

National Institute of Corrections

Technical Assistance Report

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LOCAL SYSTEM ASSESSMENT

For

Alachua County, Florida

September 22 – 24, 2003



Technical assistance provided to the
Alachua County Sheriff's Office

By

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I. CONTEXT AND AIMS OF THE TECHNICAL ASSISTANCE PROJECT

A. Background To Site Visit and the Report

Technical assistance was requested from NIC by the Alachua County Sheriff's Office. NIC assigned two consultants to conduct the project and to prepare the current report – Robert Aguirre and Alan Harland. Mr. Aguirre is a practitioner from Flint, Michigan, with line and managerial experience in law enforcement and corrections. Dr. Harland is a criminal justice professor at Temple University in Philadelphia and serves as a research and policy development consultant to a wide variety of governmental and justice system agencies in the U.S., Canada, and Great Britain.

Background information was obtained prior to the site visit, through telephone and e-mail exchanges between consultants and Alachua County officials, and from a variety of internet web-sites posting data about the County and its criminal justice and behavioral health systems. The site visit was conducted over a three day period, from September 22 through 24th, 2003.

After an initial meeting with jail management staff in the Sheriff's Office, the bulk of the remaining time was devoted to interviews with representatives of different branches of the local criminal justice system and treatment agencies. All sections of the jail were visited, and full access was given to all areas of the facility along with opportunity for brief informal exchanges with inmates and on-duty correctional officers. Additional information about the history and current operation of the jail was provided in meetings with the Sheriff, Major Chapman, and senior jail staff at different times over the course of the site visit. Data processing staff in the jail and in the clerk of courts office provided hands-on explanation of their respective record keeping and computer information systems. The last day of the site visit included interviews with a representative of state parole, a group session with members of JART to present and discuss preliminary findings, impressions, and recommendations, and a final debriefing session with the Sheriff and senior jail staff.

Unfortunately, it was not possible to schedule a meeting with a representative of the County Commissioners. Their support, cooperation, and active involvement in projects such as this is obviously very important, and it is to be hoped that they will find time to participate fully

in the kind of shared-responsibility approach to addressing jail crowding and related system problems that is strongly recommended in the present report.

B. Technical Assistance Aims

Review of written materials and available data, and telephone and on-site discussions were all conducted with an eye towards achieving two central aims of the TA effort:

To assist jail officials in an open assessment of internal management and classification procedures.

To assist local government and justice system officials to examine the most critical reasons and remedies for jail overcrowding in Alachua County.

The internal management issues are addressed in the final section of this report prepared largely by Mr. Aguirre. The sections of the report dealing with findings and observations related to reasons and remedies for overcrowding are primarily by Dr. Harland, who would like to begin by strongly echoing the opinion of Mr. Aguirre offered in his section of the report that:

The Alachua County Jail is one of the cleanest and most orderly jails I have visited in a long time. The staff is attentive and presents a very positive and professional atmosphere that clearly communicates the message that they are in control. There is a commitment to excellence throughout the facility and an expectation that it will be achieved.

In addition, Major Chapman and all of the management and line staff interviewed, including especially his colleague overseeing the information systems, classification, and data processing functions at the jail, all demonstrated openness to inspection, scrutiny, and interest in constructive change possibilities that are unusual in most criminal justice settings in our experience. Success in taking population control steps via options discussed in this report, and those already contemplated but not yet developed by individual agencies and review bodies such as JART, will depend in large part on the willingness of other governmental and justice system to match this commendable lack of turf-consciousness or defensiveness and to strive to identify and address the ways in which their own policies and practices are an important contributing factor or impediment to the county's ability to control its jail population.

To foster such an open and thorough self-analysis, in addition to presenting specific findings and recommendations about reasons and remedies for overcrowding, an important aim of the technical assistance effort and this report is to organize them within a conceptual framework upon which local officials can continue their own analysis and decision-making in

the immediate future and on an ongoing basis. Indeed, one of the most important recommendations in the current report is that:

- **The necessary ongoing monitoring, planning, and evaluation work needed to address the County’s jail and related criminal justice system concerns should be performed by reconstituting and reorienting JART as a permanent body, to operate along the lines of the Criminal Justice Advisory Committees [CJAC] advocated by national correctional experts and NIC, and widely and successfully funded by state agencies such as the Pennsylvania Commission on Crime and Delinquency [PCCD]**

This recommendation is discussed in more detail later in the report along with other potential planning-level remedies for dealing with overcrowding. It is introduced at this early point, however, because such a CJAC is thought to be the most promising forum in which all other findings and recommendations in the report might be assessed and successfully acted upon.¹

II. EXPLORING POPULATION CONTROL OPTIONS – REASONS AND REMEDIES FOR OVERCROWDING²

A. Conceptual Framework

A major concern of both JART and of all persons interviewed during the site visit is whether and how current crowding problems and the costs of otherwise having to expand jail capacity in the near future can be avoided or reduced. In particular, a major focus of the technical assistance request and the current report centers upon whether and how the current and future size of the jail population can be significantly reduced without unduly jeopardizing public safety or other key goals of the criminal justice system. The research and development activities required to address this concern, in both the NIC technical assistance and, more importantly, in the ongoing work of the reconstituted CJAC, can be guided conceptually according a number of basic operating premises:

Premise #1. Alleviating jail crowding can be accomplished in only two ways, by pursuing:

- *Options that control population size*
- *Options that increase capacity*

Premise #2. Capacity-increase options fall into two general categories:

- *Non-construction options*

¹ One of the authors has worked extensively for many years with one of the earliest and most successful CJACs in the country, in Delaware County, Pennsylvania. Sample materials from that site are included as appendices to this report. A more general report on some of the main features and requirements of a CJAC, see R. Cushman “[Guidelines for Creating a Criminal Justice Coordinating Committee](#)” NIC 2003 [also appended to this report]

² This section of the report was written by Dr. Harland. Questions should be directed to alanh@temple.edu

- Lease/rent additional space – from private and/or government sources, within county and/or in other jurisdictions
- Reconfigure space in existing jail or satellite facilities [e.g., converting administrative areas to housing space]
- *Construction options*
 - Increase size of existing jail
 - Increase size of existing satellite facilities
 - Build new satellite facilities
 - Build a new jail
 -

Premise #3. Capacity-increase options, especially irreversible long-term ones involving costly construction, should be implemented only after:

- *All workable short- and long-term population control options have been exhausted*
- *Rigorous population projection analysis has been conducted* to estimate the number of jail beds needed after population control options have been taken into account
- *In-depth needs assessment/functional analysis has been performed* to identify additional facility space and design requirements to accommodate administrative and programmatic activities

Research and development activities required to explore population control options can be guided by adding a number of further operating assumptions:

Premise #4. Population control options – and subsequent jail-bed projections -- are best guided by an in-depth understanding of potential reasons and remedies for overcrowding at two broad levels:

- *External reasons/remedies* – largely beyond immediate local justice system control
- *Internal reasons/remedies* – more subject to immediate local justice system control

Premise #5. Internal reasons/remedies for overcrowding can be understood more specifically as falling into two general categories:

- *System management/planning-level reasons/remedies*
- *Case processing-level reasons/remedies*

Premise #6. Case processing reasons/remedies for overcrowding can be further clarified if they are examined as issues of potential inefficiency and ineffectiveness in policies and practices that may be contributing to overcrowding in either of two ways:

- Reasons/remedies related to *excessive admissions* to jail [“front-door” questions]
- Reasons/remedies related to *excessive length of stay* in jail [“back-door” questions]

The foregoing conceptual framework can be used to structure all of the remaining technical assistance findings, impressions, and recommendations, and the continuing activities of the Alachua County JART/CJAC in response.

B. External Reasons/Remedies for Overcrowding

At this level of inquiry, planning, monitoring and change activities must take into account factors largely beyond the immediate control of local criminal justice system decision-makers, such as changes in:

- County population size
- County population demographics affecting size of potentially criminogenic and jail-bound sub-groups -- such as age, race, employment/poverty status, etc.
- Crime rates -- especially crimes most commonly associated with jail commitments
- Unemployment and poverty rates
- State laws/policies -- such as closing state mental hospitals, altering funding levels for drug and alcohol treatment and other behavioral and mental health services
- Other external factors specific to the local jurisdiction (such as Gator Football Games?)

It is essential to factor information of this type into any serious effort to project jail population figures and future capacity needs as part of a planning process leading up to construction decisions. Straight-line projections of inmate population growth based solely on population counts in previous years that fail to do so are extremely suspect, especially, since they also fail to take into account the potential impact of any policy or program initiatives aimed at reducing the jail population in coming years.

Review of census and UCR materials and on-site interview results strongly suggests that any increase in jail population size in the near future is not likely to be as a result of any significant rise in county population size or general crime rate, and there are no projections of dramatic changes in demographics such as race, ethnicity, or age that are commonly associated with criminogenic subpopulations. More in-depth examination of other external factors, such as concern expressed in several of the on-site interviews about county unemployment rates, was not a priority during this site visit, because manipulation of external factors is not readily within the control of local criminal justice decision-makers. Consequently, any efforts to change them are likely to show results in criminal justice terms only in the longer run. Attention for purposes of action planning will be more profitably focused in the shorter term on those internal reasons/remedies for overcrowding that *are* more susceptible to impact by changes in local policy or practice.

In the jobs context, for example, the above approach turns inquiry from general strategies to increase employment prospects in the County to more focused efforts to understand and address employment problems among persons coming into contact with the criminal justice system in

general and the county jail in particular. To what extent is unemployment thought to be a contributing factor in jail overcrowding? How? What data would need to be collected routinely to test assumptions about the impact of unemployment? What are the employment histories of jail inmates? To what extent does employment constrain probation or parole planning or other alternative release options? Monitoring and addressing unemployment problems among correctional populations as a suspected key factor in determining rates of recidivism and jail admissions is one of the many examples of potential internal reasons/remedies for overcrowding upon which the remainder of this report will now focus.

C. Internal Reasons/Remedies for Overcrowding

At this level, planning and monitoring activities focus upon factors more within the immediate control of criminal justice system decision-makers. As previously noted, they fall into two general categories:

1. *System management/planning-level reasons/remedies*
2. *Case processing-level reasons/remedies*

1. System management/planning-level reasons and remedies for overcrowding

Experts increasingly emphasize that one of the main reasons for crowding in many jurisdictions is that not enough organizational time and resources are available and/or committed aggressively to monitoring and taking steps to control it on an ongoing and system-wide basis.³ Focus from this perspective is upon potential deficiencies in criminal justice system planning/management capabilities and resources that may be limiting the county's ability to identify and remedy the reasons for overcrowding in a routine and systematic way. Typical indicators include factors such as whether the county has made provision for:

- Externally commissioned planning/technical assistance studies
- Services of external and/or criminal justice agency systems analysts
- An ongoing criminal justice planning office/advisory committee
- Adequate court and correctional computer information systems
- Personnel and IT resources to monitor/analyze relevant system-wide data
- Designated jail population oversight/management positions

³ For discussion of the importance of systematic management of jail populations, and indicators such as the above, see generally the series of recent NIC reports by Bowker, G. 2002. Jail Resource Issues: What Every Funding Authority Needs to Know; Cunniff, M. 2002. Jail Crowding: Understanding Jail Population Dynamics; Cushman, R. 2002. Preventing Jail Crowding: A Practical Guide; and Cushman, R. 2002. Guidelines for Developing a Criminal Justice Coordinating Committee.

- Production of formal annual and other regular agency statistical reports capable of documenting changes over time in important activity and outcome performance measures⁴

Alachua County certainly is not more deficient on any of these dimensions than other counties, and indeed, it has taken more steps than most towards striving for progress on all the dimensions of such a “best practices” list. However, considerable room for further refinement and improvement exists on every front.

External Assistance: With respect to this piece of the puzzle, the current request and other requests for NIC assistance by the Sheriff in the past demonstrate a healthy appreciation for the importance of securing the help of external agencies and experts to bring a state-wide and national perspective to the solution of local problems. Although the request for this NIC assistance to explore population control options came from the Sheriff, however, it is a well known irony worth reemphasizing that those tasked with running the jail often have the least control over either the volume or characteristics of the inmates committed to their custody. In many respects, the Sheriff is in the unenviable position analogous to the hotel manager who has little or no say in how many or what kinds of guests he or she must accommodate, or how long they will be staying. *Rather, the reasons and remedies for crowding and the size and composition of the jail population are primarily the responsibility of decision-makers in every other branch of the justice system and local government whose policies and practices control how many offenders are admitted and the length of their stay.*

- **Given the foregoing “shared responsibility” truism, it is strongly recommended that all of the other justice system agencies challenge themselves to show that they are taking full advantage of similar sources of external assistance in their own spheres of operations.**

Particular examples with obvious relevance to population control problems include: the National Center for State Courts [NCSC] whose expertise on information systems and other court technologies, court calendaring and caseload management has proven invaluable in many jurisdictions in such areas as reducing processing delays contributing to unnecessary lengths of

⁴ How many arrestees do each of the different police agencies bring to the jail? For what offenses? How many are being held by different judges at first appearance? How many are being committed by different sentencing judges? How many are being revoked to jail because of decisions by drug court, pretrial supervision, and post conviction divisions Court Services and state parole? How long are defendants being held between key decision points? How long are public defenders and prosecutors taking to reach plea agreements and otherwise move cases between key potential release stages? What are the FTA/bail crime rates for defendants released at FA and/or bond reduction hearings? What are recidivism rates for probationers, parolees, and participants in various Court Services and other specialized programs? Do they vary by offender and offense characteristics? And so on.]

stay in jail; the Sentencing Project in Washington D.C. which has expertise in defense-based sentencing advocacy and other forms of alternatives programming options designed to reduce the number of offenders admitted to the jail in the first place; the Pretrial Services Resource Center [PSRC], also in Washington, D.C. is a tremendous source of information and assistance about all aspects of bail and pretrial release and detention policies and practices that so heavily influence jail populations; and, perhaps most importantly, organizations such as SEARCH -- the National Consortium for Justice Information and Statistics which, together with NCSC, can direct local officials to the best sources of national and international expertise on the kinds of integrated justice information systems [IJIS] and other approaches to tackling the problem that Alachua County shares with almost every other justice system in the country – that is, having data systems that are inadequate to support either case-processing or, more especially, planning-level decisions related to jail population control.⁵

Criminal justice planning forum: With respect to the question of an ongoing criminal justice planning office/advisory committee, there have been a number of ad hoc committees and workgroups over the years in the county, including a Pilot Jail Population Committee and, most recently, JART, whose mandate has included consideration of jail population control options. However, none of them appears to have been constituted with sufficient attention to the importance of continuity, securing the highest possible levels of political and professional commitment, and, perhaps most importantly, the research support and data resources needed to give any strategic planning/management undertaking even the remotest chance for success. Repeating the recommendation introduced at the outset of this report, therefore, an immediate and overriding suggestion is that:

- **The necessary ongoing monitoring, planning, and evaluation work needed to address the County’s jail and related criminal justice system concerns should be performed by reconstituting and reorienting JART or PSCC as a permanent body, to operate along the lines of the Criminal Justice Advisory Committees [CJAC] advocated by national correctional experts and NIC, and widely and successfully funded by state agencies such as the Pennsylvania Commission on Crime and Delinquency [PCCD]**

A strategic planning/management entity such as a CJAC establishes a standing forum within which decisions can be made about prioritizing, implementing and monitoring all of the

⁵ See conference announcement attached for forthcoming conference in D.C. Note that it is not just or even primarily a “geekfest” for info system technicians. Many of the sessions are directed towards policymakers interested in how to choose and implement justice information systems.

additional suggestions in the present report as well as those that have already emerged within JART. Some of the main features and requirements of a CJAC are described in a National Institute of Corrections Monograph by R. Cushman “Guidelines for Creating a Criminal Justice Coordinating Committee” NIC 2003. A PDF version is appended to this report. In addition, one of the authors has worked extensively for many years with one of the earliest and most successful CJACs in the country, in Delaware County, Pennsylvania. Sample materials from that site are included as appendices to this report.

Several important features distinguish the CJAC model from other important entities such as JART and PSCC, which may have similar goals but function at a level of methodology and workload that is far less rigorous and comprehensive. They include:

- Broad membership representative of leadership in all major criminal justice agencies and county government, and including IT/MIS specialists
- Strong leadership – usually chaired by a respected Judge with the active support and involvement of County Commissioners
- Full attendance and open discussion at regular meetings
- Written agendas and -- very importantly – detailed minutes to keep a record of questions raised, ideas suggested, tasks assigned, actions taken, accomplishments noted, etc.
- Liaison and information sharing with all other relevant standing and ad hoc committees/workgroups such as PSCC
- Commitment to information-driven decisionmaking supported by:
 - > Long-term major investment in creation/enhancement of system-wide data systems to make this decisionmaking goal possible on a routine basis
 - > A well-defined and well-resourced administrative, research and grant development support structure⁶ to provide information to test assumptions about reasons and remedies for overcrowding (via available computerized data sources and/or specially designed mini-studies involving data collection from hard files where necessary), and systematically to secure external funding where needed to support approved innovations
- An initial set of priorities to which concrete tasks and responsibilities are assigned – beginning with items identified but not followed through from prior efforts such as the Pilot Jail Population Committee,⁷ from prior JART/PSCC agendas, and from the present report. Priority should be given to ideas thought to have the most immediate potential for impact on population control and short-term overflow management, and beginning

⁶ Many ideas generated in the CJAC may benefit from funding available from federal, state and local agencies, as well as from foundation or corporate funding sources with which CJAC members may be familiar and even connected. The Delaware County Committee obtained over \$8 million of external funding from PCCD alone to support its initiatives during the first 5 years of its operation.

⁷ Assuming written records were kept. If not, the inability to profit from whatever work and good ideas may have been generated, and the frustration of constantly revisiting the same issues from scratch and ‘reinventing the wheel’ each time, illustrates the importance of creating a record of planning steps by maintaining clear written documentation of CJAC activities and accomplishments.

immediately to remedy information system deficiencies that impede CJAC decisionmaking

- A clear line-of-authority statement indicating how CJAC decisions will be implemented [e.g., via submission of resolutions and/or decision briefs to PSCC]

A major function of the CJAC is to create among its members a detailed shared understanding of how the system operates, how their own policies and procedures affect other agencies in ways that determine or influence the size of the jail population and the general efficiency, effectiveness and fairness of the criminal justice process as a whole. A CJAC does not tell members what to do. Rather, it makes it clear, often for the first time and to the surprise of many, *what they do* and with what consequences for jail crowding and other system costs. This allows all participants to ask why do we do things the way we do, and why we could not do them differently to everyone's mutual advantage. It also responds to concern voiced in interviews about lack of clear centralized forum for identifying problems on an ongoing way and getting changes implemented. Appropriately constituted and run, such a body can replace or reduce the proliferation of other ad hoc and narrow-focus groups, and provide a forum in which such groups and others such as PSCC can share and assess the results of their meetings systematically with a broader system-wide planning/management audience.

