

# The Prevalence of Local Criminal Justice Practices

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**THE LOCAL CRIMINAL** justice system includes law enforcement agencies, prosecutors and defenders, courts, jails, and pretrial services and is the gateway to justice in the United States. On an average day, approximately 725,000 individuals are held in county or city jails, accounting for 1 in 3 individuals behind bars (Zeng, 2019; Bronson & Carson, 2019). While local jail and state prison populations have grown at similarly high rates over the last few decades, the relative impact of local jails has expanded enormously due to the large number of jail admissions—currently about 10.6 million admissions each year, which is more than 17 times the number of admissions to state and federal prisons (Zeng, 2019; Bronson & Carson, 2019).

To date, efforts to evaluate and improve criminal justice systems have concentrated on state and federal justice systems, but recent years have witnessed increasing interest in local criminal justice systems as critical points of intervention (Copp & Bales, 2018; John Jay College of Criminal Justice, 2015). Collaborative initiatives aimed at reducing the use of jails and improving the operation of local justice systems—including, for example, the MacArthur Foundation's Safety and Justice Challenge Initiative and Arnold Ventures'

National Partnership for Pretrial Justice—have spurred interest in local justice reform across the country, pushed pretrial reform to the forefront of criminal justice agendas, and generated growing support from policymakers, practitioners, and the general public (Doyle, Bains, & Hopkins, 2019; Horowitz, Schuster, & Catalano, 2018; PJI, 2018).

In spite of rising momentum for front-end improvements to local criminal justice systems, nationally representative data on the use of the large number of possible pretrial practices and policies across local jurisdictions have not been available. Instead, research to date has largely focused on a single practice (e.g., risk assessment) or domain (e.g., pretrial services programs). Moreover, small, non-representative samples and low response rates have muddied the interpretation of findings and have thus far precluded a rigorous national-level examination of the spread of local justice practices.

A limited body of literature examines the use of select, high-profile policing practices. In a report published in 2017, the Council of State Governments (CSG) presented the findings of a survey of officials in 50 states and 3 territories on mental health and crisis de-escalation training for law enforcement. The report found that almost all of the responding 42 states had codified standards for the provision of mental health and de-escalation training to local and state law enforcement (CSG, 2017). A nationally representative survey of 1,489

randomly selected local law enforcement agencies conducted in 2016 concluded that approximately 1 in 3 law enforcement agencies nationwide employ diversion practices, many of which are designed to divert juveniles, individuals with mental illnesses, and first-time offenders. The report further observed that larger agencies more commonly engage in diversion than their smaller counterparts (Tallon et al., 2016).

Interest in understanding pretrial reform—although recently gaining heightened urgency—has a lengthy history stretching back to an early National Institute of Justice study. This study was the first systematic effort to characterize pretrial processes through the examination of the pretrial experiences of 6,000 cases in twelve jurisdictions (Toborg, 1981). Subsequent studies have included efforts to broadly characterize the pretrial landscape (The Toborg study was followed by surveys of pretrial services programs in 1989, 2001, and 2009) (Segebarth, 1991; Clark & Henry, 2003; Pretrial Justice Institute, 2009); Vetter and Clark (2013) also conducted a survey to assess pretrial services in rural counties. Overall, study reports suggest that recommended practices, such as providing pretrial supervision and obtaining written consent to interview pretrial dependents, have risen significantly over the last few decades as pretrial services programs have grown in size and sophistication (Segebarth, 1991; Clark & Henry, 2003; PJI, 2009).

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In 2019, the Pretrial Justice Institute completed the most recent scan of pretrial practices across a sample of 91 jurisdictions. The sample was a combination of randomly sampled and convenience-sampled jurisdictions that reflected a mix of low-, medium-, and high-density jurisdictions. Results suggested that while some pretrial practices like the use of pretrial risk assessment tools and the provision of pretrial supervision have proliferated, others, such as pre-arrest or booking diversion and defendant contact with defense attorneys prior to first appearance hearings, are far less common; furthermore, low-density jurisdictions were less likely to have access to pretrial services (PJI, 2019).

Local diversion and problem-solving courts have also been the subject of surveys. A 2013 survey of 33 diversion programs and interventions highlighted common designs and approaches to diversion at three stages: arrest, pretrial/prosecution, and adjudication (Center for Health & Justice at TASC, 2013); other surveys have focused more narrowly on one of these stages, studying police-, pretrial-, or prosecutor-led diversion programs (Tallon, Labriola, & Spadafore, 2016; NAPSA, 2009; Lowry & Kerodal, 2019). Numerous studies have surveyed the use of problem-solving courts (e.g., drug court, mental health court, domestic violence court) and related practices in jurisdictions across the country (Farole et al., 2008; Strong & Kyckelhahn, 2016; Labriola et al., 2009; Marlowe et al., 2016). A handful of studies spotlight mental health and substance use screening and treatment practices in local jails (Taxman et al., 2007; AbuDagga et al., 2016), while another examines the role of jails in pretrial release (Ortiz, 2015).

