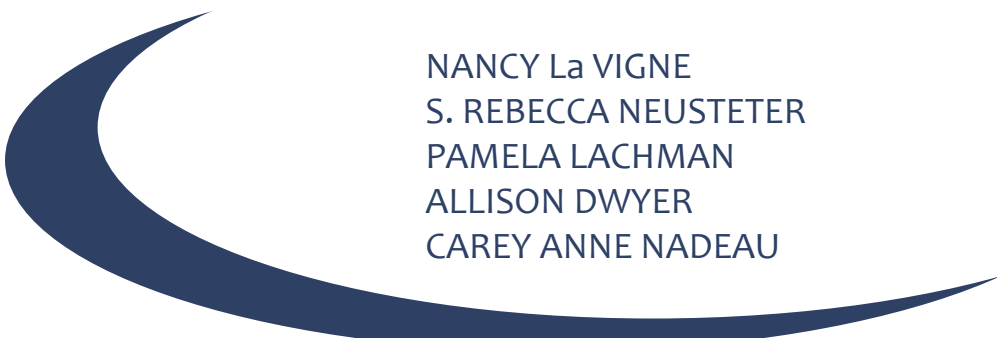


Justice Reinvestment at the Local Level Planning and Implementation Guide



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City and county governments are grappling with burgeoning criminal justice populations, with an increase of over 30 percent in the number of people in jail or under criminal justice supervision in the past 10 years alone (Glaze, Minton, and West 2009). The escalation in these local¹ criminal justice populations has been accompanied by a dramatic spike in county correctional costs -- an 80 percent increase in the last decade (Gifford and Lindgren 2000; Perry 2008). These costs create difficult choices for public officials, many of whom are forced to freeze or reduce costs for education and human services in order to balance their budgets.

While local criminal justice costs are driven in large part by the expense of incarcerating an increasing volume of people in county jails, very few jurisdictions have been successful in reducing their jail populations. On average, county jail populations increased by 33 percent in the past decade, outpacing the 24 percent increase in state prison populations and the 17 percent increase in probation and parole populations during the same time period (Glaze et al. 2009). This jail population growth can divert funds from programs and social services aimed at preventing people from entering the criminal justice system in the first place.

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

To provide instruction for local leaders aiming to improve cost-efficiency in their criminal justice systems, this 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 local county and city managers and their criminal justice leaders, this document is designed to be accessible to a wide audience of local stakeholders (readers who are new to the criminal justice field can refer to the glossary of terms in Appendix A).

In this time of shrinking budgets and increasing demands on the local criminal justice system, this guidebook is intended to be timely and instructive. Overall, it aims to help jurisdictions create more efficient systems that manage and allocate scarce resources cost-effectively, generating savings that can be reinvested in more prevention-oriented strategies.

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.

In This Chapter

Engage in Strategic Planning

Collect and Analyze Relevant Criminal Justice Data

Develop and Implement Alternative Strategies

Document Costs and Potential Savings

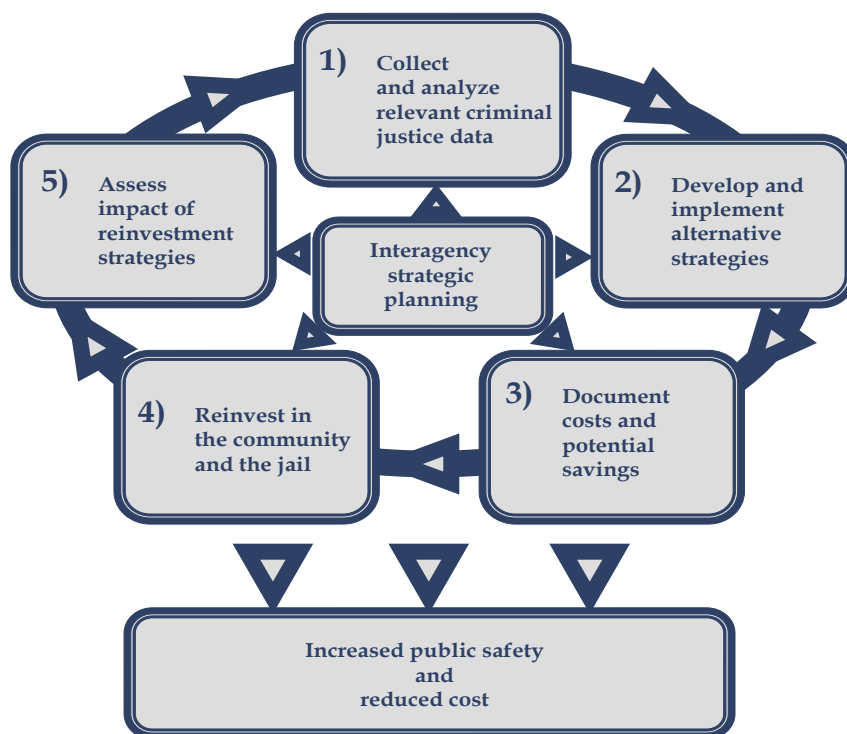
Reinvest in the Community and the Jail

Assess the Impact of Reinvestment Strategies

Justice reinvestment is a systemwide process designed for local leaders who want to rethink how they allocate resources throughout their criminal justice and social service systems. It is for city and county officials who are aiming not just to contain criminal justice costs, but also to achieve a greater public safety impact from current resources. Importantly, justice reinvestment is not a single decision, project, or strategy. Rather, it is a multistaged and ongoing process whereby local stakeholders collaborate across city and county systems to identify drivers of criminal justice costs and then develop and implement new ways of reinvesting scarce resources—both in the community and within the jail system—in a manner that yields a more cost-beneficial impact on public safety (see figure A). This chapter provides an overview of the process that embodies a thorough justice reinvestment undertaking, with subsequent chapters providing more detail on each of these six critical steps:

1. Engage in ongoing interagency strategic planning;
2. Collect and analyze relevant criminal justice data;
3. Develop and implement alternative strategies;
4. Document costs and potential savings;
5. Reinvest savings in the community and the jail; and
6. Assess the impact of reinvestment strategies.

Figure A: Model for Justice Reinvestment



By following this process, justice reinvestment can yield benefits both for the communities which experience the consequences of crime and for county agencies whose budgets are impacted by increases in the local criminal justice population.

Engage in Strategic Planning

Because justice reinvestment requires a systemwide approach, the first step is to identify the agencies that have an influence over how local criminal justice resources are expended and the representatives who have a stake in decisions to use these resources differently. A number of stakeholders within the criminal justice system affect the use of criminal justice resources: law enforcement, pretrial services, judges, prosecutors, defense attorneys, and community supervision representatives (such as parole and probation) all contribute to changes in who is sent to jail and how long they remain there. Each of these stakeholders may be inclined to participate in the planning process because growth in local corrections costs places limitations on whom these agencies can incarcerate and for how long they can incarcerate them; when this population growth spirals out of control, the county cannot always afford to book, charge, process, or sentence all detainees in the safest or most cost-efficient way. In addition, 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 to engage in ongoing strategic planning activities that begin with the development of specific goals and a stated purpose for their initiative. Strategic planning involves engaging stakeholders in the common goal of increasing public safety and facilitating a better use of scarce resources: every stakeholder who participates in strategic planning discussions needs to understand the importance of coalition building and needs to buy into the process of justice reinvestment. However, certain arguments will resonate for some stakeholders, whereas others might need to be convinced based on how their agency could benefit.

For example, law enforcement might not be interested in the goal of reducing arrests and diverting people from jail, but they could be engaged if a goal of the strategic planning entity is to ensure there is enough jail space to house the most serious and dangerous individuals.

In many localities, a group of stakeholders is already meeting as a strategic planning entity (because of either statutory requirements 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 in the group and whether the leadership is appropriate to achieve the goals of jurisdiction-wide systems change. For example, it is important that the county administrator or head commissioner support and ideally lead such an initiative. This individual should have knowledge of the county budget and understand how resources are currently allocated to the various criminal justice-related agencies.

Collect and Analyze Relevant 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 the local corrections costs and learning where cost savings can be achieved so that resources can be reinvested locally. A data-driven approach requires examining all the policies, practices, and decisionmakers that can influence the local criminal justice population — those under supervision in the jail and in the community.

The data to be analyzed 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. It is important to examine what data these agencies already collect, and how that data can be compiled into a comprehensive assessment of the local criminal justice system (Bennett and Lattin 2009).

It is also crucial for jurisdictions to assess the degree to which problems exist with the data collection systems. In most jurisdictions, data management 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 for data so that they get the intended information. Jurisdictions may need to bring in outside assistance (e.g., through a consultant or local university partnership) to help initially establish these definitions and methods for analyzing the data that they will regularly pull.

The strategic planning entity should also facilitate meetings during which participants discuss the data that they have collected and analyzed. These meetings can be used to hold relevant stakeholders accountable for the impact they have on local corrections populations and can ensure that everyone remains motivated toward the goals of justice reinvestment and increased public safety.

Develop and Implement Alternative Strategies

The data collected and analyzed by the strategic planning entity are derived from the six points in the criminal justice process in which agencies, policies, practices, and individual actors influence the local corrections population: arrest, pretrial, case processing, sentencing, discharge, and community supervision. In all of these stages, agencies experience problems and costs associated with population increases; however, they also offer potential opportunities for achieving increased efficiencies.

Arrest

The policies and practices of police departments and sheriff's offices greatly influence local arrest rates. Their decisions influence who is arrested and booked into jail, which in turn impacts the other agencies in the criminal justice system. Law enforcement budgets feel the effects of each individual whom police officers book into jail. Processing arrests requires officers' time to complete detailed incident reports, daily activity reports, and potential follow-up documents such as affidavits or sworn testimony. Savings in time and resources, however, may be achieved by prioritizing which individuals are arrested versus which ones might be better off with a citation release or a referral to a community-based resource. For example, an individual who is repeatedly arrested for a public order violation may be better handled through a referral to the county mental health services agency, which could ultimately decrease their admission to jail by addressing the underlying cause of the offense (Nagin, Cullen, and Jonson 2009).

Pretrial

The largest single source of local correctional costs is the jail system. Since the majority of jail populations consist primarily of unsentenced detainees, judges' decisions regarding bail have a significant impact on local corrections costs. When judges refuse or are unable to set bail, defendants are forced to stay in jail until their trial date (which can significantly lengthen the average length of stay in jail). 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 (Phillips 2005). In addition, defendants who do not have access to resources are often forced to stay in jail because of their inability to pay bail (even if they have a very low risk of failing to appear in court) (Phillips 2007). However, in times of overcrowding, the jail might be forced to release people who are ineligible for bail without making adequate considerations based on their risk level (Bennett and Lattin 2009).

Case Processing

Case processing in the courts has a significant impact on local criminal justice costs. The differences among judges' handling of dockets can disrupt the fluidity of case processing (BJA 2000). When judges repeatedly grant continuances or reset cases, prosecutors, defense attorneys, and court administrators all contribute to the costs associated with keeping cases on the docket for longer periods of time. 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 cases of detained defendants. 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 lengths of stay in jail and consume fewer criminal justice resources while they are unsentenced.²

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 (depending on the charge and conviction type), the county or the state could see significant costs associated with incarceration. In addition, judges can affect public safety by sentencing defendants to alternatives to incarceration when they might not succeed in the alternative program. If an individual sentenced to a program in the community poses a risk to society, he or she might fail to complete the program and ultimately recidivate, generating additional victimization costs.

² American Bar Association, Criminal Justice Section Standards, http://www.abanet.org/crimjust/standards/speedytrial_toc.html (Accessed 2/21/2010).

Discharge

Numerous agencies have an opportunity to affect local correctional populations at the discharge stage. The lack of assessment and pre-release planning in jail can lead detainees to reoffend and be booked into jail again after their release (Reentry Policy Council 2005). If detainees have no connection to resources and services in the community upon release, they will be more likely to have continued interaction with the criminal justice system. When released detainees recidivate, all of the costs associated with an arrest and incarceration will be incurred again, along with the costs to the community of additional victimizations.

Community Supervision

Parole and probation violations tend to be significant drivers of local correctional population growth. 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 the recidivism of released individuals and prevent reoffending from occurring (Taxman 2006).

Document Costs and Potential Savings

When a jurisdiction commits to making changes within the stages of the criminal justice system referenced above, it should do so in a manner that enables the quantification of costs and potential savings. In the absence of the identification of net savings, justice reinvestment cannot take place.

The costs that exist in the criminal justice system can be quantified at different stages. Quantifying the costs of booking, jail stays, sentencing, community supervision, and alternatives to jail can help stakeholders identify potential savings achieved across all of the relevant criminal justice 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 (Hall et al. 2009).

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

Reinvest in the Community and the Jail

At the local level, resources can be reinvested in the community and the jail. Reinvestment can be focused on specific neighborhoods that are associated with high rates of criminal justice spending, such as those that have the highest rates of incarceration and community supervision. Reinvestment in the community can include improving housing services, increasing the number of treatment beds, ensuring continuity of care, creating more resource centers and alternative-to-jail-programs, providing victim services, and enhancing the capacity of community-based programming. Community-based reinvestment can focus on prevention strategies to provide education and employment opportunities, which can have a long-term impact on improving public safety.

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 produce significantly lower recidivism rates when compared to jail stays that lack such services (Vera Institute of Justice 1995). Jail reinvestment can include implementing screening and assessment procedures, developing substance abuse and mental health treatment services, providing education and job training programs, and establishing pre-release centers or discharge planning measures to enhance reentry success. The jail can also make better use of its limited space and provide substance abuse and mental health treatment beds and programming, such as job training and education assistance. These types of within-jail reinvestments can generate cost savings through reduced recidivism (and thus lower jail populations), increasing public safety in the same manner that community reinvestment does.

Reinvestment strategies vary depending on the jurisdiction, but regardless of where reinvestment occurs, it must target populations that 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, and allows local jurisdictions to continue the process of justice reinvestment.

Assess the Impact of Reinvestment Strategies

It is crucial that jurisdictions continue to assess the impact of their actions and strategies throughout the local justice reinvestment process. This involves the ongoing evaluation of interventions and the continuous collection and analysis of data relevant to the criminal justice system. Doing so 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.

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

Ongoing assessment enables planners to hold system players accountable for their actions. Assessment is critical to identifying the overall success of the justice reinvestment initiative. By assessing throughout the process, problems can be quickly identified and midcourse corrections can be made to yield more successful and cost-beneficial interventions.

Ultimately, justice reinvestment at the local level requires counties to continuously engage in a collaborative process that will help assess the local corrections population and use a data-driven approach to enhance accountability. Too often, county stakeholders do not use data when they are making decisions about their jails. If done correctly, this approach to justice reinvestment enables jurisdictions to develop management strategies that can yield long-term impacts on public safety. The next chapter discusses ideas and guidelines for developing a collaborative local justice reinvestment initiative.

In This Chapter

Assembling a Strategic Planning Entity

Roles and Responsibilities for Membership

Engaging Stakeholders in the Strategic Planning Entity

Staffing a Strategic Planning Entity

Organizational Structure of a Strategic Planning Entity

Meetings of the Strategic Planning Entity

Sustaining Engagement of Stakeholders

Engaging in justice reinvestment work requires upfront planning to ensure that the right decisionmakers are at the table. It also demands a strategic planning structure that ensures that attainable goals are identified and met. It is therefore important to consider both the composition of the justice reinvestment strategic planning entity as well as how it should operate—from leadership to staffing, and from logistics to interventions. Organizing the structure of the strategic planning entity in advance of initiating activities will ensure a coordinated and sustainable approach to justice reinvestment.

