Mississippi’s prison population grew more than 400 percent between 1980 and 2013 and was projected to increase by nearly 2,000 people during the following decade at a cost of $266 million (Pew 2014). State leaders began exploring options to use prison space and other resources to get a better public safety return on correctional spending.

State leaders requested assistance through the Justice Reinvestment Initiative (JRI), a public-private partnership funded by the Bureau of Justice Assistance and the Pew Charitable Trusts. Mississippi convened its interbranch Corrections and Criminal Justice Task Force—with technical assistance from the Pew Charitable Trusts and the Crime and Justice Institute—to examine the drivers of incarceration and make recommendations for curbing corrections costs and improving public safety.

In 2014, Governor Phil Bryant signed House Bill (H.B.) 585 into law. Among other reforms, the legislation gave criminal justice system practitioners more options for responding to technical violations of supervision, which are incidents that violate conditions of supervision but do not involve a new crime. Such incidents could include missing meetings with supervision officers or failing drug tests. In particular, H.B. 585 established a system of graduated sanctions and created technical violation centers (TVCs) as alternatives to the use of lengthy prison sentences to respond to technical violations. Designed to provide programming and services to address the underlying causes of criminal behavior, TVC sentences were capped at 90 and 120 days for the first and second revocations, respectively.

This brief focuses on the implementation and outcomes of TVCs and the associated revocation caps in Mississippi following implementation in 2014. Using data from the Mississippi Department of Corrections (MDOC) and stakeholder interviews, the Urban Institute analyzed overall incarceration, trends in admissions and lengths of stay, and additional outcomes.
Key findings on H.B. 585’s impact on Mississippi’s prison population (excluding TVCs) include the following:

- **Mississippi used 35 percent fewer days of imprisonment for technical violations** in the 3.5 years post-585 than in the 3.5 years pre-585. The majority of this decrease is attributable to a 45 percent decrease in imprisonment days used for technical violations of probation.

- **Admissions to prison for technical revocations increased 7 percent** between 2013 and 2017. During that period, technical revocations from parole increased 87 percent, while technical revocations from probation decreased 25 percent.

- **The average length of stay in prison for technical violations fell 14 percent** between 2013 and 2017. During that period, the average length of stay in prison for technical violations decreased 28 percent for parole and increased 7 percent for probation.

Key findings on H.B. 585’s impact on overall incarceration (prisons and TVCs) include the following:

- **Mississippi used 16 percent fewer incarceration days (prison and TVCs)** for technical violations in the 3.5 years post-585 than in the 3.5 years pre-585. Incarceration days for technical violations increased 45 percent for parole and decreased 34 percent for probation.

- **Admissions to incarceration (prison and TVCs) for technical violations increased 40 percent** between 2013 and 2017, from 3,077 to 4,321.

- **The average length of incarceration (prison and TVCs) for technical violations decreased 29 percent** between 2013 and 2017. During that period, length of incarceration for technical violations decreased 36 percent for parole and 16 percent for probation.

**Background**

Between 1980 and 2013, Mississippi’s prison population grew more than fivefold, and in 2013, its imprisonment rate was the third highest in the country. Its prison population was projected to grow by nearly 2,000 people at a cost of $266 million during the following 10 years (Pew 2014). With other states reducing crime rates and imprisonment, leaders in Mississippi began questioning whether high corrections spending was producing the best public safety results. To address this unsustainable growth and invest more effectively in public safety, the state convened the bipartisan, interbranch Corrections and Criminal Justice Task Force. With technical assistance from the Pew Charitable Trusts and the Crime and Justice Institute, the task force found that technical revocations of community supervision were a significant driver of the prison population. In 2012, there were more admissions to prison for revocations than for new crimes, and revocation admissions had increased 84 percent during the previous decade (Pew 2014). Community supervision officers lacked options—like graduated sanctions or incentives—to change the behaviors of people on supervision before they rose to the level of revoking someone to prison, and prison revocations were often applied inconsistently and sometimes with significant delays.
In 2014, Governor Bryant signed H.B. 585 into law. The bill codified task force recommendations and created new options for responding to technical violations. Specifically, the legislation established TVCs for people whose community supervision had been revoked for technical violations. The bill specified that TVCs would provide services to address the underlying causes of the violation—as identified by a risk and needs assessment—and would provide services such as substance use disorder treatment, employment preparation, and education programs to help people avoid future violations. House Bill 585 also capped TVC stays at 90 days for the first technical violation and 120 days for the second. Third technical violations are eligible for up to 180 days in a TVC or revocation to prison for the remainder of the sentence. Lastly, H.B. 585 required the Mississippi Department of Corrections to implement a graduated response approach to technical violations that included developing a grid with the most common sanctions and responses, ranging from verbal warnings to increased reporting or drug and alcohol testing to short jail stays. These guidelines were intended to provide probation and parole officers responses that stop short of incarceration in a TVC or prison for less serious violations, and that address violations with proportional punishments that increase in severity. The legislation took effect July 1, 2014.