While these studies offer valuable information about aspects of local justice pretrial practices, none have generated nationally representative estimates of the uptake of various pretrial practices across the spectrum of agencies involved in the management of pretrial justice. Results from the survey reported here seek to remedy this knowledge gap—reporting the results of a local criminal justice practices survey that was administered to multiple stakeholders in a nationally representative sample of United States counties. Sampling strata included four geographic regions and four population sizes, providing an opportunity to examine whether the use of practices varies across these strata. Results provide the most comprehensive portrait of local criminal justice system practices to date.

## Methods

### Sampling

United States counties with populations at or above 25,000 based on the 2013-2018 American Community Survey ( $n=1,600$ ) were eligible to be selected. Counties with populations below 25,000 were considered unlikely to have criminal justice systems large enough to justify their inclusion and were excluded from the sampling frame.

To ensure adequate coverage and representation, counties were stratified by population size and four geographical census regions. Four population size strata were defined: 500,001+, 250,001-500,000, 100,001-250,000, and 25,000-100,000. The four major U.S. Census Geographic regions (Northeast, South, Midwest, and West) were used for the geographic strata. Table 1 shows the sampling frame by strata, and Table 2 shows the

distribution of population by strata.

The sampling strategy balanced precision with resources available for conducting the survey. To ensure good coverage of the population in the sampling frame, the largest counties (those with over 500,000 population) were selected with certainty. We hypothesize that these counties ( $n=128$ ) are more likely to have the resources to implement practices and interventions than smaller counties. Resources available dictated a maximum of 400 to 500 counties in the final sample; therefore, in addition to the 128 largest counties sampled with certainty, 25 counties in the smaller three population strata from each of the four census regions were randomly selected, for a total of 428 U.S. counties. The sampled counties included 69 percent of the U.S. population that resides in counties with a population of at least 25,000 (Table 3).

**TABLE 1.**  
**Distribution of 1,600 U.S. Counties by Strata**  
**(excludes counties with population less than 25,000)**

Population Size Category	Geographic Region				Total
	Northeast	South	Midwest	West	
500,001+	34	40	22	32	128
250,001-500,000	27	52	27	27	133
100,001-250,000	49	140	88	40	317
25,000-100,000	92	505	315	110	1022
<b>Total</b>	<b>202</b>	<b>737</b>	<b>452</b>	<b>209</b>	<b>1600</b>

**TABLE 2.**  
**Distribution of Populations in 1,600 U.S. Counties by Strata**  
**(excludes counties with population less than 25,000)**

Population Size Category	Geographic Region				Total
	Northeast	South	Midwest	West	
500,001+	32,582,162	41,322,452	23,043,874	48,170,030	145,118,518
250,001-500,000	9,853,119	17,674,784	9,365,418	9,371,966	46,265,287
100,001-250,000	7,547,076	21,602,252	13,342,643	6,364,571	48,856,542
25,000-100,000	5,135,277	24,784,328	14,742,096	5,823,177	50,484,878
<b>Total</b>	<b>55,117,634</b>	<b>105,383,816</b>	<b>60,494,031</b>	<b>69,729,744</b>	<b>290,725,225</b>

**TABLE 3.**  
**Sample Population Counts (for 428 Sampled Counties)**

Population Size Category	Geographic Region				Total
	Northeast	South	Midwest	West	
500,001+	32,582,162	41,322,452	23,043,874	48,170,030	145,118,518
250,001-500,000	9,136,285	8,297,200	8,733,487	8,525,196	34,692,168
100,001-250,000	3,826,412	4,051,020	3,734,392	3,748,745	15,360,569
25,000-100,000	1,313,960	1,158,604	1,138,737	1,196,579	4,807,880
<b>Total</b>	<b>46,858,819</b>	<b>54,829,276</b>	<b>36,650,490</b>	<b>61,640,550</b>	<b>199,979,135</b>

To produce reliable estimates of target population parameters, the survey data were weighted to reflect the different probabilities of selection during sampling and to address differential nonresponse. Weights were developed using three steps. First, design weights were computed to account for the unequal probabilities of selection of the counties across the strata. The design weight was computed as the inverse of the probability of selection. With each of four U.S. regions, combined with four population size strata, there are a total of 16 strata in this design. The calculation of the design weight is given by:

$$\frac{N_i}{n_i}$$

Where, for the  $i^{\text{th}}$  stratum,  $i=1, 2, \dots, 16$ ,  $N_i$  is the number of counties in the stratum and  $n_i$  is the number of counties selected from that stratum.

