

Introduction to City Strategies to Reduce the Use of Jails for Young Adults

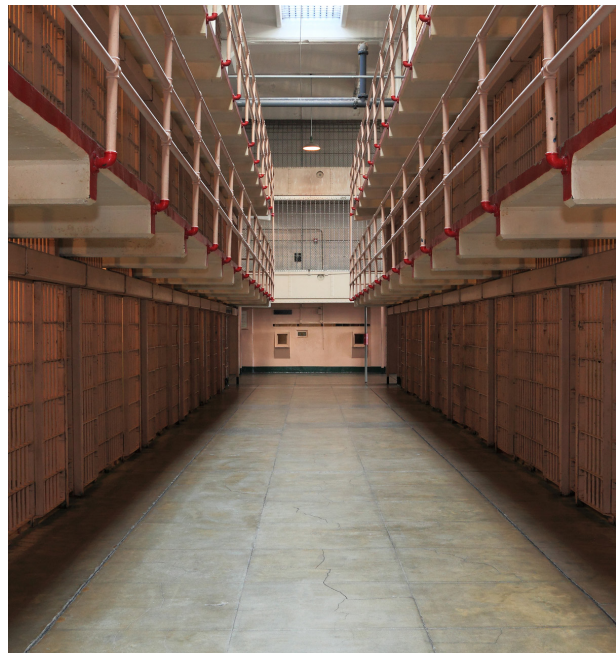
The core concern for city leaders of ensuring public safety involves consideration of the roles of city law enforcement and partner criminal justice agencies in arresting and removing young people from the community.

Close to home in cities, jails open up what some call the “[front door of mass incarceration](#),” as they put five times as many people behind bars each year compared with prisons. Fortunately, [national momentum and models](#) have begun to develop to address high and disproportionate arrest and jail booking rates. By joining or leading local jail use reduction efforts, cities can produce benefits to public safety, better allocate scarce resources, and improve overall outcomes for young adults.

It is important that city leaders who set annual police budgets and hear public safety concerns from residents understand the issues related to jail use. For instance, of the nearly [12 million](#) admissions to jail annually, [75 percent](#) jailed before trial face nonviolent offense charges. In addition to interruptions

to employment, education, and family life, [pretrial detention](#) also decreases the chances an individual will appear in court.

City leaders hoping to refine how their cities use arrest and jail can consider changing police protocols and policies to reduce arrests and refer young adults to needed services. Cities will also benefit from pursuing strategies to reduce racial and ethnic disparities in arrests, and to reduce recidivism by providing supports for residents returning from jails and prisons.





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This document outlines several strategies and examples that hold promise for reversing trends and seizing opportunities. [Two complementary documents](#) released simultaneously to this one highlight changing the use of jail as a primary response to substance abuse and mental illness by right-sizing police responses and jail populations.

Several initial and ongoing steps will contribute to city success achieving goals of jail use reduction. These steps - including data sharing, structured collaboration and community engagement - are common across many arenas of city policy reform and in the case of jail use reduction can benefit from lessons learned in related fields.

The Issue

Each stage of involvement in the criminal justice system has serious and compounding negative effects on young adults, families and communities. Arrest records can continue to reduce [employment](#) and [education](#) opportunities for a lifetime. [Prosecution](#) of people who pose a low risk of reoffending actually increases that risk. Time in jail, [even](#)

[three days](#), has similar effects - increased likelihood of reoffending and disrupted employment and education.

Among the more than [13 million](#) arrests annually nationwide, young adults, aged 18-24, bear a disproportionate burden. Indeed, young adults make up [28%](#) of people arrested and jailed, while constituting less than 10% of the general population. About half of the nation's [400,000](#) youth (up to age 21) in foster care and 62% of the nearly [400,000](#) youth (aged 16-24) experiencing homelessness each year have undergone arrest.

Two explanations for the disproportionate arrest burden stem from factors largely beyond the control of young adults. First, offenses committed by young adults often occur as a consequence of their [stage of development](#), rather than any deep-seated criminality. Recent brain development [research concludes](#) that the risk-taking and poor decision-making characteristic of adolescence continue through age 25. Second, the young adult age range

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represents the most common time at which serious mental illness [first appears](#) and when [substance use peaks](#).

The Opportunity

A promising overall approach for city leaders to adapt and adopt: diversion by police.

