

**REDUCING JAIL POPULATIONS:  
DECREASING PRETRIAL LENGTH OF STAY  
BY IMPROVING COURT PROCEEDINGS  
AND PRETRIAL SERVICES AND  
SUPERVISION**



## COUNTY GUIDE FOR REDUCING JAIL POPULATIONS AND COSTS

SEPTEMBER 7, 2022

County officials are implementing data-driven and evidence-based policies, practices and programs to decrease jail populations, reduce associated costs and meet the social and safety needs of communities. Annually, county jails process 8 million admissions and spend \$29 billion on correctional facilities.[1] The Pew Charitable Trusts <[http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2021/01/local-spending-on-jails-tops-\\$25-billion-in-latest-national-wide-data](http://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2021/01/local-spending-on-jails-tops-$25-billion-in-latest-national-wide-data)> reported in 2021 that county corrections costs increased 521 percent from 1977 to 2017.

Through collaborative efforts such as local public safety planning boards or criminal justice coordinating councils, counties are looking at data from various departments and entities to identify factors that drive jail population growth and exploring solutions to improve outcomes.

Common drivers of jail populations include:[2]

- Bookings and/or arrests, especially for low-level charges such as misdemeanors
- Pretrial length of stay
- Technical violations of community supervision, and
- Recidivism.

### NEW RESOURCE: JAIL DATA INITIATIVE

When determining local jail population drivers, counties may choose to look at neighboring counties' data or others within their state and/or nationally as comparisons. The Jail Data Initiative <<https://jaildatainitiative.org/>> at New York University, in partnership with The Pew Charitable Trusts, is gathering data on jail populations around the country. Using online data rosters from roughly a third of the jails in the United States, the project analyzes daily populations, lengths of stay, charge and demographic profiles of those incarcerated, admissions, release statistics and more. Visit their website <<https://jaildatainitiative.org/>> to explore and compare local data metrics.

<https://www.naco.org/resources/county-guide-reducing-jail-populations-and-costs>



## PRETRIAL LENGTH OF STAY

Reducing length of stay during the pretrial period will decrease jail populations and allow people to return to the community more quickly to assist with their defense and continue working, attending school, caring for their families and other obligations. Counties can reduce length of stay by shortening case processing times and creating alternatives to pretrial detention.

### COUNTY SOLUTIONS AND EXAMPLES +

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### EXTERNAL RESOURCES x

- [Addressing Mental Illnesses and Medical Conditions in County Jails](#) (National Association of Counties, 2015)
- [Americans Favor Pretrial Expanded Pre-trial Release, Limited Use of Jails](#) (The Pew Charitable Trusts, 2018)
- [Bail Fail: Why the U.S. Should End the Practice of Using Money for Bail](#) (Justice Policy Institute, 2012)
- [Baltimore Behind Bars](#) (Justice Policy Institute, 2010)
- [County Roles and Opportunities in Pretrial Justice](#) (National Association of Counties, 2017)
- [County-State Collaboration in Building High-Functioning Pre-trial Systems](#) (National Association of Counties, 2017)
- [Court During Covid-19 Crisis](#) (National Association of Counties, 2020)
- [Evidence Based Court Strategies for Criminal Caseflow Management](#) (National Center for State Courts, 2020)
- [Fines, Fees and Bail, Payments in the Criminal Justice System that Disproportionately Impact the Poor](#) (Council Of Economic Advisors, 2015)
- [Improving Responses to People with Mental Illnesses at the Pretrial Stage](#) (The Council of State Governance Justice Center, 2015)
- [Locked Up: Is Cash Bail on the Way Out?](#) (The Pew Charitable Trusts, 2017)
- [National Task Force on Fines, Fees and Bail Practices](#) (National Center for State Courts)
- [Pretrial Risk Assessment Tools](#) (Safety and Justice Challenge, 2019)
- [Roadmap for Pretrial Advancement \(Advancing Pretrial Policy and Research\)](#)
- [Thomson Reuters: How the Backlog May Reshape the Future of Courts](#) (Thomson Reuters)
- [Webinar: Stepping Up—Conducting Timely Mental Health Screening and Assessment in Jails](#) (National Association of Counties, 2015)
- [Video Arraignment](#) (National Center for State Courts)

# WEBINAR SERIES



- JAIL DATA INITIATIVE DEMONSTRATION (December 5)
- **DECREASING PRETRIAL LENGTH OF STAY BY IMPROVING COURT PROCEEDINGS AND PRETRIAL SERVICES AND SUPERVISION** (January 5)
- REVISITING TECHNICAL VIOLATIONS OF COMMUNITY SUPERVISION TO DECREASE JAIL ADMISSIONS AND LENGTH OF STAY (February 2)
- DECREASING BOOKINGS AND/OR ARRESTS THROUGH DIVERSION, CITATIONS AND WARRANT AVOIDANCE AND RESOLUTION (March 2)
- LOWERING RECIDIVISM THROUGH JAIL- AND COMMUNITY-BASED TREATMENT AND SERVICES (April 6)

[www.NACo.org/events](http://www.NACo.org/events)

# SPEAKERS



**Peggy Galloway (she/her)**  
Director  
Jefferson County  
Diversion Services



**Kristina Kaupa (she/her)**  
Director of Policy,  
Cook County  
Justice Advisory Council



**David Olson**  
Loyola University

# Welcome to Jefferson County Nebraska!



**Jefferson County, NE  
Diversion  
&  
Pretrial Services**

2019 Jefferson County Diversion & Pretrial Services and Attendance Support Programs began.

- Truancy was high.
- Juvenile delinquency was high.
- Adult arrests were high.
- Courts were a revolving door of repeat offenders.

What is happening here?

- Living in a bubble.
- Meth use is rampant. Alcohol is a close second.
- Meth use leads to:
  - ✓ Crime (theft, assaults, domestic abuse)
  - ✓ Child abuse and neglect ~ trauma for all involved
  - ✓ Loss of employment
  - ✓ Property neglect
  - ✓ Social and emotional problems
  - ✓ Health problems, possible death from overdose
  - ✓ More people living on government assistance and dependent on local resources
  - ✓ Increased costs for counties ~ law enforcement, attorneys, court costs, diversion, probation, etc.



