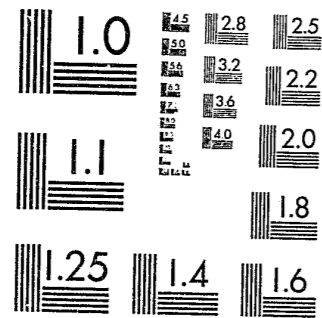


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JAIL OVERCROWDING AND PRETRIAL DETENTION:
AN EVALUATION OF PROGRAM ALTERNATIVES

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Project Directors

ABSTRACT

In 1978, the Law Enforcement Assistance Administration (LEAA) initiated a comprehensive program to diagnose specific problems in various jurisdictions experiencing severe overcrowding, and to simultaneously address both causes and symptoms through a variety of interventions. This program was expected to not only alleviate jail overcrowding conditions in the sites funded, but to serve as a national model to other communities with similar problems.

This is the second of two evaluation studies. In May 1979, the Denver Research Institute (DRI) received a grant from LEAA to provide a management evaluation of the Jail Overcrowding and Pretrial Detainee Program (JO/PDP). The purpose of that evaluation was to provide the sponsoring agencies with an assessment of program effectiveness through the development and examination of information from the funded projects.

In April 1981, DRI received modest additional funding from the National Institute of Justice (NIJ) for further evaluation of some JO/PDP sites. Unlike the LEAA grant which provided for a problem management evaluation, the primary purpose of this NIJ evaluation was to identify processes and policies which proved to have a positive impact on reducing the pretrial detainee population of local jails. In addition, the extended impacts of such processes and policies on law enforcement/criminal justice systems, pretrial releases and the communities served by such projects were to be examined through this evaluation.

The evaluation study was not to be conducted within an experimental or even a quasi-experimental design. No requirements were imposed on the projects for data collection, although some of the sites voluntarily completed a monthly statistics summary. Comparison sites were not used to control for environmental, maturation or other intervening variables. A case study design was implemented and accurate and complete data that reflect on the willingness and ability of jurisdictions to initiate and support an alternatives program, and site by site internally consistent before and after data on number of releases, jail population and release performance measures are provided.

Available evidence indicates that the Jail Overcrowding and Pretrial Detainee Program was a success from at least several perspectives. While individual projects were unable to reduce their jail populations, this failure was indicative not of ineffectual projects, but of unrealistic goals. The projects made a number of positive achievements. Evidence is presented to show that they increased and expanded release options, made release more equitable by reducing reliance on cash bail, reduced average length of stay prior to release, and improved information and detainee management procedures. They appeared to have slowed the rate of jail population increase. Projects also increased the speed of detainee processing, improved inmate classification procedures, made criminal justice officials more aware of the overcrowding problem, and developed a systems approach to the overcrowding problem. The program still fell short as a national demonstration with too few opportunities for nonprogram sites to learn of project activities and accomplishments.

A set of 21 recommendations for improving postarrest and pretrial processes in order to reduce the pretrial jail population and to discourage inequitable use of incarceration for indigent defendants is provided.

CHAPTER I. INTRODUCTION AND OVERVIEW

Description of the Jail Overcrowding Problem

Overcrowding in county jails is a chronic and increasingly widespread problem. Forty of the 50 states have overcrowded jails and prisons (National Center for State Courts, 1981) and 81 percent of the people in jails have less than 60 square feet of floor space per person (Mullen, Carlson & Smith, 1980: 75 and 135). In spite of considerable efforts by jail administrators and criminal justice officials and researchers to reduce jail overcrowding, the situation appears to be worsening. The average number of people held in local jails in 1978 was 12 percent higher than the number held in 1972 (Bureau of Justice Statistics, 1980: 1), and according to the National Center for State Courts (1981), the incarceration level in state and federal prisons and local jails rose from 325,000 in 1973 to 528,000 in 1979. According to a recent article in *Corrections Magazine* (Allinson, 1982), jail overcrowding is at its highest level ever and is no longer a malady confined to large cities and the South, but has spread to suburban areas, medium-sized cities and even rural counties.

Three principle approaches are being used to combat overcrowding. One approach is the construction of new jail facilities. However, for the past 20 years, researchers have pointed to the deficiencies of incarceration as a cost effective sanction and as a reform mechanism. More recent research has shown that increased jail capacity not only fails to alleviate overcrowded conditions but may actually increase the incarceration rate and reduce the criteria used for incarceration (e.g., American Institute of Criminal Justice, 1981; Institute for Social Research, 1981; and Mullen, Carlson & Smith, 1980). In numerous jurisdictions where new jails were constructed to alleviate crowding pressures, criminal justice (CJ) officials discovered that their new jails were full the day they opened or shortly thereafter. Many criminal justice officials, politicians, and members of the general public continue to assert however, that expanding jail capacity is the only viable method to reduce crime. They advocate the incarceration of more people before trial and after sentencing (for incapacitation as well as a deterrent effect) and state that alternatives to incarceration have proven ineffectual at reducing crime or rehabilitating criminals.

In contrast to the above position, a number of other criminal justice researchers and officials, have written that jail expansion is not a feasible solution to the crowding problem and that the problem can be solved or reduced by using a combination of pretrial alternatives to incarceration (e.g., American Institute of Criminal Justice, 1981; Beaudin, 1980; District of Columbia Pretrial Services Agency, 1980 and 1981; Goldkamp, 1979; Lasker, 1979; Pryor, 1979; and Pryor & Henry, 1980). Research by these authors has shown that numerous alternatives can be employed with little impact on pretrial failure-to-appear (FTA) or rearrest rates, that pretrial release can be safely accomplished without financial conditions and that pretrial services are cheaper, more equitable, and more in keeping with constitutional principles than is pretrial incarceration.

A third explanation of the jail overcrowding problem (closely related to the second) is that jails are overcrowded because they are inappropriately used to house juvenile offenders, public inebriates, mentally ill offenders, drug addicts and other social misfits, and if these populations were removed from the criminal justice system, jail overcrowding would be substantially reduced or eliminated altogether (e.g., Beaudin, 1980; District of Columbia Pretrial Services Agency, 1980; Moynahan & Stewart, 1980; Mullen, Carlson & Smith, 1980; National Coalition for Jail Reform, 1982a; West & Neubaum, 1980). These authors assert that the use of jails should be limited to housing people accused or convicted of a criminal act, rather than those who need treatment. Statistics vary somewhat but on any given day between 25 and 40 percent of the people in jail are there for public intoxication; (American Institute of Criminal Justice, 1981: 6; Bureau of Justice Statistics, 1980: 8; National Center for State Courts, 1981). Also, about 600,000 mentally ill or retarded persons are held in jails each year (National Coalition for Jail Reform, 1982b). Treatment alternatives to incarceration for some or most of these special populations would reduce the population pressures on most local and county jails, and these inmates may be more likely to benefit from treatment than from incarceration.

A fourth approach, the prevention of crime, represents a social response rather than a criminal justice system response. Techniques aimed at reducing crime were not employed as a program emphasis by any of the jail overcrowding sites.

A primary assumption of the LEAA Jail Overcrowding Program was that jail populations could be reduced or controlled by concentrating on pretrial processes. Unsented prisoners comprise 40-52 percent of the average jail population (Bureau of Justice Statistics, 1980: 1; Moynahan & Stewart, 1980: 86; Mullen, Carlson & Smith, 1980: 72). Only a small percentage of these pretrial detainees are held without bond. Consequently, the vast majority are incarcerated only because they cannot afford to post bond. Toborg (1981) and Beaudin (1980) assert that the law makes a presumption for release and that pretrial incarceration should be the exception and not the norm. They argue that pretrial defendants should not have to be proven to be "good risks" to secure release, but should be released unless there is clear evidence of their likelihood to fail-to-appear for court or to be rearrested. Their research efforts and those of Thomas (1976) have demonstrated that there has been no relationship between release rates and FTA and rearrest rates, that the use of cash bail should be greatly reduced or eliminated, and that release criteria should be relaxed to allow the release of more detainees. Similar findings and recommendations can be found in the works of the District of Columbia Pretrial Services Agency (1980), Goldkamp (1980) and Pryor (1979).

Problems Related to Jail Overcrowding

An overcrowded jail is faced with a variety of problems that either do not exist or are much less severe in an uncrowded facility. A jail need not be over its rated capacity to experience some of the symptoms of overcrowding. Due to

prisoner segregation restrictions, certain sections within a jail that is at only 80 or 90 percent capacity may become overcrowded. As the population of a jail grows there is increased probability that inmates will file suits against the county or that a federal judge will order that its population be decreased and/or that jail conditions be improved. The National Coalition for Jail Reform (1982) reports that at least 10 percent of the nation's jails are under court order and many more have litigation pending against them.

Within the jail itself, overcrowding heightens a number of problems. It reduces or eliminates the advantages brought about by inmate classification, such as:

- proper segregation of different types of offenders
- adequate supervision and control of inmates
- better discipline
- higher productivity of inmates
- effective utilization of training, treatment, and recreational facilities
- continuity in training and treatment programs
- higher staff morale
- improved inmate attitudes
- reduced failure of people released (Jenkins et al., 1972)

In his work on prisons, Clements (1982) found that as crowding increased, efforts to match inmates with facilities and programs were undermined. Crowding caused increased inmate stress (e.g., withdrawal, aggression, psychosomatic complaints, noncompliance, or psychological deterioration) and efforts to adjust to this stress become more pronounced with chronic or prolonged crowding. While these coping mechanisms may be effective, they are generally not healthy. In another prison study, Megargee (1976a) found a correlation between inmate population density and incidents of disruptive behavior. As population density increased so did the rate of disciplinary violations. The number of health problems also increased with increasing population density (Walker & Gordon, 1980).

Although Clements' and Megargee's work were performed in prisons, their findings appear to be applicable to jails as well. As crowding in a jail increases so does inmate stress and the likelihood of behavior such as suicide, physical assault and sexual aggression. There is some evidence that stress is more acute for the pretrial detainee than for the sentenced prisoner. The pretrial detainee has recently been separated from family ties and may be facing

prolonged separation. The detainee's release/incarceration status, guilt/innocence, sentence and knowledge of whether charges will be filed or dropped are all uncertain, while the sentenced prisoner has a very clear view of his or her future. Jail overcrowding has a negative impact on inmates, staff, administrators and the local criminal justice system.

State Prisoners in County Jails

In 16 states the state prison systems are so overcrowded that a person sentenced to prison must await an opening in the prison system before he or she can be moved from the local detention facility to the state prison (Bureau of Justice Statistics, 1981:1). This situation has greatly intensified the crowded conditions in a number of local jails. On most days the Atlantic County, New Jersey jail (capacity: 186) holds between 50 and 60 prisoners awaiting transfer to state facilities. In New Orleans between 200 and 300 prisoners are awaiting transfer. In 1976 there were 7,738 state prisoners in 10 states waiting for transfer from local jails (Mullen & Smith, 1980:30). As of January 1, 1981 there were 7,612 state inmates housed in local jails (Knapp, 1981:4), and at year end 8,576 state prisoners were backlogged in local jails (Bureau of Justice Statistics, 1982:3). State prisons are becoming increasingly more crowded which is likely to worsen the situation for local facilities. During 1980, the nation's prison population increased by 15,000 (a 5% increase over 1979); during the first half of 1981 over 20,000 more prisoners were added to the rolls of the nation's correctional institutions; and a record incarceration rate (of prisoners sentenced to more than one year) of 147 per 100,000 population was reached (Bureau of Justice Statistics, 1981a:1 and 1981b:1-3). As stated earlier, the incarceration rate for all local, state and federal facilities rose from 325,000 in 1973 to 538,000 in 1979.

The back up into local facilities of state prisoners has caused an increase in the sentenced felony population of many jails. Jails were constructed primarily to house pretrial detainees and sentenced misdemeanants. They are ill equipped to handle the hard-core, potentially dangerous, and disruptive population represented by large numbers of sentenced felons (Moynahan & Steward, 1980:107; Taft, 1979:28). Local jails have few if any of the rehabilitative, educational, vocational, or recreational programs that state prisons are designed to offer.

Trends in Jail Population

There is little evidence that the jail or prison overcrowding problems will be resolved anytime in the near future. Data presented above demonstrate that both jail and prison populations are increasing. Both Jones (1980) and Knapp (1981) predict that prison overcrowding will continue to be a problem until the mid-1990s. New construction is unlikely to solve this crowding problem. In time of economic hardship and tight money it is improbable that the \$8-\$10 billion needed to bridge the gap between capacity and population for state facilities (Mullen & Smith, 1980:145) or the billions more needed to expand local jails will

be appropriated. Even if such funds were to become available, it is still doubtful that crowding would be alleviated if it is accurate that corrections tend to be a capacity-driven system.

The growing sentiment among citizens and policy makers in the U.S. away from rehabilitation and toward punishment also weighs against a decrease in the number of people incarcerated. Public opinion polls show that crime ranks almost as high as the economy among citizens' concerns and that public concerns about the amount of crime committed by people on pretrial release is growing (Gest, 1981a, 1981b). President Reagan, in a speech to a law enforcement convention in New Orleans (September 28, 1981), called crime "an American epidemic" and supported a number of proposals to reduce crimes that are likely to increase incarceration rate.

Among the criminal justice reforms that are likely to increase jail and prison overcrowding are proposals for bail denial, mandatory sentencing, preventive detention, abolition of parole, and determinate sentencing. "During the past 4 years, 37 states have passed mandatory sentencing statutes and 15 states have passed determinate sentencing laws" (Bureau of Justice Statistics, 1981a:1). Such statutes are expected to have an indirect effect on jails by increasing the prison population.

Bail denial and preventive detention will have a more direct impact on jail populations. Preventive detention laws have been enacted in the District of Columbia and over two dozen states (Gaynes, 1982) but their enactment has drawn fire from civil libertarians who believe such laws are a violation of constitutional rights and would have a deleterious effect on a substantial percentage of pretrial detainees (Gest, 1981a). A number of criminal justice experts have recommended that laws be changed to allow bail denial, that judges begin using the bail denial option, and that pretrial services agencies concentrate more on identifying those who cannot be safely released and/or will not appear for trial (e.g., Attorney General's Task Force on Violent Crime, 1981; Beaudin, 1980; Pretrial Services Resource Center, 1982; West & Neubaum, 1982). Currently, preventive detention and "no bail" statutes are being used sparingly but should their use increase in popularity, there will probably be an increase in jail overcrowding.

Given that available evidence leaves little doubt that jail overcrowding will persist into the near future, it is imperative that alternatives to pretrial incarceration, quicker court processing of cases and all other methods to reduce jail overcrowding continue to be developed and studied. Pretrial release programs offer a potentially cost effective means of reducing jail overcrowding, and a means of averting court suits and costly new jail construction. They provide a mechanism through which arrestees can be screened for release or detention, and they can help to insure that the most dangerous arrestees are the ones who occupy available jail space.

Program Description

In 1978, the Law Enforcement Assistance Administration (LEAA) initiated a comprehensive program to diagnose specific problems in various jurisdictions experiencing severe overcrowding, and to simultaneously address both causes and symptoms through a variety of interventions. This program was expected to not only alleviate jail overcrowding conditions in the sites funded but to serve as a national model to other communities with similar problems.

The Jail Overcrowding and Pretrial Detainee Program (JO/PDP) focused on that portion of the jail population that is detained immediately following arrest. The program was initiated to complement LEAA's court improvement and delay reduction efforts. As a result of the excessive length of time required by some courts to process cases, some detainees experience lengthy custodial periods prior to adjudication. Although the courts are seen as the key to a comprehensive solution (since the court can effectuate the release of arrestees), the sheriff, police, prosecutors, and defense counsel all play instrumental roles in expediting the flow of criminal cases and in employing pretrial detention and sentencing alternatives. Therefore, in selecting projects for funding, program monitors sought evidence of systemwide commitment from these agencies at the candidate sites.

The JO/PDP employed a two-phase approach: Phase I awards, ranging up to \$20,000, were for problem analysis and planning and Phase II awards, ranging up to \$250,000, were provided for the implementation of Phase I plans. In addition to direct funding (which required a 10% cash match from the sites), a significant amount of technical assistance was provided to the sites. Awards were limited to jurisdictions that were experiencing severe jail overcrowding problems.

The request for proposals issued by LEAA was rather specific with regard to both program objectives and applicant eligibility requirements (Figure 1); however, it wisely provided the opportunity for sites to develop Phase II applications based upon an analysis of local problems and local needs. Although the objectives of the program were clear, the alternative processes through which the communities could achieve the attainment of these goals were (apparently) intentionally nonspecific.

The program was coordinated by LEAA with the assistance of the American Justice Institute (AJI) which served as the national program coordinator (NPC), a concept that was being tested by LEAA. AJI had the responsibility of administering the funding and providing administrative assistance to each of the Phase I grants and providing coordination and technical assistance to all of the projects.

In 1978 AJI selected 18 sites for Phase I planning grants and LEAA awarded four Phase II implementation grants (these were the only four implementation projects that had not been preceded by Phase I planning studies). In 1979 and 1980, respectively, AJI awarded grants to 19 and nine additional Phase I sites, and LEAA funded nine and eight of the previous year's planning grant recipients as Phase II implementors.

Local jurisdictions will be chosen by LEAA according to the following criteria:

- i. A six-month or more documented history of jail overcrowding generated, in large part, by pretrial detainees;
 - ii. The existence of, or willingness to provide, community-based or other release options to jail and bail, and a six-month or more documented history of underutilization of these alternatives;
 - iii. Evidence of Sheriff, Department of Corrections, County Board, and Judicial sponsorship and participation.
 - iv. The documented willingness to apply local financial resources to this overall detainee/jail overcrowding reduction effort;
 - v. An information system capability (manual or automated) to support program management and accountability needs;
 - vi. Pending or past legislation which facilitates or promotes pretrial release alternatives.
-

Figure 1. Excerpt from Program Announcement M4500.1G,
September 30, 1978.