As an overall city approach to reducing jail use, diversion holds great promise to achieve results. City diversion opportunities most often arise at the pre-arrest or pre-booking stage in the hands of local law enforcement. *Deflection* has gained some use as a term for diversion before police issue a criminal charge and that has the effect of preventing entry into criminal justice processes altogether. Diversion can also occur at multiple points during the administration of justice largely beyond the scope of most cities, such as pretrial bail hearings or prosecutor review.

Diversion as a framing approach prioritizes holding people accountable through the targeted community-based services and supervision most likely to reduce future crime and improve lifelong outcomes. It also focuses serious, resource-intensive punishments such as arrest, criminal charges and jail on the persons who pose the greatest risks to public safety. And importantly, it holds promise for reducing racial and ethnic disparities at arrest and throughout the criminal justice system.

City leaders can guide local police departments in the revision of policies and protocols from the street level on up to emphasize diversion, and can provide for training of officers to reserve [stops](#) or arrest for situations when public safety is truly at risk. Departments may use an objective screening tool, a list of criteria or officer discretion to decide when to arrest or divert a person. Experience to date shows that diversion procedures that do not stem

A Note about Decision-Making Tools

A **screening** tool provides a brief series of questions (usually 3-5) that determines the presence of an issue, such as a substance addiction, to determine whether an individual is eligible for diversion. Cities should develop screening tools based on local data demonstrating the actual risk posed by individuals in certain circumstances. Cities should avoid defaulting to criteria proven ineffective at predicting risk or reducing disparities, notably the accused offense and the number of prior arrests of an individual.

An **assessment** constitutes a longer series of questions that determines the extent of an issue and other aspects of a person's life, such as positive community ties, and helps inform an individualized plan for services. Assessments can help cities identify which services an individual needs, ensuring the targeting of scarce resources for the largest effect.

Prior Arrests (adult only)

| | | |
|--------------------|-------------------|-------|
| 2 - 4 (1 point) | 5 + (2 points) | _____ |
|--------------------|-------------------|-------|

ORE
Item scores above

RISK CATEGORIES (FOR MoCo PILOT ONLY)
Low Risk = 0 - 4 High Risk = 5 +

SCREEN (Prevention & Intervention Contacts)

| | 1 point YES | 0 points NO |
|--|----------------|----------------|
| Have you ever felt you ought to cut down on your drinking or drug use? | _____ | _____ |
| Have people annoyed you by criticizing your drinking or drug use? | _____ | _____ |
| Have you felt bad or guilty about your drinking or drug use? | _____ | _____ |
| Have you ever had a drink or used drugs first thing in the morning to steady your nerves or to get rid of a hangover (eye-opener)? | _____ | _____ |

TOTAL SCORE
Item responses on the CAGE questions are scored "0" for NO, and "1" for YES answers, with a higher score being an indication of alcohol problems. A total score of TWO or greater is considered clinically significant.

Officer's Name: _____

I.D. Number: _____

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from objective tools, careful training, and accountability for officers have not reduced, and often exacerbate, racial and ethnic disparities.

Emerging opportunities for city leaders to consider

Two opportunities for reform remain in need of further development to establish promising practices from which other cities can learn – reducing racial and ethnic disparities in arrests, and supporting people returning from jails to reduce recidivism. Cities have made a variety of efforts to tackle these areas, often without measurable success. The field of research and proven practices toward these goals continues to evolve and will benefit from continued experimentation, measurement and shared learning.



Reduce racial and ethnic disparities in arrests

By reducing disparities at arrest and booking into jail, city policy makers can contribute to a fairer system overall since disparities worsen at each successive point in the system. Taking an active approach to reducing disparity can also improve community-police relations, creating a safer environment in the city.

Support young people returning from jails to reduce recidivism

As any parent knows, young adults of all circumstances continue to need supports as they develop into productive, positive adults. Young adults returning from jail and prison also need supports to reduce very high recidivism rates. [These supports](#) include cognitive behavioral therapy to help change behavior, [education reengagement](#), employment training and supports, mental health and substance abuse treatment and aid transitioning to independence. Some cities, including Louisville, Kentucky, have focused reentry supports on “high utilizers”, the relatively small group of individuals who routinely use a significant portion of a city’s emergency services.

Getting Started Steps for Cities to Reduce the Use of Jails

City leaders may find some initial steps helpful preparation for jail-reduction efforts.