This chapter has three primary goals. First, it will detail the importance of establishing or adapting a criminal justice planning entity to meet the needs of justice reinvestment. Second, it will define the membership that is necessary and the benefits of including specific actors. Last, it details what the roles and responsibilities of members should be, how frequently meetings should be convened, and why the focus of those meetings should be guided by empirical data. This chapter also discusses how attending to these membership and planning issues will help sustain the planning entity. Both jurisdictions seeking to create a criminal justice planning entity and those seeking to strengthen an entity that is already in place should find this chapter useful in guiding their planning for justice reinvestment.

Assembling a Strategic Planning Entity

Planning is an integral and necessary precursor for justice reinvestment. Before justice reinvestment can be initiated, a jurisdiction needs to organize methods of communication and decisionmaking and initiate effective collaboration among criminal justice stakeholders. Logistically, planning for justice reinvestment requires organizing a collaborative entity to make operational decisions about programming, updating criminal justice planning policies, and preparing agency budgets based on data (Cushman 2002). Assembling such a group not only will facilitate cross-agency collaboration, but will also increase awareness of issues across agencies, expose deficiencies in data collection, generate innovative approaches to problems, and boost system-wide support for interventions (Hall 1987). More specifically, the group can guide the justice reinvestment entity by establishing its vision, mission, and purpose; prioritizing and assigning tasks and responsibilities; setting time sensitive goals; and routinely assessing progress (CCAP and Temple University 2005).

Strategic planning entities are known by many names, such as strategic planning boards, criminal justice advisory boards, community justice 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 the criminal justice system for a jurisdiction. The entity is therefore tasked to define a vision for the criminal justice system, consider potential adaptations of 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 the ways in which the criminal justice system operates.

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/or state or local mandates regarding the structure of a criminal justice planning entity. If collaborations already exist, the planning entity should consider appending the functions of the established group or at minimum providing status updates, sharing data, and attempting to coordinate recommendations across groups. When the criminal justice system becomes large and/or complex, the jurisdiction should consider standardizing policies for information and data sharing using established communication technology, such as e-mail, listservs, and/or videoconferencing (CCAP and Temple University 2005).

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.

Roles and Responsibilities for Membership

In order for the criminal justice entity to achieve its goals, individuals must be designated as responsible for fulfilling the roles of the executive leadership, management, finance, data collection/management, and administrative tasks of the group (BJA 2000; Cushman 2002; CCAP and Temple University 2005). Regardless of whether individuals volunteer, are selected, 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 expectations of the group.

When forming a planning entity for justice reinvestment specifically, prior to any meetings, the interest and potential contribution of proposed participants should be gauged via an informal interview. At the conclusion of the first meeting, membership should be reevaluated to ensure that appropriate interests are represented and to decide whether designees are acceptable representatives (McGarry and Ney 2006).

The Public Safety Coordinating Council (PSCC) was established by Florida State Statute for each county to monitor the jail population and develop strategies to avoid overcrowding. The following members, or their designees, are mandated to participate:

- State Attorney
- Public Defender
- Chief Circuit Judge
- Chief County Judge
- Chief Correctional Officer
- Sheriff
- State Probation Circuit Administrator
- Chairperson of the Board of County Commissioners
- Director of any county probation or pretrial intervention program
- Director of a local substance abuse treatment program
- Representatives from county and state jobs programs

While members may be given specific charges, large tasks can be achieved more realistically if the strategic planning entity considers delegating responsibilities to subcommittees. Discussion within these committees should be narrowly focused on the specified tasks (Cushman 2002), as with the Data Sharing and Analysis Committee. Depending on the purpose of the entity, it may be a “standing committee,” such as a finance committee that consistently reviews the costs associated with the criminal justice system, or a committee convened for a temporary, discrete purpose, such as to prepare for an event. Membership for committees should be drawn from across the strategic planning entity, but also may pull in representatives from relevant associated agencies.

Engaging Stakeholders in the Strategic Planning Entity

Without the buy-in of the relevant key stakeholders, a justice reinvestment initiative will not be successful. The first question that the locality will want to answer is, “why is planning necessary or relevant for this locality?” Next, the group will want to determine if all participants are willing to reexamine and adapt their policies, practices, staffing priorities, and resource allocations to integrate the goals and principles of their new endeavor (CCAP and Temple University 2005). Moreover, it will need to determine if and how collaboration will help all participants achieve their individual mission and vision better, while also increasing the output of the entity (Crime and Justice Institute 2000). Being able to point out where stakeholders can benefit from the process will heighten their interest and involvement in the issue.

The American Jail Association (1994) points out that effective criminal justice collaboration can in itself invoke a high level of buy-in and participation from the group, 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 for non-incarceration alternatives (too lenient)” (AJA 1994, 11). If effectively managed and created, the criminal justice collaborative structure provides the group with the ability to communicate with the public about jail policy recommendations with less fear of political repercussions. This freedom can ultimately encourage buy-in among the parties involved in justice reinvestment.

Staffing a Strategic Planning Entity

Because justice reinvestment requires a cross-system approach to both data analysis and decisionmaking, the planning entity that takes on this work must be composed of individuals who are capable of implementing interventions and reallocating resources throughout the local jurisdiction. Participants should therefore be chosen based on a deliberate and informed decision to include representatives of all of the relevant interests across an array of agencies, including those working within the criminal justice system, such as judges, and those from agencies outside the criminal justice system, such as community healthcare providers. Participants should include county management, judges, law enforcement, prosecutors, jail administrators, local government agencies, and community members. Engaging this diverse array of members will ensure that the stakeholders who need to both buy into and implement justice reinvestment strategies are participating from day one.

Judges have an overarching view of the clientele of the criminal justice system and can dictate the outcomes of individual cases. Given this charge, judges are positioned to identify and implement overarching policy adaptations that can have public safety and cost-saving implications across the entire criminal justice system. Judges should be involved in a collaborative entity to facilitate interventions that will result in sentences that efficiently use jail resources, improve oversight of the use of alternatives to incarceration, and establish responsible and cost effective bail policies. By accounting for the ways in which jails are used, interventions have the potential to generate revenue to be rededicated toward justice reinvestment.

Prosecutors can also influence trial outcomes by plea bargaining to reduce or dismiss charges altogether; making informed recommendations for sentencing that set bail based on risk factors, such as the likelihood for conviction and/or failure to appear, and facilitating the use of alternatives to jail. Prosecutors, alongside other actors, such as pretrial services staff, should be included in a criminal justice planning entity because they can generate savings by working to expedite cases through the criminal justice system.

While incapable of manipulating the inputs to the jail, jail administrators are tasked with managing the occupancy of the jail and staffing the jail to ensure safety both within and outside the facility. Jail administrators, such as the warden, correctional officers, and jail administrative staff, can contribute to justice reinvestment by efficiently managing the jail's available resources. Tangible cost savings can be realized by decreasing the amount of overtime paid or sick days used, staff attrition, and the number of incidents that result in lawsuits or penalties. Further, in maintaining data that accurately capture the descriptive information about individuals detained, jail administrators can help a planning entity understand the clientele of the jail and target resources appropriately. Jail administrators can also play a role in shifting resources toward more program offerings and pre-release planning that may reduce recidivism, thereby diminishing the future population of repeat admissions.

Law enforcement officers participate in the management of the jail population by controlling the inputs to criminal justice system entry. The adaptation of arresting policies and procedures can significantly decrease the number of individuals brought to jail by diverting arrestees toward rehabilitative services in the community. If law enforcement officers are involved in a justice reinvestment strategy, their activities on the ground have the potential to not only produce cost savings but better rehabilitate arrestees and increase public safety.

Law enforcement, courts, jails, legal counsel, and community corrections all intuitively comprise the local justice system; however, other key agencies are a part of this system as well. Local housing, public health, employment, and a myriad of other social service providers also have a stake in justice management. Seeking their advice, input, and sustained involvement is crucial to the success of any justice reinvestment initiative. It will aid the initiative to know what collaborations exist within these groups. Moreover, developing memorandums of agreement and/or understanding will help achieve buy-in and sustained engagement from all the various parties. It will be essential to involve these groups during the implementation of interventions; however, their participation and the initiative's ultimate success will likely be enhanced if their involvement is sought out early in the planning phase.

Agencies within the local government, such as the department of health and/or human services, that may or may not already be interacting with the jail population, can contribute their expertise to the formation of policies targeted toward individuals who are involved with the criminal justice system. These agencies can further coordinate collaboration across systems to expedite cases through the courts and connect individuals to services in the community, with the ultimate aim of reducing recidivism.

In addition to the above-mentioned stakeholders, it is important to build connections with the community for any criminal justice initiative (McGarry and Ney 2006). Such a partnership will enable valuable community knowledge and resources to be incorporated into the justice reinvestment process, ensuring that the interests of the community's safety and concerns are addressed. This includes representatives of the community as well as those from agencies outside what is traditionally thought of as comprising the criminal justice system.

Indeed, a pre-established partnership between community members and criminal justice system stakeholders will ensure that interventions and dollars reinvested are coordinated to reach their target populations, such as at-risk groups including homeless individuals, those with mental illnesses, and those with histories of substance abuse. Moreover, any initiative that requires reformation of current systems, even if change is minimal, will require some level of political capital; being able to leverage this political capital will be an essential component of any successful justice reinvestment initiative.

Organizational Structure of a Strategic Planning Entity

To unite a group of individuals with disparate interests and responsibilities to achieve a common goal, the entity needs to be spearheaded by a dynamic individual or pair of individuals who will serve as the entity's leadership. Leaders will have demonstrated characteristics such as a commitment to and extensive knowledge of the criminal justice system, the ability to communicate effectively, and established respect from peers.

The most effective manner of identifying a leader with these characteristics is through surveying key stakeholders--those likely to serve on or be represented by the strategic planning entity--to solicit nominations. The individual who receives the most nominations should be approached and requested to formally accept the invitation, thereby agreeing to the responsibilities of the position for which the leader was chosen. In its practical application, the executive leadership of the strategic planning entity should dedicate itself to evaluating the priorities of the jurisdiction, documenting the formal goals and mission of the entity, coordinating agency participation and collaboration, mediating interagency disputes, staffing committees if necessary, and generally serving as the official representative for the entity in public affairs communications (McGarry and Ney 2006).

In order to be successful, it is integral that the leader be able to grasp both the interests of each player and the broad purpose of the entity. The leader must have already garnered respect from peers across agencies and established legitimacy by demonstrating the will and political capital to get things done (McGarry and Ney 2006). To continue gaining both broad respect and buy-in from the membership of the entity, the leader should employ a cooperative communication style.

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, and/or undefined responsibilities may detrimentally affect the outcome of a body led by two or more parties.

Complementary to the executive leadership, the management arm of the strategic planning entity serves as a public figurehead, but also acts as an accessible internal contact to the membership of the strategic planning entity. Management is responsible for providing overall support and assistance; gathering public information relevant to the group, such as changes in legislation or codes; maintaining the momentum of membership to achieve the goals of the group; and disseminating the work products of the group both internally and externally.

In addition to the executive leadership and management branches, finance, data collection/analysis, and administrative members serve integral roles in facilitating the success of the strategic planning entity. These groups complete the majority of day-to-day activities, but remain directly responsible to the management branch and indirectly responsible to the executive leadership. Consequently, the three groups should prepare to provide updates regularly to the executive leadership, management, and the composite strategic planning entity.

To prepare for successful justice reinvestment, the finance membership should take the lead in quantifying all local criminal justice system associated costs; to propose where cost savings may be realized; and to assess the cost and benefits of strategies for reinvestment (for more information on quantifying cost savings see the chapter of this guidebook titled, “Collecting Data for Justice Reinvestment”). The data collection and management team should learn what data are available in existing databases, develop data collection tools, and create databases when appropriate to fill existing gaps in the data (BJA 2000). Further, the data collection and management team should analyze and regularly report to the group on the relevant data indicators (for more information on quantifying cost savings see the chapter of this guidebook titled, “How Can Data Inform Justice Reinvestment?”). The administrative arm of the planning group should arrange meeting logistics, keep detailed agendas, record minutes, and provide regular updates regarding the status of activities to the group.

Meetings of the Strategic Planning Entity

Meetings of the strategic planning entity should be used as 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. In order for the group to make informed data-driven decisions about the criminal justice system, regular updates of the entity’s progress should be distributed and discussed on a routine basis.

The frequency of meetings should allow enough time for problems to be solved and for challenges to be addressed. The frequency of meetings should occur at minimum monthly, and more frequently as needed to maintain momentum. A regular meeting time should be designated and an agenda should be prepared and distributed in advance of the meeting. The agenda should include such items as the reading of the previous meeting's minutes, progress made from the previous meeting, current items, and next steps (see Appendix B for an example of a subcommittee tracking form) (McGarry and Ney 2006). At the conclusion of each meeting, next steps and deadlines should be assigned according to the designated responsibilities of members. 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 from the outset of collaboration.

Travis County hired a professional facilitator to help key stakeholders engage in a series of strategic planning sessions for the Justice Reinvestment at the Local Level initiative (JRLL). The facilitator documented the planning process as it was happening to ensure that each session was as productive as possible. Specific tasks included

- Writing the minutes for each planning session;
- Highlighting the key points and unresolved issues in each planning session;
- Documenting the goals, tasks, and next steps for the initiative in a final project charter.

Working with the facilitator at the end of five sessions, Travis County established a work plan for JRLL.

The first act of the entity should be to review what internal performance indicators are already collected and accessible in databases and systems throughout the criminal justice system (CCAP and Temple University 2005) (see figure B). Examples of internal performance measures include evaluating the size of the jail detainee population and the number of successful completions of programs provided within the jail. The strategic planning entity should also consider monitoring external factors that could have unintended consequences on the criminal justice system. External factors may include rates of population growth, crime, unemployment, poverty, substance abuse, mental health, and other changes in community demographics or criminal justice laws (CCAP and Temple University 2005). From the composite of both internal and external performance measures, the entity should consider expanding upon the information currently captured to meet its evaluation needs (for more information on what performance indicators to track, see the chapter of this guidebook titled "Collecting Data for Justice Reinvestment").

By monitoring these measures, the entity can accurately quantify and assess the state of the criminal justice system, identify significant deviations from the expected norms, and plan activities accordingly (CCAP and Temple University 2005). For example, if a rapid spike in violent crime is experienced, an increase in the jail population can be anticipated. With this information, law enforcement and the jail staff can make preparations to accommodate the effects of the fluctuation in the jail population. If internal and external factors are not consistently monitored, they may have the effect of turning foreseeable challenges into unforeseen crises.

Figure B: Performance Measures

Internal	External
<ul style="list-style-type: none"> • Number of arrests • Number of bookings into jail • Size of the jail detainee population • Number of detainees eligible and released on bond • Number of dispositions • Period of time between, arrest, arraignment and disposition • Number of referrals to programs • Number of successful completions of programs • Number of individuals on parole/probation • Number of technical violations • Projected jail population growth 	<ul style="list-style-type: none"> • Population growth • Unemployment rate • Poverty rate • Substance abuse and mental health rate • Demographics of the jurisdiction • Changes to legislation or codes • Changes in community-based social service capacity • Crime rate

Using the internal and external performance measures, the entity can assess the effects of interventions. For example, an intervention focused on drug treatment for detained individuals could be monitored and assessed by internal indicators such as the number of individuals who are participating in the program while incarcerated, and external indicators such as the rate of substance abuse in the immediate community. Without first institutionalizing performance measures, the effect of activities can be reported only anecdotally, and therefore will not be legitimized as successful nor be replicated with certainty of success (see Appendix C for a sample planning worksheet and Appendix D for a sample task list).

Employing internal and external performance measurement enables quantification of the costs of the criminal justice system, the savings generated from investment in interventions, and/or the revenue available to reinvest. For example, jail administrators can calculate the cost of keeping a wing of the jail open. An intervention to reduce the number of individuals detained in the jail resulting in the closure of a jail wing may generate cost savings equivalent to the value of the operational jail wing. As discussed in the chapter titled, “How Can Data Inform Justice Reinvestment?”, calculating cost savings and avoidance will further inform the jurisdiction on its capacity for reinvestment.

