

POPULATION REVIEW TEAMS

Evaluating Jail Reduction and
Racial Disparities Across Three
Jurisdictions

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Chapter 1

Introduction

The United States incarcerates more people than any other country in the world, with a rate of 537 of every 100,000 U.S. residents behind bars by the beginning of 2021.¹ Nearly one-third of those incarcerated are held in local jails, most during the pretrial period, before they have been convicted of any crime.²

In 2019, local jails across the U.S. held an average of 734,500 individuals each day.³ The onset of the COVID-19 pandemic in 2020 intensified calls to reduce jail populations, since the frequent turnover and commonly cramped communal living conditions proved ideal for spreading the virus. Accordingly, the spring of 2020 saw a dramatically declining jail population for the first time in a decade—the result of both fewer new admissions and expedited release for those already detained.⁴ Still, more than half a million individuals were held in local jails by mid-2020,⁵ and evidence suggests that the early COVID-generated reductions have not been sustained. By the latter half of 2020, jail populations had crept back up, nearing pre-pandemic levels.⁶

Racial and ethnic disparities in jail populations are well-established. While Black individuals comprised 13% of the total U.S. population in 2019, they accounted for a third of those in jail (34%).⁷ Racial disparities permeate every step of the criminal justice process: Black individuals are more likely than White individuals to be arrested⁸ and detained awaiting trial;⁹ those who are held pretrial are then more likely to be convicted.¹⁰ Once convicted, Black individuals receive longer jail and prison sentences than White individuals.¹¹

Declining jail incarceration early into the COVID-19 pandemic exacerbated existent racial disparities; incarceration rates among Black individuals declined 22% from 2019 through mid-2020, while those for Whites declined 28%; rates for Latinx and Asian individuals decreased 23% and 21% respectively.¹² This trend underlines the reality that without strategies deliberately tailored to address racial disparities, general efforts to reduce jail populations will not *necessarily* lead to greater racial and ethnic equity.

The Current Study

Within this context of a national overreliance on jail, the John D. and Catherine T. MacArthur Foundation launched the Safety and Justice Challenge (SJC) in 2015. This effort supports local jurisdictions across the country in their search for safe and effective ways to reduce jail populations and eliminate racial and ethnic disparities.¹³

Jail population review teams (PRTs) are one of the strategies currently implemented in more than a dozen of the Safety and Justice Challenge sites. These collaborative teams bring together stakeholders from across the local criminal legal system to regularly review jail data and case files in an effort to identify individuals who might safely be released. The current study seeks to document the PRT model and its impacts in three SJC sites: Lucas County, Ohio; Pima County, Arizona;¹⁴ and St. Louis County, Missouri. Specifically, this report explores three areas:

- 1. Documenting the PRT Model** How are PRTs implemented across the sites and what are the similarities and differences?
- 2. Reducing Jail Populations** Does the PRT model succeed in reducing overall jail incarceration and, if so, to what extent?
- 3. Reducing Racial and Ethnic Disparities** Does the PRT model successfully reduce existent racial/ethnic disparities in local jail populations and, if so, to what extent?

Although none of the sites designed their PRT to explicitly reduce racial disparities, the current study provides sites with an opportunity to monitor this potential PRT impact and work toward disparity reduction.

Methods

In each of the three sites, members of the research team gained information about the local PRT process through the following sources: review of SJC documentation provided by the site or its technical assistance team, interviews with SJC technical assistance providers and key members of the local PRT team, and observations of the PRT. Due to the COVID-19 pandemic, interviews and observations were conducted remotely.

The quantitative study covers the period from the PRT start date in each site through the spring of 2020.¹⁵ The City University of New York’s (CUNY) Institute for State and Local Governance (ISLG) provided jail and PRT data that the sites had previously submitted to ISLG. Members of the research team cleaned, coded, and merged these files. We then examined overall population trends at each step of the PRT process—eligibility, review, recommendation, and release—as well as trends by race. Where bivariate differences suggested significant differences between racial subgroups, we included race and other covariates of interest (e.g., top charge, age) in regression analyses.

We presented preliminary quantitative results to representatives from each site, who provided additional context and insight. This feedback informed the interpretation and discussion presented in chapters three and four.

This Report

The remainder of this chapter presents overall jail population trends as well as the timelines for major Safety and Justice Challenge events in each of the three sites. Chapter 2 describes the PRT model, including eligibility criteria and the processes through which cases are identified, reviewed, and released. Chapter 3 presents impact findings, specifically cross-site impacts on overall jail populations, as well as racial and ethnic disparities. Finally, Chapter 4 concludes with a series of policy implications and recommendations derived from our findings for jurisdictions seeking to implement (or continue) similar approaches.

The Study Sites

Table 1.1 presents the overall community characteristics in the three study sites.

The three sites were among the earliest Safety and Justice Challenge sites; implementation in all three sites began in 2016. In Lucas County, the PRT strategy was adopted in early 2016, just prior to the SJC launch; the other two sites were around three years into the Challenge when they introduced this strategy. The PRTs are just one of a variety of diverse approaches to reducing local jail populations adopted by the sites. Examples of other strategies include diversion, expedited case processing, implementation of a risk assessment, and the Opportunity Project (which utilizes a social worker embedded in the public defender’s office to connect individuals with services) in Lucas County; diversion, deflection, and community engagement efforts in Pima County; and pretrial reform and assessment, efforts to provide

limited legal representation, and expedited review of probation violations in St. Louis County.

Table 1.1. Community Characteristics of the Five Sites¹

	Lucas County, OH	Pima County, AZ	St. Louis County, MO
Major Metropolitan Area	Toledo	Tucson	St. Louis ³
Total Population	431,279	1,043,433	1,004,125
Race ²			
Black	21%	5%	26%
White	74%	73%	67%
American Indian/Alaska Native	<1%	4%	<1%
Asian	2%	4%	5%
Latinx/Hispanic Ethnicity	8%	36%	4%

¹ Data taken from the U.S. Census Bureau's 2020 DEC Redistricting Plan. Available at <https://data.census.gov/cedsci/>.

² Of those in the population reporting a single race.

³ While St. Louis County includes some of the St. Louis City metro area, the city of St. Louis is separate from the county and has a distinct criminal legal system.

