MAXIMIZING JAIL POPULATION REDUCTION THROUGH POLICY AND PROGRAMMATIC STRATEGIES

October 19, 2018

SAFETY+JUSTICE CHALLENGE

Workshop goals

- Highlight key features and differences of policy and programmatic strategies (JFA)

- Present the landscape of policy and programmatic strategies being implemented in SJC sites (ISLG)

- Compare and contrast the potential impacts of these strategies (ISLG)

- Explore how policy and programmatic strategies fit into SJC reform plans in two specific sites (Philadelphia, New Orleans)

CONCEPTUAL FRAMEWORK

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Conceptual Framework

Policies vs. Programs for Safely Reducing Jail Populations

Jail Population = Admissions x Length of Stay

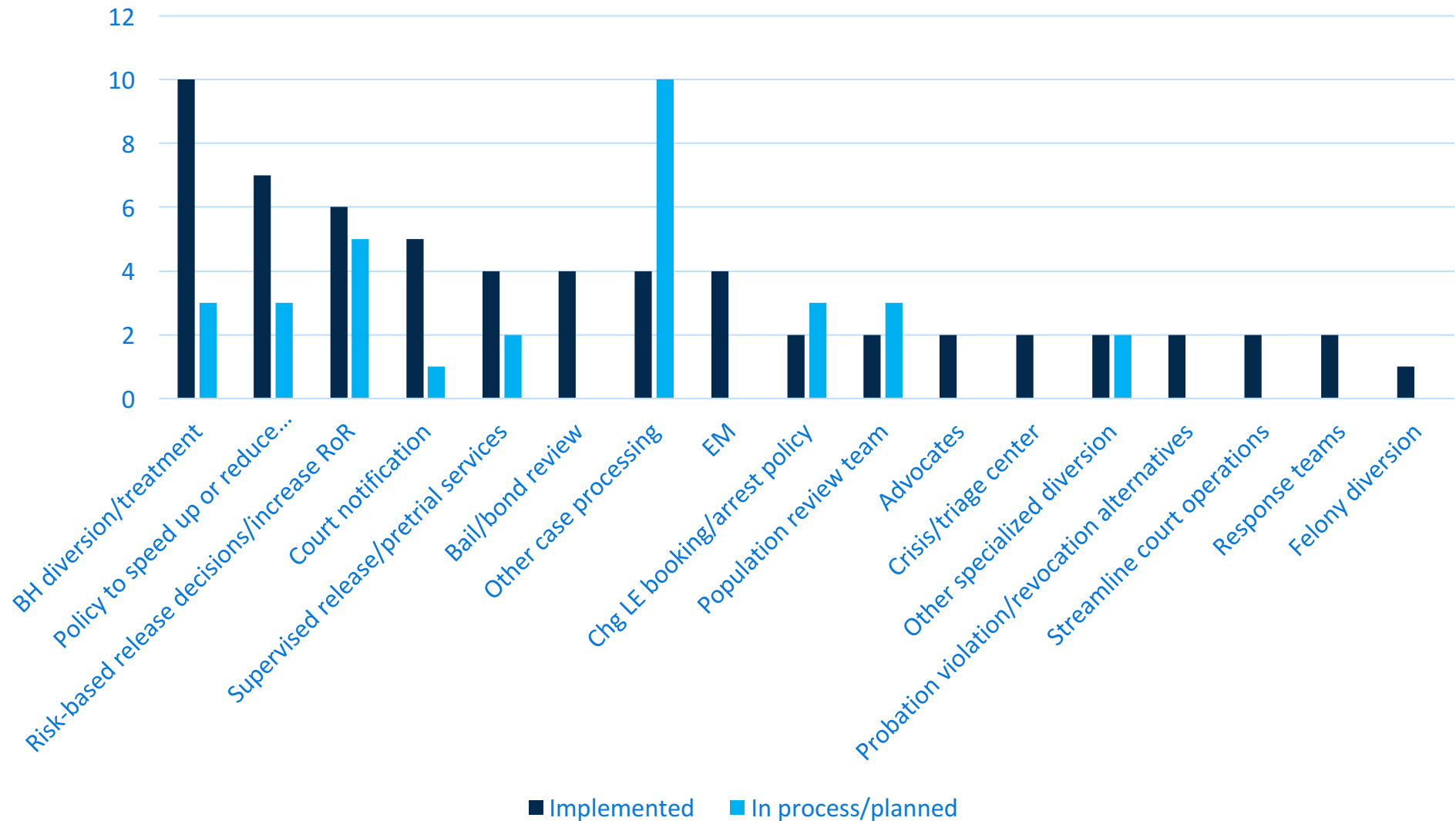| Policies Administrative Rules/Legislation	Programs
Key Features	
✓ Less Staff Intensive	✓ More Staff Intensive
✓ Focus on Criminal Justice Agencies/Law	✓ Focus on Defendants/Offenders
✓ Implemented Quickly	✓ Lengthier Start-Up
✓ Lower and Limited Costs	✓ Higher and Sustained Funding
✓ Less Difficult to Estimate Jail Impact	✓ More Difficult to Estimate Jail Impact
Examples	
1. Restructure Bail Schedule	1. Expand Mental Health Services/LEAD Deflection
2. Redefine Felonies as Misdemeanors	2. Create Pretrial Services Agency
3. Increased use of Field Citations	3. Expand Community Based Treatment/Housing
4. Set Limits on Court Continuances	4. Implement Pretrial Risk Assessment Screening
5. Implement Texting/Apps	5. Implement EM Program