Second, the design weights for the counties were spread equally across the responding informants (police chiefs, judges, etc.) by dividing the weights for each responding county, that is, a county with at least one responding informant, by the number of responding informants for that county. For example, if a county had one police chief and one judge respond to the survey, then the design weight from the first step was divided by two. Within a particular county, all respondents had equal weight.

Third, the informant-level weights were adjusted for non-responding informants. The final weights for the survey sum to the number of U.S. counties (1600 such counties) with populations greater than 25,000, from which the sample of counties for this survey were drawn. The final weighting step consisted of moving the design weights associated with nonresponding counties (none of the five selected informants responded) to the responding informants. This weight adjustment was accomplished by creating an adjustment factor as follows:

$$\frac{\text{Total of weights for all counties in stratum}_i}{\text{Total of weights for responding counties in stratum}_i}$$

Where, again,  $i = 1, 2, \dots, 16$ , representing the strata.

Each respondent's weight was multiplied by its corresponding nonresponse weighting adjustment factor for its particular stratum. This product resulted in a final nonresponse adjusted weight for each of the Spread of Reform Survey respondents.

## Survey Design and Response

The survey was developed after a review of

previous surveys and a series of web-based focus groups conducted in Fall 2018 with jail administrators, prosecutors, judges, sheriffs, and police chiefs. In addition, a series of telephone interviews were conducted with representatives of a variety of stakeholder groups.

The two-page survey included a list of common practices for the following domains: police/law enforcement, pretrial, jail, prosecution and defender, and courts. Respondents were asked to indicate which was true with respect to each practice in their jurisdiction: "Not Planned," "Planning," "Implementing," or "Implemented (Year)"; "Don't Know" was also provided as an option. A total of 58 practices were listed (although a few, such as court reminders, were listed in multiple domains as these are done at various parts of the system).

Within each sampled county, paper surveys were mailed to the sheriff, clerk of court, district attorney/prosecutor, and the police chiefs of the largest two police departments (one if there was only a single department). Although judges represent an important constituency group, identifying appropriate samples of judges and assuring adequate response rates was a daunting challenge that foreclosed the possibility of including judges in the survey; clerks of court were selected as proxies for the activities and practices of the courts. The initial mailing was conducted in March 2019; additional mailings to non-respondents were conducted in April and May. Telephone reminders to all non-respondents were conducted between the second and third mailings. To encourage responses, respondents were able to select one of four charities to receive a \$25 contribution for each completed survey. The options were the Officer Down Memorial Page, the Fallen Officers Fund, the American Red Cross, and the American Humane Society. A total of 481 individual responses were received (23 percent response rate). At least one response was received from 302 of the 428 counties (70.6 percent county-level response).

In generating the results and because there were multiple respondents (potentially) from each county, we assumed that if any respondent in a jurisdiction indicated that a practice was being implemented, then it was being implemented. In other words, we kept the highest numeric response for each item on the instrument from any respondent within a jurisdiction where 1 = "Not Planned," 2 = "Planning," 3 = "Implementing," and 4 = "Implemented." "Planning" and

"Implementing" were combined into a single category for analyses and reporting.

## Analytic Strategy

After generating the weighted values and 95 percent confidence intervals for each justice practice, exploratory factor analysis (EFA) was used as a data reduction technique. In the current study, it was used to assess whether jurisdiction-level indicators could be grouped together. These groupings are assumed to have a common putative latent factor underlying the observed items. The EFA models were fit using Mplus version 8 and adjusted for population and nonresponse weights and stratification (Muthén, L.K., & Muthén, 1998-2017). EFA models with 1 to 10 factors were fit to the data. The two-factor model had good fit indices with the root mean square error of approximation (RMSEA) equal to 0.019, 90% CI = (.012, .025), and the probability that RMSEA  $\leq$  .05 was equal to 1 (a RMSEA  $<$  .05 indicates good fit). The Tucker-Lewis Index (TLI) was 0.969 (TLI  $>$  .95 indicates good fit). Models with three or more factors fit slightly better but had disorganized factor-loading patterns, large cross-loadings, and large-negative cross-loadings, all of which are indicators of over-fitting. Hence, the two-factor model was selected for interpretation.

The relationship between the latent factor and the binary implementation indicators is indicated by factor loadings. Factor loadings near 0 indicate that the latent factor is unrelated to a given item. Large positive values indicate that a higher score on the latent factor is associated with a large probability that the practice has been implemented, while negative loadings indicate the opposite. In practice, if a set of items were under consideration for a psychometrically validated instrument, items with large negative loadings should be dropped. This was not done in the current work, as EFA was being used as a descriptive technique rather than for instrument development.

