Justice Reinvestment at the Local Level
Planning and Implementation Guide
Second Edition

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Jrll is a partnership between the Urban Institute and three local jurisdictions: Alachua County, FL; Allegheny County, PA; and Travis County, TX. Justice reinvestment enables county and city leaders to manage criminal justice costs without compromising public safety through interventions to address inefficiencies within the system.

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Cities and counties across the country are experiencing declining revenues at a time when the need for social services and support systems is on the rise. This reduction in resources has led many jurisdictions to reconsider their investments in education, public safety, health care, economic development, and services for vulnerable populations (figure 1).

These issues are particularly salient in the local criminal justice system, where expenditures for city and county policing, court services, and corrections continue to grow despite steadily decreasing violent and property crime rates. In 2007, policing

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Figure 1. Criminal Justice Spending in Billions of Dollars, 1982–2007


*Note:* Estimates adjusted for inflation.
agencies made approximately 14.2 million arrests,² about 75 percent of which resulted in cases that were filed in the courts and 60 percent of which resulted in conviction.³ In that same year, an estimated 7.3 million⁴ people were incarcerated or supervised in America,⁵ a figure that has nearly tripled over the last 25 years. Of these 7 million people, about 70 percent were supervised locally (through parole or probation) and an additional 10 percent were in local jail custody (including pre-trial). Although jails currently house the smallest number of incarcerated people on a given day, county jail populations increased by 21 percent in the past decade, outpacing the 15 percent increase in state prison populations and the 7 percent increase in probation and parole populations during the same period.⁶ Even though local criminal justice costs are largely driven by the increasing volume of people in county jails, few jurisdictions have successfully reduced their jail populations.⁷ This jail population growth often diverts funds away from the programs and social services aimed at preventing people from entering the criminal justice system in the first place.

Local criminal justice spending, weighing in at $116 billion in 2007, accounts for approximately half of total justice spending.

The growing size of the criminal justice population has been accompanied by a dramatic spike in county correctional costs. Local criminal justice spending, weighing in at $116 billion in 2007, accounts for approximately half of total justice spending.⁸ The funding goes toward a variety of agencies with the ability to arrest (police, sheriffs), detain (jails), prosecute (district attorneys), represent (public defenders), and supervise (probation and, in some states, parole). This county and municipal spending constitutes a significant increase over the last 25 years, across all justice functions. At the same time that spending is increasing, most local governments face declining revenues that require them to delay purchases and repairs, institute staff furloughs and hiring freezes, and lay off workers.⁹ Justice costs create difficult choices for public officials, many of whom are forced to freeze or reduce spending on education and human services to balance their budgets.

Justice reinvestment can help officials prioritize local justice spending for those who pose the greatest risk to public safety, while informing which individuals would be better off in the community, where services and treatment may be more readily available.

What can county and city managers do to reduce these costs without compromising public safety? They can engage in justice reinvestment. Justice reinvestment can help officials prioritize local justice spending for those who pose the greatest risk to public safety, while informing which individuals would be better off in the community, where services and treatment may be more readily available. Justice reinvestment can also help managers achieve tangible cost savings by expediting case processing for those awaiting trial or disposition, revising revocation policies, creating more alternatives to detention, and preventing returns to jail by increasing reentry preparation and services before and after release.

This guidebook will be a resource for local leaders aiming to improve cost efficiency in their criminal justice systems by implementing justice reinvestment at the local level. The guidebook describes the steps involved in the justice reinvestment process, the challenges that may be encountered, and examples of how those
challenges can be overcome. While the intended audience is county and city managers and local criminal justice leaders, this document is accessible to a wide audience of local stakeholders. (Readers new to the criminal justice field can refer to the glossary of terms in appendix A.)

The justice reinvestment approach presented in this guidebook is divided into three stages:

In the first stage, **building the foundation**, jurisdictions assess their readiness to engage in justice reinvestment by (1) considering their community’s need for such an initiative, (2) assessing whether leadership exists to support justice reinvestment, (3) developing an organizational structure to directly oversee and manage justice reinvestment work, and (4) reviewing current data holdings and staff capabilities. These efforts are necessary to begin an initiative and must be sustained throughout the project if justice reinvestment is to be successful in the jurisdiction. The next stage—**Phase I**—entails the collection and analysis of relevant criminal justice data to examine how criminal justice populations and policy decisions influence system costs. Once jurisdictions have identified cost drivers, they use this information to develop strategies that can reduce drivers in both the short and long term while maintaining or improving public safety. These strategies might involve policy options, changes in local practices that reflect new goals or changes in philosophy, or programmatic changes, all of which will be set in formal memoranda of understanding and policy resolutions for the justice reinvestment governing body.

**Phase II** helps jurisdictions implement the strategies adopted during Phase I and develop a plan for monitoring progress and system effects. To implement cost-efficient public safety strategies, jurisdictions consider and address the possible historical, resource, logistical, legal, internal, and community barriers to success. They also develop a plan to document the savings and public safety impact associated with each new strategy. Savings generated through these new strategies are then reinvested into the community and into the criminal justice system. Again, jurisdictions will assess the impact of their reinvestment strategies on total government spending, public safety, and community well-being.

This guidebook concludes with recommendations for sustaining the process—information that may be particularly relevant to jurisdictions that have started justice reinvestment work and would benefit from institutionalizing the effort. This document will guide local jurisdictions through implementation of the justice reinvestment model. The guidebook summarizes the justice reinvestment process, serving as a comprehensive resource that can be read in sequence or in individual sections throughout the course of implementation. The guide offers a detailed approach for successful implementation, which in turn can result simultaneously in public safety enhancements and cost savings.

In the current climate of shrinking budgets and increasing demands on the local criminal justice system, this guidebook aims to help jurisdictions create a more efficient local criminal justice system that manages and allocates scarce resources cost effectively, generating savings that can be reinvested.
The Justice Reinvestment Approach

Justice reinvestment is a systemwide process designed for leaders at all levels of government who want to rethink how they allocate resources throughout their jurisdiction. At the local level, justice reinvestment is geared toward aiding elected officials, county managers, criminal justice stakeholders, and other system partners who seek to contain criminal justice costs and maximize public safety benefits within the confines of current resources. Local justice reinvestment is a platform for these leaders to come together to make data-driven decisions in order to improve their systems, cut costs, and keep their communities safe.

While implementing the model requires commitment and effort, its successful application will reap great rewards. Justice reinvestment is not a single decision, project, or strategy. Rather, it is a multistaged and ongoing process whereby stakeholders collaborate across jurisdictions and agency lines to identify drivers of criminal justice costs and then develop and implement new ways of reinvesting scarce resources to yield a more cost beneficial impact on public safety.

To be successful, this approach requires a systematic and data-driven examination of population and cost drivers at eight key decision points within the local criminal justice system. These decision points are shown in figure 2.

Each decision point—though rarely controlled by a single agency—can affect the number of people in all parts of the system and the associated costs to other agencies. The decision points are not discrete, may overlap in time, and may not be imposed in every case.

Local justice reinvestment can be achieved by implementing an iterative model, comprised of five steps centered on interagency strategic planning (see figure 3). When implemented comprehensively, the local justice reinvestment
Justice Reinvestment at the Local Level

Approach can enhance public safety and reduce local criminal justice expenditures. This chapter summarizes the steps that embody a thorough justice reinvestment undertaking and relates these steps to the three justice reinvestment phases. Subsequent chapters examine the justice reinvestment phases and discuss the associated local justice reinvestment model steps (figure 3).

The five critical steps of the local justice reinvestment model are positioned around an interagency strategic planning body that is the process’ driving force.

1. Collect and analyze criminal justice data,
2. Identify and document cost-saving public safety strategies,
3. Implement cost-saving public safety strategies,
4. Document savings, reinvestments, and public safety impact, and
5. Implement and assess local justice reinvestment strategies

These steps must be taken in addition to the efforts usually involved in interagency strategic planning.

The local justice reinvestment model increases public safety and reduces criminal justice costs through three discrete phases: Building the Foundation, Phase I, and Phase II. The three phases divide the activities associated with the six components of the local approach can enhance public safety and reduce local criminal justice expenditures. This

When implemented comprehensively, the local justice reinvestment approach can result in public safety enhancements and reductions in local criminal justice expenditures.

Figure 2. Stages of the Criminal Justice System

| Stage 1 | Law enforcement interaction |
| Stage 2 | Booking |
| Stage 3 | Charging/first appearance |
| Stage 4 | Pretrial placement |
| Stage 5 | Case processing |
| Stage 6 | Sentencing |
| Stage 7 | Jail custody and release |
| Stage 8 | Community supervision |

Figure 3. JRLL Model

- **Step 1**: Collect and analyze criminal justice data
- **Step 2**: Identify and document cost-saving public safety strategies
- **Step 3**: Implement and assess local justice reinvestment strategies
- **Step 4**: Document savings, reinvestments, and public safety impact
- **Step 5**: Implement cost-saving public safety strategies
Phase I of a justice reinvestment initiative focuses on preparation.

Phase I of a justice reinvestment initiative focuses on preparation. Phase I of the justice reinvestment effort builds off the critical groundwork achieved through interagency strategic planning. In Step 1, jurisdictions collect and analyze criminal justice data, which is then used to develop alternative strategies. In this step, data analysis is used to answer questions about justice-involved people in order to determine how different groups influence system workload. Once jurisdictions have identified sub-populations that significantly consume justice resources, costs are assigned to those groups to identify opportunities for savings.

Identification of criminal justice cost drivers, Step 1, is the foundation for a thorough review of potential strategies to address those drivers in Step 2. Jurisdictions will review data at the eight key decision points to understand how existing policies and practices influence system movements and affect criminal justice costs as individuals consume local justice resources. They can also consider developing alternate strategies based on the experiences of patterned on other cities and counties that have reduced justice spending through deliberate, data-driven policy changes.

In Phase II, strategies are implemented, monitored, and assessed. Implementation of the strategies identified in Step 2 indicates that a jurisdiction has successful transitioned to Phase II of justice reinvestment. Step 3 focuses on how local jurisdictions can turn a plan into action by identifying past and current barriers to implementation—including securing funding, revamping older data systems, combating logistical and resource constraints, and generating buy-in from stakeholders.

Local justice reinvestment is not an abstract concept—jurisdictions across the United States are in various phases of implementing the justice reinvestment model.
Justice Reinvestment at the Local Level

The Urban Institute developed the local justice reinvestment model in coordination with three demonstration sites (Alachua County, Florida; Allegheny County, Pennsylvania; and Travis County, Texas) and worked with these sites to complete Phase I of the process. With support from the Bureau of Justice Assistance (BJA) and two technical assistance providers, the Center for Effective Public Policy and the Crime and Justice Institute, this work has expanded tremendously. As of 2013, 18 localities were actively pursuing the justice reinvestment approach, including the original three demonstration sites:

- Alachua County, Florida
- Allegheny County, Pennsylvania
- Charlottesville/Albemarle County, Virginia
- Delaware County, Ohio
- Denver City and County, Colorado
- Eau Claire County, Wisconsin
- Grant County, Indiana
- Johnson County, Kansas
- King County, Washington
- Lane County, Oregon
- Mecklenburg County, North Carolina
- Milwaukee County, Wisconsin
- New York City, New York
- San Francisco City and County, California
- Santa Cruz County, California
- Travis County, Texas
- Yamhill County, Oregon
- Yolo County, California

As of 2013, six of the local sites participating in the national Justice Reinvestment Initiative (Alachua County, Florida; Allegheny County, Pennsylvania; Denver City and County, Colorado; Johnson County, Kansas; Milwaukee County, Wisconsin; and Travis County, Texas) were in various stages of Phase II. The remaining localities were completing Phase I. A brief description of each step will conclude this chapter, followed by a more detailed discussion of the broader goals associated with each phase.

Ongoing Process: Engage in Strategic Planning

Because justice reinvestment requires a systemwide approach, a local justice reinvestment model must identify the agencies that influence how local criminal justice resources are expended and the representatives affected when resources are used differently. Stakeholders including law enforcement, pretrial services, judges, prosecutors, defense attorneys, and community supervision representatives (such as parole and probation officers) all contribute to changes throughout the criminal justice system. Each stakeholder may be inclined to participate in the planning process because growth in local criminal justice costs limits how these agencies operate and what they are able to accomplish; when criminal justice spending spirals out of control, the county cannot always afford to manage criminal justice populations in the safest or most cost-efficient way.
Membership in the strategic planning entity should encompass a variety of interests, drawing individuals outside the criminal justice system, such as those working with mental health and homeless populations. This diverse set of stakeholders must be convened for ongoing strategic planning activities that begin with developing specific goals and a stated purpose. Strategic planning engages stakeholders in the common goal of increasing public safety and maximizing scarce resources: every stakeholder who participates must understand the importance of coalition building and buy into the process of justice reinvestment. However, certain arguments will resonate for some stakeholders, whereas others might need convincing based on how their agency could benefit. For example, law enforcement might not be interested in reducing arrests and diverting people from jail, but they could be engaged if a goal is to ensure enough jail space to house the most dangerous individuals.

In many localities, the stakeholders are already formalized as a criminal justice leadership board or coordinating council (either because of statutory requirement or prior efforts to improve criminal justice operations). Determining if an existing planning body is appropriate for justice reinvestment activities entails identifying who is (and is not) involved and whether its leadership can achieve jurisdiction-wide systems change. For example, the county administrator or head commissioner must support the initiative; he or she should understand the county budget and how resources are allocated to various justice-related agencies. This person may be ideal to lead the initiative, perhaps in collaboration with the head of the existing criminal justice planning body.

**Step 1: Collect and Analyze Criminal Justice Data**

Developing a strategic planning entity to improve local criminal justice operations is a crucial first step toward justice reinvestment. This group must incorporate a data-driven approach to understanding the drivers of local criminal justice costs and learning where resources can be saved. Data for analysis should come from all agencies that influence the criminal justice system, including arresting agencies, the jail, pretrial services, the court system, and community supervision agencies. Strategic planners will examine which data these agencies already collect and how those data can be compiled into a comprehensive assessment of the local criminal justice system. This assessment should also explore current practice, so that all stakeholders have a consistent, in-depth understanding of existing policies and decisionmaking processes.

Jurisdictions must also assess whether problems exist with the data collection systems. In most jurisdictions, systems are not integrated, precluding agencies from accessing each other’s data. When requesting that data be extracted from these systems, stakeholders must establish clear definitions so they get the intended information. Jurisdictions may bring in outside assistance (e.g., through a consultant or local university partnership) to help establish these definitions and methods for analyzing data. The strategic planning entity should also facilitate meetings for participants to discuss the data they have collected and analyzed. These meetings can hold stakeholders accountable for their impact on local corrections populations and can ensure they remain motivated toward the goals of justice reinvestment and increased public safety.

**Step 2: Identify Cost-Saving Public Safety Strategies**

The strategic planning entity should collect and analyze data from the eight points in which agencies, policies, practices, and individual actors influence the local criminal justice population (law enforcement interaction, booking, charging/first appearance, pretrial,
case processing, sentencing, jail custody and release, and community supervision) and consider where specific changes could improve outcomes. The body of literature on evidence-based practices should influence this part of the justice reinvestment process; if local stakeholders can identify evidence-based practices at a point found to drive criminal justice costs, they are much more likely to achieve their desired outcomes. Because this is a local approach to justice reinvestment, incarceration in a state or federal prison is beyond the scope of this guidebook. In all stages, agencies experience problems and costs associated with population increases; however, each stage also offers opportunities for increasing efficiency.

Law Enforcement Interaction

Police departments and sheriff’s offices greatly influence local arrest rates. Their policies and practices influence who is arrested and booked into jail, which in turn impacts other agencies in the criminal justice system. Law enforcement budgets are affected by each individual police officers book. Processing arrests requires time because it involves completing detailed incident reports, daily activity reports, and follow-up documents such as affidavits or sworn testimonies. Time and resources may be saved by determining which individuals should be arrested and which might be better off with a citation release or referral to a community-based resource. For example, someone repeatedly arrested for a public order violation may be better handled through referral to the county mental health services agency, which could ultimately prevent future arrests by addressing the underlying cause of the offense.11

Booking

If a law enforcement entity chooses to or is mandated to make an arrest, the individual will be processed or booked. Some jurisdictions have central booking departments operated by the local police agency, whereas others proceed directly to the county or city jail. Numerous options are available regarding how and where booking should occur; depending on the community’s characteristics, some may be more or less expensive and politically palatable.

Charging/First Appearance

Often simultaneous to booking (or shortly before or after), defendants must be formally charged with at least one offense, and these charges must be presented before a judge. Incidents are typically brought to the district (or state or county or city) attorney, who then determines what (if any) charges will be brought against the defendant. These charges are then presented at a first appearance hearing. Law enforcement officers often have some latitude in which incidents to report and how; the district attorney typically has discretion in bringing charges. Jurisdictions also differ in how first appearances occur; some require in-person charging or first appearance hearings, while others are conducted via satellite or in a jail courtroom. Some jurisdictions operate charging or first appearance hearings every day and beyond business hours, while others schedule hearings during traditional court or business hours. All these factors impact costs and other results associated with the charging and first appearance decision point.

Pretrial Placement

The largest single source of local correctional costs is the jail system. Since unsentenced detainees make up the majority of jail populations, judges’ decisions regarding release on bond and bail amount have a significant impact on local corrections costs. When judges are unwilling or unable to release defendants on their own recognizance or set reasonable
monetary bail, defendants are forced to stay in jail until their trial date, which can significantly lengthen the average stay. Often, prosecutors’ bail requests are linked to a defendant’s likelihood of conviction, not the likelihood that the defendant will actually fail to appear in court. In addition, defendants who do not have access to resources are often forced to stay in jail because they cannot pay bail, even if they have a very low risk of failure to appear. In times of overcrowding, the jail might be forced to release detainees ineligible for bail, regardless of their risk level. All these issues relate to the pretrial decision point and can impact criminal justice costs throughout the jurisdiction.

Case Processing
Court case processing has significant impact on local criminal justice costs. The differences among judges’ handling of dockets, as well as their decisions to continue or reset cases, can disrupt the fluidity of case processing. Judges, prosecutors, defense attorneys, and court administrators all contribute to the costs associated with keeping cases on the docket longer. Jail administrators and law enforcement officers also incur costs associated with continuing cases, since jail staff have to transport detainees to and from jail repeatedly and police officers have to appear in court multiple times to testify. Jurisdictions can minimize some of these costs by having uniform policies to process and expedite detained defendants’ cases. If prosecutors and defense attorneys investigate cases and file charges quickly and if judges rule on cases as expeditiously as possible, defendants will have shorter stays in jail and consume fewer criminal justice resources while unsentenced.

Sentencing
At the sentencing stage, judges have an enormous impact on local criminal justice costs. Whether judges choose to sentence defendants to jail time, prison time, or community supervision, the county or the state could see significant costs from incarceration. In addition, judges can impact public safety by sentencing defendants to incarceration alternatives when they might not succeed in the alternative program. If individuals sentenced to a community program pose a risk to society, they might fail to complete the program and ultimately recidivate, generating additional costs.

Jail Custody and Release
There are a number of opportunities to impact criminal justice costs and populations while individuals are detained in jail. These opportunities can improve the outcomes for those housed in the jail, as well as create a safer and more efficient environment for those who work there. Criminogenic risk and needs screening, assessment, and case management can reduce issues associated with overcrowding; overcrowded facilities jeopardize the safety of both staff and detainees and reduce employee morale. Overcrowded jails have been placed under federal oversight when unsafe conditions threaten workers and detainees. These factors can cost a local system a great deal of resources in the use of sick time, potential lawsuits, and higher rates of attrition. Criminogenic risk and needs screenings and assessments can help jurisdictions prioritize and target their limited resources to those most in need and identify those most likely to return to the system. A lack of assessment and prerelease planning can lead detainees to reoffend and be booked into jail again.

Individuals can receive treatment and services while detained. To aid in an individual’s reentry process, linkages to community resources can be developed. Numerous agencies can impact local correctional populations at the discharge stage. If detainees have no connection to community resources and services
upon release, they are more likely to continue interacting with the criminal justice system. When released detainees recidivate, all costs associated with an arrest and incarceration will be incurred again, along with the cost of additional victimizations.

Community Supervision
Community supervision that matches individuals’ risk level and criminogenic needs\(^{19}\) can improve their outcomes and protect public safety. However, if supervision resources are not used wisely and people are supervised inappropriately, violations of supervision conditions may increase the rate of return to incarceration. Parole and probation violations can drive local correctional population growth significantly, because many supervision violators have to spend some time in jail. One way to minimize violations is to facilitate links between community supervision and other criminal justice agencies. Communicating and sharing information between these agencies can help local jurisdictions reduce recidivism.\(^{20}\)

Step 3: Implement Cost-Saving Public Safety Strategies
Understanding what drives local criminal justice costs and populations allows jurisdictions to determine what strategies can be implemented to alleviate pressures on the criminal justice system. Strategies must affect at least one of the eight criminal justice stages to have a substantial impact. Once these strategies have been identified, stakeholders must work together to implement the desired changes. This is one of the most critical points in which the interagency strategic planning body must be keenly involved and invested. Local stakeholders must agree formally to the programmatic or policy interventions and must be able to work collaboratively to mitigate and resolve any barriers to successful implementation. Part of this agreement should include leaders’ commitment to adopting policy resolutions as a unified group and communicating their decisions to agency staff.

Step 4: Document Savings and Public Safety Impact
When a jurisdiction commits to changing the criminal justice system, it should do so in a manner that enables quantification of costs and potential savings. Criminal justice costs can be quantified at different stages—booking, jail stays, sentencing, community supervision, and alternatives to jail—to help stakeholders identify potential savings across all agencies. The costs of local health care and housing are relevant as well, since populations that interact with the criminal justice system are often massive consumers of other human services resources.\(^{21}\)

Some of the most significant savings achieved through justice reinvestment are difficult to quantify. Reductions in recidivism can generate the greatest savings, but jurisdictions often find it difficult to track recidivism over time. It is also difficult for counties to determine savings that result from lower victimization rates and quality-of-life improvements, since both cost reductions stem from crimes not committed. Despite the obstacles to quantifying costs and savings, counties need to determine accurate estimates they can apply to their budgets. Once a county knows how much it has saved, it can determine where to reinvest resources.

Step 5: Implement and Assess Justice Reinvestment Strategies
Local resources can be reinvested in both the community and the criminal justice system. Reinvestment can focus on specific
neighborhoods associated with high criminal justice spending, such as those that have the highest rates of incarceration and community supervision. This can include improving housing services, increasing the number of substance abuse treatment beds, ensuring continuity of care, creating more resource centers and alternatives to jail, providing victim services, and enhancing community-based program capacity. Community-based reinvestment can also focus on prevention strategies that provide education and employment opportunities, which can improve public safety in the long term. A significant aspect of this work will involve tracking intermediate and long-term outcomes associated with reinvestment—both its effect on public safety or community well-being and total government spending.