Evaluation Approach

This is the second of two evaluation studies. In May 1979, the Denver Research Institute (DRI) received a grant from LEAA to provide a management evaluation of the JO/PD Program. The purpose of that evaluation was to provide the sponsoring agencies with an assessment of program effectiveness through the development and examination of information from the funded projects. DRI analyzed the relationship between interim impacts and program inputs, i.e., program administration, technical assistance, and project strategies and activities. Interproject comparisons were required for an assessment of the relative effectiveness of different approaches and different modes of operation. Of particular concern was the effectiveness of the national program coordinator concept and the development of information to improve project selections and monitoring processes by LEAA and by AJI. The LEAA evaluation was completed in November 1980 (see West, Neubaum, Blumenthal & Keller, 1980). It demonstrated the need for each project to be assessed and interpreted in the context of its own implementation environment. Preliminary data from that report indicated that although many project objectives were being met, the program goal of reducing overcrowding in the jails was not achieved, nor was the program serving effectively as a national demonstration. A full impact evaluation of the program and of individual project results was not performed because seven of the nine Phase II sites were still in operation under federal funding when the evaluation contract expired, and complete project data were unavailable.

In April 1981, DRI received modest additional funding from the National Institute of Justice (NIJ) for further evaluation of some JO/PDP sites. Unlike the LEAA grant which provided for a management evaluation, the primary purpose of this NIJ evaluation was to identify processes and policies which proved to have a positive impact on reducing the pretrial detainee population of local jails. In addition, the extended impacts of such processes and policies on law enforcement/criminal justice systems, pretrial releases and the communities served by such projects were to be examined through this evaluation.

There were other shifts in emphasis during this period. In 1979 when the JO/PDP evaluation first began, there were indications that the public was ready for alternative ways of dealing with crime. A 1978 Gallup Poll found that of all uniformed community services, people were least satisfied with corrections (Gallup Poll, 1979). Community resistance to new prisons and work release centers may also have been on the rise. Legal battles in Arizona and Maryland, for example, blocked the establishment of three new facilities and raised objections to two others. While prison construction has always faced opposition from community residents because of possible escapes and lowered property values, it was suggested that these protests also reflected a dissatisfaction with the warehousing approach to corrections (Corrections Magazine, 1980).

Prior to the program's inception, legislative trends, critical to the effective implementation of alternatives to jail overcrowding, were moving toward increased alternatives and more relaxed release criteria. Many states had downgraded various substance abuse violations in the past few years. The fact

that arrests for drug-related violations were down 17 percent over the 1974-1978 period indicates the impact of such legislation. More importantly for local jails, alternatives to arrest were being used in about half of the states for dealing with large numbers of public intoxicants.

Another important change occurring at this time was the establishment of a statutory basis for presumption in favor of pretrial release. Both local and federal codes under consideration provided such a basis, while others dealt with permitting judges to consider community safety in determining release conditions. A movement toward determinate sentencing was also underway but its impacts on jail overcrowding were uncertain. Determinate sentencing had been enacted or was being considered by ten states and the federal system. The general assumption made by lawmakers was that prisoner populations would be largely unaffected, yet the matter had not been well studied. One analysis of the probable impact of California's determinate sentencing legislation (S.B.42) warned "there are sound reasons for speculating that S.B.42 may stimulate increases in prison admissions" (Nagin, 1979).

Overall, the environment looked favorable for implementing alternatives to overcrowding, especially if the program focused on cost effectiveness. Public dissatisfaction, coupled with legislative and financial support suggested a general willingness to deal with the growing problems of crime and incarceration. Construction costs for new jails were rising rapidly and it was difficult to generate the revenues for their construction.

Today the mood of the country is less favorable toward release, although the change is by no means universal. Researchers (Allinson, 1982; Gest, 1981a) report that it is much more difficult to divert people from jail than it was five years ago, and that judges are incarcerating people who two years ago would have been released. In the performance of this evaluation and the writing of this report the authors have attempted to be cognizant of this mood change and of new developments and issues in criminal justice, while not forgetting that the primary purpose of this evaluation was to illustrate methods and potential methods for alleviating jail overcrowding and safely reduce the incarcerated pretrial population. To some extent, however, the issue has been reidentified from one of reducing the pretrial population to making more informed choices between release and detention recommendations.

Sampling criteria for site selection. For the 1979 LEAA evaluation, DRI selected nine Phase II and eight Phase I projects for site visits and case studies. The purpose of evaluating selected Phase I programs was to extend the number of projects examined in order to generalize more reliably about implementation problems, impacts, the relation of internal processes to outcomes, and external conditions that inhibit or facilitate achievement of objectives. Further, the inclusion of Phase I projects helped to identify factors that lead to implementation of plans even without the continuation of LEAA funds.

Projects selected for study were first stratified according to program characteristics and purpose, and then according to geographical location. Special

considerations ranged from the selection of the state of Delaware as the only noncounty in our sample, to the intentional selection of three sites in a single state (Duval County, Orange County, and Dade County, Florida) where the same state laws applied.

The site selection for this NIJ study was based on LEAA criteria and site selection. Seven of the sites had been 1979 Phase II sites which were part of the LEAA sample and for which it was necessary to gather additional information to complete an analysis. The remaining five sites were all 1980 Phase II sites, three of which had been evaluated in their planning stages (Phase I). Studying those sites whose historical development was already understood seemed the most expedient course of action, since they were most likely to yield the greatest insights.

Methodology. Evaluation of the JO/PD Program presented a number of unique problems. Although program objectives underlying the individual grants were well defined (1) the implementation components and conditions varied immensely from site to site, (2) some projects used their funding to initiate new programs, while others used the support to enhance existing programs, (3) not all of the impacts of program activities could be anticipated prior to implementation, and (4) not all of the desired evaluation data were equally available or equally applicable to every site, nor were they equally available for pre- and postproject time periods at individual sites. Also, measures were defined differently from site to site which complicated comparisons across projects.

In light of these problems, it was determined that a case study design was essential for a firsthand examination of project and related criminal justice agencies activities. During site visits, available impact data were collected, as were large amounts of subjective information from interviews with criminal justice officials. To insure the collection of up-to-date information on project activities, DRI staff made frequent telephone contacts with project directors, project staff, and heads of impacted agencies. This was necessary in part because of the inconsistency of quantitative evaluation data from the projects (the type, quality and source of which differed from site to site); and in part because as DRI's understanding of the projects increased it became more apparent that a description of the activities alone would not be adequate to interpret the impacts of these grants.

To expand the analysis of program impacts on local criminal justice systems, DRI performed a telephone survey of JO/PDP sites that were not part of the sample. These interviews allowed DRI to document what happened to projects after their federal funding expired and broadened our knowledge of project and program successes achieved and problems encountered.

The evaluation study was not conducted within an experimental or even a quasi-experimental design. No requirements were imposed on the projects for data collection, although some of the sites voluntarily completed a monthly statistics summary. Comparison sites were not used to control for environmental, maturation or other intervening variables. Nevertheless, accurate and complete

data that reflect on the willingness and ability of jurisdictions to initiate and support an alternatives program, and site by site internally consistent before and after data on number of releases, jail population and release performance measures are provided.

Organization of the Report

The following three sections present specific information collected from the JO/PDP projects at the sampled sites. Chapter II presents the more traditional program evaluation information from those 1979 sites in which full blown case studies were performed. Chapter III provides descriptive information from the 1980 sites and Chapter IV reports on the results of a telephone survey of JO/PDP projects that were not part of the study sample.

Program conclusions and recommendations concerning those methods that were observed to have had an actual or have a potential impact on the size and characteristics of jail populations are presented in Chapter V.

CHAPTER II. 1979 PHASE II PROJECTS

Introduction

As part of the analysis of program impacts, the evaluation design called for the selection of seven 1979 Phase II implementation projects for site visits and primary data collection. The programs conducted at the seven sites (Atlantic County, New Jersey; Dade County, Florida; State of Delaware; Jefferson County, Kentucky; Multnomah County, Oregon; Orleans Parish, Louisiana; and San Francisco, California) are described in the following pages. They provided most of the empirical evidence for assessing the effectiveness of the approaches utilized. The following section provides a case study of each program including background information on each site, with a description of the jail overcrowding problem, a description of the proposed project as well as the project as it was implemented, and an assessment of actual impacts.

Each of the seven sampled sites was visited at least four times by the evaluation team. In addition to site visit contact, follow-up telephone interviews were conducted with project staff and with other criminal justice personnel. Additional contacts were made at the program cluster meetings and at professional symposia and seminars on pretrial release and related issues.

Material for this section was developed from the contacts described above as well as from site proposals and site progress reports and LEAA and American Justice Institute assessment documents. Most of the information presented in Chapter II is subjective and descriptive, although inferences are made where reliable data permit. Conclusions and recommendations in this chapter are specific to individual sites. Overall programmatic conclusions and recommendations are presented in Chapter V.

CASE STUDY: ATLANTIC COUNTY, NEW JERSEY

Background and Crime Statistics

When Atlantic County applied for JO/PDP funding it did not have a serious jail overcrowding problem. Figures from a July 1978 report by AJI show the rated jail capacity at 172 (current capacity is 186) and the average daily population (ADP) at 141, and point out that in the preceding six months, the ADP never exceeded the capacity. These statements were qualified with the information that ad hoc planning and collaboration had temporarily relieved the chronic overcrowding problem and that some of the gains that had been made would soon begin to be reversed. While overcrowding was minimal at the time of the grant application, there was ample evidence that crowding could become a serious problem in the near future without preventive action.

In 1978 the Atlantic County Planning Department projected that, due to the legalization of gambling, the county's permanent population would increase from 190,000 in 1978 to 336,000 in 1990. A second report by Economic Research Associates of Washington, DC stated that the population would reach 360,000 by the mid-1980s. The gambling industry was also expected to increase the city's transient population. Evidence of this already exists in the form of increased traffic on the Atlantic City expressway following the opening of the first casino.

It was anticipated that an increase in Atlantic County's population would lead to an increase in crime. In the five years prior to the introduction of casinos into the county, the average annual increase in reported crime was 6 percent per year. The increase from 1978 to 1979 was 17 percent, and from 1979 to 1980 the increase was 37 percent (15,911 to 21,736). In 1979, local CJ planners forecasted an increase in reported violent crime for 1979 to 1981 of between 21.5 percent and 45.8 percent, and in nonviolent crime of between 16.6 percent and 21.5 percent.

Available evidence indicates that the forecasted increase in crime has occurred. The number of jail admissions increased from 1,901 in 1978 to 2,838 in 1981 (a 49% increase). Statistics for the one year period ending April 30, 1981 showed an increase of 13.7 percent in the number of new court cases and a 21.2 percent increase in number of cases disposed of over the previous year. The number of defendants prosecuted for indictable offenses by the District Attorney's Office was 3,600, 4,398, and 4,952 for 1979, 1980, and 1981, respectively (a 38% increase from 1979 to 1981). All of these factors increase the population pressures on the jail and can obscure the JO/PDP project's impacts on the pretrial detainee population.

Crowding in the New Jersey state prison system has also contributed to conditions at the Atlantic County jail. At the project's inception there were approximately 10-15 state prisoners per day being held in the jail. By mid-1981 the number had increased to about 40 per day, and in February 1982 it was running between 40 and 60 per day, and occasionally higher. Tougher criminal codes passed in 1979 have caused the prison population to increase from 6,500 in 1979 to

6,602 in 1980 to 8,692 in 1981, and many of these state prisoners are backing up in county jails.

Although the crowding problem was minor at the time of Atlantic County's application for funding, the decision to grant it Phase II funding appears to have been an expedient one. At that time, in addition to the forecasts of increased crime and jail overcrowding which have become a reality, Atlantic County was faced with a number of additional factors that indicated the need for a project to combat jail overcrowding. One of these factors was the consideration of plans to adopt new county correctional standards that would reduce the jail capacity to 130 (these standards were never adopted). A second factor was a report by the New Jersey Department of Corrections that the Atlantic City holding facility should not be used as a jail. Prior to the project's inception the Atlantic City lock-up, which has no showers and does not serve hot meals, was holding people for an average of three days. Some were held as long as one to two weeks. A quicker transfer of this population to the jail (which the State Corrections Department recommends) would increase the jail population. Additional preproject factors that illustrated the need for a jail overcrowding project were the 1.2 percent release on recognizance rate, the 9 percent nonfinancial release rate, and the 10.9 day average length of stay (LOS) for detainees prior to securing pretrial release.

There were a number of jurisdictional factors in Atlantic County which facilitated efforts by the project staff to reduce the jail population. These factors were:

- local attitudes in favor of change in the criminal justice system to improve the overall quality of life in the county
- several suits pending against the jail that encouraged CJ officials to institute changes in the system that would be cheaper than court ordered changes
- the absence of other pretrial release projects in the county

One impediment to effective jail population reduction was the large number of agencies served by the Atlantic County jail. The jail served 23 municipalities, 20 Municipal Courts, 20 police departments and the state police. The factionalization within the county made organization, cooperation, and standardization of procedures very difficult. A second problem was the location of the jail in Mays Landing, 18 miles away from the Municipal Court in Atlantic City. This resulted in costly and inefficient transportation of detainees back and forth from jail to court.

Description of Proposed Project

Phase II operations were scheduled to begin 24-hour per day operations in October 1979 with a seven person staff. General objectives for Phase II, resulting

from Phase I efforts, were to reduce the pretrial detainee population through the use of alternatives to incarceration, speed the processing of detainees, and improve the quality of information on people processed through the criminal justice system. Specific plans to help realize these objectives were initiated to:

- develop central intake services to screen and interview detainees 24-hours per day, seven days a week
- increase the use of summons in Atlantic County, and increase the ratio of summons to warrants
- develop a fully automated management information system
- have access to computerized criminal histories on a 24-hour per day basis
- contact the Public Defender's Office within 24 hours of screening an indigent detainee
- assist detainees in receiving needed social services
- improve the notifications and tracking systems to reduce failure-to-appear rates
- reduce the dependency on cash bail as the primary form of release; over 90 percent of all releases involved some money
- collect, analyze and report data on project outcomes and operations
- coordinate the criminal justice system components through monthly meetings of the Advisory Board
- hold preliminary hearings at the jail twice each week
- monitor and review releases at the Municipal Court level to determine if these arrestees might have qualified for a summons
- develop a screening and interview manual for the intake workers

Description of Implemented Project

The project was planned to begin in October 1979 but the director was not hired until January 28, 1980. The staff started work in February and full implementation of the project began in April.

Most of what was planned for Phase II was implemented. The Central Intake/Bail Services Unit (also known as the Bail Project) became operational. It was composed of a director, a secretary, and five intake workers. The staff screened and interviewed detainees, verified information, made release recommendations to the judiciary, insured that releasees understood the conditions of their release, informed clients of upcoming court dates, and entered data on all interviewees into the manual information system. All these activities were guided by the Pretrial Release Intake Services manual. This manual was developed during the early stages of the project and it has since been modified to make it more congruent with actual experiences. Project staff assisted detainees in need of social or medical services in securing such services. At first the project operated five days per week, eight hours per day. In August it added two-day per week screening in Atlantic City, but this was discontinued after two months. In November 1980 the project began a 4 p.m. to midnight shift, and in early 1981 an on-call system for the hours from midnight to 8 a.m. was implemented. As of April 1982 the project was operating eight hours per day with on-call coverage for the remaining 16 hours.

Other activities implemented as planned include the monitoring of Municipal Court releases and reporting the findings to the judiciary, holding preliminary court hearings twice weekly at the jail (which was implemented briefly and then discontinued), and access to computerized criminal histories 24-hours per day. An automated management information system (MIS) was not developed, but data collected on detainees and defendant notification and tracking were entered into a manual collection system. The project also did indigency screening on all its clients and sent the screening form to the Public Defender's Office. One planned activity of Phase II that was not pursued was to increase the number of summons issued in Atlantic County. The project abandoned this when the judiciary announced that they would address that issue.

Attitudes Toward the Project

There was general agreement among CJ officials with whom DRI spoke that the project was doing an excellent job, that project recommendations could be trusted, that without the project the crowding problem would be worse, and that the project provided useful and timely information. One judge stated that the project reduced the number of days needed for bail assignment and bail reduction, speeded detainee processing, reduced length of stay prior to release, and helped judges to make better decisions; however, he believed the project might be a little too liberal. A member of the DA's staff reported that judges were dependent on the project and that the project was a little too conservative on minor cases.

Project Impacts and Accomplishments

The JO/PDP project had a number of positive impacts on the Atlantic County CJ system. It increased the percentage of people who secured release

before trial from 80 percent to 85.3 percent with no increase in the FTA or rearrest rates. Preproject FTA and rearrest rates were 7.5 percent and 11.7 percent, respectively, and the project figures were 7.8 percent and 11.4 percent (see Table 1). Postproject FTA (2.8%) and rearrest (4.4%) rates were substantially lower than preproject rates (see Table 2). Prior to the project's inception, detainees remained incarcerated for an average of 10.9 days before securing release. Detainees released through the project were released in an average of 6.5 days.

Additional accomplishments of the project were that it gained the trust of CJ officials, eliminated people being admitted to the jail on temporary holds, informed system personnel in advance about the overcrowding problem, gained authority to release people held on domestic violence charges, developed 24-hour access to criminal history information and developed a follow-up and notification system to inform people of upcoming court dates. The project also screened and referred arrestees for public defender services; provided information to the jail staff to aid in classification of detainees; responded to jail staff requests that the project check on certain individuals for possible release or reclassification; referred people with drug, alcohol or mental health problems to social services agencies; and forced the system to begin the release process much sooner than it did in the past. Before the project started, detainees were incarcerated for 7 to 14 days before a public defender was able to put the case onto the court calendar and release conditions were set. The project brought these individuals to the court's attention within one working day of their admission to jail. The project also was partially successful at implementing 24-hours per day, seven days per week detainee screening. The Bail Unit office was staffed from 8:30 to 4:30, Monday through Friday, and the on-call system provided coverage the rest of the time. However, the on-call system was only used under special circumstances and ongoing screening and interviewing did not occur 24 hours per day.