## Results

Tables 4 and 5 (next two pages) shows the distribution of responses for each survey item. For 12 of the 58 items, more than half of jurisdictions reported that they had implemented the practice. The most reported police practices were having a crisis intervention team, using cite and release in lieu of arrest, community engagement activities, and implicit bias training—all of which were identified as implemented by more than half of

**TABLE 4.**  
**Results of the Local Criminal Justice Practices Survey for Police, Jail, and Pretrial Practices**

Item	Weighted Percentages			
	Implemented	Planning/ Implemented	Not Planning	Don't Know
<b>Police Practices</b>				
Crisis Intervention Team (CIT)	62.87	16.78	12.99	5.4
Cite & Release	58.19	11.56	20.87	7.62
Community Engagement	54.95	16.57	18.08	8.64
Implicit Bias Training	52.47	12.74	18.18	12.09
Other (than LEAD) Deflection/Diversion	30.81	22.49	36.63	7.36
Procedural Justice	30.67	15.58	32.69	16.89
Prearrest Risk Assessment or Screening	29.9	8.79	45.4	14.2
Co-responder Strategies	25.62	11.59	39.73	17.7
Law Enforcement Assisted Diversion (LEAD)	17.27	10.19	56.76	13.43
287(g) Participant	3.22	1.78	49.73	42.18
<b>Pretrial Practices</b>				
Electronic Monitoring	52.04	12.68	24.78	7.69
Pretrial Risk Assessment	47.93	8.3	23.48	17.32
Pretrial Supervision	47.19	8.52	29.71	11.58
Indigency Assessment	44.69	7.66	24.84	18.68
House Arrest	42.48	10.13	34.28	10.34
Automated Data Sharing	37.02	19.61	21.62	17.61
Bail/Bond Reform	33.94	13.5	29.14	20.05
Other Jail Alternatives	26.27	6.65	34.54	25.5
Court Reminders <sup>a</sup>	33.38	15.95	36.0	12.60
Consolidated Court Appearances	21.9	7.16	38.53	29.45
Better Designed Documents	18.97	11.91	39.57	26.56
Warrant Resolution	9.17	8.45	49.93	29.18
<b>Jail Practices</b>				
Mental Health or Substance Use Intake Assessment <sup>b</sup>	55.13	7.97	7.2	26.38
Video Conferencing	53.46	4.13	16.91	21.57
Behavioral Health Stabilization	39.66	10.46	16.35	29.65
Jail Diversion to Treatment	33.44	15.49	21.74	23.37
Jail Population Management Tools	33.02	6.78	24.47	31.36
Implicit Bias Training	30.85	6.6	20.35	38.8
Population Coordinator/Team	30.83	5.18	29.4	30.81
Non-Treatment Jail Diversion	13.74	9.15	29.02	43.35
State Criminal Alien Assistance Program (SCAAP)	8.62	0.56	34.54	52.4
Heavy User Identification & Response	7.11	8.95	35.23	42.18

<sup>a</sup> Multiple items were combined to form single indicator that the jurisdiction has court reminders; Pretrial Practices indicated 23.28% implemented, 13.94% planning/implementing, 41.61% not planned, and 17.72% don't know; Prosecution/Defender Practices indicated 3.76% implemented, 53.2% planning/implementing, and Court Practices indicated 24.36% implemented, 14.08% planning/implementing, 30.37% not planned, and 28.65% don't know.

<sup>b</sup> Mental health intake assessment and substance use intake assessments were combined. Results for jail mental health intake assessment was 53.61% implemented, 8.34% planning/implementing, 7.88% not planned, and 26.76% don't know; a jail substance use intake assessment was reported as 49.16% implemented, 6.13% planning/implementing, 11.82% not planned, and 29.57% don't know.

Note: Percentages may not sum to 1 due to item being missing.

the jurisdictions. The most reported pretrial practice was use of electronic monitoring (52 percent), while 48 percent of jurisdictions reported the use of pretrial risk assessment. About half of jurisdictions reported having mental health and substance use intake assessments in their jails.

More than half of jurisdictions reported having prosecutorial diversion programs and having a defender present pretrial (either at arraignment, precharge, at bail hearings, or otherwise pretrial, Table 5, next page). Most jurisdictions reported having language assistance (e.g., translators) and problem-solving courts. The least implemented practices were participating in the 287(g) program (3.2 percent), having a warrant resolution program (9.2 percent), participating in SCAAP, the State Criminal Alien Assistance Program, (8.6 percent), and having programs in the jail to identify and respond to heavy users ("frequent flyers," 7.1 percent).

As described in the methods section, sampling was stratified by geographic region and population size, allowing us to generate estimates for these strata. Given the focus on pretrial risk assessment, these results are presented first. Figure 1 (page 33) shows jurisdictional response by population size to the use of pretrial risk assessment tools. As can be seen, larger jurisdictions are more likely to indicate that these tools are being used or are in the process of being implemented if they have not already done so. Thus, for example, more than 50

percent of jurisdictions larger than 100,000 population have implemented pretrial risk assessment, compared to only 44 percent of smaller jurisdictions. Nearly three-quarters (72 percent) of jurisdictions with populations larger than 500,000 indicated that pretrial risk assessment was implemented or in the planning/implementing stage, in contrast to only 49 percent of jurisdictions smaller than 100,000 (and larger than 25,000).

