

INSTEAD OF JAIL

pre-and post-trial alternatives to jail incarceration

VOLUME 5

PLANNING, STAFFING,
EVALUATING
ALTERNATIVE
PROGRAMS

42251 C.3

National Institute of Law Enforcement and Criminal Justice

RETURN TO: NCJRS DOCUMENT LOAN
BOX 6000
ROCKVILLE, MD. 20850
Law Enforcement Assistance Administration
United States Department of Justice

INSTEAD OF JAIL:

pre-and post-trial alternatives to jail incarceration

VOLUME 5

PLANNING, STAFFING, EVALUATING ALTERNATIVE PROGRAMS

JOHN J. GALVIN, PROJECT DIRECTOR

WALTER H. BUSER, ASSOCIATE DIRECTOR

WILLIAM GREENE - QUIJANO

GARY KEMP

NORA HARLOW

KATHLEEN HOFFMAN

This project was supported by Grant Number 75-NI-99-0006 awarded to the University City Science Center, Washington, D.C. by the National Institute of Law Enforcement and Criminal Justice, Law Enforcement Assistance Administration, U.S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

OCTOBER 1977

**National Institute of Law Enforcement and Criminal Justice
Law Enforcement Assistance Administration
U.S. Department of Justice**

**RETURN TO: NCJRS DOCUMENT LOAN
BOX 6000
ROCKVILLE, MD. 20850**

**NATIONAL INSTITUTE OF LAW ENFORCEMENT
AND CRIMINAL JUSTICE**

Blair G. Ewing, Acting Director

**LAW ENFORCEMENT ASSISTANCE
ADMINISTRATION**

James M.H. Gregg, Acting Administrator

For sale by the Superintendent of Documents, U.S. Government Printing Office,
Washington, D.C. 20402

Stock No. 027-000-00873-0

TABLE OF CONTENTS

	Page
INTRODUCTION	i
I Jail population containment	1
Control strategies: unsentenced prisoners	6
Local jail prisoners - sentenced	10
Sentencing policies	10
Sentence modification	12
Other jail prisoners	12
Alternative facilities	14
Weekend sentences	17
Local facilities and "state" offenders	17
Who should monitor?	18
Agency (jail) statistics	20
Conclusion	22
II Organizational and staffing plan for alternative programs	23
Assumptions used in the analysis	24
Organizational assumptions	25
Standards employed	27
Summary of analysis result	28
Functions and tasks	29
Time requirements and workloads	36
Staff qualifications	40
III Comparative costs of criminal justice options	43
Differing costs and benefits	44
Processing costs	45
Program costs	47
Criminal justice vs. external costs	48
Costs to defendants	50
Program failure costs	51
Detention costs	52
Varied estimates	53
Long-term costs	53
AJI project method	54
Cost of pretrial detention alternatives	56
Further assumptions	57
Pretrial service costs	57
Court costs: pretrial detention	58
System costs	59
Comment	60
Diversion costs	61
Averted costs	61
Costs of selected programs	63
Probation costs	69
Restitution/community service program	73
Half-way house costs	74

TABLE OF CONTENTS (cont'd.)

	Page
IV Viability of alternative programs	78
Special problem with criminal justice change	79
Need for effective introduction	80
Some requirements for innovation	81
Pretrial release program funding	82
The legal case	83
The "human" case	84
The economic case	85
Need for advocacy	87
Need for coordination	88
Planning and evaluation	90
Planning issues	90
Staffing a program	91
Administration arrangements	93
Consideration of services	95
Program costs and funding	96
Fee system as alternative	97
Chapter Notes	98
Appendix A: Jail cost analysis	106
Appendix B: Program Cost Data	117

LIST OF FIGURES

	Page
1. Pretrial jail use indices	6
2. Jail population breakdown	8
3. Sentenced prisoner population movement	11
4. Jail population by selected categories	14
5. Distribution of locally confined prisoners	16
6. Over-all organization: alternative program services	30
7. Pretrial and presentence services	31
8. Service levels	34
9. Time requirements by task	37
10. Annual intake by service categories	38
11. Recap: manpower requirements	39
12. Costs of criminal justice disposition options	76
13. Variations in jail population indices	99
14. Daily and weekly jail population by categories	101
15. Jail admission tasks: time requirements	114
16. Calculating jail costs	115
17. Jail budget	116
18. Pretrial detention and alternatives: comparative costs	118

INTRODUCTION

Volumes 2, 3 and 4 of this set of publications dealt separately with pretrial release, diversion, and post-trial alternatives to traditional jail sentences. This volume reviews issues and presents information that relate to all three classes of alternatives. It provides data which both supplement and summarize material in the other volumes on personnel requirements and program costs. It illustrates concepts and techniques for use in policy and program planning and for monitoring and assessing programs and their effects on jail population.

Chapter I is specially designed for persons concerned with jail administration. It reviews some strategies available to the jailer for trying to contain his population and presents a system for population analysis to support such efforts. The system is adaptable also for use in budget development and control and longer range planning. In the absence of a more comprehensive criminal justice information system, it can be used to monitor, at least partially, the use and selected outcomes of alternatives to jail.

Chapter II deals with line level personnel requirements for alternative programs, presenting the results of a simplified task analysis. Chapter III reviews cost data for both jailing and its alternatives and presents comparative figures.

The final chapter is an essay on the viability of alternative programs and points up some fundamental considerations for criminal justice planning.

CHAPTER I

JAIL POPULATION CONTAINMENT

In a recent five-city demonstration project, various measures were introduced to increase the use of pretrial alternatives to confinement. Jail population decreased. After a matter of months - without any slackening in the new practices or notable increase in the arrest rate - jail populations began to rise. An analysis determined that this was occasioned by an increase in sentenced prisoners.¹

One authority on pretrial release programs once commented that if jail space is available it will tend to be filled, and that over-crowded jails appear to be a primary factor in community efforts to institute or expand use of alternative measures.² This observation was confirmed by impressions of staff during site visits to some 30 counties and cities across the country - and correspondence with many others - in the course of this project.

As nature abhors a vacuum, communities seem to be finding under-populated jails a spur to increased jail use. There are exceptions, primarily in less populous counties with over-sized jails. But jails in more densely populated areas tend to be chronically over-crowded.

An implication of these largely impressionistic observations is that jail population is subject to containment. It is possible, within limits, to make do with some agreed-upon, comparatively low, level of jail capacity. There may be occasional brief peaks above rated capacity, but even many of these can be anticipated and steps taken to modify them. By the same token, if a substantially larger jail is built than available facts justify - in the absence of concerted efforts to prevent it - the jail may very well fill up.

Given taxpayer and other costs of jail construction and use, communities do well to avoid over-building. This is particularly so, since the benefits

of jail are quite limited - brief community protection, mostly from nuisance or self-victimizing offenses; expensive and usually sub-standard protective care and custody for some people who would be better off in a non-penal setting; and, questionably, some deterrent value in the enforcement of criminal laws and ordinances.

The problem is where to start in the effort to minimize the use of jails. The jail is a catch-all facility at the beck and call of perhaps dozens of autonomous magistrates and judges and numerous unrelated law enforcement and corrections agencies. Even convicted felony offenders can, in effect, force their presence on a jail by persistent litigation which may necessitate their presence in a local community rather than in the state or federal prison to which they were sentenced.

Criminal justice officials and agencies experience continuing pressure to jail people - at times from the very same segments of the community which supply leadership in citizen efforts to reduce local government expenditures. Unless there is counter pressure, jails tend to be used beyond what is necessary, cost effective or consistent with democratic ideals.

One strategy to control jail use (among its other important purposes) is to introduce coordination of criminal justice operations within a jurisdiction - anywhere from informal joint policy planning among the agencies to sanctioned coordination, as through a department of criminal justice services.

Regardless of how it is structured, to be productive coordination must bring about honest agreement on some goals and standards and must provide a mechanism for monitoring conformity of practices covered by the agreements. It must also contain an element of strong, persistent advocacy - to see that

significant deviations brought to light through monitoring are not simply ignored. Advocacy and coordination are discussed in Chapter IV. Concern here is with the issues of setting jail capacity levels, pointing up ways of staying within these, and devising a system of monitoring, data analysis and feedback to sanction agreements on objectives and practices.

How Much Jail?

Traditionally, jail populations have been dichotomized, for statistical if not operational purposes, into sentenced and unsentenced prisoners. For purposes of population control a more detailed break-down is necessary, especially for some jails. A three-way general break-down is suggested: unsentenced prisoners; local prisoners serving their sentence in the jail; all others. Different strategies, involving different agencies or officials, are required to control these separate components of the jail population.

Unsentenced Prisoners

Unsentenced prisoners, as defined here, are persons arrested within the local jurisdiction who are in the jail as a result of a local or state charge which has not been finally adjudicated. Unsentenced prisoners for analytical and planning purposes, can be related to total arrests in the jurisdiction served by the jail in order to produce an index figure of jail use. The procedure is as follows:* Develop an estimate of the average daily number of unsentenced prisoners in confinement during the year; multiply the figure by 100; divide the result by the number

* Examples: 200 (average daily population of unsentenced prisoners during 1975)
 $\times 100 = 20,000$
 $\div 20,000$ (total arrests in jurisdiction during 1975) = 1.0; $300 \times 100 = 30,000$
 $\div 20,000 = 1.5.$

of arrests reported by all local and state law enforcement agencies in the jurisdiction for the same period. The result will yield a figure which can be compared with indices for other jurisdictions. More importantly it can be used, month-by-month or year-by-year, to monitor success of efforts to expand use of pretrial alternatives.

This process was used in relation to ten scattered jurisdictions in the U.S. - some for 1973, some for 1974. This produced index figures ranging from 1.0 to 3.7, the median figure being 1.45. We applied it to national arrest and census data for 1972 and arrived at a national average index for unsentenced prisoner confinement of 1.4.³

All ten jurisdictions in the sample were having or had experienced problems of jail over-crowding. There was at least moderate use and in some jurisdictions very extensive use of a wide variety of alternatives - police citation, post-booking pretrial release, and pretrial diversion. The index figures showed almost four times as much jail use, in relation to arrests, in some as compared with others.

Reasons for Index Variations

The differences in index figures reflect differences in average detention time of unsentenced prisoners. Detention time ranged from 4.2 days to 13.7, with a median of 5.35. At least a great part of this variance, in turn, was associated with notable differences in the pattern of arrest charges. Jurisdictions with higher indices (and longer average detention time) (1) reported no arrests for public intoxication; (2) arrested more persons, proportionately, on felony charges than did other jurisdictions.

Public inebriates, in the seven jurisdictions where they were still arrested, made up, on the average, almost a fourth of all arrestees. The majority

of them were released in a matter of hours without prosecution. Many of the rest were in court within one or two days, pled guilty, and were immediately sentenced. This set of facts helps explain why average detention time in these jurisdictions was lower than where public inebriates are not arrested and booked into the jail.

In addition, there is the fact of higher felony arrest rates in the latter jurisdictions. There tends to be both a lower rate of release and longer delays in releasing felony arrestees than those booked for misdemeanors. Moreover, detention time for those not granted pretrial release typically runs longer in felony cases.

As a result of this analysis of admittedly limited and in most instances less than precise data, we developed a chart which might be used as a reference point by a jurisdiction in assessing its use of pretrial detention. This is a crude device and is at best suggestive of index ranges for jurisdictions with different arrest charge patterns. Still it affords a starting point for jail population analysis.

The chart divides jurisdictions into six types of which only four are considered likely to occur. Classification depends on percentages of all arrests which are for felonies and for public intoxication. A high felony arrest rate would be where more than 40% of all arrests are on felony charges, and a low rate would be where less than 20% of all arrests are for felonies. Public intoxication rates are divided between situations where these arrests constitute less than 15% of all arrests - and 15% or higher.

For each of the four probable conditions, ranges of jail indices are given (e.g., low felony, high public intoxication: index of .7 to 1.0 or 2 to 4 days average pretrial detention time). A jurisdiction with this pattern of

Figure 1. Pretrial Jail Use Indices

Percent of Arrests for Felonies	Indices	Percent of Arrests for Public Intoxication	
		Under 15.0	15.0 or higher
Under 20.0	1.	Unlikely Situation	.7 - 1.0
	2.		2 - 4
20.0 - 40.0	1.	1.0 - 2.0	1.0 - 1.5
	2.	3 - 7	3 - 5
Over 40.0	1.	2.0 - 3.0	Unlikely Situation
	2.	7 - 11	

1. The upper index figures in the four cells are average daily population ÷ total arrests.
2. The lower figures are average days served by all unsentenced prisoners booked into the jail. This index excludes the effects on jail population of the police citation practices.

arrest charges is likely to fall within these ranges in its pretrial jail population - assuming our limited sample produced valid findings. In any event, significant deviation from the ranges on the chart should be occasion for examining detention and release practices.

Control Strategies: Unsentenced Prisoners

Essentially, three things can be done to contain pretrial jail population:

1. Optimum use of summons, citation, pretrial release, and diversion - as discussed in Volume 2.
2. Prompt decisions on pretrial release. If 20,000 pretrial releasees spend an average of three days in jail, they will constitute an average of 164 prisoners in the jail population. If they average only one day in custody they will total only 55 prisoners, on the average.

3. Expedited processing of cases against persons not diverted or given pretrial release. National Advisory Commission standards urge that felons be brought to trial within 60 days and misdemeanants within 30 - and that shorter periods should be observed for persons detained.⁴ Average detention time, until trial, should be much shorter, if these maximum allowances are met. This is especially true when it is considered that relatively high percentages of persons arrested are not prosecuted and that many felony charges are reduced to misdemeanors at the time of prosecutor filing.⁵

In order to set standards and goals in this area, local jurisdiction officials would need to know the present facts and figures - and to develop assumptions as to how much change might be possible in both the use of alternatives and in shortening time for processing cases (both pretrial and post-trial dispositions).

The same kinds of data would have to be reviewed periodically in monitoring the implementation of policy agreements.

Required Statistics

A comprehensive picture of practices affecting pretrial jail population would require base-line data and subsequent periodic reports on the use of alternatives and on processing times. An example of a "before and after" statistical summary of the kinds of data required might look like this:⁶

Figure 2. Jail Population Breakdown

	Number		Average Custody Days		Average Daily Population	
	Time 1	Time 2	T ₁	T ₂	T ₁	T ₂
All Arrests & Summons	11,362	9,302				
Summons	0	300				
Citations	0	940				
All Jail Bookings	11,362	8,062	13	4	407	96
Felonies ^a	2,147	2,147				
Public Intoxication	3,090	0				
Other Misdemeanors	6,125	5,915				
Pretrial Release ^b	5,356	5,434	3	1	44	15
Detained ^c						
Felons	1,638	1,328	33	13	148	49
Misdemeanants	4,368	1,300	18	9	215	32
Both	6,006	2,628	22	11	363	81
Index Figure ^d					3.6	1.0

a For deeper analysis offense categories can be broken down further - since some charges are associated with lower rates of pretrial release and diversion.

b Includes diversion cases - these could be shown separately - as could each type of pretrial release.

c This includes those who may only be held a very short time then discharged or transferred.

d Total average daily population (line 4) x 100 ÷ all arrests and summons (line 1).

The figures used to illustrate Time 1 (baseline) and Time 2 (e.g., one or more years later) present an improbable situation, but the exaggeration helps make the point that both alternative practices and processing time affect jail population. Average pretrial jail population during the first period was 407; during the second it was only 96 (line 4, last two columns). The consequent jail use indices were 3.6 and 1.0 (bottom line, last 2 columns).

Reasons for Differences

The difference lies in three developments:

1. Public intoxication was decriminalized, and this reduced misdemeanor arrests by 2,060 or more than 20%. (Assumes that one third of former arrestees - for public intoxication - would be picked up on other charges, such as disorderly conduct.)
2. Use of summons and citation reduced misdemeanor bookings into the jail by another 1,240. Post-booking pretrial release rates were also increased. As a result, detention rates dropped further. (The figures for those detained include those who may have been released in a day or two as well as those held for weeks or months.)
3. Processing time was reduced from three days to one day for those granted pretrial release. It was cut in half for those detained until final disposition.

A comparison of Time 1 and Time 2 figures, incidentally, with those in the chart on page 6 might be of interest. Time 1 figures should be compared with the index and detention days ranges in the upper right hand section of the guideline chart (.7 - 1.0 and 2 to 4 days). Time 1 index (3.6) and detention days (13) far exceed the upper limit of the range, indicating extremely

heavy reliance on pretrial jailing. Time 2 figures should be compared with center left hand section (1.0 - 2.0 and 3 to 7 days). They are at or near the lower end of the range (Index 1.0 and detention days 4), indicating low reliance on pretrial jailing.

Before addressing certain general issues, the other two components of jail population should be reviewed further.

Local Jail Prisoners - Sentenced.

This refers only to prisoners serving their sentence in a jail which is also the only or main facility in the jurisdiction for pretrial detention. In many places this would include all sentenced misdemeanants in the jurisdiction. In others it would include only a group of "trusties" and those sentenced prisoners requiring maximum custody or who are in need of services (e.g., medical) which are only available at the main jail.

A chief way of keeping this segment of the population low is to establish alternative facilities for sentenced prisoners (that is, ordinarily, local misdemeanants). Alternative facilities were discussed in Volume 4. Before this is considered, however, other, more general questions call for policy decisions.

Sentencing Policies

Ideally, a jurisdiction should establish and adhere consistently to policies on sentencing of people to the jail. Such policies would address the purposes of jailing, use of alternatives to jail, and costs and benefits associated with the various options available to the sentencing judge. Also involved is the question of early release from jail - through parole or sentence modification.

Baseline studies and monitoring through statistical tabulations are as

much in order here as in connection with pretrial jailing. Facts and figures on existing practices are necessary, as is a system for tracking decisions subsequent to any consensus on new policies.

The subject of misdemeanor sentencing is dealt with in a separate publication growing out of this project (Sentencing the Misdemeanant). Here, the point to be made is that jail population control does entail development and maintenance of statistics on admission of sentenced prisoners, method of release, average time served, and average daily population. A year-end chart, for example, might look like this:

Figure 3. Sentenced Prisoner Population Movement

Offense Category	Number of Admissions	Number Released By					Average Days Served*	Average Daily Population
		Discharge	Parole	Sentence Modification	Other	Total		
Public Intox.								
Drugs								
Property								
Persons								
DUIL ⁺								
Other Traffic								
All Other								
Total								

* This figure can be generated by multiplying the average daily population by 365 and dividing by the number of admissions.

+ Driving under the influence of liquor.

The offense breakdown could be eliminated, made more detailed, or altered in any manner consistent with local interest. Year to year trend tables should

be developed, as time goes on, to show changes in offense patterns, relative use of different release methods, and time served figures. More frequent tabulation, such as monthly, would permit early notice of trends in the sentenced component of the jail population.

Sentence Modification

In addition to concern with sentencing policies, optimal jail use entails attention to the possible need for sentencing modification measures and transitional services aimed at reducing the rate of return to jail for discharged prisoners. The jailer can do much to promote these practices. For discussion of them see Chapter V, Volume 4.

