



HARRIS COUNTY, TEXAS

Office of Budget Management 1001 Preston; Suite 500 Houston, TX 77002 713-274-1135
Grants Coordination Section - Conveyance Form Application ☐ Award ☒

Department Name / Number	DUNs	Grant Title
Justice Administration - 207	Not Applicable	Safety + Justice Challenge Sustainability Grant '21/22
Funding Source: The MacArthur Foundation: CFDA# N/A	Grant Agency: The MacArthur Foundation	
Program Year: 5 th	Program Ending:	
Grant Begin Date: 03/01/2021	Grant End Date: 02/28/2023	
Grant Org. Key:	If applicable, Prior Year Org. Key: YAA@@@@@	

Grant Description:

Through the Safety and Justice Challenge, the MacArthur Foundation will support a nationwide network of selected local jurisdictions committed to finding ways to safely reduce jail incarceration, with a particular focus on addressing disproportionate impact on low-income individuals and communities of color. With help from a consortium of national experts and technical assistance providers, participating sites will rigorously examine how their jails are being used; who is being held there, and what risks they pose to the community; what policies and practices have driven the growth of local jail populations; and what strategies will work to reduce the unnecessary use of jail without compromising public safety.

	Total Budget	Grant Funded	County Funded
Salary & Benefits	\$0.00	\$0.00	\$0.00
Non-Labor	\$500,000.00	\$500,000.00	\$0.00
Sub Tot. Incremental Cost	\$500,000.00	\$500,000.00	\$0.00
Indirect Cost	\$0.00	\$0.00	\$0.00*
TOTALS	\$500,000.00	\$500,000.00	\$0.00

* under development

Full Time Equivalent Positions

0.00

Date Guidelines are Available

% of Positions Paid by Grant

0.00 %

Grant Submittal Deadline Date

01/05/2021

Grant Discussion:

This award relates to an application that was authorized by Commissioners Court on 12/15/20. The focus of the award is to continue to fund Harris County's participation in the Safety + Justice Challenge, a criminal justice reform initiative aimed at reducing over-incarceration by re-examining the use and purpose of jails in America. There is no match requirement.

County Funded Cost Projection

Year	Required	Discretionary
2022	-	-
2023	-	-
2024	-	-
2025	-	-
2026	-	-

Completed by :

Cadow, Eric

Date :

Reviewed by :

Date :

ORDER OF COMMISSIONERS COURT

The Commissioners Court of Harris County, Texas, met in regular session at its regular term at the Harris County Administration Building in the City of Houston, Texas, on _____, with all members present except _____

A quorum was present. Among other business, the following was transacted:

**ORDER AUTHORIZING HARRIS COUNTY JUDGE TO ACCEPT
JOHN D. AND CATHERINE T. MacARTHUR FOUNDATION SAFETY + JUSTICE
CHALLENGE SUSTAINABILITY GRANT
ON BEHALF OF HARRIS COUNTY**

Commissioner _____ introduced an order and made a motion that the same be adopted. Commissioner _____ seconded the motion for adoption of the order. The motion, carrying with it the adoption of the order, prevailed by the following vote:

Vote of the Court	Yes	No	Abstain
Judge Lina Hidalgo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Tom S. Ramsey P.E.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. R. Jack Cagle	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The County Judge thereupon announced that the motion had duly and lawfully carried and that the order had been duly and lawfully adopted. The adopted order follows:

IT IS ORDERED that Harris County Judge Lina Hidalgo or her designee is hereby authorized, on behalf of Harris County, to accept the John D. and Catherine T. MacArthur Foundation Safety + Justice Challenge Sustainability Grant and to sign any ancillary grant documents:

Grant Amount: \$500,000

Grant Term: 03/01/2021 – 2/28/2023

All Harris County officials and employees are authorized to do any and all things necessary or convenient to accomplish the purposes of this order.

AGREEMENT

THE GRANTEE AND GRANTOR (AS SET FORTH BELOW) HEREBY AGREE AS FOLLOWS:

DATE: April 16, 2021

GRANT NO.: 21-1907-154130-CJ

GRANTEE: Harris County, Texas
1001 Preston
Suite 500
Houston, TX 77002
("**your organization**")

GRANTOR: John D. and Catherine T. MacArthur Foundation
140 South Dearborn Street, Suite 1200
Chicago, Illinois 60603-5285
(the "**Foundation**")

GRANT AMOUNT: U.S. \$500,000

PURPOSE OF GRANT: To support Harris County's participation as an implementation site in the Safety and Justice Challenge, the Foundation's criminal justice reform initiative aimed at reducing over-incarceration by changing the way America thinks about and uses jails (the "**Purpose**")

FOR USE OVER THE PERIOD: March 1, 2021 - February 28, 2023

EXPECTED PAYMENT SCHEDULE: This grant is expected to be paid in the following installment amounts (the "**Payment Schedule**"):

Initial Installment:	U.S. \$125,000, paid in a single lump sum subject to the terms set forth in Paragraph 1(B) herein
Installment 2:	U.S. \$ 62,500, paid in a single lump sum subject to the terms set forth in Paragraph 1(C) herein
Installment 3:	U.S. \$ 62,500, paid in a single lump sum subject to the terms set forth in Paragraph 1(D) herein
Installment 4:	U.S. \$250,000, paid in a single lump sum subject to the terms set forth in Paragraph 1(E) herein

WRITTEN REPORTS DUE, as may be amended from time to time upon written authorization from the Foundation (the "**Due Dates**"):

August 31, 2021:	Interim Report (DUA), as further described in Paragraph 1(C) herein
September 30, 2021:	Interim Report (Disparity Work), as further described in Paragraph 4(C) herein
April 30, 2022:	Annual Report, covering the period March 1, 2021 through February 28, 2022
April 30, 2023:	Annual Report, covering the period March 1, 2022 through February 28, 2023
April 30, 2023:	Final Report, covering the entire life of the grant

OTHER TERMS AND CONDITIONS:

1. PAYMENT TERMS: (A) Payment of the grant funds is expected to be made as indicated in the Payment Schedule above, *provided* your organization is in compliance with all terms and conditions of this agreement at the time of each scheduled payment.

(B) The initial installment of the grant funds will be made within thirty (30) days after receipt by the Foundation of a fully-executed copy of this agreement and all necessary tax documents if all conditions are satisfied. The scheduled dates of estimated payment for any subsequent installments, which dates may be amended by the Foundation from time to time, are available in the Foundation's online Grants Management System ("**GMS**").

(C) Payment of the second installment and all subsequent installments of the grant funds are contingent upon the Foundation's receipt and approval, in its sole discretion, of the Interim Report (DUA), as described herein. Your organization's Interim Report (DUA) should include a copy of a fully executed Data Use Agreement ("**DUA**") and any additional information reasonably requested by the Foundation. If your organization has not entered into the DUA by the date the Interim Report is due, your organization shall include, in such Interim Report, a narrative describing your organization's good faith efforts toward finalizing the DUA, including when the DUA is expected to be fully-signed. The DUA is a comprehensive agreement between your organization and the City University of New York's Institute for State and Local Governance regarding the disclosure, maintenance, and use of the criminal justice-related information that your organization will provide, as part of the Safety and Justice Challenge. A draft of the DUA, in a form substantially similar to what your organization will be asked to sign, is attached hereto and incorporated herein as Exhibit 1.

(D) If the fully-executed DUA was not included in the Interim Report described above, payment of the third installment of the grant funds shall be contingent on the Foundation's receipt of a fully executed DUA, which DUA should be uploaded by your organization in GMS.

(E) Payment of any remaining installment of the grant funds is contingent upon the Foundation's receipt and approval, in its sole discretion, of (i) the annual report specified in the Due Dates above and described in Paragraphs 4(A) and 4(B) below, and (ii) compliance with paragraphs 1(C) and 1(D) above.

2. **BANK ACCOUNTS:** Grant funds shall be deposited in an interest-bearing account whenever feasible. Any grant funds, and income earned thereon, not expended or committed for the purposes of the grant, will be returned to the Foundation.
3. **USE OF FUNDS:** (A) **EXEMPT PURPOSES:** Under United States law, Foundation grant funds, and income earned thereon, may be expended only for charitable, religious, scientific, literary or educational purposes. This grant is made only for the Purpose stated above. It is understood that these grant funds will be used only for such Purpose, substantially in accordance with the document uploaded into GMS by the Foundation on March 31, 2021 and entitled "Final Proposal 154130", and the budget uploaded into GMS on March 22, 2021, relating thereto (the "**Approved Budget**"), subject to the terms of this agreement. Your organization agrees to obtain the Foundation's prior approval in writing should there be any material changes or variances to the Approved Budget, including the timing of expenditures, at any point during the course of this grant.

(B) **CONTROL OF PROJECT:** Your organization confirms that this project is under its complete control. Your organization further confirms that it has and will exercise control over the process of selecting any secondary grantee or consultant, that the decision made or that will be made on any such selection is completely independent of the Foundation and, further, that there does not exist an agreement, written or oral, under which the Foundation has caused or may cause the selection of a secondary grantee or consultant.

(C) **RESTRICTIONS ON USE OF FUNDS:** (1) In connection with the activities to be funded under this grant, your organization acknowledges that it is responsible for complying with all relevant laws and regulations of the countries in which such activities are conducted.

(2) Your organization agrees that no Foundation grant funds will be used for any of the following purposes:

- (a) To carry on propaganda, or otherwise to attempt to influence any legislation (within the meaning of Section 4945(d)(1) of the United States Internal Revenue Code ("**Tax Code**"));
- (b) To influence the outcome of any specific public election or to carry on, directly or indirectly, any voter registration drive (within the meaning of Section 4945(d)(2) of the Tax Code);
- (c) To undertake any activity for any purpose other than one specified in Section 170(c)(2)(B) of the Tax Code;
- (d) To offer or provide money, gifts, or any other things of value, directly or indirectly, to anyone in order to improperly influence any act or decision relating to the Foundation or the project, including by assisting any party to secure an improper advantage in

violation of the Foreign Corrupt Practices Act or similar laws of the countries in which the grantee operates;

- (e) To use directly or indirectly to assist in, sponsor, or provide support for acts of terrorism or to support organizations or persons listed as terrorists on lists maintained by the United States government, the United Nations, the European Union, and other entities (each, a **"Prohibited Party"**); or
- (f) To use in or with respect to countries or individuals under sanctions by the U.S. government, including prohibited travel to and from those countries, or for the unauthorized provision of funds or services to any person, entity, or organization from those countries.

Attachment A and Attachment B are summaries of the types of activities prohibited under Section 4945 of the Tax Code.

(3) Further, your organization agrees to provide the Foundation such information as the Foundation may reasonably request, including (a) information about persons or organizations that will or have received funds in connection with this grant and (b) information regarding the steps and procedures that your organization uses to ensure that grant funds are not used to pay a Prohibited Party either through regranteeing or by contract.

4. WRITTEN REPORTS: (A) Written reports are to be furnished to the Foundation covering each year, or partial year in the instance of the Interim Reports, in which your organization receives or expends any portion of the grant funds until the Foundation's grant funds, and any income earned thereon are expended in full or the grant is otherwise terminated. The written reports for this grant are due no later than the Due Dates specified on Page 1 of this agreement. The written reports should be submitted electronically through GMS.

(B) The annual and final written reports should contain a narrative and financial account of what was accomplished by the expenditure of the grant funds during the period covered by the report. The narrative account should contain a detailed description of what was accomplished by the grant, including a description of the progress made toward achieving the goals of the grant and an assurance that the activities under the grant have been conducted in conformity with the terms of the grant. The financial account should contain a financial statement reporting, in U.S. dollars, all expenditures of the grant funds and any income earned thereon during the period covered by the report.

(C) INTERIM REPORT (DISPARITY WORK): Your organization's Interim Report (Disparity Work) shall contain a narrative detailing progress on efforts to meet your organization's jail population target, address and reduce racial disparities, improve community engagement, and enhance stakeholder involvement.

5. INTELLECTUAL PROPERTY: (A) In countersigning this agreement, your organization acknowledges that it has read the Foundation's Policy Regarding Intellectual Property Arising Out of Foundation Grants (the **"Policy"**; Attachment C hereto). Except as may otherwise be provided herein, all copyright interest in materials produced as a result of this grant (the **"Grant Work Product"**) shall be owned by your organization and made available consistent with the terms of the Policy. To effect the widest possible distribution of the Grant Work Product and to ensure that it furthers charitable purposes and benefits the public, your organization hereby grants to the Foundation a non-exclusive, transferable, perpetual, irrevocable, royalty-free, paid-up, worldwide license to use, display, perform, reproduce, publish, copy, and distribute, for non-commercial purposes, the Grant Work Product and any other work product arising out of or resulting from your organization's use (including digital, electronic or other media) of these funds, including all intellectual property rights appurtenant thereto, and to sublicense to third parties the rights described herein. Without limiting the foregoing, such license includes the right of the Foundation to publish the Grant Work Product on the Foundation's website in connection with the Foundation's work with and support of your organization, and for use in periodic public reports, press releases, and fact sheets about the Foundation's grantmaking. Your organization further acknowledges and agrees, at the Foundation's request, to execute any additional documents necessary to effect such license.

(B) To the extent that, as part of any arrangement with any subcontractor, subgrantee, or other party working on matters related to this grant and receiving the benefit of the grant funds (a **"Third Party"**), the intellectual property rights in the Grant Work Product is to be owned by such Third

Party, your organization agrees to require that the Foundation be granted a license in such Grant Work Product in a form reasonably acceptable to the Foundation.

(C) Except as stated in Paragraph 5(A) herein, and as you may be otherwise notified by the Foundation, it is the Foundation's policy not to ordinarily use the license granted herein if the Grant Work Product is otherwise made widely available through a means and on terms (including any cost to the public and timeliness of publication) satisfactory to the Foundation. Under the Foundation's Policy, the Foundation will consider also releasing such license at the request of your organization if it is demonstrated to the Foundation's satisfaction that such release is necessary in connection with a publication or distribution plan that will make the Grant Work Product widely available at a reasonable or little cost, such as through scholarly publication, open access journals, or use of a suitable Creative Commons license.

(D) In connection with the narrative reports required to be submitted in the GMS under this agreement, your organization will be required to address a series of questions related to intellectual property that are available on the narrative report form in the GMS.

6. **USE OF NAME:** Your organization acknowledges that the name and mark "John D. and Catherine T. MacArthur Foundation" and all variations thereof and any other names and marks comprising the name or mark "MacArthur" (the "**MacArthur Name**"), are the sole and exclusive property of the Foundation, that any and all uses of the MacArthur Name by your organization shall inure solely to the benefit of the Foundation, and that your organization shall not acquire any right, title or interest in any MacArthur Name. All uses of any MacArthur Name by your organization in any manner shall be subject to inspection by and approval of the Foundation, which approval may be granted or withheld in the sole and absolute discretion of the Foundation. Upon termination of this agreement, or at the request of the Foundation at any time, your organization shall immediately discontinue and forever thereafter desist from any and all use of any MacArthur Name and shall either destroy or deliver to the Foundation, at no charge to the Foundation, stationery, brochures, proposed paid media and other similar materials bearing any MacArthur Name that then are in the possession or control of your organization.
7. **PUBLICATIONS:** Two copies of any publications produced or disseminated wholly or in part with these grant funds will be furnished to the Foundation. Unless otherwise notified by the Foundation, such publications should include a simple acknowledgment of the grant support from the Foundation.
8. **NOTIFICATION:** Your organization will promptly notify the Foundation upon the occurrence of any of the following: (i) A change in the executive director, chief executive officer, president, or comparable senior level executive of any agency that is engaged materially in the activities funded by the Foundation ("**Agency**"); (ii) receipt by the Agency of notification by another significant funder, if any, that the funder is ceasing further funding; or (iii) unless prohibited by court or agency order, the filing of a claim in any court or federal, state, or local agency alleging (a) sexual or other harassment, discrimination, a hostile work environment, or similar claims regarding the activities of the Agency; (b) financial impropriety by the Agency; or (c) breach of fiduciary obligations by senior leadership or the board of the Agency. Written notification will be given to the signatory of this agreement at the e-mail address under the signature line below.
9. **WORKPLACE CONDUCT STANDARDS:** (A) Your organization represents that it aspires to a tolerant and civil workplace, one that is free of discrimination, harassment, and misconduct of any kind. Your organization further represents that it has in place or is committed to putting in place policies, procedures, or practices that will help ensure a tolerant and civil workplace, including the following: Staff training regarding workplace misconduct; mechanisms for complaints to be made to an impartial person; fair processes for investigation and adjudication; and prohibitions against retaliation against persons making good faith complaints.

(B) In the event the Foundation learns of allegations of workplace misconduct as a result of notification by your organization or by third parties, your organization agrees to cooperate with reasonable requests of the Foundation to understand the policies, procedures, and practices in place and what steps were taken in response to the allegations. In making such requests, the Foundation is not seeking to determine the truth or falsity of the underlying allegations and is not accepting any such allegations as true. If the Foundation concludes that your organization lacks the necessary workplace protections or has failed to adhere to appropriate practices in its investigation, the Foundation may take such action as is appropriate under the circumstances, including suspending future grant payments until your organization has implemented additional steps to addressing the

situation or, in extreme cases, terminating the grant. Prior to taking any action, the Foundation will discuss with you the proposed course of action and provide your organization an opportunity to respond and suggest corrective action.

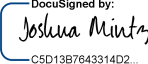
10. **EVALUATING OPERATIONS:** The Foundation may monitor and conduct an evaluation of operations under this grant, which may include a visit from Foundation personnel to observe your organization's program, discuss the program with your organization's personnel, and review financial and other records and materials connected with the activities financed by this grant.
11. **FOUNDATION GRANT REPORTS:** The Foundation may include basic information about this grant through a variety of public channels, including press releases, publications, videos, social media, and the Foundation's website. If there are special considerations concerning the public announcement of this grant at your organization, if you plan to issue a public announcement of the grant, or if you would like to coordinate a public announcement of the grant with the Foundation's announcement, please reach out to Communications at the Foundation.
12. **RIGHT TO DISCONTINUE FUNDING, RESCIND PAYMENTS, AND REQUIRE RETURN OF UNSPENT FUNDS:** The Foundation may, in its sole discretion, discontinue or suspend funding, rescind payments made or demand return of any unspent funds based on any of the following: (a) the written reports required herein are not submitted to the Foundation on a timely basis, (b) the reports do not comply with the terms of this agreement or fail to contain adequate information to allow the Foundation to determine the funds have been used for their intended charitable purposes, (c) grant funds have not been used for their intended charitable purposes or have been used inconsistent with the terms of this agreement, (d) the Foundation is not satisfied with the progress of the activities funded by the grant, (e) the purposes for which the grant was made cannot be accomplished, (f) making any payment might, in the judgment of the Foundation, expose the Foundation to liability, adverse tax consequences, or constitute a taxable expenditure, or (g) failure to timely execute the DUA. The Foundation will provide notice of any determinations made under this paragraph. In the event the Foundation takes action permitted by this paragraph solely based on (d) and (e), and your organization provides documentation that it has incurred obligations consistent with the terms of the grant in good faith reliance on the grant agreement and the Approved Budget, the Foundation will consider in good faith permitting grant funds to be used to pay such obligations.
13. **RIGHT TO RECOVER SPENT FUNDS:** Your organization will repay the Foundation, upon demand, the amount of any funds spent for purposes inconsistent with or contrary to the grant agreement or the Approved Budget.
14. **U.S. TAX STATUS:** By countersigning this agreement, your organization confirms that it is a governmental entity. If such status changes during the course of this grant, your organization hereby agrees to notify the Foundation and, upon request, promptly return any unspent grant funds to the Foundation as of the date of such change.
15. **MODIFICATION OF TERMS:** The terms of this agreement may be modified only by an agreement signed by an officer of your organization and a corporate officer of the Foundation. Any modifications made by your organization to this printed agreement (whether handwritten or otherwise) will not be considered binding on the Foundation until written confirmation of such modification is obtained from the Foundation.
16. **HEADINGS:** The section headings in this agreement are for convenience only and are not intended, and shall not be construed, to alter, limit or enlarge in any way the scope or meaning of the language contained in this agreement.
17. **ENTIRE AGREEMENT:** This agreement represents the entire agreement between your organization and the Foundation with respect to the subject matter herein and supersedes any and all prior agreements, understandings, negotiations, representations and discussions with respect thereto. This agreement may be executed in two or more counterparts, each of which together shall be deemed an original, but all of which together shall constitute one and the same instrument. In the event that any signature is delivered by facsimile transmission or by e-mail delivery of a ".pdf" format data file, such signature shall create a valid and binding obligation of the party executing (or on whose behalf such signature is executed) with the same force and effect as if such facsimile or ".pdf" signature page were an original thereof.
18. **DUE AUTHORITY:** **The person(s) signing this agreement on behalf of your organization represents and warrants to the Foundation that s/he is an officer of your organization and**

has requisite legal power and authority to execute this agreement on behalf of your organization and bind your organization to the obligations herein.

