

THINK

From Silo to System: What Makes a Criminal Justice System Operate Like a System?

Submitted/Prepared by
The Justice Management Institute

*M. Elaine Borakove
Robin Wosje
Franklin Cruz
Aimee Wickman
Tim Dibble
Carolyn Harbus*

Prepared for
MacArthur Foundation

April 30, 2015



Conducting research, providing training, facilitating networks, and engaging in technical assistance to enhance the administration of justice in the United States and abroad

This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of its Safety and Justice Challenge initiative, which seeks to address over-incarceration by changing the way America thinks about and uses jails. Core to the Challenge is a competition designed to support efforts to improve local criminal justice systems in jurisdictions across the country that are working to safely reduce over-reliance on jails, with a particular focus on addressing disproportionate impact on low-income individuals, communities of color and persons with mental illnesses and substance use disorders. More information is available at www.SafetyandJusticeChallenge.org.

Table of Contents

| | |
|---|----|
| The State of Local Criminal Justice..... | 1 |
| The Silo Approach to Justice | 2 |
| From Silo to System | 3 |
| Study Overview | 4 |
| The Proof of Change | 5 |
| Defining Elements of Effective Systems..... | 6 |
| Culture of Collaboration | 7 |
| Institutionalizing Collaboration..... | 7 |
| Common Purpose and Shared Vision..... | 9 |
| Trust | 9 |
| Detailed Problem Analysis and On-Going Evaluation | 11 |
| Orientation toward Solutions and Innovation..... | 13 |
| Cross-System Education..... | 17 |
| System Structure..... | 17 |
| Conclusion..... | 18 |

The State of Local Criminal Justice

The criminal justice system is an inherently local function. A crime is committed on a neighborhood street. A person behaving erratically in the local park scares mothers with their children. A young person, coming home from a night out at the local bar, crashes into a car at a traffic light. Municipal or county law enforcement respond; criminal cases are prepared and handled by local prosecutors, defenders, and judges; and the majority of convicted offenders serve their sentences in local jails or in their communities under supervision by probation departments.

These are stories that are played out repeatedly every day of every year throughout the country—regardless of how large or small the community is, the region of the country, or the demographics of the community's residents. The sheer volume of people that come into contact with local criminal justice is staggering, and many will be involved with the system over and over again. Nationwide, local law enforcement agencies made more than 9 million arrests in 2013.¹ Many of these individuals are arrested multiple times over the course of a week, a month, or a year—and a large percentage of those arrested are booked into local jails to await a bond/bail hearing. A recent study of jails found that local jails have nearly 19 times more annual admissions than state prisons (more than 11 million admissions as compared to 630,000).² These figures include both persons booked into jail pretrial as well as those serving sentences in local jails. For those held pretrial, they are serving time behind bars before any judgment has been made about their guilt or innocence. Indeed, 60 percent of local jail populations are individuals awaiting trial³—typically individuals who simply could not afford to pay the bail amount set or who are not granted bonds. Furthermore, whether defendants and offenders are held pretrial or serving sentences, in many communities, local jails are disproportionately filled with not only the poor but also with racial and ethnic minorities.

From the outside looking in, criminal justice operates seamlessly and equitably—processing alleged offenders and meting out punishments as appropriate. For those who are involved in criminal justice (as victims, defendants, offenders, practitioners, or policymakers), the narrative is altogether different. Practitioners struggle to process cases in a timely manner; policymakers wrestle with continual decreases in budgets and lack of available alternatives to incarceration. For victims, defendants, and offenders, the process is fragmented, confusing, time-intensive, lengthy, and often life-altering in negative ways.

The actual operation of the criminal justice system is far from what is portrayed on television or in movies—and very different from what the public majority believes the system to be. Moreover, the public's belief that local jails are filled with dangerous individuals who are serving sentences or who

¹ Federal Bureau of Investigation. Crime in the United States, 2013. Available at: <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s./2013/crime-in-the-u.s.-2013/tables/table-30/table-30-number-and-rate-of-arrests-by-region-2013.xls>

² Incarceration's Front Door: The Misuse of Jails. Vera Institute.

³ Minton, T.D. and Golinelli, D. *Jail Inmates at Midyear 2013 - Statistical Tables*. Available at <http://www.bjs.gov/content/pub/pdf/jim13st.pdf>

present significant public safety risks is simply misinformed. The most recent survey of jails from 2002 finds that only 9% of inmates in county jails were convicted of violent crimes.⁴

The Silo Approach to Justice

The silo analogy is one that has been used for years to describe how insular each part of the criminal justice system has become, which has resulted in much more attention being focused on the intake and output of people and less on the fundamental principles of the justice system. This is not to suggest that within each “silo” attention is not given to the principles; quite the contrary. Each entity within the system focuses on its specific “piece” of the process. However, in far too many criminal justice systems around the country, there is not a unifying vision for how the component parts of the system contribute overall to upholding the fundamental principles of fairness, due process, impartiality, and equality.

Headed by a variety of popularly elected or politically appointed officials, the various entities within the system are often compartmentalized. Each part of the system sets its own policies, practices, and operating budgets. This compartmentalization can lead to conflicting practices (e.g., increased enforcement of a certain type of low level crime can increase caseloads for the prosecutor, who is trying to reduce caseload by diverting these same defendants from the system). Compartmentalization can also create competition for limited resources—for example, a successful argument to build a new jail by the sheriff results in the county cutting funding for the drug court. There are few efforts to examine policy, practice, and budgets from a systemic perspective or with a focus on the fundamental principles of fairness, equality, impartiality, and due process. Moreover, every part of the system is increasingly asked to do more, faster, and with less.

