

# Reducing Reliance on Local Jails

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WHITE PAPER | FEBRUARY 2014



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## Problem Statement

The United States has been incarcerating people at alarmingly high rates for decades, with state and federal prison populations growing 49 percent in the past two decades alone. While states have begun to implement reforms to stem the tide – if not reduce the growth – of prison systems, local jails continue to strain from increasing numbers of people behind bars and limited strategies and resources with which to serve them in the community. This over reliance on incarceration has dire impacts on both jail systems and the communities.

While the jail population declined for three consecutive years in midyear 2009, 2010, and 2011, the population increased in midyear 2012 by 1.2 percent, largely due to realignment in California (Minton 2013). Additionally, 91 percent of the jail population increase occurred at the largest jail jurisdictions (those with an average daily population over 1,000 inmates), where facilities operated at 89 percent occupied bed space. Nationally, jails operated at 83 percent of rated capacity (the number of jail beds allocated to facilities) on an average day and at 90 percent on the most crowded day (Minton 2013). The causes of jail population increases and crowding are numerous, but most experts cite a rising number of pretrial detainees, the increased use of jails for housing persons who would otherwise be in state facilities, and a greater number of probation and parole violators as the key contributors to crowding (Beck 2006).

This degree of crowding threatens the safety and functioning of jails, and the overuse of incarceration that accompanies it imposes harms on the productivity and well-being of individuals and communities. With regard to crowding, a jail's basic management capabilities in areas such as inmate monitoring, facility maintenance, and sanitation, as well as its provision of inmate services, including medical and mental health services, counseling and case management, and programming are strained (Davis et al. 2004, Martin and Rosazza 2004). This is particularly the case when the jail's population increases without a corresponding increase in correctional or support staff. Living conditions deteriorate since inmates have to sleep on floors or in crowded cells, are allowed less time out of their cells, and have fewer opportunities for recreation or programming (American Jail Association (AJA) 1994). Crowding also restricts the ability of jail management to classify and house inmates because it reduces the flexibility to place inmates in the most appropriate section of the facility (Martin and Rosazza 2004) and jeopardizes the availability of bed space for offenders who pose the greatest threats to public safety.

The over reliance on jails not only compromises safety within the facility itself, but also harms communities, individuals, and families. Incarceration affects communities in four central ways – creating a stigma, prohibiting financial stability, questioning the community's identity, and disrupting relationships (Clear 2001). Incarceration can create a negative social status for individuals so that it becomes difficult for them to find employment. Due to the stigma, communities grow less attractive to businesses and families because they do not want to locate in areas known for high crime. Families may feel financially strained when the breadwinner is incarcerated and not contributing an income to the household. Businesses may also lose profitability when the local workforce is not productive or efficient. In addition to limiting a neighborhood's financial capacity, its social identity and capital are also damaged when residents experience low self-esteem from routinely witnessing crime and incarceration. Moreover, family and interpersonal relationships are jeopardized when families have to deal with the removal of a relative due to incarceration.

Incarceration has also been shown to have an array of devastating effects on families and children. Children with a parent involved with the criminal justice are 80 percent more likely to live in a household experiencing economic strain (Phillips et al. 2006), and children with fathers who have ever been incarcerated are more likely to experience financial hardship than children who never had an incarcerated father (Geller et al. 2009). Financial instability from the absence of a parent likely leads to the children's involvement in the child welfare and foster care systems due to constantly moving to affordable housing or changes in caregiving arrangements. Also, losing a parent to incarceration can be traumatic and disruptive to a child (Adalist- Estrin, 2006), which leads to insecure attachment (Poehlmann, 2005) and places children at risk for a variety of emotional and behavioral problems (Kampfner 1995). Children of incarcerated persons also have shown below-average academic performance (Wright and Seymour 2000) and are more likely than similarly disadvantaged children to fail or drop out of school (Trice and Brewster 2004).

Moreover, the cost of incarcerating persons who might be diverted from jail as well as those whose cases could be processed quicker, diverts resources from other city and county expenditures that can have valuable crime prevention benefits, including schools, human services, and law enforcement. Indeed, by reducing the reliance on incarceration, resources that would otherwise be dedicated toward managing escalating jail populations could be dedicated towards programming, community initiatives, and other measures likely to yield a long-term impact on public safety.

Potential solutions to the nation's over reliance on jails include policing and arrest practices, using citations in lieu of arrests, risk and needs assessments, improved case processing, problem solving courts, specialty dockets, pretrial diversion, jail programming and case management services, sentencing to alternatives to jail, deferred prosecution, violation response matrices, transitional housing programs, and reentry programming to decrease the odds that exiting inmates will reoffend and return to jail. It is essential that these reforms are implemented in accordance with a strategic planning process for system-wide change.

The following paper synthesizes The Urban Institute's (Urban) experiences and lessons learned while evaluating local criminal justice system-reform efforts, along with knowledge of the literature pertaining to the topic. It provides an overview of the promising strategies emerging from the field, a logic model illustrating the necessary inputs and activities that are designed to yield reduced reliance on jails, and a recommended implementation and evaluation strategy of such a model.

## **Model Development, Implementation, and Sustainability**

*What are the steps necessary to understand characteristics of the jail population?*

Understanding the characteristics of the local jail population is a critical first step to reducing a jurisdiction's reliance on its detention facilities. The local jail is a central hub within a jurisdiction's criminal justice system, housing individuals at all stages of the criminal process – from the point of arrest through court hearings, trial, sentencing, and beyond. Each decision point, though rarely controlled by a single agency, can affect the number of people in all parts of the system. The decision points are not discrete, may overlap in time, and may not be imposed in every case. Once jurisdictions understand the composition and movements of the local criminal

justice population, they can pinpoint system inefficiencies that lead to overuse of incarceration. There are three critical steps to understanding the characteristics of the jail population: 1) survey available data; 2) build a population profile; and 3) map influential decision points throughout the system.

Surveying available data enables jurisdictions to produce an inventory of what data exist locally so that information can be collected and analyzed. Numerous agencies will likely have relevant data: law enforcement agencies, courts, jails and detention facilities, prosecutors and defense attorneys, alternative and diversion programs, probation and parole, pretrial services, health and human services, hospitals and clinics, tax collection agencies, department of motor vehicles, and community agencies that work with jail-involved clients. While agencies will have varying degrees of capacity for data extraction and analysis, most of the necessary data is maintained in some form by local jurisdictions.

To understand how different populations interact with the criminal justice system, jurisdictions must use available data to build a profile of the jail population. The data elements presented in Table 1 will provide a preliminary picture of the jail population. It is important to note that not all data regarding the jail population can be located within jail data systems, but is likely accessible by compiling data from the multiple agencies that influence the criminal justice system.

**Table 1. Jail Population Characteristics**

<b>Data element</b>	<b>Data points</b>	<b>Purpose of data collection</b>
<b>Demographics</b>	Race/ethnicity, gender, age, immigration status	Reveals patterns in case processing; helps jurisdictions understand and address disproportionate representation of certain groups; helps jurisdictions design strategies responsive to and appropriate for target populations
<b>Special populations</b>	Homeless, mentally ill, elderly, veteran status, substance abusing, gang affiliated	Helps jurisdictions identify underlying cause(s) of individual's criminal activity
<b>Risk</b>	Risk of re-offense based on a criminogenic needs assessment, jail classification score, pretrial risk assessment of failure to appear or likelihood of committing new crimes	Helps jurisdictions determine if resources are being expended on individuals at highest risk to recidivate or violate rules and conditions
<b>Criminal history</b>	Current charges, past charges, recidivism	Helps jurisdictions assess individual's case trajectory and likelihood of returning to the system
<b>Socioeconomic factors</b>	Indigency, education, employment	Helps jurisdictions identify critical needs of population
<b>Geography</b>	Neighborhood/block of offense, neighborhood of criminal justice-involved populations	Help jurisdictions identify geographic areas with concentrated crime and criminal justice populations
<b>Current status</b>	Pretrial status, length of stay for those sentenced and pretrial, length of sentence, current charges, violations	Helps jurisdictions understand the charges for which the jail population is held

Finally, criminal justice mapping is an important step to understanding the characteristics of the jail population, and provides stakeholders with an opportunity to learn more about how decisions made in each agency influence other parts of the criminal justice system. Each criminal justice actor plays a role in shaping the size of the jail population. Law enforcement arresting policies and procedures inform who enters the system, district attorneys decide who will have charges filed against them, and judges determine if and how long an individual will stay in jail. Other less visible actors also play critical roles. Court administrators influence the speed at which individuals are processed through the criminal justice system, pretrial agencies define the length of pretrial detention, and probation and parole agencies govern who returns to jail on supervision violations. Producing a visual map of the local criminal justice system requires jurisdictional leaders to consider the impact of agency policies, daily practices, and criminal case processing procedures on the composition of the jail population.

