

Pushing Forward: Prosecution Reform and Racial Equity across Six Counties

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Director's Note

The reform prosecution movement faces a critical moment. With the nationwide uptick in violent crime, reform prosecutors face unprecedented attacks: legislation to limit their discretion, politicians seeking to remove them from office, and demands for recall elections. The movement has weathered the storm, but reform prosecutors need continued support in pursuing agendas aligned with the communities that elected them, and the Vera Institute of Justice (Vera) is well positioned to help them do so.

In 2017, Vera launched the Reshaping Prosecution initiative in response to a wave of reform prosecutors winning office across the country. Reform prosecutors ran campaigns promising a systemic approach to pursuing justice, and Reshaping Prosecution sought to help them transform those promises into measurable policy changes. Vera piloted an engagement with St. Louis Circuit Attorney Kimberly Gardner and her office from 2017 to 2019 that contributed to significant gains for the city.

Gleaning lessons learned from that pilot, Vera launched a request for proposal process to select new partners. Vera selected each office based on a vetting process that included the district attorney's demonstrated commitment to pursuing reforms, community support for reform efforts, sufficient staff capacity to work with the Vera team, and adequate data systems to allow an analysis of office practices. After receiving 14 applications, Vera selected six partners: Boulder County, Colorado; Contra Costa County, California; DeKalb County, Georgia; Ingham County, Michigan; Ramsey County, Minnesota; and Suffolk County, Massachusetts.

This report describes Vera's partnerships with each jurisdiction to take a systemic approach to justice by examining racial disparities and collaborating with the offices and their communities to develop solutions. These partnerships faced significant challenges, beginning with the pandemic, which halted work in the early stages; the racial justice movement in the summer of 2020 and its unique impacts on each jurisdiction; and pushback from opponents of change.

Our partners met these challenges, and I am grateful for their willingness to do so. As Robert F. Kennedy once noted, change requires three things: hope, perseverance, and courage. Hope that a better world is possible; perseverance to follow the long journey to change; and courage to stand for justice even when others disapprove.¹ Each office demonstrated these traits throughout our engagements, and Vera is honored to remain their partner in the continued pursuit of justice and safety.



Akhi Johnson
Director, Reshaping Prosecution Initiative
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Introduction

In 2020, after a request for proposal process, Vera began partnerships with prosecutors' offices in six jurisdictions: Boulder County, Colorado; Contra Costa County, California; DeKalb County, Georgia; Ingham County, Michigan; Ramsey County, Minnesota; and Suffolk County, Massachusetts. The partnerships were initially slated to run for 12–18 months, but the pandemic and the 2020 racial justice movement required adapting and lengthening those engagements to two years.

Three goals guided the partnerships: reducing mass incarceration, addressing racial disparities, and increasing accountability to those most impacted by the criminal legal system. Prosecutors wield tremendous power, as their decisions reach nearly every aspect of the criminal legal system. They decide whom to charge—and with what offense; whether to ask for bail; when to provide evidence to the defense; what plea offer to make; what sentence to recommend; and, in some instances, whether someone should receive parole. However, prosecutors have the greatest influence at charging, when they decide whether someone enters the criminal legal system, and their charging discretion is virtually unchecked. Although Vera helped each office to examine its impact at every discretion point, the primary focus was on how to reduce harms at charging—through who was charged, what crime was charged, and who could be diverted away from traditional prosecution.

Vera's approach to addressing racial disparities focused on systemic issues rather than potential biases of individual actors. Rather than analyze whether similarly situated people received different treatment based on their race, Vera highlighted broader trends to illustrate which communities the criminal legal system impacts most and in what ways. For example, Vera's analysis revealed that although Black people represent 55 percent of DeKalb County, Georgia's population, they made up 81 percent of the adult caseload, 79 percent of juvenile cases, and 93 percent of children charged as adults.² Rather than seeking to determine who was at fault, Vera's analysis describes trends and starts conversations within communities about the historical and societal factors contributing to disparities and how stakeholders can respond.

For each partnership, a key goal was to help prosecutors be more accountable to communities impacted by their decisions. In many areas around the country, people do not know who their elected prosecutors are, let alone how an office's decisions affect safety in their communities. That gap represents a missed opportunity to learn from people uniquely positioned to inform policy discussions, and it leaves communities ill-equipped to gauge the performance of their elected officials. Vera worked in partnership with each office to facilitate the public sharing of data to inform communities and ground conversations on potential reform efforts. As one community group noted, Vera's engagement "has made our prosecutor more aware of the need for a greater relationship with community. . . . [W]e have a lot of systemic issues . . . [and] Vera's presence has allowed us to continue to push the conversations forward."³

Multiple factors impacted each office's ability to implement reforms during the engagements, but the political climate was most significant. With increased scrutiny of reform prosecutors and false narratives that communities had to choose between safety and reform, some jurisdictions faced unique challenges in announcing changes. Vera worked with each jurisdiction to assess what was feasible in the current moment and adjusted accordingly. Despite the political climate, our partners made significant strides—including a

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groundbreaking policy in Ramsey County, Minnesota, inspired by Philando Castile's death, to deter non-public safety (pretextual) traffic stops.

However, even when an office did not announce a particular policy, Vera observed shifts in how prosecutors approached cases based on discussions prompted by the engagements. As partner offices noted, Vera's work prompted new discussions about how to assess cases and revealed problem areas. One prosecutor reflected that the engagement "changed the way I think about my job and my role . . . being more mindful about the decision to charge somebody with a felony, and, you know, even if that case is later dismissed, the impact that can have on them."⁴

The Reshaping Prosecution process

Vera's support fell into four categories: (1) data analysis, (2) community engagement, (3) office culture, and (4) recommendations.

Data analysis

Vera's data analysis focused on each office's case management system. Based on the available data, Vera examined each major decision point: cases referred from the police, charging decisions, diversion, and dispositions. Vera reviewed data over a multiyear period and conducted the analysis with a race equity lens to identify whom the system affects the most and inform where policy solutions can be targeted.⁵ Vera presented its analysis to the office's leadership, office staff, and community members to inform policy discussions. Vera presented data findings in the aggregate (instead of as individual cases) to show what decisions are typically made and how they impact individuals, case outcomes, and communities.

Community engagement

Vera conducted outreach to communities in each jurisdiction to inform reform priorities and facilitate dialogue between offices and the people they serve. Vera researched each jurisdiction to identify community groups working with those affected by the system and contacted them to gauge interest in maintaining regular communication throughout the site partnerships. Vera hoped to help develop a group in each jurisdiction made up of people impacted by the system that would meet with prosecutors on an ongoing basis to deepen relationships, streamline feedback avenues, review data, and discuss reform efforts. Vera viewed these groups as a racial equity strategy to give those affected by the system an opportunity to directly engage with the prosecutors' offices on reforms. Although a few jurisdictions have developed or had an existing model, the community outreach in all locations provided insights into the local impacts of the system.

Office culture

Internal culture work is essential to the sustainability and viability of reforms. Offices can craft policies with the best intentions, but they have minimal effect if the people charged with implementing them have not bought into or do not understand why change is important. For each site, the Vera team

- conducted staff interviews to learn the logistics of how the office made case decisions, as well as areas ripe for reform;
- surveyed all prosecutors in each office to better understand their values, beliefs, and opinions on reform; and
- constructed working groups of 8–12 staff members and developed a 10-week curriculum to guide discussions on mass incarceration, racial equity, and the role of a prosecutor.

After completing the curriculum, the working groups served as thought partners on potential reforms and provided insights into implementation challenges.

Vera also hosted “Pursuing Racial Justice,” a podcast-style training series focused on why racial equity is integral to the prosecutorial role and how prosecutors can center racial equity in decision-making. The training was available exclusively to site partner offices and featured criminal justice experts who covered a range of topics, including the history of racial discrimination in the criminal legal system and the differences between accountability and punishment.

Recommendations

By the conclusion of each partnership, Vera presented policy recommendations to office leadership based on learning from the culture change work, community outreach, and data analysis. The recommendations grounded discussions with the office on potential areas of reform and, when timing permitted, Vera advised on implementation strategies.

Boulder County, Colorado

District Attorney's Note

The Boulder County District Attorney's Office is committed to modern prosecution and smart criminal justice reform because we believe it leads to increased public safety, improved community trust, and better outcomes. This office is regarded as a leader in the state because of our significant reforms, such as our robust diversion and restorative justice programs, Immigrant Protection Program, bond reforms, bias and hate crimes work, the state's first Fresh Start Warrant Forgiveness Program, and Colorado's first Conviction Integrity Unit.

We are fully committed to diversity, equity, and inclusivity, and to the pursuit of justice through promoting racial equity with effective reform. We can enhance public safety—if community members, victims, witnesses, jurors, and defendants are confident that our system is fair and just.

Addressing disparities and bias in the criminal justice system has been on my list of priorities since my very first day in office in March 2018. I remain committed to ensuring that we continue to take meaningful, data-informed action to improve outcomes in the criminal justice system. I believe prosecutors should have the training and tools needed to keep our community safe with a true commitment to justice, strong prosecution and trial skills, and a commitment to reform efforts, including tackling systemic disparities and holding systems accountable for dismal recidivism rates.

My office engaged with Vera's Reshaping Prosecution initiative to identify and address disparate treatment and outcomes in our prosecutorial decision-making processes and practices. I am grateful to Vera for their support and this final report. Through our engagement with Vera and other organizations, such as Prosecutorial Performance Indicators (PPI), we received data that continues to inform the concrete action steps already underway with the expansion of our diversion programs, screening of cases coming into the office, my work as cochair of Colorado's Sentencing Reform Task Force, and our ongoing collaboration with other criminal justice partners and the state legislature to combat racial disproportionalities and disparities in Boulder County and beyond. This analysis, and our public data dashboard launched with PPI, are important for transparency, measuring outcomes, and accountability.

We embraced the role of data in informing our work as prosecutors. In better understanding our data, we can improve public safety while working to correct systemic inequity. Colorado is on track to be the first state to have public data available statewide, and we are honored to help lead this charge. We are working hard to build a more transparent and equitable justice system for victims and defendants. But there is more work to be done—in Boulder County and throughout the nation.

Racial disparities exist throughout the United States and in our history; my office is strongly committed to doing everything we can to address these in our justice system. To address crime and to understand our outcomes, we must be data-informed and data-driven. To truly have a justice system that is fair, equitable, and trusted, I will continue to prioritize racial justice, and as an office we continue to learn, listen, and act.

*Michael Dougherty
District Attorney*

Why Boulder County?

Boulder County provided an opportunity to work with an office committed to reform and to addressing racial inequities. Boulder County is predominantly white, and its residents of color have expressed concerns about their disparate treatment.⁶ A 2018 article in the Boulder *Daily Camera* described experiences from people of color in Boulder: “[e]very non-white person has their own seemingly endless list of incidents that, combined, created a distinct narrative: you do not belong.”⁷ In March 2018, Michael Dougherty was appointed as

district attorney, and these sentiments drove the Boulder County District Attorney's Office (BCDAO) to seek a partnership with Vera with the goal of addressing disparate treatment and outcomes in its decision-making processes and practices.⁸

Prior to the Vera partnership, BCDAO had demonstrated a commitment to tackling systemic racial disparities and mass incarceration. In 2013, the office established the Center for Prevention and Restorative Justice to expand its juvenile diversion program. In 2016, the office created an adult diversion program and an in-house crime survivor-centered restorative justice program. The office also developed a policy to not report crime survivors and witnesses to immigration authorities and established the Fresh Start Program, which gives people the opportunity to resolve outstanding warrants without threat of arrest.⁹

Local organizations were pursuing equitable justice and supported BCDAO entering a partnership with Vera. The NAACP Boulder County Branch, the Boulder regional office of the Colorado State Public Defender's Office, the City of Boulder's Community Mediation Service, the Safehouse Progressive Alliance for Nonviolence, and Boulder Voices for Children provided letters of recommendation detailing the office's impact on the Boulder community. Each organization agreed that the office had taken steps to engage the community and address injustices, and they believed a racial disparity analysis of the office's data would assist in future efforts.

Overview of the engagement

Vera's engagement with BCDAO began in February 2020. Over two years, Vera consulted with staff members, system-impacted people, community leaders, practitioners, and scholars located within or formally connected with Boulder County. Relying on these conversations and the analysis of the office's case management system, Vera identified potential policies aligned with community needs.

BCDAO staff members remained committed to the goals of the engagement despite facing an unspeakable tragedy. During the engagement, the Boulder community suffered a mass shooting when a gunman entered a local supermarket, King Soopers, and killed 10 people.¹⁰ In response to this tragedy, the working group held a special session to reflect on how violence affects different members of their community and brainstormed ways their office could provide support and healing. Vera helped the working group facilitate a discussion on pursuing criminal justice reform in a community that has experienced extreme violence and on increasing safety in communities through access to supportive resources.

Exploring local inequities

The working group discussed Boulder's land use history and its present-day impacts on racial and economic diversity in their community. The group reflected on how white settlers stole the land on which Boulder was built from Arapaho and Cheyenne tribes, killing many of them during the Sand Creek Massacre. A few years later, gold prospectors stole additional land from the Ute.¹¹ The working group also reflected on the urban planning layout, which had "profound racial impacts," and discussed other anti-growth policies, such as building height restrictions, that have led to the lack of affordable housing and diversity within Boulder County.¹²

The group also considered the office's relationship with the police. The office values its strong relationship with local police and relies on their cooperation to investigate cases. However, the group recognized that not everyone in the Boulder community has had positive experiences with law enforcement. Through experiences drawn from working group members' cases and those of their families, the group discussed the impact of police interactions on community members who are at heightened risk of being targeted by law enforcement. For example, one group member described how officers repeatedly used pretextual traffic stops to interrupt a family member's commute home.

