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Abstract: Citizens' CourtWatch, Berkshire County, MA

Most district attorney's offices have broad discretion when prosecuting criminal cases. In virtually every county or municipality, racial, economic, and gendered characteristics most clearly explain criminal justice disparities. With the election of a new, progressive district attorney in Berkshire County, Massachusetts, I realized a policy window to train community volunteers to view district court proceedings and record qualitative and quantitative data from their experiences. The district attorney's office has already fulfilled its promise to decrease its reliance on cash bail. Now, we hope to record data that will catalyze the fulfillment of other reforms while also noting any continuing disparities.

The district attorney's office does not record the most relevant demographic data as of 2019. With the support of the local district attorney's office, the Berkshire County NAACP, and members of local grassroot organizations, we launched a CourtWatch program. The program compiles information on defendants and their criminal cases as they appear across the three district courts in Berkshire County (Southern Berkshire in Great Barrington, Pittsfield, and Northern Berkshire in North Adams). We averaged around 20 citizens per training, and we conducted trainings between Williamstown and Pittsfield, Massachusetts.

Immediately, the data taught us two lessons. The first is that substance abuse is prevalent in our County, and addiction poses an extenuating circumstance in many cases. Secondly, we noticed an uptick in dangerous hearing, which result in pre-trial detention for defendants. Black and Hispanic defendants were overrepresented relative to county demographics by approximately 3-fold and 4-fold, respectively. Slightly more than half of the cases were traffic offenses, of which defendants of different races were almost equally likely to be charged.

Our analysis informs several observations. The first is the need for the Berkshire County District Attorney's Office to collect data on their criminal proceedings and the need to publicize the data. The second is the increase in dangerousness hearings, which have increased as the reliance on cash bail has declined. Lastly, we'd like to highlight the racial disproportionality of defendants appearing before district courts. We want to bring attention to any related social problems contributing to such disproportionalities ranging from biases in policing to housing insecurities and substance addiction. With the Q-Side Institute's help, we have analyzed our preliminary data and made it available to both the Berkshire County District Attorney's Office and the general public. Criminal justice issues are pervasive and relevant to rural communities. As a result, rural residents ought to be empowered to inspire change in their local criminal justice systems through mechanisms such as a citizens' CourtWatch Program.

keywords: criminal justice; cash bail; district attorney; racial justice; economic justice; prosecutorial discretion; courtwatch program