REDUCING JAIL POPULATIONS: DECREASING BOOKINGS AND/OR ARRESTS THROUGH DIVERSION, CITATIONS AND WARRANT AVOIDANCE AND RESOLUTION





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 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 ohoose to look at neighboring counties' data or others within their state and/or nationally as comparisons. The **Jail Data Initiative** https://jaildat ainitiative.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, oharge and demographic profiles of those incemerated, admissions, release statistics and more. Visit their website https://jaildattainitiative.org/> to explore and compare local data metrics.



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

BOOKINGS AND/OR ARRESTS

Reducing the number of people arrested and booked into jails for low-level offenses and misdemeanors through diversion and citations, as well as outstanding warrants for failing to appear in court or not paying fines and fees, can help reduce jail populations by reserving detention beds for people who are a risk to public safety or a serious flight risk. This can also improve outcomes for individuals by keeping them connected to their communities.

COUNTY SOLUTIONS & EXAMPLES

EXTERNAL RESOURCES

- Baltimore Behind Bars (Justice Policy Institute, 2009)
- Citations in Lieu of Arrest (National Conference of State Legislatures)
- County Jails at a Crossroads (National Association of Counties, 2015))
- Examining Law Enforcement Use of Citations Across the United States (International Association of Chiefs of Police, 2016)
- How the Backlog May Reshape the Future of Courts (Thomson Reuters)
- Jail Population Management: Elected County Officials Guide to Pretrial Services (National Association of Counties, 2009)
- Policy Reforms Can Strengthen Community Supervision (The Pew Charitable Trusts, 2020)
- Stepping Up: A National Initiative Reducing Overincarceration of People with Mental Illnesses
- Reducing Fines and Fees in the Criminal Justice System (National Association of Counties)
- Tailoring Crisis Response and Pre-Arrest Diversion Models for Rural Communities (Substance Abuse and Mental Health Services Administration, 2019)
- Think Local, Act Local: How Cities and Counties Can Lead Fines and Fees Reform (Fines & Fees Justice Center, 2022)



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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

SPEAKERS









Tracy Velázquez Senior Manager, Safety & Justice The Pew Charitable Trusts Ellen S. Steinberg, JDKirsten H. PabstDirectorCounty AttorneyCriminal Justice Coordinating CouncilMissoula County, Mont.Charleston CountyCounty

Failure to Appear: the Use of Jails to Address Missed Court Dates

NACo Presentation Tracy Velázquez

March 2, 2023



About the Research

Data is from the Jail Data Initiative: A project of the NYU Public Safety Lab, scrapes data from over 1 in 3 (1,100 out of about 3,000) jail rosters

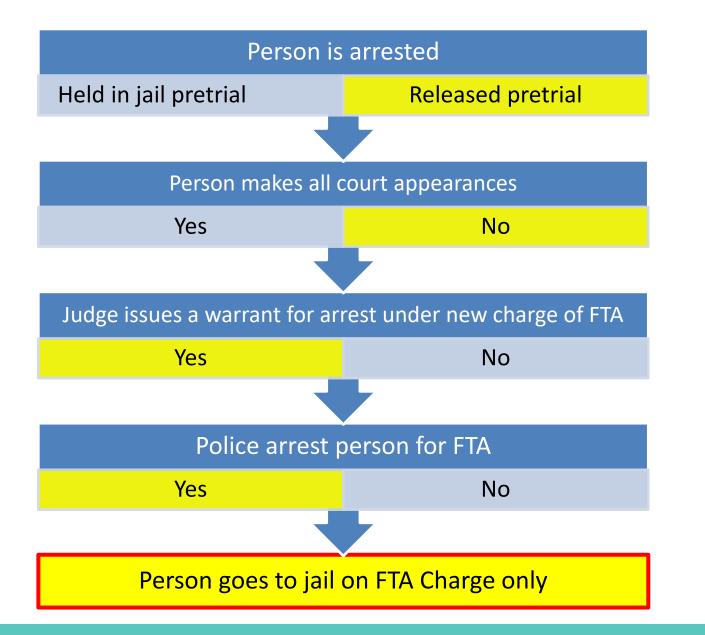
Uses data from FY2022: Looks at bookings occurring from 7/1/2021 through 6/30/2022. Is scraped once a day, so may miss people in jail <24 hours that were admitted and released between scrapings

