



**Statement by
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on behalf of
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At a Briefing Titled

“Briefing on Racial Disparities and Prosecutorial Practices in Connecticut”

Before the Connecticut Advisory Committee of the U.S. Commission on Civil Rights

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Members of the Committee and guests: Thank you for the opportunity to discuss how prosecutors can address racial disparities in the justice system. I am Liz Komar, the Director of Innovations and Site Learning for Fair and Just Prosecution. I am also a former prosecutor. Our Executive Director, Miriam Krinsky, regrets that she was unable to be here for this hearing but joins in this testimony and is grateful for this Committee’s interest and work on these important issues.

Fair and Just Prosecution (FJP) is a national nonprofit organization that works with recently-elected and other reform-minded chief prosecutors to help them translate their reform goals into policies and action. FJP also provides technical assistance and opportunities for learning, serves as a respected voice for a new vision in the field of prosecution, and produces materials containing recommendations and best practices – including issue briefs on various topics. FJP recently issued “21 Principles for the 21st Century Prosecutor,” a white paper (produced in partnership with Yale Law School Senior Research Scholar Emily Bazelon, The Justice Collaborative and the Brennan Center for Justice at New York University School of Law) that lays out a blueprint for prosecutors seeking to advance a fair, accountable and right-sized justice system.¹

We work with over 30 elected prosecutors from across the country; all are committed to promoting a justice system grounded in fairness, equity, compassion, and fiscal responsibility. These elected leaders hail from urban and rural communities and span the political spectrum. Many of them broke glass ceilings and are a “first” of their gender or race to serve in the position. We regularly bring this inspiring new generation of leaders together to share lessons learned, discuss innovations, collaborate with leading experts, and distill their experiences into best practices. We are happy to share some of those best practices and innovations today.

BACKGROUND

This new wave of reform-minded prosecutors is part of a broader groundswell of public interest in, advocacy on, and research about effective criminal justice reforms that decrease incarceration. At the root of that groundswell is increasing recognition of these key facts about the justice system:

- The U.S. has the highest incarceration rate in the world. Despite comprising 5% of the global population, the United States has nearly 25% of the world’s prison population.²
- Racial disparities are deeply entrenched in the US justice system.³ Across the United States, African-American adults and Hispanic adults are respectively 5.9 times and 3.1 times as

¹ Fair and Just Prosecutor (2018), *21 Principles for the 21st Century Prosecutor*, https://fairandjustprosecution.org/wp-content/uploads/2018/12/FJP_21Principles_Interactive-w-destinations.pdf.

² Institute for Criminal Policy Research (2018), *Highest to Lowest - Prison Population Rate*, http://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=All.

³ Over a hundred studies show that racial disparities infect every aspect of the justice system. Radley Balko (2018), *There’s Overwhelming Evidence that the Criminal Justice System is Racist. Here’s the Proof*, Washington Post, <https://www.washingtonpost.com/news/opinions/wp/2018/09/18/theres-overwhelming-evidence-that-the-criminal-justice-system-is-racist-heres-the-proof/>.

likely to be incarcerated as whites.⁴ In Connecticut, as of 2016: African Americans make up 34 percent of the population in Bridgeport, but 48 percent of custodial arrests. The same is true in Hartford and New Haven, where African Americans make up 35 percent and 33 percent of the populations respectively, but 44 percent of custodial arrests in Hartford and 56 percent of custodial arrests in New Haven.⁵

- Meanwhile, other inequities often intersect with and deepen these disparities. Fines and fees and cash bail systems often perpetuate cycles of poverty that increase crime and socioeconomic disparities. Individuals with mental illness are vastly overrepresented at every stage of the criminal justice system, and as a result, jails and prisons have become the largest mental health treatment facilities in the country.⁶ Rising overdose rates are a symptom of the inefficacy of treating public health problems with criminal justice responses.⁷ And the result of these injustices is the erosion of public trust in law enforcement and our justice system as a whole.⁸
- And finally, prosecutors hold enormous power and discretion in the justice system, and lasting and meaningful reform is impossible without them.