There were a few areas in which the project was unsuccessful at meeting its objectives--the jail population was not reduced. Initially, the population decreased from 192 in April 1980 to 141, 141, and 171 in the three subsequent months. By late 1980 the population had reached 230 and it has been over capacity most of the time since then; it reached 260 in February 1982. While long-term jail population reduction was not accomplished, this should not be viewed as a failure of the project but as a result of the increases in crime and jail admissions. The statements of CJ officials indicate that the average daily jail population would be about 50 higher if the project were not in operation.

The increase observed in the number of detainees granted ROR was limited (see Tables 1 and 2). While RORs comprise 24.8 percent and 28.2 percent of the people released by the project during the project and postproject phases, they were a very small percentage of the total released population. They represented only about 6 to 8 percent of those released. Although this was an increase over the 1.2 percent preproject ROR rate, it was still an inconsequential portion of the total population, and was extremely low compared with other jurisdictions in the county.

TABLE 1
PROJECT STATISTICS

Months	Number Interviewed	Recommended for Release	Number Released	FTAs	Rearrests	ROR
April 1980	98	51	54	-	-	19
May	130	52	60	3	5	19
June	166	87	89	3	5	17
July	164	98	74	2	14	15
August	153	56	48	3	6	18
September	139	58	47	4	5	9
October	136	64	52	4	8	12
November	128	60	37	5	7	5
December	129	65	45	3	3	7
January 1981	125	60	23	6	4	10
February	119	80	46	2	5	14
March	91	53	34	1	2	9
April	114	53	35	10	3	6
TOTAL	1,692	837	644	46	67	160
Average/Month	130.2	64.4	49.5	3.8	5.6	12.3

Source: Calculated from the project's monthly report to the Atlantic County Superior Court.

TABLE 2
POSTPROJECT STATISTICS

Months	Number Interviewed	Recommended for Release	Number Released	FTAs	Rearrests	ROR
May 1981	102	90	42	1	2	7
June	126	64	31	1	3	5
July	131	54	41	2	3	8
August	100	62	42	2	2	10
September	98	61	50	2	3	13
October	100	62	53	0	0	21
November	108	64	45	2	3	27
December	85	55	47	0	0	11
TOTAL	850	512	362	10	16	102
Average/Month	106.3	64.0	45.3	1.3	2.0	12.8

Source: Calculated from the project's monthly report to the Atlantic County Superior Court.

The project was able to secure local funding to continue and even expand operations beyond the federal funding cycle for six of the original seven staff members (the seventh resigned shortly before the end of the project and it was decided not to refill the position). Since the conclusion of the federal project, the Bail Unit moved from the jail to the courthouse (it can now screen arrestees before their admission to jail), and it received state funding for a TASC (Treatment Alternatives to Street Crime) Program. Pretrial release programs also were developed in three neighboring counties under the direction of the Bail Unit director.

Conclusions and Recommendations

The JO/PDP project in Atlantic County was successful at increasing the number of people granted pretrial release and in expanding release options available to detainees. However, it was not able to reduce the jail population or substantially increase the number of people granted ROR. Among the CJ officials with whom we spoke, the opinion was unanimous that the project was useful, effective, and successful. The fact that the project was continued with local funds and is being replicated in three neighboring counties attests to its success. Population pressures on the jail are high and they are growing (due to the population increase, the influence of the gambling industry, the overcrowded state prison system, and the increased crime rate) and, consequently, the need for a jail overcrowding program has increased.

We have developed a list of recommendations for the Atlantic County project. We realize that given limited resources, not all of these recommendations are immediately feasible, therefore, we consider them to be programmatic options for consideration and possible future use by the Bail Project.

Available evidence indicates that the judiciary is overly dependent on cash bail. The project should try to continue expanding the number of people granted nonmonetary release and to educate the courts on the availability and effectiveness of nonmonetary release alternatives. Efforts should be made to increase the number of people granted ROR, and the use of third party release and supervised release should be expanded as alternatives to pretrial incarceration. Another promising alternative is the use of summons. While this option is outside the control of the project, project staff should encourage its use for less serious arrests by presenting data related to its successful use to CJ officials. Increased use of summons could substantially reduce the jail population; at the start of the JO project 30.8 percent of the jail population was composed of "less serious" offenders (i.e., misdemeanor offenders and ordinance violators).

Before securing pretrial release through the Bail Project, the average detainee is incarcerated for about 6.5 days. It seems reasonable to assume that if this individual can be released on the sixth day of incarceration, he or she should be releasable on the first day of incarceration. The project should endeavor to speed the processing of detainees either by processing them more quickly once

they reach Mays Landing, or preferably (at least in Atlantic City), by screening detainees before they are moved to Mays Landing. Screening in Atlantic City was tried under the project and it reduced LOS and proved to be an efficient use of personnel. This practice should be reinstituted.

A number of people whose charges are later reduced to misdemeanors or who have their cases dismissed are incarcerated before trial. The project should recommend quicker screening by the DA's office which could eliminate some of these people from the jail population. People with drug, alcohol and mental health problems are also held in the jail. Treatment alternatives to incarceration need to be found for these people. Evidence from the project indicates that the bail schedule, currently being used only in Atlantic City, could be used in the rest of the county to allow those people who can afford bail to bond out more quickly.

In the three neighboring counties that have initiated pretrial release (PTR) programs based on the Bail Unit, efforts should be made to release these people as well, before they are transported to Mays Landing. Such an arrangement would reduce LOS for these detainees and eliminate the costs and danger of transporting them to Mays Landing.

An issue in Atlantic County that merits comment is the 18 mile distance between jail and court. This distance increases the potential for prisoners being in an accident or escaping and increases the cost of processing detainees. While CJ officials are aware of these problems, little is being done to eliminate them. In fact, a new jail is under construction and it, too, is about 17 or 18 miles from the courts. People seem to be unwilling to address the transportation issue. It should be presented as a topic for discussion at Advisory Board meetings.

Although it may be too late, recommendations should be made that the new jail include maximum, medium, and minimum security cells. Among correctional officers and experts, it is generally agreed that there is a sizeable population who do not require maximum security, and construction of medium and minimum security cells would be less costly.

The project tracks and provides follow-up services to the people it releases. Toborg (1981) determined that follow-up services are not cost efficient and have little impact on a client's FTA or rearrest rates. The project might want to conduct a low cost modest experiment to test this hypothesis. They could randomly assign people to follow-up and no follow-up groups and determine the actual impact of their follow-up efforts. Such an experiment would be dependent on judicial efforts and approval.

CASE STUDY: DADE COUNTY, FLORIDA

Background and Crime Statistics

Miami and surrounding Dade County are undergoing change at such a rapid pace that social services and social mechanisms to accommodate change are having difficulty adapting. The population has increased dramatically; the 1979-80 Miami Police Department Annual Report shows a 20 percent increase in the city's population. A substantial portion of this increase is Cuban and Haitian refugees. The Miami Police Department (MPD) estimates that 60,000 refugees have settled in Miami. A 1980 report by the Office of the Dade-Miami Criminal Task Force states that 75,000 refugees have settled in Dade County, and other estimates of the Dade County refugee population run as high as 100,000. This influx of refugees, which is reported to include a number of criminals and criminally insane people, has added to the crime problem in Dade County. By the end of 1981 the Mariels (the 1980 Cuban refugees named for the Cuban port from which they departed) comprised about 15-20 percent of the jail population and on any given day, there were about 350 incarcerated in Miami jails--about one-half were pretrial detainees (Taft, 1982).

As the population has grown, so has the crime rate. There were 52,540 Part I crimes committed in Miami in 1980 that were reported to the Miami Police Department. This represents a 41 percent increase over 1979 and a 51 percent increase over the number of Part I crimes committed in 1978 and reported to the MPD. Part I crimes reported to the Miami Public Safety Department (comparable to a sheriff's department) were 74,451 in 1979 and 87,489 in 1980. The 8,596 arrests of Part I offenders by the MPD in 1980 represents a 16 percent and 42 percent increase over the 6,052 and 7,424 Part I arrests made in 1978 and 1979, respectively. The number of people booked at the Dade County Jail is also increasing. There were 61,520 bookings in 1978, 64,594 in 1980, and approximately 78,000 in 1981.

The increases in crime, arrests, and bookings are all elements in the Dade County criminal justice system that are inhibiting or can inhibit a reduction in the Dade County jail population, and can counteract efforts by the pretrial services agency to reduce the number of arrestees detained pretrial.

While the numbers of Part I crimes reported to, and the Part I arrests made by the MPD have steadily increased since 1977, the number of police officers has decreased. The 674 and 688 officers employed in 1979 and 1980 represents the lowest level of police staffing since 1970 when it was at 687. Efforts have been underway since early 1981 to increase the police force to 814 personnel and they are continuing, as of April 1982. This staffing increase is likely to lead to more arrests and increased pressure on the jail because more officers will be available to make arrests and the additional officers will facilitate quicker responses to calls for service. The higher number of bookings in 1981 might be indicative of the expanded police force.

A second factor that has likely contributed to the crime problem in Dade County and increased the jail population is the economic recession. Due to the recession the unemployment rate among minority males in the Miami area has reached 20 percent, and is even higher for the Maribel people. Such high unemployment rates have been found to correlate with high crime rates.

The heavy drug traffic in Dade County is another factor that adds to the crime problem. Every CJ official with whom we spoke pointed to drug trafficking as a cause of much of Dade County's crime. They stated that the use and sale of drugs are related to a large number of robberies, burglaries, larcenies, thefts, assaults, and murders. While few statistics are available on drug-related crimes, the figures for drug-related homicides--12, 19, and 36 for 1978, 1979, and 1980, respectively--suggest that drug-related crimes are increasing.

Racial tension among blacks in the Dade County area also has the potential to increase the jail population. In May 1980, Liberty City (a black ghetto just north of Miami) erupted into mass violence in which 17 people were killed, 700 injured, and over \$200 million was lost in property damage. While the precipitating event for the riots was the "not guilty" verdict in the trial of five police officers accused of beating to death a black insurance man, a number of other factors contributed to the riots. These were unemployment, poor housing, poverty, ineffectual educational systems, lack of black police officers and more. Mellin (1981) reported that a year after the riots, conditions in Liberty City have not improved. The situation in Liberty City has the potential for renewed mass violence and for increased person-to-person violence. Should either of these occur, they will adversely impact the already overcrowded Miami jails.

An additional factor that could greatly increase the jail population is the recent move in Florida toward more vigorous control of violent juvenile offenders. The Florida legislature has passed laws that mandate the waiver to criminal court of certain juveniles who have committed one of a group of targeted crimes, and exclude from processing, under juvenile court jurisdiction, juveniles accused of certain offenses. The legislature also is considering reducing the age of majority from 18 to 17. Passage of such legislation would greatly increase the number of people processed through the criminal justice system and thus would increase the number of people detained at the county jail.

Data available from Dade County are not specific enough to determine the impacts of the five factors listed above (expanded police force, the recession, drug-related crimes, racial tension, and a get-tough-on-violent-juveniles policy) on the jail population. We can only speculate that as these activities occur, the jail overcrowding problem will be aggravated.

The elements listed above tend to counter the efforts of the Dade County JO/PDP project, but elements also exist in the system that facilitate project activities. A number of agencies in Dade County share the same goal as the project (preventing jail overcrowding), and these agencies employ a variety of methods to achieve this goal. Citations are issued to traffic offenders and to other misdemeanants. Misdemeanants can obtain release by showing their voter

registration cards and paying one dollar; this form of release can be used only once. Pretrial intervention and domestic violence programs exist to help keep certain defendants out of jail, and drug and alcohol programs are available to all offenders. Third party release, ROR, cash bond, and PTR unit supervised release are available to felony defendants. The Miami Public Safety Department took control of and remodeled a Miami police station which added 212 bed spaces to the system.

Description of Proposed Project

Phase II of the project was planned to begin operation in August of 1979. The plan of action for Phase II was based on the crowding problem that existed at the Dade County Jail and on the findings of Phase I of the project. The average daily jail population at the time the proposal was being written was consistently at or above the jail capacity set by federal court order and a pretrial overflow population of from 70-200 inmates was being housed at the facility for sentenced misdemeanants (the Stockade).

Findings from Phase I of the project showed that the pretrial population in Dade County was growing and that although the pretrial release unit had been operating since 1971, it has had no visible impact on the jail population. Additional findings were that an understaffed PTR unit, unduly restrictive release criteria, unnecessary delays in case processing, and the failure to reinterview those who were not released after their first PTR screening were resulting in more people being held for longer than was necessary. The objectives of the Phase II project and the activities planned are listed:

- reduce the pretrial jail population
- reduce for all inmates, the average length of time incarcerated prior to trial
- reduce failure-to-appear rates, and apprehend and prosecute a higher proportion of those who fail to appear
- speed up the processing of detainees
- restore credibility to the PTR agency
- expand the use of citations
- expand the PTR unit, the release criteria used by that unit, and the pool of people eligible for release
- expand nonfinancial release alternatives
- develop a system for tracking arrestees from arrest to disposition

- develop a point system to make release decisions of the PTR unit more objective
- collect and analyze data
- eliminate overlap in the pretrial release system
- enhance the role of the coordinating committee during Phase II of the project
- replicate the Washington, DC supervision study

The project was designed to deal exclusively with felony offenders, as they comprised the bulk of the jail population and were the primary cause of the overcrowding problem.

Description of Implemented Project

The project did not begin as planned in August, but commenced in October 1979 with the expansion of the pretrial release agency. The project was not fully staffed and operational until February, 1980. The start-up and staffing delays caused all aspects of the project to be behind schedule; consequently the project administrator requested and received an extension of the project's completion date to April 30, 1981.

The Dade County project was composed of two administrative components: the project administrator and his staff, and the pretrial release unit. The PTR unit screened, interviewed, and made release recommendations on detainees, while the administrator was charged with data collection and management, tracking detainees, evaluating program effectiveness, and disseminating findings.

As planned, the PTR unit was expanded and the project dealt exclusively with felony defendants. The project staff recommended to the police and public safety departments that they expand the use of citations, but the expected increase in the number of citations issued did not materialize. A system to track arrestees from arrest through disposition was implemented but when the federal funding terminated so did the system. The system was manual and rather cumbersome, consisting of a log book into which arrestees' names were entered and their criminal justice status was periodically updated.

Prior to the project's inception, the pretrial release unit employed intuitive release recommendation decisions based on a checklist of items. If one check was missed, the PTR officer generally leaned toward a refusal of release for the individual in question which resulted in conservative release recommendations. The JO/PDP staff believed that an objective point system would make release decisions more liberal and more objective so they began work on the development of an indigenous point system in March 1980. The work

continued for a few months before it was deemed too costly and time consuming. A decision was then made to import a point system from Philadelphia rather than to continue efforts to develop one. The project staff believed that the new point system could be easily implemented; it had already been tested in Philadelphia, and could be refined to more closely conform to the circumstances found in Dade County. The project objective of implementing a point system was not accomplished during the life of the project, nor had it been accomplished as of April 1982. The Dade County pretrial release unit is still making subjective release decisions. Project personnel, in an attempt to reduce the average length of stay per pretrial detainee:

- monitored the system so detainees who were progressing inordinately slowly through the system could be flagged and brought to the attention of the authorities
- gave second interviews to people who failed to obtain release after their bond hearing with the intent of identifying an alternative form of release for them
- granted supervised release to poor detainees who could not bond out or qualify for other forms of release

Project activities also included data collection. Data collection efforts began in March 1980, and due to the quantity of information available, project staff did little else but collect data in March and April. In April a part-time staff person was added; this addition allowed the project administrator to compile some descriptive statistics, to look at trends, and do some comparative analyses. Data collection and analysis continued throughout the life of the project. While considerable data were collected on project activities, very few nonproject statistics (e.g., number of arrests and bookings, percent of the jail population that was pretrial, pretrial LOS for all released and detained populations, and many more) were collected. The absence of these system data make it very difficult to evaluate the project's impacts.

The concerns of the jail overcrowding project staff are shared by several other Dade County criminal justice agencies. Project attempts to reduce the jail population have received full cooperation from all agencies involved. Efforts to reduce the LOS were also made by the judiciary and the District Attorney's Office. Improvement of the information flow throughout the criminal justice system was and remains a primary concern of several agencies, and the project's efforts in this area are secondary.

The principal proponent of this systemwide information system was the chief judge of the Circuit Court. He expected the information system to help reduce processing time throughout the system, provide information to the bench on every case that came before it, and supply the information needs of all the relevant agencies. Through the efforts of the Dade County Data Processing Department and the project, the judge hopes a more equitable and efficient criminal justice system can be developed.

Most of the objectives and activities planned for Phase II were addressed and performed by the project. Two that were not were the replication of the Washington, DC supervision study and the elimination of the redundancy in the pretrial release system. The project made no effort to replicate the DC study, and little project effort was applied to eliminating system overlap.

Attitudes Toward the Project

The people we interviewed all spoke favorably of the project. They stated that the program generated useful data, streamlined the release process, sensitized the CJ system to the problems of jail overcrowding, demonstrated the lack of good information for decision making, upgraded and expanded the PTR unit, made the development and implementation of a supervised pretrial release program possible, and helped build credibility for a PTR program that, in the past, had little credibility and no impact. All agreed that the project was cost effective because it increased the number of releases and reduced the average length of stay in jail for pretrial detainees.

While the overall reaction to the project was favorable, a few disappointments were also expressed. The director of the PTR unit was disappointed that no point system was implemented. A criminal justice planner was concerned that the manual tracking and flagging system and the data collection arm of the project died when federal funds expired, and the project manager had hoped that the now defunct tracking system would become automated.

When the project manager was asked, "Given what you know today, what would you do differently in the developmental stages of the project?" he responded that he would plead his case to the CJ system and not just present information. He would work more closely with the judges and DAs. He would try to develop an automated rather than a manual tracking system. He would advocate for a 24-hour Magistrate Court, for court administration of the PTR program, and for more information sharing among CJ agencies.