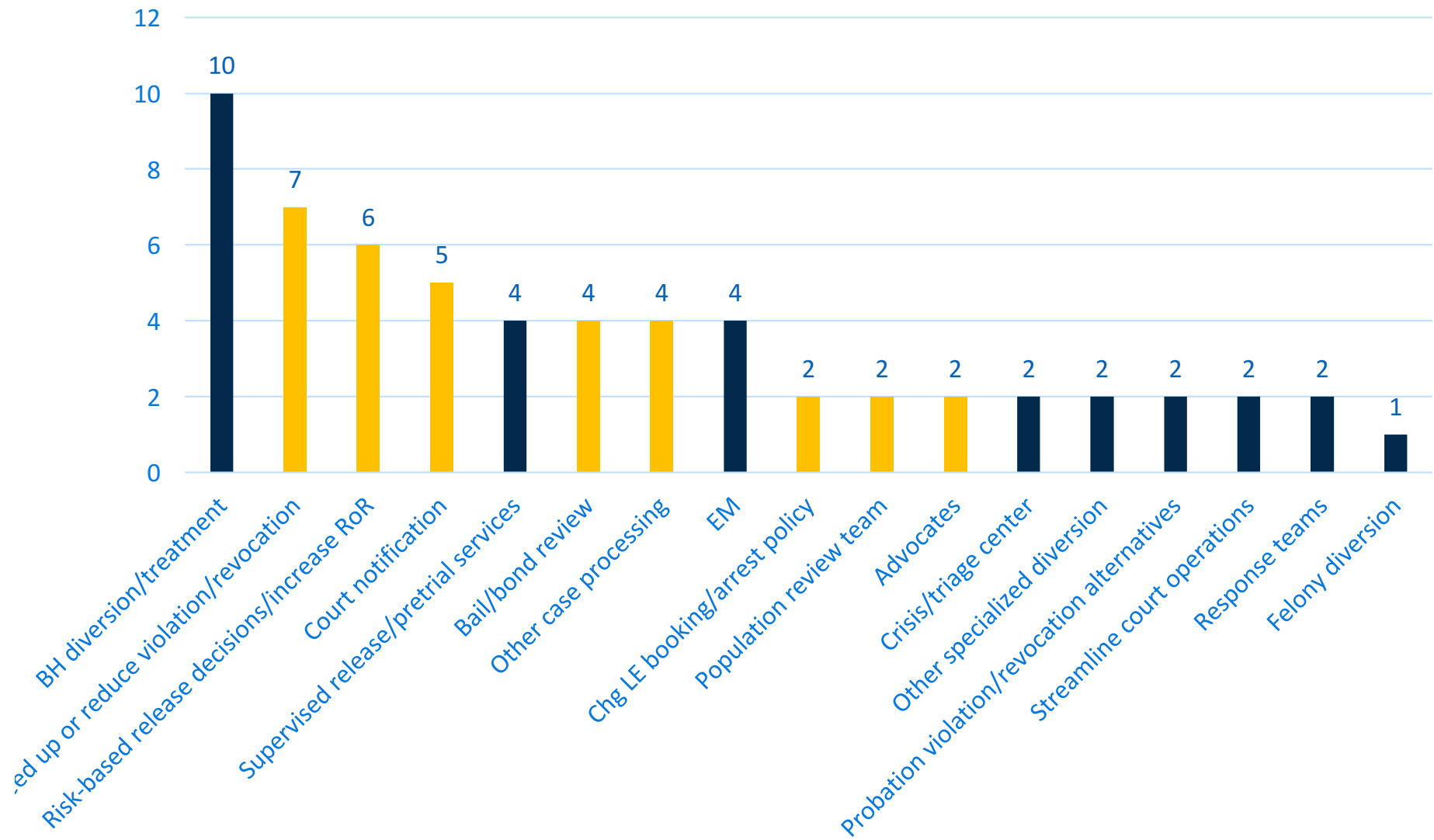# POLICY AND PROGRAMMATIC STRATEGIES ACROSS SJC SITES

The landscape