Vera formed community relationships with the local NAACP chapter and the public defender's office, both of which supported BCDAO's reform efforts. These groups highlighted that for many people of color and people experiencing homelessness, Boulder felt like a privileged community that excluded people through policing, housing restrictions, and inhospitable behavior. One community member noted how that feeling seeps into the criminal legal system, describing an experience with the Boulder criminal court as "[j]ustice at the end of a gun."¹³

Community groups expressed interest in Vera's analysis of the office's data. Several members wanted to know if the analysis reflected what they had observed—that people of color and those experiencing homelessness are disproportionately impacted by the criminal legal system. Further, community members wanted to build on Vera's analysis. They pushed for greater office data access similar to the City of Boulder's open data project, which provides access to more than 100 datasets, to increase civic engagement and encourage community members to explore the data.¹⁴

Vera's research team analyzed data from the office's case management system from 2013 to 2019. Of the office's 58,520 cases during that time, Vera was able to examine charging information for 44,349 cases. The office handles both misdemeanor and felony cases for children and adults. However, police officers file misdemeanor cases directly with the court.¹⁵ That means that the office can dismiss a misdemeanor case only after it has been filed, and the office does not control how the court enters misdemeanor charging data. As a result, Vera could not determine the top (most serious) charge at arrest for misdemeanor cases. Vera had more access to felony case data and analyzed it, along with data from the office's restorative justice program, which BCDAO tracked in an Excel spreadsheet.

At the end of the engagement, Vera and the office conducted a community presentation on Vera's data analysis. They divided their presentation into five parts: why there are racial disparities in the U.S. criminal legal system, the power of prosecutors to address those disparities, measuring the scope of the problem, Vera's analysis of the office's data, and examples of reform. The office shared a recording and accompanying slides on its website following the presentation.

Key findings

Charging and racial disparities

- The Boulder population was 78 percent white in 2019, but during 2018–2019, white people accounted for 68 percent of filed cases.¹⁶ Latino people made up 14 percent of the county and accounted for 25 percent of cases.¹⁷ Black people made up only 1 percent of the county but accounted for 5 percent of filed cases.¹⁸
- In the period 2018–2019, Black people were 7.5 times as likely as white people to have a filed felony case, and Latino people were 2.3 times as likely as white people to have a filed felony case.

People experiencing homelessness

- People experiencing homelessness made up a disproportionate share of cases.¹⁹ From 2018 to 2019, about 0.4–0.8 percent of Boulder County's adult population experienced homelessness, but they made up 10 percent of filed felony adult cases.²⁰
- The disparity was worse for Black people experiencing homelessness, with one in five accused of a felony crime from 2018 to 2019.
- From 2018 to 2019, drug possession accounted for 22 percent of felony cases for people experiencing homelessness (due to legislative changes in 2020, drug possession is now a misdemeanor offense).²¹

Diversion increases

- The number of adult and juvenile cases diverted from traditional prosecution has steadily increased since the office established its restorative justice division in 2013.²²
- From 2013 to 2017, the office diverted 23 percent of juvenile cases, and from 2018 to 2019, it diverted 76 percent of juvenile cases.²³
- From 2016 (when the office created its adult diversion program) to 2017, the office diverted fewer than 1 percent of adult cases, and from 2018 to 2019, it diverted 3 percent.²⁴
- From 2013 to 2019, 45 percent of juvenile cases for white children were diverted, and 19 percent of juvenile cases for Black children were diverted.²⁵ The office adopted new juvenile screening policies in 2018, and Vera’s analysis revealed a decrease in racial disparities of 25 percent for Black children and 33 percent for Latino children.

Reforms and future plans

The office contributed to legislative gains, is working toward increased transparency, and plans to expand on its diversion model.

- **Legislative changes**

The office contributed to significant sentencing reform for Colorado. Dougherty is the cochair of Colorado’s Sentencing Reform Task Force, which has a governor-backed mandate to ensure sentences are “grounded in anti-bias principles and equity, regardless of race, ethnicity, gender, geography, socio-economic status, disability, or any of the other intersecting identities that may affect sentencing.”²⁶ The task force developed legislation that, among other changes, reformed some of the charges that Vera’s analysis identified as driving disparities for people experiencing homelessness.²⁷ For example, the legislation has reduced sentences for unlawful possession of a controlled substance and identity theft to lower-level misdemeanors. It is the office’s hope that this legislation will drive down racial disparities and system contact for people experiencing homelessness.

- **Increased transparency**

The office joined seven other Colorado district attorney’s offices, the Colorado Evaluation and Action Lab, PPI, and the Microsoft Justice Reform Initiative to develop a public-facing dashboard. This dashboard is intended to provide community members with an understanding of how their local prosecutor’s office is functioning by sharing an aggregated view of each office’s data.²⁸ The statewide dashboard is believed to be the first of its kind and is an important step toward transparency with the community.

- **Expanding diversion**

Based on Vera’s data analysis and conversations with community members, the office will now evaluate all adult cases for diversion. Previously, the office screened all juvenile cases but only a subset of adult cases. Vera’s analysis revealed that juvenile diversion screening successfully decreased disparities and incarceration rates. The office noted those gains, heard positive feedback from community members, and has decided to expand that practice to adults.

Contra Costa County, California

District Attorney's Note

In 2017, the Contra Costa community took a stand, making it clear they wanted a district attorney who would bring a different lens, someone who would provide alternatives to the single-minded, punitive approach to public safety and prioritize equity, fairness, and justice for all people impacted by the criminal legal system.

After spending most of my professional career as a judge, in 2017, I was appointed by the Board of Supervisors as the 25th district attorney for Contra Costa County, becoming the first woman and person of color to serve as Contra Costa district attorney since the office was established in 1850. Following my appointment, I was elected to the position by the people in June 2018, and reelected in June 2022.

I joined a new wave of prosecutors across the country committed to a “new day” of reimagining what justice for all people impacted by the criminal legal system looks like, including justice for historically under-resourced and marginalized communities.

The work has not been easy, and the efforts toward reform have been met with attacks and a call for return to “tough-on-crime” tactics, which rest on the belief that reform endangers public safety. My office engaged with Vera’s Reshaping Prosecution initiative to use data, both internal and external, to drive change. With Vera’s support, we have been able to understand the impact of the criminal justice system on our community, develop alternative approaches to shrink the number of people who enter the criminal legal system, address racial disparities, and increase transparency and accountability with our county’s residents.

I am grateful to Vera for their support, and this final report will inform the concrete reform efforts already underway. For example, I became a founding member of the Prosecutors Alliance of California (PAC) to reform our criminal justice system through smart, safe, modern solutions that advance both public safety and community well-being. PAC has had a significant impact, including expanding automated record clearing retroactively and assisting in passage of a bill to create a statewide process for decertifying problematic police.

Further, in 2019, my office was awarded \$1 million to establish a juvenile diversion prefiling program, the first countywide program for Contra Costa County. We partnered with RYSE Youth Center and Impact Justice to initiate a restorative justice model that will reduce the pipeline into the criminal justice system, lower recidivism, and reduce disparities. My office also has plans, as detailed in this report, to implement two additional diversion programs.

My office was also awarded \$1 million to participate in the California County Resentencing Pilot Program, overseen by the nonprofit For the People, which allows the district attorney to review old sentences and determine if the sentence still serves the interests of the community. Mass incarceration has disproportionately harmed Black and brown communities, and this resentencing program is a powerful tool to help repair the damage.

Racial disparities continue to exist, and I remain strongly committed to ensuring that we continue to take meaningful, data-informed actions and commit to reform efforts, including tackling systemic disparities and making decisions that move us closer to a justice system that is fair and equitable for everyone.

Diana Becton
District Attorney

Why Contra Costa County?

Vera selected the Contra Costa County District Attorney's Office due to its reform-minded leadership, connection with system-impacted community members, and commitment to addressing local inequities. Contra Costa County is racially diverse, but its criminal legal system has significant disparities. Although Black people make up 9 percent of the county's population, they account for 40 percent of the local jail population.²⁹ Latino people are 27 percent of the county population and make up 29 percent of the jail population, while white people are 41 percent of the county but only 24 percent of the jail population.³⁰

District Attorney Diana Becton has established herself as a strong and dedicated leader committed to reform. In 2017, Becton, a former Contra Costa judge with more than 22 years of experience, was appointed by the board of supervisors after the former district attorney resigned midterm.³¹ Becton was vocal about her commitment to criminal justice reform, publicly vowing to "reform our justice system and restore integrity to the DA's office."³² In 2018, after her initial appointment, Becton campaigned to address inequities in the criminal legal system through bail reform, restorative justice programs, mental health services, treatment for substance use disorders, and improved outcomes.³³ The community elected her by a significant margin, and she became the county's first Black and first woman district attorney.³⁴

Among Becton's biggest supporters was a group of activists, system-impacted people, and public defenders who formed the DA Accountability Table (the Table) to ensure her campaign promises became policies. The Table is made up of several groups and individuals, including the Safe Return Project, the Contra Costa County Racial Justice Coalition, Conscious Contra Costa, the ACLU of Northern California, and Reuniting Families. Becton and the accountability group meet on a regular basis to discuss policies and events that affect the Contra Costa community. This relationship and other connections keep Becton apprised of the continued need for reform.

Overview of the engagement

Vera's engagement with the Contra Costa District Attorney's office started in spring 2019. However, due to several administrative hurdles, Vera was not able to access data from the office's case management system, Prosecutor by Karpe, until August 2020.

In the beginning, several staff members expressed skepticism about Vera's approach to reform, and they were particularly concerned that Vera would seek to paint individual prosecutors as racist or biased. To address these concerns, Vera gave an all-office presentation highlighting its focus on systemic disparities rather than individual biases. Becton and Vera also hosted smaller discussion sessions for staff members to ask questions about the engagement. Through these presentations and discussions, Vera was able to foster a sense of transparency and obtain buy-in from some of the more reticent staff members.

Rethinking harm, accountability, and safety

The Contra Costa working group reflected on new methods of accountability. Vera learned that a supervisor in the office was exploring reforms for human trafficking cases and facilitated a discussion for her to share her learnings with the working group. The supervisor talked about her unique journey from a self-proclaimed hard-nosed prosecutor to one who began to understand the harms of the criminal legal system and its inadequacies in providing safety. Her understanding of safety shifted and led her to explore restorative justice diversion for some human trafficking offenses. Her approach highlighted the power that prosecutors have and what could be achieved by listening to the community and wielding that power wisely.

Vera worked closely with the Table, and its insights were vital to Vera's engagement. The Table provided context for the data gathered from the office's case management system; added perspectives from those directly affected by the criminal legal system; and connected Vera with additional advocates—including from

the mental health, faith, and restorative justice communities. Further, the Table provided feedback on the impact and implementation of office policies. For example, the group recommended a list of misdemeanors that the office should decline. Vera reviewed the list in comparison to a policy implemented by Becton, examined the office's case data, and presented information to the Table about the effectiveness of the policy.

Vera researchers analyzed the office's data from 2016 to 2021. Based on conversations with Becton, Vera took a closer look at data from 2019 to 2021 to gauge the effectiveness of Becton's policies.

Vera's engagement faced a few challenges that affected its work, in addition to the coronavirus pandemic. Toward the end of Vera's engagement, Becton faced a highly contested election against a conservative challenger and, although Becton's campaign was successful, this election slowed down Vera's progress. Despite these setbacks, the engagement culminated in an in-depth data analysis and the identification of policy recommendations.

Key findings

Referrals

- In 2016, police referred 19,569 misdemeanor cases to the office. By 2021, referred misdemeanors had decreased by a third to 13,046. The felony caseload decreased by only 12 percent, from 5,751 cases referred in 2016 to 5,054 in 2021.

Racial disparities

- Black people make up approximately 11 percent of Contra Costa County residents but accounted for 31 percent of all referred cases and 40 percent of referred felony cases in 2021.³⁵
- Black people were 3.8 times more likely than white people to have a referred case and 5.8 times more likely to have a referred felony.
- Latino people make up 26 percent of Contra Costa County residents and accounted for 28 percent of all referred cases and 25 percent of referred felony cases in 2021.³⁶
- Latino people were 1.4 times more likely than white people to have a referred case and 1.5 times more likely to have a referred felony.

Transitional aged youth

- The office refers to young people ages 18–25 as transitional aged (TA) youth. From 2016 to 2021, the number of TA youth referred with felony charges declined by 33 percent, from 1,640 to 1,103.
- From 2016 to 2021, the office prosecuted 513 felony cases for TA youth. Among referred felony cases in 2021, the office issued charges for 46 percent as felonies and 10 percent as misdemeanors, and it refused to charge the remainder.
- From 2016 to 2021, the number of Black TA youth prosecuted dropped by 26 percent, from 321 to 239. But the number of white TA youth prosecuted decreased much faster, dropping by 62 percent from 188 to 72.
- Over this time span, the share of white TA youth prosecuted for felonies dropped from 23 percent to 14 percent, while the share of Black TA youth prosecuted for felonies jumped from 39 percent to 47 percent.