Sustaining Engagement of Stakeholders

Simply putting individuals with commitment and initiative in the same room and assigning roles and responsibilities does not necessarily make a strategic planning entity successful. In order to achieve the most beneficial outcomes for the group and the jurisdiction, members must work interactively as a team. This means that the difficult task of cultivating communication and trust among members needs to be accomplished and maintained by the entity’s leadership. In addition to assigning individuals responsibilities, leaders should maintain an eye toward sustaining the collective collaborative entity over time.

In order to sustain the collaboration, McGarry and Ney (2006) suggest that individual members must be compelled by the vision of the team and demonstrate commitment to the cause. Members should also pay attention to interpersonal interactions, complete individual tasks that contribute to collective outcomes, share resources, avoid political pressures, and collectively communicate the decisions of the group to policymakers.

Several strategies exist to engage stakeholders in the justice reinvestment process and to sustain their engagement overtime. These tactics are crucial since they will facilitate long-term engagement and affect the overall structure of the initiative. They include a strategy for communicating within the criminal justice system, components of policy in practice, awareness of associated costs, and the impact of activities on public safety. Incorporating such strategies can facilitate buy-in for justice reinvestment and elicit participation from criminal justice stakeholders, representatives from related agencies, and residents in the community.

Planning for justice reinvestment requires that a criminal justice planning entity be established, support to help coordinate the entity be available, and membership of a planning entity be determined. A strategically orchestrated planning entity will ensure that decisions are well coordinated, goals are being 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 the precursors to justice reinvestment are in place, that the appropriate actors are engaged, and the full array of criminal justice interests in the jurisdiction are represented. The next chapter will further discuss the importance of and provide suggestions for measuring internal and external performance measures, and for implementing accountability measures to achieve the desired outcomes, and will present strategies for regularly measuring progress toward goals.

In This Chapter

Identifying Criminal Justice Drivers

Quantifying Existing and Projected Costs

Quantifying Actual Savings and Averted Spending

Informing Intervention Points

Monitoring Progress

Justice reinvestment must be informed by data in order both to identify opportunities for increased criminal justice efficiencies and to identify and measure the impact of reinvestment activities. Two distinct types of criminal justice data inform justice reinvestment: cost data and population data. Cost data enables jurisdictions to determine the scope and size of criminal justice spending at various points in the system at any point in time. These calculations can identify areas that consume a disproportionate amount of resources and quantify savings for reinvestment. Such savings depend on effective management of the criminal justice system within the jurisdiction. Population data describe who enters the system, how they move through it, and the time between stages, which can direct efforts to identify efficiencies in case management and opportunities for reducing jail populations. These criminal justice measures can also be used as ongoing performance measures to monitor progress and enable a swifter response to developing situations within the system.

A combined review of cost and criminal justice data provides jurisdictions with direction on how best to reduce jail populations as well as other related expenses and to target reinvestment opportunities to better address the needs of the community. This chapter details methods for evaluating current and projected expenditures, generating and accurately calculating savings, and determining potential areas for reinvestment.

Identifying Criminal Justice Drivers

The first step to reducing criminal justice spending is to determine what drives that spending and to identify opportunities for improved efficiencies. County spending on incarceration, typically in a county or city jail, often accounts for the bulk of criminal justice spending. Thus, identifying key drivers of the jail population can be a fruitful first step to understanding potential target populations and which agencies can effectively affect those populations. When reviewing population drivers within the jail setting, the goal should be to reduce jail bed day consumption. Jail bed days represent jail use, based on both the number of individuals detained in the jail and their lengths of stay. As this formula indicates, jail populations are affected by both changes in length of stay and volume of admissions.

Calculating Jail Bed Days		
Average Length of Stay	* Number of Admissions	= Jail Bed Days Consumed

To use this formula, start by determining the length of time covered (typically one year) and the population to be covered. As an example, if a jail had 100 admissions in one year, and the average length of stay during that year was 15 days, the jail bed days consumed by the population was 1500 jail bed days. It can also be used to compare specific populations by determining the number of admissions and length of stay for specific populations, such as unsentenced misdemeanants and unsentenced felons, and calculating the jail bed day consumption of those groups. Using the formula in this way allows decisionmakers to determine which groups are using the most resources rather than relying only on the size of a group. Another common measure, average daily population, is closely related to the jail bed day formula; the number of jail bed days divided by 365 days produces the average daily population.

While jails are typically a major financial cost in the local criminal justice system, it is important to remember that jails have very little discretion regarding the number of people booked and admitted in the jail and the length of time they stay there. Case processing through the courts and policies of arresting agencies are typical drivers of jail fluctuations. The next section provides more concrete guidance on analyzing key drivers and identifies potential sources for important criminal justice system data.

Quantifying Existing and Projected Costs

A parallel step to evaluating population dynamics in the current system is assessing the expenditures associated with those dynamics. These costs include the fixed and discretionary spending of the criminal justice agencies in the county. While not all of these expenditures will yield viable savings opportunities, it is important to analyze the criminal justice system spending as a whole in order to understand where potential opportunities for savings exist. Marginal costs and methods for calculating potential savings

are detailed in a later section of this chapter. Generally, criminal justice costs to consider when evaluating spending and cost savings include jail booking, operating and personnel costs; arrest and court processing costs; victim services costs; and the costs of offender services.³ These criminal justice expenditures are typically spread across many different agencies in the jurisdiction, both public and private (see figure C).

The first, and often most substantial, criminal justice cost is the jail or detention facility. As soon as an individual arrives 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.

Figure C: Agencies Involved in Criminal Justice Expenditures

- Law Enforcement Agencies (Sherriff, City Police)
- Courts (all levels, including staffing for judges and clerks)
- Jail/Detention Facility
- Prosecutors/Defense Attorneys
- Court Services
- Alternative/Diversion Programs
- Probation/Parole
- Health and Human Services (including child support enforcement)
- Hospitals/Clinics
- Tax Collection Agencies
- Department of Motor Vehicles
- Community agencies that work with jail involved clients

³ Adapted from Roman and Chalfin (2006).

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 the jail. Once booked into the jail, the costs are generally absorbed by the overall operating budget of the facility. These costs include facility maintenance, supervisory staff, transport to and from court, and basic services or service contracts like food and laundry. If the facility is overcrowded, it is potentially vulnerable to lawsuits and may have to often pay additional staff overtime to monitor an overcrowded population or pay to transfer the excess population to another jurisdiction or facility.

Processing costs through the criminal justice system include court operations, sentencing, and other legal costs. Legal and processing costs, as well as the associated jail costs, vary dramatically by the type of offense (Roman and Chalfin 2006). 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 staffing in the courts, clerk's office, and court services/administration; facility maintenance; and legal processing overhead.

While alternatives to incarceration may be less expensive than the jail 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. It is important to determine both the potential per capita expenses and 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 ten devices.

The final cost category to consider includes the cost of recidivism and victimization within the community. Recidivism acts as a multiplier on 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 re-involved, though it can be defined in a number of distinct ways. For more information on recidivism definitions, refer to the "Who Returns and Why" section of the following chapter. Victimization costs include both out-of-pocket costs for victims, quality-of-life costs personally and throughout the community, and lost opportunity costs for the victims and their families (Cohen 2005). While these expenditures are important in analyzing the costs and benefits of programming and interventions, they can be more challenging to calculate, as they are rarely line items on any department's budget. Most agencies, however, have the ability to 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 are key to both calculating current costs and anticipating future expenditures. The system costs, from processing to victimization, vary based on the offense type (Roman and Chalfin 2006). 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. Important considerations for projecting future growth are capacity levels across the criminal justice system and the implications of reaching that capacity.

Quantifying Actual Savings and Averted Spending

There are two ways of measuring savings: tangible savings and averted spending. Tangible savings represent budget decreases from previous years, such as reducing staffing or other operational costs from one year to the next. Averted spending reflects anticipated expenditures that the jurisdiction no longer has to pay as a result of population declines, such as outsourcing inmates to other facilities or constructing a new detention or court facility. Figure D provides examples of both real savings, generated by reducing current costs, and averted spending, generated by forestalling projected spending. While both are important measures of savings, the first category may prove an easier selling point for securing reinvestment dollars from financially strapped jurisdictions.

Figure D: Examples of Tangible Savings and Averted Spending

Tangible Savings	Averted Spending
<ul style="list-style-type: none"> • Closing housing units • Closing facilities • Re-negotiating service contracts (e.g., healthcare and food) • Reducing operational costs • Reducing overtime expenditures • Saving on per-head costs • Reducing legal/processing costs • Reducing staff 	<ul style="list-style-type: none"> • Eliminating the need for new jail construction • Averting victim costs • Increasing tax revenue • Reducing hiring needs

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 such as the cost of issuing clothing, as well as unit costs, such as contracts for health care. Such flat costs and direct expenses can be reduced immediately by preventing people from entering jail, but many savings can only be generated if a significant enough population reduction is achieved. Expenses such as food contracts and staffing needs will not change if one fewer person enters the jail, but rather may only move if the average jail population drops by some threshold, such as 100. 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 can't be housed together are separated. A female housing unit, for example, can only be impacted by a change in the number of female inmates and may be unaffected by an overall population reduction. Determining units of analysis and necessary units for real reductions is essential to accurately portraying savings potentials.

To determine the appropriate unit of analysis, localities 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 number of officers responsible for supervising a certain number of detainees. Real savings cannot be attained until there is a large enough reduction in the population 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.

It is important to note that both real savings and averted spending can often be achieved even if jail populations are not significantly reduced. In the face of increasingly tight budgets, counties across the country have developed innovative methods to reduce spending in the jail independently of 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 (Clem 2009).⁴ Other counties have reduced operational costs by developing transportation partnerships with other facilities, increasing the use of video conferencing for court appearances, growing or baking food within the facility, selling prepaid phone cards to inmates, and changing payment burdens at the legislative level for medical costs (Clem 2009). After conducting detailed operations expenditure reviews, jails and other criminal justice agencies should review such expenditures in light of necessary versus desirable services and brainstorm potential innovations to target the reduction of large cost units.

Informing Intervention Points

Data can also indicate where critical intervention points exist for reducing criminal justice spending and reinvesting resources. Within the criminal justice system, there are five areas on which to focus: system entry, pretrial processing, case processing, sentencing, and reentry. System entry refers to the point at which an individual becomes involved in the criminal justice system, which could be through arrest, booking at the detention facility, or a court action. By examining data at this point, where there is still a great amount of discretion on the part of arresting agencies, stakeholders can identify potential cost savings. Generally, reducing incarceration and altering system entry to divert individuals from the jail will impact the arresting agency and jail expenses.

The pretrial intervention point involves decisions around pretrial release and processing. Pretrial processing impacts costs by contributing to the populations involved in jails, community supervision, and specialized court dockets. By examining the decisions made at this point in the process, stakeholders can determine whether resources are being allocated in the most efficient method. The case processing point similarly looks at how populations move through the system, from the court's perspective. Data to consider at this stage relate to processing times and the related length of stay for those incarcerated during case processing. Case processing affects both legal and court costs, as well as jail costs for incarcerated populations. At sentencing, stakeholders can review the use of alternatives and sentence length, which affect the costs associated with the courts as well as any alternative sentencing options. Examining discharge as an intervention point can help identify those for whom reentry services would most benefit. If there are successful diversion and reentry services within the system, the volume of repeat or chronic offenders, and therefore expenses, can be effectively reduced (Roman and Chalfin 2006).

⁴ Example from El Paso, Texas.

Figure E details the data involved in informing decisionmaking at each stage as well as the costs to consider at each intervention point. The following chapter contains more detailed information on the questions to ask regarding each point and the specific data that can best answer questions about the system.

Figure E: Examples of Data and Costs by Intervention Point

Intervention Point	Data Information Intervention Point	Associated Agency Costs
System Entry	<ul style="list-style-type: none"> • Arrest information • Booking information • Demographics • Charges • Risk/Needs information 	<ul style="list-style-type: none"> • Arresting agency costs (including overtime) • Jail costs (including overtime) • Court costs (calendaring, bail hearings, court staffing) • Prosecutor costs • Defense attorney costs
Pretrial	<ul style="list-style-type: none"> • Pretrial release methods • Pretrial release information (employment, priors, etc.) • Indigency procedures • Release eligibility 	<ul style="list-style-type: none"> • Pretrial division operating costs • Specialized docket costs • Community supervision costs • Release condition costs
Case Processing	<ul style="list-style-type: none"> • Length of stay in detention facility • Case processing disruptions (e.g., resets and continuances) • Case processing time 	<ul style="list-style-type: none"> • Court administration costs • Prosecutor costs • Defense attorney costs • Jail costs
Sentencing	<ul style="list-style-type: none"> • Use of alternatives • Sentence length • Sentence type 	<ul style="list-style-type: none"> • Court administration costs • Alternative program costs
Reentry	<ul style="list-style-type: none"> • Volume of repeat bookings/arrests/convictions • Characteristics (type of charge, previous release, sentence, etc.) of recidivist population 	<ul style="list-style-type: none"> • Reentry service provider costs • Per capita costs from agencies involved in incarceration and case processing

Monitoring Progress

A critical component of a successful data-driven approach to justice reinvestment is monitoring performance measures and conducting program evaluations. While evidence-based practices (strategies that are proven to be successful in certain jurisdictions) can help guide stakeholders in implementing interventions, they cannot guarantee that programs will be successful locally.

Knowing what works locally enables stakeholders to understand when resources are being used effectively and when they are not. Developing that local knowledge depends on careful program evaluation, examining the goals, effort level, capacity, and outcomes of each program. Therefore, it is important to collect data on each alternative-to-jail program; 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 gives counties an opportunity to identify where they are not achieving cost savings, as well as where a simple, manageable change might help them do so. For example, if a program has demonstrated effectiveness but is habitually operating below capacity, the marginal costs to shifting individuals into the program and the associated cost savings generated by diversion from jail may be minimal.

Program evaluation, however, requires trained researchers with a knowledge of evaluation methodology and data analysis. In addition, when done 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.

In order to support responsible reinvestment, any population and spending reductions must be sustained over the long term. Performance measurement is a key tool to sustain savings and facilitate ongoing reinvestment efforts. Ongoing performance measurement, as discussed in the chapter “What Planning Is Required for Local Justice Reinvestment?”, enables stakeholders to monitor population ebbs and flows and respond with swift interventions to prevent unanticipated cost spikes that may reclaim resources earmarked for reinvestment efforts. Monitoring responsibilities naturally fall to a criminal justice planning body, and can be a useful strategy in maintaining stakeholder involvement after the initial push.

Data can also facilitate communicating progress and keep stakeholders focused on justice reinvestment efforts. Since jail administrators often have little control over demand for services, and thus for resources, they must garner support from external “users” (law enforcement, courts, probation, attorneys, etc.). Regular communication with these users about the financial implications of policy changes, program decisions, and other actions can both help make their role in the savings process clear and establish a feedback loop. The next chapter presents information on the types of data that are useful to collect and assess.

In This Chapter

Data Sources

Answering Key Questions

As the preceding chapter details, data analysis is a critical component for informing justice reinvestment efforts. Collecting the necessary data is a common stumbling block for jurisdictions, however. When examining the criminal justice system for intervention and reinvestment opportunities, stakeholders should be able to answer the following questions about clients involved in the criminal justice system:

- Which agencies can provide data?
- Who is involved in what parts of the criminal justice system (courts, jails, diversions, alternatives, etc.)?
- For what reasons/charges?
- For how long are they in the system?
- How do they exit the criminal justice system?
- Who returns and why?