Further exacerbating the compartmentalization, justice officials and judges enjoy a great degree of autonomy at the local level, as independently-elected or appointed officials and as a separate branch of government—the judiciary. On the one hand, autonomy benefits the system, because it is intended to negate any political influence on decision-making, allowing judges, in particular, to make difficult decisions based on law and not political position; but autonomy also makes accountability across agencies and the courts difficult. Moreover, autonomy can be compromised in states where justice officials are elected in partisan elections and who face the possibility of not being re-elected for making politically-charged, albeit correct decisions on difficult cases. For those elected officials in justice leadership positions, it can be difficult, if not politically risky, to actively engage in justice reform efforts.

The net result is a fragmented system focused on rote processing of people and cases with little attention given to overall systemic improvement. Accountability within each part of the system has been the exception and not the norm and virtually non-existent at the system level. In addition to the silos among entities, different parts of the system receive funding from a variety of sources—the state, counties, municipalities, grants, and revenue from fines and fees. The different funding structures add numerous levels of complexity to the administration of justice, and more room for conflict between the

⁴ <http://www.bjs.gov/index.cfm?ty=pbdetail&id=1118>. The convicted population represented 39% of the total county jail population, of which 22% were for violent offenses.

policies and practices across the system. Funding sources often set the foundation for policy and practice which in turn fosters the silo-approach to justice—requiring officials to justify the need for limited resources (often in competition with other system components) and to demonstrate results based on the use of these resources.

The current state of criminal justice in the U.S. cannot be attributed to those within the system alone. The silos are created as much from outside of the system as from within. The system and those working within it are heavily impacted by external forces that are often outside of their control and that affect the system slowly and progressively over time. Funding, legislation, public trust and confidence, and high profile crimes are but a few of the external factors that help build and perpetuate justice silos.

Efforts to bolster criminal justice, particularly in the form of grant funding, education, and training, also reinforce the fragmentation of the system. Over the past several decades, federal, state, and local dollars invested in the criminal justice system have been targeted at specific problems or specific parts of the system rather than the system as a whole. The result is akin to plugging a hole in one silo only to have another spring open in the next silo; yet even non-metaphorical silos on farms operate as part of a broader, complex operation and their function is inextricably integrated into the success of the business. The time has come to treat the criminal justice system, which is far more complex than a farm and directly impacts individual lives and liberty, as a singular system rather than disparate pieces.

From Silo to System

As disturbing as the state of criminal justice may seem on its surface, those working within the system are committed to serving the public and upholding justice values. For many jurisdictions, the desire to break down the silos is strong, but the knowledge of how to do so is lacking. Policies and practices are entrenched and those within the system are left operating within the confines of “it’s just the way it is.” Nonetheless, a few criminal justice systems stand out as true **systems**; leaders within the system and those who work with them have upended the *status quo* to make marked changes in how justice is administered, to create common purpose and shared vision, and to work toward overall system improvement by ultimately improving fairness and equality, increasing access to justice, and reducing the misuse and overuse of jails.

For far too long, we have focused on addressing specific problems within the different parts of the criminal justice system. The Justice Management Institute (JMI), with funding from the John D. and Catherine T. MacArthur Foundation, has taken a different approach by changing the frame and asking different questions to better understand what works systemically. Specifically, JMI’s study examined the following questions:

- What is qualitatively different about the jurisdictions that have improved process and outcomes for the criminal justice system?
- Are there common themes and characteristics that distinguish them as systems?
- How are they able to reach shared visions and achieve meaningful change when others cannot?

Instead of focusing on what is wrong with the U.S. criminal justice system, JMI's study examines the characteristics, environment, structure, and culture of systems that have demonstrated effective collaboration and systemic approaches to the challenges they face.

Study Overview

The goal of JMI's study was to create a framework for change that focuses on improving criminal justice system processes and outcomes. Specifically, the objective was to identify the factors that create local systems that make improving the administration of justice a priority. Using an exploratory case study approach, JMI conducted in-depth interviews with and collected quantitative and qualitative data from eight county-based criminal justice systems that have been cited over the years as being "highly effective:"

1. Hennepin County (Minneapolis), Minnesota
2. Johnson County (Olathe), Kansas
3. Jefferson County (Louisville), Kentucky
4. Contra Costa County (Martinez), California
5. Multnomah County (Portland), Oregon
6. Allegheny County (Pittsburgh), Pennsylvania
7. Travis County (Austin), Texas
8. Maricopa County (Phoenix), Arizona

Through JMI's National Network of Criminal Justice Coordinating Councils and our work providing training and technical assistance on systemic improvements, JMI identified several criteria that were used to select these counties:

- National reputation for initiating and sustaining system change efforts
- Systemic initiatives based on the use of evidence-based practices (EBPs)
- Collaborative decision-making among key justice system stakeholders
- Geographic region, population density, and socio-economic demographics

JMI conducted structured interviews with criminal justice leaders, line personnel within the criminal justice system, county officials, and other stakeholders that intersect with the criminal justice system. Interviews focused on three primary domains:

- System factors
 - System culture
 - Collaboration
 - Leadership
 - Structure
 - Resource allocation
 - Use of data for planning and evaluation
- Operational policies and practices at the agency level