IN WITNESS WHEREOF, the parties have caused this agreement to be executed as of the day and date first written above.

**JOHN D. AND CATHERINE T.
MacARTHUR FOUNDATION**

HARRIS COUNTY, TEXAS

By:  _____
Joshua J. Mintz
Its: Vice President, General Counsel, and Secretary
E-Mail: jmintz@macfound.org

By: _____
Signature

Its: _____
Title

Acceptance Date: _____

Payment should be made payable to HARRIS COUNTY, TEXAS

To facilitate receipt of the grant funds:

(1) Please upload the fully-signed agreement (and attachments) to the Foundation's Grants Management System.

(2) Please complete, sign, and return the MacArthur Electronic Payment Authorization Form by e-mail to MacFinanceGrantees@macfound.org. The MacArthur Electronic Payment Authorization Form can be downloaded from the Document Library of the Foundation's Grants Management System.

EXHIBIT 1

Overview of Data Use Agreement (DUA) Revisions

As has been communicated by the Foundation in recent months, the Safety and Justice Challenge (SJC) is becoming increasingly focused on knowledge development and producing research that informs the field about effective strategies for reducing jail incarceration and racial and ethnic disparities. The Foundation's intention has always been to use data collected from SJC sites by ISLG to support this research, and the DUAs that were executed with implementation sites at the start of implementation work (going back to 2016) include language to reflect that. At the time that these DUAs were executed, however, the initiative had not yet established specific mechanisms for advancing this research. Since that time, those mechanisms—namely, the SJC Research Consortium and direct project funding by the Foundation—have been developed, and it is important that DUAs are updated to reflect the current structure that is in place. The DUA template that follows includes amended language that ISLG plans to incorporate toward that end. This updated template streamlines and aligns data sharing with the SJC initiative's updated framework.

Amendments to the DUA template are highlighted in track changes for ease of viewing. Broadly, they do the following:

- Provide more explicit language specifying that Consortium and other researchers funded by the Foundation to do SJC-related research may use the data submitted by sites to support their research
- Clarify the differences between research entities and other SJC technical assistance partners

In addition to changes related to SJC-related research, ISLG is using this amendment as an opportunity to revise a few other provisions in an attempt to streamline processes that are already happening with sites, and specifically to:

- Simplify and make more flexible the data transfer process and schedule between sites and ISLG
- Allow for the possibility of sharing cleaned, merged data files created by ISLG back to site agencies

In the coming weeks, ISLG will send each site an individualized version of this amended DUA template that incorporates the changes into their specific DUA with ISLG.

The John D. and Catherine T. MacArthur Foundation
Safety and Justice Challenge, Phase II

This Amended and Restated Data Use Agreement ("Agreement" or "DUA") is made and entered into by and between the "Site", which includes Harris County ("Lead Agency") and all of the agencies, organizations and entities listed in Schedule 1 ("Other Agencies"), and the Research Foundation of The City University of New York on behalf of The City University Of New York Institute for State and Local Governance ("

WHEREAS, the John D. and Catherine T. MacArthur Foundation ("Foundation") has initiated and is providing funding for the "Safety and Justice Challenge" (the "SJC"), the goal of which is to safely reduce the use of local incarceration by reducing the flow of individuals into jail, shortening lengths of stay in jail, and diminishing racial and ethnic disparities in jail populations without compromising public safety; and

WHEREAS the Lead Agency participated in the first stage of the SJC, in which the Site developed a plan to further the goals of the SJC in its jurisdiction; and

WHEREAS, upon the Lead Agency's application, the Foundation granted the Lead Agency part of the funds it requested for the second phase of the SJC, in which the Site (through the Lead Agency) will implement its revised plan which was initially developed in the first phase and then finalized for the second phase of the SJC; and

WHEREAS data collection and analysis will inform decision-making during the second phase, and will enable the Foundation to evaluate and understand the success of the SJC; and

The Foundation has engaged ISLG to collect, consolidate, and analyze data from the Site for the purpose of establishing performance measures, monitoring those measures and conducting other analysis, and will, where appropriate, transfer such data to other entities working on the SJC for the purposes of evaluation, jail population projections, data-driven technical assistance, and other research to further understand the outcomes of the SJC. The Foundation requires the Site, as a condition of its funding, and as further provided in its Grant Agreement with the Site, to execute with ISLG a Data Use Agreement governing the disclosure, maintenance and use of the criminal justice information that the Site will disclose to ISLG; and

WHEREAS the Lead Agency, the Other Agencies and the Research Foundation of The City University of New York on behalf of ISLG previously entered into the Data Use Agreement (the “Original Data Use Agreement”) dated as of November 15, 2016, as amended April 30, 2019, and now wish to amend and restate the Original Data Use Agreement in its entirety as set forth herein, with effect from the execution and delivery of the Original Data Use Agreement;

NOW, THEREFORE, in consideration of the mutual promises and covenants herein set forth, the parties agree as follows:

Term of Agreement

This Agreement shall be effective upon execution by all parties, and will continue until April “Scheduled Termination Date”), unless it is:

Extended by amendment, as provided pursuant to Section XIV(D) herein, or

- b. terminated earlier than the Scheduled Termination Date, pursuant to Section IX herein.

Definitions

“Agreement” means this Data Use Agreement (“DUA”), including all documents attached or incorporated by reference.

“Lead Agency” is an entity in the Site that was awarded the grant for the second stage of the SJC and has been given the specific operational responsibilities indicated in this Agreement. The Lead Agency for this Agreement is Harris County.

“Site” means Harris County which includes the “Lead Agency”, and all of the agencies, organizations and entities that are expected to provide or aid in the provision of Data pursuant to this Agreement, and whose names appear in Schedule 1.

“Personally Identifiable Information (PII)” is information that directly identifies or uniquely describes a particular individual, criminal justice case, or event (e.g., individual arrest number, docket number, criminal justice individual identifier) or that might be used, either directly or in combination with other information, to ascertain the identity of a particular individual (such as place and date of birth).

“Data” means and is limited to only those Data Elements that are listed on Exhibit A: Data Elements List, which is attached hereto and incorporated herein, including amendments to that List pursuant to III(A) herein. Data will be directly transferred from the Site to the ISLG in response to the ISLG’s requests for Data. Data will contain only “public ” (“public information”) as that term is defined in Texas Government Code §552.002.

“Data Work Product” is files, information, or analysis that is derived from Data. An example of a Data Work Product is a file in which the Data is aggregated, matched or compared to other information gained during the SJC. Unless stated otherwise, Data Work Product may contain PII.

“Research Products” are any written publications or reports, or any presentations and the materials that accompany them, that are generally accessible to the public, and which present the results of systematic inquiry or analysis of the SJC-generated information. Examples of Research Products that may be produced concerning SJC are an evaluation, jail population projections and conclusions drawn from performance measurement. Research Products do not contain PII.

“Communication Materials” are materials in written or oral form, produced for the public, that convey general news and information about the SJC, but which are not the product of systematic investigation. Communications Materials do not contain PII.

related Research” is research or analysis that will help document and further understand the outcomes of the SJC in relation to jail and prison population trends, including changes in racial and ethnic disparities, public safety, criminal justice system costs, the use of innovative and promising criminal justice practices, and behavioral health and other health trends. SJC-related Research is based solely on the de-identified aggregate or case-level data generated from the SJC.

“Site Coordinators” are organizations assigned to Sites to provide technical assistance to and conduct analyses as needed to inform the technical assistance, and include the Vera Institute of Justice, the Center for Court Innovation, Justice System Partners, and the Justice Management Institute.

“SJC Partners” are organizations that have been approved and funded by the Foundation to provide technical assistance, analytic support, consultation, or other services or expertise to SJC sites as part of the SJC initiative. SJC Partners include Existing SJC Partners and New SJC Partners.

Existing SJC Partners” are SJC Partners already providing technical assistance, analytic support, consultation or other services or expertise to SJC sites, and include The JFA Institute (“JFA”), the Site Coordinators, the W. Haywood Burns Institute (“Burns Institute”), the Urban Institute (“Urban”) and Policy Research Associates (“PRA”).

“New SJC Partners” are new organizations that will be approved and funded by the Foundation to provide technical assistance, analytic support, consultation, or other services or expertise to SJC sites as part of the SJC initiative.

“SJC Research Entities” are organizations that are being funded by the Foundation or a partner funder approved by the Foundation to carry out SJC-related Research. These entities include, but are not limited to, members of the SJC Research Consortium.

“Research Consortium” is a consortium of pre-qualified research entities approved by the Foundation that are eligible to apply for specific SJC-related Research projects funded by the Foundation. Research Consortium members include, but are not limited to, academic institutions and non-profit organizations.

III. Data transfer

The Site will provide to ISLG case-level Data related to key SJC decision points, as delineated in the Data Elements List, which is attached hereto as Exhibit A, to the extent such Data are contained within the records maintained by the Site. The List may be amended from time to time by the mutual written consent of the Lead Agency and ISLG. For this purpose, the requirement of a writing may be satisfied through email correspondence between the Data Liaisons, as hereinafter defined, for the Site and ISLG, who are identified in Section XI which clearly confirms that both parties agree to the amendment.

The Site will provide Data to ISLG in a mutually agreed upon format, upon ISLG's request, annually during the term of this Agreement. The Data transfers will correspond to annual points of performance measurement: baseline (on or about August 2016 to November 2016), Year 1 (on or about April 2017), Year 2 (on or about April 2018), and annually thereafter for the duration of the Site's participation in the initiative. As specified in Exhibit A, the first Data pull will include cases and events from the previous thirty six (36) months leading up to implementation, as specified on Exhibit A; each subsequent Data pull will include cases and events from the previous twelve (12) months. The timeframe and/or timing of the Data pulls may be amended from time to time using the same amendment process described in Section III(A), above.

The Lead Agency, through the Sites' Data Liaison identified in this Agreement, is responsible for coordinating the provision of Data to ISLG. The Site's Data Liaison will be available as needed to answer ISLG's questions regarding the Data provided.

The Site will provide the Data in each approximately one-year interval to ISLG within sixty (60) business days of each ISLG request for Data. However, if the Site has questions about the request, is unable to provide specific data elements or to provide them in the form requested, the Site's Data Liaison will inform the ISLG Data Liaison as soon as possible and will work together to develop a solution.

The Foundation reserves the right to terminate its grant agreement with the Site if data is not able to be appropriately collected and shared.

All Data will be transferred from the Site using ISLG's secure file transfer protocol or another secure file transfer protocol agreed upon by the Data Liaisons for the Site and

IV. Data storage

All Data provided by the Site to ISLG and all Data Work Product is confidential. ISLG will hold all Data and Data Work Product in a secure manner and will protect it from disclosure, except as specifically provided in this Agreement.

Data and Data Work Product in electronic form shall be stored on secure computer hard-drives that require credentialed log-in for individual access. All access to such Data and Data Work Product shall be restricted to authorized users who have been authenticated through secure password and log-in.

ISLG will limit the use of portable electronic devices that contain Data or Data Work Product to the minimum amount necessary. To the extent that any portable electronic devices contain Data and Data Work Product, they will be stored securely in locked drawers and cabinets, access to which will be limited to trained, authorized personnel who have a need to access such Data or Data Work Product for purposes of the SJC initiative. When transported, such portable devices will remain under the physical control of authorized staff.

ISLG will limit the use of paper, hard-copy files or documents that contain Data or Data Work Product to the minimum amount necessary. Such hard copy materials will be stored in locked drawers and cabinets, with access limited to authorized personnel.

The stored Data and Data Work Product will be subjected to the technical safeguards for the protection of PII that are generally accepted as best practices in the industry.

ISLG's Use of Data and Data Work Product

ISLG, including its employees, agents and subcontractors, will not use the Data or Data Work Product for any purpose other than that of carrying out its work in the SJC. Accordingly, ISLG will not match or link any of the Data provided or any of the Data Work Product produced under the terms of this Agreement with any datasets that are unrelated to the SJC.

ISLG will not re-disclose the Data and Data Work Product for any purposes other than those mutually agreed to by the Lead Agency and ISLG, except as required by law.

ISLG will limit access to the Data and Data Work Product to those authorized employees, agents and subcontractors who require it in the official performance of their job duties. ISLG certifies that its employees, agents, and subcontractors with access to the Data and Data Work Product have received training on data security and the protocols that are necessary to secure confidential materials, the importance of confidentiality, and the requirements of this Agreement.

ISLG, including its employees, agents and subcontractors, will not contact any individual whose records are contained in the Data.

ISLG's Disclosure of Data Work Product

ISLG will disclose aggregate data to RTI International ("RTI"), for the sole purpose of allowing RTI to conduct a comprehensive evaluation of the effectiveness and the impact of the SJC on behalf of the Foundation. ISLG will not disclose any case-level Data to RTI.

ISLG will disclose Data Work Product that does not contain PII to SJC Research Entities for the purpose of carrying out SJC-related Research. All SJC Research Entities that conduct research will enter into a separate DUA with ISLG and shall be subject to the same confidentiality provisions as those contained therein, and their research must be

submitted to an Institutional Review Board in accordance with their organization's procedures or guidelines.

ISLG will disclose Data Work Product that does not contain PII to the Existing SJC Partners and solely for the following purposes: JFA, which will conduct jail population projections and other analysis, the Site Coordinators, which will conduct analysis as needed to inform technical assistance provided to the Site, the Burns Institute and PRA, which will also conduct analysis as needed to inform technical assistance provided to the Site.

ISLG may also disclose Data Work Product that does not contain PII to New SJC Partners. Use of data by New SJC Partners must be approved by the Lead Agency before any data are shared. ISLG shall promptly notify the Lead Agency upon approval of a New SJC Partner by the Foundation. No de-identified aggregate or case-level data provided by the Site shall be disclosed by ISLG to a New SJC Partner unless and until the Lead Agency gives its express prior written consent and approval.

ISLG may disclose the aggregate data that the Site provided in the first stage of the SJC to (a) the Foundation and the Vera Institute of Justice, for the purpose of using such information in their Communications Materials regarding the SJC, such as Site profiles for the SJC website, press releases, and talking points; (b) SJC Partners; and (c) SJC Research Entities.

Upon request, ISLG may provide analytic files or other Data Work Product back to the Site agencies from which the Data for those files or Data Work Product originated. ISLG may also merge Data or Data Work Product from Other Agencies that own the Data and, at the request and approval of those Other Agencies that own the Data, disclose the merged data file or files to them or to Other Agencies. For both these types of requests, mutual written consent of the agency or agencies with ownership of the Data and/or Data Work Product and ISLG is required, with notice to the Lead Agency. For this purpose, the requirement of written consent and notice may be satisfied through email correspondence between ISLG's Data Liaison, the Lead Agency, and the agency or agencies that own the Data and/or Data Work Product. All requests for analytic files, Data or Data Work Product must be made prior to the Scheduled Termination Date.

Data and Data Work Product that contains any case-level information that is transferred from ISLG to any of the parties referred to in (B), (C), (D), (E) or (F) above shall be encrypted in transit, using secure, authenticated, and industry-accepted encryption mechanisms. All electronic data transmission will be conducted using a Secure Socket Layer (SSL) certified, password protected file sharing system that is used for secure data exchange.

All recipients of Data or Data Work Product pursuant to this Section VI must execute a binding, written agreement with ISLG in which the recipient commits to the same provisions regarding the security, confidentiality, disclosure, and destruction of Data and Data Work Product that are binding upon ISLG pursuant to this Agreement.

ISLG will not disclose any aggregate data, Data, or Data Work product to any of the parties referred to in (A), (B), (C) or (D) until they have submitted their work to an Institutional Review Board in accordance with organizational procedures or guidelines and received

either approval, exemption from review, or a determination that the work is not human subjects related.

VII. Request for Data by Third Parties

In the event that ISLG receives a request from a third party for the disclosure of PII contained in the Data or Data Work Product, for example, a subpoena or freedom of information request, ISLG will promptly notify the Lead Agency, unless it is prohibited from doing so by state or federal law, and will discuss with the Lead Agency an appropriate response to the request. In responding to such a request, ISLG will abide by all Federal, State and local statutes regarding the confidentiality of the information requested.

In the event that ISLG receives a request from a third party for the disclosure of Data or Data Work Product that does not contain PII, ISLG will promptly notify the Lead Agency and the Foundation of the request and ISLG's response. Where appropriate, ISLG will discuss such requests with Lead Agency and Foundation before responding.

VIII. Research Products and Communication Materials

It is anticipated that the following entities will create Research Products for the SJC: ISLG (performance measurement), RTI (overall evaluation), JFA (jail population projections), and the Burns Institute (technical assistance). In addition, these entities and SJC Research Entities and SJC Partners may produce Research Products in connection with the technical assistance provided to Sites or SJC-related Research, as applicable. The Foundation, the organizations referred to in this Section VIII (A) may also produce Communications Materials.

No PII will be reported in any Research Product or Communications Materials. Sites may be identified by name and discussed in Research Products and Communications Materials.

The Lead Agency will have an opportunity, within a reasonable time period specified by the creator of each written Research Product, to review the Research Product before publication, for the purpose of (a) identifying factual errors or inaccuracies and providing information or corrections regarding it and (b) suggesting additional contextual information that might aid in the interpretation of findings. At its discretion, the entity that created the Research Product may amend the Research Product based on the Lead Agency's comments if that entity deems the comments to be relevant and appropriate. Should the entity that created the Research Product decide not to amend, or if the Site determines that the entity's amendment is insufficient, the procedure outlined in Section VIII(D), below, shall apply.

In the event that the Lead Agency identifies research or analysis findings that it believes to be inaccurate, and the entity that created the Research Product decides not to amend it, upon request of the Lead Agency, ISLG will work with the entity creating the Research Product and the Lead Agency to explore how the findings were developed, and to correct the findings, as needed, before publication. In the event that the entity creating the Research Product chooses not to make an amendment based on the Lead Agency's

comments, the Lead Agency shall be permitted to draft an addendum that must be included in the Research Product, except in the case of the SJC evaluation report completed by RTI.

IX. Early Termination of Agreement

If, for any reason, the Foundation discontinues the SJC, or if the Foundation or Lead Agency terminates Lead Agency's participation in the SJC, this Agreement would automatically terminate at the same time that the SJC is terminated or the Lead Agency's participation in the SJC ends. In this case, ISLG will destroy the Data and all Data Work Product containing PII within thirty (30) days after the date of termination.

