

Improving Accountability and Transparency in Jail Operations: Annotated Bibliography

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ACCOUNTABILITY AND MODELS FOR ACCOUNTABILITY

Association for the Prevention of Torture and the Office for Democratic Institutions and Human Rights, Monitoring Places for Detention: A Practical Guide for NGOs [non-governmental organizations], December 2002, https://tortureprevention.ch/content/files_res/monitoring-guide-for-ngos-en.pdf accessed 6/19/2020

An interesting perspective and guidance for non-governmental organizations to inspect correctional institutions. While perhaps a more European model, the information, checklists and protocols to address human rights and the importance of public monitoring is useful.

The Commission on Safety and Abuse in America's Prisons, Confronting Confinement, Vera Institute of Justice 2006, https://www.vera.org/downloads/Publications/confronting-confinement/legacy_downloads/Confronting_Confinement.pdf accessed 6/19/2020.

The Commission's findings include "Most correctional facilities are surrounded by more than physical walls; they are walled off from external monitoring and public scrutiny to a degree inconsistent with the responsibility of public institution." The Commission proposes nine recommendations, including jails, to the increase in oversight and accountability: demand and invest in independent oversight in each state; build national non-governmental oversight; reinvigorate investigations and enforcement by the U. S. DOJ and build similar capacities in states; reform PLRA; monitor practice just not policy; strengthen professional standards; develop meaningful internal complaint systems; encourage citizen and stakeholders to visit facilities; and strive for transparency. The report provides details on these specific recommendations.

Doyle, James M., "NIJ's Sentinel Events Initiative: Looking Back to Look Forward," NIJ Journal 273 (2014): 10-14, <https://www.ncjrs.gov/pdffiles1/nij/244145.pdf> accessed 6/23/2020

Building on the National Institute of Justice's Mending Justice, the author poses the question of whether the criminal justice system can - rather than blaming - see errors, or near misses, as inevitable, can it examine these events in a disciplined and consistent way, can lessons be learned to prevent future errors, and minimize future risks. Can, for example, jails adopt this approach to examine events to determine system failures, rather than individual errors which perhaps increases the chance the error will be repeated.

John Howard Association of Illinois, Promoting Transparency and Accountability in Juvenile Detention Facilities: A Report on the John Howard Association's Visit to Robert W. Depke Juvenile Complex, Lake County, Illinois, August 18, 2016, <https://static1.squarespace.com/static/5beab48285ede1f7e8102102/t/5d32114b4032f50001d9953c/1563562315410/JHA%27s+Report+on+Promoting+Transparency+and+Accountability+in+Juvenile+Detention+Facilities-+Depke+Complex.pdf> accessed 6/19/2020.

While this report addresses a specific facility, it is a relevant case study for the jail field addressing access to information resources for justice-involved youth and their families, technology, data collection, and public access to information, promoting and independent oversight and stakeholder feedback.

Kelling, George, L., Robert Wasserman and Hubert Williams, Police Accountability and Community Policing, U. S. Dept. of Justice, National Institute of Justice and the Program in Criminal Justice Policy and Management, John F. Kennedy School of Government, Harvard, University, November 1988, <https://www.ncjrs.gov/pdffiles1/nij/114211.pdf> accessed 6/22/2020.

The work from 1988 remains relevant through the examination of the nexus between community policy and accountability; for individual officers and for the agency. The monograph examines the “. . . organizational mechanisms of control that seek to ensure police accountability to both the law and the policies and procedures . . .” of the agency. The authors look at the traditional command and control police philosophy and if it is relevant to contemporary policy. By decentralizing operations and empowering officers to make decision in response to community policing, the agency must ensure there is accountability. The discussion includes: the policing culture, leadership through values, accountability to the community, and administrative mechanisms of control (supervision, training, audit mechanisms, discipline, rewards, and peer control).

The Opportunity Agenda, Create Fair and Effective Policing Practices, <https://transformingthesystem.org/criminal-justice-policy-solutions/create-fair-and-effective-policing-practices/> accessed 7/6/2020

Provides insight into transformation for collaboration and transparency with the community by increasing community-based accountability, assuring political accountability, civil lawsuits, criminal prosecutions, along with suggestions for local, state and county legislatures to promote accountability. Additional initiatives in criminal justice are included on the website.

Pew Charitable Trusts, Performance Safety Performance, You Get What You Measure: Compstat for Community Corrections, No. 1, July 2007, https://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2007/you20get20what20you20measurepdf.pdf accessed 6/22/2020

This monograph explores the application of the COMPSTAT model of continuous evaluation of performance in a community corrections setting, evaluating results of programming designed to fulfill the organization’s objective to reduce recidivism. Before applying the model, strong leadership is needed so that an agency must define the critical measurable indicators of success and have systems to accurately track and report those indicators. Jails can draw from the community corrections narrative to think about what are critical measures of success in jails.

The President's Task Force on 21st Century Policing, Final Report, May 2015, https://cops.usdoj.gov/pdf/taskforce/taskforce_finalreport.pdf accessed 6/19/2020

This Task Force was created to “. . . strengthen community policing and trust among law enforcement officers and the communities they serve . . .” in a post-Ferguson world. The Task Force's recommendations appear relevant to jails in the recommendations regarding building trust and legitimacy and “1.3 Recommendation: Law enforcement agencies should establish a culture of transparency and accountability in order to build public trust and legitimacy. This will help ensure decision making is understood and in accord with stated policy.” “2.8 Recommendation: Some form of civilian oversight of law enforcement is important in order to strengthen trust with the community. Every community should define the appropriate form and structure of civilian oversight to meet the needs of that community.”

Ritter, Nancy, “Testing a Concept and Beyond: Can the Criminal Justice System Adopt a Nonblaming Practice?” *NIJ Journal* 276 (2015): 38-45, <https://www.ncjrs.gov/pdffiles1/nij/249220.pdf> accessed 6/23/2020

Building on the work of the National Institute of Justice's Mending Justice compendium, the author overviews the basics of sentinel event review, looks at experiences of agencies who have used the strategy, the importance of getting away from fixing blame as the goal of agency reviews, how the process can work in an organization (processes), and measuring impact and outcomes.