The essential duty of a prosecutor is to pursue justice and fairness. Justice means not only holding people accountable when they harm the community, but also seeing and addressing the root causes of harm, be it poverty, substance use disorder, or mental illness. And justice isn't just an outcome – it's a way of doing business. Seeking justice means conducting investigations and prosecutions with the utmost of integrity, transparency, and accountability – and it means treating all those who come into contact with the justice system with respect. And finally, at the core of justice is acknowledging the historic harm that overly carceral and biased policies have wrought on many communities and continually working to prevent and correct those past practices.

Today, I'll be addressing three steps prosecutors can take to improve fairness in their communities. First, prosecutors can use data analytics to identify and address racial disparities. Second, prosecutors can improve fairness by addressing intersecting systemic inequities. And finally, prosecutors can reduce the harm caused by racial disparities – and the justice system overall – by shrinking the footprint of the justice system and reducing incarceration.

⁴ U.S. Bureau of Justice Statistics (2018), *Prisoners in 2016*, <https://www.bjs.gov/index.cfm?ty=pbdetail&iid=6187> (pp. 8, tbl.6).

⁵ Safety and Justice Challenge (2018), Connecticut 2016 Safety and Justice Challenge Fact Sheet, <http://www.safetyandjusticechallenge.org/wp-content/uploads/2016/04/Connecticut-Safety-Justice-Challenge-Fact-Sheet.pdf>.

⁶ Bureau of Justice Statistics (2006), *Mental Health Problems of Prison and Jail Inmates*, <https://www.bjs.gov/content/pub/pdf/mhppji.pdf>.

⁷ See Jeffrey Singer (2018), *Harm Reduction: Shifting from a War on Drugs to a War on Drug-Related Deaths*, Cato Institute, <https://object.cato.org/sites/cato.org/files/pubs/pdf/pa-858.pdf>.

⁸ There are significant racial disparities in trust in police. Across populations, police trust hit an all-time low in 2015, but has since rebounded to the 25-year average of 57%, however that increase masks deepening distrust among Hispanics (45%), the black community (30%), and adults under 35 (44%). Jim Norman (2017), *Confidence in Police Back at Historical Average*, Gallup, <https://news.gallup.com/poll/213869/confidence-police-back-historical-average.aspx>.

ADDRESSING RACIAL DISPARITIES WITH DATA ANALYTICS

In the private sector, data analytics and continuous improvement processes are the norm. In the public sector, statistics about the safety of hospitals and performance of schools are publicly available and drive key decisions. Until recently, criminal justice has been an outlier, and prosecutor decision making has been particularly opaque and difficult to analyze. Increasingly, however, leaders and policy makers have begun to recognize and demonstrate that data is a tool that prosecutors can and should use to enhance transparency and further justice.

Research has repeatedly shown that the best of intentions are not adequate protection against racially-biased decision-making. Implicit bias is common across all fields⁹ and prosecutors are not immune. Dr. Beverly Tatum offers a helpful metaphor for understanding the role of implicit bias in decision-making. She writes that racism is like pollution – even though any given individual may not have created the pollution, and few people welcome the pollution, it stills gets in everyone’s lungs, and we all have to work to fix it.¹⁰ Implicit bias trainings are helpful, but insufficient to remedy the problem.¹¹ Data collection and analysis is an important additional tool for prosecutors to quantify and understand bias and take actions to mitigate it – and also essential to advance broader measures to decrease incarceration.

Some prosecutors have begun to recognize that. For example, in 2006, after Christian Gossett was elected the district attorney of Winnebago County, Wisconsin, he worked with Measures for Justice to analyze racial disparities. Measures for Justice¹² found that among people with no previous records who had committed non-violent misdemeanors, white defendants were nearly twice as likely as non-white defendants to enter diversion programs instead of going to jail. This outcome was entirely unexpected, and, ultimately, they found that while diversion programs were being offered at the same rate to whites and non-whites, non-white defendants were choosing jail at a much higher rate, likely due to financial barriers and lack of trust. Given that diversion programs that actually address underlying issues do more to improve long-term public safety than incarceration, DA Gossett was able to use this data to implement changes aimed at both decreasing disparities and improving outcomes for the whole community.¹³

⁹ See Keith Payne, Laura Niemi, and John M. Doris (2018), *How to Think About “Implicit Bias,”* Scientific American, <https://www.scientificamerican.com/article/how-to-think-about-implicit-bias/>.

