TRIANGLE INITIATIVE : COLLATERAL CONSEQUENCES CALCULATOR

Overview

Criminal defendants in New York State often plead guilty to crimes without being fully advised of the collateral consequences of those charges. These consequences can be quite serious, including loss of public housing, relinquishment of voting rights, or even deportation. Because collateral consequences cut across so many areas of law, even the most highly skilled defense attorneys, prosecutors and judges may not possess the requisite knowledge to fully understand the repercussions of their actions. To address this critical social justice issue, CCNMTL is partnering with faculty and students from Columbia Law School to build the Collateral Consequences Calculator, a web-based tool that quickly and easily calculates and displays the collateral consequences of any criminal charge in the New York State penal code. The Calculator has the potential to improve the work of prosecutors, judges and defense counsel statewide and to teach law, policy, and social work students about the impact of criminal conviction across the areas of immigration, housing, civic participation, family, and finance.
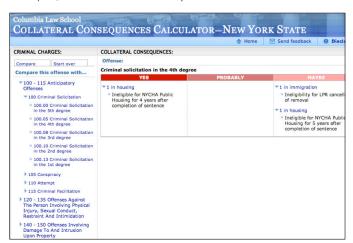
Background

Judith Kaye, Chief Judge of the State of New York, initiated the Partners in Justice program in 2005, bringing together top judges, legal practitioners and educators in New York State to improve collaboration and information sharing around issues of social justice in New York's legal system. The focus of this initial collaboration was the problem of collateral consequences of criminal conviction. In response to Judge Kaye's challenge, a team from Columbia Law School — comprising Conrad Johnson, Brian Donnelly, Mary Zulack, and their students — developed the Collateral Consequences Calculator website in the Lawyering in the Digital Age clinic. This site provides an unprecedented collection of the best resources in each of the substantive areas where collateral consequences occur, including an online section for judges to stay current with approaches to address collateral consequences issues in the courts.

Professor Johnson and his team then began looking for a way to extend these scholarly efforts in a way that would be more relevant and useful to legal practitioners, judges, and academics. CCNMTL joined the team in 2006. Together they determined that what was needed was an online tool that would alleviate the core issue surrounding collateral consequences, namely, that for any given charge there are simply too many potential consequences in too many areas of the law for an individual lawyer to recall instantly or research quickly.

Chief Judge Kaye called the calculator "a groundbreaking initiative" in her report, The State of the Judiciary 2007.

When a user selects a criminal offense from the menu on the left side of the screen, the range of collateral consequences appear in the window on the right.

Getting to Work

Engaging in CCNMTL's Design Research methodology — which follows an iterative path of Discovery, Design, Development, Implementation, and Evaluation — the CCNMTL/Lawyering in the Digital Age team began a brainstorming process to establish the most useful way to approach the complex problem of determining and displaying clearly the vast array of collateral consequences for each of New York's nearly 500 penal code provisions. The team imagined ways to use digital technologies to address the complexities of the law, from its ever-changing nature to the intricate web of dependencies created by policy legislation. The tool the team envisioned was something entirely new, so during the discovery phase, CCNMTL embarked

*For more information please visit http://ccnmtl.columbia.edu or call us at 212-854-9058
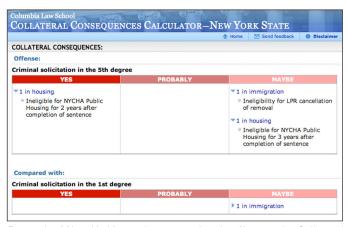
on technical research and development as well as plans for an interface that would serve multiple audiences, including students at Columbia Law School as well as lawyers and judges working in the field.

Shaping the Collateral Consequences Calculator

1. **What information is difficult to discover, and how can we display this information to make it the most useful?** While collateral consequences can easily be researched in a single subject area such as housing, collateral consequences as they pertain to a single client or case are much more difficult because each criminal charge can result in consequences across numerous areas of law, including housing, immigration, family law, and others. To charge, sentence and counsel responsibly, prosecutors, judges and defense counsel need to see consequences arrayed across all areas of relevance.

2. **How can we help legal professionals learn information to help their clients efficiently?** Legal professionals need a shorthand version of all pertinent consequences that they can scan quickly. They also need to compare consequences between offenses, and judges need to be informed across these same areas in order to sentence appropriately. The CCNMTL/Law School team chose to group consequences by probability of occurrence and subject area to help users more fully appreciate the consequences of conviction.

3. **How can we display information to allow students to make important connections between consequences and policy?** The web interface allows students to manipulate data about offenses and consequences across various axes. A student can compare offenses, see common offense pairings, or group New York State offenses by larger categories.

4. **How can we construct a tool that can be updated as the law is changed?** Collateral consequences are derived from a variety of dependencies between offense categories and outside circumstances. CCNMTL programmers created a system based on an inference engine, or a system of logical rules, the same approach used in some areas of artificial intelligence. When the law changes, the piece of the engine that represents that law can be edited and the effects of that change will cascade throughout the system.

Results to Date

The CCNMTL/Law School team has chosen two subject areas, immigration and housing, to use as a proof-of-concept for the Collateral Consequences Calculator. Clinic students and legal experts provided detailed content in these two areas and CCNMTL translated this information into the logic engine that powers the calculator and designed an easy-to-use interface that accommodates the tool's diverse audiences. The

For each of New York's nearly 500 penal code offenses, the Collateral Consequences Calculator generates the civil penalties that will definitely, probably, or possibly result. The tool also allows users to compare two different offenses.

two chosen subject areas now exist in the Calculator's system and have undergone an initial test for accuracy.

Chief Judge Kaye called the calculator "a groundbreaking initiative" in her report, The State of the Judiciary 2007. A limited version of the tool is currently being tested. Feedback from these trials will allow the team to gather usage information and suggestions for improvement from experts in the field even as development of the other subject areas continues. The team will continue to refine the design and functionality to address the concerns of real world users.

About the Triangle Initiative

The Triangle Initiative is a strategic effort of the Columbia Center for New Media Teaching and Learning (CCNMTL), creating digital tools and capacities to serve the intersecting interests of education, research and communities.

For more information about the Triangle Initiative, please visit http://ccnmtl.columbia.edu/triangle/ or email ccnmtl-triangle@columbia.edu.