based on any evidence tying those specific factors to the likelihood of success on parole or that the guidelines were empirically tested before implementation or validated afterwards. While MDOC is required by statute to review the correlation between the guidelines and the recidivism rate of people on parole and report that to the joint committee on administrative rules at least every two years, there is no evidence that this has actually been done.⁹³ Similarly, while the statute requires MDOC to ensure that the parole guidelines do not create racial disparities in release decisions, there is no indication that MDOC has actually evaluated that.⁹⁴ Additionally, it is not entirely clear where the information for some of the factors that are scored in the guidelines actually comes from. For example, both the administrative rule and policy directive require that the person's statistical assaultive and property risk be included in the guidelines scoring, neither indicates where how those risk scores are determined.⁹⁵ This is particularly troubling as the COMPAS, the primary risk assessment tool used by MDOC does not include any risk scale for assaultive or property offenses.⁹⁶

Research on racial disparities in the parole process

Although the WEP was unable to get specific data on racial disparities in parole or parole violations in Washtenaw County, national research indicates that there are disparities in both areas. For example, studies have found that Black people are less likely to be released on parole than white people, and those that are released tend to serve more time before they're granted parole.⁹⁷ Despite this evidence that Black people are less likely to be granted parole, due to their overrepresentation in prisons generally, they were actually over 4 times as likely to be on parole as white people in 2018.⁹⁸ Black people are also more likely to be charged have their parole revoked and be sent to prison for violations.⁹⁹ One study found that there was a 22% increase over white

people in the odds of Black people being returned to prison for violations based on new criminal offenses, while another found that Black people were 19% more likely to have their parole revoked for a new offense and 50% more likely to have their parole revoked for a technical violation.¹⁰⁰

Research also shows specific ways that race could be affecting Michigan’s parole process. Many of the factors assessed in the parole guidelines are likely to affect Black people more negatively. The more negative scores associated with lengthier and more serious criminal records, including juvenile records, along with prior incarceration and supervision failures, simply bake in disparities in policing, prosecution, and sentencing that will result in lower guidelines scores.¹⁰¹ Some of the supposedly objective factors considered, such as whether the crime for which the person was in prison involved violence or cruelty beyond what was necessary to commit the crime, whether the victim was particularly vulnerable, or whether the person was more of a leader than others involved in the offense are actually quite subjective and leave room for societal biases about the greater culpability and dangerousness of Black people to come into the process.¹⁰² The reliance on conduct while incarcerated is problematic, as studies have found that Black people are more likely to receive disciplinary infractions than white people, despite evidence that both are equally likely to violate the rules.¹⁰³

The restriction on parole eligibility for people who don’t have a high school diploma or GED is also likely to disproportionately affect Black people, who are more likely to come from areas with poorer public education systems and are more likely to be expelled from school for disciplinary infractions.¹⁰⁴ This is particularly troubling considering the large number of people in MDOC custody who are on the waiting list for GED programs—6,440 in 2020.¹⁰⁵ While there are some exemptions to the educational restriction on parole release, they tend to be subjective, such as whether someone has a learning disability or was unable to complete the GED program through no fault of their own, and leave room for biased perceptions to affect that determination.¹⁰⁶

Black people are also likely to be more subject to violations due to standard conditions of parole that have disparate impacts. For example, because Black people are less likely to have access to adequate transportation, requirements that they report regularly to their parole agents or participate in programs may be more difficult. Since Black people are more likely than white people to have felony convictions, Black people on parole may be unable to stay with family due to restrictions on associating with people with felony convictions.¹⁰⁷ Combined with the lack of affordable housing, this could leave them more vulnerable to having their parole violated for not having a stable address. The fact that Black people face greater discrimination in employment could also place them at greater risk of violations due to the requirements that people on parole obtain employment and that they pay supervision fees and other assessments.¹⁰⁸

Strategy 4 - Support Youth Development

4.1 Juvenile Justice Reforms and Diversion: Research, Policy, Practice

This section provides more background to section 4.1. in the main report.

Juvenile Justice: Key Research Findings and Best Practice Principles

The three priorities of the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) sum up the current principles of evidence-based approach to juvenile justice work:¹⁰⁹

- “Treat children like children”: Juveniles are developmentally different and should be given the opportunity to learn from their mistakes;

- “Serve children at home, with their families, in their communities”: Generally, community-based programs should be offered, with detention-based programs as a last resort;
- “Open up opportunities for system-involved youth”: Youth already involved with the legal system tend to face numerous barriers to accessing the supports they need, so reducing these barriers should be a priority.

Research on juvenile justice is vast and of course, systems and local socio-political contexts vary across states and counties. Still, a few broad areas of consensus have emerged. Several landmark reports by the [National Research Council](#) (NRC, the operating branch of the federal National Academies of Sciences, Engineering, and Medicine) on juvenile justice summarize available research and input from national experts. Key points include:

- The National Research Council (NRC) 2001 ‘consensus study’ report, *Juvenile Crime, Juvenile Justice*, looks at trends of juvenile crime and possible contributing factors. It emphasizes that while petty crime rates are high among youth (and were more so in the 1990s), only a small proportion commit serious crimes; the report notes that access to guns is a key factor. It generally underscores the role of developmental risk factors – including health disadvantages in prenatal, perinatal, and childhood phases – and abusive or harsh parenting in later delinquency. The report also notes that disciplinary tactics by schools – like suspension and expulsion – generally make delinquency worse, not better. It identifies racial disparities in juvenile justice systems as a problem. On how governments respond to juvenile crime, the report finds that deterrence-based responses – like detention – are not effective, whereas prevention-based responses are more promising. It notes that programs should be community-based and should not rely on long-term predictions of behavior, and that any risk assessment should be short-term.¹¹⁰
- The NRC 2013 ‘consensus study’ report, *Reforming Juvenile Justice: A Developmental Approach*, focuses specifically on behavioral and neuroscience insights into adolescent development and implications for evidence-based programs within juvenile justice. The report notes that adolescents are less able to self-regulate, more susceptible to external social pressures, and less able to make decisions that take future implications into account. Further, the evidence shows that most juvenile justice tactics – including zero tolerance policies at schools and using juvenile confinement – directly contradict the key principles of healthy adolescent development (i.e., the presence of an adult invested in the youth’s success; inclusion in a peer circle that models prosocial behavior; building autonomous decision-making and critical thinking) – and that a punitive system disproportionately harms youth of color. The report identifies several key principles of juvenile justice reform, based on evidence:¹¹¹
 - Accountability: Encourage taking responsibility and participating in acts of restitution to the community, without using confinement or imposing collateral consequences (like a criminal record).
 - Preventing reoffending: Use structured risk/needs assessments, to ensure that more intensive interventions are reserved for higher-risk youth – and do not excessively intervene in general.
 - Fairness: Ensure transparency with and meaningful participation of youth, their legal counsel, and their families, in all stages. Ensure competency assessments. Track youth and family perceptions of fairness.
- In 2022, the NRC published the proceedings of a workshop called “The Impact of Juvenile Justice System Involvement on the Health and Well-being of Youth, Families, and

Communities of Color.”¹¹² The workshop described the persistence of racial disparities in the juvenile justice system, even as juvenile justice involvement rates have dropped. When combined with inequities in socio-economic status, one can conclude: “Inequality is both a cause and a consequence of juvenile justice system involvement.”¹¹³ Consistent with other research on juvenile justice, the 2022 report describes the harms of youth confinement and negative effects of system involvement on youth and offers evidence on promising practices. Evidence-based alternatives include:

- Early, preventative interventions for children, at a primary care level;
- Avoiding disciplinary tactics in schools and investing in holistic health services for schools;
- Collaborating with other agencies, especially for youth with foster care involvement;
- Building on existing models like the [Juvenile Detention Alternative Initiatives](#) (Annie E. Casey Foundation) and the Sequential Intercept Mapping for the juvenile system;
- Using assessment tools only to guide restraint on detention decisions (not to make larger assumptions about future behavior) and investing in needs assessments and a focus on protective and success factors more than risk factors;
- Investing in cultural sensitivity training, resources, and aligned staff, to be able to navigate working with communities (specifically Native, Black, and Latino communities) who have experienced trauma at the hands of government, such as violence and forced removal of children.

As noted above, federal agencies underscore the effectiveness of early intervention and prevention approaches as a response to juvenile delinquency generally.¹¹⁴ The Positive Youth Development approach, for example, encourages learning/doing and attaching/belonging, across areas of youth’s lives. OJJDP’s delinquency prevention research cites classroom and community-based programs that encourage conflict resolution, safe relationships, and emotional growth as effective tools that can be used to avoid system involvement. Solutions focusing on education, health, safety, and emotional well-being of youth are most effective at preventing justice system involvement.¹¹⁵ These approaches show positive outcomes for reducing violence risk, system contact risk, and improving education, employment, and programming retention outcomes.¹¹⁶

The report [Best Practices in Youth Diversion](#) published by the Institute for Innovation & Implementation at the University of Maryland School of Social Work, provides an overview of the research on diversion programs for youth.¹¹⁷

4.2 Juvenile Diversion/Deflection in Washtenaw County

This section provides information on some organizations involved in juvenile deflection and diversion programs, as discussed in section 4.2. of the main report.

Washtenaw County Diversion Options for Youth

Juvenile Diversion through My Brother’s Keeper

The Washtenaw County Prosecuting Attorney’s Office has partnered with Washtenaw My Brother’s Keeper (WMBK) to pilot a unique diversion program for youth in the county. Vera’s [Reshaping Prosecution](#) initiative is providing technical assistance to this program. Entry into the program starts with the diversion coordinator at the Prosecuting Attorney’s Office, who identifies eligible young men and refers them to WMBK. At WMBK, they participate in producing a documentary entitled [Formula 734](#), which documents the experiences of the young people participating in the program.

The WMBK cohort includes an intergenerational collection of men of color musicians in Washtenaw County, ranging from age 16 to 52 who participate in healing circle support groups. This diverse mix of people, including mentors, a trained therapist, and peers, discusses and addresses trauma experienced by young men of color - trauma caused by people in their personal lives, and trauma caused by contact with institutions steeped in systemic racism. Through Formula 734, the group engages in dialogue about ways to heal from the trauma, building coping mechanisms, and identifying alternative behaviors that will help the young men avoid contact with the criminal legal system. These discussions among the diversion participants are then translated into artistic expression through music as a means of healing past and present harm. Through both audio and visual mediums, the participants develop and record a Hip Hop album and learn audio/visual job skills along the way. They are paid for their time developing and recording the album.¹¹⁸ The first cohort of the diversion program completed their documentary in late summer 2022 and held a release party. A new cohort will launch in early 2023.

Washtenaw Justice Project Restitution Program for Juveniles

In 2022, the Washtenaw Justice Project, a nonprofit organization, launched a program, in partnership with the Prosecutor's Office and the Public Defender's Office, to help youth who have to pay court-mandated restitution funds to victims of crimes.¹¹⁹ Under the program, juveniles in this situation can earn up to \$1,000 toward such obligations (if they follow probation conditions) - which helps them overcome the financial barrier of restitution. The program is funded by several philanthropic foundations.

Washtenaw County Critical Mapping and Strategic Planning Recommendations (2019) for Juvenile Justice

In 2019, the National Center for Youth Opportunity and Justice (NCYOJ), in partnership with Policy Research Associates (PRA), the Washtenaw County Community Mental Health (WCCMH) and the Washtenaw County Sheriff's Office (WCSO), held a Critical Mapping and Strategic Planning workshop to map out services, gaps, and needs for juveniles in the county who are experiencing some combination of mental health conditions, substance use, and/or juvenile justice involvement.¹²⁰ The report describes in detail the available services, perceived gaps, and possible next steps across every stage of pathways by which youth might come into contact with the juvenile justice system.¹²¹ The report identifies several priority areas, and within each, it names actions steps. These areas are:

- Develop flexible, timely, and responsive housing that provides supportive services for youth,
- Develop a 24/7 assessment/ drop-off facility ("First Contact" program),
- Empower youth, families, and the community to achieve a just and equitable society, through community organizing and mobilizing, restorative justice practices, and civil engagement,
- Develop a community-based peer-to-peer system for supporting vulnerable youth and families.

The report emphasizes the importance of building leadership and involvement of system-involved youth and their families, through advisory councils and other mechanisms. Some recent press releases from the County indicate that some of these recommendations are moving ahead - like a [juvenile assessment center](#) - as of 2022.¹²²

Assessment Tools (Risk-based, functional-based)

For those who are transferred to diversion programs, there is a comprehensive assessment given using the Child and Adolescent Functional Assessment Scale ([CAFAS](#)) to measure and understand the needs of the youth. Youth are assessed during intake, and they individualize contracts and cases of the youth. Through this tool and intake process, the youth's record stays non-public indefinitely. (Qualitative research with youth and parents, noted above, suggests that they were uncertain about the status of sealing records and how reliable it is. Some did not know how to check the status of a record expungement or sealing.) The determined needs of the youth shape the type of diversion services offered, e.g., taking a class, undertaking therapy, community support.

Two key principles of the Risk-Needs-Responsivity model are that a) interventions should be reserved for people with higher risk levels; interventions on lower-risk people can be counter-productive; and b) interventions should be tailored to dynamic (not static) risk factors, needs (for supports), and learning style (responsivity). There are several validated RNR-style assessment tools for youth, including the Youth Assessment and Screening Instrument (YASI), Youth Level of Service (YLSI).¹²³

Other assessment tools are aimed at understanding youth's functioning in several areas, in order to build appropriate and tailored programs. These include the CAFAS, the JIFF Interviewer (derived from the CAFAS), and others.¹²⁴ Analysis of the content, application, reliability, and validity of several child and adolescent well-being assessment tools in the child welfare sector - CAFAS, the Child and Adolescent Needs Assessment, Child Behavior Checklist, and Treatment Outcomes Package - shows that they are well-founded, substantively and in terms of reliability and validity, with some differences and tradeoffs.¹²⁵

In the juvenile justice domain, it is important to differentiate assessment tools that explicitly assign a risk score based on identified risk factors - like the YASI and YSLI - versus those that generally assess the skills and challenges of a child or adolescent, without attaching a specific score that implies future recidivism risk. The CAFAS and related assessment tools can allow for tailoring of responses with somewhat less room for the bias and projections that risk scores usually involve, but then must be used with an awareness of personal bias that can influence scores.

In Wayne County, the Prosecutor's [Right TRAC program](#), for example, refers a juvenile charged with an offense, who is deemed low-risk, who might otherwise be placed under juvenile court supervision, to an alternative community-based youth assistance program.¹²⁶ Eligibility for the Right TRAC program is not based solely on the charge type; it considers other factors to gauge the youth's risk relative risk of reoffending. The experience of the Wayne County TRAC program is one example of using assessments at an earlier stage of the process.

In Wayne County, unlike Washtenaw County, assessments are used at every stage of the court process beginning with the prosecutor. They are administered by a separate entity, the Juvenile Assessment Center (JAC).

4.7 Dual Ward Youth

This section provides more background to section 4.7. of the main report.

Research on Involvement in Juvenile Justice and Child Welfare Systems

Foster care and child welfare involvement is linked with higher likelihoods of interactions with the juvenile and criminal legal system.¹²⁷ Dually involved youth, with active cases both in the juvenile

system in the child welfare system experiencing neglect, have a greater risk of recidivism compared to other delinquent youth, especially for Black and Latinx youth.¹²⁸ However, these links are not direct or inevitable. Notably, the vast majority (92%) of crossover youth are “first involved in the child welfare system”.¹²⁹ There is more complexity in how youth become dually-involved, with many young people cycling in and out of each system throughout their lives.

