Rhode Island Task Force on Racial Disparity: Accessing the Feasibility of Establishing a Pretrial Services Agency in the State (Memorandum Report)

TECHNICAL ASSISTANCE REPORT

Bureau of Justice Assistance
CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
A Joint Program of the Bureau of Justice Assistance, U.S. Department of Justice, and American University School of Public Affairs
CCTAP Technical Assistance Report No. 98-033

Rhode Island Task Force on Racial Disparity:
Accessing the Feasibility of Establishing a Pretrial Services Agency in the State
(Memorandum Report)

November 29, 1999

Consultants

Daniel B. Ryan, Esq.
D. Alan Henry
November 29, 1999

Joseph A. Trotter, Jr.
Director, Criminal Courts Technical Assistance Project
American University
Brandywine # 660
4400 Massachusetts Ave., N.W.
Washington, D.C. 20016-8159

RE: CCTAP No. 98-033: Technical Assistance to the Rhode Island Task Force on Racial Disparity in the Criminal Justice System

Dear Joe:

Thank you for selecting me to provide technical assistance to the Rhode Island Task Force on Racial Disparity in the Criminal Justice System. In accordance with your letter to me of October 10, 1999, I am providing you with a letter report regarding the Task Force meeting on October 14 and my estimation of the value of the consultation provided to that body by Mr. Henry and me. For the sake of brevity, I have attached a list of those invited to attend. All of those listed did attend with the exception of Representative Almeida, Representative Carpenter, Ms. Martinez and Senator Paiva-Weed.

At the Task Force’s previous meeting it had been decided that the following two topics should be the focus of the October 10, meeting: 1) consideration of the implementation of pretrial services in Rhode Island; and 2) development of a research proposal to examine the question of racial disparity in the pretrial population.

Mr. Thompson opened the meeting by reviewing the activity of the Task Force to date and introduced Mr. Henry. Mr. Henry reviewed the general value of pretrial services regarding the reduction of racial disparity in bail setting.

Mr. Renzi and Mr. Wall discussed the research proposal and emphasized its limitations as well as questioning the propriety of having the Department of Corrections evaluate activities of the judiciary.

Mr. Henry and Mr. Ryan argued that a pretrial services agency could collect and analyze the data as part of its ongoing functions. Mr. Ryan emphasized the experience of the Federal courts regarding data collection by their pretrial services programs.
A rather lengthy discussion ensued which centered around the need for a research report prior to establishment of pretrial services in the state. Mr. Ryan suggested that a pilot program in Providence could serve to demonstrate the value of pretrial services and collect and analyze the type of data desired by the Task Force. Representative Bradford-Shavers then stated that it was time for the Task Force to take a positive step to accomplish something and suggested that Judge Quirk convene a meeting of district court judges who would work with Mssrs. Thompson, Henry, and Ryan to draft a proposal for a pilot pretrial services program in Providence. It was the consensus of the Task Force that the judges' meeting should be held in approximately 2 weeks and that a proposal be presented to the Task Force on December 10, 1999.

The apparent value of the consultation provided is as follows: Mr. Henry, as you know, is an invaluable source of information regarding pretrial services practices and policies throughout the country. Members of the Task Force repeatedly asked him questions about how pretrial services could operate in Rhode Island and his responses seemed to enhance their interest in the topic. My own contribution was more limited in that I was able to relate the experience of the Federal Courts regarding the use of a pilot program to develop an established pretrial services system.

After listening to our comments the Task Force requested a proposal for the creation of a pilot pretrial services project in Providence. If you have any further questions about the meeting or my contribution to it, please contact me at: 516-725-8890.

Sincerely,

Daniel B. Ryan
Task Force on Racial Disparities in the Rhode Island Criminal Justice System

October 14, 1999
12:00 p.m.