Schafer, Joseph A., and John P. Jarvis, *Understanding Trust and Transparency in Contemporary Policing, Trust and Transparency Issues in the Future of Law Enforcement, Volume 8 of the Proceedings of the Futures Working Group, Society of Police Futurists International 2018.*

The authors define, for this work, transparency as the degree to which decisions are being made in a visible fashion, the extent operations are subject to review and scrutiny by outsiders, and the extent the choices of decisions makers are readily apparent. The link between trust and transparency, but internally and externally is reviewed.

United Nations Office of Drugs and Crime, *Handbook on Police Accountability, Oversight and Integrity, Criminal Justice Handbook Series, 2011,* https://www.unodc.org/pdf/criminal_justice/Handbook_on_police_Accountability_Oversight_and_Integrity.pdf accessed 6/22/2020.

An interesting international perspective on accountability – “. . . a system of internal and external checks and balances aimed at ensuring that police carry out their duties properly and are held responsible if they fail to do so.” The handbook identifies key elements including: legislation, training, public input, priorities in resource deployment, adequate equipment, reporting, supervision, a culture that promotes transparency and evaluation, internal and external monitoring, transparent complaint mechanisms and procedures, procedures to address misconduct including adequate investigative capacity, independent

oversight of compliant procedures, and reliable statistics. The document includes a road map for effective accountability and promotion of integrity, with questions to assess the current organization.

U. S. Dept. of Justice, National Institute of Justice, Mending Justice: Sentinel Event Reviews, September 2014, <https://www.ncjrs.gov/pdffiles1/nij/247141.pdf> accessed 6/23/2020

A compendium of commentaries about how the criminal justice system can learn from mistakes and errors. The work defines a “sentinel event”: “a bad outcome that no one wants repeated and that signals the existence of underlying weaknesses in the system.” This approach, borrowing from other professions, focuses on creating a “nonblaming” attitude, that seeks to not necessarily “punish” the actors, but rather to prevent the event from happening again – preventive accountability. This work is an essential learning tool for those agencies determining that engaging in sentinel event review, or root cause analysis, will improve jail operations, as well as improving internal and external trust. A useful appendix provides examples of initiatives and strategies.

Willmsen, Christine and Beth Healy, Dying on the Sheriff’s Watch Gaps in Tracking Jail Deaths a ‘National Scandal’, WBUR, Boston Public Radio, March - April 2020

<https://www.wbur.org/inside/2020/03/23/wbur-announces-debut-series-from-wbur-investigations-team-dying-on-the-sheriffs-watch> accessed 7/6/2020

A public radio investigation of 195 inmate deaths between 2008-2018 in the 13 county jails in Massachusetts to determine how deaths are tracked, transparency of data, involvement of privatized inmate health care, and accountability of elected sheriffs. Unprecedented and informative perspective for those in jail leadership.

JAIL DATA COLLECTION

Brennan, Tim, Dave Wells, and John Carr, Running an Intelligent Jail: A Guide to the Use and Development of a Jail Information System, U. S. Dept. of Justice, National Institute of Corrections, August 2013 <https://info.nicic.gov/nicrp/system/files/027446.pdf> accessed 6/22/2020.

This document is intended to inform criminal justice system practitioners and software developers about jail information systems to help run a more efficient jail. This work acknowledged the critical nature of a jail’s management information system in terms of decision-making and resource allocation. Most jails do not have the in-house expertise to assess needs, evaluate processes, determine alternative ways of operating, considering alternatives, and creating a request for proposal to find a vendor. The monograph addresses the need for monitoring performance-based goals. Suggestions are included for global performance criteria linked to staff and inmate safety, public safety (classification, housing, supervision, inmate management), protection of inmates’ rights, protection against litigation, programming and inmate assignments, and recruitment and retention of staff.

Helpful appendices look at what data is collected to address specific questions, along with reports which might be generated.

Elias, Gail, *How to Collect and Analyze Data: A Manual for Sheriffs and Jail Administrators* 3rd edition, U. S. Dept. of Justice, National Institute of Corrections, July 2007,
<https://info.nicic.gov/nicrp/system/files/021826.pdf> accessed 6/23/2020

The document, although somewhat dated, provides “step-by-step” instructions for jails to use statistical data to “. . . improve the organization’s efficiency and provide support for funding initiatives.” The author addresses: why organizations should collect data; attempts to de-mystify statistics and data collection procedures, tips on how to collect data, provides practice opportunities, and suggests guidelines for using the data. The author also suggests individuals consider statistics course work, improve information systems, and examining research methods. Chapter titles include: good management requires good information; information that should be collected; preparing for data collection; how to local and capture information; how to put it all together; how to analyze information; how to interpret information; sharing information with others; and getting the most from your information system. Helpful appendices provide additional information.

Jannetta, Jesse, *COMPSTAT for Corrections*, UC Irvine, Center for Evidence-Based Corrections, December 2006,
<http://ucicorrections.seweb.uci.edu/files/2006/12/COMPSTATforCorrectionsWorkingPaper.pdf> accessed 6/22/2020

This monograph explores how the COMPSTAT system in policing might be migrated to corrections (state corrections) and related challenges. Discussion of the need to “. . . tighten organizational focus . . .”, hold managers accountable, gain organizational commitment, gather, analyze and present data, align resources to problems, engage in innovative problem-solving approaches, and build partnerships. The California Department of Corrections and Rehabilitation sought in 2006 to implement COMPSTAT. COMPSTAT reports are available at: <https://www.cdcr.ca.gov/research/compstat/> This is an interesting discussion for jails considering an accountability model such as COMPSTAT.

Russo, Joe, Michael J. D. Vermeer, Dulani Woods, and Brian A. Jackson, *Data-Informed Jails, Challenges and Opportunities*, U. S. Dept. of Justice, National Institute of Justice, 2020,
https://www.rand.org/content/dam/rand/pubs/research_reports/RRA100/RRA108-1/RAND_RRA108-1.pdf accessed 6/23/2020

The monograph reports on needs identified by subject matter experts that would allow jails to position themselves to impact their critical role in the justice system. Needs were: leadership and organizational issues, procuring and implementing a jail management system, data collection and analysis, applying the data, and information-sharing. The information can be used to help jails assess their position vis-à-vis these critical issues, and help, perhaps in prioritization of strategies.