In their attempt to establish a new framework for “consistently defining dual system youth and their pathways,” Herz et al. (2019) looked at administrative data, for cohorts ages 10 to 18 years old, across three sites (in Illinois, Ohio, and New York). They found that “non-concurrent system contact was more prevalent than concurrent system contact in all sites.”¹³⁰ Youth enter the child welfare system by experiencing one or more of a variety of challenges such as maltreatment, running away, and behavioral problems (such as substance abuse, mental health problems, homelessness and crime). However, the Dual System Youth Design Study found that “the majority of all child welfare clients never enter the juvenile justice system.”¹³¹ Research suggests that there is a relationship between youth involvement in both systems, there is no clear causal relationship beginning with child welfare involvement and resulting in contact with the juvenile justice system. Instead, there are a host of “overlapping risk factors” for involvement in each system, such as: trauma, compromised social and family networks, maltreatment and neglect, lack of community-based services and supports, substance use/mental health.¹³²

According to the federal government website for youth programming (youth.gov), the main three pathways by which youth become dually-involved are: a) substantiated abuse or neglect, and then, during foster care, the youth commits an offense that leads to justice system contact; b) contact with the justice system due to a charge, and have a prior contact with the child welfare system but are not currently in foster care; c) contact with the justice system without prior child welfare involvement - but then, due to information shared by the youth through justice system processes, the probation department refers the youth to child welfare, to facilitate an investigation of abuse or neglect.

Researchers have investigated the risk of juvenile arrest for substantiated versus unsubstantiated cases of maltreatment and have conducted analyses to determine whether gender and race affect that relationship. Analyzing data from a sample of nearly 40,000 youth “between 5 and 16 years of age ... in a large urban county” (Los Angeles County) Chiu, Ryan, and Herz (2011) found that the risk of a juvenile arrest more than doubles for “cases associated with a substantiated report of maltreatment. Moreover, this finding remains true across gender and racial groups.”¹³³ However, they did find some demographic differences with older youth: Black male youth with substantiated reports had a higher risk of juvenile arrest, while multiple placements (i.e., disruptions) affected the risk of arrest for female youth.

In addition to these pathways - which presume that youth solely enter the child welfare system via maltreatment - Ryan (2012) proposes another trajectory with perhaps an even more alarming set of outcomes.¹³⁴ His investigation focused on the experiences and outcomes of youth with at least one placement out of their home - i.e., in a substitute care child welfare setting, such as group homes and larger residential facilities - for whom the reason for placement was something other than maltreatment. In the sample of more than 5,500 youth with both child protection and delinquency records in the state of Washington, “a substantial portion” (23%) had had a substitute care placement for behavioral problems. Even after controlling for prior arrests, maltreated youth had a “significantly lower risk” of subsequent arrest or justice contact; hence, the need for considering pathways to child welfare that are not defined by maltreatment. Ryan (2012) found that youth placed in substitute care for behavioral reasons were “significantly more likely to live in congregate care facilities, experience placement instability, and more likely to experience at least one arrest.”¹³⁵

These findings align with previous studies, which have shown that youth in substitute care have higher delinquency risk than those who remain at home.¹³⁶

Notably, Ryan (2012) also found that girls made up the majority (over 70%) of referrals to placement for behavioral problems.¹³⁷ Given the effect of placement instability on justice system involvement for female youth, this relationship between gender and reason for placement referral is of particular concern.¹³⁸ Moreover, Ryan (2012) found that many of the youth entering the child welfare system for reasons of behavioral problems *only* had access to congregate care, as opposed to family-based services.¹³⁹ Thus, the reason for placement can affect what kind of child welfare placement youth receive – as well as the subsequent risks and outcomes.

Research on Best Practices

Research on best practices identifies several key challenges to enabling support for dual ward youth. The Casey Foundation ([Family Programs](#)) highlights that “the quality and consistency of the casework services” is crucial. The [National Juvenile Defender Center](#) highlights the unique challenges that legal representation for dual status youth face, including: more records, more people involved, the State acts as the parent (but biological parents also have rights), difficulties with future foster care placements when the delinquency petition is related to prior child welfare involvement, bias/prejudice by agency/court officials (who may see child welfare history as an aggravating rather than a mitigating factor), and challenges related to information sharing when confidentiality protections are in place.

Key principles for efforts to prevent or disrupt dual-system involvement and steer youth toward educational and employment opportunities and away from punitive programs include:

- Prevention, especially early intervention¹⁴⁰
- Seeing prior child welfare involvement as an opportunity for prevention, not just a risk factor¹⁴¹
- Preventing the conditions for a runaway incident, and avoiding punitive responses to runaway incidents¹⁴²
- Investing in educational and employment opportunities for youth approaching transition to adulthood¹⁴³
- Including recommendations from youth at every stage¹⁴⁴
- Sustaining family and community relationships¹⁴⁵
- Cross-system collaboration with a shared approach and values¹⁴⁶
- Using trauma-informed approaches in all child- and family-serving systems, not just in child welfare and juvenile justice¹⁴⁷
- Using technology and other innovative approaches¹⁴⁸

Key best practices and policy actions include:

- The [Crossover Youth Practice Model](#), an evidence-based approach managed by the Georgetown University Center for Juvenile Justice Reform. The CYPM includes training, technical assistance, local tailoring, evaluation, and other components¹⁴⁹
- Early identification of dual-system involvement¹⁵⁰
- Minimize congregate care, especially long-term use¹⁵¹
- Provide positive short term and long term goals¹⁵²
- Track child welfare agency progress across the following performance areas/domains:¹⁵³
 - Interagency collaboration; Judicial leadership; Information sharing; Data collection; Training; Identification of dual system youth; Assessment process; Case planning and management; Permanency and transition plan; Placement plan; Service provision and tracking"

- Cross-system collaboration, including information sharing, accountability, public awareness, and case supervision¹⁵⁴
- Implement trauma-informed approaches, including shared language, workforce skills and training, blending of funds for the continuum of care, and quality measures¹⁵⁵ (The Children’s Partnership, 2018)
- Technology and innovation, including training, for recruitment of quality resource families, access to health and other services, and youth engagement¹⁵⁶ (The Children’s Partnership, 2018)
- Invest in prevention, including identifying dual system youth early, and providing long-term resources¹⁵⁷ (Kelley and Haskins, 2021)

4.8 Discipline in Schools

This section provides more background to section 4.8. of the main report.

Colloquially referred to as the “school-to-prison pipeline,” zero-tolerance policies that emerged in the 1990s led to excessively harsh disciplinary actions by schools, which were disproportionately applied to Black and Latino youth. These disciplinary actions are associated with higher likelihood of later justice system involvement.¹⁵⁸ There is little to no evidence to support that disciplinary action such as suspension or expulsion deters future reported behavior, and, especially when used with younger youth, suspensions and expulsions can often intensify instances of discipline.¹⁵⁹ Black and Hispanic youth are disproportionately suspended compared to white youth.¹⁶⁰ This disparity at this early stage contributes to ongoing disparities in outcomes over the longer term, including worse outcomes in the criminal justice system. Additionally, there are seldom instances when suspension or expulsion is the appropriate tool to address behavioral issues in early childhood. These are better addressed by supportive interventions that should include the family when possible.¹⁶¹

One key component of how school systems handle situations requiring disciplinary action or potential law enforcement involvement is the presence of School Resource Officers (SROs) – a role meant to provide a police liaison and visible presence in schools, purportedly to deter criminal activity. Increasingly, SROs have taken on more significant roles in disciplinary responses to behaviors that are not necessarily illegal – with a disproportionate effect on minorities. Additionally, there is little consistency or oversight of SROs’ roles or actions.¹⁶² Research shows that police involvement in schools, and SROs in particular, only exacerbates the pathway from school-based discipline to formal contact with the criminal legal system¹⁶³.

The Washtenaw Intermediate School District (WISD) has undertaken some work toward alternative approaches.¹⁶⁴ For example:

- The STOP School Violence (SSV) safety grant¹⁶⁵ enabled the WISD to build threat assessment protocols. The WISD also collaborates with multiple stakeholders to build measures for school safety and student discipline including: the county prosecutor to review juvenile data and collaborating to pick appropriate trainings for threat assessment, University of Michigan psychiatric services to better plan for student mental health needs, and state police.
- The WISD previously had a partnership with the Trial Court to track data related to chronic absenteeism and justice system involvement. This analysis showed that deeper problems relating to poverty and mental health and physical health were contributing to student absenteeism. This led the district to shift away from sending students to court and instead create teams centered on treatment and care (clinical, homelessness support, etc.)

Strategy 5 - Use Data to Ensure Equity, Measure Outcomes, and Achieve Accountability

Data Subcommittee Report: Improving Criminal Justice Data Collection, Integration, Analysis, and Transparency

Submitted to the WEP Working Group in October 2022

Introduction

This report offers the Data Subcommittee's recommendations toward achieving the Washtenaw Equity Partnership's (WEP) mission to produce "a transparent, coordinated, evidence-based community plan for identifying and addressing racial disparities" in the Washtenaw County juvenile and adult criminal legal systems.

For the Data Subcommittee (Subcommittee) the phrase "evidence-based" meant considering how data could be collected and used to achieve the WEP mission. This report explains the Subcommittee's findings, analysis and methodology that led to its one overarching recommendation: to establish a cross-system Data Warehouse.

The Data Warehouse would collect and consolidate data from different sources to promote reporting, queries, and analysis of trends within individual legal system institutions and across the components of the criminal legal system to improve operations, reduce racial disparities and improve outcomes. In addition, information from the Data Warehouse would be used to share relevant information with the public via a public-facing Dashboard through which ordinary people can understand information about the legal system, especially through an equity lens.

To successfully effect the Data Warehouse, the Subcommittee recommends the use of its detailed "Checklist for Building and Maintaining a Data Warehouse" to ensure that all necessary actions are taken to produce a high quality, effective Data Warehouse and public Dashboard, including such steps as governance/oversight, project management, resources, implementation, maintenance, protocols for ethical uses and evaluation.

A generation ago, a handful of counties around the country were on the cutting edge of improving government efficiency when they integrated data from different departments into a central data warehouse repository and used the integrated data to address inequities, measure outcomes, develop policy, and increase efficiency across an entire system. Since then, technological developments have made data integration and data warehouses accessible to a wide range of counties across the country—urged on by institutions such as the U.S. Department of Justice and the National Association of Counties.

With those technological advancements available, what stands between maintaining the status quo of siloed county departments with compartmentalized data and integrating that data to improve services and ensure fairness are political will, startup funding, and a commitment to ongoing funding to maintain a data warehouse. We believe Washtenaw County has the will to accomplish this important goal and to pursue options for startup funding, becoming the leader among Michigan counties in data driven justice.

The methodology, research and analysis the Subcommittee used to arrive at the recommendations above are explained in detail in this report, which is divided into several sections.

Subcommittee Charge and Research Priorities/ Themes

The WEP's Working Group adopted the following charge for our work: The Data Subcommittee will focus on developing recommendations to improve data collection, analysis, integration, and transparency across agencies and systems, and will work to answer three overarching questions: 1) What is it we want to learn from the data? In other words, what is the impact of data on the institutions and community; 2) What and how do we communicate that to the public and institutions; and 3) What data need to be collected and reported going forward? To do that, the subcommittee will assess existing data and their sources in the juvenile and adult criminal legal systems, develop recommendations to improve the collection and analysis of that data across agencies and systems to better address disparities, and identify ways to improve data collection and transparency in reporting going forward.

Given this charge and the understanding that data driven policy, equity, and coordination formed the foundation of the county's governance approach, the Subcommittee adopted four straightforward research priorities: 1) improving data collection, 2) improving data integration, 3) improving data analysis and 4) improving data transparency.

General Questions Considered

All subcommittees were asked to consider the following general questions in their work:

- How will each of your subcommittee recommendations address racial disparities and/or create more equitable outcomes for system-involved people and families?
- Has your subcommittee accounted for structural elements in society that result in inequitable outcomes in the juvenile or criminal legal systems?
- How could the footprint of the criminal legal or juvenile system be reduced?
- How could the criminal legal or juvenile system support healthier outcomes that value healing over punishment and improve affected communities?
- How will your subcommittee's recommendations foster improved public transparency and accountability from government agencies?
- Are there potential unintended consequences of your subcommittee's recommendations?
- What performance/outcome measures should be used to evaluate whether your subcommittee's recommended interventions are successful?

Research Themes

All subcommittees were asked to consider six overall research themes identified by the WEP's Working Group which asked each subcommittee to explain how its work connects to at least one theme.

The Subcommittee's research priorities relate to three of the six research themes. The first is "What are strategies to increase government transparency and accountability?" Creating a Data Warehouse with the features described in the Subcommittee's recommendations is a strategy to increase transparency and accountability because:

- The ability to analyze cross system data in a Data Warehouse is a tool to ensure fairness, effectiveness, fiscal responsibility, and accountability because management and other institutional actors can use hard data to measure the outcomes of policies, practices and programs as a way of understanding their effectiveness.
- An interactive public-facing Dashboard allows the public to view metrics to help them understand Washtenaw County's juvenile and adult criminal legal systems.
- Two other research themes are supported by the Subcommittee's recommendation to implement a Data Warehouse: "What are the primary drivers of racial disparities in the

criminal legal system and how can they be intervened upon?” and “What are strategies to move problems outside of the criminal legal system?”

- A Data Warehouse, as outlined in our recommendations, will have research analysts who, on an ongoing basis, can study the data collected and identify decision points across the systems that result in disparities.
- The analysts will also be able to track whether specific interventions are successful in eliminating the drivers of the racial disparities and assess whether strategies to move problems outside of the criminal legal system produce positive outcomes.

Subcommittee Methodology: How the Subcommittee Approached its Work

The Subcommittee spent nine months researching ways in which governments use integrated data to drive policy and ensure equity. In tackling the research priorities, the Subcommittee decided to break into two subgroups that worked on parallel tracks: 1) Mapping and 2) Models.

Mapping Subgroup

The work of the Mapping subgroup had 2 stages: a) mapping or describing the current criminal justice data landscape in Washtenaw County and b) getting stakeholder input on the kinds of questions they would like to have answered that would help identify and address racial disparities and improve outcomes (this includes information they would like to collect in their unit or have access to from another government unit or across the system).

Research

- The Mapping subgroup first developed an online survey sent to 20 government units within Washtenaw County, including eleven law enforcement agencies, prosecutor’s offices (both the Washtenaw County Prosecutor’s Office and city and township prosecutors), and district and circuit courts, among others. The questions were designed to collect information about what criminal justice data is collected and how data is collected in each agency. The questions covered what data systems were used, where data is stored and managed, what demographic information is tracked and how (e.g., race, ethnicity, gender, age), whether unique identifiers are used for each person, how far back the data goes, each unit’s ability to access historical data, and whether data is shared with outside entities. (See appendix for list of survey questions as well as a summary analysis of the responses.)
- After reviewing the survey responses, the Mapping subgroup then designed follow-up questions to be used as a guide for one-on-one interviews with relevant staff in selected agencies. These interviews were conducted by the Vera Institute of Justice. While the interviews sought to clarify or expand survey responses where needed, the primary goals were to elicit input from respondents about (1) what would help them to improve data collection; (2) identifying data points where racial disparities might occur; and (3) identifying questions the respondent would like to be able to answer with their data, especially regarding racial disparities. Importantly, these follow up discussions also centered on whether the ability to access data from other agencies would help to answer their top questions and, if so, what data from other agencies would be more useful.

