RESEARCH REPORT

Efforts to Reduce Jail Populations in Philadelphia

Implementation Lessons from the Safety and Justice Challenge

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We thank the SJC partners in the city of Philadelphia for their partnership in developing this case study. We are grateful to everyone who participated in the interviews. The authors appreciate the partnership from the CUNY Institute for State and Local Governance, from the early stages of conceptualizing this work through assistance with relevant system data and review and advice on this case study. We would also like to extend our special thanks to David Pitts for providing review and feedback on this case study.
Efforts to Reduce Jail Populations in Philadelphia

After increasing significantly over several decades, jail populations in the United States decreased by 6 percent between 2008 and 2019 (Minton and Zeng 2021). The COVID-19 pandemic has further driven down local jail populations, which fell 24 percent between 2019 and 2020 (Kang-Brown, Montagnet, and Heiss 2021). But jail incarceration continues to be a main driver of the mass incarceration crisis in the United States and to negatively affect individuals, families, and communities, especially Black communities.

Involvement in the criminal legal system, even when brief, can have severe consequences, including barriers to sustaining employment and securing stable housing (Lockwood, Nally, and Ho 2016), poor physical and mental health stemming from chronic stress and limited access to adequate health care (Wildeman and Wang 2017), and disruptions to family relationships and social support networks (Martin 2017). Furthermore, detaining low-risk people pretrial may correspond to an increased likelihood of committing new crimes (Lowenkamp, van Nostrand, and Holsinger 2013). In addition, pretrial jail detainment is expensive for local jurisdictions, costing an estimated $13.6 billion a year. And racial disparities in local jail populations persist: in 2019, Black people were incarcerated at three times the rate of white people (Minton and Zeng 2021).

To address these issues, the City of Philadelphia implemented a reform plan with seven major strategies supported by the Safety and Justice Challenge (SJC) to reduce its jail population and associated racial and ethnic disparities. Since 2015, Philadelphia has significantly reduced its jail population through these SJC efforts, which have included closing a jail facility, launching a multipronged strategy across decision points in the criminal legal system, strengthening collaboration and cross-agency partnerships, launching a formal committee to represent community members’ perspectives, and analyzing data to identify racial and ethnic disparities across decision points. In this case study, we explore these efforts, discuss their effects on Philadelphia’s jail population, and consider lessons for other jurisdictions interested in jail reform.
Case Study Methodology

Part of a series highlighting SJC-supported work, this case study examines Philadelphia’s experience as a major metropolitan city that has had significant success reducing its jail population. It explores the city’s SJC efforts and how they can be replicated in other US cities. To develop the case study, we used three data sources: (1) semistructured interviews with Philadelphia stakeholders; (2) program materials, SJC progress reports, and publicly available documents; and (3) jail population trends analyzed by the CUNY Institute for State and Local Governance (ISLG).

We conducted the one-hour virtual interviews with Philadelphia stakeholders between July and November 2021. We and Philadelphia’s SJC project leads identified a list of potential interviewees, who included representatives from all of the local justice agencies and community service providers involved in the SJC-funded efforts across Philadelphia. Urban conducted outreach to potential interviewees to invite them to participate and coordinate scheduling. Of those invited, we were able to connect with and conduct 20 semistructured interviews with 21 stakeholders representing the District Attorney’s Office, the First Judicial District of Pennsylvania, and the Managing Director’s Office, community members, and behavioral health stakeholders who have partnered with the aforementioned criminal legal system agencies on reform efforts. Of these stakeholders, 16 worked in the criminal legal system or the behavioral health system (14 in the former, 2 in the latter), 3 were affiliated with community-based organizations, and 2 worked at SJC partner organizations. We invited additional stakeholders from other key agencies to participate but they were not interviewed due to non-responsiveness after multiple outreaches and follow-up.

During the interviews, we collected information on the stakeholders’ professional backgrounds and roles in the SJC work, the landscape of criminal legal system reform in Philadelphia, SJC-funded strategies, the design and implementation of those strategies, efforts to address racial and ethnic disparities, community engagement work, challenges, successes, key partnerships, outcomes, and sustainability. We then transcribed and uploaded the interviews to NVivo, a qualitative analysis software. We coded the interviews based on a coding scheme derived from the case study’s interview protocol.
The Safety and Justice Challenge Implementation Case Studies

The John D. and Catherine T. MacArthur Foundation launched the Safety and Justice Challenge (SJC) in 2015 to address the misuse and overuse of jails, a main driver of incarceration in America. The network of cities, counties, and states participating in the SJC are working to rethink local justice systems with strategies that are intended to be data-driven, equity-focused, and community-informed, and that safely reduce jail populations, eliminate ineffective and unfair practices, and reduce racial disparities. This case study is part of a series that examines how SJC network jurisdictions that received significant, sustained grant investment in comprehensive system reform worked to change the way that they use jails, in order to provide practical insights to other localities seeking to realize similar reform ambitions.

We begin this case study with an overview of criminal legal reform in Philadelphia and jail population trends throughout its SJC participation. We then describe the city’s major SJC strategies (including the Early Bail Review Program and the Community Advisory Committee), their design and implementation, and major challenges and successes. We also explore the extent to which Philadelphia has addressed racial and ethnic disparities through its SJC efforts. Lastly, we discuss perceived impacts of the SJC strategies according to stakeholders, summarize lessons learned, and recommend ways Philadelphia and other jurisdictions can continue to advance local jail reform.

The Criminal Legal System in Philadelphia

As one of the largest US cities, Philadelphia has for years been in the spotlight of criminal legal reform. It has nearly 1.6 million residents, 41.4 percent of whom identify as Black or African American, 39.3 percent as white, 15 percent as Hispanic or Latino, and 7.4 percent as Asian. In 2017, roughly 26 percent of the population lived below the poverty level, and trends in poverty have not changed for nearly a decade (Pew Charitable Trusts 2019). Furthermore, neighborhoods in the city have been highly segregated for nearly a century, the result of discriminatory housing policies and redlining.