If the ISLG commits any non-material breach of this Agreement, the Lead Agency shall provide the ISLG and the Foundation with ten (10) days advance written notice of its intent to terminate this Agreement, specifying with reasonable particularity in such notice, the reason for termination. The Lead Agency, the ISLG, and the Foundation will meet within ten (10) business days after the ISLG's receipt of the notice to discuss the alleged breach and attempt to cure or resolve it. If the issue is resolved, the ISLG and the Lead Agency will confirm the resolution in writing within five (5) business days after the meeting. If the issue is not resolved, the ISLG and the Lead Agency will cooperate and work in good faith to resolve the issue for no more than an additional thirty (30) days. If the issue still remains unresolved at the end of the additional thirty (30) days, the Lead Agency may terminate this Agreement without further notice by sending written notice of this Agreement's termination to the ISLG and to the Foundation. In this case, ISLG will destroy the Data and all Data Work Product containing PII within thirty (30) days after the date of termination. ISLG's unauthorized Data disclosure to an SJC partner or the Foundation would be considered a non-material breach of this Agreement.

The Lead Agency may terminate this Agreement before the Scheduled Termination Date by providing ISLG with ten (10) days advance written notice of termination if ISLG breaches a material term of this Agreement. In this case, ISLG will destroy the Data and all Data Work Product containing PII within thirty (30) days after the date of termination. The Lead Agency may deem ISLG's negligent or reckless release of Data to a third party to be a material breach. The term "third party" as used in this Section IX does not include SJC partners or the Foundation.

X. Data destruction

ISLG shall destroy all Data and Data Work Product containing PII within thirty (30) days after the termination of this Agreement.

Acceptable destruction methods for various types of media include:

- 1) For paper documents containing confidential or sensitive information, a contract with a recycling firm to recycle confidential documents is acceptable, provided the contract ensures that the confidentiality of the data will be protected. Such documents may also be destroyed by on-site shredding, pulping, or incineration.

2) If confidential or sensitive information has been contained on optical discs (e.g. CDs, DVDs, Blu-ray), the data recipient shall either destroy by incineration the disc(s), shredding the discs, or completely defacing the readable surface with a coarse abrasive.

3) If data has been stored on server or workstation data hard drives or similar media, the data recipient shall destroy the data by using a “wipe” utility which will overwrite the data at least three (3) times using either random or single character data, degaussing sufficiently to ensure that the data cannot be reconstructed, or physically destroying disk(s).

4) If data has been stored on removable media (e.g. USB flash drives, portable hard disks, or similar disks), the data recipient shall destroy the data by using a “wipe” utility which will overwrite the data at least three (3) times using either random or single character data, degaussing sufficiently to ensure that the data cannot be reconstructed, or physically destroying disk(s).

XI. Data Liaisons

Site Data Liaison

The Lead Agency designates the following individuals to be the data liaisons for the Site (each a “Data Liaison”)

Name: Stephanie Armand
Email address: stephanie.armand@jad.hctx.net
Telephone: 832-927-6990

Name: Ronny Velez
Email address: Ronny.Velez@bmd.hctx.net
Telephone: (713) 755-4489

ISLG designates the following individual to be the Data Liaison :

Name: Emily M. West, Senior Research Associate
Email address: emily.west@islg.cuny.edu
Telephone: 917-446-6763

In the event that Lead Agency or ISLG designates other individuals to serve as Data Liaisons during the course of this Agreement, the Lead Agency or ISLG, as the case may be, will provide notice of the change to the other party, with a letter signed by the original Data Liaison along with the new Data Liaisons’ contact information. Such notice may be sent through email, with an appended signed and scanned letter.

XII. Indemnification

A. ISLG agrees to indemnify and defend the Lead Agency against all claims, demands, lawsuits, fines, penalties, damages, losses and costs, including court costs, investigative expenses, and attorney’s fees, arising out of or caused by ISLG’s negligent or willful failure to abide by the provisions of this Agreement.

B. The Lead Agency agrees to indemnify and defend ISLG against all claims, demands, lawsuits, fines, penalties, damages, losses and costs, including court costs, investigative expenses, and attorney's fees, arising out of or caused by the Lead Agency's negligent or willful failure to abide by the provisions of this Agreement. This indemnity obligation is effective solely to the extent allowed by the Constitution and the laws of the state of Texas and County of Harris without the provision for levy of a tax under Tex. Const Art. 11 § 7 and without the County having or making available any current funds at the time of entering into this Agreement for the purpose of funding this indemnity obligation.

XIII. Survival of Provisions

All provisions of this Agreement regarding the confidentiality and security of the Data and Data Work Product shall survive the termination of this Agreement, including any extended term of this Agreement.

XIV. General Provisions

If the ISLG brings a legal action or suit against the Site, for purposes of such legal action or suit, this Agreement will be governed by and construed under the laws of the state of Texas and the exclusive venue and jurisdiction will be in a court of competent jurisdiction in Harris County, Texas. If the Site brings a legal action or suit against the ISLG, for purposes of such legal action or suit, this Agreement will be governed by and construed under the laws of the state of New York and the exclusive venue and jurisdiction will be in a court of competent jurisdiction in New York County, New York.

Any waiver by either party of the violation of any provision of this Agreement shall not bar any action for any subsequent violation of the same provision of the Agreement.

If any provision of this Agreement becomes or is declared illegal, invalid or unenforceable, such provision will be severed from this Agreement and will be deemed deleted. The other terms and conditions thereof shall not be affected thereby, and shall remain in full force and effect.

This Agreement may be amended by the mutual consent of the parties in writing.

This Agreement is complete and contains the entire understanding of the parties relating to the subject matter contained here. This Agreement supersedes any and all prior understandings, representations, negotiations, discussions, and agreements between the parties relating hereto, whether written or oral.

This Agreement may be executed in counterparts and will be considered as one executed Agreement and facsimile or electronic signatures (in pdf format) received by the appropriate party will be treated as originals.

XV. Third party beneficiary

The Foundation shall be a third party beneficiary of this Agreement.

XVI. Assignment

ISLG may not assign its responsibilities hereunder without the express written consent of the Foundation. If, due to unforeseen circumstances, the Foundation designates a replacement organization (with similar expertise of ISLG) to assume the obligations and duties of ISLG as provided in this Agreement, the Foundation will provide written notice to the Site and request the Site's approval to assign ISLG's obligations and duties to the replacement organization. In that case, the Site may terminate this Agreement if it is unwilling to provide Data to the replacement organization or to work with it in the same manner that it agreed to work with ISLG, provided that the Site will not unreasonably withhold its approval of the assignment by the Foundation to the replacement organization.


The remainder of this page is intentionally blank.

XVII. Signatories

Each of the individuals signing below certifies that he or she has authority to execute this Agreement on behalf of the named agency or entity.

For the Site:

Harris County
County Judge's Office
1001 Preston, Suite 911
Houston, Texas 77002

By: 

Date: March 30, 2021

Name: Lina Hidalgo
Title: County Judge

Justice Administration Department
1115 Congress, 7th Floor
Houston, Texas 77002

By: 

Jim Bethke (Mar 10, 2021 14:13 CST)

03/11/2021

Date: _____

Name: James Bethke
Title: Director

By: DeAnne A. Lin

DeAnne A. Lin (Mar 11, 2021 11:29 CST)

03/11/2021


Date: _____

DeAnne A. Lin
Assistant County Attorney
CAO File No.:21GEN0418

Research Foundation of The City University of New York
on behalf of The City University of New York
Institute for State and Local Governance
230 West 41st Street, 7th FL
New York, NY 10036

By: _____

DocuSigned by:





Date: _____

Jeffrey I. Slonim
Chief Counsel and Secretary of the Board

**ATTEMPTS TO INFLUENCE LEGISLATION
BY MacARTHUR FOUNDATION GRANTEES**

Under United States law, MacArthur Foundation grant monies may not be used to pay for attempts to influence legislation, unless they qualify under certain specific exceptions. (These laws do not affect how grantees may spend money received from other sources.) This paper will generally describe what activities are regarded as attempts to influence legislation and some of the exceptions available. Also, attached is a chart describing some permissible and prohibited public policy activities.

Lobbying

Attempts to influence legislation, commonly known as lobbying, may be of two types, direct or indirect:

Direct Lobbying

Direct lobbying refers to certain communications directly with government personnel who are involved in the legislative process. They may be legislators or employees of legislative bodies, or other government personnel who participate in the formulation of the legislation concerned.

A communication with these government personnel will be lobbying only if it both refers to specific legislation and indicates a view on that legislation.

Indirect Lobbying

Indirect (or "grass roots") lobbying refers to communications with members of the general public. Certain "public relations" or educational activities may constitute indirect lobbying, and others will not.

Indirect lobbying communications include only communications that (1) refer to specific legislation, (2) indicate a view on the legislation, and (3) encourage the recipient of the communication to take action with respect to the legislation.

Specific Legislation

"Specific legislation" includes both legislation that has already been introduced in a legislative body and a specific legislative proposal.

Legislation

Legislation refers only to action by a legislative body -- such as a congress, senate, chamber of deputies, house of representatives, state legislature, local council or municipal chamber of representatives -- or by the public in a referendum or similar procedure. Legislation of

the United States or any other country or of any local government is included.

Legislation also includes proposed treaties required to be submitted by the President of the United States to the Senate for its advice and consent from the time the President's representative begins to negotiate its position with the prospective parties to the proposed treaties.

Action by an executive or by a judicial or administrative body does not constitute legislation, so attempts to influence such action do not constitute lobbying.

Encouraging Recipient to Take Action

A communication may encourage the recipient to take action with respect to legislation, and therefore meet the third test for indirect lobbying, in any one of the following four ways:

1. It may state that the recipient should contact a legislator (or other government official or employee who may be involved in the legislation).
2. It may state the address, telephone number, or similar information of a legislator or an employee of a legislative body.
3. It may provide a petition, tear-off postcard, or similar materials for the recipient to send to a legislator or other government official or employee.
4. It may specifically identify one or more legislators who will vote as:
 - a. opposing the communication's view with respect to the legislation,
 - b. undecided about the legislation,
 - c. the recipient's legislative representative, or
 - d. a member of the legislative committee that will consider the legislation.

Exceptions

There are a few specific exceptions from prohibited lobbying. The most important of these for MacArthur Foundation grantees are the exception for examinations and discussions of broad social, economic, and similar problems and the exception for nonpartisan analysis, study, or research.

A communication regarding broad social, economic, and similar problems will not constitute lobbying, even if the problems discussed are of a type with which government would be expected to deal eventually. Accordingly, it is permissible to speak to

legislators or the general public about problems that the legislature should address. These communications may not, however, discuss the merits of a specific legislative proposal or directly encourage recipients to take action with respect to the legislation.

Nonpartisan analysis, study, or research means an independent or objective exposition of a particular subject matter. It may advocate a particular position or viewpoint, so long as there is a full and fair discussion of the pertinent facts, which is sufficient to enable an individual to form an independent opinion or conclusion.

The results of nonpartisan analysis, study, or research may indicate a view on specific legislation, and they may be communicated to a legislator or government official or employee involved in the legislative process. They may not, however, be communicated to members of the general public with a direct encouragement to the recipient to take action with respect to the legislation.

A grantee may not use the nonpartisan analysis, study, or research exception, such as by omitting the direct encouragement to take action, and then later use the communication for lobbying purposes. If it does, and if the

grantee's primary purpose in preparing the original communication was for use in lobbying, the amounts spent to prepare the original communication will be treated as funds used for lobbying.

Related Issues

The use of any MacArthur Foundation grant monies to participate in any political campaign on behalf of or in opposition to any candidate for public office is also prohibited by United States law. This applies to elections both inside and outside the United States.

Also, no MacArthur Foundation grant monies may be used to make any payments that would be illegal under local law, such as to offer money to a public official to perform an official action or to omit or to delay an official action.

Questions

If you have any questions regarding the rules discussed in this memorandum, or if you would like further information please contact the Office of the General Counsel, at the John D. and Catherine T. MacArthur Foundation, 140 South Dearborn Street, Chicago, Illinois 60603-5285, U.S.A.; telephone (312) 726-8000.

PERMISSIBLE AND PROHIBITED ACTIVITIES

Some Permissible Public Policy Activities

1. Meetings with or letters to government officials, including legislators, about a problem needing a legislative solution, so long as there is either no reference to specific legislation or no view expressed on specific legislation.
2. Communications with members of the general public about a social problem, so long as there is either no reference to specific legislation, no position taken on the legislation or no encouragement of the public to contact legislators or other government personnel concerning the legislation.
3. Meetings with or letters to government personnel other than legislators or their staff (such as mayors, governors or their staff) about specific legislation if the personnel contacted are not participating in formulating the legislation.
4. Efforts to influence regulations or other actions of an executive, judicial or administrative body.
5. Public interest lawsuits.
6. Communications directly to legislators or their staff regarding legislation that might affect the communicating organization's existence, powers and duties, or its exemption from taxes.
7. Responding to written requests from a legislative body or committee (but not one legislator) for technical advice or assistance on particular legislation.
8. Communicating the results of nonpartisan analysis, study or research on a legislative issue, so long as there is no direct encouragement of members of the general public to contact legislators or other government personnel concerning the legislation.

Some Prohibited Public Policy Activities

1. A letter to or meeting with a legislator encouraging the legislator to vote either for or against specific legislation or to submit a specific legislative proposal to the legislature.
2. An advertisement or pamphlet encouraging people to contact their legislators and to urge them to vote for or against specific legislation.
3. A public meeting where individuals are asked to sign a petition urging legislators to vote for or against specific legislation.
4. Publishing articles and producing radio and television broadcasts urging recipients to become involved in a political campaign on behalf of or in opposition to a candidate.
5. Preparing a fact sheet for a legislative committee describing one view of proposed legislation important to an organization's objectives, when such fact sheet has not been requested in writing by the committee.

ELECTIONEERING ACTIVITIES

This document provides guidance regarding the rules prohibiting participation in political campaigns. This overview is simplified for educational purposes. It is not legal advice and should not be relied on as such. Your organization should consult qualified legal counsel with questions.

The general rules are clear and easy to state: **Organizations described in section 501(c)(3) of the Internal Revenue Code -- or their equivalent as determined in accordance with applicable law -- may not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of (or in opposition to) any candidate for public office.** For ease of reference, this general prohibition will be referred to as “electioneering activities”. The MacArthur Foundation is a section 501(c)(3) private foundation and it is subject to the prohibition on the use of its funds for electioneering activities (and lobbying).

There are no bright line rules defining electioneering activities, although they generally arise when there is (1) a candidate,¹ (2) that candidate is seeking public office, and (3) the activities involve participation or intervention in the candidate’s political campaign. The IRS applies a “facts and circumstances” test to determine whether an activity constitutes campaign intervention. **Nonpartisan voter education is not treated as campaign intervention.** Educational activities include “the instruction or training of the individual for the purpose of improving or developing his capabilities.” Educational activities also must present “a sufficiently full and fair exposition of the pertinent facts.”

To help evaluate whether a particular activity involves prohibited political campaign intervention, the following chart compares examples of situations in which the IRS has ruled that an activity constitutes prohibited campaign intervention with examples involving nonpartisan voter education:

Political Campaign Intervention	Nonpartisan Voter Education
Basic Advocacy	
Expressly advocating for the election or defeat of an identified candidate or party, including through the use of code words or issues that are clearly associated with one candidate or party.	Providing neutral information about candidates, such as posting links to each candidate’s official campaign websites if the links are presented on a consistent neutral basis for each candidate with text saying, “For more information on Candidate X, you may consult ____.”

¹ A candidate is defined under Section 1.501(c)(3)-1(c)(3)(iii) of the Treasury Regulations as “an individual who offers himself, or is proposed by others, as a contestant for an elective public office, whether such office be national, State, or local.”

Electioneering Activities

Political Campaign Intervention	Nonpartisan Voter Education
Guides on Voter Issues and Voting Records	
<p>Publishing a single-issue voter guide reflecting candidates' positions on an area of interest to the organization. [Consequently, a voter guide that reflected a candidate's position on only a single issue related to corruption would be problematic.]</p> <p>Preparing voter guides that convey a bias regarding candidates' positions on certain issues and distributing the guides to particular congressional districts close to the date of the election.</p>	<p>Publishing and making widely available the results of a questionnaire identifying the candidates' positions on a broad range of issues selected by the organization solely on the basis of their importance and interest to the electorate as a whole.</p> <p>Publishing and making widely available a compilation of voting records of Congressional members on a broad range of subjects when there is no editorial opinion and the content and structure of the publication do not imply approval or disapproval of any Congressional members or their voting records.</p> <p>Publishing a summary of the voting records of all incumbent members of Congress on selected legislative issues that are important to the organization, along with the organization's position on those issues, when there is limited distribution, no attempt to target distribution to areas where there are elections, and the timing coincides with the end of congressional sessions (the guide also included a caveat about judging the qualifications of an incumbent based on a few selected votes).</p>
Get Out the Vote Efforts	
<p>Calling registered voters before an election, emphasizing the importance of particular issues, asking about the voters' views on those issues, and only engaging voters whose views are favorable to the organization's positions.</p>	<p>Conducting or funding "get out the vote" drives that treat all voters equally, regardless of party affiliation or candidate preference (if known).</p> <p>The IRS has also ruled that an organization can focus voter education and outreach efforts on women voters, particularly in minority communities, through a variety of public events and locations if the organization provides assistance to anyone who requests it, regardless of party affiliation, and the organization does not comment on any candidate's qualifications and does not rate any candidates.</p>
Candidate Forums and Debates	
<p>Holding a candidate forum that involves biased questioning procedures.</p>	<p>Sponsoring candidate debates or forums that include all qualified candidates if the moderator's questions cover a range of issues and do not reflect a bias for or against a candidate.</p>

Electioneering Activities

Political Campaign Intervention	Nonpartisan Voter Education
Use of Resources and Facilities	
<p>Permitting directors, officers, and employees to use the organization's resources (e.g., email or mailing list) to engage in campaign activities, even if these directors, officers, and employees are only supporting the campaign in their personal capacities.</p> <p>Offering special support, services, or resources (e.g., reviewing issue papers) to one campaign, without making such support or services available on an even-handed basis to all candidates and failing to charge fair market value for such support or services.</p>	<p>Permitting directors, officers, and employees to engage in political campaign activities on a personal basis so long as they do not use the organization's resources (e.g., email or mailing list) to engage in campaign activities.</p> <p>Making the organization's facilities and other resources available to individuals or groups for political campaign purposes, provided they are made available on the same basis as to non-political groups or individuals, the organization doesn't promote or endorse the event, and ensures the facilities are equally available to all candidates and political parties.</p>
Rating Candidates	
<p>Rating candidates for elective public office, even if there is no mention of the candidates' party affiliation and the ratings are based on a standard of professional competence (e.g., approved as highly qualified, approved, or not approved) as opposed to a comparison of candidates.</p> <p>This can include hosting a platform for members of the public to learn more about candidate positions and express their preferences for candidates and publishing the ratings.</p>	<p>Hosting a platform for members of the public to listen to candidate positions and express their preferences for candidates without publishing or otherwise making available the ratings.</p>
Appearances at Public Meetings and Events	
<p>Acknowledging the presence of an elected official who is also a candidate at a public event and highlighting the importance of his or her re-election in order to advance an issue.</p>	<p>Referencing the presence of an elected official who is a candidate attending a meeting or event without referencing that person's candidacy or the election.</p>

The following are additional activities that are **impermissible** under the rules:

- Candidate pledges, such as asking candidates to sign pledges (or covenants) to support your issue.
- Making financial contributions to candidates.
- Expressly advocating a vote for or against a candidate.
- Increasing the amount or volume of criticism of sitting officials who are also candidates in close proximity to an election.
- Endorsing a candidate.
- Making campaign contributions or expenditures on behalf of candidates.
- Restricting rental of mailing lists or facilities to only certain candidates or engaging in such business transaction for the first time with candidates.
- Publishing or communicating anything that explicitly or implicitly favors or opposes a candidate.

Electioneering Activities

- Criticizing sitting legislators or other elected officials by attacking their personal characteristics or attacking them in their status as a candidate.