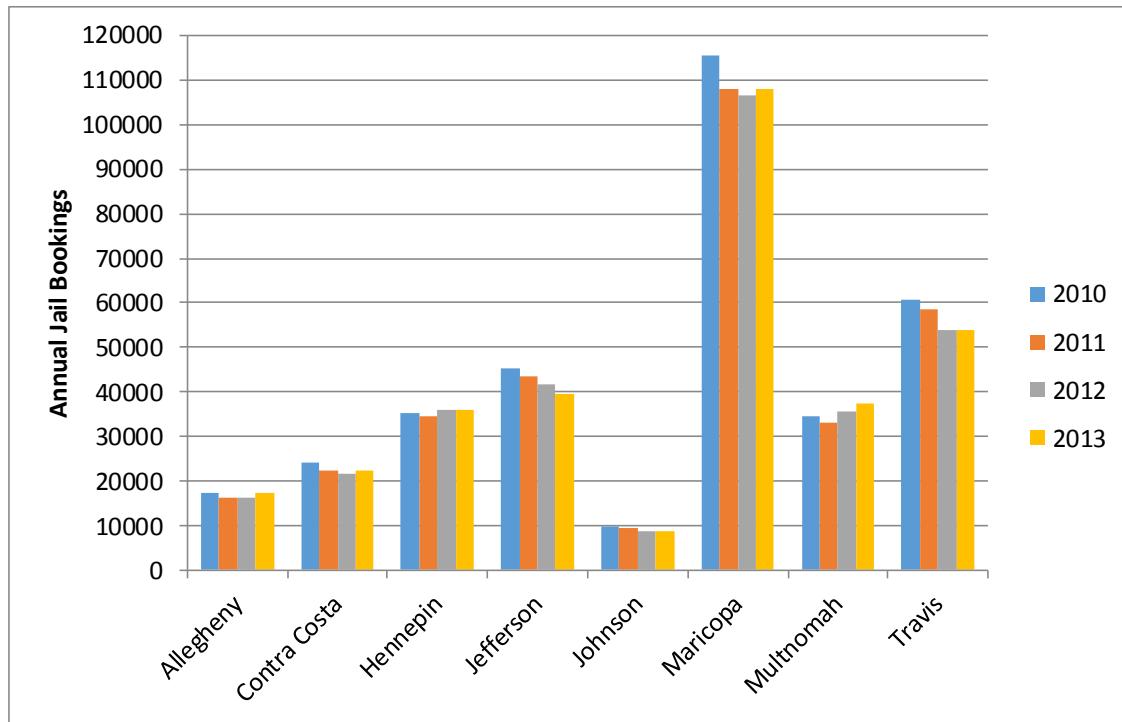
- Decision-making
- Use of evidence-based practices
- Outcome orientation
- Case processing
 - Fairness
 - Equality
 - Impartiality
 - Due Process

In addition, as with any exploratory study, many external factors outside the control of any single entity within the system were examined by JMI. These external factors include legislation, changes in leadership, political philosophies at the local and state levels, shifts in crime, and high profile crimes.

The Proof of Change

At the local level, meaningful change in criminal justice can take many forms—from improved case processing and greater efficiency to better outcomes for victims, offenders, and the public at large. With more than 11 million admissions annually to local jails and the staggering associated costs both to counties and to individuals, a primary change that needs to occur is the reduction in the misuse and overuse of local jails. Many of the counties studied by JMI reduced the overuse of jails or held populations constant, even when taking into account crime rates and other external factors that influence jail populations, such as legislation.

Among the study sites, three showed reductions of more than 10 percent in annual jail bookings between 2010 and 2013—Jefferson County, Johnson County, and Travis County. Two other sites (Contra Costa and Maricopa) experienced an average decrease of 7.5 percent in jail bookings. (See Figure 1.) The number of annual bookings remained relatively constant in Allegheny, Hennepin, and Multnomah counties.

Figure 1 Annual Jail Bookings, 2010-2013

Although the outcomes related to the overall jail population are indeed promising, further analysis shows that the counties studied by JMI have largely had an impact on the sentenced population—i.e., they have increased their use of alternatives to jail. Such positive outcomes were not seen, however, when looking at the pretrial population in jail. Only two counties experienced a decrease in the pretrial population between 2010 and 2013. On the other hand, three of the counties experienced increases in the pretrial population ranging from a 3% increase to a 15% increase. These counties, however, have identified their pretrial population as an area of focus.⁵

Defining Elements of Effective Systems

Each of the county criminal justice systems included in the study are “known” for an aspect of their system that has garnered attention—Jefferson County, Kentucky for pretrial services; Travis County, Texas for its use of evidence-based practices in community supervision; Johnson County, Kansas for its integrated information system; Hennepin County for a wide range of alternatives; Allegheny County for its case review process; Multnomah County, Oregon for its progressive approach to trying new initiatives; Contra Costa County, California for its jail population control efforts; and Maricopa County, Arizona for its master calendaring system and targeted efforts to reduce time to disposition for felony

⁵ JMI was only able to compare pretrial data for five of the eight sites in the study. The average daily pretrial population data were not available in a comparable form in three counties.

criminal cases. Yet each of these systems offers so much more in terms of what they share that make them operate as systems working toward a common vision and set of goals.

The county criminal justice systems in the JMI study share a number of characteristics that have created a systems approach to dealing with pervasive and emerging criminal justice issues, not the least of which is the overuse and inappropriate use of jail. Instead, the counties in the study are working to preserve public safety using the most effective means possible. Among the shared characteristics that define the systemic approach are:

- A culture of collaboration
 - Institutionalization of collaborative partnerships at the leadership level and the operational level
 - Common purpose and shared vision
 - Trust
- Detailed problem analysis and on-going evaluation of system performance
- Orientation toward solutions and innovation
- Cross-system education
- Integrated system structure

On the surface, it would seem that the characteristics of the eight criminal justice systems are no different than what many other counties possess; the difference, however, lies in the depth and range. The systems, operating as **systems**, maintain these characteristics despite changes in leadership and demands on the individual parts of the system, enduring the test of time as well as external influences that exert pressures on all involved in the administration of justice.

Culture of Collaboration

Collaboration is more than just regular meetings of justice stakeholders; it's more than writing a letter of support for a new grant application. Collaboration is working together toward a common purpose—sharing a vision, preparing a plan, and implementing the plan to achieve outcomes. It is standing behind that plan as a singular group when outcomes are not realized, regrouping and trying something anew. Collaboration means sharing the burden, the responsibility, and the consequences together as a system. One of the main defining characteristics that make the eight local criminal justice systems qualitatively different from many others throughout the country is their ability to collaborate at a systemic level—to put the greater good of the system and the principles of justice before all else with individual stakeholders adjusting policy and practice to support the overall vision.

Institutionalizing Collaboration

In the counties studied by JMI, collaboration began first and foremost with the creation and maintenance of a change environment. Formal and informal coalitions have coalesced in each of the eight counties studied either by mandate or around a critical issue. For those that came together around a critical issue, some indeed then became mandated policy bodies to engage in system change.