The jurisdiction can also explore reinvestments in the criminal justice system that will improve public safety. For example, reinvesting in the jail can help jail administrators develop in-custody programming and services, such as education, health care, and substance abuse treatment—interventions that significantly lower recidivism rates compared to jail stays without such services.\(^2\) Criminal justice system reinvestment can include screening and assessment procedures, substance abuse and mental health treatment services, education and job training programs, and prerelease centers or discharge planning measures to enhance reentry success. Such within-system reinvestments can generate cost savings through reduced recidivism, a smaller criminal justice population, and increased public safety in the same manner that community reinvestment does.

Reinvestment strategies vary depending on the jurisdiction, but regardless of where reinvestment occurs, it will be most effective when targeted to populations that disproportionately consume criminal justice resources. Improving management of these populations—both while they are incarcerated and after they are released to the community—is crucial to achieving savings, enabling jurisdictions to continue justice reinvestment. Jurisdictions must continue to assess the impact of their actions and strategies throughout the local justice reinvestment process. This involves the ongoing evaluation of policy changes and the continuous collection and analysis of data, which will enable the strategic planning group to adapt to both demographic changes in the local correctional population and structural changes within the criminal justice system.

Reinvestment strategies vary depending on the jurisdiction, but regardless of where reinvestment occurs, it will be most effective when targeted to populations that consume criminal justice resources.

Local criminal justice systems are complex and can change at any point in the system, from arrest to supervision, either incurring costs or generating savings. These complexities require constant vigilance from criminal justice planners through the constant collection and analysis of data representing criminal justice cost drivers. Successful justice reinvestment, therefore, requires ongoing assessment of the implementation and the impact of cost reduction and justice reinvestment activities.

Ongoing assessment enables planners to hold system players accountable for their actions. By assessing throughout the process, problems can be quickly identified and mid-course corrections made for more successful and cost-beneficial interventions. Ultimately, local justice reinvestment requires counties to continuously collaborate in assessing the local corrections population and using a data-driven approach to enhance accountability. If done correctly, this approach enables jurisdictions to develop management strategies
that can yield long-term impacts on public safety.

By following this process iteratively, justice reinvestment can yield benefits both for the communities affected by crime and the county agencies whose budgets are impacted by growing local criminal justice populations. These steps occur as part of an ongoing process in which stakeholders engage in justice reinvestment work. And to be successful, sites must have the ongoing commitment of key leaders who have organized around a common set of goals and who meet regularly to review and revise strategies. They will also need basic data on their criminal justice–involved population and staff to extract and analyze those data. The next chapter details the groundwork required to make a justice reinvestment approach successful.
How can jurisdictions prepare for justice reinvestment?

For jurisdictions to develop and implement a successful justice reinvestment initiative, they must have a few key elements in place before planning can begin. So, how does a jurisdiction know that it is ready to pursue a justice reinvestment strategy?

Because justice reinvestment is time-consuming and requires buy-in from many stakeholders, the jurisdiction should consider how it could benefit from justice reinvestment. Not all stakeholders must be involved in this initial assessment: however, certain key people, such as the leaders of an established criminal justice planning body, should be part of the decision to proceed.
This chapter describes the four prerequisites that must be met. First, jurisdictions should consider whether the criminal justice system is ready to engage in justice reinvestment; planners must identify specific needs and goals. The next section discusses the process for selecting key leadership, including engaging agencies that can influence local criminal justice spending and the representatives affected by decisions to use those resources differently; planners must assemble and engage leadership and key stakeholders. The third focuses on how planners develop an organizational structure that encourages productive meetings and oversees the initiative. The chapter concludes with an overview of the basic data and staff capabilities a jurisdiction needs before it can embark on a justice reinvestment initiative; planners must assess analytic capability.

Identify Specific Needs and Goals

Jurisdictions must first identify the basic challenges they hope to address through a justice reinvestment initiative. If the jurisdiction has been involved in any past criminal justice improvement or reform efforts, it should review those results to determine whether they achieved desired changes or key recommendations were addressed.

The following questions can guide the jurisdiction’s leaders in this initial discussion. Some may require basic data analysis before they can be answered.

- Has crime increased in the past one to three years?
- Are any public safety agencies facing a budget deficit?
- Have the jurisdiction’s costs to operate the criminal justice system increased beyond the rate of inflation over the past five years?
- Have overtime costs central to criminal justice system operations (correctional officers in the jail, arresting police officers, court clerks, etc.) increased significantly over the past one to three years?
- Have attrition rates or use of sick days for staff increased significantly over the past one to three years?
- Is the county losing money on unfilled jail beds or facilities that cannot be closed?
- How large is the jurisdiction’s warrant backlog?
- Is the jail under, at, or over capacity?
- Does the jail have to send individuals out of county to house them?
- Has jail overcrowding triggered emergency releases into the community or unsafe conditions in the jail?
- Is the jurisdiction considering building additional jail space?
- Have violent incidents in the jail increased (either in number or severity)?
- Have lawsuits against any criminal justice agencies increased?
- Has any outside entity (e.g., federal government, civil rights authorities) been called into the jurisdiction to investigate abuses in the criminal justice system?
- Have efforts to align priorities across public safety agencies proved difficult?
- Are misdemeanor cases taking several months to close?
- Does the court have enough resources to conduct basic justice functions?
- Has the jail population grown substantially over the past five years?
- Has the population supervised in the community grown substantially over the past five years?
- Does the jurisdiction have a vision for the future that it cannot fulfill?

The answers to these or similar questions should indicate whether there is an immediate need for justice reinvestment and help jurisdictions identify initial justice reinvestment goals. Not all questions need to be answered affirmatively to engage in justice reinvestment,
but they should help stakeholders gauge where the process may lead and unite them toward a common goal.

While the following text presumes that no planning entity is currently in place, it may also be used for reviewing the state of current planning entities, providing guidance for modifying and repurposing existing groups.

@Before justice reinvestment can be initiated, a jurisdiction needs to develop methods of communication and decisionmaking and to initiate effective collaboration among stakeholders.

Assemble and Engage Leadership and Key Stakeholders

Planning is an integral and necessary precursor for justice reinvestment. Before justice reinvestment can be initiated, a jurisdiction needs to develop methods of communication and decisionmaking and to initiate effective collaboration among stakeholders. Logistically, planning for justice reinvestment requires organizing a collaborative entity to make operational decisions about programming, updating criminal justice planning policies, and agreeing on how these agencies will allocate their resources (based on data). Assembling such a group will not only facilitate cross-agency collaboration, but will also raise awareness of issues across agencies, expose deficiencies in data collection, generate innovative approaches to problems, and boost systemwide support for interventions. More specifically, the group can guide the justice reinvestment process by establishing its vision, mission, and purpose; prioritizing and assigning tasks and responsibilities; setting time-sensitive goals; and routinely assessing progress.

Strategic planning entities are known by many names, such as strategic planning boards, criminal justice advisory boards, criminal justice coordinating councils, and public safety coordinating councils. Regardless of the name, they all share the purpose of designating authority and responsibility to make data-driven decisions regarding a jurisdiction’s criminal justice system. The entity is therefore tasked to define a vision for the criminal justice system, consider potential changes to the existing system, implement targeted interventions, set benchmarks toward goals, and monitor outcomes. Their activities enable the jurisdiction to consistently monitor, control, and potentially predict how the criminal justice system will operate.

Many jurisdictions need not start developing a planning entity from scratch, particularly if planning committees are already in place. When considering a planning board, the jurisdiction should first look to existing criminal justice planning groups and any state or local mandates regarding the structure of a criminal justice planning entity. If collaborations already exist, the planning entity should consider appending the established group’s functions or, at minimum, providing status updates, sharing data, and coordinating recommendations across groups. The jurisdiction should also consider standardizing policies for information and data sharing using established communication technology, such as e-mail, listservs, and videoconferencing.

Because the justice reinvestment model approaches public safety and criminal justice spending as a system, it requires support and buy-in from all stakeholders who influence how local criminal justice resources are expended.

Some states statutorily require high-level decisionmakers in every county to participate on a public safety coordinating council responsible for overall criminal justice system planning, jail capacity and construction issues, and alternatives to incarceration and detention. An example is Florida State statute § 951.26.
or who have a stake in decisions to use these resources differently. Each stakeholder may be inclined to participate in the planning process because growth in local criminal justice populations, even if confined to one part of the system, influences how decisions are made at other stages.

For justice reinvestment to work, the following public safety leaders must show active support and commitment:

- **Local Legislators and Administrators**  
  *County/city executive, county/city board members, county/city manager, planners, analysts*  
  Because justice reinvestment involves shifting resources and costs between agencies, typically at the county level, the initiative will require the active involvement of the county/city administrator and the county/city commissioner who oversees public safety. Analysts from the budget office or the chief operating officer might also be needed early in the process. Finally, if a jurisdiction already has a unified coordinating council, its staff should be involved to ensure that the initiative is integrated into existing activities.

- **Law Enforcement**  
  *Sheriff, chief of police, deputies, police officers*  
  Changes in arresting policies and procedures can significantly decrease the number of individuals who enter the system (and consequently consume resources) by diverting arrestees toward rehabilitative services. If law enforcement officers are not involved in a justice reinvestment strategy, their activities may not align with planned strategies to produce cost savings.

- **Jails**  
  *Sheriff, jail administrator, correctional officers, jail staff*  
  While limited in their ability to manipulate most jail population drivers, sheriffs (who control about 75 percent of jails in the United States) and jail administrators can contribute to justice reinvestment by managing the jail’s resources more efficiently. For example, tangible cost savings can be realized by decreasing the overtime paid or sick days used, or by addressing internal problems before they result in lawsuits or penalties. Jail administrators can also shift resources toward more program offerings and prerelease planning that may reduce recidivism among jail releasees.

- **Courts**  
  *Court administrator, chief criminal judge, pretrial manager, magistrate judges, court clerks*  
  Judges have an overarching view of criminal justice system and can dictate outcomes for individual cases. Given this charge, judges are well positioned to identify and implement policy changes that can save costs across the entire criminal justice system. Judges and other court staff should be involved in this initiative, to create sentences and case processing procedures that use resources efficiently, improve oversight of alternatives to detention and incarceration, and establish responsible and cost-effective pretrial release policies.

- **Prosecutors and Defense Attorneys**  
  *District/state attorney, chief public defender, staff attorneys*  
  Prosecutors and defense attorneys also play a significant role in case processing and sentencing decisions. Prosecutors can influence trial outcomes through plea negotiations to reduce or dismiss charges; by making informed recommendations for sentencing; and by encouraging the use of alternatives to jail. Prosecutors’ control over charging decisions also makes them key decision-makers at the point of system entry. Defense attorneys also have a role in
advocating for their clients’ needs and working with prosecutors and judges to find resolutions that benefit both public safety and their clients’ interests.

**Community Corrections**  
*Head of parole, chief probation officer, supervision officers*  
The probation and parole stage of the system significantly influences who returns to the system. Individuals on parole or probation may return for either supervision violations or new offenses. Probation and parole agencies are responsible for ensuring that supervisees meet their release conditions, receive treatment and services, and are monitored commensurate with risk. Leaders from these agencies must be involved in planning a justice reinvestment strategy.

**Community Stakeholders and Health and Human Service Providers**  
*Victims advocacy groups, community leaders, human service providers, hospital administrators*  
Although not directly responsible for criminal justice operations, community stakeholders and health and human services agencies can be greatly affected by changes to the criminal justice system. Victim advocacy groups and community leaders may be concerned about detrimental effects on public safety and the treatment of criminal justice populations. Health and human service providers often work with populations similar to those found in jails. Collaborating on service provision may yield mutually beneficial and cost-saving solutions.

In identifying leadership for this initiative, jurisdictions should also address early challenges with interagency collaboration. A justice reinvestment approach can improve coordination and help agencies develop cost-saving, effective policies that benefit one another, but the approach requires willingness to collaborate and compromise. Leaders must be willing to reexamine and adapt their existing policies, practices, staffing priorities, and resource allocations to integrate the goals and principles of this new endeavor. Also, leaders must agree up-front to approach reinvestment from that same collaborative perspective to ensure that money saved in one budget can be reinvested elsewhere. This need not mean that at the onset, leaders agree to a certain set of strategies or to where saved resources are reinvested. To the contrary, the justice reinvestment model prescribes that these decisions should not occur until after data analyses have been completed. Nonetheless, executive-level stakeholders must be committed from the beginning to participate in an open and honest consideration of current practice and to determine collaboratively and strategically how to improve the system.

Part of this process will include challenging stakeholders to think about how justice reinvestment can work for them. For example, certain stakeholders may oppose a strategy focused on reducing jail beds. Police, prosecutors, and county administrators may rely on jail beds for a variety of reasons—police may not have another place to send violators of the law (e.g., detox), prosecutors want to keep the victim and the community safe, and county administrators rely on jail bed rentals to support the general fund.

Stakeholders should not be “sold” on the need for justice reinvestment. Instead, this assessment period should be an opportunity for leaders to share their goals and have an honest discussion about how this strategy fits each agency’s mission.
Develop an Organizational Structure

Without buy-in from key stakeholders, a justice reinvestment initiative will not be successful. Leaders will need to explain to other actors why planning is necessary or relevant. The group will then determine if all participants are willing to reexamine and adapt their existing policies, practices, staffing priorities, and resource allocations to integrate goals and principles from their new endeavor. Moreover, it will need to determine if and how collaboration will help all participants achieve their individual missions and visions, while also increasing the entity’s output. Identifying how stakeholders can benefit from the process will heighten their interest and involvement.

Organization is an integral and necessary precursor for justice reinvestment. The American Jail Association points out that effective criminal justice collaboration can itself invoke investiture and participation, because “a collective sense of responsibility allows policymakers, especially elected officials, to make decisions that may not be very popular, such as building additional jail beds (too expensive) or funding non-incarceration alternatives (too lenient).” If effectively created and managed, a collaborative structure will enable stakeholders to communicate with the public about policy recommendations with less fear of political repercussions. This freedom can ultimately encourage buy-in among the parties involved in justice reinvestment.

Allegheny County’s Team Charter

One way to formalize a collaborative body for justice reinvestment is to enact a team charter. A justice reinvestment team charter should, at a minimum, include the jurisdiction’s justice reinvestment mission; its goals and objectives, including roles, responsibilities, and projected completion dates; anticipated major milestones; and all executive team members’ signatures, agreeing to the terms of the project charter and committing themselves and their agency to the desired goals and accomplishments. An early local justice reinvestment site, Allegheny County, Pennsylvania, found the team charter useful in securing team members’ ongoing commitment and developing the initiative’s desired outcomes. Please refer to appendix B for a sample justice reinvestment team charter.
Membership of the stakeholder group should encompass a broad variety of interests, drawing individuals outside the criminal justice system, such as those working with mental health and homeless populations. The leadership previously identified should serve on this collaborative body. If steering committee functions are appended to an existing collaborative group, membership selection may have to comply with local or state statute. Beyond this core membership, leaders should enlist help from those outside the justice system, such as local housing, public health, employment, community representatives, other social service providers, and community advocates who can ensure that interventions and reinvestment dollars are coordinated to reach target populations. Seeking advice, input, and sustained involvement from these agencies is crucial to the success of any justice reinvestment initiative; their participation (and the initiative’s ultimate success) will likely be enhanced if their involvement is sought early in the planning phase.

This diverse set of stakeholders must convene regularly in strategic planning activities that begin with developing specific goals and a stated purpose for the initiative—ideally linked directly to the needs and goals identified earlier in the groundwork. Strategic planning involves engaging in the common goal of increasing public safety and facilitating a better use of scarce resources; every stakeholder who participates needs to understand the importance of coalition building and commit to justice reinvestment. Again, some stakeholders might need more evidence that their agency will benefit from participation. For example, law enforcement might not be interested in reducing arrests and diverting people from jail but could be engaged if the goal is to enhance public safety by ensuring adequate jail space is available for dangerous individuals.

Meetings of the strategic planning entity should be an opportunity to review the state of the criminal justice system, develop short- and long-term goals, review the group’s progress, and plan and implement interventions. For the group to make informed, data-driven decisions about the criminal justice system, regular progress reports should be distributed and discussed.

The frequency of meetings should allow enough time for problems to be solved and for challenges to be addressed; at a minimum, they should occur monthly—more frequently if needed—to maintain momentum. A regular meeting time should be designated and an agenda prepared and distributed in advance. The agenda should include items such as approval of the previous meeting’s minutes, progress made from the previous meeting, current items, and next steps. At the conclusion of each meeting, next steps and deadlines should be assigned according to each member’s designated responsibilities. In addition to following these guidelines, a jurisdiction might consider inviting an outside facilitator to help focus the group’s mission and foster an atmosphere of collaboration.

For the steering committee to achieve its goals, individuals should be assigned to the roles of executive leadership, management, finance, data collection/analysis, and administration. This formal assignment of responsibility will give committee members the authority to enforce their recommendations, should the group reach consensus, and hold individuals accountable. Regardless of whether individuals volunteer or are assigned to their roles, responsibilities should be clearly defined, articulated, and agreed upon from the outset. Members should understand and accept responsibilities and plan to meet the group’s expectations.

To achieve the most beneficial outcomes for the group and the jurisdiction, membership must work as a team that collectively celebrates successes and shares in the responsibility of correcting failures.
Simply putting individuals with commitment and initiative in the same room and assigning roles and responsibilities does not necessarily make a steering committee successful. To achieve the most beneficial outcomes for the group and the jurisdiction, membership must work as a team that collectively celebrates successes and shares in the responsibility of correcting failures. The difficult task of cultivating communication and trust among members is accomplished and maintained by the steering committee’s leadership.

Establishing a clear organizational structure early in the process will help members make meaningful contributions to the group. The organizational structure will vary from one jurisdiction to the next but should support a framework in which responsibilities and activities are collaboratively and interactively led, supported, and staffed. Such a structure might include the groups identified in figure 5.

Complementary to the executive leadership, the steering committee’s management arm serves as a public figurehead, but also acts as an accessible internal contact. Management is responsible for overall support and assistance; gathering relevant public information, such as changes in legislation or codes; maintaining momentum toward achieving goals; and disseminating work products both internally and externally. Management staff members do not necessarily need to be housed within agency leadership. In fact, it can be advantageous for leadership and management to be autonomous.

Regardless of whether a coordinating body is new or well established, the body will require finance, data collection/analysis, and administrative subcommittees. These groups complete most day-to-day activities and report directly to the management branch (and indirectly to leadership).

- The finance subcommittee might facilitate the collection and analysis of local criminal justice system costs, propose where cost savings may be realized, and assess the cost and benefits of strategies for reinvestment.
- The data collection/analysis subcommittee might learn what databases are available, draft data-sharing agreements; develop data collection tools, create databases to fill gaps in existing data, and analyze and report regularly on relevant indicators.
- The administrative subcommittee, likely an arm of the management team, might be responsible for arranging meeting logistics, keeping detailed agendas, recording minutes, and providing regular updates regarding the status of activities.

Meetings of the strategic planning entity should be an opportunity to review the state of the criminal justice system, develop short- and

![Figure 5. Sample Organizational Chart for a Justice Reinvestment Strategy](image-url)
long-term goals, review the group’s progress, and plan and implement interventions. For the group to make informed, data-driven decisions about the criminal justice system, regular updates from subcommittees should be distributed and discussed.

Assess Analytic Capability

Justice reinvestment is a data-driven approach to understanding the population drivers of local criminal justice system costs and identifying opportunities for cost-savings and reinvestment. A data-driven process requires examining all policies, practices, and decisions that influence the composition, size, and system movements of people involved in the justice system. Two distinct types of data inform justice reinvestment and will be crucial to planning any effort:

- **Population data** describe who enters the system, how they move through the system, and the time each processing stage takes.
- **Financial data** enable jurisdictions to determine the scope and size of criminal justice spending at various points in the system.

A jurisdiction must assess its internal capacity to collect and analyze both types of data for this initiative. Collecting population and financial data from different agencies can present many challenges, including locating and gaining access to relevant data and resolving definitional differences between agencies. The jurisdiction’s leaders should engage key data and budget analysts early to determine whether the availability of data may be of concern or if the committee needs more planning to collect all relevant information. Although many of these issues can be resolved through coordination, patience, and persistence, one crucial prerequisite to engaging in a justice reinvestment initiative is agreement from all relevant public safety agencies that they will share data.

Agencies that do not have a history of sharing information may have legitimate concerns regarding data security and use. Some agencies, specifically those dealing with vulnerable populations (e.g., prisoners) or health data, may need to comply with state and federal regulations on data use and distribution. Developing a memorandum of understanding between public safety agencies can address these concerns at the outset and minimize miscommunication and turf issues. Similarly, jurisdictions may find it helpful to adopt universal release forms to obtain the consent of criminal justice clients for agencies to share client-level information. However jurisdictions address issues of data sharing, they should be resolved early in the justice reinvestment process.

Jurisdictions must also have staff capable of extracting and analyzing criminal justice population and financial data. Budget analysts, database managers, researchers, and program managers are all likely candidates. Technical assistance providers or research staff from nearby universities could be sought for support. Although the analysis needed to develop a justice reinvestment strategy is not complex, it will require an analyst comfortable with large datasets and capable of generating basic cross-tabs, tables, and graphics that can be presented to and interpreted by members of the steering committee.

Building the Foundation: Highlights

**Identify Specific Needs and Goals**

*Does the jurisdiction have a compelling need for justice reinvestment?*

Jurisdictions will need to assess the degree to which relevant stakeholders are prepared to participate in a rigorous, intensive review of their system and change agency operations. They must also consider key questions about what the local criminal justice system
(from arrest to release) looks like and how it currently functions. The answers should indicate whether there is an immediate need for justice reinvestment and if stakeholders can obtain the relevant information.

Assemble and Engage Leadership and Key Stakeholders

*Has the jurisdiction identified a formal leader and engaged key stakeholders in the justice system?*

A successful justice reinvestment approach requires support and buy-in from stakeholders who influence how local criminal justice resources are expended. Leadership must include representatives from local law enforcement, jails, courts, prosecutor and defense attorney offices, community corrections, and local legislators and administrators. The initiative will also need one or two individuals willing to guide the initiative and serve as its official public representatives.