Project Impacts and Accomplishments

Everyone involved with the JO/PDP project credited it with increasing the number of releases and expanding the release criteria used by the PTR program. Statistics support this idea, as the PTR unit averaged 80.5 releases per month during the year preceding project inception, and averaged 159.3 and 238 releases per month during the project's tenure and during the last quarter of operations, respectively. These release rates have reversed a five year trend which saw the number of releases granted by the PTR unit drop steadily from 1974-1978. Since the termination of federal funding, the PTR unit has averaged 284.2 releases per month (from May 1981 through February 1982). The increase to 159 releases per month could have been accomplished with no relaxation of release criteria. It could easily have resulted from a more than doubling of staff

(under the project the staff increased from seven full-time people to 14 full-time and four part-time). However, the numbers of releases granted in the last quarter of project operations and in the postproject period in relation to bookings indicate that some relaxation of release criteria has occurred (this is particularly true in light of the fact that the postproject staff has decreased to ten full-time and two part-time people).

Additional project accomplishments are the commencement of a supervised pretrial release program which grew out of the JO/PDP project and would not have been possible without it, and the development of a cooperative arrangement between PTR and the DA's office whereby PTR sends its releasees to the DA's office to see if they qualify for the DA's diversion program. The project also initiated a reinterview process for detainees who failed to secure release after their bond hearing. This has resulted in a number of detainees being released who otherwise probably would have been incarcerated until trial.

After federal funds expired, the project secured local funding for its entire 18-person staff. The decrease to 12 staff members has occurred gradually since April 1981 and the unit director has requested two more positions. One of the objectives of the JO/PD Program was to provide seed money to set up needed programs in local jurisdictions, and once the programs proved their value, continued operations would be funded by the local jurisdiction. This objective has been accomplished in Dade County.

In addition to doubling the number of releases made, JO/PDP funding produced a number of additional changes in the PTR unit's activities (see Table 3). The number of detainees interviewed per month increased from 889 in the third quarter of 1979 to 1,262 over the life of the project, to 1,453 for the last quarter of project activities, and to 1,495 for the postproject period. These are 42 percent, 63 percent, and 68 percent increases, respectively. The percentage of detainees at bond hearings who were interviewed increased from a preproject figure of 74.8 percent to a project figure of 85.9 percent and a postproject figure of 83.5 percent. Additional increases occurred in the number of releases granted as a percentage of detainees at bond hearings and of detainees interviewed. They increased from a preproject 8.1 and 10.8 to a project 10.8 and 12.6, and a postproject 15.9 and 19.0, respectively. These figures give further evidence that release criteria have been relaxed.

Two areas in which preproject to project statistics showed no changes were the end of the month caseload (pre = 875/month, post = 865/month), and the FTA rates which were 4.6 percent for the preproject, project and postproject periods (see Table 4). However, during the last quarter of project operations, the average caseload was 1,167 per month, and during the postproject phase it was 1,364 per month. These are 33 and 56 percent increases over the preproject rate. While the project and postproject FTA rates stayed at 4.6 percent, the number of scheduled court appearances greatly increased (from 248/month preproject to 460/month project, to 1,064/month postproject). Preproject rearrest rates are not available, but the project rearrest rate, calculated on the 15 months for which data exist, was 4.4 percent.

TABLE 3
PRETRIAL RELEASE STATISTICS

	Month	Total at Bond Hearing	Total Interviewed	New Case Intake	Release Granted by Judge	End of Month Caseload
Preproject	July 1979	1,131	852	98	*	829
	August	1,257	848	85	*	871
	September	1,178	967	105	*	924
	Total/Average per Month	3,566/ 1,189	2,667/ 889	288/ 96		2,624/ 875
	October 1979	1,297	1,153	161	*	620
	November	1,266	1,126	137	*	675
	December	1,186	1,056	127	*	710
	January 1980	962	845	163	175	676
	February	1,127	986	87	108	621
	March	1,372	1,225	164	182	707
	April	1,408	1,237	165	189	801
	May	1,615	955	92	103	785
Project	June	1,305	1,050	125	143	823
	July	1,548	1,275	129	141	842
	August	1,663	1,427	176	196	909
	September	1,706	1,457	136	165	890
	October	1,720	1,575	174	198	925
	November	1,528	1,351	126	135	927
	December	1,643	1,476	177	198	992
	January 1981	1,548	1,415	174	*	1,025
	February	1,594	1,398	190	*	1,091
	March	1,739	1,563	238	*	1,152
	April	1,665	1,399	285	*	1,259
	Total/Average per Month	27,892/ 1,468	23,969/ 1,262	3,026/ 159	1,933/ 161	16,430/ 865
Postproject	May 1981	1,739	1,487	243	*	1,259
	June	1,705	1,480	249	*	1,279
	July	1,759	1,497	252	*	1,283
	August	1,826	1,449	265	*	1,291
	September	1,652	1,399	337	*	1,388
	October	1,859	1,583	285	*	1,401
	November	1,703	1,461	324	*	1,435
	December	1,956	1,609	354	*	1,523
	January 1982	1,922	1,5165	249	*	1,446
	February	1,768	1,464	284	*	1,333
	Total/Average per Month	17,889/ 1,788.9	14,945/ 1,494.5	2,842/ 284.2	* *	13,638 1,363.8

*Statistics for these months were not available. Judges grant release for some detainees the PTR unit decides not to release.

Source: Pretrial Release Program monthly reports.

TABLE 4
PTR FAILURES

	Month	Scheduled Court Appearances	Total Number FTA	Total Rearrests
Preproject	July 1979	237	7	*
	August	247	16	*
	September	259	11	*
	Total/Average per Month	743/248	34/11.3	
Project	October 1979	333	9	7
	November	390	5	8
	December	384	16	5
	January 1980	432	13	13
	February	405	19	7
	March	362	10	4
	April	439	11	2
	May	422	21	9
	June	362	24	4
	July	465	23	5
	August	369	17	8
	September	479	28	0
Postproject	October	526	34	12
	November	408	13	5
	December	480	20	6
	January 1981	533	33	*
	February	529	29	*
	March	648	29	*
	April	768	44	*
	Total/Average per Month	8,734/460	398/20.9	95/6.3
	May 1981	768	44	*
	June	920	38	*
	July	944	49	*
	August	984	51	*
	September	1,045	57	*
	October	1,148	34	*
	November	1,136	40	*
	December	1,259	59	*
	January 1982	1,351	62	*
	February	1,081	58	*
	Total/Average per Month	10,636/1,063.6	492/49.2	

*These figures were unavailable.

Source: Pretrial Release Program monthly reports.

Two additional statistics that illustrate the increased activity of the CJ system and the PTR unit are the total number of cases appearing at bond hearings in 1977 (12,630), 1980 (17,597), and 1981 (20,742), and the number of new case intakes by the project for 1980 (1,714) and 1981 (3,196). The 1981 figure is 86.5 percent higher than the 1980 figure.

A number of criminal justice officials with whom we spoke stated that the average length of stay in jail for pretrial detainees released through the pretrial release program dropped dramatically after the JO/PDP project began. They said the LOS went from an average of three to four days to two to three hours. The data collected by the project manager do not support this assertion (Table 5), however it may be accurate for a small subpopulation of detainees.

The figures in Table 5 show month-to-month variations in LOS, but do not indicate any trend toward a reduced LOS for PTR program releases. However, these figures do demonstrate that PTR releasees got out much quicker than did bond outs, a little faster than custody releasees, but not as fast as people granted ROR. Roughly speaking, a PTR program release occurs about eight to ten days sooner than a financial release.

Like LOS figures, the percentage of detainees granted pretrial release (see Table 5) varied month to month but did not show a substantial change or any trends from March through November 1980. The available data indicate that the project has had no impact on the percentage of detainees granted PTR or on the length of time PTR unit releasees are incarcerated prior to release. Table 5 and Table 6 demonstrate that financial bond and third party release are the primary forms of release in Dade County. During any two week period, they account for between 63.6 percent and 71.9 percent of all releases. Financial release ranged from 41.6 to 49.9 percent of all releases and averaged 46.6 percent. Custody release ranged from 18.3 to 24.8 percent (excluding 5/16 - 5/31), the time period in which the riots occurred) and averaged 21.6 percent. These figures indicate that the Dade County judiciary prefers, or is dependent on, secured release options. Furthermore, they appear to be becoming more dependent on financial release, as the percentage of financial releases averaged 48.4 percent in August through November and only 44.5 percent in April through July. The need for security does not appear to be warranted in light of the low FTA and rearrest rates for PTR program releases. Comparable FTA and rearrest rates for custody and bond releases are unavailable.

The JO/PDP project in Dade County, combined with all other pretrial release programs in the county, has not been able to reduce the jail population. In fact, the jail population increased substantially during the life of the project (Table 7). The main jail pretrial population grew from an ADP of 750.4 from 7/79 - 1/80 to an ADP of 1,004.6 from 7/80 - 1/81. This is a 33.9 percent increase. For the same time period, the total pretrial population increased from 875.1 to 1,310.1 per day which is a 49.7 percent increase. For every monthly comparison the postproject figures for the main jail and the total pretrial population are much higher than the preproject figures. Furthermore, the rate of population increase appears to be accelerating. From July 1979 - January 1980, the main jail pretrial

TABLE 5

MEAN DETENTION RATES AND PERCENTAGES OF RELEASE (1980)

Dates	PTR		Standard Bond		Lower Bond		Higher Bond		No Bond		ROR		Custody	
	Days	%	Days	%	Days	%	Days	%	Days	%	Days	%	Days	%
3/1-15*		15.8		22.7		19.9		4.6		7.9		3.2		20.6
3/16-31		11.4		22.7		17.8		2.9		9.1		7.5		22.1
4/17-30	2.9	15.0	11.7	17.7	11.6	16.1	11.8	7.6	14.6	10.6	1.4	3.8	4.7	22.1
5/1-15	2.6	12.4	10.9	18.4	10.2	18.5	11.0	6.0	16.2	11.8	2.4	4.0	3.0	22.5
5/16-31**	2.4	4.0	10.9	14.9	10.0	11.7	13.2	4.0	15.5	6.7	1.7	19.3	3.0	34.0
6/1-15	3.5	8.0	10.8	22.3	9.6	15.4	10.5	5.3	15.7	8.8	1.6	9.4	3.0	24.8
6/16-30	3.7	14.2	12.7	17.3	9.7	17.9	11.7	10.9	13.8	7.0	1.6	3.1	4.0	19.7
7/1-15	3.0	9.5	12.8	17.3	11.2	21.0	12.6	9.5	15.9	8.8	1.4	3.5	3.7	21.9
7/16-31	2.7	8.2	11.6	21.5	8.8	17.7	13.0	6.8	15.0	10.0	3.2	1.8	4.3	21.8
8/1-15	3.5	13.2	13.0	19.9	10.8	16.8	13.1	13.1	15.0	8.0	2.1	2.7	3.2	19.3
8/16-31	3.7	11.3	13.5	26.7	10.6	14.3	12.6	8.1	15.9	10.9	2.1	1.5	3.9	22.1
9/1-15	2.8	7.2	12.5	29.4	9.9	14.0	14.9	4.6	15.7	12.1	2.1	5.4	3.7	22.6
9/16-30	4.4	10.7	12.5	28.1	11.6	13.1	13.6	8.3	16.4	11.8	2.5	5.4	3.8	18.3
10/1-15	3.1	11.8	12.4	25.4	6.4	11.8	12.8	7.9	16.0	9.9	2.1	7.3	5.2	21.3
10/16-31	2.5	10.2	12.5	27.2	10.8	15.9	14.1	6.7	15.2	10.1	1.7	5.8	3.9	19.7
11/1-15	3.7	7.8	12.3	26.2	9.9	13.5	12.4	7.4	15.6	11.7	1.8	5.6	4.3	24.7

*The rows do not total 100 percent because the miscellaneous and T.A.S.C. categories have been omitted. The total of these categories averaged 6.1 percent per month and ranged from 3.1 to 12.2 percent.

**These figures do not appear to fit the trend of the other number; this is probably due to the riots which occurred in Miami during this time period.

Source: Bimonthly reports from the JO/PDP project administration to the chief judge of the District Court.

TABLE 6
BOND HEARING DISPOSITION (1980)
FINANCIAL VS. NONFINANCIAL RELEASES (BY PERCENTAGE)

Dates	Financial	Nonfinancial	No Bond	Miscellaneous
4/17-30	41.6	44.5	10.6	3.3
5/1-15	42.9	41.7	11.8	3.6
6/1-15	43.0	44.1	8.8	4.1
6/16-30	46.0	41.1	7.0	5.9
7/1-15	47.7	39.3	8.8	4.2
7/16-31	46.1	39.4	9.9	4.6
8/1-15	49.9	39.1	8.0	3.0
8/16-31	49.1	36.6	10.9	3.4
9/1-15	48.0	37.2	12.1	2.7
9/16-30	49.5	36.4	11.8	2.3
10/1-15	45.1	43.3	9.9	1.7
10/16-31	49.8	37.2	10.1	2.9
11/1-15	47.1	39.1	11.7	2.1

Source: Bond Hearing Disposition (1980): Financial vs. Nonfinancial Release.
Tabulated by the JO/PDP project administrator.

TABLE 7
JAIL POPULATION INFORMATION

Month		Main Jail		%	Total Pretrial Population*		%
		7/79-1/80	7/80-1/81		7/79-1/80	7/80-1/81	
July	Total Days ADP	20,705 (29) 714.0	26,748 (31) 862.8	20.9	23,963 (29) 826.3	32,800 (31) 1,058.1	28.0
August	Total Days ADP	22,530 (31) 726.8	27,805 (31) 896.9	23.4	26,687 (31) 860.9	35,182 (31) 1,134.9	31.8
September	Total Days ADP	23,255 (30) 775.2	30,978 (30) 1,032.6	33.2	25,772 (30) 859.1	39,708 (30) 1,323.6	54.1
October	Total Days ADP	22,833 (31) 736.5	31,489 (31) 1,015.8	37.9	25,840 (30) 861.3	44,354 (31) 1,430.8	66.1
November	Total Days ADP	23,197 (30) 773.2	33,686 (30) 1,122.9	45.2	26,455 (29) 912.2	44,405 (30) 1,480.2	62.3
December	Total Days ADP	23,994 (31) 774.0	33,562 (31) 1,082.6	39.9	26,088 (29) 899.6	43,347 (31) 1,398.3	55.4
January	Total Days ADP	22,569 (30) 752.3	25,698 (25) 1,027.9	36.6	24,596 (27) 911.0	32,699 (24) 1,362.5	49.6
Total		159,083 (212) 750.4	209,966 (209) 1,004.6	33.9	179,401 (205) 875.1	272,495 (208) 1,310.1	49.7

*Total pretrial population includes those in the main jail plus the pretrial detainees held at the Stockade (a facility for sentenced misdemeanants).

Source: Calculated from the daily population records of the jail.

population increased by 5.4 percent; it increased 19.1 percent from July 1980 - January 1981. For the same time period, the total pretrial population increased 10.3 percent and 28.8 percent. The total main jail population has increased from 700-750 preproject to about 1,400 in April 1982, and for the same time periods the total system population has increased from 1,512 to about 2,200.

Summary of project impacts. The JO/PDP project in Dade County has had a number of positive impacts. It has:

- increased the release rate from an average of 80.5 per month to 284 per month
- increased the number of cases it has pending at the end of the month from an average per month of 875 to 1,364
- increased the number of new case intakes by 86.5 percent from 1980 to 1981
- maintained a 4.6 percent FTA rate while the number of releases granted more than tripled and the number of court appearances more than quadrupled
- relaxed release criteria so more arrestees could qualify for release
- developed a supervised pretrial release program
- made arrangements with the DA's office to allow PTR clients to be screened for the DA's diversion program
- instituted a system for reinterviewing detainees who failed to secure release after their bond hearing
- made release more equitable and increased the number of people released who were detained only because they could not post bond

The project was not able to:

- decrease the jail population
- reduce average length of stay for pretrial detainees
- make the courts less dependent on cash bond or third party release
- increase the number of citations issued by police
- implement the use of a point system for release decision making

Conclusions and Recommendations

Conclusions. The environment in Dade County is a very hostile one for a JO/PDP project in that a number of factors are operating that can counteract or disguise a program's impacts and increase the jail population. These included increase in reported crime, population growth, increased unemployment among minority groups, the influx of a minority group culture into the county, and legislation designed to crackdown on juvenile offenders. These factors contribute to the need for jail expansion (which has not been shown to be an effective mechanism for reducing jail overcrowding) and/or expanded use of existing alternatives to incarceration and the development of new ones. All efforts by the project, or other agencies, to reduce the LOS or decrease the pretrial jail population that are not likely to substantially increase the FTA rate or the risk to the community should be strongly supported.

The available data indicate that there is an overreliance among pretrial unit staff on perceived judicial preferences in making release recommendations, while the judiciary seems prepared to follow unit recommendations especially if follow-up data on release decisions were to be systematically made available to them. This situation may be resulting in overly conservative release practices (although postproject data suggest that this trend may be decreasing).

Given the present jail population, jail construction might be necessary to insure Dade County's compliance with a federal court order which has set a maximum capacity for the Dade County Jail. Even with a variety of pretrial release programs operating in Dade County, it may soon become necessary, due to increases in population and crime, to expand the jail facilities unless a major shift in community and criminal justice attitudes toward incarceration is experienced.

Recommendations. The low FTA and rearrest rates of program releasees suggest the feasibility of reducing release criteria. During January - December 1980, the average number of releases per month granted by the judiciary was 161, but the PTR unit only recommended 143 of these people per month (rf. Table 3). PTR should consider taking a more active role in trying to secure appropriate release conditions for more detainees. Statistics for the last quarter of the JO/PDP project operations and the postproject phase suggest that some relaxation of criteria has occurred. The development and use of a point system is also recommended as a method to expand the pool of potential releasees, and make release more equitable. Efforts should also be made to make judges less dependent on financial and third party release options. They seem overly dependent on secured bail when nonsecured releasees have excellent performance records (rf. Tables 6 and 7).