Other Jail Prisoners

These will vary from one jail to another. In some, federal prisoners may represent a significant component of the jail population. (These may be in any of the several statuses discussed below in relation to state prisoners.) Some jails operate work release programs for local prisoners and also board state prisoners who are in work release status. Jails in one county may board prisoners from another county, which has no jail or has excessive jail population. Persons are also held temporarily in jail who are enroute elsewhere - for example, prisoners sentenced or civilly committed to state institutions and awaiting transportation; fugitives from other counties or states, awaiting extradition; state prisoners retained locally pending outcome of appeal; state prisoners brought to the jail from prison for trial on another charge or as witnesses in criminal or civil cases.

This group of miscellaneous, usually transient prisoners may constitute a significant portion of jail admissions. To the extent that their average stay is prolonged, they can make up a major component of the average daily jail population.

Since, for the most part, they are not clearly a local responsibility, the community has a measure of freedom to accept or not accept custody of them. Beyond this, something can be done about a population problem by exerting pressure on responsible agencies to expedite their removal. A major reduction was achieved in the El Paso County Jail in 1974-75, for example, when the Sheriff successfully prevailed upon state and federal officials to remove their prisoners more promptly after sentence.

(For federal prisoners and "boarders" from other counties, the jail charges a daily fee. The resulting revenues, of course, offset jail operation costs. Care must be exercised in setting the figure, however, or the county may be doing itself a disfavor. This subject is further explored in Appendix A.)

In addition to groups mentioned, two other categories of "other" jail prisoners may be found. One is locally sentenced misdemeanants admitted to the jail pending classification and transfer to alternative facilities discussed below. The other would be "weekend" prisoners, also discussed below.

Once again, if a jurisdiction is concerned with jail population containment, facts and figures, regularly up-dated, are necessary. This task involves identifying significant groupings of jail prisoners who do not fall clearly into the unsentenced or local sentenced prisoner categories, as defined here. As with these categories, the number of admissions and average detention time should be tracked and periodically tabulated - for example:

Figure 4. Jail Population by Selected Categories

Prisoner Category	Number Received	Average Days Detained	Average Daily Population
Federal			
County X Boarders			
State Work Releasees			
Sentence-Pending Removal:			
To State Facilities			
To Alternative Local Facilities			
Fugitives -			
Other Counties			
State Facilities			
Other States			
"Writ" Prisoners*			
Sub-Total			
All Prisoners			
Sub-Total as % of All Prisoners			

* This could include prisoners sentenced to state institutions who are held pending outcome of appeal as well as those in the local jail facing new charges or brought here to testify.

Alternative Facilities

These are essentially of three types. One includes traditional 24-hour custody facilities for sentenced misdemeanants such as prison farms, work houses, "rehabilitation centers," etc. These are really an extension of the main jail, but because construction and operational costs usually differ, separate prisoner statistics and cost data should be maintained on them to assist in budget preparation and policy review or planning. Separate statistics are

also important in relation to strategies and tactics for containment of main jail population - or in relation to balanced and otherwise rational use of both.

Another category is similar, but again may differ in construction and operation costs from both the main jail and the above sort of institutions. This is the county-operated work release center.

A third possibility is boarding of locally sentenced misdemeanants in non-criminal justice facilities. These are loosely referred to as "half-way houses" or, at times, "treatment" or "rehabilitation" centers. Most often they are operated by private, non-profit organizations. In some localities the state vocational rehabilitation agency operates residential facilities which will accept sentenced prisoners who qualify for services. State or local health or mental health agencies may operate facilities for alcoholics, drug addicts, or other persons in need of residential care and treatment.

Maximum appropriate use of available alternative facilities and prompt transfer - or direct commitment of sentenced prisoners to these - will help keep population at the main jail within bounds. At the same time this ordinarily represents more humane and rational treatment of the offender.

As to statistical monitoring, the reporting formats suggested above could be supplemented by one such as is presented below to reflect the overall situation on prisoner confinement in the jurisdiction.

Further discussion of alternative facilities for sentenced prisoners and their use will be found in Volume 4, Sentencing the Misdemeanant.

Figure 5
Distribution of Locally Confined Prisoners

Facility	Population Jan 1, 197_	Admissions Jan 1 - Dec 31	Releases Jan 1 Dec 31	Population Dec 31, 197_	Average Days Served	Average Daily Population
Main Jail - Total						
Unsentenced						
Sentenced						
Other						
County Corr. Inst.						
Co. Wk. Rel. Ctr.						
Other ^a						
Total						
Total Sentenced ^b						
Total Other ^c						

Note: a Other facilities, such as half-way houses, can be grouped, as is done here, or listed separately.

b This assumes that all unsentenced prisoners are in the main jail. Admissions and releases should not include such temporary movements as trips to court, furloughs, temporary hospitalizations, daily ins and outs for work releasees, or temporary transfers between facilities. Sentenced prisoners and "others" received at the main jail and transferred to other local facilities would be included among "others" in the main jail data. Admission and release figures will be inflated, since those transferred from the main jail will be reported twice in both the admission and release column.

c Some "other" cases - for example state work-release prisoners might be in one of the county correctional facilities other than main jail.

"Weekend" Sentences

The subject of intermittent service of sentences ("weekend" sentences) is discussed in the publication just referred to. It is not seen as a cost effective measure and often poses difficult problems for jailers, who are already faced with weekend peaks in the unsentenced component of their populations.

Dealing with the "weekenders" in statistical reports poses problems also. The best procedure is to include them with other sentenced prisoners, being careful to show only one admission (start of sentence) and one release (sentence completion) for each such prisoner. Separate figures for "weekenders" should be carried in a footnote. An alternative is to omit these cases from general tabulations and prepare a separate table for them. For budget purposes, these figures should not be overlooked, however, since they do represent a portion of total "jail-days."

Local Facilities and "State" Offenders

A factor which complicates the issue of local facility population control in many communities today is a similar effort at population control at state correctional institutions. State prisons have long been a target of groups interested in more humane, more rational, or more cost effective methods of dealing with convicted offenders.

This has led to increased use of diversion, probation, and commitment to non-criminal justice facilities of defendants previously sent to state prisons and reformatories. It has also occasioned, in some jurisdictions, increased commitments of convicted offenders to the local jail - either with a misdemeanor level sentence or under the so-called "split sentence" - probation following

so many weeks or months in jail. At the same time - to the extent that increased workloads have occasioned more plea bargaining - people once convicted of a felony and sentenced to state prison may plead guilty to a misdemeanor and be sentenced to jail. Since this also helps contain state prison population, it may be welcomed by those supportive of this goal.

Thus efforts at the local level to contain jail population through search for alternatives to jail sentences for misdemeanants may be offset by parallel efforts to reduce felony commitments to state institutions.

Situations vary extensively across the country and the subject of state prisons and prisoners is a study in itself. It would be beyond the scope of this project to do more than call attention to this phenomenon - and to make the point that local planning around criminal justice standards and goals, and resource requirements, needs to be integrated with or at least related to state planning.

Who Should Monitor?

Two interrelated reasons have been suggested for centralized monitoring of criminal justice practices in a jurisdiction. One is simply to track what happens and feed it back to policy-makers, so that they will know how well standards and goals are being met, and be alerted to problems encountered as people try to meet them. The other reason was as an aid to one particular goal - the containment of jail population within some agreed upon capacity figure.

There are two ways to accomplish centralized monitoring: (1) what has been called an "offender based transaction system" (OBTS); (2) pooling and reconciling of statistical reports from criminal justice agencies in the jurisdiction.

OBTS. This computerized information system keeps track of all decisions affecting the liberty, legal status, and physical location of all criminal justice system "clients" from the point of arrest until final discharge. Such systems are in process of development in a number of localities and some states. We are aware of none presently in operation which would be sufficiently comprehensive to generate all the statistics required in the foregoing discussions. This may come about, here and there, in the near future, but for most localities it is anything but "around the corner."

Pooled Reports. The alternative is to develop system statistics from the data presently tabulated - or which could be tabulated - by the various criminal justice agencies in the jurisdiction: arresting agencies, detention and corrections facilities, prosecutor's office, courts, and probation.

For useful system-wide statistics this would require agreement on the minimum content, format, terminology, and timing of reports - and agreement on submitting them to a designated agency or official for synthesis. Given a county director of criminal justice services, his office presumably would be the logical choice. Lacking this, the choice might be a staff person serving a county-wide criminal justice planning council (such as have been spawned by the LEAA block grant program). Many other possibilities exist - county administrator's office, the superior court administrator, sheriff's office, prosecutor's office, bail agency, local corrections department, etc.

Whatever the arrangement, the goal would be (1) to gather and disseminate "baseline" data to reflect, statistically, what practices have been in the recent past, including relationship of practices to present or proposed standards and goals; (2) to disseminate periodic reports on practices subsequent to the time covered in the baseline period; (3) to disseminate reports showing

probable trends in arrests, agency workloads, and jail population.

The various simulated or blank tables which have been included in this section could be drawn on in considering the kinds of statistics that might be included in reports. Since the focal concern here was jail population, several important items of information were included. Total system coverage would add such data, for example, as relative use of various sentencing options other than jail; and outcome information on both pre- and post-trial dispositions.

A Further Alternative

Pending emergence of agreements and plans, such as have been discussed, for producing criminal justice system statistics in a jurisdiction, the administrator of the jail (and related facilities, if any) can do much himself to "get a handle on" his population. That is, he can generate statistics which will enable him to identify sources of his population, including clues for actions he might take toward containing it.

Again the sample tables presented above could be used in such an effort. All of the data called for (except summons and citations data in the first table, page 8) are contained in jail records. It is simply a matter of devising an economical system for capturing the information in tabulated form at set intervals.

Agency (Jail) Statistics

For a jail - or any other criminal justice agency - to produce useful statistics for its own purposes or to share with others need not be a hopelessly complicated or expensive undertaking.

The chief need is for a way to expedite counting of categories of cases.

by categories of decisions and by time periods between decisions. How many public inebriates were booked into jail during a particular time period? how were they released? How long, on the average, were they detained? etc.

Log books, file folders, alphabetical card files, and the like which are used in day-to-day operations can be used directly to gather statistics, but this is a major undertaking, especially where many hundreds or thousands of cases are involved.

A better approach is to maintain a separate file for statistical purposes. Where large numbers are involved, a computerized file is justified - especially because of the burden of computing length of time between major status changes for each case. But the job can be done without a computer, where cases are fewer, or where sampling is used and time computations are only necessary in a fraction of the cases. Time computations from dates can be facilitated by a chart - which, in effect, works out for a year ahead the number of days between given dates.⁷ *

A simple substitute for a computerized file is a "shuffle" card file system. Essential items of data are entered on the card, as decisions are made. At the same time the cards are filed, alphabetically, by status, e.g., "awaiting first court appearance"; "bailed out, case pending"; "sentenced/confined main jail," etc.⁸

When statistics are required, it is a relatively simple matter to group and regroup the cards in various ways, count them, and then re-file them in accordance with the last status entry. The most time consuming task is adding up and averaging time periods between major status changes but - especially

* Average time served by admission categories can be computed, as was stated earlier, by multiplying average daily population of the category over any specified period by the number of days in the period and dividing the result by number of admissions in the period. For accurate results, a daily census by admission category should be maintained. (See note 7) Average time served by mode of release requires the kind of computation discussed above.

for jail statistics - this is very important.

When tabulation is required, data from the shuffle cards can be machine punched, and the counting can be done on a card sorter. This modest cost should be less than the value of the personnel time that would be required for manual counting, where there are several hundred or more cases and a number of decision points.

Conclusion

It is possible to contain jail population, or reduce it, within limits. To do so requires optimum use of pre- and post-trial alternatives, which, in turn, are dependent on the initiative or at least cooperation of all components of the criminal justice system, of community resource agencies, and of local general government officials. Also involved is the expeditious removal of transient prisoners by responsible agencies and strict controls on time between criminal justice decision points.

Success is more likely where criminal justice policy planning is well coordinated and where policy implementation is monitored through a statistical information system - be it a comprehensive, computerized system, a manual one, or partly both.

In the absence of such arrangements the jail administrator can do much, through operating his own monitoring system and use of persuasion and other strategies, to foster action by other agencies which will reduce use of jail and detention time for those who are confined. Various possibilities and techniques are proposed here to assist him in such an effort.

CHAPTER II

ORGANIZATIONAL AND STAFFING PLAN FOR ALTERNATIVE PROGRAMS

The effective use of alternatives to jail in the pre- or post-trial stages requires efficient, accurate decision-making and follow through to assure that decisions are properly implemented and sanctioned. These measures call for a variety of services to judges or other decision-makers and to defendants. Personnel requirements for provision of such services have two aspects - qualifications and numbers. In getting at these requirements an analysis of tasks to be performed is a first step.

Before reviewing the results of such an analysis, a word is in order on the limitations of a personnel standards report in this area. Obviously, qualifications are not only a function of tasks to be performed - but of the productivity desired and the expected levels of intensity and quality of service. The tasks must be placed in a context of goals, objectives, and standards. Standards can relate to the quality of work to be done, to constraints on who may perform it, or to such a matter as workload size. Laws, union agreements, custom, or other determinants may insist that certain work be performed only by people with specified education, training, work experience, formal licensing or certification, or other qualifications. In addition they may set limits on caseloads per worker, hours of work, paid time off the job, etc.

All of these factors will vary from jurisdiction to jurisdiction; a "model" staffing plan must be general and flexible to accommodate such local differences.

Most jurisdictions probably have a great deal of freedom to choose among

options. For example, much of the work may be accomplished through volunteers - including professional or lay people, or both. Part-time students (e.g., law, criminal justice, corrections, social work, etc.) can ordinarily be employed at much lower cost than regular full-time workers - and in many situations they perform the needed services efficiently and at a satisfactory level of quality. Certain tasks are best reserved, or may have to be, to professional specialists - on a part-time or full-time basis. Many jobs are being accomplished successfully by people without professional preparation which at one time and in some places still are handled by relatively high-paid professionals.

Other possibilities affecting criminal justice personnel requirements include maximum reliance on non-criminal justice agencies - public and private - to accomplish much of the work. This may be through a contractual arrangement, where the criminal justice system bears the cost of the service or through arrangements under which costs are borne by the source providing the service or, at least partially, by fees from the clients served. Often a mix of such arrangements prevails.

The point is that there is no unequivocal answer to the question: how much and what kinds of staff do criminal justice agencies need in order to provide for optimal use of alternatives to jail in a jurisdiction? It is possible to indicate typical duties and average time requirements for these. But translating this information into a staffing plan entails local decisions on the personnel sources to be used and on arrangements for diverting or sharing work with non-criminal justice agencies.

Assumptions Used in the Analysis

In order to present information on manpower requirements in a useful way, it was necessary to start off with certain assumptions. In applying this

material to a specific situation, it must be modified to accord with any necessary changes in the assumptions. The assumptions used here were as follows:

1. The community's officials want to give at least preliminary consideration to alternatives to jail and to the need for helping services in all cases at the points of arrest, decision to detain, decision to prosecute, and court disposition.

2. They want to make the fullest use possible of alternatives to jail consistent with community safety and the requirements of justice.

3. All the work covered in the analysis would be done by regular, full-time employees who work a 40-hour week and are on duty an average of 1,880 hours a year after allowing for holidays, vacation time, and sick leave.

(The substitution of part-time workers, such as law or criminal justice students, would affect the figures in the analysis significantly - assuming they were equally capable of doing a job. The equivalent of a full-time worker would then be 2,080 hours a year, for example, since part-time workers ordinarily would not earn such benefits as paid holidays or leave. Use of volunteers, again assuming competency, would have a similar effect - although allowance would have to be made for "overhead" personnel to recruit, train, and supervise volunteers.) *

Organizational Assumptions

Further assumptions, for purposes of this presentation, include:

1. Provision of specialized services would be through referral

* For material on volunteers see Appendix E, Volume 4.

to non-criminal justice agencies. These services would include educational, vocational, counseling other than supportive counseling, and various other methods used in diagnosis or treatment of health, mental health, addiction, and other such problems. No personnel requirements are specified for these. Cost data on such services are provided in Chapter III.

2. All criminal justice services covered in this analysis would be performed by personnel housed in a single agency. This is not necessarily recommended, but the arrangement facilitates the analysis. In practice, services covered here may be distributed among two, three, or more agencies. Material presented here can be broken down and related to the appropriate agency. (At times, in a jurisdiction where different agencies duplicate each other, this may pose difficulties. But such situations probably stand in need of review and corrective action in any event.)

The hypothetical agency, briefly, would provide:

1. (a) Services to decision-makers, including case screening, evaluation, and suggested plans and conditions related to pre- or post-trial dispositions and other case decisions; (b) services to implement decisions, including client services listed below and monitoring or, in selected cases, close supervision.

Services would be provided regularly to courts, prosecutor (in relation to diversion), jail management, and, by request, to police agencies considering pre-arrest diversion in a particular case or the adoption of a diversion policy.

2. Services to clients, including information about and referral to appropriate community agencies and supportive counseling in selective cases.

3. "System" services. (a) Community resource mobilization to assure availability of services needed for optimum use of alternatives. (b) Planning and help to others in planning or implementing alternative programs, jail policies and programs, new facilities, and research projects. (c) Compilation and/or analysis of statistics relating to the use of jail and its alternatives.

Standards Employed

In what follows various tasks are listed and defined. The terminology used, for the most part, has general currency, but definitions should be checked to make certain that meanings are clear. Detailed breakdown is limited to the tasks of workers in immediate contact with defendants. Suggested staffing requirements are also so limited. Staff needs are not examined for administration, supervision, resource mobilization, and such other supportive operations as statistics, research, technical assistance, staff development, and public information. These are important functions, but it would go beyond our purpose to propose personnel standards for these.

The procedure used was to estimate the average time required to accomplish each different kind of task. Figures presented were determined arbitrarily after obtaining estimates from line workers and supervisors in a number of agencies. They have no scientific validity and should be used for what they are - estimates based on reported and unverified experience of a selection of agencies, which themselves may not be fully representative.

Adding to the arbitrariness of the figures are varying allowances, task by task, for "down time" - that is, time spent by workers in travel, "waiting", "wasted" phone calls or home visits, staff meetings, training sessions, coffee breaks, or miscellaneous duties not a part of services vis-a-vis particular clients.

In short, these figures are meant to be suggestive only, and they serve to illustrate an approach to staff planning. Any jurisdiction faced with such an undertaking might want to adopt this method; but figures presented here should be used only as a point of departure.

Summary of Analysis Results

To provide all the services covered in this analysis in a hypothetical jurisdiction with about 10,000 unsentenced jail bookings a year would require 46 operating level staff persons. (This would be an "average" county of about 200,000 where certain arrest and disposition patterns prevailed, as reflected in the analysis.) The 46 persons would equate with pretrial release and diversion personnel, probation personnel for both felons and misdemeanants, and jail counselors.

There was no extensive effort to relate these figures to existing ones in jurisdictions across the country. One comparison was made with a county where practically all services covered here are provided by the probation department (San Diego County, California, 1974). It indicated that this might be an above average staffing arrangement. The county in question had six times as many arrests and only five times as many line probation personnel as the model presented here. The difference can be related to the fact that in the actual county, probation did not provide pretrial release services for misdemeanants, performed only limited misdemeanor probation services, and did not provide jail classification and counseling services (that is, the probation division of the agency did not).

Functions and Tasks

The analysis is presented through a series of annotated charts. The first of these (Figure 6) simply puts what follows in a sketchy organizational context. Agency functions are dichotomized into "client and system" and "support" services.

