

# JAIL POPULATION REVIEW TEAMS



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# ADDRESSING CRITICAL ISSUES IN CRIMINAL JUSTICE SYSTEMS

County leaders are looking for effective strategies to reduce jail populations, lower associated costs and improve outcomes for people involved in their justice systems. Over the past three decades, the number of people entering local jails has nearly doubled with local jails accounting for over a quarter of the country's incarcerated population.<sup>1</sup> In 2018, county and other local jails held 738,400 people on any given day, and nearly two thirds (66 percent) of those individuals were unconvicted and awaiting trial in pretrial detention.<sup>2</sup>

A Pretrial Justice Institute analysis of Bureau of Justice Statistics data indicates that pretrial detention accounted for 95 percent of all jail population growth between 2000 and 2014.<sup>3</sup> This is especially noteworthy as many defendants are held in pretrial detention due to a lack of financial resources required to pay bail or secure a bond for their release rather than the seriousness of the charge(s) against them or their risk to public safety.<sup>4</sup> Even short stays in pretrial detention can have immediate and long-term personal and financial consequences, including rearrest, job and financial loss and increased pressure to accept unfavorable plea bargains.<sup>5</sup>

Jail population growth has also resulted in increased costs to local governments. Counties and localities have seen more than a 500 percent increase in local corrections spending since 1982.<sup>6</sup> One in every 17 county dollars is spent on jails, and local jails account for 2 of every \$5 spent on correctional institutions.<sup>7</sup> Counties operate 91 percent of all local jails, and local governments invest almost \$26 billion annually on correctional facilities, at least half of which (\$13.6 billion) is spent on pretrial detention.<sup>8</sup>

Apart from overall population growth and related costs, counties also continue to struggle with the overincarceration of racial and ethnic minorities and individuals with mental illness and/or substance use disorders. As of 2018, people of color were jailed at three times the rate of white people.<sup>9</sup> Black people make up a third of people in jails but only 13 percent of the U.S. population.<sup>10</sup> Additionally, rates of serious mental illness among people in jail are three to four times higher than the rates of serious mental illness in the general population.<sup>11</sup> Disparate incarceration rates have fiscal impacts, as well. Jails spend two to three times more money on adults with mental illnesses that require intervention than on those without, yet often do not see improvements to public safety or these individuals' health.<sup>12</sup> These ongoing challenges, along with problems arising from the COVID-19 pandemic, have made expedited release and jail population reduction critical issues for county leaders.

Counties are establishing jail population review teams as an innovative strategy to understand and address jail population growth, disparities, poor outcomes and rising costs. Jail population review teams use a collaborative approach to study local jail populations, review individual cases and provide data-driven recommendations for changes in policy and practice. Counties use review teams to expedite the case review process, reduce the average pretrial length of stay and reduce the overall jail population. In addition, review teams are identifying and addressing racial and ethnic disparities, behavioral health treatment needs and other prevalent issues in local criminal justice systems.

This brief highlights strategies for implementing an effective jail population review team and examples of counties that have used their teams to reduce jail populations and inform fair and effective policy and practice decisions.

# ESTABLISHING A JAIL POPULATION REVIEW TEAM

The purpose and composition of a jail population review team can vary based on a county's needs, but any efforts to reduce jail populations must stem from a collaborative process in which all criminal justice system stakeholders are involved and working towards a common goal. Jail population review teams look different in every county. The team members involved, how often they meet and how they are used will vary depending on each team's purpose; however, teams typically consist of law enforcement, jail administration, judges, court administration, prosecutors, defense attorneys, pretrial services, probation, case managers or social services providers and behavioral health professionals. In addition, teams may choose to hire or assign a team coordinator to set meeting schedules and agendas, take notes, organize cases, manage meetings and report out to decisionmakers.

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Jail population review teams use a collaborative approach to study local jail populations, review individual cases and provide data-driven recommendations for changes in policy and practice.

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One of the first steps in establishing a jail population review team is to determine the team's goals. This helps counties decide who should be involved and how often they should meet. For example, if the goal of the team is to regularly review individual cases and identify opportunities for diversion, community supervision or expedited case processing, then probation officers, case managers, public defenders, prosecutors and behavioral health professionals will need to be included as a part of the team. If a county's jail population review team is intended to focus on data analysis and policy recommendations, the team may also want to include data analysts and decisionmakers from various stakeholder agencies.