The coalescing event in Contra Costa County, California, for example, was the passage of the AB109 legislation, which moved certain offenders from the state prison system to local jails. Concerned about the impact of the legislation on their jail population, and in response to the legislative mandate to create a Community Corrections Partnership (CCP), a small group of key stakeholders began meeting to begin addressing what the impact of AB109 would be on the county and sharing ideas on what might be done to ameliorate the effects. This small group grew to include other stakeholders and community partners, formalizing into the county's CCP.

In Maricopa County, Arizona, an effort to increase court efficiency, led initially by the state, culminated in an integrated criminal justice information system, which began not only to address information flow within agencies but also to bridge information gaps across agencies. Building an information exchange among the courts, the county attorney, defense counsel, and sheriff systems required all of these stakeholders to come together to discuss how data would be shared and the implementation of the new system. The collaboration required to realize the full potential of the new information system led to the emergence of the county criminal justice council. Moreover, the ability to share information and build greater efficiencies through enhanced automated information systems had broad-based support from the voting public, which helped encourage the involvement of key elected officials.

Overcrowding and poor conditions in jails are a common issue around which criminal justice system coalesce. Lawsuits in Maricopa about the same time the information system was being developed created another opportunity for collaboration to examine the systemic issues contributing to the jail overcrowding. The need to address jail issues helped foster early collaboration in a number of counties, including Jefferson and Johnson, in which mandates were issued creating their Criminal Justice Coordinating Councils (CJCCs).

Whether through a formally mandated or recognized coalition (generally referred to as a Criminal Justice Coordinating Council or some variation of this) comprised of the criminal justice system's top leadership or more informal groups and relationships, collaborative efforts are structured.

Institutionalization has been fostered with the creation of forums for coordinating work—on specific issues facing parts of the system and system issues as a whole—and legislatively authorized formal policy bodies.

Counties with formal policy bodies, or Criminal Justice Coordinating Councils (CJCCs), like Allegheny, Hennepin, Jefferson, Johnson, Maricopa, and Multnomah, differ in many ways from similar councils around the country. Each has a dedicated staff person to facilitate and manage the work of the CJCC and all have funding. A dedicated staff person provides continuity and stability for the council even when there are changes in membership. Moreover, the staff person is typically not someone from within one of the criminal justice entities but rather someone who is viewed as being neutral and objective, and has the respect of the key policy makers, and ensures that the council is working towards its common purpose.

Many of these county criminal justice systems also had a second layer of working groups which usually included those second in charge or line staff of each of the stakeholders. These groups generally worked

on the practices of the system while the CJCC leadership generally focused on the policies. Systems that had both levels of bodies allowed the policies to be reviewed, revised, or adopted and then the work to be done to support those policies.

Interestingly, the type of collaborative body—formal or informal—did not seem to affect the ability to engage in collaborative decision making to the extent it was expected. Rather, the culture of collaboration among the stakeholders seemed to be the driving force. This culture emanates more from the creation of common purpose and shared vision and trust than the formal establishment of a coordinating body.

Common Purpose and Shared Vision

A second defining characteristic related to collaboration is the creation of a common purpose and a shared vision. Although on the surface, the idea of a common purpose and shared vision seems self-evident, it is, in fact, more difficult to achieve in practice. Each of the local criminal justice systems studied by JMI ultimately came together around a broad vision that aimed to improve the system’s outcomes, a vision that had to be balanced with the diverse and sometimes disparate goals of the multiple organizations involved in the justice system. The common purpose and vision is articulated and approached in a way that ensures the entire system will benefit from collaborative action and that each criminal justice agency can share in the “rewards.” Moreover, each member involved in the collaborative effort, whether in a formal council or informal group, shares in the power and decision making of the group.

Trust

Meaningful and long-term collaboration cannot be accomplished, however, without trust. In an adversarial system, trust does not come easily. A collaborative partner one day may become tomorrow’s political opponent for office; members of the collaborative team will need to take opposing positions in case processing; and many of the stakeholders will need to compete for limited resources. Despite this, in each of the eight criminal justice systems, trust was evident and several factors emerged as cultivating that trust:

- Shared responsibility
- Accountability
- Transparency

The combination of these three factors has allowed trust to grow and become institutionalized in the collaborative efforts of the stakeholders. **Shared responsibility**, in particular, plays a major role in the cultivation of trust. The elected officials and heads of stakeholder agencies all share in the “wins” and the “losses” that their efforts produce. Acting as a collaborative body, rather than individuals, allows the system to accept blame collectively for its failures and discourages finger-pointing at one or more justice partners. Criminal justice policymakers who engage in collaborative decision-making must provide cover for individuals when initiatives that stem from the group’s collective decisions fail to produce the intended results. Presenting a unified front in the face of criticism helps alleviate some of

the political risk to individuals for adopting policies and practices that are intended to help the system as a whole reach its intended goals.

In Maricopa County, Arizona, for example, one of its biggest challenges with the jail is the growing pretrial detainee population, relative to those sentenced. Commissioners who handle first appearances after arrest and who make pretrial release decisions are informed by a pretrial risk assessment tool, but often override the recommendations from the tool, because they are concerned about negative media exposure should the release defendants commit another crime. The other stakeholders in the criminal justice system, including the judges in the criminal department, have promised to offer them political cover to encourage their use of the tool, although the need to do so has not yet arisen.

When the system does achieve significant outcomes, it is important that the members of the collaborative group enjoy the benefits of a successful initiative, by sharing the responsibility for the outcomes. At the same time, it has proven beneficial in some collaborative partnerships to allow one or a handful of stakeholders to “own” the outcomes to further solidify their willingness to work toward the shared vision.