## Observations

- Many of the kids who were being referred to Attendance Support for truancy, had parents (and grandparents) in Pretrial Services for meth possession.
- Young kids complaining of anxiety, stress, depression. Self-harm and suicide attempts.
- Many kids have behavioral issues.
- Families do not respect authority on any level.
- No value for education.
- No personal responsibility.
- Generational poverty.
- Generational substance use disorders.
- Trauma. Trauma. Trauma.
- Pretrial Services is designed to:
  - ✓ Ensure individual goes to court when scheduled.
  - ✓ Don't reoffend while on PTS.
  - ✓ Drug test and electronic monitoring if needed

**Fail. Fail. Fail.**

Behavior is the  
language of  
trauma. Children  
will show you  
before they tell  
you that they are  
in distress.

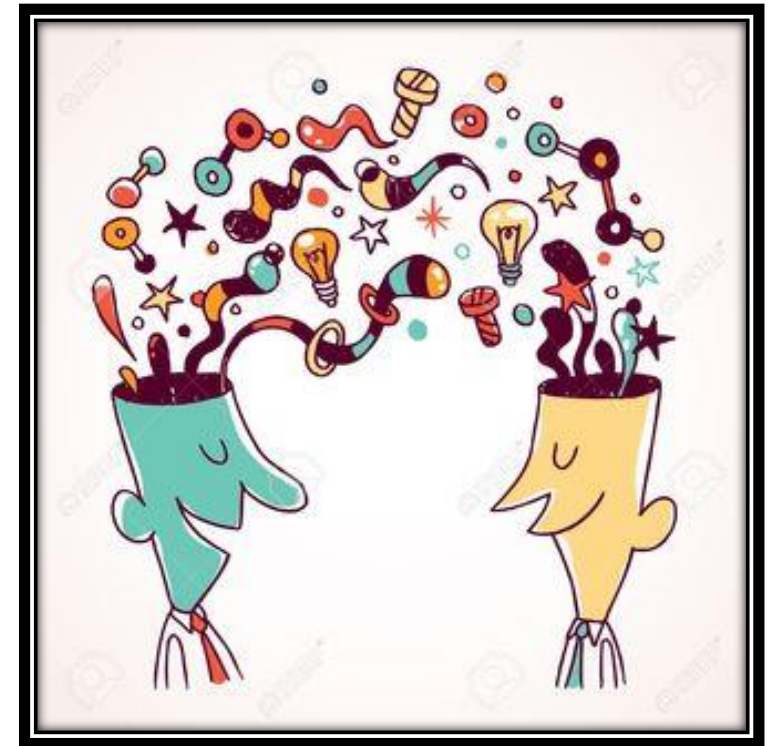
Micere Keels

Youth Dynamics



# It's Time to Do Something!

- Research methamphetamine and other drugs
- Talk to your community leaders: Mayor, City Council, School Board, Diversion and Attendance Support, Mental Health offices, Housing Authority
- Make connections with your local resources:
  - ✓ Mental/behavioral health providers
  - ✓ Prevention programs
  - ✓ School administrators, teachers and counselors
  - ✓ Law Enforcement
  - ✓ Health and Human Services
  - ✓ Probation officers
  - ✓ CASA (Court Appointed Special Advocates)
  - ✓ Programs that address poverty assistance (food/housing/health needs)
  - ✓ Ministerial Associations
  - ✓ Individuals with lived experience
- Outside of your community:
  - ✓ Treatment Centers (all types)
  - ✓ Funding sources
  - ✓ Preventative programs that could be replicated



## A Time for Change

- Bring in support services during the Pretrial phase:
  - ✓ Mental health/substance use evaluations by therapists
    - ✓ Therapies recommended are completed during Pretrial: Intensive Out-patient (IOP), In-patient/residential treatment, one-on-one therapy; parenting classes
  - ✓ Partner with peer support services
  - ✓ Medication management if deemed necessary
  - ✓ Assist with Medicaid applications
- Continue drug testing and electric monitoring if needed
- Talk to the people. Face to face. Be honest. Be real. Be understanding.
- Cut them some slack but stay firm and don't give up on them!
- Recovery is a long process. For the individual as well as the family.

**Success! Success! Success!**

### Pretrial Release

2019 – 35% Success rate  
2020 – 44% Success rate  
2021 – 100% Success rate

### Diversion

2019 – 66% Success rate  
2020 – 100% Success rate  
2021 – 99% Success rate



# A Time for Change

- Work with National Organizations:
  - ✓ The National Alliance for Drug Endangered Children (DEC)
  - ✓ The National Association of Pretrial Service Agencies (NAPSA)
  - ✓ Rulo Strategies
  - ✓ Advancing Pretrial Policy & Research (APPR)
  
- Rulo Strategies: Rural Community Action Guide
  - ✓ Cut off illicit traffic. Work with Federal, State and local partners to reduce the supply.  
Contact your state offices of the FBI, DEA, Attorney General and State Patrol to partner with your local law enforcement.
  
- Calculate the total cost this epidemic is costing your county.
- Consider new alternatives.
- Cross-collaborate to cut costs and improve efficiency.
- Data sharing