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 different agencies in the system. Stakeholders cannot fully assess the costs and population flows within the criminal justice system using data from one agency; data collection and analysis require a collaborative effort. Sharing data between agencies can present a separate set of challenges, including agreeing upon common definitions and navigating confidentiality issues. Criminal justice planning entities should be cognizant of these concerns, yet underscore the importance of a comprehensive data-driven approach to criminal justice decisionmaking. This chapter will present strategies for answering the questions listed above and explain how the data collected can inform justice reinvestment efforts.

Figure F: Potential Data and Sources to Collect for a Local Justice Reinvestment Initiative

Data Source	Potential Data
Courts/Court Services	<ul style="list-style-type: none"> • Case processing • Case history • Sentencing data • Charge, conviction and plea records • Bail records
Law Enforcement Agencies	<ul style="list-style-type: none"> • Criminal history • Arrest record • Arrest diversions
Jail/Detention Facility	<ul style="list-style-type: none"> • Bookings, admissions and commitments • Unique bookings • Length of stay • Program enrollment, participation, and completion • Housing/classification status • Screening/assessment data • Discharge information • Charge and sentence • Over/under design and rated capacity
Alternative/ Diversion Programs	<ul style="list-style-type: none"> • Program enrollment and capacity • Recruitment methods • Outcomes
Community Organization	<ul style="list-style-type: none"> • Program enrollment and capacity • Needs addressed • Outcomes
Pretrial Agency	<ul style="list-style-type: none"> • Risk/needs assessments • Background information • Bail recommendations • Failure-to-appear rates
Probation/ Parole	<ul style="list-style-type: none"> • Revocation sanctions • Capacity and enrollment • Outcomes • Violations • Successful Completions

Data Sources

When collecting data on the criminal justice system and individuals involved with the system, stakeholders must reach out to a wide range of agencies. Depending on demand and capacity, individual agencies may be able to provide data dictionaries detailing the type of information they collect regularly. Figure F provides a broad list of relevant agencies and the type of data they may be able to contribute. The type of data collected will understandably vary by jurisdiction, and stakeholders may find it helpful to create a similar table tailored to the specific players and collection practices in their county as an initial step toward an integrated data analysis. Answering each of the specific data questions listed in the following sections will likely involve different combinations of these agencies.

Collecting and analyzing these data from different agencies presents many challenges, including locating relevant data, gaining access to it, and resolving definitional differences between agencies. Agencies may or may not have a history of sharing information; if not, they will have legitimate concerns regarding data security and use. Some agencies, specifically those dealing with protected populations or health data, may need to comply with state and federal regulations on data use and distribution. Developing a memorandum of understanding (MOU) between agencies involved in the criminal justice stakeholder group can help 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. An example of a relevant MOU and releases of information are included in Appendix F.

MOUs also can be useful in establishing common data definitions among agencies. Agencies, especially those with limited experiences in data sharing, may have different methods for defining variables. Some definitions, such as program success, will necessarily vary across program and agency. Other measures, such as recidivism, can be measured in a uniform way across agencies. For this kind of statistic, agencies should come together to discuss what definitions are currently being used and which are most helpful for answering the necessary data questions. Ideally, stakeholders can work toward creating a data dictionary of shared definitions for future reference.

Answering Key Questions

Answering the following key questions about the criminal justice system enables stakeholders to understand the populations, flows, and cost drivers within the system. The answers will provide stakeholders with the information necessary to choose appropriate interventions to manage their populations, generate savings, and reinvest savings effectively. In most jurisdictions, the big ticket item in the criminal justice system is the jail. As a result, many of the questions focus on jail populations, though savings can also be generated through changes in other criminal justice operations. Appendix E provides a more detailed review of specific data points to answer the key questions outlined in this section.

Who Is Involved in the Criminal Justice System?

Basic demographic and background information on individuals involved in the courts, jail, alternative and diversion programs, probation, and other criminal justice agencies will guide the identification of target populations for interventions. There are many individuals involved in the criminal justice system who pose a significant risk to public safety. The bulk of the population in county custody, however, may pose minimal risk and only touch the system for a brief period of time, often lasting just a few hours or days. Understanding the criminal justice population, especially that portion within the jail, can help stakeholders decide whether resources are being allocated effectively to ensure an appropriate balance between public safety and criminal justice spending. The following data elements inform the understanding of the populations involved:

- Demographics: Race, ethnicity, gender
- Special populations: Homeless, mentally ill, veterans, substance abusers
- Age
- Risk of re-offense
- Criminogenic⁵ needs assessment
- Recidivism history
- Indigency status
- Immigration status
- Education and employment status
- Health/mental health status

⁵ Criminogenic needs refer to risk factors for criminal behavior, such as criminal thinking or basic needs like housing. These needs can be identified using a validated assessment such as the LSI, COMPAS, or other tools.

Examining these population characteristics across different criminal justice agencies can guide the refinement of the potential target populations for savings interventions. To be thorough, stakeholders should assess these population characteristics for the jail, diversion programs, probation, parole, community-based programs, and any other relevant agency. Observing these populations throughout different agencies can also inform where there are potential intervention points and service gaps. For example, a high number of female substance abusers in the jail may suggest that there are no viable treatment alternatives for this population in the community. If this population is large enough, creating a diversion program targeting female substance abusers can lead to savings by reducing the need to house them in the jail and addressing the underlying issues that are leading to their incarceration.

Why Are They There?

Approaches to reducing criminal justice spending depend on why individuals are involved in the system in the first place (see Figure G). The approach for a system in which people are clogging the jail facility because of technical probation violation sanctions will look very different than one in which the primary issue is long case processing times or unreasonably high bail. The first will require policy changes across different agencies, the latter will require stakeholders to focus on dockets or administrative bail procedures. Determining the best approach requires stakeholders to review the points of entry into the system, the distribution of sentences and supervision statuses, and the charges or offense types of criminal justice clients.

How people enter the system and the key decision points within their involvement period can tell stakeholders where the key levers to reducing spending exist. Though the jails are often the main driver of criminal justice expenditures, jails and diversion programs alike have relatively little discretion in comparison with agencies involved in system entry. Criminal justice clients typically enter the system through arrest and sentencing, though the circumstances within each of those categories will vary.

Figure G: System Entry Points

- Arrest
- Warrant arrest
- Sentencing (city, county, state courts)
- Parole or probation violation
- Transfer
- Administrative / other

In most jurisdictions, arresting agencies have a significant amount of discretion over how arrestees are processed and even whether individuals are arrested, although state or local policies may limit discretion in dealing with certain offenses or offender categories, such as felonies or warrants. Specifically, officers can often choose whether to issue a citation or notice-to-appear and release the individual, bring the individual to jail for booking, or divert the individual to an alternative to jail facility or program. Such decisions will have the potential to impact the criminal justice dynamics and spending. For example, jail detention is a relatively expensive option and may be detrimental to the successful system exit for the individual. This suggests that jail time should be reserved for individuals who pose a danger to society.

Warrant-driven arrests, however, significantly limit discretion to issue citations, and typically mandate a jail booking, leading to extended “holds” within the jail as cases await processing. Because of the impact that warrants have on jail populations, and therefore on criminal justice spending, stakeholders must understand the scope of warrant use within the jurisdiction as well as the types of offenses for which warrants are issued. To determine the actual discretion arresting agencies have, it is necessary to review the number of warrant arrests, felony arrests, and non-felony arrests. Like warrant arrests, felony arrests tend to consume more jail bed days, contributing greatly to jail expenditures.

Although not strictly a point for system entry, sentencing is a key time for determining an individual's future within the criminal justice system. Judges can also determine whether an individual should be diverted from incarceration to more effective alternatives, thereby achieving a better return on investment. Similarly, court-imposed release conditions influence the volume of probation violators who fail to meet the terms of those conditions.

Data to review to understand the mechanics of criminal justice system entry include

- Number of arrests
- Number of warrant arrests
- Distribution of arrest offenses (both warrant and non-warrant)
 - Felony
 - Non-felony
- Crime rates and distributions
- Number of cite-and-release or notices to appear issued
 - Failures to appear
- Number sentenced to jail
- Number of probation/parole revocations
 - In jail
 - Not in jail
- Number diverted to jail alternatives

After determining the mechanisms through which people enter the criminal justice system, stakeholders should evaluate how system entry translates into the characteristics of the criminal justice-involved population. The first important distinction is those who are sentenced, either in the jail or under another form of supervision, and those who are pretrial, either awaiting trial in the jail or in the community supervised or unsupervised. Given the costs associated with incarceration, understanding how many and the characteristics of those successfully supervised in the community can inform effective resource allocation. For those currently incarcerated, it is also valuable to look at those with holds (probation violations, outstanding warrants, holds by other agencies or jurisdictions, or administrative holds). Arresting agencies, jails, and courts have limited options in dealing with hold populations, so understanding the size of this population indicates the amount of real flexibility within the criminal justice system to alter current detention priorities.

Data to review to understand the impact of system entry on overall populations include

- Number of pretrial/unsentenced detainees
- Number of sentenced detainees
- Number of holds by agency
- Distribution of charges

For What Period of Time?

In addition to understanding the reasons behind criminal justice system involvement, it is important to understand how length of involvement affects population and cost drivers within the system. Length of involvement can be measured through examining average case processing time, sentence length, and length of jail stay.

Tracking case processing times indicates how long it takes individuals to enter and exit the adjudication process of the criminal justice system. Especially for those individuals incarcerated during this phase, a significant portion of criminal justice resources are devoted to the pretrial system. In 2008, over 60 percent of individuals in jail were unconvicted (Minton and Sabol 2009), meaning that the majority of the incarcerated population can be affected by changes in case processing. Case processing lags can increase this burden on the system tremendously.

Sentencing decisions, on the other hand, impact only the sentenced population; reviewing sentencing by court can indicate how judges in each court view and use the jails, helping to determine whether courts are using jail space proportionately. As with arrests, judges have a significant amount of discretion when determining sentencing, although they too are often constrained by state or county policies regarding specific offense types. Courts affect how long individuals are involved in the criminal justice system (and the resource burden imposed by their involvement) by sentencing them to stays in jail, prison, or alternative programs. Additionally, courts impose conditions on probation which can affect how individuals spend their time in the system and determine the disposition or sentence length associated with violations.

The cost implications of length of stay are related to the share of sentenced versus unsentenced detainees within the jail. It is important to remember, however, that there may be costs associated with these populations when handled in the community or at an alternative program. Generally, the populations with short jail stays represent very different target groups and require distinct interventions compared with those who are detained for longer periods of time. Unsentenced populations, those detained for less than a month, are typically pretrial and awaiting initial processing and bail payments. Thus, an approach to expedite first appearance and streamline the bail process could reduce the jail population enough to impact costs if the volume of the population in this category is high enough. Sentenced populations tend to be smaller and afford less flexibility, but they consume a large number of jail bed days because of their relatively long lengths of stay.

Data for understanding length of system involvement include

- Percent of incarcerated population staying:
 - Less than 24 hours
 - Less than 72 hours
 - Less than 1 week
 - Less than 1 month
 - More than 1 year
- Average length of jail stay
- Average sentence length by offense type
- Average sentence length by court
- Time to first appearance
- Time between first appearance and trial by offense type
- Time between first appearance and disposition by offense type

How Do They Exit?

Understanding how people exit the system highlights where opportunities for population reductions in the jail and systemwide can result in cost savings. For example, if a large share of individuals are posting bond but the 72-hour or less population is motionless, there may be potential to speed up the bonding process. Similarly, targeting reductions in transfer time may be valuable if the volume of those being transferred is high.

Some individuals will exit the system almost immediately through cite-and-release or release-on-recognizance instead of a formal arrest and booking. Reviewing policies among law enforcement agencies and use of these exit strategies, as well as the repercussions of using such releases, will reveal whether this alternative is being utilized efficiently. Reviewing failure-to-appear rates by type of citation and type of offense will inform what populations can safely be issued notices-to-appear. Understanding the current dynamics by using data from arresting agencies can determine whether cite-and-release or notice-to-appear procedures are allowing law enforcement to make the most efficient use of their discretion.

Data for understanding system exit include

- Cite and release/notice to appear
- Release on recognizance
- Bond
- Transfer to:
 - Another jail
 - Another county
 - State prison
 - Diversion/alternative program
 - Other facility (such as federal custody or agency)
- Case dropped
- Exoneration
- Sentence completed
- Sentenced to time served

Who Returns and Why?

A common issue in local jurisdictions across the country is the cycling of frequent users through the criminal justice system. Developing measures to reduce recidivism is often a politically viable and tangible strategy to reduce criminal populations over the long term. There are multiple methods to measure recidivism, each providing a slightly different look into the problem. Jurisdictions have chosen to measure re-arrests, re-bookings, re-incarcerations, or re-convictions at one or three year intervals (Lyman and LoBuglio 2007). Regardless of the definition selected, it is critical to compare “like groups” to enable the jurisdiction to make meaningful conclusions from the data. Like recidivism itself, like groups can be defined by one of three methods: recidivism risk level, identified needs, or offense type. A more detailed discussion of recidivism definitions can be found in Appendix G.

Reviewing the demographic information detailed in the “who is involved” section for the recidivist population can provide useful insights into the nature of the problem. Many of repeat jail residents are homeless or have mental health issues, and opportunities exist for interventions to target those populations with the goal of preventing their return to jail. Understanding the volume of re-offenders and their average length of stay in the jails or average processing time in the courts enables stakeholders to determine how significant a burden this population represents. While the frequent user population may be small and have short lengths of stay, their accumulated jail bed days can quickly lead to a disproportionate consumption of resources due to how often they return and the needs they present upon returning (e.g., medical, mental health and substance abuse needs).

One key to understanding the problem of recidivism is to examine the history of the recidivist population within the criminal justice system. Looking at the charge and offense characteristics of the population determines the seriousness of the offenders returning. In combination with demographic information, these data can help jurisdictions understand why individuals recidivate. An intervention aimed at a population with frequent probation violations will be necessarily different from one targeting repeated violent or property offenses. In many jurisdictions, individuals exit the criminal justice system with limited employment potential, no secured housing, and often substance abuse or mental health issues.

Understanding who these people are, the state in which they left the criminal justice system previously, and the route through which they returned will enable stakeholders to understand the populations involved and the appropriate agencies to involve in interventions. For example, a recidivist population with chronic substance abuse and homelessness issues re-entering on minor nonviolent offenses may be targeted for intervention by bringing law enforcement, housing specialists, and mental health providers together to discuss potential alternatives. Examining the previous method of release will assist jurisdictions in identifying any problematic or particularly successful release options.

Data to collect on the recidivist population include

- Demographics: Race, ethnicity, gender, age
 - Employment history
 - Housing history
 - Risk level
- Health/mental health status
 - Substance abuse history
- Previous method of release/exit
- Previous offense/charge/conviction
- Current offense/charge/conviction
 - New charges
 - Violation of probation
- Average length of stay

This chapter discussed the key data elements to consider in a local justice reinvestment initiative. Once assessed, the collected data will help inform decisionmaking regarding the most efficient and effective alternatives to consider for implementation. The next chapter presents recommendations regarding developing the best approach for implementing interventions that will provide for justice reinvestment at the local level.

What Interventions Should Be Selected and How Should They Be Implemented?