Acting in a Personal Capacity

While 501(c)3 organizations cannot intervene in political campaigns, individuals that may be associated with the organization can in their personal capacity intervene in campaigns. It becomes very important, however, for the individual to be clear that he or she is acting as an individual and not on behalf of the organization. Written or spoken disclaimers indicating that the actions or words are in a personal capacity are critical to making the distinction especially if the individual occupies a high-profile place in the organization. In addition, the resources of the organization should not be used to advance the individual's political activity. This means the following types of resources or equipment belonging to the organization should not be used by the individual to further his/her own political activity: machines, phones, computers, mailing lists, email, office space, newsletters, internal communications or stationary among other items.

Conclusion

This overview provides some examples of how the IRS has distinguished between political campaign intervention and nonpartisan voter education to help grantees comply with the Foundation's prohibition on the use of grant funds for political campaign activities. It is important to note that some of these activities may also intersect with the Foundation's prohibition on the use of funds for lobbying activities. In these cases, the grantee should ensure that the activities qualify under a relevant exception to the lobbying rules, such as the exceptions for nonpartisan analysis and research or the examination and discussion of broad social, economic, or other issues.

Policy Regarding Intellectual Property Arising Out of Foundation Grants

Introduction

Foundation grants often result in tangible products, such as reports, papers, research, software, data sets, curriculum, books, film or television documentaries, or radio programs ("Grant Work Product"). This Policy articulates the principles guiding the Foundation's approach to the ownership and use of Grant Work Product. It addresses specifically the ownership, use, copyright to, distribution and licensing of the Grant Work Product arising from project grants by balancing the interests of the Foundation with the interests of the grantee and other interested parties.

Recipients of general operating support grants are expected to have policies in place reasonably consistent with the underlying philosophy and principles reflected in this Policy.

The Foundation is cognizant that fast-evolving technological advances are impacting the manner and method by which knowledge in whatever form can be protected and distributed and the Foundation will evaluate this policy in light of this understanding. The attached glossary defines certain underscored terms used in this Policy.

Policy

The Foundation's policy is to ensure that use of the Grant Work Product furthers charitable purposes and benefits the public. To that end, the Foundation seeks prompt and broad dissemination or availability of the Grant Work Product at minimal cost to the public or, when justified, at a reasonable price. Distribution at a reasonable price may be justified when integral to the business plan and sustainability of a charitable organization or when the Foundation is satisfied that net revenues derived from the distribution will be used for charitable purposes.

- Grant Work Product should, whenever feasible, be licensed under a Creative Commons license appropriate for the circumstances or other similar scheme that provides for wide distribution or access to the public.
- Software created with grant funds should be ordinarily licensed under an open source license.
- The Foundation also expects openness in research and freedom of access to research results and, when feasible, to the underlying data by persons with a serious interest in the research. This means that grant-funded impact studies should generally be registered in a field-appropriate registry, preferably before data are collected or at least before statistical analyses are performed.

The Foundation recognizes there may be circumstances where limited or delayed dissemination of Grant Work Product, delayed or non-registration of impact studies, or limited or delayed access to data may be appropriate to protect legitimate interests of the grantee, other funders, principal investigators or participants in research studies. Such circumstances will be evaluated on a case-by-case basis.

We will apply these same general principles to our contract-funded evaluation work and make the relevant information available under our Policy on Information Sharing.

Ownership of intellectual property rights (including copyright and patent rights) should not be used to limit or deny access to the Grant Work Product, to result in exclusive use of such Grant Work Product, or to create revenue that is not used substantially for charitable purposes. Copyright to or patent rights in the Grant Work Product will ordinarily remain with the grantee, but the Foundation will be granted a no-cost assignable license to use or publish the Grant Work Product consistent with this Policy. The Foundation may forego or limit the requirement of a license if the Foundation is reasonably satisfied that other appropriate arrangements will be implemented that will assure the goals of this Policy.

In all instances, the Foundation will agree to suitable terms at the time a grant is made based on the facts to ensure the objectives of the Policy are met while respecting appropriate interests of others.

This Policy was initially adopted by the Foundation on September 18, 2008. It was last revised on September 10, 2015 and applies to grants awarded after that date.

Glossary

Creative Commons License: A license that allows creators of intellectual property to retain copyright while allowing others to copy, distribute, and make some uses of their work — at least non-commercially. <http://creativecommons.org/licenses/>

Data: All materials created during the research process including raw data and metadata required to replicate and assess the trustworthiness of reported findings in their entirety.

Impact Study: A study that investigates how an intervention affects outcomes based on a model of cause and effect. It requires a credible counterfactual (typically, a control group or a comparison group) of what those outcomes would have been in the absence of the intervention. An impact study must control for factors other than the intervention that might account for the observed change.

Open Source License: A license that allows software or other products to be used, modified, and shared under defined terms and conditions.

Registry: An access point for collaborators, other scholars, students, and the interested public that provides links to data sets, survey instruments, impact studies, and experimental protocols. The purpose is to enhance the transparency and quality of research/evaluations studies funded by foundations.

Research: The general field of disciplined investigation, covering the humanities, the sciences, jurisprudence, evaluation and so on.

Source: Evaluation Thesaurus. Michael Scriven.



JUSTICE ADMINISTRATION DEPARTMENT

HARRIS COUNTY, TEXAS

Jim Bethke, Director

1115 Congress St., 6th floor

Houston, TX 77002

(832) 927-6990

AGENDA ITEM

December 8, 2020

To: County Judge Hidalgo and Commissioners

From: Jim Bethke, Director

Re: Safety + Justice Challenge Grant Renewal Application

	YES	NO	ABSTAIN
Judge Lina Hidalgo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Rodney Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Adrian Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. Steve Radack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Comm. R. Jack Cagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Dear Members of Commissioners Court:

The Justice Administration Department respectfully requests permission to submit a grant application to the MacArthur Foundation for the final round of funding for the Safety + Justice Challenge, in an estimated amount of up to \$1,057,500 by the deadline of January 5, 2021. There is no required match on behalf of Harris County.

Sincerely,

A handwritten signature in blue ink that reads "Jim Bethke".

Jim Bethke, Director

Presented to Commissioners Court

December 15, 2020

Approve: E/G



HARRIS COUNTY, TEXAS

Office of Budget Management 1001 Preston; Suite 500 Houston, TX 77002 713-274-1135

Grants Coordination Section - Conveyance Form Application Award

☒☐

Department Name / Number

DUNs

Grant Title

JUSTICE ADMINISTRATION - 207	Not Applicable	Safety & Justice Challenge Network '21
Funding Source: The MacArthur Foundation: CFDA# N/A	Grant Agency: The MacArthur Foundation	
Program Year: 5 th	Program Ending:	
Grant Begin Date: 01/01/2021	Grant End Date: 12/31/2022	
Grant Org. Key:	If applicable, Prior Year Org. Key: YAA@@@@@	

Grant Description:

Through the Safety and Justice Challenge, the MacArthur Foundation will support a nationwide network of selected local jurisdictions committed to finding ways to safely reduce jail incarceration, with a particular focus on addressing disproportionate impact on low-income individuals and communities of color. With help from a consortium of national experts and technical assistance providers, participating sites will rigorously examine how their jails are being used; who is being held there, and what risks they pose to the community; what policies and practices have driven the growth of local jail populations; and what strategies will work to reduce the unnecessary use of jail without compromising public safety.

	Total Budget	Grant Funded	County Funded
Salary & Benefits	\$0.00	\$0.00	\$0.00
Non-Labor	\$1,057,500.00	\$1,057,500.00	\$0.00
Sub Tot. Incremental Cost	\$1,057,500.00	\$1,057,500.00	\$0.00
Indirect Cost	\$0.00	\$0.00	\$0.00*
TOTALS	\$1,057,500.00	\$1,057,500.00	\$0.00

* under development

Full Time Equivalent Positions

0.00

Date Guidelines are Available

% of Positions Paid by Grant

0.00 %

Grant Submittal Deadline Date

01/05/2021

Grant Discussion:

This application is for renewal funding in the estimated amount of up to \$1,057,500 for the MacArthur Foundation's Safety + Justice grant program, which provides funding for implementation of strategies with the goal of finding better, fairer and more effective alternatives to excessive jail incarceration. The main objectives identified in this sustainment funding proposal are to increase ethnic and racial equity in the County's criminal justice system; to continue the focus on reducing the overall jail population; to expand jail diversion and pre-trial release efforts; and to heighten community engagement efforts. There is no match requirement.

County Funded Cost Projection

Year	Required	Discretionary
2022	-	-
2023	-	-
2024	-	-
2025	-	-
2026	-	-

Completed by :

Cadow, Eric

Date :

Reviewed by :

Hank Griffith

Digitally signed by: Hank Griffith
DN: CN = Hank Griffith email = Hank.
Griffith@bmd.hctx.net C = US O = Harris County
Date: 2020.12.10 15:43:40 -0600

Date :

ORDER

STATE OF TEXAS

COUNTY OF HARRIS

On this, the 15th day of December, 2020, the Commissioners Court of Harris County, Texas, sitting as the governing body of Harris County, upon motion of Commissioner _____ Ellis _____, seconded by Commissioner _____ A. Garcia _____, duly put and carried,

IT IS ORDERED that County Judge Lina Hidalgo or her designee be hereby authorized, on behalf of Harris County, to apply for renewal funding for the Safety + Justice program and for the County Judge to sign ancillary grant application documents.

Grant Amount: \$1,057,500.00
Amended Grant Term: 01/01/2021 – 12/31/2022

	YES	NO	ABSTAIN	Presented to Commissioners Court
Judge Lina Hidalgo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	December 15, 2020
Comm. Rodney Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Comm. Adrian Garcia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Approve: E/G
Comm. Steve Radack	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Comm. R. Jack Cagle	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	



IMPLEMENTATION SITE GRANT SUSTAINABILITY APPLICATION

Application deadline: September 25, 2020 at 4:00pm CST

INTRODUCTION

The Safety and Justice Challenge is a MacArthur Foundation initiative to reduce over-incarceration by changing the way America thinks about and uses jails. Launched in February 2015, the initiative features a network of 52 sites that are focused on two primary goals: reducing their jail population and reducing racial and ethnic disparities.

Jurisdictions throughout the SJC network have made significant progress in reducing the misuse and overuse of jail and amplifying its harmful effects. More recently, the landscape of criminal justice reform in America has shifted dramatically due to the COVID-19 pandemic, significantly reducing jail populations and presenting an opportunity to permanently reconceptualize local systems of justice.

APPLICATION OVERVIEW

Jurisdictions in their fifth year of implementation funding are eligible to receive an additional **two-year sustainability grant**—in an amount up to two-thirds your current grant amount in the first year and up to a half of your current grant amount in the second year—to sustain systems change methods and jail population reductions, while reducing the ethnic and racial disparities and other disproportionate representations in the system. The MacArthur Foundation seeks to position sites for long-term success, demonstrated by an ability to expand impactful strategies that permanently change the status quo of how jails are used.

Elements of Sustainability

The MacArthur Foundation views sustainability as the presence of five key elements:

- Reflection, decision-making, and strategic planning
- Data capacity
- Fiscal sustainability
- Partnerships and buy-in
- Adaptability

Jurisdictions are expected to demonstrate adeptness across these areas throughout their application. Additional information on the MacArthur Foundation's approach to sustainability can be found in [Appendix A: Sustainability in the Safety and Justice Challenge](#).

Jurisdictions approved for funding will be expected to submit a comprehensive sustainability plan to the Foundation in 2021. As part of their sustainability funding applications, jurisdictions should demonstrate the activities they plan to undertake in the coming months to prepare for submitting a sustainability plan.

APPLICATION COMPONENTS

1. **REPORT ON PROGRESS (30%):** This component of the application is embedded in the Foundation's online Grants Management System (GMS) as Question 1: Context and Question 9: Past Performance (see Section 1, below).





Jurisdictions applying for funding must present quantitative data to show the effectiveness of their Safety and Justice Challenge work to date, reflecting upon the goals of local SJC strategies and the degree to which strategies have been successful and how overall local criminal justice strategy has changed over time.

2. ADAPTABILITY AND COMMITMENT (30%): This component of the application is embedded across all questions in Section 1 (Questions 1-10).

Jurisdictions applying for funding must demonstrate their ability to overcome barriers to safely reducing the jail population and disparities by reflecting on past implementation challenges and their approach to addressing them. Importantly, jurisdictions should emphasize the systems infrastructure that enabled their progress to date and the practices that will continue momentum in the face of future implementation challenges or shifts in local context outside of the site team's direct control. As relevant, jurisdictions should discuss how they will proactively adjust each strategy proposed (see "Proposal") based on challenges anticipated (*e.g.*, political change, rising crime rates, pandemic's impact, *etc.*)

3. PROPOSAL (40%): This section is embedded through Questions 1-8 and Question 10 of this application (see Section 1, below) and in the accompanying Proposed Implementation Strategies template.

As part of their proposal—and detailed in the Proposed Implementation Strategies template—jurisdictions should propose a series of strategies for maintaining an ADP equivalent to the lowest level achieved by COVID-19 response measures, to the best of their ability. Jurisdictions should provide context and key considerations in explaining the jail population reductions levels they expect to maintain. For each strategy proposed, jurisdictions should provide evidence of how each will advance local efforts to target the specific drivers of incarceration and inequity for people of color using quantitative and qualitative data from across the jurisdiction's system decision points.

PROCESS AND TIMELINE FOR SUBMISSION

Sustainability applications should be submitted via the MacArthur Foundation's online Grants Management System at <https://macfound.fluxx.io> no later than **4:00pm CST on September 25, 2020**. Sites will be notified about the award in December 2020.

Jurisdictions are expected to consult with initiative partners, as helpful, to prepare a thoughtful sustainability application by the stated deadline. Also, appended to this application is:

- A framework for ensuring the sustainability of local reform efforts, which should act as a guidepost to the types of sustainability planning efforts the MacArthur Foundation views as key to long-term success; and
- [Guidance](#) on setting qualitative and quantitative targets for ethnic and racial disparities

Additionally, a Sustainability Application Webinar will be held on Wednesday, June 3 from 1:00-2:00pm CST, at which SJC program officers will be available to answer questions and provide further detail, where necessary. Please use the following link to register for the webinar:

[REGISTRATION LINK.](#)



THE APPLICATION

Please respond to the following questions and submit your answers through the MacArthur Foundation's Grants Management System (GMS), noting the prescribed character limits for each question. Headers for Questions 1 through 10 will appear in CMS exactly as they do below. However, ***please note that the guiding questions beneath each header will appear differently in CMS***—they have been modified below to better reflect the goals of this application but cannot be changed in CMS. Please ***be sure to respond to all of the questions outlined below in the system*** and enter your responses under the corresponding question header in CMS. Please also upload all required documents directly through the online portal, where indicated.

Section 1. CMS Application Questions

1. SUMMARY OF PROJECT OR FUNDED ACTIVITIES (2,000-character limit – up to half a page):

- a. Please summarize your proposal for the next two years, including your two-year jail population reduction target, qualitative and/or quantitative targets for reducing racial and ethnic disparities, and plans for ongoing data tracking, analysis, and reporting; reflection and decision-making; and strengthening local partnerships.

Harris County acknowledges that we have struggled to make progress towards our initial goals of lowering the jail population and reducing racial and ethnic disparities. Despite our well known challenges and shortcomings, county leadership remains firmly committed to these goals expectations. As such, these goals and expectations have been memorialized in federal court settlements and public commitments to our county residents. The Justice Administration Department (JAD) was created in 2019 to pursue these goals and it has pinpointed the following areas for our work going forward:

1. Addressing the backlog of criminal case backlog. Since initiating our SJC work, we have maintained a goal to identify and address criminal case processing inefficiencies that impact those in our criminal justice system.
2. Institute sweeping reforms to pretrial services to enhance data-driven decision making and strengthen case management activities, In addition, we will:
 - a) Expand law enforcement led diversion efforts that positively divert individuals from the Harris County Jail.
 - b) Increase supported pre-trial release opportunities for young adult felony offenders that connect them to community-based organizations and supportive services.
3. Heighten Community Engagement efforts. Understanding that our work to reduce the jail population goes beyond the work of law enforcement, we are now putting more significant effort into holistic public safety prevention and intervention strategies.
4. Advance the reduction of racial and ethnic disparities in our criminal justice system. With renewed direction and local community support, we aim to center all of our work around racial equity and better understanding of the disparities that exist within the criminal justice system.
 - a) Broaden efforts to support community stakeholders and community-based organizations through funding opportunities, increased stakeholder engagement, and increasing access to racial equity tools.

2. ORGANIZATION OVERVIEW (1,000-character limit – up to a quarter page):

- a. Please briefly describe the lead agency for this grant and additional partner agencies or organizations essential to implementation. If the lead agency is a different agency from your previous grant, please explain why. Please also indicate any new partnerships that must form in order to carry out the activities described in Question 1.

JAD, established in October 2019, is an independent agency to oversee criminal justice system changes and took over the role as lead agency for the SJC Grant. County Judge Hidalgo and County Commissioners have demonstrated a strong commitment to justice reform by delegating authority to JAD and providing support by ensuring sufficient budget and infrastructure necessary for its success. By the end of 2020, JAD is projected to have more than twenty staff to support its mission including positions with subject matter expertise to address the goals of the SJC. The department coordinates among stakeholders to provide Commissioners Court with policy research, data analysis, and solutions meant to increase public safety, fairness, equity, efficiency, and accountability throughout our justice system. JAD coordinates and facilitates discussions to assist stakeholders to advance policy solutions while capturing wins, lessons learned, and impact.

3. CONTEXT (4,000-character limit – up to one page):

- a. How has your jurisdiction's jail population changed since the baseline measurement, and why? In your response, please indicate changes to jail population pre-COVID and how it has been impacted as a result of the pandemic. Please explain and demonstrate with data what local efforts have contributed to changes in the jail population.

Initially our jail population dropped to 7,251, but we did not sustain the decrease due to challenges known by the Foundation. Addressing the criminal case backlog remains one of the most challenging initiatives of our work due to the required alignment across various stakeholders including those outside the criminal justice system.

During the pandemic, the lowest population reached was 7,363 in April. The reduction was due to a collaborative effort to ensure that as many defendants as possible were released; the In Custody Population Manager (ICPM) provided to the judges detailed lists of medically vulnerable defendants with co-morbidities for Covid-19, defendants over the age of 60, and pregnant females. In mid-March, there were 24 pregnant females in custody; and today there are only 6. Also, Sheriff Gonzalez made changes to booking policies that are still in place at the Joint Processing Center. Certain non-violent Class A and B offenses on an agreed upon list, Class C municipal, and JP warrant only defendants may not be booked; only necessary arrests should be made. During this time, the District Attorney's Office also reviewed new arrests to see if they did not oppose release on personal bond for defendants booked within the last month.

As helpful, please feel free to seek consultation and advice from CUNY ISLG in developing this analysis. (Note: baseline is defined as the six-month average of the confined jail population from November 2015 to April 2016, excluding contracted beds.)

- b. Describe how systems change has manifested in your jurisdiction to date, whether as part of the Safety and Justice Challenge or through other, complementary efforts.

The impact of the SJC and its combination of support has manifested in some of the following ways: the creation of the JAD with an emphasis on transparency of the justice system by using data, implementation of the PSA, and adding assistant public defenders to represent in custody defendants at magistration.

We have also seen momentum around racial and ethnic equity in more recent months. With the sustained guidance of our TA providers, the County is moving to be more inclusive of community based solutions in the justice system. As part of our covid response: We collaborated with partners to coordinate transportation and emergency shelter for individuals being released (targeting those with needs). Our work provided more than 60 individuals in need of transportation support, more than 40 individuals with case management support, and 14 individuals with temporary shelter. This work marked the system's first time broadening its support to community-based organizations.

The District Courts issued a General Bond Order for release of certain non-violent offenses that an individual may be eligible for an expedited release. The release policy was the result of TA provided by the Vera Institute. This effort increased processing and supervision caseload for Pretrial Services staff which emphasizes the importance of the ongoing work to make systemic shifts within the Pretrial Services Agency.