Computer systems and IT resources: Because so much of the success of any strategic planning/management enterprise such as a CJAC depends heavily on the quality of information available to support its inquiries into the reasons and potential remedies for overcrowding and related system problems, the question of adequacy of court and correctional computer information systems and local IT resources must be a paramount concern.

Although interview participants during the site visit frequently lamented shortcomings in existing data from an individual case-processing standpoint, the county's information system problems go much further. Not only are existing systems inadequate for many case-processing purposes, but of more importance to the immediate discussion they are woefully ill-suited to meet the planning and system-monitoring and management tasks confronting JART and the proposed CJAC. Here, the need for information about individual defendants is less at issue than the ability to aggregate information to show trends and patterns for larger groups and for the system as a whole. The policy-level and case-processing functions must be recognized as distinct for purposes of addressing questions about information system design and features.

Whether assessed in terms of case-processing or policy analysis and planning levels, adequacy of information systems may be judged along a number of dimensions including:

- Content – are all key items of information necessary for planning and monitoring purposes as well as case-processing purposes being entered?
- Reliability/accuracy – are data entry and error-check protocols adequate to assure that the information stored is reliable?
- Accessibility – are the data stored in a format that permits routine generation of reports and ready retrieval for analysis by individual users?
- Integration – do agency-specific systems “talk” to each other? Is single point-of-contact data entry supported?

The county currently employs multiple different information systems that fall short on all of the above criteria. In terms of content, for example, although the jail classification unit collects a rich body of information about inmates, it is not currently entered into either the jail or court systems. Likewise, bail interviewers collect some of the same interview data but much of it resides only in internal court services records. Persons interviewed during the site visit raised concerns about the inability of the different systems to “speak to each other” and the inefficiency, expense, and potential for error from duplication of data collection and entry by different agencies – many of the data items that front-load the court system, for example, are entered by jail personnel during the booking process, at which time they are also duplicate-entered into the jail’s own system [*has consideration been given to placing data entry personnel from the court in an office area in the jail holding area?*]. Special concern was repeatedly voiced that none of the systems allows data to be easily queried/retrieved and analyzed in aggregate form useful for planning purposes for monitoring and testing assumptions and estimating impacts of possible changes to control population growth.

- **A top priority should be to move as quickly as possible towards an integrated, relational, data system with user-friendly query, analysis, and report-generating capabilities that are not dependent exclusively upon central MIS/SQL experts for even the most basic inquiries.**

The county is fortunate to have a number of very knowledgeable personnel with IT expertise at the jail and in the court system. As in almost every other jurisdiction, however, they are often overmatched by the pressures for system maintenance and improvement, and the scope of routine data demands from agencies system wide. There is still an untenable reliance on hand-calculations from sources such as court lists to generate even routine monthly court reports. For

anyone -- much less highly-trained IT specialists -- still to be doing this sort of thing is a regrettable waste of expertise and personnel costs.

It would benefit CJAC members, especially those who are at sea when computer and IT issues are examined, to demystify the whole situation and cut through the technical complexity that so often impedes progress towards improvement, by enlisting the aid of national level organizations such as SEARCH, and/or inviting presentations from some of the growing number of national-level firms in the business of developing “justice information systems” to learn about the range and suitability of the many different options available.⁸ The jail system, for example, is the product of one such company, and in many ways has advantages over the dominant court system. IT specialists should obviously be centrally involved in this task, to assure that external experts are as fully informed as possible about existing local systems and any related plans for state-wide systems and other developments that might affect local decisions.

Data production and analysis resources: As emphasized above, effective jail population control at both a clinical case-processing level and at a policy-decision level hinges significantly upon systematic production, monitoring and analysis of relevant data and the aggressive application of those data to the assessment and promotion of population control measures to reduce the level of admissions and/or length of stay. Once again, very knowledgeable and capable court and jail personnel are currently performing numerous tasks under this heading. Reports are produced on a regular basis tracking aspects of the jail population and other aspects of court activities. Much can and should be done, however, to improve and build upon what is already being done.

First, the content of routine statistical reports needs to be reevaluated with an eye towards refining and expanding their scope. To be of greater use in the identification and monitoring of potential causes and cures for overcrowding, they should include far more comprehensive and detailed coverage of a wide variety of data bearing directly on processes and offense- and offender-groups thought to be most likely to be significant pieces in the jail admission and length of stay puzzle. This involves documenting activity and outcome performance measures for decisionmakers in all key agencies whose practices determine who is going to jail and how long

⁸ If budgets permit, an excellent opportunity for system leaders and IT specialists to gain a broad knowledge of all aspects of developing an IJIS is coming up at the 2004 Symposium on IJIS. The conference is in Washington, D.C. from March 22-24, 2004 and is sponsored by SEARCH and the U.S. Department of Justice. [For more details and on-line registration information, see www.search.org]

they are staying, as a baseline for deciding whether they should and could be handled differently. Specific examples of key monitoring items are given throughout this report.

In addition to expanding expectations about the scope and depth of routine reports, a commitment to more rigorous, systematic, and ongoing inquiry into the potential reasons and remedies for jail crowding also carries with it a greater need for production and analysis of data on frequent occasions on a one-time, special purpose basis. Responding to both needs adequately may require additional funding, or, at a minimum reallocation of existing research and IT/MIS resources and priorities. In the Clerk's office, for example, because of the demands of simply keeping up with routine priority tasks, IT staff-time is understandably guarded fiercely from any special outside requests for information. However, such requests for information -- along with assistance from IT and research staff in the design and implementation of frequently needed mini-studies to clarify assumptions about causes and potential remedies for jail crowding problems -- are the lifeblood of the type of strategic planning/management process being recommended. In jurisdictions in which CJACs have been most successful, their system management/planning function has been recognized as one that has far greater potential for controlling jail populations and otherwise improving the effectiveness and efficiency of the broader criminal justice system than anything that any single agency can hope to achieve. Consequently, their information needs and need for the services of MIS and IT personnel have been given a very high priority.

Designated jail population oversight/management positions: Once again, and to its credit, the court has gone some way towards recognizing the importance of systematically monitoring jail populations to identify and respond to indicators of possibilities for diversion or faster release. Mr. Bhattie, a court analyst is assigned to monitor first appearance lists to draw the public defender's attention to inmates not released within specified periods of time. He also monitors sentencing lists for inmates sentenced to DOC but held in jail on pending misdemeanor charges. This function, however, is only a very small part of his responsibilities as a data technician and the scope of his mandate and his authority to act or prompt others to act on his findings are both very limited. Consequently:

- **It is recommended that the importance of both the clinical and policy components of jail population monitoring and management be given greater recognition and stature, and that strong consideration should be given to expanding and assigning responsibility**

for carrying out these functions to a “Population Control Specialist” with more of a substantive criminal justice orientation, ideally based out at the jail.

More detail about this option and examples of the role and functions of such a position are integrated into discussion of case-level reasons and remedies for overcrowding in subsequent sections of the report.

Very briefly, such a specialist could serve important purposes at two distinct levels of operation. First, at a clinical level, the Specialist, in conjunction with jail staff and other agency and program staff discussed below, could be responsible for identifying suitable candidates at all stages of case-processing for front-end diversion from jail and/or expedited release. In this capacity, the Specialist would function as a liaison with all relevant decisionmakers to assure aggressive and timely consideration and use of all available options to make sure that the number of defendants admitted to the jail and their length of stay are kept as low as possible, consistent with public safety and other system goals. Second, the Specialist could also fulfill an important role at more of a policy and program development level of activity. In this capacity, the Specialist might serve as the primary information support resource for the CJAC, working at his/her own initiative and at the direction of the CJAC Chair, to assist members to access and examine information needed to explore the feasibility and potential impact of possible changes in policy or practice on controlling the size of the jail population. Areas identified by JART and in the current report provide an extensive preliminary agenda of possible changes that might profitably be explored in this way.

Whether operating in a policy context or in a clinical, individual case-processing mode, a very important part of the Specialist’s role should also be to identify deficiencies and needed improvements in the court and corrections information systems that currently impede the search for causes and remedies for overcrowding at both levels. What data are not currently collected or readily retrievable that are important to improve either clinical or policy decisions that can help control jail population size by reducing the need to admit so many defendants or to keep them in for longer than necessary?

2. Case processing reasons/remedies for overcrowding

At this level of analysis focus is upon potential inefficiency and ineffectiveness in case processing policies and practices that may be contributing to overcrowding in either of two ways:

- a. Reasons/remedies related to *excessive admissions* to jail

b. Reasons/remedies related to *excessive length of stay* in jail

Simply stated, jail population size and efforts to control it are determined by both the rate of admissions and length of stay. Both must be carefully monitored and controlled because a decrease in one will not necessarily produce a reduction in population size if there is an offsetting increase in the other. An increase in either one without a compensating reduction in the other, however, must result in population growth.

In either case, the reasons and remedies for overcrowding boil down to a variety of *decisions* made and influenced by different actors in the system at different stages of the criminal process. Tackling overcrowding and controlling the size and composition of the jail population, therefore, reduces to documenting who is responsible for those decisions, what impact they are having on the rate of admissions and length of stay, what alternative decisions they might be making, and with what potential impact in terms of jail-bed days saved. This decisionmaker perspective highlights the fact that the responsibility for overcrowding and its solutions is widely distributed among agencies and individuals across the entire criminal justice system, once again reinforcing the need for a system-wide forum such as the proposed CJAC in which to bring everyone responsible for the problem to the table to openly examine and tackle it.

To begin the assessment of admission and length-of-stay practices as potential reasons/remedies for crowding, data must be generated and analyzed to show how many inmates are being held due to commitment by decisionmakers at each of the major criminal justice processing stages, for how long, and for what reasons. Before we can begin to think thoroughly about ways to keep people safely out of the jail, or get them out quicker, we must first understand who is in the jail, how and why they came there, how they are being released, and how long they are staying. The current report makes use wherever possible of data available at the time of the site visit, and gives an idea of the questions and more detailed data that a CJAC/Jail Population Specialist might most profitably pursue, and that the county's information systems should be tasked to report and keep track of on a routine basis.

- **The current format of both court and jail statistical routine reports does not include many of the breakdowns needed to address the kinds of planning questions raised below. An immediate priority must be to refine and expand routine reporting practices to do so.**

a) Reducing Admissions

To control admissions, the most obvious questions and corresponding data needs start with identifying the rate at which inmates are being committed over given time periods [daily, weekly, monthly, annually] within a variety of distinct admission categories. For each category it can then be asked: Whose decisions put these offenders in the jail? Can the rate of admissions in this group be reduced? How? By how many? With what impact on jail-bed savings?

In general, admissions to the Alachua County Jail can be grouped into 5 major categories for which data should be recorded and at which alternatives to commitment can be explored. Adequacy of existing information systems can be gauged by asking whether data in each category are recorded and readily accessible. Activity can be reported in terms of the number/rate of admissions attributable to:

1. New offense arrests
2. Pretrial release failures
 - Failure to appear for court hearing
 - Pretrial supervision failures
3. Sentences to county jail
 - Misdemeanor/traffic court
 - Felony court
4. Post-sentencing release failures
 - Court service program failures
 - State probation violators
 - State parole violators
5. Miscellaneous others
 - Civil commitments
 - Lodgers/transfers/transit holds
 - Other county holds

1. New Offense Arrest Admissions

Because it functions as a central booking facility, all suspects arrested in the county spend at least some period of time in the jail. Consequently, it is important to identify all of the law enforcement agencies involved and their relative contributions to the size of the booking-hold population. Each agency can then be brought to the table to consider options for reducing the rate at which they are adding to this component of the jail population.

The starting task is to identify how many/what percent of the [daily, weekly, etc.] bookings are pursuant to a new-offense arrest by:

- Gainesville police
- Sheriff's deputies

- State police
- Federal police
- Other police [e.g., university; housing or transport authority; etc.]

After establishing the relative volume of admissions attributable to each law enforcement agency, further questions can be asked about the types of cases involved and the implications of the data for possible ways of dealing with suspects without the need to admit them to the jail.

During site visit interviews, two options were suggested as worth exploring for carefully targeted groups of suspects:

- **Wider use of on-scene alternatives to arrest such as police warnings, and summonses.**
- **Authorizing administrative release of suspects immediately following booking, analogous to the practice of “stationhouse adjustment” in jurisdictions where suspects are booked at individual police.**

To estimate the number of potential targets and the viability of either of the above options – and others such as establishing protocols with university officials for internal handling of minor offenses by students -- further data are obviously needed. At a minimum, discussions should be informed by breakdowns for each agency in terms of whether arrests are on-scene/on-view or based on a warrant secured by the police, and, most importantly, by the seriousness of the type of offense involved. For example, site visit interviews produced anecdotal evidence and complaints about bookings for apparently very minor offenses such as unauthorized posting of leaflets. To the extent that examples such as this are substantiated by the data -- along with others identified by a more general breakdown of arrest offenses -- especially among the less serious misdemeanor and traffic categories -- they suggest obvious targets for discussing variation and possible changes in policies and practices among the different police agencies involved. A starting point, for example, might be to look at the approximately 10 commitments per month reported on the Jail Population Report in the category of municipal ordinance violators.

2. Pretrial release failures

A second admission point to be monitored and analyzed for possible diversionary options occurs when defendants who have been released on summons or at first appearance or bond reduction hearing pending trial are recommitted for failing to abide by the conditions of their release. The starting task is to identify the number/rate of jail intakes [daily, weekly, monthly, etc.] that are attributable to:

- Arrest on a warrant for failure to appear [FTA] for a subsequent court hearing:

- > County court FTAs
 - > Circuit court FTAs
- Arrest on warrant for breach of pretrial release conditions:
 - > Drug court violations
 - > Other Court Services pretrial supervision violations

Although snapshots of the jail population on different days show that about 75 percent of the inmates are unsentenced at any given time, neither the jail's monthly population reports nor the population breakdowns generated by the court reveal what part of that population is attributable to [re]commitments for FTA or other pretrial release failure. Consequently, it is not possible to examine the reasons and remedies for these admissions in terms of the different releasing judges [who has the highest release/detention rate and highest failure rates?; who has highest efficiency rate when failures are computed as percent of releases?] or the different pretrial supervising units/officers [who is initiating revocation of pretrial release, and for what violation conduct?]

In the absence of such data, and further information about the kinds of defendants involved and the reasons for their pretrial failure, it is obviously not possible to estimate the extent to which such cases are part of the jail crowding problem or how much of a reduction in the jail population could be achieved by reducing the number of admissions in each of the above categories. Once such data are generated, however, they can be applied to consideration of the following options for reducing admissions:

Reduce the incidence of pretrial violation conduct:

- **To reduce the rate of FTA's at different court proceedings, existing release and supervision practices should be reexamined to assure that clear and timely notice of subsequent appearance dates is given at the time of release, and that additional steps such as telephone or other reminder contacts are made whenever possible closer to the next appearance date.**

Simple reminder systems have been proven effective in other jurisdictions to reduce the rate of FTA's, especially when due to forgetfulness, or confusion about dates.

FTA's and failure to comply with other pretrial release conditions can also be reduced by better matching of release conditions with defendant risk factors. Although more common at the sentencing stage, statistical risk prediction techniques that group defendants into different risk levels to supplement clinical assessments by bail interviewers and judges have been developed and used successfully in a number of jurisdictions [see Pretrial Resource Center for further information and assistance]. Such techniques, however, cannot be transferred off-the shelf from

one jurisdiction to another. They must be normed on data from each separate jurisdiction in order to produce valid predictions of pretrial release failure.

Increase use of alternatives to revocation to jail:

- **When defendants do fail to appear for a court or pretrial supervision appointment, jail admissions can still be reduced by implementing or expanding alternatives to immediate warrant issuance or arrest – such as follow up contacts and/or notice encouraging walk-in surrender and/or opportunity to attend a rescheduled appearance.**
- **Likewise, admissions can be further reduced if a full range of graduated alternatives to full revocation to jail are utilized instead, whether administratively within the supervising agency or by the judge hearing the violation allegations.**

This might include escalating the conditions of pretrial release such as moving from ROR or monetary bail to supervised release, or increasing the intensity of supervision by adding home arrest and electronic monitoring, and/or day reporting in lieu of jail.

A special case of pretrial violation applies to the use of weekend commitment of drug-court participants found in breach at Friday court sessions.

- **It is recommended that this practice be replaced in as many cases as possible by substituting community service and/or other graduated sanctions instead.**

As will be discussed below, in addition to adding to jail overcrowding, the practice of weekend sentencing as a whole is a particular logistical and security problem for jail officials and there is little or no evidence at all to suggest offsetting penological benefits that could not readily be achieved by alternative sanctions.

3. Sentences to county jail

Inmates admitted to serve a county jail sentence constitute a far smaller segment of the population pie than do those being held prior to sentencing. Although not reported in terms of admissions, court data for August 11, 2003, for example, show a total of 166 sentenced inmates in the jail [not counting additional inmates sentenced to state facilities], representing about 17.5 percent of the population at the time. Most of these are felony court cases (80%; n=133), but 33 (20%) are sentences imposed by misdemeanor/traffic court judges. Unfortunately, information was not available on the length of sentences imposed, nor, more importantly, on the actual expected time to release allowing for time-served reductions. Such information is of course essential in order to calculate the impact of these admissions in terms of their contribution to overcrowding and to estimate the potential jail-bed day savings if alternative sentencing options could be successfully applied.

Within each of the two sentencing courts, options to reduce admissions include developing alternative sanctioning possibilities for offenders being sentenced to county jail terms under current practices, by:

- Targeting certain types of offenses – e.g., DUI, lesser property or drug possession offenses
- Targeting certain types of offenders – e.g., substance abusers or mental health problems or others for whom specialized treatment or other programming might be a more effective alternative; special consideration should be given also to diversionary options for defendants with needs whose incarceration is likely to have special housing and/or very high financial treatment cost implications for jail officials [e.g., mental/physical health medications; dialysis; etc.]
- Targeting certain types of sentences – e.g., weekenders and/or short continuous terms

In each instance, a starting point again is to refine and expand current routine court and jail statistical reports so as to allow monitoring and planning analysis according to the above kinds of criteria. In addition to the felony vs misdemeanor/traffic court breakdown, for example, further breakdowns useful for monitoring and alternatives planning purposes would include: admissions x court x individual judges – who is contributing to the jail population?; at what rates?; if admission rates x judge vary substantially, why?