*What can we learn about existing jail population reduction strategies that can help inform development of a feasible and successful model?*

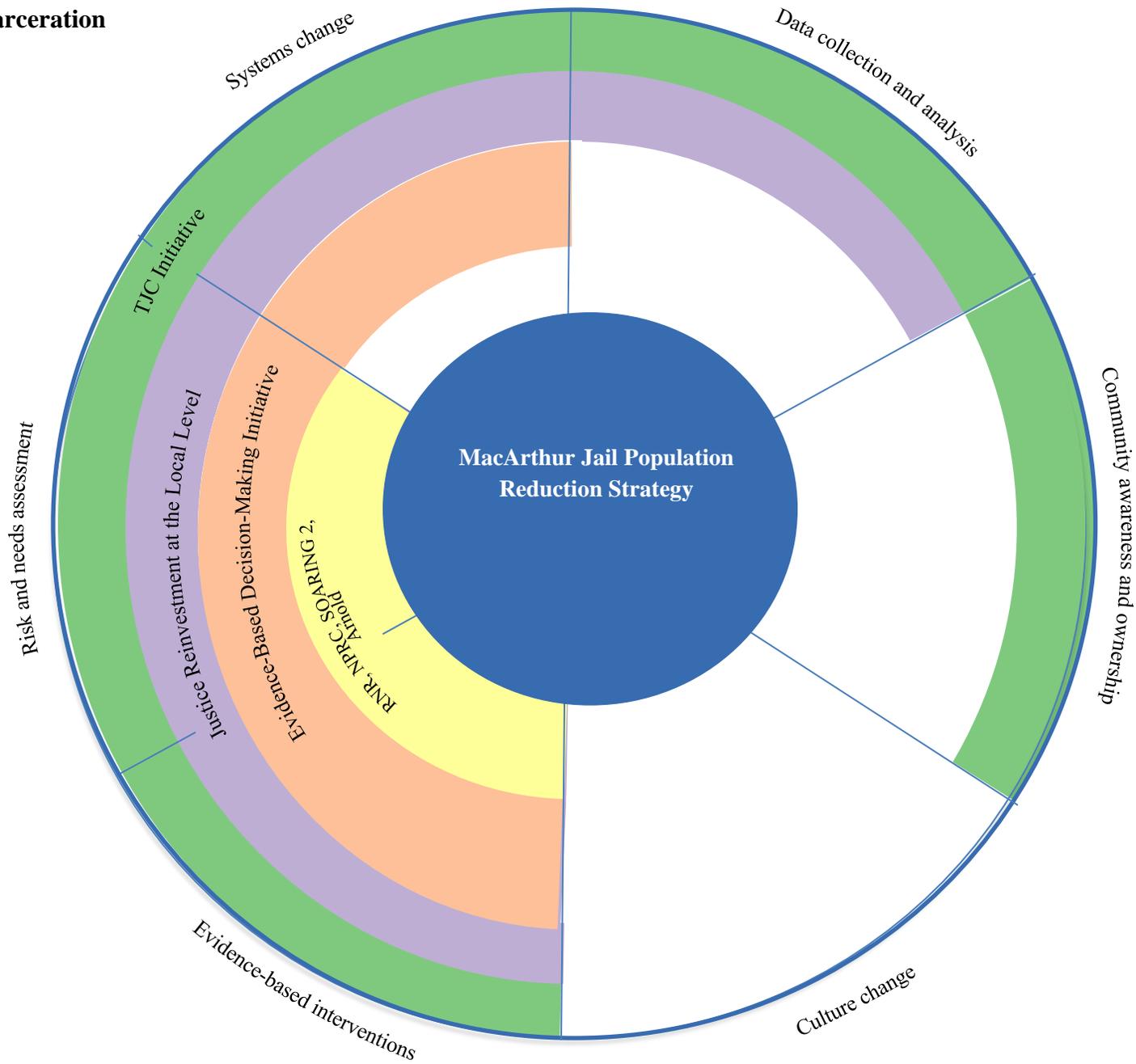
The successes – and challenges – of existing jail population reduction strategies provide critical insight into the necessary components of a feasible and successful model. From planning through

implementation and sustainability, the following elements should serve as the framework for successful jail population reduction strategies:

- Data collection and analysis
- Systems change perspective
- Culture change focus
- Community ownership
- Risk and needs assessment
- Evidence-based interventions

Figure 1 on the following page highlights each critical model component, and situates other prominent local reform efforts within the six model components. Each initiative has a different intended objective (see page 30); as a result, initiatives emphasize each model component to varying degrees. To make the comprehensive changes needed for jail population reduction, each model component will need to be tackled by the strategy pursued by the MacArthur Foundation. As a result, Figure 1 suggests that the MacArthur strategy emphasizes all six model components. Each critical strategy component is then explored in detail below.

**Figure 1:  
Model Elements to Reduce Local  
Reliance on Incarceration**



## **Data collection and analysis**

Current efforts to reduce reliance on jails emphasize the critical need to understand local context through data analysis. Both the Justice Reinvestment at the Local Level (JRLL) model and Transition from Jail to Community (TJC) model<sup>1</sup> require jurisdictions to engage in data collection and analysis (at varying levels of rigor) to shape their strategies.<sup>2</sup> A feasible model must emphasize the importance of ongoing data collection to shape policy and inform next steps. Developing local capacity for performance measurement is also critical to capture and communicate successes. Self-evaluation enables jurisdictions to guide operations, monitor progress, and inform decision-making through evidence and measures from its own criminal justice system.

Not surprisingly, evaluations of existing population reduction strategies note that data collection and performance measurement are often critical gaps in model implementation. Urban researchers found that a significant challenge for sites attempting to implement local system-wide criminal justice reforms was limited site capacity for data collection and analysis. For example, Urban's *Process and Systems Change Evaluation Findings from the Transition from Jail to Community Initiative* notes that advancing a data-driven approach to support decision-making was one of the most challenging elements of a systems change model to implement. Despite the difficulty, current jail reduction strategies establish the critical role of data collection and analysis in local efforts to reduce reliance on jails.

The development and implementation of existing local criminal justice reform efforts indicate the integral role of strong local data collection and analysis in successful strategies. Strengthening local data capacity and practice will be difficult, but it is the basis needed to develop sound policies, and to measure the impact of those policies over time – a critical step to ensure effective implementation and sustainability.

## **Systems change perspective**

Existing jail population reduction strategies have also demonstrated the need to address growing jail populations as a system-wide problem that requires system-wide responses. Each decision point – though rarely controlled by a single agency – can affect the number of people in all parts of the system. Researchers, practitioners, and policymakers alike have consistently observed the need for a systems approach to reducing reliance on jails (CCAP 2005, BJA 2000, Cunniff 2002, AJA 1994, Hall 1985, Michigan Task Force 2005, Ford 2007). Without an emphasis on changing the criminal justice system as a whole, jails cannot make meaningful population reductions. The JRLL model, for example, establishes that by identifying the factors at all different points in the criminal justice process that drive growth in jail populations, jurisdictions can produce policy options that resolve cases more efficiently and cost effectively. Not only is systems change

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<sup>1</sup> Similar to the Evidence-Based Decision-Making (EBDM) Initiative, the Transition from Jail to Community (TJC) model is designed to “(1) improve public safety by reducing the threat of harm to persons and property by individuals released from local jails to their home communities; and (2) increase successful reintegration outcomes – from employment retention and sobriety to reduced homelessness and improved health and family connectedness – for these individuals.” While the TJC model is not directly intended to reduce jail populations, lessons learned through its emphasis on systems change models to reduce local recidivism rates can and should inform jail reduction strategies.

<sup>2</sup> While the EBDM Initiative holds that regular data collection and analysis are important to monitor and improve system operations, the Initiative does not require sites to use data to drive decision making and policy changes.

important for efficiency, it will also help the criminal justice system provide more effective interventions for criminal justice-involved populations. The TJC model emphasizes joint ownership as a functional necessity of a successful jail transition model, as no one agency has the authority or resources to address the many criminogenic needs present for jail populations both pre- and post-release. The Evidence-Based Decision-Making (EBDM) initiative also holds that collaboration across the criminal justice system improves offender outcomes.

Despite the established importance of a system-wide approach to reducing recidivism and jail populations, effectively promoting systematized change has proven difficult. Some localities across the country have attempted data-driven, context-specific, systems approaches to alleviate jail overcrowding. Volusia County, Florida, for example, formed a Jail Population Reduction Task Force in 1985 that facilitated strategic collaboration across the local justice system to address jail population growth for over twenty years (Ford 2007). Unfortunately, jurisdictions have experienced mixed results in their attempts to create collaborative task forces to address jail overcrowding and even successful efforts like those in Volusia County have been poorly documented. Many more jurisdictions have made fractured, piecemeal attempts to address jail population growth, often when the situation has already reached crisis levels.

As a result of both the value added and challenges posed by the systems approaches noted above, a clear strategy to secure the cooperation and buy in of all criminal justice actors that influence the size of local jail populations must be a key component of a successful and feasible plan to reduce reliance on jails. Similarly, successfully reducing the use of jail as a sanction (or pre-sentence weigh station) cannot be approached as a stand-alone project or autonomous decision. Local criminal justice systems are complex and can change frequently at different decision points, requiring ongoing data collection and analysis and constant vigilance regarding system inefficiencies. Both the JRL and TJC models highlight the need for continuing self-evaluation and assessment. A successful strategy is an ongoing, iterative process that attends to multiple decision points and responds to changes overtime. Thus, reducing a jurisdiction's reliance on jail requires strong coordination; undergirding that coordination is an essential cultural shift in jurisdictional philosophy on issues of criminal justice.

### **Culture change focus**

Successfully reducing local reliance on jails requires a significant culture change; key stakeholders must agree that business as usual won't cut it, and reform is needed. The JRL model identifies a shared agreement among key stakeholders about the need for change as one of the four "prerequisites" for a successful initiative. The TJC model integrates organizational culture as a critical piece of its core elements, emphasizing the role of key decision-makers in articulating a clear vision of success and engaging staff and stakeholders to realize its implementation. However, *neither the TJC initiative nor JRL emphasizes the critical need to promote agency culture change before implementing comprehensive reform.* As a result, reform efforts are hampered by an agency culture which still supports business as usual. Current jail reform efforts make clear the need for culture change to support new ways of doing business.

Local criminal justice reform efforts have also demonstrated the difficulty of realizing organizational culture change. Reducing reliance on jail will likely require changes to day-to-day operations that represent a different philosophical approach to dealing with criminal justice populations. Without proper guidance and resources, staff may resist change or struggle to learn

new procedures, develop necessary skills, and alter habits. Findings from the TJC model implementation suggest that line staff can be powerful advocates of reform when engaged and informed about local efforts; however, agency staff who are excluded from the information loop about reform planning lack both the knowledge and commitment that implementation requires from all organizational levels.

Successful reform strategies must prioritize agency staff engagement from the outset of planning. Agency leadership can change policies, but agency staff are the actors that implement those changes on a routine basis. Previous research has found that an engaged and informed agency staff better position jurisdictions to make systematic change. Furthermore, staff can help anticipate challenges and outline logistics for successful implementation. It is critical that stakeholders and agency staff alike are engaged early on and understand the evidence base underlying policy changes.