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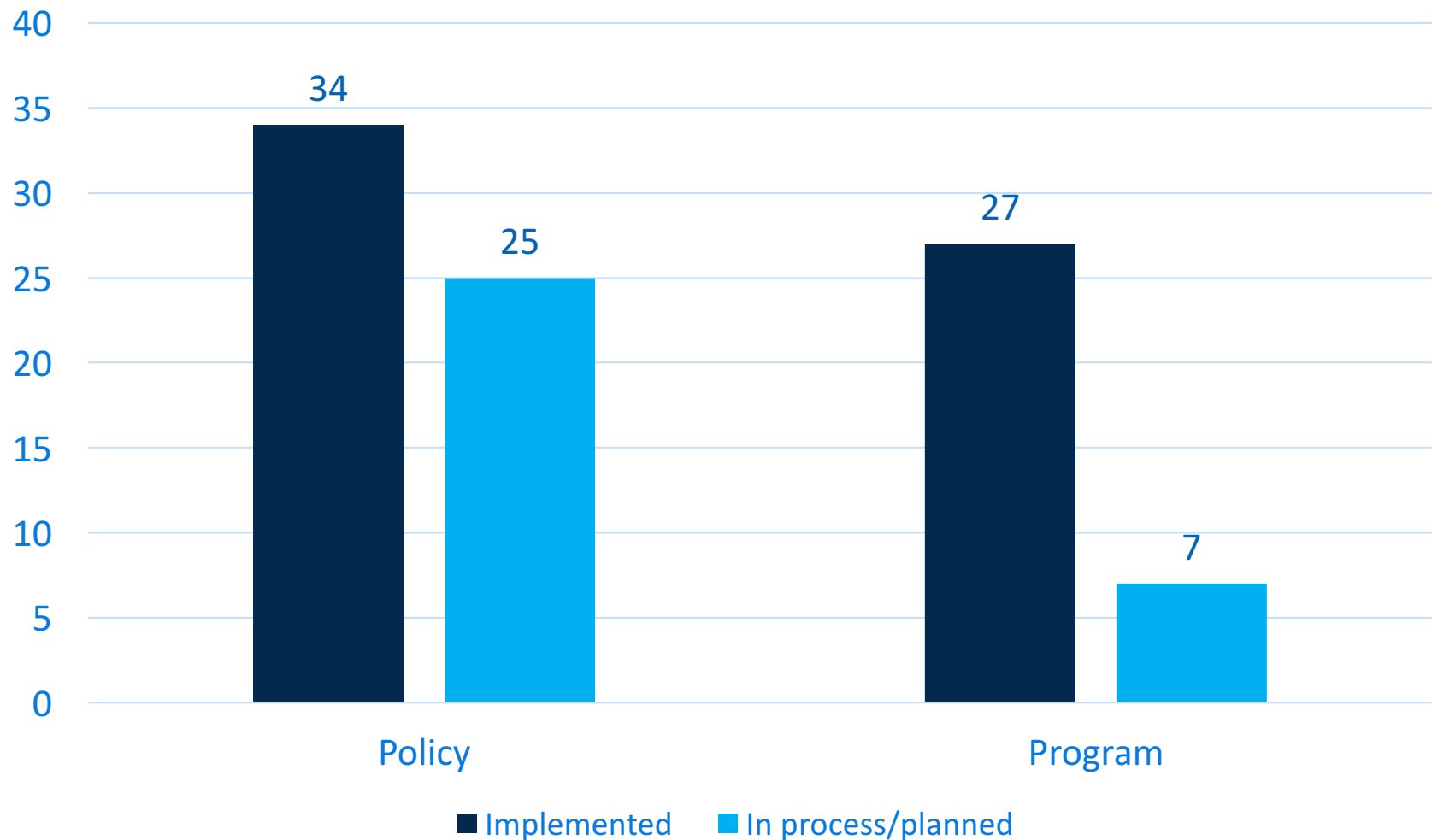
Policy and programmatic strategies, implemented and planned

