

Welcome to Denver County Court's Procedural Justice Symposium:

Effectively serving the community, especially the most vulnerable

Denver County Court and University of Denver, Sturm College of Law, present a forum for national leaders to share their successes and best practices

March 12th & 13th 2018

We recognize those who have financially made this journey possible:

- University of Denver, Sturm College of Law, Dean Bruce Smith
- Denver Mayor's Office of Hope - Eric Solivan Director
- State Court Administrator's Office - Jennifer Mendoza
- Colorado Judicial Institute
- JCC & The Denver Office of Behavioral Health Strategies



Denver County Court's Procedural Justice Symposium:

Improving our Court for those we serve, especially the most vulnerable members of our community, the poor, over incarcerated, homeless, mentally ill, underserved and addicted.

The goal is to bring stakeholders together in a thought provoking Law School setting to challenge ourselves and ask, "are there places in our system where we can do better" ? This is an environment where we can explore and implement change that will do less harm while improving the safety of our community and outcomes for those who access our court. This opportunity to bring new ideas and practices is possible with the partnership of Professor Tamara Kuennen and the University of Denver, Sturm College of law.

Our primary mission is to reset the Court so all who enter our halls of justice leave feeling they were treated fairly and respectfully and were not just another case in our large court system. Litigants, Defendants, victims and witnesses are often scared, overwhelmed and confused knowing potential outcomes are likely to impact their income, relationships and even liberties. This goal includes exploring the very serious impact of over-incarcerating defendants, charged with low level crimes, at the pre-trial phase, which often results in loss of employment, benefits, and housing. National research indicates the long-term effects include chronic homelessness and spiking recidivism. This two-day symposium will also address how to better respond to the chronically homeless, those suffering with mental illness, and/or, addiction, and those who have been victims to abuse and fall into our criminal justice system because they have long been suffering the consequences of trauma and or addiction.

It is critical that we explore, open our minds to new ideas, and leave motivated together! If we leave energized by appreciating the positive impact we could potentially have on our community, we will do the hard work with great enthusiasm and be successful!



Procedural Justice Symposium Agenda: Day 1- March 12, 2018

8:30-9:00 - Welcome & Introductions

Hon. Michael Martinez
District Attorney Beth McCann
Dean Bruce Smith

9:00-10:15 - Keynote, Susan Burton



Susan Burton is an activist and visionary who has born many labels in the justice system: victim, juvenile, client, probationer, parolee and felon. It is through her personal struggle and keen observations of the system that she realized how the lack of procedural fairness in criminal courts launches people onto a path of chronic failure, homelessness, poverty, and recidivism. Growing up in a segregated area of Los Angeles, she experienced sexual, physical and emotional abuse from the time she was a young child, turned to drugs to numb the pain, and wound up in jail and then intermittent prison for almost two decades. Susan Burton broke free of her episodic experience with the court system and created *A New Way of Life*, offering support for women re-entering the community after incarceration. She put her reflections to paper and authored Becoming Mrs. Burton, where she explores what the system and her community could have done differently to change the trajectory of her life. Her experiences will set the stage for the real-life reasons those serving our court system must reevaluate current criminal justice practices.

10:15-10:30 - Break

10:30-11:45 - Hon. Victoria Pratt, Chief Judge, Newark Municipal Court



Judge Pratt will present an overview of her pioneering court governed by the principles of procedural justice. Her presentation will include principles of procedural justice, the supporting research, and the ripple effect in the justice system like increasing compliance with court orders, reducing recidivism, and increasing overall trust and confidence in the system and community. Judge Pratt will share how her court shifted to a problem-solving approach with low level offenders. This shift moved away from jail and fines to meeting the needs of the person, modify behavior and increase successful outcomes. “How judges speak to court participants who are often handcuffed, hungry, drug sick, mentally ill or depressed makes a difference. We criminalize our social ills and then send them to a judge and say, do something! Judges can use the tools of procedural justice to revolutionize the community and the people who enter the halls of justice.”

12:00-1:00 - Pizza, Salad & Refreshments Provided in Forum



1:00-4:00 - The Nuts and Bolts of Procedural Fairness, Prof. Kelly Tait

Very small things can make a huge difference to the perception of litigants, witnesses, victims and jurors. Professor Tait, a communications expert from the National Judicial College, will engage the participants in an interactive session that will include the practical application of the components of procedural fairness (voice, respect, neutrality, and trust). This session will help the judges and their staff develop new techniques to enhance communication that will ensure those leaving the courtroom feel they were heard in a meaningful way, by a trustworthy decision maker, who carefully considered what they said and made decisions impartially and compassionately. This will be a “nuts and bolts” skill building session that will include court staff who play a significant role in the success of procedural justice.

4:15-6:00 - Reception

Please join us in the Forum for hors d'oeuvres as we reflect on the first day of learning and exploring the principles of procedural justice.

Procedural Justice Symposium Agenda: Day 2 - March 13, 2018

“Our resources are misspent, our punishments too severe, our sentences too long.”

- Justice Anthony Kennedy

8:30-9:00 - Welcome to the Second Day

Denver City Attorney Kristin Bronson

9:00-10:15 - The real cost of pretrial incarceration

A panel moderated panel presentation

The MacArthur Foundation's *Safety and Justice Challenge* has been creating awareness and implementing new policy nationally to reduce over-incarceration by changing the way America thinks about and uses its jails. Recent studies identify detaining low and moderate risk defendants is correlated with higher rates of new criminal activity. Historically we have been over-incarcerating people simply too poor to post bail and are being held on low level cases. Much of this population is at low risk to reoffend. This devastates individuals, families and communities as those being held lose their jobs, income, and housing with little or no resources to recover. Even more troubling is there is significant minority over-representation, homeless and mentally ill defendants, in this population. This long-standing practice also contributes to the overcrowding issues of our jail and has a significant financial cost for the community.

