

What's Keeping Your Clients in Jail?

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April 26, 2018



PJI Initiatives

3DaysCount &
Smart Pretrial





3DAYS COUNT™

Commonsense Pretrial

3 DAYS COUNT
Commonsense Pretrial

State Framework

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Judiciary and Court Rules

Voters and State Constitutions

Legislatures and State Statutes

Exec Branch and JAG

Power and Responsibility Sharing with Community

3 DAYS COUNT
Commonsense Pretrial

Why 3 days?

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Impact of pretrial incarceration:
employment, education, family & **crime**



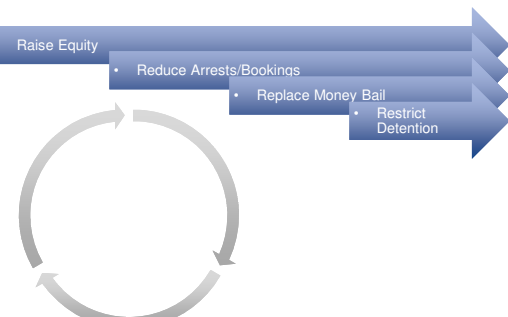
Even short stints in **jail before trial** lead to an increased likelihood of missing school, getting fired from jobs, increased desperation, and as a result, a **higher risk of being arrested again.**

3 DAYS COUNT
Commonsense Pretrial

Aims of 3DaysCount

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- Raise Equity
- Reduce Arrests/Bookings
- Replace Money Bail
- Restrict Detention






smart pretrial

Local framework



- Local decision makers, stakeholders
- Vision/goal setting
- Implementation, evaluation, sustainability
- In the weeds re: policies, procedures and data dashboards

Elements of Smart Pretrial



- Pre-arrest diversion
- Citations/summons
- Presumption of release
- Eliminate monetary conditions
- Informed and fair discretionary decision making
 - Defense representation
 - Early prosecutor screening
- Least restrictive conditions
- Supervision and support
 - Court reminders
- Responses to violations
- Protocols for lawful pretrial detention

Why Litigate Pretrial Release?



- Pretrial release decreases the likelihood of conviction and lessens the likelihood of prison if convicted
- Is 2 times more likely to be released on recognizance
- Is 4 times more likely to have the amount of bail significantly reduced
- Serves less time in jail (median reduction from 9 days jailed to 2, saving county jail resources while preserving the clients' liberty interests)

The Empirical and Legal Case for the Right to Counsel at Bail, 23 Cardozo L. Rev. 1719 (2002).

PJI Theory of Change



Effective **implementation** of legal and evidence-based pretrial practices results in:

- Reduced pretrial detention population
- Promoting public safety
- Sustained or improved court appearance rates

Proven Practices + Proven Methods

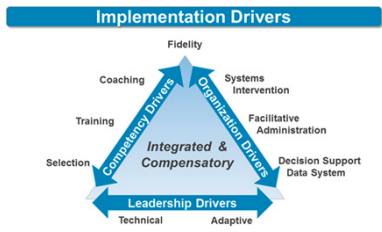


Implement = Put into effect

Implementation **Science**

- The study of how organizations *effectively implement* and sustain practices

Drivers of Successful Implementation



National Implementation Resource Network Active Implementation Hub

Common questions?



1. How can we find time to do implementation?
2. Why does implementation seem so complicated?

Challenges




Technical Challenges

- Easy to define and involves a clear, linear path to solutions

Adaptive Challenges


- No simple, painless solutions
- Distinguish between what's essential and what's expendable
- Difficult to define, involves more complex solutions and are ever evolving

Technical v Adaptive




	Defining the problem	Locus of Work	The solution
Technical	Simple	Authority	Apparent
Adaptive	Complex and Difficult	The Individual/Stakeholders	Unclear and Evolving / May require new learning / Experiments

Technical v Adaptive



	<i>e.g.</i>	Defining the problem	Who solves the problem	The solution
Technical	Broken arm	Broken arm	Doctor	Set and cast
Adaptive	Grandpa's vision too bad to continue driving	Loss of independence	Family, friends, doctors	Small changes, start w/not driving @ night

Adaptive Flags



1. No Known Solution
2. People Would Rather Avoid the Issue
3. Reason and Logic Alone Won't Get You There
4. Recurring Problem
5. Emotional Response
6. Failure to Resolve Competing Priorities
7. Moving Forward Feels Risky
8. Casualties
9. People Must Work Across Boundaries
10. Progress Is Not Linear

Source: +acumen Adaptive Leadership: Mobilizing for Change (2018, April)



- 1. No Known Solution**—There is a gap between the current reality and aspiration that you don't have the skills or knowledge to close.
- 2. People Would Rather Avoid the Issue**—Balancing two ideas is not possible; therefore, working on the challenge creates tension and conflict.
- 3. Reason and Logic Alone Won't Get You There**—There are competing values at play or there is a gap between what people say and what they do.

Source: +acumen Adaptive Leadership: Mobilizing for Change (2018, April)



- 4. Recurring Problem**—Challenge reappears after fix is applied.
- 5. Emotional Response**—Working on this challenge makes people feel uncomfortable; they experience an emotional response such as a feeling in their gut or a knot in a muscle.
- 6. Failure to Resolve Competing Priorities**—You are being asked to do more with less instead of making tough trade offs.

Source: +acumen Adaptive Leadership: Mobilizing for Change (2018, April)



- 7. Moving Forward Feels Risky**—Making progress on this challenge means putting your reputation, relationship, and job at risk.
- 8. Casualties**—In order to move forward, some people may be left behind.
- 9. People Must Work Across Boundaries**—No one person or group can fix the problem alone.
- 10. Progress Is Not Linear**—No direct path to get to a better outcome; trial and error is necessary

Source: +acumen Adaptive Leadership: Mobilizing for Change (2018, April)

Current and Future Challenges?



Breakout Discussion



Diagnose situation

- Clearly define the problem
- Distinguish technical vs. adaptive work
- Understand competing, yet legitimate perspectives
- Test multiple interpretations and points of view

Share and report out ideas

Questions?



Thank you!

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