Philadelphia’s history of complex criminal legal reform dates to the early eighteenth century when the “Pennsylvania System” (in which confinement is used to rehabilitate people) was adopted and the Eastern State Penitentiary was built in response to local jail overcrowding. Centuries later, jail incarceration continues to be an urgent issue. For example, in 2008, lawyers representing people incarcerated in Philadelphia jails filed a federal lawsuit challenging massive jail overcrowding. The
lawsuit gained public attention and advanced local efforts to reduce the jail population as the City formed a state-mandated Criminal Justice Advisory Board, a collaborative body for advancing criminal legal reform locally. That board consists of representatives from the district attorney’s office, the judiciary, the public defender’s office, law enforcement, and the city council, and also other local stakeholders. In addition, Philadelphia has a jail population review team that also worked to reduce jail overcrowding.

Philadelphia's jail population is managed differently from those in most other major cities. Instead of a sheriff’s department, the Philadelphia Department of Prisons oversees the operation of four correctional facilities: Curran-Fromhold Correctional Facility, the Detention Center, Philadelphia Industrial Correctional Center, and Riverside Correctional Facility. In Philadelphia, facilities that elsewhere are typically referred to as “jails” are called “prisons,” and for the purposes of this case study, we refer to them as “jails.”

After joining the SJC in 2015, Philadelphia reduced its average daily population (ADP) from 7,609 in November 2015 to 4,443 as of September 2022 (figure 1), a 41.6 percent decrease, according to data analyzed by ISLG. The First Judicial District of Pennsylvania's Department of Research and Development uses a different methodology that indicates a 43.9% percent reduction (First Judicial District of Pennsylvania 2022). In either case, this is a notable decrease that many stakeholders attribute to the SJC strategies and to preexisting criminal legal system reforms.

**FIGURE 1**

Philadelphia Reduced Its Average Daily Jail Population by Nearly 42 Percent between November 2015 and September 2022

Source: Analysis by CUNY Institute for State and Local Governance.
Bookings into the jail have also fallen dramatically. When Philadelphia joined the SJC, the city was booking an average of 2,298 people per month in the baseline period, and it was booking only 1,444 people per month in the latest quarter (August-October 2022), a 37 percent reduction. During that period, however, the percentage of the total jail population with an open matter pending and/or awaiting action increased from 65 percent (4,924 out of 7,578 people) to 86 percent (3,898 out of 4,522 people) (figure 2).

**FIGURE 2**
The Share of People in Philadelphia's Jail Population with an Open Matter and/or Awaiting Action Increased from November 2015 to September 2022

Data breaking case status down by race and ethnicity are not available for Philadelphia’s entire SJC period, but they are available from October 2018 onward. Between August and October 2018, 69 percent of people with an open matter pending and/or awaiting action were Black, 21 percent were Latinx, and 10 percent were white. These disparities have widened for Black people: between August and October 2022, 74 percent of this population was Black, representing a five-percentage-point increase. The shares of Latinx people (18 percent) and white people (9 percent) among this population both decreased.
Disparities in the sentenced population changed similarly. Between August and October 2018, 60 percent of the sentenced population was Black, 23 percent was Latinx, and 17 percent was white. The disparity between Black and white people sentenced has worsened: between August and October 2022, 71 percent of sentenced people were Black, 16 percent were Latinx, and 12 percent were white. The shares of people with an open matter pending and/or awaiting action and of sentenced people who were Black both increased, whereas the shares who were Latinx or white decreased for both populations. During COVID-19, there was a notable overall increase in the percentage of Black people in the jail, with nearly 3 out of 4 people (or 74 percent) in jail identifying as Black in June 2020 (First Judicial District of Pennsylvania 2020).

**TABLE 1**

<table>
<thead>
<tr>
<th></th>
<th>August–October 2018</th>
<th>August–October 2022</th>
<th>Direction</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Open matter and/or awaiting action</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black population</td>
<td>69%</td>
<td>74%</td>
<td>Increase in %</td>
</tr>
<tr>
<td>Latinx population</td>
<td>21%</td>
<td>18%</td>
<td>Decrease in %</td>
</tr>
<tr>
<td>White population</td>
<td>10%</td>
<td>9%</td>
<td>Decrease in %</td>
</tr>
<tr>
<td><strong>Sentenced</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Black population</td>
<td>60%</td>
<td>71%</td>
<td>Increase in %</td>
</tr>
<tr>
<td>Latinx population</td>
<td>23%</td>
<td>16%</td>
<td>Decrease in %</td>
</tr>
<tr>
<td>White population</td>
<td>17%</td>
<td>12%</td>
<td>Decrease in %</td>
</tr>
</tbody>
</table>

Source: Analysis by CUNY Institute for State and Local Governance.

Until recently, Philadelphia had not had the success with average length of stay that it did reducing its jail population and bookings. From a baseline average of 103.7 days per quarter, average length of stay per quarter rose to 147.7 days as of July 2022, a 42 percent increase. So although the average daily population was decreasing, people were being held longer. In August-October 2022, however, the average length of stay fell dramatically, to 114 days. Compared with other SJC sites, Philadelphia has a long average length of stay, which may owe to longer jail sentences. And racial disparities also exist for average length of stay: data from September 2022 indicate it was 117 days for Black people and 133 days for Latinx people, compared with 57 days for white people. Though data for Philadelphia’s entire SJC period are not available, available data show that disparities between Black and white people have widened (figure 3). Disparities between all racial groups did not stably increase, though, as the
fluctuation in figure 3 shows. Importantly though, length of stay can be challenging to reduce, as the jail population has decreased significantly with a 21 percent reduction in the pretrial population. People still incarcerated and detained likely have more serious charges; in fact, certain reform efforts can increase average length of stay in many cases.