- c. Who are the key system and community stakeholders that have supported your jail population and disparities reduction work over the past two years?

The stakeholders that have supported our efforts to reduce the jail population have transitioned throughout the grant. At this time, our internal key supporters are: Sheriff Gonzalez, members of Commissioners Court, Public Defender's Office, District Courts namely Judge Kelli Johnson, and Universal Services. As evidenced by our track record, the County has maintained strong agreement that our criminal justice systems needs to progress and advancements, however there has not been consensus among partners about identifying what specifically should be changed and how to go about implementing such changes. JAD, during its short existence, has been able to chart some successes with stakeholders to get closer to alignment about how to implement changes.

As we work towards sustainability over the next two years, we will be working to regain stakeholders, including leaders in the community to build relationships where necessary and make progress with our existing partners.

- d. Does your jurisdiction have a criminal justice strategic plan? If so, is your Safety and Justice Challenge work included in it? If not, how will you make it so?

A weakness of our work is that we have not previously completed a strategic plan. JAD will leverage the final years of SJC to complete a criminal justice strategic plan utilizing the CJCC and its subcommittees as the vehicle, focused on reducing racial and ethnic disparities in the justice system and safely reducing the jail population.

4. DESCRIPTION OF FUNDED ACTIVITIES (8,000-character limit – up to two pages):

- a. What is the lowest ADP you have achieved over the last five years and what is your target for sustaining that jail population level? In your response, please distinguish the lowest ADP you achieved pre-COVID and the lowest recorded ADP as a result of the measures you implemented as a result of the pandemic.

We were on track to reduce our jail population, then Harvey hit at the end of August 2017. The lowest ADP reached was 7,251 in November of 2017. During the pandemic, there was a decrease in bookings in April and May of 2020, then an even more significant decrease in bookings in June and July of 2020; historically, bookings increase between June and August. At the beginning of March, we were over 9,000, but steadily dropped to 7,363 in April because of our policies/strategies enacted to respond to Covid-19. As referenced previously:

The District Courts enacted felony bond release policy for 50 non-violent felony offenses.

The HCSO has implemented changes to their booking policies;

those changes are as stated earlier: no class C or JP warrant defendants only, non-violent class A and B misdemeanors on an agreed upon exception list.

Until the District Court judges joined the felony bail lawsuit, the judges were actively reviewing lists provided by the ICPM of defendants in custody sorted by risk levels, bond amount, length of stay and charge.

In March, the ICPM also set up a process that allows the Harris County parole board access to defendants being held on blue warrants in the jail. Every morning, the ICPM receives three lists from HC parole; the list of defendants being released, defendants that need to be interviewed by parole and defendants that need to be given their interview packets. The LOS in February for defendants with parole violations was 23 days and there were 727 defendants on parole violations. Since February, the LOS has decreased by 4 days (19 days) and the total number of defendants being held by parole has also decreased by 153 defendants (574 defendants). HCSO has assigned 2-3 detention officers to the ICPM to assist with this process; at this time, this process is standard and will continue after the pandemic.

All criminal courts have returned to their courtroom in the CJC as of June 2020. However, due to the impact of Covid-19, docket capacity for in-person hearings are significantly reduced to comply with guidelines from the State, County, and the local public health department. Even with the courts leveraging the use of technology to conduct video hearings, the courts are not able to keep up with the volume of cases being filed; the backlog is significantly increasing. It has highlighted the importance of the Courts to implement a case management plan that incorporates reasonable timelines and policies that encourage the parties to conduct the necessary work on cases outside of court.

- b. What is your proposed plan to sustain reductions in your jurisdiction's jail population resulting from COVID-19? How does your proposed plan build on or improve the plan you have been advancing over the past two years? Are you proposing new strategies or adjusting your original strategies? Why do you believe this will make your plan more effective?

As mentioned above, there were response strategies that effectively reduced the jail population however, these shifts have not resulted in a sustained reduction in our jail population. The jail population reduction was directly correlated to a decrease in bookings due to Sheriff Gonzalez's policy changes at booking. At the end of March and beginning of April, there was a slight increase in releases but that did not last. Releases from the jail have not maintained a steady increase to sustain reductions. . In order to see a significant reduction in the jail population, we propose focusing on our current strengths: 1. Reforming Pretrial Services, 2. Addressing case backlogs, 3. Increasing community engagement and 4. Implementing initiatives that center around addressing racial and ethnic disparities. An example is expanding our work to grow the number of pre-trial-supported release opportunities for young adults.. This opportunity not only offers opportunities for individuals to be released from jail but also aims to reduce the likelihood of them returning by connecting them to community supports. Due to the implementation of the Felony GOB, our pilot program focuses on working with individuals that have more serious charges that may face more significant barriers connecting to economic opportunities upon release.

- c. How does your plan ensure COVID-19-related reductions are sustained? What COVID-19-response strategies had the greatest impact on jail population reduction in your jurisdiction? How do you plan on institutionalizing these measures to sustain reductions in the jail population? What other partners (e.g. law enforcement) do you need to engage to sustain these measures?

As mentioned above, the reductions experienced during COVID were not sustained. Despite this, we are planning to maintain and further develop the following:

- The felony GOB releases over time will contribute to a slight reduction in the jail population; previously, defendants that are now eligible for felony GOB usually stayed in jail for 7-10 days.
- We are now working more closely with parole to provide access to defendants in the jail that need to meet with their parole officer to be released, to decide if they want to have a hearing before the parole board and how to proceed if they waive their hearing.

How does your jurisdiction plan to reduce racial and ethnic disparities and advance principles of racial equity and justice? What are the qualitative and/or quantitative targets for this work?

- i. Please reference the Racial and Ethnic Disparities Guidance document appended to this application to support your response.
- ii. Please note the metrics you will track to monitor the effectiveness of your racial and ethnic disparities strategies.

The JAD, as lead agency, has begun to take new steps to further our work aimed at understanding and reducing the racial and ethnic disparities. In previous iterations of this work, it has faced multiple barriers to its success, ultimately making the least progress of our SJC work. Moving forward, we are focused on expanding and centering this work both quantitatively and qualitatively.

- 1) Documenting Disparities - We have developed and will continue to modify and expand our racial and ethnic disparity dashboard. We are making advances in our data collection efforts to enhance quantitative efforts to understand the disparities that exist and at which points they are originating. This effort will inform our set of metrics. This effort is currently underway; we anticipate having it completed by Q2 2021. Additionally, we are seeking a vendor to deliver more in-depth reporting on racial and ethnic disparities in the justice system.
- 2) JAD is currently seeking a consultant to conduct comprehensive reporting of Racial and Ethnic Disparities across all criminal justice system decision points. As part of this effort, we aim to identify the root causes of the disparities and policy recommendations to reduce and eliminate disparities. This request for proposal is now public, we anticipate this work concluding in 2021.
- 3) We are leveraging our efforts to fund community organizations to enhance their voice and capacity to deliver direct services. This effort will expand our quantitative and qualitative efforts to understand better how we mitigate and holistically address public safety outside of government. At present, we plan to have approximately 1 – 3 micro-grants to community organizations through our community engagement funds. We will expand the number of available grants through this work and plan to collect individual impact data and recidivism rates where relevant. This is our first venture and will be setting a baseline for future work to scale community-based solutions to public safety work. With a current round of funding being decided upon now, we anticipate announcing another round of funding in late 2021, once we have adequate performance data from our grantees.
- 4) We are piloting enhanced methods of community engagement through budgeting in the criminal justice space with community stakeholders. This effort provides the community with an opportunity to name desired outcomes and prioritize spending. We will be working with juvenile justice stakeholders to identify desired outcomes for designated funds. While this effort is an initial pilot, we will work with the County's Budget Management Department to scale this work to the broader criminal justice portfolio. We will be beginning this work during our 2021 budget cycle.
- 5) We are increasing opportunities to build our internal and external's capacity through training opportunities and professional development regarding increasing equity.
- 6) As a mix of quantitative and qualitative measures, we plan to deliver a community evaluation that aims to get insights from residents about their overall experiences with the justice system

and understanding of community supports. Insights from this evaluation will be utilized in policymaking and recommendations.

5. RESULTS (8,000-character limit – up to two pages):

- a. How does your jurisdiction plan to advance data-driven decision-making between system actors, community members, and political leaders?

Harris County leadership has continually demonstrated the importance of data to inform decision making. This year Commissioners Court implemented a new approach to the budget process that requires departments to demonstrate an alignment with the County's vision statement and goals. The vision for Harris County is to "Build a more dynamic, vibrant, and resilient community while being inclusive, equitable and transparent in all that we do". The goal areas are: Justice & Safety, Economic Opportunity, Housing, Public Health, Transportation, Flooding, Environment, and Governance & Customer Service. As we work towards outcomes based budgeting, we are now required to develop strategic goals for departmental work, performance measures that directly connect to existing funding and future funding requests.

JAD has identified the following related to our SJC work:

GOAL: Reduce racial and ethnic disparities in the criminal justice and youth justice system

DELIVERABLES: 1. Produce a report comparing and identifying best policy practices to reduce racial and ethnic disparities in compliance with Commissioners Court study request. 2. JAD will administer 1 - 3 grants to organizations annually that provides direct services to individuals impacted by the criminal justice system. 3.-Re-instate the CJCC Subcommittee and increase participation of Racial and Ethnic Equity CJCC Sub Committee.

GOAL: Increase transparency, accountability, public trust, and confidence through meaningful community engagement, public education, and publishing public-facing dashboards.

DELIVERABLES: 1. Survey justice agency stakeholders to identify gaps in public information, develop solutions, and measure knowledge of key justice issues. 2. Conduct baseline surveys on stakeholders' understanding of JAD's existing dashboards and utilize the findings to improve the dashboards and to create public-facing educational materials. 3. Host semi-annual public forums. 4. JAD will submit reports to Commissioners Court on the results of the quarterly public meeting identifying areas where the public would like to see further engagement or issues in the Harris County justice agencies. 5. Oversee the implementation of a participatory budget pilot involving a youth reinvestment fund.

As evidenced by the above, JAD is focused on data transparency that facilitates data driven decision making. JAD has an internal team of technology subject matter experts to obtain the data from the multiple silos and build dashboards that succinctly lay out the impacts of the justice system. In addition, JAD has also created a policy research team to help provide an analysis of the data to develop reports and recommendations for county stakeholders to make informed decisions. Several current initiatives demonstrate this ongoing work within JAD.

JAD is currently taking steps to consolidate data regarding 911 dispatch calls for service and explore non-law enforcement response options. These efforts have received support and guidance from our County Commissioners Court and Harris County Sheriff's Office.

As mentioned previously, there is also an effort underway to ascertain self-reported race and ethnicity data regularly from the Department of Public Safety state identification data. This

effort is largely the result of advocacy from both community members and system actors requiring clarity on the justice system's true impact on our Latinx population. Accessing better quality data that can be utilized to validate existing data will allow system actors to understand the extent to which disparities exist. While this strategy is a step forward, we acknowledge that we also need a plan to internally collect better data.

In 2019 the Harris County Sheriff's Office released a public portal that provides a regular account of the in-custody jail population. This dashboard has allowed stakeholders to have open access to information such as the jail population demographics, offenses, arresting agencies, and length of stay. Such data has allowed proactive measures to address key drivers that increase the jail population and design better disaster response.

JAD more recently, with our growing data technology capacity, has utilized data reporting through dashboards as a means of encouraging and facilitating data-driven decision making. Unfortunately, in the past much of the criminal justice system data has remained siloed and difficult to access. Developing dashboards around the performance of various facets of the system has spurred positive shifts in our system. One such example, is our dashboard around Court appointments and financial payments to attorneys. Prior to the dashboard being developed there was a 5% rate of appointments to the Public Defender's Office. Once the dashboard was made public there was a shift to a 17% rate. The JAD Policy team has collaborated with the Public Defender's Office (PDO's) to develop a report that was submitted to Commissioners Court with recommendations to increase the PDO's caseload up to 50%. While this does not directly impact our SJC work, this example proves that we now have the capacity to deliver data that can impact decision making and in this case to improve the quality of indigent representation. Also, in development are dashboards that transparently report on racial and ethnic disparities and use of force.

- b. What data infrastructure is needed to support your two-year plan? What infrastructure is already in place and how do you plan to fill gaps in data capacity locally?

JAD is updating the data infrastructure to cloud services to facilitate ease of access and address reporting lags. Currently, the pre-trial services stepdown initiative is primarily managed by GPL and will require support to operationalize. This will require the integration of the current processes with pretrial supervision and management data. In addition, JMI's technical assistance will be essential in developing a performance metrics dashboard to monitor progress on addressing case backlog and the effectiveness of a case management plan. Capturing data in dashboards will be vital to the ongoing process of evaluating the efficacy of our SJC strategies and making adjustments as necessary.

- c. How do you see your proposed plan supporting your jurisdictions' broader goals for the criminal justice system for the next two years?

The criminal justice data in Harris county is somewhat fragmented and lacks a centralized repository, making it difficult to link the system's various data domains. JAD is spearheading an effort to address these structural challenges and work towards a common data platform to enable improved discovery and analysis that benefits all justice agencies.

6. LEADERSHIP (4,000-character limit – up to one page):

- a. How do you anticipate working with city, state, and county officials over the next two years?

Over the next two years, we plan to fortify our work through the CJCC. The CJCC maintains membership from County and City leadership as well as community stakeholders and related system's representatives. As we move in to the sustainability phase of our work, we envision that the CJCC, through its smaller and more diverse Committees, will tackle much of the initiatives that are forthcoming.

In addition to our focus on enhancing the work of the CJCC Committees, we have made strategic partnerships with local agencies where possible to further our goals of reducing the jail population. During the pandemic, HCSO established a new relationship with Harris County parole and continued an ongoing relationship with Pretrial Services, specifically around increasing access for these 2 agencies.

- b. How will leadership in your jurisdiction hold themselves publicly accountable for this work?

The County is working to increase accountability and public trust through efforts to make data and trends publicly available. While producing public facing dashboards about the system's performance regarding case backlogs would be helpful on its own it is not enough. We have internally started to plan for the release of data dashboards coupled with a communications strategy to ensure stakeholders understand the tools. We are hopeful that this will push for more awareness and accountability of system stakeholders.

We are in the midst of reinstating and seating two Committees of the CJCC. These Committees will ensure that community voice is represented and known to the CJCC when it comes to actions taken by the criminal justice system. These Committees will regularly report to the CJCC on their work/progress, additionally, we envision that as the work gets underway there will also be space for stakeholders to interface and work together on holding each other accountable.

To increase accountability, JAD is also creating a robust communication strategy featuring the milestones of the work outlined in this grant through several platforms and modes of communication.

- c. How does your jurisdiction plan to continue engaging the community in local system reform?

Currently, the primary mechanism used to engage the community is through quarterly CJCC public meetings. JAD is in the midst of reseating and retooling two of the CJCC's committees that are expected to sustain work directly tied to community engagement and racial equity. These Committees (one focused on racial equity and the other focused on survivor's advocacy), both centering community engagement, will serve as avenues to share power with community stakeholders, better inform the public about the status of the system, and also lead in providing recommendations to the CJCC about how to mitigate relevant issues. In addition to the Committees, JAD will also deploy capacity building grants to community based organizations and facilitate equity and educational trainings, to increase partnership with community and inclusivity of the systems level conversations.

- d. What efforts to build relationships and coalitions between agencies do you anticipate coordinating or participating in?

As we transition our work, we will be identifying a long-term strategy for the Implementation Team between agencies. A smaller cross-functional team focused on spurring innovation within the County will be necessary to address challenges. Although this effort has primarily consisted of work across agencies, we envision that this working group will also include community input.

Additionally, JAD will lead efforts to strengthen internal data capacity by assisting other county departments with criminal justice data-related projects focused on efficiency. Currently, we are working with the felony district court judges to develop scheduling orders to reduce the pending case backlog. This work started with the felony courts and is now being discussed in the misdemeanor courts.

- e. What other agencies, organizations, or individuals will participate in your ongoing SJC work and in what capacity?
 - i. What is your relationship with each of these entities at present? What methods of communicating with each entity has been most effective?
 - ii. Are there complementary efforts led by these partners that you are supporting? If so, in what capacity?

In April 2019, Commissioners Court enhanced the CJCC membership to include individuals impacted by the justice system, subject matter experts and justice advocates. We will use the diverse membership of the CJCC to be the ambassadors to communicate our work with the community as well as internal and external partners and build upon those relationships.



7. LEARNING AND EVALUATION (6,000-character limit – up to one and a half pages):

- a. What have you learned over your participation in the Safety and Justice Challenge about what has worked and/or not worked to achieve the goals of the Safety and Justice Challenge in your jurisdiction and catalyze systems change?

Building sustained stakeholder buy-in around a clear body of work is vital and has often been elusive in the County. We understand that we need to prioritize strategies where the buy in currently exists and that have opportunity to have significant impact. In our current circumstance, we have clarity that the areas where we can have a great impact are pre-trial jail admissions with expanded diversions and targeted pilot projects to enhance the pretrial release supports with Pretrial Services, and strategically addressing our criminal case backlog by implementing a uniform case management plan.

We have learned that championing and supporting the work of the community can also have an important impact on our efforts to reduce the jail population and racial and ethnic disparities. Much of our previous work has focused on analyzing data, while this is critical, we must also acknowledge that the members of our community impacted the most by the criminal justice system hold answers to some of our problems. Building the capacity of community stakeholders, advocacy organizations, and direct service providers is a component of the work that has been absent in the past. Building solutions for the impacts of a system on black and brown people without their input does not adequately address the racial and ethnic disparities in our system. In our future work around community engagement and equity, we are bringing these stakeholders to the center of our work through increased communication, funding, and transparency.

Harris County is committed to strengthening its pre-trial system to support a safe and sustainable decrease in the jail population. Since the passage of Local Rule 9 mandating the automatic release of 85 percent of misdemeanor arrests on personal bond and the implementation of the felony GOB release policy, the County has witnessed a more than 500 percent increase in the number of individuals placed on pre-trial supervision. This increase in supervision caseload, coupled with the public health risks posed by the COVID-19 pandemic, created additional challenges for both Pretrial Services staff and clients. With the Harvard Kennedy School Government Performance Lab (GPL) support, the County has piloted a process for clients in select courtrooms who demonstrate consistent success on their court-ordered conditions to be automatically reviewed for lighter reporting requirements. GPL collaborated with Pre-trial staff to create a standardized approach to tracking client compliance with supervision conditions to identify eligible clients in six pilot courtrooms. In the first month of pilot operation, the County identified more than 75 clients eligible to receive lighter requirements pending court judges' approval. In addition because of challenges with Covid-19, it has highlighted the need to leverage technology by purchasing laptops for defendant supervision staff as well as expediting the implementation of an updated case management system that can interface with the justice system databases.

- b. What additional skills and expertise do you hope to acquire through continued participation in the Safety and Justice Challenge? How will this learning support your proposed plan?

Through this process, the County has demonstrated the ability to work collaboratively with criminal court judges and implement essential changes in Pre-trial data collection and supervision practices that can easily be scaled to support a right-sizing of supervision caseload across the agency. To develop the internal capacity to scale and sustain this supervision pilot, the County is interested in hiring and training agency staff to analyze client compliance data and track ongoing trends in supervision outcomes. With dedicated agency resources, the County can continue to identify opportunities to appropriately adjust supervision conditions to maximize pre-trial liberty while maintaining public safety.

8. SUSTAINABILITY AND NEXT STAGES (4,000-character limit – up to one page):

- a. The Safety and Justice Challenge has developed a framework for ensuring sustainability of local reform efforts. This guidance aims to support jurisdictions in identifying how to continue the work started with the SJC, as well as maintain and expand successful strategies in order to meet longer-term criminal justice goals. Reflecting on the SJC sustainability guidance document attached hereto, please describe the framework elements that you imagine will require the most support and/or planning between now and when you submit your sustainability plan to the Foundation in 2021.
 - i. Which elements of sustainability (as outlined in the sustainability framework document, Appendix A) is your jurisdiction best suited to address?