In January 2015, Mississippi began receiving technical assistance from the Crime and Justice Institute through the Justice Reinvestment Initiative to aid its implementation efforts. House Bill 585’s TVC, revocation cap, and graduated sanction provisions were intended to curb growth in the state’s prison population by reducing prison admissions for technical violations, reducing lengths of stay in prison for technical violations, and reducing prison admissions for new crimes by providing interventions that address the underlying causes of criminal behavior (thus preventing new crimes). Technical violation centers were specifically intended to provide targeted programming and services to address identified drivers of criminal behavior.

Throughout the implementation period, Mississippi has experienced challenges related to TVC facilities and programming. To establish TVCs, existing prisons and community work centers were repurposed to house people who committed technical violations of supervision. Flowood Technical Violation Center, which is located outside of Jackson, Mississippi, and is the only TVC that houses women, has been operating steadily since 2014. The number and location of TVC facilities for men, however, has changed since H.B. 585 was passed, and each iteration of TVC facilities has generally offered insufficient programming and services. Additionally, inefficiencies with reception and classification processes created a jail backlog, causing delays placing people in TVCs and giving them access to programming.

These issues made some decisionmakers less willing to send people to TVCs. For people on parole, the decisionmaker is the parole board; for people on probation, the decisionmaker is the judge. The State of Mississippi Parole Board has five members and is located in Jackson, Mississippi, and the state has 57 circuit court judges serving 22 circuit districts. By April 2018, the state had consolidated all of its men’s TVCs at one facility—Delta TVC—in northwestern Mississippi. Currently, each person housed at Delta TVC is enrolled in three programs—a workforce training and reentry program, a cognitive training program, and an alcohol and drug program—each of which they attend twice a week. Additionally,
individual decisionmakers in Mississippi (specifically judges and parole board members) often have considerable discretion over whether to send people with technical violations to prison or a TVC, as well as the duration of the sentence. This discretion has affected the consistency of the use of TVCs and may have impacted the differing trends in Mississippi’s use of TVCs and prison to respond to technical violations by people on probation and parole.

Mississippi also experienced challenges with the interpretation of statutory language when implementing TVCs. The language in H.B. 585 specified that revocation caps would be applied according to a person’s number of prior technical violations (not revocations). This allowed decisionmakers to stack prior violations, bypass TVCs, and send people directly to prison on their first technical revocation. House Bill 387 (2018) adjusted the wording to clarify that revocation caps apply according to a person’s number of prior technical revocations (not violations). Although this brief does not include quantitative data past 2018, qualitative data show stakeholders expressed differing opinions regarding how much this legislative change has impacted behavior (see this brief’s “Additional Outcomes and Recommendations” section for more information). The quantitative analysis in the following sections explores how technical violation centers impacted prisons and incarceration in Mississippi through 2017.

