

### **The Safety and Justice Challenge**

Amid growing national attention to the number of Americans confined in state and federal prisons, significantly less attention has been paid to the local level, where the criminal justice system primarily operates and where over-incarceration begins.

Jail populations have more than tripled since the 1980s, as have the cumulative costs of building and running them. Nationwide misuse of jails most harshly impacts low-income communities and communities of color. For example, while African Americans and Latinos make up 30 percent of Americans, they make up 51 percent of the U.S. jail population. Today, one in three Americans believes his or her local justice system is unfair.

The Safety and Justice Challenge is a national initiative supported by the John D. and Catherine T. MacArthur Foundation to reduce over-incarceration by changing the way America thinks about and uses jails. The Challenge is establishing a collaborative network of jurisdictions to model and inspire effective local criminal justice reforms across the country. The 20 diverse jurisdictions participating in the Challenge are working to reduce jail populations, create fairer and more effective local justice systems, and model reforms for the nation.

### **Who is participating in the Challenge?**

Following a selection process in 2015 that drew applications from nearly 200 jurisdictions in 45 states and territories, the Foundation chose 20 jurisdictions for initial grants and expert counsel to develop plans for creating fairer, more effective local justice systems. In April 2016, the Foundation announced a commitment of nearly \$25 million across the 20 jurisdictions to support implementation of their plans. As the jurisdictions work to reduce their jail populations and address racial and ethnic disparities in their local justice systems, their work will produce a variety of innovations and models for reform that communities across the United States can adopt.

In 2016, the Foundation awarded each of the following 11 jurisdictions grants between \$1.5 million and \$3.5 million and access to expert technical assistance to implement their plans over two years:

- Charleston County, SC
- Harris County, TX
- Lucas County, OH
- Milwaukee County, WI
- New Orleans, LA
- New York City, NY
- Philadelphia, PA
- Pima County, AZ
- Spokane County, WA
- State of Connecticut
- St. Louis County, MO

All of these sites, if their progress warrants, will be eligible for renewal of implementation funding beyond the initial two years.

The Foundation awarded each of the following nine jurisdictions \$150,000 grants and access to expert technical assistance to continue their local reform work and participate actively in the Safety and Justice Challenge Network:

- Ada County, ID
- Cook County, IL
- Los Angeles County, CA
- Mecklenburg County, NC
- Mesa County, CO
- Multnomah County, OR
- Palm Beach County, FL
- Pennington County, SD
- Shelby County, TN

The Foundation's goal is that these sites will be in a position to receive implementation funding in 2017.

### **What are the jurisdictions looking to achieve through the initiative?**

With support from the Foundation and help from a consortium of national experts and technical assistance providers, jurisdictions are making changes in policy, practice, and system alignment designed to safely drive down jail usage and reduce racial and ethnic disparities. The 11 jurisdictions the Foundation selected to support implementation of their plans over two years have set ambitious goals for lowering their jail populations, ranging from 15 percent to 34 percent. Many are launching initiatives to address the disproportionate impact of jail misuse and overuse on people too poor to post bail, as well as on people with mental health or substance abuse issues.

The jurisdictions' plans employ an expansive array of local solutions, such as diversion programs, which can steer people out of the criminal justice system who are not a threat to public safety; implicit bias training for police and other system practitioners, probation officers, prosecutors, and judges; and expanded community-based treatment options. Their diversity of sizes, geographies, demographics, and challenges will produce a variety of creative approaches and models for reform that jurisdictions across the country can adopt.

### **Which organizations are providing technical assistance to grantees?**

Several of the nation's leading criminal justice organizations are providing technical assistance and counsel to Safety and Justice Challenge jurisdictions: the Center for Court Innovation, the Institute for State and Local Governance at the City University of New York, the Justice Management Institute, Justice System Partners, and the Vera Institute of Justice.

### **Why jails?**

The overuse and misuse of jails in America has reached a crisis point. Local jails—intended to hold people who pose a flight risk or threat to public safety—are instead warehousing people for non-violent offenses, or simply because they are too poor to post bail. This is one of the greatest drivers of over-incarceration in the U.S.

Some key statistics that illustrate the extent of the problem:

- There are nearly 12 million local jail admissions in the U.S. every year—almost 20 times the number of prison admissions, and equivalent to the populations of Los Angeles and New York City combined.
- Three out of five jail inmates haven't been convicted of a crime and are awaiting trial. Many of these people—all presumed innocent—spend long stretches of time in jail because they are too poor to post bail.
- Nearly 75 percent of the population of both sentenced offenders and pretrial detainees are in jail for non-violent traffic, property, or drug offenses.

Research shows that only a few days in jail can limit future job prospects, worsen the health of those detained, increase the likelihood of a repeat offense, and increase the likelihood of incarceration—making jail a gateway to deeper and more lasting involvement with the criminal justice system. Taxpayers spend billions of dollars each year on local jails; more effective local justice systems would allow cities and counties to reinvest in critical services that improve lives and strengthen communities, such as education, mental health care, and workforce development.

### **What comprehensive plans for reform are the jurisdictions implementing through the initiative?**

Below are brief summaries of the reform work of the 11 jurisdictions the Foundation selected to support implementation of their plans over two years.

#### Charleston County, SC

Charleston County will adopt a risk-based decision tool to structure and guide police officer discretion at the arrest decision point; open a Triage Center to provide police with an alternative to jail for people with mental illness, substance abuse, and homelessness issues; institute risk-based pretrial management that will minimize inappropriate use of financial bonds; pilot an automated court reminder system to reduce the use of criminal bench warrants; and reengineer case processing to improve efficiency and reduce time spent in jail awaiting disposition.