¹⁰ Beverly Daniel Tatum (1997), *Why Are All the Black Kids Sitting Together in the Cafeteria?* Perseus Books (pp. 3-13). Dr. Beverly Tatum is a clinical psychologist, former president of Spelman College, and a recipient of the American Psychological Association’s highest honor for her groundbreaking work on the psychology of racism and racial identity.

¹¹ A 2018 study from the Equality and Human Rights Commission, concluded: “[T]here is mixed evidence for the effectiveness of UBT for reducing implicit bias. The results reported by Leslie *et al.* and Girod *et al.* suggest that UBT interventions can reduce the strength of the bias; however, we found no evidence to show that UBT can reduce bias to the extent that there is ‘neutral’ preference.” Doyin Atewologun, Tinu Cornish and Fatima Tresh (2018), *Unconscious bias training: An assessment of the evidence for effectiveness*, Equality and Human Rights Commission, https://warwick.ac.uk/services/ldc/researchers/resource_bank/unconscious_bias/ub_an_assessment_of_evidence_for_effectiveness.pdf (pp. 17).

¹² Measures for Justice (2019), <https://measuresforjustice.org>.

¹³ Issie Lapowsky (2017), *Zuckerberg-Backed Data Trove Exposes the Injustices of Criminal Justice*, Wired, <https://www.wired.com/2017/05/zuckerberg-backed-data-trove-exposes-injustices-criminal-justice/>.

Similarly, after he was elected, District Attorney John Chisholm invited researchers from the Vera Institute to analyze data in Milwaukee, WI – they found that “prosecutors in Milwaukee declined to prosecute 41% of whites arrested for possession of drug paraphernalia, compared with 27% of blacks; in cases involving prostitution, black female defendants were likelier to be charged than white defendants; in cases that involved resisting or obstructing an officer, most of the defendants charged were black (77% per cent),” and in property crime cases with black victims, charges were less likely to be pursued.¹⁴ Those findings prompted DA Chisholm to change charging practices in regard to low-level drug cases.¹⁵

Two common themes across these and other studies of racial disparities in prosecutor decision-making are that: (1) disparities were unintentional, and (2) the specific circumstances of the disparities were unexpected. These studies thus illustrate the importance of implementing data systems to be proactive in detecting and correcting disparities, the specific causes of which may be nearly impossible to identify with the “naked eye.”

Beyond corrective measures, the data that is collected and used to define success also has the power to change prosecutorial culture. Recently four prosecutors’ offices – Melissa Nelson, State Attorney for Florida’s Fourth Judicial Circuit (Jacksonville); Kim Foxx, Cook County State’s Attorney (Chicago); Andrew Warren, State Attorney for Florida’s 13th Judicial Circuit (Tampa); and DA Chisholm, Milwaukee County – partnered with Florida International University and Loyola University Chicago as part of the John D. and Catherine T. MacArthur Foundation’s Safety and Justice Challenge to develop new performance indicators.¹⁶ Traditionally, the performance of individual prosecutors and entire offices has been judged based on measures like conviction rates and indictments – which can disincentivize diversion and reward an unethical “win at all costs” mentality. Metrics drive culture, and carceral metrics create carceral office cultures. But new metrics emphasizing diversion and avoiding incarceration have the potential to change the way prosecutors do business. In short, data analytics offer not only a critical means to identify and correct racial disparities – they also offer a means to institutionalize the values of fairness and equity in prosecutors’ offices.

ADDRESSING INTERSECTING DISPARITIES

Racial disparities often intersect with and are compounded by other disparities in the justice system. Given the long history of racial and ethnic oppression in the US – from colonialism and slavery to redlining and “stop and frisk” policing – race and ethnicity correlate with poverty, access to quality mental and physical healthcare, housing, education, and other social determinants of health. This results in communities of color disproportionately experiencing the negative effects

¹⁴ Dara Lind (2015), *How African Americans are victimized by both crime and the criminal justice system*, Vox, <https://www.vox.com/2015/5/12/8587309/racism-black-crime>.