LAW REVIEW AND JOURNAL PUBLICATIONS

Armstrong, Andrea C., No Prisoner Left Behind? Enhancing Public Transparency of Penal Institutions, *Stanford Law and Policy Review*, Vol 25:435, 2014, <https://poseidon01.ssrn.com/delivery.php?ID=541021002118115126095102086025094089109025032011016032119084099076096102025066093106001060102005041111018116096068091087123123042034007076000096071095083113002027030084017057103112115104099120007092067084089119025021010090082005100011006080003087118094&EXT=pdf> accessed 6/8/2020.

The author argues that transparency in the criminal justice system ends with the prison system and that “Enhanced transparency of prison operations is essential for achieving a more just and safe democracy.” The public’s lack of information about the operation of penal facilities has a cost in terms of community and individual impact. The need for greater external and internal oversight of penal facilities is reviewed, with a focus on enhanced transparency, why it is necessary, and the need for broader arguments for public engagement in prison oversight. Transparency is defined as making the hidden visible, as contrasted with accountability focused on performance. The author suggests that the framework built by the No Child Left Behind Act provides ideas for prisons, as schools and prisons are comparable institutions due to the government’s operation of each entity, the deference to administrators provided by courts, and the similar duties and obligations of administrators. Suggested remedies are: increased data collection, reporting and analysis; and sharing information about actual practices and outcomes.

Ashe, Michael J., Jr., Oversight and Accountability in Corrections, *Washington University Journal of Law and Policy*, Vol 205, 2006, https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1355&context=law_journal_law_policy accessed 6/8/2020.

The former Sheriff of Hampden County, Massachusetts, discusses the seven underlying principles of the organization’s vision. He discusses agency initiatives regarding responsibilities of staff and commitment of leadership to the principles.

Cullen, Francis T., Cheryl Lero Jonson and John E. Eck, The Accountable Prison, *Journal of Contemporary Criminal Justice*, 28(1) p. 77, 2012, <https://journals.sagepub.com/doi/abs/10.1177/1043986211432202> accessed 6/8/2020.

Building on lessons from policing, the authors propose a new era of accountability in corrections in which prison officials are mandated to reduce inmate recidivism and are rewarded for doing so. Prison officials are now held accountable for what happens within the walls, but not accountable for outcomes after inmates return to their communities, or subsequent impact on crime in the neighborhoods. The article assigns the mission of prisons

as rehabilitation, which align with community expectations. The authors propose using strategies gleaned from problem-oriented-policing. To create an accountable prison, the organization's leaders will be expected to achieve a broader social purpose than incarceration – to advance public safety in communities outside the prison – making offenders less likely to re-commit crimes and return to prison. The core issues of such an approach include experimentation, providing the means to be successful, defining and measuring success, and defining incentives and accountability. The use of “social bonds” are discussed, as well as the application of evidence-based practices.

Deitch, Michele, Independent Correctional Oversight Mechanisms Across the United States: A 50-State Survey, *Pace Law Review*, Vol 30, Issue 5, Fall 2010, Article 21, https://digitalcommons.pace.edu/cgi/viewcontent.cgi?referer=https://us.search.yahoo.com/&https_redir=1&article=1764&context=plr accessed 6/11/2020.

This report provides a state-by-state overview of independent oversight mechanisms for jails and prisons (as of 2010). The author concludes that inspections and routine monitoring of conditions that affect the rights of prisoners is rare, and that accountability is “elusive.” The survey is intended push discussions of oversight, including sufficiency of existing resources.

Deitch, Michele, Special Populations and the Importance of Prison Oversight, *American Journal of Criminal Law*, VI. 37:3, 2010, p. 102. <https://lbi.utexas.edu/sites/default/files/file/Deitch--Special%20Population%20and%20Importance%20of%20Prison%20Oversight--AJCL%202010.pdf> accessed 6/8/2020.

The author's advocates that independent prison oversight and transparency is particularly required in the case of inmate vulnerable populations – those prisoners held in administrative segregation, those vulnerable to sexual assault, those with mental and physical disabilities, and those with serious medical needs. The article reviews the concepts and strategies for prison oversight and thought-influencers' belief that prison oversight is appropriate and necessary for the humane operations of correctional facilities and part of the effort to professionalize the field. Oversight, either internal, external, or both, is not the goal in and of itself but rather to achieve transparency of public institutions and accountability for operations. Vulnerable populations should have a heightened level of scrutiny. The author proposes eight fundamental criteria for effective oversight: independence; mandate to conduct regular, routine inspections; unimpeded access to facilities, prisoners, staff, documents, and materials; adequate resources; mandated duty to report; a holistic approach; fulfill dual roles of investigation and monitoring; and require agency cooperation.

Doyle, James M., Learning from Error in American Criminal Justice, *Journal of Criminal Law and Criminology*, Vol 100, Article 4, Winter 2010, <https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=7346&context=jclc> accessed 6/8/2020.

The author explores the concept of criminal justice agencies learning from error as part of continuous quality improvement. Beginning with initiatives regarding wrongful convictions, the elements of system failures are identified. While this article is focused on convictions, the authors subsequent work moves to other elements of the justice system.

Gennaco, Michael, Toward Increased Transparency in the Jails and Prisons: Some Optimistic Signs, Washington University Journal of Law and Policy, Vol 22, January 2006, p. 195, https://openscholarship.wustl.edu/cgi/viewcontent.cgi?article=1354&context=law_journal_law_policy accessed 6/8/2020

This article examines the outflow of five high profile murders within the Los Angeles County jail, the role of the Office of Independent Review, resulting in an increase in transparency for the public. The required elements to enhance reviews of negative events, there is the need for (as examples): documentation of complaints; protocols for thorough investigations; tracking systems for employees and notable events (e.g. uses of force), staff disciplinary history; and complaints against employees. Sharing outcomes with the public, or having public access is important to meaningful access. Using “security” concerns to shield information needs examination, requiring agencies to balance the need for privacy controls with the importance of public access.

Geraghty, Sarah and Melanie Velez, Bringing Transparency and Accountability to Criminal Justice Institutions in the South, Stanford Law and Policy Review, Vol. 22, 455, 2011, https://www-cdn.law.stanford.edu/wp-content/uploads/2018/03/geraghty_vez.pdf accessed 6/8/2020.