Once a team is identified, it will need to decide where and how often to meet, as well as the number and type of cases to review. In areas with higher numbers of cases, teams may choose to meet more frequently than in smaller areas with fewer cases. Review teams solely focused on case review may choose to meet weekly depending on caseload and need, whereas a team focused more on policy may not meet as often (e.g., quarterly or semi-annually). Many teams choose to meet at a jail or courthouse as a central location for team members. During COVID-19, many teams have moved to virtual meetings to continue processing cases

efficiently and expedite release to protect the health and safety of jail inmates and staff.

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## LUCAS COUNTY, OHIO

COUNTY  
POPULATION SIZE: [430,887](#)

JAIL CAPACITY: [743](#)

AVERAGE DAILY  
JAIL POPULATION: [489](#)



Facing jail overcrowding, the Lucas County Board of Commissioners implemented its population review team in 2016 through the support of a grant from the MacArthur Foundation's Safety and Justice Challenge.<sup>13</sup> The team includes representatives from the Toledo Legal Aid Society, the City of Toledo Law Department, the Lucas County Sheriff's Office, the Lucas County Board of Commissioners, Pretrial Services, the Criminal Justice Coordinating Council, mental health personnel and other local agencies and providers.<sup>14</sup>

The team conducts weekly assessments of the pretrial population to identify individuals who are appropriate for release or expedited case resolution and reviews individuals identified as having a substance use disorder to ensure that they are connected to appropriate services in the community upon release. As a result of its work, the population review team reduced the jail's total bed days by 1,800 in 2017.<sup>15</sup> In addition to reviewing individual cases, the team also uses data dashboards to report on drivers of the jail population (e.g., charges, length of stay) to inform policy decisions.<sup>16</sup>

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## PIMA COUNTY, ARIZONA

COUNTY  
POPULATION SIZE: [1,039,073](#)

JAIL CAPACITY: [2,300](#)

AVERAGE DAILY  
JAIL POPULATION: [1,428](#)



In 2014, the Pima County jail was near capacity with an average daily population of 2,136 inmates and jail expenditures amounting to \$66 million a year.<sup>17</sup> As one of their jail reduction strategies, Pima County utilized a grant from the MacArthur Foundation's Safety and Justice Challenge to establish its Jail Population Review (JPR)

Committee. The committee was created to “assess the custody status of inmates in the Pima County jail, identifying safe and effective release conditions for local courts to consider and reduce the use of jail while mitigating failures to appear in court and protecting public safety.”<sup>18</sup> Eligible individuals are those with non-violent felony charges, who are likely experiencing behavioral health and/or substance use challenges. The committee is facilitated by the Criminal Justice Reform Unit (CJRU), and members are composed of representatives from the justice system, treatment providers, social services, community members, and individuals with lived experience in the justice system.<sup>19</sup>

At the two-year mark of the Jail Population Review program (March 2019 to March 2021), over 1,200 individuals had been released via the program (either modified conditions of release and community supervision, or to residential housing or treatment) due to the efforts of the JPR committee. These combined releases have resulted in over 42,000 jail days reduced (at the cost of \$127.20 per bed day), equating to savings in detention costs and reduction in the jail’s average daily census. Pima County’s JPR Committee continues

### Mapping a Local Criminal Justice System

Jail population review teams can use a tool like the Sequential Intercept Model (SIM) to chart the stages of the criminal justice system to better understand local justice system operations. Data that can be collected with the SIM include:

- Jail administration data on admissions and length of confinement
- Pretrial release data on referrals, interviews and recommendations
- Prosecution data on cases received for screening, charging decisions and the time elapsing between arrest and the charging decision
- Defense/public defender data on cases assigned by the court and the time elapsing between arrest and contact with the arrestee
- Data on the number of cases heard in initial appearance courts
- Outcome of release/detention decisions
- Time interval between arrest and the initial appearance hearing
- Court data on cases adjudicated and the arrest-to-adjudication timeframe, and
- Probation/parole data on detainees, revocations and the length of time elapsing from detainer filing to decision on revocation.<sup>21</sup>

to meet weekly to identify individuals eligible for release, create reentry plans that include housing and treatment, explore opportunities to safely reduce the jail population and reconsider how Pima County jails are being used.<sup>20</sup>