### **Community ownership**

Building and maintaining a system-wide jail population reduction strategy is a critical challenge that requires participation from multiple stakeholders. TJC emphasizes the inclusion of community and non-justice stakeholders in reform efforts as critical actors who can champion jail diversion strategies, provide needed social services for individuals once they reenter the community, and foster ongoing, grassroots support for strategies intended to reduce local reliance on incarceration. Some community organizations may already have years of experience advocating for criminal justice reforms and can inform strategy development. Additionally, local resources and capacity can and should be incorporated into criminal justice decision-making. When taken into account, community agencies and service providers can play a critical role supporting justice-involved individuals in the community.

At the same time, non-governmental community groups and organizations may also impede reforms. Community members might oppose the building of substance abuse treatment facilities, halfway houses, and shelters in their neighborhood, or fear that DUI offenders will be back on community roads if not held in jail. Victim advocacy groups may be concerned about detrimental effects on public safety if the jail population is reduced. Business owners may worry about the storefront presence of homeless, mentally ill populations that are often de facto housed in county jails, and criticize reform efforts for being “soft on crime.” Community concerns carry significant influence with local political leaders that shape the direction of justice policy. While the community at large does not directly control the policies that shape the size of the jail population, community support is critical to a comprehensive plan to reduce jail populations.

Community agencies and providers need more than just funding. They need clear communication about the implications of policy reform and meaningful engagement in the planning and implementation process. Engaging community members at the start of the reform process can help them take ownership of the strategy and its successful implementation. Similarly, supplying community providers and interested community groups with concrete ways they can participate in the process will also encourage them to support the reform strategy.

### **Risk screening and needs assessment**

For jurisdictions attempting to reduce their jail populations, a critical challenge is determining who should be housed within jails, who can most successfully serve their sentence in the community under supervision, and what types of treatment and supervision can enhance

individuals' chances of success and reduce their risk to the community. These are critical questions that will help counties reduce their jail populations while maintaining and promoting public safety, and substantial literature has established the role of risk and needs assessments to inform these decisions. The TJC, JRL, and EBDM models all emphasize the central role that risk and needs assessment should play in helping jurisdictions supervise criminal justice populations and allocate scarce resources. Other tools – such as the Arnold Foundation's pretrial risk assessment tool and Faye Taxman's (George Mason University) Risk-Needs-Responsivity tool – emphasize the critical role of risk and needs assessment at different points in the criminal justice system.

Though many states have now adopted validated risk assessments to ensure evidence-based parole board decisionmaking (Petersilia 2009) and appropriate eligibility criteria for prison-based treatment programs (Simpson and Knight 2007), risk and needs assessment remains relatively rare in local jails (Christensen et al. 2012). Many pretrial agencies that influence judge's pretrial release decisions still rely on subjective assessment, despite the research showing that risk assessment instruments produce higher accuracy (Pretrial Justice Institute 2012). Jails have also historically focused their diagnostic activities on classifying individuals by jail security risk, rather than considering the risk of re-offense that individuals would pose in the community if released. Coupled with these practical precedents, jail populations are diverse and ever-dynamic, making risk and needs assessment in the jail context challenging. While numerous local reform efforts have successfully introduced the importance of risk and needs assessment tools to local jurisdictions, the challenge often lies in ensuring that jurisdictions actually use the results of risk and needs assessment to guide decision-making.

Despite the challenges of implementation, risk screening and needs assessment is critical to reducing jail populations while simultaneously maintaining and promoting public safety. A successful model will not only introduce the value of risk and needs assessment, but help criminal justice agencies ensure that their decisionmaking processes are evidence-based.

### **Evidence-based interventions**

Finally, a review of local criminal justice reform efforts demonstrates the critical importance of evidence-based practice in jail diversion and release strategies. As local jurisdictions grapple with dwindling resources requiring local practitioners to do more with less, implementing “what works” in the criminal justice system is a critical component of local reform efforts. NIC's EBDM framework asserts that evidence-based knowledge will enhance the judgment of decisionmakers within the criminal justice system (NIC 2010). JRL has also focused on the need for jurisdictions to invest scarce resources in tested practices that reduce crime and enhance public safety. Other criminal justice reform efforts, including the Risk-Needs-Responsivity (RNR) tool, SOARING-2, the Arnold Foundation's pretrial risk assessment work, and the National Parole Research Center all work to provide jurisdictions with the tools needed to implement evidence-based practices.

Despite the established importance of evidence-based decision-making, local jurisdictions still face challenges implementing evidence-based interventions with fidelity. Prior local criminal justice reform efforts have encountered difficulties introducing evidence-based research to practitioners who often have little time to digest lengthy reports and findings, and have long-established policies and practices. In some jurisdictions, evidence-based strategies may have

been attempted in prior years but never fully implemented, implemented without fidelity to evidence-based practice, or they may have been implemented but not sustained.

Technical assistance providers can play a critical role in introducing evidence-based practices to local practitioners through in-person training, presentations, and on-site technical assistance. Evidence-based practice trainings are critical system-wide; reforms cannot be implemented without the day-to-day support of line staff. Trainings should be iterative; new ways of doing business cannot be learned through single training sessions, but need to be incorporated into ongoing trainings and practice requirements.

*What scope of model works best (targeted/isolated strategies versus system-wide) under what contexts?*

Regardless of jurisdictional context, jail population reduction strategies require a system-wide scope. Jail administrators have limited control over who enters their facility and how long they stay. They cannot reduce local jail populations without the support and involvement of law enforcement, prosecutors, judges, pretrial service agencies, probation and parole officers, defense attorneys, service providers, and local government officials. Developing a jail population reduction strategy in isolation of other criminal justice system factors is unlikely to yield positive long-term results because dependencies exist within and across criminal justice system components. Even when all system players embrace the intervention, changes in one or more system policy or practice will have a ripple effect on other system components. As a result, a jail reduction strategy must meaningfully engage all relevant stakeholders.

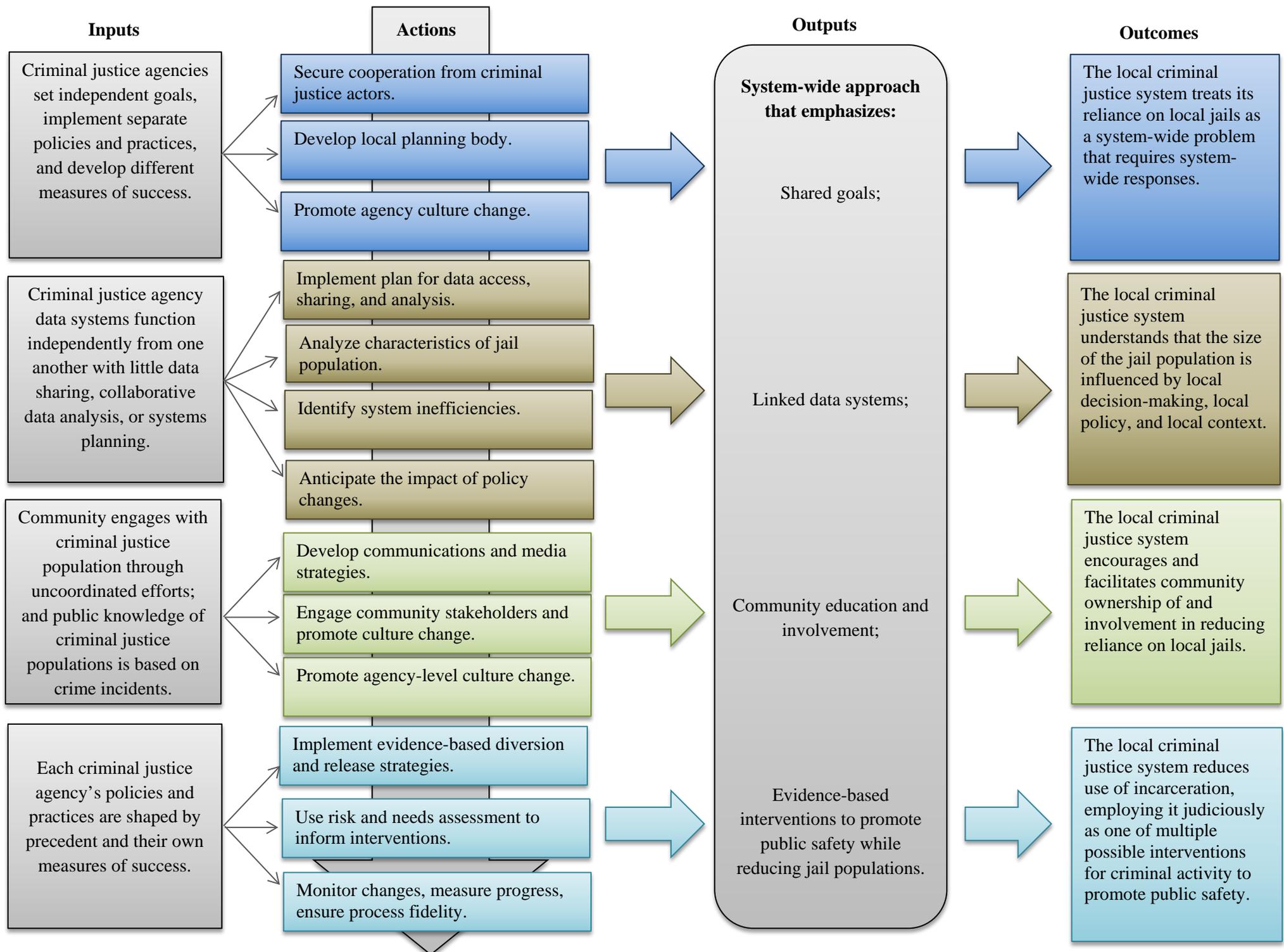
*What are the steps of successful models, the barriers to implementation, the assets and resources that facilitate implementation, and the recommended strategies to support sustainability?*

With the above considerations in mind, a successful jail reduction strategy should apply the steps described below in Figure 2. Each step will help jurisdictions attend to the six critical components of a successful jail reduction strategy: data collection and analysis; systems change perspective; culture change focus; community ownership; risk and needs assessment; and evidence-based interventions. Figure 3 then maps each step onto a logic model to demonstrate its inputs and intended outputs and outcomes.

