

ETHNIC AND RACIAL DISPARITY (ERD) WORKING GROUP GUIDELINES

ARTICLE I - General Document Purpose

1.1 Purpose

This document provides a set of guidelines, templates, and other ‘best practice’ materials for the Working Group to utilize, as appropriate, throughout its life cycle.

1.2 Revisions

As further experience is developed in the management, operation, and practice of the Ethnic and Racial Disparity Working Group, it is intended that this document will be updated and amended as appropriate.

ARTICLE II - Mission and Goals

2.1 Mission

The Working Group will create a plan to address the drivers of ethnic and racial disparities in the adult and juvenile criminal legal system and provide recommendations on how our jurisdiction, Orleans Parish, can address disparities.

2.2 Vision

The Ethnic and Racial Disparities Working Group envisions leading efforts to reduce ethnic and racial disparities in the Orleans Parish criminal legal system through a framework of decarceration, focused on the leading disparity-driving charges and eliminating racial disparities in length of stay. Initiatives of the Working Group will be oriented towards abolition and ending mass incarceration, specifically through decarceration, decriminalization, and diversion, as well as prioritizing the repair of harms done to Black people, and Black women in particular, through the adoption of transformative justice practices, including rehabilitative and community support services. To this end, the Working Group will utilize an intersectional approach to best understand, analyze, and reduce structural racism for historically and presently marginalized and vulnerable populations, including womxn and LGBTQQIA+ people, within the Orleans Parish criminal legal system.

2.3 Safety and Justice Challenge Initiatives

Emphasis will be placed on the development of best practices and strategies to reduce ethnic and racial disparities within the Safety and Justice Challenge (SJC). The SJC initiatives include:

1. Public Defender at First Appearance
 - a. The goal of this initiative is to build strong pretrial release advocacy from first appearance through arraignment as a core function of public defense, which will ultimately support the release of persons who are likely to succeed pretrial. This initiative ensures that defendants are not detained because of an inability to pay bail.

2. Prosecutorial Diversion
 - a. The goal of this initiative is to provide opportunities for release and diversion, which can steer people out of the criminal legal system. The Orleans Parish District Attorney's Office's diversion program gives defendants the opportunity to avoid criminal prosecution and conviction by completing education programs, job skills training, and substance-abuse counseling when appropriate.
3. Law Enforcement Assisted Diversion (LEAD)
 - a. LEAD provides NOPD officers with the opportunity to divert an individual at the point of arrest to intensive case management when the alleged offense is believed to be a product of underlying mental illness, substance abuse, or social challenges.
4. Pretrial Services
 - a. Pretrial Services allows courts to make constitutionally sound release decisions with the least restrictive conditions, while not compromising public safety. The Pretrial Services initiative includes the implementation of a Public Safety Assessment and expanding the use of Release on Recognizance (ROR)s, which must be allowed by the applicable law.
5. Community Supported Release
 - a. The Community Supported Release initiative provides direct services to community members to overcome barriers to attending court. These services include childcare and transportation, as well as services adapted to overcome barriers due to the COVID-19 pandemic.
6. Warrant Reduction
 - a. The goal of the Warrant Reduction initiative is to purge eligible arrest warrants, which must be allowed by the applicable law.
7. Case Processing
 - a. The goal of the Case Processing initiative is to reduce system inefficiencies in case processing, pretrial release, and transport.

2.4 Goals

The ERD Working Group will be tasked with setting specific, measurable, and achievable goals to reduce criminal legal system involvement for adult and juvenile historically and presently underrepresented and underserved populations, specifically Black, Indigenous, People of Color. The Working Group will utilize an intersectional approach to best understand, analyze, and reduce structural racism and systemic discrimination for historically and presently marginalized and vulnerable populations, including womxn and LGBTQQIA+, within the Orleans Parish criminal legal system.