Models Subgroup

The work of the Models subgroup was to analyze information from other jurisdictions regarding models/best practices for criminal legal data collection, integration, analysis, and transparency and propose a model to help Washtenaw achieve the subcommittee’s research priorities of improving data collection, integration, analysis and transparency.

Research

- The Models subgroup began with a broad review of criminal justice reform efforts around the country. The sheer volume of those efforts led us to drill down to county-level efforts focused on using data to drive decision-making. From there the search was narrowed to a half dozen counties at different stages of data-centered criminal justice reform to explore how their work began, who was involved, how their work was contributing to reforming their systems, etc. The Models subgroup chose to focus on two counties with established data warehouses: Allegheny County, Pennsylvania (Pittsburgh area) and Multnomah County, Oregon (Portland area). After reviewing reports and research on Allegheny and Multnomah’s data warehouses, the Models subgroup interviewed representatives from Allegheny and Multnomah.
- In addition to specific county criminal justice reform research, the Models subgroup found helpful research and guidance on integration of criminal justice data from national entities such as the Department of Justice’s Bureau of Justice Assistance, National Association of Counties, Conference of State Court Administrators, [National Center for State Courts](#)¹, Urban Institute, [Council for State Government](#), [Measures for Justice](#), [AISP](#), among others.

Subcommittee Analysis of Research

The Subcommittee learned that siloed, inconsistent data collection and a lack of data analysis are often cited as significant roadblocks to effectively addressing racial disparities and other pervasive or emerging issues in the juvenile and adult criminal legal systems.² Siloed data and the compartmentalization of justice system units of government result in “...a fragmented system focused on rote processing of people and cases with little attention given to overall systemic improvement.”³

The Subcommittee recognized the community’s concern with the inability to identify whether there are systemic issues such as racial disparities within the county’s juvenile and adult criminal legal systems but also saw sufficient will by Washtenaw’s elected officials and the public to find a way to integrate data across county units. The Subcommittee was encouraged to consider some form of integrated data system⁴ by the Washtenaw County Board of Commissioner’s recent effort to create the [Washtenaw Opportunity Index](#) (which integrates data looking at different measures of well-being, i.e., health, education, employment as “part of Washtenaw County’s broader efforts to increase racial equity”).

The idea of integrating data from different sources is neither new nor unfamiliar in Michigan. The Michigan Supreme Court’s State Court Administrative Office has a [Judicial Data Warehouse](#) that

¹ Since 2018, the Conference of State Court Administrators and the National Center for State Courts have been developing court data standards to support the creation, sharing, and integration of court data. In June 2020, the [National Open Court Data Standards](#) effort moved into the [implementation phase](#).

² In a 2021 report commissioned by the Public Welfare Foundation and the Michigan Justice Fund entitled, [Overview of the Criminal Legal System in Michigan: Adults and Youth](#), the researchers noted how central data is to policy-making in the criminal justice arena when they wrote, “Before the state, counties and municipalities can move toward data driven decision-making, there exist significant barriers. These include: 1. Access to data. 2. Missing/incomplete data. 3. Inconsistent/varying data definitions. 4. Lack of data integration across systems. 5. Subjective decision-making. 6. Multi-layered systems. 7. Confidentiality. 8. Funding to develop local data solutions and staffing to support data collection and reporting.”

“How can you propose reforms, let alone enact them, when you can’t understand the problem?” wrote Chief Justice Bridget McCormack [in a 2021 opinion piece](#). “Data is the key to understanding and addressing disparities in our justice system.”

³ The Justice Management Institute, [From Silo to System: What Makes a Criminal Justice System Operate Like a System?](#) (2015), pg. 5.

⁴ The [Urban Institute’s National Neighborhoods Indicators Partnership](#) defines an Integrated Data System (IDS) as a function that links “administrative data at the person-level from multiple government sources such as education, juvenile justice, and human services, and might also include data from non-governmental service providers.” An IDS houses historical data (securely and with appropriate privacy protections) which can be used for research, evaluation, policymaking, program monitoring, and case management.

collects data from all trial courts. This is an example of vertically integrated data at the state level. The [Criminal Justice Administrative Records System \(CJARS\)](#), a unit of the Institute of Social Research at the University of Michigan, is a nationally integrated repository of criminal justice data gathered from a variety of sources. This is an example of horizontally integrated data at the federal level.

Within this context, the following sections summarize the Subcommittee's central research and discuss its key lessons.

Background and Takeaways from the Mapping and Models Subgroups

Takeaways from the Mapping Subgroup Research

In following up on the data mapping survey to learn more about agencies' data capacities, needs, and interest in data integration, Vera staff contacted seven of the agencies that responded to the data mapping survey which were identified as the highest priority by the Mapping Subgroup. Three of the seven agencies responded. While it is hard to generalize from these limited responses, some themes did emerge.

Agencies do not appear to be regularly tracking disparities. While one agency mentioned it had the ability to do so, others identified problems with how race/ethnicity data is tracked or that they only recently gained the ability to track this data. One agency specifically noted the lack of in-house analytic capacity as a barrier to looking at racial disparities in its data. Each person interviewed from the three agencies expressed at least some interest in integrated data and had questions about how it would help them. There was a question raised about how an integrated data system would protect the privacy of the information and whether including data from law enforcement agencies could potentially compromise the integrity of ongoing investigations. There was general agreement that data integration would be most useful if it enabled matching case-level data across agencies, with one agency specifically noting that having access only to general numbers or aggregate statistics from other agencies would not be very useful.

These observations were instructive in shaping the Subcommittee's recommendation for how the Data Warehouse should be developed and are all addressed in this Report and the Checklist. (See below the Additional Considerations and Subcommittee Recommendation sections and the Checklist.)

Background from the Models Subgroup Research

Allegheny County, Pennsylvania: In the mid-1990s, a group of local community, business, and philanthropic leaders came together to discuss what was needed for Allegheny County to overcome some big challenges and to prosper in the 21st century. Those frank discussions led to a long-term commitment to use data to streamline and improve services and address issues of inequity. Allegheny County's data collection, integration and analysis [began in 2000](#) with a plan to integrate client and service data from county human services units and, over time, expand to include data from other sources. The primary goals were to improve services to clients, improve worker efficiency by streamlining access to different sets of data that had previously been siloed thus providing a fuller picture of each client, support management decision-making; and serve as a community resource, making data and information publicly available whenever possible. From the start "it was intended to be used for both internal research and also external transparency and accountability - providing public value both to direct users and to a range of other

interested stakeholders.”⁵ With almost 25 years of operation under its belt, Allegheny reports that the annual cost of operating the data warehouse and its approximately 30 analysts, 7 data leads, an analytics manager and technical support amount to 1% of the county’s DHS budget.

A few years later, the Allegheny County executive requested that the University of Pittsburgh’s Institute of Politics (IOP) examine ways to improve the county’s criminal justice system to be “fairer and less costly, without compromising public safety.” The IOP and the county executive convened a Criminal Justice Task Force. The report culminated with a series of recommendations for the improvement of policing, pretrial services, prosecution and defense, incarceration, and courts and probation. The county executive appointed a standing Progress Panel to review and report on progress in implementing the recommendations. In September 2019, the Progress Panel released its latest report, “[Criminal Justice in the 21st Century: Improving Incarceration Policies and Practices in Allegheny County](#),” highlighting local criminal justice reform advances.

Allegheny continued its commitment to using data to address inequities when it joined the National Association of Counties’ [Data Driven Justice](#) initiative in 2016. The initiative supports counties engaged in cross-systems collaboration and data sharing within their jurisdictions to respond to the needs of frequent utilizers of justice, health, and human services systems.

As a result of Allegheny’s success with the data warehouse and other criminal justice efforts under the Progress Panel, the county was accepted into the MacArthur Foundation’s [Safety & Justice Challenge](#) in 2018. For its participation, Allegheny county received \$2 million and committed to achieving two main goals: (1) to reduce the county jail population by 20 percent and (2) to reduce racial and ethnic disparities throughout the system. The Progress Panel is currently engaged in a multi-year project to address the second goal of reducing racial disparities in the criminal justice system.

The project is designed to understand the policies, practices, and outcomes at key decision-making points within the county’s system that may drive racial disparities. It began with an assessment of policies, practices, and services within the Allegheny County criminal justice system to determine their potential impact on increasing racial disparities. Following this assessment, researchers will quantitatively analyze a broad data set focusing on decisions made during stops and arrests, charging, pretrial, sentencing, and probation and parole. Each area will be examined to better elucidate decision-making within them and to identify opportunities within each phase to alleviate disparities.⁶

Multnomah County, Oregon: Multnomah County’s Board of Commissioners and public safety officials obtained voter approval of a bond to improve information technology among the county’s law enforcement and justice agencies in 1996. Some of the bond money was used to fund the initial development of a data warehouse called the [Decision Support System for Justice](#) (DSS-J).

On the county’s website is a [description](#) of the data warehouse as a central repository for criminal justice system information that integrates public safety data from local sources while allowing individual agencies to continue their operations and data systems without interference. It provides policy makers and analysts with tools essential for data-driven and evidence-based decision making to inform program design and performance, inform policy making, understand whether

⁵ Better Government Through Data: Using the Allegheny County Human Services Data Warehouse to Design more Effective Results for Clients and the Public, Jane Wiseman (October 2020).

⁶ University of Pittsburgh Institute of Politics’ [Criminal Justice program](#).

interventions result in intended outcomes, measure public safety agency outcomes and understand historical trends to address systemic issues. DSS-J allows users to query justice agency data, track events such as criminal incidents, arrests, case dispositions and sentencing across data systems, while experienced criminal justice data analysts respond to requests for research regarding operational and policy issues affecting the public safety system.

In 2010, Multnomah County's Board of Commissioners transferred responsibility for the administration of DSS-J to the County's Local Public Safety Coordinating Council (which is staffed by a county-employed team including an executive director, project manager, data analysts, justice reinvestment project manager, and administrative assistant). A DSS-J Policy Committee (made up of representatives of Multnomah County Commission, district attorney, Department of Community Justice, various police departments including the county sheriff, Oregon Judicial Department, Multnomah Circuit Court, department of county assets, county IT, and public defender) oversees the direction and development of DSS-J operations. Ongoing operational costs are shared by partner agencies. Warehouse users include law enforcement, pretrial officers, victim advocates, prosecutors, defense attorneys, jail administrators, court administrators, judges, probation/parole officers, county commission, management and auditor, local, state, and federal legislators, community partners and service providers, researchers and universities.

Both Allegheny and Multnomah are significant examples that have been active for decades. The subcommittee also discussed the need for the Governance Group (referenced below) to review more recent county-level efforts such as Durango County, Colorado.

Takeaways Regarding Planning and Implementing a Data Warehouse

Adapting the BJA checklist:

The Subcommittee recognized the complexity of developing and maintaining a cross-system Data Warehouse. To assure all necessary steps are taken to enhance its quality and effectiveness, the Subcommittee adapted a [checklist](#) produced by the Council for State Governments and the Integrated Justice Information Systems Institute for the Bureau of Justice Assistance at the U.S. Department of Justice. The Subcommittee recommends use of its "Checklist for Building and Maintaining a Data Warehouse" (Checklist) as the basis for planning, implementing, and using a Data Warehouse in Washtenaw County.

The Checklist lays out three phases: 1) planning, 2) development, and 3) implementation. The Subcommittee believes the detailed steps noted in the Checklist are essential to success. It provides details on such things as the duties and composition of an effective oversight group, (Governance Group), setting shared goals, mapping/analysis of existing data, securing the required IT and other expertise, assuring adequate infrastructure, developing information-sharing agreements, obtaining needed financial resources, having a detailed work plan, addressing security and privacy issues regarding data access/use, conducting user testing, creating training and going supports to assist users, ensuring quality assurance and improvement mechanisms, working to financially sustain the Data Warehouse, and developing policies to guide modifications or future expansion of the Data Warehouse.

Developing Guiding Principles

When planning a Data Warehouse, the Governance Group should adopt principles to act as a touchstone—thus ensuring equity is at the center of warehouse operations. Some of the principles the Subcommittee believe are foundational are reflected in the Checklist. Additional are principles

(not included in the Checklist) that the Subcommittee believes are foundational to guide the planning include:

- Institutionalize [equitable data practices](#) that do not exacerbate structural inequities and structural racism⁷ in approaches such as predictive analysis tools. Many predictive analysis tools have been criticized as reinforcing disparities which result from disparate enforcement in minority communities. Critics note, for example, that predictive analysis tools that take into account arrest history—particularly in jurisdictions which have previously used “stop and frisk” tactics—reify existing disparities and racial bias under the guise of an “impartial” algorithmic system.
- Adopt a shared vision to undergird the planning and maintenance of the data warehouse. That shared vision will support the culture of ongoing innovation and systemic improvement necessary to ensure an equitable justice system.
- Adopt a broad approach to measuring inequities that will have the capacity to understand and address the systemic barriers and challenges that result from structural racism not just solutions that target individual behaviors.
- Adopt a broad approach to measuring inequities. This requires an acknowledgement that addressing racial disparities in the criminal legal system extends beyond the legal system to systems such as education, healthcare, and child welfare.

Additional Considerations

This section describes information, advice, and lessons learned by those counties that have implemented a data warehouse.

The process of developing a warehouse is easier if there is a leader to champion it as well as a shared vision among participating units.

- a. Take the time to plan, develop, implement the warehouse.
- b. Build the warehouse incrementally over time and celebrate milestones of success along the way. Allegheny’s data warehouse didn’t begin as an intergovernmental effort, but rather as a cross agency effort within one department. The success of the initial effort provided momentum and credibility as the effort expanded to other county, city and state agencies. For example, an early win in being able to provide mental health services to children who prior to the data analytic capabilities of the warehouse would have fallen through the cracks helped build credibility for the warehouse.
- c. Some might be skeptical at the idea of diverting some funds away from direct service into data and analytics but as the Allegheny DHS Deputy Director noted, “...we get insights to improve operations and deliver better outcomes that we would never get from putting all the funds into direct service.”⁸ To ease any concerns and facilitate adoption of the data warehouse, Allegheny data warehouse developers did three things:
 - Identified champions within government units who participated in system design which played a significant role in building buy-in.
 - Included a wide range of users (e.g., front line people such as judges and prosecutors, supervisors, analysts and management) in the planning process and implementation phase.

⁷ Structural racism is defined as the macrolevel systems, social forces, institutions, ideologies, and processes that interact with one another to generate and reinforce inequities among racial and ethnic groups Powell JA. *Structural Racism: Building upon the Insights of John Calmore*. North Carolina Law Review. (2008) Vol. 86:791–816.

⁸ Better Government Through Data: Using the Allegheny County Human Services Data Warehouse to Design more Effective Results for Clients and the Public, pg. 7.