Develop an Organizational Structure

*Are the individuals identified above willing to meet regularly as a unified, collaborative criminal justice planning body that will serve as the project’s steering committee?*

Planning for justice reinvestment requires a justice reinvestment steering committee, formed either as a new entity or as part of an existing criminal justice coordinating council, and staff support to coordinate the effort. A steering committee will ensure that decisions are coordinated, goals are set and accomplished, and the vision for a more efficiently managed criminal justice system is sustained. Deliberately planning the structure and function of the strategic planning entity will ensure that precursors to justice reinvestment are in place, the appropriate actors are engaged, and the full array of jurisdictional criminal justice interests are represented.

Assess Analytic Capability

*Has the jurisdiction developed the basic capacity to access data and information across justice agencies, including sharing data when needed?*

Stakeholders need to establish concrete, formal agreements for sharing data with one another. Without these agreements, data collection and analysis are susceptible to delays and difficulties. Moreover, an initial, even cursory, review of the data systems will help stakeholders assess whether their jurisdiction currently collects all data necessary for the justice reinvestment analytic approach. It will also help stakeholders understand whether the data systems are able to “talk” to one another (e.g., if automatic mechanisms are in place for cross-referencing information across agencies).
How can jurisdictions identify and address criminal justice cost drivers?

Phase I of a justice reinvestment initiative focuses on identifying drivers of local criminal justice costs. Jurisdictions will engage in collecting and analyzing data from all agencies that influence the criminal justice system, including arresting agencies, the jail, the court system, and community supervision agencies (Step 1). The committee will examine which data these agencies already collect and how those data can be compiled into a comprehensive assessment of the local criminal justice system. Once jurisdictions understand the composition and movements of the criminal justice population, they can identify criminal justice cost drivers. The drivers identified in Step 1 guide the assessment of current practice and the identification of alternative strategies for addressing system cost drivers (Step 2).

Step 1: Collect and Analyze Criminal Justice Data

Justice reinvestment must be informed by data to identify opportunities for improving efficiency and to identify and measure the impact of reinvestment activities. Two distinct types of data inform criminal justice reinvestment: population data and financial data. Population data describe who enters the system, how they move through it, and the time between stages, which can pinpoint efficiencies in case management and opportunities for reducing jail populations. An analysis of population data can identify heavy consumers of criminal justice system resources and the policy decisions that influence an individual’s trajectory. Financial data enables jurisdictions to determine the scope and size of criminal justice spending at various points and times in the system. These calculations can
identify areas that consume disproportionate resources, associate costs with distinct populations, and quantify savings for reinvestment. Such savings depend on the jurisdiction’s effective management of the criminal justice system. These criminal justice measures can also be ongoing performance measures to monitor progress and enable a swifter response to developing situations. A combined review of cost and criminal justice data directs jurisdictions on how best to reduce populations, as well as other related expenses, and to target reinvestment opportunities to better address community needs.

Jurisdictions interested in developing strategies to conserve valuable criminal justice resources should begin by identifying different populations’ resource consumption. However, talking about populations involved in the criminal justice system as a monolithic entity is inaccurate, given the diverse individuals who make up groups and the different costs associated with their journeys through the system. The amount of resources and attention that justice-involved individuals require will vary based on factors related to individuals, their cases, their criminal history, and agency policy. For example, individuals with no criminal history who are charged with low-level misdemeanors may have their cases resolved quickly and not require incarceration or supervision upon sentencing, thus consuming few resources. In contrast, individuals charged with a serious or violent crime may require pretrial detention for months as evidence is collected and plea agreements are reached; they may require a substantial resource investment from all justice system agencies. Similarly, individuals who have multiple criminal convictions for minor offenses (e.g., public intoxication, nuisance) may have special needs and challenges that affect their consumption of public safety resources.

Jurisdictions can begin by collecting relevant criminal justice data from participating agencies and answering four key questions:

1. What data exist on justice-involved people, criminal cases, and system activities?
2. What factors characterize justice-involved people?
3. For how long are these individuals involved in the system?
4. How much do they cost the system?

Stakeholders cannot fully assess the costs and population flows within the criminal justice system using data from just one agency; data collection and analysis requires a collaborative effort.

The strategies for answering these questions, as well as the answers themselves, will vary significantly between jurisdictions. A typical individual involved in the criminal justice system will touch many agencies. Stakeholders cannot fully assess the costs and population flows within the criminal justice system using data from just one agency; data
collection and analysis requires a collaborative effort. Sharing data between agencies can present separate challenges, including agreeing upon common definitions and navigating confidentiality issues.

This section walks jurisdictions through collection and analysis of criminal justice data needed to identify criminal justice cost drivers. The following key questions prompt stakeholders to consider populations, flows, and cost drivers within the system. The answers will provide stakeholders with necessary information for choosing appropriate interventions to manage their populations, generate savings, and reinvest funds in other parts of the system.

What Data Exist on Justice-Involved People, Criminal Cases, and System Activities?

To identify the resource consumption of different groups of justice-involved individuals, jurisdictions must collect data from all criminal justice agencies, including law enforcement, the jail, the court system, and community supervision agencies. Jurisdictions that considered the limitations of these data in their preparation phase (see “Building the Foundation”) should be prepared to collect and manage data.

The initiative should examine the data agencies already collect and how these data can be compiled into a comprehensive assessment of the local criminal justice system.43 Larger jurisdictions may have access to automated data systems that facilitate extraction and aggregation of data. Smaller jurisdictions may need to compile information by consulting booking logs, release logs, arrest reports, screening forms, budget records, court filings, and personnel records. Regardless of the jurisdiction’s size, most already collect core data elements—in some form—to process individuals through the criminal justice system.44 Table 1 provides a sample list of agencies and the data they might contribute. The data collected will vary by jurisdiction, and stakeholders may find tailoring the table to their system activities helpful.

Depending on demand and capacity, individual agencies may provide data dictionaries detailing the information that they collect routinely. Some definitions, such as program success, will necessarily vary across program and agency. Other measures, like recidivism, should be measured uniformly across agencies (see appendix C). For this kind of statistic, agencies should come together to discuss what definitions are currently being used and which are most helpful for understanding criminal justice cost drivers. Ideally, stakeholders should work toward creating a data dictionary of shared definitions for future reference.

Jurisdictions may wish to bring in outside assistance (e.g., through a consultant or local university partnership) to help establish and refine definitions and methods for analyzing data that will be regularly extracted.
Some challenges associated with comparing data across systems may have less to do with differing definitions of common terms and more to do with how different agencies measure workload. Although all criminal justice system agencies work with people, they often base budget estimates on the number of activities needed to process those people through the system. For example, a single individual can be booked and incarcerated for multiple charges associated with multiple cases, often over multiple periods of time; this person’s jail data will not necessarily match his or her court data, due to different definitions for “charge” and “case” and different methods of measuring length of stay. These different measures can make it difficult to compare how people move through a system; however, each activity (incidents, arrests, 

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<td>Law enforcement agencies</td>
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Table 1. Commonly Available Data by Relevant Agency
representative and comprehensive way to collect data across systems. Analysts may first generate a simple table that displays the total number of core activities and unique individuals for each major decision point in the local justice system (table 3).

These data can tell jurisdictions how many people are involved at each stage of the justice system and can form the basis for subsequent analyses that consider, for example, how the current volume of people and cases compares to previous years or how different types of people move through the system.

What Factors Characterize Justice-Involved People?

To understand how different populations consume criminal justice system resources, jurisdictions should first examine the basic categories of people processed through the system. The following data elements might be collected from each major decision point:

- **Demographics**
  - Race/ethnicity, gender, age, immigration status
  Basic demographic information about justice-involved individuals can reveal patterns in case processing and can help jurisdictions better understand and address
issues with disproportional representation of certain groups. Demographic analyses can also help jurisdictions design strategies responsive to and appropriate for different target populations. Although demographic categories tend to be straightforward and share common definitions across agencies, the data subcommittee should make sure that race/ethnicity is reported in comparable ways. An individual’s immigration status may be more difficult to obtain.

■ **Special Populations**
* Homeless, mentally ill, elderly, veteran status, substance abusing, gang affiliated
Understanding the prevalence of special needs in the criminal justice system can help jurisdictions identify and address some underlying causes of an individual’s criminal activity. The definition of each “special population” is likely to be subjective and to vary between agencies. The data subcommittee should first discuss data definitions and determine how these definitions encompass slightly different populations of people. For example, law enforcement agencies may identify a person as “mentally ill” when their law enforcement interaction was flagged as a mental health concern, while the jail may use screening or assessment data to apply this label. Although significant overlap between the two groups is likely, they will not be identical. Moreover, the subpopulations themselves may also overlap; for instance, the jail may house a group of homeless, mentally ill veterans who also have a history of substance abuse.

■ **Risk**
* Risk of reoffense based on a criminogenic needs assessment, jail classification score, pretrial risk assessment of failure to appear or likelihood of committing new crimes
Basic risk assessment information can help jurisdictions determine if existing resources are being expended on those at the highest risk of engaging in new criminal behavior or not complying with rules and conditions. Comparing risk information between agencies will likely be extremely challenging, as a high-risk person to one agency may be considered low-risk to another (e.g., a person compliant in custody may be difficult to manage on supervision). Further issues arise when risk scores are overridden because an individual’s criminal history requires a certain level of custody or supervision (e.g., individuals charged with or convicted of a sex offense).

■ **Criminal History**
* Current charges, past charges, recidivism
Criminal history, including the current charges for which the person has become involved in the system, plays a significant role in the trajectory of the individual’s case and their likelihood of returning to the system. This category is not always comparable across agencies. Differences may exist over the definition of a felony/misdemeanor; whether charges are based on the time of arrest, filing, or disposition; and what constitutes a “special condition” associated with a case (e.g., gang related, domestic violence, etc.). Further complications may arise when examining the “current” charges of individuals who are housed in the jail who may be booked on several cases.

■ **Socioeconomic Factors**
* Indigency, education, employment
Information on income, employment, and education may be vital to jurisdictions in determining why a person is involved in the justice system. However, not all agencies collect data on socioeconomic status for those they process. A jurisdiction interested in collecting this information should look to the courts, which will likely have information on defendants’ ability to pay bail and their need for a court-
appointed attorney. Courts may also assess educational attainment as well as employment in making pretrial release recommendations.

**Geography**

*Neighborhood/block of offense, neighborhood of criminal justice-involved populations*

The location of the crime and the person’s primary residence can help jurisdictions identify geographic areas with the greatest concentration of crimes and criminal justice populations. For example, if a jurisdiction notices that many people are arrested in a certain area but live throughout the city, analysts might examine why individuals are attracted to that neighborhood and develop interventions to reduce crime in the target area. By mapping incarceration and release trends, jurisdictions can also identify which neighborhoods have the highest incarceration rates, share the greatest concentration of supervised populations, and receive most local releasees.

Demographic and background information on individuals involved at each stage of the system can help stakeholders identify areas of overrepresentation, as compared internally (across stages), locally (between justice-involved individuals and the local population), with sister jurisdictions (between local justice-involved individuals and those in jurisdictions of similar size, demographics, etc.), and nationally (between local justice-involved individuals and national data on justice-involved individuals).

Table 4 demonstrates how the criminal justice population could be analyzed by gender using the steps discussed above.

These raw counts can be used to generate a table of percentages (table 5).

Examining groupings of population characteristics, like gender, can help jurisdictions identify target populations, intervention points, and service gaps. In the example above, we see that about 75 percent of arrests and bookings involve a male—a rate comparable to the national.

---

### Table 4. Frequencies of Criminal Justice–Involved Persons by Criminal Justice Processing Stage

<table>
<thead>
<tr>
<th>Stage</th>
<th>Counts</th>
<th>Units</th>
<th>Male</th>
<th>Female</th>
<th>Unique individuals</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Preadjudication</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Law enforcement interaction</td>
<td>100</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>Unique individuals</td>
</tr>
<tr>
<td>2. Booking</td>
<td>87</td>
<td>67</td>
<td>20</td>
<td></td>
<td>Unique individuals</td>
</tr>
<tr>
<td>3. Charging/first appearance</td>
<td>70</td>
<td>65</td>
<td>5</td>
<td></td>
<td>Unique individuals</td>
</tr>
<tr>
<td>4. Pretrial placement</td>
<td>55</td>
<td>53</td>
<td>2</td>
<td></td>
<td>Unique individuals</td>
</tr>
<tr>
<td>5. Case processing</td>
<td>60</td>
<td>55</td>
<td>5</td>
<td></td>
<td>Unique individuals</td>
</tr>
<tr>
<td><strong>Postadjudication</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Sentencing</td>
<td>30</td>
<td>25</td>
<td>5</td>
<td></td>
<td>Unique individuals</td>
</tr>
<tr>
<td>7. Jail custody and release</td>
<td>10</td>
<td>10</td>
<td>0</td>
<td></td>
<td>Unique individuals</td>
</tr>
<tr>
<td>8. Community supervision</td>
<td>30</td>
<td>25</td>
<td>5</td>
<td></td>
<td>Unique individuals</td>
</tr>
</tbody>
</table>

How to Create Maps

Several steps and a degree of expertise are required to create maps for justice reinvestment. Identifying data sources for admission and release information and for community context (e.g., local jail, U.S. Census, service providers) might be done internally, but outside experts will probably be required for proper GIS mapping. For more information on creating maps, see the resources on the Urban Institute’s Reentry Mapping Network web site: [http://www.urban.org/reentry_mapping/](http://www.urban.org/reentry_mapping/).
However, disproportionality begins to emerge at the charging and pretrial placement stages, where 93 percent of cases filed and 96 percent of persons detained pretrial are male. We also notice that for those who are convicted and make it to the postadjudication stages, men appear more likely to receive a sentence to jail and women more likely (relative to their rates at other stages) to receive a sentence to probation.

The jurisdiction may find that these percentages are also substantially higher than comparable estimates from five years earlier (table 6).

These initial analyses do not necessarily reveal bias in the system. But they do generate questions that can lead the jurisdiction to probe deeper into why men are charged and detained at higher rates than expected, given their arrest and booking rates. Reviewing these statistics can also help jurisdictions identify target populations and forecast the demand for certain specialty services—for example, if the jail wanted to offer an in-custody program for females, it would be a very small program for the four women detained pretrial.

As we saw in the example above, population counts can easily be turned into rates against which the jurisdiction can compare the system’s current state to that of previous years (through

Table 5. Rates of Criminal Justice-Involved Persons by Criminal Justice Processing Stage

<table>
<thead>
<tr>
<th>Stage</th>
<th>Percentages</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Σ</td>
<td>☄</td>
</tr>
<tr>
<td><strong>Preadjudication</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Law enforcement interaction</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>78</td>
</tr>
<tr>
<td>2. Booking</td>
<td>-</td>
<td>77</td>
</tr>
<tr>
<td>3. Charging/first appearance</td>
<td>-</td>
<td>93</td>
</tr>
<tr>
<td>4. Pretrial placement</td>
<td>-</td>
<td>96</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>96</td>
</tr>
<tr>
<td>5. Case processing</td>
<td>-</td>
<td>92</td>
</tr>
<tr>
<td><strong>Postadjudication</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Sentencing</td>
<td>-</td>
<td>83</td>
</tr>
<tr>
<td>7. Jail custody and release</td>
<td>-</td>
<td>100</td>
</tr>
<tr>
<td>8. Community supervision</td>
<td>-</td>
<td>83</td>
</tr>
</tbody>
</table>

Table 6. Prevalence of Criminal Justice-Involved Persons by Criminal Justice Processing Stage

<table>
<thead>
<tr>
<th>Stage</th>
<th>Percentages, five years earlier</th>
<th>Units</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Σ</td>
<td>☄</td>
</tr>
<tr>
<td><strong>Preadjudication</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Law enforcement interaction</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>75</td>
</tr>
<tr>
<td>2. Booking</td>
<td>-</td>
<td>75</td>
</tr>
<tr>
<td>3. Charging/first appearance</td>
<td>-</td>
<td>75</td>
</tr>
<tr>
<td>4. Pretrial placement</td>
<td>-</td>
<td>75</td>
</tr>
<tr>
<td></td>
<td>-</td>
<td>75</td>
</tr>
<tr>
<td>5. Case processing</td>
<td>-</td>
<td>75</td>
</tr>
<tr>
<td><strong>Postadjudication</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>6. Sentencing</td>
<td>-</td>
<td>75</td>
</tr>
<tr>
<td>7. Jail custody and release</td>
<td>-</td>
<td>75</td>
</tr>
<tr>
<td>8. Community supervision</td>
<td>-</td>
<td>75</td>
</tr>
</tbody>
</table>
trend analysis), as well as to national statistics and other research studies. Analysts can further consider how a population’s representation at one stage compares to their representation at other stages (to identify when overrepresentation emerges and how it affects subsequent system movements). Finally, it may be helpful for a jurisdiction to compare a certain population’s rate within the justice system to their rate in the larger jurisdiction. By examining population characteristics in combination with charge and offense characteristics, analysts can understand who justice-involved people are, the route through which they move through the justice system, and how they influence system activities. The next question will help jurisdictions identify individuals’ basic consumption of criminal justice resources by looking at how much time they spend in different parts of the system.

For How Long and How Many Times Are These Individuals Involved in the System?

Once population data have been collected, the data collection/analysis subcommittee can examine length of stay data by the individual characteristics identified in Question 2, including demographics, special needs, risk, criminal history, charge type, socioeconomic factors, and geography. While some processes take a fixed amount of time (e.g., booking), others will vary significantly in duration and can have a major effect on justice spending. Indeed, one of the most significant drivers of criminal justice costs is a detainee’s length of stay in jail, which may be influenced by several factors related to case processing, such as the status of police investigations or the need for a mental health determination.

Length of stay in the system can be measured by examining several metrics.

<table>
<thead>
<tr>
<th>1. Law enforcement interaction</th>
</tr>
</thead>
<tbody>
<tr>
<td>◼ Average/median time between incident (reported) and arrest</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>2. Booking</th>
</tr>
</thead>
<tbody>
<tr>
<td>◼ Percentage of booked population staying</td>
</tr>
<tr>
<td>◼ Less than 6 hours</td>
</tr>
<tr>
<td>◼ Less than 24 hours</td>
</tr>
<tr>
<td>◼ Less than 72 hours</td>
</tr>
<tr>
<td>◼ Less than 1 week</td>
</tr>
<tr>
<td>◼ Less than 1 month</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>3. Charging/first appearance</th>
</tr>
</thead>
<tbody>
<tr>
<td>◼ Average time between arrest and case filing</td>
</tr>
<tr>
<td>◼ Average time between arrest and pretrial risk assessment</td>
</tr>
<tr>
<td>◼ Average time between arrest and first appearance</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>4. Pretrial placement</th>
</tr>
</thead>
<tbody>
<tr>
<td>◼ Percentage of pretrial jail population staying</td>
</tr>
<tr>
<td>◼ Less than 72 hours</td>
</tr>
<tr>
<td>◼ Less than 1 week</td>
</tr>
<tr>
<td>◼ Less than 1 month</td>
</tr>
<tr>
<td>◼ More than 1 year</td>
</tr>
<tr>
<td>◼ Average length of pretrial jail stay</td>
</tr>
<tr>
<td>◼ Percentage of pretrial population released on bail</td>
</tr>
<tr>
<td>◼ Time detained before posting bail</td>
</tr>
<tr>
<td>◼ Less than 6 hours</td>
</tr>
<tr>
<td>◼ Less than 24 hours</td>
</tr>
<tr>
<td>◼ Less than 72 hours</td>
</tr>
<tr>
<td>◼ Less than 1 week</td>
</tr>
<tr>
<td>◼ Less than 1 month</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>5. Case processing</th>
</tr>
</thead>
<tbody>
<tr>
<td>◼ Average time between first appearance and trial by offense type and disposition status OR</td>
</tr>
<tr>
<td>◼ Average time between first appearance and plea agreement by offense type and disposition status</td>
</tr>
<tr>
<td>◼ Average time between first appearance and disposition by offense type and disposition status</td>
</tr>
</tbody>
</table>
In addition to examining how long individuals remain involved in different parts of the criminal justice system, analysts should also consider whether they return—that is, what populations are most likely to recidivate. Monitoring recidivism can help the jurisdiction quantify the per person cost of consumption of system resources, identify potential target populations for interventions, and assess the effectiveness of those interventions.

Jurisdictions can track recidivism by examining at least one of three metrics: rearrest, reconviction, or reincarceration within a jail or prison setting. In developing these metrics, jurisdictions might consider the timeframe (recidivism within one year, two years, three years), the jurisdictional scope (criminal activity as reported by local law enforcement, across the state, nationally), and the qualifying event (recidivism for a specific crime, for a felony, for any crime, for a violation of parole or probation).

Although there is no reliable data source for the recidivism of jail releasees, 9 million people are estimated to account for the approximately 12.1 million jail bookings between July 2004 and June 2005. Justice Reinvestment Initiative analyses have revealed that as much as 70 percent of all jail admissions represent individuals admitted to the jail on at least one occasion. Understanding recidivism is useful when jurisdictions examine individuals’ total time in the system to identify people (versus cases) that are primary consumers of justice resources.

For example, imagine that a jurisdiction determined a large number of bookings were for public order offenses. A closer look at the person-level data revealed that a small number of people accounted for these bookings. Perhaps this information, when compared against length of stay information, further demonstrated that although these individuals were frequently jailed, most were released within a few hours of booking. Thus, they actually consumed fewer system resources than if they had proportional representation in the jail at booking.

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**Million-Dollar Murray**

Murray Barr of Reno, Nevada, was a chronic inebriant and heavy consumer of government services. His alcohol addiction led him to cycle repeatedly in and out of local jails for public drunkenness and in and out of local hospitals, substance abuse treatment facilities, and numerous doctors’ offices for alcohol-related illnesses and injuries. Police estimate that between his hospital bills for the 10 years that he had been on the streets, substance abuse treatment costs, doctors’ fees, and other expenses, the government spent “1 million dollars not to do something about Murray.”

In addition to examining how long individuals remain involved in different parts of the criminal justice system, analysts should also consider whether they return—that is, what populations are most likely to recidivate. Monitoring recidivism can help the jurisdiction quantify the per person cost of consumption of system resources, identify potential target populations for interventions, and assess the effectiveness of those interventions.
Not until jurisdictions can determine who returns to the criminal justice system (and why those individuals return) can they begin to target resources effectively.

In understanding how local criminal justice resources are used, some understanding of the rate of return is imperative. Not until jurisdictions can determine who returns to the criminal justice system (and why those individuals return) can they begin to target resources effectively. Due to data and resource constraints, some jurisdictions cannot empirically assess all system factors, particularly those related to recidivism. In these instances, case reviews can supplement quantitative analysis to help determine cost and population drivers. This method can be particularly helpful after a population has been identified as a heavy consumer of justice resources.