The PTR unit should develop an automated management information system to gather and reduce information that was being collected manually under the jail overcrowding grant, but is no longer being collected. Such a system would improve jail and project management and could provide the necessary data for an accurate internal evaluation of the PTR unit and other sections of the criminal justice system. The PTR unit currently has an automated client tracking system into which an information system could probably be added.

Continued energy should be put into efforts to reduce pretrial LOS. The development of a central intake system which would speed detainee processing and provide more efficient use of limited resources is one approach to reducing LOS. A second approach is to speed court processing. The fact that approximately 77 percent of the population incarcerated is pretrial suggests the possible existence of a court delay problem. An examination of court processing time should be made and if a delay is found to exist, efforts should be made to eliminate it.

CASE STUDY: STATE OF DELAWARE

Background and Crime Statistics

In the state of Delaware there are no county jails--only police lock-ups and the state prison system. Pretrial detainees, the focus of the JO/PDP project, are housed in state prisons. In recent years the Delaware state prison system has been the center of controversy, scandal, charges of corruption, and lawsuits. In February 1977, a federal District Court ruled that living conditions in the Delaware Correctional Center (DCC), the major correctional facility for adults in Delaware, violated the rights of convicted inmates and pretrial detainees. The court further ordered that the DCC population was not to exceed 600.

In response to the court order and the charges of corruption, in the spring of 1977 the governor spearheaded the development of a corrections master plan. Part of the plan included the construction of a multipurpose facility (the Gander Hill processing center) to process arrestees and classify convicted offenders. In November, the Hurley Committee was appointed to specify the function of the new facility and initiate planning. The committee recommended that the central arraignment concept be implemented on a trial basis prior to the opening of the new facility to illuminate problems with the approach and to demonstrate the benefits. The pre-Gander Hill project was known as the Post Arrest Processing Center (PAPC), and the PAPC was synonymous with Phase II of Jail Overcrowding and Pretrial Detainee Program project.

The PAPC was located in New Castle County which is Delaware's most populace county with a 1980 population of 399,002. The county's population was relatively stable, but its crime rate was increasing (Table 8). The 1980-81 figures represent an 11.7 percent increase in total adult arrests over 1979, while the number of Part I arrests increased by 68.9 percent. While the number of adult arrests increased, the number of juvenile arrests declined slightly, and the total number of arrests from 1978 to 1980-81 increased only 8.4 percent. Figures from the New Castle County Public Safety Department (equivalent to a sheriff's department) also show an increase in arrests (Table 8). Total arrests were up 27.7 percent from 1979 to 1981 and Part I arrests increased by 18.6 percent.

While arrests increased, the prison population did not increase. The number of adults under corrections' jurisdiction was 6,165 on July 31, 1981 and 6,168 on July 31, 1980. On the same dates the total number incarcerated and the pretrial population was 1,368 and 175 (1980), 1,317 and 239 (1981). The overall population decreased but the number of pretrial detainees increased by 36.6 percent, although the pretrial population was only 18 percent of the total.

When the project began there were a number of obstacles to its smooth implementation and operation. First, only part (about 70%) of the admissions to the state prison system came from New Castle County. Any reduction in prison population due to project operations could be offset by increases in the population from the rest of the state. A second barrier to reducing the prison population was

the use of mandatory sentencing practices that were approved by the state legislature in the past decade. Use of mandatory sentences reduced the outflow from the prison and increased the proportion of convicted criminals who are serving relatively long sentences (one to five years versus under one year).

TABLE 8
ARRESTS IN NEW CASTLE COUNTY

<u>Arrests</u>	<u>Date</u>		
	<u>1978</u>	<u>1979</u>	<u>7/80 - 6/81</u>
New Castle County			
Adult Part I	2,669	2,934	4,956
Adult Total	12,228	12,261	13,699
Adult and Juvenile Total	16,508	----	17,889
New Castle County Public Safety Department	<u>1-8/1979</u>	<u>1-8/1980</u>	<u>1-8/1981</u>
Part I Arrests	1,907	1,905	2,261
Total Arrests	4,442	4,799	5,674

Source: Delaware Criminal Justice Statistical Analysis Center.

The fact that only 15.6 percent (165 of 1,057 in February 1978) of the prison population was pretrial was another impediment to project implementation and success. This reduced the opportunity for the project to have a significant impact on the prison population and caused a number of CJ officials to resist or oppose it. Since the project could have little immediate impact and because they thought it was misdirected (it was focused on the pretrial population rather than on the postsentence population), some CJ officials withheld their support.

Thus, the JO/PDP project operated in an environment in which not all criminal justice agencies were willing to cooperate. The Public Defender's Office, the Attorney General's Office, and the Governor's Office were all strongly behind the project and they fully supported the central arraignment concept; the Municipal Court judges were opposed to the project; and the state Supreme Court took a wait and see attitude about holding preliminary hearings at the central arraignment facility. The Department of Corrections (DOC) was a supporter of the project, but caused some delays in project implementation when it refused to staff the PAPC until \$20,000 worth of security improvements were made. However, at a June 1980 meeting, the director of corrections reiterated his support for the project, took full responsibility for delays in implementation, agreed to staff the temporary arraignment center, and provided funds to improve security at the facility.

Description of Proposed Project

The primary focus of the Phase II project was to implement a central arraignment system at a temporary site in New Castle County. This temporary site was the Post Arrest Processing Center. It was anticipated that the experience, procedures, materials, etc. developed at the PAPC would be transferable to the Gander Hill facility once it becomes operational in January 1983 (the original completion date of Gander Hill was summer 1982).

Phase II of the project was to begin in October 1979. During the first three months of the project only felony offenders above the C&D Canal (the canal roughly divides New Castle County into northern and southern halves with Wilmington, Delaware's largest city, located in the northern half) were to be screened, interviewed, and provided with services. After the initial three months, services were to be expanded to include misdemeanor offenders and the rest of the county. During its life span, the temporary central arraignment system was to absorb a number of pretrial services and perform a variety of tasks.

Some tasks planned for Phase II were not directly related to short-term reductions in the prison population but focused instead on improving system operations and efficiency and preparing for a smooth transition from the PAPC to the Gander Hill Center. These tasks were to:

- develop standards and regulations manuals for the central arraignment center (PAPC)
- develop staffing requirements for PAPC
- develop job descriptions and duties for all PAPC staff
- provide an orientation for PAPC staff
- provide mental health screening at the PAPC
- develop criteria for determining what medical screening services will be delivered at Gander Hill
- explore the possibilities of incorporating other services and agencies into Gander Hill
- explore the possibility of increased liaison between pretrial and presentence functions
- implement centralized driving-under-the-influence testing
- continue the planning and coordination efforts of the program advisory committee
- explore the concept of omnibus hearings

The primary task designed to reduce the prison population was development of PAPC. Secondary population reduction tasks were:

- a study of the use of citations as an alternative to detention
- improvement of the indigency review for public defender eligibility
- development of a halfway-in house
- installation and use of a CLUES terminal for checking criminal histories

Description of Implemented Project

Since full implementation of PAPC was delayed, a temporary central arraignment system (called Temp II) was instituted. This program began operations on January 28, 1980 and served only felony defendants in the city of Wilmington. The temporary site continued the operations until PAPC opened on October 1, 1980.

Delays in the full operationalization of PAPC were caused by resistance on the part of the Municipal Courts, a lack of cooperation from key agencies, and by the Department of Corrections' requirement for \$20,000 worth of security improvements to the temporary facility. Through pressure from the Governor's Office and a corrections department decision to spend its own funds on security improvements, PAPC was able to begin operations and expand its services to include county felons and misdemeanants. In response to these start-up delays, the project director requested and received a no cost project extension through June 1981. He also secured local money to support those positions for which federal funds expired before June.

The Post Arrest Processing Center (PAPC). In spite of start-up problems when PAPC began operations, it was implemented as originally planned in the grant proposal. Initially, it operated seven days per week from 6 p.m. to 2 a.m. but the hours were changed from 4 p.m. to 12 midnight within the first quarter of operations in order to be more consistent with other shift changes. The center was based on the concept that providing all arraignment services at one site would reduce time spent in detention by offenders and this would have a positive impact on jail overcrowding. During any one shift PAPC was staffed by a magistrate, a court clerk, a deputy attorney general, an assistant public defender, a pretrial service worker and three correctional officers. According to the project coordinator the cost to operate PAPC for one night was about \$800.

Procedures for all agencies participating in PAPC are discussed in detail in an extensive PAPC procedures manual developed by the project coordinator. This document describes operational procedures for the police, corrections

officers, pretrial services, public defenders, deputy attorney generals, judiciary, and the Criminal Justice Service Center. A brief description of the role of each of these agencies vis-a-vis the PAPC as defined in the procedures manual is presented below:

1. Police. Their duties were delineated from the time of arrest to the time they relinquish possession of the offender to another agency. At PAPC the officer turns the arrestee and a copy of the arrest report over to the correctional officer. The police officer can then meet with the deputy attorney general and do the intake interview on the arrestee or schedule a time for the interview.

2. Corrections officers. They accept transfer from the police, search the arrestee, obtain arrestee's personal effects, and turn the arrestee over to pretrial services and the public defender's office to be interviewed. They also escort arrestees to court.

3. Pretrial Services. They interview the arrestee, run a computer check for priors, warrants, etc., and compare the detainees' statements with the information from the computer. If necessary, they go to Municipal Court and probation/parole to check the arrestee's records. They call a friend or relative of the arrestee to verify information, present their information to the Public Defender's and Attorney General's Office, and then present their information and recommendation to the court. They also do drug/alcohol and mental and physical assessment of everyone who will be incarcerated, and they make referrals to the Criminal Justice Service Center.

4. Public defender (PD). After the Pretrial Services interview, the arrestee is interviewed by the Public Defender's Office. The PD will try to negotiate the case with the deputy attorney general. The PD will represent everyone at arraignment (unless they have a private attorney with them) and make arrangements (if the arrestee qualifies) for continued PD services.

5. Attorney general (AG). The AG's purpose is to provide police with the opportunity for immediate intake interviews and to discuss cases with officers who come in while PAPC is operating. AGs also make recommendations at arraignment, evaluate the merits of a case, and negotiate pleas with the PD.

6. Court. The court must review paper work on each case, follow current initial appearance procedure, hear the recommendations and opinions of the AG, PD, and pretrial services, set bail on the case, and set the preliminary hearing date.

7. Criminal Justice Service Center (CJSC). The CJSC is not located at PAPC but it is charged with receiving referrals of people with suspected drug or alcohol abuse problems from the criminal justice system. CJSC evaluates these people and sends the results and recommendations to the referral agency.

To fully appreciate the operations of PAPC it is important to understand how the Magistrate Court operated outside of PAPC. An officer who made an

arrest would go to a Magistrate Court and swear out a warrant and present his or her case to the judge; the judge would not hear from the AG or PD because they were not present. Within the next week the officer would have to make an appointment with the AG to do an intake interview. The officers were responsible for the defendants while they were awaiting arraignment, and if the arrestee was not released, while the arrestee tried to make bail. If the arrestee did not secure bail the officer would take him or her to a police lock-up. This process could take three to four hours of an officer's time.

Attitudes Toward the Project

The CJ officials with whom we spoke identified a number of strengths, weaknesses, problems and potentials of PAPC. These were:

- it provided judges with better information and, therefore, allowed them to make better bail/detention decisions
- arrestees were processed more quickly
- the people who were most likely to return for court appearances and least likely to commit crimes were released, but PAPC also identified and detained those who represented a danger to the community
- it provided a check on the accuracy of arrestees' statements that had never existed before
- AGs were better prepared for their cases because they received information on the case in advance--not on the day before court
- some cases could be settled at arraignment (30 minutes to two hours after arrest) because of early case screening by the AG
- defendants were contacted by the PD sooner
- defendants were represented by counsel at arraignment
- increased communication, cooperation, and respect among the five agencies participating in PAPC was developed
- the prison was notified when people with mental or physical problems were being sent to them
- a system was developed so that bail could be paid 24 hours/day

- police saved a great deal of time
- PAPC will produce a debugged central arraignment system that will be ready to move into Gander Hill.

Weaknesses or problems of PAPC were:

- no one had central authority over the participants in PAPC
- not enough people were being processed through PAPC to make it cost effective; not all eligible arrestees were brought to PAPC; and only 2.1 people are arraigned per night
- PAPC should operate 24 hours per day but only operates from 4 p.m. to midnight
- the whole AGs staff was not committed to PAPC
- trials should be held at the PAPC court
- the project created the assumption that there was a need for AG shift work (the assistant AG doesn't believe such a need exists)
- the project was not necessary because the prison overcrowding problem was due to the sentenced not the pretrial population

Overall attitudes toward the project were mixed. Some CJ officials believed in the central arraignment concept and strongly supported the project; others viewed it as a threat or as having little value and resisted it.

Project Impacts and Accomplishments

In spite of start-up delays and resistance from some CJ officials, the project staff achieved most of its objectives. They completed a report on the use of criminal summons in Delaware. An agreement was reached between the Public Defender's Office and Pretrial Services in which Pretrial Services agreed to perform preliminary screening for indigency and make referrals for public defender services. A questionnaire to be used for that screening was developed and tested. A sample of 125-150 felons was tracked through the system, from arrest to disposition, to determine the speed with which processing occurred. Project staff also explored the potential for including additional service options at Gander Hill and were successful at improving coordination between pretrial and presentence functions of the Department of Corrections.

A major project accomplishment was the implementation of PAPC which was an effective pretest of the central arraignment concept. Project reports and

documents indicate that all objectives regarding organization of PAPC (e.g., staffing requirements, job descriptions, standards, methods of service delivery, etc.) were accomplished.

A positive impact of the JO/PDP project was an improvement in cooperation among criminal justice agencies in Delaware. The offices of the public defender and attorney general developed a strong working relationship. Cooperation among a number of agencies (e.g., the Bureau of Alcoholism, the Division of Mental Health, Pretrial Services, the Criminal Justice Service Center, Municipal Courts, Public Defender's Office, and the Attorney General's Office) was enhanced by project operations.

Project impacts on the prison population were difficult to assess because the prison population includes inmates from outside New Castle County, and because of the scarcity and inconsistency of baseline data. During Phase I, an extensive planning effort was mobilized to identify the problem of pretrial detention and to examine the feasibility of implementing the central arraignment concept at a temporary site, but little effort went into collecting baseline data for evaluation purposes. Baseline data came from a variety of time spans (one month, six months, last day of the month) over a number of years (1975, 1977, 1978). Furthermore, the lack of data on the prison population and crime trends complicated the problem of attributing changes in the prison population to the project. This absence of useful data appeared to be indicative of the shortage of data in the Delaware criminal justice system, rather than due to a lack of effort to collect data by the project.

Since the project's inception there has been little change in the total prison population. On July 31, 1980 the population was 1,368; on July 31, 1981 it was 1,317. For the same dates the pretrial population was 175 and 239, respectively. These data suggest that the project had little or no impact on the prison population. In light of the small number of arrestees processed through PAPC, this finding was not surprising (Table 9).

An area in which the project had significant impact was the processing of arrestees. Table 10 compares detainee processing time at PAPC with processing at Municipal Courts and County Courts. These data clearly indicated that arrestees were processed much more quickly by Pretrial Services, the Public Defender's Office, and the Attorney General's Office if they were processed through the PAPC. Being processed through the PAPC seemed to have a negative effect on the speed with which arrestees' cases were dismissed, or nolle prosequi (Table 11). The cause of this negative impact is unknown, however it is hypothesized by project personnel that PAPC defendants are charged with more serious crimes. It had a positive impact on the time to a guilty plea and to a finding of not guilty.

The number of arrestees processed through PAPC was relatively small (Table 9). There were 131 pretrial interviews during the first quarter of operations and 190, 197, and 217 for the second, third, and fourth quarters, respectively. The average number of cases per night went from 1.4 during the

TABLE 9
NUMBER OF PRETRIAL SERVICES INTERVIEWED AT PAPC BY MONTH

<u>Month</u>	<u>Number Interviewed</u>
<u>Project</u>	
October 1980	45
November	30
December	56
January 1981	60
February	57
March	73
April	69
May	75
June	53
TOTAL	518
Average	57.5
<u>Postproject</u>	
July 1981	70
August	68
September	79
TOTAL	217
Average	72.3

Source: Pretrial Service Unit's Monthly Records.

TABLE 10
SUMMARY STATISTICS

	<u>PAPC*</u>	<u>Courts 10, 11 and Municipal*</u>
Pretrial Interview	10 minutes	6 days
Public Defender - first contact	30 minutes	13 days
Felony Intake	7 days	10 days
Final Disposition	53 days	49 days
TOTAL Defendants	817	

TABLE 11
AVERAGE DAYS TO DISPOSITION

<u>Disposition</u>	<u>PAPC*</u>	<u>Municipal*</u>	<u>Court 10</u>	<u>Court 11</u>
Nolle Prosequi	48	38	33	39
Dismissed in Superior Court	56	41	N/A	N/A
Guilty	39	132	N/A	109
Pled Guilty to Lesser Charge	69	73	81	55
Pled Guilty to Original Charge	66	73	69	70
Open - No Disposition	50	100	113	13
Not Guilty	71	94	N/A	96

*Data for PAPC are from January - December 1981. For Courts 10, 11 and Municipal data are from January - April 1981.

Source: Collected from court records by JO/PDP project staff.

first quarter to 2.4 in the fourth quarter. PAPC's caseload is small but it appears to be growing.

To expand its operations and increase efficiency, PAPC accepted into its holding cells commitments from other sources; there were 754 such commitments in 1981. Parole or probation violators apprehended by police and defendants committed to the Delaware Correctional Center by other courts were delivered to the PAPC to be held until morning when they were transported to the DCC in Smerna. These people were searched and placed in a holding cell by the PAPC correctional office, and they received no other services from the PAPC staff.