In Travis County, Texas, an evaluation of recidivism highlighted a need to make changes that would produce better system outcomes. The system stakeholders placed its trust in the director of the Community Supervision and Corrections Department (CSCD) to introduce risk assessment and evidence-based practices in probation supervision. The changes that occurred included working with judges to understand and use risk and needs information in establishing conditions of probation. With regular data reporting on outcomes, the CSCD was able to build faith among the judiciary and other system stakeholders in the process and ultimately, the county achieved significant reductions in probation revocations and recidivism.

Another key element to promoting trust is building **accountability** among members for both their participation in collaborative partnerships and their individual agencies’ efforts to implement policies and practices that support the larger common purpose and vision. The coordinator for the Jefferson County, Kentucky coordinating council does both informal and more formal “check-ins” with stakeholders about their level of participation. This even included a recent survey about participation and the value of the council.

The Local Public Safety Coordinating Council (LPSCC) in Multnomah County, Oregon stands out for its ability to encourage individual agencies within the system, as well as community-based service providers, to promote policies and practices that support the larger common purpose and vision for the system. The Council’s monthly meetings have the explicit goal of coordinating policies and collectively addressing public safety by “encourag[ing] the active participation of countywide leadership, foster[ing] close collaboration in the development and operation of public safety operations and policies, and promot[ing] coordinated, data-driven public safety operations and policies.”⁶ Members of the Council,

⁶ <https://multco.us/lpsc>, accessed October 27, 2014.

as well as allied stakeholders, present new policy and operations ideas to the group with supporting data which are then discussed and either endorsed by the Council or offered feedback for consideration.

In Maricopa County, AZ, just a few years ago, a series of legal battles between the County Attorney's and Sheriff's offices and the Board of Supervisors and Superior Court rattled the county and its criminal justice to the core. Difficult cuts made during worsening economic times set in motion what is still referred to as the "dark ages" by leaders locally. This extremely contentious time should have significantly derailed system-wide collaboration. However, just the opposite occurred. The history of collaboration has created a type of "peer pressure" to engage, fostered by expectations from the board of supervisors and the public as well as among the individuals in policy positions within the criminal justice system. The Maricopa County Justice System (MCJustice), the collaborative policy body, continued to operate during the most adversarial years with middle managers continuing to work in subcommittees, even when their leadership could not fully participate, and numerous other workgroups were put in place to focus on specific issues.

Closely related to accountability is system and agency **transparency**. When stakeholders make their policies and practices transparent and engage in active information sharing, greater trust among the parties occurs. Like so many other characteristics of successful collaborations, it is inherently difficult to institutionalize transparency across all aspects of the system. Too often, one or more of the criminal justice components are reluctant to share data, or do so in a limited manner. Nonetheless, the creation of data sharing protocols, dashboards, and communication in nearly all of the eight counties studied by JMI has helped establish and institutionalize system transparency.

Allegheny County, Pennsylvania has a unique way of fostering transparency through case management reviews. All criminal justice stakeholders involved with a selected case (arresting officer, pretrial services, prosecutor, defense attorney, judge, probation officer, and sheriff's department), along with representatives in management positions from each of the justice agencies, participate in a comprehensive and in-depth review of select cases three times per year to assess case outcomes and system-wide effects on case processing. The cases that are selected typically involve the full criminal justice process, often also including problem-solving courts, intensive supervision, and treatment. During the case management reviews, the team has an in-depth and candid discussion about what happened at arrest; the pretrial release and supervision decision; length of time it took to resolve the case (including reasons, influences, and number of postponements); and other relevant issues as necessary such as crime lab processing. Central to the review is a focus on improving outcomes both in the process and for offenders.

Detailed Problem Analysis and On-Going Evaluation

Criminal justice agencies are notoriously bad about keeping data that are useful for robust analyses. Information management systems have historically been developed and used to assist with case processing, and the data elements within these systems are often text-based fields or document scans which make quantitative analyses difficult and time-consuming. However, in the criminal justice systems studied by JMI, a premium was placed on obtaining quantitative data for regular analyses—not

only at the individual agency level but also at the system level. Driven by the common purpose and shared vision, the stakeholders in each of the eight counties have defined system level metrics that help them identify the root causes of pervasive justice issues and emerging issues. Moreover, the regular and routine use of these data by stakeholders and coordinating councils for both planning and evaluation is what make these eight systems qualitatively different from many others across the country.

The problem-solving that occurs in successful collaborations takes many forms—from examining system level issues to specific operational practices—and can be driven by key stakeholders or even individuals as long as data are available. The president judge in Allegheny County, Pennsylvania, for example, used system data to examine the relationship between the jail population and the time it takes to dispose cases, alternatives to incarceration, accelerated disposition programs, probation supervision, pretrial services, and re-entry programs. The findings from the analysis led to the implementation of a number of strategies to reduce the jail population.

Hennepin County, Minnesota, is a data-rich system in which the leaders place a priority on the capacity to use data for problem analysis and evaluation. This priority is not only embraced by the coordinating council but also the justice agencies that make up the council. Many of the key criminal justice stakeholders have created research staff positions and departments within their organization to facilitate data-driven policy planning. For example, the Department of Community Corrections and Rehabilitation (DOCCR) produces a regular Continuous Improvement Report that examines recidivism rates for individuals under community supervision and identify issues that may need to be addressed.

Johnson County, Kansas, like Hennepin, is a data-rich system with its comprehensive Justice Information Management System (JIMS). JIMS combines sheriff, district attorney, courts, probation, and county corrections into a single system. The system emerged from early discussions about how all of the criminal justice organizations were struggling with case management. After the initial development, the board created to oversee the JIMS implementation decided to shift programming responsibilities from the initial contractor who designed the system to an in-house function first by using staff within the participating agencies and later shifting staff funding directly to the county. With more than 45 million documents in the system and the ability to track individuals from initial booking through the adjudication process, JIMS is one of the more robust integrated criminal justice systems in the country. Moreover, the criminal justice stakeholders have access to more than 200 reports on such topics as caseload, docketing, and jail population along with a number of dashboards that can be used for problem analysis such as the number of cases, filtered by year, judge, filings, bond status, and case type.