There are similarly regional differences in the percentage of jurisdictions reporting that pretrial risk assessment has been or is planned to be implemented (Figure 2, next page). Most northeastern counties (63 percent) and western counties (67 percent) indicated that they had or planned for pretrial risk assessment, compared with only about one-half of mid-western (56 percent) and southern counties (49 percent).

Figure 3 (next page) shows differences across different jurisdiction sizes for some of the most commonly reported practices. Overall, the smallest jurisdictions were less likely to report common police practices such as having crisis intervention teams or using cite and release policies than larger jurisdictions. Similarly, prosecutorial diversion was less likely to be reported as implemented in the smallest jurisdictions. Interestingly, video conference and problem-solving courts were most widely reported among mid-size (100,001-250,000) jurisdictions rather than among the smallest or largest jurisdictions.

The percentages of jurisdictions by geographical region reporting having implemented these practices are shown in Figure 4 (page 34). While crisis intervention teams are widely reported as implemented across the regions, the use of cite-and-release policies was much more widely reported in the midwestern and western jurisdictions. Prosecutorial diversion programs are less likely to be implemented in southern jurisdictions and video conferencing is more prevalent in midwestern jurisdictions. Problem-solving courts were reported as implemented by about 60 percent of jurisdictions across the geographic regions.

Results from the EFA yielded two latent factors (see Table A1 in the Appendix). The first latent factor was associated primarily with trial, defense, and court practices, such that a higher score on the latent factor indicated a higher likelihood of having implemented these types of practices. The second factor was associated with pretrial practices and jail practices. On each factor, the factor loadings ranged from small (~.3) to large (>1.0) indicating varying

**TABLE 5.**  
**Results of the Local Criminal Justice Practices Survey for Prosecutor, Defender, and Court Practices**

Item	Weighted Percentages			
	Implemented	Planning/ Implemented	Not Planning	Don't Know
<b>Prosecution and Defender Practices</b>				
Defender @ Pretrial <sup>a</sup>	53.69	4.9	14.08	23.56
Prosecution Diversion	52.96	7.88	18.1	16.61
Reduce Low-Level Drug Charging	36.7	6.65	25.54	26.2
Expedited Processing <sup>b</sup>	36.63	6.49	25.35	27.74
Restorative Justice	25.66	10.19	35.41	24.95
Non-Jail for Low-Level Warrants	25.31	7.91	32.57	30.08
Increased Prosecutorial Discretion	25.01	3.84	31.33	33.79
Case Navigators	9.45	4.92	42.15	39.6
<b>Court Practices</b>				
Language Access	65.02	1.84	8.64	21.37
Problem-Solving Courts	61.55	5.51	15.27	13.7
Speedy Trial Requirement	52.04	4.62	17.6	22.08
Sentencing Alternatives to Jail	45.71	15.69	12.58	22.4
Early Bail Review	34.05	5.82	24.17	33.14
Attorney E-Filing	28.63	16.24	18.72	31.89
Special Dockets/Courts	26.44	8.83	32.83	27.66
Improve Case Management	22.2	16.44	20.66	34.67
Fees/Fines Reform	15.2	14.6	30.17	35.23
Cite in Lieu of Warrants	15.15	7.48	42.77	26.07
Non-Jail for FTA	13.62	9.21	46.35	27.5

<sup>a</sup> Several items were combined to form single indicator that jurisdiction has a defender present at any pretrial phase. For the item of a defender present at bail hearing, 51.01% indicated implemented, 3.13% reported planning/implementing, 16.87% reported not planned, and 24.73% reported don't know; for the item of having a defender present precharge, 42.86% reported implemented, 14.29% reported planning/implementing, 23.81% reported not planned, and 19.055% don't know; combined metric shows 53.69% implemented, 4.9% planning/implementing, 14.08% not planned, and 23.56% don't know; and for the item of a defender present/available pretrial, 20.67% reported implemented, 4.43% reported planning/implementing, 36.19% reported not planned, and 34.87% reported don't know.