Policy and programmatic strategies implemented and planned

Legend: ■ Implemented ■ In process/planned

Policy and **programmatic** strategies implemented

Bar chart values:
- BH diversion/treatment: 10
- ...ed up or reduce violation/revocation: 7
- Risk-based release decisions/increase RoR: 6
- Court notification: 5
- Supervised release/pretrial services: 4
- Bail/bond review: 4
- Other case processing: 4
- EM: 4
- Chg LE booking/arrest policy: 2
- Population review team: 2
- Advocates: 2
- Crisis/triage center: 2
- Other specialized diversion: 2
- Probation violation/revocation alternatives: 2
- Streamline court operations: 2
- Response teams: 2
- Felony diversion: 1

Projected median impacts of **policy** and **program** strategies
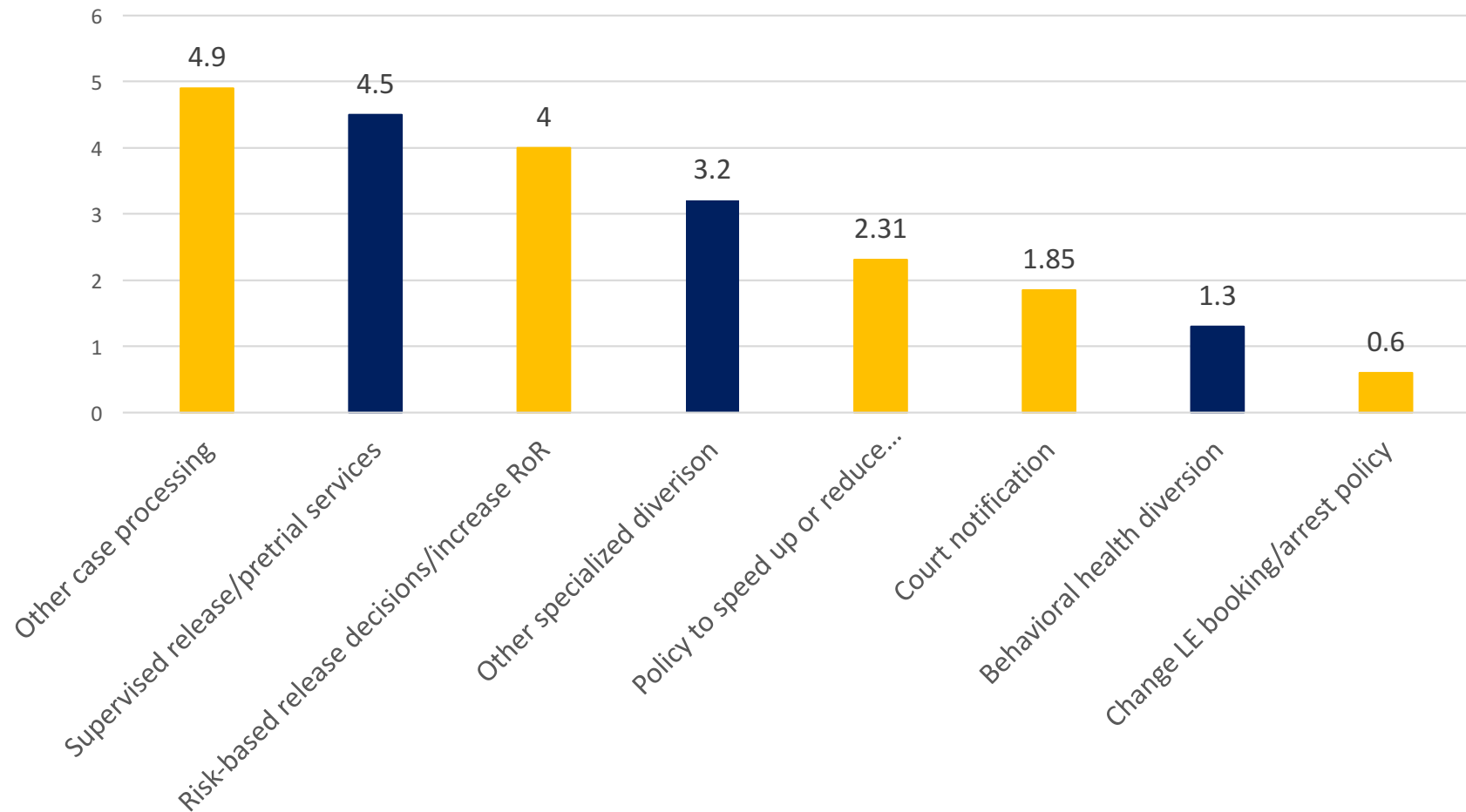
Takeaways

