

CRIMINAL JUSTICE IMPROVEMENT PROJECT

2010 RACIAL JUSTICE IMPROVEMENT APPLICATION FORM

Applicant Information

Applicant Jurisdiction: State of Delaware

Applicant Organization(s): Administrative Office of the Courts

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Required Participant – Chief of Police or County Sheriff

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Required Participant – Attorney General

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Required Participant – Community Representative

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Basic Community Information

The defined community for this project is the State of Delaware as a whole. Delaware is a small Middle Atlantic State of 1,954 square miles. It includes three counties (north to south, New Castle, Kent, and Sussex) which divide the state geographically. The total population of 861,804 is 72.6% white and 20.4% African American. Individuals listing Latino ethnicity are 6.5% of the population.

New Castle County includes Delaware's only urban center, Wilmington, which has a population of around 70,000. It also includes Newark, a city of approximately 30,000 which is the third largest city in the state. The bulk of the rest of the county consists of small towns and suburban subdivisions. The total population is 526,414. Of that total, 70.5% is white and 22.5% is African American. A little more than 7% of the population claim Latino ethnicity.

Kent County is the middle county. It includes the State Capitol Dover, a city of more than 30,000 and the Dover Air Force Base. The bulk of the rest of the county is rural. The total population is 151,547, with 71.2% of that total white and 21.5% African American. A little more than 4% claim a Latino ethnicity.

Sussex County is Delaware's southern most and geographically largest county. A twenty mile north to south stretch borders the Atlantic Ocean and the Delaware Bay and includes a series of resorts that are densely populated in the summer. The rest of the county is composed of small towns and rural areas. The total population is 183,843 with 78.3% of that total white and 19.9% African American. Individuals reporting Latino ethnicity total 6.5% of Sussex County's population.

The criminal justice system in Delaware is a unified system. All of the courts are within the state structure and each court is represented in each county. The prison system is a statewide system and there aren't any jails. More than 30 police departments enforce Delaware's laws. A number of municipalities have their own police departments as does New Castle County. The Delaware State Police has overall jurisdiction of the state.

Delaware has some statewide systemic statistical capabilities through the Delaware Justice Information System (DELJIS). Using data provided by DELJIS, it is clear that Delaware has some arrest differences by race that merit some examination. The table below is based on statewide arrest totals for 2009. RRI (Relative Rate Index) is a term used by OJJDP and refers to a formula used to calculate DMC in juvenile justice. A

RRI is calculated by dividing the number of arrests by race by the total population of that race in thousands. That yields an arrest rate per thousand. The arrest rate per thousand of the minority population (in this instance African American) is then divided by the arrest rate per thousand of the majority population which yields the RRI.

	TOTAL ARRESTS	AFRICAN AMERICAN%	WHITE%	RRI
JUV. FEL.	2,250	58.6	41.3	3.65
JUV. MISD.	8,287	47.7	51.7	2.38
ADULT FEL.	9,690	47.6	52.0	3.50
ADULT MISD.	32,793	37.7	60.5	2.39
OVERALL	53,020	41.9	56.8	2.68

On September 17-18, 2007, the Delaware Criminal Justice Council and the Delaware Supreme Court co-sponsored a Racial and Ethnic Fairness Summit, an event described as “the first state-wide Summit of criminal justice and community leaders in the United States [to] focus on strategies for improving racial and ethnic fairness in a state criminal and juvenile justice system.”

More than 70 key stakeholders in the state participated in the summit, including leadership from state government, courts, corrections, law enforcement, prosecution, defense, and community organizations. Presenters at the summit included national and state experts engaged with addressing racial fairness in the criminal justice and juvenile justice systems. The summit was facilitated by staff of The Sentencing Project, a national non-profit organization engaged in public policy research on criminal justice issues.

In 2008, the national research and advocacy organization, The Sentencing Project, based in Washington DC, released a manual for practitioners and policymakers entitled Reducing Disparity in the Criminal Justice System. In that document, the Delaware Racial and Ethnic Fairness summit was recognized as an Administrative Best Practice for State Agencies.