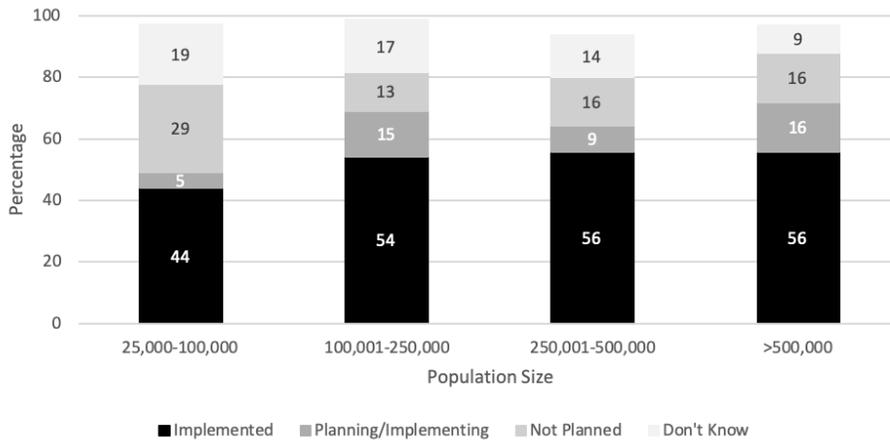
<sup>b</sup> Several items were combined to form single indicator of expedited processing that jurisdiction uses any expediting case processing measures. For the item Expedited Plea, 31.2% reported implemented, 6.83% reported planning/implementing, 27.78% reported not planned, and 30.4% don't know; for the item Expedited Case Processing 27.91% implemented, 9.65% planning/implementing, 26.97% not planned, and 31.62% don't know; and for the item Expedited Case Disposition, 25.69% implemented, 9.56% planning/implementing, 27.32% not planned, and 33.57% don't know.

Note: Percentages may not sum to 1 due to item missingness.

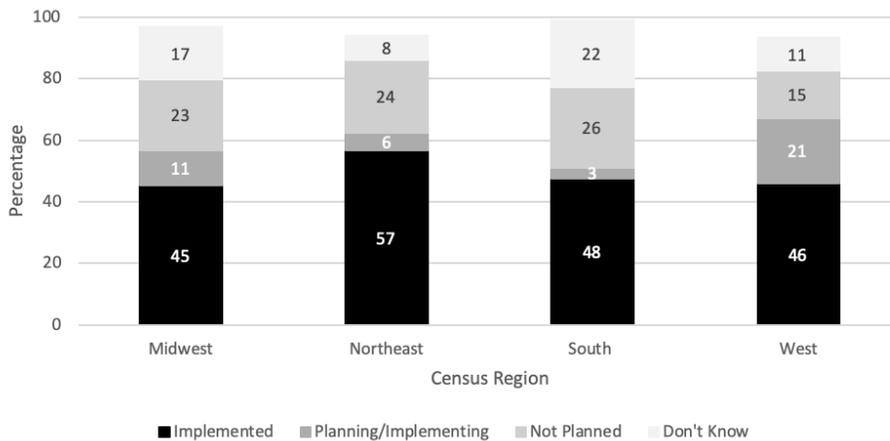
likelihoods of implementing practices. The correlation between the two factors was  $r = 0.517$ , indicating a moderate relationship between the two. Overall, these results indicate that trial, defense, and court practices tended to be implemented together while pretrial and jail practices tended to be implemented together,

with only a few individual practices being associated with both factors (as indicated by factor loadings  $> .3$  on both factors, a condition known as cross-loading). Tests for regional differences and population size differences in the means of the latent factors indicated that there were no significant differences.

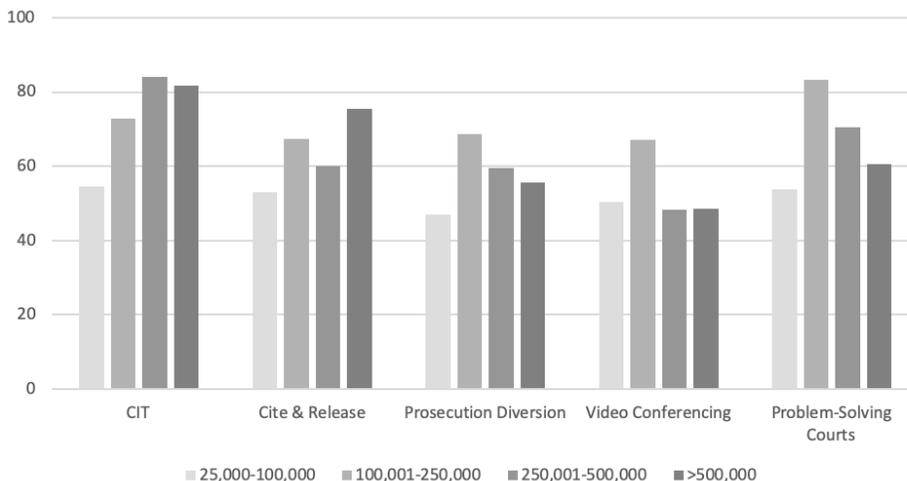
**FIGURE 1.**  
Percentages of counties indicating position with respect to implementation of pretrial risk assessment tools by population size



**FIGURE 2.**  
Percentages of counties indicating position with respect to implementation of pretrial risk assessment tools by geographic region



**FIGURE 3.**  
Percentages of counties indicating they have implemented common pretrial practices by population size



## Discussion and Conclusions

The focus on local criminal justice reform has emerged as a continuation of efforts to reform the justice system that began with a focus on sentencing and prison reentry. The extent to which a variety of local practices has been adopted nationally has been largely unknown—with efforts to date focused on single practices or single types of agencies, often relying on convenience samples. As a result, a comprehensive picture of which practices are being used in jurisdictions across the country has not been available.