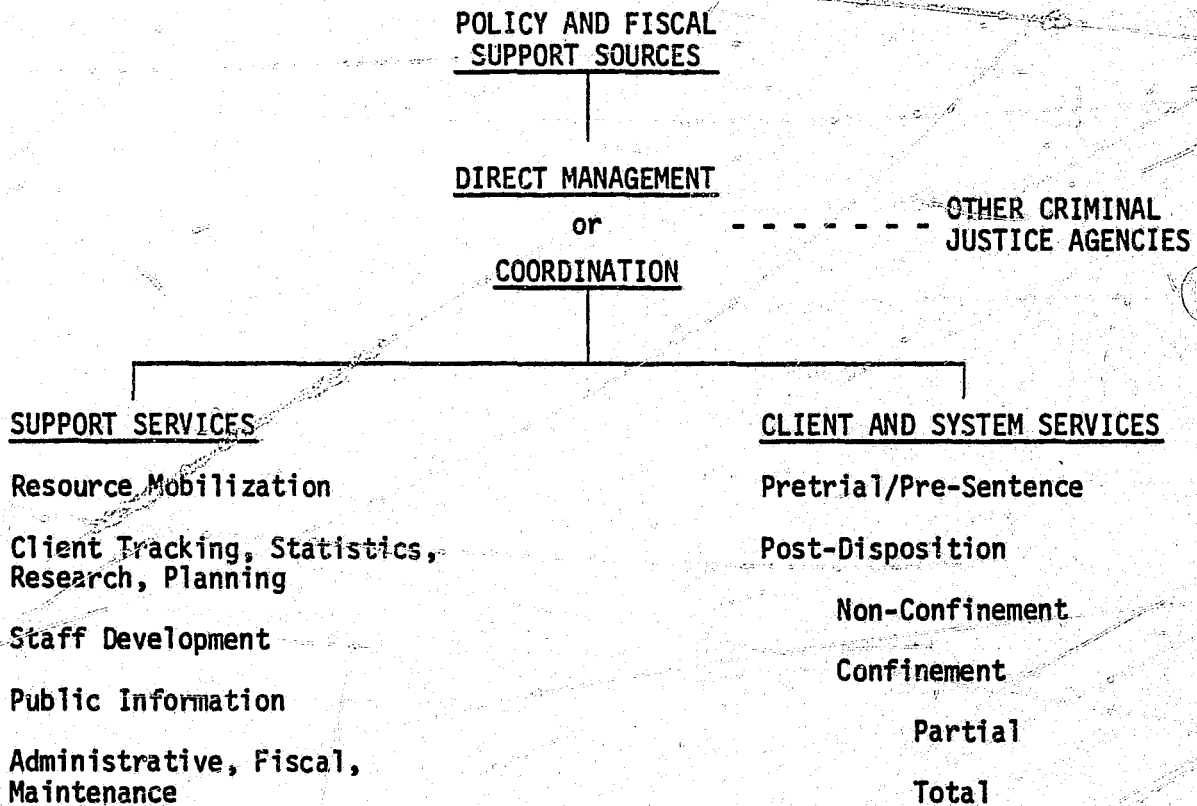
The chart in Figure 7 relates to screening, assessment, and "case planning" services - in other words the information gathering, evaluation, and resource mobilization tasks needed for decisions as to pretrial or post-trial dispositions.

At the top of the chart are shown certain criminal justice actions which precede and may obviate the arrest and booking of individuals. They include use of summons or citation in lieu of arrest and the handling of crime complaints through adjusting situations or diverting suspects to non-criminal justice agencies. While not covered in the manpower analysis, these activities are shown for two reasons. The extent of their use affects jail intake, hence the workload of staff under scrutiny here. Moreover, the apparatus for dealing with booked prisoners can be used to assist law enforcement agencies and the prosecutor in implementing alternatives to jail practices.

The chief purpose of the chart is to show the various possible tasks to be performed after booking into the jail and how these flow from initial screening to pretrial release, diversion, or, where conviction ensues, final court disposition.

The work is primarily screening and evaluation - with referral for emergency services in some situations. The evaluation includes at least tentative plans in the event some alternative to jail is selected - either prior to trial or at the time of sentencing. In addition, for arrestees detained the evaluation,

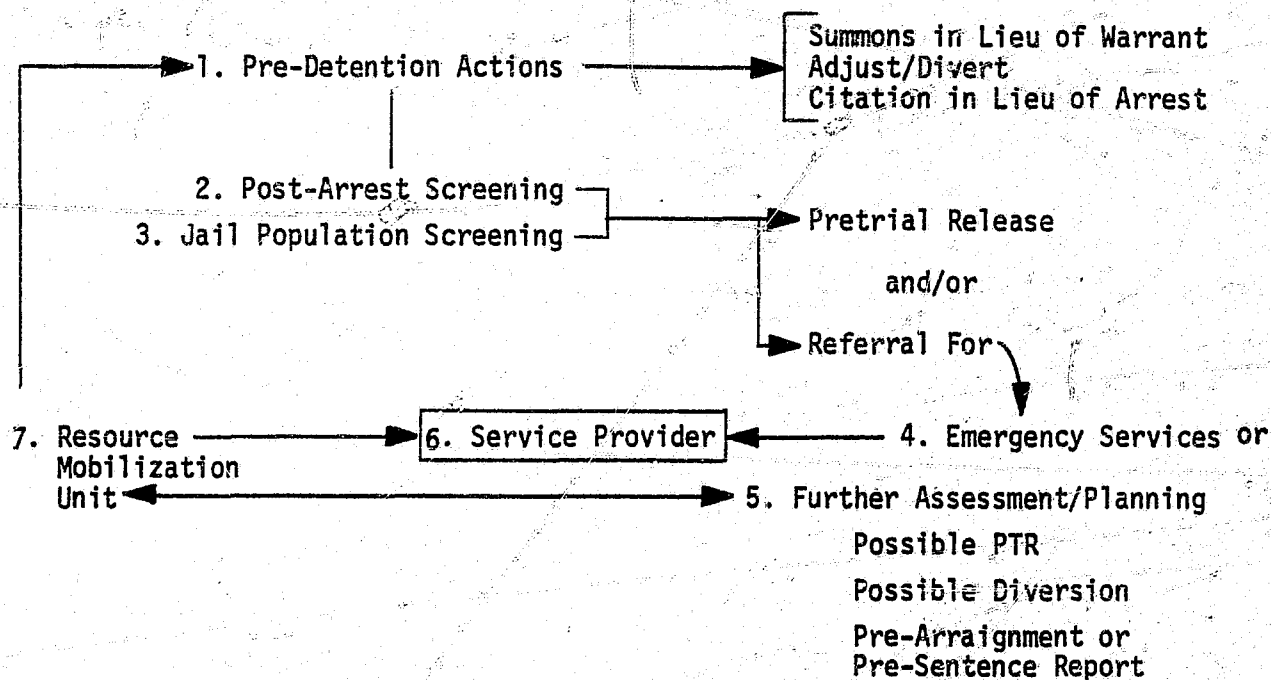
Figure 6
Overall Organization



beyond identifying a need for emergency services, would lead to appropriate security and housing arrangements for the individual.

Figure 7

Screening, Investigation, Assessment, and Case Planning Functions
Pretrial and Pre-Sentence



1 The pre-detention alternatives to jailing suspects are of interest in two connections. (a) To the extent they are practiced the workload of the "post-booking" staff will be reduced, and at the same time the best prospects for pretrial release and diversion may be identified early and screened off. (b) The law enforcement agencies and prosecutor may want to arrange for services from the post-booking staff either to assist in decisions to divert or use summons and citation in lieu of arrest; or they may look to the resource mobilization unit for help in implementing adjustment or diversion decisions.

2 Post-arrest screening occurs in the booking area of the jail as an integral step in the booking process. It serves several purposes:

Figure 7 (Cont'd.)

- Identify candidates for immediate pretrial release - authorize or recommend the appropriate mode and conditions of release.
- Determine eligibility for indigent defense counsel.
- Make referrals in relation to

Emergency problems

Diversion

3 The post-arrest screening staff screens jail population to identify candidates for pretrial release who were ineligible at initial screening but whose situation may have changed.

4 Emergency services would relate both to

- pretrial releasees - e.g., need for temporary room and board assistance, job placement, or medical service
- unconditional early divertees - essentially, this would be public inebriates who may be released without prosecution - to a detox center, a hospital, a friend or relative or on their own
- detainees - e.g., intermediation with family, employers, creditors, etc.; prompt medical attention; protection from other inmates, etc.

5 Some candidates for pretrial release might present complex problems, beyond the capacity of the screening staff to deal with. This may involve both more extensive verification procedures and time-consuming efforts to work out suitable arrangements for conditional release. Rather than hold up processing of less complicated cases, such individuals would be referred to a special investigator or investigations unit.

The post-arrest screening would make a preliminary determination of client interest in and eligibility for one or another of available diversion programs. Final determination and recommended action would be handled by diversion program staff.

(An exception would be certain public inebriates - see 4 above.)

Where prosecution goes forward a pre-arraignment investigation report might be requested (with concurrence of defense counsel and court) for use

Figure 7 (Cont'd.)

in plea bargaining decisions. If conviction occurs, a pre-sentence investigation would ordinarily be made. Preparation of such reports would be the responsibility of this unit. This unit would have access to pretrial release screening reports and supervision records and the freedom to incorporate material from them into its reports or - as appropriate and indicated by time constraints - offer the screening report to the judge in lieu of a pre-sentence report. This would apply especially to less complex misdemeanor cases.

6 This unit would provide the emergency services discussed in 4 above.

7 This unit would have several functions -

- Identify, evaluate, and negotiate referral arrangements with resource agencies and professional practitioners in the community.
- Recruit, orient, and assign volunteers to particular program areas.
- Advise investigative, service, and supervision staff as to appropriate and available resources - where necessary assist with referrals.
- Participate with others in planning and generating new community resources or in opening up existing resources to criminal justice clients.

Figure 8 is concerned with services to implement decisions to use alternatives to jail. The major tasks are listed and defined in chart notes.

To make this material more concrete, illustrative situations are briefly described and related to particular levels of service.

Note that services are arbitrarily divided into those for clients and those to protect the community. Actually, such different effects do not necessarily flow from the services. That is, supervision may help a client to meet his obligations and avoid further legal trouble. Timely assistance to

a client with a problem may prevent a crime and thus protect the community. But the justification for a particular supervision level is essentially based on the community protection goal, so that the dichotomy here is not without merit.

The chart may seem to imply that paired services are inevitably provided - e.g., information/referral and limited monitoring. Although the services would often be provided in such pair arrangements, this is not a necessary state. Only one category of service might be provided, or client services might be provided at one level and community protection services at another. Indeed, as the final chart note points out, clients may shift from one service level to another as their circumstances change, and often the shift might be in one category of service with no change in another.

Figure 8

Levels of Service Vis-A-Vis Criminal Justice Defendants: Pretrial Releasees or Divertees or Those Under Suspended Sentence or Probation

<u>Services to Client</u> ¹	<u>Situation</u>	<u>Community Protection Services</u> ²
Information/referral	Competent, reliable client under minimal conditions and services plan.	Limited monitoring or "honor" arrangement.
"Reminder" service	Marginal client or more complex or stringent conditions or services plan.	Extensive monitoring.
Advocacy/supportive Counseling/confrontation	Minimally competent or reliable client under complex or stringent conditions or service plan.	Supervision, close or intensive.
Investigation ³		

1 Information: Interpreting the client's status to him - obligations, sanctions, his rights; informing him, as indicated, of criminal justice procedures and/or about services he may need.

Figure 8 (Cont'd.)

Referral: Suggesting a specific resource and, if desired and appropriate, providing him with a note of introduction or advising the agency by phone of the client's prospective appearance.

"Reminder" service: Notifying the client of court dates and other appointments.

Advocacy: Referral in which efforts are made to assure that the other agency will give special attention to a client and have some advance understanding of the situation with which he may need help.

Supportive counsel: Interviews designed to encourage the client to comply with conditions, make good use of a resource, or sustain his efforts to change some habit pattern.

Confrontation: Similar interviews, but arising out of incidents of non-compliance or other signs of failure or lagging effort.

2 Limited monitoring: Receiving, and where indicated, calling attention of superior to reports received from or about client (related to conditions, e.g., residence, job, performance of community service, attendance at school, re-arrest, etc.). Verifying appearance in court when scheduled.

Extensive monitoring: Above, plus periodic or spot checking with information sources for interim progress reports or to verify "raw" information. Obtaining more detailed information than comes in routinely from usual sources. Usually involves more frequent contact with client - typically by telephone.

Close supervision: Includes above tasks in 2, but at more frequent intervals. Also includes face-to-face contacts with client either in the office or "field" or both.

Intensive supervision: Entails daily contact with or concerning client to assure almost continuous knowledge of how he is performing.

3 Investigation: Information gathering for possible recommendations to court of adverse action such as removing a client from pretrial release, a diversion program, or probation and applying such further sanctions as may be in order.

Figure 8 (Cont'd.)

NOTE: It should be borne in mind that particular clients may not remain fixed in a particular service pattern. As progress occurs or problems arise, the level of service may be raised or lowered. Intensive supervision, for example, ordinarily might be accorded for a few months, then stepped down to close supervision. An individual for whom only minimal monitoring service is provided may be reassigned to close supervision because of some relatively serious violation or a pattern of repeated minor lapses.

Time Requirements and Workloads

Figure 9 attaches time figures to units of each type of service - the time required, on the average, to complete the indicated task in one case. The estimates provided represent middle ground among figures reported to project staff by several agencies. Allowances were added to take care of "non-productive" time.

Given the time allowance for the unit of service, and in some instances, standards as to frequency of performance, it is possible to project annual workloads for certain categories of workers and average caseloads for others. The figures are shown in the right-hand column.

The next two figures carry the analysis further by applying the time allowances and the assumed policies on use of "alternatives" to a hypothetical jurisdiction. Figure 10 starts with arrest figures and follows arrestees through the system, in effect, until they are detained or given pretrial release or diversion. It then picks up at the point of trial or plea and follows those convicted to the disposition.

Figure 11 recaps the data in terms of service categories, shows the total hours of work involved per year or per month and, in the last column, indicates the number of full-time workers required for the task category. This shows a total line staff requirement of 46.

Figure 9
Time Requirements

<u>Task or Type of Service</u>	<u>Time per Unit of Service^a</u>	<u>Average Caseload or Annual Workload of One Person</u>
Post-arrest screening, including pretrial release decision or recommendation and any indicated referrals.	1 hour	1,880 intakes
Emergency services	2 hours	940 referrals
Assessment, case planning		
Limited/tentative	2 hours	940 referrals
Extensive ^b	16 hours	120 referrals
Information/referral	1/2 hour	3,760 intakes
Monitoring (average of one check per active case per month)	10 minutes	Avg. caseload of 950
Monitoring and "reminder" service - average of two checks per active case per month and average of one reminder a month to one-half of caseload numbers.	10 minutes	Avg. caseload of 380
Advocacy, supportive counseling, close supervision - average of three contacts per month.	1 hour	Avg. caseload of 50
Above but intensive supervision - average of 15 contacts per month	1 hour	Avg. caseload of 10
Investigations	4 hours	470 instances a year

a includes allowances for "down" time - e.g., travel, "waiting", staff meetings, training sessions, or duties not a part of direct services vis-a-vis particular clients.

b does not include time of professional specialists or others from outside the agency who assist in evaluation or case planning.

**Figure 10. Distribution of Annual
Intake by Service Categories**

	11,362	Arrests
	1,240	Citations
	10,122	Bookings
	506	"En Route"
	9,616	Post-arrest screenings
Referred to Emergency Services ←	2,941	Public inebriates
	3,868	Immediate pre-trial release
Referred to Emergency Services ←	(300)	
	2,807	(Temporarily detained)
Referred to Emergency Services ←	(300)	
	2,394	Pre-trial release review - screenings or related reviews
	1,300	Released as consequence
	5,168	Total pre-trial releases
Information/referral - limited monitoring ←	(3,000)	Average stay in case load - 90 days
Above + Extensive monitoring/ "Reminders" ←	(1,768)	
Close supervision ←	(400)	
Diversion reviews ←	700	
Diverted ←	475	(Avg. stay in program 120 days)
	429	
		Convicted of felony
	4,500	Convicted of misdemeanors
Extensive Present. Investigation ←	(500)	
Limited Present. Investigation* ←	(2,500)	

Non-confinement sentences**

Information/referral only ←	400	
Monitoring/"reminding" ←	2,500	Average stay 6 months
Close supervision ←	650	Average stay 1 year
Intensive supervision ←	90	Average stay 4 months

* Excludes use by judge of pretrial release report in lieu of presentence report.

** Assumes an additional 400 will require no services.

Figure 11
Recap: Manpower Requirements

		<u>Average Caseload</u>	<u>Staff Requirements</u>
Post-arrest screenings	9,616	--	5
Emergency services	3,541	10	4
Further assessment			
Limited	5,594 ^a	--	6
Extensive	500	--	4
Information referral	5,168	--	1.4
Limited monitoring	3,475 ^b	900	1
Monitoring/"reminding"	4,268 ^c	1,700	4.5
Close supervision	1,050 ^d	750	15
Intensive supervision	90	30	3
Investigations	900 ^e	--	<u>2</u>
			46

^a2,394 pretrial release reviews (subsequent to initial consideration).

700 referrals for diversion

2,500 "limited" presentence reports

^b3,000 pretrial releases

475 divertees (who would receive most of their services from allied agencies)

^c1,768 pretrial releases

2,500 sentenced offenders

^d 400 pretrial releases

650 sentenced offenders

^e 25% of sentenced offender intake

Staff Qualifications

A review of the tasks listed in the foregoing charts affords persuasive evidence that most of the work can be accomplished by people who, under competent direction, need not be equipped with esoteric knowledge or rare skills. Certain more or less innate qualities are more important than educational level or a particular kind of pre-entry experience or training. These include:

- "Commitment" - a genuine concern for people in trouble and willingness to put oneself out in order to see that they receive fair treatment and help with problems related to or exacerbated by their status as criminal defendants.
- At the same time, a high level of integrity - so that both clients and the "system" - e.g., the judge - can have trust in them and know that they are being forthright.
- "Good judgement" - the capacity to be fair, reasonable, consistent.
- Normal intelligence - ability to learn complex policy and procedural information in a short time.
- Literacy - although functionally non-literate persons could be useful - the ability to read, fill out forms, and write simple narrative reports would be necessary for most workers, especially those engaged in screening cases for pre- or post-trial decisions by the court.
- Sensitivity and alertness - these qualities are important in interviewing, a task common to most of the jobs.

There is an extensive body of practical knowledge which workers in this area need to acquire - through supervised experience, on-job training, supplementary reading or study, prior experience, or advanced preparation. Key

elements include:

- Criminal justice laws, policies, and procedures, especially related to arrest/detention, pretrial release, diversion, sentencing options, and correctional programs.
- Behavioral knowledge - specifically, categories of information relevant to criminal justice decision-making and to needs for specialized services - how to gather, substantiate, and assess such information.
- Community resources information - what resources are available or might be made accessible, or generated, in order to meet the social, economic, legal, health, and other problems and needs of persons caught up in the criminal justice system and under consideration for an alternative to jail.