**FIGURE 3**
Racial Disparities in Average Length of Stay in Philadelphia Widened between November 2015 and September 2022

The disparities are also highlighted by the relative rate index statistics for bookings by race. In August-October 2022, Black people and Latinx people were 4.2 times and 3.0 times more likely to be booked than white people, respectively, both increases from the baseline. Philadelphia has struggled to reduce the racial and ethnic disparities in its jail population, which have instead increased. As we discuss in more detail below, these persistent racial and ethnic disparities in the jail population were commonly referenced by stakeholders, who said white people appear to predominantly benefit from efforts to reduce the jail population. Case-level data analyzed by ISLG indicate that the overall white jail population fell 58 percent between November 2015 and April 2021, compared with 34 percent for people of color.
An Overview of Philadelphia’s SJC Strategies

When Philadelphia joined the SJC in 2015, its initial goal was to reduce the jail population by 34 percent. It developed many strategies during a robust planning phase led by the Criminal Justice Advisory Board and focused on several reform areas. Key stakeholder agencies involved in the initial intensive planning period included the City of Philadelphia Managing Director’s Office, the First Judicial District of Pennsylvania (including many of its departments, like Adult Probation and Parole, the Court of Common Pleas, the Department of Research and Development, and the Municipal Court), the Philadelphia Department of Prisons, the District Attorney’s Office of Philadelphia, the Philadelphia Police Department, the Defender Association of Philadelphia, and the Department of Behavioral Health and Intellectual Disability Services; stakeholders received guidance from the Vera Institute of Justice. During this planning period, the City of Philadelphia also engaged community members who had been or were currently incarcerated, community advocates, and reentry organizations. Over the years, the City has developed 7 strategies, 39 initiatives, and 8 workgroups to advance them; the strategies and workgroups are shown in table 2.

TABLE 2
Philadelphia’s SJC Strategies and Workgroups

<table>
<thead>
<tr>
<th>SJC strategies</th>
<th>SJC workgroups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reduce the number of people incarcerated in pretrial posture</td>
<td>Pretrial</td>
</tr>
<tr>
<td>Create efficiencies in case processing that reduce length of stay</td>
<td>Case Processing</td>
</tr>
<tr>
<td>Decrease the number of people held in jail on a probation detainer</td>
<td>Violations of Probation</td>
</tr>
<tr>
<td>Reduce racial and ethnic disparities across the criminal legal system</td>
<td>Racial and Ethnic Disparities</td>
</tr>
<tr>
<td>Decrease the number of people in jail with mental illness</td>
<td>Mental Health</td>
</tr>
<tr>
<td>Increase cross-system data capacity</td>
<td>Data Capacity</td>
</tr>
<tr>
<td>Foster meaningful community engagement</td>
<td>Community Engagement</td>
</tr>
<tr>
<td></td>
<td>Communications</td>
</tr>
</tbody>
</table>


Note: SJC = Safety and Justice Challenge.

To guide its strategies, the City of Philadelphia also developed a racial equity framework whose guiding principles are to

- use race and ethnicity data to drive collaborative criminal legal reform,
- foster government agencies’ and community leaders’ commitment to advancing racial equity in the criminal legal system,
- promote agency-specific changes to policy and practice to center racial equity in decisionmaking, and
- sustain and grow the criminal legal reform effort.

**Strategy 1. Reduce the Incarceration of People in Pretrial Posture**

The City developed several strategies under the umbrella of reducing pretrial incarceration to address this issue because the number of people on pretrial posture was driving the total jail population. The City’s initial plans included seven initiatives that have been used to achieve this goal since 2015, including the following:

- **Develop and validate a local pretrial risk tool** to determine a person’s likelihood of recidivating and appearing in court, and to aid in decisionmaking.

- **Develop robust alternatives to cash bail** to provide more supervision options based on a person’s risk assessment, including by developing and implementing a pretrial risk assessment tool and transitioning to an updated electronic monitoring system.

- **Establish a pretrial advocates program** for the defender associate to interview people immediately after arrest to better advocate for their release at their bail hearing.

- **Establish the Early Bail Review Program** to reduce reliance on cash bail and provide a hearing in front of a judge to review the bail set at preliminary arraignment for those who remained in custody.

**Strategy 2. Create Efficiency in Case Processing to Shorten Length of Stay**

In addition to addressing the pretrial population, Philadelphia stakeholders recognized that lengthy case processing was contributing to a large jail population. In 2015 the city had an average length of stay of 103 days according to data analyzed by ISLG, significantly longer than the national average at the time, according to stakeholders. In particular, the First Judicial District of Pennsylvania’s Department of Research and Development, in collaboration with key criminal legal partners, helped identify issues in case processing by collecting data on continuances and identifying patterns that policy
changes could interrupt. For this strategy, the City implemented continuance and long stayer review to shorten long stays and address continuances in the Municipal Court and the Court of Common Pleas.

**Strategy 3. Address Probation Violations**

Similar to many jurisdictions across the country, roughly half (53 percent) of people in Philadelphia jails are on probation or parole detainers and holds of some kind (table 3 provides data for additional subpopulations). The City implemented a series of strategies to address this population:

- **Establish a detainer alternative program** to connect people experiencing continued substance use issues with treatment to reduce their likelihood of committing technical violations.
- **Implement violation electronic monitoring** to provide electronic monitoring as an alternative to incarceration for people awaiting hearings for violating probation.
- **Develop a probation caseload project** to focus on people absconding from supervision by reducing their lengths of stay on warrants and reducing use of incarceration for warrants.
- **Implement detainer review hearings** to shorten length of stay for people on a detainer for six months or longer by identifying an alternative to incarceration.
- **Implement a probation sentence project** to identify recommendations for reducing probation sentences.

**TABLE 3**
Probation and Parole Detainers in Philadelphia, September 2022, Percentage of Total Jail Population

<table>
<thead>
<tr>
<th>Detainer Category</th>
<th>N</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Philadelphia Detainers Only - No Open Cases</td>
<td>240</td>
<td>5.29%</td>
</tr>
<tr>
<td>Other Holds/Detainers Only - No Open Cases</td>
<td>113</td>
<td>2.49%</td>
</tr>
<tr>
<td>Philadelphia + Other Holds/Detainers - No Open Cases</td>
<td>87</td>
<td>1.92%</td>
</tr>
<tr>
<td>Philadelphia Detainers Only + Open Cases</td>
<td>770</td>
<td>16.98%</td>
</tr>
<tr>
<td>Other Holds/Detainers Only + Open Cases</td>
<td>814</td>
<td>17.95%</td>
</tr>
<tr>
<td>Philadelphia + Other Holds/Detainers + Open Cases</td>
<td>256</td>
<td>5.64%</td>
</tr>
<tr>
<td>Sentenced + Detainers</td>
<td>115</td>
<td>2.54%</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>2,395</td>
<td>52.81%</td>
</tr>
</tbody>
</table>