¹⁵ Angela J. Davis, John Chisholm, and David Noble (2019), *Race and Prosecution*, Institute for Innovation in Prosecution, <https://static1.squarespace.com/static/5c4fbee5697a9849dae88a23/t/5c53598e1905f463fd471e/1548966286995/Executive+Session+-+Race+and+Prosecutors+FINAL+.pdf> (pp. 7).

¹⁶ MacArthur Foundation (2019), *Examining Prosecutor’s Perspectives and Priorities*, <https://www.macfound.org/press/grantee-publications/examining-prosecutors-perspectives-and-priorities/>.

of substance use¹⁷ and mental illness,¹⁸ despite similar rates of substance use and mental illness across populations. And all too often, society has attempted to arrest its way out of these public health problems. Mass incarceration, in turn, has only deepened disparities in health outcomes along racial and socioeconomic lines,¹⁹ creating a cycle of broken communities and incarceration.

These deeply entwined injustices mean that identifying racial disparities and adopting specific policies to combat them is an important start on the path towards stronger communities – but that it is equally important for prosecutors to examine the ways in which they are criminalizing poverty, trauma, substance use disorder, and mental illness. While these topics are beyond the scope of this hearing, submitted with this statement are relevant issue briefs by Fair and Just Prosecution containing best practices and promising innovations addressing these topics, as well as the “21 Principles for 21st Century Prosecutors,” which offers a comprehensive roadmap for prosecutors committed to building safer and more resilient communities.

SHRINKING THE FOOTPRINT OF THE JUSTICE SYSTEM

Beyond decreasing disparities, a growing bipartisan consensus has recognized that America simply incarcerates too many people.²⁰ The United States’ extraordinary *rate* of incarceration enables racial disparities to devastate entire communities. One in four black children will have their father incarcerated before they turn 14; that rate is not simply racially disparate (the rate for white children is 4%), but it is also manifestly unjust and harms public safety.²¹ Reform-minded law enforcement leaders are increasingly recognizing that to decrease incarceration, it is essential to divert or deflect people from the justice system whenever possible – saving incarceration or even heavy-handed long-term treatment interventions only for those for whom it is truly necessary. Methods of mapping these opportunities for deflection and diversion, such as the “sequential intercept model” or the “seven decision points,”²² permit prosecutors and other stakeholders to

¹⁷ Alan I. Leshner (2001), *Meeting the Challenge of Reducing Health Disparities*, National Institute on Drug Abuse, <https://archives.drugabuse.gov/news-events/nida-notes/2001/03/meeting-challenge-reducing-health-disparities>.

¹⁸ “Most racial/ethnic minority groups overall have similar—or in some cases, fewer—mental disorders than whites. However, the consequences of mental illness in minorities may be long lasting. Ethnic/racial minorities often bear a disproportionately high burden of disability resulting from mental disorders.” American Psychiatric Association (2017), *Mental Health Disparities: Diverse Populations*, <https://www.psychiatry.org/File%20Library/Psychiatrists/Cultural-Competency/Mental-Health-Disparities/Mental-Health-Facts-for-Diverse-Populations.pdf>.

¹⁹ See, e.g., “For example, research in epidemiology indicates that had the U.S. incarceration rate remained at its 1973 level, then the infant mortality rate would have been 7.8 percent lower than it was in 2003, and disparity between black and white infant deaths nearly 15 percent lower.” Vera Institute of Justice, *On Life Support: Public Health in the Age of Mass Incarceration*, https://storage.googleapis.com/vera-web-assets/downloads/Publications/on-life-support-public-health-in-the-age-of-mass-incarceration/legacy_downloads/on-lifesupport-public-health-mass-incarceration-report.pdf.

²⁰ Ames Grawert, Tim Lau (2019), *How the FIRST STEP Act Became Law — and What Happens Next*, The Brennan Center for Justice, <https://www.brennancenter.org/blog/how-first-step-act-became-law-and-what-happens-next>.