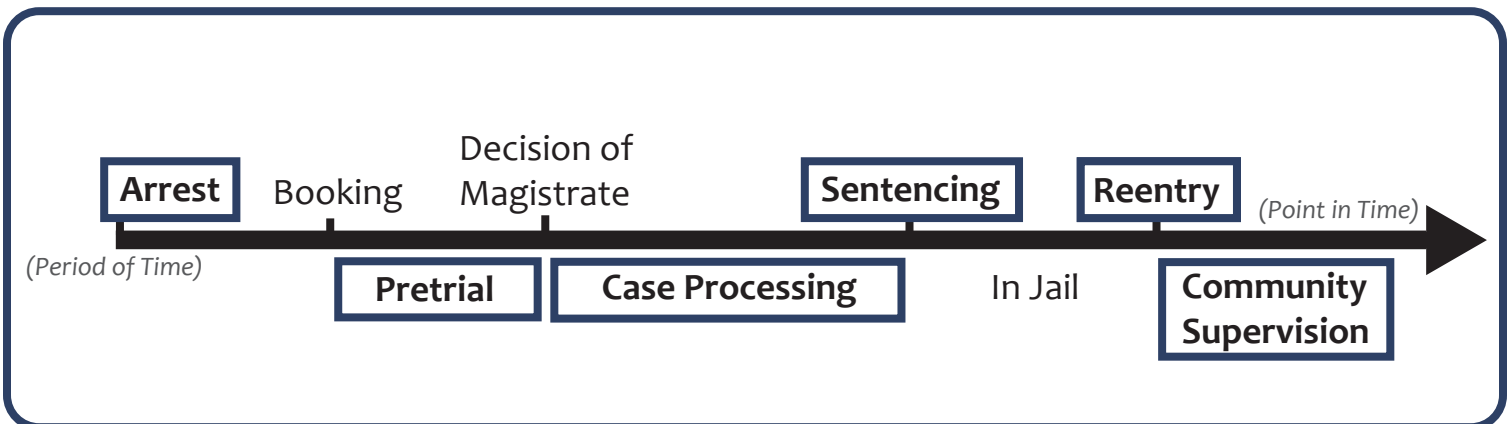
In This Chapter

- Arrest
- Pretrial
- Case Processing
- Sentencing
- Discharge
- Community Supervision

After a jurisdiction completes its initial data analysis and determines what the drivers of its local correctional costs are, it can begin determining what interventions will improve operations and achieve cost savings in the local criminal justice system. This chapter describes the best approaches to identifying alternative strategies that can reduce spending in the criminal justice system and enable the county to manage its correctional population more cost-effectively. Implementing these types of interventions can generate savings that can be reinvested both within the jail and in the community to achieve better public safety outcomes.

Because correctional population growth has been problematic for many jurisdictions over the past decade, researchers have worked to determine the best strategies that local governments can implement in order to reduce their criminal justice spending through better managing their criminal justice populations. As has been previously discussed, jurisdictions can implement interventions at six key points within the criminal justice system: arrest, pretrial, case processing, sentencing, discharge, and community supervision. Jurisdictions can also establish local alternatives to detention in the community that improve the outcomes of individuals who typically interact with the criminal justice system (see figure H). By implementing these types of interventions, stakeholders can improve public safety and reduce the costs associated with housing jail detainees.

Figure H: Points of Intervention in the Criminal Justice System



This figure shows the potential stages of intervention in the criminal justice system. It does not summarize an individual's trajectory through the criminal justice system (see Appendix H for a graphic detailing an individual's potential criminal justice pathways).

This chapter also provides examples of how other jurisdictions have implemented such principles, illustrating successful efforts to improve outcomes of individuals who interact with the criminal justice system (in addition, see Appendix I to learn more about potential solutions to jail overcrowding). It can be extremely difficult for jurisdictions to decide what types of interventions will yield the desired effects, generating savings that ultimately can be reinvested in the community and the criminal justice system. Practitioners often look to researchers to identify the best practices in the field that they can replicate in their own jurisdictions. The programs discussed in this chapter have been evaluated with varying degrees of rigor. Thus, they should not be viewed as a silver bullet; indeed, even those with the most persuasive evaluation results must be considered in light of an individual jurisdiction's local population and context.

Arrest

System entry interventions can be particularly effective because they avert jail admissions, and thus reduce the consumption of criminal justice resources in the county. Citation policies (also known as cite-and-release or notice-to-appear policies) are extremely helpful tools for decreasing bookings to the jail, provided they are used correctly. Individuals who are unlikely to report to court are not good candidates for citations. Likewise, over-utilizing citations for those who do not need to appear in court is not a wise use of police or court resources.

Many counties have established citation release procedures to prevent low-risk individuals from entering jail. In Bernalillo County, NM, the Sheriff's Office has been issuing citations for nonviolent offenders since the early 1980s; over the past decade, the policy has expanded to include the Albuquerque Police Department and has proven to be an effective method of limiting the number of arrests and bookings in the county jail (BJA 2000).

Since 1991, Jefferson County, KY has used citations extensively in an effort to limit jail crowding. The county uses citations as an alternative to jail for individuals who are arrested for 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. An internal review of the program indicated that it had successfully limited the number of bookings for individuals who have a low risk of failing to appear in court (BJA 2000).

In many counties, law enforcement officers express frustration that they want to help reduce the jail population, but have no alternative facility where they can bring individuals who do not qualify for citations, such as those engaging in disruptive behavior due to public intoxication. County stakeholders can develop diversion programs and facilities to reduce these types of high-risk jail admissions (Hall 1987; AJA 1994; BJA 2000). They can create facilities to house those with a very short-term need for confinement, such as those taken into custody for inebriation. In addition, they can establish diversion programs that target the needs of particular groups. For homeless detainees, county stakeholders can coordinate with non-criminal justice and non-government agencies to improve permanent shelter or housing options for individuals (Clark 2008). They can also improve existing supportive housing programs and implement new ones, such as harm reduction facilities.

Some jurisdictions have documented cost savings that stem from the creation of 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, WA, built through the city's "Housing First" program. The facility is designed to address the needs of chronically inebriated homeless individuals by providing them with permanent housing and access to services to help reduce their alcohol consumption. While the initial investment to build the center was over \$11 million, initial findings from an independent evaluation found that after one year, the city had already saved \$4 million in spending on the population: the city spent approximately \$86,000 on each program participant while they were homeless compared with only \$13,440 per person enrolled in the center (Larimer et al. 2009).

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 prevalent in neighborhoods without arresting people. Community-oriented policing strategies have proven to be more successful in lowering crime rates in the long term when compared to general arresting procedures (Wycoff 1995). These strategies involve interacting with at-risk community members (many of whom are youths) and helping them seek legitimate employment opportunities that can act as a disincentive to criminal behavior. Police can engage all community members (not just those who are at risk) to encourage them to cooperate and improve their overall attitudes towards law enforcement. By changing negative attitudes, the police can lower the potential for future conflict.

Police might also encounter individuals with mental health problems in the community. Instead of arresting these individuals and booking them into jail, police can appoint liaison officers to work with mental health professionals and hospital staff to divert individuals with mental health problems from the criminal justice system. These officers can provide information to other patrol officers and develop location-specific crime prevention strategies that target repeat public order violators and individuals responsible for repeat calls for service. Memphis, TN was the first jurisdiction to implement these strategies successfully through the development of its Crisis Intervention Team (CIT) in 1988 (Cordner 2006). Since then, police departments across the country have implemented CITs to help reduce the population of individuals with mental health problems in jail.

Indeed, some jurisdictions, including Miami-Dade County, have mandated crisis intervention training for their law enforcement officers. Through the Mayor's Mental Health Task Force, the county implemented CIT training for police and corrections officers to divert mentally ill individuals to community-based treatment facilities. In dealing with the mentally ill who could not be diverted, the Task Force established links between the jail and courts to address the needs of the incarcerated mental health population (Miami Dade County Mayor's Mental Health Task Force 2007).

By identifying particular crime problems and involving the community in their problem-solving approach, the police can target crime in ways that do not always require detention. This approach, which is known as problem-oriented policing, encourages police to identify specific criminal acts and crime patterns and examine their causes closely so that they can respond more effectively in the future (COPS 2009). For example, the Boston Operation Ceasefire initiative 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 in the city, while notifying young gang members that they would be subject to harsher enforcements if they did not change their behavior. Police informed the gang members at forums organized by community members, where gang members’ friends and family were invited to attend and to help police deter their behavior (a strategy sometimes referred to as “lever pulling”) (Kennedy, Braga, and Piehl 2001). This process reduced crime in Boston, most notably homicides, and allowed the city to reap savings that stem from the improved outcomes of the individuals involved in the initiative.

Despite the fact that there are many law enforcement strategies that do not involve incarceration, police often need to arrest people who commit crimes. In these circumstances, law enforcement can work with the county to reduce detainees’ lengths of stay in jail. Within their departments, police agency heads can enact policies that reduce crime lab backlogs to speed up investigations of frequently committed crimes (such as drug-related offenses). If law enforcement officers can investigate cases faster, prosecutors and defense attorneys can expedite their trial preparation and ensure that they are ready to proceed at the court date the judge sets. This helps all stakeholders involved in the criminal justice system, since it allows people to have their cases disposed of quickly and reduces the amount of resources spent on the unsentenced population.

Pretrial

The county can also implement interventions in the pretrial stage to minimize the amount of criminal justice resources that unsentenced detainees consume. In most jurisdictions, pretrial officers interview detainees who are eligible for bond. Validated risk assessments can help these officers make recommendations to judges regarding whether or not a detainee should be released pretrial. These risk assessments should be based on the detainee’s likelihood of failing to appear in court and the danger the detainee poses to the community (Phillips 2007; Siddiqi 2002). The officers can then verify the information that the detainee provides regarding his or her employment status, living arrangement, family environment, physical and mental health problems, and prior criminal history; this ensures that the officers have an appropriate understanding of the detainee’s likelihood of failing to report to court and potential for violence, and can be certain that proper bond recommendations are made.

If pretrial officers use risk assessments to collect all information that might impact a defendant’s likelihood of failing to appear in court, they can minimize the need for judges to reevaluate bond recommendations (Clark 2008). Pretrial officers can also review defendants’ statuses on a regular basis once they are released to ensure that they have adequately assessed and managed the population. By strategically increasing the use of bond, the county can experience significant savings through responsible caseload management, accountability, and oversight in the bail process (Crime and Justice Institute 2000).

Pretrial agencies have a significant role in reducing detainees' lengths of pretrial incarceration. They can not only strategically increase the use of bail for people who qualify for pretrial release, they can also decrease the time it takes to post bail (CCAP 2005). If pretrial officers incorporate a defendant's ability to pay into their bail recommendations, they can minimize the need for separate indigence hearings; if these hearings are separate from the regular court process, they can create bottlenecks in case processing and long-term problems for local correctional management.

The county can also set up a 24-hour bail magistrate to facilitate bail setting and payment and reduce detainees' lengths of stay in jail (Hall 1987). 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 (Hall 1987). County stakeholders can also look into implementing systems that can increase the number, quality, and timeliness of bail postings. Technological improvements to bail payment, such as self-pay and credit card pay online or over the telephone, will enable some defendants to be released from jail as soon as their bail is set. The county can also provide defendants with access to bail or surety bond services as alternatives to cash bail. For defendants who are impoverished, the county can allow for third-party payment of bond and use a 10 percent bail option in lieu of cash bail.

The county can also increase the use of release on recognizance (otherwise known as personal bond) and establish alternatives to bail for indigent defendants (CCAP 2005). These 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 diverted from jail early in the pretrial process is an extremely effective way of reducing criminal justice spending; detainees who do not have to wait until sentencing for access to alternatives to incarceration not only have a lower likelihood of recidivism, they consume fewer resources as well.

Montgomery County, MD, has made significant strides in dealing with indigent defendants in the county jail. Pretrial Services employs a jail expeditor who identifies impoverished individuals who have an unaffordable bail setting. The jail expeditor works with the defendant to find family members or friends who might be able to offer financial assistance and help the individual bond out of jail.⁶

Pretrial officers can also provide referrals and linkages to community-based services for detainees who might have conditions placed on their bond. For individuals who fail to appear in court, pretrial officers can maintain involvement in those cases (either through aiding law enforcement or through direct contact with the defendant); this allows pretrial officers to hold defendants and program administrators accountable and ensures that failure-to-appear rates are minimized. Managing data in automated information systems (especially when it comes to failure-to-appear rates) is a crucial part of this process because it allows the county to track the detainees who fail to appear in court.

⁶ Per interview with Jeff Grace of Montgomery County, conducted by Pamela Lachman of the Urban Institute, October 2, 2009.

Comprehensive diversion programs provide an effective way to reduce local criminal justice spending because they allow individuals to be released quickly, while aiding to prevent them from reoffending upon release. In the mid-1990s, Birmingham, AL 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. They referred detainees to providers and agencies based on their required level of supervision and the treatment needed. Judicial review was present throughout the process to ensure that every individual was complying with program, treatment, and testing requirements. An evaluation of BTC found that it was able to increase the number of felony defendants who were diverted without being overly selective in their criteria for program entry (Harrell et al. 2001). This provided the jurisdiction with significant savings from the reduction in the jail population.

The Pretrial Justice Institute (PJI) recently identified two jurisdictions that have 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, OR, Victim Safety Program facilitated pretrial release for 500 defendants with a domestic violence charge and put them on an intensive monitoring program. Their strategy was incredibly successful. Only 5 percent of the participants reoffended and only one individual failed to appear in court (PJI 2009). In Broward County, FL, the local government provided an additional \$2.7 million for Pretrial Services; through this investment, they were able to significantly decrease the time to pretrial release and triple the number of defendants released at their first appearance hearing (PJI 2009).

Case Processing

Case processing involves many different agencies, making it particularly challenging for jurisdictions to implement interventions at this stage in the criminal justice system. Not all of these agencies are under county control; for many jurisdictions, the most problematic populations are parole violators and individuals with external agency holds, and improving case processing for those populations typically requires the involvement of the state and possibly the federal government. In addition, many states maintain jurisdiction over the local court system and the state attorney’s office, so their involvement is required to implement case processing interventions at the local level.

For detainees who are ineligible for bond, the county can implement interventions to improve case processing and achieve savings in the criminal justice system. Firstly, the county can set population caps in the jail; at the cap, the jail administrator would be authorized and/or required to release certain populations, and perhaps expand eligibility to those who qualify for bond releases and diversion programs. This process must be done efficiently and strategically, so not to increase failure to appear and rebooking rates. Population caps can also help the county minimize the number of detainees who need to be transferred to jail in another county (a process which is typically expensive and challenging, especially when it comes to reintegrating these detainees upon release).

Reducing the number of continuances in the court system is a promising option for minimizing the overall consumption of county criminal justice resources. When Seminole County, FL, began regularly publishing court data on the detainees with the longest length of stay in jail (including the judge assigned to the case), the length of stay among those detainees was cut in half due to reductions in the number of continuances in each case.⁷

Many detainees, particularly those who pose a significant risk to public safety, cannot be released pretrial. However, the county can expedite case processing for these detainees by setting time limits for specific court actions. The court system could assign a case to the same attorney and judge throughout the court process (“vertical processing”) to reduce court delays (Hall 1987). Moreover, 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 (AJA 1994; BJA 2000). Ultimately, if a jurisdiction can prioritize cases in which the defendant is incarcerated pretrial and identify cases that are taking longer than average to get to disposition, they can see success in reducing case processing times for defendants who must remain in jail pretrial.

In some jurisdictions, jail detainees can have a hold placed on them by the Immigration and Customs Enforcement Agency (ICE). ICE can place holds on detainees who cannot provide proof of legal status or who are flagged in the system as having an illegal immigration record; once these holds are placed on detainees, they become ineligible for bond. A number of jurisdictions, including Tulsa County, OK; Mecklenberg County, NC; and Montgomery County, MD, have made efforts to improve communication with ICE so that they can identify which detainees will remain in ICE custody after their county charges are disposed. For those detainees, the county can expedite case processing to dispose of those charges quickly and get the detainees out of the jail and into ICE custody (Large Jail Network 2009).