**Figure 2: Jail Population Reduction Strategy Model**

<p><b>Step 1:</b> Secure cooperation from criminal justice actors</p>	<p><b>Step 2:</b> Develop local planning body</p>	<p><b>Step 3:</b> Implement plan for data access, sharing, and analysis</p>	<p><b>Step 4:</b> Analyze characteristics of jail population</p>	<p><b>Step 5:</b> Identify system inefficiencies</p>	<p><b>Step 6:</b> Anticipate the impact of policy changes</p>	<p><b>Ongoing:</b> Implement evidence-based diversion and release strategies, using risk and needs assessment to inform interventions</p>
<p><b>Ongoing:</b> Develop communications and media strategies</p>						
<p><b>Ongoing:</b> Engage community stakeholders</p>						
<p><b>Ongoing:</b> Promote agency-level culture change</p>						
<p><b>Ongoing:</b> Analyze data to monitor changes, measure progress, ensure process fidelity, and inform next steps</p>						

**Figure 3: Logic Model**



Even with the steps of a successful jail population reduction model in place, the actual application and implementation of such a model requires hard work, resources, and strategic planning. Many barriers can stand in the way of full implementation. In addition, the sustainability of any strategy is absolutely critical to realizing successful outcomes. To date, few local reform efforts demonstrate clear success in making meaningful, long term reductions to local jail populations. This lack of clear success is because jail reduction has been approached in a piece meal fashion, has not been supported by all the stakeholders contributing to the population (including judges, prosecutors, and law enforcement in particular), and has lacked a strong sustainability plan and accountability mechanism to ensure constant vigilance. Without a strong focus on sustaining the effort, local reforms can lose momentum, be applied without fidelity (hampering or negating their effectiveness), and even be undone by new policy change. Table 2 explores strategies for sustainability, possible barriers to implementation, and the assets and resources that can be used to support a sustainable jail population reduction strategy.

**Table 2. Implementing a Sustainable Model**

Strategies for sustainability	Barriers to consider	Resources to access
<ul style="list-style-type: none"> <li>• <b>Develop a shared vision</b></li> <li>• <b>Encourage transparent and data-driven decisions</b></li> <li>• <b>Increase accountability</b></li> <li>• <b>Document successes and areas for improvement</b></li> <li>• <b>Codify/memorialize changes to make them difficult to undo</b></li> <li>• <b>Maintain ongoing planning body to continue monitoring jail population and ensure that changes in policy and practice are not stalled or rolled back</b></li> <li>• <b>Invest in implementation training to ensure that practitioners (judges, probation officers, police) are following policy changes</b></li> <li>• <b>Disseminate success stories through continued media outreach</b></li> <li>• <b>Promote peer learning</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Resource barriers</b> Jurisdictions lack funds to properly implement exemplary, evidence-based approaches to address system inefficiencies that keep individuals in jail</li> <li>• <b>Logistical barriers</b> Jurisdictions lack the tools and structure to coordinate across agencies</li> <li>• <b>Legal barriers</b> Local or state statutes prohibit policy changes that will help reduce local jail populations</li> <li>• <b>Internal barriers</b> Agency line staff oppose policy changes that impact their jobs</li> <li>• <b>Community barriers</b> Community groups, victims' advocates, business associations oppose jail population reduction strategies for being "soft on crime"</li> </ul>	<ul style="list-style-type: none"> <li>• Collaborative criminal justice bodies already in existence</li> <li>• Community agencies providing services to criminal justice-involved populations</li> <li>• Federal, state, and foundation resources to support programming, treatment, and alternatives to incarceration</li> <li>• Well respected local leader(s) who can effectively spearhead the initiative</li> <li>• Models for engaging line staff, such as focus groups or other strategies for securing their input and buy in</li> <li>• Community meetings to discuss goals and purpose of reforms and enlist buy in</li> <li>• Public opinion polls demonstrating that citizens are open to alternatives to incarceration</li> <li>• Media outreach to educate reporters and support strategic editorials and Op-Eds</li> </ul>

*What methods are most promising for promoting cultural change with regard to evidence-based practice and continued vigilance to contain new jail population growth?*

Promoting cultural change requires system-wide education and community outreach. While extant literature supports evidence-based practice, research has little impact without the support of practitioners to operationalize its findings and communities that are invested and vigilant regarding its outcomes. Agency leadership will change overtime; promoting cultural change to support a new direction system-wide requires bottom-up advocacy and support.

Existing jail reduction strategies have demonstrated the critical importance of formalizing processes and engaging all levels of staff in efforts intended to change business as usual. Research underlying the evidence base must also be made accessible to local stakeholders through practitioner-friendly summaries.<sup>3</sup> While leadership make policy level decisions, line staff are responsible for implementing and following those decisions on a routine basis. Engaging staff in focus groups to solicit their input and secure their support will give all actors a stake in the process. Encouraging transparent and data-driven decisions, codifying those decisions through written policy changes, and investing in implementation training for practitioners will help sustain efforts. Establishing a standing planning body to monitor the jail population will also help ensure that new policies are not rolled back and new practices are implemented with fidelity.

Grassroots community interest in containing jail population growth is also critical. Local community meetings to discuss the purpose and goals of local reforms will help foster grassroots engagement and secure buy in. Media outreach, strategically placed editorials or opinion pieces, and active dissemination of success stories are key strategies to foster sustained community support.

*What types of financial support and training and technical assistance (TTA) are needed for successful implementation and continuation?*

The types of financial support and training and technical assistance (TTA) needed for successful implementation and continuation will vary based on jurisdiction, but some critical forms of support will likely be necessary across localities. Table 3 presents financial assistance and TTA needs often related to the key elements of a successful jail reduction strategy.

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<sup>3</sup> Technical assistance providers and strategy coordinators play a critical role in this process; making research meaningful to practitioners requires translating and applying findings to the local context.

**Table 3. Technical Assistance Implementation Needs**

Model element	Training and technical assistance	Financial support
<b>Data collection and analysis</b>	<ul style="list-style-type: none"> <li>• Data analysis assistance regarding: jail population characteristics, criminal justice case flow and system mapping, and system inefficiencies</li> </ul>	<ul style="list-style-type: none"> <li>• Data system enhancements</li> <li>• Data hub developments</li> <li>• Data analyst position</li> </ul>
<b>Systems change</b>	<ul style="list-style-type: none"> <li>• Stakeholder outreach and training</li> </ul>	<ul style="list-style-type: none"> <li>• Local coordinator (.5 FTE at minimum)</li> </ul>
<b>Culture change</b>	<ul style="list-style-type: none"> <li>• Staff training; evidence-based principles translated to local context and needs</li> </ul>	<ul style="list-style-type: none"> <li>• Staff hours for training</li> </ul>
<b>Community awareness and ownership</b>	<ul style="list-style-type: none"> <li>• Outreach to media, key leaders</li> <li>• Dissemination of public opinion poll results, success stories</li> <li>• Community engagement; communications strategies; coordinated outreach</li> </ul>	<ul style="list-style-type: none"> <li>• Funding for public forums and community outreach events</li> <li>• Contractor to conduct public opinion polls</li> </ul>
<b>Risk and needs assessment</b>	<ul style="list-style-type: none"> <li>• Overview of risk and needs assessment instrument to inform selection</li> <li>• Training for tool implementation</li> </ul>	<ul style="list-style-type: none"> <li>• Funding for selected risk and needs assessment platforms</li> <li>• Staff hours for training</li> </ul>
<b>Evidence-based interventions</b>	<ul style="list-style-type: none"> <li>• Assessments of degree to which current programs align with both research evidence and specific needs of local population</li> <li>• Training of staff on use of risk/needs assessments to identify candidates for alternatives to jail</li> </ul>	<ul style="list-style-type: none"> <li>• Funding to support refinement and/or expansion of treatment and program offerings</li> <li>• Staff hours for training</li> </ul>

## Data Analysis, Population Projections, and Risk/Need Assessments

*What are the challenges and strategies behind data access, sharing, and analysis in support of identifying subpopulations of jail detainees that could be safely diverted from incarceration or expedited through the court system?*

Any effort to make meaningful reductions to the jail population must be informed by data from multiple agencies to identify opportunities for improving system efficiency. However, advancing a data-driven approach that supports both decision-making and monitoring through ongoing self-evaluation can be one of the most challenging elements of a jail population reduction strategy. A typical individual involved in the criminal justice system will touch many agencies. A data-driven process requires examining all policies, practices, and decisions that influence the composition, size, and movement of populations in the justice system. Stakeholders cannot identify subpopulations of jail detainees that could be safely diverted from incarceration or expedited through the court system by analyzing data from just one agency. Data collection and analysis requires a collaborative effort, and thus considerations of data access and sharing are critical.

Local jurisdictions often confront multiple challenges to data collection, such as difficulties with existing management information systems, limited capacity to access and analyze data, inconsistent data entry, lack of clear procedures and data definitions, and lack of information-sharing agreements. It is not unusual in criminal justice research to encounter data providers who are reticent to share the types of data needed to understand important characteristics of the jail population. In particular, agencies dealing with sensitive data may have to comply with state and federal regulations regarding data use and distribution. Technological limitations and incompatible data systems present barriers to meaningful, ongoing measurement to support system monitoring. Jurisdictions also need staff capable of extracting and analyzing data. Even for jurisdictions with the technology and buy-in necessary for data-sharing, agencies within the same jurisdiction will often use different data definitions, introducing the need for qualitative review and refinements to allow the data “talk” to each other.

Despite the noted challenges, jurisdictions can overcome barriers to data collection, sharing, and analysis. Developing policies that require routine data-sharing across agencies is critical to ensuring that local decisionmaking is evidence-based. Developing Memoranda of Understanding (MOU) between agencies allows reticent partners the opportunity to shape the parameters of data-sharing and use. The added accountability of sharing data externally will also push agencies to maintain more accurate, robust records. Absent strong data systems and the staff to support data analysis, TA providers can offer assistance to help agency staff build basic data collection and analysis methods that can be maintained overtime, even without ongoing TA monitoring. TA providers can also liaise between agencies to help jurisdictions build meaningful and consistent data definitions that allow for analysis across different criminal justice and community partners. A lead data collection entity – whether a local research organization or a criminal justice agency with strong data capacity – can serve as a virtual data hub, collecting data regularly for ongoing analysis to inform local decisionmaking.