- In 2021, a Black TA youth in Contra Costa County was 15 times more likely to be prosecuted for a felony than a white TA youth.
- In 2021, a Black TA youth was 63 times more likely to be prosecuted for felony second degree robbery than a white TA youth.

Searches and seizures

- In 2021, the district attorney's office filed 465 cases in which the lead charge was for drug possession and 480 cases in which the lead charge was for gun possession.
- The filed drug cases represented 29 percent of the 1,872 referred cases; the office refused to charge 71 percent.
- In 2021, the office dismissed 73 percent of drug cases.
- In 2021, Black people were twice as likely as white people to be charged with drug possession.
- In 2021, Black people were 10 times as likely as white people to be charged with misdemeanor gun possession and 14 times as likely to have felony gun possession charges.

Reforms and future plans

In July 2019, prior to Vera's engagement, Becton implemented a policy to presumptively decline misdemeanor cases, mirroring an example from District Attorney Rachael Rollins in Suffolk County, Massachusetts.³⁷ Vera examined the policy's impact and collaborated with Becton on ways to improve it. Vera's analysis revealed that the office continued charging 26 percent of cases covered by the policy in the first six months after its release—and that charging rate dropped to 19 percent by 2021.³⁸ People experiencing homelessness accounted for 20 percent of cases referred under the policy; however, the office refused to prosecute 80 percent of their cases. Further, when the office issued charges, they were five times more likely to ultimately dismiss them than resolve cases with a plea. Vera presented these results to Becton and discussed avenues to expand the policy to address disparities, which the office continues to review.

Vera also focused on improving the office's response to felony cases involving young adults in their 20s. Both the office and community members expressed concern over the restrictive and punitive options available to address TA youth. Reflecting on the growing body of research that shows young people's brains continue to develop and mature well into their 20s, Becton is developing a diversion program that incorporates restorative justice practices to divert young adults who are facing serious charges into necessary supportive programming.³⁹

To assist with this work, Vera analyzed the office's data to understand how it was charging TA youth cases. Vera found that the number of TA youth felony cases filed dropped by 33 percent from 2016 to 2021. However, racial disparities increased. These findings highlighted the need for alternative responses.

After analyzing the top 15 charges and their racial disparities, Vera and Becton discussed developing alternative approaches for TA youth. In response, the office developed a prefile program that uses restorative practices to divert young adults into supportive programming that will lower recidivism and reduce disparities in the criminal legal system. Vera will remain a thought partner for the office as it seeks funding for a community-based partner to implement the program.

For adults, Becton launched the Neighborhood Restorative Partnership (NRP), a community-based pre-filing diversion program that uses restorative practices to resolve low-level, nonviolent offences.⁴⁰ NRP is made up of volunteer panelists from Contra Costa communities who have been trained in restorative justice. NRP provides an opportunity for the victim to attain meaningful accountability, for the participant to avoid a

criminal conviction, and for the community to engage in a process designed to strengthen public safety, rebuild lives, and reduce disparities in the criminal legal system.

DeKalb County, Georgia

District Attorney's Note

I entered the district attorney's office promising a "new day" in DeKalb County. Like so many other communities in this country, our residents are keenly aware that people of color are historically discriminated against and disproportionately incarcerated. Lack of faith that justice will prevail, reluctance to report, and distrust of the system make our community less safe and a place where violence can thrive. One of my administration's main goals is to address violent crime and build trust by insisting that all who encounter the criminal justice system, whether as a defendant or as a victim, have faith that they will be treated fairly. Building trust begins with understanding how race impacts the criminal justice system.

Thus, I was excited to connect with the Vera Institute of Justice to bring its Reshaping Prosecution program to DeKalb County so that my staff could reimagine how our work serves the needs of our community through balanced, fair, and just prosecutorial decisions made beyond our own biases.

Since 2019, each employee in my office has participated in implicit bias training that introduces the concept of reducing the impact of harmful biases when engaging in our day-to-day work. Our partnership with Vera allowed us to take this work to the next level.

Vera assisted our office in answering the question of whether our majority African American community, both in population and in government leadership, was experiencing the same nationally prevalent racial disparities in the criminal justice system. Unfortunately, [the answer was] yes. Did representation in leadership provide more equity? Sadly, no.

In 2022, our entire staff gathered to engage in additional training reflecting specifically on race and prosecution on both the national and local levels. Together, we viewed and discussed the film 13th by Ava DuVernay, and notable panelists shared their knowledge and a call to action.

As our partnership neared conclusion, Vera participated with me in the rollout of the Reshaping Prosecution plan presented to staff and county stakeholders. Vera shared its data findings and I introduced my office's new Bill of Values, a juvenile and youthful offender policy, and the extension and expansion of my COVID-19 backlog policy. Finally, staff shared a moving account of a criminal matter that had recently been resolved utilizing a restorative justice approach.

Our partnership with Vera sparked important conversations around criminal justice reform, equity, and restorative justice. The collaboration assisted in promulgating the Bill of Values that guides our work of supporting equity and transparency in pursuing justice. We memorialized an innovative policy for handling cases charging juveniles as adults. Policy development, training collaboration, and thoughtful discussion planted the seed for the success of a restorative justice diversion alternative.

Together, we learned about the challenges of data collection and retrieval. Increasing our understanding of effective data collection and retention has helped us measure our performance goals of eliminating inequities and increasing public safety. And together, we advanced our mutual goals of forming a justice system where prosecutors proactively engage with the community in the prevention of crime, protection of victims, and restoration of those who have been impacted by the criminal justice system.

Sherry Boston
District Attorney

Why DeKalb County?

Georgia has one of the highest incarceration rates in the country, with more than 47,000 people held in prisons throughout the state as of 2021, a rate of 665 per 100,000 people.⁴¹ Although DeKalb County has a lower incarceration rate than the Georgia average—and a lower rate than its metro-Atlanta neighbor Fulton County—its incarceration rate of 758 per 100,000 people (as of 2019) is still an outlier compared to the rest of the world.⁴²

In response, community stakeholders and advocates have championed criminal justice reforms. For example, Georgia’s SB 440 law allows youth accused of certain felonies to be sent to the adult criminal legal system. Emory University’s juvenile defender clinic, the Interfaith Children’s Movement, Voices for Georgia’s Children, and Atlanta Decarceration have all recognized that such cases present a critical opportunity for juvenile justice reform.⁴³ Communities sought new approaches from their government leaders, and the election of District Attorney Sherry Boston represented a step in that direction.

In 2016, voters elected Boston to office by an overwhelming margin.⁴⁴ Boston stressed the importance of creating space for communities that are most affected by violence to have a voice in developing the solutions they need to feel safe. She and her office expressed interest in a partnership with Vera to examine disparities in system impact and challenged Vera to help address issues that this analysis revealed. Boston expressed particular concern about racial disparities in which children were charged as adults under Georgia SB 440, and Vera made that analysis a priority.

Overview of the engagement

Vera’s engagement with the DeKalb County District Attorney’s Office (DKDAO) began on September 1, 2020. In partnership with Boston and DKDAO, Vera gathered data from multiple sources, worked closely with office staff, and analyzed case management system data to inform potential pathways to reform.

From the engagement’s outset, it was apparent that the office had a strong internal culture of collegiality in which people felt like they were part of a larger mission. Vera’s all-office survey further documented a willingness to explore areas for growth, as the vast majority of respondents expressed that incarceration rates were too high, believed that racial disparities were problematic, and felt that prosecutors had a role to play in solving this problem.

Restorative justice in action

The DeKalb County working group critically examined the impact of the current system and explored restorative justice as a potential reform. The restorative justice session followed a discussion on “uncooperative” crime survivors and whether the system needed better responses that met survivors’ needs.

One working group member used knowledge from the curriculum and additional reading to bring restorative practices into a pending theft case. Vera staff observed a facilitated conversation involving the accused person, crime survivor, defense attorney, and two working group members. The survivor and accused engaged around the harm suffered and what steps the accused person needed to take to repair it. In a heartfelt turn of events, the survivor offered to mentor the accused to ensure he had a sufficient support system when faced with challenging circumstances. The accused person agreed to take steps outlined by the survivor and avoided a potential prison sentence. The two working group members expressed that the circle had a substantial positive impact on their views of restorative justice as a potential tool and voiced support for integrating that option within the office.

Vera contacted several community organizations early in the engagement, but many of them were focused on neighboring Fulton County. However, a few DeKalb community members and organizations shared insights with a common focus on reforms for juvenile cases. For example, there is significant public support for raising the minimum age that a child can be charged as an adult to at least 18 years old. Community leaders also pointed to high turnover rates of children churning through juvenile detention facilities as an area in which DKDAO can prioritize evidence-based reforms that create resources for youth to reintegrate into their community.

Vera researchers analyzed data sets from 2015 to 2019, including prosecuted adult cases, prosecuted juvenile cases, court information, jail records, and cases resulting in incarceration.⁴⁵ Vera found that DeKalb's database was not well designed for prosecution purposes and therefore has an issue with redundant data entry.⁴⁶ Researchers addressed that issue by designing an algorithm, validated by DKDAO, to determine relevant cases and exclude others. Further, Vera was not able to conduct a complete analysis of the office's diversion data because those datasets are housed in a separate case management system that Vera did not access until near the end of its engagement.

Key findings

Overall, adult cases received by DKDAO remained largely flat from 2015 to 2019, with 5,705 cases referred in 2015 and 5,365 cases referred in 2019.

Charging and referrals

- The proportion of cases by race remained unchanged: 4,646, or 81 percent of all adult cases referred to the office in 2015, were for Black people; 4,355, or 81 percent of all adult cases referred to the office in 2019, were for Black people.
- Black people are overrepresented in the caseload: they represented 55 percent of DeKalb County's population in 2019⁴⁷ but made up 81 percent of the adult caseload and 79 percent of juvenile cases.
- Black people were 4.4 times more likely than white people to have an adult case referred to the office for prosecution. Latino people were 2.3 to 2.9 times more likely than white people to have an adult case referred.⁴⁸
- Black youth were 8.4 times more likely than white youth to have a juvenile case referred to the office for prosecution.
- Latino youth were 6.1 times more likely than white youth to have a juvenile case referred to the office for prosecution.

Charging categories

- The top charge category filed for adults in 2019 was felony theft and stolen property (16 percent of the caseload, or 825 cases).
- Property and drug crimes contribute more to the caseload than violent crime (54 percent of the caseload vs. 35 percent).
- The top charge category filed for juveniles in 2019 was misdemeanor assault (28 percent of the caseload, or 429 cases).

- Black people are significantly more likely to face a charge imposing a mandatory prison term for carrying a weapon during the commission of a felony.⁴⁹ In 2019, Black people accounted for 90 percent (or 450 cases) of cases filed with that charge.

Cases involving youth under 18

- In 2019, Black youth accounted for 34 out of 38 (89 percent) of SB 440 cases that were referred and filed.
- One white youth, one Latino youth, and two youth with missing information on race or ethnicity accounted for the remaining four SB 440 cases.
- In 2019, based on these counts, Black youth were about 12 times more likely than white youth to have an SB 440 case referred to the office.
- Because the overall numbers are small for white and Latino youth, disparity measures varied significantly from year to year. From 2015 to 2019, Black youth accounted for anywhere from 83–93 percent of SB 440 cases, while white youth accounted for 0–3 percent, and Latino youth accounted for 0–14 percent.

Reforms and future plans

Vera and DKDAO collaborated to develop multiple reforms:

- **Bill of Values**

Vera worked with the office to establish a set of principles to guide decision-making for every case. Staff appreciated that DKDAO leadership trusted their discretion, but they also wanted clarity on how the office’s goals influenced individual cases. Vera and DCDAO designed the Bill of Values to balance those interests and provide a core set of principles to anchor case decision-making.

Bill of Values

The DKDAO Bill of Values contains the following principles:

1. We only charge cases when there is sufficient evidence to prove the case beyond a reasonable doubt solely based on the admissible evidence.
2. We help crime survivors heal by striving to meet their stated needs, even when we do not have sufficient evidence to pursue a case.
3. We assess every alternative solution before charging children as adults.
4. We make recommendations for conditions of release, bond, or sentences based on the facts, offense, criminal history, and from a public safety standpoint.
5. As a public safety agency, our priority is to protect victims, survivors, and the community at large. We recognize that incarceration, probation, and convictions can increase public safety. However, we also recognize they can impose harm and collateral consequences that undermine public safety. We seek to navigate these two realities and look for solutions that increase safety while also minimizing harm.
6. We strive to divert people from the criminal justice system where treatment, accountability, and safety for all involved parties can be accomplished.

7. We believe that aligning the interests of the victim, community safety, and community needs are of utmost importance. When these interests cannot be aligned, we strive to move forward with fairness, impartiality, and justice.
8. We do not penalize individuals for asserting their constitutional rights, including their rights to a jury trial. Instead, we make plea offers and sentencing recommendations based on the facts of the case, a victim's needs and input, accountability, community safety, and recognition that people can be rehabilitated.
9. In accordance with our ethical obligations, we are transparent and engage in good faith with defense counsel and the Court regarding timely discovery, exculpatory and mitigating evidence and plea offers, trial, and sentencing recommendations.
10. We recognize the importance of victims being engaged in the criminal justice process. We strive to provide victims reasonable, accurate, and timely notice of any scheduled court proceedings; reasonable, accurate, and timely notice of the arrest, release, and escape of the accused; and the opportunity to be heard at any scheduled court proceedings involving the release, plea, or sentencing of the accused.