“The violation centers shall be equipped to address the underlying factors that led to the offender’s violation as identified based on the results of a risk and needs assessment. At a minimum, each violation center shall include substance abuse services shown to reduce recidivism and a reduction in the use of illicit substances or alcohol, education programs, employment preparation and training programs and behavioral programs.”
—Mississippi House Bill 585 (2014)

Using quantitative data from MDOC and stakeholder interviews (box 1), Urban assessed the impact of TVCs since H.B. 585 was passed. This analysis examines:

- the impact of TVCs on the prison population, overall incarceration, and other outcomes;
- how admissions to incarceration for technical violations changed since H.B. 585; and
- how lengths of incarceration for technical violations changed since H.B. 585.
BOX 1

Methodology

Urban received the following quantitative data from MDOC for this brief:

- admissions to and releases from MDOC jurisdiction between 2010 and 2017
- sentencing data
- available data on violations of probation and parole occurring between 2010 and 2017
- demographic data (including gender, race, and dates of birth)
- available data on assessed risk

We also interviewed the following stakeholders about Delta TVC:

- MDOC community corrections staff and leadership
- staff and people incarcerated at Delta TVC
- judges
- a parole board member
- community and legislative advocates

Findings

Use of Prison and Incarceration to Respond to Technical Violations

In the 3.5 years after H.B. 585 was implemented, the number of imprisonment days used for technical revocations in Mississippi decreased 35 percent. As figure 1 shows, most of this decline owed to a reduction in imprisonment days used for technical revocations from probation, which decreased 45 percent postimplementation. Imprisonment days for technical revocations from parole decreased by just 3 percent.
Imprisonment days for technical violations before and after H.B. 585 (for people released)

Source: Mississippi Department of Corrections.
Notes: Imprisonment days are calculated by totaling the number of days served in prison for everyone admitted to and released from prison for a technical revocation in the pre-585 and post-585 groups. “Pre-585” includes all people admitted and released between January 1, 2011, and June 30, 2014. “Post-585” includes all people admitted and released between July 1, 2014, and December 31, 2017. Figures are rounded.

With the addition of TVCs, Mississippi’s number of incarceration days (including TVCs and prisons) decreased 16 percent in the 3.5 years after H.B. 585. This decrease is largely attributable to decreases in incarceration among people on probation (figure 2). In contrast, the number of days used to incarcerate people on parole for technical violations increased 45 percent after H.B. 585.
FIGURE 2
Incarceration Days Have Decreased for Probation and Increased for Parole

Incarceration days (prison and TVCs) for technical violations before and after H.B. 585 (for people released)

Source: Mississippi Department of Corrections.
Notes: Figures are rounded. Incarceration days are calculated by totaling the number of days served in prison or a TVC for everyone admitted to and released from prison for a technical revocation in the pre-585 and post-585 groups.

Variations in imprisonment or incarceration day usage are driven by changes in admissions to prison and incarceration for technical violations, along with lengths of stay in prison or TVCs.

Admissions to Incarceration for Technical Violations

How many people are admitted to incarceration for technical violations?
Between 2013 and 2017, overall admissions to Mississippi prisons decreased 10 percent, while prison admissions for technical violations increased 7 percent (figure 3). Technical revocations make up a large and growing share of prison admissions, accounting for 33 percent of all 2013 prison admissions and 39 percent of 2017 prison admissions. Overall, more people on parole were sent to prison or TVCs for technical violations in the years after H.B. 585 than the years before it, whereas approximately the same number of people on probation were sent to prison or TVCs.
**FIGURE 3**

Technical Revocations to Prison Increased, Whereas Overall Prison Admissions Decreased

*Annual prison admissions and technical revocations, 2010–17*

![Graph showing technical revocations and total prison admissions from 2010 to 2017.](image)

Source: Mississippi Department of Corrections.

This increase in admissions to prison for technical revocations owes to an increase in technical revocations to prison from parole specifically. Technical revocations from parole increased 87 percent between 2013 and 2017, while technical revocations from probation decreased 25 percent (figure 4). Although Mississippi’s parole population has increased since 2013, technical parole revocations have increased at a faster rate; in 2017, 12 percent of the parole population was revoked to prison for a technical parole violation, compared with 9 percent in 2013. Approximately the same proportion of the probation population was revoked to prison for a technical violation in 2017 (4 percent) as in 2013 (5 percent).
People in Mississippi who are admitted to incarceration for technical violations are sent either to prison or a technical violation center. With the addition of TVCs, more people are being admitted to incarceration for technical violations. Total admissions to incarceration—that is, both to prisons and TVCs—for technical violations increased 40 percent between 2013 and 2017 (from 3,077 to 4,321) (figure 5). Again, this increase largely owes to admissions from parole, which increased 145 percent during that period, while admissions from probation remained similar from start to finish with some fluctuations in between.
FIGURE 5
Total Admissions to Incarceration for Technical Violations Increased
Admissions to incarceration (TVCs and prisons) for technical violations (parole and probation)

Source: Mississippi Department of Corrections.