Strengthening agency-based data systems and developing protocols for data-sharing will help local jurisdictions move towards a near real-time data hub, which would allow data partners to

upload data to a central location and draw down individual records that provide a more comprehensive picture of criminal justice involvement. While a centralized data hub may not be feasible at the outset of system reform, jurisdictions can take the steps necessary to move toward streamlined data-sharing.

*What tools or supports are needed for local jurisdictions to project the growth of jail populations and anticipate the impact of policy changes on populations and costs?*

Projecting changes in the size of the criminal justice population is a difficult task for local jurisdictions, but critical to maintaining efficient policies and practices that reduce jail populations. Local criminal justice systems are complex, and changes at any decision point in the process can influence the size of the jail population. Projections offer perspective on how the population will grow over time if policies stay the same, and how certain policy changes can reduce that growth. Simulation modeling requires access to data showing the composition of the criminal justice population and a thorough understanding of criminal justice case flow. Jurisdictions must: 1) map their criminal justice systems to understand which factors have the strongest influence; and 2) develop a simulation model based on those factors that predicts the future size of the population.

Population projections require criminal justice population data, a strong understanding of criminal justice case flow, modeling technology, and expertise. While nearly all jurisdictions have the data on hand to inform population projections, they are less likely to have the analytic expertise and equipment needed to develop population projections. Simulation model requires statistical software and mathematical algorithms, which can be difficult to learn without the proper training and expertise. Jurisdictions will likely require outside technical assistance resources to support this work. Working in conjunction with local analysts, technical assistance providers can bring expertise to the process, and represent an external, impartial perspective to help communicate the findings locally.

Population projections also allow jurisdictions to understand how the costs incurred by processing criminal justice populations through the system could change with policy reforms. Quantifying the potential savings associated with jail reduction strategies can be persuasive to reluctant stakeholders, and projected cost savings can be used to justify the costs of expanding diversionary programs. Developing cost-savings projections requires jurisdictions to consider costs within the criminal justice system as well as those incurred by social service providers that may interact with criminal justice populations. Agency-level budget analysts can help identify expenditures, but outside expertise may be needed to help jurisdictions understand how different agencies' expenses interact and influence one another, and how different policy changes will influence those costs.

*What are best practices behind risk and needs assessment tool selection and/or development, validation, and application, including training of practitioners in use of such tools?*

Many jurisdictions are using some form of risk and needs assessment tools in one of more components of their system. Courts use risk and needs assessment tools to inform pretrial release decisions and pre-sentencing investigations; jails use risk and needs assessment tools to match inmates to programs; and probation and parole agencies use risk and needs assessments to set levels of supervision and identify specialized treatment needs such as substance abuse and

cognitive skill building. However, more often than not, these tools are not coordinated nor integrated in a manner that streamlines data collection and sharing across agencies. Moreover, many jurisdictions adopt tools without validating them on the specific criminal justice population they intend to use it on, or implement tools but fail to set defined policies that require staff to base their decisionmaking on the results.

Jurisdictions selecting and implementing risk and needs assessment tools should follow developed best practices to ensure effective use. Before selecting a tool, jurisdictions must ensure that they have the capacity and staffing in place to complete assessments. Jurisdictions should also clarify exactly what decision points will be informed by risk and needs assessment before implementing a tool. In a rush to implement evidence-based practices, jurisdictions sometimes invest in risk and needs assessment instruments before developing procedures to meaningfully integrate the results into practice. Tools vary in their level of burden and the information they can provide, and jurisdictions must balance considerations of both envisioned use and capacity. Faye Taxman's Risk-Needs-Responsivity tool helps jurisdictions evaluate their capacity to meet the needs of their criminal justice populations identified through assessment, and provides a strong model for thinking about applying the results of risk and needs assessment to practice.

Once a tool is selected, additional steps should be taken both to provide training to practitioners and to validate the tool locally. Without ensuring quality delivery and the validity of results, jurisdictions cannot assume that the tool is being effectively used.

## Planning and Stakeholder Engagement

*What steps are necessary to secure the cooperation and buy in of the criminal justice actors that influence the growth of local jail populations – law enforcement, judges, prosecutors, probation, jails, unions, state-level legislators, corrections leaders, etc.?*

For impactful criminal justice policy reform to occur, active support will likely be needed from local administrators and legislators, law enforcement, jails, courts, prosecutors and defense attorneys, and community corrections. Stakeholders must be open to considering current practice and committed to working collaboratively to improve the system. However, not all needed parties are likely to cooperate from the outset of criminal justice reform. Some agencies have performance measures that may preclude cooperation across agencies to reduce jail populations – such as arrest or conviction rates. Law enforcement officers and district attorneys can be particularly difficult to engage in jail population reduction strategies.

Planning for stakeholder engagement is a necessary precursor to the implementation of a jail population reduction effort. Strong and charismatic leadership is often critical in this process. To unite a group of individuals with disparate interests and responsibilities, leaders must have the respect of their peers, extensive knowledge of the criminal justice system, and an ability to grasp each stakeholder's interests alongside the broader goal of jail population reduction. To secure stakeholder cooperation, reform leadership will need to develop strong methods of communication and identify how reform efforts can help each agency meet its goals while keeping the community safe. By doing so, the reform effort can articulate a shared vision and philosophy. It need not be highly specific, but the mission should outline shared objectives and

goals upon which the collaborative can agree. Finally, developing peer-to-peer learning opportunities for reticent agencies can also help secure engagement from reluctant stakeholders. For example, hearing first-hand about the positive experiences of prosecutors involved in reform efforts in another jurisdiction can help local prosecutors consider their involvement in new ways. While the challenges of stakeholder participation will vary across jurisdictions, locating dynamic leadership, outlining broad goals and shared objectives from the outset, and learning from peers in other jurisdictions can help secure buy-in and cooperation from the many justice actors needed to make reform efforts successful.

*What can be learned from past efforts with regard to successful policy development and media (ground softening) strategies?*

Past efforts at ground softening strategies associated with criminal justice reform demonstrate the critical role of community outreach and education. Some larger jurisdictions have found it useful to secure the service of a public opinion polling firm that can demonstrate the degree to which the public is amenable to reform efforts designed to reduce reliance on local incarceration. Engaging opposition groups from the outset will help the jurisdiction address their concerns head on and make it more difficult for them to publically oppose the initiative. Community meetings, strategic placement of Op-Ed pieces in the local newspaper explaining the impetus and goal of reform efforts, and targeted outreach to community groups can broadcast planning efforts to these groups and others and invite their input and involvement. Similarly, outreach efforts can help introduce the evidence base behind new strategies, providing community groups with the opportunity to understand and even support criminal justice reforms. When engaged meaningfully as stakeholders, community groups can become strong advocates for change.

Proactive community outreach will help the jurisdiction take control of the messaging around criminal justice reform. Without an organized communications strategy from its advocates, public opinion could be easily swayed by vocal opponents.

*What are the lessons learned with regard to local planning member composition, organizational structure, and leadership?*

Strategic planning committees are critical to local criminal justice reform to direct efforts, track progress, and ensure that goals are met. The concept of developing a standing criminal justice coordinating committee that brings together key stakeholders to discuss local justice problems and develop solutions has been popular for a number of years and many jurisdictions have already developed such groups (CCAP/TU 2005, Cushman et al. 2002). Jurisdictions need not develop planning boards from scratch where collaborative criminal justice groups already exist; criminal justice collaborative entities can be repurposed or expanded to address jail population reduction if they have the necessary members on board. Existing local reform efforts offer some key lessons learned regarding how best to structure such committees.

Local planning bodies need an executive-level committee that includes leadership at all agencies that influence the size of the criminal justice population and have a stake in how resources are expended. The group's leadership should have the authority and influence to make critical policy decisions. This group is likely to include public safety leaders from local administration, law enforcement, jails, courts, prosecutors and defense attorneys, community corrections, and

community stakeholders and human service providers. Meetings should occur regularly, and serve as opportunity for the committee to review analyses of the jail population, develop goals, plan for the implementation of new policies and interventions, oversee reform progress, and adjust course in response to new developments.

Below the executive committee, a planning and management body is instrumental to meet regularly and work out the logistics of reform. Its members should include the staff tasked with implementing the changes brought by reforms. Monthly meetings should cover the steps necessary to collect data, prepare for implementation, and incorporate new policies into everyday practice. Individuals must be assigned formal responsibilities, such as management, data analysis, and administration, to ensure that work moves forward, and duties must be clearly defined and agreed upon at the outset of work.

Finally, local planning bodies will need dynamic leadership to both engage stakeholders and move work forward. An influential local leader will be necessary to bring stakeholders together at the executive level, and a strategy coordinator will be critical to manage day-to-day operations alongside the planning and management body. Previous local reform efforts have demonstrated how critical these two positions are, and jurisdictions embarking on local reform efforts should ensure that efforts are spearheaded by the appropriate leadership.

## **Specific Drivers and Subpopulations**

*What are the most promising jail diversion and release strategies for implementation by the following CJ actors (local law enforcement, prosecutors, defense attorney, judges, etc.)?*

The most promising jail population reduction strategies inform decisions along the criminal justice continuum, from the point of determining who is sent to jail and for how long, to the point of helping prevent released individuals from returning. Strategies such as using citations in lieu of arrest, pretrial diversion programs, in-jail programming and services, and probation violation matrices, as examples, help improve arrest, pretrial, custody, and supervision decisionmaking with the ultimate goal of meeting individuals' needs and reducing the likelihood that they will reoffend. When less people cycle through the justice system, reliance on the jail decreases and local jurisdictions can more efficiently allocate community and criminal justice resources.

Table 4 below presents some promising strategies implemented at various decision points in the criminal justice system.