**Jefferson County, NE**  
**Diversion**  
**&**  
**Pretrial Services**



# Reducing Pretrial Length of Stay Through No-Admission Strategies

## Kristina Kaupa

Cook County Justice Advisory Council  
Director of Policy



## David E. Olson, PhD

Loyola University

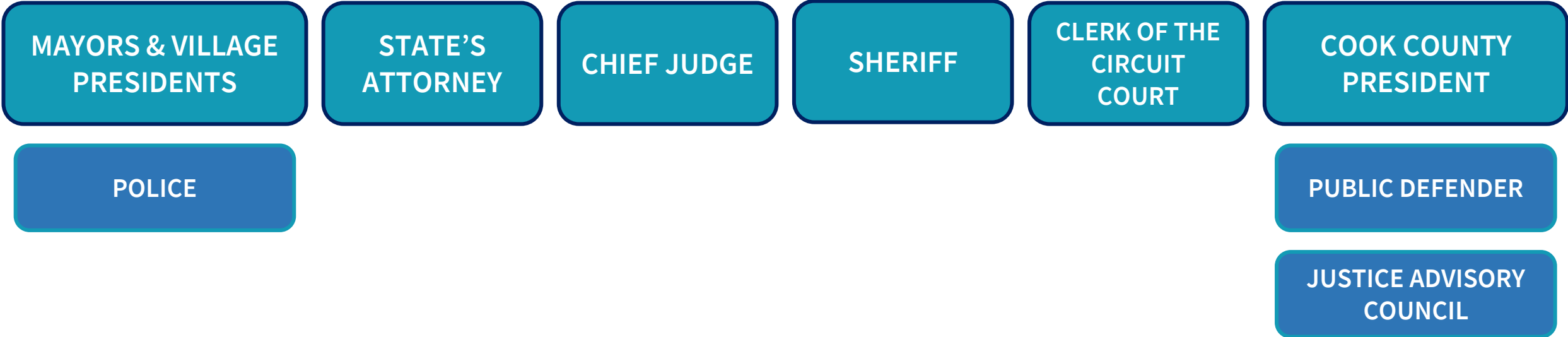
Professor, Department of Criminal  
Justice & Criminology