- admissions x type/length of sentences [weekends; < 3months; 3-6; 6-9; 9-12] and x offense -- looking especially for shorter terms or special types of sentence such as weekend sentences
- admissions x selected offender characteristics likely to be most relevant to alternatives planning – drug/alcohol/mental health problems; prior criminal history – especially indicators of potential target groups such as non-violent, low-stakes offenders most likely to hold promise for alternative sentence consideration

In the absence of more detailed data at this time, two general recommendations are made:

- **Stop using weekend sentences and continuous short sentences of equivalent length. Use community service, electronic monitoring, day reporting, etc. instead, with specific supervision conditions tailored to achieve comparable deterrent, incapacitative, treatment, and retributive without the fiscal and other drawbacks of jail sentencing.**
- **Explore the feasibility of implementing an alternative sentencing-planning program to develop alternative sentence plans for the sentencing court in cases in which a jail sentence seem otherwise highly likely**

Weekend sentences

The rationale behind this practice is typically that it allows employed defendants to serve their time -- often 30 days over 15 weekends -- without causing them to lose their jobs. There is no empirical evidence, however, to suggest that such sentences have any measurable impact on

recidivism. What is known, over and above the impact on crowding and costs of confinement, are the tremendous administrative and security headaches that jail officials must endure processing these inmates in and out of the jail each weekend, and the difficulty of managing bed space for a part-time population. For all of these reasons, a straightforward recommendation with respect to this practice is to simply stop doing it unless mandated by law or indicated for some other well articulated reason.

To make such a recommendation workable, alternative sanctioning options and procedures for implementing and monitoring them must obviously be explored. One approach is to substitute one standard form of sentencing for another at a programmatic level as a matter of general court policy. For example, other jurisdictions have replaced reliance upon weekend sentences for DUI and minor property and drug possession cases by substituting a program involving weekends spent on tightly monitored community service work accompanied by evening home confinement with or without electronic or other intensive monitoring/reporting conditions. The number of weekends in the alternative program is often higher than the number of jail weekends, in order to lengthen total *time* under control as a trade off against the higher *intensity* of control provided by complete confinement.

In addition to or in lieu of such a broad policy-level strategy, it is also possible to take a more clinical, case-by-case approach to diverting offenders otherwise bound for county sentences. This applies not only to weekenders but to offenders sentenced to county jail terms as a whole, and in particular to those currently getting shorter [e.g., less than 6 month minimum] sentences.

County Sentences in General

The case-by-case approach to reducing county sentence admissions involves establishing procedures and resources to identify offenders prior to sentencing who are highly likely to receive county jail terms, and to develop instead alternative sentencing plans that address all of the rehabilitative, incapacitative, deterrent, retributive, and reparative⁹ concerns for such cases as well as or better than the otherwise anticipated period in jail. The two basic functions of such an alternatives program are a) targeting eligible defendants and b) constructing plans/recommendations for sanctioning options other than jail.

⁹ Restitution is obviously more feasible if the offender is not incarcerated but instead can be kept in the community earning money from which the victim can be repaid.

Targeting likely county sentence cases: Because the services of an alternative sentence planning program are labor and resource intensive [think “a PSI unit on steroids”], they should be reserved as much as possible for defendants who, but for those services, are most likely to receive a jail sentence. Consequently, careful attention must be given to the design of procedures for selecting such cases. Experience suggests that a combination of objective and clinical methods will work best. For example, analysis of data on inmates who have received such sentences in the past can suggest objective predictors that can be used for screening/selection purposes, such as whether they were held pretrial, what their charges are, and so on. Clinically, defense attorneys handling the case are likely to have a strong sense of likely sentence outcomes if their clients plead or are convicted, and, as such, they are in a good position to identify such cases reliably and to refer them for alternative sentence planning. Alternatively, or in addition, the involvement of the sentencing judge might be secured, via an informal agreement that any case in which information going into the sentencing hearing suggests the likelihood of a county sentence should result in referral to the alternative sentence unit/program for the development of a comprehensive alternative sentence plan.

Unlike most other diversion strategies, the client-specific planning approach can consider almost the whole range of county sentence offenders in its target pool. Factors that would normally be applied to exclude offenders from programs, such as a record of violence or substance abuse or mental health problems, obviously pose special challenges for sentence planning. However, the fact that ultimate diversion decisions are contingent upon the court’s acceptance of each individual plan means that such cases need not necessarily be excluded as ineligible as a matter of general policy. Of course local decisionmakers may wish to limit initial experimentation to certain restricted groups of offenders, such as those facing only shorter terms, or those with only certain pre-defined offense and personal characteristics. Eligibility criteria can be refined over time as experience will very quickly tell whether even the best constructed alternative proposals prove to be routinely unacceptable to the court in certain kinds of cases.

Plan Development: Once cases are identified, the task of specially selected/assigned and trained staff is essentially to construct a thorough sentence plan that the court, and -- to be politically realistic -- the prosecutor can accept as an alternative to whatever length of jail time had otherwise been projected. Training in the development of such “client-specific plans” is available from organizations such as the Sentencing Project in Washington, D.C., but success in diverting

offenders from jail sentences will hinge upon not only training but also upon the philosophical commitment, confidence, and imagination of the planner(s) to aggressively pursue every reasonable avenue to avoid contributing to jail crowding without unduly jeopardizing public safety or other criminal justice system goals.

A useful philosophical perspective for the sentence planner to start from is the mind-set of a *responsible family member*. If this defendant were a member of our family, what would we want to see happen and what lengths would we want the system to go to – what supervision, control, treatment, programming, and other conditions of sentencing -- to keep him out of jail and to maximize the long-term likelihood that he/she does not get into trouble again and that any victims of the current offense are repaid as fully as possible? Given the training and system support and resources needed to allow such a perspective a fighting chance of prevailing, the result should be a far lower probability that a sentence planner will be resigned to settle for a warehousing jail term as the best possible way to proceed than perhaps would be a more traditionally indoctrinated and overloaded probation officer. Careful selection of personnel for such a program to match the above job description needs will be more than usually essential to maximize chances for success.

Program Design: Several possible ways can be considered to structure a sentence planning unit/program. Such “sentence planning” services typically operate either as private for-hire entities, or part of a defense-based advocacy program under the auspices of the public defender’s office, or as a specialized component of a presentence unit within the probation department. Given the high percentage of defendants admitted to the jail pretrial and as a result of probation/parole violations, the county may wish to consider a more comprehensive and unified approach, establishing an umbrella “alternative sanctions program/unit” – in conjunction with or as an extension of the function of a Population Control Specialist. It could operate as a sort of multi-stage alternatives program aimed at diverting and/or reducing length of stay not only for defendants facing a county jail sentence, but for those facing confinement pretrial or in connection with probation or parole violation as well.

Specific logistical and political details of such an integrated approach will obviously raise issues requiring careful and extended consideration by local decisionmakers. However, the potential savings in jail-bed days of such a focused, system-wide approach for aggressively and rationally controlling the jail population, and the efficiencies in staffing of consolidating the

tasks of screening candidates and developing alternatives on a policy and case-by-case basis would seem to make the idea a worthwhile option to be explored further by JART/CJAC.

To assess whether this or any other population reduction strategy is feasible, the most general questions again are whether the level of admissions and/or length of stay can be reduced without compromising the major decisionmaking goals in imposing such sentences. For the category of county sentenced defendants a basic question is *whether the level of admissions and/or length of stay can be reduced without undue harm to public safety due to an increase in the level of recidivism for these offenders or in the level of crime committed by others*. In other words, if we diverted more of these offenders or released them earlier, would there be a measurable increase in their rate of reoffending and/or the rate of crimes committed by others?

The question can only be addressed fully by asking it for specific subgroups of the sentenced population for which data must be obtained. For example, the risk [probability] and stakes [type of harm] of reoffending, and the likely potential for diversion [or earlier release], will vary significantly depending upon characteristics of the offense [violent, property; DUI, domestic contempt, etc.], the offender [substance abuse/mental health history, etc.], and other criminogenic factors such as employment, housing, family, and so on. What probably can be said with some confidence, however, is that well designed alternatives to jail and/or shorter jail sentences are very unlikely to have less of a *rehabilitative* effect, given the level of rehabilitative services in the facility. Likewise, to the extent that existing sentences are for short periods anyway [what actually are the average lengths of stay for different subgroups?] and these offenders will be back in the community very soon anyway, the loss of *incapacitative* impact on recidivism is not likely to be great either, especially if alternatives are constructed to provide a high degree of control in the community, via intensive supervision, house arrest, electronic monitoring, and so on. As for the impact on crime as a whole, it is hard to imagine [and virtually impossible to demonstrate] that there is much of a threat to *general deterrence* in the county as a whole by marginally reducing the rate of admission or length of stay for the relatively small number of offenders currently receiving county jail sentences.

This leaves the argument that short jail sentences are needed for their *specific deterrent* impact on the offender – he/she will not do it again because the experience of short term jail sentence is such a painful reminder of the possible consequences. Several things can be said about this. First – very few seasoned criminal justice practitioners believe it to begin with.

Second -- because the actual recidivism rates of inmates released from the jail are almost universally unknown, it is difficult to oppose at least cautious experimentation with alternatives on the grounds that are likely to produce worse results. Ask any judge or prosecutor who has imposed/negotiated jail sentences for any number of offenders what the recidivism rates for those offenders have been, and the answer is almost certain to be that they have no idea. As a result, it is hard to know whether change will make matters better or worse if there is no baseline of knowledge about the effectiveness of existing practices against which to compare. Third -- if the system cannot readily envision and endorse community alternatives that are equally or more deterrent [or *retributively* painful] to offenders than a few months lying around doing little or nothing in a jail cell, it may say more about a lack of will or imagination to explore and aggressively experiment with alternatives than it does about the effectiveness of jail sentences.

The approach recommended is obviously not without cost. However, the situation is clearly one of “pay now or pay more later”. *The costs of resources needed to develop innovative and viable alternative sentence plans for otherwise jail-bound defendants can be expected to be more than offset by the savings in jail-bed days and jail expansion costs saved down the road.* In the interim, as part of developing background data for such an initiative:

- **A complete inventory should be taken of the various types of community based sanctioning measures in use by the courts [community service, electronic monitoring, day reporting, etc], to make sure that a full range of options is being used and to establish a baseline of the number and types of offenders involved and the rates of success/failure experienced.**¹⁰

4. Post-sentencing release failures

In order to reduce admissions in this category, data must be examined and alternatives explored in relation to at least the following types of cases:

- Misdemeanor probation violators
- Felony probation violators

¹⁰ The arguments in favor and against reducing the length of county sentences can be considered from another angle. Examination of sentencing data in most jurisdictions show that prosecutors tend to negotiate and judges tend to sentence in very predictable increments – such as 3 months, 6 months, 9 months, 12 months, 18 months, and 24 minus a day. When dealing in terms this short and essentially arbitrary to begin with, it is again difficult to imagine that the county’s recidivism rates for offenders leaving jail would surge in any measurable fashion if the average sentence length was simply adjusted downwards by an equally arbitrary factor. Is justice and/or public safety so clearly dependent, for example, on a 9 month term, rather than, say an 8 month term [currently almost never used], that the indisputable benefits in terms of jail-bed day savings and overall parsimony of sanctions must be rejected? If the felony court judges were to take the simple reflective step of asking themselves this type of question in every case in which a county sentence is being contemplated, or if the “going rates” were simply adjusted more generally [say into increments of 2 months, 4 months, 8 months, etc.] the impact on jail population size could be substantial.

- State parole violators

Court data for August 11 2003 show that 685 of 947 inmates (72 percent) were classified as “unsentenced.” Of the 529 unsentenced felony cases, 152 (30 percent) were VOP cases. Among the 111 unsentenced misdemeanor inmates, 43 (38 percent) were VOP cases. In addition, of 133 felony sentenced inmates 47 (36 percent) were VOP cases. Of the 25 sentenced misdemeanor inmates, 16 (64 percent) were VOP cases. In sum, VOP cases obviously represent a major part of the jail overcrowding picture, totaling on this day 258 inmates or 27 percent of the total population. By comparison, only 4 parole violators were reported in the August 11 figures.

- **As discussed for pretrial release failures, court and jail statistical reports should be revised to allow routine monitoring of the number/rate of admissions in each category, broken down by the specific agency, unit, and, ideally, individual responsible for initiating the violation admission process, as well as by the type of violation conduct involved [new offense; technical violation; type of violation – failure to report, abscond, drug-test failure, etc.], and by offender characteristics most relevant to alternatives planning consideration.**

Based on data from such reports, key decisionmakers from each of the agencies and courts involved can be engaged in discussion of their current practices and possible alternatives that might reduce their impact on jail overcrowding. To reduce the number of admissions in each category, several general options exist:

- **Reduce the incidence of the underlying conduct for which probation or parole officers are initiating violation proceedings**
- **Handle more violation conduct within the agency/unit in lieu of seeking arrest/detention**
- **If court intervention is deemed necessary, initiating agencies should seek it wherever possible without necessarily having the defendant incarcerated pending the court hearing**
- **If court intervention is deemed necessary, initiating agencies should also make every effort to recommend adjusted levels and conditions of probation and a graduated response of community alternatives before resorting to revocation to jail.**

In order to explore options for reducing the underlying conduct leading to the high levels of violation activity, or for responding to violation conduct without resorting to jail, it is necessary to know who is being revoked and why. To provide this information, admissions data must be analyzed for all cases for which revocation proceedings have been initiated in recent months [say a 3-6 month sample]. Questions relevant to exploring potential for preventive and diversionary response options with each of the agencies and courts initiating the violation proceedings include:

- How many were for technical violations without a new offense?
- How many were for a new offense?
- How many were there for both?
- Is there a concentration of certain types of violation/revocation activity:
 - > For certain types of offenders? [demographics; original conviction offense; substance abuse/mental health problems; housing/family/employment problems; etc.]
 - > For certain types of violation conduct? [failure to report; drug/alcohol test failure; fine default; restitution default; etc.]
 - > Within certain supervision units?
 - > By certain individual field officers?
- What are the initiating agency's/unit's policies and procedures for responding to violation conduct?
 - > For technical violations?
 - > When a new offense is involved?
 - > Is a full range of graduated response options being considered/used before initiating formal violation proceedings?

Prevention: If failure to report is a common problem, for example, does it seem to affect offenders from certain areas disproportionately and/or offenders dependent upon public transportation for whom getting to their appointments might be more difficult than others? Could alternate reporting locations/arrangements be made? More consistent and aggressive reminder/follow-up systems? If drug test failures are common, do adjustments need to be made in the intake classification and level of supervision/treatment assignments to identify and deal with the problem earlier and more effectively? If other presenting problems emerge frequently [housing/family/employment, etc.] can a profile and corresponding classification/targeted prevention strategies be developed? If certain units/individual officers have disproportionate rates of revocation activity, can it be reduced even marginally by tweaking their supervision/enforcement policies and practices?

Diversions: When violation conduct occurs, admissions can be minimized to the extent that they are dealt with without resorting to detention and/or revocation and imposition of a jail sentence. The primary decisionmakers in control of this situation are the individual field officers, their supervisors, and the policymakers for the department as a whole. To reduce the number of warrant requests and violation filings, several steps can be taken:

- **Institute/modify procedures to require more rigorous review and assessment of the logic and necessity of detaining/revoking the violator**
- **Utilize a greater range of graduated alternative responses before resorting to warrants/jail, such as escalated levels of control such as heightened frequency of**

reporting and/or intensified conditions or levels of supervision [e.g., adding electronic monitoring, home arrest, day reporting, etc.]

In many jurisdictions, for example, before a probation officer is authorized to institute warrant/detention/revocation steps, departmental policy requires a multi-layered internal review process to assure that no reasonable alternative has been overlooked. This includes informal and formal consultation with supervisory officers or even a team of supervisors; presentation by the officer to a specially constituted case-review committee/unit, whose role is to challenge the logic and evidence for resorting to jailing the offender, and to assist in thinking about possible alternative responses such as escalating levels of community control and/or intensity of treatment programming.

The key is to make the review stages much more than a formality to approve/rubber stamp the officer's initial inclination, which is a common, understandable, but detrimental norm in too many agencies. Group decisionmaking is almost always more creative and productive way of assuring the most effective and efficient outcomes, and provides a degree of reassurance and security to the individual officer if a decision is made to continue with community-based measures. It also helps systematically to identify recurring resource obstacles to pursuing alternatives that need to be addressed as a matter of policy by departmental and/or system leaders; i.e., empirically validating probably already widely held assumptions that "we could avoid revoking more offenders if only we had more" [insert favorite contender.....residential and other treatment/control options; community service, electronic monitoring, other programs; etc.]. The "responsible family" approach discussed earlier is once again a useful mindset – under all of the circumstances of the case, if this were a member of our family, would we be quite so quick/ready to throw in the towel and initiate violation proceedings to put him in jail?

The precise organizational approach to reducing jail admissions by assuring that decisions to revoke are not taken without being subject to the most exhaustive process of exploring all reasonable alternatives is a matter for local and agency-specific determination. However, by engaging all of the agencies/units involved in such a data-driven process, a CJAC can significantly improve the chances of arriving at a system-wide approach that consolidates or very closely coordinates the policies and resources of a pretrial conditional/supervised release program, a specialized PSI/alternative sentence planning program, and a comparable VOP

alternatives program, all with a shared aggressive commitment to avoiding unnecessary admissions and stays in the county jail.

5. Miscellaneous

Although it obviously makes sense to prioritize attention to the categories of inmates contributing most to overcrowding, population control is best viewed as a process of chipping away at the margins in as many ways as possible. Consequently:

- **The same kind of monitoring and exploration of alternatives outlined in each of the larger categories should also be applied to smaller groups not included above.**

What, for example, are the details of the approximately 12 inmates per month held under the heading “civil” on jail population reports, or the comparable numbers listed as “federal” and “intransit” or the 60 or more reported as “other counties”? Do the answers suggest possibilities for reducing the number of admissions and/or the length of stay for any of them?