**Table 4. Jail Diversion and Release Strategies**

Decision point	Strategies
<b>Law enforcement interaction</b>	<ul style="list-style-type: none"> <li>• Implementing a proxy screening tool</li> <li>• Using citation policies/citing in lieu of arrest for certain criminal behaviors</li> <li>• Establishing crisis intervention teams to respond to individuals with a mental illness</li> </ul>
<b>Booking</b>	<ul style="list-style-type: none"> <li>• Expediting investigations by eliminating crime lab backlogs or improving fingerprinting and identification procedures</li> <li>• Developing mobile booking units</li> <li>• Restricting booking to a certain subset of charges</li> </ul>
<b>Charging/first appearance/arraignment</b>	<ul style="list-style-type: none"> <li>• Reducing FTA rates by using court notifications/reminder alerts</li> <li>• Coordinating with law enforcement</li> <li>• Expediting first appearance/arraignment hearings</li> <li>• Using video conferencing for first appearance/arraignment hearings</li> </ul>
<b>Pretrial placement</b>	<ul style="list-style-type: none"> <li>• Implementing/increasing the use of risk assessments to inform pretrial release decisions</li> <li>• Implementing pretrial diversion programs</li> <li>• Using deferred prosecution</li> </ul>
<b>Case processing</b>	<ul style="list-style-type: none"> <li>• Organizing cases around vertical prosecution</li> <li>• Developing a “rocket docket”</li> <li>• Reducing continuances by improving scheduling and coordination between the courts and jail</li> <li>• Hiring a jail release coordinator</li> </ul>
<b>Sentencing</b>	<ul style="list-style-type: none"> <li>• Incorporating risk-level information into presentence investigation reports</li> <li>• Using sanctioning grids/matrices to determine type of sentence (incarceration versus community-based alternatives)</li> <li>• Providing judges with information on the range of sentencing options, including alternatives to incarceration, and other community-based resources</li> </ul>
<b>Jail custody and release</b>	<ul style="list-style-type: none"> <li>• Conducting risk screening/needs assessment to determine whether needs can be met through jail programming</li> <li>• Offering in-jail programming/services including cognitive behavioral treatment, transition planning, family reunification programs, etc.</li> <li>• Assisting detainees with paperwork compliance (e.g., Medicaid, child support, employment services, victim restitution, etc.)</li> <li>• Releasing with proper identification, certification, and other vital information</li> <li>• Transporting detainees from releasing facility to community</li> </ul>
<b>Community supervision</b>	<ul style="list-style-type: none"> <li>• Conducting a risk and needs assessment to determine the appropriate supervision and constellation of programming</li> <li>• Assigning risk-based caseloads</li> <li>• Dosage-based supervision</li> <li>• Using a matrix to guide violation responses</li> <li>• Implementing a work release program</li> </ul>

## **Law enforcement interaction**

At the time of potential arrest, promising strategies focus on identifying an individual's risk and needs level, using citation policies, and establishing crisis intervention teams. To better identify an individual's risk and needs, some local jurisdictions have begun to administer a proxy screening tool (i.e., three questions: one's current age, age at first arrest, and number of prior offenses) at the time of arrest or booking into jail to help determine the risk of re-offense. If the individual is low or medium risk according to the proxy, the law enforcement officer can issue a citation rather than make an arrest or book the individual in jail.

Some jurisdictions are also revising or implementing new policies to increase the use of citations in lieu of arrests. The policy could stipulate, for instance, that only citations be issued for low-level offenses (e.g., misdemeanors or traffic violations). The policy can also clarify and emphasize for what offenses an arrest is *not* mandatory and require that the law enforcement officer justify why they arrested, rather than issued a citation, for those offenses. To fully implement the citation policy, jurisdictions are training frontline officers, informing judges, and collecting data to evaluate the outcomes of the new policy.

Another arrest strategy is the use of crisis intervention practices. Police agencies with crisis intervention teams appoint liaison officers to work with mental health professionals and hospital staff to divert individuals with a mental illness from the criminal justice system. In most jurisdictions, the 911 dispatcher will alert the police if a call involves a person with a mental illness, and these liaison officers will respond to the call (La Vigne 2013).

## **Booking**

After arrest, jurisdictions can make the booking process more efficient by expediting law enforcement's investigations. This can be accomplished by enacting policies that reduce crime lab backlogs, speeding up investigations of frequently committed crimes, and improving fingerprinting, assessment, and identification procedures. Law enforcement agencies may also use mobile booking units to decrease the transportation time and costs of driving an arrestee to a booking facility or jail. Also, jails do not have to book every individual arrested, but rather develop criteria that prohibit the booking of low-level offenses.

## **Charging/first appearance**

To improve the efficiency of first appearance hearings in court, some jurisdictions are implementing court notification processes via text message or telephone alerts to reduce failure to appear (FTA) rates. Also, jurisdictions are using a web-based warrant service system to reduce the number of warrants and expedite the court hearing process. Other strategies include coordination between law enforcement and the prosecutor's office to ensure ample evidence is collected and the cases are thoroughly prepared for trial. To expedite first appearance hearings, jurisdictions can also statutorily limit the amount of time between arrest and arraignment and use video conferences for the hearings so that time is not spent transporting a defendant to the court house.

## **Pretrial placement**

Promising strategies at the pretrial placement stage include increasing the use of risk and needs assessments and pretrial diversion and deferred prosecution programs. Risk and needs assessments (e.g., Level of Service Inventory—Revised, Level of Service/Case Management

Inventory, Ohio Risk Assessment System) should evaluate individuals' criminogenic needs (i.e., dynamic factors such as antisocial values, anger, or substance abuse, that research has shown have a direct link to offending and can be changed) and the likelihood they will reoffend. An individual's level of risk and needs is then used to help determine the appropriate response – prosecute the case or divert him or her to an alternative to incarceration.

Rather than prosecute the case, local district attorneys can approve low-risk defendants to a diversion program. While enrolled in the program, participants receive legal counsel, sign a diversion agreement, and complete a community service assignment. If the defendant satisfies these parameters, the charges will be removed from his or her record. Deferred prosecution provides approved moderate-risk defendants with legal counsel and support services based on their criminogenic needs. If individuals complete these requirements, they are favorably discharged from the deferred prosecution program after six to twelve months.

### **Case Processing**

Strategies such as vertical prosecution, establishing a “rocket docket,” reducing continuances, and hiring a jail release coordinator, can help expedite case processing through the court system. Vertical prosecution is a method of organizing cases so that the same judge and attorney work on an entire case from start to finish. This can help reduce court delays because fewer judges and lawyers are involved with the case. A “rocket docket” hears simple cases (e.g., probation violation) and pleas for cases that have not had any court proceedings in a substantial amount of time. Also, improved communication and scheduling between the jail and courts can decrease the need for continuances and reduce court delays. Another case processing strategy is to hire a jail release coordinator to continuously review cases awaiting trial but languishing in the jail and coordinate with various agencies and community providers to expedite the release of inmates to the community, a work release program, halfway house, or substance abuse treatment facility (La Vigne 2013).

### **Sentencing**

Jurisdictions can implement strategies to better inform judges' decisionmaking at the time of sentencing. Potential strategies include incorporating risk-level information into presentencing investigations, using evidence-based sanctioning matrices to determine the type of sentence, and informing judges about the range of sentencing options, including alternatives to incarceration and community-based programs. Alternatives to incarceration include interventions such as probation supervision, community service, treatment, day reporting, halfway house, or electronic monitoring/home confinement.

### **Jail custody and release**

If a judge sentences a defendant to jail, programming and services can help address his or her criminogenic risks and needs and likelihood of reoffending. Risk and needs assessments should be used at this decision point, to help determine the best type, dosage, and frequency of programming for each inmate. Jail programs and services can include case management, substance abuse treatment, cognitive behavioral/life skills groups (e.g., Thinking for a Change, Moral Reconciliation Therapy), assistance with finding housing, transition planning, education, job readiness training, and parenting/family reunification programs (e.g., Inside Out Dad, Within Our Reach). Jail programming should be evidence-based and match the needs of the jail population, as well as attempt to link inmates to community resources that will be available once

they are released. Related, promising practices for jail release include assisting inmates with paperwork compliance, releasing inmates with proper identifications, and transporting inmates from the facility to the community.

### **Community supervision**

To improve the effectiveness of reentry efforts, jurisdictions are implementing strategies to better match postrelease supervision with an individual's level of risk and needs. This is done by using assessments at the time of release to determine the appropriate type and intensity of supervision. Risk and needs assessments can also inform caseload assignment across probation officers. Dosage-based probation uses an individual's level of risk and needs and his or her compliance with supervision to determine the supervision term, rather than a predetermined amount of time. To better monitor postrelease supervision, violation response matrices help guide probation officers' decisionmaking when an individual may violate the stipulations of his supervision. The responses are based on the individual's risk level and severity of the violation. The matrices also include positive responses for when individuals meet the requirements of their supervision. Also related to reentry, local jurisdictions may implement work release programs that encourage people to find and maintain employment while still serving a jail sentence but beginning to transition back into the community.

Through these release strategies, supports are put in place to facilitate formerly incarcerated persons' transition back into the community. The appropriate dosage and duration of these postrelease supports help guide individuals away from activities that lead them to reoffending. When less people reoffend and cycle through the jail and criminal justice system, local jurisdictions realize efficiencies as a result of not needing to rely on the jail.

*What are the most promising jail diversion and release strategies tailored around the following criminal justice-involved/frequent jail client populations (chronically homeless, pretrial, frequent users of the jail, chronic inebriants, etc.)?*

Through data analysis, local jurisdictions identify specific groups of people that drive the overall jail population and may decide to implement strategies specifically targeted toward those groups such as the chronically homeless, those with mental health challenges, substance addicted, or chronic inebriants, etc. Promising strategies focused on these groups include problem solving courts, permanent supportive housing, and wraparound case management.

Problem solving courts, such as drug, reentry, veterans, or mental health courts, keep defendants out of jail while implementing reentry interventions and connecting them with community-based services. The courts typically employ resource coordinators to ensure that defendants access the necessary services and follow the conditions of their sentence. Drug courts, for example, address the needs of substance abusers and ensure information is shared among court staff and treatment providers. Mental health courts work with individuals who likely have co-occurring disorders (i.e., substance abuse and mental health issues) and coordinates services through case management, treatment plans, and continuity of care.