State Capitol, Room 204

Rep. Joseph Almeida

Rep. Maxine Bradford-Shavers, House Judiciary Committee

Mr. Darrell Brown, Policy Advisor, Office of the Governor

Rep. Marsha Carpenter, House Judiciary Committee

Hon. Edward Clifton, Associate Justice, Superior Court

Hon. William Guglietta, Assistant Attorney General

Mr. Alan Henry, Director, Pretrial Services Resource Center

Ms. Barbara Hurst, Deputy Public Defender

Mr. Dennis Langley, Executive Director, RI Urban League

Ms. Patricia Martinez, Executive Director, Progreso Latino

Hon. Madeline Quirk, Associate Justice, District Court

Sen. M. Teresa Paiva-Weed, Chair, Senate Judiciary Committee

Mr. Jeffrey Renzi, Community Corrections Director, Dep't of Corrections

Mr. Dan Ryan, Consultant, U.S. Department of Justice

Mr. Ashbel T. Wall, Acting Director, Department of Corrections
CLIENT EVALUATION FORM: TRAINING/FACILITATION

CCTAP #: ________  Subj. Code ________
CTAP #: ________
DCCTAP #: ________
Other: ________

AGENCY RECEIVING ASSISTANCE: Council of State Courts

LOCATION: 5 Wild Tesla Ent. / 1St 9241 / NYC, NY 10048

FOCUS OF ASSISTANCE: Task Force on Racial Disparity in the CD System

CONSULTANT(S): Don Ryan / Alan Henry

Please rate the technical assistance provided using the scale of 1 - 5
(1 is least effective and 5 is most effective):

You were kept adequately advised of the status of your request for assistance prior to notification by the Technical Assistance Project that your request was approved.

1 2 3 4 5

Arrangements for delivery of technical assistance were handled adequately by Technical Assistance Project staff.

1 2 3 4 5

The consultant appeared competent in his/her field and brought the necessary background and experience for dealing with the designated problem areas.

1 2 3 4 5

The consultant appeared to have reviewed site-relevant background material and otherwise consult with the Local Coordinator to prepare for his/her site work.

1 2 3 4 5

The consultant dealt fully and adequately with the specific areas of requested assistance.

1 2 3 4 5

SCHOOL OF PUBLIC AFFAIRS
4400 MASSACHUSETTS AVENUE N.W. WASHINGTON, DC 20016-8159 202-885-2875 FAX: 202-885-2883
E-MAIL: FOSTER@AMERICAN.EDU WEB SITE: WWW.AMERICAN.EDU/WWW
Please rate the technical assistance using the scale of 1 - 5 (1 is least effective and 5 is most effective):

The consultant was effective in identifying and addressing minority, as well as majority, viewpoints and interests in his/her training or facilitation sessions.

The training or facilitation services provided by the consultant helped develop a consensus among local officials about a course of action to follow to achieve specific goals.

The services provided by American University's Technical Assistance Project met the expectations of the requesting agency or official.

From what sources did you learn of the availability of technical assistance?

Alan Henry, PSRC

What actions do you intend to take as a result of this technical assistance?

A pilot project re: prenatal survey will be established

ADDITIONAL COMMENTS (including any recommendations for improving the delivery of technical assistance in the future):

Additional guidance from AU after the site visit would have been helpful. For example, we would have appreciated being listed with agencies, etc. which would have been willing to continue working with the EJ task force.

Michael Johnson
Signature

6/28/00
Date

Title: Director of Criminal Justice Programs
June 21, 2000

Daniel Ryan
8 Cedar Drive
Sagharbor, NY 11963

Dear Mr. Ryan:

On June 15, 2000, the CCTAP project conducted a technical assistance follow-up interview with Michael Thompson, Director of Criminal Justice Programs for the Council of State Government Eastern Regional Conference. You will be pleased to know that the services that both you and Mr. Alan Henry provided were greatly appreciated. Mr. Thompson stated that the technical assistance services that the Rhode Island Task Force on Racial Disparity received were instrumental in instituting a pilot pretrial services program in Rhode Island and in the future establishment of a state-wide pretrial services agency.