For example, in Allegheny County, Pennsylvania, a justice reinvestment strategic planning entity formed a case review board and tasked members with identifying systemic issues based on criminal court case reviews. The process brought together a standing review team composed of agency heads and individuals involved in each particular case (such as arresting officers, assigned district attorneys, the presiding judge, and active service providers). Having all relevant stakeholders on the review team enabled facts and ideas to be shared and decisions about major operational and policy changes to be made on the spot. For example, as part of its review, stakeholders determined that the county’s recent improvements in forensic techniques had reduced evidence processing times, but this information had not translated into a change in court scheduling practices. The case review committee immediately decided to institute a policy that scheduled trial dates closer to arraignment. This change was implemented immediately, with no adverse impact on judicial processing. Administrative changes such as these can reduce the average daily population in the jail if cases are disposed earlier for pretrial detainees.

How Much Do These Individuals Cost the System?

A parallel step to evaluating characteristics of the system’s current population is assessing the expenditures associated with those dynamics. These costs include fixed and discretionary spending by criminal justice agencies in the county. While not all expenditures will yield viable savings, the committee should analyze the criminal justice system spending as a whole to understand where opportunities for savings exist. Marginal costs and methods for calculating potential savings are detailed later in this section. Generally, criminal justice costs to consider include jail booking, operating, and personnel costs; arrest and court processing costs; community supervision costs; and the costs of services. These criminal justice expenditures are typically spread across agencies in the jurisdiction, both public and private.

The first, and often most substantial, criminal justice cost is incurred at the jail or detention facility. As soon as individuals arrive at the jail for booking, they begin incurring costs to the system. At the booking stage alone, jails should consider the per person costs of processing, screening, classification, and assessment. Additionally, there are associated staff costs, including potential overtime costs for individuals employed in the booking area and for the law enforcement officer who brings the individual to jail. Once individuals are booked, the costs are generally absorbed by the overall facility operating budget. Costs include facility maintenance, supervisory staff, transport to and from court, and basic services or service contracts like food and laundry. An overcrowded facility may be vulnerable to lawsuits and may have to pay staff overtime to monitor an overcrowded population.
or to transfer the excess population to another jurisdiction or facility.

Criminal justice processing costs include court operations, sentencing, and other legal costs. Legal and processing costs, as well as associated jail costs, vary dramatically by type of offense. As with the jails, some processing costs, such as attorney fees and filing costs, are determined on a per person basis. Operational costs to consider include legal processing overhead, facility maintenance and staffing the courts, clerk’s office, and court services or administration.

While alternatives to incarceration may be less expensive than jailing in the long run, these programs are not without costs. Stakeholders should consider the costs associated with community supervision, diversion programs, alternatives to jail, health care, case management, and educational or vocational development efforts. The committee should determine both the potential per capita expenses as well as the program operating costs measured in units rather than per person. In the example of an electronic monitoring program, costs associated with the individual device and setup will be per capita, whereas system operating costs may only change per 10 devices.

The final cost category to consider includes the cost of recidivism and victimization within the community. Recidivism multiplies the costs detailed above, necessitating virtually all the same costs each time the individual cycles through the system. Recidivism refers broadly to the cycle of those released from the criminal justice system becoming reinvolved, though it can be defined in several distinct ways. Victimization costs include out-of-pocket costs for victims, quality-of-life costs felt personally and throughout the community, and lost opportunity costs for victims and their families. While these expenditures are important in analyzing the costs and benefits of programming and interventions, their calculation can be challenging—they are rarely line items on any department’s budget. Most agencies, however, can calculate system costs associated with victim services.

For all of these measures, examining the population drivers discussed in the previous section and the following chapter is key to both calculating current costs and anticipating future expenditures. The system costs, from processing to victimization, vary based on the offense type. For example, a jurisdiction with a high and growing proportion of violent offenses will have higher current and projected expenses than one facing an increasing volume of property offenses. Considerations for projecting future growth are the capacities across the criminal justice system and the implications of reaching capacity.

To quantify the impact of justice populations on system costs, jurisdictions must be able to associate spending with changes in the size of the justice population at each key decision point. This task may seem challenging at first. Jurisdictions can begin their analysis of cost by considering the following questions.

### Costs

1. What core activities and agencies might be associated with each decision point?
   - **Law enforcement interaction**: investigation (police, sheriffs); filing complaints (DA); arrest (police, sheriffs); warrant service (police, sheriffs, courts, DAs)
   - **Booking**: identification (jail), processing (jail), screening (jail)
   - **Charging/first appearance**: case review (DA), arraignment (DA, defense, courts)

### Victimization Costs

Victimization costs include out-of-pocket costs for victims, quality-of-life costs felt personally and throughout the community, and lost opportunity costs for victims and their families. While these expenditures are important in analyzing the costs and benefits of programming and interventions, they can be difficult to quantify and rarely appear as line items on a department’s budget.
- **Pretrial placement:** bail hearing (courts, DA, defense); specialized docket costs; screening (pretrial services); classification (jail); housing (jail); medical (jail or contractor); court transportation (jail); supervision (varies)
- **Case processing:** investigation (police, DA); subpoenas (DA); preliminary hearings (DA, courts, defense); plea negotiations (DA, defense); trial (courts, DA, defense); adjudication/disposition (courts, DA, defense)
- **Sentencing:** sentencing hearing (courts, DA, defense, community supervision); presentence investigation (varies, usually DA, parole/probation)
- **Jail custody and release:** classification (jail); housing (jail); medical (jail); programming (jail, probation/parole)
- **Community supervision:** assessment/classification (probation/parole); monitoring (probation/parole); programs (probation/parole contracts); administrative sanctions (probation/parole); detention (jail); violation hearing (DA, courts, probation/parole)

2. What costs are associated with those activities?
   - **Personnel:** Full-time equivalent/salary, overtime, consultants/contracts, fringe benefits
   - **Other than personnel services:** travel, equipment, supplies
   - **Capital:** renovations, infrastructure development, construction

3. If an individual commits a new crime, how many of these costs are incurred again?

4. What sources of funding pay for these costs?
   - City/county general fund
   - Federal/state pass-through funds
   - Grants
   - Contracts

5. Can these funding sources be reallocated or reinvested
   - within the agency?
   - between agencies?
   - between jurisdictions?
   - through contracts or grants to community organizations?

**Demand**

6. How do agencies involved at this stage measure demand for services?
   - Refer to metrics collected in tables 2 and 3

7. What groups of individuals demand services at this stage?
   - Refer to metrics collected in tables 4, 5, and 6

8. What is the current demand for services?
   - Refer to metrics collected in tables 4, 5, and 6

**Outcome of services**

9. How much demand is unmet by current service delivery?

10. How is demand prioritized?

11. How do agencies involved at this stage measure completion of services?

12. How long do agencies take to complete those services?

13. How does time to completion of services vary by group?

Because few costs can be avoided with a reduction in one justice-involved person, marginal costs must be examined in conjunction with the costs associated with specific incidents or events. For example, although food consumption varies directly with the number of people...
housed in a facility, the cost of food is likely tied to contracts that cannot be changed following a modest reduction in jail admissions. Rather, the jail’s average daily population must drop by some threshold, such as by 30 people, to renegotiate contracts, close areas of the jail, or reduce duty posts. Court costs are another good example. Although costs are associated with each case filed and prosecuted, courts cannot cut a commensurate percentage from their budgets, which include the courthouse, judges, and staff who perform security, clerk ing, and other tasks.

Reductions in large groups of people usually lead to savings, but some programs will have fixed costs that can only be reduced by totally eliminating a program; for example, the administration of a program will require a certain level of staffing, even if the number of clients is reduced significantly. Other costs will be so inflexible that even if a program is eliminated, the jurisdiction will still have associated costs. For instance, despite changes in the custodial population or in programming, certain buildings and space cannot be easily repurposed or sold to another entity and will need to be maintained by the jurisdiction.

Variable and Fixed Costs

Criminal justice costs will vary based on the individual characteristics identified earlier. Individuals with special needs, a history of violence, and other factors may result in more time spent awaiting disposition, transports to and from hospitals for psychological evaluations, extra jail security, and more contacts with law enforcement. Facility classification distinctions will influence how shifts in the population impact actual expenses. For example, jails must maintain adequate housing units and staffing to ensure proper classification and safety procedures, so that people who cannot be housed together are separated; a female housing unit, for example, can only be affected by a change in the number of females. Reducing the average daily population, however, can provide flexibility in the classification system, allowing previously overcrowded facilities to conduct in-custody jail programming. Determining units of analysis and necessary units for real reductions is essential to accurately portraying savings potentials.

Indeed, in the face of increasingly tight budgets, counties have developed innovative methods to reduce spending independent of criminal justice population reductions.

A jurisdiction may also review costs that do not fluctuate with the size of the criminal justice population. Although the costs associated with facilities, overtime, and equipment are often believed to be fixed, reviewing these factors can help a jurisdiction identify points of inefficiency, which may allow it to save money without reducing the population or terminating valuable staff (a real concern to all agencies). Indeed, in the face of increasingly tight budgets, counties have developed innovative methods to reduce spending independent of criminal justice population reductions. Policies targeting energy use, ranging from asking staff to turn off lights to installing solar panels to meet energy needs in-house, have been employed successfully by several counties. Other counties have reduced operational costs by developing transportation partnerships with different facilities, holding more court appearances by videoconference, growing or baking food within the facility, selling detainees prepaid phone cards, and changing payment burdens for medical costs at the legislative level for medical costs.

Once a jurisdiction has determined how cost data fluctuates with the different criminal justice-involved populations at each stage in the justice system, it can then quantify how changes in subpopulations affect the jurisdiction’s expenditures. During this time, steering committee members
will discuss data that have been collected and analyzed. These discussions will require input from multiple stakeholders, particularly those involved in day-to-day justice system administration. Line staff may be invited to discuss populations that appear to consume heavy amounts of resources, as their perspective and insights can shed light on problems and solutions that may not have been previously considered.

**Phase I, Step 1: Highlights**

In this step, jurisdictions answer five key questions about their criminal justice population and its consumption of system resources. Jurisdictions identify what data are available to measure agency workload (Q1) and then use those metrics to estimate the number and type of people involved at each stage of the justice system (Q2). Those groups’ length of time at each stage is also assessed (Q3). Once population estimates have been generated, they can be attributed to actual system costs by examining factors related to supply, demand, and service outcomes (Q4).

In the next step in the process, jurisdictions consider why each subpopulation consumes a certain level of justice resources and whether alternative policies can maintain or enhance public safety while simultaneously reducing these subpopulations’ fiscal impact.

**Step 2: Identify Cost-Saving Public Safety Strategies**

After a jurisdiction completes its initial data analysis and determines the drivers of its local criminal justice costs, it can determine which policy options and implementation strategies will improve operations and achieve cost savings. This section briefly describes approaches to identifying alternative cost-saving and public safety strategies. This section is not intended to be an exhaustive listing of all programs, but rather samples those strategies most closely related to the justice reinvestment approach and identified drivers. Implementing such changes can generate savings that can be reinvested both within the criminal justice system and in the community to achieve better public safety outcomes.

It can be extremely difficult for jurisdictions to decide which interventions will yield the desired effects, generating savings that can ultimately be reinvested in the community and the criminal justice system. This section also shows how other jurisdictions have implemented such practices, illustrating successful efforts to improve outcomes for individuals who interact with the criminal justice system. These practices draw upon components of the literature about evidence-based practices but have been evaluated with varying degrees of rigor. Thus, no one program should be viewed as a silver bullet; even those with the most persuasive evaluation results must be considered in the context of an individual jurisdiction’s local population.

Regardless of what policy options are selected at this stage, it is critical (both to the success of these strategies and to the overall initiative) that all members of the strategic planning committee and its subcommittees formally support the group’s decisions. Management staff must ensure that detailed meeting minutes and voting records represent accurately and
In recent years, researchers, practitioners, and policymakers have strived to determine “what works” in the criminal justice system and to develop a comprehensive literature of “evidence-based” practices that can be successfully replicated in other jurisdictions. The term “evidence” has two meanings; one is that research has shown a particular principle to produce desired outcomes, while another is that data are used to guide decisionmaking. Both meanings go hand in hand in the justice reinvestment process, which uses data to identify strategies that should be supported by prior research in an effort to improve outcomes in the criminal justice system.

To identify specific strategies that address justice system cost drivers, jurisdictions must review how current policy decisions influence people’s movements through the system as well as the time spent in each activity. This review will help stakeholders understand why certain groups consume resources at their current level. The chart displayed in appendix D displays typical options available at each of the eight major decision points, along with the effect this decision could have on the individual’s movement to another stage of the system. These decisions may also affect the time an individual spends in the system. For example, taking a case to trial (in lieu of the more common plea agreement) is likely to increase the time between case filing and disposition. Similarly, the decision to classify someone as high-risk may increase the time in the system because this is associated with more supervision and an increased likelihood of being detected for noncompliant behavior.

The results of this analysis, coupled with an understanding of populations and activities that consume the most resources, should reveal areas of potential intervention. Key questions include

1. What decisions appear to affect resource consumption for this population?
2. What laws, policies, and practices influence those decisions? How much discretion does line staff have in making those decisions?
3. Are decisions appropriate for this population? Why or why not?

In thinking about how to design an intervention that responds to system cost drivers, remember that populations that consume significant local justice resources are typically not confined to one stage of the system.
Most individuals in the Alachua County, Florida, jail are pretrial detainees (89 percent in 2009, as compared to the national average of 63 percent); about half are eligible to be released on bail or on their own recognizance. Justice reinvestment data analyses showed that the length of time between booking and release had been increasing, leading to pressures on the jail to expand capacity. Those involved with the local justice reinvestment effort determined that if the county could reduce the length of time between booking and pretrial release by two days, the county could save more than 22,000 jail bed days annually, reducing average daily population (ADP) by 69 beds (approximately 7.5 percent of the county’s average daily population in 2009). To reduce the time between booking and release, the county allowed bail to be posted over the phone using a credit card, not just in person during limited hours at the jail. Further, through BJA-funded Phase II Justice Reinvestment Initiative efforts, the county hired a jail population release coordinator who monitors and expedites case processing for jail detainees eligible for pretrial release. The county anticipates this position will be self-supported after two years, through savings from a decrease in ADP.

Once the policy drivers of criminal justice population costs have been identified, jurisdictions can devise alternative strategies for addressing their target populations. In thinking about how to design an intervention that responds to system cost drivers, remember that populations that consume significant local justice resources are typically not confined to one stage of the system. In fact, their overrepresentation at arrest and booking, in jail and in court, and on supervision is likely the result of systemic issues that can be addressed through multistage interventions. For example, if a jurisdiction has identified individuals with mental health problems charged with low-level crimes as a system cost driver, interventions may be implemented at law enforcement interaction (Crisis Intervention Team), booking (service referrals for those not detained), charging/first appearance (alternative to a warrant for failure to appear), pretrial placement (supervised community release), case processing (dismissal; predjudication diversion), sentencing (mental health courts), discharge (specialized reentry planning), and community supervision (additional services and monitoring, additional treatment in lieu of jail for violations of probation or parole).

In determining how to address criminal justice cost drivers, jurisdictions might consider at what stage in case processing or custody that these problems first become apparent. In the example above, if the population of individuals with mental health problems charged with low-level crimes is arrested, booked, charged, and detained pretrial at a rate comparable to other subpopulations or historical data, this would indicate that changes are not needed at the first three stages of the criminal justice system. If heavy system use only becomes apparent after adjudication, jurisdictions might focus interventions on the last three stages of the justice system: sentencing, jail custody and release, and community supervision.

Alternative strategies can also be developed by considering when cost drivers are not a problem. For example, jurisdictions might consider whether jail overcrowding is constant; if it is not, when is it not? Perhaps the jail is only overcrowded on Fridays, Saturdays, and Sundays—and returns to stasis following an emergency population release. Jurisdictions could then consider why the jail exceeds capacity over the weekend. If analysis suggests that the courts were closed and unable to arraign arrested individuals, the jurisdiction could look to interventions at arraignment/charging and pretrial detention.

Table 7, which lists alternative strategies associated with each stage of criminal justice processing profiled in this guidebook, can help jurisdictions identify alternative approaches for handling a population at each decision point.

Law Enforcement Interaction

When criminal activity is detected by the police, the response need not always be an arrest and
Table 7. Alternative Strategies for Each Stage of Criminal Justice Processing

<table>
<thead>
<tr>
<th>Stage</th>
<th>Strategies</th>
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<tbody>
<tr>
<td>1. Law enforcement interaction</td>
<td>Citing in lieu of arrest</td>
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<tr>
<td></td>
<td>Diverting individuals to community services</td>
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<tr>
<td></td>
<td>Diverting special needs populations</td>
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<td></td>
<td>Notifying partners of potential spikes in arrests</td>
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<tr>
<td>2. Booking</td>
<td>Restricting booking to certain offenses</td>
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<tr>
<td></td>
<td>Developing mobile booking units</td>
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<tr>
<td></td>
<td>Charging for booking</td>
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<tr>
<td>3. Charging/first appearance</td>
<td>Coordinating with law enforcement</td>
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<td></td>
<td>Expediting first appearance/arraignment</td>
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<td></td>
<td>Addressing failures to appear</td>
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<tr>
<td>4. Pretrial placement</td>
<td>Increasing the use of risk assessments in pretrial release</td>
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<tr>
<td></td>
<td>Reviewing bond release practices</td>
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<td></td>
<td>Increasing the use of release on recognizance</td>
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<td></td>
<td>Aligning emergency release procedures with evidence-based practices</td>
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<tr>
<td>5. Case processing</td>
<td>Engaging in more efficient investigations</td>
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<tr>
<td></td>
<td>Organizing around vertical prosecution</td>
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<td></td>
<td>Expediting cases</td>
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<td>Expediting extrajurisdictional holds</td>
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<td></td>
<td>Offering diversion or alternatives to detention</td>
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<tr>
<td>6. Sentencing</td>
<td>Developing problem-solving courts</td>
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<tr>
<td>7. Jail custody and release</td>
<td>Offering temporary release or weekender programs</td>
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<tr>
<td></td>
<td>Improving classification decisions</td>
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<tr>
<td></td>
<td>Offering in-jail programming</td>
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<td></td>
<td>Engaging in transition planning</td>
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<td></td>
<td>Developing support systems</td>
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<td></td>
<td>Creating reentry courts</td>
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<tr>
<td>8. Community supervision</td>
<td>Assigning risk-based caseloads</td>
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<tr>
<td></td>
<td>Fostering community-based partnerships</td>
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<tr>
<td></td>
<td>Responding to violations with graduated sanctions</td>
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</table>

Immediate booking into the local jail. In most jurisdictions, arresting agencies have a significant amount of discretion over how arrestees are processed and even whether individuals are arrested. (Of course, state and local policies limit discretion in dealing with certain offenses or individual characteristics, such as felonies or warrants.) This decision point is a prime opportunity to divert appropriate candidates to needed services or programs and avoid formal justice involvement.

Citing in lieu of arrest. Citation policies (also known as cite and release, notice to appear, catch and release, or desk appearance tickets) are extremely helpful tools for decreasing bookings to the jail and are used by many jurisdictions. Arresting officers are typically provided a list of charges (defined by statute or departmental policy) for which they have the discretion to issue a citation rather than place an individual under arrest.

Citations are best for responding to low-level misdemeanors and are not recommended for more serious offenses. Further, citations may be inappropriate for populations likely to fail to appear at arraignment or to not pay the associated fine. Jurisdictions that wish to cite these populations might consider changing their policies concerning court appearance notification and failure-to-appear response. Citation policies may also be met with resistance...
Jefferson County, Kentucky, has used citations since 1991 as an alternative to jail for individuals arrested for low-level crimes. An internal review of the program indicated that it had successfully limited bookings for individuals who have a low-risk of failing to appear in court. Similar results were found in Bernalillo County, New Mexico, where the sheriff’s office has been issuing citations for individuals charged with nonviolent crimes since the early 1980s. Over the past decade, the policy has expanded to include the Albuquerque police department and has been shown to effectively limit the number of arrests and jail bookings.

From law enforcement who feel that mandating court summonses might impair their ability to respond adequately to criminal activity. Diverting individuals to community-based services. Law enforcement strategies that effectively manage and individualize responses to problematic and complicated criminal behaviors, such as those tied to mental illness, can be tailored to deter future criminal activities. Such strategies may require up-front investments in training and overtime for officers required to negotiate such situations. However, reducing crime can result in additional savings based on decreases in arrests, court processing, and jail stays. Reinvestments in medical and mental health services, substance abuse treatment, employment training, housing, and other social service interventions can also yield future criminal justice cost savings.

Treatment and detox centers may be the best option for many people involved with the criminal justice system, such as those with serious substance abuse disorders. In many jurisdictions, law enforcement and judicial officers express frustration that the dearth of such facilities essentially compels them to arrest and detain individuals who have committed low-level offenses. Stakeholders might consider developing diversion programs and facilities to house those with a very short-term need for confinement, such as those taken into custody for inebriation.

Jurisdictions might also consider focusing diversion on chronic offenders who live in or commit crimes within a certain geographic area. For example, Minneapolis’s Downtown 100 program targets 50 “frequent users” who commit crimes in the 120-block downtown core. Community-based organizations and agencies work with police officers, prosecutors, probation officers, and others to define a path to a better, more crime-free future for these individuals. After its first year, crime committed by the 50 program participants dropped by 74 percent; the population with housing rose from 20 percent to 50 percent during 2010.

Similar programs have been implemented throughout the country, including New York City’s FUSE (Frequent User Service Enhancement) program, which places more than 100 individuals into permanent supportive housing to reduce consumption of jail, shelter, and emergency system resources. The resulting reduction in jail and shelter use has saved the system an estimated $2,953 in the first year of FUSE operations, suggesting that the program will pay for itself in averted system costs and begin generating savings in three years (if taken to scale). FUSE has been replicated in jurisdictions including Chicago, Los Angeles, and the District of Columbia, and is being considered by stakeholders in several other cities and counties.

Diverting special needs populations to community-based services. At the system entry stage, arresting agencies can implement policies that lower crime and strategically discourage officers from booking individuals into jail. By deterring criminal activity, police departments can target crime that is prevalent in neighborhoods without arresting people. These strategies include helping at-risk community members (many of whom are youths) seek legitimate employment, which can discourage criminal behavior.

Diversion programs are particularly attractive for populations with special needs and risk
Justice Reinvestment at the Local Level

particularly at the culmination of an investigation or increased law enforcement attention on a geographic area, group of people, or type of offense. When law enforcement officials have advance knowledge of when they will be making arrests, all affected system partners should be notified so that resources can be temporarily reallocated.