The results of this national survey of a stratified random sample of the largest 1,600 counties in the United States address this deficiency, providing insight into what practices are most and least common and how the adoption of practices has varied by geographic region and jurisdiction size. Among the most common practices reported are some that have been the focus of intense efforts for many years. For example, crisis intervention teams, which seek to improve outcomes in police calls for service for those with mental illness, were reported as implemented by 63 percent of counties with populations larger than 25,000. Problem-solving courts, which began with the implementation of drug courts during the last decade of the 20th century, were also widely reported (62 percent).

Deflection or diversion programs and practices were reported by jurisdictions among police agencies (LEAD, 17 percent; other diversion/deflection, 31 percent), jails (jail diversion to treatment, 33 percent; non-treatment jail diversion, 14 percent), and prosecutors (53 percent). Jails were also somewhat likely to report using jail population management tools such as dashboards (33 percent) or to have jail population coordinators or teams (31 percent). Pretrial risk assessment was reported by about 50 percent of jurisdictions, with risk assessment more common in larger jurisdictions and in the northeast and west.

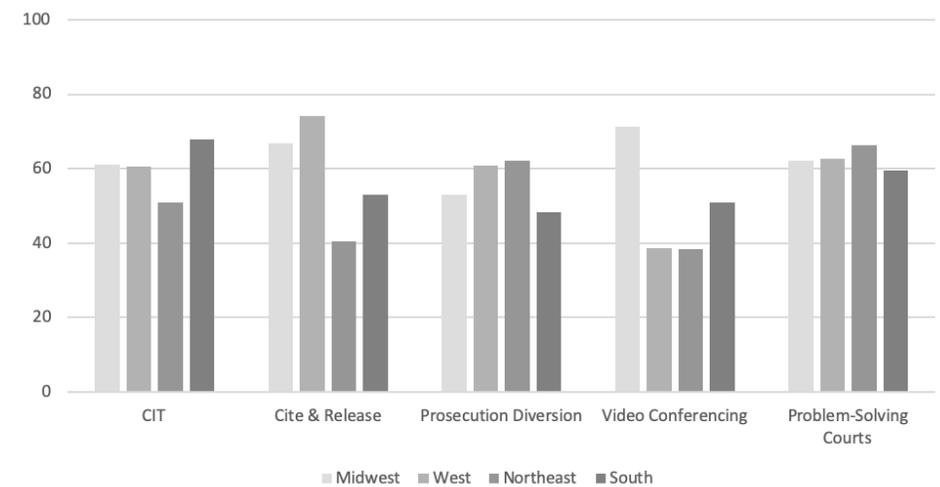
Results are largely consistent with the findings of previous more limited and less representative data collections that have focused on small numbers of practices or convenience samples of targeted agencies or organizations. As with any survey data collection, this survey has limitations. The response rate for individual respondents was less than had been hoped; this was addressed by consolidating responses across respondents within a jurisdiction to generate a jurisdiction-level response. To the extent that stakeholders are unaware

of activities being conducted elsewhere in the system, this approach may have resulted in the undercounting of some practices. The results do provide an estimation of current practice against which future assessments may be compared. For example, it is unknown what effect the COVID-19 pandemic will have on pretrial practices, although it is likely to have differential impacts on different parts of the system. The results of this survey will provide a baseline for assessing impacts once the crisis is over.

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**FIGURE 4.**  
Percentages of counties indicating they have implemented common pretrial practices by geographic region



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**TABLE A1.**  
**Geomin Rotated Loadings from Exploratory Factor Analysis (EFA)**