This panel will consist of a highly respected criminal defense attorney, a published researcher, and a professor who will present and build on the awareness and policy changes brought forward by the MacArthur Foundation. This moving presentation will include real life stories of the negative impacts of over incarceration, at the pre-trial phase, when the presumed innocent defendant does not present a safety risk to the community. Even a few days held in jail have devastating outcomes and consequences. This panel will include not only the real-life stories but the empirical data and research that supports the negative realities and hidden costs of pretrial incarceration.



Moderator: Helen Morgan, Chief Deputy District Attorney, Denver

She joined the Denver District Attorney's Office in 1994 as a deputy district attorney. As a deputy district attorney Ms. Morgan worked in the county, juvenile, drug and gang divisions until she was promoted to Chief Deputy District Attorney in 2001. As chief of the Denver Drug Unit she worked with the court and other

agencies to establish Denver's drug court which opened on March 1, 2007. Ms. Morgan has been integral in reforming the policies and procedures in first appearance court with an emphasis in bond reform and best practices.

Panel Members

David Beller, Esq.



David Beller, a highly regarded criminal defense attorney, will share personal stories of the damaging effects and real-life costs and consequences when people charged with low level crimes, who do not present a safety risk to the community, are held in custody at the pre-trial phase of the case.

Robert Boruchowitz, *Professor from Practice & Director of the Defender Initiative*



Prof. Boruchowitz, from the University of Seattle University School of Law, will discuss the collateral consequences of pretrial incarceration as well as the bail reform efforts in Washington which is now a “right to bail” state. There is a presumptive right to a personal recognizance bond absent a substantial likelihood of failure to return to court, or risk of commission of a violent crime or interfering with the administration of justice. Where the risk is failure to appear, Washington requires the *least restrictive alternative* to money or property bond. King County Washington now has one of the lowest incarceration rates in the country. With a lifetime of public defender work and advocacy for access to effective and meaningful representation, Robert Boruchowitz co-authored the report, [Minor Crimes, Massive Waste: The Terrible Toll of America's Broken Misdemeanor Courts](#) among other notable articles.

Krista S. Gehring, *Associate Professor, University of Houston*



This presenter will conclude with the emerging research and data of the negative impact of pre-trial detention, even short-term incarceration, has on case processing, recidivism and the lives of those presumed innocent. This last part of the panel presentation will include empirical statistics of “who” are sitting in our jails and the epidemic disparity in minority and poor over representation. Her primary research interests include women offenders, gender-responsive policies, practices, and programs, criminological theory, correctional rehabilitation, risk/needs assessment and classification, and pretrial risk/needs. A priority for her research endeavors is bridging the gap between the academic and practitioner by producing high quality research that has direct criminal justice policy implications.

10:15-10:30 – Break

10:30-11:45 - Sentencing Alternatives: Yes, the prosecutor can lead reform!

Aisha Greene, *Bureau Chief, Alternatives to Incarceration, Bronx County DA's Office*



Ms. Green will lead a conversation around the prosecutor's role in community safety and how bail and sentencing alternatives have led to community stability and safety. Ms. Greene's prosecutorial focus has been community collaboration with an emphasis on reducing inmate populations. With the Center of Court Innovation, she forged a new set of responses to misdemeanor and non-violent felony defendants by providing meaningful pretrial supervised release and post-conviction sentencing options.

12:00-1:00 – Lunch on your own

1:00-2:00 - Sentencing: it's more than habit and tea leaves, what does evidence based sentencing look like?

Krista S. Gehring, *Associate Professor, University of Houston*

Prof. Gehring returns to discuss sentencing, specifically, what is the goal of sentencing and what does a successful sentencing program look like? Prof. Gehring will talk about objective and evidence based models for changing behavior and improving community safety. Prof. Gehring earned her doctorate and the University of Cincinnati, a leader in the evaluation and reform of criminal justice practices.

2:00-2:15 – Break

2:30-3:30 - Responding to the needs of women in the justice system

A moderated panel presentation

Studies show that most women who experience homelessness, participate in substance abuse treatment, or who are victims of human trafficking have a pervasive history of physical and sexual abuse. These women are part of our justice system. Only by understanding how their past trauma informs their present circumstances can we best serve the women in our courts. The panel will include Afua Addo, with the Center for Court Innovation, who will discuss the physical, emotional and social impacts of trauma. Judge Linda Poust Lopez from the Bronx Criminal Court will discuss how her focus on prostitution diversion models has informed her decision making throughout her docket. Jennifer Dolle, Deputy Chief of the Manhattan DA's Human Trafficking Response Unit, will discuss how policies and

practices have changed around women offenders. Together, the panel will explore how trauma-informed practices and procedural justice positively impact female defendants.

Moderator: Marley Bordovsky, Department of Law, City & County of Denver

3:30-3:45 - Break

3:45-4:45 - A look at housing, a key factor in community stability

Annette Duke, Staff Attorney & Director of Housing Publications, Massachusetts Law Reform Institute



Annette Duke will share her experience in Massachusetts to support people facing eviction and promote housing stability and access to justice. She specializes in tenants' rights, public housing, and court reform. Last year, in collaboration with the Massachusetts Access to Justice Commission she led a successful 4-year campaign to expand the jurisdiction of the Massachusetts Housing Court to all parts of the state. As a result, 2 million more people in 84 cities and towns now have access to a housing court. She is the editor of *Legal Tactics: Tenants Rights in Massachusetts*, a comprehensive handbook that includes over 40 forms and booklets to help tenants prevent problems and protect their rights.