Strategy 4. Reduce Racial and Ethnic Disparities across the Criminal Legal System

One of the SJC’s major goals has been to reduce racial and ethnic disparities in US jail populations. In 2015 in Philadelphia, Black people were 3.2 times more likely and Latinx people 2.8 times more likely to be booked into jail than white people, according to data analyzed by ISLG. Stakeholders intended to address these disparities with a few strategies:

- **Deliver bias training** to train City staff on implicit bias and better understand racial and ethnic disparities in the justice system.
- **Conduct a data diagnostic** to identify disparities in the criminal legal system across different decision points using relative rate indexes and deep dives with a racial equity strategist.
- **Conduct initiative review series** to understand the effects of SJC strategies on reducing racial and ethnic disparities and correct course where needed.

Strategy 5. Decrease the Number of People in Jail Experiencing Serious Mental Illness

Philadelphia also planned to develop a series of interventions for people in jail with serious mental illness to interrupt the cycle of justice involvement and connect them to services in the community. People with serious mental illness represent 12.6 percent of Philadelphia’s total jail population (First Judicial District of Pennsylvania 2022). Furthermore, stakeholders we interviewed said people in this population tend to have a longer average length of stay than the general population, which Philadelphia was hoping to reduce. To decrease the number of people in jail with mental illness and the amount of time they spend in jail, Philadelphia made several efforts:

- **Establish Linkages for Individuals in Need of Community Supports**, an initiative to reduce length of stay and divert people incarcerated and supervised by the Philadelphia Adult Probation and Parole Department’s Mental Health Unit from incarceration by linking them to treatment in the community.
- **Participate in Stepping Up**, a national initiative increasing coordination and collaboration across justice and behavioral health agencies to reduce the number of people held in jail with mental illness, shorten their stays, and connect them to treatment and services.
- **Establish Post-Arrest Screening and Supports**, an effort to screen people awaiting bail decisions to identify physical and behavioral health needs and advocate for them at arraignment for release and treatment in the community.
Pilot a police co-responder program to identify people experiencing mental illness and connect them to services in lieu of arrest.

**Strategy 6. Increase Cross-System Data Capacity**

When Philadelphia applied for the Safety and Justice Challenge, it indicated challenges with collecting and analyzing data across systems and was looking to increase data capacity to better understand trends and use data to drive decisionmaking. To achieve these, it would standardize definitions across data systems, regularly analyze data, develop and publicly disseminate monthly reports, build dashboards for stakeholder use, and integrate data systems across agencies.

**Strategy 7. Foster Meaningful Community Engagement**

The last strategy Philadelphia prioritized was authentic community engagement, which the SJC has increasingly emphasized over the past few years. The City did the following to foster this engagement:

- **Launch Art for Justice**, an effort to create a more structured forum for community feedback by supporting the installation of public art projects, a new fellowship program for formerly incarcerated artists, and a reentry program.

- **Establish the Community Advisory Committee** to enable community members (prioritizing those with lived experience) to have official roles in developing and implementing SJC strategies and ensure community members’ perspectives are taken into account.

- **Improve outreach and communications** to make SJC work more transparent, and increase community outreach via an SJC website and social media engagement about jail population reduction efforts via the City website and via social media.

- **Use the Criminal Justice Microgrant Fund** to provide microgrants to community-based organizations working toward criminal legal system reform.

**Notable Strategies**

Of the strategies described in the previous section, SJC stakeholders we interviewed for this case study elevated three as particularly important: the Early Bail Review Program, the Community Advisory
Committee, and the effort to address racial and ethnic disparities. In this section, we discuss these three strategies in more depth.

The Early Bail Review Program

The Early Bail Review Program, started in 2016, is one of Philadelphia’s many pretrial reform strategies. It is intended to reduce reliance on cash bail and provide a hearing in front of a judge to review the bail set at preliminary arraignment for those who remained in custody. Early Bail Review hearings are held within five days of preliminary arraignment and offer the opportunity for people’s cash bail to be changed to unsecured or release on own recognizance where cash bail is not required for release, or have their cash bail amounts decreased. Stakeholders said this program has been especially important because people held only with an open matter (the target population for the Early Bail Review Program) were a main driver of the local jail population.

The Early Bail Review Program is a collaboration between the First Judicial District of Pennsylvania’s Municipal Court and Pretrial Services, the Defender Association of Philadelphia, the Philadelphia Department of Prisons, and the District Attorney’s Office. In addition to safely reducing the number of people in pretrial detention in Philadelphia, the program provided more time (1) for counsel to interview clients and present information in support of release, and (2) for reinforcing pretrial requirements by the judge, Pretrial Services, and the Defender Association. The program initially started with low-level, nonviolent charges with bail set at $50,000 or less. Preliminary data analysis completed by Philadelphia stakeholders found that the majority of people who were released as a result of Early Bail Review hearings appeared at their next court date. These appearance rates were similar or greater than the rates among people who posted bail from preliminary arraignment.

Over the years, the program has expanded to include more serious offenses and higher bail amounts: in 2019, it was expanded to include people with bail at $100,000 or less, excluding offenses involving sex, children, and/or firearms; in 2021, the bail eligibility ceiling was expanded to $250,000 or less, excluding family court cases, fugitives of justice, homicides, and nonfatal shooting charges. More recently it opened eligibility to people held with detainers.

In terms of operations, the Municipal Court and the IT programmers at the First Judicial District of Pennsylvania run an automated process that creates a list of eligible individuals in custody which is sent to the criminal legal system stakeholders. The Defender Association then conducts an interview with the participant and the District Attorney’s Office will gather additional information for a more robust bail hearing to be held. Pretrial Services also provides a wealth of detailed pretrial history reports and
additional information. Stakeholders said this program has helped reduce time for an early bail review from seven to five days on average, and Philadelphia will try to further reduce this to three days with the goal to eventually transition to detention review hearings for all people who remain in custody pending their open cases.