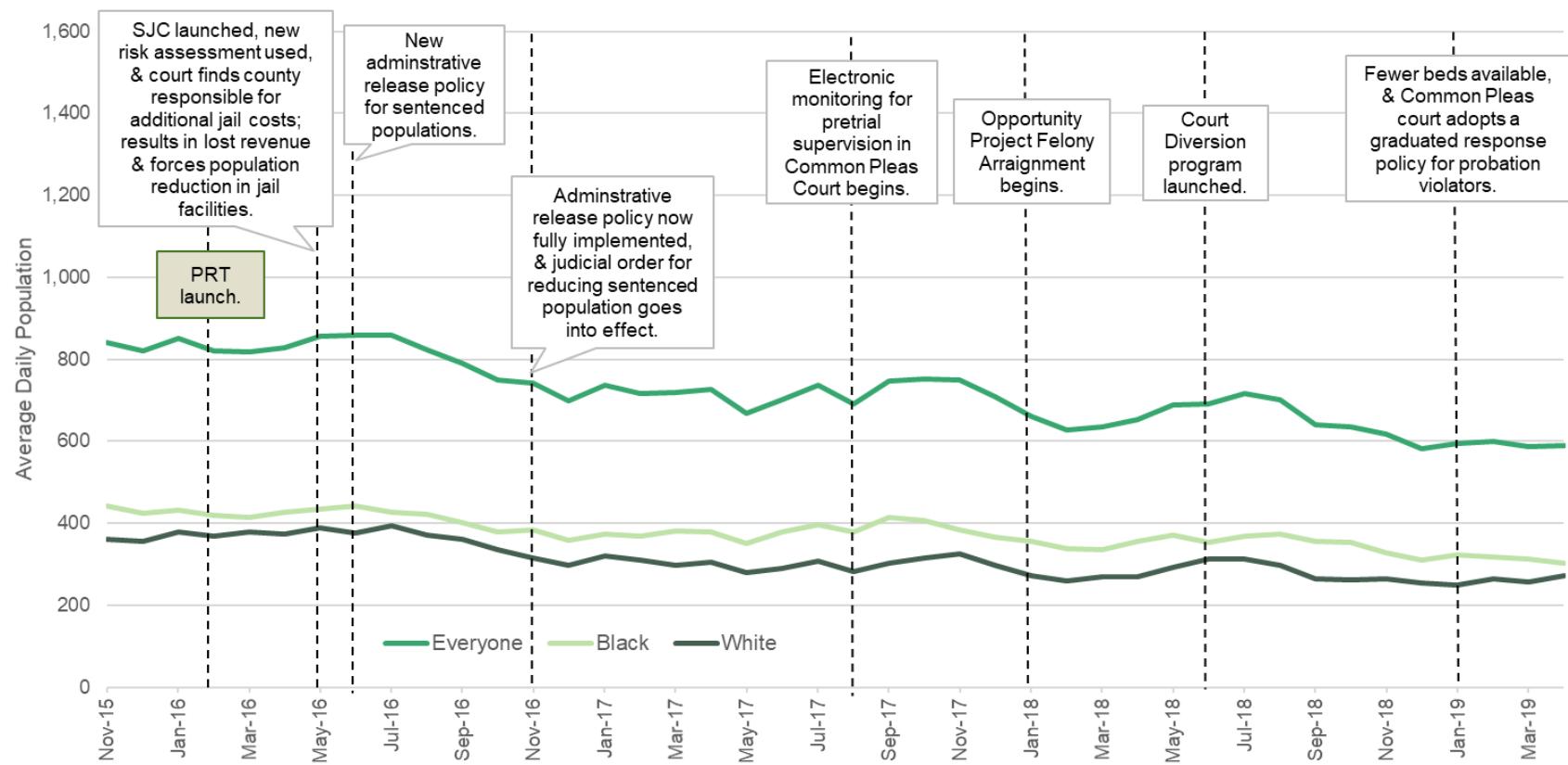
Jail Population Trends

The jail population over time provides important context for understanding the impact of the PRT at each site. That is, even a small decline following the introduction of the PRT may be notable in a site where jail populations were otherwise stagnant (or on the rise). Conversely, if jail populations were steadily declining prior to the PRT launch, attributing a continued downward trend to the PRT might overstate the impact of that singular strategy.

Accordingly, the figures below present the average daily populations across the three sites from November 2015 (pre-PRT) through March 2020 in Pima and St. Louis Counties, when jails across the country began to release record numbers of incarcerated individuals due to the COVID-19 pandemic. Daily jail population data was only available through April 2019 in Lucas County. Mapped onto the average daily jail population trends are noteworthy local events (both SJC-related and other) that might impact jail populations.

Lucas County:¹⁶ Lucas County saw a gradual decline in the average daily jail population between November 2015 and April 2019, as shown in Figure 1.1. (For context, the PRT was launched in early 2016.) Over this period, the average daily population dropped similarly for Black and White individuals. By April 2019, the decrease in the population of Black individuals in the jail was somewhat greater than the decline for White individuals; however, this difference was relatively small and not statistically significant.¹⁷

Figure 1.1. Average Daily Jail Population & Key Events in the Lucas County, OH SJC Initiative



Pima County: Figure 1.2 suggests a slow decline in the average daily jail population in Pima County between November 2015 and April 2019. A gradual increase coincided with the formal launch of the PRT in May 2019, with September 2019 populations at the highest levels since the SJC initiative began. The population remained at these relatively heightened levels until it dropped precipitously with the onset of the COVID-19 pandemic.

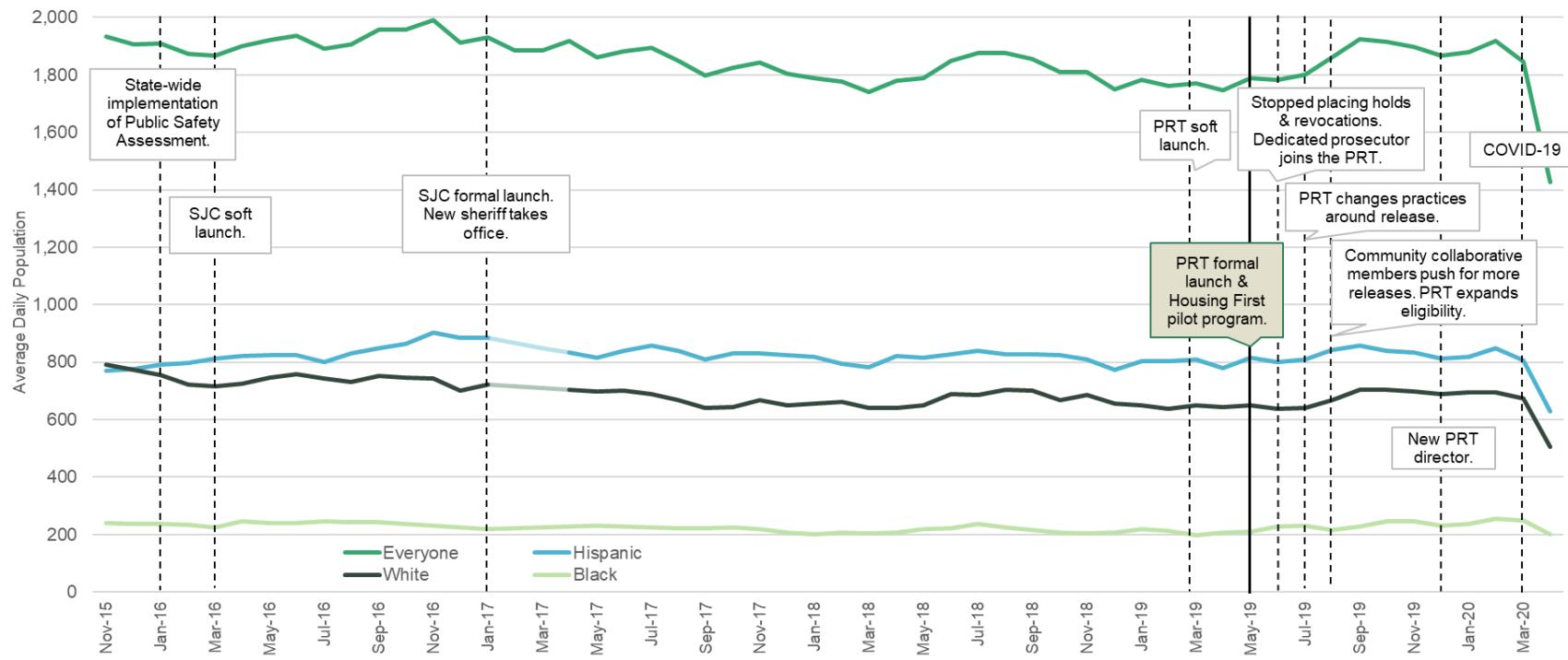
Between November 2015 and April 2020, Latinx individuals became a significantly larger proportion of the jail population relative to White individuals, illustrating that disparities can increase even when the overall jail population decreases.¹⁸ From November 2015 until the onset of the pandemic, the number of White individuals incarcerated shrank, while the number of Latinx individuals grew slightly; they then decreased at similar rates at the onset of the pandemic. When compared to the overall population (Table 1.1), Latinx individuals are overrepresented in the jail population, representing 41-46% of the jail population during this period (versus 36% of the total population of Pima County).

Although there was no significant difference in the incarceration trends of Black individuals when compared with White and Latinx individuals from November 2015 until the beginning of the pandemic, by April 2020, the number of White individuals in the jail had decreased more dramatically than the number of Black individuals over the same period.¹⁹ Moreover, across this period, Black individuals made up 11-14% of the jail population, despite only accounting for 5% of the general population in Pima County.

St. Louis:²⁰ In St. Louis County, the average daily jail population gradually increased from November 2015 until September 2017, after which it dropped 30% by October 2019. When the pandemic began, the population initially dropped, but appeared to be rebounding by the following month. Generally, jail populations have continued to decline since the PRT began in August 2018, though it is worth noting that there were other policy changes occurring during this time period, so declines cannot be attributed solely to the PRT.