#### State of Connecticut

Connecticut will pilot a comprehensive community policing strategy in three high-crime Hartford neighborhoods, featuring alternative-to-arrest protocols and mental health, substance abuse, and housing screening and referral. A second pilot will bring together prosecutor and defender teams to identify cases suitable for pre-charge diversion into mental health and substance treatment. Medication-assisted therapy will be expanded to enable jail inmates to receive methadone maintenance before and after discharge, greatly enhancing the chances of successful reintegration. The state will also commission a system-wide analysis of racial disparities and disproportionality, and train police, prosecutors, judges, and other system actors in the state's three largest cities in implicit bias, helping them to become aware of their unconscious prejudices and take them into account in their decision-making.

#### Harris County, TX

Harris County will implement a range of strategies to expand diversion opportunities, shorten jail stays, reduce recidivism for low-level non-violent felony offenders, reduce the time to disposition for felony cases, and address racial and ethnic disparities in its justice system. Development of a risk assessment tool for use in pretrial release decision-making will be part of a larger transition to a new risk assessment culture, featuring multi-point opportunities and incentives for release, diversion and intervention based upon objective and validated risk assessments. A new Reintegration Impact Court will handle about 8,000 low-level, non-violent felony cases a year, with minimum jail usage and maximum diversion.

#### Lucas County, OH

Lucas County will expand law enforcement-led diversion of the three offenses (drug possession, disorderly conduct, and obstructing official business) that produce the county's highest volume of bookings and starkest racial and ethnic disparities; train police on implicit bias and other issues, including community-police relations, procedural justice, and crisis de-escalation; and establish a Population Review Team to conduct weekly reviews of the entire pretrial jail population to identify defendants that can be released or referred for expedited case resolution.

### Milwaukee County, WI

Milwaukee County will expand mental health diversion and institute a new post-booking mental health stabilization program for people in mental health crises, aiming to remove them from the jail and connect them with services within 48 hours. For “heavy utilizers,” who cycle through the criminal justice, behavioral health, and municipal systems on nuisance offenses, a new strategy will feature improved information-sharing, prompt and effective interventions, and minimum use of jail. Milwaukee County also seeks to develop and implement system-wide, trauma-informed responses to justice system involvement, including diversion and sentencing options initiated by the prosecutor.

### New Orleans, LA

New Orleans will expand the use of summons in lieu of arrest; deploy a newly trained Crisis Intervention Team to increase pre-booking diversion of people in mental health or substance abuse crises; institute a variety of measures to increase pretrial release, including new risk-based release decision-making protocols, strengthened defense representation at First Appearance hearings, and a new round of bond review hearings for those still detained after seven days; broaden eligibility for various kinds of post-charge diversion; and provide implicit bias training for criminal justice employees.

### New York City, NY

As part of a range of strategies to reduce unnecessary pretrial detention, expand pretrial release, accelerate case processing, and expand diversion options, New York City will develop and test a Stability Score assessment instrument to enable release decision-makers to take into account the likely effects of detention on individual defendants’ housing, job, and family stability. Other innovations to be developed include: a Risk-Needs Responsivity Simulation Tool that will match individuals with available diversion programs; a behaviorally informed re-design of the city’s court date reminder system; a Case Processing Accountability Website that will allow the public to access information about case delays and backlogs; and a pilot program that will test non-invasive technological tracking solutions to the challenges of transporting and producing jail inmates for court hearings.

### Philadelphia, PA

Philadelphia will implement a range of strategies to limit jail admissions, increase pretrial releases, create alternatives to cash bail, reduce case processing times, sanction probation violations without incarceration, and increase cross-system data capacity. A police diversion pilot program will be set up in two districts, deflecting first-time, low-level offenders with treatment needs to a privately run diversion site for clinical assessment and referral. A risk assessment tool will be developed and validated for use in pretrial release decision-making, after which pretrial supervision and support staff will be expanded to handle an expected increase in low- and moderate-risk people being supervised in the community.



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### Pima County, AZ

Pima County will extend risk screening to all misdemeanor defendants in order to increase post-booking releases; expand community behavioral health treatment options to provide post-booking treatment alternatives to jail; increase pretrial service capacity to supervise high-risk individuals with behavioral health needs in the community; institute an enhanced automated call, text, and email court-date reminder system; establish multi-jurisdictional weekend warrant-resolution days; and collaborate with nearby tribal nations to create options for tribal members to appear remotely, either at on-reservation hearings or by video.

### Spokane County, WA

Spokane County will create a risk assessment system linked to appropriate pretrial services; develop new prosecutor diversion alternatives; improve jail-based mental health intervention; and institute specific measures to reduce racial and ethnic disparities, including a racial equity toolkit for Spokane County to help identify factors impacting inequities.

### St. Louis County, MO

St. Louis County will pursue reforms aimed at the main drivers of jail incarceration at the county level, while also seeking to enhance the performance and legitimacy of its municipal courts. Pretrial release will be expanded to serve more high-need clients and a wider range of offense types. Defendants on pretrial release and probation violators will be supported with a variety of new services and benefits. Stakeholder training in procedural justice will be provided to municipal court actors to enhance their responsiveness and sensitivity to the needs of their local communities. A new public website for all of the municipal courts will be developed to improve community interactions, and will provide case information, help process electronic payments, and offer opportunities for community service as an alternative to fines or confinement.