²¹ Shaila Dewan (2018), *Family Separation: It’s a Problem for U.S. Citizens, Too*, The New York Times, <https://www.nytimes.com/2018/06/22/us/family-separation-americans-prison-jail.html>.

²² Substance Abuse and Mental Health Services Administration (2017), *SAMHSA’s Efforts on Criminal and Juvenile Justice Issues*, <https://www.samhsa.gov/criminal-juvenile-justice/samhsas-efforts>.

For an example of a mapped system, see this sequential intercept/decision point map from Multnomah County. Oregon Center on Behavioral Health and Justice Integration (2016), *Multnomah County Sequential Intercept Map*, http://www.ocbhji.org/wp-content/uploads/2017/10/Multnomah-County.System-Map.Final_1-6-16.pdf.

visualize the spectrum of ways in which they can shrink the justice system. Examples of these strategies (discussed at greater length in the *21 Principles* and various FJP Issue Briefs) include:

- Supporting **prevention-oriented initiatives** such as violence interruption²³ or substance use harm reduction outreach services.²⁴
- Adopting proven **pre-charge diversion models** such as Law-Enforcement Assisted Diversion (LEAD) and the Crisis Intervention Team (CIT) training model which empower trained police officers to divert people with mental health or substance use needs directly to community-based treatment providers.²⁵
- Implementing **charging guidelines** that decriminalize low-level offenses that have minimal impact on public safety, such as marijuana possession.²⁶
- Ending **cash bail** and creating bail policies that create a **presumption of release**.²⁷
- Making evidence-based **alternatives to incarceration** the default, such as short-term programs or problem-solving courts that incorporate risk-need-responsivity best practices.²⁸
- Reducing **finances and fees** to decrease the poverty penalty.²⁹
- Embracing **restorative justice** as a means of both healing individuals and communities without incarceration.³⁰
- Using **data analytics** as a powerful tool for identifying which interventions will have the greatest impact on decreasing incarceration, as well as disparities.³¹

²³ See Giffords Law Center to Reduce Gun Violence (2019), *Healing Communities in Crisis: Life-saving Interventions to the Urban Gun Violence Epidemic*, <https://lawcenter.giffords.org/wp-content/uploads/2019/01/Healing-Communities-in-Crisis.pdf>.

²⁴ See CA Board of State and Community Corrections (2018), *Outreach in South LA Ramps Up With Prop 47 Grant*, http://www.bscc.ca.gov/s_prop47ladorr.php.

²⁵ Fair and Just Prosecution (2018), *Effective Collaborative Responses to Individuals with Mental Illness: A Compendium of Models from Across the Nation*, https://fairandjustprosecution.org/wp-content/uploads/2018/10/FJP_Brief_MentalHealthCompendium.pdf.

²⁶ See, e.g., Office of the Suffolk County District Attorney (2019), *The Rachael Rollins Policy Memo*, <http://files.suffolkdistrictattorney.com/The-Rachael-Rollins-Policy-Memo.pdf>. See also Fair and Just Prosecution (2017), *Marijuana Policy Reform*, https://fairandjustprosecution.org/wp-content/uploads/2017/09/FJPBrief_Marijuana.9.25.pdf.

²⁷ Fair and Just Prosecution (2017), *Bail Reform*, https://fairandjustprosecution.org/wp-content/uploads/2017/09/FJPBrief_BailReform.9.25.pdf.

²⁸ See, e.g., Office of the Kings County District Attorney (2019), *Justice 2020: An Action Plan for Brooklyn*, <http://www.brooklynnda.org/wp-content/uploads/2019/03/Justice2020-Report.pdf>.

²⁹ Fair and Just Prosecution (2017), *Fines, Fees, and the Poverty Penalty*, https://fairandjustprosecution.org/wp-content/uploads/2017/11/FJPBrief_Fines.Fees_.pdf.

³⁰ Fair and Just Prosecution (2017), *Building Community Trust: Restorative Justice Strategies, Principles and Promising Practices*, https://fairandjustprosecution.org/wp-content/uploads/2017/12/FJP.Brief_RestorativeJustice.pdf.