That effort [Early Bail Review] was, I think, pretty successful the early days and actually reducing the number of people who are in jail on bail. That's one of the categories that has changed most dramatically in our jail over the course the SJC. —Philadelphia stakeholder

Stakeholders cited two major challenges around the Early Bail Review Program, in addition to staffing and management issues owing to the extensive time and coordination the program requires across justice agencies. First, as the program has been expanded to include more complex cases and higher bail amounts, public defenders have had to devote more time and resources to interviewing eligible defendants. Second, some Municipal Court judges were initially reluctant about the program. One stakeholder discussing challenges with judges shared that some judges are “more apt to reduce bail in general, reduce cash, and/or release [people]” whereas others are less so, and that “judges are independently elected, so we can’t pressure them.” Those Municipal Court judges, however, bought in more to the program as stakeholders demonstrated that people released through Early Bail Review appeared in court at the same or better rates as people released on bail at arraignment.

The Community Advisory Committee

Most stakeholders noted that community engagement has historically been an afterthought in Philadelphia’s reform work and that only in recent years has the City explicitly developed community engagement strategies related to the criminal legal system. Community engagement is now one of the main goals of the City’s SJC efforts, but the SJC efforts developed at the beginning of the City’s participation incorporated minimal community input, and until 2019, there was no mechanism for formally engaging community members in decisionmaking around criminal legal system reform in Philadelphia.
We did not do a lot of community engagement out front I think in part because in some ways it's, even if it's not right, it's easier for government to just put their heads down and get things done because it's complicated enough without involving outside forces, and in part because there wasn't as much of an appetite from the leaders at that time.
—Philadelphia stakeholder

To address this, in 2019 the City formed the Community Advisory Committee (box 3), which comprised 23 community members who would work with criminal legal partners to contribute to the City’s SJC reform plan and hold those partners accountable for implementing reform efforts to reduce the jail population and reduce racial and ethnic disparities in the Philadelphia criminal legal system. The City’s core SJC team developed a public call for applications to identify and recruit committee members who would include people who have been directly impacted by the criminal legal system or had significant experience with it, and people who are of different ages, different racial and ethnic backgrounds, and different sexual orientations and are from different areas of Philadelphia. There were four requirements for membership: (1) members had to be older than 18, (2) they had to be willing to commit to a required number of hours, (3) they had to have been directly impacted by or had significant experience with the criminal legal system, and (4) they had to be a Philadelphia resident. One stakeholder described the process of launching the committee:

To come up with the Community Advisory Committee and, you know, get that all constituted up and running, and you know it’s been a long process that we’re in a better place than we were, but I don’t think anybody here is going to label ourselves as experts on how to do that. What we need to continue to do is try to be open, we know what the need is, we need to continue to work on, how do you do that. And part of how do you do that, is listening to the community to tell you how you could do that.
BOX 3
Main Activities of the Philadelphia Community Advisory Committee

The Community Advisory Committee’s mission is the following:

- Help the criminal legal partner agencies better understand what is important to people directly impacted by the criminal legal system.
- Provide advice to those partners on concrete ways to further criminal legal reform.
- Create pathways for including the knowledge and experience of community members of varying perspectives in the reform work.
- Make criminal legal system partner agencies more transparent with the broader community as it relates to criminal legal reform.


Once the Community Advisory Committee was formed, significant challenges arose. First, stakeholders indicated there was a general misunderstanding across SJC stakeholders of what community engagement would look like, how much effort it would take, and the committee’s role, as many stakeholders had never interacted with a similar community committee. When the committee began critiquing the SJC efforts and larger reform efforts in Philadelphia, critiques were met with resistance and hesitation, especially because they called attention to issues of white supremacy and systemic racism in the criminal legal system. Many stakeholders remarked that they believe the government actors did not provide committee members respect. More specifically, there was tension between government actors and committee members. Community members felt their opinions were not being valued or taken seriously, and government actors believed committee members did not understand how reform worked. One stakeholder discussed some of these issues:

People thought community engagement or including the [Community Advisory Committee] would be more of like an advertising campaign or like this will improve our narrative and the community. We can give tours of the police office and then people will say like it’s not so bad. And rather than like no, this is a check on your own like this is going to be, you know, suggested input for how you can do your job differently. And so I think there were just like pretty different ideas of what community engagement would actually mean.

Power dynamics also affected the relationship between government actors and Community Advisory Committee members. During meetings, justice agency staff often defaulted to using acronyms or other technical terms that were often unfamiliar to committee members who had not been involved
in government efforts. The committee addressed this by creating a language guide with acronyms so its members could better understand what was being discussed during SJC strategy meetings and participate more fully. Stakeholders said this education and awareness building needed to go both ways—just as committee members needed to learn about policy reform from the perspective of government agency staff, government actors needed to learn about the value of community engagement.

And really the education would go both ways, I think, [Community Advisory Committee] members want to learn about what sort of policies like how different policies work and to be able to weigh in on them and there’s a belief that you know agency liaisons and leaders need to understand, just, I mean, a lot of different things but I guess just like the value of community engagement really, and how it can make them, you know better, just better agencies and also you know more racially equitable in their work. —Philadelphia stakeholder

There is a notable power dynamic as CAC members were working as volunteers, whereas government actors were attending in their professional capacity with decisionmaking power. As one stakeholder remarked, committee members could advocate for changes but did not have the levers to make decisions on how the system operates. This dynamic limited how much the committee has been able to effect change.

And so that’s why I said, you know, we can advocate at a certain level for things, right, but we still have to come up against judges, against whoever, and then if you have formerly incarcerated people who are on the [Community Advisory Committee], they’re even more vulnerable to going against what a sitting judge is saying, especially supervising judges X Y and Z who are very powerful within the system. —Philadelphia stakeholder

Despite these challenges, the committee has achieved a number of successes. It has expanded its membership, continued to embed itself in different SJC working groups in Philadelphia, and had representation on the SJC Implementation Team (the body responsible for coordinating all SJC work in Philadelphia). It has also made a concerted effort to have community representation at most government meetings and establish the expectation that the community will be involved in all SJC efforts. In addition, its members have restructured the committee, creating four subcommittees for their different priority areas:10
Subcommittee 1 works on the Early Bail Review Program, bail reform, certifications of youth as adults, and probation violations.