The authors address what they identify as deeply held beliefs by prison leadership that oversight compromises security. They argue that correctional institutions should be transparent and accountable to the public as necessary to uphold the rights of prisoners and promote the public’s interest. The authors review correctional organizations’ resistance to transparency and accountability; the needs for transparency, especially with privatization; the role courts can play; and the role of the media. The public needs information to assess correctional systems’ successes and failures including: state open records laws; application of open records laws to private prisons and corporations; implementation of community-based court-watching; require prisons to accurately track and publish in-custody deaths, assaults, sexual assaults, and allegations of excessive use of force.

Jacobson, Michael, Elizabeth DeWolf, Margaret Egan, and David Hafetz, Beyond the Island: Changing the Culture of New York City Jails, Fordham Urban Law Journal, Vol 45 Number 2, Article 3, 2018, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2727&context=ulj> accessed 6/8/2020.

The authors review the recent initiatives to replace Riker’s Island, and argue that closing the facility and locating new facilities to the City’s boroughs requires the City to address the organization’s internal culture, including violence, mismanagement, and inefficiencies. The article examines the concept of culture change and historical reform efforts, a review of how internal culture develops, and discusses five critical areas for developing a plan to change

culture: accountability in management and performance including strong performance measurements, integrity of data, using evidence-based data; current procedures and policies, recruiting and hiring; training and education to support a changed culture and redefining staff roles; and wellbeing and support.

Mushlin, Michael B., and Michele Deitch, Opening Up a Closed World: What Constitutes Effective Prison Oversight, *Pace Law Review*, Vol 30 Issue 5 Fall 2010, Article 1
https://www.prisonlegalnews.org/media/publications/pace_law_review_prison_oversight_sourcebook_article_1_what_constitutes_effective_oversight_2010.pdf accessed 6/11/2020

This article overviews initiatives and discussions at a 2006 conference regarding this topic. The authors conclude that external oversight of prisons is needed as an element of good correctional practice, and will provide positive outcomes for prisoners, staff and the public.

Stojkovic, Stan, Prison Oversight and Prison Leadership, *Pace law Review*, Volume 30, Issue 5, Fall 2010, Article 6 <https://digitalcommons.pace.edu/cgi/viewcontent.cgi?article=1749&context=plr> accessed 7/3/2020

The author argues that “. . . prison oversight matters when it comes to correctional leadership, and that it is in the best interests of everyone to have effective oversight mechanisms . . .” by examining prison oversight and demographic values, prison effectiveness and societal expectations. “The fact of the matter is that prison oversight can have tremendous benefit in allowing us to gain resources and bring to the table other actors who can assist . . .” This exploration examines not IF the changes to increased transparency is in the works; but rather how correctional leaders will make this happen as a means to improve effectiveness. A relevant observation is that “. . . the current prison suffers from too much tradition and very little innovation.”

Worsley, Melanie K., and Amy Memmer, Transparency Behind Bars: A History of Kansas Jail Inspections, Current Practices, and Possible Reform, *Journal of Criminal Justice and Law*, Vol. 1, Issue 2, August 2017, p. 71, <https://www.uhd.edu/academics/public-service/jcjl/Documents/6.%20Article.pdf> accessed 6/8/2020

This article traces the history of the Kansas jail inspection policy and reports on a survey of other states’ jail inspection statutes, identifying 25 states with jail inspection statutes. The enforcement mechanisms are identified (including unified state systems), 13 of the 25 states lacking enforcement. The authors argue that a statute alone is insufficient, with a need to tailor initiatives to each system including regulations, auditing, accreditation, investigation, legal, reporting, and inspecting/monitoring.

ORGANIZATIONAL OVERSIGHT

American Bar Association, Standards on Treatment of Prisoners, February 2010,

https://www.americanbar.org/groups/criminal_justice/publications/criminal_justice_section_archives/crimjust_standards_treatmentprisoners/ accessed 6/19/2020.

Part XI of the ABA's standards address accountability and oversight, including (summary): independent internal auditing capacity, investigations, contractor accountability, accreditation, use of force reviews, collect, analyze and publish data, evaluation of programs, development of uniform national definitions and methods of defining, collecting, and reporting accurate and complete data, routine inspections by relevant regulatory bodies, independent monitoring of correctional facilities, legislative oversight, and media access.

Bobb, Merrick, Internal and External Police Oversight in the United States, 2005,

<https://www.prearesourcecenter.org/sites/default/files/library/internalandexternalpoliceoversightintheunitedstates.pdf> accessed 6/19/2020.

This paper provides useful historical information and perspective on the development of oversight of law enforcement, discussing civilian review boards, investigative and quality assurance models, monitors and evaluative and performance-based models, compulsory monitoring and reform, and lawsuits. The author concludes that "If law enforcement agencies are willing to undertake reform voluntarily and to open their records to public scrutiny – allowing for the transparency of internal processes, including internal investigations – the initiation of independent, civilian monitoring through a review board, the least intrusive means of oversight, may be adequate to assure the integrity of a self-regulating policy agency."

Deitch, Michele, The Need for Independent Prison Oversight in a Post-PLRA World, Federal Sentencing Reporter, Vol. 24, No. 4, pp. 236-244, 2012

<https://www.jstor.org/stable/10.1525/fsr.2012.24.4.236?seq=1> accessed 6/19/2020

The Prison Litigation Reform Act of 1996 limits the ability of courts to intervene in conditions of confinement cases. The author examines the need for alternative forms of oversight to increase transparency and accountability in operations. See also, Deitch in Law Review articles.

PERFORMANCE BASED MEASUREMENTS, EVIDENCE-BASED PRACTICE

Association of State Correctional Administrators (renamed Correctional Leaders Association), ASCA Performance-Based Measures System Counting Rules: Revised Key Indicators and Characteristics, Effective September 1, 2016 and Revised Counting Rules for Organizational Characteristics, effective August 28, 2015.