- **Coronavirus pandemic backlog policy**

Vera helped DKDAO examine its policy regarding pandemic backlog cases. On March 14, 2020, the Georgia Supreme Court suspended in-person hearings, grand jury proceedings, and jury trials, which resulted in an unprecedented case backlog in the criminal court system and in prosecutors' offices.⁵⁰ The office adopted a policy, consistent with public safety, to reduce the backlog, create alternative resolutions, and track the impact of these changes. The backlog necessitated prioritizing violent and public safety-related crimes and expanding the types of cases eligible for diversion programs. Vera's engagement revealed areas for growth regarding the policy, including that staff lacked clarity on when it applied and useful tracking methods, and highlighted benefits of extending its application. The policy went into effect in March 2020, was extended until December 2023, and was expanded to include additional qualifying offenses and categories of existing offenses. DKDAO will review the policy to determine if it should sunset or be extended.

- **Training**

Vera assisted with DKDAO's Reflections on Race and Prosecution: Embracing the Past, Reimagining the Future event to highlight local racial justice issues. The event included viewing the documentary film *13th* by Ava DuVernay and a panel with local legal actors, scholars, and advocates discussing DeKalb County's history of racial injustice and its present-day ramifications.

- **Data analysis**

Throughout the engagement, DKDAO made changes to improve its data analysis capacity. DKDAO worked with a specialized data analyst to oversee all data processes, systems, and tracking of office policies. DKDAO also established a partnership with Emory University to assist with capacity-building, data analysis, and policy tracking, as well as to create a public-facing data dashboard to share with community members.

- **A holistic approach to juvenile charging**

Prior to the engagement, DKDAO asked Vera to determine whether Black children were more likely to be charged as adults than similarly situated white children. Vera's analysis revealed that Black children accounted for 89 percent of all cases that were eligible for adult court and that there were so few white children referred for prosecution that any comparison was not feasible. Instead of focusing on individual biases, Vera and DKDAO recognized that the societal factors driving this disparity would require learning more about a child's background before making a charging decision.⁵¹

DKDAO already presumptively charged children in juvenile court (where they would not face adult penalties), but the office's policy was not memorialized. Vera worked with DKDAO to strengthen existing juvenile charging policies by requiring consideration of detailed factors based on extensive research regarding young people and the criminal legal system. Although Georgia allows children 13 years or older to face adult charges, research demonstrates that people under age 24 merit different treatment.⁵² For example, according to Ashley Williams's 2020 adverse childhood experiences study, each experience, such as witnessing violence, being poor, or living in a single-parent household, will increase the likelihood of a disruption in brain development, leading to an impairment in cognitive abilities and emotion deregulation.⁵³ Ninety-three percent of juveniles entering the legal system in the United States have at least one such experience, and more than 50 percent have six or more.⁵⁴

To address these issues and provide a holistic approach to juvenile charging, Vera helped DKDAO memorialize a policy requiring prosecutors to consider the following when determining whether to charge a child as an adult:

- background information regarding the child's home, school, community, and environmental situation, and their emotional condition;
- mental health diagnosis and records;
- statements from parent(s), guardian(s), and/or community members; and
- statements from teachers.

Ingham County, Michigan

Prosecuting Attorney's Note

I first came to prosecution in 1982 as a young lawyer and knew that I wanted to help achieve accountability for those causing harm. Over the next 11 years, however, I saw that our criminal legal system does not impact every community equally. In our county that is only about 14 percent Black, the courtrooms were disproportionately filled with Black and brown people. Poverty was a pervasive issue, and what happened in the criminal legal or child welfare systems seemed as driven by socioeconomic factors and implicit biases as by facts and evidence. I left prosecution to attempt to achieve change elsewhere and returned in 2016 as Ingham County's elected prosecutor.

My coworkers and I worked diligently together, not always in tandem, but with shared respect and voice, to address areas most needing change. These included examining how the office decided when to transfer juvenile cases to adult court, scrutinizing laws that were neutral on their face but were discriminatory in practice, and altering practices of automatically "habitualizing" persons with prior criminal records. It also meant enacting policies to avoid unfair collateral consequences for immigrants and refugees, providing for respectful treatment for individuals' gender identity, and creating an office focus on hate crimes. Beyond policy changes, we also listened to a wide variety of voices that were traditionally left out of conversations even though these issues deeply impacted their communities.

To achieve these goals, I partnered with various local, state, and national organizations—including Vera's Reshaping Prosecution initiative. The partnership with Vera confirmed the perceptions I had of racial disproportionality and added data-driven nuances to illustrate how the criminal legal system impacts different communities. Our partnership informed my decision to adopt policy changes and also revealed that changes designed to improve equitable outcomes did not automatically result in increased racial proportionality. I learned also that I was not alone in facing these challenges. Fellow prosecution partners intent on increasing fairness and equity were faced with virtually identical data results, no matter our geographical, racial, and population makeups. These patterns are "baked into" the core of all of our systems, and these patterns of negative racial disproportionalities exist in every system, from the education system to health care to law enforcement to prosecution to housing, employment issues, and more.

There are no simple answers, but the criminal legal system cannot do it by itself, no matter how dedicated and committed the participants in the system are. Our societal issues of inequity are reflected everywhere we look, and we need a holistic approach that is more focused on solutions and collaboration than blame and unfair expectations of any one system. We must overcome apathy and a feeling that needed changes are simply too big to occur because they will impede our ability to move forward. Partnerships like this one can provide data and facilitate ideas, but we need committed partners in the community and each branch of government to create a more perfect whole.

Carol Siemon
Former Prosecuting Attorney

Why Ingham County?

Ingham County's criminal legal system has significant disparities, particularly for Black people. Although Black people make up 15 percent of the population, they account for 50 percent of people incarcerated in jail.⁵⁵ Vera decided to work with the Ingham County Prosecuting Attorney's Office because it explicitly requested support in addressing racial disparities and had a demonstrated commitment to reform.

Voters elected Prosecuting Attorney Carol Siemon in 2016 on a platform to address the root causes of crime, and she expressed concern that, despite her efforts to decarcerate, racial disparities persisted.⁵⁶ For example, in August 2017, the office began reducing its reliance on habitual offender enhancements but

noted that, although sentence lengths decreased, the disparity between Black and white people remained.⁵⁷ The office expressed a commitment to conducting a racial disparity analysis of its case management system and requested Vera’s expertise and support. Multiple community groups supported the office’s application for assistance, including One Love Global (OLG), a local nonprofit that echoed calls to address racial disparities in the criminal legal system. Further, Ingham County presented an opportunity to model close collaboration between invested community members and a prosecutor’s office given the prior relationship between Siemon and OLG.

Overview of the engagement

Vera’s engagement in the Ingham County Prosecuting Attorney’s Office (IPAO) began in June 2020. Vera worked closely with Siemon, IPAO staff, and OLG to examine the local criminal legal system and identify potential reforms.

Vera learned about IPAO’s current practices by holding focus groups with the entire staff (including nonlawyers); attending case review meetings (group discussions on how the office should proceed with cases); and engaging external system stakeholders like judges, police chiefs, and public defenders. Insights from those meetings informed the Ingham County working group and highlighted the importance of examining historical racism and its current impacts. For instance, Vera facilitated discussions on local redlining, divestment from local Black neighborhoods, and the increase in criminalization as a response. Some working group members expressed that it was their first time learning about Black Codes, for example, and immediately recognized their similarity to current vagrancy laws.⁵⁸

Vera worked closely with OLG throughout the engagement to hear from affected community members and facilitate policy discussions. OLG was well-positioned to advise on reforms to decrease racial disparities because of its focus on Black youth and its relationships with Black families, including those impacted by police and/or gun violence. Vera and OLG worked together to create a conversation series through OLG’s Lansing People’s Assembly, a “community-driven process for deeper civic engagement in government decision-making.”⁵⁹ The goal of the series was to increase the community’s capacity to engage with Vera’s racial disparity analysis and hold the prosecutor’s office accountable for reforms to decrease racial disparities, as well as build the community’s vision for public safety more broadly. During these sessions, community members spoke up about their concerns and experiences regarding arrests for gun possession, patterns in police traffic stops (which often resulted in searches), and police use of force. Vera and OLG then replicated the Lansing People’s Assembly model at the state level via a Michigan People’s Assembly and nationally through a collaboration with Black Lives Matter Grassroots to bring more directly affected advocates into the conversation on prosecution reform.

Community education and prosecutorial power

As Vera presented its findings in Ingham County, it became apparent that many community members did not understand the power of a prosecutor’s office and how that power relates to racial disparities in the criminal legal system. Without that information, community members had difficulty engaging on potential reforms. Responding to that need and in partnership with OLG and IPAO, Vera presented information about the power of prosecutors and how IPAO makes decisions at each major case point. Vera also provided a racial disparities analysis of IPAO data and included policy recommendations to anchor conversations on possible action steps.

Vera received and analyzed data from 2015 to 2019 in the office’s case management system in coordination with the Prosecuting Attorneys Coordinating Council and the Prosecuting Attorneys Association of Michigan. Vera secured additional data from the Michigan Department of Corrections to conduct a preliminary analysis of prison convictions in 2019 and the Lansing Police Department to review traffic stops. Vera limited its racial disparities analysis to which charges IPAO approved, because the office did not track

demographics for cases that it declined to prosecute. Further, Vera could not conduct an analysis of prosecutors' pretrial release recommendations, plea negotiations, and sentencing recommendations because IPAO (like the vast majority of offices) does not currently track this information in its case management system.

Key findings

Vera's analysis supports many of the issues raised by community members during the Lansing People's Assembly.

Overall trends

- Total cases police referred to the office declined slightly from 8,639 in 2015 to 7,988 in 2019.
- Misdemeanors almost entirely drove the decrease in cases referred. In 2015, police referred 4,346 misdemeanors compared to 3,502 in 2019.
- Drug possession, drug sales, theft, and forgery accounted for nearly one-third of all felony cases IPAO charged.
- The criminal legal system disproportionately impacts Black people and people from census tracts in the bottom 25 percent of median household income of Ingham County. The latter group was twice as likely to have a case referred as people who lived in census tracts in the top 25 percent of median household income in the county.⁶⁰

Persisting racial disparities⁶¹

- Although Ingham County reduced the number of people sentenced to prison by 27 percent from 2017 to 2019, significant racial disparities for Black people persisted.⁶²
- Despite making up 15 percent of the county's population, Black people accounted for 66 percent of all people experiencing homelessness whom police referred for prosecution.⁶³
- Black people remained 5.1 times more likely than white people to have a case referred for prosecution, 7.6 times more likely to have a felony case filed, and 6.3 times more likely to be sentenced to prison.
- In 2018, Black people accounted for 80 percent of people serving an Ingham County prison sentence for the felony firearm enhancement.
- Black people were almost twice as likely as white people to be stopped by police and three times as likely to be searched, even though they were not any more likely to be found with contraband.

Black young people

- Black young adults (ages 17–25) made up 62 percent of felony cases filed for young adults and 45 percent of misdemeanor cases filed for young adults.
- In 2019, every child charged and convicted as an adult was Black (a total of nine cases).⁶⁴

Reforms and future plans

Vera's engagement with IPAO resulted in several developments that were designed to shrink the criminal legal system, address racial equity, and increase IPAO's accountability to community members.

- **Non–public safety stops**

In July 2021, IPAO announced a policy to decline cases based on non–public safety traffic stops. Vera’s analysis of Lansing police traffic stops demonstrated that police were 1.7 times more likely to stop Black people than white people and three times more likely to search them, even though Black people were no more likely to have contraband. Community members further highlighted such pretextual traffic stops as a key issue during the Lansing People’s Assembly and expressed concerns about these stops infringing on the constitutionally protected rights of Black residents. Black community members in particular noted experiences with stops that resulted in Black people feeling pressured to consent to their cars being searched.

In response to these concerns and the corresponding racial disparities observed in the data, IPAO developed a policy to establish heightened scrutiny of all traffic stops and automobile searches and decline cases arising out of what it identified as non–public safety traffic stops. Vera assisted the office with monitoring whether IPAO was implementing the policy effectively. As part of those discussions, IPAO focused on the power imbalance and experience of Black people during police interactions. As a result, IPAO amended its initial policy to include heightened scrutiny for consent-based searches, which had not been emphasized in the original announcement.

- **Heightened scrutiny and tracking for charges relating to police use of force**

Vera’s analysis of referrals for resisting and obstructing or assault on a police officer confirmed that those cases are a significant driver of racial disparities. These cases were the third highest felony charged overall and the sixth most commonly charged felony against Black adults. They were also the second most commonly charged felony against people experiencing homelessness. Vera’s analysis supported long-standing feedback from directly affected Black and Latino community members regarding police use of force.

In response, IPAO updated its policy for police use-of-force cases in August 2020 to require assistant prosecuting attorneys to evaluate all available materials, including body camera footage, before making a charging decision, instead of relying solely on the officer’s paperwork. IPAO also committed to and began tracking all warrant requests for resisting or obstructing an assault on a police officer in order to measure and track the impact of the policy on racial disparities, and it has started providing public updates on cases in which police officers are accused of or charged with a crime.