I have enclosed a copy of the Follow-up Report Summary for your review. Please feel free to contact me at 1-800-203-2671 if you have any questions or concerns regarding the report. Thank you for providing technical assistance to the Rhode Island Task Force on Racial Disparity under our Bureau of Justice Assistance Criminal Courts Technical Assistance Project.

Sincerely,

Robert Kures
Program Specialist

enclosure

cc: Joseph A. Trotter, Jr., Project Director
Alan Henry, PSRC
CCTAP 98-033: Assist the Rhode Island Task Force on Racial Disparity in Assessing the Feasibility of Establishing a Pilot Pre-trial Services Program

On October 14, 1999 the CCTAP provided the services of D. Alan Henry and Daniel B. Ryan, Esquire, to participate as resource persons on a pretrial services planning for the Rhode Island Task Force on Racial Disparity in the Criminal Justice System.

An inter-branch (legislative, executive and judicial) Task Force on Racial Disparity in the Rhode Island Criminal Justice Systems, has been meeting for over two years with facilitation assistance from the Council of State Governments (COG). The task force decided in its May 1999 meeting to focus on the state’s pretrial release decision-making process. The COG originally requested the services of Mr. Alan Henry of the Pretrial Services Resource Center (PSRC) to address the task force in its next meeting scheduled for June 1999. At this meeting, the task force voted to undertake a data collection effort to determine the socio-economic characteristics and pretrial release patterns of arrestees as the basis for any analysis of the differential impact of current pretrial release practices on various population subgroups. This data collection was undertaken by the Rhode Island Department of Corrections (DOC) on behalf of the task force.

The CCTAP project was to provide the services of Mr. Henry and Mr. Ryan as consultants for the next meeting of the task force (originally scheduled for September but held in October 1999). The consultants were to provide a preliminary review of the data collected by the DOC. At the October meeting, CCTAP consultants proposed two main recommendations: (1) that a state pretrial services agency be created, and (2) that a pilot program be established to demonstrate the value of pretrial services, and collect and analyze the type of data desired by the task force.

Following the October site-visit and with knowledge and prior approval from the CCTAP project, consultant Daniel Ryan provided additional private consulting services to the Rhode Island Task Force on Racial Disparity. He was instrumental in assisting with the establishment of the Providence pilot pretrial services program.

Mr. Thompson of the COG and members of the task force were grateful for the services provided to them from the CCTAP project. The consultants’ recommendations and assistance were instrumental to the task force in determining the feasibility of creating a pretrial services agency in Rhode Island.

There were no unexpected problems resulting from this technical assistance assignment. Legislation has been introduced in the state legislature calling for the creation of a pretrial service agency (final vote for the creation of such an agency is expected to transpire in the upcoming weeks) and a pilot pretrial services program has been implemented in Providence and is currently in its final program design/preparatory planning stage. The pilot program will become operational in October 2000.
Mr. Thompson rated the technical assistance services as an 8.5 (with one being "no influence at all and 10 being "maximum influence on your course of action). Mr. Thompson remarked that it was instrumental to the success of the task force's efforts to have recognized pretrial experts who had credibility, diagnose the problems of racial disparity in the Rhode Island pretrial process.
BJA Criminal Courts Technical Assistance Project Follow-up Report

CCTAP 98-033: Assist the Task Force on Racial Disparity in Assessing the Feasibility of Establishing a Pilot Pretrial Services Program, Providence, RI

Local Coordinator: Michael Thompson, Council of State Governments
Report Interviewee: Michael Thompson
Phone Number: 212-912-0128
Consultants: Alan Henry, PSRC; Daniel B. Ryan, Esq.
Site Work Date: October 14, 1999
Report Date: November 29, 1999

Section I: Report Recommendations

1. The task force should recommend and support the Legislative establishment of a pretrial services agency in Rhode Island.