³¹ Through data analysis, Miami-Dade County, Florida, was able to identify “97 high service utilizers with serious mental illnesses [who] cost taxpayers \$13 million in criminal justice costs over a five-year period.” *A Crisis in Search of Data* (2017), Treatment Advocacy Center, <https://www.treatmentadvocacycenter.org/storage/documents/smi-super-utilizers.pdf>. That remarkable figure demonstrated to Miami-Dade County that if they could more effectively treat those individuals, they could reinvest the savings in improving their mental health infrastructure for the entire community to prevent people with mental illness from entering the justice system altogether. Under the leadership of Judge Stephen Leifman, Miami-Dade embarked on a cross-system mental health reform project, including the implementation of a very successful Crisis

- When removal from the community is absolutely necessary, recommending **shorter sentences** in community-based facilities closer to home and **designed to rehabilitate** rather than punish.³²
- Supporting **comprehensive reentry services**³³ and working to **shrink the footprint of community corrections** and reduce cycles of reincarceration for technical violations of probation and parole that have little bearing on public safety.³⁴
- Working to **reduce the collateral consequences** of convictions - including considering immigration consequences,³⁵ expungements and warrant clearance, and “ban the box” measures.
- **Reviewing convictions** -- not just for actual innocence, but also for any facts which may undermine their integrity – and also addressing unjustly long sentences.³⁶

In short, every decision point in the justice system offers an opportunity for prosecutors to use their discretion and clout to advance justice and fairness.

CONCLUSION

Improving public trust and confidence is at the heart of all of the above reforms. And ultimately, improving perceptions of legitimacy improves public safety. Research around procedural justice has repeatedly shown that when people perceive the justice system to be fair, they are more likely to believe the legal process is legitimate, comply with court orders, cooperate with police, and

Intervention Team model – and the ultimate outcome was the closure of an entire jail and estimated cost-savings of \$17 million per year. Eleventh Judicial Circuit Criminal Mental Health Project (2017), *Programs and Outcomes*.

³² Many international justice systems, such as Germany, the Netherlands, and Norway, offer examples of how prisons can be more humane and sentences can be dramatically shorter without harming public safety. Ram Subramanian and Alison Shames (2013), *Sentencing and Prison Practices in Germany and the Netherlands*, Vera Institute of Justice, https://storage.googleapis.com/vera-web-assets/downloads/Publications/sentencing-and-prison-practices-in-germany-and-the-netherlands-implications-for-the-united-states/legacy_downloads/european-american-prison-report-v3.pdf. In the U.S., following international best practices, a growing movement of correctional and law enforcement leaders are working to close youth prisons and rethink juvenile and young adult justice in light of developmental science. See, e.g., Youth Correctional Leaders for Justice (2019), <https://yclj.org>; see also Fair and Just Prosecution (2018), *75 Prominent Judges, Prosecutors, Probation, Corrections and Law Enforcement Leaders Call on Supreme Court to Reject 241-Year Sentence for Juvenile*, <https://fairandjustprosecution.org/wp-content/uploads/2018/03/JLWOP-Press-Release-FINAL.pdf>.

³³ NYU Center on the Administration of Criminal Law (2017), *Disrupting the Cycle: Reimagining the Prosecutor’s Role in Reentry*, https://www.law.nyu.edu/sites/default/files/upload_documents/CACL%20Report.pdf.

³⁴ Vincent Schiraldi (2018), *Too big to succeed: The impact of the growth of community corrections and what should be done about it*, Columbia Justice Lab, <https://academiccommons.columbia.edu/doi/10.7916/D8BS08MF>.

³⁵ Fair and Just Prosecution (2017), *Addressing Immigration Issues*, <https://fairandjustprosecution.org/wp-content/uploads/2017/09/FJPBrief.Immigration.9.25.pdf>.