To get that point, the group will:

1. Analyze disparities across the criminal legal system.
2. Develop or adjust strategies to incorporate a focus on ethnic and racial disparities.
3. Develop goals for reducing racial and ethnic disparities.
4. Monitor and evaluate the impacts of disparities.

2.4.1 Sustainability

In an effort to ensure sustainability and longevity of the Working Group's recommendations, it is suggested that the Office of Human Rights and Equity be considered for its role in strategic planning and coordination efforts. This Office will provide training and technical assistance to City departments and staff in the development and implementation of measurable, department-specific Equity Plans.

ARTICLE III - Member Roles and Responsibilities

3.1 Membership Composition

The Working Group will be comprised of 50% government and 50% community stakeholders. This composition ensures diverse and holistic representation.

3.1.1 Member Terms

Members of the Ethnic and Racial Disparity Working Group shall serve at least one term, beginning on January 1, 2021 and ending on December 31, 2021.

3.2 Working Group Co-Chairs

The Office of Criminal Justice Coordination and VERA Institute of Justice will act as Co-Chairs of the Working Group. It shall be the Co-Chairs, or their designees', responsibility to

- a) call and preside each of the meetings of the Ethnic and Racial Disparity Working Group; and
- b) set tentative agendas for full Working Group meetings using input from members

3.2 Responsibilities

ERD Working Group members are expected to participate, contribute, and drive the work of the group. Examples of member responsibilities include:

- Develop and draft Working Group documents.
- Contribute ideas, knowledge, and expertise to Working Group discussions.
- Set Working Group meeting agenda items.
- Act as liaisons between Working Group and their respective stakeholder groups.
- Actively and constructively participate in the consensus decision making process.

3.3 Expectations

The ERD Working Group will be a safe place to share ideas and work collaboratively to solve problems and reduce disparities. It is expected that the group respect everyone's input and understand that the common goal of the group is to better the Orleans Parish criminal legal system by addressing the cause of disparities in the system. To this end, the language that the group will use will be defined by the MacArthur's Safety and Justice Challenge Glossary. This

glossary defines racial equity terminology and will serve as a resource for future communications and research activities.

3.2.1 Attendance

It is expected that ERD Working Group members regularly attend and actively participate in meetings. In the event of three consecutive absences without notification, the member shall not be eligible to vote for the remainder of the calendar year. In the event of failure to attend 50% of regular meetings in a calendar year, members and agencies represented by those members shall not be eligible to vote in the following calendar year. Absences related to family emergencies and extraordinary circumstances due to the COVID-19 pandemic will be excused.

3.4 **Subcommittees**

The ERD Working Group may decide to employ subcommittees as an efficient means of delegating topics or assignments to be completed. Subcommittees are meant to be informal working arrangements to focus on topics that require subject matter expertise. It is recommended that the Working Group employ two subcommittees: a Data Team Subcommittee and Policy Team Subcommittee. The Working Group is not limited or beholden to these two subcommittees and should employ subcommittees as appropriate throughout its lifecycle.

Any member of the Working Group may serve on any subcommittee. The subcommittee may choose to appoint a coordinator who heads up the subcommittee and is responsible for providing regular progress updates to the Working Group.

3.4.1 Data Team Subcommittee

An essential component to reducing ethnic and racial disparities in the criminal legal system is the capacity to collect, analyze, and utilize data. The Data Team will be tasked with assessing data and providing information to assist with forming recommendations to the Working Group through a data lens.

3.4.2 Policy Team Subcommittee

The Policy Team should be responsible for setting goals to recommend holistic solutions to problems that impact the Orleans Parish criminal legal system.

ARTICLE IV - Group Procedure and Logistics

4.1 Voting

Within the Working Group, recommendations submitted to the Criminal Justice Council must be approved by a simple majority. A simple majority is defined as the next greatest whole number more than one-half.

4.1.1 Tied Vote

In the event of a tie vote, the recommendation will be sent back to the Working Group to determine whether any aspect of the recommendation can be updated to reflect the vision of the majority of the Working Group.