While many stakeholders are involved in improving case processing, 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 which can slow case processing throughout the criminal justice system. By working with prosecutors and defense attorneys, judges can ensure that cases on their docket are processed as quickly as possible. Judges can also improve case processing by evaluating individuals immediately upon booking, steering them towards the earliest appropriate release route and actively monitoring their progress along that path to make sure they stay on track for that release date.

Sentencing

One of the most significant drivers of criminal justice costs is a detainee’s length of stay in jail (Clear and Austin 2009). However, in many cases, judges can exercise their discretion in prescribing alternative to incarceration sentences for those who qualify, lowering the average length of incarceration in the locality. This allows the jurisdictions to generate significant savings at the sentencing stage.

⁷ Per interview with Major Dennis of Seminole County, conducted by Pamela Lachman of the Urban Institute, October 2, 2009.

Many of the alternative sentences, such as a suspended execution, an imposition of sentence or a deferred sentence (adjournment in contemplation of dismissal) can be imposed early in case processing (AJA 1994). If judges give these sentences to qualified defendants, they can reduce the local correctional population without increasing rates of recidivism.

Other types of alternative to incarceration sentences include (BJA 2000)

- Probation supervision
- Suspended sentence
- Fine
- Community service
- Work release
- Education release
- Weekender programs
- Restitution
- Treatment
- Day reporting
- Halfway house
- Boot camp
- Electronic monitoring/home confinement

The courts can use these types of sentences to link defendants to services upon their release in order to reduce those defendants' rates of recidivism as well as overall consumption of criminal justice resources (CSG 2009). By imposing alternative to incarceration sentences, particularly those that allow defendants to use resources within community supervision agencies, judges can improve outcomes for individuals that interact with the criminal justice system.

Alternative sentencing can be formalized within the court system in several ways. For example, jurisdictions can use community courts to keep defendants out of jail while implementing interventions in reentry. These courts can have “resource coordinators” to ensure that certain detainees do not continue to circulate through the jail (Lee 2000).

Many jurisdictions have experimented with community courts in an effort to provide alternative sentences to eligible defendants. Community courts began in New York, NY, in 1993, to help keep individuals charged with low-level offenses in particularly crime-ridden parts of the city out of jail by providing them with links to social services (Lee 2000). The courts typically employ resource coordinators to ensure that defendants actually 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.

Another type of court, referred to as a problem-solving court, can also maintain contact, share resources and collaborate with other criminal justice agencies to ensure that each detainee has access to services that are based on a risk-and-needs assessment (Wolf 2007). Problem-solving courts need to be set up to target individuals arrested for a particular crime. The most commonly used problem solving courts are drug courts, family violence courts and mental health courts. Each of these courts should be developed differently, since the needs of substance abusers, individuals with a history of domestic violence and people with mental health problems are often significantly different.

LaCrosse, WI, adopted the problem solving court model in creating its OWI (Operating a vehicle While Intoxicated) Court. A recent evaluation of the OWI Court found that it was successful in reducing recidivism and the consumption of criminal justice resources among the court's 515 participants. The court has a participant retention rate of 57 percent; of those who successfully completed the program, only 3.6 percent were rearrested in a three-year period (7 percent of dropouts were re-arrested and 14 percent of those expelled were re-arrested). Because the OWI Court removes participants from jail while they are enrolled in the program, it generated a savings of almost \$1 million by reducing the number of days these individuals spent in jail during the three-year evaluation period (Zollweg 2009).

To address the needs of substance abusers and reduce recidivism among that population, a county can employ drug courts. Admission into a drug court can allow a detainee to be released on bail (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 while coordinating the flow of information between court staff and treatment providers and maintaining linkages between both systems (Turner et al. 2001; Wenzel et al. 2004). Ultimately, they allow jurisdictions to make better use of their scarce criminal justice resources.

Many jurisdictions struggle with managing detainees charged with a domestic violence offense when they are released, since the cost of their reoffending is seen as more harmful and costly to society. By placing a priority on victim safety, family violence courts can help target the needs of individuals who fall into this category by improving pretrial monitoring and enforcing no-contact orders (Vera 1995). Through alternative sentencing, the courts can address the specific factors that lead individuals to commit violent behavior toward family members and reduce the likelihood that they will recidivate.

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 of the court showed that the probation violation rate of court participants was reduced by approximately 50 percent and almost every victim in each case had been offered access to services (Newmark et al. 2001).

Successes have also been found in the use of mental health courts. These courts are most effective in implementing emergency mental health diversion. Many individuals who interact with the criminal justice system have co-occurring disorders, including substance abuse and mental health histories (Karberg and James 2002). Addressing all of the needs of court clientele can be extremely difficult and time consuming, particularly for more violent individuals; however, focusing on seriously mentally ill defendants produces greater cost savings over time (Ridgely et al. 2007). This requires the coordination of the delivery of services through case management, treatment plans and continuity of care (Thompson et al. 2007).

If county stakeholders choose to develop an alternative sentencing court, it is crucial that the court 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 charge. If the community court does not share information with the county's court director or administrator in a real-time basis, individuals could have continuous interaction with each system without the other system knowing. This lack of information sharing creates significant obstacles for court personnel who are responsible for managing caseloads and for judges who sentence defendants, which in turn can increase recidivism rates and the number of admissions to jail among problem-solving courts' clientele.

Discharge

The discharge stage is another critical point in the criminal justice system where interventions can help the county reduce spending. There is an overall need for discharge and reentry planning before detainees are released. While this can be extremely difficult for managing 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 a lack of or inadequate reentry planning.

In mimicking the problem-solving court model, reentry courts can improve the accountability of court clientele, increase access to community support services, encourage family involvement in the process, and provide linkages to mental health, substance abuse, family counseling, physical health care, employment/vocational training, educational assistance and supportive housing (Lindquist 2003).

In-jail programming can provide detainees with educational and employment skills that can help limit their further interaction with the criminal justice system. This type of programming includes (U.S. Department of Education 2006)

- Adult Basic Education (including ESL)
- Adult Secondary Education (GED instruction)
- Vocational Education
- College Coursework
- Special Education (for detainees with learning disabilities)
- Life Skills/Competency-Based Education (communication skills, financial skills, interpersonal skills development)

The Albermarle Charlottesville Regional Jail established an eight-week program that offers detainees classes on a variety of topics (including substance abuse education and healthy living) and consultations with Offender Aid and Restoration counselors to help them find employment and housing upon release. A randomized controlled trial evaluation of the program showed that participants had 14.5 percent re-booking rate, compared to the 31 percent re-booking rate of detainees who were not enrolled in the program (Loper and Fraser 2009).

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 get referrals to shelters and opportunities for counseling. Since 1994, the program has graduated 20 detainees every six-week cycle; recent statistics show that 56 percent of these detainees remain out of jail for at least one year after they graduate (Reentry Media Outreach 2008).

Jurisdictions also need to consider reentry planning strategies that incorporate pretrial release for qualified detainees. Work-release programs allow the jail to temporarily release detainees who are employed, which allows detainees to continue working while they are in jail. Many individuals who are arrested have a job, which implies that they are supporting themselves, their families, and paying taxes. Allowing low-risk individuals to keep their jobs instead of forcing them to remain incarcerated full-time is beneficial because maintaining full-time employment reduces detainees' likelihood of recidivating (Freeman 2003).

Many jurisdictions also employ "study release"--the temporary or permanent release of detainees on the grounds that they participate in coursework or training offered outside of the jail (U.S. Department of Education 2006). This type of pretrial release can be effective because it allows individuals to maintain ties to their education and community while they are awaiting trial, even if they are not employed at the time of incarceration.

Montgomery County, MD, is one of the nation's leaders in reentry planning. The County's Pre-Release and Reentry Services Division holds monthly meetings to assess federal, state, and local detainees who are returning to Montgomery County communities within 12 months. Through working with agencies inside and outside the criminal justice system, reentry planners have been able to release 99 percent of program participants to the community with housing, and release 88 percent to the community with employment (National Association of Counties 2008).

While very few jails have pre-release centers, other counties have established programs that link individuals with resources in the community immediately upon discharge. 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 upon discharge, taking them to their various agencies for employment, housing, substance abuse, and mental health services. Officials from the agencies meet with jail detainees while they are incarcerated and provide transportation from Rikers Island to programs throughout the city (Reentry Policy Council 2005).

County stakeholders can also employ many interventions at the reentry stage to improve management of special needs populations. To address the needs of younger individuals with mental health diagnoses, Clark County, WA, created "Connections," a reentry program for juveniles. Through using a wraparound services approach, the county was able to provide juveniles and their families access to resources at many different 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 less likely to recidivate and served less time in detention (Pullman et al. 2006).

Local corrections facilities, particularly those in large cities, often must address the needs of chronically homeless populations, many of whom have mental health and substance abuse problems. The Corporation for Supportive Housing (CSH) has worked with a number of jurisdictions to help them improve their reentry protocol. In New York, NY, an evaluation showed that CSH built 3,500 units of supportive housing and generated annual savings of \$16,282 per unit in the city (Corporation for Supportive Housing 2006).

Improving reentry planning can ease an individual's transition from corrections to the community and prevent reoffending soon after discharge from occurring (Scott-Hayward 2009). Reentry planning can also help control for failure-to-appear violations. When a detainee is released on bond, the county can implement measures that improve the quality and quantity of notice and reminder procedures and force defendants to commit to rigorous compliance monitoring (Wolf 2007). This type of case management at the reentry stage can limit the likelihood that a detainee will fail to appear in court due to lack of information or inadequate case management.

The costs of failed reentry can proliferate throughout all the agencies that comprise the criminal justice system. These costs are particularly significant within community supervision agencies, which can consume a great deal of time and resources on probation and parole violators (many of whom are unsuccessful because of a lack of reentry planning) (Applied Research Services 2007). In addition, emergency services agencies in the community could be overused if effective discharge planning is not implemented (for example, through the overuse of detoxification facilities and emergency rooms if individuals are released without sufficient medical plans). By enhancing case management in the jail and coordination between agencies in the community, jurisdictions can achieve significant savings through improvements to reentry processes.

The National Coalition for Homeless Veterans programs, which are implemented in many different jurisdictions, target veterans who have been incarcerated, and potentially have mental health or substance abuse problems. <http://www.nchv.org/incarcerated.cfm>

Community Supervision

Nationwide, parole and probation violators are a significant driver of jail and prison populations (Glaze and Bonczar 2009). However, community corrections agencies have numerous opportunities to reduce the number of violations (especially technical violations that could lead to incarceration) and in turn produce savings for the county through reductions in recidivism.

For example, 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 (La Vigne et al. 2006).

By working with community supervision agencies, local corrections facilities can improve their reentry processes to minimize the chance that supervised probationers and/or parolees will violate their community supervision restrictions and end up back in jail. The Bay Area Services Network in California incorporated a stronger case management process for parolees with drug-related offenses, with the specific goal of lowering violations that stem from detainees committing misdemeanor crimes (Longshore et al. 2005). Because parole violators can consume a large number of jail bed days (since they are typically ineligible for bail as they are in jail awaiting their parole board hearing), interventions in community corrections can produce significant savings for counties.

Community supervision officers can also apply internal sanctions without sending violators back to the original judge. This allows for close surveillance outside of the jail and prevents court dockets from getting clogged with violators (Applied Research Services 2007). Officers can set behavioral contracts with the individuals on their caseloads. These contracts can employ a “compliance credit” system through which clients are rewarded for good behavior; to deal with individuals who are less successful, officers can respond to violations with graduated sanctions. Graduated sanctions have shown to be more successful in community supervision because they allow officers to judge an individual’s actions based on risk level and type of violation, as opposed to other assessment measures (Scott-Hayward 2009).

In order to mitigate the impact that probation violations have on the county jail populations, Georgia’s Department of Corrections implemented a probation options management strategy.⁸ The Department 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 cut down on the costs associated with processing probation violators and freed up space in the court system for judges to process other cases (Applied Research Services 2007).

Community supervision officers should have caseloads that are relative 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, and officers need to incorporate an integrated approach in dealing with these individuals (particularly those with a history of drug offending) that emphasizes stronger case management and supervision (Longshore 2005). 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 because research shows that if low-risk individuals under community supervision interact with high-risk individuals, they will be more likely to recidivate (MacKenzie 2006).

Interventions need to be implemented wherever possible so that county stakeholders can reduce the consumption of criminal justice resources while increasing public safety. These alternative strategies will allow the county to achieve significant cost savings that can be reinvested in the jail and the community.

If counties are not able to manage their criminal justice populations successfully, the state will often intervene. For example, the State of Maine has recently enacted a number of criminal justice reforms that have resulted in reduced recidivism and cost savings. In 2007, the governor established the Maine Board of Corrections (BOC), an entity which now has budgetary oversight of county jails. The BOC, in conjunction with the State Sentencing and Corrections Practices Coordinating Council, has made substantial changes to local jail population management strategies. Since the creation of the BOC, four full-time county jails in Maine have been converted into 24-hour holding facilities; this has cut down on the cost of driving people from rural areas in the state to the county jail. The BOC has also emphasized the need for jails to take on a more specialized role to facilitate coordination among the counties; for example, one local jail in Maine now exists exclusively to house the state’s detainees with mental health problems.

⁸ The Department of Probation in Georgia is a state agency.

While it is helpful to incorporate the lessons learned from the outcomes of other jurisdictions' programs, such as those described above, justice reinvestment partners need to learn what works locally. In addition, jurisdictions have to be vigilant in evaluating interventions over time; while an alternative strategy might work at first, changing circumstances could lead it to be less effective in the future. The examples in this chapter provide ideas about places to start thinking about interventions that can use scarce criminal justice resources more efficiently. All of the examples pertain to efforts to reduce the local criminal justice population, produce savings, and facilitate reinvestment at the local level.

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 in the process of justice reinvestment. The following chapter discusses how this process of implementing interventions and generating cost savings can ultimately lead to justice reinvestment at the local level.

In This Chapter

What Do We Mean by ‘Reinvestment’?

Where Are Resources Reinvested?

How Can Successes and Opportunities for Improvement Be Measured?

The last chapter discussed a range of interventions that have been implemented in other jurisdictions to reduce spending in the local criminal justice system. This current chapter examines the basic principles of the specific reinvestment component of justice reinvestment and discusses how such reinvestment can ultimately increase public safety. This chapter also describes a key approach to achieving that goal: the measurement of costs and savings to maximize the potential for reinvestment within the criminal justice system and the community.

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. For justice reinvestment to be successful, local leaders must understand how their jurisdiction currently invests its criminal justice resources, with the goal of developing and implementing new ways of reinvesting those scarce resources in a manner that yields a more cost-beneficial impact on public safety. The overarching goal of local justice reinvestment work is to reduce local criminal justice costs and reinvest resources to yield a more cost-beneficial impact on public safety and community well-being.

For example, the reinvestment component of the justice reinvestment 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 designed to prevent the onset of criminal behavior, to increase the likelihood that released probationers will succeed on supervision, and to provide the community with support necessary to lower the odds that released detainees will reoffend (Petersilia 2005).

If the reinvestment of savings generated through justice reinvestment activities is targeted in the jail, in-custody programming and services can be enhanced, such as education, health care and substance abuse treatment. Such interventions can produce significantly lower recidivism rates compared to jail stays that lack such services (Vera 1995). These types of within-jail reinvestments can generate additional cost savings through reduced victimization, increased public safety, and diminished future jail populations due to lower rates of recidivism.

Reinvestment in the community can take many forms. Beginning at the time of potential system entry, reinvesting resources in law enforcement strategies can generate savings and increase public safety. For instance, more proactive diversion strategies that encompass the philosophies of community policing and deterrence strategies have been found to reduce recidivism, increase community well-being, and enhance relations between communities and local law enforcement agencies (Kennedy 2008).