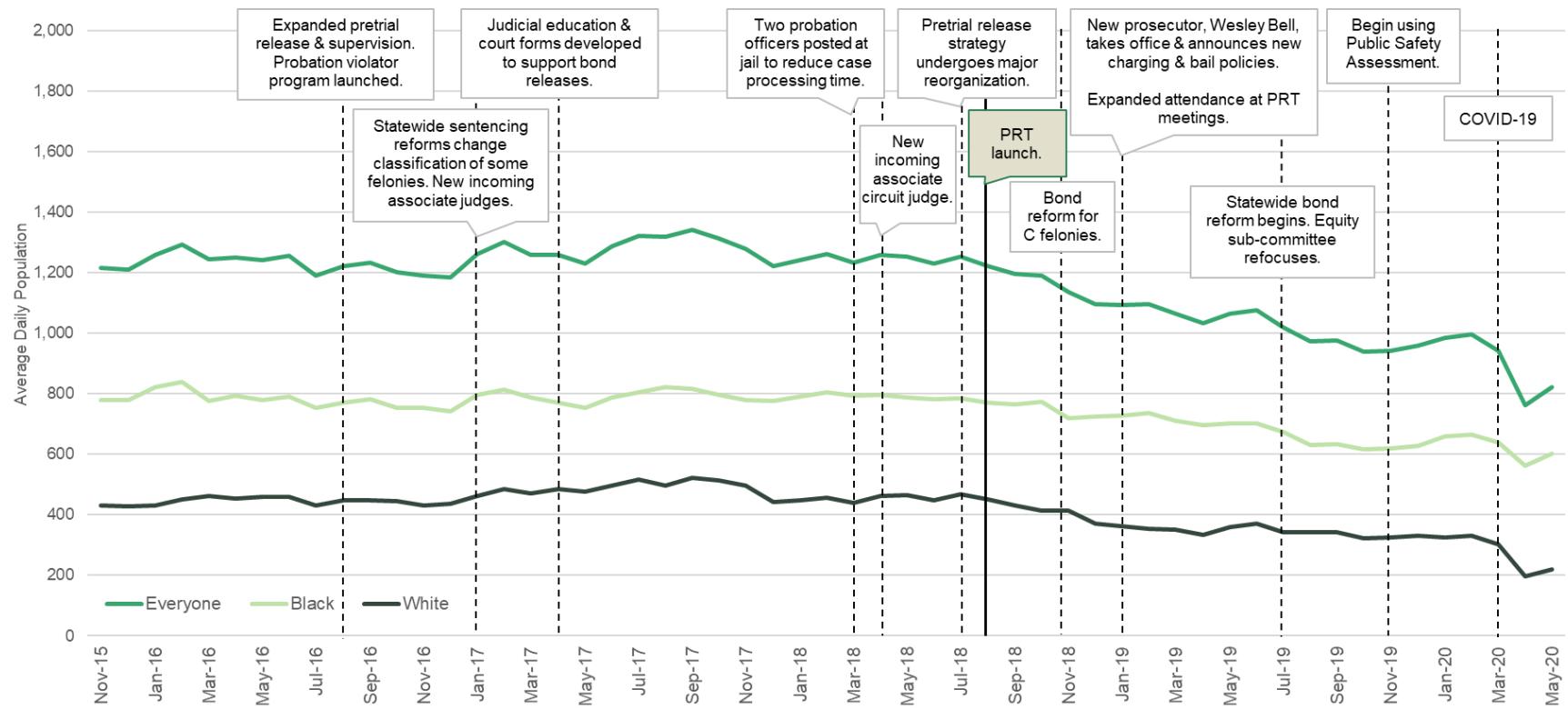
Over the entire period, the decrease in the number of White individuals in the jail was significantly greater than the decrease in the number of Black individuals in the jail, contributing to an even greater increase in the racial disparity.²¹ This trend was exacerbated by both the pre-October 2019 reduction and the COVID-19 population reduction. Across the timespan, Black individuals were overrepresented in the jail population, comprising 61-74% of those incarcerated (versus 26% of the total county population).

Figure 1.2. Average Daily Jail Population & Key Events in the Pima County, AZ SJC Initiative



Notes: Data for racial breakdowns between February 2017 and April 2017 was not available, so we used Microsoft Excel's "fill series" function to interpolate the missing values with a linear trend. Pima County also tracks the number of Native Americans incarcerated in local jails; however, those numbers are very small and difficult to read on the scale of this figure.

Figure 1.3. Average Daily Jail Population & Key Events in the St. Louis County, MO SJC Initiative



Chapter 2

The PRT Model

PRT START DATES

Lucas County: Feb. 2016

Pima County: May 2019

St. Louis County: Sept. 2018

The jail Population Review Team (PRT) is a targeted jail population reduction effort that uses data to drive decision-making. These teams seek to better understand jail populations through ongoing data review and use this information to expedite case processing, reduce pretrial length of stay, and shrink overall jail populations. The jail PRT model is not universal; sites adopted a specific structure and practices based on local

goals.²² For instance, the Lucas and St. Louis County PRTs prioritize expediting case processing and moving cases toward disposition, while the Pima County PRT places greater emphasis on getting individuals out of detention earlier.

While the exact structure varies between sites, PRTs all draw on a collaborative group of stakeholders from across the criminal legal system to review and make decisions about ongoing detained cases. The teams across the three study sites generally include a PRT coordinator, data analyst, and representatives from the prosecutor's and public defender's offices, pretrial service agency, law enforcement, the jail, and relevant service provider agencies. The team in Pima County also includes justice-involved community members, with the intent of fostering more personal understandings of the hardships associated with incarceration and reentry (e.g., job loss, difficulty accessing services). Site representatives we spoke with cited the collaborative effort as an asset of this approach, noting that regular PRT meetings create a space for cross-agency engagement and for building relationships that facilitate ongoing openness and communication both within and beyond the PRT.

In general, like other aspects of the Safety and Justice Challenge, the PRTs rely on ongoing data review to drive decision making. At the start of observed PRT

PRT STEPS DEFINED

Eligibility. Case meets the site's criteria for PRT review

Review. PRT considers the case

Recommendation. PRT recommends the case for action

Release. Case is released through the PRT

sessions in two of the three sites, a team member began by presenting updated data reflecting jail trends—for instance, how many individuals are currently sitting in jail and the amount of time they have spent there, as well as a breakdown of race/ethnicity and charge characteristics of the current jail population. In this way, the teams keep a continuous eye toward where they might target efforts to reduce the jail population.

The teams in the three study sites conduct a weekly review of cases. Across the sites, there are four general steps through which cases progress through the PRT: eligibility, review, recommendation, and release. The PRT steps do not align perfectly; some sites have additional intermediary steps (described below).

Eligibility

Eligibility Criteria

The PRT process serves to expand pretrial release, facilitate bond modifications, and expedite case processing. Each site sets criteria for which cases and individuals will be eligible for PRT review. These criteria are typically determined by members of the collaborative—principally, the prosecutor and public defender—with members of the judiciary. In general, eligible charges in each site represent the most severe cases that this group could agree upon considering for release; violent felonies were categorically excluded from initial eligibility criteria in these sites. Race was not included as a factor informing eligibility in any of the three sites.

Current charges are a primary factor in determining PRT eligibility. Interviewees often described charge categories that are generally eligible (e.g., nonviolent felonies without an individual victim, drug charges), a list of specific ineligible offenses or offense categories, and a gray area of other charges that are decided on an as-needed basis. While representatives from each site described broad charge criteria for eligibility, they were not always able to pin down a list of specifically eligible penal code statutes. Eligibility criteria is not static; it changes over time in response to changing jail populations and ongoing discussion among members of the collaborative. For instance, the St. Louis County PRT initially targeted C-, D-, and E-level felonies where the individual had been in jail for at least 100 days. Over time, fewer of these cases were available for review (as they were addressed in earlier PRT meetings or by other jail reduction strategies). The team then shifted to eliminate the time window; by the time of our interviews, they had begun to accept some B-level felonies and were considering adding select violent felonies to the eligible charge list.

The quantitative data analyzed in this report come from a period in which violent charges and domestic violence²³ were ineligible across the three PRTs. In two sites (Pima and St. Louis Counties), the PRTs primarily review those facing felony cases. In contrast, review of jail data in Lucas County revealed an idiosyncrasy in the jail population: the two-tiered court system in that site resulted in numerous cases where, despite being eligible for release on felony charges (e.g., via release on bond or resolution of charges), individuals remained in jail on concurrent misdemeanor charges. While this was the original rationale for including misdemeanors in the PRT, the site ultimately decided to include a variety of misdemeanor cases, including those with no overlapping felony charge. In fact, the top charge was a misdemeanor in nearly half (48%) of eligible cases in Lucas County during the study period.