The Delaware JO/PDP project was able to secure state and local funding to continue its operations until June 30, 1982. At the time this funding was granted, it was believed to be adequate to support PAPC until Gander Hill opened. In late 1981 it was thought that construction delays would push the opening date of Gander Hill back to January 1983 so at that time the project director was trying to secure additional funds to continue PAPC from June to January. More recent information however pointed to a partial opening of the Gander Hill facility on July 7, 1982 and complete functioning before December 1982.

Conclusions and Recommendations

When the project began, DRI had some concerns about the emphasis of the jail overcrowding project in Delaware. The project focused on the pretrial population of the prison system, while the overcrowding was primarily due to the sentenced population. Furthermore, the primary concern of the project was to pretest the central arraignment concept; reducing the prison population was a secondary concern. LEAA funds were earmarked to assist local jurisdictions in reducing their incarcerated pretrial populations. While Delaware funds were not directed primarily to that purpose, they were well spent. They helped improve the efficiency and operations of the CJ system, and laid the groundwork for future system improvements.

The project met its primary objective of developing a temporary central arraignment site to pretest the central arraignment concept. PAPC was fully operationalized, most of the problems were worked out of the system, and procedures and policies were developed that should be applicable at Gander Hill once it opens. The experiences of PAPC should help to insure the smooth transition of the central arraignment system into Gander Hill.

The project greatly improved arrestee processing but has not yet proven to be cost effective (costs were about \$400 per detainee interviewed), nor has it reduced the pretrial population in the prison system. It has improved interagency cooperation in the Delaware CJ community, and it provided the prison with more information on detainees than it had previously received. Police officers also informed us that PAPC saves a great deal of police time.

We recommend that efforts to develop a central authority over PAPC staff be continued. If this cannot be accomplished at PAPC it should, at least, be planned and ready for implementation once Gander Hill opens. CJ officials are advised to consider the potential of a management information system for data collection and distribution. It would make a useful addition to the PAPC. We also recommend that PAPC consider using the pretrial services agency reports for jail classification and for presentence reports, as well as for pretrial detention considerations. Efforts should continue to increase PAPC's caseload, by holding trials at PAPC, by closing the other Magistrate Courts while PAPC is operating, and by expanding PAPC's authority over the city of Wilmington's misdemeanor defendants. Although federal funds have expired, the former project staff have continued their efforts to expand the PAPC caseload. They are trying to pass into law a provision that Gander Hill will be open 24 hours/day and provide all the services of a justice of the peace court. The new law would allow felony cases to be tried at Gander Hill, and would expand Gander Hill's authority to include Wilmington misdemeanor defendants.

During DRI's visits to PAPC, it appeared that Pretrial Services worked more closely with the Public Defender's Office than it did with the Attorney General's Office. To preserve their objectivity it might be advisable for Pretrial Services to strive to maintain a more neutral position.

Delaware is a small state and many of the defendants who come before Delaware courts are out-of-state residents. Agreements with neighboring states to assist in pretrial screening investigations and extradition when necessary could help to expand the number of persons eligible for release. Law enforcement agencies should be encouraged to increase their use of citations and to develop and utilize automatic bond schedules. Expansion and utilization of these options could speed the processing of arrestees and help keep the size of the pretrial population at a low level.

CASE STUDY: JEFFERSON COUNTY, KENTUCKY

Background and Crime Statistics

Jefferson County, located in north central Kentucky is just across the Ohio River from Indiana. The population of around 750,000 is decreasing slightly each year, mostly due to the lack of employment opportunities. Jefferson County's largest city (and the largest city in the state) is Louisville, where law and order sentiment is said to be running very high. The victims of crime are becoming increasingly more vocal. Police response to public attitudes is evidenced by their opposition to the use of citations in lieu of detention, and less use of deferred prosecution in the courts, in deference to perceived police preferences for "keeping the people they arrest in jail."

In early 1976, the Kentucky court system went through substantial changes. A constitutional amendment established a unified and centrally administered court system. Two organizations were statutorily provided for to meet the needs of the new unified court system--the Administrative Office of the Courts and the pretrial services agency (PSA). With the advent of PSA, bail bonding for profit was abolished in Kentucky, and private bail bonding was replaced with a pretrial release system and a uniform bail schedule. Through the efforts of PSA, 30 percent of all persons arrested were released on personal recognizance, and 81 percent of all detainees recommended for release were released by the courts. However, a number of persons were identified who might be eligible for release but whose interviews could not be validated during the PSA screening, who were excluded on some technicality, or who were in need of some form of supervision. In addition, numerous cases concerning public intoxicants or interpersonal disputes that would be amenable to diversion were also identified. Inmate classification of the Metropolitan Correctional Services Department was also a problem; no comprehensive approach to intake oversight and case evaluation was in effect. Thus, there was a substantial population of potential releasees that did not meet state release criteria or could otherwise benefit from the services of a local pretrial unit. Therefore, a diversion intervention unit was established to complement the work of the PSA. However, the diversion function became a very inactive process under PSA and was later revived with increased funding in 1979 as part of the Phase II jail overcrowding project.

The reported crime picture and the jail population situation have worsened since the inception of Phase II in September 1979. The number of reported Part I crimes in Jefferson County was 13,454 in 1979; 14,896 in 1980. At the same time, the average daily population of the jail went from 596 in 1977 to 650 in August 1980 to 850 in March 1982. The rated capacity was 676, which includes available space in the jail and community treatment center. Periodic and severe localized overcrowding has intermittently led to general amnesties, ordered by a federal judge, to keep populations at reasonable levels. Jail staff turnover has been high and the county has had recruitment difficulties. Reduction in overcrowding and more recreation facilities for inmates were expected to help the general morale problem. In May 1982 the community treatment center was expanded, which increased the total jail capacity to 918. Following expansion came an increase in ADP; it averaged about 900 in May.

Description of Proposed Project

In the Phase I recommendations for Jefferson County, an efficient management information system was recommended as a key tool for analyzing jail overcrowding problems and assisting the community to be responsive to issues of both equal application of justice and jail overcrowding. The MIS was seen as a vehicle for developing and validating release criteria, jail oversight (booking and inmate tracking), for matching detainees to release resources, and for monitoring the programs developed. The planned program also recommended procedures for encouraging the increased use of citations in lieu of detention and for a dispute mediation program to divert appropriate cases from the criminal justice process. It was further recommended that legislation should be enacted to transport public intoxicants to treatment facilities, home, or emergency shelters in lieu of arrest or detention. Additional staffing was also proposed for the Diversion and Intervention (D&I) unit, to enhance their services.

Description of Implemented Project

The Jefferson County project got off to a late start. It was funded in September 1979 and was scheduled to terminate in January 1981. However, delays caused primarily by the resignation of the original director, and the delayed hiring of a replacement extended the completion date to April 1981. The original January 4, 1981 termination date was reinstated when in late 1980 a decision was made to apply remaining project funds to a jail information system.

The project's major objective was to help relieve the overcrowding situation by augmenting PSA activities through extended release options. The project developed its own release criteria designed to provide releasees with support and supervision. Three new modes of pretrial services became operational as a result of Phase II funding: deferred prosecution, supervised release and misdemeanor parole. According to Kentucky law, the pretrial services agency is required to screen everyone still detained within 24 hours of booking. The state policy, in effect since 1976, uses a strict point system modified from the Vera Institute recommendations, and as a result, although judges are on duty 24 hours a day, the PSA did not have time to investigate automatic disqualifications. The JO/PDP project picked up people who fell through the system based on either error or extenuating circumstances and those people who did not meet criteria for unsupervised release, but were still candidates for supervised release.

Misdemeanor parole was a sentencing option used by District Court judges. Prior to receipt of Phase II funds, a similar function was carried out by the county correctional services under the Kentucky Division of Probation and Parole. However, the original program was staffed by volunteers and, according to the current District Court liaison to the locally funded misdemeanor probation program, it was unable to perform the necessary referral and supervisory services. Under the JO/PDP project, misdemeanor parole became formalized and accepted by the courts as a viable sentencing option. Before this alternative existed, convicted misdemeanants would be discharged without supervision, jailed or fined.

The types of services provided through misdemeanor parole, in addition to supervisory oversight, included financial counseling, drug/alcohol treatment, mental health counseling, material assistance, employment counseling and job placement. Information regarding client needs was collected at intake and individual goals were set.

The deferred prosecution component was set up to divert first time misdemeanor arrestees through the county attorney. The county attorney, in conjunction with the presiding judge and the project's court liaison, reached agreement to divert qualified defendants in lieu of filing charges. Generally, the term of the diversion obligation ran for three to six months, as determined by the court liaison. Most defendants granted deferred prosecution were required to report to the court liaison on a weekly basis and do some community service work. Some clients were required to seek counseling or other support services as part of the diversion agreement. If defendants failed to comply with the provisions of the deferred prosecution grant, the court liaison would, at his or her discretion, report the situation to the county attorney and the court, who would have the case placed back on the docket.

A secondary objective was to develop a management information system. Information derived from an MIS would be used for identifying persons requiring special handling, producing population counts, locating inmates who have upcoming court dates and identifying inmates scheduled to be transferred to other jurisdictions. Initially, it was thought that a link would be developed which would interface with the county attorney's PROMIS system. However, the project was not able to work out an agreement with the prosecutor. LEAA funds, funnelled through the Kentucky Crime Commission and coupled with JO/PDP monies were used to purchase computer hardware for a jail information system (JIS). Supplemental Crime Commission funds were allocated to complete development of the JIS. A grant from LEAA provided the funds for software. Although the system was scheduled to become operational by February 1982, according to the JIS director, the system remains in its developmental stage at this writing. The current projected operational date was June 1982.

Several other planned aspects of the Phase II project were partially implemented. Efforts were to be made to decriminalize public intoxication and, thus, reduce the number of inebriates jailed in Jefferson County. Although legislation was passed in 1981 to accomplish this objective, police have continued to arrest suspected inebriates under different charges (i.e., vagrancy). A political rivalry for prestige and funds existed among the Jefferson County public service agencies, and the police department was said to have embraced the philosophy that they best justified their needs with high arrest rates. This rivalry has been intensified by cuts in the Jefferson County budget.

Another goal of the project was to collect arrestee information for the public defender. These data would be used for determination of indigency and early assignment to public counsel. It had become more difficult for indigent offenders to obtain defense counsel. Without counsel it took detainees longer to appear on court dockets, to obtain pretrial release and to be processed through the criminal justice system. Project staff were doing indigency screening to

hasten the processing of many detainees. However, after a brief trial period, this function was discontinued by JO/PDP. They determined that such interviews were consuming too much staff time in an activity not directly related to their primary task of providing incarceration alternatives.

The Advisory Board, convened for the Phase I study, was not used extensively during Phase II. This committee met on an irregular and infrequent basis. The board never demonstrated much initiative or enthusiasm, and the project continually had to provide leadership and direction. Many of the problems were a result of rotating judicial assignments--the duration of a particular judge's input lasted only as long as he or she remained on the criminal bench. Rotation took place every quarter. This inconsistency of membership, added to the counter-project views espoused by some board members, limited the utility and productivity of Advisory Board meetings. The board had very little, if any, policy input.

The project did not have a problem in identifying and using community resources for the supervised releases. The project staff did the contact work themselves, and had several agencies available for special counseling and therapy. The cooperation from these agencies was very good.

Attitudes Toward the Project

The prevailing opinion among Jefferson County criminal justice officials and former project staff was that the effectiveness of the project was limited by ineffective leadership and lukewarm commitment by the criminal justice system toward the project objectives. The management problems started early, as the original project director was released, creating a leadership gap and disrupting project continuity--a situation which was not rectified for several months after the dismissal. The subsequent director was roundly criticized for having too many outside interests to manage the program successfully.

One former project staff member stated that the project lost credibility among judges and prosecutors by not employing release guidelines. When considering persons for release under deferred prosecution, misdemeanor parole or supervised release, only capital offenses and nonverified interviews were deemed as ineligible for consideration. Judges and prosecutors, particularly in the felony courts, saw much of the project's activities as a waste of time, as they would not even consider releasing defendants charged with serious crimes and/or those with extensive criminal histories.

Despite these problems, it was generally agreed that a lot of good came out of the Phase II project. The continuation of deferred prosecution and misdemeanor parole under local funding indicates endorsement of these processes developed through Phase II. Also, the local funding commitment for the JIS speaks to a need for this capability and a need and desire to implement this JO/PDP initiative.

Project Impacts and Accomplishments

The Phase II project in Jefferson County operated from September 15, 1979 to January 4, 1981. In that period 6,429 arrestees were screened for supervised release. Of this number, 1,545 were interviewed and 506 gained release. Figures available through August 1980 indicated that another 153 arrestees obtained deferred prosecution and 92 detainees were granted misdemeanor probation. (More recent data were not available due to the project's "wind-down" during the last few months and its failure to maintain data collection efforts.) In spite of these statistics, the average daily population of the county jail has been rising. Project staff calculated that by the end of August 1980 their supervised release option had saved 7,635 jail days and misdemeanor probation saved 6,710 more for a total of 14,345 jail days saved. From the above statistics it appears that although the jail ADP has not decreased since project inception, the overcrowding problem would probably be much worse if the project had not been in operation.

According to August 1980 project statistics, the FTA rate for detainees granted supervised release was 8.2 percent. This is comparable to the 6-7 percent rate reported by the PSA whose criteria for release are considerably more conservative. The rearrest rate of project supervised releasees was 15.9 percent. These figures for detainees granted misdemeanor probation were 3.2 percent FTA and 10.9 percent rearrests.

The Phase I planning recommendations emphasized citation release and management information development, but the project as implemented did not focus on these activities. The JIS, however, was a direct result of Phase II funding. A number of criminal justice officials have identified a JIS as the primary need of the system in Jefferson County. JIS has become a popular project and concept. When implemented, it will provide information on inmate arrest charges, court dates, holds, custody status and sentence. Jail records will be broken down by floor and shift. Also, computerized misdemeanor arrest slips are being developed and will be used as part of the JIS.

The concentration on JIS brought about an early demise of the other JO/PDP components, and created internal conflicts and low morale during the project's last few months. The decision to use remaining Phase II funds to purchase JIS hardware led to the premature termination of the supervised release, deferred prosecution and misdemeanor parole functions. They concluded three months before schedule.

Despite the early termination, supervised release activities were continued by the pretrial services agency. During its first few months under JO/PDP this unit recorded a seven day average length of stay for its releasees--a figure thought to be a reduction in prerelease LOS, even though no comparative statistics were available. Nevertheless, in the last months of operation the LOS jumped to 17 days, due mainly to a drastic cutback in staff (three interviewers supported by the Metropolitan Correctional Services Department were cut) and low morale.

From our follow-up discussions with the management analyst under the JO/PDP project and now director of the JIS project, PSA has been expending only a nominal effort in its operation of supervised release. He and the head of jail classification stated that PSA does not generally follow up on detainees if they remain in jail more than three to four hours after arrest.

The new deferred prosecution program is managed by the person who performed a similar function as court liaison in the JO/PDP project. As was the case under the federal program, deferred prosecution under the county is limited to misdemeanor offenders with no or one prior offense. The director of the deferred prosecution program stated that because of the nature of the clientele served, the project has a limited effect on jail overcrowding. She reported that criteria and guidelines for acceptance into the county attorney's project are stricter than those enforced during Phase II. Yet the average caseload has increased from 40 to 110. She also stated that the deferred prosecution aspect of the JO/PDP project was welcomed by judges and prosecutors as a means of reducing their respective caseloads. The courts and county attorney concurred in making referrals for deferred prosecution.

The misdemeanor parole program operates with four staff including two probation officers, one secretary and one District Court liaison. Referrals come to the program through District Court sentences. According to the District Court liaison, the project has total discretion in determining when probationers should be released from their obligations. Before JO/PDP, conditional discharges without supervision, fines or jail were the usual misdemeanor dispositions. The department of probation and parole demonstrated their desire to continue this function beyond the cessation of federal funding. Services available through misdemeanor parole, in addition to supervisory oversight include financial counseling, drug/alcohol treatment, mental health counseling, material assistance, employment counseling and job placement. Information regarding client needs is collected at intake and individual goals are set. Between March and August of 1981, 70 referrals had been received. The District Court liaison reported that staff from the JO/PDP project were instrumental in helping to establish the spin-off program. In particular, the project's assistant director and its court liaison met with the administrators of the department of probation and parole to make suggestions on the nature of the new project.

Despite strong recommendations from the Phase I plan, citation release was never implemented in Jefferson County. Project efforts to encourage the state legislature to promote the use of citations fell short. Also, the public defender's attempts to encourage police to cut back on arrests and bookings met with resistance, due mainly to the county's growing conservative attitude. These attitudes, coupled with rising crime rates, have been largely responsible for the growth of the jail population.

Conclusions and Recommendations

It is not likely that Jefferson County will be able to reduce its jail population, given the increases in bookings and arrests, and the political climate

in which the criminal justice system operates. Most of the available bed space in the jails will continue to be filled. Before its slowdown, the Jail Overcrowding Program had an impact in modifying the character of the jail population by helping to replace the petty offenders occupying those beds with those charged with more serious crimes.

The supervised release process initiated and refined by the project must now be continued and strengthened by PSA if this concept is to have any lasting impact in Jefferson County. There is a large pool of potential candidates for supervised release and adequate community resources to provide for them. Judges must constantly be made aware of this option and its proven effectiveness. PSA should attempt to reach these potential releasees as early as possible to reduce the presently high average length of stay.

Hopefully, the JIS will become operational soon so that the long anticipated benefits can finally be realized. It is commendable that the project was able to obtain local support for deferred prosecution and misdemeanor parole in addition to JIS.

Many of the problems encountered in Jefferson County came about from inconsistent leadership and an apathetic Advisory Board. Future efforts of this nature should be structured to ensure objective, qualified nonpolitical leadership along with an advisory committee dedicated to fulfillment of the project's goals and objectives.