Not all jails had available data: Over the period, 729 jails had complete data that included charge types, including Failure to Appear (FTA); of those 260 had charge severity data (misdemeanor, felony), 622 had bail amount info

What we don't know:

- Share of 11 million+ criminal cases where the defendant was on pretrial release (likely >80% of felonies, 95% of misdemeanors
- Share of pretrial releases that result in an FTA; older felony estimates are about1 in 10
- Share of nonappearances that result in a warrant for arrest
- Share of warrants for nonappearance that result in a booking



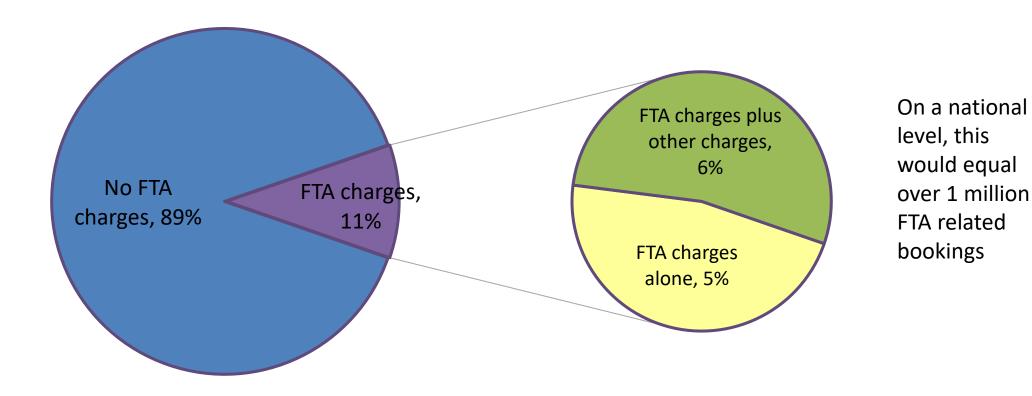


Who are we talking about in this research?





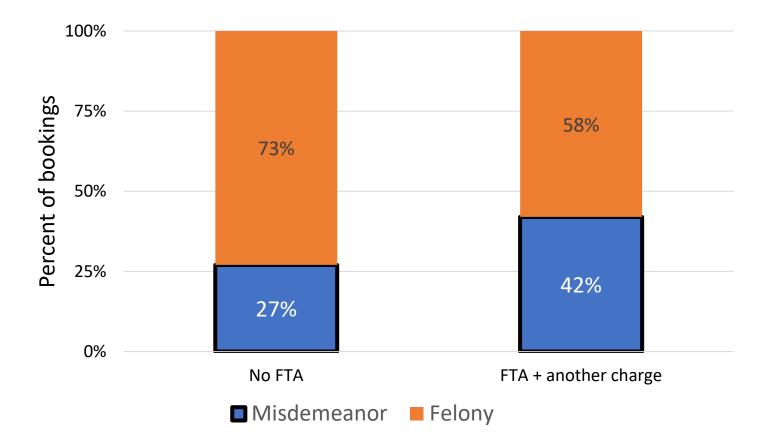
One in 9 Jail admissions involved a failure to appear charge, and 1 in 20 admissions were for an FTA only



Failure to Appear: the Use of Jails to Address Missed Court Dates



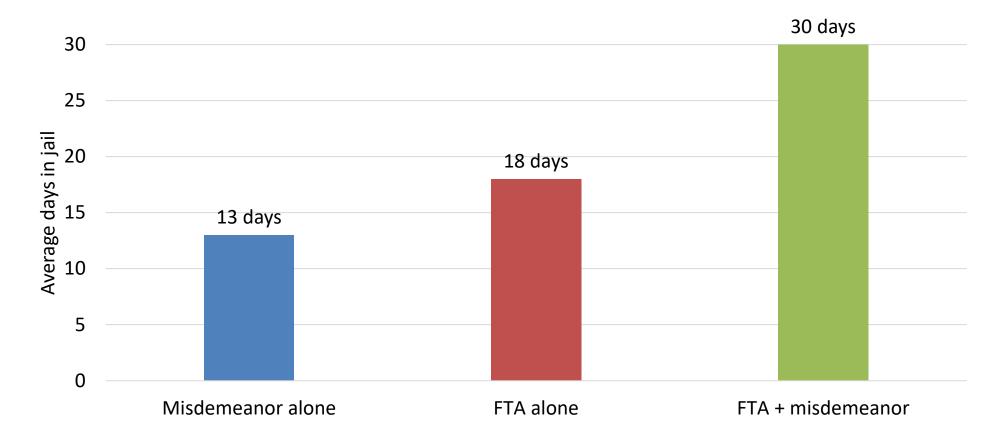
Misdemeanors made up a greater share of bookings with an FTA than those without