Obviously, the more fully developed the skills and the more extensive the knowledge of a worker, the greater his versatility. Generally speaking, the highly skilled and knowledgeable person is best used in such roles as manager, supervisor, consultant, or resource mobilizer. There are some line roles, however, which call for more advanced qualifications - such as pre-sentence investigation in more complex situations and intensive service and supervision in cases where risk of failure is high because of multi-faceted legal, behavioral, and situational problems.

If a jurisdiction is "starting from scratch," of course, it must pretty well find a program director with relevant experience, but we question the need to maintain high educational and/or experience standards for everyone to be employed in the program. Much of this work is repetitious and, once learned, it may become less and less stimulating, especially for professionals

trained to perform creatively. As a matter of fact, one pretrial services agency director favors comparatively high turnover in his staff of part-time law students largely for this reason - e.g., one to two school terms.

A mixture of volunteers, persons with no prescribed educational requirements, and part-time students, with a cadre of experienced supervisors and "special case" workers is a sound arrangement. The less highly educated or experienced personnel may "turn over" and find career opportunities elsewhere - or, if their interest is high, may stay on and develop into specialists, consultants, supervisors, etc. as such opportunities for advancement occur and their professional growth merits.

With this kind of staffing pattern, it is of course essential that alert, concerned, and competent supervisors do a good job of orienting new staff, monitoring their work, affording them timely assistance with unusual problems, and, in general, fostering their development through constructive criticism, coaching, putting useful reading material in their way, etc.

CHAPTER III

COMPARATIVE COSTS OF CRIMINAL JUSTICE OPTIONS

Choosing among options, at each decision point in the criminal justice process, can be viewed as a cost-benefit decision. What lawful and otherwise reasonable and fair disposition will produce the most benefit at an acceptable level of cost? or which will yield benefits comparable to those of other available options at the least cost?

Knowledge about costs and benefits in the area of criminal justice is spotty and imprecise. At this point, what is known can be of only limited value to the case decision-maker. Still it offers some possibilities for more appropriate dispositions, and the attempt to move toward a cost-benefit approach should lead to gradually improved knowledge and practice. Moreover, what is presently known should be of immediate practical value to policy-makers and planners in envisioning and budgeting rational criminal justice programs.

In this chapter cost figures are presented on a wide range of pre- and post-trial options. Some of these represent averages for samples of programs studied. Some are predicted costs of model programs which incorporate features of contemporary programs with modifications which serve to assure conformity with recommendations of the National Advisory Commission on Criminal Justice Standards and Goals. Except where otherwise noted, the figures used were developed in studies over the past two years by the Correctional Economics Center of the American Bar Association's Commission on Correctional Facilities and Services. Limited explication of their figures as well as of our own will be found in Appendix B (alternative program costs) and Appendix A (jail costs). For a full understanding of the ABA figures, the Correctional Economics Center

publications should be consulted.¹

Perhaps more useful than the cost figures presented here is the discussion and illustration of concepts and procedures. This material can be drawn on by planners and analysts in a jurisdiction to determine, assess, and project costs of current criminal justice practices and proposed changes in these.

Differing Costs and Benefits

Criminal justice dispositions entail several kinds of costs and benefits, for example:

- Processing or decision-making costs (criminal justice agencies)

- Program costs

 - Criminal justice
 - External (other agencies)
 - Costs to defendant (and family)

- Program failure costs

 - Cost of new processing and programs where failure occurs
 - Costs to victims associated with such failures

- Benefits

 - Savings to the community where the less expensive of available options is used
 - Long-range control of crime
 - Short-term control
 - Compensation to victims and/or the community
 - Other economic benefits to the community
 - Long-term
 - Short-term
 - Social and economic benefits to defendants and their families.

The outline reflects the fact that costs vary in who pays and benefits in who gains. There are differences also along functional lines.

Cost figures themselves reflect other dimensions and differences based on how they are presented or methods used in establishing them. There are

several ways to compute jail costs, for example, as well as costs of alternative measures. What does one do about long-range capital costs or more or less fixed operational costs?

A key dimension in cost determination is the time factor - and how it is used. For example, annual tax-payer costs, per case, of two programs may be identical, but the cost per case handled is twice as much for one if the average stay is twice that in the other. Assuming the options would be equally appropriate, the shorter term program would have to entail some significant combination of greater costs to the defendant: higher failure costs, and/or lesser benefits before it would be less attractive than the longer term program.

Processing Costs

These include: (1) costs associated with identifying, evaluating and selecting individuals for any given option and inducting them into and terminating them from associated programs; (2) costs of admitting a person into and subsequently releasing him from a jail or other residential facility.

Such decisions entail some amount of investigative activity; conferences, consultations, diagnostic studies, and hearings in many instances; negotiations as to services needed if a particular option is to be chosen; and the time of people tied up while decision-making is in process - as during a court trial. Institutional processing in addition involves tasks related to the physical reception and release of the person.

As a general rule, the earlier in the criminal justice process a decision is made, the lower the processing cost. Steps which tend to become increasingly costly are eliminated. Diversion at the point of prospective arrest may entail only the brief time of one or two police officers. Use of summons

or police citation is obviously less costly than booking a defendant into jail and then considering various pretrial release options. Pre-arraignment diversion eliminates cost of court appearances. Diversion any time prior to trial generally reduces court time and eliminates presentence investigation (assuming this would have occurred). Probation eliminates institutional processing costs and costs of parole consideration - and so on.

At the same time, most alternatives along the line, especially diversion after booking, bring their own processing costs. Individuals must be screened for eligibility, evaluated, consulted with, and time taken by one or more persons to arrive at a decision. Indigent defense counsel may be involved. At times diversion processing costs, on the average, may equal or exceed those of traditional processing. This depends on how far into the system the average defendant would otherwise have gone and what events would have occurred before a decision is made. If most diverttees would have been prosecuted and convicted (with some standing trial) and undergone a presentence investigation, diversion processing costs would ordinarily have been less. If many of the diverttees would not have been prosecuted or had charges dismissed - or if a high percentage would have pled guilty at arraignment and been sentenced without benefit of a presentence report - diversion processing costs might have been higher.

One approach used in attempting to get at savings occasioned by diversion programs is to develop a cost figure for processing all defendants against whom charges are filed and compare this with average cost of decision-making in diversion cases. A figure for processing felony cases in Dade County Superior Court in 1975 was computed; it amounted to \$504 per case. This was almost as much as the average cost of diversion, including program as well as processing costs, and allowing for court processing costs in failure cases (\$525).²

In comparing court processing costs for divertees against the average for all defendants, it is necessary to make an informed judgment as to what would have occurred in the absence of diversion. They may represent a group for whom further proceedings would have been well above or well below the average for all cases. In Orange County, California, it was found that there was some savings for the prosecutor and courts in the minor drug offense diversion program. This was less than might have been expected, however, since in the year prior to diversion a notable percentage of charges were dropped or dismissed. At the same time indigent defense counsel costs rose somewhat with diversion and probation department investigation costs much higher, since relatively few of these defendants, prior to diversion, were accorded a pre-sentence investigation.³

In the figures to be presented later it was not possible to separate out or to fully include criminal justice processing costs for some options, especially some of the diversion programs. Where data were available, however, these costs are separately identified.

Program Costs

There are correctible discrepancies in this area which call for brief discussion here. Some newer options are more costly than traditional ones, although they may be dealing with similar people in comparable situations. This is especially notable with formal diversion programs in the post-arrest stage - prosecutor or court diversion. Typically, diversion entails a program similar in cost to an above average probation program (there being exceptions to this). Where many of the divertees, if prosecuted, would have received a disposition less than probation, average diversion program costs would run higher than the average cost of services attached to traditional dispositions.

As a matter of fact, traditionally, many of the defendants might have been fined, resulting in revenues rather than costs.

Disparities in costs of diversion programs as compared with costs of other options reflect a variety of conditions, most of which are subject to correction over time, for example:

The diversion program is more intensive in supervision or services than is necessary for a significant number of those subjected to it. (Some might need nothing more than routine monitoring over a specified time period or might be unconditionally diverted, with less cost, at an earlier stage.)

Probation is being under-utilized in the jurisdiction.

The probation program is under-financed. Needs are not being adequately met.

Criminal Justice vs. "External" Costs

By definition, it is to be expected that where there are costs associated with diversion, at least some portion of them would be for services of agencies outside of the criminal justice system. Since diversion is "from" the system, it would seem logical that needed services would come from whatever diversion is "to." In practice, this is not always the case. What happens is a suspension of certain decisions while efforts are made, within the system, to take whatever measures seem necessary to permit foregoing of prosecution entirely. Both approaches (referral for service and provision within the system) are found also in post-sentence correctional programs, such as probation.

Even where the defendant is referred for services to "external" agencies, unless he is diverted unconditionally, the criminal justice system does not

simply forget about him. And there are costs associated with the tasks of arranging referrals, monitoring their delivery and the defendant's performance, and the termination of the case.

As to "external" costs, one view can be that these should not be taken into account at all - as a cost of diversion or probation. Generally speaking, these are services which communities provide for people with all manner of social problems and needs. Many of them are supplied at no cost to indigent persons and some, such as job placement, to any applicant. For those who can afford it, there are fees for some services, often on a sliding scale, related to ability to pay. Educational and vocational programs involve tuition and fees, ordinarily paid by the student, but often handled through scholarships, grants, work-study plans, etc.

Most candidates for criminal justice diversion, as well as probationers and parolees, are not able to pay for needed services - unless the costs are low and extended over time. At the same time, many of them represent a greater challenge than community agencies may be used to dealing with in serving their more "typical" clients. Or they may represent additions to a workload already at capacity. For these reasons services may be subsidized through purchase of service contracts.

At times this may be during a demonstration period, and it may be intended that in the long run community agencies will adjust their programs and capacities to absorb criminal justice clients within their regularly budgeted funds.

Whether external costs are properly chargeable to a criminal justice program cannot be answered unequivocally. Obviously, where the client pays, they would not be. If services are supplied to him at no cost for which he meets standard eligibility requirements, costs of these would be a dubious charge

against criminal justice. If criminal justice purchases a service for the client to which he has no entitlement, this would seem to be a proper criminal justice program cost.

Beyond these intricate issues, there is the further one - in summarizing average diversion and correctional program costs - of estimating the relative use of non-criminal justice agency services. How many drug dependent divertees, for example, will be served by an out-patient methadone program and how many by a drug-free residential treatment center? How many probationers will enroll in subsidized educational or vocational courses?

No attempt has been made to develop anything approaching quantitative standards in this area, and such a task was well beyond the scope of this project. We will present below cost data on a wide range of "externally" provided services. But it is not possible to include in the average cost figures for particular diversion or post-trial corrections programs an amount representing average external costs.⁴

Costs to Defendants

The economic and social implications of various options for defendants, and often their families, are fairly obvious. Some are quantifiable, others are not but are at least as important. No data are presented here on this subject, but reference should be had to the ABA publications previously cited (note 1).

Defendant costs, varying with option, include -

- Loss of job or forfeiture of opportunity to work

- Varying degrees of freedom loss

- Acquisition of a criminal record and the social, economic, and political consequences of this

Deprivations and other hazards of incarceration.

Program Failure Costs

If defendants benefit from a less restrictive or punitive - or more service-oriented option - than might have been chosen, one of the risks is that not all will take good advantage of this. If the program was less costly for the community than the alternative (e.g., pretrial release vs. detention) the anticipated savings will be reduced by the costs of "re-processing" those who fail. By the same token, where the community invests substantially in client-service programs, as for some divertees or probationers, failure to make good use of services, in effect, adds to program costs.

In material below the issue of program failure and its costs are dealt with in two different ways. Where practicable and data were available or could be reasonably assumed, account was taken of the prospective incidence of new offenses or program failures leading to rearrest and prosecution (or such an action as probation revocation). In other situations - such as with various diversion programs - costs of serving the average client are set alongside costs of serving the average client who is successfully terminated.

No estimates were attempted of the costs of program failures in terms of victim losses. Data were not available to permit this.

Benefits

No attempt was made to quantify benefits comprehensively. The task was far beyond the scope and capacity of the project. Some data included below deal with benefits at least obliquely. The comparative costs of options will yield information on savings inherent in particular choices. Comparative program failure rates, in some instances, speak to the issue of short-term crime

control. As has been said elsewhere in these publications, we question whether the present state of our knowledge permits us to compare the probable effects of different options on long-term crime control, although some speculative comments have been made.

Restitution and community service programs afford obvious benefits to victims and the community but we have not attempted to develop dollar estimates of these. The same is true with the benefits for defendants and the community associated with defendant employment, improvements in daily functioning, and defendant family cohesion and morale.

We can turn now from general discussion of concepts and issues to specific criminal justice options and their costs.

Detention Costs

There are a number of ways of estimating savings realizable from increased use of alternatives to jail. A method most often used is to divide the jail's current annual budget for operations by 365, then by the estimated average daily population prior to the introduction or expanded use of the alternative - e.g., $\text{budget} \div 365 = \$5,570,741 \div 365 = \$15,262.30 \div 1,023 \text{ (prisoners)} = 14.92$, the daily cost of jailing one prisoner:

If the alternative reduces average daily jail population by 100 (assuming this can be demonstrated), its advocates may claim a large annual savings to local government - more than sufficient to finance the alternative program. (E.G., $100 \times 14.92 = 1,492.00 \times 365 = \$544,580$.)

The problem is no such savings ever seem to show up in the Sheriff's expenditures, permitting transfer of funds to finance the new activity. A ten percent reduction in population - or even quite a bit more - may not permit any reduction in personnel or in overhead costs. There may be reduced

expenditures for food, clothing, laundry services, medical and a few other supply items, and possibly in such a matter as utilities. There may be some reduction in over-time costs and fees for professional services. But the actual savings will be far less than \$15 a day.

Varied Estimates

In addressing the subject of jail costs in a nationally distributed publication such as this there are other problems. Jail operation costs vary tremendously - by region, by type of community, by jail size and design, by job classification and salary of jail personnel, and by differences in kinds and levels of activities and services provided.

The ABA study estimated average jail operation costs nationally, as of 1974, at \$11.80 per prisoner per day. The LEAA-Census Bureau study of jail population in 1970 yielded figures indicating that in fiscal year 1969 average daily jail costs per prisoner were about \$7.00. Currently we could safely add more than 50% to this and arrive at a figure approximating the ABA's.

We found 1974 costs about \$15.00 for one west coast county jail (See Appendix D). An ABA Correctional Economics Center study of jails in Washington state found such daily per capita cost variations as: \$3.37, \$11.07; \$19.02; \$58.45.

Long-Term Costs

The ABA study urges inclusion of jail replacement cost in assessing the cost of incarceration. Since the jail must eventually be replaced - and even sooner may have to undergo major alteration and repairs - there are long range costs not to be overlooked. As a matter of fact, a county may currently be paying off on a bond issue, out of which its present jail's construction was

financed. These costs are unlikely to be reflected in the jail budget, but they certainly represent an expense of carrying on the business of the criminal justice system.

The size of a community's future jail, or any additions to the present one, will be determined by the local pattern of jail usage. If this is high, eventual construction costs will be high. If low, construction will not only cost less but can probably be longer delayed. Thus use of alternatives - while perhaps not occasioning sizeable reductions in short-term jail operation costs - will help reduce long-term jail costs.

The ABA estimated jail construction costs, in 1974 dollars, at \$27,340 per bed. The study proposed assessing 10% of this amount per year against estimated jail costs. This reduces to \$7.49 per prisoner per day. When added to the estimate of operational costs of \$11.80, the result is a total daily per prisoner cost of \$19.29.

Alternatives to Jail Incarceration Project Method

Planners and policy makers have to choose among methods in assessing the potential savings which alternative programs may generate - using, of course, their own local figures for operations expenditures and future construction costs.

We adopted a cost basis which emphasizes the effects of significant differences in jail use policies, while assessing daily custody and care costs conservatively. This includes: (1) the full amount of the average cost of processing people into and out of jail; (2) an allowance of \$1.73 per prisoner per day for consumable supplies, primarily food; (3) and \$2.14 per prisoner per day as a long range cost (eventual replacement of facility or

major expansions, repairs, remodeling, etc.). The total daily per capita allowance then is \$3.87, which can be safely rounded to \$4.00, since the data are imprecise in any event.*

The allowances for processing unsentenced prisoners were:†

(1) Admission, booking (\$5.00), records check, and release within few hours from booking center (not including interview and verification procedures, such as are ordinarily handled by pretrial services agency staff): \$12.38

(2) Above, plus admitting the person into the jail proper and releasing him at some later time: \$21.22

The allowances for processing sentenced prisoners was \$35.00, since, on the average, a number of additional procedures are involved. It would be appropriate to assess a similar cost for those pretrial prisoners held more than a few days, since additional processing may be involved, such as a physical examination, but we elected not to make this kind of distinction.

The procedure used results in diminished daily costs, as time goes on, once a prisoner is admitted - a fact of life in jail management. For example, the cost of pretrial detention for one day only would be \$25.22; for twenty days it would be \$101.22 or \$5.06 a day. A five day jail sentence would have a daily price tag of \$11.00 - 90 days, \$440.00.

Processing costs consume a substantial part of personnel-hours in a jail (admitting, booking, checking, liaison, releasing, maintaining files and records, physical exams and other tests and interviews, classification, prerelease

* Basis for \$2.14 capital cost; $\$27,340$ (construction cost per bed) \div 35 (estimated jail life) \div 365 days = \$2.14 per prisoner per day.

† These figures reflect experience in one jail in a county of 600,000. For procedures and data see Appendix A. These processing costs differ from those in Appendix A in that they assume a pretrial agency will perform the screening and certain of the release tasks which were handled by the jail staff in the setting described in Appendix A.

assistance, etc.). These functions are much more "labor intensive" than daily care and custody tasks. A small reduction in intake would not affect processing costs but a sizeable reduction should either permit some staff reductions or significant improvements in operations at no added cost.

To recap then: for purposes of comparison with costs of alternatives we will use the following figures for jail costs per case:

All prisoners: daily per capita cost	\$ 4.00
Unsentenced Prisoners:	
Admission/prompt release from booking center	12.38
Admission into jail proper/release next day	25.22
Admission/detention 20 days/release	101.22
Admission/detention 30 days/release	141.22
Admission/detention 60 days/release	261.22
Admission/detention 90 days/release	381.22
Sentenced prisoners	
Admission, classification, etc., release	35.00
Prisoner who serves 120 days	515.00
Prisoner who serves 180 days	755.00

Cost of Pretrial Detention Alternatives

We adopted ABA project figures for the basic cost of field citation per case (\$2.40) and stationhouse release (\$4.00). If the defendant is required to undergo booking there would be an added cost of \$5.00. Assuming a 10% failure rate, it would be necessary to add \$13.46. (This is 10% of the assumed cost of processing a misdemeanor who is detained for twenty days pending final disposition.) Recap:

		Plus	
	Basic Cost	Failure Assessment	Booking Added
Field Citation	\$2.40	\$15.86	\$20.86
Stationhouse Release	4.00	17.86	22.86

As to pretrial release after jail admission, we allowed \$9.34 for pretrial release agency services associated with the release decision. Where court appearance is necessary in making the decision, an estimated court cost of \$20 was used. Cost of supervision and services for those granted pretrial release are discussed below.*

Further Assumptions

In order to compare pretrial jail costs with various alternatives, it is necessary either to have data on the time factor or to make assumptions as to this. To make this presentation more meaningful we have made the following assumptions:

1. On the average, misdemeanants free in the community until final disposition of charges will remain in this status for 60 days; for felons the average stay will be 120 days.