CASE STUDY: MULTNOMAH COUNTY, OREGON

Background and Crime Statistics

Multnomah County, in northwest Oregon, contains most of Oregon's largest city, Portland, a city of shipping, marketing, and manufacturing. The county's population has been relatively stable; it was 554,668 in 1970 and 562,640 in 1980. Although Portland is actually a tri-county area, the Department of Justice Services serves all of Multnomah County and the entire city of Portland. At the time Multnomah County applied for its Phase I planning grant (summer of 1978), the county had already demonstrated its concern about an overburdened criminal justice system by participating in several community corrections, state, and federal programs such as the development of a prosecutor's management information system (PROMIS), a victim restitution program, the Career Criminal Program, and the Treatment Alternatives to Street Crimes program (TASC). The county also applied for and received Jail Information System, Pre-Sentence Investigation Program, and Supervised Release Study grants after initiation of the planning grants. A site review in August 1978 by AJI reported that the county was pioneering measures to speed up court processing in the criminal area in order to relieve a chronic jail overcrowding problem. It was suggested, however, that this may have been at some cost to expediting the disposition of civil cases.

At the time Phase I funds were being applied for, Multnomah County also was considering the construction of a new jail to replace the Rocky Butte Jail (capacity as of April 1982 = 264). Rocky Butte was being replaced primarily because it was in the path of a new highway (I-205), but it was also below standard on several measures. Because of the highway construction, state and federal highway department's funds were available to cover almost the entire cost of a new jail, known as the Downtown Detention Center (DDC). The DDC will have a 430 bed capacity and will be part of the Justice Center Building (JCB). Highway Department funds will cover 67 percent of the JCB's construction costs and the remaining costs will be covered with city and county funds. The JCB, in addition to the DDC, will house four courts, county corrections services and administrations, the police bureau's headquarters and central precinct, an arrestee reception center, and some small retail spaces on the ground level. Construction on the JCB began in the fall of 1980, and the expected completion date is early 1983. Corrections Division personnel believe that the new justice center will greatly enhance the functioning of the correctional system.

During the tenure of the project, the number of Part I crimes reported to police increased substantially. From 1979 to 1981 the Portland Police Department and the Multnomah County Division of Public Safety showed increases in reported Part I crimes of 41.4 percent and 24.9 percent, respectively (Table 12). The number of arrests by the Portland Police Department also increased sharply from 1979 to 1981. Part I and total arrests were up 19.5 percent and 18.2 percent, respectively. However, the number of bookings decreased from 24,695 in 1979 to 22,584 in 1981. The preproject average daily jail population was (according to AJI) 630 in 1978. The ADP was 525 in 1980 and

TABLE 12
REPORTED PART I CRIMES AND ARRESTS BY
POLICE AGENCY AND YEAR

Police Agency and Year	# of Part I Crimes Reported	# of Part I Arrests	Total # of Arrests
Portland P.D.			
1979	36,082	6,054	21,808
1980	40,837	6,717	20,917
1981	51,016	7,158	26,054
Multnomah County Division of Public Safety			
1979	11,497	1,851	-
1980	12,522	2,217	-
1981	14,355	2,198	-

Source: Portland P.D. and Division of Public Safety Annual Reports.

508 in 1981. A comparison of 1978 and 1981 figures shows a 19.3 percent decrease in the jail population.

In January 1979, a committee headed by John Galvin of AJI visited and assessed Multnomah County's detention facilities. They found the facilities to be overcrowded, inadequate in a number of areas, and recommended that new capacity figures be set for all four facilities. Using those findings as an information base, the Division of Corrections requested that the county commissioners adopt a resolution that would set total jail capacity at 568, the level recommended by the committee. The resolution became effective May 1, 1979. Adoption of the new capacity figures helped eliminate a court suit against the jail that was being prepared by the Federal Metropolitan Defender's Office. On March 15, 1981 the total jail capacity was further reduced to 532, and the capacity of Rocky Butte was reduced from 300 to 264. Since their adoption, the Corrections Division has been very conscientious about complying with the new population ceilings. Whenever the population approached capacity the division reviewed the cases of those incarcerated and released the least serious risks to insure that the capacity was not exceeded. Due to the Corrections Division's population reduction procedures (e.g., pretrial release, quicker screening of arrestees, encouraging the use of citations, and case review when capacity was approached) on only a few occasions (usually three-day weekends) did the population exceed the rated capacity.

During Phase I of the project, the Corrections Division's Central Referral Program (CRP) gained court-delegated authority to release defendants charged with misdemeanors directly after booking. In June 1980 the Pretrial Release Program merged with the CRP, and a month later the combined unit was granted authority to release some class C felons.

The fiscal year 1982 Corrections Division budget was nearly \$2,000,000 less than the 1981 budget. This resulted in a loss of 29 staff members and a reduction in services. It also raised questions of whether or not staff would be available to operate the jail management information system (JMIS) once it was developed and implemented by project staff.

Description of Proposed Project

Phase II project operations were scheduled to begin on October 1, 1979 with the hiring of five people (an intake interviewer/counselor and a records clerk for the CRP and a director, systems analyst and a secretary for the project), and the purchase of computer software. The Phase II proposal stated that the project would address a variety of problems. These were:

- the lack of refined policy with respect to eligibility criteria for release
- the lack of stated policy with respect to appointment of defense counsel and the late entry into the case by defense counsel

- the lack of a single administrative unit with screening and reporting responsibilities to the court on pretrial detainees
- the lack of jail population and system flow accountability
- the lack of ongoing coordination among system actors to address pretrial issues

Specific objectives that the project staff planned to achieve under Phase II funding were:

1. To maintain population ceilings (to be achieved by July 1, 1979) as outlined in Board Resolution without contracting for additional housing with adjacent jurisdictions and without curtailing the housing of federal prisoners. This represents approximately 50 percent of the population which is currently determined to exceed recommended capacity at Rocky Butte Jail.
2. After a six month period (July 1, 1979 to January 1, 1980) to further reduce jail population to the second level recommended in the Technical Assistance Report on Population Limits.
3. To provide 24 hour recognizance release screening capability for all misdemeanor and traffic arrestees.
4. To maintain a failure-to-appear rate of 10 percent or less for misdemeanor recogs.
5. To reduce average detention time for misdemeanor arrestees by 50 percent.
6. To reduce the number of felony offenders who appear at arraignment without having had an ROR interview by 80 percent.
7. To reduce the average number of court appearances caused by late entry of defense counsel, for defendants who are held in custody, by 50 percent.
8. To docket, at conviction, the disposition hearing within 15 calendar days for general incarcerated defendants whose cases are reviewed by sentencing panels. (Presentence investigations reports can be completed within those time frames by diagnostic and field services staff.)

9. To expedite the docketing and hearing of arrestees detained on probation violations.
10. To reduce use of local confinement for class A and B felons.
11. To maximize use of Community Corrections Programs for class C felons.
12. To formulate written policy and criteria for a classification system by January 1, 1980.
13. To design, develop and implement a jail management information system by January 1, 1981.

Description of Implemented Project

As planned, the project began operations on October 1, 1979, but it was not fully staffed until March 1980. The initial project director was primarily concerned with objective number 13, development of a JMIS, believing that systematic aggregation and dissemination of reliable data was a necessary factor in addressing the other goals. A few months after the project began, Multnomah County received a jail information system grant and it was merged with the JO/PDP project. This new grant and merger increased focus on the JMIS to the extent that the other jail overcrowding project objectives became secondary.

In July 1980, a new director of the Corrections Division was appointed. Shortly after his appointment he reviewed the jail overcrowding project. He discovered the project was not progressing as scheduled and he requested an independent evaluation. The evaluators, Touche Ross and Company, concluded that:

- the JMIS had not been sufficiently well documented and communicated to corrections management and staff
- additional personnel were necessary to assure proper completion and acceptance of the requirements definition
- too many features and functions were included in the system
- no adequate implementation plan existed
- some implementation activities could not be accomplished within the proscribed time period (Ross, 1980)

These findings, plus the director's belief that the project lacked credibility with the corrections staff, was focused only on one of the 13 objectives, and was not

progressing as it should causing him to reorganize the project. After meeting with LEAA, the project's single focus was changed to a simultaneous concern with all 13 objectives.

Of the original 13 objectives, numbers 4, 9, 10, and 11 were considered to be poorly conceived, and difficult to measure and address and were therefore discarded. The remaining nine objectives were condensed into six new objectives which are listed below.

1. Maintain population ceilings after March 15, 1981 as follows:

<u>Facility</u>	<u>Males</u>	<u>Females</u>	<u>Totals</u>
MCBF	60	10	70
CAC	--	43	43
MCCF	155	--	155
RBJ	264	--	264
Totals	479	53	532

2. Maintain screening procedures to assure timely and appropriate disposition of all arrestees.
 - a. Screen 100 percent of all persons booked
 - b. Conduct screening interviews on 100 percent of all shifts seven days per week.
 - c. Identify need for defense counsel for 100 percent of all persons booked.
3. Maintain an average of 30 days or less between conviction and completion of the presentence investigation report for incarcerated offenders.
4. Formulate written policy and criteria for a classification system by January 1, 1981.
5. Design, develop, and implement a jail management information system by September 1, 1981.
6. Reduce the length of stay for pretrial detainees, and improve the misdemeanor rate of release by 5 percent and the felony rate of release by 10 percent over the respective rates of release for 1980 at the 24-hour level.

While the project's objectives and focus were being changed, the existing project staff was terminated, except for the project director whose duties were

substantially altered and she subsequently resigned in January 1981. The director of corrections then assumed the responsibilities of project director, a part-time statistician and part-time clerical person were assigned to the project, and some project responsibilities were assigned to existing Corrections Division staff. The new staff's lack of familiarity with the project and the single goal orientation and priority under the former director, pointed to the need for an extension of the grant if the remainder of objectives were to be completed. An extension request was made and the grant was extended 180 days to September 30, 1981. The project budget was revised, shifting funds from one category to others; no new funds were requested.

Under the new project director the six new objectives were addressed. The JMIS external design document was developed, hardware was ordered and installed, internal design and programming tasks and all steps necessary to implement the JMIS were completed. The system became fully operational in October 1981.

In reference to the changes in project objectives and orientation, the director of corrections and the new director of the JMIS project expressed concern about the role of the national program coordinator. They stated that the NPC should have brought to the staff's attention the fact that four of their original goals were poorly considered and conceived. (Discussion of goal orientation was provided in the DRI report of November 1980. DRI commented on the single goal approach and suggested that the use of a criminal justice Advisory Board, strongly recommended by LEAA, would have provided more discussion and justification for adopting this focus.) The directors further stated that a comparison of the goals generated during Phase I with the available data and the amount of time and personnel invested to meet their goals would have revealed a lack of realistic planning during Phase I. They suggested that if the NPC had been more persistent in requiring documentation of Phase I activities, such as a Phase I final report, some of the programmatic difficulties could have been resolved at the inception of Phase II rather than two years after its inception. As it was planned, the Phase II project suffered from a variety of conceptual, design, and implementation problems. Data collection and dissemination were important but not sufficient steps for achieving project and JO/PD Program goals.

Attitudes toward the Project and the Corrections Division

Outside of the Corrections Division there was little knowledge of the JO project's existence. When the project director was asked for the name of persons who were important to or familiar with the project, one judge was the only non-Corrections Division person whose name was mentioned. We spoke with this judge and another, and neither was aware of the project. The project staff had never asked for their input, they were uninvolved in the planning phase or any other phase of the project, and they knew of no other judges who were involved. The early lack of communication can be attributed to the former project director's failure to form or even attempt to form an Advisory Board or solicit input from CJ officials. The new project director did make an effort to form an Advisory

Board and encourage participation of criminal justice officials in the guidance of the JO project. However, the board did not meet until November 1981, after JO/PDP funds had expired.

The two judges with whom we spoke expressed a desire to cooperate with the Corrections Division. They seemed genuinely concerned with the problem of jail overcrowding, believed that a criminal justice forum was needed, and wanted to be a part of it. While unfamiliar with the project, the judges did express opinions about the Corrections Division and the Central Referral Program. They were well pleased with CRP, but were critical of the Corrections Division's administration, lack of open communications, and overall operations. They further stated that, with the exception of corrections, communication, cooperation and interaction among CJ agencies was very good. This lack of communication and cooperation was also identified in the Special Grand Jury Report, and in a Technical Assistance Report (Bennett, 1981). This distrust, lack of confidence in, and negative opinion toward the Corrections Division appears to be an historical burden which the JO project, as part of the Corrections Division, had to bear.

Like the judges, the head of corrections identified the Corrections Division's lack of credibility as a problem and agreed that a CJ forum was needed. Corrections staff stated that cooperation between corrections and the rest of the system was improving; that the project focused attention on the jail overcrowding problem; that the Portland Police Department, District Court, and Circuit Court were very cooperative; and that overall cooperation was good. Unless the two judges we spoke with are atypical, the variance between their statements and those of corrections personnel gives evidence that a communications problem exists between corrections and the courts.

Concerning the project itself, the head of the corrections and the assistant head both stated that it was making excellent progress since the appointment of the new project director, and that progress toward meeting all project goals was being made. Another corrections person interviewed stated that the Corrections Division lacked liaison with the rest of the CJ system, that the system did not understand how corrections operated, that overall cooperation varied, but that some CJ personnel were beginning to accept the notion that overcrowding was a systems problem. He also stated that he was uninvolved in the project until January 1981, and since then cooperation between his department and the project has been very good. A second corrections official said that the division lacked credibility with judges because of inconsistencies, mistakes, and unmet expectations. He mentioned that the project invested much time and energy and, as of June 1981, had nothing to show for it. He received no information or services from the project, but was required to collect data for it. Since the early days of the project he has had little input into project operations.

Project Impacts and Accomplishments

One of the primary concerns of the Division of Corrections, was keeping its jail populations from exceeding the population limits imposed by a County Executive Order of June 1979, and a U.S. District Court Consent Decree of January 31, 1981. Considering the amount of corrections staff and energy devoted to the crowding problem, it has been difficult to differentiate between the project's and the Corrections Division's impact on the jail population. The former head of corrections inadvertently pointed out the differentiation problem when he stated that:

"Although the grant project has not fully addressed all objectives, certain policies and procedures established by the Corrections Division outside of the efforts of the project staff will facilitate timely completion of certain grant objectives. In addition, Multnomah County has been awarded other grants which relate to jail overcrowding and will provide assistance in addressing issues relating to this grant.

He further stated that:

". . . progress has been made within the Division toward many of the jail overcrowding issues reflected in the grant objectives. Some of the progress has been influenced by the past efforts of the project staff. Much of the progress has been a direct result of the emphasis on control of jail overcrowding within local and national criminal justice programs. The developments which have impacted jail overcrowding in Multnomah County include:

- population limits and population management procedure #80-1 instituted as a result of a county directive regarding local jail facilities
- emergency population control procedures instituted to respond to overcrowding situations
- court delegation of recognizance authority to the Corrections Division and expanded responsibilities of the Central Referral Program (CRP)
- development of recognizance procedures for release of misdemeanor arrestees by Corrections Officers
- standardization of the CRP interview form
- development of a daily reporting procedure for population counts, bookings, recogs, releases and custody classification summaries"

(Quotes are from a management summary written in approximately February 1981.)

For this analysis, each of the six new objectives is addressed separately. The first objective, "to maintain population ceilings after March 15, 1981," was and continues to be met. Its achievement was due to liberal use of citations by police, to release and processing efforts by the Central Referral Program, and to population control procedures that were implemented by corrections staff whenever a population crunch appeared imminent. The project can be credited with increasing the concern with jail overcrowding and providing the hard data from which the citation release policy emerged.

The second objective, "to maintain screening procedures," was also met, but again, it was accomplished by the CRP. During the first 12 months of operation the project funded one CRP counselor/interviewer position. This person worked from 11 p.m. to 7 a.m. and expanded CRP operations, so it can be inferred that his or her efforts resulted in more people getting released and/or releases being made more quickly.

The third objective, "to prepare Presentence Investigation Reports (PSI) within 30 days of conviction," was also accomplished. The project helped to develop a short PSI form designed to speed up investigation, but the use of the form and the implementation of the program were performed by the DA's office under another LEAA grant. The program was very successful in reducing preparation of PSI reports to an average of 16.22 days using the short form, compared to 28.94 days using the long form. The program has since died due to lack of funding and staff. The 30 day PSI program was not funded or staffed by the jail overcrowding project, but the project did develop the idea for the program and helped to get it underway.

The fourth objective, "to formulate written policy and criteria for a classification system by January 1, 1981," also was met, although not by January 1. The criteria and the classification/information instrument were completed in the first quarter of 1981 and the form and process went into use in May 1981. The fourth objective has a history similar to that of the third. The need for a better classification system was conceived by the jail overcrowding project staff and the staff helped develop forms and get the project implemented, but the bulk of the work and the implementation of the project were performed by a different staff under a grant from the National Institute of Corrections. According to the Jail Classification Project director, the new system improved inmate classification and movement and when a population crunch occurs, it helps them make better release decisions. Once again the jail overcrowding project is credited with stimulating and assisting the development of a new project that is beneficial to the criminal justice system. In regard to the first four objectives the role of the project can best be described as a catalyst and provider of technical assistance.

The fifth objective, "to develop and implement a jail management information system (JMIS) by September 1, 1981," is the only objective that the jail overcrowding project can claim wholly for its own. This objective was achieved in October 1981 and the JMIS was supported with corrections funds once federal funding expired. The system is capable of on-line booking, retrieval of charge and disposition information, and full classification scan capability. The MIS project director reports that since its implementation the JMIS has had a

positive impact on detainee processing and system efficiency and has aided the jail administrator in managing the jail population more efficiently.

As Table 13 indicates, the sixth objective, "to reduce the length of stay for pretrial detainees. To improve the misdemeanor rate of release by five percent and the felony rate of release by ten percent over the respective rates of release for 1980 at the 24-hour level" was partially obtained. The felony release rate increased by over 10 percent.

Additional impacts included the routine collection and analysis of baseline data; a change in the morning report from seven to two pages (it will eventually be on-line); popularization of the idea of a central intake system; increased communication among criminal justice agencies; and the creation of a Corrections Division grants management committee.