In addition to problem solving courts, jurisdictions may establish special court dockets for minor offenses or warrants. Specifically, a docket for civil complaints and warrants can use mediation to attempt to resolve the case without going to trial. Another strategy is creating a license

restoration clinic, where individuals can receive assistance with navigating the legal process of having their driver's license reinstated, so they do not get arrested for driving with a suspended license. The clinic is staffed by lawyers who can also refer individuals to community services and connect them to the bureau of motor vehicles.

To help reduce the number of chronically homeless and frequent residents of the jail, some jurisdictions are implementing permanent supportive or transitional housing projects that emphasize a housing first model. Permanent supportive housing provides individuals with stable housing in the community while assisting them with case management to address other needs such as mental health, employment, transportation, and child support. Other housing programs may focus on substance abuse treatment and helping individuals address addiction issues through peer support, trauma informed care, and culturally sensitive responses.

## Grant Making and Accountability Strategies

*What has been the impact of past grant-making strategies and what lessons can be learned? What are the best mechanisms for holding sites accountable? What research and evaluation activities best support these efforts?*

Past grant making strategies, such as EBDM, TJC, JRI, and others, have encouraged local jurisdictions to consider the body of research and evidence when making decisions, think critically about their criminal justice populations, and strengthen collaboration among both criminal justice actors as well as key community leaders.

Critical to these grant-making strategies is the provision of technical assistance. The local collaborative body views a technical assistance provider as the expert who translates the evidence and research available in the criminal justice field. It is important that the research is accessible to the local stakeholders responsible for deciding on and implementing new policies. The technical assistance provider is also essential in the fact that they attend regularly scheduled meetings to facilitate progress and hold the collaborative accountable to their objectives. Outside of the meetings, the technical assistance providers must remain accessible and available to reply to the jurisdiction's inquiries. Local stakeholders appreciate this, as well as the provider's objective analysis and guidance.

The technical assistance provider also helps hold the jurisdiction accountable for implementing the agreed upon policy changes. This could be difficult because stakeholders may bring their own motivations or mandates to bear. Also, stakeholders may not understand that changing (or not) policies in one agency can counter actions of other agencies. This highlights the need to routinely meet to keep stakeholders focused and discuss the implemented policies, practices, and interventions. Another method of holding local jurisdictions accountable is to memorialize the policy reforms. This can be done by developing written documentation of the changes in new policy guidelines, contracts, or "bench books." In addition to documenting the actual changes, an MOU signed by all members of the collaborative can solidify the group's support and help sustain reforms.

In addition to the technical assistance received through these grant-making strategies, seed funding provided to local jurisdictions helps implement the policy changes. In jurisdictions where budgets are strapped, an investment jumpstarts implementation and enables jurisdictions to fill programming or resource gaps in their criminal justice systems. Grant funding can be used to hire new staff, conduct trainings, purchase or validate risk and needs assessments, develop new programs (e.g., reentry programs, inmate transition programs, permanent supportive housing), purchase program materials or supplies (e.g., curriculum or workbooks), implement analytic software (e.g., RNR tool, data warehouses, dashboards), and evaluate the new policies or programs.

Local jurisdictions should also be held accountable for using the funding as intended. While grant-making strategies should work with jurisdictions to identify the best use of seed funding, accountability can be facilitated by requiring the jurisdiction to sign MOU with the funder that includes an implementation plan, budget, and performance measures. The jurisdiction will need to be constantly vigilant and routinely review outputs and outcomes resulting from the implemented strategies. Specific metrics jurisdictions may measure include average daily jail population, number of arrests, types of charges, case processing time, recidivism and revocation rates, for example. Data sharing agreements, or MOUs, help ensure data will be available for ongoing data collection and analysis. Some jurisdictions are developing “dashboards” that easily communicate these measures to local stakeholders as well as to the public. Consistently reviewing benchmarks will allow the jurisdiction to measure its progress, celebrate successes, and mutually “own” any unintended consequences and increases in the jail population. If unintended consequences do occur, the jurisdiction will be able to make well-informed course corrections.

In addition to seed funding, MacArthur might consider supporting staff on the ground. While the local initiatives that inform this white paper have lacked external funding for an on-site program coordinator, such funding could greatly enhance the success of the initiative. Far too often local reform efforts are launched on the shoulders of an already overburdened criminal justice planner. Dedicated funds to support at least a .5 FTE for three to five years would greatly increase the odds that real progress is made, that reforms are implemented as intended, and that efforts and successes are sustained over time.

Funders can also make site visits to help manage the jurisdictions’ implementation efforts or can contract out those visits as part of an ongoing implementation and impact evaluation function. Site visits can occur directly with the local jurisdiction and/or with the technical assistance provider. The funder should document implementation progress, challenges, outcomes, and sustainability plans, as well as provide feedback to the jurisdiction on accomplishments and areas in need of improvement. Visits will create a feedback loop and open dialogue between the funder and jurisdiction, so that transparency, understanding, and accountability occur.

Another strategy used to hold jurisdictions and service providers accountable is performance-based funding. This type of contract stipulates the service provider, or contracted organization must meet certain objectives, such as the number of individuals receiving services, finding and maintaining employment, or not recidivating, before receiving payment.

## *Lessons Learned*

Several lessons can be gleaned from past grant-making strategies, such as allowing ample time for developing and implementing reforms, having a site coordinator and champion manage and lead change efforts, improving data capacity, and thoroughly vetting the readiness of jurisdictions to engage in systems-change.

### **Managing Change Efforts**

One of the lessons learned through this work to date is that systems-change and implementation of new policies requires more time, effort, and resources than most people initially anticipate. In locations that may not have an entity that meets regularly to review and plan for criminal justice policies, a collaborative must first be established. This takes time to obtain stakeholder support and the buy-in from local criminal justice leaders. A site coordinator can help with this, as well as manage the systems-reform efforts and sustain momentum of implementing change. The site coordinator, who should have ample time devoted to the reforms at hand, can help foster the culture change necessary to sustain policy change.

In addition to the site coordinator, systems-change continues moving forward when there is a champion to bolster support. The champion is typically one of the criminal justice actors (e.g., chief justice, district attorney, chief of probation). As the collaborative forms, it is important for the group to realize potential challenges early. These may include needing approval from the local board of county commissioners or board of supervisors, so it is crucial that these actors are also included in the collaborative and kept abreast of implementation progress. Another potential challenge is the need to engage with local law enforcement and the district attorney's office. These stakeholders may be resistant to policy change that limits discretion or the historical way of doing things, so it is important to engage them early and often. Thus, a strong collaborative body, leadership, and management are essential at the local level.

### **Data Capacity**

Another lesson gleaned from grant-making strategies has been the importance of improving a local jurisdiction's data capacity. A critical step of data analysis is to gather client-level data from various agencies, departments, and organizations. This proves difficult when the data systems, or databases, are not compatible and client identifiers do not match across systems. Thus, increased data capacity is needed in numerous local jurisdictions. Additionally, some agencies are not accustomed to sharing data and may require MOUs before they provide their data to other departments or community-based organizations. Thus, data sharing agreements, or MOUs, may need to be considered early in the process of collecting and analyzing data.

### **Readiness for Change**

It is essential to thoroughly vet these two areas – the collaborative nature of the jurisdiction and its data analysis capacity – while making site selection decisions. Technical assistance providers have begun to address these items by interacting with potential sites (prior to their selection) to provide an overview of the grant-making strategy and explain the project model, objectives, and expectations. The technical assistance providers also meet with the local stakeholders to gauge their readiness to participate in the project. This information is synthesized in a memorandum to inform the site selection process, focusing on collaboration and data capacity.

*What are the best strategies for promoting peer learning on jail population reduction efforts?*

Local jurisdictions involved with these grant-making strategies have indicated that cross-site conference(s) would provide opportunities for peer learning. While webinars or virtual meetings help maintain communication between jurisdictions and technical assistance providers, it is the face to face contact, opportunities for networking, and team bonding at cross-site events that are most helpful to local jurisdictions involved with past grant-making strategies.

## **Conclusion**

This paper has explored current strategies to reduce reliance on local jails through efforts to divert persons from jail incarceration, treat those who are in jail, and support the successful transition of those exiting jail and returning to the community. Drawing from existing literature and Urban's experiences with the implementation and evaluation of local criminal justice reform efforts, Urban recommends a model that emphasizes six critical areas of focus: data collection and analysis; systems change perspective; culture change focus; community ownership; risk and needs assessment; and evidence-based interventions. With these critical model elements in mind, we believe that the model provided (Figure 2) holds promise for a successful and sustainable approach to reducing local reliance on jails.

While the model offers guidance on how to develop and implement policy changes, local reform efforts must be driven by local circumstance. Identifying system inefficiencies through data analysis will allow local jurisdictions to focus on diversion and release strategies that are responsive to the needs of the jurisdiction. As explored throughout this paper, many diversion and release strategies hold great promise. However, their effectiveness at controlling the growth of local jail populations is often hampered by disorganized implementation efforts, a lack of process fidelity, and changes at other decision points in the criminal justice system that counteract or negate their impact. A system-wide approach is critical to successful implementation of the many promising diversion and release strategies explored above.

Finally, Urban's experience suggests that technical assistance providers play a critical role in supporting local jurisdictions as they embark on jail reduction strategies. Technical assistance providers can offer expert guidance, hold sites accountable to process fidelity, and help bring different criminal justice actors together around common goals. While the impetus for change must grow locally, technical assistance providers play a critical role translating goals into actionable steps and building the groundwork for an ongoing, sustainable process to reduce reliance on local jails.