A key theme of the summit was that achieving racial/ethnic fairness is important for three reasons: First, because democratic societies should strive to maximize fairness in all institutions. Second, to the extent that the system is perceived as fair by all citizens, it will be better able to gain the trust and confidence of the public and thereby develop effective public safety initiatives. And third, as noted by the American Bar Association’s Kennedy Commission, even a perception of unfairness may itself “lead to crime, disrespect for the law, and even a willingness to nullify or subvert the law.” To achieve these goals, Summit participants focused on developing recommendations designed to enhance fairness in the areas of data collection, training, resources, and policy development. The final report and recommendations from the Racial and Ethnic Fairness summit are attached to this application. (Attachment A).

Subsequently the Racial and Ethnic Fairness committee, co-chaired by Justice Henry duPont Ridgely of the DE Supreme Court and Chief Judge Alex J. Smalls of the Court of Common Pleas, continued to flush out the recommendations of the summit through continued meetings and follow-up planning sessions. Those meetings resulted in the creation of the attached “Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice system in Delaware” (Attachment B). On April 19, 2010, at its public meeting, the full Delaware Criminal Justice Council adopted the Declaration of Leading Best Practices as the logical next step to ensuring fairness in the Delaware criminal justice system. If awarded, grant funds will be utilized to implement several articles of the Declaration.

Detailed Project Information

Ms. Stephanie Symons, a staff attorney for the Delaware Administrative Office of the Courts has been designated as the site facilitator for the Delaware Racial Justice Improvement project. (Please see the attached resume – Attachment C) Ms. Symons will work with the already established Task Force, the Racial and Ethnic Fairness Committee of the Criminal Justice Council. The site facilitator will be able to draw upon her own experience with the courts as well as the experience of the task force and the additional Criminal Justice Council staff assigned to assist with this project.

What are your objectives for participation in the Project?

For the purpose of this application, the Administrative Office of the Courts will use the Delaware Criminal Justice Council Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice System (adopted unanimously April 19, 2010) as a guiding principle and a roadmap to success for this project. Through collaboration, data collection and evaluation, the Task Force will adhere to the guiding principle of continually striving for an effective system that is fair, efficient, and accountable.

There are nine articles of the Declaration of Leading Practices that will have an immediate impact on the criminal justice system as whole. Although all of these articles are considered equally important it is necessary for the purposes of this project and funding cycle to prioritize the most pressing needs. Article IX of the Declaration states that effective January 1, 2011, any grant applicant that certifies compliance with the Declaration shall be given preference in the award of federal grants administered by the Criminal Justice Council over any applicant that does not so certify. This article exemplifies the serious and unwavering commitment to racial and ethnic fairness that all of the partner agencies of the Criminal Justice system agreed to with the unanimous adoption of the Declaration of Leading Practices.

If awarded, it is the overall goal of this project to provide training, data collection techniques, and technical assistance to any state, public or private agency that interacts with the criminal justice system in order to achieve and maintain compliance with the nine articles of the Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice System. To that end, the Task Force will implement a two-phase project that will: first, support a data collection process and secondly, implement a strategy to achieve the desired outcomes.

What problems do you plan to address? Include current statistics for total population and minority populations for your jurisdiction.

Jurisdiction

The jurisdiction that this project will serve is the State of Delaware as a whole. Delaware's total land mass is 1,954 square miles. It includes three counties (north to south, New Castle, Kent, and Sussex) which divide the state geographically. The total population of 861,804 is 72.6% white and 20.4% African American. Individuals listing Latino ethnicity are 6.5% of the population.

New Castle County includes Delaware's only urban center, Wilmington, which has a population of around 70,000. It also includes Newark, a city of approximately 30,000 which is the third largest city in the state. The bulk of the rest of the county consists of small towns and suburban subdivisions. The total population is 526,414. Of that total, 70.5% is white and 22.5% is African American. A little more than 7% of the population claim Latino ethnicity.

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Project Goals

The goals of the Delaware Racial Justice Improvement Project will be guided by the Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice system.

If awarded, the Racial and Ethnic Fairness Task Force will immediately select a team of participants that represent the criminal justice system and community to participate in the October 2010 training. Also a schedule will be created where the Task Force will meet a minimum of six times per year (every other month) in order to establish Goals and Objectives.

Phase I

Goal 1 - Article VII Data Collection

Agencies and Courts should collect data as appropriate to measure compliance with leading practices identified in the Declaration to protect civil rights and promote racial and ethnic fairness.