Provides a breakdown of the data to be collected and the counting rules for: organizational characteristics, facility characteristics, public safety standards (escapes, recidivism), institutional safety (inmate-on-inmate assaults, inmate-on-staff assaults, inmate-on-inmate sexual violence, inmate-on-staff sexual violence, staff-on-inmate sexual violence, inmate-on-inmate homicides, inmate-on-staff homicides, inmate suicides, positive drug tests, disturbances, cell searches, major contraband finds, use of force), substance abuse standards (substance abuse assessments, substance abuse intervention), mental health services standard (mental health assessments, mental health treatment, mental health facilities), justice standards (notification, grievances, lawsuits and class action cases, disciplinary reports, administrative segregation/restrictive housing, protective custody), academic education (education needs, education enrollment, education slots), health care (medical services provided, medical problems, medical treatment, medical facilities), fiscal standard (adult correctional agency expenditures), adult correctional agency appropriations, adult correctional agency funding sources, adult correctional agency contractual service expenditures), personnel standard (adult correctional agency correctional staffing).

Association of State Correctional Administrators (renamed Correctional Leaders Association), Performance Based Measures System, August 27, 2015, <https://info.nicic.gov/nicrp/system/files/ASCA%20Performance%20Based%20Measures%20System.pdf> accessed 6/17/2020

An overview of ASCA's performance based measures system established "... to enable agencies to measure agency and facility performance against correctional standards and performance measures; provide for "apples-to-apples" comparisons based on established counting rules defined by corrections; enable sharing and comparison of performance among all ASCA agencies; and maintain measures current and relevant to contemporary correctional practices."

Association of State Correctional Administrators (renamed Correctional Leaders Association), Performance-Based Measures System Resource Manual, September 8, 2015.

As the PBMS moved forward in 2015, this resource manual includes ASCA issues of participation, quality of assurance of processes and data, provision of support and

administrative services to ASCA's, Performance Measures Committee; strategic planning in developing benchmarks (key indicators), enhancing software applications, reporting results, and sharing the data.

Association of State Correctional Administrators (renamed Correctional Leaders Association), Defining and Measuring Corrections Performance, Final Report, February 2003.

This report describes ASCA's work to identify performance indicators, summarizes assessments of the ability of state organizations to participate, and provides next steps.

Branly, Shannon, Andrea Luna, Sarah Mostyn, Sunny Schnitzer and Mary Ann Wycoff, Implementing a Comprehensive Performance Management Approach in Community Policing Organizations: An Executive Guidebook, U. S. Dept. of Justice, Office of Community Oriented Policing Services, 2015, <https://www.nationalpublicsafetypartnership.org/clearinghouse/Content/ResourceDocuments/Implementing%20a%20Comprehensive%20Performance%20Management%20Approach%20in%20Community%20Policing%20Organizations.pdf> accessed 6/26/2020.

This monograph explores ways in which executives can assure procedural justice within their organizations, that is, " . . . the extent that members of a community feel that they are receiving justice, based on whether the procedures of the criminal justice system seem fair, impartial, and respectful." In order the line officers to treat people with respect; their organization must treat them with the same respect – though fairness, respect, having a voice, and transparency. The authors relate that to performance management within the agency. Performance management is defined as " . . . continuous efforts, day to day, to define what a community wants from its police department and then to build on community expectations by spelling out what police department leaders expect from their officers. . . ." Jails can pull helpful information from this report by looking at how to match performance measures to expectations, inclusion of qualitative review (rather than just quantitative review), conformance of employee performance, emphasis on career development and talent development at all levels and focus on effective supervisors. The agency must model the behavior it expects from their employees through internal transparency, input, fair and consistent application of employee-related rules, treat employees with dignity, and existence of a fair and open compliant process. Connect with, and alignment with the community is discussed; which in the case of jails is both internal (inmates), and external – the community and stakeholders.

Council of State Governments (CSG), Justice Center, 50-State Report, March 2018 <https://50statespublicsafety.us>, accessed 6/19/2020.

CSG's comprehensive public web-based safety road map, including an action item to support collection and analysis of jail data. CSG produced 50 state-specific workbooks containing more than 60 data visualizations showing historical trends and data comparisons related to crime, arrests, recidivism, and correctional populations <https://50statespublicsafety.us/workbooks/>. This information may be useful to jails as they

examine what their states are collecting and look at other jurisdictions. Some jail data is included for each state.

DiIulio, John J., Jr., Geoffrey P. Alpert, Mark H. Moore, George F. Cole, Joan Petersilia, Charles H. Logan, and James Q. Wilson, Performance Measures for the Criminal Justice System, U. S. Dept. of Justice, Bureau of Justice Statistics, October 1993, <https://bjs.gov/content/pub/pdf/pmcjs.pdf> accessed on 6/10/2020

This is a summary of discussions of a study group regarding appropriate measures and ways in which such measures can be effectively used by both policymakers and practitioners. A paper is included regarding measures for prisons, which also addresses jails. The author of this chapter, Charles H. Logan links mission to performance, reviewing, at a global level, eight dimensions of performance: security, safety, order, care, activity, justice, conditions, and management. Examples of performance measures are reviewed, based on both staff and inmate surveys. The author proposes extensive topic areas for performance measures for the eight dimensions noted above.

Franklin, Godfrey, John S. Pratt, Walter J. Wheatley, and Paul J. Bohac, Corrections and TQM – Do They Mix? Journal of Correctional Education, Vol. 48, Issue 1, March 1997.

“TQM is a philosophy that emphasizes the need to meet customer needs precisely and the importance of doing things right from the start. “This article explores the possibilities of Total Quality Management (TQM) application to corrections and explores W. Edward Deming’s fourteen points. The authors conclude that TQM in corrections will require a modification to existing organizational internal culture, consistent funding, consistent administrative support, and a clear statement of and commitment to the organization’s mission.

Gleicher, Lily, Implementation Science in Criminal Justice: How Implementation of Evidence-based Programs and Practices Affects Outcomes, Illinois Criminal Justice Information Authority (ICJIA), October 20, 2017, <https://icjia.illinois.gov/researchhub/articles/implementation-science-in-criminal-justice-how-implementation-of-evidence-based-programs-and-practices-affects-outcomes> accessed 6/10/2020.

This article defines evidence-based practices, discusses the importance of effective implementation, and outlines the stimuli of organizational and operational change. The author notes that the promise of EBP is often limited by agencies’ capacity to implement and sustain the reform. A list of resources is included, along with a suggested assessment for organizational readiness, including the commitment and role of leadership.

Houston, James, Total Quality in Corrections, Policing in Central and Eastern Europe: Dilemmas of Contemporary Criminal Justice), December 2004,

<https://www.ncjrs.gov/pdffiles1/nij/Mesko/207983.pdf> accessed 6/10/2020.