The proportion of admissions to incarceration for technical violations that result in someone going to a TVC (rather than prison) has decreased since 2015 for both parole and probation. In 2015, 58 percent of people on parole and 36 percent of people on probation who were admitted to incarceration for a technical violation were sent to TVCs rather than prison; in 2017, 24 percent of people on parole and 24 percent of people on probation were sent to TVCs (figure 6).
WHO IS BEING INCARCERATED FOR TECHNICAL VIOLATIONS?

Risk profile. The proportion of people admitted to incarceration for technical violations who are classified as low risk is larger for probation than for parole (this is true for technical revocations to TVCs and for technical revocations to prisons). In 2017, approximately one-third of people revoked for technical violations to prison (32 percent) and to TVCs (33 percent) from probation were classified as low risk (figure 7).

Source: Mississippi Department of Corrections.
FIGURE 7

Larger Proportion of Technical Revocations to TVCs and Prison from Probation Are Low-Risk

Admissions to incarceration for technical violations by risk level, 2017

The proportion of technical revocations from probation to prison accounted for by people who are classified as low risk increased from 29 percent in 2013 to 32 percent in 2017. In contrast, the proportion of technical revocations from parole to prison accounted for by people who are classified as low risk decreased from 24 percent in 2013 to 18 percent in 2017. In 2017, people classified as low risk who were convicted of nonviolent offenses accounted for 15 percent of technical parole revocations to prison (down from 23 percent in 2013) and 27 percent of technical probation revocations to prison (up from 25 percent in 2013). In other words, more than 20 percent of those revoked to prison for technical violations of probation or parole were convicted of nonviolent offenses and classified as low risk.

**Geography.** The likelihood of being sent to a TVC varies by county, particularly for people on probation. In 2017, in counties where at least 40 people were admitted to either a TVC or prison for a technical violation of probation, the share of people admitted to TVCs rather than prison ranged from 4 percent (Hancock County and Lowndes County) to 62 percent (DeSoto County). For parole, the share of people incarcerated for a technical violation who went to a TVC rather than prison ranged from 16 percent (Pike County) to 35 percent (Clay County). Figure 8 offers a map of admissions to incarceration for technical probation violations by county of conviction.
Use of TVCs Varies by Geographic Location

Admissions to incarceration for technical violations from probation, by county of conviction (2017)

Figure 8

Percent of admissions to incarceration for technical violations that went to a TVC (instead of prison), 2017
- 0% - 19%
- 20% - 39%
- 40%+

Note: Counties that incarcerated at least 40 people for technical violations in 2017 are labeled with their county name and the percent that went to a TVC.

Delta TVC
Flowood TVC

Why Are People Being Recommended for TVCs for Technical Violations?

Using sanctions data provided by MDOC,8 Urban examined the technical violations for which supervision officers recommended technical revocations to TVCs. On average, people on probation recommended for TVCs had fewer prior recorded sanctions than people on parole. This trend holds across all three recorded TVC sanction lengths (90 days, 120 days, and 180 days). People on probation recommended for a 180-day TVC sanction had an average of just 0.83 prior recorded sanctions, meaning probation officers are bypassing shorter stays in TVCs and recommending people who have not previously received any sanctions to the most severe (i.e., the longest) TVC sanction (figure 9).
FIGURE 9
People on Probation Recommended for TVCs Had Fewer Prior Sanctions

Average number of recorded sanctions before TVC recommendation, 2017

Source: Mississippi Department of Corrections.

In 2017, one-fifth of recommended admissions to TVCs from probation were for failure to pay financial obligations. Table 1 shows the three most common violations leading to recommended revocations to a TVC from both parole and probation.