Data in Multnomah County is used in a variety of ways to both conduct detailed analyses of problems and to evaluate the system response using its Decision Support System—Justice (DSSJ), which combines criminal justice information from the major stakeholders in the system. With the DSSJ, an authorized user can track individuals or cases across the county's criminal justice agencies to monitor performance, evaluate the system for answering specific research questions or producing system reports and informing policy planning. In 2005, the county identified reducing the number of defendants who fail to

appear at future court dates as a priority and established the Court Appearance Notification system (CANS). Using the DSSJ to create monthly performance reports on the failure to appear (FTA) rate, stakeholders were able to evaluate the effectiveness of the CANS program, demonstrate significant reductions in the FTA rate, and document costs-savings (in the form of cost avoidance) to the county.

Orientation toward Solutions and Innovation

The collaboration and detailed problem-analysis that is apparent in successful criminal justice systems has laid the foundation for the eight counties to try new solutions and create innovation that leads to evidence-based practices. The innovations put in place cover all aspects of the criminal justice system—from law enforcement to re-entry and everything in between and are far too numerous to cover in a single document. The unifying theme, though, is the willingness to experiment and try new approaches to criminal justice system issues from multiple angles based on what the data show the root causes to be and not just implementing “band-aid” solutions. The emphasis for implementing new initiatives is on quality not quantity and on whole system response when appropriate and not just individual agency response. Through shared vision, common purpose, and problem-analysis, each county studied by JMI has engaged in active change efforts rather than relying on traditional passive change tactics that focus on addressing an immediate need.

There are countless examples of innovation that have been tried in the eight criminal justice systems highlighted in this study. Highlights of a few are provided below.

Hennepin County, Minnesota has a long history of using risk and needs assessment tools, stretching as far back as 1972. The stakeholders in the criminal justice system wanted to expand beyond just assessing defendant and offender risks and needs and gain a better understanding of the programs they offered to meet the needs of their population by implementing the Correctional Program Checklist (CPC). The CPC was created by the University of Cincinnati as an evidence-based tool for assessing correctional intervention and determining how closely these programs meet the principles of effective intervention. The tool measures the capacity of service providers/vendors to operate programs and deliver services that are evidence-based and the tool provides a score showing how much the programs operate on evidence-based principles. The Department of Community Correction and Rehabilitation (DOCCR) and the criminal justice coordinating council use this information to make decisions about programming needs among contracted service providers and to evaluate proposals from prospective service providers.

System-wide collaboration in Allegheny County, Pennsylvania spawned a robust, two-phase jail re-entry program (known as Reentry 1 and Reentry 2) designed to reduce recidivism and improve offenders' transitions from jail back into the community. Reentry 1 focused on treatment based on inmates' risks/needs assessment scores, skills training, therapy, and community integration following completion of their sentence. Near the beginning of their incarceration, inmates are assigned reentry specialists who coordinate services and programming both during the incarceration and after release. Reentry 2 added the assignment of a specialized probation officer to the reentry planning who works with the

offender to create a continuum of training and treatment programs along with job referral services at two day reporting centers in the county.

Like many jurisdictions across the country, Johnson County, Kansas struggles with the volume of individuals involved in the criminal justice system who have mental health issues. The justice system stakeholders worked together to create a mental health co-responder program that places a licensed social worker alongside police officers to respond to calls in which there may be a mental health issue at the root of the problem. Shortly after the implementation of the co-responder program, a crisis stabilization center was opened to provide treatment services for individuals with mental health needs and providing additional options for law enforcement to divert individuals with such needs from the criminal justice system. The early results of the co-responder program are an increase in individuals being referred to treatment (from 1% of calls for service prior to implementation to 39% post-implementation).

Maricopa County, Arizona fundamentally changed its calendaring system not only to improve efficiency but to encourage more of a collegial and team-oriented culture among judges. By having all judges responsible for all cases within a division (instead of one judge per case), judicial assignments to cases were interchangeable which meant that there were fewer and shorter continuances and quicker resolutions.

The transition to this model was challenging, but because of the robust work and culture of change, leadership was able to learn and recover from early stumbles in implementation and make the necessary adjustments to ensure success. From December 2008 to July 2009, Maricopa County piloted the master calendar and then refined it before introducing it to all four Superior Court trial divisions in December 2009. At this stage, the master calendar framework included six Master Calendar Commissioners, each of whom was responsible for conducting all Initial Pre-Trial Conferences (IPTC's). However, the system was changed again based on feedback from judges and others and based on the case processing time. In September of 2010, these positions were replaced by a single Case Management Judge (CMJ), which resulted in a more equitable distribution of labor. The learning process is ongoing, as today the Superior Court grapples with a higher trial rate than ever before, which puts strains on the calendar. The Maricopa County judiciary is willing to experiment with new ideas and refine rather than abandon them when they do not work. This behavior is consistent with a collaborative spirit of investment in the work of the court and the system.

Multnomah County, Oregon has implemented numerous initiatives over the years that have served as models for innovation across the country, particularly in the form of diversion options and problem-solving courts. Each of these initiatives has contributed to the low levels of recidivism that the county is experiencing. The initiatives include:

DUII Diversion- The District Attorney's office provides a diversion program first-time, driving under the influence of intoxicants (DUII) offenders who meet certain criteria.⁷

DUII Intensive Supervision Program (DISP) - A four-phase, three-year program that uses a team approach for those charged with DUII offenses. The multi-disciplinary team includes a judge, defense attorney, case manager, and the probation officer. Through the use of electronic monitoring, weekly check-ins, and mandatory treatment services the DISP program works with the offender. This is not a diversion program, but rather an intensive supervision program.

Deferred Sentencing Program (DSP) - The DSP program, a domestic violence misdemeanor court, has been a long-standing option for defendants charged with a misdemeanor that is prosecuted by the District Attorney's Domestic Violence Unit. To be eligible, an individual cannot have a current or past case in the DSP program, a pending felony case or conviction, a pending or past Class A person misdemeanor (aside from a non-DV traffic) within the last ten years, conviction of violation of restraining or protective order, more than four non-person criminal convictions within the last ten year, currently under probation or parole, bench probation for a person misdemeanor, or judicial hold from another jurisdiction.