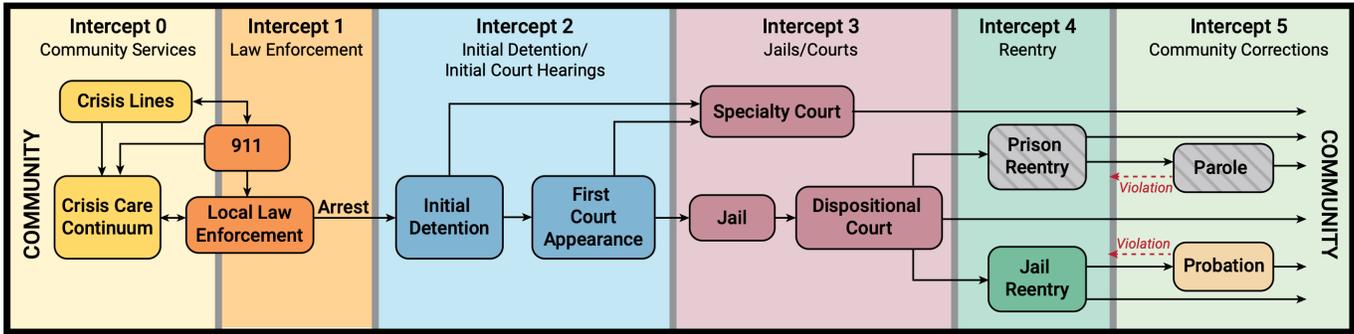
## IDENTIFYING JAIL POPULATION DRIVERS

Data and data analysis are vital to understanding the full scope of the factors contributing to jail populations. Pretrial sentence holds, transfers to state prisons or treatment centers, length of stay and probation violations drive the average daily populations of jails; analysis of those drivers can inform efforts to decrease a jail population. Additionally, thorough assessments of a jail population can help counties predict future jail bed needs, identify opportunities to enhance the effective use of supervision programs, increase jail and community safety, reduce costs and determine what resources are needed to reduce the jail population.

For jail population review teams, analysis of the local jail population also enhances its ability to make informed recommendations for release. The ability to identify and understand jail population drivers (“who” cycles in and out of the local justice system and “how” they become involved in the system) helps jail population review teams make informed recommendations about release and provides information about case processing inefficiencies and policies that may be contributing to longer lengths of stay and higher average daily populations. For instance, an analysis of a jail population may reveal existing racial and ethnic disparities or provide insight into overcoming obstructions in case management. Comparing local trends with state and national trends can help county leaders identify unique population drivers and develop customized strategies to address those drivers.

The Sequential Intercept Model (SIM) is one exercise to help communities map how people move through the local criminal justice system from arrest to reentry and community supervision (see Figure 1 on Page 6). By assessing key data at each intercept through the justice system, counties can identify trends or areas for improvement. Stakeholders can then use the model to identify population drivers and increase system efficiency.<sup>22</sup> For example, an analysis of a SIM may reveal that defendants are spending more time in jail due to bail practice or that there is a delay due to a lack of release options. The exercise allows review teams to assess the timeliness of various decisions and consider the availability of diversion.<sup>23</sup> This allows stakeholders the opportunity to address issues that may exist at different points of the system.

Figure 1



Source: Policy Research Associates, Inc.: <https://www.prainc.com/sim/>

Information about which individuals are admitted to jail, how long they stay, how frequently they return, and other details surrounding their admissions are critical data points in the population review process. As part of this analysis, counties can review aggregate data on demographics, criminal history, behavioral health needs and socioeconomic factors to determine any trends or opportunities to make large-scale changes. For example, reviewing data on race at these different points may help to identify areas to reduce racial and ethnic disparities with different stakeholders or processes.