Other eligibility considerations include whether the individual has any holds—for instance, for cases in other jurisdictions or if the current charge represents a violation of probation. Finally, in two of the study sites, eligibility is time-bound. In Pima County, the PRT targets individuals who have been in jail between 10 and 40 days. At the low end, this precludes spending PRT resources on cases that will be quickly released through some other mechanism; at the high end, this prevents the PRT from overruling judicial decisions made at the initial case conferencing appearance. In St. Louis County, the PRT generally targets individuals who have been in jail for at least a week.

Eligibility Process

For each site, the process for determining eligibility is different. In Pima and Lucas Counties, an administrator runs an automated computer program to identify potentially eligible cases in the jail data. In St. Louis County, no formal list of eligible participants is created or preserved. (However, there are eligibility criteria from which people are later selected for review; the eligibility step is just not formally documented.) Based on the eligibility criteria shared by the PRT administrators (and described above), we created a list of eligible individuals.

Review

Not all eligible cases advance to PRT review. Instead, a second step involves a review of “eligible cases” to determine which will, in fact, receive consideration.

In each site, one or two team members decide which individuals will proceed to the next step. In St. Louis County, a data analyst makes these decisions. In Lucas and Pima Counties,

the dedicated PRT prosecutor and public defender make the decision. In these sites, additional information available to the attorneys may not be available to the administrator who initially flags potentially eligible cases (e.g., concurrent cases or holds from other jurisdictions).

The criteria to be selected for review is less clear-cut than the formal eligibility criteria, with discretion of key decision makers driving review decisions. These individuals use additional case information available to them, including information about criminal history and holds (where people are detained because of a concurrent legal issue in the same or another jurisdiction). The PRT may also cap the number of cases to be reviewed based on time and resource constraints (e.g., a limit on the number of people that can be reviewed in one week). In general, these decision makers determine who will be reviewed.

In two sites, the administrator or analyst distributes the final review list of formally eligible individuals to the PRT members prior to the meeting. In Pima County, this represents the final list of cases to be reviewed at the meeting. In St. Louis County, some cases on this list will be addressed prior to the meeting (e.g., the PRT prosecutor and defense attorney may quickly come to an agreement over email). Where cases are resolved prior to the team meeting, they will be excluded from the final review list.²⁴ In Lucas County, the team determines the final review list *during* the PRT meeting itself. Led by the prosecutor and the public defender, the group scans the complete list of eligible cases and identifies which will be reviewed.

Recommendation

At the PRT meeting, the group reviews the final list of cases one by one. Reviews are typically short (less than five minutes) but can vary widely based on the case. The number of cases reviewed also varies based on the make-up of the current jail population and the age of the PRT (when a PRT begins they have a larger backlog of cases to review). The number of cases reviewed in a single PRT session may be as few as one or as many as 44. Team members have access to a document with comprehensive information on the charges in each case. Site representatives report that they consider not only the specifics of the current case and charges, but criminal history, barriers to release (e.g., homelessness, service needs), alternatives to jail (e.g., supervised release), and community programs available. Members may have special insights due to their position. For instance, the prosecutor's representative may have information on prior relevant charges, defense may be able to provide insights into individuals' family and community supports, jail representatives may report on relevant

holds that may have been missed, as well as concerns about behavior or needs while incarcerated, and service providers may have information on the availability of relevant services (e.g., treatment beds). PRT members share their positions, concerns, and offers for a case resolution.

Following the presentation of each case, team members discuss their recommendation for next steps; members may negotiate terms and conditions in search of a consensus. In some sites, designated key decision makers must universally agree before the PRT will advance a recommendation for release. For example, both the prosecutor and the public defender must sign off for a recommendation to move forward in Pima County.

Potential release recommendations include those with or without conditions, including release on own recognizance, release to supervision, release with credit for time served, lower bond, or a plea offer. Other recommendations include continued detention, reach-in services, continuation until the next PRT date, dismissal, and expedited decision making. In Lucas and St. Louis Counties, it is noteworthy that release is not always the explicit goal of a recommendation; moving a case towards disposition is the primary goal.

Release

In the final step of the PRT process, a detained individual will either be released or continue to be detained. Table 2.1 represents characteristics of the population eventually released by the PRT, along with characteristics of the overall jail population.

Table 2.1. Characteristics of the Total Jail & PRT Released Populations¹

	Lucas County		Pima County		St. Louis County ²	
	Total Jail Population	PRT Release	Total Jail Population	PRT Release	Total Jail Population	PRT Release
Average Age (years)			35.01	35.04	34.76	36.31
% Male			74%	76%	74%	65%
Felony Charge			47%	100%	51%	100%
Race/Ethnicity ³						
Black	49%	54%	11%	12%	55%	45%
White	44%	43%	40%	43%	45%	55%
Hispanic/Latinx	2%	3%	42%	39%		N/A
Native American	<1%	-	6%	5%		

¹ The total jail population includes the total number of bookings during the full study period.

² In St. Louis County, data does not allow us to determine which cases are released directly as a result of the PRT; cases included left the county jail within eight weeks of PRT review.

³ In St. Louis County, race data includes only Black or white; no additional race/ethnicity categories are available.

In Lucas and St. Louis Counties, a PRT member must take a step to implement a recommendation for release. In Lucas, the public defender typically identifies cases for early release and then the prosecutor makes an offer; once the offer is accepted, the individual is typically brought back to court within a day. In St. Louis County, the data does not make it possible to determine whether a release was a direct result of the PRT recommendation. For purposes of this study, in St. Louis County we have operationalized PRT release as leaving the jail within two months of PRT review based on examination of the data and feedback from site representatives.

In Pima County, the PRT forwards their recommendation to the court; once the court signs off on the release, the jail is notified. In this site, nearly all cases recommended are subsequently released from jail through the PRT (97%).²⁵ Stakeholders reported that judicial discretion explains the small handful of recommended Pima cases that are not released. Typically, once the Pima County PRT has made the decision to release and the court has approved, the individual is released within 24 hours. If a release decision occurs on Friday, individuals who will be released into treatment or other need-based housing may necessarily be held over the weekend, to ensure that they are able to access stable housing and services immediately upon release.

Chapter 3

Research Findings

The impact analyses examined the four primary points through which individuals progress through the PRT process—that is, the steps at which some people advance closer to release, while others are removed from the process. At each step—eligibility, PRT review, PRT recommendation, and actual release—we look at the proportion of people who advance to the subsequent step and whether progression varies based on race or ethnicity.²⁶ We then examine the cumulative effects of the PRT process on the jail population. While not all sites have identical steps, we have grouped together analogous steps and note unique site processes where relevant. The chapter concludes with a brief discussion of significant findings, including possible explanations for the findings put forward by site representatives based on their understanding of the local context.

Impact on Jail Population at Each PRT Step

As described in the previous chapter, each site utilizes some eligibility criteria to designate which cases could be considered for the PRT, yet these eligibility criteria are not always fixed and typically change over time.²⁷

Eligibility & Review

In Lucas and Pima Counties, the sites provided (via ISLG) lists of individuals who PRT administrators flagged as eligible. In St. Louis County, we used available data to generate a list of eligible individuals by selecting those who met the eligibility criteria described by the PRT administrators and outlined in the previous chapter. We also excluded cases that were “effectively ineligible” (e.g., in St. Louis, misdemeanors were technically eligible, but the PRT rarely reviewed them in practice; despite being technically ineligible, the Pima PRT reviewed a couple of cases with domestic violence charges).²⁸ The total jail populations included in Figure 3.1 represents the *total* number of individuals booked into the jail during the study period.