Reducing Length of Stay

Because of its role as a central booking facility, almost all criminal proceedings currently involve admission to the jail for at least some period of time. Although changes aimed at reducing the rate of admissions are an important part of the population control exercise, however, changes in policy and practice that reduce the length of stay can often have a more significant impact and are often more politically and logistically feasible. Length of stay in jail can be reduced in two ways:

- **Reduce the average time between admission and subsequent proceedings at which release decisions are made, by minimizing processing delays and/or expediting routine procedures**
- **Increase the rate at which inmates are released at such proceedings**

To control length of stay, the starting point is the same as for reducing admissions. Once again, the most obvious questions and corresponding data needs start with identifying the number of inmates being committed over given time periods [daily, monthly, annually] within a variety of distinct admission categories. Now, however, additional information is necessary to explore possible ways of reducing length of stay. At the most general level, information is needed about all of the points/mechanisms at which inmates are currently being *released* from jail or might be released in the future if more options were introduced. It is then possible to

explore options for securing the release of more inmates at each of those points, and/or for reducing the amount of time between admission and release at any of them.

- **It is essential that court and jail statistical reports routinely included information about average times between admission and release, as well as rates of release at each point for each of the major inmate categories discussed above. This assures that the impact of any reduction strategies can be accurately projected and monitored, and that any unexpected changes in release times and rates can be routinely detected, the causes examined, and potential corrective measures can be considered on an ongoing basis.**

Booking to First Appearance [FA]

An impromptu review by jail staff during the technical assistance site visit showed that of 61 inmates booked on a single day in August 2003, 48 or almost 80 percent were released within a day. Most were released within 12 hours but 11 (17 percent) were held between 12 - 19 hours. One reason for delay in releasing inmates at the FA that was identified during on-site interviews is the current timing of the hearings and the pretrial services interviews conducted in preparation for them. Hearings currently are held once daily beginning at 9 am. As a result inmates booked into the facility after the hearings have begun or just before the hearings but not in time to be interviewed by the pretrial services bail interviewer are held until the next morning's proceedings.

- **In order to reduce congestion in the holding area and the need to process inmates into the general population only to see many of them released almost immediately, the court should consider holding an additional afternoon FA hearing as a way of reducing the average time from booking to release.**

When attention shifts to increasing the rate of release at FA hearings, options to be taken up with the bail judges and other key actors in the proceedings include:

- **Releasing more defendants on ROR instead of money bail**
- **Setting lower bail amounts at initial appearance**
 - **Setting lower full bail amounts**
 - **Setting more 10% bails [or other percent equivalent, say, to what a bondsman might charge]**
- **Releasing more defendants under conditions of supervised pretrial release instead of money bail**

Whether magistrates are willing to experiment with any of these options may depend largely upon increasing the quantity and quality of information they have about FTA and bail

crime risks in each case appearing before them, and increasing the range of supervision options to address them. This of course is an issue for the pretrial services unit to explore.

- **Strong and immediate consideration should be given to expanding the range and availability of pretrial supervision options that pretrial services can offer to the court.**

Especially if such increased resources are made available, pretrial services is ideally placed to build upon its current practice of the bail interviewer making only a limited oral statement to the bail judge.

- **The feasibility should be explored of moving towards a more detailed written pretrial services bail report based on more comprehensive and verified information relevant to assessing FTA/bail crime risk, including results of statistical risk/needs instruments and recommendation aggressively targeting defendants for release on all of the possible options that might reduce jail admissions.**

One of the most well developed and evaluated pretrial service agency models of this type is the District of Columbia criminal court program that operates almost exclusively with ROR and conditional/supervised release instead of money bail. Information about this program and others can be obtained from the Pretrial Resource Center in Washington, D.C.

- **If such changes to the individual case interviews approach are not embraced, the rate of FA releases might nevertheless be increased if magistrates were given as a general matter a clear set of expanded conditional release options such as those just mentioned, that they might elect to use themselves for minimizing FTA/bail crime risks without relying on money bail.**

Such options resemble a sort of pretrial probation supervision program that might include conditions such as home arrest and/or electronic monitoring, drug testing, telephone or in-person reporting, and even residential placement in facilities [“bail hostels”] other than the jail. Obvious parallels exist with existing post-conviction supervision, including divisions into different levels of risk/supervision [lo, medium, hi] and conditions focusing upon addressing special risk factors such as drug involvement, housing, and so on. As approved and modified via full discussion with magistrates and other members of the CJAC, a thoroughly documented set of placement options could then be made available to FA judges so that they can consider placing defendants in the program in lieu of setting bail.

CAUTIONARY NOTE: a risk of leaving the placement decision entirely in the hands of the court without a detailed individualized assessment and recommendation by pretrial services staff, is that the more intensified supervised release options will be used for defendants other than those who would otherwise have been detained for failure to pay money bail. “Net

widening” of this kind may be welcomed to the extent that conditional release proves to be a more successful way of assuring appearance and reducing bail crime. However, if it is used mostly for defendants who would have been released on money bail, it could actually increase the jail population if significant numbers are revoked for failing to comply with the pretrial release conditions.

- **Every effort should be made in designing procedures for the program to assure that it is targeted first and foremost towards defendants who otherwise would not be able to post bail at the initial appearance.**

First Appearance to Bond Reduction Hearing [BRH]

This stage of proceedings may be the most promising area in which significant reductions in delay and significant increases in releases can be achieved. Data provided for two weeks in early August, 2002 for 367 individuals released at felony bond reduction hearings show the following:

- 22 percent were released at the BRH after being detained 10 days from the time of arrest
- 40 percent were released at the BRH after being detained 15 days from the time of arrest
- 56 percent were released at the BRH after being detained 20 days from the time of arrest
- 44 percent were not released at the BRH until at least 3 weeks from the time of arrest

Most of the jail time between arrest and release appears to be attributable to the time taken to file a motion for the hearing:

- 23 percent were filed within 5 days of arrest
- 45 percent within 10 days
- 17 percent took 11- 15 days to file
- 13 percent took 16 -20 days
- 25 percent were not filed until at least 3 weeks from the time of arrest

By comparison, 98 percent of the hearings were held within 15 days of filing:

- 50 percent within 5 days
- 34 percent within 6-10 days
- 14 percent within 11-15 days.

This is clearly an area in which data should be routinely reported so that the recommended CJAC/Jail Population Specialist can monitor and explore possible changes in policy and practice that could reduce the number of jail-bed days required to accommodate inmates held during this part of the pretrial detention phase of the process.

Options to reduce delay between FA and BRH:

- **Set presumptive minimum target dates within which all BRHs should be expected to be held.**
 - > If an expectation were set as a matter of local court policy that hearings should be held within 10 days of arrest, for example, the jail-bed days saved each year could run into the thousands
- **Establish court policies and procedures to facilitate earlier BRHs**
 - > Jail Population Specialist monitors all inmates detained after FA to provide routine reminder notices to defense attorneys
 - > Provide regular reports to the court of cases not coming to BRH in a timely fashion, identifying the attorneys involved and stated reasons for delay
 - > Grant continuances only for compelling reasons
 - > Schedule BRHs provisionally at the time of the FA for all inmates unable to make bail at that time
 - > Authorize pretrial services staff to screen cases unable to pay bail at FA, for potential eligibility in an expanded pretrial conditional release/supervised release program [CRP], and to prepare and submit release plans for eligible defendants to the BRH judge in cooperation with the defense attorney [more about this CRP recommendation below]

Options to increase release rate at BRH:

- **Authorize 10% bail payment**

Since defendants can secure release by paying a similar amount to a bail bondsman, the use of 10% bail schedule by the court simply cuts out the middleman. In many jurisdictions, defendants are charged an administrative fee on the bail amounts, deducted from amounts returned to the defendants who successfully comply with the conditions of release. In several counties in Pennsylvania, such fees are sufficient to support most or all of the cost of supervised release programs and bail interview services provided to the court by pretrial services units

- **Improve level of advocacy and justification for reductions by close coordination of activities of defense attorney and pretrial services staff**
- **Pretrial services should be given the resources and support to develop and implement an aggressive conditional release/supervised release program aimed at securing the release of as many pretrial detainees as possible**

The kind of conditional release/pretrial supervision program mentioned earlier as a potential way to induce the court to release defendants at the first appearance can be easily and very profitably tailored to divert defendants if they are unable to secure their release at the FA hearing. The exact design of such a program is of course a matter to be resolved by the pretrial services unit in consultation with all relevant court and jail officials. However, for purposes of illustration such a conditional release program [CRP] might operate as follows:

Working with jail intake staff, and in consultation with the defense attorney, a CRP staff member identifies all inmates held following the FA hearing who seem unlikely to secure their release via a BRH unless special attention is paid to them. Examination of the BRH cases that currently result in release and continued detention every week/month will give a general idea of the size and characteristics of the target group. What percent of BRHs result in continued detention? In what kinds of cases? Which of those cases might be safely released to a well-structured program of supervised pretrial release?

Within the general target group identified by review of the data, eligibility criteria as specified in the program's written design/work plan would be applied to narrow the target population for intervention. Usual criteria exclude defendants whose current offense and/or prior history indicate an unacceptably high potential for violent reoffending or flight risk. CRP staff trying to identify suitable inmates will be able to refine their clinical screening techniques as the program gains experience and by factoring in estimates of the need and likely success of their intervention from the defendant and defense attorney on a case by case basis.

For eligible defendants, staff develop a CR proposal specifying a set of release conditions/recommendations to be presented for consideration by the BRH judge. Defendants admitted to the program are released to the supervision of CRP staff under the conditions of the proposal, as modified if necessary by the court. Violation of the conditions results in a report and recommendation for action [modified conditions; revocation] by the supervising CRP officer. Cooperative and collaborative arrangements between the public defender's office and CRP staff and management at every stage of program design and operation should go a long way towards increasing the success rate for bail adjustment petitions and their outcomes by improving the quality of information and the range of alternatives available to the court.

To gauge the potential jail bed savings of such a program, data are needed to estimate the rate of confinement and the average length of confinement for the targeted detainees between the BRH and final disposition of the case by conviction/plea, etc. Specific data to answer these questions were not available at the time of the site visit. Given the fact that unsentenced inmates routinely make up more than 50 percent of the jail population on any given day, however, the potential for significant population reduction via the type of program being recommended is likely to be sizeable enough to more than offset the kind of support and resources necessary to assure its successful implementation.

In addition to resource issues, a basic challenge to the feasibility of a program of the type being recommended will always be *whether the level of admissions and/or length of stay can be reduced without unduly increasing failure-to-appear rates [FTA rates] or rates of reoffending during the pretrial period [bail crime rates]*. As soon as the task is framed in this way, however, it once again highlights deficiencies in available data systems and the need to expand recording and reporting practices to include more of the types of data essential for system planning and performance assessment. Bail judges and the prosecutor, for example, may react to any proposal to detain fewer defendants pretrial by objecting that doing so will likely pose a threat to public safety and/or appearance rates. Without knowing what *current* FTA/bail crime rates are, however, it is obviously difficult to assess whether any changes in policy or practice will unduly affect *future* rates.

In other words, it is hard to estimate and monitor whether changes to reduce admissions or length of stay will improve or harm FTA/bail crime rates if the system does not routinely keep track of what they are at the outset. Although everyone should be concerned about how well the system is achieving these two goals, CJAC members may perhaps think it more than a little disingenuous for anyone to profess a concern for them while at the same time showing total indifference to keeping the statistics necessary to monitor how well or poorly they are achieved.

In the business world it would be unheard of not to require all divisions of an organization to keep data on key “performance measures” such as these. In addition to the basic accountability rationale for doing so, it is also a well established principle in organizational management circles that requiring routine production of performance measure data serves as an incentive to make sure that goals are being met or that “if you measure it, it will get done.” This alone may be a reason to collect these kinds of data, but what is more certain is that if you do not measure it nobody can ever know how well or poorly the system is doing, or more importantly here, whether a change in policy or practice will make things significantly worse or better.

- **Review detainer procedures for probationers charged with new offense**

To the extent that defendants appearing at BRHs on new criminal charges are also on probation at the time, policies and procedures should be reviewed with an eye towards minimizing the need to hold defendants on detainers if they can post bail on the new offense. Especially if probationers are otherwise performing acceptably at the time of arrest for a new offense, their probationary status might be treated, for example, as simply one of several factors – such as

priors, etc., -- to be evaluated in deciding whether BRH release on the new offense is appropriate. Taking such an approach in lieu of detaining as a probation violator until resolution of the new offense promotes thinking about options such as release to an enhanced supervision and control regimen coordinated in close consultation between probation and pretrial services CRP staff.

FA to Conviction/Plea/Sentencing

Expediting processing between FA and final disposition results most immediately in jail-bed day savings if defendants are released from the jail at that time, either to a community-based sentence or via transfer to a state correctional facility. Options for increasing the rate of release to community-based alternatives have been discussed earlier in the report. For inmates sentenced to state facilities, the issue is obviously not one of saving jail space by sentencing more of them to state time [as fiscally appealing as that might be to county budget managers]; rather, it is a matter of assuring that they spend as little time in the jail during the pretrial stages of the process and that they are transferred to the state facility as quickly as possible once sentenced.

Although closer analysis of the county's adjudication process can undoubtedly lead JART/CJAC members to suggest more specific approaches, several general strategies are recommended here:

- **The Court should develop and implement aggressive measures to minimize the rate at which continuances are granted, especially in cases involving jail inmates.**
 - > **To facilitate the development and monitoring of the impact of such measures, court data reports should routinely monitor the number and rate of continuances occurring at all key stages of the adjudication process, noting specifically whether or not the defendant is in jail at the time.**
 - > **Expert assistance on expedited case management and court delay reduction techniques is available from organizations such as the National Center for State Courts and the Institute for Court Management.**
- **The Court should refine and expand the recently introduced expedited plea initiative**

At the time of the site visit, discussions were underway to initiate a cooperative program between the prosecutor and public defender aimed at moving selected cases more quickly through the process. Since the visit, it is my understanding that the program has been implemented and is processing approximately 10 cases per week through a specially convened court session every Friday. At the time of the visit, no written program plan or formal policies and procedures statement had been formulated to guide the operations of the new program. However, it seems clear from site visit interviews that the innovation is motivated by concerns about reducing

caseload pressures on the prosecution and defense attorneys as much as or more than as a jail population control measure.

- **It is strongly recommended that the resources made available to support this expedited plea initiative [EPI], and any additional resources that can be found, should be focused first and foremost on its potential as a tool in the county’s arsenal for controlling the size of the jail population.**

The key to such an approach is to develop a clear and data-driven set of policies and procedures for targeting, screening, and processing the kinds of cases most likely to provide a “fit” with population reduction goals. As indicated above, this means most generally a focus on inmates who are most likely to be detained throughout the prosecution and/or probation violation process and who are most likely to be discharged from the jail at the end of that process, either to a community-based sentence or via transfer to a state correctional facility.

Although it is clear that sizeable numbers of inmates are detained during the entire presentencing period, exact estimates of the potential target populations for reduction options and their likely impact on reducing jail crowding once again require data beyond readily available reports at the time of the site visit. To estimate the size of the potential target population and its impact on the jail, data must be generated to answer the following questions:

- What proportion of defendants are being detained for the entire period from arrest to disposition?
 - > on new offenses charges?
 - > for probation violations?
 - ~ misdemeanor probation?
 - ~ felony probation?
 - > for both probation violations and a new offense?
- What are the lengths of stay involved to different disposition points?
- What proportion of detainees are discharged from the jail at the time of disposition?
 - > to a community-based sentence?¹¹
 - > to a state correctional facility?
- What proportion of inmates in the above cases have offender and offense characteristics that might be useful as screening and eligibility criteria for the EPI? Obvious examples of potentially suitable cases to which the EPI program might give high priority include:
 - > inmates whose offense and prior history indicate a very high probability of a community-based sentence

¹¹ An additional complicating factor here is the matter of “time-served” sentences. These must be recorded and reported separately in the data system because reducing the time of pretrial detention will not save jail bed days if it results in a corresponding rise in the number of jail sentences if the “time served” option is reduced. In all likelihood, this should not be a major factor if community based alternatives are substituted for shorter jail terms, and to the extent that “time-served” sentences are more a way of justifying the pretrial imprisonment than any presumption that an actual jail sentence would otherwise have been necessary.

- > inmates whose offenses and/or prior history indicate a very high probability of a state jail sentence
- > inmates already sentenced to state time, but held in jail pending disposition of misdemeanor charges [N= ?]
- > probation violators charged only with technical violations and not a new offense [N=?]
- > inmates with special medical, mental health, drug and alcohol problems and other treatment needs for which the jail may be a less suitable site than prompt attention in a community-based program or a state correctional facility [Ns = ?]¹²

Whatever final criteria are established, a second key to the success of such a program is to make sure that they are applied and that suitable inmates are screened and identified as early, accurately and consistently as possible. To this end, thought should be given to centralizing responsibility for initiating the program's screening process at the jail. This might be seen as part of the clinical responsibilities of a Jail Population Control Specialist or an EPI staff member who would work in close cooperation with the Specialist, and, obviously, with the defense attorneys, prosecutors, probation officers, and judges involved in moving the expedited process forward.

Finally, whether as part of the EPI program or just as a matter of routine practice, all other measures to reduce processing delays and otherwise expedite release of jail inmates should be explored. Examples include:

- **Explore feasibility of expanded use of videoconference equipment for a wider variety of court proceedings and case-preparation interviews in cases involving jail inmates**
 - > hook-ups between the court and jail in many jurisdictions are widely used for bail hearings, probable cause hearings, arraignment, plea agreement hearings, probation violation hearings, and others. NOTE: independently of its value in the delay-reduction area, the expanded use of videoconferencing should be given serious consideration because of the significant impact it may have on reducing inmate transportation costs.
 - > hook-ups between the jail and public defender's office can greatly reduce the need for the time and expense of traveling out to the jail to interview clients, promoting not only more timely case preparation but also increasing the number and quality of contacts possible, thereby greatly increasing the quality of representation as a whole. This technology would be particularly helpful in facilitating timely case preparation in connection with the expedited plea program.
 - > hook-ups between the jail and probation offices offer similar benefits to probation staff as those suggested above for defense attorneys. Particular applications of the technology in other jurisdictions have been to conduct interviews for presentence investigations, interviews to prepare violation reports to expedite the processing of violation proceedings, pre-release planning, and a variety of other case management purposes.

¹² A related issue is the problem reported in several interviews of the unavailability or extended delays in finding openings in community-based drug treatment programs. As foundation for discussions with funding and treatment officials about adequacy of drug treatment resources, data should be routinely recorded and monitored to document the extent of the problem. Minimum data requirements here include the number of requests for placement x different criminal justice system agencies x rate of placement and time to admission.