Upon reflection of what Harris County has collaboratively accomplished, it is clear that the County has made more foundational advances to our work than previously anticipated. These foundational changes have run into significant challenges in making long-standing substantive changes; however, these foundational elements that we have managed to institutionalize will propel our work beyond the SJC.

- **Fiscal Sustainability** - The County has shown that it can assume the cost of initiatives piloted through our SJC work with demonstrated success. Over the life of the SJC grant, the County has taken financial responsibility for the following elements: In Custody Jail Population Manager, Racial Disparity and Fairness Administrator, and RIC docket.
- **Ownership and buy-in** - County leadership has signaled their support for ongoing work to reduce the jail population, and support best practices around criminal justice and racial equity.
- **Data capacity** – As a result of County leadership support, the Justice Administration Department has developed the capacity to analyze data from multiple agencies and synthesize performance in a manner that facilitates data-driven decision making.

- ii. In what areas will your jurisdiction need the most support?

While we have excelled at some elements, we recognize that there are opportunities for growth with other aspects of the sustainability framework.

- **Strategic Planning and Adaptability** – case processing efforts that address our backlogs and innovative ways to support pre-trial services.

- **Improved Case Processing** - The majority of the work in the last year has focused on developing a uniform criminal case management plan that incorporates scheduling orders. While the work is still ongoing, it is anticipated that the plan will be submitted early next year. Judge Kelli Johnson has been leading this effort and will be taking on the new role as Administrative Judge for the Criminal Division. Going forward, we will continue to rely on the technical assistance provided by JMI on best practices for implementation of the case management plan and training for the Judges, coordinators, and attorneys. We will also seek JMI's technical assistance in developing a robust dashboard for judge's and coordinators to monitor their progress on addressing the case backlog.
- **Felony Bail Release**— In April 2020, the District Courts implemented a General Order Bond policy to expedite the release of felony arrestees on certain non-violent offenses, ranging from a state jail felony up to a 1st Degree. Vera will be instrumental in reviewing the current felony release policy to consider expansion and provide recommendations based on national research for additional resources needed for Pretrial Services to support successful pretrial release.

- b. Please describe any other funding sources you have currently allocated toward these activities, including the source and proposed amount.

To our advantage County funding is the primary alternative funding source that we are using to support our work. JAD has requested \$1.4M in funding to support work directly impacting our SJC goals. Furthermore, related departments have also embedded SJC related work into their respective budgets (we anticipate that this is \$300K). At current, we are also partnered with our regional workforce agency to provide funding supporting the pretrial supported release pilot (\$150K).

9. PAST PERFORMANCE (8,000-character limit – up to two pages):

- a. Which of your jurisdiction's Safety and Justice Challenge strategies have most successfully reduced jail population? Please explain and demonstrate with data what strategies have contributed to changes in the jail population, including the policies and practices implemented in response to COVID-19. Where possible, please distinguish impacts on the jail population that occurred prior to the onset of the COVID-19 pandemic.

The greatest successes for the County have been those that we initiated through SJC and have since cemented into County funded budgets, namely the Responsive Interventions for Change (RIC) docket, the racial and ethnic disparities administrator role, and the in custody jail population manager role.

The RIC Docket was implemented in October 2016 and has had a positive impact in reducing the jail population for defendants charged with a possession of controlled substance, less than 4 grams. Historically, this population would have a longer length of stay in jail and a higher rate of conviction. Through RIC, defendants are assessed for an individualized treatment plan and an expedited pretrial release, there is an emphasis on Pretrial Interventions or Deferred Adjudication for case disposition. Below are the highlights of the outcome data:

- Of the 7,194 dispositions, the RIC docket diverted 6,125 (85%) defendants to supervision and treatment with only 15% of cases opting for a conviction and incarceration. The RIC docket completely reversed sentencing disposition from 4 years earlier when 79% of SJF defendants chose incarceration over diversion to supervision and treatment.

- 3,457 defendants received a pre-trial diversion contract providing an opportunity to clear their records and avoid the lifelong collateral consequences of a felony record.
- SJF pretrial detainees decreased from 20% to 9% of the daily felony pretrial jail population and time to disposition dropped from an average of 137 days to 40 days. Most RIC eligible cases spend less than one day in jail pretrial.
- Harris County's portion of Statewide SJF commitments dropped from 26.5% in 2014 (5,715 cases) to just 13.7% in 2019.
- RIC Docket Sample of 3,870 individuals were followed 18 months after placement on supervision.
 - 84% Successfully Completed Supervision during the follow-up period.
 - 5.7 % Revocation Rate during the follow-up period.

In the previous section, we noted our early successes in reducing the jail population during COVID. Still, we were not able to sustain the reduction and have since May, the ADP has increased monthly. In June of this year, we returned all 38 courts to the Criminal Justice Center, but due to COVID and CDC guidelines, in-person hearings are limited. The courts are utilizing technology for Zoom hearings as much as possible, but the daily docket's capacity is severely limited. In October, jury trials have resumed, although limited by space capacity. The slow down in case processing has increased the time to disposition for cases, resulting in an increased backlog and longer lengths of stay for the in custody pretrial population. Implementing a case management plan will be crucial reducing the backlog.

- b. How much progress has your jurisdiction made in addressing racial and ethnic disparities, and how have disparities changed due to this work?

As mentioned previously, previous iterations of our work to address racial and ethnic disparities faced significant barriers. We have recently implemented a multi-agency/organization pilot to provide supported release plans for young adults with pending felony cases. This effort is designed to give the judges alternatives to incarceration for pre-trial defendants with pending felony cases. As of late July, the average daily population has consisted of: 1167 pre-trial defendants eligible for this pilot project. Their respective demographics are: 54% Black, 12% are Latinx, and 30% white ethnicity unknown; 93% men and 7% women. This work's potential impact could provide a model for reducing the jail population of young adult felony defendants safely. Currently, the program has eight young adults enrolled connected to various workforce supports such as occupational training, education, and employment opportunities. Outcomes are forthcoming. This multi-agency effort leverages the Harris County Sheriff's Office, Public Defender's Office, Houston Health Department, Workforce Solutions, and Pretrial Services.

- c. What has your jurisdiction done to authentically engage local communities? How have you integrated community members, including formerly incarcerated people and community members of color, into key decision-making bodies? What has worked well and what has not worked well?

Despite the millions of dollars invested inside the criminal legal system, we have learned that our community-based organizations cannot often deliver at scale. Any efforts to reduce racial and ethnic disparities must also address and uplift the grassroots organizations supporting the group's vulnerable populations in a presentative and/or support function. JAD is now utilizing funding to give back to these organizations so that communities can access non-law enforcement related supports that can play a

role in diverting individuals from criminal behavior and subsequently away from the criminal legal system.

As part of work to implement qualitative improvements, we are making structural shifts to ensure community voice is incorporated and supported in internal conversations related to public safety and the criminal justice system. We will be adding community stakeholders to our implementation team's future iteration and re-structuring the Committee focused on reducing racial and ethnic disparities. Besides adding more community stakeholders to increase communication, we are also requesting funds to help us identify financial supports needed by those serving in community stakeholders Committee capacity.

- d. How has your jurisdictions' capacity to collect, analyze, and share data changed since the start of SJC involvement?

Over our grant period, we have increasingly needed the capacity to collect, analyze, and share data across agencies. We are consolidating multiple sources of data across the jail, homeless response, and mental health reporting systems, allowing the County to understand the population of the jail better.

We have increased efficacy dedicated to JAD with an IT division to spearhead this task. The County previously had access to inadequate race and ethnicity data. This inhibited our ability to understand the full scope of disparities within the County justice system. We now access self-reported race and ethnicity data utilized for state driver's licenses and identification cards through data sharing with the Department of Public Safety.

10. BUDGET AND FINANCIAL INFORMATION (to be uploaded through the portal):

- a. Please upload your proposed two-year grant budget.
- b. Please prepare and upload a budget narrative. If applicable, please include a list of other funders and a brief explanation of the scope and objective of grants that relate to your Safety and Justice Challenge work.
- c. If indirect costs are expressed as a percentage, please upload information on your organization's current rate and review the Foundation's indirect cost policy statement.



d. Please upload your organizational operating budget for the current

year. **Section 2. Required Uploads**

1. Using the template provided, please upload your jurisdictions' Proposed Implementation Strategies.
2. Please upload the items listed in Question 10.

MacArthur Foundation Safety and Justice Challenge
Introduction

Participating in the Safety and Justice Challenge is not simply about implementing strategies to reverse a sudden spike in average daily population; it is a commitment to long-lasting, systemic reform—partnering with local communities, responding in tandem with other systems, making decisions rooted in data—that will reduce the overuse and misuse of jails for years to come. This is work that will take a generation, and as such, continued local reform work beyond jurisdictions’ time with the SJC is paramount.

As grant funding begins to wind down, it is critical that jurisdictions double down on their pledge to change the status quo of how jails are used, and the MacArthur Foundation is committed to supporting jurisdictions in taking this step. To this end, the Safety and Justice Challenge has developed a framework for ensuring the sustainability of local reform efforts that will help position sites for long-term success. In conjunction with other initiative support, this guidance aims to support jurisdictions in identifying how to continue the work started with the Safety and Justice Challenge, as well as maintain and expand successful strategies in order to meet longer-term criminal justice goals. It should also serve as a reference in preparing the sustainability plan that each site will submit to the Foundation, detailing which strategies will be maintained—and how—post-SJC involvement, including for any disparities reduction work and community engagement efforts underway.

Elements of a successful approach to sustainability
**1. Reflection,
decision-making,
and strategic
planning**

Reflect upon the goals of local SJC strategies and the degree to which strategies have been successful, to carefully and systematically decide which ones to continue and how they fit into the overall local criminal justice strategy. If one doesn’t currently exist, create a criminal justice strategic plan—incorporating your SJC work—and update it on a regular basis, outlining jail and disparities reduction goals, key strategies and buy-in needed to reach each goal, and progress to date.

2. Data capacity

Establish ongoing routines for data collection, analysis, and reporting, including review of jail population and disparities, to ensure continued progress and effectiveness of strategies and ability to course correct, and address any unintended consequences in real time.

**3. Fiscal
sustainability**

Develop a full understanding of how much strategies cost, where sustaining funds will come from (*e.g.*, external funders, state funds, *etc.*), and any cost-savings your jurisdiction has experienced from decreased incarceration and its effects.



4. Ownership, partnerships, and buy-in	Establish strong cross-agency partnerships to support future strategies, as well as partnerships between community organizations, political leaders, and system executives to enact comprehensive systems reform. Ensure that the work has clear ownership from leaders and create meaningful opportunities to foster buy-in among line staff in the criminal justice system directly responsible for implementation.
5. Adaptability	Prepare for sudden shifts in local context outside of the site team's direct control (e.g., challenging political landscapes, increases in the crime rate, etc.), proactively discussing implications for each strategy and potential next steps.

Key considerations for site work

Drawing from real examples of Safety and Justice Challenge site work, the following table offers guidance on what each element of sustainability might look like in practice for jurisdictions. Each item listed reflects a suggested activity for site teams to complete with relevant stakeholders as a way to determine how they might achieve the element.

Not all activities listed are applicable to every site, but site teams should use this list as reference in developing their SJC sustainability plans; the list represents a range of activities that the Foundation views as already underway or that should advance prior to exiting the initiative.

Prompts for internal discussion	Activities to advance sustainability planning
<ul style="list-style-type: none"> - Do you feel equipped to determine which strategies are successful and evaluate the likelihood they'll continue to affect the jail population and disparities in the future? What do you need to make this determination? - How do your SJC stakeholders differ from those involved in the strategic plan? To what extent is SJC work incorporated into your site's overall reform efforts? - If your SJC strategies are not currently embedded in your jurisdiction's broader criminal justice strategic plan, what do you need to ensure it happens? - Where are there opportunities to improve planning and implementation efforts? 	<p><u>1.</u> <u>Reflection,</u> <u>decision-</u> <u>making, and</u> <u>strategic</u> <u>planning</u></p> <ul style="list-style-type: none"> - In conjunction with site stakeholders, collaboratively reflect on what has been successful and what has been challenging with regards to implementing SJC strategies to ensure all parties agree on lessons learned and how they might inform future reform efforts. - Reconsider the jurisdiction's overall criminal justice goals and confirm alignment with ongoing SJC strategies, shrinking and expanding the portfolio of strategies and developing new goals, as needed. - As new strategies take shape, discuss how each relates to new criminal justice goals. - Develop, or adapt an existing, local criminal justice strategic plan, capturing the high-level mission of your site's criminal justice strategies and how the continued SJC strategies interact with complementary, non-SJC work. Discuss the new strategic plan with stakeholders, elected officials, and county governments to ensure budgetary expectations match from the outset.

Prompts for internal discussion	Activities to advance sustainability planning
<p>2. <i>Data capacity</i></p> <ul style="list-style-type: none"> - What resources are required to continue your current data routines? - What plan does your team have in place to collect and analyze data in the future? - What plan does your team have in place to report data to relevant parties (e.g., the public, key stakeholders)? - How many SJC-funded positions will need to be maintained to ensure data collection? - How can data be used increase accountability and adherence to new policies and procedures? 	<ul style="list-style-type: none"> - As grant funding winds down, consider how data processes in place as a result of the SJC will continue to support your criminal justice strategies. - Confirm with key stakeholders that data-driven criminal justice work—targeting the drivers of both incarceration and inequity for people of color—is a priority and ensure the capacity to do such work exists locally. If this is not the case, engage these stakeholders to build buy-in for this approach. - Develop data gathering and analysis practices that center on disseminating strategy strengths and successes to varied audiences (e.g., individuals concerned with public safety, strategy cost effectiveness, or system inequities), including those outside of the Safety and Justice Challenge. - Develop data reporting practices that allow data analysts to highlight implementation challenges and jail population and disparities trends in real-time. - Establish regular checkpoints with strategy stakeholders to create and monitor action plans for how to course correct strategies that have had unintended, negative consequences on incarcerated individuals, system stakeholders, or the broader community.
<p>3. <i>Fiscal sustainability</i></p> <ul style="list-style-type: none"> - To what extent has your site completed a cost-benefit analysis of its SJC strategies? What resources/technical assistance would be supportive to perform such an analysis? - What local organizations are leading work that aligns with your jurisdiction's criminal justice goals? Where are there opportunities to collaborate? 	<ul style="list-style-type: none"> - Assess the resources that have been required for implementation of your SJC strategies (e.g., infrastructure, staffing) and estimate the cost-savings your jurisdiction has experienced from decreased incarceration and its effects. - Explore alternative funding sources that would enable the work to continue once SJC funding has wound down (e.g., county budget line item, partnering with a nonprofit for a local philanthropic grant)—be creative!
<p>4. <i>Ownership, partnerships, and buy-in</i></p>	

<ul style="list-style-type: none"> - What stakeholders has your site meaningfully involved in your work? Which stakeholders have been more difficult to engage? - What has prevented stakeholder buy-in and collaboration? How do you plan to resolve this hesitation to collaborate or work around it? 	<ul style="list-style-type: none"> - Meet with agency leads to hear their priorities for criminal justice work and increase their familiarity with the work of the site team or CJCC. Identify strategies for ensuring leaders prioritize this work, based on insights gleaned from conversations. - Prepare public-facing messaging on the value of specific criminal justice strategies that align with the priorities of candidate-elects and organizations
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Prompts for internal discussion	Activities to advance sustainability planning
<ul style="list-style-type: none"> - How does your work align with the priorities of elected and agency leaders? Where are there opportunities to elevate these shared goals with decision-makers? - Which local leaders have been identified as owners of the continued work? How will they be kept informed of progress and challenges? - What has been most difficult for line staff leading this work? How can you better support them to address these challenges? 	<ul style="list-style-type: none"> - representing communities most impacted by the justice system. In particular, consider local law enforcement (<i>e.g.</i>, prosecutors and police). - Meet with line staff charged with implementing specific strategies to identify opportunities to improve collaboration and coordination, and address long-standing challenges in the work - Encourage one member of each stakeholder group—community member, political leader, system executive, frontline staff—to attend upcoming Network convenings.
5. Adaptability	
<ul style="list-style-type: none"> - How has your work shifted in light of recent local developments? What changes do you anticipate in the next two years given budget cycles, upcoming elections, <i>etc.</i>? - What is your process for regularly evaluating changes in local context? - How adaptable is your current work, and what else do you need to best weather possible changes? - Who might make up a coalition of helpful supporters—outside of the practitioners—steeped in the work? How are they involved today? - What routines are in place to update agency leads and policymakers on the progress of the work? 	<ul style="list-style-type: none"> - Organize scenario-based discussions as a site team to consider how prepared your site is for sudden shifts in local context that may affect the progress of specific strategies or lead to new work that combats stated criminal justice system goals (<i>e.g.</i>, elected official turnover, public perceptions of crime, increase in contract beds, upcoming budget cycle). - Find trusted champions of criminal justice reform work in new places (<i>e.g.</i>, business leaders, local community organizations, media, city councils) who can advocate for this work among different local stakeholders. - Prepare a routine update on recent progress and successes which highlight specific criminal justice strategies for sharing with agency leads and policymakers, considering impact on incarcerated individuals, local communities, major cities, and the broader jurisdiction as a whole; select method of delivery (<i>e.g.</i>, written update, standing meeting agenda item) based on stakeholder preferences.

Appendix B:

Reducing Racial and Ethnic Disparities in Safety and Justice Challenge Implementation Sites

April 2019

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I. Introduction and Overview

This document was developed to provide a framework for Safety and Justice Challenge (SJC) implementation sites to understand the key characteristics of jurisdictions that are successfully addressing racial and ethnic disparities (disparities) and to document their efforts to achieve the SJC goal of reducing racial and ethnic disparities in their criminal justice system.

The document was developed through a collaborative process and reflects input and guidance from the John D. and Catherine T. MacArthur Foundation and the SJC partner organizations, including: Center for Court Innovation; CUNY Institute for State & Local Governance; Everyday Democracy; Justice Management Institute; Justice System Partners; Nexus Community Partners; Policy Research, Inc; Vera Institute of Justice; Urban Institute; Bennett Midland LLC; and the W. Haywood Burns Institute.

The first section of the document highlights characteristics of jurisdictions that are successfully addressing disparities and includes benchmarks and indicators to measure their progress. The second section outlines process steps to help sites identify and set disparities targets. The process steps describe how jurisdictions should build an infrastructure to support and sustain the disparities work, collect and analyze quantitative and qualitative data across the justice system using a decision point analysis, develop goals for reducing disparities and to regularly monitor and evaluate these goals, and use communications strategies to share disparities plans with the community. The final section provides templates for jurisdictions to document and track their disparities progress.

The Foundation recognizes that not all SJC sites are in the same place when it comes to addressing racial and ethnic disparities in their justice systems. In some communities, this work started before the SJC; in others, stakeholders are trying to figure out where to begin. As such, there is no one-size-fits-all model for advancing this work. Nevertheless, as with their jail reduction efforts, all sites must develop concrete and measurable goals. This guide is designed to help sites implement a process for setting those goals and memorialize their efforts to reach them.