Co-Director, Center for Criminal Justice

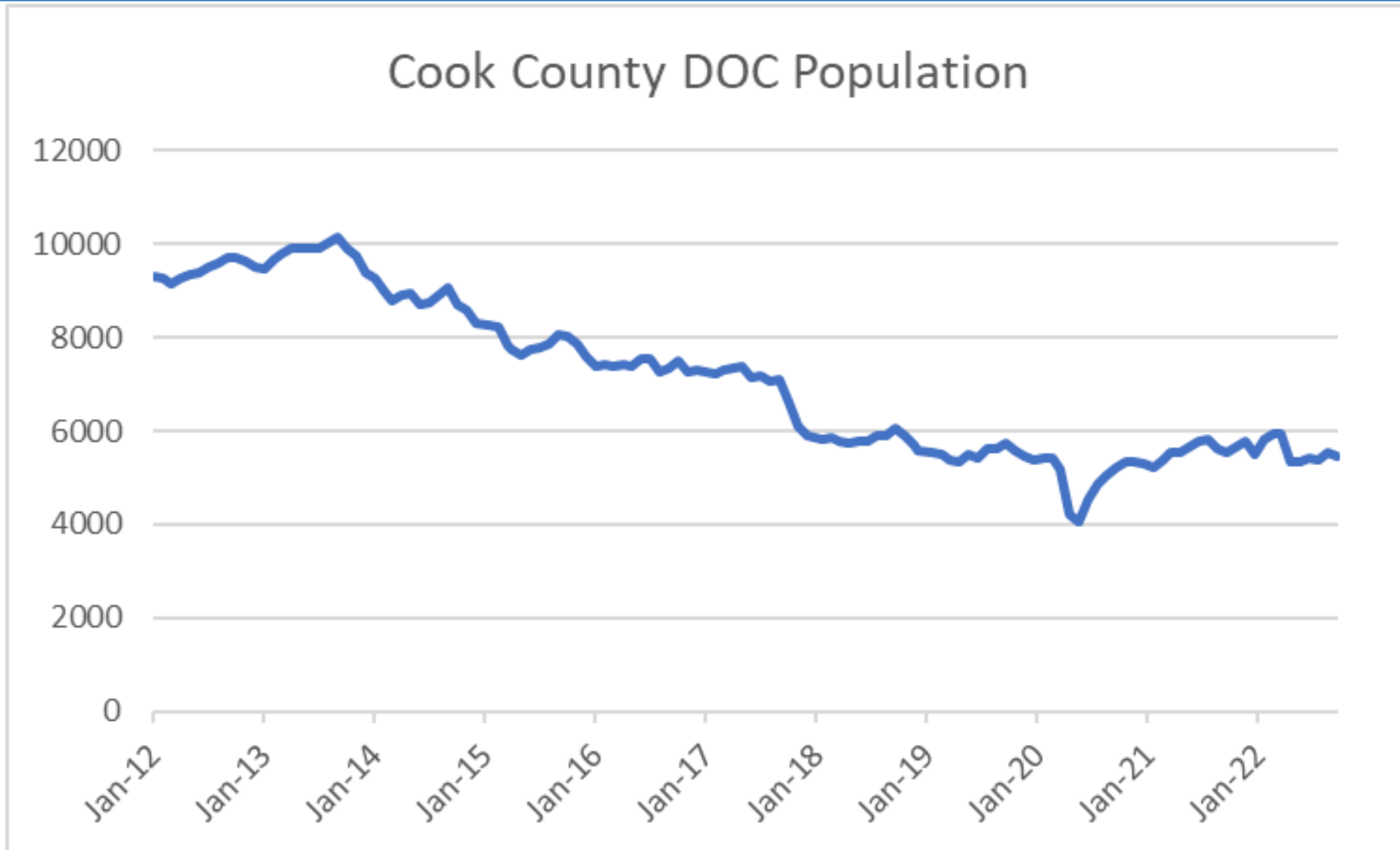
# Justice Advisory Council



# Cook County's Criminal Justice System Actors

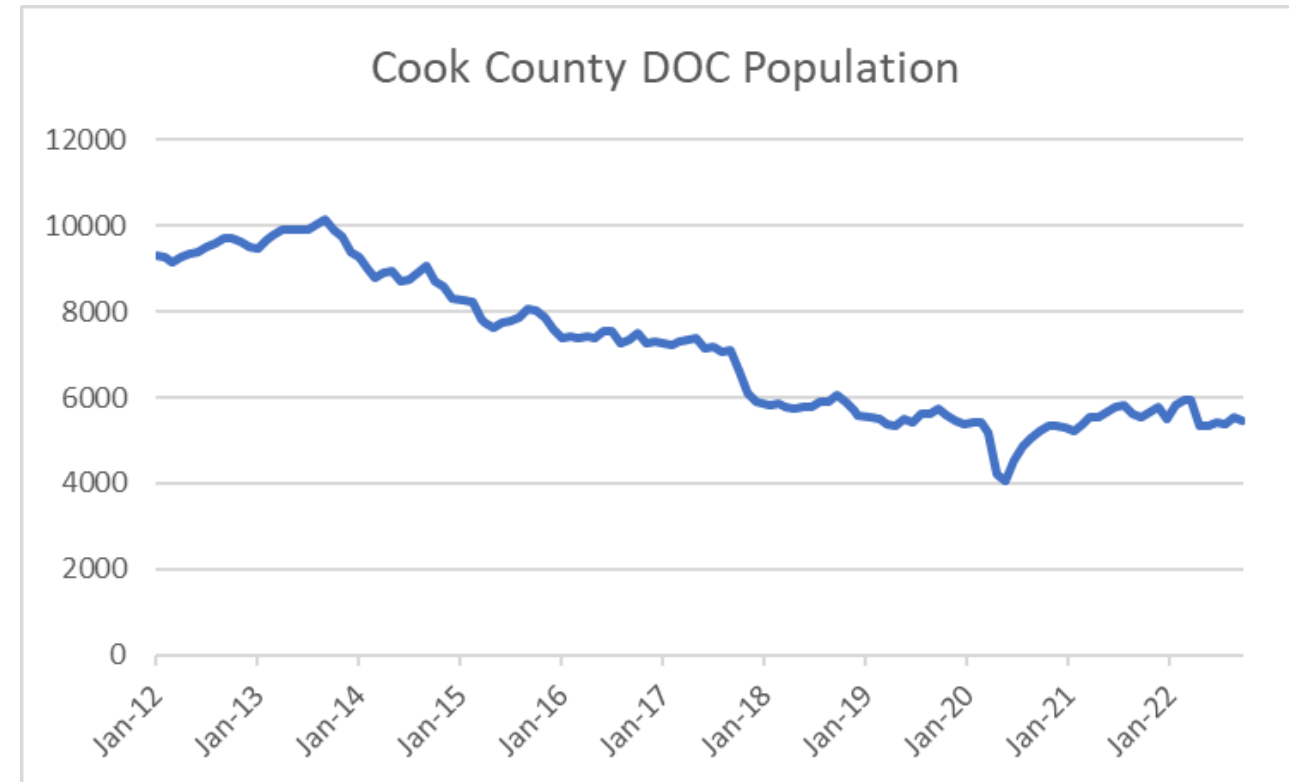


# Cook County Jail Population Over Time



# Population Reduction Efforts

- As of 2014 Cook County relied heavily on monetary bonds and often had the highest single site jail population in the nation.
- 2014 - County Board President called on Illinois Supreme Court to carry out an evaluation and make recommendations to the county and coordinated ongoing Cook County stakeholder meetings began.
- 2015 – Initial reductions to the use of monetary bond began and Cook County applied for the planning portion of the MacArthur Safety and Justice Challenge grant



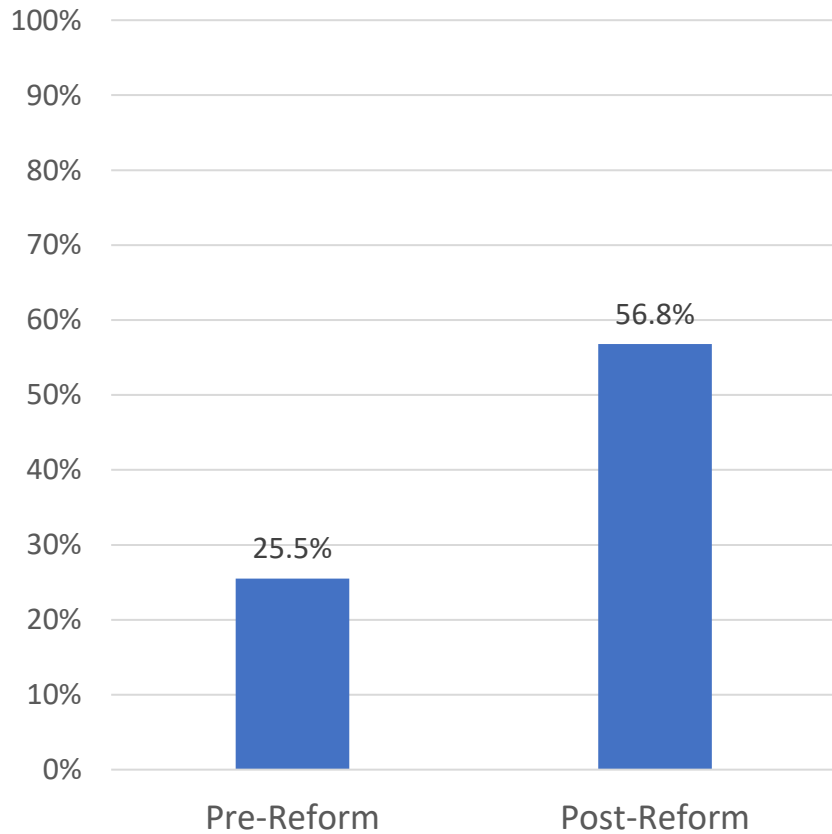


# 2017 Bond Reform

- General Order from the Chief Judge: GO18.8A
- Established a decision-making process for bond court judges including:
  - Use of a Public Safety Assessment tool (PSA)
  - A presumption of release without monetary bail (i.e., Individual Recognizance Bond or “I-Bond”)
  - If monetary bail is necessary, it shall be set at an amount affordable for the defendant