- **Institute a good-time policy in the jail**
 - > If legally permissible, a straightforward and easily implemented option to reduce jail crowding that has been used very profitably elsewhere in the country, is for the county to authorize the use of a good time policy for inmates serving county sentences. Such an approach has been taken elsewhere in the country to good effect, not only in terms of jail-bed days saved, but also by providing a useful discipline/management tool to jail officials. In Delaware County, PA, for example, a policy approved by the county's Board of Judges of up to 6 days per month of each county sentence has been in operation for several years. The number of days awarded and the conditions and procedures for forfeit are a matter for local determination. A policy of 5 days per month would save two full months of jail-bed days for each 12 month county sentence imposed. Jail officials may consider it not only as a way of reducing crowding but as an incentive for inmates to participate in programming and otherwise cooperate and behave while serving their time. The obvious countervailing concern is that such a policy might adversely affect public safety goals. However, since we do not know the recidivism rates for offenders serving jail terms of any length, it is once again hard to argue that experimentation with marginally shorter terms would make much difference. They are all coming back into the community very soon anyway, so release one month sooner may at worst shorten the time before recidivism but seems very unlikely to increase the rate overall. Given the obvious benefits of a good time policy in terms of reducing crowding, opponents might be asked to explain clearly why, for example, 6 months is so much more penologically essential than 5 months, or 12 months is so much more to be preferred to 11 months, and so on.
- **Reduce time between sentence and transfer to state correctional facility.**
 - > Routinely report and monitor time between imposition of a state sentence and transfer to a state facility – how many cases per month? How long to transfer? Can time be shortened? How?
- **Reduce admissions and length of stay for inmates returned from state institutions to resolve post-conviction relief appeals**
 - > Routinely report number of cases being returned – how many? How long are they spending in the jail before and after these hearings? Can the the number of returns and/or the time be reduced? How? For example, videoconferencing hook ups between the court and state prison can be used by attorneys preparing the case instead of bringing them to the jail and then making contact. More importantly, in cases where such hearings can be conducted entirely by videoconference hookups between the court and prison, the need to bring inmates back to the jail is avoided altogether. This not only helps the jail population control effort, but has potential for significant transportation savings also.
- Explore with state parole officials alternatives to current use of jail for VOP proceedings
 - > What percent result in return to state correctional institution? If all/most, could they be transported directly to SCI for hearing? If jail must be used as location for pre-hearing detention, can average time to disposition and transfer to SCI be reduced?

III. SUMMARY OF MAJOR POPULATION CONTROL OBSERVATIONS AND RECOMMENDATIONS

Although this section of the report has attempted to cover the most significant reasons and potential remedies for overcrowding, it is intended to prioritize and not to limit local efforts to reduce overcrowding. If the task of population control is tackled aggressively, systematically, and on a data-driven basis, employing as many of the policy and case-level options identified in this report and by the JART committee, sufficient reductions should be possible to keep the population within capacity for the foreseeable future.

To the extent that recommendations involve additional or restructured staffing and resources, they are obviously not cost-free options. They should always be considered, however, in relation to the expense of building and operating jail facilities, and the likely ancillary benefits of many of the proposed changes in terms of system efficiency and effectiveness.

The following list summarizes and organizes all of the major population control observations and recommendations in the above sections of the report:

MAJOR POPULATION CONTROL OBSERVATIONS AND RECOMMENDATIONS

- **Reconstitute and reorient JART as a high-status standing Criminal Justice Advisory Committee to oversee the ongoing monitoring, planning, and evaluation work needed to address the County's jail and related criminal justice system problems.** CJAC should:
 - Operate as a strategic planning and management group for the county's criminal justice system along the lines advocated by national correctional experts and NIC, and widely sponsored by state agencies such as the Pennsylvania Commission on Crime and Delinquency
 - Attack the problem of jail crowding aggressively on a systematic, ongoing, and, most importantly, data-driven basis
 - Involve all key decisionmakers including county commissioners, IT/MIS specialists, state probation and parole representatives, etc.
 - Establish clear short-term and long-term goals and prioritize agenda items from the current report and from ongoing JART issues
 - Establish clear lines of reporting and procedures for implementing change between CJAC and related authorities such as PSC
 - Assure ample information gathering and analysis support
 - Maintain written records of all activities
 - Consider assigning a representative to maintain regular communication channel to the media to share successes and reduce sensationalist and misinformed coverage
 - Take full advantage of the wide variety of national, state, and local technical assistance and funding resources available to all of the different agencies represented on CJAC

- **Improve system capacity for routine monitoring of system performance measures and conducting ad hoc planning studies to examine possible reasons and remedies for jail overcrowding**
 - Recognize overriding importance of both clinical and policy components of jail population monitoring and management by expanding and assigning responsibility for carrying out these functions to a “Jail Population Control Specialist” ideally based at the jail. JPCS to serve as:
 - ❖ Information resource and catalyst to CJAC to generate data to inform and monitor population control policy decisions
 - ❖ Liaison with all key decisionmakers to assure prompt and thorough identification and processing of cases with greatest potential for diversion/expedited release consideration
 - ❖ Liaison with IT/MIS personnel to raise and address data-system deficiencies impeding policy planning and case processing decisions
 - Conduct comprehensive review of adequacy of court and correctional data systems [content, accuracy/reliability, accessibility of data; systems interface]
 - ❖ Seek external recommendations from private vendors and national experts via SEARCH and National Center for State Courts about options for moving as quickly as possible towards an integrated justice information system [IJIS] capable of supporting decision-needs at both an individual case-processing level and a strategic planning and system management level
 - ❖ Move as quickly as possible towards an integrated relational data system with user-friendly query, analysis, and report-generating capabilities that are not dependent exclusively upon central MIS/SQL experts for even the most basic inquiries
 - Begin routine monitoring and reporting to CJAC of data on key performance measures – activities and outcomes -- for all agencies in the system so that the impact of any jail population control strategies can be accurately estimated and monitored, and so that fluctuations can be routinely detected, causes examined, and potential corrective measures considered on an ongoing basis.
 - ❖ Include rates of admission, release and length of stay at all of the major stages in the system at which inmates enter and are released from the jail
 - ❖ Include rates of crime, FTA, pretrial supervision technical violations, new pretrial crime, probation program violations – technical and new crime, post system-release crime
 - Refine and expand routine and periodic court and jail statistical reports to provide greater breakdown into the kinds of categories of interest for monitoring and planning purposes discussed in this report and others identified by JART/CJAC -- items marked with an asterisk * in the current list of observations and recommendations give an indication of some of the kinds of data requirements involved
 - Encourage all justice system agencies to produce formally published annual reports, to record data on all key performance measures on a consistent basis from year to year in order to allow ready monitoring of trends and impact of key changes in policy and practice [“if you measure it, it will get done”]

- **Identify all key decisionmakers whose policies and practices control or significantly affect admission, length of stay, and release figures at all stages of the process, and bring them to the table to discuss change options**
 - Use the data to prompt ideas and to estimate and monitor impact of changes in policy and case-processing practices on rates of admission, release, and length of stay
- **Establish preliminary list of change options thought to have greatest potential for reducing overcrowding [biggest impact; easiest to implement] and set percent reduction targets for each**
 - Reduce rate of *admissions* at all stages of criminal justice process*
 - Reduce the average *length of stay* in the jail*:
 - ❖ By reducing *processing time* between admission and all subsequent steps at which release decisions are made*
 - ❖ By increasing rate of *releases* from jail at all processing steps following commitment*
- **Reduce arrest admissions***
 - Due to new crimes*
 - ❖ Engage all law enforcement agencies using the jail's booking facilities in a review of arrest data to consider alternatives such as increased use of summonses or other administrative release options in carefully targeted non-serious offense situations that might help reduce the size of the jail holding population
 - Due to FTA/pretrial supervision violations*
 - ❖ Reduce incidence of underlying violation conduct*
 - ⇒ Improve quality of release decisionmaking information and conditional release planning and supervision
 - Move from oral to written pretrial services bail reports and recommendations based on more comprehensive and verified information relevant to assessing FTA/bail crime risk, including results of statistical risk/needs instruments
 - Reexamine existing release and supervision practices to assure that clear and timely notice of subsequent appearance/reporting dates is given at the time of release, and that additional steps such as telephone or other reminder contacts are made closer to the next appearance date.
 - Expand range and availability of conditional release/supervision options that pretrial services can offer to the court.
 - ❖ Seek fewer violation arrest warrants*
 - ⇒ Adopt/expand agency policies and procedures to assure consideration of a full range of administrative alternatives before initiating request for violation warrant/arrest, such as follow up contacts and/or notice encouraging walk-in surrender and/or opportunity to appear at a rescheduled hearing
 - ⇒ If court intervention is deemed necessary, seek it wherever possible without having the defendant incarcerated pending the court appearance
 - Due to post-sentencing probation/parole violations*
 - ❖ Reduce incidence of underlying violation conduct*
 - ⇒ Improve quality of sentence decision information and probation classification and supervision procedures
 - Increase availability and use of PSI/sentence planning resources

- Increase judicial awareness, understanding, and use of full range of community based sanctioning measures available to the courts
- ❖ Seek fewer violation arrest warrants*
 - ⇒ Institute/modify probation procedures to require rigorous, multi-stage review of the violation conduct and consideration of all options before initiating a warrant/arrest
 - ⇒ Utilize full range of graduated responses administratively before resorting to violation warrant/arrest, such as escalated levels of control or treatment via heightened frequency of reporting and/or intensified conditions of supervision [e.g., adding electronic monitoring, home arrest, day reporting, residential treatment, etc.]
 - ⇒ If court intervention is deemed necessary, seek it wherever possible without having the defendant incarcerated pending the court appearance
 - ⇒ Explore with state parole officials alternatives to current use of jail for VOP proceedings
- Due to jail sentences from misdemeanor and felony courts*
 - ❖ Use full range of intermediate sanctions such as community service, electronic monitoring, day reporting, residential treatment, etc. instead of jail terms
 - ❖ Substitute community service and/or other graduated sanctions in lieu of weekend commitment of drug-court participants found in breach at Friday court sessions*
 - ❖ Stop using weekend sentences completely*
 - ⇒ Use community service, electronic monitoring, day reporting, etc. instead
 - ❖ Increase rate of waivers of mandatory sentencing by prosecutor*
 - ❖ Explore feasibility of a sentence-planning program to develop alternative sentencing plans for the courts in all cases in which a jail sentence seem otherwise highly likely
 - ⇒ Select from defense-based advocacy model or probation presentence investigation model
 - ⇒ Seek national level assistance from the Sentencing Project in Washington, D.C.
 - ❖ Compile a detailed descriptive inventory of the various types of community based sanctioning measures available to the courts [community service, electronic monitoring, day reporting, treatment programs, etc]*
 - ⇒ Identify and address gaps and weaknesses
 - ⇒ Provide inventory to judges, attorneys, pretrial services and probation staff as reference source for disposition decisions
 - ⇒ Monitor usage and outcome rates x sanctioning measure*
 - ❖ Probation officers should recommend and sentencing judges should utilize the fullest possible range of graduated responses to probation violation charges – such as increasing levels of control, treatment, etc. -- before resorting to revocation to a jail sentence.
- **Reduce Length of Stay**
 - Reduce delays from arrest to First Appearance [FA]*
 - ❖ Add FA hearing in the afternoon to avoid 24 hour detention for inmates admitted too late to make the 9 am hearing

- Increase release rates at FA*
 - ❖ Increase use of ROR*
 - ❖ Use 10% bail in lieu of full bail schedule*
 - ❖ Increase use of conditional/supervised release in lieu of \$ bail*
 - ❖ Enhance level of release advocacy by defense attorney and pretrial services staff
 - ⇒ Secure resources and support to allow pretrial services to develop and implement an aggressive conditional release program aimed at securing the safe release of as many pretrial detainees as possible
 - ⇒ Expand range and availability of conditional release supervision options that pretrial services can offer to the court
 - ⇒ Move from oral to written pretrial services bail reports based on more comprehensive and verified information relevant to assessing FTA/bail crime risk, including recommendation aggressively targeting defendants for release on all of the possible options that might safely reduce jail admissions.
 - ⇒ Address inmates' complaints about communications with defender's office that:
 - calls from the free jail line are "almost never answered" at the public defenders office
 - case preparation for FA is done mostly "on the fly" minutes before the hearing
 - ⇒ Explore feasibility of videoconference interviews between defender's offices and jail
- Reduce delays from FA to Bond Reduction Hearing [BRH]*
 - ❖ Set presumptive minimum target dates within which all BRHs should be expected to be held
 - ❖ Establish court policies and procedures to facilitate earlier BRH
 - ❖ Schedule BRH at conclusion of FA hearing
 - ❖ Assign Jail Population Specialist to monitor delays and notify relevant parties [attorneys, court, pretrial services]
- Increase release rates at BRH*
 - ❖ Increase use of ROR*
 - ❖ Use 10% bail in lieu of full bail schedule*
 - ❖ Increase use of conditional/supervised release in lieu of \$ bail*
 - ❖ Enhance level of release advocacy by defense attorney and pretrial services staff
 - ⇒ Expand range and availability of conditional release/supervision options that pretrial services can offer to the court in lieu of \$ bail
 - ⇒ Develop a more systematic and aggressive pretrial conditional release program [CRP] to:
 - Screen cases unable to pay bail at FA to assess potential eligibility for the expanded CRP
 - Prepare and submit release plans for eligible defendants to the BRH judge in cooperation with the defense attorney

- ⇒ Move from oral to written pretrial services bail reports based on more comprehensive and verified information relevant to assessing FTA/bail crime risk, including results of statistical risk/needs instruments and recommendation aggressively targeting defendants for release on all of the possible options that might reduce jail admissions
- ⇒ Increase coordination/collaboration between defense attorney and pretrial services
- ❖ Reduce rate of prosecution vetoes of candidates for drug court and deferral of low-level misdemeanor/traffic violators
- ❖ Reexamine policy of attaching detainers on defendants arrested for a new offense while already on probation or parole*
 - ⇒ Explore feasibility of treating new offense and violation as a combined event for purposes of bond assessment and/or release on intensified levels of supervision
- Reduce delays/expedite routine processing between all system stages from Arrest to Case Disposition*
 - ❖ Seek out expert assistance on expedited case management and court delay reduction techniques from organizations such as the National Center for State Courts and the Institute for Court Management
 - ❖ Routinely monitor the rate of continuances occurring at all key stages of the adjudication process, noting specifically whether or not the defendant is in jail at the time*
 - ⇒ Use data to consult with judges about significant variation from court to court and over time*
 - ❖ Adopt aggressive court policies to minimize the rate at which continuances are granted, especially in cases involving jail inmates*
 - ❖ Improve flow of paperwork/communication flow needed to secure/expedite release of jail inmates – e.g., between Clerk of Court and jail on any matter with potential impact on calculating/expediting release times, such as handling court events that occur after regular hours*
 - ❖ Explore feasibility of use of videoconference equipment for a wider variety of court proceedings and interviews with jail inmates by defense attorneys and probation officers -- to increase timeliness, frequency and quality of case-preparation contacts [and reduce Sheriff's transport costs]
 - ❖ Develop policies and procedures to expedite clearance of misdemeanor holds for jail inmates who have already been sentenced to serve time in a state correctional facility*
 - ❖ Reduce time between admission and transfer to state prison for:
 - ⇒ inmates sentenced by felony court to state sentences*
 - ⇒ inmates held for state parole violation hearings*
 - ⇒ inmates returned to county jail from state prison for post-conviction relief appeal hearings*
- Refine and expand the recent expedited plea program [EPP]
 - ❖ Carefully monitor EPP cases to assess the program's impact on jail-bed day savings*

- ❖ Focus current and expanded EPP resources first and foremost on its potential for controlling the size of the jail population -- giving highest priority to:
 - ⇒ inmates whose offense and prior history indicate a very high probability of a community-based sentence*
 - ⇒ inmates whose offenses and/or prior history indicate a very high probability of a state prison sentence*
 - ⇒ inmates already sentenced to state term, but held in jail pending disposition of misdemeanor charges*
 - ⇒ probation violators charged only with technical violations*
 - ⇒ probation violators held on detainers pending disposition of new offense*
 - ⇒ inmates with special medical, mental health, drug and alcohol problems and other treatment needs for which the jail may be a less suitable site than prompt attention in a community-based program or a state correctional facility*
- Address problem of unavailability and extended delays in finding openings in community-based drug and mental health treatment programs
 - ❖ Document extent of problem [number of requests made for placement x different criminal justice system agencies x rate of placement and time to admission]*
 - ❖ Engage funding authorities and treatment officials in data-driven discussion of problem and potential remedies
- Reduce length of county jail sentences*
 - ❖ Examine existing practices for evidence of arbitrary sentencing patterns – commonly negotiated and imposed in increments of 3 months, 6 months, 9 months, 12 months*
 - ❖ Modify practice to negotiate and impose marginally reduced in increments – e.g., 5 instead of 6; 8 instead of 9; 11 instead of 12]
 - ❖ Conduct evaluation study to determine impact on recidivism rates [does anyone really believe it will make a significant difference?]
 - ❖ Institute a good-time policy in the jail
 - ❖ Reevaluate management and use of the on-site work-release facility to maximize its utility for transitioning inmates from the main jail into the community as quickly and safely as possible
 - ❖ Explore feasibility of other work-release and similar mechanisms to prepare inmates to return to the community
- Review overcrowding emergency release plans used in other jurisdictions and recommended by national authorities as basis for adopting local plan for Alachua County

IV. INTERNAL JAIL MANAGEMENT AND CLASSIFICATION ISSUES¹³

The Alachua County Sheriff is a constitutional office, and the Office is a full-service law enforcement/corrections agency, also providing security to the Circuit and County Courts and including transportation of the inmates to and from court and state correctional institutions¹⁴. In March 2003 the County Sheriff authorized the Jail Administrator, Major Robert Chapman, to request a PONI (Planning of New Institutions) technical assistance program from the National Institute of Corrections.

The jail population has been steadily increasing over the past year, sometimes well beyond the self-imposed rated design capacity (RDC) of 920. Ms. Fran Zandi of the National Institute of Corrections granted the technical assistance request to be conducted the in September, 2003. However, between the time of the request and the technical assistance, an event involving two inmates (sexual assault) took place in the jail. The jail -- despite a very thorough investigation that culminated in the firings of personnel, reductions in rank and other disciplinary actions -- has undergone critical attacks through the news media and political circles, including the Alachua County Board of Commissioners. At question has been the classification system and how inmates are separated, along with questions about possible mismanagement.