- Programmatic vs. policy strategies not an either-or decision

- Instead, considering things such as:

  - Impact relative to cost

  - How specialized is the target population? (e.g. how many people can potentially be impacted?)

  - How much time and what resources required for implementation?

MAXIMIZING JAIL POPULATION REDUCTION THROUGH POLICY AND PROGRAMMATIC STRATEGIES:

Philadelphia's LINCS Initiative

LINCS

L- **L**inkages

IN- for **I**ndividuals in **N**eed of

C - **C**ommunity

S - **S**upports

LINCS Target Population:
- Individuals under supervision of APPD Mental Health Units
- Detained with no new open cases
- Goal is 10 referrals per month

LINCS Program Basics:
- 2 Navigators (Behavioral Health, Public Defender)
- Participants' behavioral health treatment needs/prior usage researched
- Treatment and support recommendations/linkages provided to APPD to present to the courts
- Participants released back to the community as quickly as possible

SMI Jail Population

- On 9/30/18, inmates with an SMI diagnosis made up **16.3%** of the total population

- <u>Philadelphia Detainer Only with no Open Cases – **Main Focus of LINCS**</u>
  - Total defendants in category (SMI & non-SMI): 472
  - Total defendants category with SMI flag: **118** (25% of confinement category)
  - ALOS
    - SMI: 125.7 days
    - Non-SMI: 92.2 days
    - Overall average: 100.7 days

LINCS: Stats BHJRS 9/26/18

LINCS Performance Measures as of 9/26/18
Data timeframe: 12/1/2017 (Start) – 9/26/18 (Present)

Total Referrals Made: 70
Referrals Approved: 66
Referrals Denied: 4

 # Total LINCS Participants: 66
Completed (plan presented @ Gagnon II hearing): 34
Active (active case): 8
Terminated (case dropped prior to presentation of tx plan): 23

# of individuals whose tx plan complete and release were approved: 31

# of individuals released: 31
LOS:
   Average: 39 days
   Min: 13 days
   Max: 87 days

76 % baseline reduction

Time from consent to release:
   Average: 25 day
   Min: 5 days
   Max: 77 days
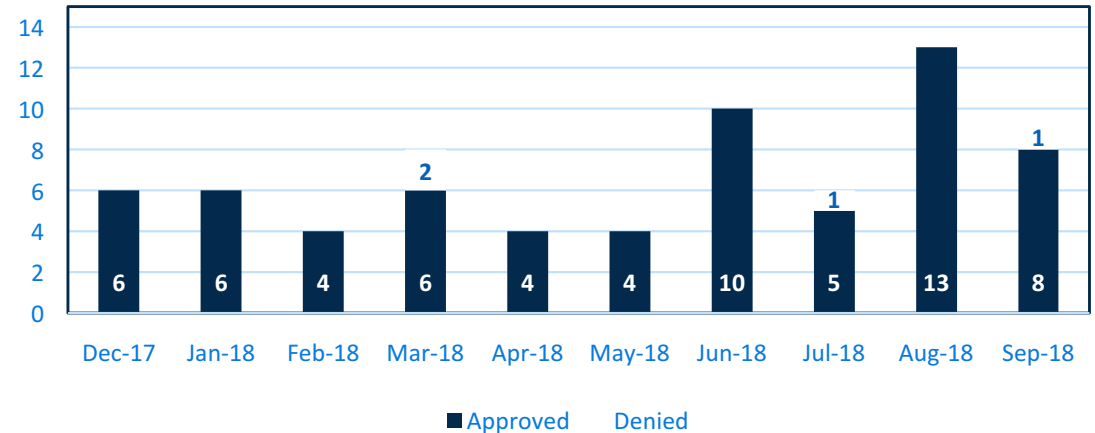**# of individuals connected to treatment:** 14