# 2017 Bond Reform: Impact on Felony Cases

## Recognizance Bond



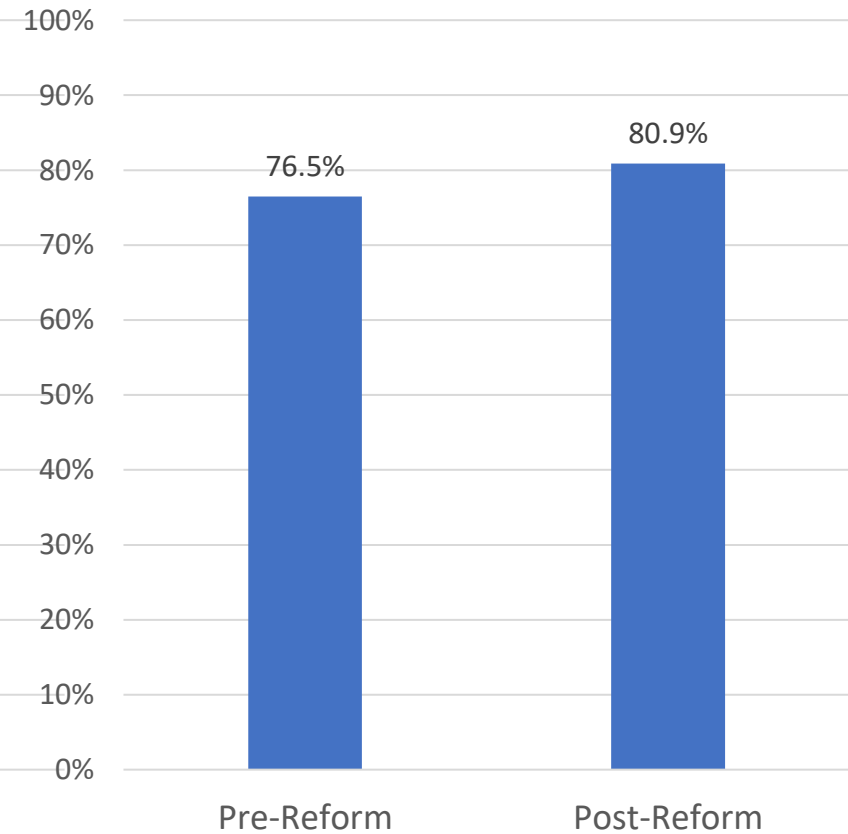
Report Reference: Figure 2, Page 6

## Average Bail Amount



Report Reference: Page 7

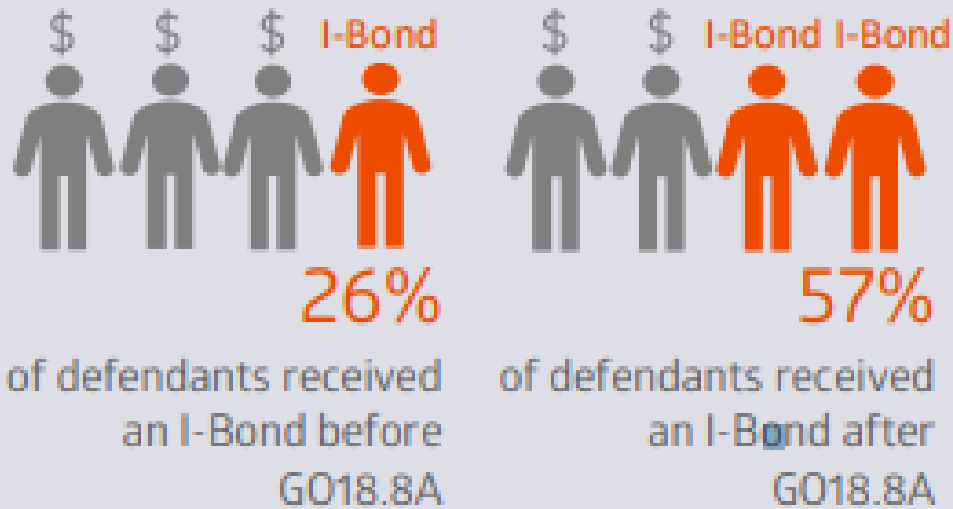
## Released Pretrial



Report Reference: Figure 7, Page 9

# 2017 Bond Reform: Impact on Individuals & Families

GO18.8A increased the use of I-Bonds and reduced the costs of bail for defendants



**\$31.4 million** in bond costs were avoided by defendants in the six months after GO18.8A due to increased use of I-Bonds and lower D-Bond amounts

# 2017 Bond Reform: Impact on Jail Population

- GO18.8A did not markedly change the number or percent of people released pretrial, it changed HOW people were released pretrial
- Increased use of I-bonds, and lower amounts of bail reduced length of stay in jail by 6.7 days
  - Shorter length of stay in jail accounted for 1/3 of drop in jail population from 8/31/17 (Pre) to 8/31/18 (Post)

# 2017 Bond Reform Did Not Increase Crime Rate

## GO18.8A had no effect on new criminal activity or crime



**17%** of defendants released before GO18.8A failed to appear for a court hearing

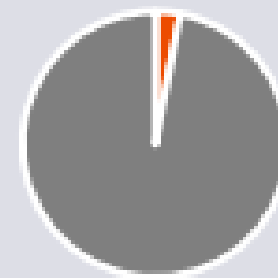
**20%** of defendants released after GO18.8A failed to appear for a court hearing



**17%** of defendants released before and after GO18.8A had a new criminal case filed while on pretrial release



There was no statistically significant change in the amount of crime in Chicago in the year after GO18.8A