**COVID-19 and Jail Population Management**  
 COVID-19 presents ongoing challenges for local leaders as they consider methods to safely release people from incarceration to prevent virus transmission while also protecting public safety. For some counties, the use of a jail population review team has become vital to ensuring safety.

study suggested an erratic daily trend in the county's jail population but an overall upward trend in the annual jail population. As a result of the annual growth, an additional system review was needed to determine which individuals were being booked/housed in the jail and to determine the bed availability and the budget for out of county holds. Population drivers included new or changing state statutes, new criminal activity, probation usage, out of jurisdiction warrants, extradition, child support warrants, federal retainers and other holds.<sup>24</sup> As a result, the CJCC recommended a semi-annual review of the county's jail population that included an assessment of projected county spending and bed availability. The county created its Jail Population Review Committee in December 2018 to regularly conduct research and analysis on the county's jail population and make recommendations on policy, practice, and funding.

## INDIVIDUAL CASE REVIEW

The collaborative approach of jail population review teams allows stakeholders to review individual case and personal circumstances, draw conclusions and provide recommendations for faster and more effective case processing. This process not only expedites release from jail, but also potentially alleviates the personal and financial burdens of pretrial detention while saving counties jail bed space.<sup>25</sup>

Review teams can use the results of pretrial risk assessments, behavioral health screens, pre-sentence investigations (an investigation into the social and legal background of a defendant), current charges and arrest history to guide pretrial release decisions and guide referrals to diversion programs, treatment and/or services. In addition, individual case review allows teams to take circumstances, such as the recent COVID-19 pandemic, into consideration when making recommendations.

## EAU CLAIRE COUNTY, WISCONSIN

COUNTY  
 POPULATION SIZE: [104,534](#)

JAIL CAPACITY: [418](#)

AVERAGE DAILY  
 JAIL POPULATION: [161](#)



In 2018, Eau Claire County passed a resolution instructing its Criminal Justice Coordinating Council (CJCC) to conduct a study examining the drivers of its jail population. The

# POLICY AND PRACTICE CHANGE

Jail population review teams can also use the information available in a robust data collection system to alter jail policies and practice to better manage the local jail population. Population management strategies that review teams can consider include:

- Referring individuals to a detoxification facility rather than booking directly to jail
- Referring individuals directly into behavioral health treatment
- Implementing strategies to decrease pretrial failure-to-appear rates
- Expediting immigration hold cases and out-of-county cases held in the jail
- Reducing the average time between booking and case disposition
- Imposing community-based sanctions instead of jail sentences, and
- Expanding diversion options.<sup>26</sup>

If the post-release programming needs of the local jail population exceed the available community-based programming options, it may be necessary for teams to consider expanding diversion options as part of their population management strategy. To effectively do this, counties will need to include the work of their population review teams in broader county criminal justice strategic planning.

## HENNEPIN COUNTY, MINNESOTA

COUNTY  
POPULATION SIZE: [1,259,428](#)

JAIL CAPACITY: [839](#)

AVERAGE DAILY  
JAIL POPULATION: [540](#)



As a result of its Adult Detention Initiative, Hennepin County reduced the average number of defendants with a jail stay over one day by approximately 40 percent (from 137 people to 85 people) between 2015 and 2017.

In 2015, Hennepin County launched its Adult Detention Initiative (ADI) to create jail alternatives and reduce the overall length of jail stay while protecting public safety and remaining cognizant of the impact detention has on economically disadvantaged communities and communities of color. Under the ADI, Hennepin County created an Integrated Access Team (IAT) within the County's Sheriff's Office to review the jail population and implemented a number of reviews to address issues within the jail population. These reviews include:

- The Hennepin County Attorney's Office reviews felony level cases and probable cause bookings with low risk assessment scores to determine cases that are eligible for release pending complaint.
- Presiding criminal judges in Hennepin County conduct reviews through the Jail Expeditor Program.
- The Hennepin County Corrections Department reviews probation violation warrants at jail booking.
- The Hennepin County IAT screens people for mental illness and substance use disorders upon jail booking to identify individuals with the highest needs. The IAT includes social workers, chemical health counselors, housing specialists and community health workers and determines appropriate in-jail and reentry resources.<sup>27</sup>

Hennepin County also regularly convenes a jail population stakeholder meeting with decision making justice partners to discuss issues and circumstances that contribute to the jail population. The stakeholder group is comprised of Judges, Attorneys, Public Defenders, Corrections, Administration, Police and the CJCC Director.<sup>28</sup>