2. Misdemeanants who are not granted pretrial release will remain in jail, on the average, 20 days until final disposition; for felons the jail stay will average 60 days. (Obviously, any local analysis using these procedures would have to be adjusted both as to these time elements and actual costs of services.)

3. Ten percent of all pretrial releasees, regardless of method, will be rearrested for failure to appear on a new charge and will be held till final disposition (misdemeanants - 20 days, felons - 60).

Pretrial Service Costs

Three variations in pretrial release were assumed: no services; monitoring and reminders as to court appearances; supervised pretrial release.

* For basis of cost figures on alternative programs see Appendix B.

Monitoring and reminding was assumed to involve a total of one hour in misdemeanor cases and two hours in felony cases (e.g., six and twelve 10-minute tasks, respectively). Supervision was assumed to involve six hours in misdemeanor cases and twelve in felony cases (e.g., 12 and 24 half-hour tasks, respectively).

These assumptions produced the following pattern of cost estimates for the pretrial service agency in the average case, not including a failure assessment:

	Decision-Related	Supervision and Services	Total
"Straight" OR	9.34	0	9.34
Monitored OR			
Misdemeanor	9.34	9.34	18.68
Felony	9.34	18.68	28.02
Supervised Release			
Misdemeanor	9.34	56.04	65.38
Felony	9.34	112.08	121.42

Court Costs: Pretrial Detention

Where the defendant must appear in court for the decision as to pretrial detention or release, we assumed an added cost of \$20. This is one fourth of the estimated cost of operating a court for one hour, including salaries of the judge, bailiff, clerk, prosecutor, indigent defense, pretrial services officer and overhead costs.

System Costs

A chart in Appendix B provides estimates of system costs for pretrial detention and its various alternatives (using the time factor and 10% failure rate assumptions listed above). Reproduced below are figures, from the chart, comparing the costs of pretrial detention with three alternatives:

Costs by Agency	Field Citation	"Jail OR" Misdemeanor	Supervised Release Felony Case	Detention	
				Misdemeanor	Felony
Police	2.40	4.00	4.00	4.00	4.00
Jail	-	12.38	25.22+	101.22	261.22
	-	9.34*	121.42	9.34	9.34
Court	-	-	20.00	20.00	20.00
Sub-Total	2.40	25.72	170.66	134.56	294.56
Failure Assessment	13.46	13.46	29.46	-	-
Total	15.86	39.18*	200.12	134.56	294.56

* If handled by jail staff rather than an independent pretrial services agency, cost would be almost identical (\$38.68), but pretrial agency costs would be 0 and jail costs \$21.22. See Appendix D.

+ Assumes average detention time of one day.

Further comparisons are presented below, using only total costs and rounding to the nearest dollar.

Field Citation	\$ 16.00*
Stationhouse Release	18.00*
Jail OR	39.00
Court OR	
Misdemeanor	72.00
Felony	88.00
Monitored OR	
Misdemeanor	81.00
Felony	107.00
Supervised Release	
Misdemeanor	128.00
Felony	200.00
Detention	
Misdemeanor	135.00
Felony	295.00

Not included here was the cost of "10 percent bail" release. Because of variations in decision-making and service costs and in amounts withheld when deposits are returned, costs estimates can range widely. It is conceivable that extensive use of deposit bond could finance a comprehensive pretrial release program. In 1966 the Municipal Court of Chicago collected more than \$650,000 - about half in 1% deposits and the balance in forfeited bonds. (See page 195, "Bail Reform in the United States" - reference in Note 2, Chapter I, Volume 2.)

Detaining a misdemeanor (average of 20 days) would cost more than eight times the cost of giving him a field citation. Booking him into jail and detaining him until the court authorizes OR (un-monitored) would cost more than four times as much. Stationhouse release would cost the police department about 70% more (\$4.00 vs. \$2.40), but system costs would differ only minimally.

Holding a person for court decision on pretrial release (assuming average detention time of one day) would add \$33.00 - almost double the cost of prompt release from the booking center through use of delegated authority or the "duty judge" system.

Supervised release, while crucial in some cases, adds significantly to costs. As a matter of fact, given assumptions used here, supervised release in a misdemeanor case approaches very closely the cost of pretrial detention.

Comment

These figures are hypothetical. In practice they will vary somewhat above and below these, even if the time factor and failure rate assumptions were the same as those used here. But they illustrate rather forcefully the point that as the decision and intervention levels go up, the costs escalate. A cost-conscious jurisdiction will want to develop estimates for these various alterna-

tives, as they operate locally; adopt policies rooted in cost-effectiveness; and develop a system for monitoring and trying to assure compliance with policies, so long as they continue to appear reasonable.

Diversion Costs

This subject is so complex as almost to defy analysis - considering that diversion can take an almost indefinite number of forms in terms of the decision process and the conditions and services which may be associated with diversion. This presentation is limited to average costs for a limited number of formal programs. Before considering these, some preliminary matters require comment.

Averted Costs

In assessing costs of diversion practices and programs, it would be logical to deduct costs attached to whatever the alternative dispositions would have been. This can be estimated at times, but generally speaking, data simply are not available for use in predicting just what will happen if diversion does not occur. For example:

John Doe assaults his wife and threatens to kill her. The police are called in and succeed in restoring peace. They discover the incident was situational, and, once the immediate problem is resolved, the likelihood of recurrence doesn't appear strong. No arrest is made. ("Diversion" costs = 0. Police would have spent as much or more time in any event. Costs for crisis intervention training have been offset by a reduction of such crime complaints. See below.)

The alternative might have gone like this:

John is arrested, booked into county jail and held two days (\$29.22); he is on supervised pretrial release for thirty days

(\$60.71); makes three court appearances (\$60.00), undergoes a short-form presentence investigation (\$64.89), and receives a suspended sentence. Total cost of "alternative to diversion": \$214.82. Successful police diversion in 1200 cases would have a potential dollar value for the criminal justice system of a quarter of a million dollars.

There is really no way to be certain how the hundreds or thousands of John Does would actually be dealt with if not diverted. At best, crude estimates can be made and costs computed for them - which can be compared with diversion costs.

To take a rather different example:

Richard Roe, a human derelict, is found in a drunken stupor. He is escorted by police to a detox center (\$4.00), where he remains for three days (\$53.00). From there he goes to an alcohol recovery center for thirty days (\$380.00); this is followed by six visits to a neighborhood treatment center for alcoholics (\$113.00). Total cost of diversion: \$550.00.

Alternatively, Richard is arrested, (\$4.00) booked into jail and held five days (\$41.22), appeared in court twice (\$40.00) and received a jail sentence, serving 60 days (\$275.00). Total cost would be \$360.22.

This example highlights another point: jail and its alternatives do not lend themselves to simple cost comparisons, even where data may be available. In this case, neither the objectives nor the standards of care were comparable. In the first instance, there was a serious effort to help Richard find a better life style, and he was dealt with under standards applicable to health care and mental health treatment. In the second, he was provided with tem-

porary care in a custodial setting and kept off the streets for a while. The treatment theory, if any, involved the use of punishment to induce change.

The former approach cost the community more money. If its objective was achieved, the added costs would be quickly offset by Richard's contribution to the community as a sober, employed person. Even if the effort was not successful, many persons in the community would feel better about how their representatives were dealing with the problem of public intoxication - and be willing to spend a bit more money for this.*

The second example also points to another important factor in the area of diversion from the criminal justice system, the use of non-criminal justice agencies in care and treatment. The cost aspect of this practice was discussed earlier in the chapter. Some cost figures are presented below.

Costs of Selected Programs:

Cost figures for various types of diversion are reviewed briefly below. Except where otherwise noted, the figures were taken from the ABA Correctional Economics Center study. Some back-up data will be found in Appendix C, but for a fuller treatment of this material reference should be had to the Economics Center's publications.

1. Police Crisis Intervention. A study, scheduled for publication this year, found that the average cost of training a police officer in crisis intervention was \$1,000. At the same time such training has paid off in reduction of patrol officer time on such calls from 60% to as low as 30%. The training

* In purely economic terms, assuming a 40% failure rate for public inebriates treated as in the first "Richard Roe" example and an 80% failure rate for those jailed, as in the second example, costs of the two dispositions would not be so disparate, e.g.: Add a failure assessment of 40% to the basic cost of the treatment approach (550) = \$770.00. Add 80% to basic cost of traditional approach (360) = \$648. The latter runs 84% of \$770.00, whereas basic jailing cost per case runs 65% of basic cost of treatment approach.

investment was recaptured in a matter of weeks. It was on this basis that, in the example above, we showed this form of diversion as having no cost. Actually, in addition to police department savings, the successful practice of crisis intervention results in savings all down the line in the criminal justice system - detention, courts, and corrections.⁵

In a program where police refer disputants to a mediation service (such as was described in Chapter II, Volume 3), there are costs external to the criminal justice system - that is, costs of operating the mediation program. Since the plan was to train volunteers to handle most of the direct service activity, these costs should be modest. The program is too new, as this is written, to be precise about this, however.

2. Prosecutor Dispute Settlement. As was reported in Chapter III, Volume 3, the estimated cost of this program per case was \$27.10. This would have to be much lower than traditional costs, even if charges were not filed in many cases and dismissed early in others.

3. "Employment Diversion". This refers to the type of program illustrated in Chapter III, Volume 3, under the heading "Vocationally Disadvantaged."

The following chart shows averages for samples of high and low cost programs. The difference in cost was occasioned by differing salary levels from one community to another. Otherwise the programs were comparable. (See Appendix C for additional detail.)

Criminal Justice System Costs*

	Average High	Average Low	Project Intercept 1975-76 ^c
Per client day ^a	\$ 11.83	\$ 8.72	\$ 5.13
Per client served	1,123.00	827.00	488.00
Per successful termination ^b	1,413.00	1,034.00	610.00

a Average stay in programs of this type studied was 95 days.

b On the average, programs of this type studied reported an 80% successful termination rate.

c Described in Chapter III, Volume 3.

External Costs^a

Psychological Testing	\$ 75
Psychological counseling (5 hours X \$40)	200
Legal assistance (1 hour)	25
Educational program	350
Vocational program	2,000 - 2,400

a Some clients would not have any of these services, most would have no more than one. Available data do not supply us with the number or percentages of clients who were referred.

4. Drug Diversion. This includes "TASC" programs for heavier drug users and programs for minor drug law offenders, such as California's P.C. 1000 diversion.

* As used in this and succeeding charts, this includes only the costs of the criminal justice agency which screens, refers, and monitors or supervises cases - not jail, prosecutor, court, etc. costs.

A. Criminal Justice System Costs (TASC)^a

	Average High	Average Low
Cost per referral ^b	\$ 817.00	\$665.00
Cost per (referred) client day ^c	4.48	3.65
Cost per successful termination ^d	1,167.00	951.00

a Screening costs are included in these figures. We would estimate that for every referral fifteen to twenty cases would be screened, including review of available records and a brief preliminary interview.

b All cases are referred for final diagnostic study and needed services to non-criminal justice agencies.

c Average stay six months.

d Successful termination rate reportedly 70%.

B. Criminal Justice System Costs (P.C. 1000)^a

Costs per referral	N/A
Costs per diversion	\$305.00
Costs per successful termination	377.00
Costs per client day	2.07

a Developed from more detailed data to be found in Note 27, Chapter III, Volume 3. The reports cited also provided an estimate of external (drug agency) costs of \$100 a case.

	External Costs ^a		
	Daily	Average Stay	Per Capita
Residential Treatment			
Drug-free	\$17.13	3½ months	\$1,813.00
Methadone	10.84	5 weeks	379.00
Day care - drug free	7.53	5½ months	1,259.00
Out-patient			
Drug-free	3.50	5½ months	592.00
Methadone	3.08	5½ months	515.00
Drug education programs ^b			
A		6 weeks	22.50
B		12 weeks	90.00

^a Most drug diversion clients would be referred to some program. The proportionate use of the various types would depend on specific problems and needs of clients, capacity of resource agencies, considerations of costs, and other factors. More seriously addicted clients might be referred to more than one program - e.g., trial period in day treatment, followed by transfer to a residential center, and subsequent return to day treatment or referral to an out-patient treatment program.

Most P.C. 1000 cases, during 1973 to 1975, were referred to educational programs, since they were marihuana users without a serious drug dependency problem.

^b Costs are estimates. Type A involves one two-hour session a week for six weeks, Type B two two-hour sessions for twelve weeks. Average class size of 20.

5. Alcohol Diversion. Somewhat as with drug diversion, alcohol diversion calls for quite different levels of intensity of care and treatment. Methods range from hospitalization for acutely ill persons (e.g., delirium tremens sufferers or those critically ill with acute liver ailments); detoxification centers with various levels of medical service; intermediate residential care and treatment; and out-patient treatment. Also available are self-help programs such as Alcoholics Anonymous which occasion no costs to the community.

Criminal justice system costs for alcoholic diversion would depend on the decision point. The lowest cost for the system would be associated with diversion at the point of arrest. The process of escorting the public inebriate to a detox center has been estimated to cost the police department \$12.00. This would vary with local circumstances such as number of patrol officers ordinarily involved; distance of center from most common arrest sites; type of vehicle used and number of inebriates transported, ordinarily, at one time; and procedures involved at the center which would take up the time of the officers.

As to external costs, a selection of these is presented below.

	Daily	Average Stay	Per Capita
Emergency Care			
General Hospital	171.55	4 days	589.14
Spec. Alco. Trt. Hospital	57.71	4 days	230.84
Detox Center	17.67	3 days	53.01
Intermediate Care			
Spec. Alco. Trt. Hospital	26.74	30.3 days	792.99
Recovery Home	12.66	56 days	687.02
	Per Visit	No. of Visits	Per Capita
Out-patient			
Comm. Mental Health Ctr.	36.25	8.3	60.87
Neighborhood Alco. Ctr.	18.80	11.7	219.97
Hosp.-based Clinic	4.63	13	60.19
Alcoholics Anonymous			0

6. Less Specialized Diversion. This refers to such programs as those in Dade County, Florida, Genesee County, Michigan, and elsewhere as described in Chapter III, Volume 3. Costs of the above two programs are estimated as follows:

	Dade County ^a	Genesee County ^b	Adjusted ^c
Per client day	\$ 1.56	\$ 2.01	\$ 1.71
Per client served	369.00	300.00	255.00
Per successful termination	464.00	513.00	436.00

a Average stay in program, including incompletes, about four months. Successful terminations ran 79% overall, 80% for felony cases.

b Average stay in program, including incompletes, about five months. Successful terminations 61%.

c The adjusted figures reflect a reduction of 15% in program costs to the public as result of fees paid by clients. (Genesee County program).

These programs are much lower cost than "employment diversion," and TASC. In addition to the lower criminal justice costs, they also involve much less in external costs, since services are not purchased and fewer referrals are made to other community agencies. Both are "early decision" programs, primarily involving felony charge cases, and there are definite offsetting savings in terms of court processing costs.

Probation Costs

Material in this section is presented cryptically, with little attempt to discuss practices or issues. For substantive treatment of these, the reader is referred to another publication of this project, Sentencing the Misdemeanant (Volume 4).

In presenting estimates for probation costs, only the mean ABA study figures are used (average for high and low cost agencies). It is necessary to

separate probation services to the courts (presentence investigation) from supervision of and services to probationers. Presentence investigations are made on defendants who may subsequently receive a disposition other than probation. Moreover, defendants are often placed on probation on whom presentence investigations were not completed. The latter is especially so with misdemeanor cases.

Several assumptions enter into the estimated figures below. Some of these will be presented in notes. Others are as follows:

1. Average total caseload of the agency is 4,000, supervised by 60 officers (average caseload 67.)

2. Average stay on probation is sixteen months, with 3,000 admissions and 3,000 terminations a year.

3. Average annual salary of a probation officer is \$10,530. The average cost of an hour of services to the court is estimated at \$14.42 and of client services at \$13.50. The figures include allocations of administration, supervision, support services, supplies, and of overhead costs, in addition to the officer's salary and benefits.

Court Service Costs

Presentence Report	
Short-form ^a	\$ 64.89
Long-form ^b	108.15
Revocation Report ^c	93.73

a Investigation and preparation of report estimated to require 4½ hours in the average case. This form is recommended as by National Advisory Council is misdemeanor and lesser felony cases. It is estimated that for every long-form report an agency which emphasizes misdemeanor services would prepare three short-form reports.

b Estimated average officer time 7½ hours.

c Estimated average time 6½ hours.

Costs of client services vary with systems of client classification, the proportions of clients in each class, and average time requirements per case per month (or year) for each class. In the scheme below four classes of probationers are defined and illustrative figures are given as to possible distribution of the total caseload. These figures were used in computing average cost of probation supervision for all cases.

	%	N
Category 1: Minimum risk and service needs	25.0	1,000
Category 2: Medium risk, low service needs	30.0	1,200
Category 3: Medium risk, high service needs	25.0	1,000
Category 4: Maximum risk and service needs	20.0	800
All cases:	100.0	4,000

Client Service Costs per Year

Category 1	\$121.56	per average case
Category 2	243.00	per average case
Category 3	324.00	per average case
Category 4	486.00	per average case
All Cases	281.00*	per average case

* These figures are based on the assumption that recommendations of the National Advisory Commission on Criminal Justice Standards and Goals would be observed. "Typical" average cost in 1974 was estimated at \$281.00.

It is possible to add to these probation department costs estimates of the cost of "external" services, which in some instances may be paid for by the probation agency in pursuance of purchase of service arrangements. Costs will of course depend on what services are purchased for how many clients. Assuming that there are external services for half the clients, as reflected

below, it would be necessary to add to the average cost figure per case (\$281.00) the sum of \$524.75 - bringing total average cost of probation services to about \$806.00 a year.

% of Clients	Type of Service Purchased	Average Cost per Year
10.0	Education	\$ 541.00
10.0	Vocational Training	900.00
5.0	Methadone Maintenance	1,278.00
5.0	Out-patient drug trtmt.	1,300.00
15.0	Out-patient alco. trtmt.	1,044.00
5.0	Mental Health Treatment	1,903.00
TOTAL (50.0)	—	1,049.50
Average Cost for All Probationers		524.75

In addition to these costs, there is the dollar value of probation failure to consider. The ABA study estimated these in terms of costs of arresting and charging probationers with new crimes (15% of caseload per year); and costs of probation revocation (4.8% of the caseload per year). Results of the analysis, using the above assumptions, were as follows:

	Cost per Incident		Average Failure Assessment
	New Charge	Revocation Hearing	
Police Costs	\$23.60		
Court Costs	8.59	\$700	
Probation Costs		93.73	
Total Costs	32.19	793.73	\$42.93*

* Total costs in the first two columns are multiplied by the number of incidents and the results added. This sum is divided by 4,000 cases to get the average cost of failure per case supervised.