II. SJC Racial and Ethnic Disparity Goals: What does a successful site look like?

Characteristics of successful SJC jurisdictions	Indicators/Benchmarks
1) Leadership in the jurisdiction is committed to a process that seeks to achieve measurable reductions in racial and ethnic disparities in the criminal justice system and is willing to be held publicly accountable for the results of this work.	Key leaders in the jurisdiction have made internal (e.g. to staff) and public statements owning responsibility for reducing racial and ethnic disparities and the goals that will be set. They have expressed commitment to using a data-driven and transparent process.
	Strategies to reduce racial and ethnic disparities have been allocated the resources that are needed to be successful.
	Leadership has committed to giving the public access to regularly updated information about the site's progress towards their goals.
2) Developed a structure for collaboration and action to address racial and ethnic disparities that includes both government and community members. The group responsible for this work is able to sustain an on-going process of system improvement working towards the goal of a fair and equitable justice system. ^{1,2}	Site has integrated community members, including community members of color and those with lived experience with the justice system, into a planning and decision-making body that is tasked with addressing disparities and jail population reduction.
	Site has created processes to ensure that everyone who is a part of the decision-making structure has what they need to participate effectively, which may include compensation, childcare, transportation, access to information, and training.
	Group meets regularly to plan, implement and review progress of strategies to address racial and ethnic disparities using data (see 2 below).

¹ Community membership should be broad-based and include communities affected by the criminal justice system; individuals with lived experience; civic organizations; community-based service or activist organizations; business owners; front-line professionals in law enforcement, courts, defense or prosecution, probation

, etc.; and elected and appointed officials.

²Characteristics of successful collaborative decision-making bodies include (but are not limited to): formal by-laws, support staff, dedicated representatives with decision-making authority.

Characteristics of successful SJC jurisdictions	Indicators/Benchmarks
3) Gathered quantitative and qualitative data identifying racial and ethnic disparities across justice system decision points and potential drivers of those disparities.	Implemented processes for collecting quantitative data about race and ethnicity in the jail and local justice system and made improving data collection a priority.
	Used qualitative information from those with deep knowledge of the system, especially community members of color and people with lived experience, to inform the analysis of quantitative data and identify specific targets for reform.
	Analyzed the data collected to understand where and why disparities exist across the justice system.
4) Implemented strategies that are informed by robust quantitative and qualitative data and that purposefully seek to increase racial equity in the criminal justice system.	Designed strategies that target the specific drivers of incarceration and inequity for people of color as identified through the quantitative and qualitative analysis of the jurisdiction's data across system decision points.
	Used data to understand the potential impacts of the strategies on disparities in the targeted areas of the criminal justice system.
	Set quantitative baseline(s) and goal(s) for targeted
	Implemented strategies that target the decision point/s in the site's criminal justice system where significant disparities exist for people of color.
5) Achieved measurable reductions in racial and ethnic disparities in the criminal justice system by reducing the system involvement of people of color.	Documented reductions in the system involvement of people of color and reduced disparities.
	Established mechanisms for regular review of the data to track progress, identify what works and what doesn't, and develop new strategies as needed.
	Identified how the site will sustain efforts to reduce racial and ethnic disparities in the criminal justice system.
6) Developed a plan to maintain efforts to reduce racial and ethnic disparities on an ongoing basis.	Documented how the site will keep the community and stakeholders engaged and informed about ongoing work to reduce racial and ethnic disparities.

III. Process for Identifying Racial and Ethnic Disparity Targets

Background

A central pillar of the Safety and Justice Challenge (SJC) is to reduce racial and ethnic disparities (disparities) in sites' criminal justice systems. As work in the SJC implementation sites has proceeded, it has become clear that many jurisdictions have struggled to make progress towards this goal or, in many cases, to identify how to make progress. All implementation sites set numerical benchmarks for jail population reductions and were able to identify strategies with clearly designated target populations that could help them reach those benchmarks. However, no such structure was created for reducing racial and ethnic disparities. As the Foundation and its partners have revisited this goal and tried to define what success would look like, it was evident that in addition to implementing key process metrics, using quantitative and qualitative data to set and achieve measurable goals must be critical components of sites' efforts to address disparities.³

What follows is step-by-step guidance on how to use data to define measurable disparities goals, which should then be the focus of targeted strategies. The steps focus first on gathering data on racial and ethnic disparities across your justice system, starting with the key decision points that are the focus of the SJC's jail reduction targets. The information should then be used to understand how disparities occur at each decision point, and, from there, develop priorities for reform.

The extent to which disparities exist at each decision point in the justice system will look different from jurisdiction to jurisdiction, as will the data available to determine the degree of disparities, and the strategies that are developed to address the disparities. This guide makes suggestions on what data can be used but each site will need to determine what they have available and work with their site coordinators and partner agencies to determine what analysis will best suit their needs. During the process, you should engage community members, local stakeholders, and organizations that work with individuals affected by the system (such as behavioral health and education experts) to identify the populations most disparately impacted, the system points at which the greatest disparities exist, and the policy levers that might be used to achieve a more equitable system.

Additionally, you should begin to think about communication strategies at the onset of this work, considering messaging to both to internal stakeholders (staff, etc.) and the community at large. Reinforcing the importance of data-informed decision-making, ensuring that community members are at the table early in the process, and identifying and supporting community members as communication partners are all key practices that will support sites' communication efforts in this work. M+R Strategic Services will work with your site to

^a See characteristics 1 and 2 in the “SJC RED Goals: What Does a Successful Site Look Like?” table for key process metrics.



develop disparities related communications plans, support stakeholders and community members with messaging, and assist sites with ongoing communication efforts.

SJC sites should be aware that this important work will require comprehensive system change. You should work with your site coordinators, the W. Haywood Burns Institute, Institute for State and Local Government (ISLG), Nexus Community Partners, Everyday Democracy, and M+R Services as appropriate, to put into place the systems and practices that will set their efforts up for success.

Step 1. Identify or create a working group or working groups to focus on racial and ethnic disparities

SJC sites should identify or create a working group that will focus on developing new and/or enhancing existing strategies to address disparities in their criminal justice system. Each site should determine whether the disparity work aligns with the goals of an existing committee or working group (e.g. Criminal Justice Coordinating Council, Policy Committee or Racial and Ethnic Disparities Working Group). If not, sites will need to create a working group that is committed to developing strategies and goals to reduce racial and ethnic disparities.⁴ The working group should include community members.

Working groups should not be siloed but rather involved in the decision-making and implementation processes of existing workgroups that are tasked with overseeing SJC strategies. This integration could take the form of: cross-membership between the disparities working group and groups overseeing specific strategies; joint working group meetings; disparities working group led reviews and recommendation processes for strategies; or other procedures that ensure the demonstrable influence of the disparities group before, during, and after SJC strategy implementation.

Step 2. Analyze disparities across the criminal justice system

To analyze disparities across the criminal justice system, sites will need data broken out by race and ethnicity for each decision-point.⁵ This data will be used to 1) identify whether and to what extent racial and ethnic disparities exist at key decision-making points; and 2) target specific drivers of justice system involvement for people of color. Sites should collect as detailed as possible information about race and ethnicity in a consistent manner across criminal justice agencies.⁶ At a minimum, the data should reflect the categories in the monthly report that sites submit to ISLG (Black, Latino, White, and Other).⁷

Ideally, SJC sites will conduct a decision point analysis across the seven SJC decision points in their criminal justice system. If a decision point analysis will be too difficult to conduct due to data limitations, you may consider alternatives such as gathering information about the top ten most serious charges resulting in admission to the jail disaggregated by race and ethnicity as a starting point. **Data limitations should not stop your site from moving forward with disparities work.** Sites should work with their site coordinator to identify data capacity constraints and determine which alternative best suits their needs.

⁴ It is recommended that sites determine which key stakeholders should be brought to the table and engage them, along with community members, in advance of convening the working group/s. Doing so will give sites the opportunity to discuss the purpose of the work and learn where stakeholders stand on the issue, what their concerns are, and etc.

⁵ The seven SJC decision points include: Arrest, Prosecutorial Charging, Assignment of Counsel, Pretrial Release, Case Processing, Disposition and Sentencing, and Post-Disposition Community Supervision.

⁶ To identify which populations are coming into contact with the justice system, it is critical to develop and implement a clear and consistent process across agencies to identify and record the racial/ethnic identity of individuals coming into contact with the system. Central to this process is asking people to self-identify their race/ethnicity rather than having it identified for them.

⁷Jurisdictions should breakout any group from the “Other” category that comprises 5% or more of the jail population (e.g. Native Americans, Asian and Pacific Islander, and etc.)



There are a number of options available to sites to compile the data. Sites can collect the data needed and conduct the decision point analysis themselves, ask ISLG to create the measures necessary for such an analysis from the case-level data the site submits and conduct the decision point analysis on their own, or request that the Burns Institute conduct the analysis either with aggregate data provided by ISLG or by the site.

Once you have completed the decision point analysis and used the results to determine where the biggest disparities exist in your system (and for which racial and ethnic groups), to the extent possible they should carry out deeper analysis of the data at those system points to better understand what is driving the disparities. Specifically, each site should break down disparities at each system point of focus to identify specific target populations where they are the highest. Target populations can be defined using a range of factors, including charge type, bail amount, the presence/absence of open cases, and probation/parole status, among others.

Additionally, it may be helpful to analyze other operational decisions that contribute to broader disparities at these system points. For example, at the pre-trial release point, looking at the prosecutor's bail request in addition to the release decision may lend additional insight into drivers of disparities that can be addressed through targeted strategies.

Each site should supplement the quantitative analysis with qualitative data to enhance your understanding of observed racial and ethnic disparities. SJC's community engagement partners are developing material to help sites understand the types of qualitative data that can be collected from community members and how it can be used by the site to address disparities. Additionally, sites may request assistance from Everyday Democracy or Nexus Community Partners to ensure that their engagement efforts are equitable and to find ways to engage the community around qualitative analysis.

Sites should also identify opportunities within their existing data capacity to use data to inform ongoing planning and action as it relates to the SJC. Examples include but are not limited to data that is: program specific (e.g. demographic information about the individuals referred to an SJC supported diversion initiative), centered on populations involved with the criminal justice system (e.g. feedback from individuals/families involved in an SJC supported treatment option), and/or system centered (e.g. length of stay disparities by race).

It is important to note that data analysis should be a continual process to monitor trends over time, account for jail population changes, allow for revalidation of strategy impact, and so on. Before the initial data analysis is complete, each site should develop a plan for using the results of the analysis to reduce racial and ethnic disparities (with the understanding that the plan may need to be revised as the analysis continues) and develop a plan for ongoing analysis of disparities in their site. The plan should include information about how the site will inform the stakeholders and the community about disparities work.

Step 3. Develop or adjust strategies to incorporate a focus on disparities

Using the results of the disparities analysis, the site should determine whether current jail reduction strategies will target specific drivers of justice system involvement and incarceration that disparately impact people of color. If existing strategies do not target these drivers, the site will need to develop additional strategies or adjust current strategies to incorporate this focus.⁸

Step 4. Develop goals for reducing racial and ethnic disparities

Sites should work with their site coordinators, the Burns Institute, and ISLG, as appropriate, to develop realistic process and outcome goals for reducing the drivers of justice system involvement and/or incarceration that disparately impact people of color for each of the strategies that are developed in Step 3. These goals may include numeric targets as well. For more detailed guidance on setting goals and targets, please see Appendix C.

Step 5. Monitor and evaluate impacts

Sites should develop mechanisms to monitor the impacts of their strategies, including those developed to target the drivers of inequity. All strategy specific implementation monitoring measures should be disaggregated by race and ethnicity.⁹

Examples of strategy specific measures may include:

- Process measures that monitor the steps implemented towards a discrete outcome (e.g. implementing a call/text notification program for court hearings).
- Intermediate outcomes that allow for tracking the short-term impact a policy or practice is having on achieving the desired outcome/s and assess the difference it is having over the short and medium terms. Some examples of short and medium-term outcomes are reducing failure to appear warrants and bookings for people of color.
- Trends that allow sites to examine whether process measures and outcomes change over time and whether the strategy is having the intended impact (e.g. reducing and maintaining reductions in bookings for failure to appear warrants).

The steps described above must be part of a process of continuous system improvement. Racial and ethnic disparities will not be eliminated through implementation of one or two strategies but will require ongoing efforts over time. Therefore, at the same time that sites are implementing and monitoring specific strategies, they must also work to institutionalize the use of data for regular and ongoing review of disparities in their systems.

⁸ In addition to modifying existing strategies to ensure reforms are focused on drivers of system involvement for people of color, sites should identify process and impact measures for existing strategies to monitor the impact of SJG strategies for people of color.

⁹Sites may choose to examine the impact of their strategies in additional ways such as gender, offense type, age, and etc. However, sites must, at a minimum, disaggregate impacts by race and ethnicity.

IV. Documentation of Disparities Work

Background

A central pillar of the Safety and Justice Challenge (SJC) is to reduce racial and ethnic disparities (disparities) in sites' criminal justice systems. As the work in SJC sites has proceeded, it has become clear that many jurisdictions have struggled to make progress towards this goal, or even to identify how to make progress. All implementation sites set numerical benchmarks for jail population reduction and were able to identify strategies with clearly designated target populations that could help them reach those benchmarks. However, no such structure was created for reducing racial and ethnic disparities. As the Foundation and its partners have revisited this overall goal and tried to define what success in sites would look like, it was evident that, in addition to implementing key process metrics, using quantitative and qualitative data to set and achieve measurable goals are critical components of sites' efforts to address disparities.¹⁰

The following templates were developed for Safety and Justice Challenge (SJC) Implementation sites to help you document your racial and ethnic disparity (disparities) efforts. The templates ask questions pertaining to the 5 steps of a general process that you can work with your site coordinator to use to develop strategies and goals for reducing disparities. The 5 steps include:

1. Identify or create a working group or working groups to focus on racial and ethnic disparities;
2. Analyze disparities across the criminal justice system;
3. Develop or adjust strategies to incorporate a focus on disparities;
4. Develop goals for reducing racial and ethnic disparities; and
5. Monitor and evaluate impacts.

Project directors, in coordination with site stakeholders, should electronically fill out the information requested for the step that reflects where you are at in your efforts to address disparities. A copy should be shared with your site coordinator once the information has been entered.

Sites should begin to think about communication strategies at the onset of their work, considering messaging to both to internal stakeholders (staff, etc.) and the community at large. Reinforcing the importance of data-informed decision-making, ensuring that community members are at the table early in the process, and identifying and supporting community members as communication partners are all key practices that will support sites' communication efforts in this work. M+R Strategic Services will work with sites to develop disparities-related communications plans, support stakeholders and community members with messaging, and assist sites with ongoing communication efforts.

³⁰ See characteristics 1 and 2 in the “SJC Racial and Ethnic Disparity Goals: What Does a Successful Site Look Like?” table for key process metrics.



Sites should be aware that this important work will require comprehensive system change. SJC sites should work with their site coordinators, the W. Haywood Burns Institute, Institute for State and Local Government (ISLG), Nexus Community Partners, Everyday Democracy, and M+R Services as appropriate, to put into place the systems, practices, and routines that will set their efforts up for success.

Any questions about the process, information that is being requested, or requests for clarification should be directed to your site coordinator.

Step 1: Identify or Create a Working Group or Working Groups to Focus on Racial and Ethnic Disparities Template

The following set of questions ask for information about the working group/s responsible for addressing racial and ethnic disparities work in your jurisdiction.

1. Does your jurisdiction have a working group whose exclusive role is to focus on racial and ethnic disparities and ensure that strategies are being implemented with a race and ethnicity equity lens? Y ___ N ___
2. If your jurisdiction does not have a working group exclusively dedicated to focusing on racial and ethnic disparities, what group/s will be tasked with this work?
3. Describe the working group or committee that will be responsible for this work, what their role is in SJC related decision-making processes, and whether leadership within your jurisdiction is represented. Please include information about the membership of the group (e.g. name, title, and agency of each member).
4. Are community members represented on the working group, including people of color and individuals with lived experience in the justice system? Y ___ N ___
If no, describe how you plan to add community representation to the working group.
5. Do members of the group have experience working on system change efforts? Y ___ N ___
If so, please describe.
6. How frequently does the working group meet?
7. How does this committee shape decision-making? Please describe how input is collected, discussed, and reflected in implementation.
8. What resources, including funding, does the group have to identify and implement strategies to reduce racial and ethnic disparities?
9. What resources does the group need to implement strategies to reduce racial and ethnic disparities?



Step 2: Analyze Disparities across the Criminal Justice System Template

The following set of questions ask for information about how your site will analyze quantitative and qualitative data regarding disparities across your jurisdiction's criminal justice system.

1. Describe your jurisdiction's ability to identify whether and to what extent ☐ Y ☐ N racial and ethnic disparities exist at key decision points:
 - Are data at key decision points disaggregated by race/ethnicity available? N
 - Has your jurisdiction used data to identify whether and to what extent racial and ethnic disparities exist at key decision-making points? Y N
 - Has your jurisdiction completed a decision point analysis? Y
 - If you checked yes, when was the decision point analysis completed and who did the analysis (e.g. Burns Institute, analysts in your site, etc.)?
 - If you checked yes and the analysis is older than one year, do stakeholders feel confident that the data used in the analysis is still valid? Y ☐ N
Why or why not?
2. What is your jurisdiction's strategy for using existing and additional data analysis to reduce racial and ethnic disparities?
 - What opportunities has your jurisdiction identified to use currently accessible data to inform decision-making and how will this take place?
 - How will your jurisdiction use expanded and additional data analysis to reduce racial and ethnic disparities?
3. What kind of other analyses have been conducted in your jurisdiction to understand racial and ethnic disparities (e.g., law enforcement contact analysis, survey of defendants and staff, etc.)?
For each previous analysis, please describe:
 - How rigorous or reliable was the study? Please include information about the research design.
 - When was the study completed?
 - What were the findings?
 - How were the findings presented and to whom were they presented?
 - How did stakeholders, including the community, respond to the findings?
 - Were any policy or practice change implemented as the result of the analysis?

Previous Analysis One:

Previous Analysis Two:

Previous Analysis Three:

4. Based on the analysis of the quantitative and qualitative data from your jurisdiction, please describe the disparities you identified and the areas of the system where they are most pronounced. ☐ Y ☐ N
 - Has the group identified the potential drivers of disparities? If so, please describe.
5. Has your jurisdiction identified a target population or populations? Y N
 - If you checked yes, please list the population/s.
 - If your jurisdiction has identified a target population or populations, what method/s were used (see below for examples)?
 - High volume of people of color have become system-involved for low level offenses at a key decision point.
 - Greatest disproportion of people of color as compared to population or total proportion at a key decision-making point.
 - Highest rates per capita at a key decision-making point for people of color.
 - Higher rates than a prior decision-making point for people of color.
 - Greatest disparity gap (relative likelihood of system involvement for people of color compared to whites) per capita.
 - Greatest disparity gap per prior decision-making point.
6. If your jurisdiction has answered no to any of the previous questions, please note your plan (including methods) for analyzing data regarding system disparities and areas where you need assistance.
7. Has your jurisdiction collected and analyzed qualitative information about racial and ethnic disparities in the justice system, including perspectives from system actors, community members, and incarcerated individuals? Y N
 - If yes, please describe.
 - If no, please describe how you will incorporate feedback from a variety of stakeholders, including community members, to supplement the quantitative information collected.

Step 3: Develop or Adjust Strategies to Incorporate a Focus on Disparities Template

The following set of questions ask for information about how the strategies in your jurisdiction that target disparities were developed.

1. Do your jurisdiction's existing strategies target specific drivers of incarceration and inequity for people of color (as indicated by the data from Step 2)? Y ☐ N ☐
 - If so, please list the strategy (or strategies), area of the system, and population/s they target to reduce disparities.
2. Did your working group create new strategies to target racial and ethnic disparities in your jurisdiction's criminal justice system? ☐ Y ☐ N ☐
 - If yes, please describe the strategy (or strategies), areas of the system, and the target population(s).
3. Did your working group adjust existing strategies? ☐ Y ☐ N ☐
 - If yes, please describe the strategy/ies and how they were adjusted, including the target population(s) and area of the system they address.
4. Please describe how the qualitative and quantitative data gathered in Step 2 informed the strategies that were developed.



Step 4: Develop Goals for Reducing Racial and Ethnic Disparities Template

The following set of questions ask for information about your site's disparities goals and how they were developed.