- o Included a plan to educate all levels of staff in the participating units in the implementation phase.
- d. The most effective county efforts to create a criminal legal system that uses data to drive policy have meaningful collaboration at the core. “Collaboration means sharing the burden, the responsibility, and the consequences together as a system. One of the main defining characteristics is...their ability to collaborate at a systemic level—to put the greater good of the system and the principles of justice before all else with individual stakeholders adjusting policy and practice to support the overall vision.”⁹
- e. The most effective criminal legal data integration efforts at the county-level have a productive collaborative body overseeing the effort that is staffed by professionals unaffiliated with any one agency.
- f. Building trust among the data warehouse partners and shared responsibility, accountability and transparency are important in creating an effective data warehouse.¹⁰
- g. Analyzing data across government units magnifies understanding of adult and juvenile criminal legal systems and leads to evidence-based policies. Data sharing across departments with data analysts to analyze data across the adult or juvenile system gives a perspective on how policies are working that isn’t available when looking at data from one unit alone.
- h. Integrating county data from different government units using a Data Warehouse provides the power to:
- i. Allow government units to measure outcomes, evaluate programs and interventions, allocate resources equitably, and address racial disparities.
 - o Accurately measure return on investment.
 - o Identify unmet needs that would go unnoticed when looking at limited data from one unit alone.
 - o Secure more funding from state, federal, and philanthropic sources because the county has system-wide data to prove the need. Both Allegheny and Multnomah counties reported they secured millions more in funding due to the data warehouse’s ability to produce data analysis.
 - o Drive policy.
 - o Engage in outcomes oriented/performance-based contracting.
 - o Inform allocation and budget decisions.
 - o Perform community needs assessments.
 - o Streamline grant reporting, planning, and development.
 - o Engage in predictive analytics/forecasting.
 - o Perform longitudinal studies of outcomes across the system, rather than focusing on one agency. For example, one could use law enforcement data and probation data to understand how people arrested for a specific misdemeanor perform on probation as a way of understanding the effectiveness of that intervention.
 - o Streamline workloads for employees and improve individual case management.
 - o Gauge staff caseload on new projects.

How a Data Warehouse Enhances Recommendations of Other WEP Subcommittees

Vera and the co-chairs of WEP’s five other subcommittees were asked to give their insights as subcommittee leaders whether and how a Washtenaw County Data Warehouse as described herein would support or advance the recommendations their subcommittees are developing.

⁹ From Silo to System, pg. 10.

¹⁰ From Silo to System, pg. 12.

- a. A Data Warehouse with data analysts could use the integrated data to identify systemwide trends or for more narrowly focused research. For example, law-enforcement could use the data warehouse to examine trends in domestic violence—as well as case-processing time and resolutions. That would allow law-enforcement, the prosecutor’s office, and the courts to determine not just what trends were occurring—but also if something was happening that required working on earlier resolutions or a shift in resources. On the other end of the spectrum, a judge might tap a data analyst to research whether sentencing agreements for armed robbery vary depending on the race of the defendant and/or victim.
- b. Implementing a cross-system criminal legal Data Warehouse with data analysts in Washtenaw will support recommendations from every subcommittee of the Washtenaw Equity Partnership. Below are data points that a Data Warehouse could collect and analyze which would support subcommittee recommendations. The note following each item lists the subcommittee(s) whose recommendation would be supported by the Data Warehouse’s collection/analysis.
 - MDOC: Numbers, demographics, conviction types, sentence length, housing classification, program access, and potential parole dates for people currently in MDOC custody whose cases are from Washtenaw County. (Court Process, Post-Sentencing & Reentry.)
 - PSIs: Access to case-level information about PSI recommendations (including risk scores) and case outcomes; digitization / compilation of actual content of PSIs and analysis (qualitative and quantitative) of themes and recommendations; analysis of PSI process generally, including the criteria for who writes them, what kinds of information is included or not, who is consulted, to what extent mitigating factors are highlighted, etc. (Court Process, Post-Sentencing & Reentry.)
 - Parole: Analysis of case-level information on people released to Washtenaw County on parole and their trajectories, specifically violations and penalties for violations. (Court Process, Post-Sentencing & Reentry.)
 - Probation: Analysis of case-level information on people released to Washtenaw County on probation (felony and/or misdemeanor) and their trajectories, specifically in violations and penalties for violations. Issue regular reports on county probation and parole supervision that include numbers, demographics, original charge categories, terms and conditions, frequency and type of violations (differentiating new criminal activity from technical violations), support services provided, and analysis of the discretionary decisions by probation officers regarding issuing violations and penalties for these (e.g., jail detention or other penalties). (Court Process, Post-Sentencing & Reentry.)
 - Reentry Services: Analysis of people using reentry services provided directly by the County and/or funded by the County and their trajectories, including re-arrest or re-incarceration but also any available positive reentry metrics. Issue regular reports on County residents supported by local reentry services, including but not limited to state programs such as MPRI/Offender Success. (Post-Sentencing & Reentry.)
 - Jail Bookings and Releases: Analysis of jail roster data, including numbers, demographics, dates of admission and release, reason for admission (charges), reason for release, bail amounts, housing classification, and (if possible) programs accessed and/or mental health flag. Issue regular reports on jail population trends and drivers (beyond numbers and demographics), including reason for admission, length of stay, reasons for release, details on admissions for violations of supervision or of specialty court programs, etc. (Court Process, Post-Sentencing & Reentry and Behavioral Health.)

- District Court: Case-level data on charges, bail, case outcomes, and sentencing details, similar to the circuit court data provided. With regards to bail, neither the Circuit Court nor jail data seems to capture the full range of data on bail perhaps because the District Court is the logical place to capture bail data including the amount of bail set, whether it is revised, and it was paid. (Court Process.)
- Restorative Justice initiatives: at a minimum, include case-level data on referral source, overall numbers and demographics, reason for admission (charge), type of service/intervention provided, completion status, and case outcome. (Court Process.)
- Specialty Courts: at a minimum, include case-level data on referral source, numbers and demographics, reason for admission (charge), type of service/intervention provided, completion status, case outcome. Issue regular reports on specialty court programs: numbers, demographics, pathways for admission, terms and conditions, services provided, frequency and type of violations, status of completion, decisions about consequences for violations, etc. (Court Process.)
- Schools: Data on numbers, demographics, and case-level details on disciplinary cases, including outcome (e.g., suspension, expulsion, referral to police, other). (Youth Justice & Schools.)
- Juvenile arrests: Data including educational status (whether the youth was attending school, on suspension, expelled or a truant/dropped out), where the youth was last enrolled in school, whether an arrest originating from a school was a school-based referral or by a school resource officer and whether the student had a disability. (Youth Justice & Schools.)
- County, city and township police arrest data: Numbers and demographics of people arrested, initial charge, demographics of arresting officer, location of arrest, and additional incident information if possible. (Front End & Prevention.)
- 911 call data: Reasons for 911 calls and, if possible, zip codes. (Front End & Prevention.)
- Law enforcement traffic stop data: use best practices by the Center for Policing Equity and/or metrics adopted by Ann Arbor City Council upon recommendation from the Independent Community Police Oversight Commission to provide regular public updates on:
 - The date, time, duration and GIS location of all stops
 - The area to which the police officer was assigned at the time of the stop
 - The reason for the stop
 - The year, make and model of the vehicle
 - The driver's perceived ethnicity and gender identity
 - The number and ethnicity of passengers, if any
 - Any police action taken, including but not limited to whether a warning or citation was issued
 - Specific citations, if issued
 - Whether any occupant was frisked or searched
 - Whether the vehicle was frisked or searched
 - Whether consent to search was sought, and if so, whether it was provided
 - Whether any occupant was arrested, and if so, any and all charges
 - Whether the vehicle stop resulted in recovery of contraband, delineated by specific type
 - A unique identifying number of the officer
 - Any other relevant information necessary for effective monitoring and oversight of traffic stops.
 - The law enforcement agency shall not report the name, address, social security number, driver's license number or other unique personal identifying

information of persons stopped, searched, or subjected to a property seizure, for purposes of this section. (Front End & Prevention.)

C. Essential Components for a Public-Facing Dashboard

The public's right to court data is well established. In *Nixon v. Warner Communications* 435 U.S. 589, 597 (1978) the Supreme Court stated that "the courts of this country recognize a general right to inspect and copy public records and documents, including judicial records and documents."¹⁶⁶ In addition to court data, the Subcommittee believes the public's ability to readily access other key data across the entire criminal legal system was worth serious consideration not only because data transparency informs the public about a system that accounts for more 2/3 of Washtenaw taxpayers' tax bills, but also builds trust in that system. To that end, the Subcommittee began studying dashboards as a vehicle for transparently communicating data drawn from Washtenaw's criminal legal entities to the public.

The Subcommittee didn't have to look far for expertise on dashboards. Beginning in 2021, the University of Michigan's Poverty Solutions spearheaded an effort to research criminal justice dashboards around the country and create a dashboard for the Washtenaw County Prosecutor's Office as part of the Prosecutor Transparency Project. The Poverty Solutions team spent a year identifying whether national standards for law enforcement, court and prosecutor data transparency existed and studying state- and county-level law enforcement, court, and prosecutor dashboards. As part of their research, they catalogued over 150 dashboards from around the country and studied their features before distilling those down to a set that worked best for the WCPO.

Among the many lessons they learned, a few stood out for the Subcommittee's purposes:

- Simply putting data on a dashboard isn't enough. For the public to fully understand what criminal legal data means, a Washtenaw County dashboard should explain the data being displayed. In other words, educating must go hand-in-hand with displaying data.
- A Dashboard benefits the public through providing a mechanism to access information about the legal system. At the same time, data transparency does not mean that every data field that is collected should be posted on a dashboard; the county's criminal legal agencies and those that fund those agencies have a different set of data needs when it comes to accessing the Data Warehouse than that of the public. In particular, data that is displayed to the public can and should be aggregated and anonymized to protect victims and witnesses—and to avoid creating unnecessary stigma related to criminal justice involvement.
- Dashboards that focus solely on caseload and case processing time don't fully convey the kinds of information that helps the public understand whether their criminal legal system is fair and equitable.
- A public-facing Dashboard must present information consistent with confidentiality and privacy laws and norms, and avoid stigmatizing, traumatizing, or otherwise harming any of the individuals who are involved in the criminal legal system.

Subcommittee Recommendation: Data Warehouse

The Subcommittee adopted one overarching recommendation: Develop a cross-system Washtenaw Data Warehouse.¹⁶⁷

Two additional recommendations spring from a Data Warehouse, namely:

- To successfully effect the Data Warehouse, the Subcommittee recommends the use of its detailed "Checklist for Building and Maintaining a Data Warehouse" (see appendix) to assure

that all necessary actions are taken to produce a high quality, effective Data Warehouse and public Dashboard, including such steps as governance/oversight, project management, resources, implementation, maintenance, protocols for ethical uses and evaluation.

- Use information from the Data Warehouse to share relevant information with the public via a public-facing Dashboard through which ordinary people can understand information about the legal system, especially through an equity lens.

Internal, External and Policy Uses of a Data Warehouse

An effective cross-system Data Warehouse has multiple uses. As noted below, the key uses are: (1) internal, to assist the individual and cross-system operations of criminal justice system institutions, (2) external, to help the broader community understand the operations and impact on all of the system, and (3) policy-related, to employ data to inform policy decisions that improve outcomes and equity in the system.

- Internal: Criminal justice data analysts employed by the Data Warehouse can use reporting, queries, analysis of trends to help participating government units improve their operations. Similar analyses can be done across the components of the criminal legal system to understand historical trends, improve fairness and equity, reduce disparities, measure outcomes, and assess whether interventions or policies produce intended results.
- External: A public-facing Dashboard draws on information in the Data Warehouse to share relevant information with the public in a way that users can easily access and understand.
- Policy: Analyzing data from the Data Warehouse can help define and support public policy strategies, identify systemic issues, and improve fairness and outcomes in the legal system.

Staffing and Technical Capabilities Needed for an Effective Data Warehouse

From the outset, it is important to retain highly competent paid personnel with the skills and expertise needed to develop a data warehouse along with some understanding of how the criminal justice system operates. The range of abilities needed include, of course, the technical data-related skills to implement the warehouse. They also include very high-level project management skills to conduct and support the specific planning process outlined in the Checklist. Further, personnel will need expertise in developing a dashboard, as well as the ability to identify the personnel needed thereafter to maintain and improve the data warehouse and its effective uses.

In addition, a comprehensive reporting capability requires a combination of the right data sources, the right skill sets, and the right technology.

- a. Because data will be coming from multiple sources and multiple file formats, expertise in data curation and database management will be required for data cleansing, normalization, mapping, and storage. This is a unique skill you would not typically find with most IT professionals. This process must be augmented with a set of tools and resources to review and process large very large volumes of data. The collection and curation of data from disparate sources with different file structures and key fields is a large task that requires people with the skills and adequate time to properly complete.
- b. Personnel who are skilled in data analysis will be another key to implementing a successful data warehouse and reporting capability. Data analytics is less technical and more focused on an ability to create relationships between records from disparate data sources, understanding statistics and mathematical models, and the ability to identify meaningful correlations within very large datasets. Individuals with this skill set often come from fields like biology, medical research, or actuarial analytics. Again, these are not typical IT professionals. This process will also require a set of tools that will enable the resources to

analyze significant volumes of data and derive insights from that data. Experience with criminal legal system data is especially helpful.

- c. Aggregating and presenting data in a way that is insightful, intuitive, and meaningful to a broad audience is also a unique skillset. The success of the Data Warehouse and reporting initiative hinges on the ability to present results in a way that is easily understood and provides insights that are relevant to the audience. Resources that possess this skill set can be difficult to find. Data warehouse and reporting projects that have delivered the most successful results have used a combination of a resources including resources with graphic art skills working hand in hand with the criminal justice data analyst resources to create a data visualization that delivers insights that can be easily consumed and understood by a broad audience. This critical step in the process also requires a unique set of tools that support these resources in the development of reports.

Who Should Adopt and Manage these Recommendations?

In this section, the Subcommittee identifies the entity best suited to adopt its recommendations and describes another entity to create and oversee the implementation of the Data Warehouse and public-facing Dashboard.

The entity that is best positioned to adopt and act on the Subcommittee's recommendations is Washtenaw County. Because so many criminal legal and related units fall under its governance structure, it can launch a successful process to build a Data Warehouse that is inclusive and stable. Moreover, the County has already shown leadership and a commitment to equity, most notably through (1) its "One Community: Advancing Racial Equity in Washtenaw County" initiative, (2) the development of the Opportunity Index, and (3) its adoption of a county equity policy and subsequent creation of the Racial Equity Office. Adopting the Subcommittee's recommendations make sense for the County, too, because a Data Warehouse with data analytic capabilities that integrates data across units of government (units which taken together represent more than 2/3 of Washtenaw County's budget) supports all five of the Budget Principles adopted by the Washtenaw County Board, as described below.¹⁶⁸

- The ability of data analysts employed by the Data Warehouse to analyze data is an Outcome-oriented approach (Budget Principle #1) that can assist policy makers in "allocating resources to those services that produce a lasting change."
- A Data Warehouse with analytical capabilities meets Budget Principle #2 (Equity) by providing government units with the ability to measure decision points within Washtenaw's criminal legal system and their outcomes to ensure that "resources are allocated with consideration to reducing...disparities."
- A Data Warehouse supports Coordination (Budget Principle #3) and the County Board's commitment that "the allocation of resources in the budget should require and support improved coordination of units of County government and its ability to achieve common outcomes" because the Board and government units can improve coordination using data as a guide.
- Similarly, Planning (Budget Principle #4) with its commitment that "the allocation of scarce resources should be based on comprehensive countywide planning to identify shared priorities and strengthen outcomes" is made easier with a Data Warehouse with data that is integrated, not siloed, and can be analyzed on a systemwide basis by criminal justice data analysts.
- Measurement (Budget Principle #5) is described by the Board as "the allocation of resources in the budget should be based on solid data and measurement of needs and

outcomes.” Reliable data is the primary goal of the Data Warehouse and the measuring tool to guide the allocation of budget resources.