- **Felony firearm declination policy**

Michigan law contains a broad statute, informally known as “felony firearm,” that criminalizes possessing a firearm during the commission of a felony and carries a mandatory minimum sentence of two to 10 years depending on whether the person has been convicted under the statute previously.⁶⁵ If convicted, the prison time must be served in addition to any other sentence. In a 2020 report, Safe & Just Michigan revealed that felony firearm convictions are a significant driver of racial disparities in the state’s prison system.⁶⁶ Vera’s analysis revealed that in 2018, 80 percent of people in prison from Ingham County with the felony firearm enhancement were Black and 91 percent of people in prison from Ingham County due solely to the enhancement were Black. In addition to these harmful impacts, long-standing research casts significant doubt on whether mandatory minimum enhancements deter crime.⁶⁷

Equipped with this information, IPAO adopted a new practice to reduce its reliance on the enhancement. As of August 2021, it no longer automatically charges felony firearm whenever applicable, reserving the charge for when it believes it is necessary to capture the seriousness of the offense or the defendant’s history, which requires leadership approval. Prior to the policy change, IPAO charged the felony firearm statute whenever applicable.

Early results from the policy have been mixed. From August 2018 to August 2019, prior to the policy, IPAO authorized 192 charges, 71 percent of which were against Black people. In the year following the

policy announcement, IPAO filed 97 charges, 65 percent of which were against Black people. By declining these charges, IPAO potentially saved 190 years of incarceration.⁶⁸ However, the share of charges authorized for Black people remains disproportionately high despite decreasing by 6 percentage points. The driving force behind the disparity is hard to determine based on available data, but continued consideration of conviction history may play a factor.⁶⁹

- **Collaboration with directly impacted communities for policy change**

Vera helped deepen the relationship between IPAO and directly impacted communities. Vera's work with community members involved in OLG's community conversation series ensured that they knew about IPAO's work and could make informed decisions about their advocacy strategies. In addition, IPAO often attended community conversations at OLG's invitation. IPAO stated—and Vera observed—that this was highly influential and contributed to IPAO policies to decrease racial disparities.

IPAO has used its political power as a prosecutor's office to engage community members and system stakeholders on supporting survivors, particularly those who do not feel comfortable engaging with law enforcement. IPAO has sought feedback from advocates and pushed for additional investment in community-based services. Similarly, based on community feedback, IPAO engaged in conversations with the board of commissioners about diversion resources to include weapons offenses, which are a significant driver of racial disparities.

- **Data reforms**

IPAO committed to ongoing data transparency with the community. The office has a partnership with the ACLU's Prosecutor Transparency Project to create a data dashboard. Vera advised on the project and helped develop its IT infrastructure. The dashboard will build off Vera's analysis and rely on the release of open data. This will allow community members to validate the analysis, pursue their own questions, and assess trends over time.

On December 31, 2022, Carol Siemon stepped down from office during her second term, and the circuit judges appointed a new prosecuting attorney to take over on January 1, 2023.⁷⁰ It's not clear how the new prosecuting attorney will engage with all of Siemon's and IPAO's work, but he has rescinded the felony firearm policy.⁷⁴ Vera remains connected with local community advocates and will continue discussions on how to navigate the transition.

Ramsey County, Minnesota

County Attorney's Note

Our jurisdiction of Ramsey County is the most racially diverse county in Minnesota, with one-third of its residents being people of color. While Ramsey County boasts a high quality of life overall, one in four of its residents relies on public support to meet basic needs, and the county is home to some of the greatest disparities in the nation with respect to education, housing, legal system involvement, out-of-home placement, unemployment, health, and most, if not all, indicators of success.

As chief prosecutor, I know that attacking these nation-leading disparities is not only a moral imperative, it's critical for the ability of our legal system to gain the public's trust and deliver justice, and it's key for the future health and wellness of our greater community, as well as of those most impacted. First, we must acknowledge the harm our current systems have caused Black and brown people for decades, and then we must reimagine and systematically transform our responses in the legal system, transparently and alongside people and communities that have been impacted the most.

Truly transforming how our systems respond to youth and adults requires intentional, data-driven efforts to understand our current practices and procedures, educate our staff about how our decisions are impacting people in our community and what outcomes we're currently producing, and develop and implement alternative responses, along with ongoing evaluation to measure our progress going forward.

This is where Vera's Reshaping Prosecution initiative comes in. In 2019, Vera and the Institute for Innovation in Prosecution invited me to help develop MotionForJustice.org, a framework for prosecution offices to tackle racial disparities. This framework and Vera's technical assistance have helped us tackle racial disparities head-on by building proximity with the communities we serve and better addressing the root causes of justice involvement, which not only decreases our reliance on incarceration and its resulting harms, including sometimes lifelong collateral consequences, but also produces better safety and well-being for our communities.

One shining example of our collaborative efforts is already starting to pay off for our community—our non-public safety traffic stop policy. Launched in September 2021, our policy to stop taking cases resulting from non-public safety traffic stops or pure consent searches has significantly decreased those activities in aligned law enforcement agencies, along with the racial disparities inherent in them.

Recent analysis of the first year of implementation revealed

- non-public safety traffic stops and searches decreased significantly for aligned law enforcement agencies: stops by 86 percent and searches by 92 percent;*
- non-public safety traffic stops by aligned law enforcement agencies decreased from 25 percent to 5 percent of all traffic stops; and*
- Black drivers in Ramsey County experienced the largest decrease in non-public safety traffic stops per capita: down 66 percent*

...all without any discernible effect on crime rates.

Changes like these make a real impact on the lives of people in our community, with respect to both trust-building with residents of color and prioritizing law enforcement resources on activities that truly further public safety for all. I want to thank Vera for making this significant investment in Reshaping Prosecution to advance racial justice in communities across America and encourage my colleagues to join the movement!

John Choi
Ramsey County Attorney

Why Ramsey County?

Ramsey County's struggles with racial injustice were highlighted after the 2016 death of resident Philando Castile, who was shot and killed by Officer Jeronimo Yanez during a traffic stop while Castile's girlfriend and her daughter were in the car.⁷² The incident sparked local and national protests designed to remedy systemic racial inequities.⁷³

Ramsey County Attorney John Choi (whose office prosecuted Yanez) was elected in 2010 and has become a national leader in the prosecution reform space. He frequently speaks about the system's impact on marginalized communities and the need to reduce its reach. Prior to Vera's engagement, the Ramsey County Attorney's Office (RCAO) implemented several reforms under Choi's leadership. The office developed an initiative to create alternative pathways for young people and created the Pretrial Justice Division to divert cases at the earliest opportunity. Choi was also a valued thought partner in developing the Motion for Justice website, a platform with resources on how prosecutors can center racial equity.⁷⁴

Vera decided to work with RCAO because it presented a unique opportunity to collaborate with a prosecutor who has been outspoken about addressing racial injustice in an area with a demonstrated need. As RCAO stated in its application, "[W]e must acknowledge the harm our current systems have caused Black, brown, and Indigenous people for decades, and then we must radically reimagine and systematically transform our responses in the legal system, transparently and alongside people and communities that have been impacted the most. Achieving this and reducing the footprint of the legal system is our top priority."⁷⁵

Overview of the engagement

Vera's engagement with RCAO began in March 2020. In partnership with Choi, Vera analyzed data from the office's case management system and worked closely with RCAO staff and community advocates to inform potential pathways to reform.

Vera conducted focus groups with nearly every member of the RCAO staff, including victim/witness advocates, paralegals, investigators, data analysts, and administrators. The conversations illuminated how the office approached cases and community attitudes toward racial justice. Those conversations informed Vera's approach to the working group, including a facilitated session on Indigenous communities in partnership with Mike Forcia, a Ramsey County community advocate.

Vera also contacted several community members to inform policy conversations. RCAO and Vera identified community partners, with a focus on Black, Latino, and Indigenous advocates. Vera met with people from a range of fields, including domestic violence, sexual abuse, victims' rights, and restorative/transformational justice. These conversations surfaced a common theme about the need for RCAO to learn more about what local communities need to feel safe. These groups noted that, even if well-intentioned, prosecutors had their own ideas about what creates safety and did not appear to recognize the impact of their decisions on families. With that feedback in mind, Vera worked closely with Dr. Tamara Mattison and Dr. Raj Sethuraju, local experts on restorative practices and healing, throughout the engagement.

Vera researchers analyzed data from the office's case management system, Prosecutor by Karpel (PbK). Vera reviewed case referral, charging, declination, diversion, conviction, and sentencing data from 2017 to 2021. RCAO also requested that Vera examine prepandemic (2017–2019) and pandemic (2020–2021) averages to compare trends. Vera did not examine pretrial release recommendations, plea negotiations, or sentencing recommendations because that information is not tracked in a readily accessible format.

Key findings

Vera reviewed PbK data from 2017 to 2021, analyzing 35,395 cases that represented 19,911 unique people.⁷⁶

Adult cases

- From 2017 to 2021, the number of adult referred cases grew by 18 percent from 4,591 to 5,436. The number of filed cases varied between 3,016 and 3,165 during that period, but as a percentage of referred cases, they declined from 66 percent to 58 percent.
- During that period, Black people were disproportionately affected at every stage of a case. Although they accounted for only an average of 13 percent of the county's population, they represented 54 percent of cases referred, 53 percent of cases filed, 54 percent of all convictions, and 54 percent of people incarcerated.⁷⁷
- Disparities for Black people entering the criminal legal system increased during the pandemic. From 2017 to 2019, before the pandemic, Black people were 7.4 times more likely than white people to have a case referred and 7.3 times more likely to have one filed. From 2020 to 2021, Black people were 7.8 times more likely to have a case referred and 8.1 times more likely to have a case filed.
- Racial disparities for convictions, jail sentences, and prison sentences among Black people declined during the pandemic but remained substantial. From 2017 to 2019, Black people were 7.3 times more likely to have a conviction than white people, 11.4 times more likely to serve a jail sentence, and 10.6 times more likely to serve a prison sentence. From 2020 to 2021, Black people were 6.8 times more likely to be convicted, 8.7 times more likely to serve a jail sentence, and 6.7 times more likely to serve a prison sentence.

Juvenile cases

- Black youth under age 18 are severely overrepresented in the criminal legal system.⁷⁸ Although they make up 15 percent of the county's 15–19-year-old population, they account for 68 percent of referred juvenile cases, 69 percent of filed cases, and 68 percent of convictions. While only 19 youth were sentenced to incarceration over the five years from 2017 to 2021, almost all (18 of 19) were Black.⁷⁹
- From 2017 to 2021, nearly one-third of referred cases for Black youth did not involve allegations of physical injury.
- From 2017 to 2021, the number of referred cases for young people declined by 64 percent from 2,724 to 978. Filed cases declined both in number and as a percentage of referred cases from 1,882 (69 percent) to 506 (52 percent).
- Although the number of Black and white young people entering the system decreased sharply, the number of white young people decreased at a faster rate, and racial disparities significantly increased. From 2017 to 2019, Black youth were 12.2 times more likely than white youth to have a referred case and 14.8 times more likely to have a filed case. From 2020 to 2021, Black youth were 15.3 times more likely to have a referred case and 18.4 times more likely to have a filed case.

Reforms and future plans

RCAO pursued reforms to center racial justice, including a groundbreaking policy to deter non–public safety (also known as pretextual) traffic stops that received national attention.

- **Non–public safety stops**

In August 2021, RCAO released a policy to decline cases stemming from traffic stops not related to public safety. RCAO’s policy was the first one in the country designed to deter police from engaging in these stops by focusing primarily on the nature of the stop without exceptions for consent or plain view.⁸⁰ The death of Philando Castile, who was shot and killed following a traffic stop for a malfunctioning brake light, was a significant factor in the office’s decision to move forward with a more aggressive policy.

RCAO’s policy also relied on a significant body of research indicating that these stops are racially disproportionate and do not improve public safety. Nationally, a study of 100 million traffic stops found that police were more likely to stop and search Black and Latino drivers than white drivers, even though Black and Latino drivers were not more likely to carry contraband.⁸¹ According to an analysis of St. Paul Police Department data by the *Pioneer Press*, from 2016 to 2020, Black drivers accounted for 35.7 percent of traffic stops while making up 13 percent or less of the city’s driving-age population.⁸² Vera’s additional analysis revealed that Black drivers in St. Paul were four times more likely to be pulled over and nine times more likely to have their vehicles searched. Further, research indicates that limiting police stops to public safety reasons, rather than using them as pretext to investigate, reduces racial bias.⁸³

Choi spent several months gathering feedback on the policy from community members—including the Castile family—and local stakeholders. The policy gained support from five local police departments, one of which announced a separate policy to prevent these encounters. The Ramsey County Board of Commissioners, the mayor of St. Paul, and the St. Paul African American Leadership Council also voiced support.⁸⁴

Vera assisted the office with policy development, implementation, and communications support. As part of the implementation, Vera helped the office identify avenues to better track traffic stops in PbK so that people can monitor the office’s use of the policy. Vera also met with RCAO and the Justice Innovation Lab to discuss tracking arrest changes in response to the policy.⁸⁵

On June 7, 2023, RCAO announced promising results from the Justice Innovation Lab’s analysis of the policy’s impact on non–public safety stops, racial disparities, and the recovery of firearms.⁸⁶ In the year before the policy, non–public safety stops accounted for 25.8 percent of all traffic stops made by St. Paul’s police department.⁸⁷ After the policy was implemented, that number dropped to 4 percent and resulted in nearly 5,000 fewer non–public safety stops.⁸⁸ Black drivers experienced a 66.5 percent decrease in the rate police stopped them, which was the largest drop among all racial groups.⁸⁹ The policy also did not impact how frequently police discovered firearms during traffic stops, with the recovery rate remaining consistently below 1 percent.⁹⁰

Vera supporting a national movement

In 2019, Vera and the Institute for Innovation in Prosecution convened experts for a six-month working group process to identify race equity strategies for prosecutors, which are now available at motionforjustice.org. The experts included legal scholars, advocates who had been affected by the criminal legal system, and prosecutors committed to racial justice. That process culminated in a December 2019 meeting at which Vera facilitated a conversation for prosecutors about declining cases based on pretextual traffic stops. Two offices expressed interest in exploring such a policy: Ramsey County, Minnesota, and San Francisco County, California. After District Attorney Chesa Boudin was sworn in, Vera advised the San Francisco District Attorney’s Office on policy language, and it became the first office in the country to announce a pretextual stop policy. Several months later, Washtenaw, Michigan, County Attorney Eli Savit announced a similar policy. Vera then advised

Ramsey County; Ingham County, Michigan; and Chittenden County, Vermont, on policies to deter these stops.