Recap - Probation Supervision Costs

	Average Cost per Case per Year	Cost per Capita (16-Month Stay)
Probation Dept. Services	\$281.00	\$ 375.00
Failure Assessment	42.93	57.00
Sub-Total	323.93	432.00
Service Purchases	524.75	700.00
Total	848.68	1,132.00

NOTE: According to the ABA analysis, probation department costs could be reduced by 5.4% if a limited number of volunteers and "paraprofessionals" are used to perform work ordinarily done by probation officers. This would reduce the annual department average cost per case per year to 265.83 and per capita cost to 531.65.

Restitution/Community Service Program

As with probation, substantive discussion of these "alternatives to probation" will be found in Sentencing the Misdemeanant.

The ABA study estimated costs of these alternatives in terms of a program of service referral, limited counseling, and monitoring for convicted defendants whose sentence was, in effect, a requirement to make reparations for their offenses. Reparations would be either in the form of restitution to the victim or performance of volunteer service for community agencies.

A total staff of eight persons* was assumed to serve 3,000 court referrals a year - evenly divided between restitution and community service cases. It is our belief that one coordinator and one clerical position could be eliminated. This would cut costs by about one fourth. In the presentation below we have therefore used only 75% of the ABA figures.

The ABA made three estimates of costs for this program - depending on the extent to which the courts made use of this special agency.

* Administrator, two coordinators, two line workers, clerical staff of three.

Number of Referrals	% of Agency Capacity	Average Cost Per Referral	(ABA Figure)
3,000	100.0	\$30.48	\$40.64
2,400	80.0	38.11	50.82
1,800	60.0	50.81	67.75

These figures are based on a number of assumptions. The crucial ones have to do with the length of time defendants would require to complete the program and the average frequency of service contacts per case by agency staff. Among assumptions are the following, which are consistent with our own observations:

Half the community service clients would finish their requirements within a month, 85% within two months, and the balance within one year. Only one fourth of the clients would require three hours of staff time or more - about half of them only one hour.

Eighty percent of restitution cases would fulfill their obligation within two months. The others might take up to two years. The staff time required would be about the same as for community service cases.

Half-Way House Costs

One other set of costs needs to be considered before recapping - costs of residency in a half-way house (for example, in lieu of jail confinement). The ABA study supplies costs for half-way houses with comparatively low and comparatively high employee salaries. We have averaged these and present just one cost level for each type of house.

Four types of half-way houses are included:

- A. One providing only day-to-day care - no counseling or referral service to other community agencies.
- B. One where residents are assisted to take advantage of other community agency services.

C. The same, but where volunteers are used at a savings in salary costs.

D. A half-way house whose staff provides a range of counseling, job placement, and other services.

All houses are assumed to be operating at capacity throughout the year with 18 residents. In the chart below we have isolated costs of rent, food, and "added services," partly to facilitate later comparison with jail costs.

Average Daily Cost Per Resident*	Type A	Type B	Type C	Type D	Average All Types
Food	\$ 2.10	Same	Same	Same	Same
Rent	1.29	Same	Same	Same	Same
Sub-Total	3.39	Same	Same	Same	Same
Other Basic	12.97	Same	\$12.72	\$12.97	\$12.91
Added Services	-	\$ 1.85	-	5.68	1.88
All Costs	16.36	18.21	16.11	22.04	18.18

* Assuming an average stay of 98 days, total per capita costs of these programs would be: A - \$1,603; B - \$1,784; C - \$1,579; D - \$2,160; composite - \$1,782. (An average stay of 98 days was found in a recent study of federal, state, and private half-way houses and community correctional centers - study report summarized in Monday Morning Highlights, Federal Bureau of Prisons, Washington, D.C. June 1, 1956.)

NOTE: Since many if not all residents in these programs will be in work release status, it can be assumed that they will contribute to service costs. Using the ABA estimate of payments at the rate of \$3.29 per day by 75% of the residents, we arrive at a per capita contribution of \$2.46 a day. Assuming a 98-day stay in the "composite" program, per capita program cost would be reduced to \$1,541.

Recap: Diversion and Sentencing Option Costs

Figure 7 below presents selected criminal justice costs for several options, available to police, prosecutor, and the courts. These are costs of services in the average case, from acceptance into the program until termination. Cost variations reflect a combination of differences in daily per capita costs and in length of stay in programs.

Obviously, the figures are in no sense indicators of the appropriate option. There is a proper use for each of them, and costs vary with needs and problems. With a massive program like probation, the occasional high costs in individual cases are masked by the low cost of most cases. A diversion program (e.g., drug, alcohol, employment) may specialize in high need cases and have few if any low cost cases to reduce the average.

Two sets of figures are shown for half-way house and jail commitment. The high figure represents total costs (12 and 13 A). The lower figures (12 and 13 B) are based on the concept of detention costs presented early in this chapter. For jails this assumes a daily cost per prisoner of \$4.00. A \$35.00 processing cost per case is added. For half-way houses we used the ABA's model budget figures for daily per capita costs of food and rent (\$3.39) and added the \$35.00 processing cost. In all instances reductions are allowed on the assumption that three fourths of half-way house and one third of jail residents will be on work release and making self-support payments of \$3.29 a day.

Figure 12. Disposition Options - Selected Criminal Justice Costs

1. Police crisis intervention	\$ 0
2. Prosecutor dispute settlement	27.00
3. Public inebriate diversion	
a. Police	12.00
b. Jail/pretrial agency	18.68
4. Minor drug offense diversion (6 mths)	140.00
5. Non-specialized diversion (6 mths)	312.00
6. Drug-dependency diversion (TASC) (6 mths)	741.00
7. Employment diversion (3 mths)	975.00

8. Probation (16 mths)	\$ 375.00
8a. Probation (two years - first six months high surveillance)	1,932.00
9. Restitution/Community service	30.48
10. Fine	0
11. Suspended sentence, no conditions	0
12A. Halfway house (98 days)	1,541.00
13A. Jail (98 days)	1,890.00
12B. Halfway house (98 days)	367.00
13B. Jail (98 days)	428.00

NOTES:

1. The costs are only those of the agency administering the program and are limited to services performed by the agencies. (Service purchases are excluded, as are costs or savings of court processing.)
2. Programs No. 3, 6, and 7 tend to involve high external costs. Programs No. 1, 2, 3 and 5 involve no or minimal court processing costs.

CHAPTER IV

VIABILITY OF ALTERNATIVE PROGRAMS

The term "alternative program" evokes the notion of something new, a change from the customary way of doing business. So far as treatment of suspects and convicted offenders is concerned this is true in one of two ways. Some alternative programs would represent innovations in many jurisdictions. Often, however, an alternative program would entail more formalized or significantly expanded use of some practice which is not entirely unknown in the community.

In either event -- whether a practice is new or is used to an extent never previously contemplated -- the question of viability arises. Will this program survive? (In terms of continuing progress, of course, this is not the ultimate question -- which is: Will this program survive until it is replaced by something which aims at the same goals but is even more effective or otherwise more desirable?)

Some new publicly supported programs somehow catch on (and then, in time, the problem may be how to get rid of them, as they become little more than relics). Others come and go -- never establishing a foothold in the system of public services. This may be because they lacked merit -- or because they were designed to meet some ephemeral need. But it is quite probable that some programs, at least potentially effective in dealing with some continuing community problem, have been aborted or terminated well ahead of a useful life.

The casualty rate for public services is highest among those which emerge to meet needs of people who tend to be grouped under an unfavorable label: welfare cases, alcoholics, drug addicts, convicts, mental retardates,

etc. This is especially so when the service is provided, for the most part, to a comparatively small minority of a community's residents who, as a group, do not hold significant political power and do not bear a proportionate share of the "tax burden." The fragility of service programs for these people is attributable also to the fact that technology for human services (1) is underdeveloped; (2) often involves concepts and methods which are not widely understood or accepted.

Special Problem with Criminal Justice Change

New ways of dealing with criminal suspects or offenders usually face the strongest barriers. The kind of alternatives discussed in these publications are vulnerable to characterization as "permissive." They represent more humane and less restrictive treatment than jail custody. Even though, in some instances, they may be more lawful, as well as humane, than traditional measures, they may encounter rejection because people have really not thought through the implications of the constitution which underpins our political system and the ethos which is our national heritage. The lower cost of most alternatives may also be overlooked or discounted in public discussions of new measures -- discussions which at times give off more heat than light.

It is not to be wondered that the community generally is conflicted and perhaps confused at times over issues of criminal justice policy and practice. The so called criminal justice system itself does not speak with one voice -- tending to divide into those concerned with apprehension, conviction, and control or punishment of offenders; those interested in assuring that they are treated with strict adherence to law and to principles of fairness and restraint; and those charged with or otherwise interested in salvaging them.

There are other sources of resistance to change within the criminal justice system (as within any established human enterprise). These are various concerns

experienced by people when they see the prospect of the phasing out or downgrading of a practice, program or agency with which they are identified.

Practices become established through the process of institutionalization -- e.g., laws, regulations, formal organizations or agencies, professions or other specialized occupations, perhaps development of such backdrops and supports as a "professional science," professional ethics, standards for personnel and/or products, etc. Institutionalization in time involves great inertia; it also brings constituencies who will rise to the support of inertia -- resistance to change, that is -- at the first sign of the threat of innovation.

Where a system of practices is integrally related to an expensive physical facility -- e.g., a jail, prison, school, mental hospital -- resistance to change is likely to be even greater. The vested interests are more extensive, and the program has greater visibility and thus significant changes are less likely to occur without public controversy which can be traded on by the defenders of the status quo.

Need for Effective Introduction

The point then is that no matter how good an idea may be for some change in criminal justice practice, it will be useless if it cannot be successfully introduced into the mainstream of day-to-day operations. This means that people in the system must accommodate to something new -- new programs or agencies, a reorganization, new associates in their own agency, new concepts and techniques to be learned and practiced -- possibly even the phasing out of an organization, program or facility with which they may have been long identified.

Criminal justice change is especially complex when it involves collaborative action on the part of the three branches of government and at least some measure of accommodation if not cooperation by the several components of the

criminal justice system. Add to that the need for participation by human services agencies outside the criminal justice system -- for the success of many programs -- and the "social engineering" task becomes formidable indeed.

Finally, changes in criminal justice policies and practices will not come about or survive without some significant measure of public support. At the very least there has to be some neutralization of or constraint on the tendency of some public spokesmen to "destroy" progressive innovations in criminal justice through the exploitation of ever-latent public fears and passions in regard to crime and criminals.

Some Requirements for Innovation

The implementation of program changes or expansion of the sorts reviewed in this set of publications is thus not something to be undertaken lightly or hurriedly. Especially if major changes are contemplated, there needs to be planning to develop well documented bases for change, development of alliances and early initiation of useful communication among agencies which will be affected, and interpretation of proposals to such sources of public education as information media, elected officials, and leaders of various influential community groups and factions.

Thought must also be given to the specifics of any needed legislation and, of course, of program budgets. Ahead of this are decisions as to administrative and organizational arrangements. Should the program be operated by a private agency, by an existing public agency (which one?), or by a new public agency? How will the program affect and inter-relate with other criminal justice programs -- as well as with programs for criminal justice clients operated by non-criminal justice agencies?

We have not attempted to deal with these matters in this publication through coming up with a blueprint for the administration of justice services.

Given the tremendous variations in local jurisdictions and the indefinite range of choices affecting service delivery -- as well as the absence of any scientific or ethical basis for making most of the choices -- we chose to stop at an exposition of some key issues and needs. To make the material more specific and concrete we related it to just one of the program areas dealt with in these volumes: pretrial release. But what is said here is applicable to the issue of viability of other kinds of alternatives to jail.

Pretrial Release Program Funding

Pretrial release programs have come and gone in some communities - started as demonstration projects with federal grants, foundation funds, subscriptions, et cetera but never permanently adopted as a regular function of local (or state) government. Programs have never been organized in some communities -- especially less populated ones -- and, in many, services provided were never more than minimal. Nevertheless, there is some evidence that the movement has taken hold across the country. A large sample (109) of pretrial release agencies was contacted in a recent survey, and it was learned that local and state governments are the primary funding source for 56% of them (47% local and 9% state). Among those in operation for five years or more 80% are locally funded. Among programs less than two years old only 26% are locally funded -- federal grants being the chief source of their support. Since most programs were initiated with other than local tax funds, the indication is clear that a number of demonstrations have led to institutionalization of pretrial release services with local public funding.¹

Federal funding of such programs is a temporary expedient. Competition for dwindling foundation funds for every manner of human enterprise is enormous. Support of routine public services for persons accused of crime through sub-

scriptions and small donations is an unlikely method as a permanent arrangement. Pretrial services, if they are to be consistently available, must be assumed as a regular function of government. Service delivery can be by private agencies, municipal, county, or, at least in small states, state agencies. But funding must be out of public revenues -- that is, tax collections, fees, or some combination of these.

There is reason to believe that pretrial services will become, or remain, an integral component of criminal justice operations in American communities. The nature, level, and methods of service delivery will vary extensively -- but it is probable that standards will gradually emerge which will tend to limit and give shape to the extent and pattern of these variations.

The Legal Case²

We have been moving inexorably toward reaffirmation of the doctrine that, in our kind of society, persons accused of crime have legal rights. They are not subject to punishment, as if an accusation were equivalent to demonstration of guilt. They are afforded protection, by law, from pressure to confess. They are guaranteed the right to counsel to assist in their defense -- publicly supplied if they are indigent.

The use of jail is being increasingly regularized to conform with this renewed concern for rights not only of accused persons -- but of those convicted. No longer can a defendant be committed to jail to satisfy a fine which he cannot afford to pay. Moreover, legislative bodies -- responding to urgings of prestigious groups -- have begun to define a right to non-monetary release from jail of persons accused of crime -- subject to limitations.

Trends in the law can of course be reversed, but there is no basis at this time for predicting anything but increased support by statutory and case law for alternatives -- other than traditional money bail -- to pretrial detention.

The "Human" Case

Winston Churchill, more than sixty years ago, said that a measure of a civilization is how it treats persons accused or convicted of crime.³ Our federal and many state constitutions reflect a national aspiration on the part of our forefathers to strive for a high level of civilization -- in various ways, but specifically in relation to the treatment of criminal suspects and offenders.⁴

Historically, we have not measured up to our ideals very well -- witness, for example, illegal arrests, searches, and seizures; "third degree" methods; and discrimination against the poor, the outsider, and minority group members in use of incarceration both before and after trial.

Court decisions and legislation, referred to above, have begun to correct these abuses in recent decades. Behind these public actions lies a force, long latent, but in recent years strongly felt in such areas as the administration of justice -- the force of organization among people who were historically disadvantaged and are the continuing object of institutionalized discrimination -- racial and ethnic minorities, the unemployed, the chronically impoverished and even such groups as alcoholics, former drug addicts, former mental patients, and ex-offenders.

The causes of disadvantaged groups regularly have support from others -- who identify themselves as humanitarians, civil libertarians, or simply as "decent folk" who oppose unfair treatment wherever they discern it.

The operation of these feelings and sentiments at the local level has provided and is likely to continue to provide a climate of support for such developments as pretrial release programs designed to reduce discrimination against poor persons accused of crime. At the same time, other factors have contributed in recent years to the increasing acceptance of alternatives to jailing -- notably the rapid rise in arrests of middle class persons for minor drug law violations and driving while intoxicated. Pretrial release and diversion programs have found important sources of support as a result of these phenomena.⁵

The Economic Case

Aside from legal, humanitarian, and political considerations, there is a strong case for maximum feasible use of pretrial detention alternatives in the face of jail costs. Two extremes are argued. On the one hand, some advocates of pretrial release maintain, in effect, that every day of "jail time" saved is equivalent in dollars to the average daily cost per prisoner of jail operations (e.g., \$10, \$15, \$20 -- or whatever results from dividing the annual budget by the average number of prisoners and then by 365 days).

A counter argument is that savings generated through reduction of jail population by one man-day are so inconsequential as not to be worth noting.

The truth lies between these positions. In most situations, there can and should be a savings for each unit of reduction in jail population. Food, clothing, laundry, and some other costs should vary closely with population level -- probably, with current prices, as much as \$2.00 per prisoner a day. But beyond this is the unavoidable fact that jails -- with a few near exceptions -- do not last forever. And the more we use them, either the heavier the maintenance costs or the sooner replacement will be necessary.

Moreover, the more we resort to jailing the larger the jail must be and the higher its staffing costs.

With jail construction costs averaging \$27,300 per bed -- and assuming a 35-year life -- it is reasonable to assess an annual cost of \$780 or daily cost of \$42.14 for each jail bed used.

Employing this concept, it is possible to say that in terms of a combination of immediate and eventual costs, a savings of one jail day represents about \$4.00 (varying somewhat with actual operations costs and estimates of construction costs in any given community).*

To explore the implications, consider this hypothetical situation:

As a result of the efforts of a pretrial services agency, jail population averages 100 less than it otherwise would be. The "immediate" annual cost savings (assuming \$2 a day per prisoner) would be \$73,000. If we add another \$2.00 a day for the "eventual" savings, the total goes to \$146,000 a year. The recent study of pretrial agencies previously cited found that the median annual budget of agencies in its sample was \$72,000. The range was from less than \$21,000 to more than \$1 million. Four fifths of the agencies operated for \$200,000 a year or less. The great majority of these agencies served jurisdictions with populations of 300,000 people or more.⁶

This is not to argue for the specific cost/savings formula or figures presented here. Rather this material is designed to illustrate the undeniable facts that (1) jailing is costly; (2) there are measurable short and long-term savings in jail population reduction or containment; (3) pretrial release programs can help reduce or contain jail population; (4) such programs need not be prohibitively costly.

*For back-up information on jail costs see Chapter III.

In practice, it is not possible to make precise estimates of the impact of formal pretrial release programs on jail population. All sorts of variables would have to be accounted for -- for example: to what extent is use of police citation a result of the program's influence? to what extent are judges' decisions dependent on pretrial agency reports and recommendations or on its availability to supervise higher risk cases? how much effect do agency operations have on length of time from booking until pretrial release is implemented? what is the failure rate of those released and how much does this modify the program's effects on jail population?

Rather than going into an increasingly technical discussion at this point, reference is made to detailed information on these matters in Volume 2.

Need for Advocacy

Given legal, humanitarian, political, and economic pressures for maximum feasible use of alternatives to pretrial detention, this goal will only be attained by sheer accident -- unless two factors are present in a community: advocacy and coordination.

Advocacy, as used here, refers to presentation of the case for alternatives to persons who can do something about them: to judges in their role as magistrates and as rule-makers who set policies; to local and state legislative bodies for necessary statutes and ordinances to define policies and to establish and fund public services; to prosecutors who, by statute or otherwise, may play a key role in bail policy or case decisions; to the defense bar, which can be quite active and effective, again both in policy development and individual case decision; to law enforcement agency chiefs in relation to arrest and citation policies; to jailers, whose staff members can be key allies or can be obstructive in relation to pretrial release operations

and to pretrial release agency staff, whose recommendations tend to determine release rates.

Advocacy may come from any of several sources, including one of the components of the criminal justice system, public spirited individuals, organized community groups, professional associations, and informed editorial opinion. Once started advocacy must be persistent, for unless some person or group takes and maintains the initiative, either a program will not emerge or it may fail or never get beyond tokenism.