As a result of its Adult Detention Initiative, Hennepin County reduced the average number of defendants with a jail stay over one day by approximately 40 percent (from 137 people to 85 people) between 2015 and 2017.<sup>29</sup>

## REDUCING RACIAL AND ETHNIC DISPARITIES

Despite justice reform efforts, many counties continue to face challenges identifying and addressing racial and ethnic disparities in their justice systems and jails. While national data on the racial makeup of pretrial populations does not exist, nearly a third of all people held in U.S. jails are Black, despite making up only 13 percent of the general population.<sup>30</sup>

Disparities during the bail and pretrial release decision-making process often occur because of justice decision makers' implicit or explicit predispositions, assumptions about a defendant's level of need and perceptions that correlate socioeconomic status with risk.<sup>31</sup> To address current

and avoid future disparities, review teams can use validated risk assessments, expand pretrial services and diversion and review cases on an individual basis where appropriate.

**Use validated risk assessments:** Risk assessment, a process or a tool that courts can use to determine if a person is at risk for recidivating upon release, can guide recommendations for release and identify needed treatments and interventions to reduce risk. Risk assessment tools can be clinical or algorithmic but must be validated before use in a jurisdiction to ensure objectivity.<sup>32</sup> Risk assessments are considered valid when there is empirical evidence to suggest that the instrument accurately predicts risk without bias. Although risk assessments are not a panacea for racial and ethnic disparities, the use of a validated risk assessment can reduce bias and increase public safety.<sup>33</sup>

**Expand pretrial services and diversion:** Jail population review teams, depending on their authority, can expand the number of diversion options available to pretrial defendants. Pretrial diversion programs allow individuals to access needed services in the community, increasing public safety and reducing the jail population while improving outcomes for individuals. To reduce racial disparities, however, it may be necessary for population review teams to increase the number, types and locations of diversion options to reflect the needs and diversity of the local system. In addition, eligibility criteria for existing pretrial programs may exclude individuals from participating in a diversion program, so review teams may also consider expanding program eligibility to reduce racial disparities. Regardless of any action taken to expand the services available to defendants, diversion decisions should be driven by a validated risk assessment instrument in the interest of public safety.<sup>34</sup>

**Use individual case review:** The jail population review process allows stakeholders to consider an individual's case and personal circumstances to make informed and equitable pretrial release decisions. Although large data reviews are necessary to address larger, systemic issues around racial and ethnic disparities, reviewing individual cases helps to ensure that the group makes informed and equitable recommendations. In addition, individual case review helps review teams avoid treatment generalizations (i.e., a one size fits all approach to treatment) in its recommendations.

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St. Louis County reduced its overall jail population by 24.4 percent, reduced its pretrial population by 19 percent and reduced the average length of stay for people of color by 28 percent from 2015 to 2019.

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## ST. LOUIS COUNTY, MISSOURI

COUNTY  
POPULATION SIZE : [996,945](#)

JAIL CAPACITY : [1,232](#)

AVERAGE DAILY  
JAIL POPULATION : [1,188](#)



Through the support of a \$2.28 million grant from the MacArthur Foundation's Safety and Justice Challenge, St. Louis County established an interdepartmental jail population review team to safely reduce its jail population, and study and reduce racial disparities in its criminal justice system. The team was established in 2018 and is composed of judges from the St. Louis County Circuit Court, a psychologist, a member of the criminal bar and a mental health court representative, county law enforcement officers, public defenders, prosecutors, service providers and community advocates. The team meets weekly to review and expedite cases and develop strategies for larger system reform.<sup>35</sup>

To start, the team assessed the drivers of its jail population and found that many people of color were held in jail for excessive amounts of time due to an inability to pay for bail.<sup>36</sup> As a result, the team began assessing individual cases and making decisions about release that consider individual circumstances and a quantitative risk assessment. Through this process, St. Louis County reduced its overall jail population by 24.4 percent, reduced its pretrial population by 19 percent and reduced the average length of stay for people of color by 28 percent from 2015 to 2019.<sup>37</sup> St. Louis County is continuing to use its review team to identify obstructions in case processing to reduce disparities and remove obstacles in case processing and reduce racial disparities.<sup>38</sup>