- **Dismissing drug possession cases**

In May 2020, as a response to the coronavirus pandemic, RCAF announced that it would no longer prosecute fifth-degree drug possession offenses—a crime that encompasses possession of narcotics other than marijuana and carries a possible five-year prison sentence.⁹¹ Prior to the policy, fifth-degree drug possession accounted for 7 percent of cases resulting in a prison sentence—the third highest among all offenses. It represented 13 percent of sentences leading to incarceration for white people and 5 percent for Black people. After the policy went into effect, fifth-degree drug possession dropped from the third most common offense leading to prison to out of the top 10 for all cases, which held true for both white and Black people.

- **(Re)imagining Justice for Youth**

In 2019, in response to feedback from his community and concerns about the school-to-prison pipeline, Choi launched the (Re)imagining Justice for Youth Initiative. The initiative examines how RCAF's policies impact youth and explores restorative solutions in collaboration with restorative practitioners, youth services providers, the public defender's office, corrections, public health, social services, and the county attorney's office.

In May 2022, RCAF announced a continuum of restorative responses for youth designed to increase public safety, address the significant racial disparities revealed in Vera's analysis, break cycles of criminalization of Black and Indigenous youth, and provide more options in addition to the traditional prosecution pathway.⁹² The continuum includes responses such as declinations and referrals to community-based accountability processes. The initiative also created the Collaborative Review Team, composed of representatives of the public defender's office, the prosecutor's office, and directly affected communities, to evaluate eligible youth cases and allow community and public defender perspectives to play a part in shaping the outcome.

Suffolk County, Massachusetts

Why Suffolk County?

Suffolk County incarcerates Black people at a disproportionate rate. Although Black people make up 19 percent of the county's population, they represent 45 percent of people incarcerated in jails.⁹³ The Suffolk County District Attorney's Office (SCDAO) handles approximately 25,000 new criminal cases each year from four municipalities: Boston, Chelsea, Revere, and Winthrop.⁹⁴ From 2014 to 2019, SCDAO charged cases involving Black adults, on average, at four times the rate of cases involving white adults. During this same period, SCDAO charged cases involving Black youth at 10 times the rate of white youth, on average. Of the roughly 158,000 cases the office received from 2014 to 2019, 50 percent involved nonviolent misdemeanor cases, while approximately 19 percent involved nonviolent felony cases.

In January 2019, Rachael Rollins was sworn in as the first woman district attorney of Suffolk County and the first woman of color elected as district attorney in the Commonwealth.⁹⁵ After reviewing both internal and national charging trends, Rollins acknowledged that prosecutors obtained many convictions for offenses driven by economic, mental health, and social needs.⁹⁶ Three months after Rollins entered office, SCDAO released a 66-page policy memo (the Rollins Memo) that implemented a policy of presumptively declining to prosecute 15 low-level, nonviolent crimes, as well as several other policies.⁹⁷

Impact of new policies

Following implementation of the Rollins Memo, SCDAO partnered with a data scientist from Harvard University to analyze cases impacted by the office's new policies.⁹⁸ The preliminary results of the first analysis of disposed cases on its "decline to prosecute" list showed that the share of these cases that SCDAO did not prosecute increased from an average of 54.3 percent in the four years prior to the Rollins Memo to 77.6 percent in the one-year period following its release.⁹⁹

Overview of the engagement

In July 2020, Vera partnered with SCDAO under the leadership of then-District Attorney Rachael Rollins. Rollins sought a collaboration with Vera to advance SCDAO's policy commitments in three major areas: (1) expanding access to diversion programs, (2) improving data entry to better measure SCDAO's reform efforts, and (3) shifting internal culture to better reflect the office's reform commitments. In July 2021, Rollins was nominated to become U.S. Attorney for the District of Massachusetts. Vera's engagement with SCDAO ended shortly after Rollins left office and pivoted to support advocacy efforts to end non-traffic safety stops in the county.

During the partnership, Vera reviewed and analyzed internal and external data, engaged with office staff to learn about potential challenges to reform, and reached out to local community organizations to better understand their priorities. Vera introduced the concept of a Bill of Values to the office's working group, which is made up of line prosecutors. A Bill of Values establishes a set of principles for each case presented that are designed to reduce the number of cases arraigned, as well as the penalties imposed on people during key decision points. The working group engaged in discussions about the viability of principles such as declining to arraign a case if there is insufficient proof beyond a reasonable doubt at arraignment and refusing to impose enhancements when a plea offer is rejected. Unfortunately, the office was unable to adopt a final Bill of Values prior to Rollins's departure.

- Vera also met with several local community groups and advocates to gain insight about their concerns and priorities. For example, Citizens for Juvenile Justice, an organization focused on statewide advocacy for systemic reform in youth justice, worked with SCDAO for 18 months on trainings related to equity, power, identity, and community.¹⁰⁰ SCDAO's community engagement

office was instrumental in granting Vera access to more than 50 organizations that routinely joined its town halls. Vera held listening sessions with those groups to learn more about community needs.

Key findings

Vera's data analysis followed two distinct paths.¹⁰¹

District Attorney's Office data

On the first path, which ran from the start of Vera's engagement to summer 2021, Vera analyzed six years (2014–2019) of prosecutorial case data from SCDAO's data system. From this analysis, Vera found

- Black and Latino residents of Suffolk County were 3.7 times and 2.1 times more likely, respectively, to be sentenced to incarceration than white people.
- Among juvenile cases, the disparities were even starker: Black and Latino youth under 18 in Suffolk County had cases charged and convicted at 10 times and four times the rate of white youth, respectively. Encouragingly, Vera observed that juvenile racial disparities in case arraignment for Black and Latino youth decreased annually, and by 2019, disparities for Black and Latino youth were less than half their 2014 levels. (Unfortunately, the adult disparities in case arraignment remained steady from 2014 to 2019.)
- These outcomes were happening against the backdrop of falling case charging and arraignment numbers: from 2014 to 2019, there was a 20 percent drop in the number of cases law enforcement charged and a 30 percent drop in the number of cases SCDAO arraigned.

Massachusetts Department of Transportation data

For the second path, Vera analyzed data from the Massachusetts Department of Transportation (MassDOT) from 2010 to 2019 that contained information on all traffic stops with written warnings, civil or criminal citations, or arrests within Suffolk County. The data, obtained from the ACLU of Massachusetts, gave Vera the opportunity to study racial disparities more broadly in the criminal legal system. Although the initial impetus for this analysis was to inform prosecutorial charging policies and practices for traffic stops, the scope of the analysis—and the stakeholders whose policies could be informed by this research—expanded once the engagement with SCDAO ended.

From this analysis, Vera found

- Police disproportionately stopped Black drivers in Suffolk County, especially for non-traffic safety reasons such as a single broken taillight or improperly displayed license plates. In fact, police pulled Black drivers over at 2.3 times the rate of white drivers for these minor, non-traffic safety violations. In Boston and Winthrop, police stopped Black drivers at 3.8 times and 8.9 times the rates, respectively, for non-traffic safety stops compared to white drivers.
- Only 15 non-traffic safety violations were responsible for 46 percent of the racial disparities in non-traffic safety stops in Suffolk County. In other words, if police did not stop drivers for the 15 non-traffic safety violations with the greatest Black-white disparity, nearly half of the Black-white disparity in non-traffic safety stops would be erased.

Reforms and future plans

Prior to Rollins's departure, Vera presented its analysis to the working group, the SCDAO leadership team, and other stakeholders. Based on feedback from those conversations, Vera began efforts with SCDAO to

pilot a screening unit to allow prosecutors more time to thoroughly evaluate cases prior to arraignment. Currently, when police make an arrest and refer a case to SCDAO, prosecutors assigned to arraignment courtrooms have only a brief period to review all the cases on that courtroom’s docket before making arraignment decisions. By creating a screening unit and holding arraignments in the afternoon, the office could dedicate attorneys and support staff to this unit, whose sole task is to review cases and related arraignment and discovery preparation before making final decisions, which would likely result in the arraignment of fewer cases. Due to Rollins’s departure, SCDAO was unable to implement this pilot before the end of Vera’s engagement. However, staff expressed interest in continuing the pilot under new leadership.

After Rollins’s departure, Vera pivoted to support local advocacy efforts and published a report titled *An Analysis of Racial Disparities in Police Traffic Stops in Suffolk County, Massachusetts, from 2010–2019*.¹⁰² The report led to media coverage in the *Boston Globe*, *Boston Herald*, WCVB Boston ABC 5, and the *Bay State Banner*.¹⁰³

Vera reached out to local organizations, including the ACLU (which provided the MassDOT traffic data); Muslim Justice League; Boston Cyclists Union; and LivableStreets, an organization that was also collecting data on traffic safety and which subsequently released a report detailing its findings.¹⁰⁴ Vera hosted presentations with several stakeholders, community groups, and individuals to share the traffic stop data and policy recommendations. Specifically, Vera recommended

1. City councils should pass local ordinances preventing police from initiating a traffic stop for non-traffic safety violations.¹⁰⁵ Councilors should also write ordinances to prevent police from pulling drivers over to arrest them on warrants for low-level offenses such as failing to pay fines and fees or missing court dates for certain misdemeanor offenses. They could also prohibit police from seeking permission to search a person or their vehicle when the officer otherwise lacks probable cause to perform the search, also known as “consent searches.”
2. Police departments should adopt policies declining to stop drivers for non-traffic safety violations. Police can then concentrate on stopping drivers for conduct that puts others at risk—such as driving under the influence or running a stop sign—and investigating and solving serious crimes.
3. The district attorney should introduce policies that create a presumption not to charge criminal cases that stem from non-traffic safety stops or consent searches when police lack probable cause to conduct the search.
4. Legislators should introduce laws building nonpolice first responder teams whose mission is traffic and road safety—not criminal law enforcement—and removing police authority to enforce non-traffic safety violations.¹⁰⁶

Vera continues to offer support to local community groups interested in ending these stops in Suffolk County.

Conclusion

Vera learned several lessons from these partnerships to inform future work, but two themes stood above the rest: setting clearer expectations and owning safety narratives. Vera entered this round of partnerships with broader goals to examine systemic disparities and work with offices and their communities to develop solutions. That general approach allowed for flexibility but, at times, created uncertainty about what the offices and communities could expect as outcomes from these partnerships. Moving forward, Vera will collaborate with offices to identify a reform to implement at the outset of partnerships. Vera has already seen the benefits of that approach through Motion for Justice—a model of technical assistance through which prosecutors’ offices and community-based organizations develop, with Vera’s support, diversion programs centering on racial equity. Naming a reform commitment up front will guide the work and clarify goals while also allowing needed flexibility to identify additional reform areas throughout the partnership.

Throughout the engagements, Vera observed that its partners (and reform prosecutors in the broader movement) face false but politically expedient narratives that insist communities must choose between reform and safety. These attacks have resulted in a few prosecutors losing office and many others feeling hesitant to pursue necessary but bold reforms. Vera’s engagements have operated with the implicit understanding that reforms offer a better path to safety, but the Institute recognizes that its partners need more explicit support.

Vera is adjusting partnerships to help reform prosecutors build evidence on the safety impacts of their efforts. Vera will help offices build data capacity to track their reforms and assist with evaluating the impacts. Vera will also use a participatory action research model (based on a pilot with the district attorney’s office in Wyandotte County, Kansas) to gather qualitative data on how local communities define safety and how prosecutors’ offices can support their vision.¹⁰⁷

Vera remains committed to the reform prosecution movement and looks forward to bringing these lessons to bear in its future work.