Law enforcement strategies that effectively manage and individualize responses to problematic and complicated criminal behaviors can be tailored to deter future criminal activities. Such strategies may require upfront investments in training and overtime for officers to address criminal activities involving individuals with mental health disorders or open air drug markets. However, reductions in future 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, workforce development training, housing, and other social service interventions can also result in future criminal justice cost savings.

The principles of justice reinvestment can be applied to a number of different areas. The following section offers suggestions of where these resources can be reinvested, which will help maintain system reductions while simultaneously preserving and enhancing the interests of public safety.

Where Are Resources Reinvested?

This chapter discusses the process of reinvesting resources saved through local justice reinvestment. Understanding where resources should be reinvested is the final component of the justice reinvestment at the local level model. Resources should be reinvested in the community and in the jail so that the county can improve public safety as well as the quality of services and resources available in the communities where detainees return to upon their release.

Reinvestment in the community can include improving housing services, providing access to treatment beds, ensuring continuity of care, creating more resource centers and alternative to jail programs, providing victim services, and enhancing the capacity of community-based programming. Community-based reinvestment can also focus on prevention strategies such as providing education and employment opportunities, which can have a long-term impact on improving public safety. Reinvestment can be focused on specific neighborhoods that are associated with high rates of incarceration.

Within-jail reinvestment is another crucial component of justice reinvestment. Reinvestment can occur in the jail through implementing screening and assessment procedures, developing substance abuse and mental health treatment services, providing education and job training programming, and establishing pre-release centers or discharge planning measures to enhance reentry success. This next section discusses the specifics of reinvestment, focusing on how to identify where reinvestment should occur both in the community and the jail.

Reinvestment in the Community

Jurisdictions can reinvest in the community in a number of ways. By establishing or expanding community-based programs and services, local governments can limit or even prevent individuals' interaction with the criminal justice system. This reduces costs and overall criminal justice spending, which allows the process of justice reinvestment to continue indefinitely. It also allows jurisdictions to invest in broader public safety initiatives, particularly those operated by law enforcement agencies (Plant and Scott 2009).

As discussed in the chapter, “What is the best approach to implementing interventions?”, there are a number of established practices that jurisdictions can use to guide them in identifying proper community-based programs and services to invest and/or reinvest in. More than half of the individuals who interact with the criminal justice system have mental health and substance abuse problems (James and Glaze 2006; Mumola 1999). In many jurisdictions, jails are the largest providers of health care resources; thus, incarceration is one of the few ways that individuals can access treatment they may need (despite the fact that this process is inefficient and extremely expensive). By expanding the available treatment options in the community, jurisdictions can limit the interaction these individuals have with the criminal justice system.

In addition, local governments can utilize resources identified through justice reinvestment to support housing services that can target the needs of homeless people who frequently interact with local corrections. There are many different types of housing that jurisdictions can invest in, including transitional housing and shelter services as short-term remedies for homelessness. However, research has shown that the most cost-efficient model is to get individuals into supportive housing where they can access additional services that will address other needs (including substance abuse issues) (Gouvis Roman et al. 2009). Permanent housing solutions might require jurisdictions to provide a significant initial investment (that may increase short-term costs for the county), but in the long term, this investment will yield savings that stem from homeless individuals limiting their interaction with the local criminal justice system and other costly emergency services.

Jurisdictions can also use resources saved through justice reinvestment to develop education and employment strategies that can target the initial causes of interaction with the criminal justice system. Many individuals engage in crime because they do not have alternative means to support themselves; since justice reinvestment helps jurisdictions reduce spending in the criminal justice system, they can use those savings to provide communities with improvements to their education systems and increased opportunities for job training programs.

Justice reinvestment encourages jurisdictions to identify specific neighborhoods where the majority of incarcerated individuals live and the majority of criminal justice resources are expended. Geographic mapping can help jurisdictions understand which communities need access to reinvestment resources. By mapping crime, incarceration and release trends, counties can identify which neighborhoods have the highest incarceration rates, share the greatest concentration of supervised populations and receive the majority of local releasees. Counties can also use mapping to compare criminal justice to public assistance expenditures (such as welfare assistance, social service provision, health care, and education) in communities. This process helps local stakeholders better understand community needs and gaps in services that opportunities for justice reinvestment can help to address.

The same benefits that stem from mapping prisoner reentry can be applied in the jail reentry context to show how and where the county can reinvest resources (La Vigne 2004):

- Mapping can show what types of services, programs, and support networks are needed in certain neighborhoods, based on the characteristics and location of releasees.
- Mapping allows county stakeholders to understand the extent to which programs and services, such as substance abuse treatment and shelters, are already available in the areas where detainees are returning (so that counties do not “reinvent the wheel” through a justice reinvestment initiative).
- Mapping illustrates the specific characteristics of areas with high concentrations of releasees—examples of neighborhood indicators include housing tenure, percentage of female-headed households, vacant housing, educational attainment, marital status, household size, infant mortality, place of birth, language, and ancestry.

The Justice Mapping Center has used mapping for state level justice reinvestment to determine where resources should be reinvested. The Center has also used mapping to measure the impact that justice reinvestment resources can have on local jurisdictions. In New York, the Justice Mapping Center mapped population demographics in neighborhoods with high concentrations of admissions to prison and jail. The maps looked at specific social service measures (including Temporary Assistance to Needy Families (TANF) funds allocated and foster care rates) in conjunction with the imprisonment ratio and particular prison migration trends (including sentence lengths and trends of individuals returning home). The state was able to use these maps to determine which neighborhoods were most in need of the resources that resulted from savings in reduced corrections spending (Justice Mapping Center 2006).

Through the Council of State Governments’ work in Connecticut, the Justice Mapping Center was able to use mapping to show the impact of justice reinvestment in the City of New Haven. Researchers mapped neighborhood demographics and prison admissions to understand the population that circulated through the criminal justice system. In addition, the maps showed the number of community residents on probation (broken down by the Department of Probation’s caseload distribution), in conjunction with the neighborhood’s unemployment rates (Justice Mapping Center 2006). These maps were effective in demonstrating where community corrections agencies needed to devote additional resources, and how resources saved from reduced prison expenditures could help that effort.

The Justice Mapping Center also examined prison admissions by county in the State of Kansas. The maps looked at the number of new commitments and the number of parole and probation revocations in each county. The maps incorporated an in-depth look at prison expenditures, by breaking these costs down by average length of stay and bed year consumption. To give people a better sense of criminal justice resources expended in the community, the maps examined crime by neighborhood, as well as the type of crime and the population on probation and parole (including supervision levels in each district and the place-based caseload distribution). The maps demonstrated how social services were distributed in areas with high concentrations of prison admissions by looking at the number of unemployment recipients, food stamp recipients, and TANF expenditures. In addition, the maps showed how these populations overlapped with city council districts so that representatives could see how the problems in their district compared to those in other districts. City Council members were also able to see where certain agencies were spending the most money on individuals who frequently interacted with the criminal justice system (Justice Mapping Center 2006).

There are a number of steps and a level of expertise required to create maps for justice reinvestment. Identifying data sources for admission and release information and community context (e.g., local jail, U.S. Census, service providers) might be done internally, but it is likely that outside experts will be required to use proper geocoding methods for 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/index.cfm

If done correctly, mapping can provide comprehensive, visual depictions of where resources can and should be reinvested in the community. This process, in conjunction with reinvestment in the jail, can produce better outcomes for the local criminal justice system and the county as a whole.

Reinvestment in the Jail

Resources can also be reinvested within the jail in many different ways, depending on the specific circumstances in the local criminal justice system.

In many counties, corrections officers' unions are key stakeholders in jail population management and can help the county 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 and use of sick days and low morale. In addition, fighting in the jail can create costly lawsuits from detainees and can result in the jail being taken over by the federal government. Most importantly, a reduction in the jail population could free up the space needed to provide jail staff more freedom in how they handle certain detainee groups, and adhere to classification guidelines.

The county can also use the resources that stem from justice reinvestment to address the needs of jail detainees. Many jails have a limited ability to screen and assess people at booking. Understanding detainees' risk levels is crucial because research demonstrates that if low-risk individuals interact with high-risk detainees, the risk level of low-level individuals increases. This can have a long-term impact on public safety and increase the jail bed day consumption of populations, which would not necessarily have resulted without interactions with high-risk individuals (Lowenkamp and Latessa 2004).

In addition, identifying the health and substance abuse needs of detainees as soon as they are booked in the jail allows staff to route them to the appropriate services (either within or outside the jail) and minimize their length of stay (Hutchinson et al. 2009). Unfortunately, many jails do not have enough resources to conduct an in-depth assessment at booking. Justice reinvestment allows the county to use the savings stemming from the jail population reduction to improve how the jail assesses detainees, and can ultimately produce more cost savings in the long run.

Moreover, the jail can use justice reinvestment resources to provide in-jail programming and treatment to detainees who would benefit from these services. If detainees are able to access such programs as job training and vocational development, education classes, and life skills, they are more likely to have a successful reentry back into the community and thus less likely to recidivate (Hutchinson et al. 2009). In addition, many detainees come into the jail with severe substance abuse and mental health problems; if their length of stay is long enough, they can benefit from in-jail treatment, including detoxification and rehabilitation programs (BJA 2005). For detainees who have a shorter length of stay, the county can link them with appropriate services in the community and ensure continuity of care upon release.

Many counties express frustration that there is a huge treatment gap in the community and that detainees cannot get access to services upon their release. Many community residents fall prey to the “not in my backyard” mentality that discourages building substance abuse treatment facilities, halfway houses, and shelters. Reinvesting in the jail can allow the county to provide treatment to people while they are incarcerated, thus minimizing the need for treatment resources in the community; however, stakeholders also need to educate the public about the safety concerns with failed reentry and the need for services and programs to be built in neighborhoods where people need them most.

Despite the fact that reentry planning is clearly linked to reductions in recidivism, the counties often do not have the necessary resources to provide transitional assistance to jail detainees (Solomon et al. 2008). However, justice reinvestment resources can help the county conduct pre-release planning more effectively. If jails are not filled to capacity, they can house detainees in a pre-release center where staff can provide individuals with transitional assistance and promote successful reentry back into the community.

How Can Successes and Opportunities for Improvement Be Measured?

In order to understand which strategies are successful and which ones need to be modified, county officials must be provided with assessments of program effectiveness and cost analyses of the implemented interventions. Together, the cost and program effectiveness assessments will allow the locality to generate a measurement of the justice system’s savings.

Continued vigilant reporting on all justice costs, indicators, and trends will need to occur in order to maintain justice system expenditure reductions (refer to page 3 for a graphic representation of the justice reinvestment at the local level model, which demonstrates that all activities of the model are iterative). If attention to the conditions of the criminal justice system is not sustained overtime, the system will easily regress back to the conditions experienced prior to the justice reinvestment initiative.

As this chapter described, a number of different opportunities for reinvestment exist, both in the community and within the jail. Reinvesting resources is the key step in local justice reinvestment because it is what ultimately improves public safety. However, it is crucial for jurisdictions to continue to be vigilant in assessing the impact their interventions have had over time. The next chapter--and the conclusion to this guidebook--discusses the importance of continuing to evaluate the local justice reinvestment initiative and institutionalizing the process in the jurisdiction.

In This Chapter

Developing a Shared Vision

Encouraging Transparency and Empirically Based Decisionmaking

Increasing Accountability

Ensuring Sustainability

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

Developing a Shared Vision

In order to ensure the true buy-in of a justice reinvestment strategy, local jurisdictional stakeholders, both within and outside of the criminal justice system, must agree on the mission and goals of the initiative. This shared vision cannot be developed overnight; without it, any meaningful justice reinvestment activities are unlikely to succeed.

Accomplishing systems change with regard to justice reinvestment requires consideration of the local context, personalities, political climate, and past successes and failures of the jurisdiction. It requires engaging all relevant parties in the shared goal of changing the way the business is done.

Encouraging Transparency and Empirically Based Decisionmaking

In order for a diverse set of county, city, and criminal justice stakeholders to buy into justice reinvestment decisions, the basis for those decisions 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 support actions and thwart political arguments that are based on emotions and anecdotes. Data make justice reinvestment decisions persuasive and defensible, provided that all stakeholders have confidence in the data. This underscores the importance of having 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 changes in policies within one agency can easily be countered (whether intentionally or unintentionally) by actions by other agencies. For example, a change in revocation policies designed to stem the flow of inmates into the jail will not have the desired effect if, at the same time as those changes go into effect, police institute a strategy of conducting sweeps of open air drug markets. In order to achieve systems change, these players must be encouraged to anticipate the results of their agency-specific policies and actions and share them with partners prior to the implementation of justice reinvestment measures. They also need to be held accountable for implementing reduction and reinvestment decisions agreed upon by the group. This requires both the routine convening of partners to discuss policies, practices, and agreed upon interventions as well as the top-down management of individual justice reinvestment contributors.

Ensuring Sustainability

The justice reinvestment graphic presented at the beginning of this guidebook illustrates the cyclical nature of the justice reinvestment at the local level model. The centrality of strategic planning in successful justice reinvestment cannot be overstated: jurisdictions must continually convene the strategic planning body and engage in the ongoing collection of data to monitor progress and document both successes and areas of improvement.

Justice reinvestment work is by no means an easy undertaking. Jurisdictions engaging in this work should be prepared for the challenges of collaboration and data sharing. They should also possess a commitment 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 ongoing benefits to public safety and community well-being.

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Many of the following terms and definitions were adapted from the State of Arizona Crime Victim's Services Glossary of Criminal Justice Terms, Schmallegger's Criminal Justice: A brief introduction (2004), and Transition from Prison to Community Initiative Reentry Handbook.

Admission: An individual is detained in the jail.

Bail: 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. Includes supervision as an alternative to incarceration (probation) and supervision after prison sentence (parole).

Correctional institution: Includes jail, state or federal prison, detention centers, central booking facilities.

Corrections: Includes jail, state or federal prison, detention centers, central booking facilities.

Criminal justice system: Jail, prison, law enforcement, prosecutor's office, 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 which ends a criminal proceeding by judgment of acquittal or dismissal or which sets the sentence if the defendant is convicted.¹

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. Includes: 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.^{2,3}

Law enforcement: 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 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 re-arrest, re-incarceration, or re-conviction and includes technical parole and probation violations.

Rehabilitative treatment and services: 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, 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/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: Violation of conditions of supervision. This does not include a new crime.

Vision: Outlook for the future, as outlined in a strategic plan for criminal justice system management.

¹ <http://www.azvictims.com/cjs/glossary.asp>

² Schmallegger, F. (1004). *Criminal justice: A brief introduction*. Upper Saddle River, NJ: Prentice Hall.

³ <http://www.prisontransition.com/handbook/images/tpcexamples/TPC-Example-07.pdf>

Name of Committee:	Date and Time of Meeting:	Meeting Duration:

Purpose of Meeting:

Meeting Summary:

Next Steps:

List of Attendees (including titles and affiliation):

Name	Title	Affiliation
1.		
2.		
3.		
4.		
5.		
6.		
7.		
8.		
9.		
10.		
11.		
12.		
13.		
14.		
15.		
16.		
17.		
18.		