Even if the County Board adopts the Subcommittee’s recommendations, there is still the question of who will oversee their implementation. In other words, what body should oversee the day-to-day management of the Data Warehouse and public-facing Dashboard?

Through our research, the Subcommittee learned that an effective data warehouse has rigorous oversight by a well-staffed governing body (made up largely of community and agency leadership) focusing on policies of the system with subcommittees that focus on the practices of the systems. In studying how the most effective data warehouses were developed in other counties, the Subcommittee concluded that adding oversight of a Data Warehouse to an existing group would make it difficult to maintain the focus needed to get the Data Warehouse off the ground, so a new group assembled just for this purpose would be best consistent with the guidelines outlined in the Checklist.

Recommendation Two: A Checklist for Planning, Implementing and Maintaining a Data Warehouse

The most effective data warehouses we found were planned in an organized, inclusive process overseen by a governing group and staffed by a team of experts. That result is best obtained by following the Checklist (see appendix), which provides a roadmap for whom to include, what to consider and how to plan and implement a cross-agency Data Warehouse in Washtenaw County.

Governance Group and Professional Resources/Staff

Since the focus of the Governance Group described in the Checklist is oversight and input, the governing group would not perform staff functions itself but one of its most important duties would be to identify key duties and abilities for professionals and to recruit and hire the professionals needed to assure success. (See E.1.b. above.).

By way of example, the Subcommittee has identified three organizations with skill sets which may support key aspects of the planning process.

- [Actionable Intelligence for Social Policy](#) provides structured training, technical assistance and customized consulting to support new data sharing collaborations and partnerships with an eye towards data integration based on data equity. AISP has the type of expertise to lead a data warehouse planning process.
- The University of Michigan has the technical expertise and capacity to create and house a data warehouse. The skills and expertise [Poverty Solutions](#) employed in creating Washtenaw County’s [Opportunity Index](#) and the dashboard for the [Prosecutor Transparency Project](#) are similar to those needed to create and house the data warehouse and its dashboard.
- The [Michigan Founders Fund](#) is made up of technology and data entrepreneurs whose philanthropic giving is designed to create stronger, more inclusive communities across the state. A planning process to use technology to integrate cross-agency data with the goal of ensuring a more equitable criminal legal system in Washtenaw county seems to align with MFF’s grantmaking.

Adequate Resources

If our research taught us anything, it taught us not to be daunted by a recommendation to build data infrastructure that comes with a price tag. Just because something has a price tag doesn’t mean the County will bear the full cost of the initial planning. Both Allegheny and Multnomah counties used the phrase, “If you build it, they will come” to describe the federal, state and philanthropic funding they attracted when they developed their data warehouses. Once they committed to a vision for transparency and criminal justice reform, both counties reported they were able to secure non-

county funding to underwrite some of the work. This includes foundations whose grantmaking interests include criminal justice data and data-driven criminal justice reform.

The planning process to develop the Data Warehouse will flesh out the duties of the Data Warehouse and with it the annual cost and projections for justice reinvestment opportunities resulting from efficiencies produced by the Data Warehouse. Even with external funding, though, investing Washtenaw County funds would make sense in light of the County's commitment to equity and the fact that 2/3 of the County's budget goes to the legal system.

Recommendation Three: Creating a Successful Public-Facing Dashboard

The Subcommittee benefitted from the comprehensive research on criminal legal dashboards recently done by UM's Poverty Solutions. That research has led the Subcommittee to propose key things to consider in planning and creating the Dashboard.

Specifically, the Washtenaw Dashboard should:

- Be user-friendly and have an educational component so ordinary people can understand the criminal legal information they are viewing.
- Focus on racial equity rather than a narrower one simply measuring case processing times and caseloads.
- Display data from across the juvenile and adult criminal legal systems including emerging approaches such as restorative justice and unarmed response.

The Governance Group overseeing the planning and implementation of the Data Warehouse should create a subcommittee focusing on dashboards. That subcommittee should include potential users, advocates, institutional staff, members of Poverty Solutions team that led the research and creation of the Washtenaw County Prosecutor's Office dashboard, among others.

Other Resources

- [Integrating Criminal Justice and Behavioral Health Data: Checklist for Building and Maintaining a Data Warehouse](#) (New York and Ashburn, VA: The Council of State Governments Justice Center and the Integrated Justice Information Systems Institute, 2021).
- [Allegheny County Data Warehouse Report](#)
- Allegheny County Analytics: Data and analysis for informed and equitable decision-making
- [Allegheny County, Pennsylvania: Department of Human Services Data Warehouse](#)
- Better Government Through Data: Using the Allegheny County Human Services Data Warehouse to design more effective results for clients and the public (October 2020)
- Allegheny County memo: [Addressing Confidentiality Issues Related of Data Sharing](#) (pg. 23 of pdf)
- [A Framework for Centering Racial Equity Throughout the Administrative Data Life Cycle](#), International Journal of Population Data Science
- Urban Institute [Principles for Advancing Equitable Data Practice](#)
- [Poverty Solutions' Dashboard AirTable](#)
- National Association of Counties' [Familiar Faces Initiative](#): Improving Outcomes through Coordinated Health and Justice Systems. Interview of Kansas [participant](#).
- [Ohio Sentencing Commission](#) recommendation for a statewide criminal justice data repository includes a review of existing statewide data repository efforts.
- California's [Justice Data Accountability and Transparency Act](#) requires district attorneys to collect and report data about their cases such as demographic information about the

defendant and victim, charging information, information about plea offers, and case disposition.

- Michigan Judicial Council Strategic Agenda [report](#) (2022). See especially Strategic Goals 1-4.
- As of October 2022, the Data Subcommittee is awaiting the release of two reports that might inform discussions around criminal justice data collection and analysis in Washtenaw County, i.e., the Criminal Justice Administrative Records System’s analysis of Washtenaw County Trial Court data and the Washtenaw County Prosecutor Accountability Project report.

Checklist for Building and Maintaining a Data Warehouse

The Bureau of Justice Assistance at the Department of Justice published a document entitled, *Checklist for Building and Maintaining a Data Warehouse: Integrating Criminal Justice and Behavioral Health Data* (July 2021) to “help agencies involved in the criminal justice-behavioral health partnership assess their current information technology (IT) infrastructure and guide the development of a cross-system data warehouse.” The Data Subcommittee has adapted BJA’s checklist to set out a roadmap for the County to create a criminal justice cross-agency data warehouse in Washtenaw County.

The checklist below is divided into 3 phases: the planning, development, and implementation phases for a data warehouse. Described in each phase are steps that the Data Subcommittee believes need to be addressed to launch a cross agency data warehouse.

Phase 1: Planning

A. Establish a governance group to oversee the development and execution of the data warehouse

1. The County will establish a governance group (GG) with decision-making authority to plan, implement, and maintain a data warehouse with a high-level leader at the helm who will provide regular updates on progress to the County Board or final decision-making body. As an ongoing entity, the membership and support of the GG needs to be carefully considered because it will transition beyond its planning work into implementation, maintenance and evaluation. A consistent oversight body is vital to sustain institutional memory, maximize resources, and provide consistency of both commitment and action.

The GG will engage an organization with the technical expertise to serve as professional project manager in facilitating the process to plan, develop and guide implementation of a data warehouse, including performing the following functions:

- Develop the structure of a planning process.
- Identify and engage entity(ies) with technical skills to create and maintain a data warehouse.
- Develop subcommittees on specific topics (e.g., reports, dashboard, data integrity) to assist the GG in its planning process.
- Ensure equity in data integration.
- Ensure institutional & community membership, and engagement.
- Address data governance.
- Create a legal framework for data sharing.
- Develop procedures for data access.
- Address data management & analytics requirements.
- Mapping existing IT staffing within participating agencies and determining software needs within those agencies. (See [Selecting a Data Warehouse Vendor for Criminal Justice](#).)

- Design staffing expertise needed to support data infrastructure and criminal justice data analytics.
 - Address political & economic sustainability of data warehouse.
 - Review and update this checklist as needed to ensure it is an effective tool for the process.
2. Ensure meaningful representation on the GG and its subcommittees from the community, behavioral health, criminal justice, and other relevant systems and partners, especially agencies such as the Washtenaw County Sheriff, Public Defender, Prosecutor, Circuit and District courts, Board of Commissioners, other law enforcement agencies. This should include staff from different parts of participating data units e.g., leadership/policymakers, IT, research analysts, front-line staff. Additionally, incorporate representation from parallel countywide criminal justice efforts to identify synergies with other criminal justice or data integration efforts.
 3. The project manager and the GG will prepare Memoranda of Understanding (MOU) as needed to document the agreed-upon goals of the project and the roles and responsibilities of the participating agencies.

B. Establish Shared Goals for the Data Warehouse

1. The GG will establish a shared vision and goals for linking cross-agency data through the data warehouse using the Washtenaw Equity Partnership report and the recommendations from the WEP's Data Subcommittee as the foundation. At their core, the shared goals will reflect and center racial equity throughout the process of data integration, including a commitment to transparency and meaningful community engagement to ensure that integrated data doesn't have an unintended consequence of furthering systemic racism or inequity.
2. The GG and/or the project manager will engage regularly with participating units' leadership and staff to communicate the shared vision and mission for linking cross-agency data through the data warehouse.
3. The GG will survey entities that will use the data warehouse (i.e., researchers, community groups, and agency staff across levels) to learn what they hope to see in it, including how it will be most useful on a day-to-day basis. An effort will be made to use or build on data mapping information collected by the Washtenaw Equity Partnership's Data Subcommittee and other relevant recent criminal justice system data gathering efforts in the community.
4. Develop a data warehouse strategic plan –and regularly revisit it– that includes questions the GG hopes the data warehouse will help to answer, what data should be exported from each agency, who will have access to the warehouse, who will manage its operations, where needed resources will be obtained and how progress will be measured.

C. Identify Key Features of Data Warehouse and Public-Facing Dashboard

1. Using the findings from research done by the Washtenaw Equity Partnership's Data Subcommittee, the GG and project manager will incorporate the following features into the data warehouse:
 - The ability to collect and integrate all data from each participating unit.
 - Criminal justice research analysts on staff to analyze data.
 - Automated downloading of participating units' data.
 - Deidentified records that can be tracked across units using a unique identifier.
 - Planned and ad hoc query capacity available to warehouse data analysts.
 - Planned and ad hoc query capacity available to participating units.
 - Interactive dashboard allowing public access to data that can, among other things, display information on disparities, inequities, and measure outcomes, the specifics of

which will be determined by the GG and relevant subcommittees during the planning process. (See discussion of dashboards at D.5 below.)

- Deidentified data sets that can be downloaded for research.
- The ability to regularly report data publicly and to participating government units.
- Identify data points that aren't currently measured and explore feasibility of measuring said points. For example, measure:
 - What happens to people who come into contact with the criminal legal system with no charges being filed or charges that don't result in a conviction (dismissal, diversion, deflection, etc.)
 - Financial obligations imposed on individuals (indigent and non-indigent.)
 - Cases denied by the WCPO.
 - Traffic stop data.
 - Initial charge made by law enforcement.
 - Risk assessment tools used by probation or the court.

2. The Data Subcommittee of the Washtenaw Equity Partnership identified 4 things to consider when creating a public-facing dashboard connected to a Washtenaw data warehouse:

- Use tools to educate the public about each stage of the criminal legal system to help public users better understand the data.
- Create data transparency, taking into account legal limitations, sufficient that the public can meaningfully assert its right to access court proceedings and court records.
- Display data measuring disparities and inequities not simply case processing time and caseloads.
- Provide interactive capabilities allowing users to tailor queries.

To account for these considerations, the GG's subcommittee charged with creating a dashboard should:

- Devote substantial effort to getting community feedback on types of data collected for the public-facing dashboard and visual presentation of data (e.g., specific data display and reporting queries).
- Identify existing related dashboards and decide how to integrate them. For example, the GG subcommittee charged with developing the public-facing dashboard should explore Washtenaw's Opportunity Index and the Washtenaw County Prosecutor Office's dashboard and decide whether and how a data warehouse dashboard integrates with those existing dashboards.

D. Map and analyze existing data collection efforts from Washtenaw's criminal justice and other relevant agencies.

1. The GG will assign a subcommittee to conduct an inventory of each agency's case management or data information system to map where data is housed, as well as the data currently collected by each agency and the quality of this data. This includes a frequency check to see which data fields/variables in each system are most complete because there may be data fields/variables that are not routinely populated in one system or another rendering a cross system analysis of those fields useless. The GG should begin by using the Washtenaw Equity Partnership Data Subcommittee's mapping research and building on other relevant recent criminal justice system data gathering efforts in the state (e.g., SCAO) and the community. The assigned subcommittee will then determine if the data is exportable.

- During its work, the assigned subcommittee may develop recommendations to address limitations in databases being used by county agencies. For example, current database structures in the district courts and the jail are designed to generate reports on individual

defendants/detained people, rather than datasets suitable for analysis of trends. For example, District Court's 14A, 14B, and 15 use JIS, an IBM database from the '90s with limited data analysis capabilities and the Washtenaw County Jail uses XJail which limits the ability of a user to select relevant fields for generating a report on jail bookings with standard data fields in a quick, de-identified manner.

2. The assigned subcommittee should have expertise in collecting and curating data from disparate sources with different file structures and key fields as this is an extremely large task requiring experience and adequate time to effectively clean and normalize.
3. The inventory will be used to understand what gaps are present in the data and what additional collection efforts are needed to be able to answer questions collected from all relevant stakeholders (e.g., community, advocates, criminal justice units and the county board). Outreach should be done with community and staff at different levels of relevant stakeholders to identify data that is not currently collected that should be collected going forward with an eye towards data that can address systemic issues.
4. Across Washtenaw's criminal legal system, the same named variable can have differing meanings and interpretations so it will be important for the assigned GG subcommittee to understand how each criminal legal unit defines each variable and address any variations. Additionally, the GG subcommittee will develop a data dictionary definitions, a method to deidentify every name and link a person's files together with a unique identifier, tables or maps that outline the specific data fields, location of the data elements by each agency's data system, and how they are connected. This work should be coordinated with other subcommittees to ensure that the data captured matches the needs for reporting and other objectives such as data integration or common unique identifiers.
 - As an example, during the research phase of the WEP process, researchers identified ways to improve collection of the Washtenaw Circuit Court data that would better enable the Court to analyze its own data as well as effectively contribute to a systemwide analysis:
 - Define Hispanic/Latino as a racial category or use the 'ethnicity' variable for every entry.
 - Identify variables that can be used to link with other datasets e.g., the circuit court, juvenile court, jail, probation.
 - Create a codebook for the sentencing variables.
 - Use a wide rather than a long format when exporting sentencing data. The variables of interest should be column names rather than entries in a 'variables' column.
 - Create a binary variable to indicate whether separate charges are to be served concurrently or consecutively.
 - Wherever possible, minimize the use of text comments to store important information. Consider developing drop-down menus for standard options.