Veterans Court- In 2014, Multnomah County was in the final stages of opening a Veteran's court. The creation of the court was led by a County Commissioner, the Sheriff's Office, District Attorney's Office, Veterans Administration, Metropolitan Public Defender Services, DCJ, and Circuit Court. Through the court, the Sheriff's Office plans to identify veterans at booking, the District Attorney's Office will identify eligible cases, defense attorneys will discuss available services through the Veterans Administration, DCJ will provide specialized officers in each office with veterans' issues expertise, and a circuit court judge will be assigned who is knowledgeable about veterans' needs.

Sanction Treatment Opportunity Progress (STOP) - STOP, created in 1991, is the second oldest drug court in the nation. STOP is available for most individuals charged with a felony drug possession crime. With the goal of reducing drug abuse and recidivism, the court is a partnership of the Circuit Court, the District Attorney's Office, Metropolitan Public Defender, DCJ, and Volunteers of America. The District Attorney's office determines eligibility and the defendant is informed at arraignment. Eligibility for this one-year program is considered if a defendant enters a conditional discharge plea for charges of either a felony of Unlawful Possession of a Controlled Substance or a felony of Tampering with Drug Records and if he has no other Felony, Misdemeanor person crime, Driving Under the Influence of Intoxicants, or Firearm charges pending. The individual is monitored by the STOP Court drug team (a judge, defense counsel, deputy district attorney, and the Volunteers of America court liaison).

Success Through Accountability, Restitution & Treatment (START) Court- This drug treatment court, created in 2010, is designed for adults convicted of property offenses and who have an addiction to drugs and/or alcohol. The court requires attendance in substance abuse treatment,

⁷ Criteria for DSP diversion can be found at <http://mcda.us/index.php/community-initiatives-special-programs/duii-diversion-and-disp/>.

the supervision of a probation officer, court appearances, and random drug testing. START Court is a collaborative effort of the District Attorney's Office, Circuit Court, Metropolitan Public Defender, DCJ, and the State of Oregon's Criminal Justice Commission.

Sex Buyer Accountability and Diversion program (John's School) - A diversion program that began in 2011 also known as the John's school. The program is conducted by the District Attorney's Office, Portland Police Bureau, and a local provider, LifeWorks Northwest. This program provides education for sex buyers on health education, sexually transmitted diseases, relapse prevention, and impact on women and children and the legal ramifications of continued illegal activity. This program is for those first-time offenders who plead guilty for soliciting prostitutes. Participants pay a \$1,000 fee and have six months to stay arrest free.

Mental Health Court (MHC) - Multnomah's Mental Health Court is geared towards participants on both supervised and un-supervised probation as a condition of the probation. Participants can often shorten their probation period by completing this court program which takes a minimum of one year. Once accepted, the participant is assigned to a Mental Health Court Monitor who assists with housing, medication management, health care appointments, transportation, and other needs. This court is a cooperative effort between the District Attorney's Office, Circuit Court, the County Mental Health Department, Metropolitan Public Defender, DCJ, and the Sheriff's Office.

Bud Clark Commons Community Court- This court, which operates out of a social service facility for the homeless,⁸ provides an opportunity for those in the homeless population facing low-level charges or violations to attend court, rather than the downtown Justice Center, and can be linked immediately to services that can provide assistance and resources for housing and reduce recidivism. This Community Court was created in 2012 and allows for a shorter case timeframe as, instead of waiting for 30 days, the district attorney's office has police set the court dates between four and ten days after citation for quality-of-life crimes and low-level offenses such as theft, drinking in public, and trespassing. If defendants plead guilty, they may be sentenced to community service or required to connect with certain social services. The court is designed for first-time offenders and, if successful in their sentence, can have their charge dismissed. The District Attorney's Office works with a local non-profit, Transition Projects, to provide resources for offenders.

As noted earlier, Travis County, Texas, stands out for its innovation in the area of evidence-based probation. The CSCD created the Travis Community Impact Supervision (TCIS) Program to reduce recidivism among the probation population. The TCIS program uses risk/needs assessment to identify the criminogenic needs of probationers and to tailor supervision levels and conditions to meet those needs. Supervision strategies now include motivational interviewing, a practice for changing offender behavior that is evidence-based, and graduated responses to include both incentives and administrative sanctions. The probation department conducts risks/needs assessments on each probationer and

⁸ Bud Clark Commons opened in 2011 as a joint effort between the Portland Housing Bureau, Multnomah County, Transition Projects, and Home Forward in an effort to end homelessness. The facility provides permanent supportive housing apartments, a transitional shelter, and a daytime resource center.

provides the information to the sentencing judge for consideration at sentencing. Since the implementation of the TCIS program, there has been a steady decline in felony probation revocations, re-arrests, and absconding. Most striking are the outcomes for probationers by risk level with re-arrest rates for low-risk probationers (who under TCIS receive minimal supervision) and medium-risk probationers. The re-arrest rates for low-risk probations has decreased from 26% to 6% and from 26% to 13% for medium-risk probationers. Now with its new director in place, the CSCD is expanding even further to increase its impact. This expansion includes a robust fidelity plan for its staff and continued efforts to improve services offered to offenders on probation.

Cross-System Education

In all of the eight systems included in this study, cross system education was used as a tool to ensure that all key stakeholders have a shared understanding and a baseline of knowledge about effective strategies for realizing the systems' shared visions. Training is offered locally by one stakeholder agency to the rest of the system, providing training to judges, for example, on what risk/needs scores mean. The counties have also placed emphasis on providing educational opportunities for system teams to attend national and regional training programs. For example, Hennepin, Johnson, and Maricopa counties have sent teams of judges, prosecutors, defense attorneys, sheriffs, and community corrections personnel to receive national training on the use of risk/needs assessments throughout the case processing continuum to inform decision making.