Through many years of reporting Disproportionate Minority Contact (DMC) data to the Office of Juvenile Justice and Delinquency Prevention the Delaware Criminal Justice Council has developed the ability to collect and report all of the necessary juvenile justice data fields for the Department of Justice to determine the state's compliance with the Juvenile Justice and Delinquency Prevention Act. These fields mimic some of the required data fields outlined in this solicitation. Long before this solicitation was released, the Criminal Justice Council and the Racial and Ethnic Fairness Subcommittee began determining what data was available for the adult criminal justice system. It is our assessment that seven out of the ten required data fields (arrests-minority and non-minority, convictions- minority and non-minority, dismissals – minority and non-minority, and minorities that have access to Public Defenders) are readily available. The remaining three: Data on Victims, Juries, and Employment would take some additional data mining and possibly some contractual assistance from the Delaware Justice Information System (DELJIS) or the Statistical Analysis Center (SAC).

Objective 1 – Determine what data fields are readily available and what data fields need to be developed to collect the pertinent data as indicated by the task force.

Objective 2 – Contract with the DELJIS, SAC or an outside contractor to provide the necessary data in order for the task force to set priorities or make recommendations.

Objective 3 – The Racial and Ethnic Fairness Task Force will utilize the data to develop a strategic plan to implement phase two of this project.

Phase II

Goal 2 – Article V Bias-Free Decision Making

All Agencies and Courts should have a clear and unequivocal policy prohibiting racial profiling and promoting bias-free decision making

Agencies and Courts must embed the ideals of bias-free decision making in their mission statements, training, accountability mechanisms, and community outreach

With sample policies from national organizations such as the American Bar Association, The National Center for State Courts and the International Association of Police Chiefs, the task force will be able to compare the policies and procedures of the criminal justice agencies and non-criminal justice agencies that are participating in Delaware's Racial Justice Improvement Project. Mission statements, accountability mechanisms, and community outreach procedures will also be compared and evaluated.

Objective 1 – Collect and evaluate the written policies and procedures that govern the decision making process for each participating agency.

Objective 2- Collect and evaluate the pertinent documents for each participating agency including the mission statement, community outreach protocols, and training documents.

Objective 3- the Race and Ethnic Fairness Task force will make recommendations for improvements on policies, procedures, and documents of participating agencies.

Objective 4- Provide training and technical assistance as necessary to any participating agency.

Goal 3 – Article VI Personnel Management

Agencies and Courts should recruit, hire, and promote personnel in a manner that best ensures that personnel reflect the communities they serve.

Agencies and Courts should start the recruitment process early to promote a representative workforce.

Agencies and Courts should require employees to attend educational, professional and cultural awareness programs on racial and ethnic fairness for all personnel on a continuing basis.

The Racial and Ethnic Task Force will use national model practices to compare the policies and procedures for recruitment, selection, training and promotion to the participating agencies. Organizational standards will be researched through the national

agencies that provide the best policies and procedures that pertain to each agency. In-service training as well as the availability of professional development will be evaluated and compared to national standards.

Objective 1 – Collect and evaluate the recruitment plans, selection process, and promotion procedures for each participating agency.

Objective 2 – Collect all training (In-service or professional development) techniques and available opportunities for all participating agencies.

Objective 3 – The Task Force will make recommendations for improvements on recruitment, selection, promotion, and training procedures of participating agencies.

Objective 4 - Provide training and technical assistance as necessary to any participating agency.

What are your plans to remain committed to addressing racial disparity in your community beyond the second year of the grant period? How will you continue to utilize the Criminal Justice Improvement Project to sustain and build upon the work of the project?

The Delaware Criminal Justice Council, the state administering agency for all BJA grants, is an independent state agency made up of 27 members committed to leading the criminal justice system through a collaborative approach that calls upon the experience and creativity of the Council, all components of the system, and the community. Included in the mission statement of the Council is the charge that they shall continually strive for an effective system that is fair, efficient, and accountable. Prior to this solicitation, the Criminal Justice Council unanimously adopted the attached document, the Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness in the Criminal Justice system. This document, especially Article IX that pertains to future grant awards, is indicative of Delaware's strong commitment to improving racial and ethnic fairness in the criminal justice system.

This commitment will continue as the Task Force establishes appropriate data collection procedures, technical assistance providers and improved policies and procedures. As the State Administering Agency for federal criminal justice grants, the Criminal Justice Council, through the Task Force will continue to monitor compliance with the Declaration as funding decisions are made and sub grants are awarded. It will be to every agency's benefit to participate in this project as it will give them preference for future federal funding.