Other
Assessments completed: 4
Treatment plans distributed: 42
TIP applications submitted: 9

LINCS Referrals by Approval Date December 2017 - September 2018

Month	Approved	Denied
Dec-17	6	
Jan-18	6	
Feb-18	4	
Mar-18	6	2
Apr-18	4	
May-18	4	
Jun-18	10	
Jul-18	5	1
Aug-18	13	
Sep-18	8	1

Termination Reason	#
Declined participation	8
Detainer lifted - Prior to engagement with Navigator(s)	5*
Detainer lifted - Prior to VOP	3
Detainer lifted – VOP scheduled while Navigator away	1
Refused visit or ceased participation	2
Referred to VIU prior to eligibility criteria being adjusted	1
Ordered to NSH for competency restoration	1
APPD plans to transfer to FIR unit	1
FIR ordered prior to Navigator engagement	1

LINCS To Date

- Accomplishments
  - Reduced LOS for this population from 188 days to an average of 39 days for LINCS participants
    - As of 9/30/18, the number of individuals in jail with an SMI diagnosis was 840 individuals, down from 1089 (-249) from MacArthur baseline of 7/30/15
  - The lowest SMI population number since 2009 as revealed by data from the Philadelphia Department of Prisons health care provider

LINCS To Date

Challenges and Responses

- Issue #1: Lower target pool of potential participants
  - Reason: Development of a sister program
    - **ATD = Alternatives to Detention**
    - Engagement by APPD Navigators on the front end reducing the number of detained offenders
  - Response: Build upon this success by providing additional front-end supports to the ATD navigators

LINCS To Date

Challenges and Responses

- Issue #2: Judicial expectation of services beyond scope of the program
    - Reason: Insufficient communication at the program's onset to judges and attorneys about what LINCS can and cannot do
    - Response: Outreach to judges and clerks and increased information materials to attorneys

- Issue #3: Learning curve for LINCS navigators
    - Reason: Staff hired for role, primarily just entering this field
    - Response: Combine LINCS and ATD programs

- Issue #4: Time from referral to DAO approval
    - Reason: Change in staffing and man-power issues
    - Response: Commitment from DAO to continue to try to address as quickly as possible

LINCS Going Forward

Future Plans

- Combine LINCS and ATD

- LINCS + ATD = 360* wrap around behavioral health support to APPD Mental Health Units

  - These combined initiatives address both the front and back doors of the jails, and directly work to fulfill the MacArthur goals of reducing the jail population

  - And they align with the four Stepping Up metrics:

    - Reduce the number of people with mental illness booked into jail
    - Reduce LOS for people with mental illness
    - Increase connections to treatment
   - Reduce recidivism

LINCS Going Forward

Future Plans

- Integrate the PD's LINCS navigator with non-Mental Health PD units
  - Assist attorneys who are not familiar with the nuances of the SMI population to appropriately prepare for detainer hearings
  - Expedite arrangements for evaluations and treatment
  - Serve as a liaison between PDs office and APPD Mental Health Unit

LINCS Lessons

- Pilot programs like LINCS must be nimble
- Pilot programs like LINCS may reveal unexpected information, which leads to a regrouping and reorganization
- Where feasible, combine programs to ensure continuity of care
- Programs can effect policy change
  - APPD has discovered that there is a better way to deal with individuals under supervision with behavioral health needs