This monograph outlines the essentials of total quality management (TQM) and its history, and breaks down TQM into three elements for corrections: working with suppliers, elected officials, taxpayers, staff and inmates to ensure that the work processes are designed for success; continuous employee analysis of work processes to improve their function and reduce process variation; and close communication with customers to identify and understand what they want and how they define quality. Implementation of TQM from a leadership, planning, and strategic initiatives are reviewed. The author argues that TQM is one means to improve performance of corrections given the challenges faced by the profession.

Nink, Carl, Measuring Success: Improving the Effectiveness of Correctional Facilities, MTC Institute, May 2006,

https://www.prisonlegalnews.org/media/publications/mtc_report_measuring_success_of_correctional_facilities_2006.pdf accessed 6/19/2020.

This short monograph primarily addresses prison measures. Success is defined as an organization's ability to demonstrate that it addresses all mission critical areas. Four broad areas for performance are reviewed: safety and security, quality of life, reentry preparation, and management. Management strategies are relevant to jails and address: stable staffing, examination of per diem costs, application of rules and procedures, use of volunteers, and input from staff into operations. Examples of measurable outcomes for staffing include, as examples, staff turnover rates, overtime, staffing meeting training requirements, inmate disciplinary reports which are upheld, staff misconduct, and results of surveys of staff and inmates.

Orchowsky, Stan, An Introduction to Evidence-Based Practice: Executive Summary, U.S. Dept. of Justice, Bureau of Justice Assistance, April 2014,

https://www.jrsa.org/projects/ebp_briefing_paper1_summary.pdf accessed 6/10/2020.

This monograph provides an overview of the evidence-based practices movement in corrections, defines relevant terms, and reviews implementation issues. A companion document is Sustaining Evidence-Based Practices (December 2015)

https://www.jrsa.org/projects/ebp_briefing_paper3.pdf These documents are helpful in education about evidence-based practice and the challenges of sustainability.

Pew Center for the States, Ten Steps Corrections Directors Can Take to Strengthen Performance, May 2008, <https://www.pewtrusts.org/>

[/media/legacy/uploadedfiles/pcs_assets/2008/ten20steps20corrections20directors20can20takepdf.pdf](https://www.pewtrusts.org/-/media/legacy/uploadedfiles/pcs_assets/2008/ten20steps20corrections20directors20can20takepdf.pdf) accessed 6/19/2020.

A survey focused on state corrections providing ten suggestions that are also relevant to jails. These are: get the agency mission right, develop performance measures that matter, make better use of technology, build smarter, seek alternative forms of funding, develop partners to cut down medical costs, hold facility managers accountable, pay for security staff on the front end, find nonfinancial ways to improve employees' morale, and develop new leaders. The suggestions are somewhat dated and reference the ASCA performance-measures (see ASCA, above).

Roberts, David J., Law Enforcement Tech Guide for Creating Performance Measures That Work: A Guide for Executive and Managers, U. S. Dept. of Justice, Office of Community Oriented Policing Services, 2006, <https://www.search.org/files/pdf/PMTechGuide.pdf> Accessed 6/20/2020

This guide helps readers develop their own measures to improve programs, initiatives and effectiveness. This guide examines performance evaluation. The eight underlying principles of the document are: performance measurement improves the management and delivery of products and services; performance measurement improves communications internally among employees, as well as externally between the organization and its customers and stakeholders; performance measurement demonstrates accountability and stewardship of taxpayer resources; performance measurement is a federal grant-funding program requirement; performance indicators are useful for diagnosing problems; performance indicators can be used to assess how well projects and activities are working in practices; and valid and reliable performance indicators can be used to construct better understanding of the operation of the legal system, the relationship between the legal system and larger economic or social development goals, and the impacts of various kinds of intervention and reform. The document reviews the importance of establishing measurement consistent with the organization's mission and strategic plan providing a six-step process. The document includes information on establishing a performance management framework identifying the ongoing role of performance measurement, assessment, and monitoring including establishing responsibility and accountability, resources, support, and direction to managers. Helpful end-of-chapter checklists enable the reader to develop action plans.

Rudes, Danielle S., Jill Viglione, Courtney M. Porter, Using Quality Improvement Models in Correctional Organizations, George Mason University, Center for Advancing Correctional Excellence (ACE), Federal Probation Vol 77, Number 2, September 2013
https://www.uscourts.gov/sites/default/files/77_2_12_0.pdf accessed 6/10/2020.

This article reviews the literature on quality improvement models designed to enhance organizational change within probation. There is a helpful discussion of history and framework of the total quality management (TQM) and Continuous Quality Improvement (CQI), as well as identifying key factors in TQM/CQI that lead to success.

Ward, Kristin, Susan Chibnall and Robyn Harris, *Measuring Excellence: Planning and Managing Evaluations of Law Enforcement Initiatives*, U. S. Dept. of Justice, Office of Community Oriented Policing Services, June 2007, <https://cops.usdoj.gov/RIC/Publications/cops-p129-pub.pdf>, accessed 6/17/2020

This guide provides useful information for conducting and managing program evaluation, to inform decision-making. Although written from a community policing perspective, the concepts are relevant in a corrections setting. The monograph includes discussion of basic concepts, and guidance for planning, implementing and managing an evaluation as well as addressing the concerns of some in the field about negative evaluation outcomes. The guide overviews needs assessments, process evaluation, outcome evaluation, impact evaluation, cost-benefit analysis, and the design of evaluations and use of both quantitative and qualitative data. Examples, definitions, and processes are included.

U.S. Department of Justice. 2019. *Law Enforcement Best Practices: Lessons Learned from the Field*. Washington, DC: Office of Community Oriented Policing Services, 2019
<https://cops.usdoj.gov/RIC/Publications/cops-w0875-pub.pdf> accessed 6/22/2020.

This contemporary document provides issue-relevant discussions, recommendations and checklists. For this topic, the most useful discussion is about internal affairs relating to trust, transparency and legitimacy. There is a useful bibliography along with checklists.