E. Ensure that required IT expertise and infrastructure is in place with the capacity to support the data warehouse.

1. An inventory of data system needs, such as storage and accessibility, will be conducted by the project manager in consultation with the subcommittee focused on technology as well as IT staff to determine system requirements for the warehouse to achieve desired functionality.
2. The project manager will oversee the mapping of existing IT staffing within participating agencies, determine software needs within those agencies and develop the data warehouse.
3. Identify a hosting platform, the location where it will be hosted (e.g., in the cloud, on premises), and an agency is designated to manage the platform.
4. Assign a subcommittee that includes IT staff from participating agencies to work with the platform host on system details (e.g., ensuring that software requirements are fully identified and

can be supported by the host platform, protocols are developed to use a common unique identifier) and oversee any work with the host.

5. The GG should identify an entity to provide ongoing data management of the warehouse and dashboard including enhancements after both are up and running.

F. Execute the appropriate information-sharing agreements.

1. An information-sharing agreement (or multiple agreements, as necessary) will be drafted by the project manager; reviewed by the GG members, designated attorneys, and privacy officers; and signed by all participating agencies. The agreement(s) outline what information can be shared, with whom, and for what purposes.
2. The information-sharing agreement should be reviewed and updated annually (or as needed for events such as new agencies joining the data warehouse) by the GG (or its successor entity) based on policy needs, new technology, updated privacy regulations, and other identified changes. If needed, the GG could assign a subcommittee (that includes a privacy officer and agency staff) the task of ensuring that these efforts occur regularly, and that security measures and protocols comply with federal and state privacy regulations.

G. Ensure the necessary financial resources are available to build the data warehouse.

1. The project manager and GG should assign a subcommittee the task of developing the data warehouse's planning and start-up budget that includes such things as initial software and hardware (for the warehouse and participating agencies, if needed), expenditures, staffing, ongoing maintenance, and hosting costs. See Phase 3.C for steps related to the development of annual budgets when data warehouse is operational.
2. The budget specifies how current costs will be covered and how additional funding will be secured for updates, enhancements, and future data reporting needs. The subcommittee will consider whether state, federal or philanthropic funds can be used to support planning, implementation, or maintenance of Data Warehouse.

Phase 2: Developing a Data Warehouse

A. The GG creates a detailed work plan to guide the development of the data warehouse.

1. The GG and project manager develop a work plan, with input from IT and other key staff across participating agencies, that builds on the strategic plan (see Phase 1, 2e) and outlines tasks, timelines, roles and responsibilities, and budget allocations.
2. All related documents (such as a description of available data, the partnership strategic plan, and all MOUs and information-sharing agreements) are reviewed and the work plan is updated accordingly.
3. The work plan includes information generated from the mapping and inventory review described in Phase 1.D.
4. Develop a process for moving data to the warehouse and the frequency of doing so. This process includes how often data dashboards, reports, and other features are updated with new data and the methods to do so (i.e., the math behind the dashboards and reports).
5. Establish an agreement identifying who controls the warehouse and who will need to be consulted to create communication among systems.
6. The GG's subcommittee focusing on reporting capabilities solicits input from a range of end users and decides on standard reports to be generated by analysts at the data warehouse and the range of potential ad hoc queries from those users.

7. Status updates are created to inform GG meetings, and information obtained from the meetings is compared against project and data warehouse goals.

B. Ensure a GG subcommittee addresses security and privacy issues regarding data access and usage.

1. Ensure that access to data is based on individual roles and responsibilities (e.g., a case manager from probation does not need to have access to data that includes protected health information).
2. Establish security measures to protect data including strong sign-in credentials and two-factor authentication.
3. Establish clear processes for the encryption and transmission of data from agency sources, as well as destruction of data.
4. Develop protocols for what to do in case of security breaches, such as phishing, identity theft, and improper use of confidential information.
5. Develop protocols for staff to obtain credentials to access confidential information. These protocols include signing confidentiality statements, acknowledging the rules and guidelines for data access, penalties for violations and misuses, allowed uses of the data, and restrictions on sharing credentials with others.
6. Ensure that federal and state privacy laws, including the Health Insurance Portability and Accountability Act (HIPAA), have been reviewed, and clear policies and procedures for protected health information are in place, including prohibited actions and rules around disclosure and information-sharing.
7. Develop privacy solutions that are not technology based, such as signed consent forms from individuals to share their data.

C. Conduct user testing to ensure that the data warehouse is secure and functioning properly.

1. Test privacy protocols with sample data across various participating agencies and levels of access.
2. Produce audit logs, which are monitored daily by IT staff, to protect against unauthorized use or other suspicious activity. Audit logs are available to designated personnel in each contributing agency.
3. Conduct user testing with sample data across all features and user roles to ensure optimal functionality of the data warehouse.
4. Train agency IT staff on how to manage the data warehouse, system requirements, use of manuals, troubleshooting common problems and customizing reports.

Phase 3: Implementing and Maintaining a Data Warehouse

A. Develop training and ongoing supports to assist users of the data warehouse.

1. Identify staff at participating agencies to act as data warehouse ambassadors within their agency.
2. Develop protocols for users to regularly acknowledge their responsibilities regarding use of information in the data warehouse and data privacy through mechanisms such as computer-based modules that can serve as logs for privacy compliance checks.
3. Provide new staff of participating agencies with an orientation on data protection and use, as well as functionality of the data warehouse and how to use data to inform their work.
4. Identify procedures for staff to develop competencies in interpretation and use of data and reports.
5. Provide staff with annual training on data security, compliance, phishing, and flags for misuse of the system (e.g., looking up people for personal reasons) to ensure the proper use of data and compliance with privacy requirements.

6. Create user support services such as a help desk, frequently asked questions resources, and access to in-person support, including a designated individual to troubleshoot system operational issues and communicate resolution of issues to other users. Ensure a mechanism for system users to submit feedback and provide suggestions for fixing problems and improving the functionality with new capabilities or features.

B. Develop quality assurance and improvement mechanisms.

1. Develop a process for reviewing and cleaning data for accuracy before it is uploaded into the warehouse and establish a timeframe of when data must be active in the system.
2. Implement a system to regularly assess the quality and reliability of data from the participating agencies in sharing their information.
3. Work with the Washtenaw Racial Equity Office to ensure data integration efforts do not exacerbate institutional racism.
4. The GG should regularly review the system and processes established above for quality assurance.

C. Develop financial sustainability plan to maintain the data warehouse.

1. Develop projected 3-year budget. Identify and maximize existing resources and secure additional funding for both immediate and long-term needs. This might include participating agencies underwriting some data warehouse costs and seeking federal or other funding, among other things. (See Phase 1.F for developing planning and start up budget.)
2. Ensure that budget allocations take into account future expenses for such things as maintaining quality assurance and system enhancements.
3. Tap the GG to promote the benefits of the data warehouse through media engagement and policymaker outreach to ensure that people with budget authority continue funding the warehouse and to attract potential funders.

D. Develop policies to prescribe how the data warehouse will be enhanced or modified to meet evolving needs.

1. Designate IT staff to oversee maintenance of the warehouse.
2. Implement ways to review data analyses with users to improve data quality, refine the fields and screens used for capturing data, build out custom reports, and apply learnings to their work.
3. The GG should host regular brainstorming meetings with participating agencies about how the data can inform various policies and practices in their agencies and county administration as well as how the warehouse could be enhanced to meet emerging needs.

E. Inform stakeholders of the value and benefits of the data warehouse to engender support and promote its use.

1. The GG meets regularly to review success stories and system improvements and uses this information to build a public education campaign that educates stakeholders and the public on the successes of the warehouse. Included in this campaign is a public-facing document that demonstrates the process of collaboration and data integration across agencies.
2. Provide regular reports to participating agencies, which include results of security checks to help create confidence and trust in the warehouse.
3. Create data analysis and reports tailored to the staff across agencies who use the warehouse to encourage staff engagement and keep them abreast of information they need from the warehouse to guide their work. This includes meetings or townhalls to discuss the information provided.
4. Partner with Washtenaw's Racial Equity Office to publish an annual report on racial equity in the county's juvenile and adult criminal legal systems.

5. Publish annual reports outlining progress on strategic goals, activities, and outcomes produced by the GG and the data warehouse.

[End of Subcommittee Report]

Potential Approach for Research with MDOC Data

Despite repeated requests Vera was unable to access data from the Michigan Department of Corrections (MDOC). This data would be essential to understanding parole, probation, and the process of reentry in Washtenaw County. This report will layout the questions Vera sought to answer with this data as well as a research strategy for future researchers who might gain access to the data. Researchers interested in pursuing these questions are encouraged to visit the Criminal Justice Administrative Records System (CJARS) housed at the University of Michigan where requests can be submitted to access data, potentially data containing the information described below.¹⁶⁹

Vera's primary interest in the MDOC data was in assessing the decision-making process at distinct junctures in the timeline of sentencing, incarceration, and release, with an eye towards capturing and analyzing racial disparities at these junctures.¹⁷⁰ What, for example, are the demographic traits of people who undergo Pre-Sentence Investigations (PSIs), people in prison, people released from prison, and people on probation and parole? And what is the difference in trajectories of those demographic groups, controlling for crimes of conviction? We were also interested in investigating how the process would affect Washtenaw County by assessing the pattern of reentry as well as the profiles of those currently serving parole or probation in Washtenaw.

To assess this Vera requested 109 separate variables from the MDOC pertaining to demographics, the specifics of the case, of sentencing, and the details of COMPAS scoring. If a request for the data is made below is a non-exhaustive list of the variables and categories of variables Vera deems pertinent to the analysis:

Cases Data

- Case number (de-identified MDOC #, ideally matched across different MDOC datasets)
- This may be less pertinent if using CJARS harmonized datasets

Demographics

- Sex
- Gender
- Date of Birth
- Race Identification
- Race Appearance
- Multiracial (y/n)
- Caucasian (y/n)
- Native American (y/n)
- Black (y/n)
- Asian (y/n)
- Hispanic (y/n)

Sentence Data

- Sentence Record Number
- Sentencing county
- Offense Key (compiled law)
- Offense description
- Controlling sentence code
- Cat5 Offense Group
- Offense date
- Sentencing date

- Minimum Term
- Maximum Term
- Gun law
- Habitual offender

Parole Guidelines Score Data Fields

- (one to many records per case)
- Parole Guidelines Date
- Parole Guidelines Score
- Parole Guidelines Description (high/middle/low label)

Parole Board Action Fields (one to many records per case)

- PBA Action Date
- PBA Action Type
- PBA Next Action Date
- PBA Official Date
- PBA Term-Months
- All Available COMPAS data

Should a researcher gain access to this data, Vera offers the following recommendations for analyzing it with the above stated goals in mind.¹⁷¹

- Take a general demographic profile of the dataset
- Examine the demographic profile of key sentencing variables, such as habitual offender flags
- Analyze key decision points in data and the demographic variance in individual trajectories from those decision points, including
 - Charging
 - Pre-Sentence Investigation
 - Sentencing
 - Parole
- Assess the quantity and demographic profile of those currently under court supervision in Washtenaw County
- Assess what supports and services will need to be applied to this population while they are under supervision in Washtenaw
- Analyze the breadth and effectiveness of the Michigan Prisoner Reentry Initiative (MPRI) and its fluctuations overtime, especially relative to its rate of funding and local control

First a general demographic profile of the dataset should be taken as a baseline and compared with the demographic profile of the state as well as relevant counties, where county information is available. After a general demographic profile is taken more specific demographic profiles of specific variables should be taken, such as habitual offender flags, gun law flags, registered crime victim flags, and any other flags or binary sentencing variables made available by the MDOC.

Once this demographic baseline has been assessed, focus should shift to analyzing key decision points in the process of charging, sentencing, incarceration, and release. These decision points are junctures at which human discretion has the potential to affect the length and condition of corrections. These junctures should be identified and then analyzed for disparities. How, for example, does sentencing vary across different populations? Were PSIs mandated equally across different demographic groups, and did they have similar outcomes? Do conditions of parole vary across demographic categories?

In conducting this analysis care should be taken when controlling for crimes of conviction. Even when looking at the same charge there is variation on variables that will likely not be available for the researcher. The state of Michigan has sentencing guidelines that ask judges to assign scores based on both the particularity of the case and the criminal history of the defendant.¹⁷² While these guidelines are only recommendations, they signal that initial observations of divergences of sentencing should be further questioned and analyzed. As much of the defendant's legal history should be incorporated into the analysis as possible.

In addition to analyzing discrepancies across these critical junctures, researchers may pay special attention to the processes of parole and reentry. Descriptive statistics on the population on parole as well as the population released into Washtenaw should be tabulated. For those on parole we are particularly interested in understanding the decision-making process in the determination of sentences. The COMPAS score and its various components present rich possibility for statistical modeling for several reasons. One, the depth and specificity of categories analyzed for the COMPAS metric should provide excellent controls to isolate outcomes on demographics. Two, depending on the amount of longitudinal data available it presents an opportunity to track its effectiveness over demographic categories; for example, does it predict recidivism accurately across all racial groups?¹⁷³ Finally, if the score is used as a firm benchmark for certain decisions, it may be prime for a regression discontinuity design.

Depending on the extent of available data, attention should also be given to the process of reentry for those ending parole or leaving MDOC custody not on parole. Researchers may be interested in the MPRI and how its effectiveness has varied over time. Our hypothesis on the subject is that the program has become less effective since local control over the process began to be removed in 2012. While there will not be enough evidence in the MDOC data to confirm or deny this hypothesis, an analysis can begin by charting the patterns of parole, reentry, and parole violations or rearrests.

All the above recommendations are made without having seen the data in question. There will surely be unforeseen particularities of the data that will determine the actual path of analysis. For assistance in charting that path with the actually existing dataset we recommend looking to CJARS for specific recommendations on the handling of this data and to other Vera reports for guidance in the way this data can be used to make research claims about the criminal justice system.