For example, if police plan to concentrate patrols near an event expected to trigger criminal activity, the jails could be notified. Information pertaining to an expected increase in arrests should be shared with local justice partners in a manner that does not divulge specific tactics or populations of interest, which may jeopardize the confidential nature of the approach. Similarly, the district attorney’s office and public defense bar should be alerted of the potential increased caseload. Although this strategy may not save money, it allows “downstream” agencies to prepare for the increased workload and, most importantly, helps ensure that the jail has space for those who pose the greatest risk to others or fail to appear in court.

Problem-oriented policing and focused deterrence.

By identifying crime problems and involving the community, the police can target crime in ways that do not always require detention. This approach, known as problem-oriented policing, encourages police to identify specific criminal acts and crime patterns and examine their causes to find a more effective response. One example is focused deterrence, first implemented through Boston’s Operation Ceasefire initiative. Ceasefire was focused on deterring gun violence; first, police identified crime hot spots where gun activity was concentrated and prevalent. Officers then increased enforcement on the supply of guns, while notifying gang members that they would be subject to harsher enforcements if they did not change their behavior. Police attended forums organized by community members, where gang members’ friends and family were invited to help police deter their behavior (a strategy sometimes referred to as lever pulling). This process

Memphis, Tennessee, was the first jurisdiction to implement these strategies successfully by developing the Crisis Intervention Team (CIT) in 1988. Since then, police departments across the country have implemented CITs to help reduce the population of individuals with mental health disorders in jail. Some jurisdictions, such as Miami–Dade County, have mandated CIT training for law enforcement officers. The county also established links between the jail and courts to address the needs of people with mentally illness who could not be diverted.

Notifying stakeholders of potential spikes in arrests. Arrests are not always random, factors. Instead of arresting and jailing individuals with mental health problems, police can appoint officers to liaison with mental health professionals and hospital staff to divert them from the criminal justice system. They can also develop location-specific crime prevention strategies that target repeat public order violators and individuals responsible for repeat service calls.

For homeless detainees, county coordination with agencies outside the criminal justice system and the government can improve permanent shelter or housing options. They can also improve existing supportive housing programs and implement new ones, such as harm reduction facilities. Harm reduction involves implementing strategies aimed at reducing negative consequences associated with drug and alcohol use. Some jurisdictions have documented cost savings from creating an alternative to jail facility for chronic inebriants. One of the most successful examples is a 75-unit building that the Downtown Emergency Service Center in Seattle, Washington, built through the city’s Housing First program. The facility addresses the needs of chronically inebriated homeless individuals by providing them with permanent housing and access to services to help reduce their use of alcohol and illicit substances. An independent evaluation found that after just one year, local agencies and support services had saved $4 million in spending on the population.
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detained pretrial. This policy can reduce transportation costs for law enforcement agencies and may benefit public safety, if officers can spend more time in the field. This practice has been implemented in jurisdictions including Davidson County, Tennessee; local law enforcement assert it benefits both the jail and the police, saving officers the time and effort of transporting arrestees to the jail and waiting until their booking is complete. This policy can reduce transportation costs for law enforcement agencies and may benefit public safety, if officers can spend more time in the field. This practice has been implemented in jurisdictions including Davidson County, Tennessee; local law enforcement assert it benefits both the jail and the police, saving officers the time and effort of transporting arrestees to the jail and waiting until their booking is complete. 

Charging for booking. One way to limit the number of people arrested and booked into custody is for county jails to charge arresting agencies a fee per booking. This may help discourage overreliance on the jail and compel officers to consider whether booking is appropriate, given the individual’s expected length of time in the jail. It can also help jurisdictions generate revenue that can be reinvested in other strategies.

Charging/First Appearance

Arrests and citations are forwarded to the district attorney’s office for review and a charging decision. Although the case has already “entered” the system through law enforcement interaction, this decision point is critical in determining (1) who will have criminal charges filed against them, and (2) what trajectory their case will follow. Charging decisions can dramatically influence an individual’s consumption of resources, including time spent in jail, need for court or prosecutor involvement, and resources consumed after sentencing. Although research into innovations in charging practices is limited, some basic strategies can improve the process in most jurisdictions.

Coordinating with law enforcement. Inadequate evidence collected during police investigations can force the prosecutor’s office to reject a case for follow up, which means that the person could be released after consuming booking and jail resources—and will either repeat the process or will not be prosecuted. As a result, charging “requires the greatest coordination and cooperation between the prosecutor’s office and the police department.” Strategies might focus on

Restricting booking to a certain subset of offenses. Jails do not have to book every individual arrested. Instead, they can develop criteria that prohibit the police from bringing in individuals charged with low-level offenses. Although the effect of restrictive booking policies on system efficiency and public safety has not been extensively researched, such policies can dramatically affect the resources expended on bookings, and to a lesser degree, on jail detention. These policies might be particularly effective in jurisdictions that book many people who are subsequently released within a few hours, consuming public safety resources despite their short stay.

Developing mobile booking units. Costs associated with arrest include officer time transporting arrestees to a booking facility and then returning to the field. Counties can help reduce transportation time by developing mobile booking facilities for individuals not likely to be
ensuring police officers bring the prosecutor’s office cases prepared to go to trial. In some jurisdictions, including Philadelphia, assistants in the charging unit interview the arresting officer to determine whether requirements have been met according to an intake checklist. If the charging unit declines to prosecute, the assistant alerts the detective and his or her supervisor. The goal of the charging unit is to make sure each case is trial ready, with discovery completed, and is assigned to a trial unit. Jurisdictions like San Diego have also used internal metrics to track the viability of cases accepted for prosecution.77

**Expediting first appearance or arraignment hearings.** Many jurisdictions have attempted to reduce the time from arrest to arraignment; some have even passed statutory limits regarding the maximum allowable time between these two events. For example, the highest court in New York State ruled that the time from arrest to arraignment should not exceed 24 hours.78 To meet this goal, jurisdictions may need to implement, as New York City has, weekend and night charging units as well as specialized arraignment courts.

Video conferencing for detained individuals at arraignment can represent an effective way to expedite cases because it allows judicial officers to remain in the court house and individual detainees to remain in the jail, cutting down on the time and expense in transporting people to these early hearings. However, jurisdictions should be aware of its limitations. For example, Cook County, Illinois, began using a closed circuit television procedure for felony bail hearings in 1999. Although the program intended to reduce costs by allowing defendants to attend bail hearings from a remote location, research suggests that the program actually resulted in higher bail amounts. A federal lawsuit in 2006 prompted the county to return to live bail hearings.79

**Addressing failures to appear.** Failures to appear (FTAs) in court can slow case processing.80 They will likely lead to a warrant issued for the person’s arrest, which may elevate a minor offense to one requiring detention. A review of evaluations of court date notification systems81 found that reminding defendants about an upcoming court date can significantly reduce FTA rates. For example, Coconino County, Arizona, developed a program in which a volunteer from the police department called defendants to remind them of their initial court appearance (arraignment). Of the group that was called, 12.9 percent failed to appear in court, compared to 25.4 percent of the control group; when callers were able to speak directly with the defendant, the FTA rate diminished to 5.9 percent.82 Similar reductions in FTAs have been experienced by other jurisdictions.

Warrant-driven arrests typically mandate a jail booking without bail release, leading to extended holds as cases await processing. Because of the impact warrants have on jail populations, and therefore criminal justice spending, stakeholders must understand the scope of warrant use within the jurisdiction, as well as the offenses for which warrants are issued. Courts typically have multiple categories for warrants (e.g., bench warrants, police warrants, etc.) and decisions about warrant service—specifically, which warrants to prioritize—can help jurisdictions determine which individuals to focus resources on and how to respond to failures to appear. For example, pretrial officers could respond to low-risk individuals who fail to appear in court by aiding law enforcement in finding the defendant before the case enters warrant status and by communicating directly with the defendant.

**Pretrial Placement**

Pretrial agencies have a significant role in determining detainees’ lengths of pretrial detention. Not only can they strategically increase the use of bail for people who qualify for pretrial release, they can also decrease the time it takes to post bail.83 If pretrial officers incorporate a defendant’s ability to pay into their recommendations, they can minimize the need for separate indigence hearings and avoid bottlenecks
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indigent defendants to use third-party payment of bond and a 10 percent bail option in lieu of cash bail. Pretrial officers can also refer detainees with conditions placed on their bonds to community-based services.

Increasing releases on recognizance. The county can also increase releases on recognizance (otherwise known as personal bond) and establish alternatives to bail for indigent defendants. Alternatives may include admission into a supervised pretrial release program, a conviction or plea with a community-based sanction, a time-served jail sentence, or other conditions of release. Allowing qualified individuals to be released from jail early in the pretrial process can effectively control criminal justice spending by reducing the time detainees spend behind bars awaiting case disposition and a sentencing decision. In fact, research suggests that releasing defendants on their own recognizance may be just as effective a release tool as bail releases.

Increasing the use of risk assessments in pretrial release. In most jurisdictions, pretrial officers interview detainees eligible for bond. Validated risk assessments can help these officers make recommendations to judges regarding whether a detainee should be released pretrial. These risk assessments should be based on the individual’s likelihood of failing to appear in court and the danger the detainee poses to the community. The officers can then verify the information regarding the detainee’s employment status, living arrangement, family environment, physical and mental health problems, and prior criminal history. Doing so ensures that the officers understand the detainee’s likelihood of failing to report to court and potential for violence, and that proper bond recommendations are made, thus minimizing judges’ need to reevaluate bond recommendations.

Reviewing bond release practices. By strategically increasing the use of bonds, the county can experience significant savings through responsible caseload management, accountability, and oversight in the bail process. The county can set up a 24-hour bail magistrate to facilitate bail setting and payment, reducing detainees’ lengths of stay in jail. Stakeholders can establish clear guidelines for magistrate judges that specify the charges and circumstances under which they can release a detainee, call a judge for authorization, or keep a detainee in jail.

County stakeholders can also implement systems that increase the number, quality, and timeliness of bail postings. Technological improvements to monetary bail payment, such as self-payment and credit card payment through the Internet or telephone will enable some defendants to be released from jail as soon as their bail is set. The county can allow indigent defendants to use third-party payment of bond and a 10 percent bail option in lieu of cash bail. Pretrial officers can also refer detainees with conditions placed on their bonds to community-based services.

Montgomery County, Maryland, has made significant strides in dealing with indigent defendants in the county jail. Pretrial services employs a jail expeditor who identifies indigent defendants who have an unaffordable bail setting. The jail expeditor works with the defendant to identify family members or friends who might be able to offer financial assistance and help the individual bond out of jail. The county can also increase releases on recognizance (otherwise known as personal bond) and establish alternatives to bail for indigent defendants. Alternatives may include admission into a supervised pretrial release program, a conviction or plea with a community-based sanction, a time-served jail sentence, or other conditions of release. Allowing qualified individuals to be released from jail early in the pretrial process can effectively control criminal justice spending by reducing the time detainees spend behind bars awaiting case disposition and a sentencing decision. In fact, research suggests that releasing defendants on their own recognizance may be just as effective a release tool as bail releases.

The Pretrial Justice Institute recently highlighted two jurisdictions’ successful pretrial diversion programs. In response to budget cuts that forced the jail to release pretrial defendants who could not pay bail, the Lane County, Oregon, Victim Safety Program facilitated pretrial release for 500 defendants with a domestic violence charge, putting them on an intensive monitoring program. Their strategy was extremely successful: only 5 percent reoffended and only one individual failed to appear in court. In Broward County, Florida, the local government provided an additional $2.7 million for pretrial services; through this investment, they significantly decreased the time to pretrial release and tripled the number of defendants released at their first appearance hearing.
Aligning emergency release procedures with evidence-based practice. Counties typically have discretion over whether to set jail population caps. Population caps can help the county minimize the number of detainees transferred to jail in another county. The process is typically challenging, especially when reintegrating these individuals upon release. It must be done efficiently and strategically to avoid increasing FTA and rebooking rates.

When a jail reaches its set capacity, state law may compel the sheriff or jail administrator to transfer people out of the county or release individuals directly back into the community. These decisions are often not informed by risk and have been shown to carry the highest rate of pretrial misconduct (for individuals charged with a felony). Jurisdictions might consider strategies that revisit emergency release procedures, such as requiring supervision of anyone released from custody, using a risk score to determine who is released, and reducing other hold populations. Although emergency release procedures enable jails to maintain facility safety, they may ultimately cost money if released individuals commit new crimes or fail to appear in court.

Case Processing
Case processing involves many criminal justice agencies, making it particularly challenging for jurisdictions to implement interventions at this stage. Court administrators and judges typically have the most influence over how cases move through the system. These actors decide when to reset or continue cases, a process that can slow case processing. By working with prosecutors and defense attorneys, judges can ensure their cases are processed as quickly as possible. Magistrate judges can also improve case processing by evaluating individuals immediately upon booking, steering them toward the earliest appropriate release route, and actively monitoring their progress to make sure they stay on track for that release date. Note that many states maintain jurisdiction over the local court system and the state attorney’s office, so their involvement is typically required to implement case processing interventions locally.

Organizing around vertical prosecution or one-defendant-one-judge processing. Judicial and attorney workload factors and individual defendants with multiple open cases can greatly impact case processing timing and procedures. The court system could adopt “vertical processing,” assigning a case to the same attorney and judge throughout the court process, even if multiple cases are in question. This approach can greatly reduce court delays but requires logistical planning and commitment from the defense bar, prosecutor’s office, law enforcement, community supervision (this partner is especially helpful for defendants who have probation or parole violation proceedings ongoing with new criminal cases), court clerks, and the bench. Vertical case processing can enhance both efficiency (by reducing continuances associated with resetting cases, reducing length of stay in system, etc.) and improving defendant outcomes (e.g., by increasing continuity in plea bargaining and sentencing decisions, which in turn can increase compliance with court orders). A jurisdiction could explore this process using a pilot courtroom with one assigned judge, prosecutor, and defense attorney to determine if it improves case processing and defendant outcomes before expanding it throughout the system.

Expediting cases. Many detainees, particularly those who pose a significant risk to public safety, cannot—and should not—be released pretrial. However, the jurisdiction can expedite case processing for these detainees by setting time limits for specific court actions. Some jurisdictions develop a fast-track court or “rocket docket” system to handle pleas and simple cases (such as technical probation violation hearings) when continuous judicial oversight is not statutorily required. Ultimately, if a jurisdiction can prioritize cases in which the defendant is incarcerated pretrial and identify cases taking longer than average to get to disposition, they
Jurisdictions including Tulsa County, Oklahoma; Mecklenburg County, North Carolina; and Montgomery County, Maryland, have improved communication with ICE to identify which detainees will remain in ICE custody after their county charges are disposed. The county can expedite case processing to dispose of charges quickly and get the detainees out of the jail and into ICE custody.

Offering diversion or alternative to detention options. In many cases, judges can prescribe alternative-to-incarceration sentences for those who qualify. Many alternative sentences—such as deferred sentences or adjournment in contemplation of dismissal—can be imposed early in case processing. Comprehensive diversion programs effectively reduce local criminal justice spending because they allow individuals to be released quickly, while helping them avoid reoffending upon release.

In the mid-1990s, Birmingham, Alabama, implemented a specialized method of case processing for individuals charged with drug offenses, referred to as Breaking the Cycle (BTC). Starting at arrest and continuing through reentry, the county implemented procedures to facilitate early intervention, careful case management, and proper treatment. BTC referred detainees to providers and agencies based on their level of supervision and treatment. Judicial review was present throughout the process to ensure every individual was complying with program, treatment, and testing requirements. An evaluation of BTC found that it was able to divert more felony defendants without being overly selective in program entry criteria. This saved the jurisdiction significant funds by reducing the jail population.

Sentencing
Sentencing is a key time for determining an individual’s future within the criminal justice system. Judges have significant discretion when determining sentencing, although they are often constrained by state or county
The courts can use evidence-based sentences to link defendants to services upon release, to reduce their rates of recidivism as well as their consumption of criminal justice resources. By imposing alternative-to-incarceration sentences, particularly those allowing appropriate defendants to use resources within community supervision agencies, judges can improve individual outcomes.

**Developing problem-solving courts.** Alternative sentencing can be formalized within the court system several ways. For example, jurisdictions may use community courts to keep defendants out of jail while implementing interventions in reentry. These courts can have resource coordinators to help prevent certain detainees from circulating through the jail.

Many jurisdictions have experimented with community courts to provide eligible defendants with alternative sentences. Community courts began in New York in 1993, to keep individuals from high-crime neighborhoods charged with low-level offenses out of jail by connecting them with social services. The courts typically employ resource coordinators to ensure that defendants access the necessary services and follow the conditions of their sentence. To be successful, the courts require coordination within the criminal justice system to facilitate connections between the courts and service providers.

Problem-solving courts, another type of court, can also maintain contact, share resources, and collaborate with other criminal justice agencies to ensure that each detainee has access to services, based on a risk/needs assessment. As the name implies, these courts focus on problems specific to the person or to their criminal history. Common problem-solving courts include drug courts, family violence courts, and mental health courts.

**Drug courts:** To address the needs of substance abusers and reduce recidivism among that population, a county can develop a drug court. Admission into a drug court can allow a detainee...
to be released on personal or monetary bond (with conditions based on compliance with the court’s recommendations) or receive an alternative sentence that reduces the likelihood of recidivism. Drug courts can improve case processing by coordinating the flow of information between court staff and treatment providers, while maintaining linkages between both systems. This requires the coordination of service delivery through case management, treatment plans, and continuity of care. Research suggests that mental health court participation reduces the likelihood of criminal justice system involvement, including rearrest, conviction, and incarceration.

### Family violence courts

Many jurisdictions struggle with managing releases charged with a domestic violence offense, since the cost of their reoffending is harmful and costly to society. By placing a priority on victim safety, family violence courts can improve pretrial monitoring and strictly enforce no-contact orders. Through alternative sentencing, the courts can address the specific factors that lead individuals to commit violent behavior toward family members and reduce the likelihood of recidivism.

### Mental health courts

Successes have also been found in the use of mental health courts. Many individuals who interact with the criminal justice system have co-occurring disorders, including substance abuse and mental health histories, and research suggests that individuals facing both issues are at a particularly high risk of returning to jail.

LaCrosse, Wisconsin, adopted the problem-solving court model in creating its OWI (operating a vehicle while intoxicated) Court. A recent evaluation of the OWI Court found it successfully reduced recidivism and consumption of criminal justice resources among the court’s participants. Of those who successfully completed the program, only 3.6 percent were rearrested in a three-year period (7 percent of dropouts were rearrested and 14 percent of those expelled were rearrested). Because the OWI Court removes participants from jail while they are enrolled, it saved almost $1 million by reducing the days these individuals spent in jail during the three-year evaluation period.

Addressing all needs of court clientele can be difficult and time consuming, particularly for more violent individuals; however, focusing on seriously mentally ill defendants produces greater cost savings over time. This requires the coordination of service delivery through case management, treatment plans, and continuity of care. Research suggests that mental health court participation reduces the likelihood of criminal justice system involvement, including rearrest, conviction, and incarceration.

If county stakeholders choose to develop a problem-solving court, the court must share information with the overall court system. Clients of these courts, particularly community courts, tend to commit low-level offenses and have high rates of recidivism. In some jurisdictions, individuals can be booked into jail on one charge, and then a few days later be sent to the community court on another. If the community court does not share information with the

The Brooklyn Felony Domestic Violence Court, founded in 1996, is one of the country’s first examples of a domestic violence court; five years after its founding, an evaluation found that participants’ probation violation rate was reduced by approximately 50 percent, and almost every victim had been offered access to services.

Given the demonstrated successes and promise of specialty courts, specialized dockets have emerged to target other key areas. Early results from reentry, housing, sex offender, and veterans’ treatment courts have demonstrated that the special handling of these cases can improve long-term results and cost effectiveness.
individuals to serve time at night or on weekends. Although research into these programs is scarce, a 2005 National Institute of Corrections review of jail fees\(^{120}\) shed some light on their prevalence. The review also suggests that many jurisdictions rely on temporary release programs as a modest source of income (weekender programs charged each person anywhere from $8 to $40 per day).

Similarly, many jurisdictions use study release—the temporary or permanent release of detainees provided they participate in coursework or training offered outside the jail.\(^{121}\) This type of pretrial release can be effective because it allows individuals to maintain ties to their educational institution and community, even if they are not employed at the time of incarceration. These programs may be particularly advantageous when the unemployment rate is high, making it difficult to obtain employment and thus participate in work release.

**Jail Custody and Release**

The jail incarceration and release stage is another critical intervention point in the criminal justice system, when counties can reduce spending by changing how individuals are managed while in custody and how they are prepared for release. The costs of failed reentry can proliferate throughout all agencies in the criminal justice system. These costs are particularly significant within community supervision agencies, which can consume time and resources addressing violations committed by individuals who did not receive adequate reentry preparation.\(^{118}\) In addition, emergency services agencies may be overused if effective discharge planning is not implemented. For example, individuals released without adequate medical plans or prescriptions may overuse detoxification facilities and emergency rooms. By enhancing case management in the jail and coordinating between community agencies, jurisdictions can achieve significant savings through discharge and reentry improvements.

**Offering temporary release or weekender programs.** If jails are not filled to capacity, they can house detainees in a prerelease center where staff can provide transitional assistance and promote successful reentry into the community. Many who are arrested have a job and are capable of supporting themselves and their families, and paying taxes. Work release programs allow low-risk, employed individuals to keep their jobs and can benefit the community by reducing detainees’ likelihood of recidivating.\(^{119}\) Temporary release programs can require individuals to serve time at night or on weekends. Although research into these programs is scarce, a 2005 National Institute of Corrections review of jail fees\(^{120}\) shed some light on their prevalence. The review also suggests that many jurisdictions rely on temporary release programs as a modest source of income (weekender programs charged each person anywhere from $8 to $40 per day).

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**Improve classification decisions.** A jail can reduce its spending on beds by improving its current system for assessing and classifying individuals once they are in custody. Investing in a standardized assessment, perhaps administered at initial intake, will ensure detainees are housed at their lowest classification level, freeing up space for higher-risk individuals or allowing the jail to increase the detainee-to-staff ratio in dorms previously designated as higher security.

Classification can also include a step-down process that transitions people from higher to lower security. This has been implemented in a Miami-Dade non-jail facility known as a forensic diversion facility, a sentencing alternative for those with mental health issues. The facility initially houses individuals in a higher-security area akin to a jail, and once stabilized, moves them to a different part of the building for treatment. They continue to step down until they are ready to return to the community. The facility is run on a clubhouse model, meaning residents take an active role in planning activities.
Crowded jails make it more difficult for administrators to adhere to basic jail classification and security procedures, such as housing rival gang members in separate areas, ensuring adequate space is available for men and women, and maintaining space for recreational and criminogenic programming. Adherence to classification protocols creates jails that are safer for both staff and detainees. When jails are below capacity, administrators have more flexibility in using space, such as creating residential treatment housing pods or rewarding positive behavior and progress with movement to less crowded spaces.