RESOURCES

Boba, Rachel, Problem Analysis in Policing, U. S. Dept. of Justice, Office of Community Oriented Policing, March 2003,

<https://popcenter.asu.edu/sites/default/files/library/reading/pdfs/problemanalysisinpolicing.pdf> accessed 6/23/2020

This report provides guidance on integration and institutionalization of problem analysis in an organization. It is not a toolkit but rather a summary of ideas and recommendations. Provides perspective for jails considering problem assessment strategies.

Brown, Rick and Michael S. Scott, Implementing Responses to Problems: Problem-Oriented Guides for Police Problem-Solving Tools Series, No. 7, Office of Community Oriented Policing Services, U. S. Dept. of Justice, 2007, <https://cops.usdoj.gov/RIC/Publications/cops-p131-pub.pdf>, accessed 6/22/2020

Jails can relate to this document and apply fixes. When strategies are identified to address a specific problem, this guide aims to help determine why the responses do, or do not, get properly implemented, and how to improve. Importantly, the monograph identifies the four reasons problem-solving initiatives fail: the problem was inaccurately identified; the problem was insufficiently or inadequately analyzed; the responses were improperly or insufficiently implemented, or not implemented at all; or the problem was accurately identified and analyzed, responses were implemented, but did not have the desired effect.

Bynum, Timothy S., Using Analysis for Problem-Solving A Guidebook for Law Enforcement, U. S. Dept. of Justice, Office of Community Oriented Policing Services, 2006,

https://nccpsafety.org/assets/files/library/Using_Analysis_for_Problem-Solving.pdf accessed 6/23/2020

This helpful guide provides practitioners with a resource to conduct problem analysis. The ability to analyze problems was identified as a “. . . the weakest phase of the problem-solving process.” Additionally, practitioners had difficulty “clearly defining problems, properly using data resources, conducting comprehensive analysis, and implementing analysis-driven responses.” The SARA model is identified (scanning, analysis, response, assessment) as part of analysis activities. The process and involvement of stakeholders is discussed. Although geared toward policing, jails can benefit from the narrative.

Clarke, Ronald V and John E. Eck, Crime Analysis for Problem Solvers in 60 Small Steps, Office of Community Oriented Policing Services, U. S. Dept. of Justice, 2016,

<https://cops.usdoj.gov/pdf/CrimeAnalysis60Steps.pdf> accessed 6/22/2020

Problem-solving and analysis-specific functions are not found as often within a jail's organization, certainly when compared to law enforcement. Accepting that this should be a resourced function in jails of all sizes, this manual is to help those assigned in an analyst's

role to train and develop. Although focused on problem-oriented policing and related skills, knowledge and abilities, the narrative can help jails define the roles, job descriptions, training, and organizational placement of this function. This document can be part of a jail's needs assessment to document the need for data collection, analysis and application to improve operations.

Dempsey, John, and John Vivian, COMPSTAT for Juvenile Corrections, 2008,
<https://www.ncjrs.gov/pdffiles1/225027.pdf> accessed 6/22/2020

This is a review of the application of COMPSTAT principles to address violence in a juvenile detention facility. The conclusion is that that applying the seven principles has resulted in a safer environment, with a focus on inter-disciplinary collaboration and use of real-time data.

Eck, John E., Assessing Responses to Problems: An Introductory Guide for Police Problem-Solvers: Problem-Solving Tools Series Problem-Oriented Guides for Police, No. 1, Office of Community Oriented Policing Services, U. S. Dept. of Justice, 2010,
<http://www.justiceacademy.org/iShare/Library-COPS/cops-p034-pub.pdf> accessed 6/22/2020

This document will assist those involved in implementing problem-solving to design evaluations (process or impact) to determine (1) if the strategy worked, and (2) did the strategy contribute to the solution. The information can be used to improve decision-making and identify evidence-based practices.

Finn, Peter, Citizen Review of Police: Approaches and Implementation, U. S. Dept. of Justice, National Institute of Justice, March 2001, <https://www.ncjrs.gov/pdffiles1/nij/184430.pdf> accessed 7/7/2020

Four types of civilian oversight are reviewed, the costs examined, the benefits, and the challenges. The four types are: citizens investigate allegations of police misconduct and recommend findings; police officers investigate allegations and develop findings – citizens review and recommend the findings; complainants may appeal findings established by the agency; and an auditor investigates the investigative process and assess thoroughness and fairness of the process to the department and the citizens.

International Association of Chiefs of Police, Trust Initiative Report, October 2018,
<https://www.theiacp.org/sites/default/files/2018-10/Final%20Trust%20Initiative%20Report.pdf> accessed 7/3/2020

The IACP trust initiative “ . . . invite[s] law enforcement agencies to join in the commitment to building stronger communities and provide avenues for how to do that.” The report describes the results of listening sessions in four communities in which the issues of transparency (e.g. sharing details of events with the community), accountability – holding the agency responsible for poor treatment; and better communication to insure a healthy relationship. The report addresses potential solutions: improving hiring practices, better training – including CIT, mental health first aid and interpersonal skill (empathy and cultural

diversity), diversity, marketing (use of social media to enhance outreach), technology (body worn cameras), and community outreach – engagement.

Police Executive Research Forum, COMPSTAT: Its Origins, Evolutions, and Future in Law Enforcement Agencies, U. S. Dept. of Justice, Bureau of Justice Assistance, 2013, <https://bja.ojp.gov/sites/g/files/xyckuh186/files/Publications/PERF-Compstat.pdf> accessed 6/22/2020.

A primer for those who want to learn how COMPSTAT started in 1994, the principles, the evolution, the future, and the status in 2013. To summarize, the generally recognized core principles are (1) timely and accurate information or intelligence; (2) rapid deployment of resources; (3) effective tactics; and (4) relentless follow-up. The character of COMPSTAT depends often on the agency, but usually includes regularly scheduled meetings focused on specific crime problems and strategies. Learning from NYPD's COMPSTAT highlights the implementation of information-sharing, moving away from hierarchical bureaucratic decision making, and adapting organizational culture. Survey data is included about agencies who use COMPSTAT and the advantages are details. COMPSTAT is being used do more than just crime-reduction (and enhancement of community-policing), but to improve resource management.