TABLE 1
One in Five People on Probation Recommended for a TVC for Failure to Pay Fines and Fees

Categories of violations leading to TVC recommendation, 2017

<table>
<thead>
<tr>
<th>Violation</th>
<th>Parole</th>
<th>Probation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abscond</td>
<td>270</td>
<td>301</td>
</tr>
<tr>
<td>Arrest (misdemeanor or felony)</td>
<td>118</td>
<td>301</td>
</tr>
<tr>
<td>Failure to abide by supervision conditions</td>
<td>43</td>
<td>44</td>
</tr>
<tr>
<td>Failure to pay financial obligations as ordered by releasing authority</td>
<td>144</td>
<td>144</td>
</tr>
<tr>
<td>Arrest (misdemeanor or felony)</td>
<td>116</td>
<td>116</td>
</tr>
</tbody>
</table>

Source: Mississippi Department of Corrections.

Note: “Abscond” includes failure to report for more than one required contact.
Lengths of Stay for Technical Violations

The average prison stay at release for people revoked to prison for technical violations decreased 14 percent between 2013 and 2017. This decrease largely owes to a 28 percent reduction in the average length of stay in prison for technical parole revocations; average length of stay in prison for technical probation revocations increased 7 percent. In 2017, people released from prison after being revoked for a technical violation from probation spent approximately one and a half years (554 days) in prison, whereas people revoked from parole spent approximately 8 months (229 days) (figure 10). People released from TVCs spent an average of 110 days (probation) and 104 days (parole) incarcerated.

**FIGURE 10**
Lengths of Stay in Prison for Technical Violations Decreased for Parole and Increased for Probation

*Days spent in prison for technical violations (for people released)*

Source: Mississippi Department of Corrections.

Overall, people on probation and parole in Mississippi are spending less time incarcerated for technical violations than they were before H.B. 585. The average length of incarceration (i.e., in both prison and TVCs) for technical violations decreased 29 percent between 2013 and 2017. During that period, average length of incarceration for technical violations decreased 36 percent for people on parole and 16 percent for people on probation. In 2017, people on probation incarcerated for technical violations spent, on average, more than twice as long in prison as people on parole (14.5 months and 6.7 months, respectively) (figure 11).
Addional Outcomes and Recommendations

A synthesis of findings from interviews with Mississippi criminal justice stakeholders sheds light on some additional potential impacts of TVCs, as well as recommendations for policymakers and administrators to consider.

Additional Outcomes

Although it is too soon to assess recidivism rates for people released from TVCs, recent administrative changes could improve outcomes. Since April 2018, Delta TVC has provided programming to address the factors underlying criminal behavior, including alcohol and drug education, workforce and reentry programming, and cognitive training. It has also provided supplemental programming on an ad hoc basis, including a class on financial well-being. Mississippi Department of Corrections plans to expand programming in Delta TVC to the extent possible. There are not yet any formal assessments of program quality, nor are there risk and needs assessments for tailoring programming.

Additionally, recent legislative changes could better align TVCs with H.B. 585’s original intent. As previously discussed, H.B. 387 (passed in 2018) clarified that revocation caps apply according to a
person’s number of prior technical revocations, not violations. This clarification was intended to address the issue of decisionmakers stacking violations to bypass TVCs and revoke people directly to prison. Because the quantitative data in this brief only go through 2017, it is unclear whether these changes have made an impact. However, Mississippi stakeholders have mixed opinions about the extent to which these changes have altered behavior, and about whether decisionmakers are aware of these changes.

Data Recommendations

Data limitations inhibited Urban’s ability to examine important outcomes, such as the impact of TVCs on public safety and their ability to address the underlying factors of revocations. Filling gaps in data on TVCs can make future analyses more comprehensive. Priorities for future data collection include detailed information about sanctions for each violation (both recommended sanctions and implemented sanctions); information on incentives given to people on supervision; and information about programming and other treatment offered to and completed by people incarcerated in prison, incarcerated in TVCs, and under community supervision. Additionally, collecting metrics on recidivism—including revocations after a TVC sanction—and metrics on successful supervision case closures—such as time to closure—could be expanded and collected in a more usable format that allows the progression of a case to be tracked more easily.