Agenda:

Appendix C: Strategic Planning Worksheet

Priority Areas of Focus	
Opportunities/Easy Wins	Barriers/Challenges

Identified Tasks

Appendix D: Strategic Planning Task List

Task	Responsible Party	Connection to Strategic Plan	Plan for Debriefing Other Stakeholders	Date To Be Completed

- **Who is in jail?**
 - ADP
 - Total Bookings
 - Unique Bookings
 - Security level distribution
 - Offender age distribution
 - Average County Age
 - Offender gender distribution
 - Number with identified substance abuse issues
 - Number of homeless/transient
 - Number with identified mental health issues

- **How did they get there?**
 - Arrest Data
 - Arresting agencies and number of inmates for which they are responsible
 - Current and historical distribution of arrest dispositions by arresting agency. Dispositions may include, but are not limited to:
 - Cite-and-release
 - Booked into jail
 - other
 - Number of warrant arrests
 - Distribution by source (jurisdiction)
 - Number originating within the county
 - Number originating outside the county
 - Court Data
 - Distribution of sentencing courts broken down by level.
 - Distribution of sentencing judges

- **For what reasons/charges?**
 - Number/Percent of Pretrial Detainees by the following categories:
 - Total
 - Felony Arrests
 - Non-Felony Arrests
 - Warrant Arrests
 - Failure-to-Appear
 - Other

- Distribution by offense type. Offense types may include, but are not limited to:
 - Probation violations/Non-compliance
 - Break this down by technical and new violations
 - Property offense
 - Public Order Offense
 - Violent Offense
 - Traffic Offense
 - Weapons Offense
 - Drug Offense
 - Distribution/Sale
 - Possession/Use
 - DWI/DUI
- Distribution by sentence status and offense level to include the following categories:
 - Felony sentenced
 - Felony unsentenced
 - Misdemeanor sentenced
 - Misdemeanor unsentenced
 - Other sentenced
 - Other unsentenced
- **How long are they in jail?**
 - Average length of stay
 - Number of weekenders
 - Distribution of lengths of stay in days. Useful categories may include:
 - Less than 24 hours
 - 24-72 hours
 - Up to 1 week
 - Up to 1 month
 - More than 1 month
 - Average length of sentence
 - By offense type
 - By Judge
 - Felony
 - Misdemeanor
 - Probation violation
 - Other
 - By court
 - Felony
 - Misdemeanor
 - Probation violation
 - Other

- Average length of pre-sentenced stay
 - By offense type
 - Felony
 - Misdemeanor
 - Probation violation
 - Other
 - By Judge
 - Felony
 - Misdemeanor
 - Probation violation
 - Other
 - By court
 - Felony
 - Misdemeanor
 - Probation violation
 - Other
- **How do they leave the jail?**
 - Number of people eligible for bail
 - Population booked but not admitted
 - Number of people actually released in the following ways and percentage of releases that fall into these categories, by month if possible:
 - Total releases
 - Pretrial release
 - Bail posted
 - Distribution of bail types (cash bond, surety bond, property bond, etc.)
 - Distribution of bail amounts by court/judge or magistrate
 - Released-on-recognizance
 - Released to probation
 - Acquitted
 - Case dropped
 - Completed sentence/Paid fine
 - Transferred to another facility
 - State prison
 - Treatment facility
 - Other facility in state
 - Other facility out of state
 - Other criminal justice agency

- **Who returns and under what circumstances?**
 - Number of persons booked 2 or more times in year X
 - For persons booked 2 or more times in year X, please provide the following information:
 - Method of prior release
 - Number participating in a previous diversion program
 - Current charge/offense
 - Average offender age
 - Arresting agency
 - Sentencing court and judge

- **How quickly do cases move through the system?**
 - Failure-to-Appear (FTA) rate
 - By Pretrial Status
 - By offense type
 - Provide the average length of time between the following events by court and by judge:
 - Arrest and first appearance
 - First appearance and bail posting
 - Arrest and arraignment
 - Arrest and trial
 - Arraignment and trial
 - Trial and disposition

- **What alternatives exist?**
 - Provide the following data on alternative programs in your jurisdiction:
 - Name of program
 - Dates for which program has been active
 - Number served in total
 - Program capacity
 - Enrollment
 - Size of wait list
 - Characteristics of individuals served, including:
 - Offense type
 - Security level
 - Sentence status

- **What does the future look like?**
 - Projected population growth
 - Please provide details on jail population projection assumptions and formulae.
 - Projected growth of the 18-34 year old demographic in the county

SAMPLE RELEASE OF INFORMATION

Client's Name _____

Date of Birth _____

I, _____, authorize _____ to obtain information from and share information with the party below. I give the party below my permission to release all information relevant to my [insert type of service provided (e.g., life skills and vocational training) here], including information that was not created by them but released to them.

- Community Reentry Project (CRP)
- Other _____
- Other _____

The information exchanged may include:

- Program Enrollment
- Program Completion
- Program Participation
- Program Assessments
- Program Certificates
- Case Management Plans
- Other _____

The information may be used for:

- Risk and Treatment Assessment
- Continuity of Case Management
- Service Planning
- Other _____

I understand that I may revoke this authorization to release/request information at any time by giving written notice to the above named case management professional. I understand that my information may be used by the Denver Department of Safety for the purpose of evaluating reentry programming. I release the above named case management professional from all liability from releasing such information. This release expires one year from the date signed, or upon written notice.

Signature of Client

Date

Witness Signature

NOTICE TO WHOM THIS INFORMATION IS GIVEN: This information has been disclosed to you from confidential records is protected by Federal Law. Federal regulations prohibit you from making further disclosure of this information without the specific written consent of the person to whom it pertains.

MEMORANDUM OF UNDERSTANDING

This memorandum of understanding sets out the responsibilities of the collaborative relationship between the Agency A and Agency B. The goal of this agreement is to work collaboratively to improve efficiency in the criminal justice system through sharing data. Agency A and Agency B agree to the following:

Agency A will:

- Maintain the following data on clients to facilitate tracking and system evaluation: Name, Identification Number (such as SID, DOC number), service(s) provided, program entry and exit dates, criminal justice involvement.
- Identify and refer individuals transitioning from the Agency A to the Agency B.
- Maintain regular contact with the staff from Agency B regarding the status of clients and data.
- Work with Agency B to identify and apply for grant funding to enhance program operations.
- Provide information authorized for release and supporting documentation to Agency B.

Agency B (correctional facility) will:

- Identify inmates transitioning and make referrals for transition from Agency B to Agency A.
- Maintain regular contact with the staff from Agency A.
- Provide regular referral for treatment services based on the X County release plan.
- Provide opportunities for Agency A staff to discuss the program with staff and individuals detained in the jail.
- Work with and support Agency A on any grant applications that are mutually beneficial to both agencies.

Agency A

Signed by: _____
Name Title Date

Agency B

Signed by: _____
Name Title date



Why Measure Recidivism for Jail Releasees?

Justice Reinvestment at the Local Level

March 2010

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 (Lyman and LoBuglio 2007). 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: re-arrest, re-incarceration and re-conviction. Some components of these methods are similar to the way prisoner recidivism is measured (Langan and Levin 2002); 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 re-arrest as a measure for recidivism, it is important to consider how much data the locality has access to. The easiest measure is usually re-arrest in the same county or city; more extensive measures are re-arrest in the same state or re-arrest 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 re-incarceration as a measure for recidivism, the place of incarceration is a necessary component to examine. Re-incarceration can be measured as a re-booking 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.

Re-conviction 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 re-conviction 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.

Pros 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 re-arrest rate to a re-conviction rate would be inaccurate and produce skewed results, in that the jurisdiction that used re-arrest to measure recidivism would likely have a significantly higher recidivism rate than the jurisdiction that used re-conviction 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

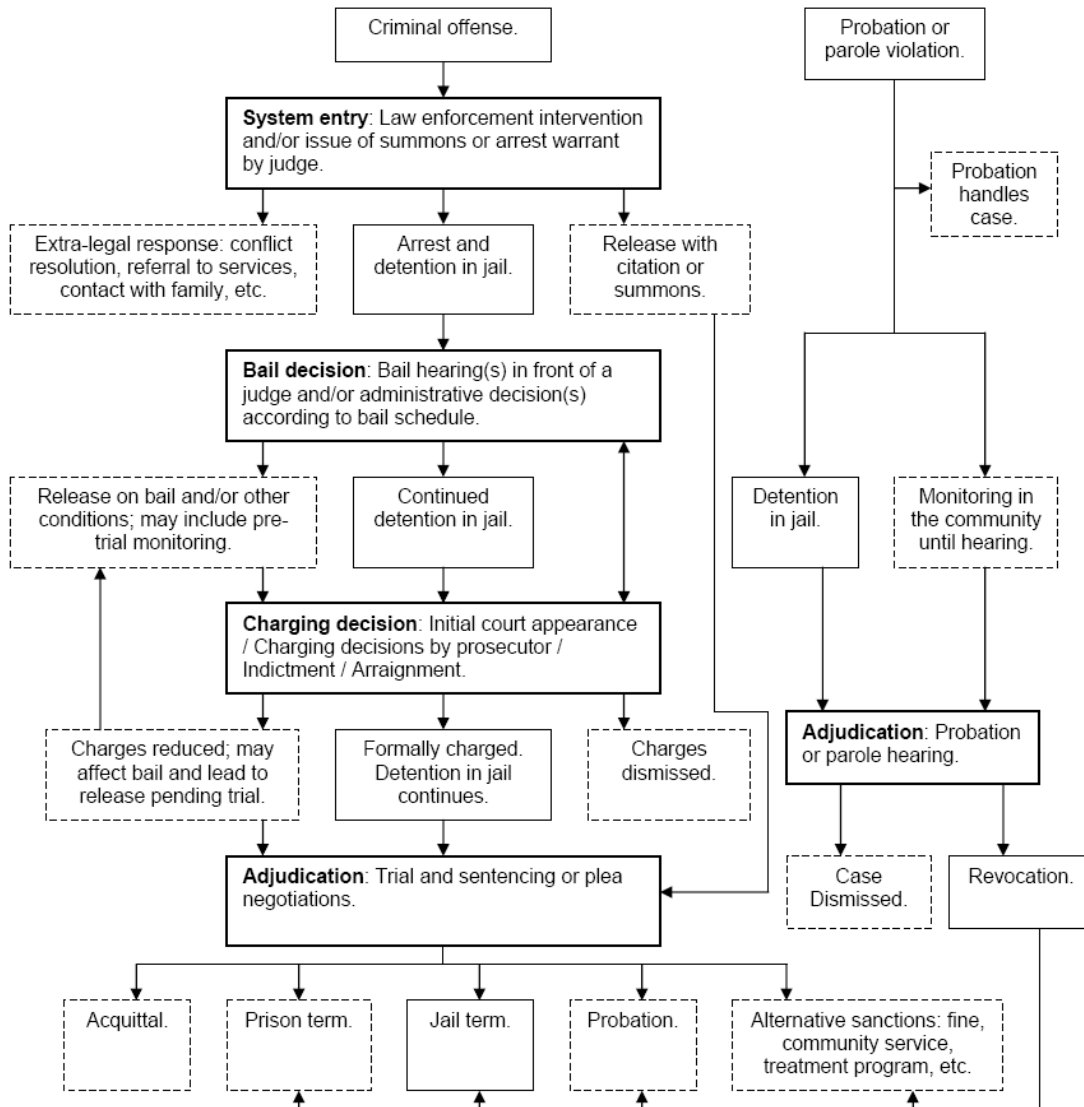
No matter what recidivism measure (or combination of measures) a jurisdiction employs, it is nonetheless important to collect and analyze these data routinely and consistently, as it represents a critical area of interest for criminal justice stakeholders, prospective funders, and the general public.

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Appendix H: Criminal Justice Pathways



Appendix I: Potential Solutions to Jail Overcrowding

SYSTEM ENTRY
<p>Increase opportunities for law enforcement to release people with a summons or citation in lieu of jail detention.</p> <ul style="list-style-type: none"> • Formulate clear guidelines to determine which types of offenders need to be arrested and detained and which can be released with a citation/summons. • Review mandatory arrest policies that have been implemented for certain offenses (domestic violence, DWI).
<p>Encourage judges to issue summonses instead of arrest warrants when appropriate.</p> <ul style="list-style-type: none"> • Develop screening systems that provide judges with the information needed to determine who needs to be issued an arrest warrant.
<p>Draw on community policing models that encourage alternative responses to problems and avoid bringing people into the justice system when possible (or get them out of the system soon after arrest).</p> <ul style="list-style-type: none"> • Provide law enforcement officers with training in conflict resolution and other strategies for situations that can be handled through informal mechanisms. • Encourage police to employ responses other than arrest when appropriate, such as warnings and service referrals. • Identify or develop facilities that provide detoxification and other services for individuals who are publicly intoxicated. • Provide training to law enforcement officers on how to recognize and respond to mental health crises.
<p>Permit the jail to refuse admissions for certain types of inmates when a specific population threshold is reached.</p>
PRETRIAL PROCESSING
<p>Increase efficiency of the overall case processing system.</p> <ul style="list-style-type: none"> • Develop standards requiring specific prosecutorial or court actions (filing charges, scheduling hearings and trial) to occur within a certain period of time. • Use vertical processing—assigning a case to the same attorney or team throughout the court process—to reduce court delays and lag time when a new attorney must become acquainted with the case. • Develop systems to expedite the processing of low-level or non-complex cases, many of which result in plea agreements. Some jurisdictions have a “rocket docket” or “fast-track court” that deals exclusively with noncomplex cases or with plea agreements.
<p>Ensure bail and charging decisions happen early in the process.</p> <ul style="list-style-type: none"> • Create pre-trial programs that interview defendants at all hours of the day to ensure a risk assessment has been completed before their bail hearing.

<ul style="list-style-type: none"> • Allow release and bail decisions for certain types of inmates to be made by administrative decisionmakers (jail officials, pretrial services) early in the process according to predetermined bail and release schedules. • Implement a screening by prosecutorial staff early in the process (ideally at multiple points) to ensure a quick determination of appropriate charges and/or dismissal of unnecessary charges.
<p>Provide support to defense attorneys in case management.</p> <ul style="list-style-type: none"> • Provide case information to the defense lawyers as early in the process as possible so the defendant and his or her lawyers can make a decision about pleas or begin developing their defense. • Provide defense attorneys with trial assistants who can help expedite bail review, placement in treatment programs, and pre-sentence investigations.
<p>SENTENCING</p>
<p>Reduce the use of jail incarceration as a sanctioning mechanism.</p> <ul style="list-style-type: none"> • Reconsider which offenses merit jail stays and reduce the length of jail sentences that are handed down. • Sentence offenders to probation whenever possible and make use of new supervision technologies, such as GPS monitoring, home detention with electronic monitoring, and secure remote alcohol monitoring (SCRAM). • Use alternative sanctions whenever possible, such as community service, fees, diversion programs (see below), and victim-offender reconciliation or restorative justice programs.
<p>Develop systems that divert certain offenders into alternate programs, sanctions or treatments.</p> <ul style="list-style-type: none"> • Divert eligible offenders with substance abuse problems into mandatory drug treatment programs. • Divert mentally ill offenders into mandatory mental health programs. • Develop targeted intervention and rehabilitation programs for offenders with certain low-level, first-time offenses (non-violent property crimes, public disorder, first-time DWI) and/or offenses for which treatment may be more successful than incarceration (low-level domestic violence, solicitation of prostitution). • Ensure that offenders eligible for these diversion programs are identified and diverted early in the process.
<p>Create alternative sentences for technical violations.</p> <ul style="list-style-type: none"> • Establish Failure-to-Appear (FTA) units that will notify the courts in advance when a defendant cannot be present for their court date and that will contact defendants who miss their court dates to encourage voluntary surrender. • Identify instances where probation or parole violators can receive sanctions other than incarceration. • Explore the use of “swift and certain” sanctions, such as very short jail sentences that are served for all violations, as method for decreasing revocations in the long run.
<p>REENTRY</p>
<p>Reduce recidivism by providing reentry programs and case-level reentry planning.</p> <ul style="list-style-type: none"> • Assess inmates’ needs and skillsets at intake and provide targeted reentry programs that build education, vocational capabilities, and life skills. • Provide reentry planning and ensure inmates leaving the jail have IDs, service referrals, housing options, and other reentry supports.