Strategy	Factor	
	Trial, Defense, & Court Practices	Pretrial & Jail Practices
Law Enforcement Assisted Diversion (LEAD) program	0.25 <sup>a</sup>	0.35 <sup>a, c</sup>
Other pre-arrest or post-booking deflection or diversion (e.g., to treatment or sober centers)	0.27 <sup>a</sup>	0.45 <sup>a, c</sup>
Crisis Intervention Team (CIT) or training	-0.44 <sup>a, d</sup>	0.72 <sup>a, d</sup>
Co-responder strategies	-0.06	0.76 <sup>a, c</sup>
Pre-arrest risk assessment or screening	0.34 <sup>a</sup>	0.38 <sup>a, c</sup>
Cite and release for low-level offenses	-0.04	0.59 <sup>a, c</sup>
Procedural justice training	-0.05	0.61 <sup>a, c</sup>
Implicit bias training	-0.61 <sup>a, d</sup>	0.88 <sup>a, d</sup>
Community engagement strategies	-0.26	0.80 <sup>a, c</sup>
287(g) program	0.07	0.69 <sup>a, c</sup>
Pretrial risk assessment tool(s)	0.65 <sup>a, b</sup>	0.15
Indigency assessment	0.55 <sup>a, b</sup>	0.29 <sup>a</sup>
Bail/bond reform (including second look, bond mitigation)	0.57 <sup>a, b</sup>	0.13
Pretrial supervision	0.67 <sup>a, b</sup>	0.22 <sup>a</sup>
Electronic monitoring in lieu of pretrial detention	1.09 <sup>a, b</sup>	-0.18
House arrest in lieu of pretrial detention	1.06 <sup>a, b</sup>	-0.29 <sup>a</sup>
Other alternatives to jail during pretrial period,	0.50 <sup>a, b</sup>	0.26 <sup>a</sup>
Consolidate pretrial court appearances	0.57 <sup>a, b</sup>	0.23 <sup>a</sup>
Automated data sharing between agencies	0.31 <sup>a, d</sup>	0.43 <sup>a, d</sup>
Better designed (worded) subpoena, summons, or warrants	0.56 <sup>a, b</sup>	0.00
Warrant resolution programs	0.49 <sup>a, b</sup>	0.30 <sup>a</sup>
Jail population coordinator or review team	0.07	0.75 <sup>a, c</sup>
Dashboards or reports for jail population management	0.17	0.81 <sup>a, c</sup>
Crisis (mental health, substance use) stabilization in jail	0.01	0.96 <sup>a, c</sup>
Diversion from jail to treatment	0.51 <sup>a, d</sup>	0.50 <sup>a, d</sup>
Other diversion by sheriff or jail administrator:	0.11	0.74 <sup>a, c</sup>
Identification and response for heavy utilizers	0.16	0.76 <sup>a, c</sup>
Use of video conferencing	0.31 <sup>a</sup>	0.53 <sup>a, c</sup>
Implicit bias training	0.09	0.75 <sup>a, c</sup>
State Criminal Alien Assistance Program (SCAAP)	-0.22	0.85 <sup>a, c</sup>
Prosecution diversion programs	0.86 <sup>a, b</sup>	0.07
Restorative justice practices (e.g., victim/offender mediation)	0.44 <sup>a, d</sup>	0.37 <sup>a, d</sup>
Case navigators to resolve warrants and facilitate release at first appearance	0.60 <sup>a, b</sup>	0.20
Increase in prosecutorial charging discretion	0.63 <sup>a, b</sup>	0.28 <sup>a</sup>
Reduction in low-level drug charging (e.g., citations)	0.62 <sup>a, b</sup>	0.26 <sup>a</sup>
Non-jail response for low-level arrest warrants	0.52 <sup>a, d</sup>	0.32 <sup>a, d</sup>
Early bail review	0.73 <sup>a, b</sup>	0.06
Problem-solving and specialty courts (e.g., drug treatment, veterans, mental health treatment, or domestic violence)	0.94 <sup>a, b</sup>	-0.05

Strategy	Factor	
	Trial, Defense, & Court Practices	Pretrial & Jail Practices
Special dockets or courts to reduce case backlogs	0.67 <sup>a, b</sup>	0.13
Speedy trial requirements	0.78 <sup>a, b</sup>	-0.01
Citations in lieu of warrants for failure to appear	0.70 <sup>a, b</sup>	0.19
Non-jail response for failure to appear	0.55 <sup>a, b</sup>	-0.03
Fees and fines reform	0.62 <sup>a, b</sup>	0.06
Sentencing alternatives to jail confinement	0.85 <sup>a, b</sup>	-0.00
E-filing system for attorneys to submit briefs electronically	0.56 <sup>a, b</sup>	0.01
Improvements to case management (e.g., case consolidation)	0.62 <sup>a, b</sup>	0.16
Language access (e.g., translator availability)	0.90 <sup>a, b</sup>	0.00
Court reminders	0.45 <sup>a, b</sup>	0.05
Mental health/substance abuse intake assessment	0.05	0.96 <sup>a, c</sup>
Expedited case processing, disposition, or plea offers	0.77 <sup>a, b</sup>	0.10
Defender presence	0.94 <sup>a, b</sup>	-0.08

<sup>a</sup> Significantly different from 0 at the .05 level.

<sup>b</sup> Loads primarily onto the Trial, Defense, & Court Practices factor

<sup>c</sup> Loads primarily onto the Pretrial & Jail Practices factor

<sup>d</sup> Cross-loads onto both factors