END NOTES

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- ³ Michigan Works! Association. <https://www.michiganworks.org/>
- ⁴ Michigan Works! Association. <https://www.michiganworks.org/>
- ⁵ Representative from Michigan Works!, conversation with Tara Dhanraj, Senior Program Associate, Vera Institute of Justice, Zoom, September 6, 2022.
- ⁶ Representative from the Dispute Resolution Center, email to Tara Dhanraj, Senior Program Associate, Vera Institute of Justice, September 2, 2022.
- ⁷ Seema L. Clifasefi, Daniel K. Malone, and Susan E. Collins. "Exposure to project-based Housing First is associated with reduced jail time and bookings." *International Journal of Drug Policy* 24, no. 4 (2013): 291-296.
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- ¹⁰ Corporation for Supportive Housing (CSH), *2020 New York Housing & Justice System*, Change Platform (New York City, NY: CSH, Trinity Church Wall Street, January 2020) https://www.csh.org/wp-content/uploads/2021/03/2020-New-York-Housing-and-Criminal-System-Platform_3.16.pdf
- ¹¹ Washtenaw County Health Department, "Naloxone," <https://www.washtenaw.org/1837/Naloxone>
- ¹² Washtenaw Health Initiative Opioid Project, "Substance Use Treatment," <https://www.whiopioidproject.org/substance-use-treatment>
- ¹³ Mich. Const. Art. I, § 15.
- ¹⁴ Mich. Const. Art. I, § 15.
- ¹⁵ Mich. Const. Art. I, § 16.
- ¹⁶ MCL 765.6a.
- ¹⁷ Michigan Joint Task Force on Jail and Pretrial Incarceration: *Report and Recommendations*, 13, <https://www.courts.michigan.gov/48e562/siteassets/committees,-boards-special-initiatives/jails/jails-task-force-final-report-and-recommendations.pdf>
- ¹⁸ Michigan Joint Task Force on Jail and Pretrial Incarceration, *Promote Liberty and Public Safety in Pretrial Decision-making* (a summary of recommended policies) <https://www.courts.michigan.gov/493abf/siteassets/committees,-boards-special-initiatives/jails/summary-of-jails-tf-pretrial-policies.pdf>.
- ¹⁹ Nancy Fishman, Stephen Roberts, Alex Roth, Melvin Washington II, Andrew Taylor, and Amy Cross, *Wayne County Jail - Report and Recommendations* (New York: Vera Institute of Justice, 2020), 15, <https://www.vera.org/downloads/publications/wayne-county-jail%E2%80%93report-and-recommendations.pdf>; Michigan Joint Task Force on Jail and Pretrial Incarceration, *Report and Recommendations* (January 10, 2020), 13. <https://www.courts.michigan.gov/48e562/siteassets/committees,-boards-special-initiatives/jails/jails-task-force-final-report-and-recommendations.pdf>.
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- ²¹ Douglas B. Marlowe, "Achieving Racial and Ethnic Fairness in Drug Courts," *Court Review: The Journal of the American Judges Association* 49 (2013),41; Drug Policy Alliance 2011, 9; Jerome McKean and Kiesha Warren-Gordon, "Racial Differences in Graduation Rates From Adult Drug Treatment Courts," *Journal of Ethnicity in Criminal Justice* 9, no. 1 (2011), 42; Alyssa M. Sheeran and Amanda J. Heideman, "The Effects of Race and Ethnicity on Admission, Graduation, and Recidivism in the Milwaukee County Adult Drug Treatment Court," *Social Sciences* 10, no. 7 (2021), 3.
- ²² For studies on mental health courts, see Marlee E. Moore and Virginia Aldigé Hiday, "Mental Health Court Outcomes: A Comparison of Re-Arrest and Re-Arrest Severity Between Mental Health Court and Traditional Court Participants," *Law and Human Behavior* 30, no. 6 (2006), 659-674, 672; Woojae Han, Jason Matejkowski, and Sungkyu Lee, "Racial Variation in Mental Health Court Experiences and the Associations of These Experiences with Recidivism," *Criminal Justice and Behavior* 47, no. 7 (2020), 808-828, 812; Evan M. Lowder, Candalyn B. Rade, and Sarah L. Desmarais, "Effectiveness of Mental Health Courts in Reducing Recidivism: A Meta-Analysis," *Psychiatric Services* 69, no. 1 (2018), 15-22, 19-20; and Woojae Han and Allison D. Redlich, "Racial/Ethnic Disparities in Community Behavioral Health Service Usage: A Comparison of Mental Health Court and Traditional Court Defendants," *Criminal Justice and Behavior* 45, no. 2 (2017), 173-194, 190-191.

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²³ Fair and Just Prosecution, *Reconciling Drug Courts, Decarceration, and Harm Reduction* (San Francisco: Fair and Just Prosecution, 2021), <https://www.fairandjustprosecution.org/staging/wp-content/uploads/2021/02/FJP-Drug-Courts-Issue-Brief.pdf>; Kerwin Kaye, *Enforcing freedom: Drug courts, therapeutic communities, and the intimacies of the state* (New York: Columbia University Press, 2019).

²⁴ Nastassia Walsh, *Addicted to Courts: How a Growing Dependence on Drug Courts Impacts People and Communities*, Report (Washington, DC: Justice Policy Institute, Open Society Institute, Public Welfare Foundation, March 2011), gar17; Alejandra Garcia and Dave Lucas, *Bridging the Gap: A Practitioner's Guide to Harm Reduction in Drug Courts*, A Guide (New York: Center for Court Innovation, 2021), 15; Drug Policy Alliance 2011, 11-12.

²⁵ Timothy Ho, Shannon M. Carey, and Anna M. Malsch, "Racial and Gender Disparities in Treatment Courts: Do They Exist and Is There Anything We Can Do to Change Them?" *Journal for Advancing Justice* 1, (2018), 9, <https://advancejustice.org/wp-content/uploads/2018/06/AJ-Journal.pdf>; Robert V. Wolf, "Race, Bias, and Problem-Solving Courts," *National Black Law Journal* 21, no. 1 (2009), NCJ 238593, 35, <https://www.courtinnovation.org/sites/default/files/race.pdf>.

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²⁷ Walsh, 2011, 24; Cynthia Hujar Orr, John Wesley Hall, Norman L. Reimer, et al., *America's Problem-Solving Courts: The Criminal Costs of Treatment and the Case for Reform* (Washington, DC: National Association of Criminal Defense Lawyers, Open Society Institute, Ford Foundation, September 2009), 29, <https://www.nacdl.org/getattachment/d15251f8-6dfe-4dd1-9f36-065e3224be4f/americas-problem-solving-courts-the-criminal-costs-of-treatment-and-the-case-for-reform.pdf>; Drug Policy Alliance 2011, 14.

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³² David R. Lilley, Megan C. Stewart, and Kasey Tucker-Gail, "Drug Courts and Net-Widening in U.S. Cities: A Reanalysis Using Propensity Score Matching," *Criminal Justice Policy Review* 31, no. 2 (2020), 287-308, 298-300.

³³ Gross 2010, 163; Wolf 2009, 39-40; Drug Policy Alliance 2011, 8.

³⁴ Id.

³⁵ MCL 771.14 (1).

³⁶ MCL 771.14 (2).

³⁷ MDOC Policy Directive 06.01.140 "Pre-Sentence Investigation and Report" (eff. 1/17/2022) §§ G and H.

³⁸ MDOC Operating Procedure 06.01.140 (eff. 10/10/2022) § M(6)(a) and Attachment C.

³⁹ MDOC Policy Directive 06.01.140 "Pre-Sentence Investigation and Report" (eff. 1/17/2022) §§ F and AA. See also MDOC Operating Procedure 06.01.140 (eff. 10/10/2022) § BB. This section of the new Operating Procedure is problematic, in that it requires agents to inform ICE about any person who reports being born outside of the U.S. or a U.S. territory without first requiring the agent to determine if the person has become a naturalized citizen.

⁴⁰ MDOC Policy Directive 06.01.140 "Pre-Sentence Investigation and Report" (eff. 1/17/2022) § D.

⁴¹ Ibid.

⁴² Ibid. The new MDOC Operating Procedure explains that agents are required to try to make these contacts but whether they actually make contact with these people is subject to time constraints and availability. See MDOC Operating Procedure 06.01.140 (eff. 10/10/2022) § I.

⁴³ Representative from MDOC Field Operations Administration Region 9 Manager, conversation with Alex Roth, Senior Program Associate, Vera Institute, 7/1/22. See also, Michigan Department of Corrections, Field Operations Administration, *Administration and Use of COMPAS in the Presentence Investigation Report* (Lansing, MI: Michigan Department of Corrections, Field Operations Administration, 2017).

⁴⁴ MDOC Work Statement 06.01.140A "Pre-Sentence Investigation Recommendation Guidelines" (eff. 11/15/2013); MDOC Operating Procedure 06.01.140 (eff. 10/10/2022).

⁴⁵ MDOC Operating Procedure 06.01.140 (eff. 10/10/2022) § P. These factors are substantially the same as those listed in the existing Work Statement, though the second factor in that allowed agents to consider both mitigating and aggravating factors for cases where the guidelines didn't apply. See MDOC Work Statement 06.01.140A "Pre-Sentence Investigation Recommendation Guidelines" (eff. 11/15/2013) § C.

⁴⁶ MDOC Policy Directive 06.01.140 "Pre-Sentence Investigation and Report" (eff. 1/17/2022) § J; Representative from MDOC Field Operations Administration Region 9 Manager, conversation with Alex Roth, Senior Program Associate, Vera Institute, 7/1/22.

⁴⁷ MDOC Policy Directive 06.01.140 "Pre-Sentence Investigation and Report" (eff. 1/17/2022) § J.

⁴⁸ Representative from MDOC Field Operations Administration Region 9 Manager, conversation with Alex Roth, Senior Program Associate, Vera Institute, 7/1/22. See also, MDOC Operating Procedure 06.01.140 (eff. 10/10/2022) § U.

⁴⁹ MCL 771.14 (7); MDOC Operating Procedure 06.01.140 (eff. 10/10/2022) § Z.

⁵⁰ MCL 771.14 (6).

⁵¹ *Ibid.*

⁵² MDOC Operating Procedure 06.06.120 FOA, "Probation Violation Response Guidelines," (eff. 3/01/2001).

⁵³ *Id.*

⁵⁴ *Id.*; MDOC Policy Directive 06.06.120, "Probation Violation Process," (eff. 2/01/2005), section C.

⁵⁵ MDOC Operating Procedure 06.06.120 FOA, "Probation Violation Response Guidelines," (eff. 3/01/2001).

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ MDOC Policy Directive 06.06.120, "Probation Violation Process," (eff. 2/01/2005), section D.

⁶¹ *Id.*, Section E.

⁶² *Ibid.*, 4.

⁶³ There is some discrepancy in different reports about how long before the target release date this phase began. For example, *The MPRI Model*, 4; and MPRI Quarterly Status Report, December 6, 2007, 4, both say that it began six months before, whereas MPRI 2012 Performance Audit, 6, https://www.prisonlegalnews.org/media/publications/audit_of_the_michigan_prisoner_reentry_initiative_2012.pdf and MPRI 2008 Progress Report, 12, <https://publicpolicy.com/wp-content/uploads/2017/04/2008-MPRI-Progress-Report.pdf>, both say it began two months before.

⁶⁴ The MPRI Model, 5-7.

⁶⁵ *Ibid.*, 5.

⁶⁶ Dennis Schrantz, Stephen T. DeBor, and Marc Mauer, *Decarceration Strategies: How 5 States Achieved Substantial Prison Population Reductions* (Washington, DC: The Sentencing Project, 2018), 20.

⁶⁷ *Ibid.*

⁶⁸ "Collaboration and Partnership in the Community: Advancing the Michigan Prisoner Reentry Initiative," 23; *A Call to Action: Rejuvenating Prisoner Reentry in Michigan*, 5.

⁶⁹ "Collaboration and Partnership in the Community: Advancing the Michigan Prisoner Reentry Initiative," 24-27.

⁷⁰ *A Call to Action: Rejuvenating Prisoner Reentry in Michigan*, 5.

⁷¹ MPRI 2012 Performance Audit, 11; Dennis Schrantz, Stephen T. DeBor, and Marc Mauer, *Decarceration Strategies: How 5 States Achieved Substantial Prison Population Reductions* (Washington, DC: The Sentencing Project, 2018), 23.

⁷² *A Call to Action: Rejuvenating Prisoner Reentry in Michigan*, 9; Dennis Schrantz, Stephen T. DeBor, and Marc Mauer, *Decarceration Strategies: How 5 States Achieved Substantial Prison Population Reductions* (Washington, DC: The Sentencing Project, 2018), 23.

⁷³ *Ibid.*, 20; *A Call to Action: Rejuvenating Prisoner Reentry in Michigan*, 5.

⁷⁴ Dennis Schrantz, Stephen T. DeBor, and Marc Mauer, *Decarceration Strategies: How 5 States Achieved Substantial Prison Population Reductions* (Washington, DC: The Sentencing Project, 2018), 21; MDOC, *The Michigan Prisoner Reentry Initiative: A Success Story*, https://www.michigan.gov/-/media/Project/Websites/corrections/publications/Folder3/The_Michigan_Prisoner_Reentry_Initiative_A_Success_Story.pdf?rev=6a9a420cfa394cbf85cba0ad094bb569; *A Call to Action: Rejuvenating Prisoner Reentry in Michigan*, 5.

⁷⁵ Dennis Schrantz, Stephen T. DeBor, and Marc Mauer, *Decarceration Strategies: How 5 States Achieved Substantial Prison Population Reductions* (Washington, DC: The Sentencing Project, 2018), 23; *A Success Story*; *A Call to Action: Rejuvenating Prisoner Reentry in Michigan*, 5-6; Former MPRI representative, conversation with Alex Roth, Vera Institute, July 11, 2022; Former MPRI Community Coordinator for Washtenaw County, conversation with Alex Roth, Vera Institute, July 20, 2022.

⁷⁶ *A Call to Action: Rejuvenating Prisoner Reentry in Michigan*, 6.

⁷⁷ *A Call to Action: Rejuvenating Prisoner Reentry in Michigan*, 9; Dennis Schrantz, Stephen T. DeBor, and Marc Mauer, *Decarceration Strategies: How 5 States Achieved Substantial Prison Population Reductions* (Washington, DC: The Sentencing Project, 2018), 23.

⁷⁸ MCL 791.235(1); MCL 791.234(11).

⁷⁹ Compare MCL 791.304 and MCL 791.305.

⁸⁰ Mich. Admin. Code R 791.7715.

⁸¹ MCL 791.234(1); MDOC Policy Directive 06.05.104 "Parole Process" (eff. 4/1/2022) § E.

⁸² MCL 791.233(1)(f); MDOC Policy Directive 06.05.104 "Parole Process" (eff. 4/1/2022) § NN.

⁸³ MCL 791.233e; Mich. Admin. Code R 791.7716; MCL 791.234(1); MDOC Policy Directive 06.05.100 "Parole Guidelines" (eff. 11/1/2008); Representative from MDOC Field Operations Administration Region 9 Manager, conversation with Alex Roth, Vera, 7/1/22.

⁸⁴ Mich. Admin. Code R 791.7716; MDOC Policy Directive 06.05.100 "Parole Guidelines" (eff. 11/1/2008). Interestingly, consideration of the person's housing level is included in the MDOC policy directive but is not one of the factors included in the administrative rule establishing the guidelines criteria.

⁸⁵ MDOC Policy Directive 06.05.100 "Parole Guidelines" (eff. 11/1/2008), Attachment A.

⁸⁶ *Ibid.*

⁸⁷ *Ibid.*

⁸⁸ Mich. Admin. Code R 791.7716(4); MDOC Policy Directive 06.05.100 "Parole Guidelines" (eff. 11/1/2008) § G. There is some discrepancy between the administrative rule and the policy directive on this. The former says the person should file a written objection with the parole board, while the latter says the person should file a grievance through the regular process.

⁸⁹ MCL 791.233e(6).

⁹⁰ MCL 791.233e(6); Mich. Admin. Code R 791.7716(5), (6); MDOC Policy Directive 06.05.100 "Parole Guidelines" (eff. 11/1/2008) § F.

⁹¹ Compare MCL 791.233e(6) with Mich. Admin. Code R 791.7716(5) and MDOC Policy Directive 06.05.100 "Parole Guidelines" (eff. 11/1/2008) § F; *Paroleable Lifers in Michigan: Paying the Price of Unchecked Discretion*, 17-18, <https://www.prisonpolicy.org/scans/cappsmi/Paroleable-Lifers-in-Michigan-Paying-the-price-of-unchecked-discretion.pdf>.

