

EQUITABLE SYSTEMS DESIGN IN DIVERSION

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WORK WITH DANE COUNTY

Dane County Community Restorative Court

- Since 2014 (Workgroup)
- Trainer & Advisory Board Member
- Ongoing QI & TA

Dane County Department of Human Services

- Youth Innovation Grant – RJ (TA & Training)

DISPARITIES IN THE CRIMINAL LEGAL SYSTEM

- Sentencing Guidelines & Recommendations
- Charging Decisions & Plea Offers
- Arrest and Referral for Charges + DMC

DISCRETIONARY DECISION-MAKERS

Law Enforcement

Prosecutors (+
program staff
and/or intake
coordinator)

Judges

DISCRETIONARY DECISION POINTS

Pre-Arrest

Post-Arrest

Pre-Charge

Post-Charge

Pre-Plea

Post-Plea

BIAS IN DIVERSION

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- Evidence of Bias in Diversion
 - More limited research, but evidence that it is still there
 - *Research primarily with youth*
 - Most diversion programs (and DPUs) do not report, and many don't even track the demographic, participatory, and eligibility information in a meaningful way

RJ-BASED DIVERSION

- Is it Immune?
- “Case Flow” or Access Issue?
- Upstream Determinants = Equity Concerns

RJ DIVERSION

- **How do we prevent RJ/Diversion programs from replicating the same systemic harms as the traditional criminal legal system processes?**

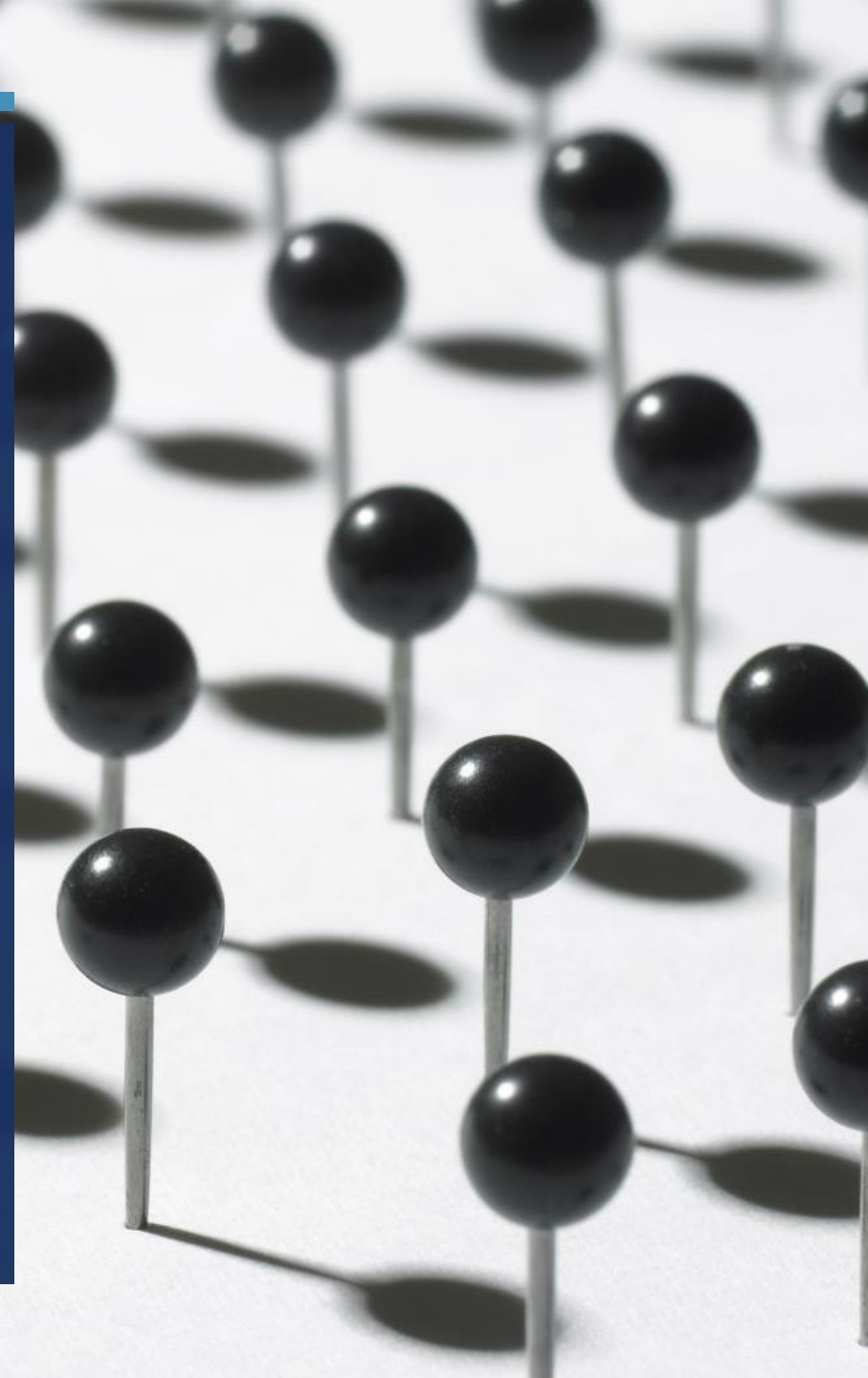
INTENTIONAL DESIGN - SELECTION

- **Race-neutral selection criteria?**
 - No, likely not enough.
 - And also...it's probably not actually race-neutral
- **Risk assessments?**