Due to these circumstances this section of the report will reflect a brief review of the jail and its operation and practices, including the classification system. The initial charge of the technical assistance was primarily geared towards the issues of data and practices, and their subsequent impact on the jail population. The technical assistance providers believed that the incident needed to be reviewed as a part of jail facility review portion of the report. Therefore, this portion of the report is meant to present the facility operations as it relates to the classification system and the housing of inmates in the various units. It should not be construed

¹³ The remaining section of the report was prepared by Mr. Aguirre. Questions should be directed to him at raguirre@LapeerCounty.org

¹⁴ The Alachua County Sheriff's Office is in Gainesville, Florida and is located in the north-central portion of the state. I-75, a major north to south expressway in the United States eventually connecting Southern Florida to the Canadian border at Sault Saint Marie, Michigan, bisects the county. Gainesville is also the home of the University of Florida. Alachua County had an official population count of 217,955 in 2000 and has had an estimated growth of about .4% since then. In comparison to the State of Florida, which has had a 2.6% population growth during this period, it would appear that Alachua, while growing, seems to be more restrained in expansion. Alachua has a mix of land use, with 874 square miles that includes rural farm areas, mixed suburban, and urban portions. The university enhances the dynamics of the county and makes it a very comfortable and enjoyable place to live. The median income per household is very close to the state average which is \$31,426 (\$38,819 state-wide). Conversely the percentage of people living below the poverty level is 22.8% -- a much higher level than the state average which is 12.5%.

as an exhaustive review of the incident, nor as a subsequent investigation into departmental disciplinary/corrective actions taken in relation to the employment status of employees.

Recommendations will reflect only the facility housing plan and its relation to how the present classification system intersects use. This portion of the report therefore, is directed only to assist the agency in reviewing its classification and housing policies, which in the end should provide some direction to assist in preventing or at least minimizing these types of events in the future.

JAIL FACILITIES REVIEW

The Alachua County Jail is located on S.E. Hawthorne Rd. directly across the street from the Gainesville Airport. It sets back off of the road and is a sprawling, campus-style complex with two levels. The administrative wing, which faces the parking lots and road, serves as the entrance for visitors and is a two story building, while the remainder of the jail is on one level with mezzanines. The following historical information provides some background into the problems of a changing and growing jail facility attempting to meet the pressures of needing additional bed space and accommodating that need through construction, renovation, and adding more people to the same space.

- 1972: The central booking concept was initiated in Alachua County, with the Sheriff's Office taking on the responsibility for all of the law enforcement agencies operating in the county. However, at that time the Sheriff gave up the jail, and the county board assumed responsibility for its operation, creating the Department of Criminal Justice Services and establishing civilian management and control.
- 1974: A new jail was built and in 1992 a federal court order prompted the county to build an addition along with completing a renovation of the existing jail.
- 1994: An addition was built along with a renovation of the existing facility, for a capacity of 916. (This is based on a 1994 letter written by the Director at the time to the Chief Inspector of the Florida Department of Corrections). This letter also seems to indicate that while the jail was designed as a direct supervision facility, the staffing plan as submitted was being altered to a remote style of supervision. One can only surmise the authorized county funds provided only a certain staffing number and this number could not accommodate a staffing compliment needed for direct supervision. This issue

was not fully explored. It is clear from the letter is that the Florida Department of Corrections had oversight responsibility of county jails and the Alachua County Jail was under direction of a civilian authority via the County Board of Commissioners.

- 1998: Due to political issues the county board ended its management of the jail and the Sheriff took over the direct management and responsibility of the jail. In addition, modifications to the structure were made, thereby increasing the population.
- 2003: Based on a population data sheet called the “Space Available Sheet” dated September 24, 2003, there were 885 inmates less 7 being transported to the Department of Corrections, for a total of 878 inmates with 126 females. During the initial meeting with the administrative staff of the jail, it was indicated that they believe the rated design capacity (**RDC**) is **920** and they have a self imposed 15% classification factor which equates to 138 beds, thereby establishing the lower capacity level of **782**. This is done to provide the needed flexibility to classify and move inmates in appropriate housing units. However, attached to the space available sheet is a document which shows that adjustments made to the facility since the **1994/916** capacity number increased the capacity level to **979**. Adding to this confusion when referring back to the “Space Availability Sheet” is a series of columns--one column identifying the pod and the next column identifying what the population is for that particular day. Handwritten in the space, followed by the next column identifying the capacity of the pod, and then followed by the next column (referred to as the “space available”) is a number indicating the number of open beds. This is followed by an empty column marked Space Utilized and then a column with each pod identified in an abbreviated descriptor. If the space available column is totaled (**156 on the day of the count**) and then added to the total number of inmates in custody for the day (**878**) then the population of the facility appears to be **1034**.

So what is the population of the Alachua County Jail and why do estimates vary? The answer can be found in several arenas. Somewhere in the last decade, the Florida Department of Corrections was removed from oversight responsibility of county jails in favor of the Florida Sheriff’s Association and from determining the rated design capacity of jail facilities. In addition, the change back from county board civilian control to the Sheriff’s Office brought to bear its own dynamics. However, the single most important pressure is the need to meet the

mounting demand from the criminal justice system to put more and more people in jail. Subsequently the combination of all these factors has intersected and exposed the jail to the potential of and the reality of incidents like the recent assault.

Classification

Jails are finite in configuration because the space is defined. Further, various rules demand that this finite space separate individuals for the protection of the inmates, staff, and the community. This has resulted in jails instituting classification systems. In many states only the broadest definitions of legal categorizations of juvenile, civil, misdemeanor, and felony starts the separation process. Additionally, the difference between pretrial and sentenced is included. Beyond this, the classification process subjectively starts to separate inmates for medical, mental health/challenged, predator, prey, suicidal, and etc.

Attempting to respond to all of the identified needs to separate inmates has brought about a wide variety of instruments determining personality assessments. Some are mixed with other external factors such as current charges, prior record, and housing experience within the facility. The more common ones are referred to as the decision tree and the point system. These systems are an attempt to make the process as objective as possible. Other methodologies have blended the different systems and demand that subjectivity be an integral part of the decision. The interviewer is a critical part of the process, regardless of the system, because of the difficulties of attempting to predict human behavior. In the end there is a reliance on the subjective analysis of the interviewer.

Regardless of the classification system used, when the rated design capacity has been exceeded it absolutely compromises any and all of the classification systems in operation throughout the country. Exceeding population limits significantly alters the dynamics of any jail. The greater the excessive population becomes, moving from crowded to overcrowded is the single greatest detriment to an effective and responsible classification system.

The Alachua County Jail classification system is a subjective system which uses legal status (Misd., Civil, Felony charge), prior record, and personal information obtained from a skilled interview coupled with previous behavior characteristics exhibited during prior custody in the Alachua County jail. Once classified the individual is reviewed by the staff and is placed in a housing unit that has been predetermined to house certain like types of individuals. Attached is the two page "Classification Scheme" document currently in use, which defines each housing

unit and the groups of inmates that should be placed. A copy of the floor plan is also included in this report.

Rated Design Capacity

The rated design capacity, absent an outside independent authority, can be determined. This number is directly related to the square footage and the number of people who can occupy the space. The county and/or the Sheriff's administrative staff can establish the rated design capacity by utilizing the American Correctional Association Detention Standards handbook as a recognized guide. We recommend the most current set of standards to guide this evaluation process unless Florida has a more current document.

Jail Population Counts

There are three recognized population counts that are related to the jail.

First is the **Jurisdictional Count**. This count includes everyone assigned to the county jail even though they may not be residing in the county jail proper. It obviously includes the "holding and general population" counts and it refers to individuals who may be in the hospital, at a state forensic center for evaluation of competency, or an individual that has been moved to another facility for protection, etc. Basically it is anybody placed in the jail, removed for some reason, yet residing in another secure setting and remaining under Alachua County's jurisdiction. This does not include individuals held in other county jails for charges arising in that particular county.

The second count is the **Holding Count**. This count is a daily changing number because it relates to only those individuals in a temporary holding status. Effectively, it refers to a population that is potentially very transient. Depending on the state, and in accordance with ACA standards, generally speaking a person can remain housed in temporary confinement status for up to 72 hours or three days from the date and time of the arrest and subsequent booking into the jail. One may keep track of the "Holding count" simply because those individuals may end up as a part of the "general population" number. The holding count is rarely given because it is a transient number, and experience has demonstrated that 80%+ individuals arrested are released during the first 72 hours. In many of the newer designs, many jails have closely examined this population to determine the dynamic flow of how many are coming in, and how quickly they are released, and then specifically design a space that accommodates this need. While there may be a small classification process completed during the booking process, it is only to get a beginning

baseline of information on the individual to determine any immediate need requiring immediate attention.

The third count is the **General Population Count**, and it refers to everyone residing in jail beyond the 72nd hour, including pretrial and sentenced populations. Generally speaking when one refers to the population count for the day it is the “General Population” count that is provided. However, the “count” may be given in the two main categories and is identified as such.

Current Practice

Current practice and procedure at Alachua County Jail demands that once a person is booked they are arraigned at the next available time, which occurs every day at 9:00 am. The inmate is then classified and placed in a housing unit depending on his or her classification requirements. Other than the holding for the booking process after the arraignment the person when classed is moved to a “general population housing” unit. It appears that a temporary holding housing unit has not been identified or has been adulterated over time. There appears to be some evidence that at one time the concept of booking with temporary holding may have been a part of the operational concept; however, in attempting to meet the ever-increasing demands of more space the process evolved into the current practices. Not only has the holding concept been affected, but other parts of the jail such as the disciplinary/restricted/maximum security and other specialty units have become affected.

The inevitable consequence of this evolutionary process driven by the increasing population is for the classification system to be overwhelmed and then compromised in its ability to separate inmates, resulting in tragic events. For instance, in the events occurring in June 2003, the population was high and the designated disciplinary units were double-bunked or used as overflow locations, thus opening the door for unintended mixing of populations.

This pressure occurs because of the ‘empty bed’ syndrome. The ‘empty bed’ syndrome is insidious because of the tremendous pressure from external sources to fill every bed, while not understanding that certain areas are always off limits in order to maintain a safe and secure environment. The term for a percentage of the facility that is predetermined to remain empty is commonly referred to as the ‘Classification Factor’. The classification factor does not normally apply to the Holding area other than for those individuals who during the initial hours of confinement demonstrate the need to be moved to a specialized unit. The ‘classification factor’

is applied to the 'General population' segment of the facility, which includes all of the standard legal separations but also the specialized separations such as the disciplinary unit, and the medical/special care units, for example. The rules of classification establish boundary units or a specialized unit that is not available to another inmate unless the specified criteria for that bed/cell are met. Therefore, disciplinary (maximum security) segregation and other specialized units are never double bunked, nor are the available (empty) beds in those areas filled with a wider category of classifications. Other locations may become crowded or over-crowded, but never those pre-identified with a specialized identification. For instance, once the disciplinary unit loses the sting of a loss of privileges, it just becomes another housing unit.

As the population continues to increase and the adulteration becomes a more and more frequent occurrence, the staff may become confused and/or complacent in assignment of empty space. However, there is another very fundamental and absolute intervening principle of operating and working in a jail that is a standard throughout the nation. This principle is directed at the line staff which is ultimately charged with the responsibility for carrying out the principle of safety, custody, care, and control of inmates under their supervision.

Another issue that arose during the visit involves questions of communications lapses during the time leading up to the incident. It appears some of the line staff knew of the propensities of the inmate responsible, but the information was not provided to supervisors, classification, and other staff as well. Safety, care, custody, and control of the inmates is the foremost responsibility of the line staff, and it is unfortunate that it was not exercised to better result in this particular instance.

Recommendation: The Sheriff should convene a "transition team" much as if one were to begin the planning process of moving into a new facility. The purpose is to define/redefine the housing units in conjunction with the classifications system, and recapture the holding concept for temporary housing and the specialty units (such as disciplinary segregation) that has meaning. This means examining the data and profiling everyone booked into the jail, determining the length of stay for the first 72 hours, and then identifying a housing unit(s) that would provide the greatest flexibility to respond as a temporary holding space before the formal classification review takes place.

Some will say this is impossible because space in a housing unit will be lost. The response to this objection is no, because we are not talking about a new population group or an

increase of population. Under the current practice, the 72 hour and less population already exists in all of the housing units. Remember--they were classified within 24 hours of being booked and moved to a housing unit, even though some will be released within the next 48 hours. This will also have to apply to the females as well. If a unit is to become crowded, then the temporary (holding) unit will have that ability. If other units also become increasingly more overpopulated; this then becomes the greater issue relative to defining the need for more jail space. The one requirement will be a commitment to around the clock, in the unit staffing for the 72 hour holding unit.

What will change is how the count is reported, and this may give the appearance of a smaller jail. For instance, the Genesee County, Michigan jail had a rated design capacity of 580 and a holding capacity that would conceivably fluctuate from 1 to 100. There was a holding unit with 24 double bunk cells, six isolation cells, two group holding tanks with a capacity of 15 each, and chairs in an open booking area for another 20. However, because of the fluid characteristic of the booking and holding space, the highs and lows are never achieved.

Other Jail Facilities Issues

A walking tour and assessment of the jail was done, although with a very intense interview schedule the tour and review was brief. It should be noted to the credit of the Sheriff and his staff no question went unanswered and every nook and cranny was made available or opened for review. This includes the investigation documents of the assault incident.

The Alachua County Jail is one of the cleanest and most orderly jails I have visited in a long time. The staff is attentive and presents a very positive and professional atmosphere that clearly communicates the message that they are in control. There is a commitment to excellence throughout the facility and an expectation that it will be achieved. The housing units were clean as well as all of the adjacencies, the kitchen, the storage rooms, the hallways, and the bathrooms.

Staffing

The Sheriff and the staff were in agreement that their collective goal is to fully embrace the direct supervision management concept. The jail design clearly was designed with this concept as the preferred operational system. A staffing analysis was not performed as a part of the technical assistance event. Clearly the need for sufficient staff is paramount to ensuring the success of the building design concepts and qualities that exist, enhancing the classification system, and presenting a clear picture of the presence of authority.

Recreation (Exercise)

The design has some strong attributes such as a connected or nearly connected exercise area that the housing officer can monitor concurrently.

Recommendations:

1. The Sheriff asked for additional technical assistance from the National Institute of Corrections – Jail Center, for a combined facility review and re-tooling of the housing units in conjunction with a review and validation of the classification system. In preparation for this visit, the department should use the framework provided in Dr. Harland’s section of this report to analyze who is coming to jail, how long they are staying and the mechanism by which they are released. The information will identify all of the individuals that fit into the category of less than one hour to seventy-two (72) hours. The 72 hour category will need to be broken down further into the following segments: 0 -8 hours, 8 -16 hours, 16 -24 hours, 24 – 48 hours, and under 72 hours. This will help determine what kind of housing will be most appropriate. In some locations, at the 24th hour mark a person is “dressed out”(showered, clothing exchange, quick medical assessment) and then put into an identified housing unit that is a step up (permanent bed style housing) to a normal unit but still declared temporary. When the seventy-second hour arrives, the person is formally classified and placed in a long term housing unit.
2. Creating a transition team consisting of jail command staff, supervision, line staff, and classification staff on a full time basis will signal a formal commitment to develop and implement a major change in jail operations. The work products may include but not be limited to; housing unit identification, policies and procedures, advancing formal and informal lines of communication, staffing analysis, and training. In essence, the idea will be to treat the facility as if it were brand new--identifying and defining spaces and how the inmates will be housed.
3. Establishing a rated design capacity (RDC) will be one of the other major functions of the transition team. Defining the capacity will give shape and direction to the other discussions. It will help separate the temporary holding, special care, and disciplinary portions of the jail, clearly distinguishing them from the general population housing units. This process will help shape the discussions that follow on how to respond to a crowded condition. Presently, the seeming fluctuation in the numbers makes it difficult to assess

the capacity/space issue straightforwardly. The rated design capacity can be determined if there is no intervening state authority by using the American Corrections Association (ACA) Standards. Should there be state guidelines/standards, perhaps a combination of the two will provide legitimacy to the number determined. In concert then a classification factor should be established, normally around fifteen percent. Once the capacity number becomes accepted, then building a series of release mechanisms, collaboratively achieved by the wider criminal justice agencies, will help expand the sphere of concern over jail crowding.

Final Comments

The command staff, the middle management, and the staff were all enthusiastic and open to new and challenging concepts. There was willingness and a strong commitment to minimize the probability of incidents such as the recent one ever happening again. There appears to be a firm commitment at all levels of the Sheriff's Office to excellence and a willingness to learn from past lessons and to work with other leaders in the criminal justice system to turn them into a force for positive change. If the recommendations throughout this report are explored in the same spirit, the potential for successfully addressing the overcrowding and jail management issues that prompted the TA request is great.

V. APPENDICES

The appendices are separated into two sections reflecting the organization of the report into population control issues and internal management and classification issues.

A. POPULATION CONTROL APPENDICES

1. Sample Materials from the Delaware County Criminal Justice Advisory Committee
2. Related Reports and Monographs Cover Pages – full copies of the reports are provided as PDF files on the computer disk version accompanying the hard copy of the report.

B. INTERNAL JAIL MANAGEMENT ISSUES APPENDICES

1. Miscellaneous hard copies of background and on-site materials referenced by Mr. Aguirre in preparation of this section of the report:
 - Letter dated November 15, 1994 to Mr. Edward Sobach, Chief Inspector, Florida Department of Corrections from Mr. Nate Caldwell, Director, Alachua County Department of Criminal Justice Services.
 - A two page document marked “Classification Scheme” provided during the visit and marked at the bottom Revised 6/03.
 - A three page document “Alachua County Sheriff’s Office, Department of the Jail, Space Availability Sheet, September 24, 2003, second page listing the bed capacity, and the third page converting the housing units designations. This was provided to the consultants during the visit.
 - One page colorized floor plan also provided to the consultants.
2. Note by Mr. Aguirre comparing incarceration rates in Alachua County and college towns in Michigan.