Subcommittee 2 works on the co-responder/alternative responder teams, the 911 call-taker script, the Police-Assisted Diversion Program and violence prevention programs, and resources for returning citizens.

Subcommittee 3 works on jail conditions, COVID releases in the jail population, other COVID policies, and vaccine distribution.

Subcommittee 4 works on onboarding committee members, building relationships with community groups, and town halls and trainings.

In addition to strengthening the Community Advisory Committee’s infrastructure and gaining formal membership on different SJC committees and workgroups, the committee has developed and issued formal policy recommendations to criminal legal partner agencies, including recommendations for reducing the spread of COVID-19 by increasing releases of at-risk and elderly individuals in the jail, eliminating the use of money bail, improving jail conditions, and involving community voice in planning conversations on the reopening of courts following COVID-19 closures.11

Lastly, the committee established a Criminal Justice Microgrant Fund that has supported two rounds of funding with 35 local grassroots organizations receiving small grant awards. That fund has distributed $425,000 in grants to advance local justice reform.12 Funded organizations are launching a variety of projects, including ones that will reduce employment barriers people face upon reentry by providing them professional clothing, transitional housing, online higher education during incarceration, pro bono legal representation, reentry coaching, youth mentorship, and job training, among other supports.

The microgranting program is a very interesting and good thing right how can we transfer resources away from criminal legal agencies and to community-based organizations that help meet some of the needs that folks have. Both of those to me reflect a model of community engagement that is more closely associated with partnership and power sharing. —Philadelphia stakeholder
Addressing Racial and Ethnic Disparities

Philadelphia's SJC racial equity work sits in the context of persisting racial and ethnic disparities in the criminal legal system. Stakeholders we interviewed said government actors had different degrees of understanding of the criminal legal system's racialized impacts and of how to talk about race in general, and referenced three major SJC strategies addressing racial and ethnic disparities: data diagnostic, an initiative review series, and implicit bias training.

Philadelphia launched the data diagnostic dashboards in 2019 to explore the extent to which disparities exist at different criminal legal system decision points (box 2) using relative rate indexes that compare outcomes for white people with outcomes for people of color. The dashboard is a high-level metric that enables deeper dives into outcomes and decisionmaking facilitated by the Managing Director’s Office’s race equity manager. The racial equity manager also led stakeholder trainings and helped secure buy-in for the data diagnostic. The approach is similar to the Sequential Intercept Model that was developed in the behavioral health field and has been applied to the criminal legal system.13

BOX 2
Data Diagnostic Decision Points

Philadelphia used its data diagnostic to identify racial and ethnic disparities at several decision points in its criminal legal system (with all decision points by gender), including the following:

- Arrest
- Charging
- Declination of charges
- Arraignment
- Diversion
- Disposition
- Sentencing
- Warrants
- Detainers
- Prison admissions
- Prison releases

Source: Philadelphia application for SJC sustainability funding.
Philadelphia’s data diagnostic strategy faced challenges involving systematically reviewing data across different decision points. For example, the First Judicial District of Pennsylvania’s Department of Research and Development, which led the effort, needed to balance stakeholder groups’ different priorities. Some stakeholders were concerned about how the public would interpret the data and the City had many conversations around whether the data dashboards should be public or private. The data dashboards used as part of the data diagnostic strategy have not yet been made public.

An important step in Philadelphia’s data diagnostic process was supplemental quantitative and qualitative data analysis. The City formed subcommittees around different decision points and worked with the racial equity manager to conduct the deep dives. As one stakeholder shared, this was critical to provide additional context around the disparities found in the quantitative data to understand diversion decisionmaking and completion rates. For example, the diversion subcommittee reviewed the Accelerated Rehabilitation Disposition Program and found the program’s costs were a barrier to program completion and were producing racial disparities in outcomes. One stakeholder noted that white participants with more resources were completing the program at three times the rate of participants of color.\(^{14}\) This discrepancy led stakeholders to explore whether waiving fees for some people would improve completion rates and decrease those racial disparities. This resulted in funding for a pilot program to demonstrate the effects of fee elimination on criminal diversion outcomes. Stakeholders felt the data diagnostic was a powerful tool for systems change and brought together leaders. One stakeholder discussed the data used in this effort:

And the data, and I’ve never in my 35 years, seen a more data-driven system that I do now, the data was what you sat at the table with. And when you looked at the data, you had to say there’s something more going on here. This is not just we’re dealing with the people coming in, but the people coming in are coming in and added on, you know, there’s no equity, there’s no equality here. And if we just keep receiving what we’re getting and not asking the question, then this is going to keep going on this systemic racism and the court is going to keep going on. And all we’re doing is perpetuating it, and the data itself I think opened up our eyes and opened up the conversation that gave a lot of people voices at the table that didn’t have those voices before.

Philadelphia complemented its work on racial and ethnic disparities with two efforts: (1) a series of racial equity workshops conducted to build shared knowledge around racial equity concepts, the history of structural racism in the city’s criminal legal system, and research on racial disparities; and (2) an initiative review series. The initiative review series was like the data diagnostic, but it involved focusing on specific SJC initiatives with a program evaluation approach. The initiative review series explored outcomes by race and ethnicity, eligibility criteria, policies, and procedures to better understand any disparities. Also, as part of this review, stakeholders leading SJC initiatives were interviewed to get their perspectives, and policies and procedures were reviewed for racial bias. Some
of these reviews resulted in concrete changes that were facilitated by a routine feedback loop. For example, the Police-Assisted Diversion Program eventually eliminated some of its criminal history criteria because those criteria disproportionately made people of color ineligible. Lastly, the City trained stakeholders on implicit bias to help them better understand racial and ethnic disparities and the biases in their work.

Implementation Challenges

The City navigated multiple challenges implementing its SJC strategies. For example, collaboration was a challenge in addition to a strength, and its effectiveness varied across SJC strategies. The City also dealt with staffing shortages and reform fatigue. We elaborate on these main challenges below.