In many communities the pretrial agency itself, once established -- through its director or key members of a policy board -- has shown the kind of initiation called for. This may be one argument for an "independent" pretrial agency -- whether private or public -- rather than assignment of this role to a subordinate unit within some sizeable established agency such as probation office, sheriff's office, a corrections department, or court administration. At least, it is an argument for a program director with initiative, commitment, and moral courage -- supported by a mechanism such as a policy or advisory board which will help see to it that the program enjoys a measure of autonomy and remains dynamic.

Need for Coordination

Alternatives to pretrial detention extend from use of summons or citation to various modes of release after booking. They include policies and actions other than release pending trial -- including, to start with, law enforcement priorities in the community and, beyond this, diversion of criminal suspects at any of several points in the criminal justice process. Optimum use of limited resources calls for liberal release practices by police agencies, jailers,

CONTINUED

ON NEXT

FIGURE

and magistrates in relation to minor offenders and obviously good risks, so that formal pretrial release investigations and supervised release can be concentrated on the higher risk cases.

Joint planning and policy agreements are necessary among police, courts, corrections, and, if separate, the pretrial release agency. Without some common understanding, the hazards of deliberate or inadvertent obstructionism, undercutting, or simple inaction are ever present. In addition, for the sake of efficiency, cooperation is necessary in information sharing -- not only for operational purposes but to permit assessment of practices and periodic review of policies.

The agencies of criminal justice tend to go their separate ways. Their roles and functions differ, and, with them, their sources of community support and their ideologies. Within agencies there may be extensive differences among those with power to make decisions -- from contrasting views among police officers on use of field citation to wide variances among judges on use of recognizance release or bail reduction. Despite different roles and views, however, there are common concerns, overlapping functions, and an essential element of interdependence among agencies and their employees.

Coordination will never induce single-mindedness among either the agencies of criminal justice or individual practitioners. It can help bring about greater awareness of common purposes, a measure of assent on selected policies, and enforceable agreements on matters of procedure. It can also help assure joint planning and evaluation efforts in relation to issues of common concern.

Coordination has two aspects: an active element, seeking to induce shared perspectives and collaboration; the varying responses of the persons or groups whose cooperation is sought. Local history, current events, personalities, and structural arrangements are key factors in how criminal justice officials

and agencies respond to efforts at coordinating their planning and operations. The power base, determination, and skill of the coordinator(s) are equally crucial.

Planning and Evaluation

Mention has been made of the processes of planning and evaluation in relation to pretrial detention/release policies and practices. These activities are important to the issue of program viability. Increasingly governmental services are being subjected to the disciplines of evaluation and planning. The agency or program which lacks explicit goals or documentation of its activities and achievements -- or reasons for failures -- encounters serious problems in seeking funds for its continuance, let alone expansion or improvement.

Planning -- in addition to establishing the measurable objectives necessary to evaluation -- is also important because of its integral relationship with advocacy and coordination. An essential element of meaningful planning is the commitment it induces on the part of persons representing not only those who must carry out the plan but community elements whose knowledgeable support is essential.

Planning and evaluation call for well-conceived, faithfully performed record-keeping. The subjects of record-keeping and statistical reports were dealt with in Volume 2.

Planning Issues

Planning a pretrial release program deals with the question of how much resources should be applied to services which will assure minimum feasible use of jailing. In turn, this requires consideration of what can be accomplished through modified use of pre-existing public services. Specifically --

as an example -- what is possible in the way of expanded use of summons or citation? Why provide screening and interviewing services at the county jail for accused persons who don't need to be booked into jail in the first place? Or why have interviewers gather or verify information, if these tasks can successfully be integrated into the booking process?⁷

Before adding new services (or continuing an existing duplicative service) it is well to make certain whether less costly (and equally effective) alternatives are available. Summons, citation (field, stationhouse, or jail), and use of a published bail schedule -- all these could screen off a great many accused persons without intervention of a pretrial services agency (other than in a technical assistance role perhaps or to provide needed services or referral in occasional cases).

In some additional cases, a copy of a modified booking report might be sufficient for the magistrate to pass on the question of bail.

The investigative, supervisory, and helping services of a pretrial release agency could then be reserved for those persons not found eligible or suitable for release in the course of these initial screenings -- those accused of more serious crimes, with more serious prior records, with problems associated with propensity to crime, with pending charges, or in other circumstances which tend to bar pretrial release.

Staffing a Program

Along with defining the boundaries and specific responsibilities of a formal pretrial release program, there are questions as to service delivery -- specifically, who will do the work and at what cost? Current practices range from use of full-time professional corrections workers (e.g., probation officers) to primarily part-time student workers or to a small professional staff supplemented by volunteers.

The staffing arrangement is up to policy-makers in the local jurisdiction. It is not possible to say that any single arrangement is either necessary or the ideal one. Certain requirements must be met, but they can be in many different ways. The requirements include:

1. Inconsistent or spotty coverage is not tolerable. The staffing plan should provide for the presence of competent persons, in specified numbers, at the jail, office, or in the field at stated times. Significant deviations from the plan -- in a program of this sort -- will result in denial of prompt or adequate services for people with a lawful right to them (lawful, because the jurisdiction has agreed to provide them for designated categories of defendants). This requirement argues caution in reliance on other than regular full-time employees. It by no means rules out use of volunteers, student workers, or part-time employees -- but these arrangements should be managed by supervisors or program directors experienced in their use.

2. By the same token, total or heavy reliance on volunteers or part-time personnel may give a short-term character to a program. Peoples' interests and circumstances change. Sources of committed or competent help may dry up. At the same time, a number of programs which use volunteers and/or part-time student workers have been operating successfully for several years. Some agency managers are convinced that part-time law students are ideal candidates for the work and it seems likely that this source of recruitment will remain a good one.

3. Staff engaged in pretrial release interviewing and verification need not be highly educated or experienced in human services work. They must be able to learn how to conduct a relatively simple interview, have reasonably quick reactions, and be sufficiently literate to complete the necessary forms. They must have sufficient initiative and assertiveness, along with tact, to deal with sources of verification -- including references and police or jail records staff.*

4. Staff supervising high risk cases require the kinds of knowledge and skill which successful parole and probation officers possess. Recruitment of such persons would be at least expedient in starting a new program.

5. In general, agency staff must have the confidence of the judges whose decisions they influence and implement. Without this the program is doomed from the outset. This is only partly a matter of staff qualifications and performance. Equally important is participation of the judges in planning and ongoing evaluation of the program.

Administrative Arrangements

Regardless of original auspices, as was stated before, a pretrial release program ultimately will need public -- local or state -- support. It must also find a secure niche among the components of the criminal justice system -- either as a function of one of the established components or as a new entity.

*Persons committed to a law enforcement career may be overly conservative in their recommendations in response to peer group pressures.

Numerous arrangements now exist, for example: voluntary private group (e.g., Bar Association in San Mateo); private agency under contract with the county; independent public agency established by the county supervisors; unit within a county (or other) probation agency; unit within the jail staff; unit under the court administrator. There are a few programs managed by public defenders and at least one in the prosecutor's office.

The argument for an independent agency -- public or private -- has been discussed in connection with treatment of the subject of advocacy. Assigning the program to the public defender might, in terms of this purpose, be similar to establishing an independent agency, although the possible advantage might be offset because of the adversary relationship with the prosecutor.

An argument for locating the program within the court would be that this might assure the interest and support of the judges. Somewhat similarly, assigning it to the probation department would capitalize on such existing confidence as judges have in probation staff; it would also mean that the program would be managed by an agency experienced in providing the same kinds of services as pretrial release entails. On the other hand, it might be affected adversely by bureaucratic constraints or by the conservative and rigid policies found in some probation departments -- especially those dominated administratively by judges.

Locating the program within jail administration could facilitate processing and permit economies in provision of services for detainees as well as those who gain pretrial release. If the jail tends toward over-crowding, it might also mean sustained high priority for pretrial release services. On the other hand, especially where the jail is operated by a law enforcement agency, staff responsible for pretrial release functions may be under peer group pressures pushing them toward overly conservative decisions or recommendations.

Arguments for and against these various administrative arrangements involve issues of political science, public administration, and management that go far beyond the question of where best to locate a pretrial release program. This report can only point out that many different arrangements are presently working with apparent success and list some of the pros and cons of each. Local jurisdictions, in any event, will consult their own traditions, experienced, legal constraints, and preferences in such a matter.

Coordination of Services

Regardless of where the pretrial release program is located administratively, there is still the problem of coordination of criminal justice services of all agencies which have a bearing on pretrial detention and release.

At one level, coordination may be limited to information exchange and cooperative planning among agencies on a purely voluntary basis. Responsibility for initiative and for providing staff services may be shared -- with one agency responsible in relation to one program area and others for other areas. The pretrial release agency, perhaps in cooperation with the jail administration agency, thus might take responsibility for proposing meetings and agenda related to pretrial detention and release. In addition it might maintain statistics and prepare periodic reports covering use of summons, arrests, citation, post-booking pretrial release, pretrial release failure rates, and pretrial detention.

Another sort of coordination is more formal and has an element of coercion. This involves establishment of a county department of criminal justice services, as has been done in Multnomah County, Oregon, and a number of more populous California counties. The Director has line administrative authority over appointed division heads, such as the chief probation officer -- or, in Multnomah County, the director of public safety (sheriff). In addition, he represents

the county commission or board of supervisors to such elected officials as judges, the prosecutor, and elected sheriff. Informally, his coordination may extend to such municipal officials as city police chiefs.

In San Diego County, the Director has as a key resource the staff of the regional (county-wide) criminal justice planning council. This enables him to collect and analyze data from and to influence the distribution of federal funds to all criminal justice agencies within the county.

Where he deals with elected officials, the Director has no authority to dictate policy of course. At the same time through his responsibility to review budget and other proposals to the county board and his ability to schedule meetings and require certain reports, he is in a position to influence policies and to bring about cooperation in the area of agency operations. Much depends, obviously, on his administrative and political skills.

Program Costs and Funding

Program costs will of course vary with the boundaries and levels of services (and consequent workloads) and with staffing arrangements (e.g., qualifications; part-time vs. full-time; use of volunteers; effect on overhead of administrative location, etc.). Chapter II provides alternative modules of services and manpower arrangements in relation to standard units of work. This may be useful either in considering the implementation of a new program or changes in an existing one.

The majority of programs at present appear to be locally funded. As with some other criminal justice services there are arguments for state funding, in full or at least in part. Basically, these relate to the need for minimal standards in the face of great differences among localities in ability to fund services which will meet these. Also involved is the argument that people

look to their local government to provide such widely beneficial services as schools, street maintenance, sanitation facilities and services, libraries, fire protection, and police services.

They are less enthusiastic about taxing themselves for services which benefit only segments of the population, especially groups which may not share the tax burden. Such less popular services include welfare, mental health, alcohol and drug treatment, and corrections. Sentiment widely favors state assumption of the cost of programs in these areas. This can involve direct state administration or subsidization of locally managed programs.

Fee System as Alternative

Where percentage bail is a major method of pretrial release, the usual one percent service charge may generate sufficient revenue to pay the costs of the program. It is possible also (e.g., El Paso program) to generate program support funds through a fee system for pretrial release services generally. Care would have to be exercised to avoid slipping into practices which would deny services to or impose undue burdens on the indigent.

Experience with support of programs in these ways is limited, but the mathematics involved are simple. Assuming the necessary legal authority exists, communities planning public support of new or expanded pretrial services have the option of looking to fee collection for at least some part of the needed funds.

VOLUME 5 CHAPTER NOTES

Chapter I

- 1 Discussion with Dr. Charles Wellford, School of Criminology, Florida State University - who is directing evaluation research on several replications of the Des Moines Community Corrections Program.
- 2 Discussion with Barry Mahoney, Center for State Trial Courts, Denver.
- 3 Jail population and arrest figures gathered during project site visits were used to test the concept of such an index figure. In addition pretrial jail population figures from the 1972 jail census were used in relation to adult arrests for that year to produce a "national average" figure. The results are necessarily questionable, since the jail figures were as of a particular day - rather than average for the year. At the same time, the figures are at least a crude indication of national practice as of 1972, and it is notable that the figures fall at the mid-point of our widely scattered sample of ten jurisdictions (as of one and two years later). The figures are presented in the chart on the next page.
- 4 NAC, "Corrections," Chapter 4.
- 5 For example, in four populous California Counties in 1973, the following early attrition occurred in felony arrests: Released by police without filing complaint - 12.0%; prosecutor declined to file 18.5%; misdemeanor complaint filed 35.3%. (State Bureau of Criminal Statistics, Department of Justice, Sacramento. Unpublished report, 1976.)
- 6 A somewhat different approach was developed in the course of another American Justice Institute project. This uses different categories of offense and status groupings and is designed for use in a setting where jail records

Figure 13
Variations in Jail Population Indices

Jurisdictions*	Index (Jail Pop. ÷ Arrests)	Average Days Held in Jail	% of Adult Arrests for:	
			Public Intoxication	Felony
A	1.0	4.2	16.3	26.7
B	1.1	4.2	30.0	22.9
C	1.2	4.5	42.5	15.0
D	1.3	4.7	20.0	19.4
E	1.4	5.2	22.4	23.6
F	1.5	5.5	27.0	29.6
G	1.5	5.5	12.5	25.3
H	2.3	9.5	0	31.8
I	3.7	13.6	0	60.6
J	3.7	13.7	0	52.2
Hypothetical:				
A ₁	0.9	3.7	27.2	18.9
B ₁	1.2	5.0	0	33.3
B ₂	3.4	12.4	0	33.3
A ₂	2.4	9.9	27.2	18.9
National 1972	1.4	5.5	25.9	13.5

*

A - San Diego County, California

F - Dade County, Florida

B - El Paso County, Texas

G - Santa Clara County, California

C - Mecklenburg County, N. Carolina

H - Washington, D.C.

D - E. Baton Rouge Parish, Louisiana

I - Bronx, New York

E - Sacramento County, California

J - Brooklyn, New York

are computerized. (Jail Population Management. Santa Clara Criminal Justice Pilot Program.)

7 Calendar publishers sometimes print calendars which show the "day of the year" for each date - for example February 26, 1976 - 57; May 4, 1976 - 121. A set of such calendars for the current year, next year, and last previous year could be used in computing time served figures, e.g.

	Date Admitted	Year Day	Date Released	Year Day	Calculation	Time Served
A.	2/26/76	57	5/4/76	121	$121 - 57 =$	64 days
B.	10/ 6/75	279	5/4/76	121	$365 - 279 + 121 =$	207 days

The footnote on page 21 refers to computation of average time served (ATS) figures for different categories of admissions by multiplying average daily population (ADP) by the number of days in a given period, then dividing the result by number of admissions (ADMS) during the period, viz.: $100 \text{ (ADP)} \times 365 \text{ (days)} = 36,500 \div 10,000 \text{ (ADMS)} = 3.6 \text{ (ATS)}$.

This could be done readily for any number of admission categories through the practice of maintaining a daily census for each category of admissions the jailer wishes to keep track of. This would require a few minutes at an established time each day to count the shuffle cards representing prisoners in custody for the various categories. The figures could be posted on a census sheet and averaged weekly. Weekly averages could be summed up periodically and divided by the number of weeks in the period to get the longer term average daily population. The method is illustrated by the suggested census form below.

Figure 14. Daily and Average Weekly Jail Population by Selected Categories

	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.	Total	Average*
Federal									
County X Boarders									
State Work Releases									
Sentence-Pending Removal:									
To State Facilities									
To Alternative Local Facilities									
Fugitives									
Other Counties									
State Facilities									
Other States									
"Writ" Prisoners*									
All Others									
Total									

* Total ÷ 7

8 By "shuffle card" is meant a stiff card which can be readily moved about within a set of cards as status changes occur. Groups of such cards can also be easily hand counted without excessive wear and tear. Cards can range from 3x5 to 5x8. (Larger cards would become clumsy to handle, more easily worn, and more costly.) Only data essential for the anticipated statistical tabulations need be entered - such as name and I.D. number, charge, status on admission, date of admission, space for several status changes and dates. If routine tabulation plans include breakdown of cases by sex, age, race, residence; or other factors, these should also be included. The I.D. number should facili-

tate location of the file should additional information be required for special tabulations.

Cards should be filed alphabetically within status groupings, e.g.:

- Unsentenced local prisoner - original commitment
 - Felony charge
 - Misdemeanor charge

- Released pending trial
 - Cash bail
 - Citation
 - Court OR
 - Etc.

- Returned from pretrial release
 - New charge
 - Failure to appear
 - Violation of Conditions

- Locally sentenced prisoner

- Boarders

- Sentenced - pending removal to state

- Etc.

- Released
 - No charge filed
 - Dismissed, No! Pros, Acquitted
 - Served sentence
 - Etc.

Chapter II -- No Notes.

Chapter III

1 Mention has been made at different points of studies by the American Bar Association's Correctional Economic Center. The center is one of several programs under the aegis of the Association's Commission on Correctional Facilities and Services. Center Director is Billy L. Wayson. Offices are at 1800 M Street, N.W., Washington, D.C. 20036. Their studies were conducted in the same areas and during the same time periods as ours and staff of both projects

conferred frequently and exchanged information extensively. The following reports were drawn on heavily in preparing Chapter VII of this publication:

"Cost Analysis of Correctional Standards"

"October 1975, "Alternatives to Arrest"

"October 1975, "Pretrial Diversion"

February 20, 1976 (Draft) "Comprehensive Pretrial Release."

April 1976 (Draft) "Probation, Community Services and Restitution."

October 1975, "Halfway Houses."

December 1975, "Institutional-Based Programs and Parole."

2 See Note 12, Chapter III, Volume 3.

3 See Note 28, Chapter III, Volume 3.

4 A study has been underway over the past two years of subsidy payments to and purchase of services for probationers and parolees under supervision of the Oregon State Corrections Division in Portland, Oregon. This is related to the LEAA-funded "High Crime Impact Program" in Portland. The information system related to service purchase was developed by the American Justice Institute, which is evaluating the Corrections Division's portion of the High Impact program. Final report should be available in the fall of 1976.

5 See Note 4, Chapter II, Volume 3.

Chapter IV

1 "Assessment of Present State of Knowledge" etc., Op.cit. Chapter II, Volume 2, Note 14. Tables 2 and 7.

2 See Note 1, Chapter 1, Volume 2.

3 During a debate in the House of Commons July 20, 1910, Winston Churchill urged "calm and dispassionate recognition of the rights of those accused of crimes against the state and even of those convicted of crimes against the state" and rehabilitation "in the world of industry of all those who have paid their dues in the hard coinage of punishment." He put this advice in the context of this statement: "The mood and temper of the public in regard to the treatment of crime and criminals is one of the unfailing tests of civilization of any country."

Interestingly, the debate was over a measure to authorize the newly crowned King, George V, to grant amnesty to a sizeable number of inmates of the country's prison. This was partly in accord with precedent but not unrelated to overcrowded conditions in the prisons at the time.

4 For example, various provisions assuring fair trial and right to bail, proscribing cruel and unusual punishment, and providing (as in Article XV of Oregon's constitution) that the purpose of penal treatment shall be reformatory rather than vindictive.

5 New diversion programs have burgeoned and others were greatly expanded to provide alternatives for the tens of thousands of middle class youngsters being arrested on drug charges in the early and middle seventies. Illustrative of differential treatment of middle class suspects are data on jailer use of citation release in one county where we conducted a study. (Identity of jurisdiction confidential.) Unsenteded misdemeanor bookings were divided into public inebriates, drunk drivers, and all others. Citations were issued to 3% of the public inebriates, 75% of drunk drivers and 20% of all others. Most drunk drivers were older white middle class persons; most of the other arrestees were poor, minority group members, or young persons.