Offering in-jail programming. Identifying detainee’s health, substance abuse, cognitive, vocational, and educational needs as soon as they are booked allows staff to route them to the appropriate services and improve their reentry outcomes. Services can include

- cognitive behavioral therapy,
- substance abuse treatment,
- anger management,
- parenting skills,
- adult basic education (including ESL),
- adult secondary education (GED instruction),
- vocational development,
- college coursework,
- special education (for detainees with learning disabilities), and
- life skills/competency-based education (communication skills, financial skills, interpersonal skills development).

The Albemarle County/Charlottesville Regional Jail established an eight-week program that offers detainees classes on topics that include substance abuse education and healthy living and consultations with offender aid and restoration counselors to help them find employment and housing upon release. An evaluation found that participants had a 14.5 percent rebooking rate, compared to the 31 percent of detainees not enrolled in the program.

The Davidson County jail operates the Sheriff’s Anti-Violence Effort, a six-week program for individuals charged with a domestic violence offense. The detainees enter into group therapy (attending three sessions each week), while their victims are referred to shelters and counseling. Since 1994, the program has graduated 20 detainees every six-week cycle; recent statistics show that 56 percent remain out of jail for at least one year after they graduate.

Transition planning. For most releasees, discharge planning is necessary and desirable. While this can be extremely difficult for detainees who have short lengths of stay, it is necessary to ensure that individuals do not circulate back into the criminal justice system due to inadequate reentry planning. Unfortunately, counties often do not have the necessary resources to provide jail detainees with transitional assistance.

Montgomery County, Maryland, is one of the nation’s leaders in jail reentry planning. The county’s Pre-Release and Reentry Services Division holds monthly meetings to assess federal, state, and local detainees returning to Montgomery County communities within 12 months. Through working with agencies inside and outside the criminal justice system, reentry planners have released 99 percent of program participants to the community with housing and 88 percent with employment.

While few jails have prerelease centers, some counties have established programs that link individuals with community resources immediately upon discharge. County stakeholders can also employ interventions at reentry to improve management of special needs populations. For younger individuals with mental health diagnoses, Clark County, Washington, created a program called Connections. Employing a wrap-around services approach, Connections was able to match juveniles and their families with several local agencies. When compared to juveniles who received traditional mental health services, Connections participants (both those with low-level offenses and those with felony offenses) were
Through the Rikers Island Discharge Enhancement (RIDE) program, the largest jail in New York City discharges individuals directly from the jail to various programs in the city. The RIDE program contracts with local providers to pick individuals up at the gate, taking them to various agencies for employment, housing, substance abuse, and mental health services. Agency officials meet with jail detainees while they are incarcerated and transport them from Rikers Island to programs throughout the city.\textsuperscript{128}

less likely to recidivate and served less time in detention.\textsuperscript{129}

Community capacity should be at the forefront of discharge planning and release decisions. As previously referenced, emergency services agencies in the community can be overtaxed if effective discharge planning is not implemented. By enhancing case management in the jail and coordination between community agencies, jurisdictions can achieve significant savings through improvements to reentry processes; however, community providers must have enough capacity and resources to provide the necessary services.

Developing social support systems. Successful release from criminal justice supervision and continued desistance from crime is closely related to individual social networks and supports. Visits from family members and others in the detainee’s supportive network, particularly leading up to the date of release, can facilitate more positive results.\textsuperscript{130} Because family visitation can be beneficial, jurisdictions should address barriers such as associated costs, transportation, and lengthy processing times (to be both authorized and approved to be on a visitation list, as well as on the date and time of a scheduled visit). Other costs, policies, and restrictions on telephone use and sending or receiving mail should be carefully considered to prevent additional barriers to families remaining connected.

Mentoring programs designed to encourage positive social support systems for criminal justice–involved individuals have also been associated with better outcomes. Mentoring may begin while an individual is detained or incarcerated and is typically enhanced at reentry. Empirical evidence has demonstrated great promise in successful reentry outcomes for individuals involved in a mentoring program while incarcerated.\textsuperscript{131}

Creating reentry courts. In replicating the problem-solving court model applicable in the sentencing phase, reentry courts can improve the accountability of court clientele, increase access to community support services, encourage family involvement, and connect releasing with mental health, substance abuse, family counseling, physical health care, employment/vocational training, educational assistance, and supportive housing.\textsuperscript{132, 133}

Community Supervision

The costs of failed reintegration can proliferate throughout all agencies in the criminal justice system. These costs are particularly significant within community supervision agencies, which consume time and resources when addressing violations of probation and parole (many of which stem from a lack of reentry planning).\textsuperscript{134}

Large proportions of most county jails are composed of individuals booked on a violation of community supervision. These violations may be technical or the result of a new charge. Unfortunately, national statistics do not demonstrate the proportion or number of individuals jailed on a violation of community supervision (although one study found that approximately 4 in 10 prisoners were serving time in prison or state jail for parole or probation violations).\textsuperscript{135} In addition to being an entry point into the jail, community supervision also serves as a discharge valve by releasing people to community supervision in lieu of incarceration. Therefore, community supervision is an important decision point to consider in developing cost-saving strategies.

Community supervision as an alternative to detention or incarceration. A sentence of community supervision may itself be an effective alternative to incarceration or detention. According to the Pew Center on the States,
states spend up to 22 times more per day to incarcerate individuals than to supervise individuals in the community: $79 per day for incarceration, as compared to $3.42 per day for probation and $7.47 for parole. When community supervision programs are resourced and managed appropriately, using evidence-based practices, they can also cut crime and recidivism by as much as 30 percent.136 Assigning risk-based caseloads. Community supervision officers should have caseload sizes proportional to the risk of the people they are supervising. High-risk probationers and parolees need more supervision and services than those who pose a lower risk. Officers dealing with high-risk populations need to incorporate an integrated approach that emphasizes stronger case management and supervision, particularly for those with a history of drug offending.137 For those who are lower risk, community supervision agencies can use alternatives to mandatory in-person reporting, such as probation kiosks. Alternatives to in-person reporting can be particularly effective for low-risk individuals who may not require extensive programming and intensive supervision.138 Mixed risk caseloads may be counterproductive, as research shows that low-risk individuals under community supervision who interact with high-risk individuals are more likely to recidivate.139

Fostering community-based partnerships. Many police departments have established reentry partnerships with community supervision agencies to focus on high-risk individuals with histories of recidivism. Working with partners in community corrections, police officers identify individuals on probation or parole who are assessed as high-risk, and convey that they will impose harsher sanctions for criminal behavior. At the same time, officers work with community-based organizations to link these individuals to appropriate social services, including life-skills training, substance abuse treatment, and educational resources.140

In partnership with community supervision agencies, local corrections facilities and the community can improve the process for individuals reentering society and minimize the chance that supervised probationers and parolees will violate their community supervision restrictions and end up back in jail. For example, some jurisdictions have programs, jointly developed with community-based organizations, probation offices, and local jails, specifically to prevent violations that stem from detainees committing crimes upon their release (e.g., the Bay Area Services Network in California).141 Because parole violators can consume a large number of jail bed days (since they are typically ineligible for bail while awaiting their parole board hearing), interventions in community corrections can produce significant savings for localities.

Responding to violations with graduated sanctions. Because parole and probation violators are a significant driver of jail and prison populations,142 community corrections agencies should use the numerous opportunities to reduce violations (especially technical violations that could lead to incarceration) and in turn produce savings for the county through reductions in recidivism. Community supervision officers can apply internal sanctions without sending violators back to the original judge. This allows for close surveillance outside the jail and prevents court dockets from getting clogged with violators.143 Officers can set behavioral contracts with the individuals on their caseloads. These contracts can employ a “compliance credit” system, whereby clients are rewarded for complying with supervision conditions. Officers can respond to violations with graduated sanctions for individuals who are less successful.

To mitigate the impact of probation violations on county jail populations, Georgia’s Department of Corrections implemented a Probation Options Management strategy.144 The department now handles all probation violators internally, instead of taking them to court for a hearing with their original judge, who initially was the only individual that could modify the court order. This change has reduced costs associated with processing probation violators and freed up space in the court system for judges to process other cases.145
Phase I, Step 2: Highlights

In this step, jurisdictions review how agency policy and practice influence resource consumption and devise alternative approaches for responding to identified cost drivers. While incorporating lessons learned from other jurisdictions’ programs is helpful, justice reinvestment partners need to learn what works locally. Identifying strategies applicable to the local context will be particularly important in securing buy-in from leaders of the justice reinvestment initiative, the strategic planning committee, and its subcommittees, all of which must act as a unified body to identify and implement these strategies. In particular, decisions about policy options and voting records should be set in formal memoranda of understanding and written policy resolutions to ensure that Phase II—implementation—goes through as planned. In addition, jurisdictions have to be vigilant in evaluating interventions over time; while an alternative strategy might work at first, changing circumstances could reduce its effectiveness in the future. The examples in this chapter provide ideas about interventions that can use scare criminal justice resources more efficiently.

Jurisdictions implement alternative strategies with the goal of having resources to reinvest in broader public safety initiatives. However, jurisdictions must begin thinking about how and where they will reinvest these resources early. The following chapter, which profiles Phase II of a justice reinvestment process, focuses on how this process of implementing interventions and generating cost savings can ultimately lead to justice reinvestment.

Counties using graduated sanctions do not need to stop using jail in response to technical violations of supervision. In fact, some county corrections agencies have developed policies that reduce overall use of jail beds while increasing the number of sanctions to jail. Multnomah County, Oregon’s, post-prison supervision department was able to cut its jail consumption by 75 beds by expanding the sanctions available to supervision officers and allowing more violators to be sent to jail, only for shorter periods of time. The program saved the county an estimated $2 million in jail costs and has not adversely impacted public safety.146
How can jurisdictions implement and sustain justice reinvestment?

In the first phase of justice reinvestment, jurisdictions conduct a detailed review of their criminal justice data to identify populations with heavy justice system involvement and to quantify their consumption of justice resources. A review of key criminal justice processing decisions reveals how agency-level policies and practices influenced population movements and resource consumption, informing the development of a preliminary list of policies—based in part on examples highlighted in this guidebook—that could be implemented to yield cost savings.

The second phase of justice reinvestment is about taking action on findings from Phase I. It involves implementing new strategies; documenting the savings associated with those strategies, as well as their impact on public safety; and reinvesting in other parts of the system that improve public safety and community well-being. Continued collaboration among steering committee members is vital to the success of Phase II because not only must agencies implement the strategies they developed as a team, they must agree on a reinvestment strategy that may involve transferring funds between agencies.

Step 3: Implement Cost-Saving Public Safety Strategies

No matter how logical or evidence-based a strategy appears on paper, it will not be successful if certain factors are not in place to support its implementation. Until this point in the justice reinvestment process, jurisdictions have looked toward data, theory, and evidence-based practice in determining how to focus their justice reinvestment work. In reviewing the cost-
efficient public safety strategies identified in Phase I, jurisdictions must begin to consider why such innovative practices are not already in place.

A variety of factors may represent challenges in a jurisdiction’s efforts to implement cost-saving public safety strategies as intended. This section describes in detail the methods to identifying and overcoming six potential barriers: historical, resource-related, logistical, legal, internal, and jurisdictional. The barriers presented are not necessarily exhaustive and are not presented to discourage justice reinvestment efforts. Rather, these topics are explored to aid in anticipating and overcoming challenges that have emerged in justice reinvestment and similar system change efforts.

**Historical Barriers**

In some jurisdictions, evidence-based strategies may have been attempted but never fully implemented, or implemented but not sustained. In these scenarios, jurisdictions might consider the following questions to gain insight into why these strategies have been unsuccessful:

1. Has this population or program been identified as a heavy system consumer in the past?
2. What, if anything, has been done to address this system driver in past? What programs still exist? Which have ended? Why?
3. Has this strategy been implemented in the past?
   a. If yes: Why did it end? What barriers prevented sustainability?
   b. If no: Was it considered? What barriers prevented implementation?

The answers may suggest that the population most affected by the proposed strategy has needs particularly difficult for the jurisdiction to address. For example, a jurisdiction with a large population in jail for methamphetamine-related offenses may have addressed the problem in the past by increasing drug treatment resources, when in reality the population primarily consists of drug dealers without treatment needs. The justice reinvestment process would (1) indicate that this population should be properly assessed before identifying treatment as the solution, and (2) if drug use is found not to be the problem, identify another solution to reduce the population (e.g., strategic law enforcement and crackdown on meth labs coupled with efforts to reduce community demand).

**Resource Barriers**

Resource barriers can pose a different challenge to justice reinvestment—a jurisdiction may identify an exemplary, evidence-based approach to address a population driver, but lack the funding to properly implement the strategy. The following questions will help the jurisdiction distinguish strategies that can be implemented with existing resources from those that will require more funds:

1. What costs will this strategy incur?
   a. Personnel
   b. Construction
c. Travel
d. Equipment/supplies
e. Contracts
f. Technology

2. Does this strategy require new funding?
   a. How much (one-time-only) funding is needed to implement this strategy?
   b. How much (ongoing) funding is needed to sustain this strategy?

3. What financial resources exist to support this strategy?
   a. Local general fund dollars
   b. State funding
   c. Federal funding
d. Private or philanthropic funding
e. In-kind resources

4. Does existing technology support this strategy?
   a. Are major structural changes needed?
   b. How much will those changes cost? Have those costs been factored into the funding needs?
   c. How much time will those changes take?

5. Is new construction part of this strategy?
   a. How much will new construction cost?
   b. How long will new construction take?
   c. Can substitutes be used in place of new construction?

The answers will help jurisdictions consider resource requirements for each justice reinvestment strategy considered. Reviewing project needs is a key component of justice reinvestment, since savings are contingent on the costs of strategies developed through the process. For example, if the jurisdiction projects that a certain strategy will save $1 million but it costs an additional $500,000 in startup expenses, the projected savings would be cut in half. Here, resources outside the locality (e.g., private, state, or federal grant resources) can provide the initial investment to jumpstart savings the jurisdiction can then reinvest back into the program to promote long-term sustainability. Alternatively, jurisdictions could wait until other cost-saving measures generate sufficient capital to implement more resource-intensive strategies.

Although sizable criminal justice spending comes from a city or county general fund, and hence can be appropriated to other parts of the government, other funding sources are not as flexible and may dramatically impact the policy decisions of justice system agencies. Cities and counties derive funding from different sources and in some cases, comingling or sharing dedicated funds is prohibited by statute or funding guidelines. Federal, state, and private grants may require an agency to focus on a certain crime or activity, which can strain other parts of the system if those agencies are not compensated for the increased activity. Contracts with federal and state agencies to rent jail beds are another revenue source that impacts the size of the justice population; jurisdictions may be reluctant to sacrifice funds associated with this arrangement.

**Logistical Barriers**

Logistical barriers represent a common cause of implementation failure. Ideally, stakeholders involved in justice reinvestment have collaborated well throughout the planning process; they should make every effort to continue doing so during implementation. Together, they can ask themselves:

1. Does this strategy require coordination between two or more agencies?
   a. How will agencies coordinate (meetings, check-ins, automated updates)?
   b. What tools do agencies need to coordinate or communicate?
   c. Do the agencies have the resources to engage in this strategy?
   d. Which agency is responsible for leading this strategy?
e. Do other stakeholders need to be involved in planning, implementation, or maintenance of the strategy?

2. Do the benefits of implementation benefit an agency other than the one implementing the policy?
3. How long will this strategy take to generate savings?
4. Are savings substantial enough to allow for reinvestment?

Since many of these questions relate to coordination, the justice reinvestment planning body should address them early in the process. However, a more challenging obstacle may come when a justice reinvestment strategy is implemented in one part of the system and has an impact on another part of the system. For example, police officers may ask themselves, “what incentive do we have to use citations over arrests when these policies only impact the jail?” The answer is that even though the effect is seen in another part of the system, police labor resources (i.e., time required to transport an individual to and from the booking facility) would be freed for other things.

Although an inability to share funds between jurisdictions can represent a barrier to implementation, it need not impede cross-agency coordination. For example, a joint effort by a city and county to divert individuals from the jail might combine police resources (city), homeless services (city), prosecution (county), and jails (county). Although agencies are typically not able to reallocate funding between jurisdictions, the dollars saved through these joint initiatives could conceivably be reinvested in other functions.

Prior to implementing cost-saving public safety strategies, steering committee members should revisit previous discussions about how they plan to reinvest funds generated through cost-saving public safety strategies. Regardless of whether funds are reallocated to another program within the same agency or transferred to a community-based entity, all stakeholders must agree to the reinvestment strategy.

Legal Barriers

Legal barriers can certainly derail a justice reinvestment strategy before it has been implemented but can often be remedied early if all decisionmakers (e.g., state and local legislators) are involved and support the process. Key questions include:

1. What legal barriers exist to implementing this type of strategy?
   a. Can these barriers be resolved through a change in local or state statute?
   b. Can these barriers be resolved through a memorandum of understanding?

Many legal barriers to justice reinvestment can be remedied through changes to state and local law. For example, a jurisdiction may want to restructure certain state-mandated programs; while this restructuring may serve the target population, it may violate state statute. For example, a state law that mandates every individual convicted of his or her second drug offense complete a treatment program may conflict with a justice reinvestment analysis that indicates the program should only be targeted to certain people convicted of drug offenses. In this case, if state legislators are engaged in justice reinvestment, they could introduce legislation that amends the law to produce better outcomes. Of course, some legal barriers will be more challenging.
than others, particularly when jurisdictions seek collaborative agreements with agencies that serve special populations and keep highly confidential data (such as those with mental health issues).

**Internal Barriers**

Although support from line staff is crucial to implementing justice reinvestment, they are not always involved in its planning for a variety of reasons, partly because the planning process is designed for leadership, not to engage line staff. If not previously involved, line staff may be surprised by a justice reinvestment strategy that will impact their jobs. The questions below should be addressed throughout the planning process, since they can help the stakeholder group assess whether a justice reinvestment strategy will face opposition from line staff:

1. How might line staff respond to this strategy?
   a. Who is most likely to support it?
   b. Oppose it?
   c. Is training needed?
   d. What’s in it for them?
2. How might unions respond to this strategy?
   a. Which unions are most likely to support it?
   b. Oppose it?
   c. How likely are legal challenges?

Corrections officers’ unions are key stakeholders in county criminal justice systems and can help decide how additional resources could best serve the needs of jail staff. Crowded jails create an unsafe and unpleasant working environment, which in turn results in high rates of attrition, frequent use of sick days, and low morale. In addition, violent incidents can create costly lawsuits from detainees and can result in the federal government assuming control over the jail.

Discussing cost-saving strategies is likely to raise concerns among some stakeholders, especially when agencies have already been forced to freeze hiring and reduce staff. However, this effort is focused on reinvestment and reallocation—money is not being taken away, unless the jurisdiction must cut the budget anyway. Instead, money is being repurposed to maximize public safety. Although a corrections deputy cannot simply become a drug treatment provider, and vice versa, each could benefit from justice reinvestment strategies that help lighten their caseloads, better manage high-risk and high-needs clients, and focus their attention appropriately.

**Jurisdictional Barriers**

Perhaps the greatest challenge to a justice reinvestment initiative is opposition from a politically powerful group outside government. Community groups, particularly business associations, may oppose justice reinvestment if they were not consulted or if the resulting justice reinvestment strategy appears “soft on crime.”

Stakeholders should ask themselves:

1. How might the business community respond to this strategy?
   a. Who is most likely to support it?
   b. Oppose it?
   c. Is education needed?
2. How might the public respond to this strategy?
   a. Who is most likely to support it?
   b. Oppose it?
   c. Is media outreach needed?

Many counties express frustration with a huge treatment gap, resulting in detainees unable to access services upon their release. However, many community residents fall prey to NIMBYism (“not in my backyard”) and oppose the nearby building of substance abuse treatment facilities, halfway houses,
and shelters. Reinvesting in the jail can enable the jurisdiction to treat people while incarcerated, promoting continuity of care between institutions and the community and eventually reducing individuals’ substance abuse (and associated crime). However, stakeholders must also educate the public about the safety concerns associated with failed reentry and the need for services and programs to be available where people most need them.

Having a well-developed communications plan and engaging community members at the start of justice reinvestment can help the community take ownership over the process and reduce the likelihood they will oppose resulting strategies.

Phase II, Step 3: Highlights

In considering the implementation of proposed cost-saving public safety strategies, jurisdictions must review why these strategies are not currently in place today. Have these strategies been considered before? Were they ever attempted? Do budget cuts and lack of alternative revenue sources obstruct implementation? Does coordination across multiple agencies and jurisdictions cause logistical concerns? Do all stakeholders within and outside the public safety system support this new strategy or policy?

The answers will help jurisdictions determine which strategies are feasible to implement and how to coordinate them into a successful initiative. Stakeholders must attempt to answer these questions and involve a variety of government and community constituencies. The responses will help reveal barriers to the jurisdiction’s justice reinvestment effort and provide clues on how to overcome them. Further, strategies that require little up-front investment and result in immediate savings should be implemented early to fund other strategies that may be more resource intensive.

Step 4: Document Savings and Public Safety Impact

At this point, a jurisdiction has identified key drivers of local criminal justice system costs and developed strategies that can save money in the short term by addressing these drivers. These strategies have also been designed to maintain or improve community safety. When a jurisdiction commits to changes within the criminal justice system, it must also monitor whether the strategies were implemented as planned and how well strategies are achieving their goals to reduce costs and maintain or improve public safety. And, because justice reinvestment represents a systemic approach to cost saving, the jurisdiction must monitor these effects on multiple parts of the system.

To understand which strategies are successful and which need to be modified, justice reinvestment leaders must have information on program effectiveness and cost analyses of the implemented strategies. This section describes how jurisdictions can measure costs and savings associated with their interventions in order to maximize the potential for reinvest-
ment within the criminal justice system and the broader community.

**Measuring and Monitoring Progress**

A successful data-driven approach to justice reinvestment will monitor performance measures. While implementing evidence-based practices increases the likelihood of success, it does not guarantee that programs will generate the same results in a jurisdiction’s context. Developing local knowledge depends on careful evaluation of goals, effort, capacity, and outcomes. Therefore, it is important to collect data on each strategy undertaken; these data include both budgetary information, to measure costs, and success rates, to measure savings from reduced consumption of criminal justice resources. Data collection also lets jurisdictions identify where they are not achieving cost savings through population reduction. Quantifying success legitimizes a strategy and ensures that such work can be monitored and replicated (see appendix E for a sample template for quarterly reporting by sites in Phase II of the BJA’s Justice Reinvestment Initiative).