Endnotes

- ¹ Robert F. Kennedy, “Day of Affirmation Address,” University of Capetown, Capetown, South Africa, June 6, 1966, transcript of speech, <https://perma.cc/7NQW-8WR9>.
- ² U.S. Census Bureau, “American Community Survey 2020 5-year Estimates Data Profiles: DeKalb County, Georgia,” database (Washington, DC: U.S. Census Bureau), <https://data.census.gov/table?q=DeKalb+County,+Georgia&tid=ACSDP5Y2020.DP05>.
- ³ Vera focus group interview with community members by Maresi Starzmann, senior research associate, on August 9, 2022, recording on file with Vera.
- ⁴ Vera focus group interview with prosecutors by Maresi Starzmann, senior research associate, on July 28, 2022, recording on file with Vera.
- ⁵ Vera relied on U.S. Census estimates to determine county demographics when analyzing racial disparities. Vera grouped some subcategories of census race and ethnicity data to align more closely with the race and ethnicity categorizations in the prosecutor case management data.
- ⁶ For Boulder County’s demographics, see U.S. Census Bureau, “QuickFacts: Boulder County, Colorado,” database (Washington, DC: U.S. Census Bureau), <https://www.census.gov/quickfacts/bouldercountycolorado>.
- ⁷ Shay Castle, “Boulder Prides Itself on Being Welcoming to All. But Its Citizens of Color Tell a Different Story,” *Daily Camera*, July 28, 2018, <https://perma.cc/K8LY-UQJW>.
- ⁸ For information on Michael Dougherty’s background, see Boulder County, “Michael Dougherty Twentieth Judicial District, 2018-March,” <https://bouldercounty.gov/district-attorney/past-and-present/>.
- ⁹ Kathryn Bistodeau, “Boulder County DA to Bring Back Fresh Start Program in November,” *Daily Camera*, October 16, 2020, <https://perma.cc/QW49-2ZWO>. For information on the Boulder County District Attorney’s Office’s (BCDAO) Center for Prevention and Restorative Justice, see Boulder County, “Center for Prevention and Restorative Justice,” <https://bouldercounty.gov/district-attorney/center-for-prevention-and-restorative-justice/>.
- ¹⁰ Andrew Kenney and Paolo Zialcita, “10 Dead, Including a Police Officer, in Shooting at Boulder King Soopers,” Colorado Public Radio, March 22, 2021, <https://perma.cc/ZXR4-DBV5>.
- ¹¹ Visit Boulder, The Convention and Visitors Bureau, “Boulder’s Indigenous History,” <https://perma.cc/2LZW-TVKE>.
- ¹² Beret E. Strong and Katrina Miller, “Insight: Confronting City’s Racist History,” *Daily Camera*, December 20, 2020, <https://www.pressreader.com/usa/daily-camera-boulder/20201220/282093459339360>. For more information, see Hutchinson Black and Cook, LLC, “History of Boulder’s Black Community: Additional Resources,” February 24, 2021, <https://perma.cc/B2CT-KV24>.
- ¹³ Vera focus group interview with community members by Adureh Onyekwere, senior program associate, and Erin Ross, program manager, on May 20, 2021, Boulder County, Colorado, notes on file with Vera.
- ¹⁴ Jane Brautigam, “Open Data Policy,” City of Boulder, Colorado, last revised April 24, 2017, 1, <https://perma.cc/Z848-YG2D>. See also Colorado Open Records Act, Colorado Rev. Stat. §§ 24-72-201 to 24-72-206.
- ¹⁵ Misdemeanors proceed with the charges filed by law enforcement, but charging decisions for juveniles and felonies are made by BCDAO, with the standard for charging being a reasonable likelihood of proving the case beyond a reasonable doubt at trial.
- ¹⁶ For Boulder County’s demographics, see U.S. Census Bureau, “American Community Survey Demographic and Housing Estimates: Boulder County, Colorado,” database (Washington, DC: U.S. Census Bureau), <https://data.census.gov/table?q=Boulder+County,+Colorado&tid=ACSDP5Y2019.DP05>.
- ¹⁷ *Ibid.*
- ¹⁸ *Ibid.*
- ¹⁹ Homelessness in the dataset is defined as a person in the BCDAO case management system who has a home address listed either as “homeless,” “transient,” “shelter,” or the address of one of Boulder County’s homeless or emergency shelters.
- ²⁰ To calculate the percentage of Boulder County’s population experiencing homelessness, Vera divided the estimated number of people experiencing homelessness by census estimates of the county’s population. Vera obtained estimates of the people experiencing homelessness from reports authored by Homeless Solutions for Boulder County (HSBC), a government initiative to address homelessness. According to HSBC, it screened 2,448 adults for services in 2018 and 1,170 adults in 2020. HSBC, 2020 Annual Report (Boulder County, CO: SBC), <https://perma.cc/FA88-W48M>. For HSBC’s report with data from 2018, see HSBC, *1st Annual Report* (Boulder County, CO: HSBC, March 2019), <https://perma.cc/84PA-DWEJ>. For Boulder County census estimates, Vera relied on U.S. Census estimates for 2018 and 2020. See U.S. Census Bureau, “American Community Survey Demographic and Housing Estimates: Boulder County, Colorado.”
- ²¹ From 2018 to 2019, seven types of offense accounted for 45 percent of felony cases for people experiencing homelessness: drug possession, criminal impersonation, burglary of a dwelling or building, trespass, possession of burglary tools, theft, and identify theft. Criminal Impersonation (Colorado Rev. Stat. § 18-5-113) is defined as assuming a false identity in order to gain some benefit or harm the subject of the impersonation. Effective 2020, the Colorado State Legislature reduced possession of a controlled substance from a felony to a misdemeanor. Colorado HB 19-1263 (2019), <https://perma.cc/M7ZF-SUGG>.
- ²² For more information on the center, see Leigh Courtney, *The Restorative Justice and Diversion Program: Colorado 20th Judicial District Attorney’s Office* (Washington, DC: Urban Institute, 2022), <https://perma.cc/C324-A3UC>.
- ²³ From 2013 to 2017, the office diverted 579 juvenile cases, and from 2018 to 2019, the office diverted 705 juvenile cases.
- ²⁴ From 2016 to 2017, the office diverted 128 adult cases, and from 2018 to 2019, the office diverted 624 adult cases.
- ²⁵ From 2013 to 2019, the office diverted 837 of 1,873 juvenile cases for white children and 31 of 165 juvenile cases for Black children.

- ²⁶ Letter from Governor Jared Polis to Chair of Colorado Commission on Criminal and Juvenile Justice Stan Hilkey, June 24, 2020, 1, <https://perma.cc/8X55-9NZE>.
- ²⁷ In March 2020, Colorado HB 19-1263 (2019) went into effect, reducing Unlawful Possession of a Controlled Substance (Colorado Rev. Stat. § 18-18-403) to a misdemeanor. Similarly, Colorado SB 21-271 (2021), <https://perma.cc/ZL58-757N>, made the following changes: reduced Identity Theft – Uses Info to Obtain (Colorado Rev. Stat. § 18-5-902(1)(e)) to a Class 2 misdemeanor; Menacing (Colorado Rev. Stat. § 18-3-206) was raised generally from a Class 3 misdemeanor to a Class 1 misdemeanor, and the enhancement to a Class 5 felony when menacing involves a weapon or threat of a weapon replaced “deadly weapon” with this clearer list: “firearm, knife, bludgeon, simulated firearm, knife, or bludgeon” and removed the verbal representation of having a weapon from the list of circumstances triggering the enhancement. Second degree burglary (Colorado Rev. Stat. § 18-4-203), a generally Class 4 felony, added three subsets of Class 3 felonies, including burglary of a dwelling or where the object of the burglary was a controlled substance, firearms, or ammunition, and a Class 2 misdemeanor involving knowingly violating a written notice by a retailer (given upon trespass) or an order by a court of lawful jurisdiction specifically restraining a person from entering a particular retail location during hours which the retail store is open to the public.
- ²⁸ Another form of transparency is open data. “Open data is machine-readable data that is free of charge, and anyone is free to use, reuse, and redistribute it, which allows community members to ask and answer research questions important to them. It is available online, in an open format, with no legal encumbrances on use or reuse and is available for all to access and download in full without fees.” Brautigam, “Open Data Policy,” last revised April 24, 2017, 1. See also Colorado Open Records Act, Colorado Rev. Stat. §§ 24-72-201 to 24-72-206. See also, for example, Cook County State’s Attorney’s Office, “Dispositions,” database (Chicago: Cook County Government), <https://datacatalog.cookcountyil.gov/Courts/Dispositions/apwk-dzx8>.
- ²⁹ Vera Institute of Justice, “Incarceration Trends: Contra Costa County, CA,” database (New York: Vera Institute of Justice), https://trends.vera.org/state/CA/county/contra_costa_county.
- ³⁰ Ibid.
- ³¹ Nate Gartrell, “Graves Concedes; Diana Becton Likely Contra Costa’s First Elected African-American, Woman DA,” Mercury News, June 14, 2018, <https://perma.cc/NM6M-3X4K>.
- ³² Erika Alvero, “Diana Becton Sworn In as Contra Costa District Attorney,” Danville San Ramon, September 19, 2017, <https://perma.cc/UJ7S-KFXH>.
- ³³ Nate Gartrell, “Graves Concedes Contra Costa DA’s Race to Diana Becton,” East Bay Times, June 14, 2018, <https://perma.cc/L259-9SFR>.
- ³⁴ Ibid.
- ³⁵ U.S. Census Bureau, “American Community Survey 2021 5-year Estimates Data Profiles: Contra Costa County, California,” database (Washington, DC: U.S. Census Bureau), <https://data.census.gov/table?q=Contra+Costa+County.+California&tid=ACSDP5Y2021.DP05>.
- ³⁶ Ibid.
- ³⁷ Jamila Hodge and Seleeke Flingai, “What Happened When Boston Stopped Prosecuting Nonviolent Crimes,” Vera Institute of Justice, April 2, 2021, <https://www.vera.org/news/what-happened-when-boston-stopped-prosecuting-nonviolent-crimes>.
- ³⁸ Vera did not include 2020 in this analysis given the impact of the coronavirus pandemic on charging practices during that year.
- ³⁹ Emerging Adult Justice Learning Community, A Roadmap to Reform: Key Elements of Specialized Courts for Emerging Adults (New York: Columbia University Justice Lab, 2021), <https://perma.cc/HTR4-WSYX>.
- ⁴⁰ For more information on the Neighborhood Restorative Partnership, see CC News, “Community Safety Panelists Wanted for Neighborhood Restorative Partnership Program,” Contra Costa News, April 17, 2023, <https://contracosta.news/2023/04/17/community-safety-panelists-wanted-for-neighborhood-restorative-partnership-program/>.
- ⁴¹ Vera Institute of Justice, “Incarceration Trends: Georgia,” database (New York: Vera Institute of Justice), <https://trends.vera.org/state/GA>.
- ⁴² For DeKalb County, Georgia’s incarceration rate, see Vera Institute of Justice, “Incarceration Trends: DeKalb County, GA,” database (New York: Vera Institute of Justice), https://trends.vera.org/state/GA/county/dekalb_county. For world incarceration rates, see Emily Widra and Tiana Herring, “States of Incarceration: The Global Context 2021,” Prison Policy Initiative, September 2021, <https://perma.cc/UP87-J3U5>.
- ⁴³ See Georgia Code § 15-11-560(b) (2020).
- ⁴⁴ Mark Niesse, “How Sherry Boston Won DeKalb DA’s Race,” *Atlanta Journal Constitution*, May 25, 2016, <https://perma.cc/8VHY-JRPD>.
- ⁴⁵ Vera obtained court, jail, and adult prosecution data from Odyssey, DeKalb County District Attorney’s Office’s contracted database. Vera obtained juvenile data from JCAT, the office’s database for juvenile cases. Vera obtained incarceration data from the Georgia Department of Corrections.
- ⁴⁶ For example, when a new warrant request is submitted, intake staff enter the case as a “D Number” case. If this case is filed, they create a new “C Number” case and do not delete the old record. Furthermore, if a codefendant is added to the case, they then create yet another new “C Number” case and do not remove any older records.
- ⁴⁷ U.S. Census Bureau, “American Community Survey 2019 5-year Estimates Data Profiles: DeKalb County, Georgia,” database (Washington, DC: U.S. Census Bureau), <https://data.census.gov/table?q=DeKalb+County.+Georgia&tid=ACSDP1Y2019.DP05>.