Plans to Overcome Anticipated Obstacles

A. Barriers to the collection of necessary data.

Delaware has some capabilities to capture criminal justice statistics by race. We can capture arrest and disposition information by race, by police department, by county and by state. Our ability to capture sentencing information is more limited. Jury information, victimization data, and criminal justice agency employment information by race is not currently captured. One of Delaware's goals in addressing Racial Justice is improving our capacity to capture racially relevant data.

Barriers to improving data collection include the technology involved in integrating information systems and the costs inherent to those integrations. The data systems used by Delaware's criminal justice system components were not designed with the intent of capturing racial demographics. They were designed to meet the criminal justice needs of the agencies that created them. Redesigning them to capture data related to promoting racial justice could be complicated and would certainly be beyond the financial resources provided by this grant. Delaware is seeking funds from other grant sources to help address this issue.

B. Unwillingness of parties — law enforcement, defense lawyers, prosecutors, community members — to participate because of lack of information, case type, victims impact, or resistance to change.

Through the collaboration of the Criminal Justice Council, the partner agencies in Delaware have been working on the issue of Racial and Ethnic Fairness for the past five years. The willingness of the entire criminal justice system in Delaware to participate in this project is evident in the participation of the 2007 Race and Ethnic Fairness Summit and the full Council's adoption of the Declaration of Leading Practices to Protect Civil Rights and Promote Racial and Ethnic Fairness on April 19th, 2010. The only constituency that might be challenging is the victim's community.

In Delaware, there are several coalitions that collaborate to enhance services for victims of crime. The Delaware Criminal Justice Council serves as staff to the Victims Advisory Committee and works with the Domestic Violence Coordinating Council. Through this project the Task Force will engage the victim's community to partner and promote racial and ethnic fairness throughout the victims contact with the criminal justice system.

Budget Information

Year 1 Racial Justice Improvement Project

Travel

Air Fare for 4 Task Members @ \$500 per member	\$2,000.00
Ground Transportation & Misc travel Expenses @ \$100 per member	\$400.00
Room Rate \$125 x 4 members x 1 night	\$500.00
Per Diem Rate of \$71/day x 75% for 2 travel days x 4 members	\$426.00
<i>Total Travel</i>	\$3,326.00

Contractual Services

Meeting Room Rental - \$150 x 6 meeting	\$900.00
Printing of handout materials	\$774.00
Professional Services for Data Collection Evaluation	\$7,000.00
<i>Total Contractual Services</i>	\$8,674.00

First Year Total **\$12,000.00**

Funds in the first year will be used for the following purposes. It will send 4 Task Force Members to attend a one-day conference in October 2010 and provide facilities for 6 meetings of the Task Force. It will also provide funding for contractual services to collect and evaluate data to develop a strategic plan to implement phase two of this project

Year 2 Conclusion of Racial Justice Improvement Project

Travel

Air Fare for 4 Task Members @ \$500 per member	\$2,000.00
Ground Transportation & Misc travel Expenses @ \$100 per member	\$400.00
Room Rate \$125 x 4 members x 1 night	\$500.00
Per Diem Rate of \$71/day x 75% for 2 travel days x 4 members	\$426.00
Air Fare for 4 Subject Matter Experts	\$2,000.00
<i>Total Travel</i>	\$5,326.00

Contractual Services for Training Law Enforcement

Printing and Binging of handout materials	\$400.00
2 Subject Matter Experts @ \$450 x 1 training day and 1 planning day	\$1,800.00
Meeting Room Rental - 1 Room @ \$500 each x 1 day	\$1,000.00
<i>Total Contractual Services</i>	\$3,200.00

Contractual Services for Training Task Force Members

Printing and Binging of handout materials	\$400.00
2 Subject Matter Experts @ \$450 x 1 training day and 1 planning day	\$1,800.00
Meeting Room Rental - 1 Room @ \$500 each x 1 day	\$1,000.00
<i>Total Contractual Services</i>	\$3,200.00

Supplies for Training Sessions

Binders	\$274.00
<i>Total Supplies</i>	\$274.00

Second Year Total **\$12,000.00**

Second year will continue to provide funding for facilities for 6 meeting of the Task Force and for Task Force members to attend a one-day conference at the conclusion of the grant period. It will also provide funding for a one-day training for law enforcement community and a one-day training for Task Force Members.