Collaboration between SJC partners was one of the most commonly cited challenges. First, stakeholders noted it was difficult to coordinate strategic goals across agencies that have different priorities, changing leadership, and different organizational cultures. For example, the behavioral health and probation departments may define mental illness differently and take different approaches to addressing it and providing people experiencing mental illness services. Second, stakeholders raised that some partners depended less on collaboration in their work than others. For example, some stakeholders reported that the district attorney’s office, though committed to the City’s broader SJC reforms, was insulated from some SJC work because the nature of its work impedes it from widely sharing detailed information on specific cases.

And we’ve all committed to a common goal of reducing the jail population, reducing racial and ethnic disparities. Each agency has their own agenda, because you know we all come from different places and so even though we speak to that shared goal there’s that inherent kind of tension that exists across agencies, especially when you’re trying to build consensus around almost all of the decisions and programs. —Philadelphia stakeholder

Though Philadelphia’s SJC efforts advanced collaboration in the criminal legal system, the City still struggles to collaborate with community members. Stakeholders frequently observed such difficulties with the Community Advisory Committee: some system actors resisted the community’s influence and
expressed hesitance to adopt community members’ recommendations. This was exacerbated by the lack of formal mechanisms for engaging the Community Advisory Committee and the overall disconnect between the committee and local government. One stakeholder remarked, “I would say that there is not a strong level of collaboration between government agency representatives and community members. Although they do have a very strong community advisory committee, I just think that there has not been a lot of strong collaboration between the two entities.”

Limited staffing capacity and labor-intensive strategies were barriers to advancing the SJC work in Philadelphia. For example, to succeed, some strategies required extensive time and effort from many partners. Stakeholders mentioned there were often not enough staff to manage and track the implementation of the strategies at the city level, such as the increases in the pretrial supervision population.

The City of Philadelphia experienced reform fatigue from engaging in many SJC strategies during the COVID-19 pandemic, which exacerbated that fatigue. Stakeholders reiterated that before the pandemic, the City was making steady progress reducing the overall jail population and making other SJC reforms. But managing many strategies involving several stakeholders with competing priorities was challenging. This led to reform fatigue, which worsened during the pandemic as labor shortages in carceral facilities, backlogs in case processing, and logistical challenges engaging virtually with SJC partners halted progress. The pandemic made it difficult to maintain the strength of those partnerships when agencies began focusing on sustaining their own operations. A stakeholder discussed challenges sustaining progress:

We had the initial really good success as far as the overall population reduction, to the point where they actually closed one of the county jails and things were looking really good, but it gets tiring to keep it going. And so the whole sustaining, not just finding the financial means to sustain the work, but to have the continued willingness and ability for all the different agencies to continue their level of commitment and work. And it's just hard. And then COVID hit and then, I mean everything got harder. Everything got harder.

Addressing racial and ethnic disparities continued to be a significant challenge throughout the SJC work. Like jurisdictions across the United States, Philadelphia has struggled to address racial and ethnic disparities in the jail population and implement strategies to reduce them. Stakeholders we interviewed said local system stakeholders were generally resistant to meaningfully responding to the disparities revealed by the data diagnostic and Community Advisory Committee. Stakeholders also shared that reducing these disparities requires more collaboration and equal effort from different agencies, and that their colleagues did not deeply understand the underlying causes of justice involvement. One stakeholder shared,
It's essentially kind of fell flat right like people heard it, and it was almost as if it went in one ear and out the other folks didn't want to take action on certain things for a variety of issues. So I think some of those things are what prevented them or have prevented them in the past from going from good process awareness of disparities to actually implementing changes that can produce measurable reductions and disparities and so I think even being there puts them ahead of a lot of sites but it's not change, you know.

In Philadelphia, public perceptions that recent increases in violent crime are connected to the city’s efforts to reduce the jail population have caused pushback against reform. Despite having a solid foundation of collaboration and significant success reducing the jail population since 2015, Philadelphia’s criminal legal landscape has recently hit major roadblocks. Multiple stakeholders we interviewed expressed a sense of fear and urgency around the current public safety narrative occurring in response to increases in shootings and homicides, as the public has connected this uptick in violent crime with local justice reform. Increased scrutiny in the wake of increases in violent crime has presented new challenges as stakeholders experience pushback against reform efforts. Justice reform leaders now face mounting pressure to address rising violence in addition to the jail population problem. Public perception connecting jail-population reduction with the increase in violence has slowed the momentum of reform efforts. Communities across the country have been grappling with this trend amid similar increases in gun violence. One stakeholder discussed these difficulties:

Over the last few years with the rise in shootings and homicides that are happening both, you know, very dramatically in Philadelphia and in major cities across the country that has, you know we are really sort of experiencing a bit of backlash to justice reform. And so, while all the stakeholders remain committed...the work of reforming the justice system is getting harder, it’s getting harder because you know there is, there is this fear that exists, both within community and amongst local leadership around the rise in violence and there's an increasing need to demonstrate that that’s, you know, not caused by decarceration and so we're really focused on that right now.

Perceived Impacts and Successes

After implementing strategies to reduce the local jail population for more than five years, the City of Philadelphia has observed a number of key successes. Stakeholders reported increased relationship building and coordination within the criminal legal system as well as with agencies outside that system.
And the city significantly reduced its jail population before the pandemic and made more reductions and policy changes during it. Furthermore, it decreased the number of people placed on probation. Lastly, it laid a foundation for community engagement with the Community Advisory Committee. In this section, we highlight themes in stakeholders’ perceptions of the impacts of their collaborative work.

Despite the challenges discussed in previous sections, one of the largest impacts stakeholders perceived was increased collaboration and relationship building across justice agencies in Philadelphia and increased coordination with nonjustice agencies. One notable new partnership was between the probation and the behavioral health departments, which created the Alternatives to Detention navigator, an embedded position in the probation department that assists people on supervision experiencing mental health challenges and links them to critical social services. One stakeholder discussed this partnership, sharing,

I would say biggest partnership is [the department] of behavioral health and embedding a pretrial navigator in supervision department. Primary focus to link clients to social services, whether it be helping them get benefits, helping them get a job, job training, GEDs, things of that nature, also assisting people with mental health disorders and linking them to services, that's been extremely helpful for us actually providing services, linking or clients to services by having that deviation.