⁹² Compare MCL 791.233e(7) with Mich. Admin. Code R 791.7716(5) and MDOC Policy Directive 06.05.100 "Parole Guidelines" (eff. 11/1/2008) § F.

⁹³ See MCL 791.233e(11). While MDOC posts numerous reports required to be submitted to the legislature on its website (<https://www.michigan.gov/corrections/public-information/statistics-and-reports/legislative-reports>), there are no reports about the parole guidelines included there and we were not able to find any such reports on the website for the Michigan Legislative Council (<https://council.legislature.mi.gov/CouncilAdministrator/Index>).

⁹⁴ See MCL 791.233e(4).

⁹⁵ Mich. Admin. Code R 791.7716(3)(d); MDOC Policy Directive 06.05.100 "Parole Guidelines" (eff. 11/1/2008), Attachment A.

⁹⁶ See Michigan Department of Corrections, Field Operations Administration, *Administration and Use of COMPAS in the Presentence Investigation Report* (Lansing, MI: Michigan Department of Corrections, Field Operations Administration, 2017), Attachment B, <https://www.michbar.org/file/news/releases/archives17/COMPAS-at-PSI-Manual-2-27-17-Combined.pdf>.

⁹⁷ See, for example: Beth M. Huebner and Timothy S. Bynum, "The Role of Race and Ethnicity in Parole Decisions," *Criminology* 46, no. 4 (2008): 907-938, 911, 925-926, <https://www.bethhuebner.com/wp-content/uploads/2020/05/parole-1.pdf>; Kathryn D. Morgan and Brenth Smith, "The Impact of Race on Parole Decision-Making," *Justice Quarterly* 25, no. 2 (2008): 411-435, 417-418, 431; Katherine M. Young and Jessica Pearlman, "Racial Disparities in Lifer Parole Outcomes," *Law & Social Inquiry* 47, no. 3 (2022): 783-820, 6-7; 25; Tri Keah Henry, "Revolving Doors: Examining the effect of race and ethnicity on discretionary decision-making in parole revocations," *American Journal of Criminal Justice* 46, no. 2 (2021): 279-297.

⁹⁸ Kendra Bradner, Vincent Schiraldi, Natasha Mejia & Evangeline Lopoo, *More work to Do: Analysis of Probation and Parole in the United States, 2017-2018*, (New York: Columbia University, 2020), 6, <https://justicelab.columbia.edu/sites/default/files/content/More%20Work%20to%20Do.pdf>; Kendra Bradner & Vincent Schiraldi, *Racial Inequities in New York Parole Supervision* (New York: Columbia University, 2020), 4, <https://justicelab.columbia.edu/sites/default/files/content/NY%20Parole%20Racial%20Inequities.pdf>

⁹⁹ See, for example, Bradner et al, *More work to Do*, 7; *Racial Inequities in New York Parole Supervision*, 4; Sara Steen and Tara Opsal, "Punishment on the Instalment Plan: Individual-level predictors of parole revocations in four states," *The Prison Journal* 87, no. 3 (2007): 344-366; Jeffrey Lin, Ryken Grattet, and Joan Petersilia, "Back-end sentencing and reimprisonment: Individual, organizational, and community predictors of parole sanctioning decisions," *Criminology* 48 (2010): 759-795..

¹⁰⁰ Lin, Grattet, and Petersilia 2010, 776; Steen and Opsal 2007, 362.

¹⁰¹ MDOC Policy Directive 06.05.100 "Parole Guidelines" (eff. 11/1/2008), Attachment A.; other cites TK.

¹⁰² MDOC Policy Directive 06.05.100 "Parole Guidelines" (eff. 11/1/2008), Attachment A.; "Racial Disparities in Lifer Parole Outcomes," 26; other cites TK.

¹⁰³ MDOC Policy Directive 06.05.100 "Parole Guidelines" (eff. 11/1/2008), Attachment A.; "Racial Bias and Prison Discipline"; "Racial Disparities in Lifer Parole Outcomes," 11; "The Impact of Race on Parole Decision-Making," 429.

¹⁰⁴ Bradner et al, *More work to Do*, 7; *Racial Inequities in New York Parole Supervision*, 5.

¹⁰⁵ MDOC 2020 Statistical Report, F-4, <https://www.michigan.gov/corrections/-/media/Project/Websites/corrections/Files/Statistical-Reports/Statistical-Reports/2020-Statistical-Report.pdf?rev=a366713285f94f8abc26d91264a455ef&hash=A3B15FB45EBB682AD0AD331495758464>.

¹⁰⁶ MDOC Policy Directive 05.02.112 "Education Programs for Prisoners" (eff. 4/5/2021) §§ X-Z.

¹⁰⁷ *Racial Inequities in New York Parole Supervision*, 5.

¹⁰⁸ Id.

¹⁰⁹ <https://ojjdp.ojp.gov/>

¹¹⁰ <https://nap.nationalacademies.org/catalog/14685/reforming-juvenile-justice-a-developmental-approach>

¹¹¹ <https://nap.nationalacademies.org/catalog/14685/reforming-juvenile-justice-a-developmental-approach>

¹¹² <https://nap.nationalacademies.org/read/26623/chapter/2>

¹¹³ Cited by Bales, Chapter 3. <https://nap.nationalacademies.org/read/26623/chapter/3>

¹¹⁴ <https://youth.gov/youth-topics/juvenile-justice/prevention-and-early-intervention>

¹¹⁵ <https://youth.gov/youth-topics/juvenile-justice/prevention-and-early-intervention>

¹¹⁶ <https://www.cdc.gov/violenceprevention/pdf/yv-technicalpackage.pdf>

¹¹⁷ Jill Farrell, Aaron Betsinger, and Paige Hammond, "Best Practices in Youth Diversion: Literature review for the Baltimore City Youth Diversion Committee," (Baltimore, MD: The Institute for Innovation and Implementation at the University of Maryland School of Social Work, 2018), <https://theinstitute.umaryland.edu/media/ssw/institute/md-center-documents/Youth-Diversion-Literature-Review.pdf>

¹¹⁸ The album addresses topics such as building personal resilience in young people ages 16-25, self-care in the age of George Floyd and protests, how to survive and thrive mentally and financially during the pandemic, etc. Each recording session includes 10 community influencers who have participated in the discussions with mentors and therapists. As a means of community engagement, the videos are then released via Facebook Live, reaching hundreds of people, to spark conversations around its content.

¹¹⁹ <https://www.michigandaily.com/government/washtenaw-justice-project-launches-new-program-for-juveniles-in-the-justice-system/>

- ¹²⁰ Washtenaw County Mental Health and Public Safety Millage: Youth Diversion Activities Report, April 2019. <https://files.constantcontact.com/4905a808701/56191ccf-813b-4baf-b251-1f2a0626ae8b.pdf>
- ¹²¹ <https://www.washtenaw.org/AgendaCenter/ViewFile/ArchivedAgenda/10182019-239>
- (The report is included at the end of this agenda as an appendix)
- ¹²² <https://www.washtenaw.org/CivicAlerts.aspx?AID=2062>
- ¹²³ Leah Brogan, Emily Haney-Caron, Amanda NeMoyer, and David DeMatteo. "Applying the risk-needs-responsivity (RNR) model to juvenile justice." *Criminal Justice Review* 40, no. 3 (2015): 277-302.
- ¹²⁴ <https://www.fasoutcomes.com/Content.aspx?ContentID=14>
<https://theinstitute.umaryland.edu/media/ssw/institute/national-center-documents/Child-Wellbeing-Assessment-in-Child-Welfare-Wisconsin.pdf>
- ¹²⁵ <https://theinstitute.umaryland.edu/media/ssw/institute/national-center-documents/Child-Wellbeing-Assessment-in-Child-Welfare-Wisconsin.pdf>
- ¹²⁶ When the prosecutor refers a youth to the Right TRAC program, the youth and his/her parents are given the Juvenile Inventory For Functioning (JIFF) assessment to identify the supports needed by the family to succeed without court intervention. Based on that, the trained staff develop a JIFF goal plan that identifies areas of concern that can be addressed in the community.
- ¹²⁷ Thom Reilly, "Transition from care: status and outcomes of youth who age out of foster care," *Child welfare* (2003), 82(6).
- ¹²⁸ Joseph P. Ryan, Abigail B. Williams, and Mark E. Courtney. "Adolescent neglect, juvenile delinquency and the risk of recidivism," *Journal of Youth and Adolescence* 42 (2013): 454-465.
- ¹²⁹ Casey Family Programs, "Is there an effective model for serving youth in both the child welfare and juvenile justice systems?," November 22, 2022, <https://www.casey.org/crossover-youth-practice-model/>
- ¹³⁰ Denise C. Herz, Carly B. Dierkhising, Jessica Raithel, Maryanne Schretzman, Shannon Gultinan, Robert M. Goerge, Youngmin Cho, Claudia Coulton, and Sam Abbott. "Dual system youth and their pathways: A comparison of incidence, characteristics and system experiences using linked administrative data." *Journal of Youth and Adolescence* 48 (2019): 2432-2450.
- ¹³¹ Barbara Tatem Kelley and Paul A. Haskins, "Dual System Youth: At the Intersection of Child Maltreatment and Delinquency," *NIJ Journal* 283, October 2021, <https://nij.ojp.gov/topics/articles/dual-system-youth-intersection-child-maltreatmentand-delinquency>.
- ¹³² Youth.gov
- ¹³³ Yu-Ling Chiu, Joseph P. Ryan, and Denise C. Herz. "Allegations of maltreatment and delinquency: Does risk of juvenile arrest vary substantiation status?." *Children and Youth Services Review* 33, no. 6 (2011): 855-860.
- ¹³⁴ Joseph P. Ryan, "Substitute care in child welfare and the risk of arrest: Does the reason for placement matter?." *Child maltreatment* 17, no. 2 (2012): 164-171.
- ¹³⁵ Ryan (2012)
- ¹³⁶ Chiu, Ryan & Herz (2011)
- ¹³⁷ Ryan (2012)
- ¹³⁸ Ibid.
- ¹³⁹ Ryan (2012)
- ¹⁴⁰ Tatem Kelley & Haskins (2021)
- ¹⁴¹ Mayra E. Alvarez, Jessica Heldman, Sonia Martinez & John Tuell, *Building A Brighter Future for Youth with Dual Status: Policy Roadmap Forward* (Washington, DC: The Children's Partnership & RFK National Resource Center for Juvenile Justice, 2018), <https://rfknrcji.org/wp-content/uploads/2018/11/Building-a-Brighter-Future-For-Youth-with-Dual-Status-A-Policy-Roadmap.pdf>
- ¹⁴² Rosemary C. Sarri, Elizabeth Stoffregen, and Joseph P. Ryan. "Running away from child welfare placements: Justice system entry risk." *Children and youth services review* 67 (2016): 191-197.
- ¹⁴³ Ibid.
- ¹⁴⁴ Alvarez et al. (2018)
- ¹⁴⁵ Youth.gov
- ¹⁴⁶ Alvarez et al. (2018)
- ¹⁴⁷ Ibid.
- ¹⁴⁸ Ibid.
- ¹⁴⁹ <https://cjjr.georgetown.edu/our-work/crossover-youth-practice-model/>
- ¹⁵⁰ Tatem Kelley & Haskins (2012)
- ¹⁵¹ Ryan (2012)
- ¹⁵² Sarri et al. (2016)
- ¹⁵³ Tatem Kelley & Haskins (2012)
- ¹⁵⁴ Alvarez et al. (2018); Tatem Kelley & Haskins (2012)
- ¹⁵⁵ Alvarez et al. (2018)
- ¹⁵⁶ Ibid.
- ¹⁵⁷ Tatem Kelley & Haskins (2012)
- ¹⁵⁸ Abigail Novak, "The school-to-prison pipeline: An examination of the association between suspension and justice system involvement," *Criminal Justice and Behavior*, 46(8), 1165-1180.; Andrew Bacher-Hicks, Stephen B. Billings, & David J. Deming, *The school to prison pipeline: Long-run impacts of school suspensions on adult crime* (2019). National Bureau of Economic Research.
- ¹⁵⁹ <https://www.air.org/sites/default/files/2021-08/NYC-Suspension-Effects-Behavioral-Academic-Outcomes-August-2021.pdf>
- ¹⁶⁰ <https://files.eric.ed.gov/fulltext/EJ870076.pdf>
- ¹⁶¹ https://www.acf.hhs.gov/sites/default/files/documents/ecdd/expulsion_ps_numbered.pdf

¹⁶² Counts, Jennifer, Kristina N. Randall, Joseph B. Ryan, and Antonis Katsiyannis. "School resource officers in public schools: A national review." *Education and Treatment of Children* 41, no. 4 (2018): 405-430.

¹⁶³ Justice Policy Institute, The Presence of School Resource Officers in America's Schools (July 9, 2020), https://justicepolicy.org/wp-content/uploads/2021/11/School_Resource_Officers_20205.pdf

¹⁶⁴ Representative from the Washtenaw Intermediate School District, conversation with Shahd Elbushra, Program Associate, Vera Institute, 9/22/22.

¹⁶⁵ <https://bja.ojp.gov/funding/opportunities/o-bja-2022-171118>

¹⁶⁶ *Public Records Aren't Public: Systemic Barriers to Measuring Court Functioning & Equity* (2022), Kat Albrecht and Kaitlyn Filip, pg. 6

¹⁶⁷ A data warehouse has been defined as a central repository of information that can be analyzed to make more informed decisions. Data flows into a data warehouse from transactional systems, relational databases, and other sources, typically on a regular cadence. Business analysts, data engineers, data scientists, and decision makers access the data through business intelligence (BI) tools, SQL clients, and other analytics applications. [AWS definition](#)

A data warehouse centralizes and consolidates large amounts of data from multiple sources. Its analytical capabilities allow organizations to derive valuable business insights from their data to improve decision-making. Over time, it builds a historical record that can be invaluable to data scientists and business analysts. Because of these capabilities, a data warehouse can be considered an organization's "single source of truth." [Oracle](#)

¹⁶⁸ Washtenaw County Board of Commissioners, *2019-2022 Preliminary Budget Summary*, pgs. B7-B8.

¹⁶⁹ Descriptions of available data from CJARS as well as a guide for applying to access that data can be found in the documentation section of the CJARS website <https://cjars.isr.umich.edu/documentation/>. Note that the application process involves the creation of a detailed report as well as the specification of the statistical models the researcher intends to use.

¹⁷⁰ A copy of Vera's full request for information, including the complete list of requested variables, is available. Please contact: Jennifer Peirce, jenniferpeirce@vera.org

¹⁷¹ Vera does not know in what from the data would come in. This report will not instruct on how cleaning of the data should be done as any instruction in that directions would require ad more intimate knowledge of the shape of the data. CJARS has useful information in their data documentation about the shape of criminal justice data and its harmonization with other datasets, accessible at the website listed above.

¹⁷² These guidelines are recommendations, they have not been mandatory since the Michigan Supreme Court struck down their uses as mandatory sentencing in 2015. An explanation of their use, the process of scoring, and the charts used to match the score to sentencing can be found at <https://www.courts.michigan.gov/publications/felony-sentencing-resources/sentencing-guidelines-manuals/>

¹⁷³ For an application of this type of research being done in one Florida jurisdiction see <https://www.propublica.org/article/how-we-analyzed-the-compas-recidivism-algorithm>.