**3%** of defendants released before and after GO18.8A had a new violent criminal case filed while on pretrial release

# Safety and Justice Challenge

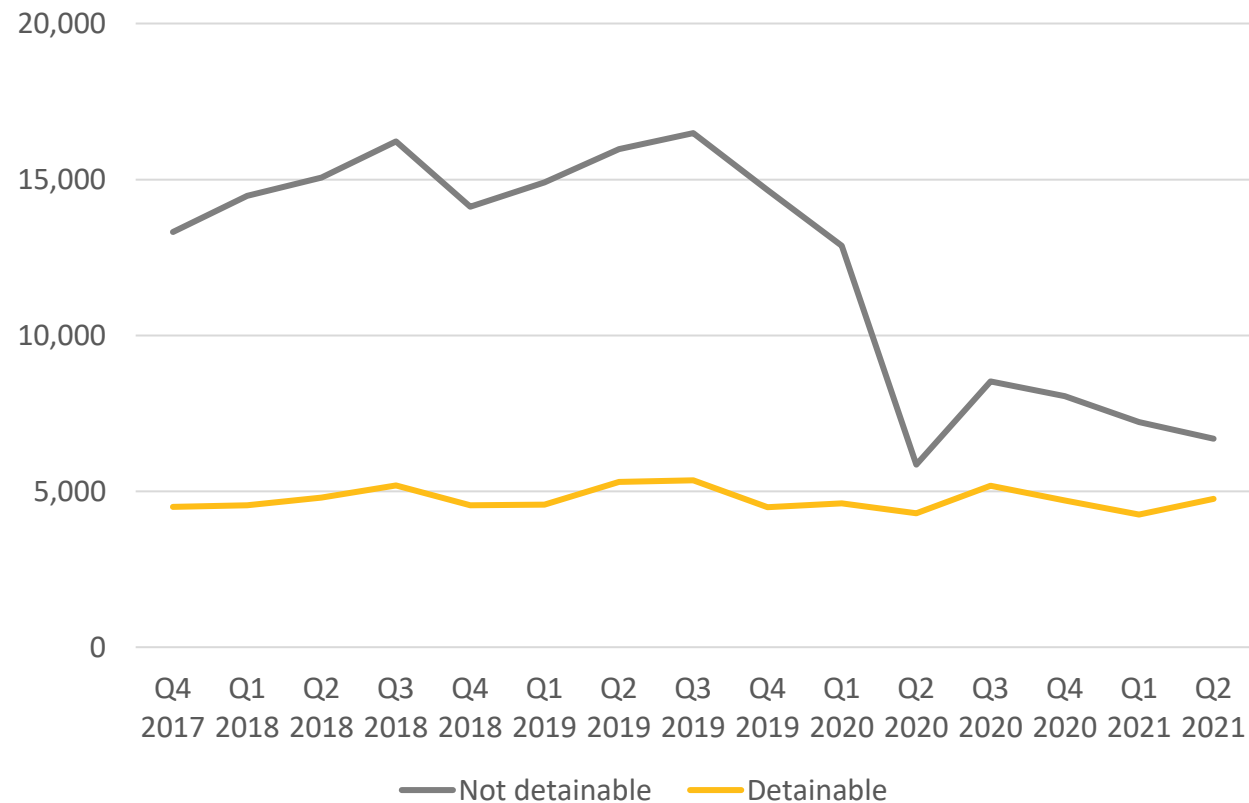
- Automated Court Reminder System
- SEED
  - Supporting Education and Employment Development, felony diversion program targeting emerging adults charged with manufacturing and delivery of a controlled substance (i.e., drug dealing)
- Frequently Impacted
  - Peer support intervention for individuals arrested and booked at Cook County Jail 4+ times per year
- Warrants
- Population Review Team

# SAFE-T Act and the Pretrial Fairness Act

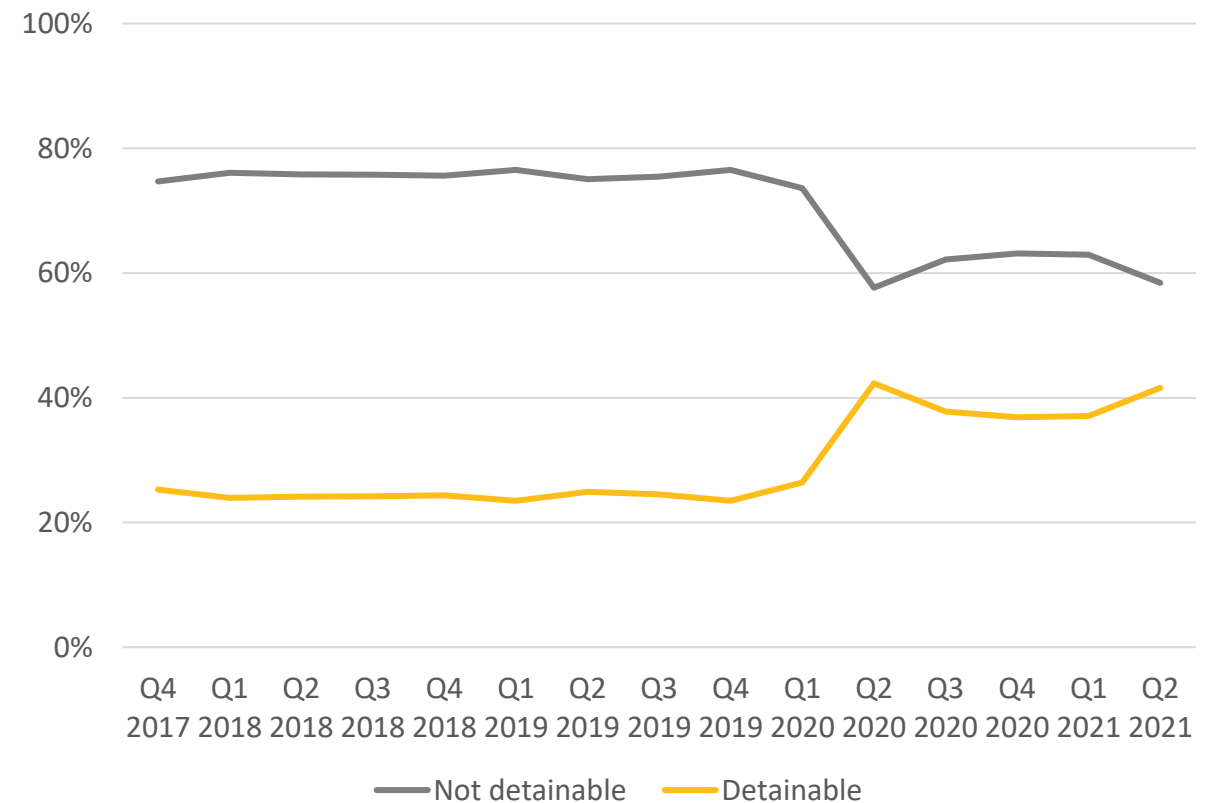
- **Pre-Trial Fairness Act (part of SAFE-T act) passed in January 2021 was to go into effect 1-1-2023.**
  - Eliminates use of monetary bail as a bail condition
  - Detainable and non-detainable offenses delineated – detention hearings with heightened evidentiary standards put into place.
  - Police granted greater ability to issue citations in lieu of arrest.
- Stayed from going into effect until decision of Illinois Supreme Court
  - Last minute legal challenges from some circuits in Illinois (positing that PFA represented a change to the Illinois Constitution) resulted in the Illinois Supreme Court issuing a stay to it going into effect until they issue a decision.