Stakeholders also emphasized that the district attorney's office, under District Attorney Krasner’s leadership, has been a highly engaged partner, and that Krasner has aligned with the city’s larger SJC goals.

Using data-driven decisionmaking, the City of Philadelphia significantly reduced its jail population through its SJC work. The stakeholders we spoke with said an increase in data capacity helped them better understand jail population trends, enabling them to use data to inform their strategies and achieve their SJC goals. Furthermore, stakeholders said increased data sharing between key partners was vital for advancing SJC priorities and strengthening partnerships. Since joining the SJC in November 2015, Philadelphia had reduced its average daily population from 7,609 to 4,443 as of September 2022 (a 41.6 percent decrease) and had decreased total bookings by 44 percent, according to ISLG analysis shared with Urban. One stakeholder discussed the data sharing that had occurred through the SJC work:

Having sort of shared definitions, having systems to share data, because you know the district attorney’s office, the jail, the defender association have different sort of dataset...And for me that’s substantial because it has helped to enhance decisionmaking you know they have this Criminal Justice Advisory Board and this prison population subcommittee, where they can sit down and look at data from a range of sources, and then make decisions based on that so I think that's one other impact.
Strategies were developed to address violations of probation, most notably resulting in a cultural change around supporting people with behavioral health needs. Many stakeholders noted a success was the probation department and behavior health departments’ successful implementation of the alternatives-to-detention navigator to support people on probation with behavioral health compliance needs. This was facilitated by having behavioral health treatment staff on site alongside probation staff to help people experiencing behavioral health crises. Overall, this strategy played a role in instituting a culture shift within probation for people with behavioral health compliance needs. Further, the District Attorney’s Office in Philadelphia, separate from SJC efforts, developed probation policies and practices to guide supervision sentences, resulting in fewer probationary sentences and shorter median supervision terms. One stakeholder shared that their office developed a policy providing guidance on supervision sentences, which they believe has helped play a role in reducing sentences.

It’s actually, I believe, transformed a lot of how Probation and Parole does business. They have a different lens through which they can view people with behavioral health needs, and they have options now that they didn’t have before, because they have behavioral health expertise right on site to help them, so they don’t have to be experts, they don’t have to, you know, figure out how to deal with somebody who’s coming in in crisis who’s decompensated, and they’re acting up, we have people there that can help with that.

—Philadelphia stakeholder

The City of Philadelphia established the Community Advisory Committee, the first of its kind in the city, to engage community members in public discussions surrounding SJC priorities and solutions. The stakeholders we spoke with viewed this as a major milestone for the city, citing how the committee provided a space where members of Philadelphia’s strong advocacy community could have their voices heard by justice agencies and system actors. Despite the challenges described earlier, stakeholders still highlighted this as a success.
In all my years of being in criminal justice I don't remember ever seeing an event like this. I've never been in a room where you had the justice partners and you had the community public, basically the public allowed in and having a turn at their story.  
—Philadelphia stakeholder

Lessons Learned

Over many years of involvement in the SJC, Philadelphia learned many lessons from its reform efforts. We describe those lessons in this section.

With comprehensive, cross-agency collaboration, it is possible to significantly reduce jail populations in large cities. The City of Philadelphia’s comprehensive efforts to reduce the local jail population achieved a 41 percent reduction in average daily population between 2016 and 2022. Philadelphia continues to have a high incarceration rate of 340 per 100,000 adults versus a national average of 256 per 100,000.

Significant jail population reductions do not necessarily mean racial and ethnic disparities will also decrease. In Philadelphia as of April 2022, Black people were 4.3 times more likely and Latinx people 3.5 times more likely to be booked than white people. These both represent increases from the baseline when Philadelphia joined the SJC in 2015. Furthermore, average length of stay for Black and Latinx people is substantially longer than for white people, and those gaps have grown. Stakeholders acknowledged the limited number of strategies focused on addressing (as opposed to merely diagnosing) these disparities and the need to continue work in this area.

Reform fatigue is a reality for long-term initiatives like the SJC and can make it difficult for stakeholders to sustain efforts. With over 40 SJC strategies, Philadelphia undertook an ambitious agenda that has been challenging to sustain, especially in recent years as the COVID-19 pandemic hit and violent crime rose. Furthermore, staffing shortages exacerbated backlogs in case processing and implementation of SJC strategies as a narrative connecting rising violent crime and reform efforts developed.

Meaningful community engagement is challenging and requires educating stakeholders and community members. Stakeholders shared that when the Community Advisory Committee was formed in Philadelphia, some actors misunderstood the level of effort that would be required of them, the
committee’s role, and how decisionmaking power would be shared, which made it challenging for government stakeholders and community members to work together effectively. Furthermore, both parties experienced a learning curve. Many government stakeholders were interacting with community members for the first time and learning from their perspectives, and many community members had never been involved in local government processes.

Conclusion

Throughout the City of Philadelphia’s SJC involvement, it developed and launched dozens of strategies to reduce the jail population. It achieved many successes, including significantly reducing its jail population, strengthening cross-agency collaboration in reform efforts, further advancing data-driven decisionmaking, and developing new strategies to divert people from further justice involvement. Notably, the City formed the Community Advisory Committee (the first committee of its kind in Philadelphia) to formalize community members’ role in SJC work and ensure their perspectives were informing all ongoing and future strategies. These efforts, however, were not without challenges, as stakeholders cited ongoing struggles with addressing racial and ethnic disparities, limited staffing capacity, reform fatigue, and effective collaboration. Opportunities for future work include further increasing community engagement via the Community Advisory Committee, developing and implementing strategies to reduce racial and ethnic disparities, and combating the public narrative connecting increases in violence and reform efforts with evidence and data.
Notes


7 It redefined this goal from 34 to 50 percent, to be achieved between 2015 and 2020.


13 More information can be found on different counties’ experience with the Sequential Intercept Model in another of Urban’s Safety and Justice Challenge case studies, available at https://www.urban.org/research/publication/using-sequential-intercept-model-guide-local-reform.


References


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