As seen in Figure 3.1, 3% of the Pima and 7% of the St. Louis County jail populations were eligible for PRT review, while half of the Lucas jail population was eligible. The far higher

Figure 3.1.
Percent of Total Jail Population Deemed PRT Eligible

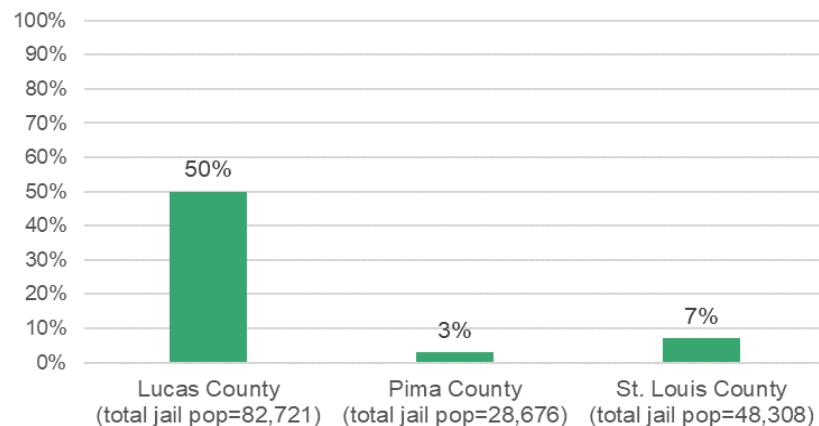


Figure 3.2. Percent of Eligible Cases Reviewed for PRT

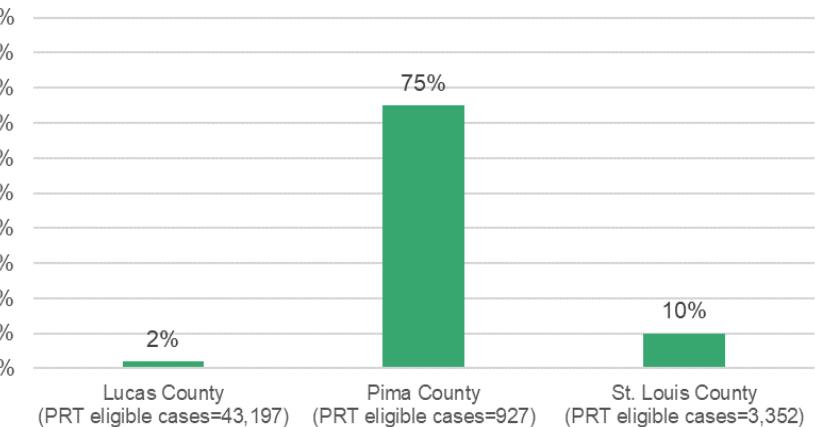


Figure 3.3. Percent of Cases Reviewed that Get a PRT Recommendation

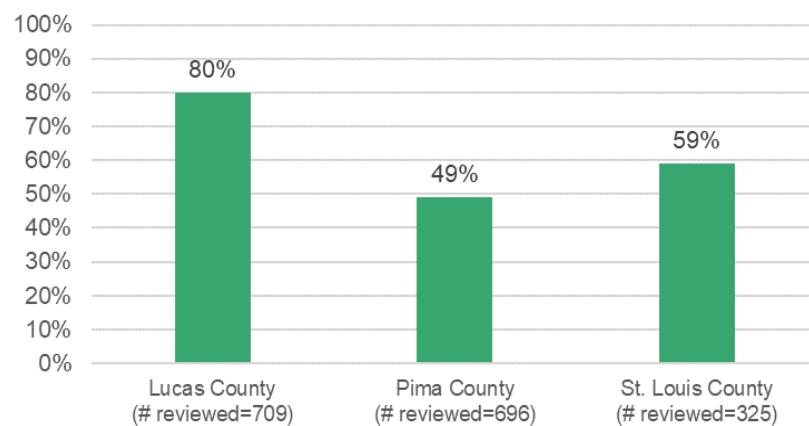
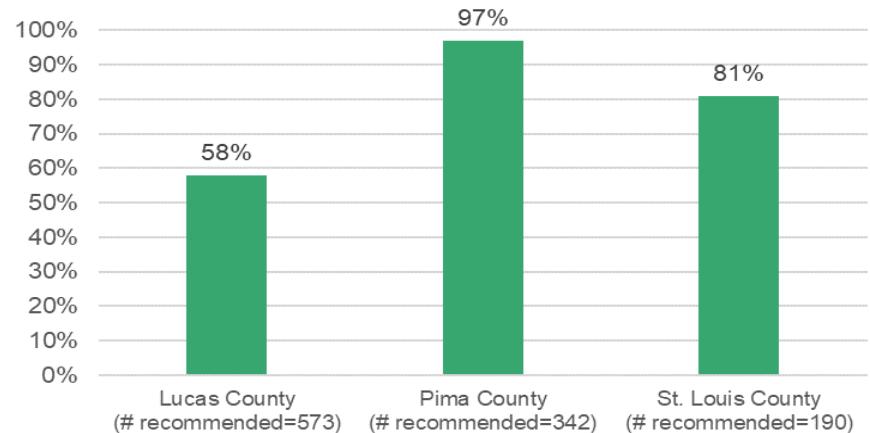


Figure 3.4. Percent of Recommended Cases Released



eligibility rate in Lucas is due to the inclusion of misdemeanors in this site's PRT. Although Lucas' PRT is less restrictive in its eligibility criteria, it is more exclusive at the review stage and selects just 2% of eligible cases for review (Figure 3.2). In Pima, a large majority of those who meet more restrictive eligibility criteria go on to be reviewed (75%). The St. Louis County PRT ultimately reviews 10% of their eligible cases.

Recommendation

The PRT makes a formal recommendation (e.g., reduced bail, pretrial supervision, plea deal, dismissal) for a portion of those cases they review. Cases that do not receive a recommendation may be revisited during a future PRT session or may return to traditional case processing. Once cases reach the threshold of review, higher proportions generally proceed to the subsequent steps in the PRT process (Figure 3.3). The PRT makes official recommendations in 99% of reviewed cases in Lucas, 49% in Pima, and 59% in St. Louis County. In Lucas County, because eligible cases are selected for review *during* the PRT meeting, nearly all those selected for review receive a formal PRT recommendation.

Release

The final step in the PRT process is release from incarceration. In Lucas, the PRT secures release in 46% of cases that receive a PRT recommendation (see Figure 3.4). In Pima, this final step is mostly a technicality, with judges releasing nearly all cases (97%) who are recommended for it; according to site representatives, the small number of recommended cases that are not released are held at the discretion of the judge. The St. Louis County data does not allow us to distinguish which cases are released directly as a result of the PRT, but 81% of cases receiving a PRT recommendation leave the county jail within eight weeks of PRT review. The difference in release rates across the sites may reflect differing goals; moving cases along toward disposition is the primary goal of the PRT in Lucas and St. Louis Counties, while release is the primary goal in Pima.

Impact on Disparities at Each PRT Step

At any of the four PRT steps, existent racial disparities may be exacerbated, reduced, or unaffected based on the guidelines and rules governing how the step is implemented and the decisions stakeholders make to advance individuals to the next stage.

Eligibility

The criteria determining eligibility for review may potentially impact racial disparities in who is considered by the PRT if eligible charges are disproportionately concentrated among individuals of some racial/ethnic populations. In St. Louis County, Black individuals were slightly less likely than White individuals to be eligible for PRT review (6% vs. 8%). In contrast, Black individuals in Lucas and Pima Counties were slightly *more* likely than other jailed individuals to be eligible for review (52% vs. 49% in Lucas; 4% vs. 3% in Pima). All of these differences were statistically significant.

Review

In Lucas and St. Louis Counties, we saw no meaningful differences in the proportion of Black and White eligible individuals reviewed by the PRT. In Pima, the PRT reviewed 69% of eligible Black individuals, compared with 77% of eligible White individuals and 75% of Latinx individuals. However, the number of Black individuals eligible for review in Pima is so small (125) that we cannot conclude with statistical certainty that differences have not occurred by chance.

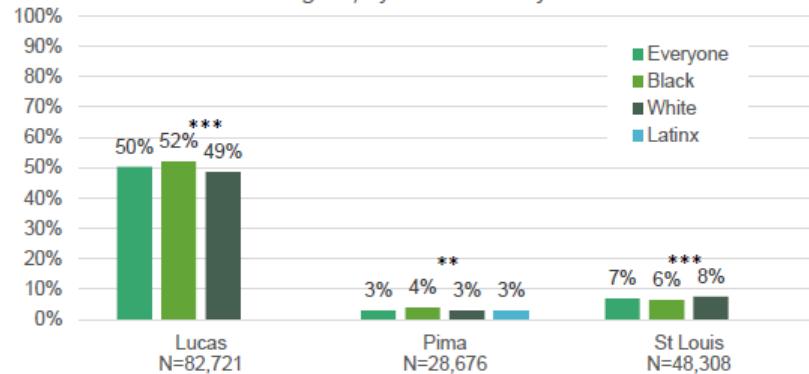
Recommendation

During the PRT review, the team selects a subset of cases for which they recommend an action. In many instances, the recommended action is release; in others, it might be a bond modification, an offer of diversion, follow-up by the respective attorneys, plea recommendations, advancing a court date, or others. In Lucas and Pima Counties, there were no significant differences in the likelihood of receiving a recommendation based on race; in Pima, recommendations were universally release recommendations, while in Lucas, they included an array of recommendation options. In St. Louis County, the PRT was 30% more likely give a recommendation for White than Black individuals (66% vs. 51%) after a review. This difference continued to be significant after controlling for other relevant variables.²⁹