The analysis presented here highlights the differing responses to technical violations for people on parole and probation and for people in different counties. To better understand and address those variations, it is critical that Mississippi be able to link sanctions and admissions data to specific decisionmakers and geographic areas. These data could be used to identify where and why TVCs are or are not being used, and lead to more targeted, cost-efficient, and effective solutions. Additionally, geographic data can be used to hold system actors accountable for responding to technical violations in accordance with the law.

Other Recommendations

House Bill 585 requires that technical violation centers be “equipped to address the underlying factors that led to the offender’s violation as identified based on the results of a risk and needs assessment.” Moreover, research has demonstrated that interventions are most effective when based on a person’s assessed risks and needs (Andrews and Bonta 2010; Bonta and Andrews 2007). Delta TVC currently provides the same programming in the same dosage to everyone admitted. Moving toward targeted programming in TVCs will help Mississippi prioritize resources for people who will benefit most from programming, and better align its TVC program with H.B. 585 requirements and research on how to address criminal behavior most effectively.

Research has also demonstrated that for people assessed as low risk, interventions are generally less effective and may even create worse outcomes (Andrews and Bonta 2010; Bonta and Andrews 2007; Lowenkamp and Latessa 2004). Interviews with Mississippi stakeholders showed even the shorter 90- or 120-day stays in TVCs disrupt people’s lives, including by causing job loss, housing loss,
and disruption of family relationships. Limiting the use of incarceration to certain supervision violations would allow resources used on incarceration to be redirected toward community-based interventions, thus decreasing the likelihood of these disruptions and allowing people to maintain critical family and community ties while receiving programming targeted to their risks and needs.

**Conclusion**

States across the US are looking for more effective solutions to respond to technical violations and improve public safety. Mississippi’s H.B. 585 established graduated sanctions, revocation caps, and technical violation centers to address the growing number of people admitted to prison for technical violations and to get a better public safety return on its use of correctional resources. Despite challenges implementing TVCs and decisionmakers’ hesitation to use them, Mississippi has decreased the number of imprisonment days used for technical violations. More people are being admitted to incarceration for technical violations, but they are spending less time incarcerated. Importantly, this analysis shows TVCs are used differently for people on probation and parole.

For parole, there have been more technical revocations to prison since H.B. 585, and there have been even more overall admissions to incarceration for technical violations (that is, including TVCs). However, the average length of stay—in prison and overall—has decreased. Overall, Mississippi has used approximately the same number of imprisonment days for technical violations of parole as before H.B. 585, but the number of incarceration days (prison and TVCs) for technical violations of parole has increased 45 percent.

For probation, fewer people are being revoked to prison for technical violations. Including TVCs, approximately the same number of people on probation are being admitted to incarceration (both prison and TVCs) for technical violations as before H.B. 585. Though people revoked to prison from probation for technical violations are spending slightly longer terms in prison, the average length of incarceration has decreased. The net impact of these changes is a 45 percent reduction in imprisonment days and a 16 percent reduction in incarceration days for people with technical violations of probation.

Moving forward, Mississippi can use this analysis to inform improvements to the TVC program and to develop more cost-effective, targeted community solutions to reduce the disruptive effects of incarceration and improve public safety. It will also be critical to expand and improve data collection to ensure outcomes are improving and programs align with legislative requirements and research.

**Notes**


2 In this brief, incarceration refers to people held in prisons or TVCs.

3 “Corrections Statistical Analysis Tool,” BJS.
Proportions are calculated by taking the parole/probation population on January 1 of a given year and then looking at the percentage of that population that was revoked on a technical violation in the subsequent 365 days.

The data do not permit an examination by county of supervision. County of conviction is likely a better proxy for people on probation than for people on parole.

Available sanctions data only include the sanction that the supervision officer recommended. This is not necessarily the sanction that ended up being used, as judges (for probation) and the parole board (for parole) make the final decision to send someone to a TVC or to prison and do not need to adhere to the supervision officer’s recommendation. The analysis presented here is limited to instances where supervision officers recorded their recommended TVC sanction for a person.

Includes all people released from prison in a given year after being revoked for a technical violation.

References


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