Identifying performance metrics is crucial for stakeholders to monitor progress. Ensuring that baseline data are available (or can be collected) for each chosen measure is an important part of this process. For each strategy, a jurisdiction will identify the associated activities and how they will be measured. Jurisdictions should also set a year-end goal for progress on those activities and then monitor those indicators at least quarterly to identify challenges and implementation issues. Internal and external performance measures can help jurisdictions assess the effects of new strategies. For example, a new drug treatment program for detained individuals could be monitored and the number participating in the program while incarcerated compared to the number of eligible participants, and external indicators such as the rate of substance abuse in the immediate community.

By way of illustration, implementation of a new employment skills program for detainees might entail identifying individuals with employment needs, enrolling them, offering them classes, and graduating them. Progress could be measured by tracking the number of individuals identified needing employment skills, the number of eligible enrollees, the percentage of eligible enrollees actually enrolled, the number of classes offered, and the percentage of participants who graduate. A jurisdiction can set goals for each metric, some of which will not be measurable until other goals are achieved (for example, graduations cannot be measured until classes are offered). The outputs of these activities should culminate in public safety outcomes the group hopes will result from its strategy. The goal can be as simple as maintaining the community’s current level of public safety. The final goal of an employment skills strategy might be to increase the number of individuals employed within four weeks of leaving jail and to reduce the times this population returns to the jail (rebookings).

These metrics should be monitored regularly and actively by steering committee members to correct programs and strategies that do not yield anticipated benefits. For example, if a program has demonstrated effectiveness but only limited capacity, the marginal costs of placing individuals into the program and the associated savings generated by diversion from jail may be minimal, because few individuals are completing the program. Steering committee members could determine if the program could be expanded and take action to improve the situation. For example, if the model does not require small program numbers to remain effective, it can easily be expanded. If the model requires small program numbers, the factors involved in expanding the program should be considered.
Formal Evaluations

Formal program evaluation requires trained analysts with knowledge of evaluation methodology and data analysis. When conducted properly, program evaluation can be resource intensive. Jurisdictions that engage in such evaluation efforts typically partner with a local university or combine staff from the research and planning unit with an outside contractor or consultant to conduct the evaluation.

Associating Changes in Spending with Progress

To generate savings that can later be reinvested in the community and in longer-term public safety strategies, a jurisdiction must be able to demonstrate a tangible and sustainable reduction in current or future criminal justice spending. Ideally, new strategies should generate money to pay for their implementation (if applicable), as well as yield net savings to use for later investments.

Justice reinvestment strategies need to generate tangible savings for jurisdictions to reinvest those funds into the system. However, some savings will be in the form of averted spending. Savings that result from a reduction in current spending represent an actual decrease in the funds needed to provide the population with the same or better service; essentially, reducing the population in a certain part of the system leads to reduced demand and reduced spending for that particular program or service. In contrast, averted future spending reflects expenditures the jurisdiction no longer anticipates as a result of population declines, such as avoiding construction of a new facility or the addition of new staff. Another example is savings from reduced criminal behavior, lower victimization rates, and quality-of-life improvements, as these cost reductions stem from crimes not committed. Table 8 lists possible costs associated with current and future spending:

An example template for monitoring the costs associated with a justice reinvestment strategy is presented in appendix E. This template was developed for sites participating in Phase II of BJA’s Justice Reinvestment Initiative.

As discussed in the identifying costs section, calculating the marginal costs of individuals involved in the criminal justice system is essential to calculating both real savings and averted spending. Marginal criminal justice costs reflect cost changes per additional person, which may change based on volume, rather than a flat cost per person. For example, each individual in the jail is associated with certain direct expenses like the cost of issuing clothing, as well as unit costs, such as contracts for health care. Preventing that individual from entering the jail will reduce direct expenses immediately, but many savings can only be generated with a significant enough population reduction. Expenses associated with food contracts and staffing will not change if one fewer person enters the jail, but may decrease if the average jail population drops by some threshold. Similarly, facility classification distinctions, both of those incarcerated and those diverted, will influence whether population shifts will impact actual expenses. Facilities must maintain adequate housing units and staffing to ensure that people who cannot be housed together are separated. A female housing unit, for example, can only be impacted by a change in the number of females and may be unaffected by an overall population reduction.

Table 8. Possible Tangible Savings and Averted Future Spending from Justice Reinvestment

<table>
<thead>
<tr>
<th>Reduction in current spending</th>
<th>Averted future spending</th>
</tr>
</thead>
<tbody>
<tr>
<td>Closing housing units</td>
<td>Eliminating the need for new jail construction</td>
</tr>
<tr>
<td>Closing facilities</td>
<td>Averting victim costs</td>
</tr>
<tr>
<td>Renegotiating service contracts (e.g., health care, food)</td>
<td>Increasing tax revenue</td>
</tr>
<tr>
<td>Reducing operational costs</td>
<td>Reducing hiring needs</td>
</tr>
<tr>
<td>Reducing overtime expenditures</td>
<td></td>
</tr>
<tr>
<td>Per head cost savings</td>
<td></td>
</tr>
<tr>
<td>Reducing legal or processing costs</td>
<td></td>
</tr>
<tr>
<td>Reducing staff</td>
<td></td>
</tr>
</tbody>
</table>
Determining units of analysis and necessary units for real reductions is essential to accurately estimating potential savings.

To determine the appropriate unit of analysis, stakeholders should return to the quantification of existing criminal justice costs and review the units in which spending is determined and the number of individuals in each unit. To use another jail example, staffing is often allocated in terms of duty posts, containing a certain amount of officers responsible for supervising a certain amount of detainees. Real savings cannot be attained until the population decreases enough to eliminate a duty post, and the savings generated at that point will be equivalent to the staffing costs for however many positions were eliminated or reassigned.

A report by the ACLU documented many difficulties agencies have in determining the fiscal impact of major changes in criminal justice policy. Indeed, some of the most significant, long-term savings achieved through justice reinvestment are difficult to quantify. Reductions in recidivism can generate the greatest savings as cessation of criminal activity eliminates all costs associated with that individual cycling through the system (as opposed to the costs in just one part of the system—like the jail or courts). However, because tracking individuals’ recidivism rates over time is difficult and because savings must be tangible in order to be reinvested, it can be challenging for jurisdictions to monetize and use the profit from reduced recidivism. Remember also that reduced victimization may generate savings, including reductions in personal trauma, financial impact, and more stable and safer communities. These savings may not be monetized, but they are important results of the effort.

Continued vigilant reporting on all justice system costs, indicators, and trends must occur to sustain reduced justice system expenditures. If attention to criminal justice conditions is not sustained over time, the system may quickly regress back to the conditions experienced prior to the justice reinvestment initiative. As noted previously, justice reinvestment is an iterative process that requires ongoing performance monitoring and quality control.

**Phase II, Step 4: Highlights**

Quantifying changes in criminal justice spending and public safety outcomes is a critical step in justice reinvestment. Jurisdictions must monitor how well strategies achieve stated goals and modify them to ensure anticipated cost-saving and public safety impacts are realized. Tangible dollars saved through strategies implemented in Step 3 and monitored in Step 4 should mean more money in the general fund. This money can be used in the next and final step of a justice reinvestment approach: reinvesting in public safety and community well-being.

**Step 5: Implement and Assess Justice Reinvestment Strategies**

In many ways, this stage represents the profitable culmination of a challenging and intensive process. Before even beginning justice reinvestment, leaders united to discuss problems facing the local criminal justice system and committed to regular meetings of an oversight body. Once this organizational structure was set, the difficult task of collecting, analyzing, and interpreting data to identify strategies that would reduce criminal justice drivers was accomplished in Phase I. In Phase II, leaders discussed barriers to successful implementation of their strategies and devised methods of measuring, monitoring, and responding to changes in performance; they also quantified...
impediments to transferring funds between different entities, as well as political and community opposition. The importance of stakeholder support is crucial, as it will help ensure that barriers are addressed and that programs and policies in the public safety system and in the community can be supported through reinvested criminal justice dollars.

**What Do We Mean by “Reinvestment”?**

As the opening chapter to this guidebook explains, justice reinvestment is a strategic planning process that involves multiple phases and an ongoing systematic review of data. To be successful, justice reinvestment must involve local leaders collaborating to understand how their jurisdiction currently invests its criminal justice resources, with the goal of developing and implementing new ways to reinvesting scarce resources, yielding a more cost-beneficial impact on public safety.

For example, the reinvestment component of the process occurs in the community and in the jail. When criminal justice expenditures are controlled or reduced, the resulting savings can be dedicated to interventions that prevent the onset of criminal behavior, increase the likelihood that released probationers will succeed on supervision, and provide the community with support necessary to lower odds that released detainees will reoffend.150

**Reinvesting in the Criminal Justice System**

Reinvestments made in the criminal justice system will likely be similar to strategies identified in Step 2, as both cost saving and reinvestment will focus on reducing criminal activity through evidence-based practices. However, reinvestment strategies are different in that they (1) do not need to result in immediate cost-savings; (2) tend to focus on longer-term public safety and community outcomes; (3) need not target

tangible savings through reduced costs and averted spending.

Determining how to spend surplus general fund dollars is certainly a desirable challenge, but will require just as much collaboration and support as previous phases of the justice reinvestment process.

In Step 5, leaders use the savings generated through policy changes developed in Phase II to reinvest in the criminal justice system and in the community. Determining how to spend surplus general fund dollars is certainly a desirable challenge, but will require just as much collaboration and support as previous phases of the justice reinvestment process. Ideally, stakeholders should have agreed early in the planning process on general strategies for reinvesting dollars saved through this initiative, particularly if money saved in one part of the system is reinvested in another. In these cases, jurisdictions may encounter legal
only those individuals assessed as driving criminal justice costs; and (4) do not always involve operational changes that increase efficiency, without a simultaneous effect on public safety. Reinvestments that address the underlying causes of criminal behavior to reduce recidivism within at-risk populations include in-jail education, law enforcement training (e.g., CIT), health care, substance abuse treatment interventions, and community policy practices.\textsuperscript{151}

To identify these reinvestment opportunities, the steering committee can look to policies and strategies identified in Step 2 that require more up-front investment in dollars and planning than was feasible at that time. For example, a justice reinvestment strategy focused on community improvements to reduce future criminal offending may take years to generate changes in crime and for the jurisdiction to see a reduced demand for services. To implement this strategy, jurisdictions must either allocate funds in anticipation of cost savings, which is difficult for jurisdictions with annual budgets, or plan to implement the program once savings have been realized through another justice reinvestment strategy. Indeed, once criminal justice expenditures are controlled or reduced, the resulting savings can be dedicated to interventions designed, for example, to prevent the onset of criminal behavior, to increase the likelihood that released probationers will succeed on supervision, to provide the community with support necessary to lower odds that released detainees will reoffend, or to improve data collection and management systems and procedures.\textsuperscript{152}

**Reinvesting in the Community**

In addition to reviewing the system-based strategies identified in Step 2, jurisdictions can reinvest dollars directly into community-based services that serve a wider variety of clients than justice-involved people, such as improving housing services, increasing the number of treatment beds, ensuring continuity of care, providing victim services, and enhancing the capacity of community-based programming. **Community-based** strategies include the following examples:

*Jobs and education.* Many individuals engage in crime because they do not have alternative means to support themselves. Jurisdictions can use resources saved through justice reinvestment to develop education and employment strategies that target initial causes of interaction with the criminal justice system.

*Housing.* Local governments can use resources identified through justice reinvestment to support housing services that target individuals who are homeless or experiencing housing instability. Jurisdictions can invest in many different types of housing, including transitional housing and shelter services, as short-term remedies for homelessness. Research has shown that the most cost-efficient model is to get individuals into supportive housing, where they can access services that address other needs (including substance abuse and mental health issues).\textsuperscript{153} Permanent housing solutions might require jurisdictions to make a significant initial investment, but in the long term this will likely yield savings from homeless individuals interacting less frequently with the local criminal justice system and other costly emergency services.\textsuperscript{154}

*Community-based treatment and services.* Jurisdictions can use established practices to identify community-based programs and services in which to invest. More than half of individuals who interact with the criminal justice system have mental health and substance abuse problems.\textsuperscript{155} In many jurisdictions, jails are the largest providers of
health care resources; thus, incarceration is one of the few ways individuals can access treatment (although this is inefficient and extremely expensive). By expanding the community's treatment options, jurisdictions can limit these individuals’ interaction with the criminal justice system and potentially reduce demand for costly emergency services. They can also expand these services to the broader population of individuals who struggle with addiction and untreated physical and mental illness.

Numerous studies have found that the most effective community-based treatment and services involve early up-front investments. These include home visiting programs for pregnant women and new mothers. Although the return on investment may take time to accrue, results from these programs are impressive. The Washington State Institute for Public Policy found that an average of $2.24 is saved for every dollar invested in these programs; savings emerged from decreased criminal justice system involvement, reduced spending for health and related services, lower reliance upon assistance from public welfare, and increased tax revenues resulting from maternal employment.156 Universal prekindergarten, home nursing visitation, and other similar programs designed as early intervention services are often hard to justify in short-term budget cycles. However, their proven demonstration to reduce interaction with the criminal justice system, to increase quality of life for underserved and poor populations, and to decrease consumption of public resources makes these programs a good choice for targeted reinvestment.

In determining where to place community reinvestments, jurisdictions should refer to Question 2—what factors characterize justice-involved people?—from their data collection and analysis. There, jurisdictions identified specific neighborhoods where most incarcerated individuals live and most criminal justice resources are expended. Mapping can help jurisdictions understand which communities most need reinvestment resources. Counties can also use mapping to compare criminal justice to public assistance expenditures (such as welfare assistance, social service provision, health care and education). Mapping helps local stakeholders better understand community needs and gaps in services that justice reinvestment can help address.

These prevention strategies can lead to long-term improvements in public safety. By establishing or expanding community-based programs and services, local governments can limit or even prevent individuals from interacting with the criminal justice system and potentially reduce demand for costly emergency services. They can also expand these services to the broader population of individuals who struggle with addiction and untreated physical and mental illness.

Justice Mapping

The Justice Mapping Center has used mapping to determine where state-level justice reinvestment resources should be reinvested and to measure the impact of justice reinvestment on local jurisdictions. In New York, the Justice Mapping Center mapped population demographics in neighborhoods with high admissions to prison and jail. The maps looked at specific social service measures (including Temporary Assistance to Needy Families funds allocated and foster care rates) in conjunction with the imprisonment ratio and prison migration trends. The state was able to use these maps to determine which neighborhoods most needed the resources resulting from savings in reduced corrections spending. Similar mapping work has been done in Connecticut (on behalf of the Council of State Governments’ justice reinvestment work) and in Kansas. For more information on reentry mapping, please refer to http://www.justicemapping.org/ or http://www.urban.org/reentry_mapping/.
Assessing the Impact of Reinvestment Strategies

Jurisdictions must continue to track and assess the financial and public safety impact of their actions and strategies throughout the local justice reinvestment process. This involves the ongoing evaluation of justice reinvestment strategies and the continuous collection and analysis of data relevant to the criminal justice system. Doing so will enable leaders to adapt to both demographic changes in the local criminal justice population and structural changes within the system. To support responsible reinvestment, any population and spending reductions must be sustained over the long term.

Ongoing performance measurement enables stakeholders to track population ebbs and flows and to make swift interventions that prevent unanticipated cost increases that reclaim resources earmarked for reinvestment.

Performance measurement is a key tool for monitoring savings and facilitating ongoing reinvestment. Ongoing performance measurement enables stakeholders to track population ebbs and flows and to make swift interventions that prevent unanticipated cost increases that reclaim resources designated for reinvestment efforts. Monitoring responsibilities naturally fall with a justice reinvestment steering committee and can be useful in maintaining stakeholder involvement after the initial round of justice reinvestment work.

The same process used in Step 4 to assess the impact of cost-saving public safety strategies on system costs and public safety outcomes can also be used here to examine the effectiveness of reinvestment strategies. Over the long term, these metrics will be important for tracking changes in other parts of the system, as reinvestments further reduce the need for justice services.

Local criminal justice systems are complex and can change at any point in the system. These changes can both incur costs and generate savings. The complexities require constant vigilance from criminal justice planners during the justice reinvestment process, through the constant collection and analysis of data. Successful justice reinvestment, therefore, requires ongoing assessment of the implementation and impact of cost reduction and justice reinvestment activities.

Ultimately, justice reinvestment requires jurisdictions to engage in a collaborative, iterative process that will assess the local justice population and use a data-driven approach to enhance accountability. If implemented correctly, justice reinvestment enables jurisdictions to develop management strategies that yield cost savings and long-term impacts on public safety.

Phase II, Step 5: Highlights

Many opportunities for reinvestment exist. Jurisdictions must carefully consider how they reinvest funds generated through successful policies and strategies in Step 3. Regardless of whether programs are funded within the public safety system or in the broader community, strategies should focus on reducing criminal activity among those previously been involved in the justice system and those at risk of future involvement. High-crime communities could benefit from justice reinvestment dollars, which can support community well-being and justice-involved individuals’ families. Reinvesting resources is a key step because it is what ultimately improves public safety. Jurisdictions must continue to monitor their interventions over time. The next chapter—and the conclusion to this guidebook—discusses the importance of continuing to evaluate the local justice reinvestment initiative and of institutionalizing the process in the jurisdiction.
Guiding Principles for Successful and Sustainable Reinvestment

Justice reinvestment does not entail following a prescribed set of steps, after which one can declare victory and move on.

The previous chapters have described the specific components associated with a local justice reinvestment effort. Yet adherence to this model alone will not ensure success: justice reinvestment does not entail following a prescribed set of steps after which one can declare victory and move on. To the contrary, this model will only be successful if approached with an eye toward achieving a tangible and meaningful shift in local criminal justice planners’ decisions about resource allocation. This conclusion summarizes the critical components of justice reinvestment presented in previous chapters by highlighting the key principles behind systems change: developing a shared vision, encouraging transparent and data-driven decisions, increasing accountability, and ensuring sustainability over time.

Systems change requires consideration of the jurisdiction’s context, personalities, political climate, and past successes and failures.

Developing a Shared Vision

To ensure true buy-in of a reinvestment strategy, local stakeholders, both within and outside the criminal justice system, must agree on the initiative’s mission and goals. This shared vision cannot be developed overnight and without it, justice reinvestment activities are unlikely to succeed. Systems change
requires consideration of the jurisdiction’s context, personalities, political climate, and past successes and failures. It requires engaging all relevant parties in the shared goal of changing how business is done. And it also requires commitment from stakeholders to celebrate successes and to address challenges as a single, united entity.

Data analyses make justice reinvestment decisions persuasive and defensible, provided all stakeholders have confidence in them.

Encouraging Transparent and Data-Driven Decisions

For a diverse set of county, city, and criminal justice stakeholders to buy into justice reinvestment decisions, their basis must be clearly articulated and widely shared among partners. Thus, transparency in decisionmaking is critical, as is the use of empirical data to drive those decisions. While ongoing data collection and analysis may be the single most daunting aspect of a justice reinvestment initiative, the empirical evidence it generates can both support actions and thwart political arguments based on emotions and anecdotes. Data analyses make justice reinvestment decisions persuasive and defensible, provided all stakeholders have confidence in them. This underscores the importance of clear, uniform, and agreed-upon definitions and effective systems for extracting, analyzing, and interpreting data.

Increasing Accountability

As discussed throughout this guidebook, justice reinvestment decisions require the cooperation and coordination of multiple system players because changing policies within one agency can easily be countered (whether intentionally or unintentionally) by actions of other agencies. For example, changing revocation policies designed to stem the flow of jail bookings will not have the desired effect if, at the same time, police conduct sweeps of open air drug markets. To achieve systems change, these agencies must anticipate results of their agency-specific policies and actions and share them with justice reinvestment partners. They must also be held accountable for implementing reduction and reinvestment decisions the group agreed upon. This requires partners to convene routinely to discuss policies, practices, and agreed-upon interventions, as well as top-down management of individual justice reinvestment contributors.

Ensuring Sustainability

The model for justice reinvestment at the local level illustrates its cyclical nature. The centrality of strategic planning in successful justice reinvestment cannot be overstated: jurisdictions must continually convene the strategic planning body and collect data to monitor progress and document both successes and areas for improvement.

Justice reinvestment is by no means easy. Jurisdictions engaging in this work should be prepared for the challenges of collaboration and data sharing. They should also commit to interagency coordination and ongoing problem-solving. Those who view justice reinvestment as a discrete project with a clear beginning, middle, and end are unlikely to achieve sustainable results. In sum, the challenges of justice reinvestment are great, but so are the opportunities. Jurisdictions that engage in this work with purpose and diligence are likely to yield continuing benefits to public safety and community well-being.
Notes

1. This guidebook uses the term “local” to refer to criminal justice systems operations and costs that are not under the authority of a state or federal governmental entity.


4. In addition to the 7.2 million people on probation or parole, or incarcerated in prison or jail, additional individuals are coming in as arrests, cases, clients, and others agencies must attend to. The justice population has nearly tripled in the last thirty years and the rate of justice involvement (per 100,000 persons) has almost doubled. See L. Glaze, T. Minton, and H. West, Correctional Populations in the United States, 1980–2008 (Washington, DC: Bureau of Justice Statistics, 2009).

5. Estimates provided from 2007 for consistency. The most recent figures indicate that 7.1 million were incarcerated or supervised at year end 2010. See L. E. Glaze, Correctional Populations in the United States, 2010 (Washington, DC: Bureau of Justice Statistics, 2011).


8. Spending is driven by increased demand (justice-involved individuals) and by the increased cost of doing business. Every year, the cost of living increases and governments must spend more money to employ workers, purchase equipment, maintain buildings, and offer programs and services. See J. Byers, Coping with the New Normal: An Economic Status Survey of Counties (Washington, DC: National Association of Counties, 2011).


14. See Bennett and Lattin, Jail Capacity Planning Guide.


17. Criminogenic needs are risk factors for criminal behavior, such as having criminal thinking or basic needs like housing. These needs can be identified using a validated assessment such as the LSI or the COMPAS.


23. Lawsuits against criminal justice agencies are based on a variety of issues. For example, problems with detainee abuse, suicides, inadequate medical care, and crowding may lead to litigation against jails. See National Institute of Corrections, The Jail as a Part of County Government (Washington, DC: National Institute of Corrections, 2011).


27. County Commissioners Association of Pennsylvania (CCAP) and Temple University Department of Criminal Justice, Exploring Problems and Prospects for Controlling County Jail Populations in the United States (Harrisburg: CCAP, 2005).

28. In this text we use these terms for strategic planning entities, as well as collaborative entity, steering committee, strategic planning entity, coordinating body, and other like terms interchangeably.