- ⁴⁸ Latino people are notoriously undercounted in criminal legal system data. See Sarah Eppler-Epstein, Annie Gurvis, and Ryan King, “The Alarming Lack of Data on Latinos in the Criminal Justice System,” Urban Institute, December 2016, <https://apps.urban.org/features/latino-criminal-justice-data/>. Vera researchers used an R coding algorithm to identify Latino people who were potentially misreported as Black or white in an office’s data. The algorithm estimates a person’s race or ethnicity based on their surname and personal address at the time their case was referred. The range of estimates provided here includes the algorithm’s predictions as the higher number and the office’s reported data as the lower number.
- ⁴⁹ These cases refer to Georgia statutory section 16-11-106, which creates a separate charge for carrying a weapon during the commission of certain felonies. Section 16-11-106 requires a period of at least five years’ imprisonment that must be imposed in addition to any other crime.
- ⁵⁰ Supreme Court of Georgia, “Order Declaring Statewide Judicial Emergency,” March 14, 2020, <https://perma.cc/6SAS-QQMT>. See also Leon Stafford, “Metro Courts Want Millions to Clear Case Backlog Caused by Pandemic,” *Atlanta Journal-Constitution*, January 31, 2022, <https://perma.cc/9A4D-97U6>.
- ⁵¹ For information on how societal factors drive disparities in the criminal legal system and steps prosecutors can take to address them, see Vera Institute of Justice, “Motion for Justice: Prosecutors & Racial Injustice,” 2021, <https://motionforjustice.vera.org/history>.
- ⁵² In Georgia, children as young as 13 can be charged as adults and face criminal responsibility. See Georgia Code § 16-3-1. For research on child brain development, see Ashley Williams, “Early Childhood Trauma Impact on Adolescent Brain Development, Decision Making Abilities, and Delinquent Behaviors: Policy Implications for Juveniles Tried in Adult Court Systems,” *Juvenile and Family Court Journal* 71, no. 1 (2020), 5-17, <https://onlinelibrary.wiley.com/doi/abs/10.1111/jfci.12157>.
- ⁵³ Williams, “Early Childhood Trauma Impact on Adolescent Brain Development,” 2020, 6.
- ⁵⁴ Williams, “Early Childhood Trauma Impact on Adolescent Brain Development,” 2020, 6-7.
- ⁵⁵ For the most recent jail incarceration data, see Vera Institute of Justice, “Incarceration Trends: Ingham County, MI,” database (New York: Vera Institute of Justice), https://trends.vera.org/state/MI/county/ingham_county.
- ⁵⁶ For Siemon’s campaign platform, see Kathleen Lavey, “Voters Choose Siemon to Lead Prosecutor’s Office,” *Lansing State Journal*, November 8, 2016, <https://perma.cc/37PR-UXHX>.
- ⁵⁷ As noted later in this report, Carol Siemon stepped down from office in December 2022. Her successor reversed some of her policies, including this one.
- ⁵⁸ For information on Black Codes, see Nadra Kareem Little, “The Black Codes and Why They Still Matter Today,” ThoughtCo., December 21, 2020, <https://perma.cc/BL9K-VZP3>.
- ⁵⁹ Lansing People’s Assembly Facebook page, accessed January 16, 2023, <https://www.facebook.com/lansingpeoplesassembly/photos/a.106718047785800/292741459183457/?type=3>.
- ⁶⁰ Vera relied on the U.S. Census American Community Survey’s five-year estimates from 2015 to 2019 to gauge the neighborhood incomes within Ingham County. “Neighborhood income” refers to the median household income of census tracts throughout the county. Vera defined the poorest areas as those in the bottom 25 percent of neighborhoods, which had a median annual household income between \$12,378 and \$38,204. Vera defined the wealthiest areas as those in the top 25 percent of neighborhoods, which had a median annual household income between \$65,583 and \$130,385. Although Vera calculated these estimates, the U.S. Census Bureau makes the data source available here: <https://www.census.gov/programs-surveys/acs/data/summary-file/sequence-based.2015.html#list-tab-LKN4L9A3VGA3S730XZ>.
- ⁶¹ Vera’s analysis did not reveal significant disparities for Latino people. However, Latino people are notoriously undercounted in the criminal legal system. See endnote 48 for more information.
- ⁶² Vera initially had access to publicly available jail and prison data. During the engagement, however, Vera lost access to the jail data and relied exclusively on prison data to gauge incarceration outcomes.
- ⁶³ U.S. Census Bureau, “American Community Survey 2020 5-year Estimates Data Profiles: Ingham County, Michigan,” database (Washington, DC: U.S. Census Bureau), <https://data.census.gov/table?q=Ingham+County,+Michigan&tid=ACSDP5Y2020.DP05>.
- ⁶⁴ Michigan allows children 14 years and older to be charged as adults. See Michigan Code § 712A.4 (2023).
- ⁶⁵ Mich. Comp. Laws § 750.227b, <https://perma.cc/YQ7T-FO7L>.
- ⁶⁶ Anne Mahar and John Cooper, *The Problems of Mandatory Sentencing: The Troubling Legacy of Michigan’s Felony Firearm Law* (Lansing, MI: Safe & Just Michigan, 2020), 10, <https://perma.cc/ESA3-9VHH>.
- ⁶⁷ National Institute of Justice, Office of Justice Programs, *Five Things about Deterrence* (Washington, DC: U.S. Department of Justice, 2016), <https://perma.cc/M3GQ-8PD3>.
- ⁶⁸ Vera calculated this figure by comparing the reduction in felony firearm charges (192 to 97) and assuming a two-year mandatory prison sentence for each instance in which the Ingham County Prosecuting Attorney’s Office did not pursue the charge.
- ⁶⁹ For a discussion on how considering conviction history drives systemic disparities, see Vera Institute of Justice, “Motion for Justice: Correct—Don’t Consider Criminal History,” <https://motionforjustice.vera.org/strategies/correct>.
- ⁷⁰ Mark Johnson, “New Ingham County Prosecutor Appointed to Complete Carol Siemon’s Term,” *Lansing State Journal*, December 23, 2022, <https://perma.cc/UN8L-NEMZ>.
- ⁷¹ Wajeeha Kamal, “New Ingham County Prosecutor Reverses Felony Firearm Policy,” *State News*, January 9, 2023, <https://perma.cc/M6BD-WJYJ>.

- ⁷² “The Death of Philando Castile and the Trial of Jeronimo Yanez,” MPR News, last accessed February 5, 2023, <https://www.mprnews.org/crime-law-and-justice/philandocastile>. For the county’s history of settlement, see Ramsey County Government, “History of Ramsey County,” 2023, <https://perma.cc/C8RP-8AML>.
- ⁷³ For information on local protests, see Euan Kerr, Tim Nelson, and Solvejg Wastvedt, “Protests Continue Four Days after Shooting Death of Philando Castile,” MPR News, July 10, 2016, <https://perma.cc/G3L6-JLJ9>. For nationwide protests, see CNN Wire, “More than 300 Arrested amid Nationwide Protests against Police Shootings,” KTLA News, July 10, 2016, <https://perma.cc/6S7M-CHKW>.
- ⁷⁴ The Motion for Justice website is at <https://motionforjustice.vera.org/>.
- ⁷⁵ Ramsey County Attorney’s Office application, submitted November 15, 2019, on file with Vera.
- ⁷⁶ Vera’s analysis did not reveal significant disparities for Latino or Indigenous people. However, some people of color are notoriously undercounted in the criminal legal system. See endnote 48 for more information.
- ⁷⁷ U.S. Census data, see U.S. Census Bureau, “American Community Survey 2020 5-year Estimates Data Profiles: Ramsey County, Minnesota,” database (Washington, DC: U.S. Census Bureau), <https://data.census.gov/table?q=Ramsey+County,+Minnesota&tid=ACSDP5Y2020.DP05>. Researchers calculated the average population from 2017 to 2021.
- ⁷⁸ Minnesota allows for the juvenile prosecution of any child under age 18. See Minnesota Code § 260B.007 (2022).
- ⁷⁹ Vera relied on U.S. Census data to estimate the demographics for young people in Ramsey County. The U.S. Census data encompasses residents ages 15–19, and Vera used that as an estimate of demographics for people under age 18 as well. For U.S. Census data, see U.S. Census Bureau, “American Community Survey 2020 5-year Estimates Data Profiles: Ramsey County, Minnesota.”
- ⁸⁰ Prior to the Ramsey County Attorney’s Office’s (RCAO) announcement, three offices had adopted policies targeting pretextual stops. Those policies represented an important step toward racial justice and informed RCAO’s policy language. However, those policies allowed prosecutors to file a charge if a driver subsequently consented to a search or if an officer observed contraband in plain view during the stop. RCAO’s decision not to include those exceptions focused the charging decision on the nature of the stop (instead of what might happen afterward) and is more tailored to deter officers from engaging in this conduct. RCAO’s policy allows for public safety exceptions in limited circumstances with supervisor approval.
- ⁸¹ Emma Pierson, Camelia Simoiu, Jan Overgoor, et al., “A Large-Scale Analysis of Racial Disparities in Police Stops across the United States,” *Nature Human Behaviour* 4 (2020), 736-745, <https://perma.cc/V5V6-5N4R>.
- ⁸² Mara H. Gottfried and Christopher Magan, “Black Drivers Nearly 4 Times More Likely to Be Pulled Over than White Drivers,” *Pioneer Press*, June 12, 2021, <https://perma.cc/24S7-X8EL>.
- ⁸³ Charles R. Epp, Steven Maynard-Moody, and Donald Haider-Markel, *Pulled Over: How Police Stops Define Race and Citizenship* (Chicago and London: University of Chicago Press, 2014), 13-14.
- ⁸⁴ Ramsey County, “RCAO Policy Press Conference,” YouTube video, September 8, 2021, <https://www.youtube.com/watch?v=i1n7iGXIID0>.
- ⁸⁵ For information about Justice Innovation Lab, see <https://www.justiceinnovationlab.org/>.
- ⁸⁶ Ramsey County, “RCAO Policy Press Conference,” YouTube video, June 7, 2023, <https://www.youtube.com/watch?v=IHqDGDzrEw0>.
- ⁸⁷ Rory Pulvino, Jess Sorensen, J. J. Naddeo, and Jared Fishman, Traffic Stop Policy in Ramsey County, MN (Ramsey County, MN: Justice Innovation Lab, 2023), <https://traffic-stop-policy-ramsey-county.justiceinnovationlab.org/>.
- ⁸⁸ *Ibid.*
- ⁸⁹ *Ibid.*
- ⁹⁰ *Ibid.*
- ⁹¹ Minn. Stat. § 152.025.
- ⁹² Office of the Ramsey County Attorney, *(Re)Imagining Justice for Youth: Collaborative Review Process & Procedures* (Saint Paul, MN: Office of the Ramsey County Attorney, 2022), <https://perma.cc/ULB2-4ANP>.
- ⁹³ Vera Institute of Justice, “Incarceration Trends: Suffolk County, MA,” database (New York: Vera Institute of Justice), https://trends.vera.org/state/MA/county/suffolk_county.
- ⁹⁴ Suffolk County District Attorney’s Office, “Bureaus of the Suffolk DA’s Office,” <https://perma.cc/K6DJ-YRUF>.
- ⁹⁵ Suffolk County District Attorney’s Office, *Mid-Term Report Summer 2021* (Boston: Office of Suffolk County District Attorney Rachael Rollins, 2021), 6, <https://perma.cc/7TDD-TFL4>.
- ⁹⁶ Rachael Rollins, *The Rachael Rollins Policy Memo* (Boston: Office of Suffolk County District Attorney Rachael Rollins, 2019), 5, <https://static1.squarespace.com/static/5c671e8e2727be4ad82ff1e9/t/5d44a5f79807850001acc3d9/1564780028241/1he+Rachael+Rollins+Policy+Memo..pdf>.
- ⁹⁷ Rollins, *The Rachael Rollins Policy Memo*, 2019.
- ⁹⁸ Suffolk County District Attorney’s Office, *Mid-Term Report Summer 2021*, 2021, 18.
- ⁹⁹ Suffolk County District Attorney’s Office, *Mid-Term Report Summer 2021*, 2021, 18, 41 (noting that the share of nonprosecuted cases increased again over the next year from 77.6 percent to 86.7 percent).
- ¹⁰⁰ For more information on Citizens for Juvenile Justice, see <https://www.cfjj.org/>.

- ¹⁰¹ Vera’s analysis faced a few limitations. Analysis of the Suffolk County District Attorney’s Office’s data systems was limited due to significant issues with missing data. Vera also had limited time to work with the office, which resulted in a truncated analysis of the prosecutorial data. Vera was able to assess racial disparities in Suffolk County’s prosecutor system, but the analysis could have explored more nuances with additional time. Finally, Vera’s analysis of traffic stops was limited because the Massachusetts Department of Transportation’s traffic stop data did not include motor vehicle stops that ended in a verbal warning. As a result, although Vera’s report details racial disparities in recorded traffic stops, the available data is likely a significant underreporting of the total number of traffic stops that take place in Suffolk County.
- ¹⁰² Seleeke Flingai, Mona Sahaf, Nicole Battle, and Savannah Castañeda, *An Analysis of Racial Disparities in Police Traffic Stops in Suffolk County, Massachusetts, from 2010–2019* (New York: Vera Institute of Justice, 2022), <https://www.vera.org/publications/analysis-of-racial-disparities-police-traffic-stops-suffolk-county-ma>.
- ¹⁰³ Ivy Scott, “Black Drivers Pulled Over in Boston at 2.4 Times the Rate of White Drivers, New Study Finds,” *Boston Globe*, July 3, 2022, <https://perma.cc/9AJL-3MPS>; Seleeke Flingai, “Flingai: Racism in Traffic Stops Is Real, and the Data Backs It Up,” *Boston Herald*, February 25, 2022, <https://perma.cc/HC32-TTAS>; Mike Beaudet, “Study Shows Racial Disparities in Police Stops in Massachusetts’ Suffolk County,” WCVB-TV, June 27, 2022, <https://perma.cc/WTY7-ECPC>; Anna Lamb, “Report Finds Racial Disparities in Suffolk County Traffic Stops,” *Bay State Banner*, July 6, 2022, <https://perma.cc/7KDU-9TSE>.
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- ¹⁰⁵ Vera used the term “non-traffic safety” instead of “non-public safety” in its Suffolk report at the request of advocates who believed that the “traffic safety” language better supported local strategies.
- ¹⁰⁶ Flingai et al., *An Analysis of Racial Disparities*, 2022, 3.
- ¹⁰⁷ Participatory action research (PAR) is a framework designed to democratize the research process and center community knowledge. See, for example, Institute of Development Studies, “Participatory Action Research,” <https://perma.cc/35GX-LE4U>. Vera’s Reshaping Prosecution team applies PAR by involving community members from system-impacted neighborhoods as coresearchers to do research *with* Vera instead of Vera doing research *about* them. This shifts power to affected communities, provides them with the skills and tools necessary to actively collaborate with a district attorney on policy reform, holds the elected prosecutor accountable, and uplifts those voices that are most affected by the system.

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