Release

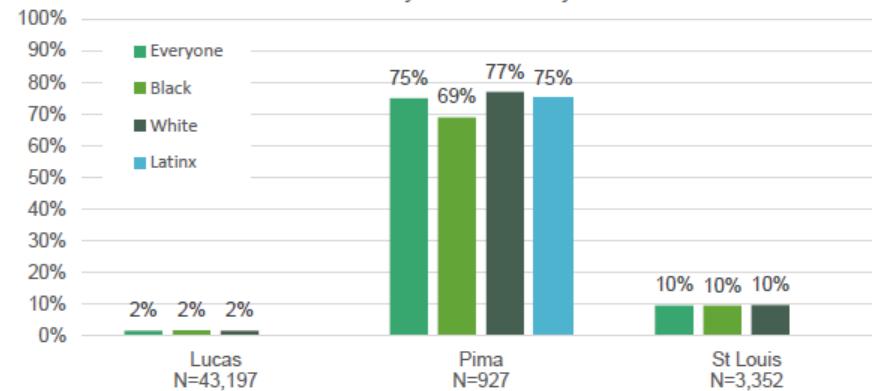
Following a PRT recommendation, there were not significantly different rates of actual release based on race. In St. Louis, Black individuals appeared somewhat more likely to be released within eight weeks than White individuals, but this difference did not reach statistical significance.

Figure 3.5. Percent of Total Jail Population Deemed PRT Eligible, by Race/Ethnicity



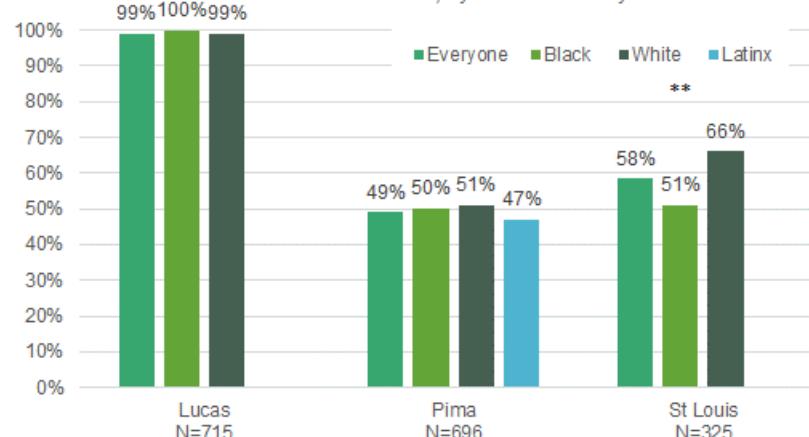
***p<.001 **p<.01 *p<.05

Figure 3.6. Percent of Eligible Cases Reviewed for PRT, by Race/Ethnicity



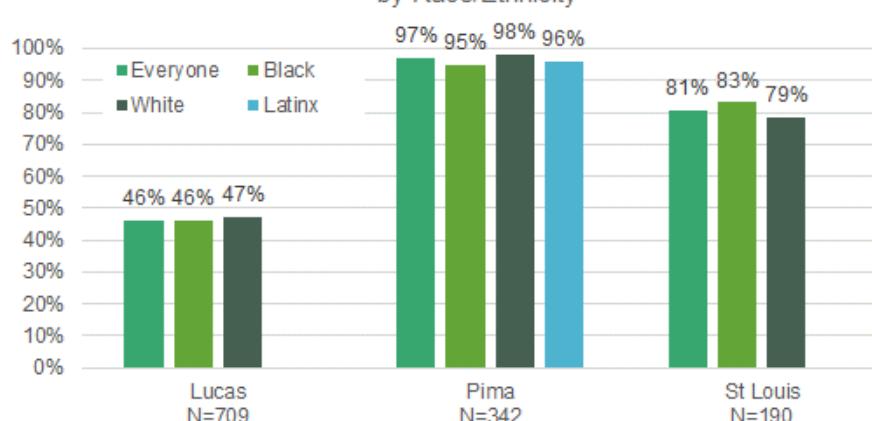
***p<.001 **p<.01 *p<.05

Figure 3.7. Percent of Cases Reviewed that Get a PRT Recommendation, by Race/Ethnicity



***p<.001 **p<.01 *p<.05

Figure 3.8. Percent of Recommended Cases Released, by Race/Ethnicity



***p<.001 **p<.01 *p<.05

Cumulative Impact of the PRT Process

Ultimately, each of the PRTs we examined resulted in the release of a small proportion of the total jail population during the study period. Just 0.4% of the total jail population in Lucas, 1.2% in Pima, and 0.3% in St. Louis County were released following a PRT recommendation. Despite representing a tiny proportion of the overall jail population, these small percentages represent more than 800 individuals across the three sites who might have remained in jail for considerably longer without the efforts of the PRT.³⁰

The impact of PRTs is not only measured by the number of people released through the process. For example, some PRT recommendations are aimed at reducing case delay or helping individuals access resources. The PRT can also have a broader impact on the local criminal legal system, as is discussed in greater detail in Chapter 4.

In terms of disparate PRT impacts by race, there were no notable differences in Lucas or Pima Counties. In St. Louis County, White individuals were more likely to be released than Black individuals following PRT eligibility, review, and recommendation (0.4% vs. 0.3%).³¹ Although the number of people released through the PRT is small, this means that in St. Louis County, White individuals are about 1.5 times more likely than Black individuals to be released through the PRT process. However, once we control for other variables that may affect release,³² the difference in release rates for Black and White individuals in St. Louis County is no longer significant. This suggests that other variables, specifically age and charge type, are predicting which cases are released through the PRT.³³ In other words, because the White individuals in the jail population are generally older and charged with different crimes than Black individuals, White individuals are also more likely to be released through the PRT.

Drug Charges and Race

In both Pima and St. Louis Counties, Black individuals charged with drug crimes were released through the PRT at different rates than White individuals facing similar charges. In Pima, Black individuals charged with drug crimes were twice as likely as White individuals similarly charged to be released through the PRT.³⁴ In contrast, White individuals charged with drug crimes in St. Louis County were 1.8 times as likely as similarly charged Black individuals to be released through the PRT.³⁵

Discussion

In both **Lucas and Pima Counties**, we found that **Black individuals were slightly more likely to be eligible** for the PRT; however, this was not enough to ultimately reduce their over-representation in the jail population. In both instances, the lack of sustained significant differences by race suggests that, absent policies specifically targeting racial disparities, inequality is unlikely to be mitigated by the PRTs. In Pima County, regression results suggest that drug charges are driving the race-related findings; those individuals with any non-marijuana drug charges are more likely to be PRT eligible and Black individuals are significantly more likely to face such charges. In Lucas, the difference in eligibility similarly appears to be driven by specific charges, with robbery/burglary charges more likely to be eligible, and Black individuals more likely than White individuals to have robbery/burglary charges as their top charge.

Only in **St. Louis County** were significant racial differences sustained across the PRT process. However, rather than *reduced* racial and ethnic disparities, results indicate an *increase* in racial and ethnic disparities, where **Black individuals were less likely** than White individuals **to be either PRT eligible or recommended for release**. In combination, this results in White individuals disproportionately benefitting from the PRT process. Charging decisions may provide one explanation for the eligibility disparity. Further analyses suggest that Black individuals facing drug charges were less likely to be eligible for the PRT than White individuals facing drug charges. A member of the St. Louis County PRT also shared another scenario where charging decisions may affect eligibility. Their PRT commonly reviews cases involving a bicycle stolen from a residential garage, which might result in either a burglary charge or a more serious home invasion charge. If it is charged as the former, it is PRT eligible, but if it is charged as the latter, it is not. If up-charging to home invasion—or other comparable charging practices—is more likely to happen to Black individuals, this may explain the reduced PRT eligibility of Black individuals. Recently, St. Louis has expanded to include some more serious felony charges in the PRT review. If disparities in charging practices are driving eligibility disparities, such modifications to eligibility criteria could begin to mitigate these differences.