Failure to Appear: the Use of Jails to Address Missed Court Dates

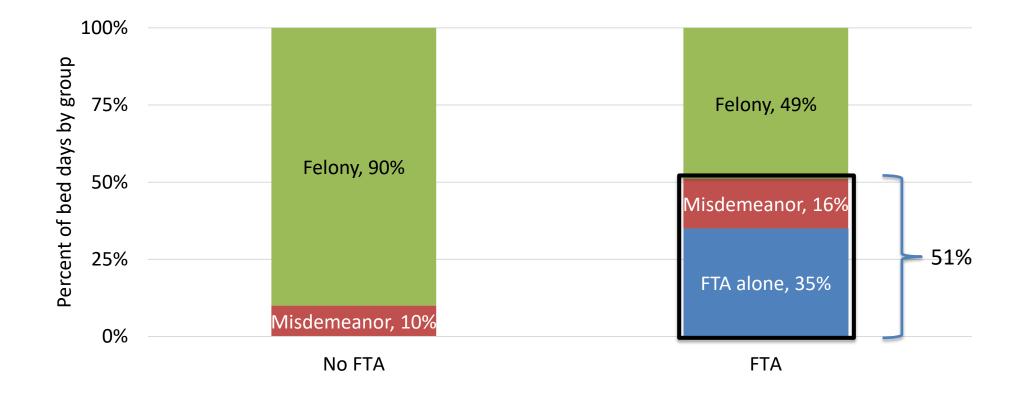


People in jail for an FTA alone or in combination with a misdemeanor stayed longer than those with only a low-level charge





Over half of FTA-related bed days were taken up by people on FTA only or FTA+misdemeanor charges

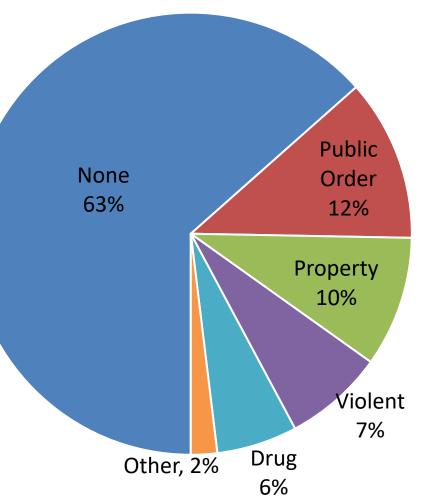




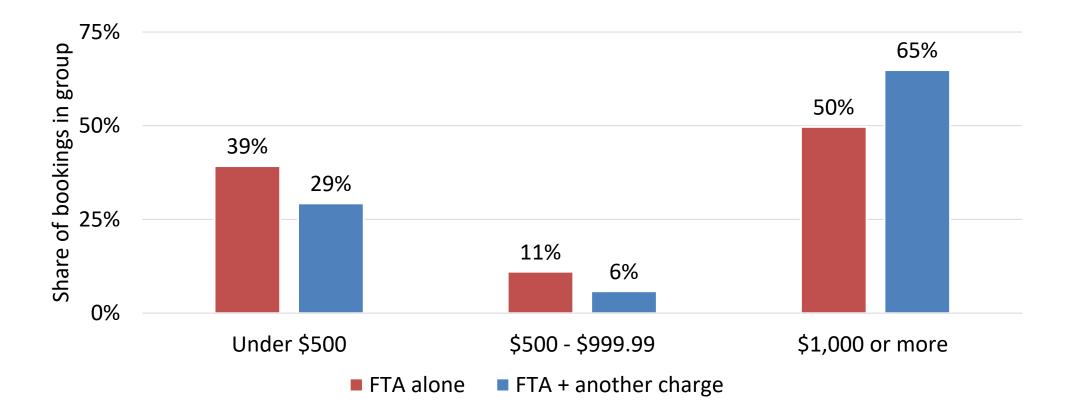
Over 3 in 5 people in jail for FTA charges had not been in that jail over the previous twelve months.