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<thead>
<tr>
<th>Recommendation:</th>
<th>Implementation:</th>
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<tr>
<td>☑ Accepted</td>
<td>☐ Completed</td>
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<tr>
<td>☐ Rejected</td>
<td>☐ Scheduled for Future (date): ___________________</td>
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<tr>
<td>☐ Under Consideration</td>
<td>☑ Other: Awaiting Legislative Approval</td>
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Of the task force’s urging, legislation was introduced this year in both the Rhode Island House and Senate Judiciary committees, calling for the creation of a state-wide pretrial service agency. The final legislative vote that will determine the creation of a state-wide pretrial service agency, will be held in the upcoming weeks.
2. Establish and monitor a pilot program to demonstrate the value of pretrial services. This pilot program should collect and analyze the type of data that is desired by the task force.

**Recommendation:**
- [x] Accepted
- [ ] Rejected
- [ ] Under Consideration

**Implementation:**
- [x] Completed
- [ ] Scheduled for Future (date): 
- [ ] Other:

A pilot pretrial services program has been implemented in Providence and is currently in its final program design/preparatory planning stages. The pilot program, which is run by the Rhode Island District Court, will become operational and process cases on October 1, 2000. This pilot program was made possible through the funding of several grants from such institutions as: the State Justice Institute (SJI), the National Institute of Corrections (NIC), the National Institute of Justice (NIJ), and through state appropriations.

3. Undertake a research data gathering effort to seriously examine racial disparity in bail setting.

**Recommendation:**
- [x] Accepted
- [ ] Rejected
- [ ] Under Consideration

**Implementation:**
- [ ] Completed
- [x] Scheduled for Future: October
- [ ] Other:

The pretrial services pilot program in Providence will be responsible for collecting and evaluating racial disparity data when it becomes operational in October 2000. The pilot program is currently developing data forms for future collection purposes. To date, all recorded pretrial data has been collected by the Rhode Island Department of Corrections (DOC). The Department of Correction's analysis of the Rhode Island pretrial detainee population, is what prompted the task force to request TA from the CCTAP project. The analysis found that with respect to offenders held without bail (HWOB), Latinos maintained the highest proportion (58.6%), while 57% of all blacks and 51.6% of all whites were HWOB.
4. Educational workshops for judges and court staffs and other steps be taken to reduce the amount of racial disparity in bail setting.

**Recommendation:**
- Accepted
- Rejected
- Under Consideration

**Implementation:**
- Completed
- Scheduled for Future (date): OCT. 2000
- Other: __________________________

The goal of the pretrial pilot program in Providence is to: (1) provide judges with more information about the defendants who are poor; (2) retain the services of a Community Liaison who will be empowered by the pretrial services unit to supply the court with an alternative community-based programs for detainees; and (3) to insure that the court does not inadvertently discriminate against defendants with few financial resources. The results of the pilot program's data analysis will be integrated into judicial system education activities.

**Section II: Supplemental Follow-up Questions**

5. Were there any unexpected problems that resulted after the site-visit regarding implementation of the report recommendations. If so, what were they and how did you address them?

- Yes
- No

6. Now one year later, how influential was the TA in providing your court with a course of action to follow, in addressing __________________________. On a scale of 1 through 10 (with 1 being “no influence at all” and 10 being “maximum influence on your course of action”) how would you rate the impact of the TA?

   ____1____2____3____4____5____6____7____8____X____9____10

   It was instrumental to the success of the task force's efforts to have recognized pretrial experts who had credibility, diagnose the problem
7. If you had the choice to do everything over, would you still have chosen the CCTAP project versus direct contract or other services. Please explain?

☐ Yes  ☐ No  ☒ NA

Explanation: Mr. Thompson stated that the Pretrial Services Resource Center (PSRC), worked in conjunction with the CCTAP project and that it was impossible for him to answer this question.

8. Would it be helpful to put the consultant in contact with you in order to resolve any problems or questions that resulted from the TA?

☐ Yes  ☒ No

Contact with the consultant has resumed after the TA was provided.

9. What process did you follow after receiving the report in order to implement the recommendations outlined by the consultants? For example, were committees formed, did a chief judge issue an order, etc.

Consultants recommendations were instrumental to the task force in determining the feasibility of creating a pretrial services agency in Rhode Island.

***
This form was completed by: Robert Kurdes Date: June 16, 2000