Theorizing why Black individuals were less likely to be *recommended* by the St. Louis County PRT, the site representative suggested one possible explanation—a tendency to impose mandatory (jail-based) treatment for Black individuals with substance use histories. Such a “carceral care” approach, combined with background differences in criminal and warrant history (not included in our analyses) may offer some explanation for the observed

differences in recommendations. Additional analyses can provide some credence to this theory; White individuals facing drug charges were significantly more likely to be recommended by the St. Louis PRT than Black individuals with similar charges.

Chapter 4

Conclusion & Recommendations

Although the models described in this study were not originally intended to reduce racial and ethnic disparities, Population Review Teams provide a plausible mechanism to do so. These initiatives bring together stakeholders from across the criminal legal system to take a post hoc look at who is incarcerated in the local jails but could be released into the community with minimal risk to public safety. Each step of the PRT represents another decision point at which racial disparities could potentially be reduced (or exacerbated). Although the SJC and these sites have since increased their focus on reducing racial disparities, at the time this data was collected, the PRT process was not realizing this goal—nor did planners of the PRTs inform eligibility at the outset with an explicit aim of reducing disparities. Our findings fall into three primary areas.

- **Reducing Racial Disparities** Together, the findings and observations across the three sites suggest that a jail reduction strategy is unlikely to reduce racial disparities if the strategy does not intentionally consider race when developing program policies. Such an approach does not account for the increased contact with the criminal legal system experienced by people of color³⁶ or for the diminished ability to pay bail faced by Black and brown individuals who have less family wealth available to them.³⁷
- **Reducing Overall Jail Populations** In addition, the PRTs included here impacted a small percentage of the overall jail population. Efforts that rely primarily on case-by-case reviews are likely to have difficulty making extensive reductions when there are hundreds or thousands of incarcerated people that may well merit such review. However, the impact felt by the individuals who are ultimately released through the PRT processes should not be understated.
- **A Collaborative Model** When considered as a supplement to other local efforts or as a driver of broad policy change, the PRT model does show promise in terms of building collaboration, engaging local stakeholders across the system in meaningful discussion about addressing overreliance on the use of jail, and shining a light on potential areas for focusing future efforts.

The following three recommendations stem from the study findings and offer suggestions for PRTs to maximize their efforts to shrink the jail population and reduce racial disparities. In addition to three primary recommendations, we offer concrete action steps for sites hoping to implement these recommendations.

- 1. Draw on PRTs as a foundation for collaboration.** One of the most notable strengths of PRTs is the way they bring together stakeholders from across agencies to speak with one another and make collaborative decisions. Across the three sites, the PRTs included a diverse group of players. While some agencies may be key decision makers (e.g., prosecutors, public defenders), the conversations during the observed PRT sessions were inclusive and drew on the expertise and knowledge of the full array of PRT members. Although the PRT conversations are structured around reviewing cases for potential release, these collaborative gatherings also serve several broader purposes:
 - **Engage in Collective Problem Solving:** PRTs provide stakeholders with insight into how other decision makers are thinking and what other agencies prioritize. Brought together in a common session (in-person or via video conference), members of the PRT are able to quickly solve problems, respond to others' concerns, and make connections—things that would take much longer through traditional methods. For example, during an observed PRT in St. Louis County, some individuals held in the jail had been scheduled to be released with a “bond sponsor,” but the sponsor failed to appear. The PRT arranged to have someone call to check in with the sponsor to facilitate timely release.
 - **Inform Decisions with Ongoing Data Review:** PRT members typically review jail population trend data at each meeting. This provides them with an overview of what is happening in the jails and supports them in their decision-making both in and beyond the PRT. For instance, sites may examine the current charge composition of those held in jail and reflect on whether any of the prevalent charges might be suitable targets for future expedited case processing or PRT review.
 - **Explore Avenues for Innovation:** Beyond the standard review process, the PRT also paves the way for other responsive initiatives. For example, when COVID-19 spread through the jails, the PRTs quickly pivoted to expedite reviews and make broader release decisions. In St. Louis County, about once a month the PRT tables regular review and convenes an Equity Committee (with similar members to the PRT) to discuss disparities in the jail.

2. Carefully consider who is eligible and reviewed by the PRT. All sites have limitations on their capacity and may have to make difficult decisions about which cases to include in the PRT based on resource limitations. Even sites with the capacity to accommodate all cases that might be appropriate for early release can benefit from transparent and intentional selection criteria.

- **Explicitly Prioritize Racial Disparities:** As discussed above, policies that do not explicitly consider race do not reduce racial disparities; a rising tide does not lift all boats. Instead, if sites want to use the PRT as a mechanism to reduce racial disparities, this goal must be made explicit. Either race must be one consideration when deciding who is eligible and reviewed, or eligibility and review criteria must intentionally make it more likely that people of color will be included. For example, if a bicycle theft results in more home invasion charges for Black individuals, then home invasion could be added to the list of eligible charges. The type of ongoing engagement with data that the PRTs are already engaged in will facilitate the ongoing reflection that such an approach would require.
- **Systematize Decision Making:** In every site we studied, there is a decision point where a portion of individuals who meet the eligibility criteria are selected for review, while others are not. In some instances, it seems that such decisions are made based on fairly standard criteria that are simply not available in the jail data. For instance, in Pima, some types of holds render individuals ineligible for the PRT, but that data is not always available to the jail population coordinator who runs the initial list of cases; it is not until the prosecutor's office sees the list that such cases are flagged as ineligible. In other cases, decisions appear to be made less systematically and without visibility. Numerous studies have documented the role of bias in exacerbating racial disparities in the criminal legal system.³⁸ Systematizing this step and reducing ad hoc decisions can help reduce the influence of bias in determining which cases are reviewed and who is ultimately released through the PRT.

3. Expand the reach of the PRT. Across sites, the PRTs had a small cumulative impact on overall jail populations. To increase the impact of the process, we recommend two strategies, which could be undertaken separately or as a multi-pronged approach.

- **Increase the Number of People Reviewed** Fewer than 2% of the jail population in each of the three counties included in the study was released through the PRT. The number of individuals released—and thus the impact of the PRT on the jail

population—could be increased through several mechanisms. Expanding eligibility criteria and advancing more eligible cases on to review would likely see a corresponding uptick across the process. For example, during an observation in Pima County, the team reviewed a list of individuals held on probation violations. While these individuals are not currently PRT eligible, the group was interested in exploring what PRT caseloads might look like and what concerns team members might voice if such cases were considered in the future. Similarly, team members in St. Louis County have begun to consider expanding eligibility to include some violent felony offenses. This type of expansion might necessitate additional resources—for instance, more staff to review the cases, more time for weekly PRT meetings, and more service connections for those released—but creative solutions may also be found, such as having reviews offline prior to the PRT meeting. Alternatively, if team members can come to an agreement that cases meeting certain criteria will *always* be eligible for release through the PRT, such cases could be immediately advanced to release, bypassing the review process and enabling sites to release more individuals without requiring additional staff time and resources for review.

- **Use the PRT Process to Drive Policy Change** To increase the impact of the PRT without necessarily funneling substantially more people through the process, the PRT process could be used as a tool and testing ground to inform broader release policies on an ongoing basis. For example, if most burglary cases where a bicycle stolen from a garage result in the PRT recommending pretrial supervision, pretrial supervision for such cases could become the de facto policy *in the first place*—potentially before pretrial detention ever happens. Once such a policy change has been adopted, PRT resources could be reserved for more complex cases. The ongoing data review in which the PRTs are already engaging can serve to continually inform such a strategy.

These recommendations and action steps can build upon the existing strengths of population review teams and further amplify their impact to directly address racial and ethnic disparities.

Endnotes

¹ Kang-Brown, Jacob, Chase Montagnet, & Jasmine Heiss. 2021. *People in Jail and Prison in 2020*. New York, NY: Vera Institute of Justice.

² Sawyer, Wendy & Peter Wagner. 2020. *Mass Incarceration: The Whole Pie*. Northampton, MA: The Sentencing Project. Accessed at <https://www.prisonpolicy.org/reports/pie2020.html>.

³ These numbers do not include the more than one million individuals sentences to longer stays in state or federal prison (1,430,200 at the end of 2019, Carson 2021) or the more than 4 million individuals released to community supervision (i.e., probation and parole, Oudekerk & Kaeble 2021). Zeng, Zhen & Todd D. Minton. 2021. “Jail Inmates in 2019.” *Bureau of Justice Statistics Bulletin* NCJ 255608. Washington, DC: US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Accessed at <https://bjs.ojp.gov/content/pub/pdf/ji19.pdf>.