Other important cross training experiences observed by JMI were local conferences offered by criminal justice coordinating councils or key stakeholder agencies to highlight best and evidence-based practices in criminal justice. The coordinating council in Multnomah County, for example, hosts an annual *What Works* conference that brings together state and regional policymakers along with justice practitioners to learn about best practices in the state and around the country. In 2013, Travis County hosted its first conference, the Travis County Vision Summit, to share its own lessons learned and to bring together experts and other practitioners from the field to discuss other ways that practice could be improved in a system that had already been looked to as a pioneer in criminal justice.

System Structure

The structure of the criminal justice system itself may perhaps be the most difficult characteristic that jurisdictions seeking to become more effective need to address. Across the country, criminal justice systems are more similar than different, grounded in the same constitutional principles and organized in ways deeply steeped in the history of jurisprudence in the US. Yet, there are some structural differences that emerged from the JMI study that merit mention and consideration.

In particular, the role of the judiciary emerged several times as being paramount to collaboration and the ability to innovate. As an independent branch of government though, there are often structural barriers that make judicial involvement difficult. JMI identified two examples of how court organization and how internal governance can facilitate a systemic approach.

Hennepin County, Minnesota is an example of how system structure can have an impact on the success of its system. As a unified court, court administration is able to try and render decisions about

misdemeanor and felony offenses with the right amount of measured and equitable emphasis and resources. In other words, Hennepin doesn't suffer from anomalies, which regularly occur in a bifurcated court system, where misdemeanors and felonies are handled in completely different courts by different judges, and defendants charged with gross misdemeanors often receive harsher penalties than low level felonies. Also, the system is able to be more efficient in case processing as it has one well-managed system through which to move rather than two. In a unified court, judges and court administrators have a full view of the types of charges and offenses before them, mitigating these discrepancies.

In Maricopa County, its system of master calendaring certainly represents a fundamental, structural change to criminal court. However, Maricopa County also benefits from a unique and rigorous merit selection process of judges across all divisions of its Superior Court, not just the Criminal Department. The merit selection process in Arizona is one of the most rigorous in the country – a fact that is not lost on the local judges who reasoned that the difficulty of the process is in itself a way of bringing together all of the judges into a more cohesive team. The Arizona Supreme Court appoints 30 members to a statewide Commission on Judicial Performance Review (CJPR), based on applications and recommendations from the public. A majority of the commission's members must be non-lawyers, and a no more than six can be judges. Of the six states who had such commissions in 2003, Arizona's was the largest of the six.

Maricopa County judges undergo an intensive application and review process that among other things includes the submission of summaries of at least 13 cases fitting different criteria; three writing samples from their professional work; and 16 references from lawyers or judges, individuals known personally, lawyers with whom they have worked in an adversarial case, fellow members of bar or professional association committees, and individuals with whom they have served on community organizations. Once accepted, Maricopa County Superior Court judges still go through intensive case reviews with their department chiefs.

Because judges are selected through a merit process, they are insulated to a large degree from the political swings in the County. The chief judges and other judges are therefore able to remain more focused on issues of practice and policy. This process also lays the foundation for a sense of comradery and teamwork among the judges. The appointment process is difficult and everyone must go through it. Once appointed, judges have a common experience from which to draw as they begin their work on the bench. Although there are other factors that support judicial teamwork, leadership from throughout the system cited the shared experiences of applying for a judgeship as a major factor.

Conclusion

The overarching lesson learned by examining the different characteristics of systems that have effectively broken down the silo approach to criminal justice is that it takes a long time and is hard work. The culture of collaboration was not born in a single day; rather for most of the eight counties, it was cultivated over many years. Systemic approaches require absolute commitment from all the key

stakeholders to a common purpose but oftentimes the process for establishing that common purpose can be lengthy and arduous. Moreover, as time passes, the common purpose will evolve based on legislative change and other environmental/contextual factors. Each of the eight criminal justice systems in this study has had to operate with an open-systems view—continually interacting and adapting to the environment in which they operate. In addition, it has been very important in the eight sites studied by JMI that all of the key criminal justice stakeholders have ownership in the common purpose and that they understand how their policies and practices support or detract from that purpose.

Although collaboration is a critical element found in local criminal justice systems that operate as systems, collaboration does not need to be formalized, but it does need to be institutionalized. Commitment to sharing data and working together does not require a formal structure like a criminal justice coordinating council, although such councils do provide continuity and often the momentum for continuous system improvement. Rather, there must be a culture of collaboration, an expectation among the stakeholders that policymakers will work together as issues arise that threaten the overall shared vision. Such a culture stems from a combination of personal relationships among the key justice policymakers, positive experiences working together, mutual respect, and simply enough just a history of partnering (i.e., “it’s just the way we’ve always done things”). Informal collaboration is a must to create systemic focus.

Many counties around the country engage in data driven decision making and creating innovation; in this regard, the eight counties studied are not alone. However, the commitment to creating, accessing, and using *robust* data is a must. Each of the eight criminal justice systems that have been able to reduce or eliminate the fragmentation between justice agencies have placed a premium on ensuring that there are accessible and usable data for research and evaluation. The systems that are in place in Hennepin, Johnson, or Multnomah counties, for example, were created with a specific focus on the types of outcomes that are expected of their systems to ensure that such data were collected and maintained.

Lastly, commitment to change is not easy for any institution, let alone a system of agencies. What the counties in the JMI study have been able to achieve and sustain through political turmoil and changes in leadership is a goal for which all local criminal justice systems should strive. The ability to endure certainly derives from the characteristics that the eight local systems share but it also comes from the recognition of the key stakeholders that they must actively adapt to their ever changing environment. Continuous assessment of the changing environment, coupled with data-driven decision making, has allowed the criminal justice stakeholders in these eight counties to transition from silo to system, and more importantly, to maintain that system approach.