LINCS Lessons

Programs

Culture Change ← Policy Change
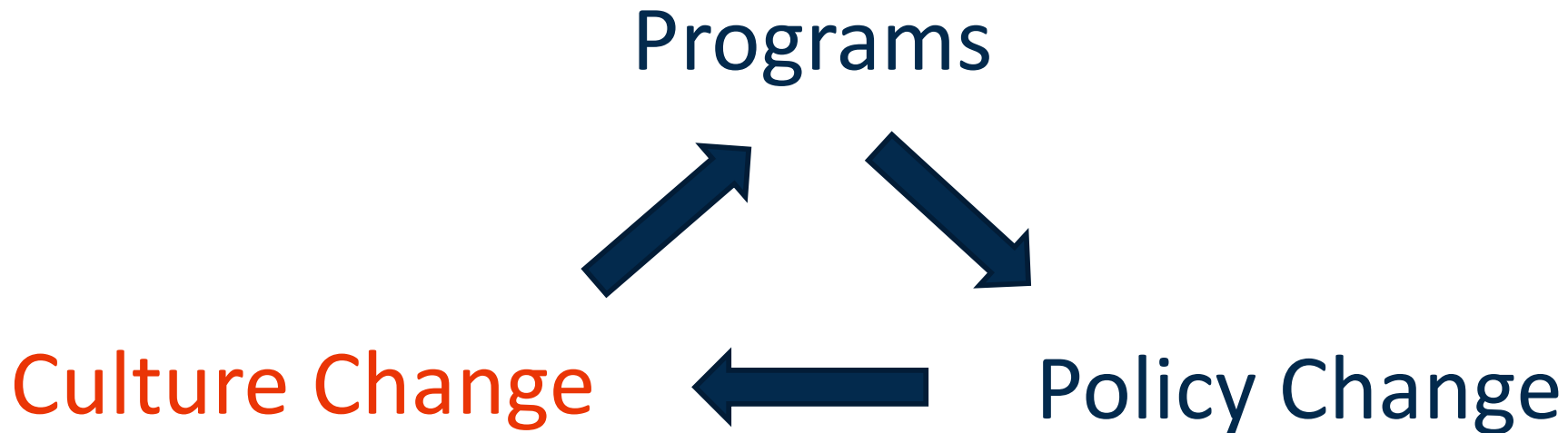
- Successful Programs can effect Policy Change
- Successful Programs + Policy Change can lead to Culture Change
  - the **Gold Standard**
    - **With culture change comes a new organizational/system lens**
    A new perspective which can lead to the discovery of even more programmatic opportunities for positive change

City of New Orleans

Mayor's Office of Criminal Justice Coordination
October 19, 2018

Implemented strategies

Increase Release on Recognizance (ROR)

- Goals:
  - Increase the use of non-financial release in magistrate court for lower risk defendants
  - Increase the use of "nominal bonds" for lower risk defendants who weren't statutorily eligible to be released on recognizance
- Implementation:
  - Blend of programmatic and policy changes
  - Piloted the initiative in one section of Magistrate Court
  - Court decided to adopt and apply the initiative across all sections via court order
- Impact:
  - ROR rates increased by 41 percent in participating sections
  - Average length of stay for eligible defendants decreased by two days
  - Failure to appear and re-arrest rates remained consistent after the program was implemented
  - FTA rates were lower for defendants who were RORed (8 percent) than defendants issued monetary bonds over $2500 (9 percent)

Implemented strategies

Law Enforcement Assisted Diversion

- Goal:
    - Redirect people at risk for arrest because of mental illness, addiction, or trauma away from the jail and toward community-based treatment and services
- Implementation:
    - Combination of policy changes at NOPD and municipal court and the creation of a program within the Health Department
    - Soft launch in the 8th district on November 29, 2017 using only social contact (officer) referrals
    - NOPD identified 30 known people - names were prioritized according to the total number of days spent in jail in the past three years
- Impact:
    - Too small/new to measure quantitative impact
    - Culture change – adopting alternatives to arrest and detention
        - Gives law enforcement and the community a new option that leads to better health and safety outcomes

New strategies

Case processing

- Each day we reduce average LoS will reduce local daily jail population by 50-60 inmates.
- Volunteer observations indicate large number of unnecessary hearing delays
  - Prosecutors owing discovery to defense (43% of all prosecutor-requested continuances)
  - 30% of hearing delays attributed to either the prosecutor or defense being unprepared or unavailable, or due to scheduling conflicts with other sections of court

Policy Changes

- Standards for time to submit NOPD investigative package to DA; and discovery from DA to defense
  - Reduce delays in delivery of information to prosecution and defense
  - Currently, no tracking mechanisms that allow for monitoring
- Court-wide case management plan
  - Outlining unified expectations for the adjudication of criminal cases to ensure that each setting moves the case toward resolution

Lessons learned

What worked

- Creating pilots in collaboration with a judge or commissioner
- Generates buy-in
- Allows the policy/practice to be refined
- Judicial officer becomes a champion for the policy and acts as a liaison
- Establishing public accountability mechanisms
- Creating a feedback loop that includes data and solicits input from stakeholders

Challenges

- Difficult to get buy-in from all parties
- Not able to track data for some initiatives

Application

- Continued use of successful strategies (pilots, data, etc.)
- Enhance monitoring capacity through dashboards and partnership with volunteer observers
- Ensuring that programmatic or practice changes are formalized by policy

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