⁴ Minton, Todd D., Zhen Zeng, & Laura M. Maruschak. 2021. “Impact of COVID-19 on the Local Jail Population, January-June 2020.” *Bureau of Justice Statistics Special Report* NCJ 255888. Washington, DC: US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Accessed at <https://bjs.ojp.gov/content/pub/pdf/iclpjj20.pdf>.

⁵ Zeng, Z. & T.D. Minton. 2021, Op Cit.

⁶ Kang-Brown, J., C. Montagnet, & Heiss. 2021, Op Cit.

⁷ Zeng, Z. & T.D. Minton. 2021, Op Cit.

⁸ US Federal Bureau of Investigation, Uniform Crime Report. 2020. *National Incident-Based Reporting System (NIBRS) Tables*. Clarksburg, WV: FBI Uniform Crime Reporting Program. Accessed at <https://crime-data-explorer.app.cloud.gov/pages/downloads>.

⁹ Race and ethnicity of those detained pretrial has not been tracked nationally since 2002. James, Doris J. 2004. “Profile of Jail Inmates, 2002.” *Bureau of Justice Statistics Special Report* NCJ 201932. Washington, DC: US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. Accessed at <https://bjs.ojp.gov/content/pub/pdf/pji02.pdf>. Sawyer, Wendy. 2019. *How Race Impacts Who is Detained Pretrial*. Northampton, MA: The Sentencing Project. Accessed at https://www.prisonpolicy.org/blog/2019/10/09/pretrial_race/.

¹⁰ Dobbie, Will, Jacob Goldin, & Crystal S. Yang. 2018. “The Effects of Pretrial Detention on Conviction, Future Crime, and Employment: Evidence from Randomly Assigned Judges.” *American Economic Review* 108(2):201-40.

¹¹ U.S. Sentencing Commission. 2017. *Demographic Differences in Sentencing: An Update to the 2012 Booker Report*. Washington, DC: United States Sentencing Commission. Accessed at <https://www.ussc.gov/research/research-reports/demographic-differences-sentencing>.

¹² Minton, T.D., Z. Zeng, & Maruschak. 2021. Op Cit.

¹³ For more information, visit <https://safetyandjusticechallenge.org>.

¹⁴ The local effort in Pima County is called a jail population review (JPR) committee, not a population review team. Despite this different moniker, the JPR closely resembles the other PRTs in form and function. For the purpose of streamlining the language and minimizing confusion, we are referring to all three efforts—including the Pima County JRP—as “PRTs” throughout this report.

¹⁵ To estimate who was in the jail population at the PRT start date, we picked a jail booking date cut-off in each site based on knowledge of each site’s PRT. The PRT start date, booking date cut-off, and end date for our sample in each site is as follows: Lucas County (Start Date: Feb. 1, 2016; Booking Cut-off:

January 1, 2016; End Date: April 30, 2020); Pima County (Start Date & Booking Cut-off: May 1, 2019; End Date: May 31, 2020); St. Louis County (Start Date: Sept. 1, 2018; Booking Cut-Off: Jan. 1, 2018; End Date: May 31, 2020).

The PRT start dates are: Lucas County, February 2016; Pima County, May 2019; and St. Louis County, August 2018. (April 30, 2020 in Lucas County and May 31, 2020 in Pima and St. Louis Counties).

¹⁶ Data on race in Lucas County is categorized as either Black or White. Latinx identity is not separated out. Those categorized as Black or White may identify as either Latinx or non-Latinx, but this is not reflected in the official data.

¹⁷ Comparing Nov. 2015 to Apr. 2019, $X^2(1)= 0.675$, *n.s.*

¹⁸ Comparing Nov. 2015 to Feb. 2020, $X^2(1)=9.778$, $p=.002$.

¹⁹ Comparing Nov. 2015 to Feb. 2020 was not significant. Comparing Nov. 2015 to Apr. 2020, $X^2(1)=6.079$, $p=.014$.

²⁰ St. Louis County tracks only two racial categories in its jail data: Black and White. There is no additional data indicating Latinx ethnicity. For a detailed description of the PRT model employed in St. Louis County and its impacts, see Huebner, B.M., T.S. Lentz, and M. Gibson. 2020. “Systematic Case Review Strategies: An Application for Jail Population Reduction.” *Justice Quarterly* 37(7):1261-1276. Available at <https://www.tandfonline.com/doi/full/10.1080/07418825.2020.1819384>.

²¹ Nov. 2015 to May. 2020, $X^2(1)= 17.926$, $p<.001$.

²² For additional background information on population review teams, see https://www.naco.org/sites/default/files/documents/Population-Review-Teams_0.pdf.

²³ In St. Louis County “domestic assault” cases, rather than domestic violence cases, are excluded.

²⁴ The lists of individuals who are sent to the PRT but are then resolved prior to the meeting are not preserved. Therefore, this step of the St. Louis PRT was not analyzed.

²⁵ In Pima County, team members create a placement plan prior to the physical release of the individual. Interviews with the incarcerated individual inform the plan and provide information on family support and housing. The plan is also often informed by local service providers, who can assist in locating treatment beds, emergency or halfway housing, and connections with other services.

²⁶ The specific groups isolated reflect the racial/ethnic composition of the jail population (as well as available data), rather than the general population of the sites.

²⁷ Each analysis in this section uses a sample that includes all individuals that qualified for the *previous* step in the PRT process.

²⁸ Those cases that did not meet the effective eligibility criteria but were still *actually* reviewed by the PRT in St. Louis County were excluded, and therefore do not appear in analyses of subsequent steps in the PRT process.

²⁹ This analysis was conducted using a logistic regression model, that included variables for race, gender, age (24 and under, 25 and older), top charge (personal, property, drug, other), and a variable indicating before or after January 2019 (a date when many changes occurred in St. Louis’s criminal legal system).

³⁰ Another way to examine the cumulative PRT impact would be to look at average length of stay in the jails. However, after careful consideration we determined there is no appropriate “matched comparison group.” Those released by the PRT are, by definition, determined to be different than those who are not, suggesting that there are not similar non-released individuals with whom to compare them.

³¹ Another way to examine the cumulative PRT impact would be to look at average length of stay in the jails. However, after careful consideration we determined there is no appropriate “matched comparison group.” Our sample includes everyone in the jail population between certain dates, leaving no one who was not subject to the PRT process.

³² This analysis was conducted using a logistic regression model, that included variables for race, gender, age (24 and under, 25 and older), top charge (personal, property, drug, other), the interaction between age and race, the interaction between top charge and race, and a variable indicating before or after January 2019 (a date when many changes occurred in St. Louis’s criminal legal system).

³³ People charged with drug and property crimes are more likely to be released through the PRT, as are people age 25 or older. Conducting chi-squared analyses, White people with drug charges and who are 25 and older do appear to be released through the PRT at greater rates than similar Black individuals, but when entered as an interaction in a logistic regression model, this does not rise to the level of statistical significance.

³⁴ In a logistic regression model controlling for age, gender, race, top charge, any drug charge, and bail greater than \$500, an interaction between drug charges and the race of Black individuals was significant.

³⁵ In a logistic regression model controlling for race, gender, age (24 and under, 25 and older), top charge (personal, property, drug, other), the interaction between age and race, and a variable indicating before or after January 2019 (a date when many changes occurred in St. Louis’s criminal legal system), the interaction between top charge and race was not statistically significant.

³⁶ Western, B., Davis, J., Ganter, F., & Smith, N. The cumulative risk of jail incarceration. *Proceedings of the National Academy of Sciences*, 118(16), 1-6.

³⁷ Bhutta, N., et al. 2020. “Changes in U.S. Family Finances from 2016 to 2019: Evidence from the Survey of Consumer Finances.” *Federal Reserve Bulletin* 106(5). Retrieved from <https://www.federalreserve.gov/publications/files/scf20.pdf>

³⁸ Arnold, D., W.S. Dobbie, & P. Hull. 2020. *Racial Discrimination in Bail Decisions*. NBER Working Paper 26999. Available at: https://www.nber.org/system/files/working_papers/w26999/w26999.pdf; Leslie, E. & N.G. Pope. 2017. “The Unintended Impact of Pretrial Detention on Case Outcomes: Evidence from New York City Arraignments.” *Journal of Law and Economics* 60:3: 529-557. Available at: http://www.econweb.umd.edu/~pope/pretrial_paper.pdf.



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