- Begin to routinely request and analyze data from local law enforcement on their stops and arrests of young people, disaggregated by race, ethnicity, gender, geography and offense. Support from an outside organization or institution of higher



Community-based alternatives to arrest and jail support young adults developing positive employment, education, peer and family ties.

education may contribute to meaningful analysis.

- Map existing capacity of services available in or near the city that meet the wide range of needs among young adults, especially in the neighborhoods with the highest young adult arrest rates.
- Convene a coalition of stakeholders, including city, county and state criminal justice system agents, as well as leaders of communities most affected by criminal justice policies, to build consensus on the need to develop alternatives to arrest and jail use for young adults. A [framework for successful collaboration](#) recommended by the Justice Management Institute emphasizes institutionalized collaboration at the leadership and operational levels of agencies, common purpose and shared vision, trust, such as detailed problem analysis and ongoing evaluation of results.

As reforms take shape, city leaders should consider these next steps to achieve measurable reductions in jail use and improvements in public safety.

- Align and enhance community-based services to meet needs for diversion and re-entry, especially in neighborhoods with high rates of arrest and jail for young adults. While the needs of an individual community may differ, certain commonalities exist among successful programs for young adults, such as:
 - ▶ Individualized case management;
 - ▶ A youth development approach, including access to a positive adult with whom the young adult can build a connection;
 - ▶ A focus on practical help, for example job training that links to an in-demand career pathway, or safe housing; and

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► Close partnerships among agencies and service providers to facilitate smooth transitions and warm hand-offs when young adults move among programs or partners.

■ Establish data and information-sharing agreements and establish a shared language and goals among stakeholders, such as defining how to measure recidivism.

■ Explicitly focus stakeholder engagement on communities most affected by arrest and jail policies. [Begin](#) by meeting community members where they are, such as parent-teacher associations or community meetings, and listening, without imposing a reform agenda. Establish an advisory committee of affected individuals, similar to Baltimore, Maryland's [consumer advisory committee](#), which meets regularly to review progress. A committee should include representatives of any groups who represent key targets for diversion.

■ Analyze existing policies to measure unintended consequences. Some cities apply a [racial equity toolkit](#) as they develop new policies, including diversion.

■ Explore and implement high-quality training for police officers on topics such as [implicit bias](#) and [community relations](#).

City Examples

Early Diversion of Low Level Offenders Through Enhanced Citation Programs

The State of Florida authorizes police officers to issue civil citations for certain first-time minor crimes. These civil citations do not become part of an individual's criminal record. Local leaders in the 2nd Judicial Circuit, including Tallahassee and Leon County, Florida enhanced civil citations in their jurisdiction by requiring that cited individuals complete a behavioral health intervention program. Tallahassee city leaders showed particular interest in reducing offenses among the local university students without adding the lifetime burdens of criminal justice involvement. [Rigorous evaluation](#) revealed a 7 percent re-arrest rate among successful participants in the program.

Changing How Police Interact with People Experiencing Homelessness

The Houston, Texas Police Department offers several programs designed to divert individuals away from jail, including one targeting people experiencing homelessness. Rather than arresting people experiencing homelessness for charges such as trespassing, the [Homeless Outreach Team](#) (HOT) works with local service providers pre-emptively to seek out chronically homeless individuals and offer comprehensive services to help meet long-term needs and avoid homelessness. In the last four years of the program, HOT and partners placed 740 homeless individuals in housing.

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Strong, Inclusive System Collaboration Sustains Reforms

The Evidence-Based Decision Making (EBDM) Policy Team has facilitated sustained collaboration among officials from the City of Charlottesville, Virginia, and surrounding Albemarle County since 2010. The city and county share the burden and savings of jail use, plus a shared interest in public safety and fairness, driving everyone to the table. In addition to multiple initiatives at particular decision points spearheaded by the EBDM Policy Team, the comprehensive membership allowed the group to conduct an assessment of how people with mental illness interact with every point of the system from start to finish.

About NLC's Institute for Youth, Education, and Families

The National League of Cities (NLC) is dedicated to helping city leaders build better communities. The Institute for Youth, Education, and Families (YEF Institute), a special entity within NLC, helps municipal leaders take action on behalf of the children, youth, and families in their communities.

This document is made possible by the generous support of the John D. and Catherine T. MacArthur Foundation's Safety and Justice Challenge to NLC's Institute for Youth, Education, and Families.

To Learn More

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