4.2 **Quorum**

To vote on a recommendation, a simple majority of the existing membership of the Working Group shall constitute a quorum for the transaction of business.

4.3 **Meetings**

Regular meetings will occur at least once every month. Meetings will normally last one hour. The meetings will not be public. However, the Working Group can elect to host a public meeting each quarter highlighting the progress, findings, and recommendations that will be submitted to the Criminal Justice Council for vote.

4.3.1 2021 Tentative Meeting Schedule

Date	Time
January 15, 2021	1 p.m. – 2 p.m.
January 29, 2021	1 p.m. – 2 p.m.
February 26, 2021	1 p.m. – 2 p.m.
March 26, 2021	1 p.m. – 2 p.m.
April 23, 2021	1 p.m. – 2 p.m.
May 21, 2021	1 p.m. – 2 p.m.
June 25, 2021	1 p.m. – 2p.m.
July 30, 2021	1 p.m. – 2 p.m.
August 20, 2021	1 pm. – 2 p.m.
September 17, 2021	1 p.m. – 2 p.m.
October 22, 2021	1 p.m. – 2 p.m.
November 19, 2021	1 p.m. – 2 p.m.
December 17, 2021	1 p.m. – 2 p.m.

ARTICLE V - Products and Outputs

5.1 **Policy Recommendations**

The Working Group shall make recommendations to the Criminal Justice Council (SKNOCJC) regarding legislative, programmatic, and policy to reduce ethnic and racial disparities within the Orleans Parish adult and juvenile criminal legal systems. Recommendations should be clear, attainable, and holistic.

5.1.1 Recommendation Checklist

ERD Working Group recommendations must meet all checklist requirements. The checklist will be in the form of a rubric and will ensure that the recommendations consider all legal, process, and policy considerations, as well as certifying recommendations as clear, attainable, and holistic.

5.1.2 Recommendation Flow Chart

ERD Working Group recommendations must also follow a procedural work flow to ensure that all Working Group members have voice in all recommendations, and to ensure that agencies impacted by recommendations are given adequate notice, with an opportunity to respond, before recommendations are submitted to the Criminal Justice Council.

5.1.3 Recommendations that Change Law

Recommendations must be attainable. If a recommendation is not consistent with the relevant law, the recommendation must include steps for the agency to take to enact changes in applicable laws.

5.2 Reporting

The ERD Working Group will submit reports at least quarterly to the Criminal Justice Council. Reports should contain recommendations for the various criminal legal system agencies to adopt in order to reduce disparities. The report shall, if applicable, be accompanied by draft legislation, regulations, amendments to existing regulations, or other specific steps for implementing clear, attainable and holistic recommendations. All reports will be given to Working Group Co-Chairs to review before being submitted to the Criminal Justice Council. The Criminal Justice Council will vote to implement the recommendations. Agencies will be encouraged to implement recommendations that will reduce disparities.

5.2.1 Good Faith Standard

In order to establish and instill an effective culture for the Working Group, it should be assumed the material and proposed recommendations remain in confidence of the Working Group, with the exception of public meetings, as well as reports and recommendations to the Criminal Justice Council. Members should not disclose, disseminate or use any information discussed or produced by the group that will not be reported to the Criminal Justice Council. Each member should treat all data, discussions, and information of the Working Group with the same degree of care as the member accords its own information. This standard is meant to mitigate any effects of such inappropriately disclosed data, discussions, or information, and instore goodwill with all members of the Working Group.

ARTICLE VI - Resources

6.0 Technical Assistance

Technical Assistance will be provided by the VERA Institute of Justice and the Office of Criminal Justice Coordination. This assistance includes: MacArthur Foundation's technical assistance providers, OCJC 2020-2021 AmeriCorps VISTA, and a racial and ethnic disparity data analyst.

6.1 Funding

The Working Group will receive \$50,000 in 2021 and \$75,000 in 2022 to support programmatic and policy reform efforts.