## ADDRESSING BEHAVIORAL HEALTH NEEDS

The continued growth of local correctional populations across the country has strained the limited capacity of jails to provide health services. As mental health facilities across the country have closed, counties have seen an increase in the number of people who have mental illness entering their jails.<sup>39</sup> Approximately 2 million times each year, people who have serious mental illnesses are admitted to local jails. Nearly three-quarters of these adults also have substance use disorders.<sup>40</sup> Once in jail, these individuals often do not receive the treatment they need, which worsens their health and creates additional barriers for them upon release.<sup>41</sup>

Including jail and community-based behavioral health treatment providers in a jail population review team helps to ensure that defendants have the resources they need upon release or diversion.

Key to addressing behavioral health in pretrial is screening people for symptoms of mental illness and substance use disorders at booking.<sup>42</sup> The results of these screens can help inform release decisions and referrals to treatment; if a person must remain in jail while awaiting trial, screening can help them access treatment and services while detained. Screening tools should be validated, and staff should be trained to administer them appropriately.

Counties and review teams can also collect and share aggregate data on individuals who screen positive for mental illness and/or substance use disorders in their jails to inform community-based treatment and options for diversion and post-incarceration care. More information on how communities can work with people who have mental illness in their jails is available on the national [Stepping Up website](#).

## ALACHUA COUNTY, FLORIDA

COUNTY  
POPULATION SIZE: [269,956](#)

JAIL CAPACITY: [1,148](#)

AVERAGE DAILY  
JAIL POPULATION: [726](#)



Alachua County Pretrial Services has a Centralized Screening Team (CST) that includes three Pretrial Release Assessment Specialists, Alachua County Department of the Jail, Alachua County Judiciary and treatment partners. The CST screens individuals who were not released during their first appearance within 96 hours of arrest for symptoms of mental illness and/or a substance use disorders to determine eligibility for Court Services programs such as Pretrial Day Reporting or for referrals to a specialty courts (e.g., Mental Health, Drug and Veteran's court programs). The CST develops and proposes a customized release option for each person based on pretrial investigation information. To be eligible for Alachua County's Court Services programs, defendants must be in custody, have a "pretrial" status and be deemed appropriate for a pretrial program or expedited sentencing. Once in the program, participants are placed in the appropriate court and receive medical, substance abuse and mental health treatment and services.<sup>43</sup>

## WHATCOM COUNTY, WASHINGTON

COUNTY  
POPULATION SIZE: [225,685](#)

JAIL CAPACITY: [298](#)

AVERAGE DAILY  
JAIL POPULATION: [245](#)



The Whatcom County Council created its Incarceration Prevention and Reduction Task Force by county ordinance in 2015 after years of continued jail population growth. The Task Force reviews the county's criminal justice and behavioral health programs and recommends changes to reduce pretrial jail use and incarceration of individuals struggling with mental illness and substance use disorders. The Task Force includes law enforcement, policy makers, service providers and members of the public.<sup>44</sup>

The Task Force is organized into four main committees with distinct roles. The Crisis Stabilization Center Committee supported the creation of a new center that provides an arrest diversion option to include on-site medication and treatment. The Legal and Justice System Committee examines reforms in law enforcement and justice system practices. The Behavioral Health Committee identifies ways to improve delivery of mental health and substance use disorder services. The Information Needs and Data Exchange (INDEX) Committee identifies ways to improve data systems, information-sharing across jurisdictions and availability of outcome data.<sup>45</sup>

As a result of the work conducted by these committees, the Task Force has improved behavioral health service delivery, including the selection and implementation of a pretrial screening and risk assessment tool; improved support for defendants with mental illness; and the development of a strategic plan to address the opioid crisis focusing on preventing misuse of prescription medication, increasing understanding of risk and preventing overdose deaths.<sup>46</sup>

## CONCLUSION

Jail population review teams are an effective tool in reducing the number of people incarcerated in local jails. Counties have used these teams to streamline case processing, resulting in less jail time and improved outcomes for individuals and communities. These teams can be particularly effective in reducing racial and ethnic disparities, the number of people with mental illness in jails and the number of people incarcerated while awaiting trial.



## ACKNOWLEDGMENTS

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