No previous time in that jail:

- FTA Alone: 66%
- FTA and other charge: 61%



Most People in Jail with an FTA Charge Had Bail Set at \$1,000 or more

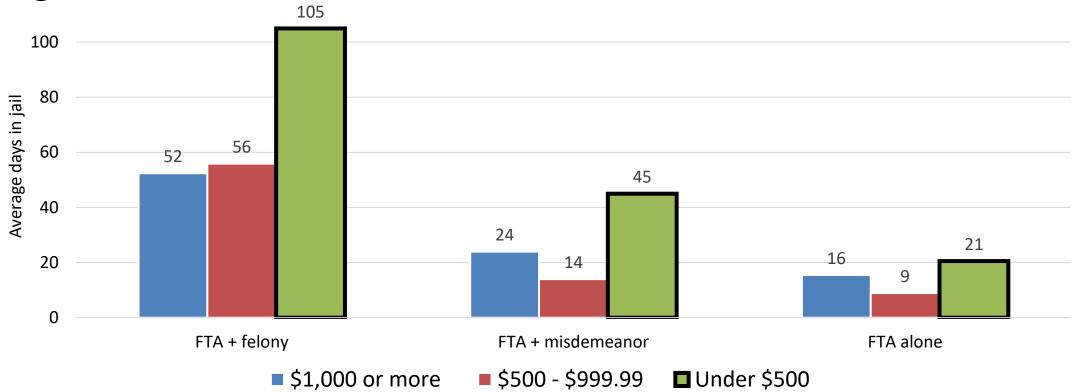


Failure to Appear: the Use of Jails to Address Missed Court Dates



People in Jail for FTAs with<\$500 Bail Stayed Longer than those with

Higher Bail







Do people who miss a court date need to go to jail?

- Jails are an expensive way to address missed court appearances
- Missing a court date often is due to life challenges, not disregard for legal processes
- There are simple steps courts can take to improve appearance rates
- Some courts are addressing non-appearance in ways that can reduce the use of jails

Resources on Jails and Court Appearance

NACO toolkit

https://www.naco.org/resources/countyguide-reducing-jail-populations-and-costs

Jail Data Initiative https://JailDataInitiative.org

This upcoming report from Pew

National Guide to Improving Court **Appearance** – to be released later this Spring by Ideas42

Reach out for more info: tvelazquez@pewtrusts.org

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			Jai	il Data Initiative		¢	
PUBLIC DATA ←	Charges Bookings may have more than one charge. CJARS categorizes charges into 3 groupings, with L1 being the broadest and L3 being the most specific. Show number of charges for the selected date range by:						
Documentation	Charge L1	L2	L3				
NDIVIDUAL DATA	Search Within Table				cs	/ <u>+</u> Ex	
▲ Apply for Access	Charge		u	L2	L3	Occurrences	
	PROBATION VIOLATION (FELONY)		Public Order	Probation violation	Probation Violation	157	
	ORDINANCE VIOLATION		Public Order	Public order offenses - other	Public Order Offense, Other	89	
	FAILURE TO APPEAR (FELONY)		Public Order	Offenses against courts, legislatures and commissions	Other Court Offense	83	
	Assault with a Dangerous Weapon (Felor	nious Assault)	Violent	Aggravated assault	Aggravated Assault	68	
	ASSAULT/BODILY HARM LESS THAN MURDER		Violent	Murder	Murder	66	
	WEAPONS-CARRYING CONCEALED		Public Order	Weapon offense	Weapons Offense	60	
	DOMESTIC VIOLENCE		Violent	Aggravated assault	Aggravated Assault	52	
	WEAPONS FELONY FIREARM		Public Order	Weapon offense	Weapons Offense	51	
	ASSAULT WITH INTENT TO MURDER		Violent	Murder	Attempted Murder	43	
	WEAPONS - FIREARMS - POSSESSION B	FELON	Public Order	Weapon offense	Weapons Offense	43	

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Department of Public Safety Charleston County Criminal Justice Coordinating Council



Our mission is to assist in making sustainable, data-driven improvements to our criminal justice system and thereby improve public safety and community well-being.