1. For each strategy (or components of a broader strategy) listed in Step 3 that focus on reducing racial and ethnic disparities, please note the targeted drivers, populations targeted, and numerical goals (if developed).
2. Describe how your goals were developed, including who participated in the process (e.g. working group, site coordinator, Burns Institute, ISLG, etc.) If you set numerical targets, describe how you determined these targets.

Step 5: Monitor and Evaluate Impacts Template

The following set of questions ask for information about your site's plans to monitor the impact of disparities strategies and make adjustments as needed.

1. What agency or agencies will be responsible for coordinating data collection?
2. What agency or agencies will be responsible for conducting the analysis?
3. What performance measures were developed (please list by strategy)? ☐ Y ☐ N
4. Are all performance measures disaggregated by race and ethnicity?
 - If no, which strategies are not disaggregated by race and ethnicity and why?
5. How frequently will your jurisdiction review performance measure data that is disaggregated by race and ethnicity?
6. Will stakeholders review the preliminary data? ☐ Y ☐ N
 - If you checked yes, which stakeholders will review the data?
7. Which committees or working groups will be provided with the final report?
8. In what form will the final information be provided to stakeholders (e.g. report, dashboard, etc.)?
9. Will the information be publicly available and, if so, how will it be shared (e.g. online dashboard, online links to reports, etc.)?
10. Who will be tasked with adjusting existing or developing new strategies (as needed)?
11. How will your jurisdiction adjust strategies if outcome information indicates adjustment is necessary?
12. How will adjustments to existing strategies be communicated to other stakeholders in your jurisdiction (e.g. other working group members and community members)?
13. How will your jurisdiction institutionalize the use of data to monitor and reduce racial and ethnic disparities?

APPENDIX C :

SETTING GOALS AND TARGETS RELATED TO RACIAL AND ETHNIC DISPARITY REDUCTION (STEP 4)

As outlined in the guiding document for reducing racial and ethnic disparities, Safety and Justice Challenge (SJC) sites cannot reduce jail populations effectively without directly addressing issues of disparity and equity in the criminal justice system. Similar to the planning and implementation work that sites have undertaken over the past few years, setting specific, measurable, and achievable goals to reduce justice system involvement for People of Color is critical.

Specifically, Step 4 of the process involves setting qualitative goals and/or numeric targets for each implementation strategy that targets specific drivers of justice system involvement and incarceration that disparately impact People of Color (identified in Step 3).

In embarking on this work, it is important to reemphasize that reducing justice system involvement for people of color does not necessarily reduce their relative likelihood (i.e., disparity) of system involvement compared to White adults. America's historical legacy of structural inequities contributes to the current overrepresentation of People of Color in the justice system. In setting goals and using metrics to gauge progress with the relative likelihood of system involvement for People of Color compared to White adults, sites should understand that the consistent overuse of the justice system for People of Color means that there are- comparably- few White adults subject to justice system involvement. Consequently, gauging progress without both taking into account system involvement and relative likelihood can result in overlooking both progress and problems in justice system involvement for People of Color. For more information on why these considerations are essential to this work, please refer to the *Non-Comprehensive Racial and Ethnic Disparities Checklist*¹¹ and *Using Multiple Metrics*¹² resources developed by the Burns Institute.

Although some sites are positioned to set numeric targets (and therefore encouraged to do so), others may not be because of data or other limitations or challenges. Given this, setting numeric targets is not required for all sites at this juncture of the SJC. All sites are required, however, to establish qualitative goals for racial and ethnic disparity reduction. These goals should reflect both process benchmarks and outcomes.

This document outlines the qualitative and quantitative options that sites can pursue for each of the strategies identified, along with guiding instructions and examples for developing each of them. Specifically, the document provides detailed information on three options:

1. Setting qualitative process and outcome goals for racial and ethnic disparity
reduction (required).

¹¹ SJC Exchange Log-in Required to Access: <https://sjcexchange.org/viewdocument/non-comprehensive-red-checklist?CommunityKey=11457db5-8e01-4936-a751-b71316e003c1&tab=librarydocuments>

¹² <https://higherlogicdownload.s3-external->

1.amazonaws.com/PRETRIAL/Multiple%20Metrics%20Document.pdf?AWSAccessKeyId=AKIAVRDO7IERBJP4KSQZ&Expires=1566524757&Signature=d2r%2BB742boT31JzrTZG3%2BzCqgZA%3D



2. Setting a numerical target for reducing justice system involvement and/or improving outcomes for people of color.
3. Setting a numerical target for reducing the relative likelihood of justice system involvement for people of color compared to White adults.

For each strategy that is designed to reduce racial and ethnic disparities (including both targeted disparity reduction strategies and broader jail population strategies that were developed with a disparity reduction lens), sites should develop at least one of these goals or targets. Given that the options build off each other, however, sites are encouraged to address more than one if possible. Sites and site coordinators will together assess what is realistic and appropriate for the site currently, with all sites striving to define and reach quantitative targets for each of their disparity reduction strategies over time. Goals and targets can be set for People of Color broadly, or for specific racial and ethnic groups that the site has identified as disproportionately impacted by the system at the decision point.

We recognize that sites have varying levels of data and technical support. As such, some sites may need additional help exploring Options 2 and 3 below. Sites should enlist the help of their site coordinator and/or the Burns Institute in this process. ISLG can provide additional, more detailed guidance on specific numeric calculations and assumptions.

OPTION 1: SETTING QUALITATIVE PROCESS AND OUTCOME GOAL(S) FOR RACIAL AND ETHNIC DISPARITY REDUCTION

At a minimum, SJC sites must set qualitative goals (distinct from quantitative targets) for their racial and ethnic disparity reduction strategies. These goals should speak to both process benchmarks and outcomes; and while goals are not quantitative in nature, they do need to be specific.

Examples of process goals include, but are not limited to:

1. Increase the number of stakeholders at key decision points who have expressed a commitment to reducing disparities and undergoing a data-driven process to do so.
2. Increase the number of departments and agencies that share consistent methodology for identifying and recording race and ethnicity of people coming in contact with the justice system.
3. Increase the number of regularly produced justice system reports that are disaggregated by race/ethnicity.
4. Increase the number of stakeholders trained on structural racism and local, historical context for racial and ethnic disparity and systems of oppression.
5. Increase the number of people with lived justice system experience who participate in decision making in the SJC Steering Committee.

For additional ideas on potential process goals to develop, site can refer to the indicators/benchmarks of a successful site outlined in Part II of the guiding document for reducing racial and ethnic disparities.

For outcome goals, sites should specify the following:

1. The system point and strategy for which the goal is being set (and an explanation for why);
2. The outcome that the site wants to impact through the strategy;
3. The target population (including specific racial and ethnic groups, as appropriate, that the strategy is designed to help); and

4. How progress toward the goal is being defined.



As an example, a site may set the following goal for a strategy that involves implementing a pre-trial risk assessment instrument for felony defendants:

- *Goal: Increase RoR rates at bond hearing for Black non-violent felony defendants.*
- *Rationale: Decision point analysis revealed that disparities were particularly high for this group—7.5% RoR rate for Black people relative to 19% RoR rate for White people.*

Or, laid out in terms of the four parameters listed above:

- *System point: Pre-trial release/bond hearing.*
- *Strategy: Risk assessment tool.*
- *Explanation: Decision point analysis revealed that disparities were particularly high for this group—7.5% RoR rate for Black people relative to 19% RoR rate for White people.*
- *Outcome: Increase RoR rates.*
- *Target population: Black non-violent felony defendants.*
- *Progress: Sustainable increase in RoR rates for Black non-violent defendants following implementation of the tool.*

Again, sites must set a goal like this for each strategy that is identified in Step 3, including focused disparity reduction strategies and broader jail population reduction strategies that were also designed with a disparity reduction lens.

OPTION 2: SET A NUMERICAL TARGET FOR REDUCING JUSTICE SYSTEM INVOLVEMENT AND/OR IMPROVING OUTCOMES FOR PEOPLE OF COLOR

This option goes beyond setting a qualitative goal by quantifying the improvement the site wants to achieve for People of Color. The steps to set numerical targets for reducing justice system involvement and/or improving outcomes for People of Color (without regard to the impact on White adults) are described below.

Step 1: Identify a policy or justice system decision point that analysis indicates has a disparate impact on people of color. Burns Institute recommends a number of ways to identify this.¹³

Using the example above, the policy is pre-trial release. The existing policy for releasing Black defendants accused of non-violent felonies on RoR is being used infrequently.

Step 2: Identify a strategy to address racial and ethnic disparities and the target population for this strategy (this should be a strategy that came out of the guidance provided by SJC partners)

Again, using the same example, the strategy would be: Increase RoRs for Black defendants accused of non-violent felonies at bond hearing through the use of a risk assessment tool (target

¹³ See #5 on Page 15 of “Reducing Racial and Ethnic Disparities in Safety and Justice Challenge Implementation Sites.”



population: non-violent felony defendants that are currently not being released at bond hearing)

Step 3: Estimate the baseline outcomes for People of Color (or for a particular racial/ethnic group of focus) in the target population

Example: Current number and percent of RoRs for Black non-violent felony defendants at bond hearing is 1,500 out of 20,000 defendants (7.5%)

Step 4: Estimate the expected outcomes for People of Color (or for a particular racial/ethnic group of focus) in the target population after the strategy is implemented. Sites should also include the data used to calculate and any assumptions behind this estimate)

Example: Estimate that 3,062 Black defendants accused of non-violent felonies will be RoRed at bond hearing after the implementation of the risk assessment instrument (an RoR rate of 15%)

Things that were considered when making this estimate:

- How many of the 20,000 defendants would be excluded from RoR consideration (or highly likely to be RoRed) because of case circumstances/conditions (e.g. order of protection issued)?
- How many are expected to be low risk? How can this assessment be made? (e.g. screen a sample of cases within the charge parameters that were detained at bond hearing)
- How much of a discount should be applied? (e.g. if the percentage of low risk defendants is based on a screen of only 50 cases, then discount a significant amount—say, 30%)

Step 5: Calculate the change in outcomes projected for People of Color (or for a particular racial/ethnic group) in the target population based on Steps 2 and 3 (this will be the target)

The target can be calculated using the formula: (Projected outcomes - baseline outcomes) / baseline outcomes*100

Example:

$(3,062 \text{ projected RoRs} - 1,500 \text{ baseline RoRs}) / 1,500 \text{ baseline RoRs} = 104\% \text{ increase in the number of RoRs, to } 3,062 \text{ [TARGET]}$

OR

$(15.3\% \text{ projected RoR rate} - 7.5\% \text{ baseline RoR rate}) / 7.5\% \text{ baseline RoR rate} = 104\% \text{ increase in the RoR rate, to } 15.3\% \text{ [TARGET]}$

Step 6 (optional): Translate the calculation in Step 4 into an estimated Average Daily Population savings.

In addition to estimating the immediate impact of the strategy for People of Color (e.g. increase in RoRs), sites can also translate that immediate impact into one or more jail-focused targets that speak to reductions in ADP, bookings, and/or length of stay (LoS).



As a first step in this process, the site must determine how the strategy is expected to impact the jail population (or ADP)—by reducing bookings, LoS, or both. From there, the site can calculate the impact on ADP for People of Color, using one of the following formulas (formulas should focus as much as possible on the specific racial/ethnic groups and populations that the strategy targets):

- If the strategy's impact will come from reducing admissions:
 - $\text{Projected jail population saved for Strategy X} = \text{Projected admissions saved for Strategy X target population} * \text{Average LoS for Strategy X target population} / 365$
- If the strategy's impact will come from reducing LoS
 - $\text{Projected jail population saved for Strategy X} = \text{Projected admissions for Strategy X target population} * \text{Projected LoS saved for Strategy X target population} / 365$
- If the strategy's impact will come from both
 - Perform both of the calculations above, estimating jail population reductions from LoS reductions and jail population reductions from admissions reductions separately. Note that if the admissions savings are expected to come before LoS savings, or vice versa, those savings should be factored into the calculations. In

the example laid out above, the focus would be on ADP and LoS, because defendants RoRed through the use of the risk tool will be released at bond hearing—which occurs after booking. In other words, the strategy will not prevent any bookings; it will decrease the LoS for the additional people RoRed after the strategy is implemented. With that said, the second formula is most appropriate for calculating this impact. If the site assumes a reduction in LoS from 36 days to 2 days for the 1,562 additional bookings that are RoRed, this translates into an ADP savings of $1,562 * 34 \text{ days} / 365 = 145$ fewer Black nonviolent felony defendants in the jail.

This reduction can be turned into a target through the following two formulas:

- $\text{Target ADP} = \text{Baseline ADP} - \text{ADP saved}$ (in this case, subtract the 145 people from the baseline number of Black nonviolent felony defendants in the jail)
- $\text{Target \% reduction} = \text{ADP saved} / \text{Baseline ADP} * 100$ (in this case, divide the 145 people by the baseline number of Black nonviolent felony defendants in the jail)

In addition to setting an ADP target, the site can set a target for LoS reduction among Black non-violent felony defendants in jail more broadly (as opposed to just those who are released on RoR) as well. ISLG is available to help sites figure out those calculations.

OPTION 3: SETTING A TARGET FOR REDUCING THE RELATIVE LIKELIHOOD OF JUSTICE SYSTEM INVOLVEMENT FOR PEOPLE OF COLOR

Finally, sites can take numerical target-setting one step further and set targets for reducing the relative likelihood of justice system involvement for People of Color compared to White adults at key strategy

points. These strategy points may include broad decision points (e.g. pre-trial release) or specific areas within those points (e.g. RoR rates at bond hearing). Setting targets for disparities builds in large part off



of the process for setting outcome targets, but it can be a more complicated target to set given that even strategies that improve outcomes for a large number of People of Color may benefit a greater proportion of justice system involved White People (among the reasons for this are historical and structural barriers that remain embedded in social institutions).¹⁴ Sites must be aware of this as they set targets of this nature, and in fact, they may want to engage in the steps outlined below as part of their strategy planning process, to help focus efforts on strategies that hold the greatest promise to reduce both jail populations and disparities in outcomes.

Sites that want to set numerical targets of this nature should follow the following steps:

Step 1: Carry out Steps 1 through 5(or 6) above to identify a target outcome for People of Color.

Step 2: Repeat the same steps, but for White people in the target population, to identify how outcomes will change for that population.

Step 3: Calculate a disparity ratio for baseline and a projected disparity ratio for post-implementation.

Example (using the numbers above, with additional numbers for White defendants made up for illustration): _____

Baseline RoR rates

- For Black non-violent felony defendants: 7.5%
- For White non-violent felony defendants: 19% Projected

RoR rates (after one year of strategy implementation)

- For Black non-violent felony defendants: 15%
- For White non-violent felony defendants: 25%

Disparity ratios¹⁵

- Baseline: 2.53 (.19/.075)
- Projected: 1.67 (.25/.15)

Step 4: Calculate the change in disparity ratio projected for People of Color (or for a particular racial/ethnic group) in the target population based on Step 3 (this will be the target)

The percentage change can be calculated using the following formula:

- $(\text{Projected disparity} - \text{baseline disparity}) / \text{baseline disparity} * 100$

¹⁴ For example, say a jail reduction strategy is projected to decrease jail admissions for Black adults by 30%, and reduce admissions from 100 admissions to 70. The same strategy may reduce admissions for White adults by 50%, and reduce admissions from 2 admissions to 1. The strategy therefore impacts a greater proportion of White adults otherwise subject to jail, but it impacts a significant number of Black adults as well.

¹⁵ Note that in this case, because the outcome is a positive outcome, RoR, the disparity ratio is calculated by dividing the rate for White people by the rate for Black people. For negative outcomes such as arrest, jail booking, etc., the ratio will be calculated by dividing the rate for People of Color by the rate for White people.

Example:

Target disparity reduction= $\frac{(1.67-2.53)}{2.53} * 100 = -34\%$ reduction in RoR disparities, to 1.67 [TARGET]

Both prior to and after the intervention, White adults accused of non-violent felonies were more likely than Black adults accused of non-violent felonies to be released on RoR. However, after the intervention, the relative difference or “disparity gap” decreased from 2.56 times more likely for White adults to be released to 1.76 times more likely—or 31 percent.

Step 5 (optional): Estimate how the change in disparities calculated in Step 4 changes disparities for the target population in the jail (this will allow the site to set a second target, for the strategy’s impact on the jail).

Again, in this step the site can set targets for disparities in ADP, bookings, and/or LoS. Each of these estimates should be calculated for the strategy target population—so, in the example above, they would be calculated for Black and White nonviolent felony defendants. To establish a target, the site needs to calculate the disparity at baseline and project what it will be after the strategy is implemented.

Disparities for ADP, bookings, and LoS can be calculated as follows:

ADP (note that this is a measure of disproportionality, not disparity¹⁶):

- Percentage of the target population in the jail comprised of People of Color / Percentage of EITHER the target population of people arrested, the target population of police contacts, OR the general adult population comprised of People of Color

Booking rate disparity:

- Booking rate for People of Color (per 100,000) in the target population (calculated out of EITHER number of arrests or number of police contacts for People of Color in the target population, or the number of People of Color in the general adult population) / Booking rate for White People (calculated the same way)

LoS disparity:

- LoS for People of Color in the target population / LoS for White People in the target population To set a target for any of these things, the site will calculate the disparity for baseline and post-implementation using the appropriate formula above, and then calculate the % reduction target using the following formula:

$$\frac{(\text{Post-strategy disparity} - \text{Baseline disparity})}{\text{Baseline disparity}} * 100$$

¹⁶ Disproportionality refers to the state of being “out of proportion” with some reference population (operating under the assumption that fairness entails equal proportions relative to the population);

disparity refers to a state of being “unequal” relative to another group (operating under the assumption that fairness means that two groups do not have differential outcomes).



Budget Template

Cost Category		Year 1	Year 2	Total
II. Professional Services				
CE	Community Engagement Grants	\$500,000	\$250,000	\$ 750,000.00
PTR	Additional Capacity for Pre Trial Services	\$ 65,000.00	\$ 65,000.00	\$ 130,000.00
RRED	JOY Pre Trial Supported Release Pilot	\$ 12,500.00	\$ 12,500.00	\$ 25,000.00
RIC	Expanded RIC docket supports: expungements	\$ 10,000.00	\$ 10,000.00	\$ 20,000.00
RRED	Racial & Ethnic Equity Education/Training	\$ 45,000.00	\$ 45,000.00	\$ 90,000.00
		\$ 632,500.00	\$ 382,500.00	\$ 1,015,000.00
III. Data Enhancements (e.g., IT system improvements, technology, staff)				
IV. Equipment and Hardware				
V. Travel (e.g., airfare, hotel accommodations, food and incidentals)				
MAC	All sites network meeting	\$10,000.00		\$10,000
VI. Meeting Expenses (e.g., meeting space, food and supplies)				
RRED/CI	Meetings of the Racial and Ethnic Equity Committee (stipends)	\$ 15,000.00	\$ 15,000.00	\$ 30,000.00
SJC	Other Strategy Meetings	\$ 1,700.00		\$ 1,700.00
PTR	PSA - Quarterly Review Meetings	\$ 800.00		\$ 800.00
		\$ 17,500.00		\$ 32,500.00
Total				
			TOTAL	\$1,057,500
KEY		SJC Grant Funds Year 1	SJC Grant Funds Year 2	SJC Grant Funds Total
PTR	Maximize Safe, Effective Pretrial Release	\$ 65,800.00	\$ 65,000.00	\$ 130,800.00
RIC	RIC Docket - Effectively Address State Jail Felonies	10,000	10,000	20,000
RRED	Target Reductions in Racial and Ethnic Disproportionality	72,500	72,500	145,000
MAC	MacArthur Grant Required Activity	10,000		10,000
SJC	Cross-Strategy Items	1,700		1,700
CE	Community Engagement	500,000	250,000	750,000
		\$ 660,000.00	\$ 397,500.00	\$ 1,057,500.00