- 6 See Chapter III for fuller discussion.
- 7 Op.cit. supra note 1, Chapter IV.
- 8 "Bail Reform: Present and Future," Op.cit Chapter I, Volume 2, note 1.

APPENDIX A

JAIL COST ANALYSIS

Chapter III introduced a formula for assessing jail costs which allows a small amount for certain consumable supplies, an amount for eventual jail replacement (long-term cost), and an estimate of expenditures for processing people in and out of the jail. Comparable sets of figures can be developed for alternatives to jail for purposes of cost comparisons. The suggested jail cost formula permits more meaningful estimates of jail savings through use of alternatives -- currently or in prospect -- depending on how and the extent to which the alternative reduces jail use.

The jail cost figures used in Chapter III were developed in a study of one jail; this appendix summarizes procedures and findings of the study. It should be pointed out that, while not the highest to be found, operating costs of the jail were well above the national average as estimated by the ABA Correctional Economics Center (\$14.92 per prisoner by day vs. \$11.80).^{*} Processing costs were high, since the jail classification officers handled pre-release screening tasks which are taken care of by a pretrial release agency in most jurisdictions.

Some Benefits of Analysis Method

The study involved an analysis which recognizes that jail costs are a function of turnover as well as of average daily population. At the same time it permits differential cost estimates for different categories of persons admitted to jail -- e.g., sentenced vs. unsentenced; arrestees released directly from the booking center vs. those processed into the jail proper. This information can be quite useful in planning and making cost/savings estimates for policies and strategies related to jail population containment (as discussed in Chapter XIII).

^{*}For reference see Note 1, Chapter III. The figure \$11.80 was arrived at by deducting the ABA's allowance for eventual jail replacement.

The method also provides cost figures which might occasion rather different contract terms in relation to boarding prisoners for or with another agency or jurisdiction. It points up the fact, for example, that in the jail studied, daily per capita cost for prisoners detained less than ten days exceeds the average cost for all prisoners, increasingly so the shorter the stay; as detention time goes beyond ten days daily per capita costs decline. If most "boarders" are held only a few days, chances are that contract terms are unfavorable to the jurisdiction which provides the jail service.

The study procedures described here have the advantage of being simple and requiring rather minimal cost and statistical data. The material is presented in a manner to facilitate application by jail managers to their own operations. Suggestions are included, with some illustrations, to show how the basic approach can be refined in order to produce increasingly specific information as desired.

Three charts are appended which contain most of the data used in this analysis. It might be useful to review these at an early point in reading this appendix, as well as to refer to them in going over the material below.

Chart 1 shows a task breakdown for what we call "processing" -- admitting, classifying and assigning, and releasing prisoners, along with the associated records maintenance activities. For each set of tasks an estimate of time required to perform these in the average case is shown. These estimates were developed through interviews with staff and limited personal observation.

Chart 2 lays out various items as to expenditures, personnel and prisoner statistics in relation to processing and daily prisoner maintenance costs.

Chart 3 is a summary of annual costs of operating the jail studied -- fiscal year 1974-75 -- broken down by various budget categories.

Basic Data Required

Jail Population. Two sets of figures, or reasonably close estimates, are needed -- admissions and average daily population during a specified period, ordinarily one fiscal year. To take full advantage of the analytical procedures both admissions and population figures should be estimated for sentenced and unsentenced prisoners. Only prisoners who actually serve their time in this institution (or satellites funded out of the same budget) should be classed as sentenced -- all others should be grouped with unsentenced prisoners.

Personnel Data. It is necessary to estimate total hours of actual personnel duty time at the jail. This can be done by deducting from 365 the average number of off-duty days for employees and multiplying the result by the number of employees. Off-duty days would include regular weekly days off, holidays, annual or vacation leave and sick leave (an estimate of average leave taken is better than legally authorized amounts). For example, in the study reported here, the average jail employee was on duty 231 days a year or 1,848 hours. There were 201 employees, so that total on-duty hours amounted to 371,448.

Cost Data. Two figures only were used: total annual expenditures (\$5,570,741) and expenditures for "inmate consumables" (\$645,103). The latter included food, clothing, personal supplies, bedding and dry goods, laundry supplies, and medical supplies, including drugs. We were interested in a figure to represent one hour of jail personnel time. This was developed by subtracting the value of "inmate consumables" from total expenditures and dividing the result by total on-duty hours -- viz.: $5,570,741 - 645,103 = 4,925,638$ divided by 371,448 = \$13.26 (value of one hour of jail personnel service).

If a figure for "inmate consumables" cannot be readily determined, it would not be unreasonable to use a daily per capita figure of \$2.00. This can be multiplied by the average daily population, then by 365 to determine total annual

expenditures. The actual figure for the jail studied was \$1.73 per prisoner per day in fiscal year 1974-75. Two years later this has no doubt reached about \$2.00, and this would be a fair estimate of national average costs currently for this element of jail costs.

Processing Time. It is necessary to define and estimate the personnel time consumed in processing the average case -- or average for different categories, where tasks vary. Key tasks involved in admitting and releasing prisoners should be identified and time estimates for each developed. These data are used to produce estimates of average processing time.

Cost Allocation. Using the figures for admissions, processing time per case, and the established dollar value of an hour's personnel time, total processing costs for the year can be determined. This is subtracted from total expenditures. The balance represents the cost of daily care and custody. In this study, for example, processing costs were estimated at \$1,061,571 a year. This left \$4,509,170 for maintenance (custody and care).

Some Results

Processing Costs. The average cost for admitting, establishing records, and releasing a prisoner came to \$26.34. This varied from \$25.22 for unsentenced to \$35.80 for sentenced prisoners. A review of Chart 1 will throw light on the reason for this difference -- tasks to process a sentenced prisoner call for an average of 2.7 staff hours vs. only 1.9 for unsentenced. (2.7 hours times \$13.26 -- value of one jail staff hour -- equals \$35.80; 1.9 times \$13.26 = \$25.22).

Maintenance Costs. Average daily cost of custody and care for a prisoner was \$12.08. Under the formula used here, this is the same for any prisoner, regardless of his legal status. It is generated by multiplying average daily population (1,023) by 365 (days) and dividing the result into funds allocated for maintenance (\$4,509,170).

Total Costs. When processing and maintenance costs are combined, the average daily cost per prisoner is \$14.92. (Total expenditures of \$5,570,741 divided by total prisoner days -- 1023 x 365). There are notable differences in the figure, however, as between sentenced and unsentenced prisoners. This is because high turnover among unsentenced occasions large processing expenditures, which must be distributed over the short average stay for this group.

Overall costs for unsentenced prisoners included \$905,796 for processing and \$1,893,851* for daily care and custody for a total of \$2,799,647. With an average daily unsentenced population of 433, total average daily cost comes to \$17.71.

Only \$155,774 were spent in processing sentenced prisoners and \$2,615,319 for their maintenance for a total of \$2,771,093. With an average daily population of 590, total average daily cost comes to \$12.87.

These differences in costs illustrate the point made earlier that longer stays diminish average daily costs, since the effect of processing expenditures is diluted. Unsentenced prisoners were in custody an average of only 4.4 days vs. an average of 49.5 for sentenced prisoners. Average stays for different prisoner categories are discussed further below.

Additional Procedures and Findings

Differential Processing Costs. In the jail studied, half of the unsentenced arrestees were released from the booking center within a few hours. Some bailed out; numerous misdemeanants were given citations to appear; most public inebriates were released when sober without prosecution. Several processing steps were unnecessary in these cases (dressing in and later

* Average daily unsentenced population: 433 = 42% of total ADP. Figure shown: is 42% of prisoner maintenance expenditure.

dressing out; classification and assignment to appropriate quarters in the jail). Thus processing time and related costs were less. Specifically, processing time for those released from the booking center was 1.6 hours and for those detained and released later 2.2 hours (See Chart 1). In terms of dollars this represented \$21.22 vs. \$29.22.

Per Capita Costs. In addition to average daily costs per prisoner for various categories of inmates, we were interested in the total cost of processing and detaining the average prisoner -- overall and by various groupings. This required determining average length of stay. Procedure for determining this is to multiply average daily population by 365 (days) and divide the result by admissions, viz.: $1023 \times 365 = 373,395$ divided by $40,301 = 9.3$.

The average per capita cost then would be 9.3 days times \$12.08 a day plus average processing cost of \$26.34 for a total of \$138.68.

We were able to compute such figures for sentenced prisoners, unsentenced, unsentenced prisoners given some form of pretrial release, and unsentenced prisoners held for trial. In addition to the data elements which were discussed earlier, this required computation of an average time served figure for each grouping. Using the formula previously cited, this is ordinarily no problem for sentenced and unsentenced. To differentiate between unsentenced held for trial and release, a special study is needed to determine length of stay. (Sample of unsentenced releases divided into those released or changed to sentenced prisoners following final court appearance and those released prior to final court action through bail or other modes. Time from booking to release or status change must be noted in each case and average detention times computed.

In this case average time to pretrial release was a modest 1.5 days-- although the range was from under two hours for misdemeanants cited out by the jailer to a disturbing 5 days for those released by the court on recognizance.

A summary of the findings is as follows:

Inmate Category	Average Days Held	Processing Costs	Custody & Care Costs	Total Costs
All	9.3	\$26.34	\$112.34	\$138.68
Sentenced	49.5	35.80	597.96	633.76
Unsentenced				
Total	4.4	25.22	53.15	78.37
Held for trial	10.4	29.22	125.63	154.85
Released	1.5	23.38 ^c	18.12	41.50
Group I ^a	---	21.22	---	21.22
Group II ^b	2.8	29.22	33.82	63.04

^aReleased from booking center within a few hours.

^bReleased later.

^c73% of those granted pretrial release gained this from booking center. The average cost = $73\% \times 21.22 + 27\% \times 29.22$ divided by 2 = 23.88.

Evident from these figures is that it costs almost eight times as much to detain a prisoner for trial as to release him from the booking center -- and three times as much to release him on bail or recognizance after he is fully processed into the jail. In this jurisdiction (in 1974) the cost of the average jail sentence (jail costs only) was \$633.76. This was associated with average time served of approximately 50 days.

Eliminating Pretrial Services of Jail Staff

Six staff members were involved at the jail in tasks which are handled in some jails by a pretrial services agency (interviews, etc., connected with consideration of pretrial release on diversion of unsentenced prisoners). Deducting the cost of this program (6 X 1848 hours a year times \$13.26 an hour) would reduce the jail's expenditures by \$147,027 a year. Processing costs for prisoners would remain the same, but for unsentenced would be reduced to an average of \$16.48. Other

figures would change as follows:*

Average processing costs, all prisoners	\$18.57
Average daily maintenance costs, all prisoners	12.52
Processing and maintenance, all prisoners	14.52
Processing and maintenance, unsentenced	16.27
Processing and maintenance, sentenced	13.24

* Adjusted total expenditures	\$5,423,714
Processing costs (18.57 X 40,301)	748,390
Maintenance (Care and Custody)	4,675,324

Figure 15. Processing Tasks - Time Requirements

Basic Tasks (all cases)	Average Time Required in Minutes
1. Physically admit the arrestee into the detention facility and obtain arrest record from arresting officer.	5
2. Prepare booking document; obtain and record personal data from prisoner; record pertinent data from arrest report.	10
3. Check central records for outstanding warrants and previous arrests.	15
4. Photograph, fingerprint and complete related documents.	15
5. Establish and maintain prisoner records and files.	10
Sub-Total	55 = .9 hours
<u>Additional Tasks</u>	
<u>All unsentenced prisoners</u>	
6. Determine eligibility for and conditions of possible release. Specify reasons for not releasing. Explain situation to prisoner.	20
<u>Those released from booking center</u>	
7. Complete release documentation. Explain conditions of temporary release or discharge, if any.	20
Sub-Total	95 = 1.6 hours
<u>Those released later</u>	
8. Determine custody rating and housing assignment. Prepare required information for jail staff concerned with care and custody.	20
9. Have prisoner relinquish personal effects and clothing. Prepare itemized receipt for personal effects. Issue jail clothing. Have him shower.	10
10. Exchange clothing and return personal effects to the prisoner.	10
Sub-Total	135 = 2.2 hours*
<u>Sentenced Prisoners</u>	
11. Admit, process for overnight detention, then process for and effectuate transfer to correctional institution (RCC).	30
12. Orient at RCC, classify, reclassify, process for parole or sentence modification, effectuate release.	30
Sub-Total	165 = 2.7 hours†

* Overall average for unsentenced was 1.9 hours

† Not really sub-total but total of tasks 1 through 5 plus 11 and 12.

FIGURE 16. CALCULATING JAIL COSTS

A. Data Elements

1. Annual Operating Costs

a. Total	\$5,570,741
b. Inmate Consumables	645,103
c. Balance	4,925,638

2. Annual Bookings

a. Total	40,301
b. Unsented - prompt release	17,975
c. Unsented - released later	17,975
d. Unsented - Sub-total	35,950
e. Sented	4,351

3. Average Processing Time (hours)

2
1.6
2.2
1.9
2.7

4. Personnel

a. Total number	201
b. Average annual duty hours	1,848
c. Total annual duty hours	371,448

5. Average daily inmate population

a. Total	1,023
b. Unsented	433
c. Sented	590

B. Processing Costs

Costs in Dollars

Unsented - prompt release

Divide line 1c by line 4c = \$13.26

Multiply by line 3b =

Multiply result by line 2b=

\$ 381,429.50

\$21.22

Unsented - released later

Multiply \$13.26 by line 3c=

Multiply result by line 2c=

524,366.70

\$29.22

Sub-total unsented =

905,796.20

\$25.22

Sented

Multiply \$13.26 by line 3e=

Multiply result by line 2e=

155,774.50

\$35.80

Total

\$1,061,570.50

\$26.34

C. Maintenance Costs

Total

Per Prisoner Per Day

Subtract processing costs from line a =

\$4,509,170

Divide by 5a X 365 =

\$12.08

Sented prisoners (Total X $\frac{590}{1,023}$) =

2,615,319

\$12.08

Unsented prisoners (Total X $\frac{433}{1,023}$) =

1,893,851

\$12.08

D. Total Costs (processing and maintenance)

5,570,741

\$14.92

Sented prisoner

2,771,093

\$12.87

Unsented prisoner

2,799,647

\$17.71

Figure 17
Budget Expenditures (1)
For Fiscal Year 1974-75

EXPENDITURE CATEGORY	MAIN JAIL	CORRECTIONAL CENTER	TOTAL	%
PERSONNEL				
SALARIES AND WAGES	1,195,400	1,189,805	2,385,285	
OVERTIME	43,784	40,842	84,626	
EXTRA HELP	46,760	207,095	253,855	
FRINGE BENEFITS	388,273	391,492	779,765	
TOTAL SALARIES AND BENEFITS	<u>1,674,217</u>	<u>1,829,314</u>	<u>3,503,531</u>	62.9%
SERVICES AND SUPPLIES				
FOOD	206,558	316,687	523,245	
CLOTHING AND PERSONAL SUPPLIES	39,475	37,178	76,653	
BEDDING - DRY GOODS	20,931	5,195	26,126	
LAUNDRY SUPPLIES	1,173	640	1,813	
MEDICAL SUPPLIES	1,412	4,116	5,528	
DRUGS	6,041	5,697	11,738	
(INMATE CONSUMABLES SUBTOTAL)	(275,590)	(369,513)	(645,103)	
FACILITY USE CHARGES	329,680	337,805	667,485	
EXPENDABLE SUPPLIES & GENERAL SERVICES	36,230	123,948	160,178	
TOTAL SERVICES AND SUPPLIES	<u>641,500</u>	<u>831,266</u>	<u>1,472,766</u>	26.4%
FIXED ASSETS - EQUIPMENT	<u>8,688</u>	<u>4,691</u>	<u>13,379</u>	0.2%
(TOTAL DIRECT COSTS)	(2,324,405)	(2,665,271)	(4,989,676)	
ADMINISTRATIVE & OVERHEAD COSTS	<u>290,551</u>	<u>290,514</u>	<u>581,065</u>	10.4%
TOTAL OPERATING COSTS	<u>2,614,956</u>	<u>2,955,785</u>	<u>5,570,741</u>	100 %

(1) Data Source: Sheriff's Department, Finance Officer, 12/17/75.

APPENDIX B
PROGRAM COST DATA

With exceptions as identified in the text, we used cost figures for various programs as reported in drafts or final versions of publications by the American Bar Associations' Correctional Economics Center. These materials are listed in Note 1, Chapter III.

1. The figures of \$2.40 for field citation and \$4.00 for station house release were taken from a draft version of the ABA's project report on pretrial alternatives. There is a possibility that different figures may appear in the publication as finally written.

2. The \$9.34 figure used in connection with ~~pretrial~~ agency services derives from the same source. It represents the cost of one hour of service. We allowed one hour for services related to pretrial release decision-making (interview, verification, report to court where needed, and second interview with client where release is approved). Allowances for monitoring and supervision are specified in the text.

3. Costs shown for diversion programs and probation were also taken from drafts or preliminary reports, and there may be some changes in final versions, but we have no reason to believe this will occur.

4. Charts on page 59, Chapter III, provide summary cost figures on pretrial detention and selected alternatives. These figures were excerpted from the more comprehensive data in Figure 18, which follows.

Figure 18. Pretrial Detention and
Alternatives: Comparative Costs

RELEASE MODE	POLICE	JAIL	AGENCY	COURT	SUB-TOTAL	ASSESSMT. ^e	TOTAL
1. Field citation	2.40				2.40	13.46	15.86
2. S.H. Citation	4.00				4.00	13.46	17.46
3. Optional booking	(5.00)	(5.00)			(7.40/9.00)		(20.86/22.46)
4. Jail OR	4.00	12.20	9.34		25.54	13.46	39.00
5. Court OR ^a							
Misdemeanor	4.00	25.22	9.34	20.00	58.56	13.46	72.02
Felony	4.00	25.22	9.34	20.00	58.56	29.46	88.02
6. Monitored OR ^b							
Misdemeanor	4.00	25.22	18.68	20.00	67.90	13.46	81.36
Felony	4.00	25.22	28.02	20.00	77.90	29.46	106.70
7. Superv. Release ^c							
Misdemeanor	4.00	25.22	65.38	20.00	114.60	13.46	128.06
Felony	4.00	25.22	121.42	20.00	170.66	29.46	200.12
8. Detention ^d							
A Misdemeanor	4.00	101.22	9.34	20.00	134.56		134.56
Felony	4.00	261.22	9.34	20.00	294.56		294.56
B Misdemeanor	4.00	141.22	9.34	20.00	174.56		174.56
Felony	4.00	381.22	9.34	20.00	414.56		414.56

^a Detained average of one day prior to first court appearance.

^b Misdemeanor average of six 10-minute contacts in 60 days -- felons, 12 in 120 days.

^c A. Misdemeanor average of 20 days -- felons 60 days.

 C. Misdemeanor average of 30 days -- felons 90 days.

^d Assumes 10% will be rearrested and held in jail until disposition (20 days for misdemeanors-- 60 days for felons).