Matthews, John, Jail Information Model, U. S. Dept. of Justice, Office of Community Oriented Policing Services, 2006, <https://www.sheriffs.org/sites/default/files/tb/Jail-Info-Model.pdf>. accessed 6/23/2020

This monograph is useful for historical perspective only. In a post-911 world, this project identified that few sheriffs and jails had a “formal information collection and distribution system”, nor was information sharing a priority, nor was existing information shared within the organization. The work is also focused on the jail as a source of intelligence information/data. The project, facilitated by COPS funding, was to: “To develop a national model to collect jail-based information and disseminate it to appropriate law enforcement agencies in order to solve and/or prevent crimes and improve public safety.” The project goals were to develop (within one year) an innovative replicable jail-based information gathering and sharing model process, and to encourage a new job-perspective of correctional officers from “guards” to “proactive peacekeeper”. The project team concluded no additional staffing was needed to implement the model, nor were capital purchases in the form of equipment needed and training minimal. A toolkit was developed, including a CD-ROM. Results of the field testing in three sites is included.

U. S. Dept. of Justice, Office of Justice Programs, Science Advisory Board, Draft Police Transparency and Accountability Checklist, Meeting of the Science Advisory Board, March 27-28, 2016, <https://www.ojp.gov/sites/g/files/xyckuh241/files/media/document/policingchecklist.pdf> accessed 7/3/2020

The Justice System Transparency and Accountability Subcommittee of the Science Advisory Board developed a draft checklist “. . . to provide local agencies with suggestions that they might elect to use to increase their transparency and accountability.” While aimed primarily at law enforcement the checklist provides some ideas about how jails might develop a similar checklist.

ORGANIZATIONS AND ADDITIONAL ASSISTANCE

American Civil Liberties Union, National Prison Project - <https://www.aclu.org/other/aclu-national-prison-project> dedicated to ensuring that our nation’s prisons, jails, and other places of detention comply with the Constitution, domestic law, and international human rights principles, and to ending the policies that have given the United States the highest incarceration rate in the world. We promote a fair and effective criminal justice system in which incarceration is used only as a last resort, and its purpose is to prepare prisoners for release and a productive, law-abiding life at the earliest possible time. Through litigation, advocacy, and public education, we work to ensure that conditions of confinement are consistent with health, safety, and human dignity, and that prisoners retain all rights of free persons that are not inconsistent with incarceration. Achieving these goals will result in a criminal justice system that respects individual rights and increases public safety for everyone, at greatly reduced fiscal cost.

Arnold Ventures, National Partnership for Pretrial Justice - <https://www.arnoldventures.org> - Arnold Ventures’ work in criminal justice is about changing the system to improve people’s lives. Are people being treated fairly without regard to race or income? Is there an underlying issue like substance use disorder or mental illness that the system is unable to address? To get a clear picture, we look at interactions with the justice system from start to finish — policing and pretrial, probation and parole, prison reform, and reintegration — and engage with experts and those directly affected to explore new policies and practices.

George Mason University, Center for Evidence-Based Crime Policy - <https://cebcp.org> seeks to make scientific research a key component in decisions about crime and justice policies. The CEBCP carries out this mission by advancing rigorous studies in criminal justice and criminology through research-practice collaborations, and proactively serving as an informational and translational link to practitioners and the policy community.

George Mason University, The Center for Advancing Correctional Excellence - <https://www.gmuace.org> conducts collaborative and creative research to bring evidence-based practices and treatment to practitioners and policymakers in the criminal justice and health fields. We work with our partners in crafting new policies focused on proactively preventing criminal behavior rather than simply responding to it.

Justice Research and Statistics Association - <https://www.jrsa.org/> is a national nonprofit organization dedicated to the use of nonpartisan research and analysis to inform criminal and

juvenile justice decision making. We are comprised of a network of researchers and practitioners throughout government, academia, and the justice community. JRSA supports state-level statistical analysis centers.

Measures for Justice - <https://measuresforjustice.org/> Mission: to facilitate reform by making available comprehensive and reliable criminal justice data.

National Association of Civilian Oversight of Law Enforcement - <https://www.nacole.org/> The National Association for Civilian Oversight of Law Enforcement (NACOLE) is a non-profit organization that brings together individuals and agencies working to establish or improve oversight of police officers in the United States. NACOLE welcomes people and organizations committed to fair and professional law enforcement that is responsive to community needs. It is estimated there are more than 150 law enforcement organizations with some level of civilian oversight. There is increasingly more interest in NACOLE about jails.

Opportunity Agenda - <https://www.opportunityagenda.org> - The Opportunity Agenda is a social justice communication lab that works to advance the impact of the social justice community by: shaping compelling narratives and messages; building the communication capacity of leaders through training and resource, and engaging with artists, creatives, and culture makers as powerful storytellers to shift the public discourse.

Urban Institute - <https://www.urban.org/features/prison-research-and-innovation-initiative> Prison Research and Innovation Initiative - a comprehensive effort to build evidence and spur innovation to make prisons more humane, safe, and rehabilitative environments. With support from Arnold Ventures, this five-year project will leverage research and evidence to shine a much-needed light on prison conditions and pilot strategies to promote the well-being of people who live and work behind bars.

The Vera Institute - <https://www.vera.org> - Mission To drive change. To urgently build and improve justice systems that ensure fairness, promote safety, and strengthen communities. Achieving Our Mission We work with others who share our vision to tackle the most pressing injustices of our day—from the causes and consequences of mass incarceration, racial disparities, and the loss of public trust in law enforcement, to the unmet needs of the vulnerable, the marginalized, and those harmed by crime and violence. A list of current and past projects are available on the website.

STATE-LEVEL RESOURCES

California, Performance Metrics for Community Corrections, February 2015, <http://www.bscc.ca.gov/wp-content/uploads/Performance-Metrics-FINAL-2-25-15.pdf> accessed 6/23/2020

California, Board of State and Community Corrections, jail profile surveys, http://www.bscc.ca.gov/m_dataresearch/ accessed 6/23/2020

Michigan Joint Task Force on Jail and Pretrial Incarceration, Report and Recommendations, January 10, 2020, <https://courts.michigan.gov/News-Events/Documents/final/Jails%20Task%20Force%20Final%20Report%20and%20Recommendations.pdf> accessed 6/23/2020

North Carolina, Harnessing Data from North Carolina's Jails to Inform Effective Policies (2020-2021), Duke Law, <https://bassconnections.duke.edu/project-teams/harnessing-data-north-carolinas-jails-inform-effective-policies-2020-2021> accessed 6/23/2020.