APPENDIX 1

DELAWARE COUNTY CRIMINAL JUSTICE ADVISORY

COMMITTEE

SAMPLE MATERIALS

SUMMARY FACTSHEET

INITIATED

- **October, 1994 - initial funding by PCCD and National Institute of Corrections**

COMPOSITION

- **Chair: Hon. R. Barclay Surrick, Court of Common Pleas Judge**
- **Committee: Leaders of key court and county government agencies**
- **Subcommittees: Committee Members and/or senior associates.**

SUPPORT SERVICES

- **Administration: Designated staff of agencies represented on the Committee**
- **Research and Information: Grant supported studies/technical assistance services directed by Dr. Alan Harland and research associates from the Crime and Justice Research Institute and Temple University's Department of Criminal Justice**

OPERATIONAL PROCEDURES

- **Monthly Committee meetings [activity reports from represented agencies; special information briefings; issue discussion and decision/recommendation period]**
- **Intervening subcommittee meetings and research/evaluation and information and grant development activities**

PROCESS AIMS

- **Regular and open communication and dialogue among major stakeholders**
- **Cooperation and collaboration among key court and county decision-makers**
- **System-wide action-research process of:**
 - ◇ **Identifying and studying problems/opportunities for change**
 - ◇ **Assessing and implementing options for improvement [laws, policies, programs, technologies]**
 - ◇ **Monitoring and evaluating results of changes**
- **Coordinated data-based approach to criminal justice policy/program planning**
- **Cost-conscious allocation of prison and other resources of the court and county**
- **Expanded continuum of sanctions under Intermediate Punishment Laws**

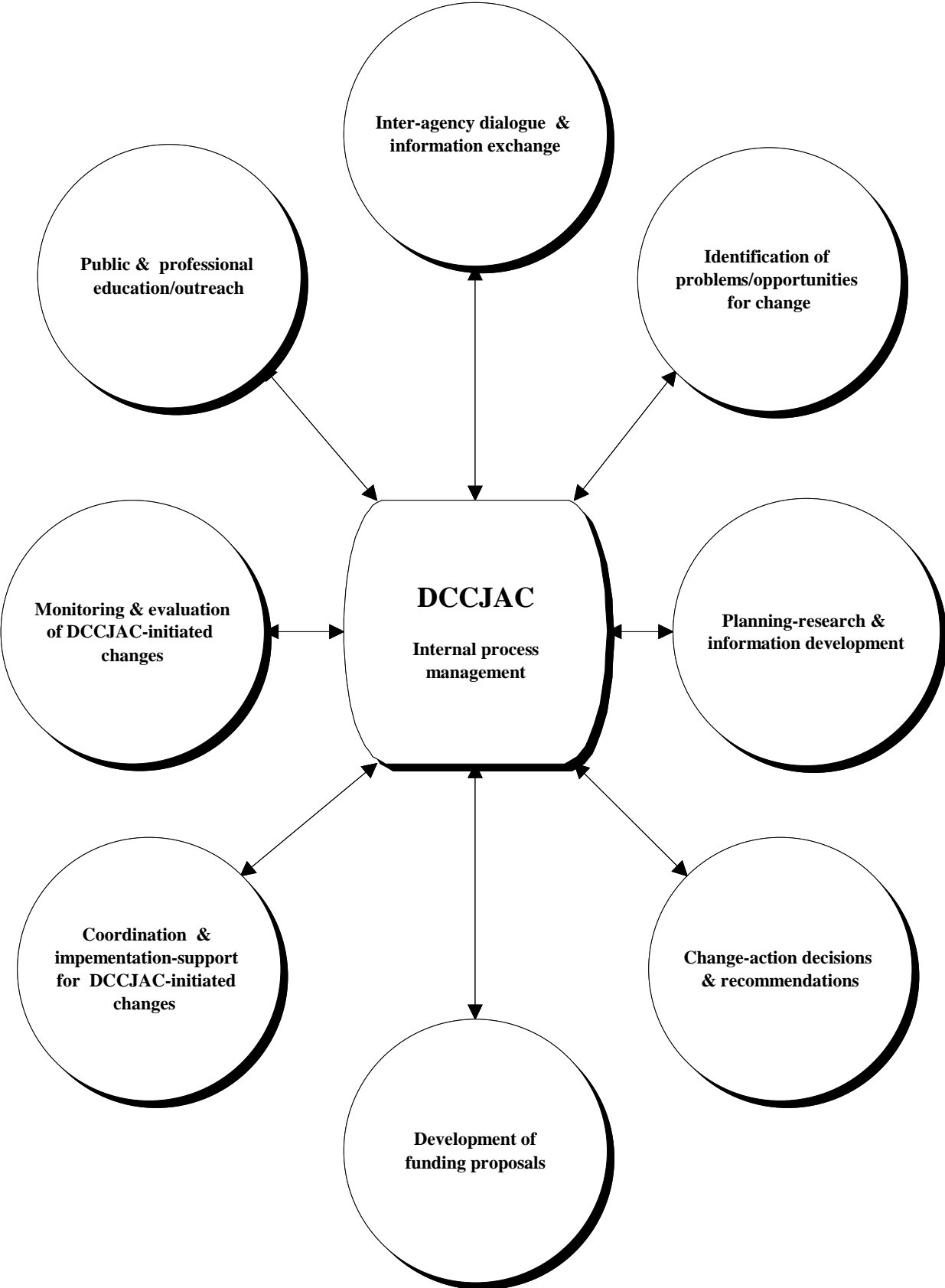
IMPACT GOALS

- **Measurable improvements in the County criminal justice system's:**
 - ◇ **Effectiveness [e.g., reduce recidivism/supervision failures]**
 - ◇ **Efficiency [e.g., reduce delay/crowding/cost]**
 - ◇ **Fairness [e.g., reduce disparity]**
- **Increased system accountability [to public, victims, defendants]**
- **Improved public perception of county system**

CHANGE STRATEGIES

- **External advocacy [e.g., to change state policy]**
- **Cooperative agreements among agencies represented on the Committee**
- **Unilateral change within individual agencies represented on the Committee**

DELAWARE COUNTY CRIMINAL JUSTICE ADVISORY COMMITTEE
OVERVIEW OF CORE TASKS



DELAWARE COUNTY CRIMINAL JUSTICE ADVISORY COMMITTEE

STANDARD MEETING AGENDA FORMAT

Time: 12.00 noon - 2.30 pm

Date: 3rd Wednesday of each month.

Place: Judges' Conference Room, County Courthouse

AGENDA

I. LUNCH AND INFORMAL OPEN DISCUSSION PERIOD [15 mins]

This period is intended for informal discussions and exchange of information and ideas between participants before the formal parts of the meeting begin. It is an opportunity to share ideas and information about cooperative ventures between participating agencies, and to explore possibilities for system improvements that might be achieved by agreement and coordination of policies or practices between individuals on the Committee or the agencies they represent..

II. CHAIR'S CALL TO ORDER [5 mins]

- REVIEW AND APPROVAL OF MINUTES
- REVIEW OF PLANNED AGENDA
- URGENT AND IMPORTANT ALTERNATIVE ITEMS [The Chair will entertain suggestions for alternative priorities for present meeting in the form of urgent and important matters from the floor]

III. INFORMATION UPDATES [15-30 mins]

This period is an opportunity for members to educate and continuously update each other about the operations, needs, and potential of their respective parts of the criminal justice enterprise in Delaware County. It is a time to note successes and to give notice of problems and opportunities in one part of the system that might have important implications for others or for the goals and operations of the Committee.

• **AGENCY REPORTS**

Board of Judges	Internal Management
County Council	Legal Audio Visual
Court Services/Juvenile	Police
Community Service	Pretrial Services
Court Administrator	Prison
District Attorney	Probation and Parole
District Justices	Public Defender
Financial Services	Sheriff
Human Services	Other

• **B. SUB-COMMITTEE REPORTS**

III. SPECIAL INFORMATION BRIEFINGS [variable length]

These sessions, scheduled as appropriate, may include any subcommittee or commissioned study reports, as well as invited presentations by Committee Members or by external experts on topics of special interest to the Committee]

IV. DISCUSSION AND DECISION ISSUES [variable length]

This period is devoted to discussion and decisions on possible actions/changes that are most likely to move the Committee forward towards the achievement of any of its major goals and objectives. Two general categories of business engage the Committee's attention here:

a. **Process issues** [e.g., changes in composition and/or procedures of DCCJAC]

b. **Content issues** such as changes in laws, policies, individual practices, resources - information systems, diagnostic services, intervention programs, technologies, staffing, facilities/physical space and funding that are believed to control or most demonstrably influence decisions at major stages of the criminal process, especially those involving pretrial or postconviction confinement in the County Prison

V. PRIORITIES AND NEXT STEPS REVIEW [5-10 mins]

The closing session establishes the Committee's expectations for subsequent meetings, including understandings concerning major intervening tasks, assignments, and deadlines Subcommittees, and individual Members.

ADJOURN

DCCJAC APPROACH TO DECISION-MAKING

GOALS

Although the list of different members' specific goals for the Advisory Committee is lengthy and continually evolving, important common ground exists in the group's shared interest exploring changes in the criminal justice system that might have significant potential for the goals of greater:

- *Effectiveness* [e.g. lower recidivism/supervision failures increased victim reparation]
- *Efficiency* [e.g. less delay; lower costs]
- *Fairness* [e.g. less disparity; more parsimony]
- *Accountability* [e.g. better management, planning, monitoring, and evaluation information systems]

OPTIONS

Driven by the above goals members of the Advisory Committee and other stakeholders have voiced ideas and taken action on a variety of problems and options for change [additions, cuts, reallocations] in all of the following areas

- *Laws*
- *Administrative Policies*
- *Programs*
- *Technologies* [e.g. information systems, diagnostic and intervention tools, video conferencing]
- *Personnel*
- *Physical space/facilities*

Whether the options identified are short term or long term prospects, they can be further categorized as changes that can be made via:

- *External lobbying* [e.g. changes in federal or state law or practice]
- *Inter agency agreement and cooperation* among agencies within the County
- *Unilateral internal action* by leaders of specific agencies or programs
- *Individual practitioner changes in approach*

INFORMATION

To make informed recommendations or action decisions in any of the foregoing directions, the Committee members stress the need for information that allows each major option to be evaluated and prioritized according to its merit on at least the following criteria:

- *Hi consensus* - does it have broad support within the Committee [e.g. reductions in processing delays that do not involve differences of opinion at a value level]?
- *Otherwise quick and straightforward* - can it be done without major professional disruption or resource investment?
- *Public safety* - is it likely to improve public safety, or at least not produce an unacceptable increased risk?
- *Unintended consequences* - is it likely to contribute to delay/overcrowding/other system problems [e.g., reducing prison crowding may exacerbate probation crowding]?
- *Cost-benefits* - is it likely to produce significant savings/revenues to the County, especially via *prison bed savings*? [by reducing admissions or length of stay]
- *Public support* - is it likely to be understood and accepted by the general public?

SAMPLE ADVISORY COMMITTEE REPORT

**“GOOD TIME” POLICY FOR OFFENDERS SENTENCED
TO THE DELAWARE COUNTY PRISON**

A DECISION BRIEFING REPORT

Prepared for

**THE DELAWARE COUNTY BOARD OF JUDGES MEETING
March 21, 1995**

by

DELAWARE COUNTY CRIMINAL JUSTICE ADVISORY COMMITTEE

I. GENERAL BACKGROUND DESCRIPTION

- **Origin of the Guidelines**

The current “Good Time” policy at the Delaware County Prison [DCP] has its origin in the Good Time Guidelines adopted by the Common Pleas Board of Judges in 1983.

- **Definition of Good Time**

Under the guidelines, Good Time is considered a privilege, not a right. Good Time is an opportunity for inmates to have days subtracted from their minimum sentence, making them eligible for parole at an earlier date.

- **Goals of the Good Time Guidelines**

The general goal of the Guidelines is the same as a central concern of the DCCJAC: i.e., “Optimal Use of DCP space”. Specifically, they have what are often called both the carrot-and-stick purposes of “treatment incentive” and “discipline management” These are stated in the guidelines as the following goals, respectively:

- ◇ 1. Enhance the positive direction of inmates through encouraging participation in treatment programs.
- ◇ 2. Internal control through taking away Good Time by Disciplinary Hearing Board.

- **Criteria for Earning Good Time**

Under the Guidelines, three factors are to be considered before granting Good Time:

- ◇ 1. The inmate’s ability to abide by the rules and regulations of the institution.
- ◇ 2. Participation in recommended treatment programs.
- ◇ 3. The inmate must have an institutional job or gainfully attempt to seek employment within the institution.

- **Revoking/Reducing Good Time**

Under the Guidelines, Good Time is a privilege that can be revoked for cause; i.e.:

- ◇ 1. Removal from the Work Release Program or any action that would render the inmate ineligible for parole will make the inmate ineligible for Good Time.
- ◇ 2. Appearance before the DCP Disciplinary Hearing Board may result in subtraction by the Board of some or all of an inmate’s Good Time

- **Calculating Good Time**

Unless revoked or reduced under one of the above circumstances, and with limitations discussed below, Good Time is earned at a rate up to 6 days for every 30 days served.

II. PROBLEMS

Review and analysis of the Good Time guidelines has raised questions about whether they may contain logical inconsistencies, limitations, and gaps in their application that may be contributing to avoidable use of a significant number of jail bed days at the DCP. Specifically:

1. Good time calculations have not been consistently applied to portions of a sentence less than one full month. On a sentence of 11 1/2 to 23 months, for example, good time has not been consistently computed on the 1/2 month portion. There seems to be no logical rationale for this practice, and under current calculation policies it can cost up to 3 extra days in prison for every inmate involved. [NOTE: When this situation was discovered in the course of preparing this report, Prison officials took immediate action to instruct relevant record-keeping staff to include fractions of months into goodtime calculations for all future cases.]

2. The current Guidelines explicitly state that *seriousness of the offense for which the inmate is committed to the DCP does not affect the inmate's ability to earn full Good Time privileges, provided good conduct and all other eligibility criteria are satisfied*. The logic behind this position in the Guidelines is that DCP officials' need for the stick and carrot of Good Time applies to all of the inmates they must treat and control, regardless of offense seriousness. In addition, it is assumed that the seriousness of the crime is already factored into the length of the prison term imposed by the sentencing court. Arguably, therefore, inmates with more serious offenses will generally receive longer sentences than offenders who have committed less serious crimes, and principles of equity and avoiding double punishment suggest that the calculation of Good Time should thereafter be standardized at x-days-per-30-days for all sentenced inmates alike.

If the above logic is sound, a second part of the Guidelines is called into question: i.e., the practice of reducing the maximum number of Good Time days which inmates can earn each month, depending not upon their conduct in the prison, but upon the number of prior convictions/court appearances on their record. Under this policy, inmates with one conviction may earn 6 days Good Time for every 30 days served, but inmates with a prior record may only earn a smaller number, diminishing to zero for inmates with more than 5 priors.¹⁵ This appears to be an inconsistency in the Guidelines, assuming that the Court will usually already have taken into account both the type of current offense *and* the offender's prior record in setting the overall length of the prison term, which then should form the basis for earned Good Time calculations for all inmates evenly.¹⁶

Basically, reducing or denying Good Time on the basis of prior record, no less than on the basis of current offense seriousness, seems unrelated to the stated goals of encouraging participation in prison treatment programs and maintaining disciplinary control within the prison.

A review of Sentence Computation Sheets [DCP 102 Forms] available in APPS Pre-Parole records, for the 3 month period of November 1994 through January 1995, suggests that adherence to this part of the Good Time Guidelines cost the County approximately 685 prison bed days. Projected on an annual basis, standardizing the Good Time policy at a maximum of 6

¹⁵ The precise formula is as follows:

Number of Priors	Maximum Good Time Days per Month
1	6
2	5
3	4
4	3
5	2
> 5	0

¹⁶ It could even be argued that Good Time incentives for good conduct in the prison might be more a more important tool for staff and management for offenders sentenced for more serious crimes than lesser ones, and for inmates with longer records than shorter ones, if it is assumed that offenders in the former categories might also be more likely otherwise to need treatment and/or be troublemakers inside.

days for all inmates would produce a conservatively estimated savings well in excess of 2,700 prison bed days annually.

III. RECOMMENDATION

After discussion in full Committee and Workteam meetings, the Committee respectfully submits the matter to the BOJ for review, to decide whether to adopt the following resolution:

RESOLVED: That the Good Time Guidelines should be modified to standardize the Good Time policy at a presumptive norm of a maximum of 6 days per month served for all sentenced inmates, with reductions based on conduct in the prison rather than factors already considered by the sentencing court such as prior record and type of commitment offense.

**SAMPLE EXTERNAL ASSISTANCE REPORT TO DCCJAC AND PRETRIAL
SERVICES AGENCY**

MEMORANDUM

To: Alan Harland

From: Jay Carver, Pretrial Resource Center

Re: Observations and Recommendations

Date: March 10, 1997

The following summarizes my observations and recommendations following my visit to the Delaware County Bail/Pre-Trial Program on January 28, 1997. The purpose of the visit was to review the operations of the pretrial services program, and provide general suggestions and assistance as to the future direction of the program in the context of the on-going system-wide planning effort to coordinate and improve the operation of the criminal justice system in Delaware County.

As a framework for discussing pretrial program operations, I will refer to the Performance Standards and Goals for Pretrial Release Programs, adopted by the National Association of Pretrial Services Agencies (NAPSA) in 1978, and still considered to represent sound program practices. A copy of this document is included.

General Observations

The director of the Bail/Pre-Trial Program, Phil Paesani, impressed me as a very service-oriented individual, willing to go out of his way to solve problems and make sure the job gets done. His background in probation services, and his good personal relationships with other actors in the system are assets to the program.

By the same token, the Delaware County justice system is moving ahead, having revitalized a criminal justice planning process that is already yielding results in terms of closer collaboration toward significant improvements in the administration of justice. Many demands will be placed on the Bail/Pre-Trial program if it is to reach its full potential. This is a period of great opportunity for the pretrial program, but with that opportunity will come new challenges and the need for new, systematic, and more structured procedures.

A strong pretrial services program is critical to any effort to improve criminal case processing. Pretrial services programs perform essential information gathering functions that can improve decision-making throughout the pendency of the case. First, of course, is the initial decision made by a judicial officer to release or detain the individual. This decision *must* be made with full knowledge of a defendant's background – criminal history, current cases, ties to the community and if at all possible, drug use status. This basic information, if reliable, can inform decision-making at numerous other “down stream” points. It can be the start of a jail

classification process for those not released. It can indicate the kinds of release conditions that would be most effective in reducing risks of those granted release. It might serve as the initial basis for determining eligibility for pretrial diversion programs. A solid foundation of information can contribute significantly to reductions in failure-to-appear rates. Experience shows that most defendants who fail to appear in court are not fleeing prosecution, and can be quickly located and returned to court. Obviously, a strong pretrial services program that maintains multiple points of contact for defendants is in the best position to resolve such problems with minimal effort – usually a few telephone calls. Some courts use information developed by pretrial services agencies to assist with differentiated case management – a technique for assigning certain kinds of cases to separate “tracks” and processing them more efficiently. Certainly, if the case reaches the sentencing phase, both the information developed at the initial “point of entry,” and the record of compliance with conditions of pretrial release can be very important in assessing the likelihood that a defendant will do well on probation.