NACo March 2,2023



Where We Started vs. Where We Are

Local admissions to Charleston County's jail

2014: nearly 25,000

2022: 9,358



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- Triage Center Services
- Automated Court Reminders
- Pretrial Risk Mitigation
- Reengineer Case Processing in General
 Sessions
- Central Data Warehouse
- Increasingly accessible information
- Community-engaged research study on
 the impacts of racial & ethnic disproportionality & disparity
- Develop a Race Equity Fellowship

Improve outcomes among familiar faces
 and uncover system gaps

Strategies

- Research the impacts of diversion/deflection on criminal justice
 and behavioral health outcomes
- Dashboards of trends in crime, diversion and deflection, arrest and jail us
- Bond hearing observations to ensure
 fair, just and meaningful bond hearings
- Development of a proposal for better pretrial outcomes
 - COORDINATION COLOR

- Improving information access about available services among justiceinvolved populations
- Analysis of key case processing indicators in General Sessions Court to help problem solve
- General Sessions Court Text Reminders
- Jail population review
- Officer Risk Tool

First - Increased Collaboration

• *WHEN*: 2015

- WHY: to make sustainable, data-driven improvements to the local criminal justice system, as well as improve public safety and community well-being
- WHO: a collaboration of elected and senior county officials, law enforcement leaders, judicial and court leadership, behavioral health professionals, victim and legal advocates, and community leaders



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Second - Community Engagement



1,200+ community members engaged





Third - Enhanced Data





Fourth: Diversion to Services



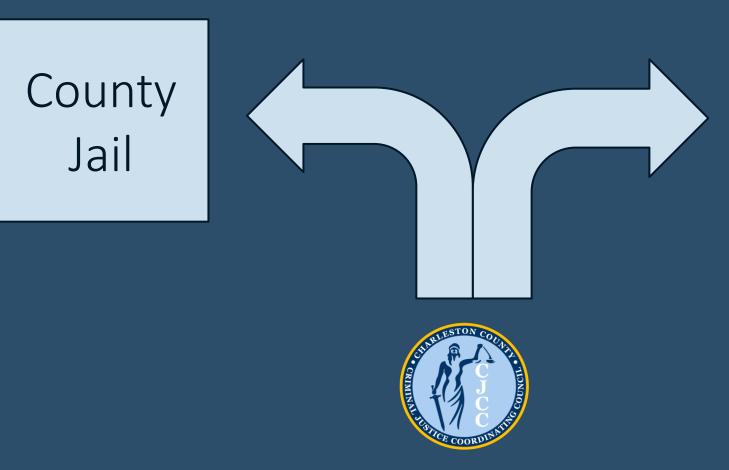


Single-charge bookings on 5 target charges





Diverting people from jail to alternatives



- Tri-County Crisis Stabilization Center
- 670 law enforcement consultations with embedded clinicians
- 103 law enforcement drop-offs to the Charleston Dorchester Mental Health Center

Fifth: Improved Court Resources



Public Defender at Bond Court

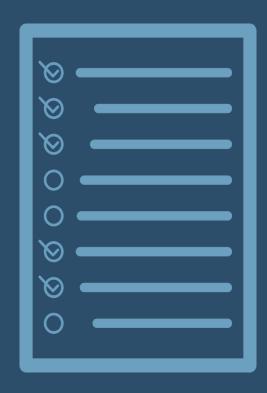
Docket Management





Pretrial Service Report

Sixth: Jail Population Review



General Sessions charges

Family Court

Violation of Probation

Summary Courts



Thank you





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Prosecution-led pretrial diversion

ABBBB

Criminal Justice in the U.S.

Incarceration per capita? Recidivism? Cost of mass incarceration? Inequity Is the punitive model working?

Jail increases recidivism for low-risk population

Ky study, 2-3 days = 40% more likely 15 days = 80%



Prosecution-led pretrial diversion



Timeline: 1994-2012 'traditional' prosecutor Punitive model Diversion turned prosecutors into POs Utilized to salvage weak cases High risk, high needs, no supervision Poor success High recidivism

Break the script?

Prosecution-led pretrial diversion



2012-2014 criminal defense
2015 Sworn in as elected CA Pivot toward risk model
2016 Diversion conference; draft org
2018 CCI tech assistance
2019 First client enrolled
2020 Program featured in <u>To Prosecute</u>

Focused deterrence



The concept of Focused Deterrence -- or spending criminal justice dollars on the right people at the right time -- requires a shift in organizational thinking. It is no longer enough to be tough on crime and use incarceration as the only mechanism to punish offenders and scare them out of criminal patterns of behavior. We must be smart on crime and be brave enough to invest money in services for people who are most likely to respond to those services.