## Local Systems-Change Initiatives

Initiative	Approach	Objective	Funder	Target Audience	Year Started	Number of Sites	National Partners
<b>Evidence-Based Decision-Making (EBDM)</b>	Sharing evidence-based knowledge; integrating harm reduction strategies; collaborating within the justice system; analyzing and monitoring data	Engage in a strategic planning process and create a scorecard of change targets	National Institute of Corrections (NIC)	Local criminal justice agencies and stakeholders	2008	7	Center for Effective Public Policy (CEPP)
<b>Transition from Jail to Community (TJC)</b>	Systems-level change through collaborative and coordinated relationships between jails and communities to address reentry	Develop and implement reentry strategies	NIC	Jails	2007	6	Crime and Justice Institute (CJI)
<b>Justice Reinvestment Initiative (JRI)</b>	Data-driven approach to identifying local corrections population and implementing cost-saving strategies	Implement a policy framework and reinvest cost savings into effective public safety strategies	Bureau of Justice Assistance (BJA)	Local criminal justice agencies and stakeholders	2010	17	CEPP and CJI
<b>Justice Reinvestment at the Local Level (JRL)</b>	Data-driven approach to identifying local corrections population and implementing cost-saving strategies	Implement a policy framework and reinvest cost savings into effective public safety strategies	BJA	Local criminal justice agencies and stakeholders	2008-2013	3	The Urban Institute
<b>Risk-Needs-Responsivity (RNR)</b>	Gap analysis of justice and community programs to ensure resources match local need	Provide decision-support at the individual, program, and system levels	BJA	Local criminal justice agencies and stakeholders	2009	N/A (at least 1 local JRI site)	Center for Advancing Correctional Excellence

Initiative	Approach	Objective	Funder	Target Audience	Year Started	Number of Sites	National Partners
<b>SOARING 2</b>	eLearning system to assist stakeholders use evidence-based practices (EBPs)	Use EBPs to effectively respond to offenders' needs	BJA	Local criminal justice agencies and stakeholders	2009	N/A	Center for Advancing Correctional Excellence
<b>Arnold Pretrial Tool</b>	Conducted nation-wide study to identify nine predictors of risk and develop risk assessment tool	Inform pretrial decisions with a comprehensive, universal risk assessment (Public Safety Assessment-Court)	The Arnold Foundation	Judges, court administrators, pretrial agencies	2011	120 counties in Kentucky	The Arnold Foundation
<b>National Parole Resource Center</b>	Knowledge clearinghouse and technical assistance	Inform and assist with implementing parole and probation best practices	BJA and NIC	Parole and probation departments	2010	N/A	CEPP and the Association of Paroling Authorities International

## Evaluation Strategy

Based on Urban's knowledge and evaluation of past grant-making strategies and systems-change initiatives, Urban recommends a hybrid evaluation approach that combines formative, summative, and developmental evaluation methods, analyzed through the lens of a systems-change perspective for evaluating the jail reduction strategy pursued by the MacArthur Foundation. A rigorous mixed-methods approach includes qualitative and quantitative data collection and analysis, along with a crucial cost component. These methods include (1) on-site in-person and follow up telephone interviews with key stakeholders and system players; (2) web-based surveys with criminal justice staff (e.g., probation officers, defense attorneys, community service providers) and community-based system stakeholders (e.g., judges, court administrators, policymakers, line staff) to measure systems change over time; (3) focus groups with individuals affected by the criminal justice system; (4) interviews with criminal justice players to gauge outcomes not measured by administrative data; (5) analyses of outcomes employing administrative data; and (5) the collection and analysis of cost data.

This recommended hybrid evaluation approach calls for complementary process, outcome, and cost studies. Evaluation findings can be synthesized to support cross-jurisdictional findings. Recognizing the need for increased peer learning opportunities, Urban recommends frequent and open communication and feedback between the research team, the MacArthur Foundation, technical assistance (TA) providers, and the sites to ensure that the evaluation provides useful and actionable information, resulting in meaningful reductions in the reliance on local jails.

### *Process Study*

A process study examines implementation in local sites with a focus on tracking the degree to which, overall, a systems-change approach is embraced and adopted by communities along with the nature, use, and utility of TA provision in each site. The process study is organized around how the initiative flows through the inputs, activities, implementation, and outputs. It also includes an important implementation fidelity component, whereby evaluators assess the degree to which reforms are implemented as intended and share feedback on poor implementation with TA providers and sites to enable improvements to occur.

For the process study, Urban recommends using a developmental evaluation approach that allows for adjusting the methods in response to the shifting priorities and foci in each site. In addition, a systems perspective incorporates and allows for complexity to guide the process study. Indeed, an important early task for the evaluation would be to understand the degree of complexity in the local initiative. Key dimensions of these dynamics include the relationships among stakeholders, the differing perspectives of stakeholders, and the boundaries of the initiative (e.g., how broad is the collaborative; whether it involves other interacting systems). This information can be collected through document review, site visits, one-on-one in-person and telephone semi-structured interviews, and web-based surveys to document changes in the functioning of the sites' collaboratives and their use of TA. Importantly, the in-person interviews and surveys should be conducted in multiple waves to facilitate the identification of change and support some segments of the outcome study. Also, ongoing communications with each site lead enables an evaluator to track the dynamic nature of implementation and alter evaluation foci in accordance with changes in sites' approaches over time.

Process evaluation analyses entail network analytical techniques to quantify and visualize connections among stakeholders. Similarly, to identify emerging cross-site evaluation themes, issues, and lessons, Urban recommends utilizing methods such as thematic content analysis to process data across a number of qualitative sources, such as document reviews, site visits, and interviews.

### *Outcome Study*

An outcome study assesses the degree to which the jurisdictions reduce reliance on incarceration. This component of the evaluation examines both proximal (short-term) outcomes and distal (longer-term) outcomes such as public safety. An early evaluation task for the outcome study would be to develop local logic models for each site that articulate how the site-specific elements are expected to produce the outcomes of interest. Because plans should go through a feedback cycle of monitoring and modification, site-specific logic models should be revisited periodically. Development of the local logic model will be part of operationalizing effectiveness for each site.

Data collection activities for an outcome study include: 1) documents supplemented by telephone and email communications with sites on past, current, and planned justice practices (also used for the process study); 2) administrative criminal justice case-processing, placement, and recidivism data; 3) data on non-justice outcomes; 4) stakeholder interviews and web-based surveys (also used for the process study). It is important to emphasize that while much of the data collected from the process study can be employed in an outcome study (thus conserving evaluation resources), these data can be employed and analyzed in different ways. For the process study, the data are analyzed descriptively with an emphasis on the first wave of data collection. An outcome study relies on two waves of data to assess change over time and in cases for which only one wave of data is collected, the questions analyzed focus on those pertaining to perceived changes.

*Outcome Analyses.* The baseline and outcome data described above are used to describe changes, from baseline, along several system and community outcomes. Part of describing change over time includes analyzing the sequence and interrelationships of changes in outcomes and helps to answer questions such as “Do some sites successfully implement their strategic plan but fail to achieve the primary system-level outcomes of reducing reliance on jail incarceration?” For such sites, understanding why such system-level outcomes were anticipated but did not materialize is critical to inform refinements of and improvements in the MacArthur-funded initiative. To answer such questions, Urban recommends combining information from process and outcome evaluations and drawing upon a range of analytic approaches including systems analyses (e.g., system mapping, network analysis), qualitative analyses (e.g., site capacity reviews), and quantitative analyses. Analytic methods can vary depending on the perspective (individuals, communities, or local justice systems), the types of data being analyzed, and the research questions being addressed. For example, administrative case processing data can be analyzed descriptively and through change analyses. Stratified analyses as well as regression approaches explore change over time. Multi-level modeling may be used when appropriate to combine data across sites.

### *Cost Study*

The goal of a cost study is to understand the costs of implementing policy change, to determine the degree to which those changes effect a reallocation of jail resources towards more cost effective services and sanctions in a manner that promotes better outcomes, and to assess the relative value of TA. Data collection associated with a cost study includes: 1) the fielding of a site-specific cost collection protocol; 2) administrative budget document review; 3) documentation of costs obtained from the sites; and 4) semi-structured interviews and web-based surveys with site stakeholders on perceived value of TA (conducted during the process study).

### *Cross-Site Evaluation Tasks*

Urban also recommends conducting analyses of cross-site findings that draw upon both qualitative and quantitative data collected through the site-specific process, outcome, and cost studies to identify key lessons learned and implications for future TA efforts. Outcome data from each site are used to determine which sites were most successful in accomplishing the goals of the initiative, including reductions in jail incarceration and improvements in community and public safety outcomes. Successful strategies and characteristics should be shared among the sites, as well as common challenges and barriers faced by the sites, to explore factors that are likely to facilitate or impede the implementation of the initiative, including system culture, collaboration, and leadership dynamics; the structure and organization of the local justice systems; local capacities and resources; the nature of TA provision (intensive versus self-guided); and the specific implementation approaches undertaken by each site.

Cross-site findings then inform an analysis of the degree to which each site was successful in achieving systems changes, including stakeholder perceptions of shifts in system culture (e.g., cross-agency collaboration, use of data to inform strategic planning, support for diversion and community-based alternatives), as well as changes in policy and practice that are implemented through the initiative (e.g., availability of services and programming, probation policies and procedures, use of evidence-based practices such as assessment and reentry planning). The analyses should be supplemented and informed by information collected through document review, site visits, and phone interviews on site-specific goals, approaches, achievements, and barriers.

To further learn from and disseminate cross-site findings, Urban suggests convening cross-site learning webinars. Webinars allow an evaluator to share salient findings from the process evaluation with the sites, including common challenges and particularly effective strategies that sites have employed to address these challenges, and “ground truth” those findings with system actors across the sites. In addition, webinars provide an opportunity for sites to share information and learn from one another. The content of the webinars should reflect both the substantive findings that emerge from the evaluation, as well as the needs identified by the sites themselves.

Urban also recommends holding a webinar open both to the sites as well as the broader justice field. During the webinar, an evaluator should share key findings from the cross-site analyses, including an overall assessment of the implementation of the initiative across the sites as well as a discussion of successful approaches, major challenges, and lessons learned. The evaluator should also present findings from the multi-wave surveys and the outcome analyses to assess the

extent to which the sites were successful in achieving systems changes and improving justice and community outcomes over the course of the initiative.

Recognizing that system-change efforts are typically models in development, Urban recommends an approach that emphasizes collaborative learning involving frequent and open communication and feedback. Such early and routine feedback on each site is a critical component of any evaluation of complex system-change initiatives in that it will improve the ability to anticipate and manage the level and content of TA, inform the outcome and cost evaluations, and guide the allocation of evaluation resources most cost effectively.

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