# SAFE-T Act and the Pretrial Fairness Act: Cases Eligible for Detention Under Dangerousness Consideration

Number of Detainable and Non-Detainable Cases Filed per Quarter



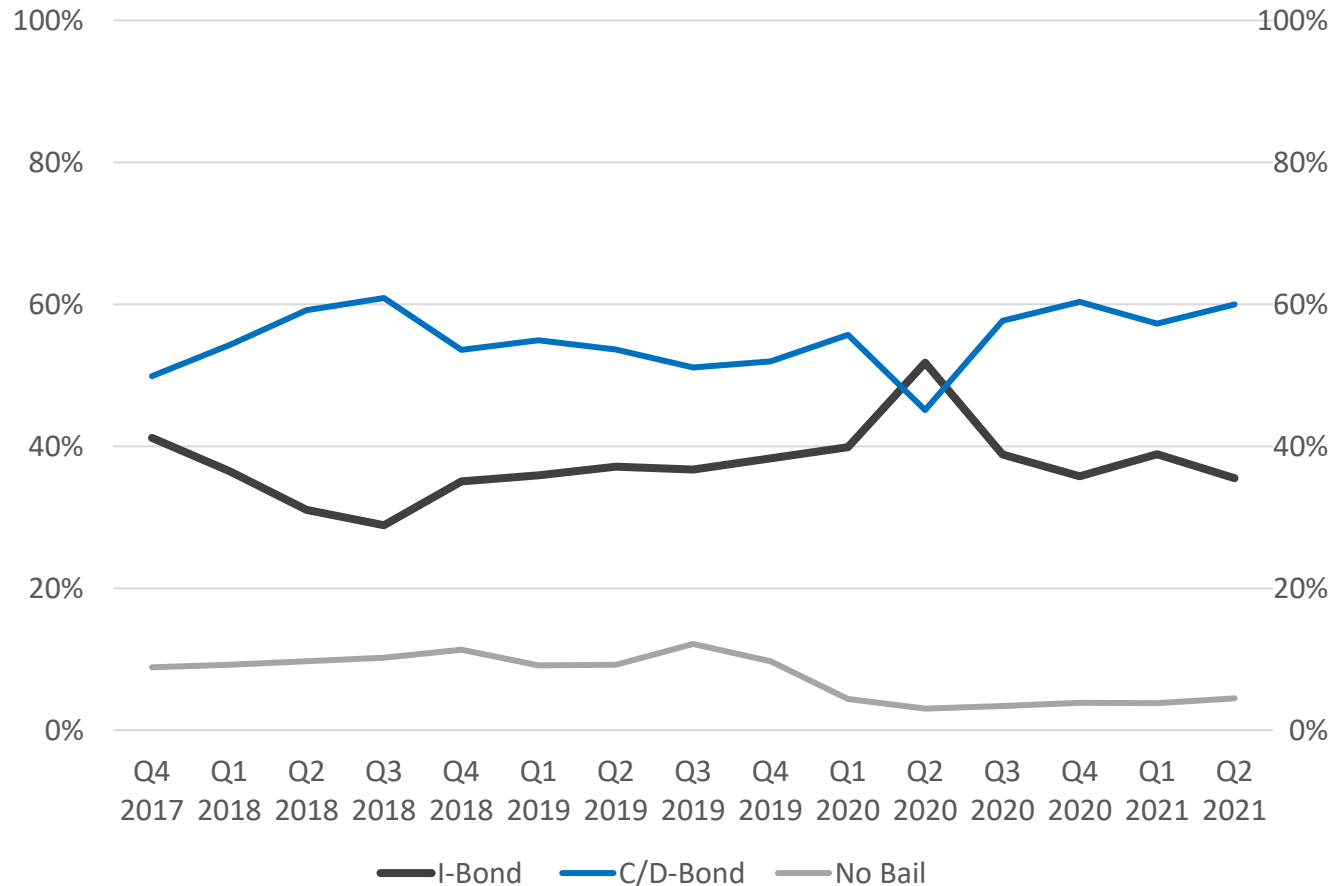
Percent of Cases Filed that Are Detainable and Non-Detainable per Quarter