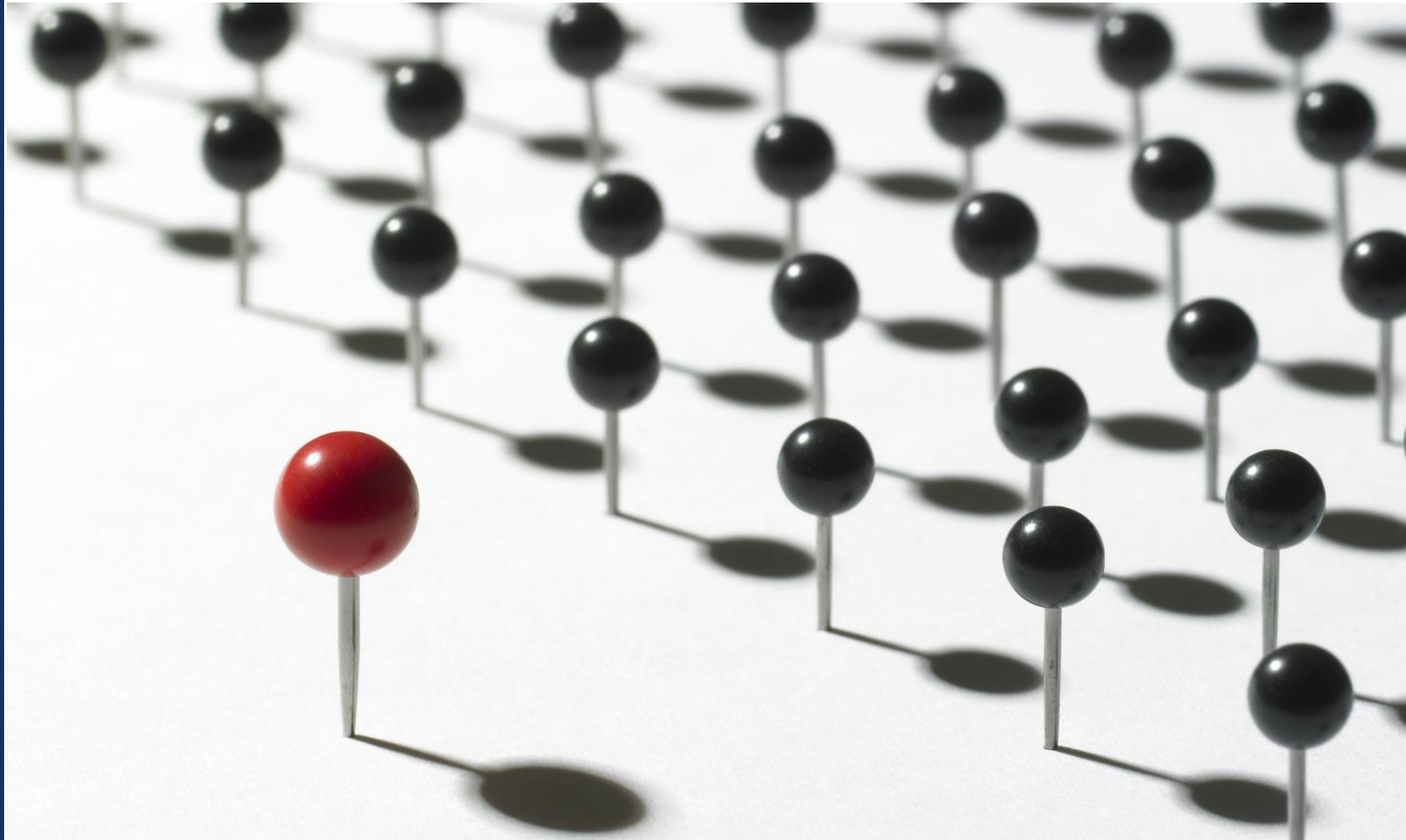
INTENTIONAL DESIGN - ELIGIBILITY

- Proceed with Caution!
- Participatory Barriers/Programmatic Eligibility Requirements
 - Needs
 - Language



INTENTIONAL DESIGN - ELIGIBILITY

- Be Critical of Selection and Eligibility Criteria
- Ask and Be Able to Answer “Why” for Each and Every Element
- Re-Screen at Distinct Diversion Points



INTENTIONAL DESIGN

Engagement

Completion/Success



EXPANSIVE

INCLUSIVE

BUILDING A NEW CONCEPTUAL
MODEL



QUESTIONS?