In short, there are many decisions that must be made throughout the life of the case. The public safety stakes are often high. Each decision should be made on the basis of reliable, fully-developed information of the kind that pretrial services programs are in the best position to provide. The financial stakes are also high as jurisdictions everywhere are looking to gain control over spiraling correctional costs. Often, the *lack* of good, verified information on arrestees, coupled with poorly-developed systems of defendant supervision, leads to very inefficient and costly reliance on one of our most expensive resources – jail beds. Pretrial services programs play a critical role in reducing public safety risks, lowering overall costs to the community and improving the quality of justice. This is the promise of pretrial services in Delaware County, and this is the challenge facing the Bail/Pre-Trial Program.

With this general background, I will turn now to specific observations and recommendations based on my admittedly brief look at the program. The following recommendations should be considered as a starting point only, given the cursory nature of my visit to Delaware County. There are no doubt aspects of the system that I did not fully understand, given my limited exposure to the system. With those caveats in mind, the following is offered as recommendations to be considered as the Bail/Pre-Trial program moves forward to improve its services to the criminal justice community.

Recommendation 1: The Bail/Pre-Trial program should clarify its mission and re-examine ways to accomplish it.

The 1995 Judicial Report notes that the program “services the Court of Common Pleas, all Police Departments, and all District Judges.” It is clear that a great deal of effort goes into serving the various entities, but my discussion with the director, Phil Paesani, left questions regarding the content of those services and the most efficient way to provide them. The director indicates that five full time day-shift interviewers cover the entire county, consisting of 38 District Justices. Two of these five work at fixed locations, and three field interviewers travel from place to place as the need arises. Four additional employees are assigned to the evening shifts, from 5:30 PM to 11:30 PM. Both shifts conduct approximately 7000 interviews per year. Director Paesani acknowledged that he and his staff are often on the road. This appears to be costly way to conduct interviews, especially given the very small staffing level.

It may be that the district justices are accustomed to receiving bail reports based on in-person interviews and would like the practice to continue. But especially in those instances where interviewers do not have the resources to do even a basic record check, one must question the expenditure of staff time that may add little from what could be obtained from a self-interview form. (Recommendation #2 discusses alternative ways of presenting *better* information to outlying districts.)

One major problem beyond the control of the Bail/Pre-Trial program, which should nevertheless be noted here, is the lack of a finger-print based identification process as part of the police booking procedures.

Recommendation 2: The Bail/Pre-Trial program should establish clear standards regarding the information it collects and how it is collected.

Of even greater concern than the demands on staff time is the quality of the information itself. As currently configured, the program is severely limited in its ability to collect even the most basic information – i.e., criminal histories – at many of the outlying areas. From the courthouse, the Pre-Trial staff has access to the prison records room, and can do criminal history checks. However, as the director candidly acknowledged, his “biggest problem” is the need to rely on self-reported information. Those staff members traveling throughout the County have no means of corroborating the most important piece of information they collect – the prior criminal record.

The Commentary to Standard X of NAPSA’s Performance Standards and Goals for Pretrial Release, states: “The agency should collect information about the defendant’s community ties (including residence, employment and family status), *criminal record, pending charges and post-conviction status from the defendant and from police and court records.*” (emphasis added.)

At a minimum, the program should set as a goal the provision of a complete background report, with a thoroughly researched criminal record in every case. There are several ways to accomplish this, but the most efficient may be to conduct interviews from a central location with access to the necessary criminal histories. The bail video pilot project, already being planned, is one good option. Another option would be to conduct interviews over the telephone and fax the completed reports to the district justices. Regardless of the mix of video, fax and electronic communication technologies selected by Delaware County, whatever is “lost” by not having a person-to-person interview will be more than made up by the quality of the information available to the judicial officer. Moving to a system where some of the interviews can be conducted by telephone or video hook-up will no doubt yield efficiencies in the use of staff resources.

Recommendation 3: “The Pretrial Services Agency should develop a system for evaluating the nature and degree of risk posed by the release of defendants; it should in every case file a written report with the court stating information gathered at the initial inquiry, by whom verified, recommendations concerning release and reasons for those recommendations.” (NAPSA Release Standard XI)

Once the program has the ability to assemble the critical information needed for a bail recommendation, it should present it in a way that is useful to the judge and ensures that similarly situated arrestees are treated similarly. That means that an objective set of standards should be used in assessing risk and formulating a recommendation. There are various models used by jurisdictions, including point schemes, bail guidelines as pioneered in Philadelphia, and specific risk identification procedures, to name a few. The specifics of the scheme are beyond the scope of this general review, and in any event should be developed within the local jurisdiction, taking into account the legal framework within which release decisions are made. (A variety of background materials summarizing risk assessment approaches in other jurisdictions is being forwarded with this report.)

Some jurisdictions have found that the most useful type of objective recommendation scheme is one in which specific risk factors are identified (such as drug abuse) and then specific conditions of release are recommended that are designed to minimize that risk (such as drug testing and referral to treatment). Such an approach is more useful to the judicial officer than a simple “recommend” or “no-recommend” scheme based on an accumulation of “points”. It also begins to change the traditional “mindset” on bail from a simple in/out process to a more sophisticated risk management process. It is the first step in developing a continuum of release conditions to ensure that a broad range of individuals can be safely supervised in the community.

Once an objective risk assessment scheme is adopted, it should be validated. NAPSA’s Standard XIII states: “The Pretrial Services Agency should maintain information that permits ongoing monitoring of the effectiveness of pretrial release practices. In addition, the agency should conduct periodic studies to determine whether those practices need to be reassessed.” Validation studies are often overlooked by busy pretrial administrators dealing with the day-to-day operational concerns. However, there should be a mechanism for gathering data, examining the predictive power of demographic factors thought to be related to risk of pretrial misconduct, and assessing the operations of the agency. Delaware County is fortunate to have an ongoing partnership with the Criminal Justice Department of Temple University, which can advise the jurisdiction on questions of data and methodology.

Several recent studies conducted by pretrial services agencies are being included with this memo as examples of the kind of work being performed.

Recommendation 4: The Bail/Pre-Trial Program should develop a range of pretrial supervision options and services that could be recommended and utilized at the defendant’s first appearance.

The County seems to have relatively few defendants in supervised release, in part because the Bail/Pre-Trial program is so short on resources that it cannot provide a menu of services. In fact, with only two people assigned to case supervision, the program may be operating at capacity. Nevertheless, additional resources and a more structured approach to matching defendants to the appropriate level of supervision would be a good investment for the county.

Screening for supervision occurs at any time after the arrest. The focus of screening efforts appears to be those who have not already bonded out. According to the director, at the time of my visit there were 80 people in supervised release. Everyone on supervised release is drug tested. Fourteen are in a halfway house, 23 on electronic monitoring, a number are in residential treatment, and about twenty four are DUI cases on “summary appeal.”

There did not appear to be a structured approach to determine what level of supervision is needed for particular defendants. For example, *all* defendants in supervised release are drug tested, without regard – if I understood this correctly – to whether there is any evidence of drug use. Likewise, there appear to be no procedures for moving defendants up or down a scale of restrictive conditions, as might be appropriate given their level of compliance or non-compliance.

On the other hand, the staff is also responsible for supervising juveniles, DUI cases required to serve 15 weekends in prison, and house arrest cases. This appears to the outside observer to be a lot of work for only two staff persons. Two points seem clear: the criminal justice system needs to invest more resources in defendant supervision; and the supervision approach needs to be more focused, better organized and appropriate to the risks posed by each individual.

Recommendation 5: The program should develop an automated management information system.

The technology to develop an automated management information system has never been more accessible. Reliable information should be at the heart of *every* release decision, and *every* post release contact with criminal defendants. Especially in a situation where release decisions are dispersed throughout the county to various District Justices, electronic communication of criminal records, bail interviews, release decisions, warrants, detainers, etc. is essential. The Bail Video Pilot – if implemented – will go a long way to support better decision-making at initial appearance. This is only the beginning, however. Once the program begins to expand the kinds of release options available, it will be even more important to have critical information about defendants at the fingertips of every employee. Each contact with a defendant should be a meaningful one, during which reminders of upcoming court dates are given, the importance of complying with court orders is reinforced and the current mailing address is reviewed.

Recommendation 6: The program should develop written training, operations, and personnel policies manuals.

The Bail/Pre-Trial Program could be considered the “front door” of the criminal court system, through which every defendant must pass. The information collected by the program forms the basis of a series of decisions that affect not only the defendant but the entire community. The program is involved in the administration of justice at its most fundamental level. The importance of the function cannot be overstated. A high level of professionalism throughout the organization is essential. To ensure fairness and equity, the program must develop written policies and procedures to guide staff, both current employees and future hires.

Moreover, it is important that all parties in the processing of criminal cases understand the principles and the operational objectives of the pretrial program.

An example of one training manual is included with this memorandum. While much of it is specific to one jurisdiction, it does include statements of principles, philosophy and legal framework, as well as provide guidance on the mechanics of conducting the business of the agency.

Conclusion

The Bail/Pre-Trial Program – indeed the entire County – is at a crossroads. No jurisdiction can afford to process cases in an outmoded and inefficient manner. The Criminal Justice Advisory Committee recognizes this and is working collaboratively to improve the administration of justice. This process will place new pressures on the program, but it will also create new opportunities. The Director of the program takes justifiable pride in the level of personal attention he and his staff are able to provide to other actors in the system. That kind of problem-solving approach and personal service are important qualities to maintain. But they are not sufficient qualities as the entire system is moving forward. It is now time for the program to take the next step in its development, especially if it is to fulfill its potential to the entire system. That will require growth and change and will necessitate a clear set of objectives and procedures. The administration of justice demands no less.

PRESS RELEASE ON OCCASION OF 5TH YEAR ANNIVERSARY OF DCCJAC

This month marks the five-year anniversary of one of the most quietly successful innovations in many years in the management and reform of criminal justice in Delaware County. Since November 1994, a blue-ribbon team of county government and justice system leaders has been working closely with Temple University researchers from the Crime & Justice Research Institute to improve the quality and control the costs of criminal justice in Delaware County.

Known as the Delaware County Criminal Justice Advisory Committee [DCCJAC], this public-private partnership venture in strategic management and coordinated criminal justice planning has initiated an impressive array of innovative changes in justice system policies, programs, and technologies, while also promoting unparalleled levels of cooperation and collaboration between the court and county. As a result, the DCCJAC has been successful in improving the effectiveness and quality of criminal justice, while simultaneously introducing efficiencies that have already produced millions of dollars in savings to the taxpayers of Delaware County.

Since its inception in November 1994, DCCJAC has held more than 40 regular monthly meetings attended by representatives of County Council, the Board of Judges, and as many as 20 other criminal justice, behavioral health, and related government agencies. The Committee, and the many subcommittees and working groups it has spawned, have invested enormous effort -- often on members' own time -- in research and development activities that have led to a virtual reengineering of many of the major criminal justice processes in the County. Changes have been introduced ranging from bail and pretrial detention to the sentencing and parole release stages of the system.

One of the best examples of the DCCJAC's impact has been in the introduction and widespread use of videoconferencing technology between the courts, police departments, the county prison, and distant state correctional facilities. This has allowed a variety of court hearings, as well as interviews by attorneys, probation and parole officers, bail interviewers, and others having business with defendants, to be conducted over video monitors, all centrally managed by John LaRosa, Director of the Court's Legal Audiovisual Department. It avoids the significant expense and security hazards associated with transporting defendants back and forth between their cells and a courtroom in vans, cars, and buses manned by sheriff's deputies, police officers, and county constables, or travelling out to the prison to interview them. It also results in much faster processing of cases and corresponding savings in jail-bed days by, for example, earlier transfer of serious offenders to a state correctional facility.

Because of videoconferencing and similarly innovative reforms it has introduced, the work of DCCJAC has attracted attention and praise from numerous county, state and federal

authorities. George Keiser, the head of Community Corrections Division of the U.S. Justice Department's National Institute of Corrections has hailed the DCCJAC as a national leader in criminal justice policy development. James Thomas, head of the Pennsylvania Commission on Crime & Delinquency has similarly praised the Committee and has frequently invited its members to share its successes with other counties at regional and state-wide PCCD conferences. Teams from numerous other Pennsylvania counties have visited the Media Courthouse to observe first-hand the videoconferencing and other DCCJAC innovations.

To defray the costs of the many changes it has introduced, the Committee has submitted successful grant proposals to secure more than \$5 million in state and federal funds. These have been used to improve video and computer equipment and to increase the number of alternative sentencing programs available to the Court. Innovative treatment and supervision programs have been introduced, designed to reduce re-offending by defendants whose involvement with the criminal justice system is related to substance abuse problems. Other defendants who had previously been given weekend sentences at the county prison are now required to wear electronic monitoring devices and to work on weekends instead as part of supervised crews cleaning up the highways and providing other valuable community services to county residents.

Still further initiatives implemented under the auspices of the DCCJAC have produced increased restitution payments to crime victims and higher revenues to the county in the form of fees for supervision and other costs and fees charged to offenders. In addition, because of the jail-bed savings achieved as a result of DCCJAC alternatives, the county has been able to raise additional revenues by renting excess space at the prison to other county and federal jurisdictions whose own facilities are overcrowded.

The five-year celebration featured a review of DCCJAC's history and the challenges facing it in the new millenium, presented by Dr. Alan Harland, a research director for the Crime & Justice Research Institute and a criminal justice professor at Temple University. Dr. Harland is an internationally prominent expert in criminal sentencing and justice system reform and has been facilitator and research advisor to DCCJAC throughout its existence. The meeting was highlighted by tributes to county and court officials instrumental in creating and supporting the DCCJAC, and by a special award to Judge R. Barclay Surrick who has led the Committee as its Chairman from the first meeting to the present day.

APPENDIX 2

COVER PAGES OF RELATED REPORTS AND MONOGRAPHS

**FULL COPIES OF THESE PUBLICATIONS ARE ATTACHED AS PDF FILES TO THE
VERSION OF THE TA REPORT TRANSMITTED ELECTRONICALLY AND
PROVIDED ON COMPUTER DISK ATTACHED TO THE REPORT**

APPENDIX 3

**MISCELLANEOUS CORRESPONDENCE AND ON-SITE
MATERIALS USED BY MR. AGUIRRE IN PREPARATION OF
THE INTERNAL MANAGEMENT ISSUES SECTION OF THE
REPORT**

APPENDIX 4

**NOTE BY MR. AGUIRRE COMPARING INCARCERATION
RATES IN ALACHUA COUNTY AND SELECTED MICHIGAN
COUNTIES**

The following chart demonstrates a rather striking difference between two states compared (Florida and Michigan) and the manner in which they approach the criminal justice process and its use of incarceration. The comparison is presented only to make the observation that there is a clear and distinct community approach to the relationship of the criminal justice system and its use of the jail as a formal sanction. Some of the difference is financial with regard to public funding, and some of it is in the approach to crime and punishment philosophies of the communities. It also represents how differently the criminal justice system operates from a technical standpoint from community to community.

One of the clear differences, for instance, is the arrest process. Like Florida, in Michigan an officer can arrest with a warrant or without a warrant. However, if the arrest is without a warrant, then the officer has to present the case to the prosecutor to formalize the complaint and warrant, such that at the first arraignment the formal charging document is presented. Whether or not this poses a significant impact on the jail population is hard to analyze.

The following table compares the rated design capacity to the population of the county. The information was gathered from the American Corrections Association on the jails sizes in Florida and the Michigan Department of Corrections – Jail Services, and then the Census Bureau for the 2000 population. The comparison of the counties from Florida and Michigan bear some close resemblances, with the exception of Oakland and Wayne Counties in Michigan. Wayne is Detroit and Oakland is a part of the metropolitan center of Southeast Michigan. Crime, regardless of where it occurs, can elicit an infinite style of responses depending on the community and its approach to managing crime. Collection of data based on formulated questions leads to powerful management information and can lead to formulated policy changes that may or may not be put into action depending on the political climate. Therefore, the following chart is a collective representation of how two states and their counties respond to crime in their respective communities.

Jail Rated Design Capacity Comparison				
County	Population	Jail Population	Per 10,000	Incarceration Rate
Osceola, FL	172,493	981	57	0.57%
Leon, FL	239,452	1,270	53	0.53%
St. Lucie, FL	192,695	868	45	0.45%
Alachua, FL	217,795	979	45	0.45%
Sarasota, FL	325,951	1,037	32	0.32%
Pasco, FL	344,765	1,094	32	0.32%
Volusia, FL	443,343	1,311	30	0.30%
Seminole, FL	365,196	812	22	0.22%
Ingham, MI	279,320	575	21	0.21%
Kent, MI	574,335	1,073	19	0.19%
Macomb, MI	788,149	1,438	18	0.18%
Oakland, MI	1,194,156	1,804	15	0.15%
Wayne, MI	2,061,162	2,891	14	0.14%
Kalamazoo, MI	238,603	327	14	0.14%
Washtenaw, MI	322,892	332	10	0.10%

The table represents only Michigan counties and therefore is not presented as a national comparison, nor is it meant to suggest anything other than the significant difference in the criminal justice cultures of two states. It is included because each of the following counties in Michigan also host major universities:

1. **Ingham** (home to Michigan State University and the State Capital, Lansing),
2. **Oakland** (home to Oakland University and borders Wayne County[Detroit]),

3. **Wayne** (Detroit largest population center in the state and home to Wayne State University, University of Detroit-Mercy and several professional schools),
4. **Kalamazoo** (home to Western Michigan University and Kalamazoo College),
5. **Washtenaw** (home to University of Michigan and Eastern Michigan University, also borders Wayne County to the west).

What is worth noting is the difference in incarceration rate which is interesting when one starts to examine the jail population in Alachua County--who is there and why, is that who is intended to be there, and has everything possible been done to minimize the necessity of the use of the jail sanction--the most expensive form of punishment? Finally, given all of the financial resources expended on the higher rate of incarceration, what has been the return on investment in terms of reduction in crime or other criminal justice system goals?