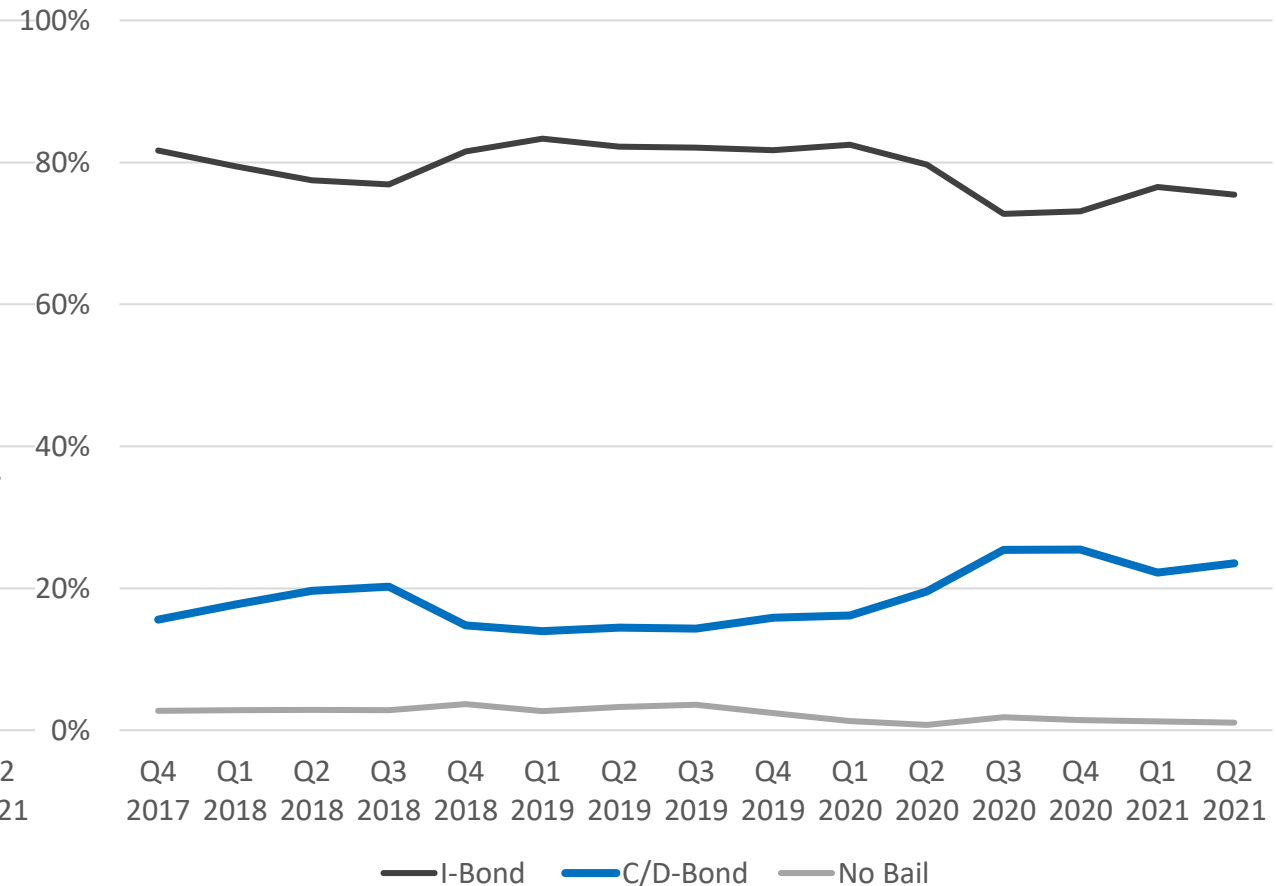


# SAFE-T Act and the Pretrial Fairness Act: Current Bond Outcomes for Cases Eligible for Detention Under Dangerousness Consideration

## Outcomes for Detainable Cases



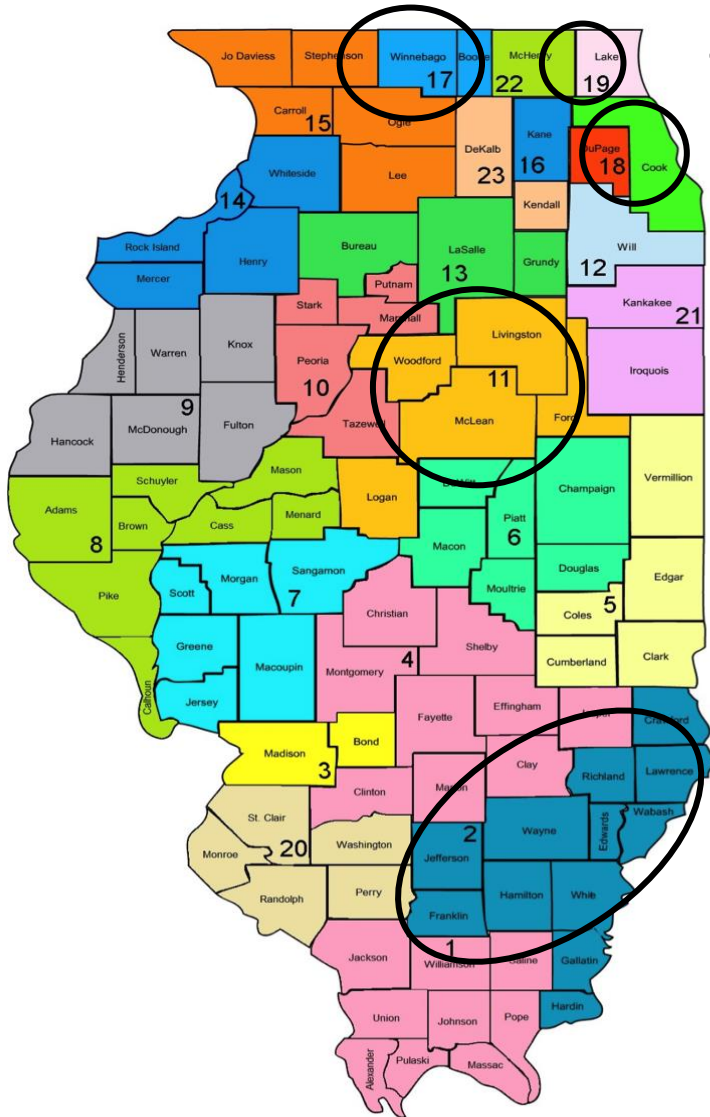
## Outcomes for Non-Detainable Cases



# SAFE-T Act and the Pretrial Fairness Act: Potential Impact on Jail Populations

- Will reduce admissions for some offenses
- Will increase length of stay for some offenses
- Will change the composition of jail population
- Unknown if average daily population of jails will increase or decrease (or stay the same)
  - Depends on degree to which detention is sought/ordered
  - Depends on degree to which reconsideration of detention leads to pretrial release
  - Depends on time to disposition=length of stay

# SAFE-T Act and the Pretrial Fairness Act: Evaluation of Implementation & Impact



- 4-year evaluation supported by the National Institute of Justice, the MacArthur Foundation & Arnold Ventures
  - <https://loyolaccj.org/>
  - Objective, non-partisan
  - Collaborative with stakeholders
  - Multi-method approach (surveys, interviews, focus groups, observations, administrative data); pre-post design
  - Focused on 21 of Illinois' 102 counties (rural, suburban and urban)
    - Cook County (Chicago)
    - 19<sup>th</sup> Circuit
    - 17<sup>th</sup> Circuit
    - 11<sup>th</sup> Circuit
    - 2<sup>nd</sup> Circuit

# Q&A



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