29. See CCAP and Temple University, Exploring Problems and Prospects.


31. See CCAP and Temple University, Exploring Problems and Prospects.


33. Because of the varied requirements of a leader, a jurisdiction may consider coordinating the leadership role between co-chairpersons. This approach can be beneficial if the leaders effectively “divide and conquer” the workload. However, jurisdictions should be cautious that competing interests, unclear roles, or undefined responsibilities may detrimentally affect the outcome of a body led by two or more parties.


35. See McGarry and Ney, Getting it Right.

36. See CCAP and Temple University, Exploring Problems and Prospects.

37. See Crime and Justice Institute, Implementing Effective Correctional Management.

38. American Jail Association (AJA), Jail Population Reduction Strategies: An Examination of Five Jurisdictions’ Responses to Jail Crowding (Hagerstown, MD: American Jail Association, 1994).

39. See McGarry and Ney, Getting it Right.

40. See BJA, A Second Look at Alleviating Jail Overcrowding: Cushman, Guidelines for Developing a Criminal Justice Coordinating Committee; CCAP and Temple University, Exploring Problems and Prospects.

41. See BJA, A Second Look at Alleviating Jail Overcrowding.

42. See McGarry and Ney, Getting it Right—a comprehensive discussion of the system mapping process begins on page 109.

43. See Bennett and Lattin, Jail Capacity Planning Guide.


49. Adapted from J. Roman and A. Chalfin, Does It Pay to Invest in Reentry Programs for Jail Inmates? (Washington, DC: The Urban Institute, 2006).

50. See Roman and Chalfin, Does It Pay to Invest?


52. See Roman and Chalfin, Does It Pay to Invest?

53. Some costs associated with the criminal justice system are included in the budgets of agencies that are not part of the public safety system. For example, a 2012 report by the Vera Institute of Justice identified 11 categories of costs that fall outside state corrections budgets. See C. Henrichson and R. Delaney, The Price of Prisons: What Incarceration Costs Taxpayers (New York: Vera Institute of Justice, 2012).

54. See Roman and Chalfin, Does It Pay to Invest?


56. See Clem, “69 Ways to Save.”


60. Shoplifting, public intoxication, criminal trespass, disorderly conduct, operating a vehicle on a suspended or revoked license, and unlawful possession of less than eight ounces of marijuana.
61. See BJA, *A Second Look*.
62. Ibid.
64. See Hall, *Systemwide Strategies; AJA, Jail Population Reduction Strategies; BJA, A Second Look*.
77. See Ad Hoc Committee on Best Practices for the Baltimore City State’s Attorney, *Report*.
80. Conversely, FTAs can serve as a population “release valve” for courts experiencing a high volume of defendants.
82. For more information on this study, see W. F. White, *Court Hearing Call Notification Project* (Flagstaff, AZ: Criminal Justice Coordinating Council and Flagstaff Justice Court, 2006).
83. See CCAP and Temple University, *Exploring Problems and Prospects*.
85. See Clark, *A Framework for Implementing Evidence-Based Practices*.
86. See Crime and Justice Institute, *Implementing Effective Correctional Management*.
87. See Hall, *Systemwide Strategies*.
88. Ibid.
89. Per interview with Jeff Grace of Montgomery County, conducted by Pamela Lachman of the Urban Institute, October 2, 2009.
90. See CCAP and Temple University, *Exploring Problems and Prospects*.
93. Ibid.
95. See Hall, *Systemwide Strategies*.
98. Per interview with Major Dennis of Seminole County, conducted by Pamela Lachman of the Urban Institute, October 2, 2009.
100. See AJA, *Jail Population Reduction Strategies*.
103. See BJA, A Second Look.
106. See Lee, Community Courts.
118. For more information on the types of specialty courts and their demonstrated effectiveness, please refer to the Center for Court Innovation’s website for a growing list of resources and topics, http://www.courtinnovation.org.
120. Maintaining full-time employment is associated with reduced recidivism; see R. Freeman, Can We Close the Revolving Door?: Recidivism vs. Employment of Ex-Offenders in the U.S. (Washington, DC: The Urban Institute, 2003).
124. V. Hutchinson, K. Keller, and T. Reid, Inmate Behavior Management: The Key to a Safe and Secure Jail (Washington, DC: National Institute of Corrections, 2009); Vera, Bail Bond Supervision.

130. See Reentry Policy Council, Report.


141. See MacKenzie, What Works.


143. See Longshore et al., “Effects of Case Management.”


146. The Department of Probation in Georgia is a state agency.


149. See National Association of Counties, Reentry for Safer Communities.


151. Again, when involving multiple jurisdictions or the state, coordination is possible, but reinvestment across jurisdictions is typically limited by law and the funding sources (i.e., it is difficult to transfer funds from a city to a county, and vice-versa).


153. See Vera Institute of Justice, Bail Bond Supervision.

154. See Petersilia, “From Cell to Society.”


M any of the following terms and definitions were adapted from the State of Arizona Crime Victim’s Services Glossary of Criminal Justice Terms, Schmalleger’s *Criminal Justice: A Brief Introduction* (2004), and the Transition from Prison to Community Initiative Reentry Handbook.

**Admission**: An individual being detained in the jail.

**Bail**: A sum of money, set by the court, posted by the defendant, upon the condition that the money will be forfeited to the state if the defendant does not comply with the directions of the court requiring his or her attendance at the criminal proceeding.

**Community supervision**: The use of a variety of officially ordered program-based sanctions that permit convicted offenders to remain in the community under conditional supervision as an alternative to an active prison sentence. It includes supervision as an alternative to incarceration (probation) and supervision after prison sentence (parole).

**Correctional institution**: This includes jail, state or federal prison, detention centers, and central booking facilities.

**Corrections**: This includes jail, state or federal prison, detention centers, and central booking facilities.

**Criminal justice system**: Jail, prison, law enforcement, the prosecutor’s office, the public defender’s office, court services, probation, parole, community service providers, and other agencies that interact with any of the aforementioned agencies.

**Disposition**: The final judicial decision that ends a criminal proceeding by judgment of acquittal or dismissal or that sets the sentence if the defendant is convicted.
**Failure to complete mandated services:** A defendant does not complete the requirements of their sentence, such as service hours or rehabilitative classes, while the final disposition of the case is still pending.

**Failure to make a court appearance:** A defendant does not appear for predetermined court date. This does not include a scheduled continuance or reset case.

**Felony:** Serious crimes that can usually carry a sentence of more than one year of incarceration, including murder, robbery, and rape.

**Homeless:** Persons without a permanent address, including transient persons.

**Jail:** A confinement facility administered by an agency of local government, typically a law enforcement agency, intended for adults but sometimes also containing juveniles, which holds people detained pending adjudication or committed after adjudication, usually those committed on sentences of a year or less. Offenders sentenced to prison are also housed in county jails, awaiting transfer.

**Law enforcement:** This includes police departments, sheriff’s offices, and constable’s offices.

**Mission:** Guiding principles that define a work plan to achieve future goals.

**Parole:** The conditional release of a convicted offender from prison before the end of his or her sentence based upon requirements for the offender’s behavior set and supervised by a parole agency.

**Probation:** Conditional freedom granted to an offender by the court after conviction or a guilty plea with requirements for the offender’s behavior set and supervised by the court.

**Recidivism:** Reoffending in a given time period. This can be measured by rearrest, reincarceration, or reconviction and includes technical parole and probation violations.

**Rehabilitative treatment and services:** This includes physical health services/screenings, assessments or counseling for mental health issues, communication or social skills development, family therapy/counseling, domestic violence intervention services, life skills management, anger or stress management, cognitive skills development, job placement/vocational training, religious/spiritual sessions, drug treatment, referrals to housing, access to public assistance benefits, vocational/education assistance, child support services, and assistance in securing identification documents.

**Release-on-recognizance/personal bond:** The release of an accused person from custody, for all or part of the time during prosecution, upon his or her written promise to appear in court as required. No cash or property bond is required.

**Simple assault:** The use (or attempted use) of force or violence against another where there is no intention to injure.

**Technical violation:** A violation of conditions of supervision that does not include a new crime.

**Vision:** An outlook for the future, as outlined in a strategic plan for criminal justice system management.
APPENDIX B

Example of a Justice Reinvestment Team Charter in Allegheny County, Pennsylvania

Mission

Justice reinvestment in Allegheny County is part of a systemic effort to understand and manage the criminal justice system. These efforts begin with diversion programs and continue through case dispositions and offender reintegration. Our current justice reinvestment efforts are focused on better understanding and improving time to case disposition, especially for those offenders awaiting that disposition in the Allegheny County jail. We have a keen interest in documenting our success, identifying cost savings associated with those system improvements, and reinvesting those savings in effective programs and practices. A major challenge, and thus an important part of the mission of this project, is to improve cross-system data quality, data-merging capabilities, and data use.
### Goals and objectives

- Engage law enforcement in our justice reinvestment and offender reentry efforts
  - Share returning offender data with law enforcement
  - Ensure law enforcement participation in case review
  - Evaluate the number of jail commitments by arresting agency
- Better understand the criminal justice system, in particular, the drivers of jail population and time to case disposition
  - Provide data to the Urban Institute
    - Utilize findings from Urban Institute analysis to improve data quality and to design interventions that leverage opportunities identified by the analysis
    - Conduct comprehensive cross-system case reviews monthly
    - Understand and track the costs of the criminal justice system and the impacts of reforms on cost
- Reengineer communication between courts and the jail
  - Identify the as-is process as well as how we want communication to take place (to-be)
  - Implement changes and track them over time
- Develop a design for a system that will meet the information needs of criminal justice leaders
  - Hold design sessions (possibly with the assistance of consultants and partners)
  - Design a set of indicators (criminal justice dashboard) that all criminal justice leaders need
  - Develop a scope of work and raise funds for implementation
- Increase speed of case processing and exit
  - Evaluate offenders’ transition through the criminal justice system, from arrest to sentencing through aggregate data analysis and case review
  - Expand existing interventions or design new interventions that leverage opportunities identified by the Urban Institute analysis
  - Increase utilization of Early Disposition Program court
  - Increase utilization of Phoenix (misdemeanor) docket
- Maintain Allegheny County jail treatment pods at treatment capacity (without crowding other pods)
  - Track pod usage
  - Develop a plan to bring treatment pods to capacity
  - Increase the number of treatment pods by two (as required by the Second Change Act grant)
  - Hold overall (and specific) population counts to agreed level
  - Enhance utilization of incarceration alternatives (day reporting, alternative housing)

### Roles and responsibilities

- **Executive team:** James Flynn, Ray Billotte, Warden Rustin, Helen Lynch, and Erin Dalton
- **Approve project charter**
- **Prioritize project objectives**
- **Delegate project tasks and work to respective staff**
- **Meet weekly to track project progress**
- **Participate on biweekly phone calls with the Urban Institute**
Why Measure Recidivism for Jail Releasees?

Local criminal justice system leaders often struggle with the challenges of measuring the success of their work. While the police can easily point to crime rates as a measure of their effectiveness, many external factors—changing demographics, employment rates, and housing markets—can influence those statistics. From the perspective of a local criminal justice system stakeholder, focusing on outcome measures associated with individuals who are processed through the system is often a more compelling statistic. Chief among these measures is recidivism. This paper discusses why jurisdictions measure recidivism, the different ways in which recidivism is documented, and the pros and cons of various recidivism measurement approaches.

Why Measure Recidivism?

Measuring recidivism helps jurisdictions better understand how and why they expend local criminal justice resources. Recidivism rates can show which populations interact with the criminal justice system the most, and in turn account for a significant portion of corrections spending. Despite the fact that understanding local recidivism trends can be beneficial to jurisdictions, very few of them actually calculate recidivism rates for individuals released from jail.

Recidivism rates can also be used as a measure of program success in a local jurisdiction. While many programs (e.g., in-jail drug or mental health treatment) are designed to reduce substance abuse and/or improve compliance with treatment, programs can also limit the participants’ further interaction with the criminal justice system. Tracking program participants after they complete the program and determining if they reoffend or
not would allow a jurisdiction to compare the amount of resources being spent on the program to the program’s overall effectiveness in limiting individuals’ further interaction with the criminal justice system.

Jurisdictions also use recidivism rates to determine which individuals consume the most local criminal justice resources. Identifying which populations reoffend repeatedly (and consume police, jail, court, and supervision agency resources in the process) can help criminal justice stakeholders target their interventions in a way that will maximize their effectiveness in reducing criminal justice spending.

How to Measure Recidivism

Typically, researchers consider recidivism in one-year or three-year time frames when looking at reoffending among individuals released from jail. This time period begins after an individual is released from jail (not at admission or booking). Many jurisdictions want to obtain an annual recidivism rate (i.e., the number of people who are released and booked into jail again in a given year) so that they can draw local year-to-year comparisons. However, if jurisdictions choose to measure recidivism for up to three years after release, they need to understand that their recidivism rates will be significantly higher than for a jurisdiction that chooses to measure recidivism within one year of release.

There are three standard methods of measuring recidivism for individuals who have been released from jail: rearrest, reincarceration, and reconviction. Some components of these methods are similar to the way prisoner recidivism is measured; however, jail recidivism rates and prison recidivism rates measure two completely different populations, and therefore represent completely different measures of reoffending and resource consumption in the criminal justice system.

If a jurisdiction decides to use rearrest as a measure for recidivism, it is important to consider how much data the locality has access to. The easiest measure is usually rearrest in the same county or city; more extensive measures are rearrest in the same state or rearrest anywhere in the country, yet these data are more difficult to obtain.

Arrest is not always the most useful measure of recidivism. In some circumstances, the charges are dropped and the individual is not prosecuted. In addition, it is important to examine what the individual is arrested for, and compare it to the prior charge. If the charge is not as serious, or the arrested individual was engaged in a legitimate activity (e.g., an individual was arrested for driving without a license on his way to work), the arrest does not necessarily represent “reoffending.”

When using reincarceration as a measure for recidivism, the place of incarceration is a necessary component to examine. Reincarceration can be measured as a rebooking into jail or an admission into prison. Again, the geographic location of the jail or prison is relevant; a jurisdiction can usually view jail bookings in the same county easily, but if the jurisdiction is going to look at booking into jail in another jurisdiction and booking into prison, it must ensure that the data are accessible. While it can be possible to obtain access to another jurisdiction’s data, it can be more difficult to search using common identifiers and ensure that the data that are extracted are relevant to the appropriate individuals.

Reconviction is also a common measure for recidivism among jail releasees. Here, it is important to distinguish between a conviction resulting in a new prosecution, or a conviction resulting from a probation or parole revocation. If the reconviction is the result of a community supervision revocation, it is also important to note if this revocation stems from a technical violation or a new arrest. Because violations are not necessarily a measure of renewed criminal
activity, they are not necessarily the best measures of recidivism.

Pro and Cons of Measuring Recidivism

In absence of clearly defined measures of success in local criminal justice systems, recidivism can provide jurisdictions with a clearly defined method of examining their problems and the solutions they choose to implement. However, relying too heavily on recidivism rates as a measure of success could pose some problems, especially if the local rate is examined or compared in a way that is not entirely accurate.

Recidivism rates differ from jurisdiction to jurisdiction, depending mostly on how they are calculated. Thus, local criminal justice stakeholders should proceed with caution when comparing their local recidivism rate to other places. Comparing a rearrest rate to a reconviction rate would be inaccurate and produce skewed results, in that the jurisdiction that used rearrest to measure recidivism would likely have a significantly higher recidivism rate than the jurisdiction that used reconviction to measure recidivism.

If jurisdictions are using recidivism to measure a particular program’s effectiveness or a particular population’s consumption of resources, there are a number of key points to keep in mind. If a jurisdiction wants to examine recidivism levels among individuals in a particular jail program, the jurisdiction should only calculate recidivism rates for the program participants (and therefore have a much smaller sample size than a jurisdiction calculating recidivism rates for the entire jail population). Or, if a jurisdiction wants to look at recidivism trends among a particular population within the jail, it is crucial to examine “like groups” according to criteria such as risk level (e.g., high/medium/low), identified needs (e.g., homeless), or booking charge (e.g., drug offense).

Conclusion

No matter what recidivism measure (or combination of measures) a jurisdiction employs, it is nonetheless important to collect and analyze these data routinely and consistently, as it represents a critical area of interest for criminal justice stakeholders, prospective funders, and the general public.

Notes

APPENDIX D

Decisions at Each Criminal Justice Stage and Likely Next Stages
<table>
<thead>
<tr>
<th>Time</th>
<th>Stage</th>
<th>Decision</th>
<th>Likely next stage</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Preadjudication</strong></td>
<td>1. Law enforcement interaction</td>
<td>Arrest</td>
<td>Booking</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Cite</td>
<td>Charging/first appearance</td>
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<tr>
<td></td>
<td></td>
<td>Refer to services</td>
<td>Exit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Warn</td>
<td>Exit</td>
</tr>
<tr>
<td></td>
<td>2. Booking</td>
<td>Allow</td>
<td>Charging/first appearance</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Restrict</td>
<td></td>
</tr>
<tr>
<td></td>
<td>3. Charging/first appearance</td>
<td>Issue charges</td>
<td>Pretrial placement</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Decline prosecution</td>
<td>Exit</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Decline, request follow-up</td>
<td>Law enforcement interaction</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Failure to appear warrant</td>
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<tr>
<td></td>
<td></td>
<td>Dismiss</td>
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<tr>
<td></td>
<td>4. Pretrial placement</td>
<td>Detain</td>
<td>Case processing</td>
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<tr>
<td></td>
<td></td>
<td>Supervise</td>
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<tr>
<td></td>
<td></td>
<td>Surety bond release</td>
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<td></td>
<td></td>
<td>Cash bond release</td>
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<td></td>
<td></td>
<td>Release on own recognizance</td>
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<td></td>
<td></td>
<td>No continuance</td>
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</tr>
<tr>
<td></td>
<td>5. Case processing</td>
<td>Convict, through plea</td>
<td>Sentencing</td>
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<td></td>
<td></td>
<td>Convict, through trial</td>
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<td></td>
<td></td>
<td>Acquit</td>
<td>Exit</td>
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<td></td>
<td></td>
<td>Dismiss</td>
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<tr>
<td></td>
<td></td>
<td>Divert</td>
<td>Specialty court</td>
</tr>
<tr>
<td><strong>Postadjudication</strong></td>
<td>6. Sentencing</td>
<td>Prison</td>
<td>Community supervision</td>
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<td></td>
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<td>AND/OR</td>
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<td></td>
<td></td>
<td>Jail</td>
<td>Jail custody and release</td>
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<td></td>
<td>AND/OR</td>
<td></td>
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<td></td>
<td></td>
<td>Probation/parole</td>
<td>Community supervision</td>
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<td>AND/OR</td>
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<tr>
<td></td>
<td></td>
<td>Specialty court</td>
<td>Exit</td>
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<td></td>
<td>AND/OR</td>
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<td></td>
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<td>Treatment/services</td>
<td>Exit</td>
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<td></td>
<td>AND/OR</td>
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<td>Fines and fees</td>
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<td>7. Jail custody and release</td>
<td>High security</td>
<td>Community supervision OR exit</td>
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<td>Special needs</td>
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<td>Minimum security</td>
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<td>Work release</td>
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<td>8. Community supervision</td>
<td>High-risk classification</td>
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<td>Medium-risk classification</td>
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<td></td>
<td>Low-risk classification</td>
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<td>Administrative sanctions</td>
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<tr>
<td></td>
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<td>Refer for prosecution</td>
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APPENDIX E

Sample Template for Quarterly Reporting by Sites in Phase II of the Justice Reinvestment Initiative
### BASIC INFORMATION

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<th>Strategy Name</th>
<th>Lead Agency</th>
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<th>Existing</th>
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<thead>
<tr>
<th>Type ('X' all that apply)</th>
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<tbody>
<tr>
<td>Training</td>
</tr>
<tr>
<td>Technology / Infrastructure</td>
</tr>
<tr>
<td>Facilities</td>
</tr>
<tr>
<td>Programming</td>
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<td>Support</td>
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<td>Other</td>
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### BUDGET INFORMATION

#### Funding

<table>
<thead>
<tr>
<th>Fines / Fees</th>
<th>General Fund</th>
<th>Other Funds</th>
<th>JRI Pass Through</th>
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<tbody>
<tr>
<td></td>
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**Total Funding** $- $

**Program FTE** $

### QUARTERLY EXPENSE DATA

Select a reporting period from the drop-down menu

<table>
<thead>
<tr>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
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<tbody>
<tr>
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</tbody>
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**Current Program FTE** $

### Expenses

<table>
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<th>Salary</th>
<th>Fringe Benefits</th>
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**Subtotal: Personnel** $-$

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<tr>
<th>Travel</th>
<th>Equipment</th>
<th>Supplies</th>
<th>Construction</th>
<th>Consultants / Contracts</th>
<th>Other Costs</th>
<th>Indirect Costs</th>
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<tbody>
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**Subtotal: Non-Personnel** $-$

**Total Budget** $-$

**Total Expenses** $-$

### BUDGET INFORMATION

#### Funding

<table>
<thead>
<tr>
<th>Fines / Fees</th>
<th>General Fund</th>
<th>Other Funds</th>
<th>JRI Pass Through</th>
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**Total Funding** $- $

**Program FTE** $

### QUARTERLY EXPENSE DATA

Select a reporting period from the drop-down menu

<table>
<thead>
<tr>
<th>Q1</th>
<th>Q2</th>
<th>Q3</th>
<th>Q4</th>
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**Current Program FTE** $

### Expenses

<table>
<thead>
<tr>
<th>Salary</th>
<th>Fringe Benefits</th>
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**Subtotal: Personnel** $-$

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<th>Travel</th>
<th>Equipment</th>
<th>Supplies</th>
<th>Construction</th>
<th>Consultants / Contracts</th>
<th>Other Costs</th>
<th>Indirect Costs</th>
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**Subtotal: Non-Personnel** $-$

**Total Budget** $-$

**Total Expenses** $-$
## PERFORMANCE INFORMATION

### DRIVERS

*Applicable Phase I identified driver(s) of CJS population and related costs*

<table>
<thead>
<tr>
<th>Driver 1</th>
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</table>

<table>
<thead>
<tr>
<th>Driver 2</th>
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### ACTIVITIES

**Activity 1**

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<th>Measures</th>
<th>Year 1 Goal</th>
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**Activity 2**

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**Activity 3**

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**Activity 4**

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### PUBLIC SAFETY OUTCOMES

<table>
<thead>
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<th>Measures</th>
<th>Year 1 Goal</th>
<th>Progress: Q1 Q2 Q3 Q4</th>
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<tbody>
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</tbody>
</table>
APPENDIX F

Works Cited