³⁶ Fair and Just Prosecution (2017), *Conviction Integrity Units and Internal Accountability Mechanisms*, <https://fairandjustprosecution.org/wp-content/uploads/2017/09/FJPBrief.ConvictionIntegrity.9.25.pdf>. Many prosecutors have spoken out in favor of the efficacy and importance of Conviction Integrity Units. See Fair and Just Prosecution (2018), *The Value and Importance of Conviction Integrity Units: Letter from Criminal Justice Leaders to Kansas City Board of Commissioners*, <https://fairandjustprosecution.org/wp-content/uploads/2018/08/KCK-CIU-SIGN-ON-LETTER-FINAL.pdf>. Some prosecutors are beginning to go a step further by creating designated units to rethink probation and parole. See Tom Robbins (2019), *Took a Plea? Brooklyn’s District Attorney Will Support Your Parole*, The Marshall Project, <https://www.themarshallproject.org/2019/04/17/took-a-plea-brooklyn-s-district-attorney-will-support-your-parole>.

follow the law in the future, regardless of whether they “win” or “lose” their case.³⁷ Accordingly, improving fairness and community trust are ways to improve public safety without increasing incarceration. In short, in the realm of prosecutorial reform, the interests of safety and equity align. FJP works with a new wave of prosecutors who recognize that starting point and are modeling how safety is furthered by -- and never needs to be at the expense of -- justice and fairness.

Thank you for this opportunity to share FJP’s work and the work of reform-minded prosecutors around the country.

³⁷ Fair and Just Prosecution (2017), *Building Community Trust - Procedural Justice: Enhancing the Legitimacy of the Justice System*, <https://fairandjustprosecution.org/wp-content/uploads/2017/09/FJPBrief.ProceduralJustice.9.25.pdf>.

ADDITIONAL MATERIALS

Fair and Just Prosecution Resources

1. [21 Principles for the 21st Century Prosecutor](#), Fair and Just Prosecutor (2018).
2. [Bail Reform](#), Fair and Just Prosecution (2017).
3. [Building Community Trust - Procedural Justice: Enhancing the Legitimacy of the Justice System](#), Fair and Just Prosecution (2017).
4. [Building Community Trust - Restorative Justice Strategies, Principles and Promising Practices](#), Fair and Just Prosecution (2017).
5. [Promising Practices in Prosecutor-Led Diversion](#), Fair and Just Prosecution (2017).
6. [Effective Collaborative Responses to Individuals with Mental Illness: A Compendium of Models from Across the Nation](#), Fair and Just Prosecution (2018).
7. [Fines, Fees, and the Poverty Penalty](#), Fair and Just Prosecution (2017).
8. [Improving Justice System Responses to Individuals with Mental Illness](#), Fair and Just Prosecution (2018).
9. [Marijuana Policy Reform](#), Fair and Just Prosecution (2017).

Selected Resources and Research on Racial Disparities and Data Analytics

10. [Race and Prosecution](#), Angela J. Davis, John Chisholm, and David Noble, Institute for Innovation in Prosecution at John Jay College (2019).
11. [Tracing Charge Trajectories: A Study of the Influence of Race in Charge Changes at Case Screening, Arraignment, And Disposition](#), Besiki Luka Kutateladze (2017).
12. [Criminalizing Race: Racial Disparities in Plea Bargaining](#), Carlos Berdejó (2017).
13. [The Impact of Implicit Racial Bias on the Exercise of Prosecutorial Discretion](#), Robert Smith and Justin Levinson, Seattle University Law Review (2011).
14. [In Search of Racial Justice: The Role of the Prosecutor](#), Angela J. Davis, NYU Journal of Legislation and Public Policy (2013).
15. [A Prosecutor's Guide for Advancing Racial Equity](#), Vera Institute of Justice (2014).
16. [The Anatomy of Discretion: An Analysis of Prosecutorial Decision Making](#), Vera Institute of Justice (2012).

Selected Model Policies from Prosecutors' Offices

17. [Justice 2020: An Action Plan for Brooklyn](#), Office of the Kings County District Attorney (2019).
18. [The Rachael Rollins Policy Memo](#), Office of the Suffolk County District Attorney (2019).
19. [Reforming A Broken System: Rethinking the Role of Marijuana Prosecutions in Baltimore City](#), Office of the State's Attorney for Baltimore City (2019).
20. [Incoming Memo](#), Office of the Philadelphia District Attorney (2018).