Calibrate goals:

Divert low risk offenders Promote rehabilitation Embrace restorative justice for victims Expedite case resolution Reduce recidivism Reduce corrections population Save criminal justice dollars Re-allocate CJ\$ to high-risk offenders Improve public safety





Referral Screening ORAS tool – Ohio Risk Assessment Individualized case plan development Monitoring & case management Successful completion

Individualized case plan tools

ADDICTION TOOLS (SUD assessments, testing, referrals, AA) EDUCATIONAL TOOLS (SMART court, parenting class, GED, LLC) MENTAL HEALTH TOOLS (tx courts, trauma counseling, cognitive behavioral) REPARATION TOOLS (restitution, community service, volunteerism) HOUSING TOOLS EMPLOYMENT TOOLS (work skills programs, apprenticeships) MEDICAL NEEDS TOOLS (referrals) SOCIAL TOOLS (mentoring, licensing assistance, etc.) SANCTIONS

Funding



2019 Local
2020 MacArthur SJ grant/clients
2021 Local/clients
2022 COSSAP supplemented

additional EEs
costs of SUD evals

Data

Calibrate activity Jan. 1, 2020, through June 30, 2022

	Referrals	Entered	Restitution	Days
2020	108	43	\$21,700	7,564
2021	71	32	\$25,000	10,922
2022 (through7/1/	22) 58	16		
Total	237	91		
	Successful	Unsuccessful		
2020	12	2		
2021	29	3		
2022 (through 7/1/22) 19		2		
Total	60	7		
Success Rate:	90%			

Case study



Moderate risk on ORAS

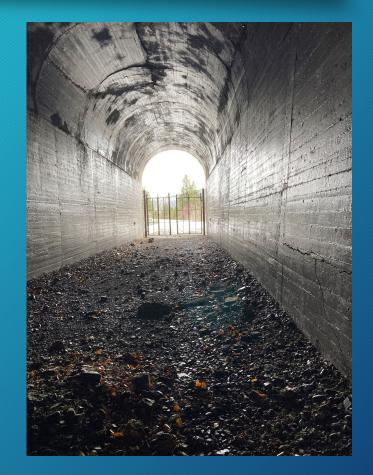
19 y.o.
Hx (m) shoplifting, MIP
Hx MH/self-harm
Hx drug use
GED
Works at Auto body \$17/hour
Rent \$1800, "not very nice"

Case plan:

- Restitution \$197, pymts
- 16 hours of painting
- \$400 in paint and supplies
- 4 hours of counseling, discounted cost
- Wants additional help to stop vaping

Moderate risk on ORAS







Re-thinking justice

Calibrate Mobile crisis unit **Robust victim services** Pretrial release in lieu of bail Working together Secondary trauma & well-being **Criminal Mediation** Specialized courts **Conviction integrity** Data Reentry Jail re-tooling (DWS, filing direct, etc.)

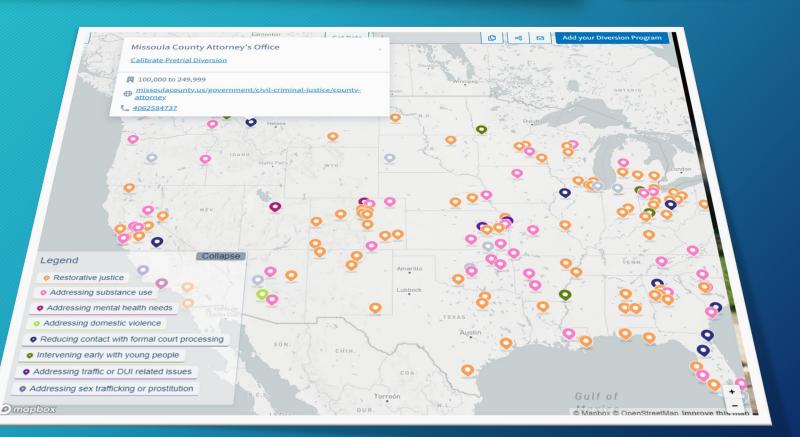
Resources

NDAA mapping tool diversion.ndaa.org

Funding report <u>ndaa.org/wp-</u> content/uploads/NDAA-Urban-Institute-Thematic-Report-Funding-Approaches-February-2022.pdf

APA toolkit diversiontoolkit.org

Screening tools courtinnovation.org/sites/default/f iles/DigestEvidencebasedAssessmen tTools.pdf



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SPEAKERS



STRONGER AMERICA.

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