Due to the problems that grew out of the first year of project operations, the committee was formed to insure that all grants operate within their guidelines, meet their specified objectives and are consistent with the goals of the Corrections Division. Such a committee has only indirect relation to reducing jail overcrowding, but it should improve the management of all grants and improve project results.

Conclusions and Recommendations

The Corrections Division was determined to keep the jail population within the limits set by Consent Decree, and it appears these limits would have been met even in the absence of a JO project. Consequently, it is our conclusion that the project had little short-term direct effect on the jail population in Multnomah County, although it did produce a number of ideas and data that stimulated changes in the system. The project was instrumental in developing numerous programs, and was the primary impetus behind the development of the JMIS which, depending upon its use, may be the primary mechanism with which to monitor and control the overcrowding problem.

We strongly recommend that the project make a concerted effort to increase communication with other criminal justice actors, inform other agencies of its existence and operations, and encourage the Advisory Board to continue meeting. The board met monthly from November 1981 to March 1982 but has not met since. Efforts are underway to reassemble the Advisory Board to deal with new CJ issues. Continued compliance with the Consent Decree is likely to require a systems effort which could be facilitated by Advisory Board activities. Regular meetings might help reduce the political isolation of the Corrections Division, provide a forum in which corrections could develop credibility, and expand key CJ participants' knowledge of how Corrections operates. Once a project Advisory Board becomes an integral part of the CJ system, its role and concerns can be extended into other areas, such as providing input and guidance into managing the Justice Center Building once it opens.

TABLE 13

MISDEMEANOR AND FELONY RELEASE RATES, 1979-1981

		<u>Misdemeanors</u>			<u>Felons</u>		
		<u>1979</u>	<u>1980</u>	<u>1981</u>	<u>1979</u>	<u>1980</u>	<u>1981</u>
h o u r s	0-4	38.0	47.7	64.6	19.4	27.3	44.2
	4-8	53.1	70.2	77.0	34.3	39.7	56.9
	8-12	61.1	80.1	82.3	43.3	43.6	62.9
	12-24	77.2	91.5	90.9	55.2	63.4	75.6
	24-48	82.3	93.1	90.9	58.9	67.8	75.6
d a y s	2-4	95.3	98.7	96.4	79.1	82.4	90.3
	4-6	97.1	98.9	97.1	82.1	84.6	92.3
	6-8	98.1	99.1	97.5	84.3	86.8	92.3
	8-10	98.5	99.1	98.1	88.1	87.7	92.3
	10-15	98.8	99.3	98.6	93.3	91.2	95.7
	15-20	99.5	99.4	98.8	97.0	93.4	97.0
	20-30	99.9	99.7	99.5	98.5	95.1	98.3
	30+	100.0	100.0	100.0	100.0	100.0	100.0
		N=429	N=698	N=549	N=134	N=227	N=149

Source: Jail Overcrowding and Pretrial Detention Special Report. Multnomah County Division of Corrections. July 1981.

We recommend that Multnomah County continue its efforts to develop a central intake system. In a September telephone conversation with the JMIS project director, he informed us that the CRP had been renamed the central intake system. We strongly support the move in this direction and encourage the county, especially in light of recent budget cuts, to continue its efforts to centralize services for pretrial detainees. The county should also be cautioned against reducing release alternatives and becoming overly reliant on the additional space available at the Downtown Detention Center once it opens. A reduction in the use of alternatives could quickly lead to an overcrowded DDC.

A final observation is that the Corrections Division has done an excellent job of maintaining the jail populations at below capacity levels. Their efforts are exemplary and we recommend that their population control strategies be disseminated to other jurisdictions with similar problems.

CASE STUDY: ORLEANS PARISH, LOUISIANA

Background and Crime Statistics

New Orleans, well known for its picturesque French Quarter and its attractive location on the Mississippi River and the nearby gulf coast resort area, has also had a history of poverty and generally poor living conditions among a significant proportion of its population. These problems have been complicated more recently by the city's high unemployment rate. The crime problem, characterized traditionally as both high and serious, usually worsens during the hot summer months because of increased tensions and frustrations in the more deprived areas of the city. Special events, like the spring Mardi Gras put even higher demands on the already overburdened criminal justice system.

Efforts by the jail overcrowding project staff to reduce overcrowding were hindered by a growing crime rate in New Orleans. Reported major index crimes in New Orleans rose 32 percent in the five years from 1975-1979. Reported violent crimes and reported property crimes from 1975-1979 were up 52 percent (6,910-10,487) and 27 percent (34,206-43,585) respectively, and from 1978 to 1979 they increased 37 percent and 14 percent, respectively. (Some of the increase in violent crimes in 1979 was due to the inclusion in the statistics of "attempted" assault.) The average jail population has also been increasing. It rose from 1,188 in 1978 to 1,919 in 1980, a 61 percent increase.

The increase in serious crime has created an atmosphere of urgency among local politicians, criminal justice officials, and the community in general. The city's large number of violent and dangerous criminals, many with significant drug and alcohol abuse problems, are generally disqualified from consideration for pretrial release. Community and political pressure on the police department has led to more intensive street patrol in high crime areas. This increased patrol, combined with more and better police communication and reporting, has resulted in more arrests and higher quality arrest reports and, thus, more frequent acceptance of cases for prosecution by the DAs office.

According to a report dated December 1980 by the Mayor's Criminal Justice Coordinating Council, there were 44,972 arrests made in New Orleans in 1979. Of these 44,972 arrests, 75 percent (33,606) were for Part II offenses and they cost the system \$11,027,720. In 1979, 23 percent of arrests were for alcohol-related charges which cost the system \$2,663,435. The costs related to major index arrests were \$2,895,028.

Charges for Part II crimes are filed in Municipal Court and in 1978 there were 43,364 new charges filed. Of these filings, 25 percent were dismissed and 23 percent were nolle prossed.

Two additional factors that are adding to the jail overcrowding problem in Orleans Parish are overcrowding at the maximum security state penitentiary at Angola (under court order since 1975), and a state law that requires sentenced

defendants who are appealing their cases to be held in the local jurisdiction until all their appeals are exhausted. Due to crowding at Angola, Orleans Parish must wait for an opening before they can send a sentenced prisoner to Angola. This results in the Parish holding more prisoners and more dangerous prisoners than it was designed to hold. The minimum and medium security state facilities are not crowded, so prisoners requiring limited security are dispatched from the jail while the prisoners requiring maximum security remain behind. Due to crowding at Angola and to the appeal law, the Orleans Parish jail, at any one time, holds approximately 300 sentenced prisoners who are appealing their cases or are awaiting an opening at Angola. The JO/PDP project director reports that (as of April 1982) approximately 65 percent of the people housed in Orleans Parish jails are either pretrial detainees or sentenced state prisoners.

When the JO/PDP project began operations, the criminal sheriff had under his auspices 1,168 bed spaces. There were 450 beds at the Old Parish Prison (OPP), 448 at the Community Correctional Center (CCC), and 270 beds in the city's House of Detention. The total inmate population, at that time, was about 1,700, of which nearly 1,000 were housed at the OPP. While the project was operating, a federal judge ruled that all city jail facilities be turned over to the criminal sheriff. This increased the capacity under his control to 1,418 beds, but it also increased his population. From January through October 1980, the total population averaged 1,851 and by May 1981, it had reached almost 2,500 and Mardi Gras crowds in 1982 were expected to push the population to nearly 3,000.

In sum, the rise in crime rates, an increase in the quality of arrest, the reluctance of the police to use citations in lieu of arrest, the lack of a felony bond schedule (only a District Court judge can set bail in the case of a felony charge), the recent increase in the number of prisoners who are adjudicated but waiting out appeals, and the removal of the state prison as an overload option because of its own overcrowded conditions, have all combined to create a serious jail overcrowding problem. The Phase I analysis of jail overcrowding demonstrated that much of the problem was related to a pretrial population. Lack of coordination among police, sheriff, and district attorney has kept New Orleans from developing an integrated program to relieve this problem. The district attorney has its own recognizance (OR) program, but the eligibility criteria are conservative, and the program serves only a very low risk population. Specifically, the DA's program excludes many people who would meet release requirements for judges' ROR or who could be released if they were able to meet modest bail. The program is very successful (in terms of a high rate of court appearance and low rearrest) but very limited (approximately 20 releases per month) in terms of impact. A residential work release program for sentenced inmates was operating by the Criminal Sheriff's Office at an unused fire station, but no supervised release programs existed for the pretrial population.

Description of Proposed Project

The Phase I study performed between September 13, 1978 and September 30, 1979 concluded that there were large numbers of pretrial detainees who would

be eligible for pretrial release under appropriate conditions. This population included a number of indigent and minority defendants who lacked the necessary employment and stability criteria to qualify for the district attorney's ROR program, but who were considered to be low risks if support and supervision were available to them while on release. It was this relatively low risk detainee population that did not qualify for ROR or could not afford bail on which Phase II of the JO/PDP focused.

The Phase II project (called the Central Intake Unit for Alternative Programs, and known by its initials as CINTAP) proposed to address three problems: to reduce overcrowding by increasing the number and scope of pretrial alternatives, upgrade and streamline the jail classification system, and improve an inadequate management information system. To accomplish these ends the project planned to reduce the daily number of pretrial detainees by 100 persons (or about 20 percent of the pretrial population) by placing 30 detainees, at all times, in the Sheriff's Work Release Program and another 70 on conditional/supervised release. To determine placement in these programs the project planned to screen and interview detainees, verify the information provided, and present their cases to the judiciary.

In order to improve the classification system the project planned to use the information collected during the detainee interview to assist the Diagnostic Unit in placing the individual in jail. The information system was to be upgraded through an emphasis on pretrial inmate placement and the leasing of computer hardware and software.

Secondary objectives of the project were to:

- oversee the jail population and system flow
- continue expansion of alternatives to incarceration in cooperation with criminal justice system officials and community agencies (including the possibility of the future expanded use of citations in lieu of arrest by the New Orleans Police Department)
- continue coordination and planning activities among system components
- increase communication between CINTAP staff and judicial officials concerning court rules and policies with respect to pretrial release criteria

Description of Implemented Project

Although Phase II began on October 1, 1979 as planned, it did not become fully operational until the first quarter of 1980. DRI made an initial visit to the project in October 1979 and discovered at that time that CINTAP was unaware of

and was not utilizing the technical assistance that was part of the program support system. However, with the formal appointment of a project director in January 1980, the project started to make progress on the attainment of its goals.

During its course of operations, CINTAP underwent a number of procedural and staffing changes. Early emphasis on the limited population eligible for work release and the planned approach for moving slowly with incremental programs were quickly expanded and modified because of severe overcrowding problems. The project changed its focus to conditional and supervised release options, most of which involved a minimal amount of supervision. The original objective of reducing the daily number of pretrial detainees by 100 persons was changed to making 600 project releases during the life of the project.

CINTAP has moved from the booking room of the OPP to the records room in the House of Detention. The project staff, which was at a peak of seven throughout most of 1980, dropped to four by the end of the federal funding cycle, and is currently (as of April 1982) at five. The reduced staffing caused the program to reduce the operating hours from 12 hours per day seven days per week to 10 hours per day five days per week. Throughout the life of the project the CINTAP staff were active in interviewing and screening applicants, monitoring clients with daily telephone contact and periodic home and job site visits, and referring clients to appropriate short- and long-term treatment programs. Initially they screened the entire existing pretrial jail population, and occasionally they reinterviewed and reconsidered an individual who initially failed to qualify for release.

To accomplish their second major objective (improve the classification system) CINTAP served as the initial screening unit for the jail classification system. Those not released were interviewed for work release, vocational training, restitution, rehabilitation and other programs. Information collected by CINTAP was used to assist jail officers in determining cell assignments for each detainee.

To improve the jail's information system (the third objective), the project purchased (with LEAA and Orleans Parish funds) computer hardware and software. Project research determined that the purchase of equipment would be more cost effective than leasing it. A number of problems delayed the purchase of the computer equipment. It was finally acquired in January 1981 and began operating in February 1981.

In addition to the above activities, the project also screened pretrial detainees on weekends for the Municipal Court. As a result of this screening program, Municipal Court judges were able to ROR approximately 20 percent of the normal weekend population of the central lockup. The screening program was discontinued in early 1981 when the project's staff was reduced, but it was resumed in late 1981. The screening program was significant not only for its impact on pretrial detention and jail overcrowding, but also because it was an indication of interjurisdictional cooperation and coordination, of which there had previously been very little.

The project did not use the Advisory Board as it was proposed. The project director reports that the board was too large a group to assemble and meet with frequently. He met with subgroups to deal with special issues and talked with many of the board members individually on almost a daily basis.

Attitudes Toward the Project

The CJ personnel with whom DRI spoke believed that the project was of great value. According to their perceptions, without the project being operational in the past two years the jail population would have been unmanageable. They reported that the JO/PDP project made other advances possible, such as the start of a community service restitution project. The magistrate judge said he was very happy with the project. He thought it should be expanded to 24 hours per day and would like to see it take over the ROR project currently operating through the DA's office. Also, he had become dependent on the project for a number of services (providing him with accurate information, doing client follow-up, enforcing the conditions of release, and more). There was general agreement that the project was valuable, cost effective and needed.

Project Impacts and Accomplishments

In terms of pre- and postmeasures of CJ system activities, it is very difficult to measure the impacts of the CINTAP project. The project made a special effort to collect pre-Phase II information on the CJ system. No such effort was conducted during the project or after its completion because the staff devoted all its energies to meeting its objectives. Consequently, little postproject system information is available, and evaluation of this program will be made primarily in terms of meeting project objectives.

Two of the three major project objectives--to upgrade and streamline the jail classification system, and to improve the management information system--were accomplished. The third major objective--to reduce the jail population--was not accomplished. The jail population did not decrease (it increased and continues to increase). However, there was ample evidence that the JO project had a positive effect on reducing its rate of growth. The project far exceeded its revised goal of 600 participants. During the federal funding cycle CINTAP released 1,806 people, and 2,872 releases were made from the project's inception to March 31, 1982. At any time there were approximately 200 releasees being tracked by the project. According to the project director and the Magistrate Court judge, most of those 200 would have remained in jail until trial and severely aggravated the crowding problem. Using the project director's method for calculating days saved (number of releases x average LOS), the project saved 83,100 jail days during its tenure under federal funding. Clearly, however present facilities could not have accommodated an additional 200 persons. Further, those who were released would probably have been primarily those who would have been detained less than the average LOS days. However, a substantial number of jail/person days were saved and the population released was rationally determined and effectively monitored.

While the number of days saved by the project was impressive, the project did not reduce the jail population. As stated earlier, the jail population rose from 1,700 to 2,500 during the life of the project. Such statistics suggest that the jail population was influenced by a number of other variables: crime rate, arrest practices, quality of arrest reports, etc., and that impact on the jail population is an inadequate measure of project effectiveness.

The project not only tripled its goal of 600 releases, it did so while maintaining a 2.3 percent FTA rate and a 4.1 percent rearrest rate. These rates are among the lowest in the nation. The project also reduced the LOS from a preproject figure of 10-50 days to 8 to 12 hours for people it released.

The second major objective, streamlining the jail classification system, was accomplished by screening arrestees for release, determining their release eligibility, and sending only those people who were not released to the classification unit. Information collected by the project was shared with the classification unit, thus reducing duplication of services and speeding up the classification process. However, chronic severe overcrowding complicated the successful operation of the classification system. Since inmate classification was a program objective, it seems relevant to report that the jail population in the OFP was racially segregated. This did not seem to be interpreted by either the blacks or whites as discrimination. Staff were integrated and appeared to be getting along well. Inmate segregation was viewed (among the people DRI interviewed) as a sensible measure to reduce violence inside the overcrowded and obsolete jail. There were no reported problems with security or inmate violence.

Activities that made the third major objective, to improve the management information system, a reality were the acquisition of computer hardware and software and the implementation of a computerized management information system. Half of the \$56,000 for computer equipment came from CINTAP (\$27,000), and the remainder came from the Criminal Sheriff's Office. The Sheriff's Computer Department staffed the equipment, and the JO projects provided \$2,000 to train the staff in its use.

The computerized system began operating on February 7, 1981. It was (and continues to be) staffed seven days per week, approximately 12-14 hours per day. Each day the system printed out an alphabetical listing of everyone incarcerated on the previous day, and made tier sheets for use in calling roll. The one day print-out delay was due to having the booking room and the computers in two different buildings (booking forms were carried daily from booking in the House of Detention to the computer room at the Community Corrections Center), the absence of remote printers, and to the fact that the computer only operated 12-14 hours per day. Three or four terminals were installed in the booking room, but the system did not become on-line during the life of the project.

The computer has the capacity to track people entering or leaving the system. For each detainee, it lists his or her name, aliases, date of birth, good time or full time, folder number, building, tier and cell location, height, weight, build, eye and hair color, scars and tattoos, marital and employment status, court

case(s) number(s), court section, next court date, fines and court costs, and outstanding holds or warrants. The statistics it has available are the number in each jail, number already classified, number on appeal, number of holds, and a list of those who are ready to be transported. All this information is collected on new entries into the system but the staff is also entering data on people who were incarcerated before the system was operating. This will allow release dates to be printed out on everyone. Planned system functions include daily lists of people to be released and who should appear in court, prior arrest information, cumulative statistics on all or most of the data they collect, probation and parole violations, employee records, payroll, purchase records, and deputy scheduling. The Computer Department is also considering the development of an automated inmate classification system.

The project was also successful at meeting its secondary objectives, (to oversee the jail population and system flow, to continue expansion of alternatives to incarceration, to continue coordination and planning activities, and to increase communication between CINTAP and the judiciary), although it was weak in the area of increasing coordination and planning activities among system components. The project staff also planned to develop alternatives to the House of Detention for alcohol-related offenders, and refer arrestees for social services. The staff devoted some energy to alternatives for public inebriates, but during the life of the project no alternatives were developed. Efforts are continuing in this area. A few needy arrestees were referred by the project to social services agencies, but many more referrals should be made. The project director cited lack of sufficient staff to make time-consuming referrals (he noted that, on a recent occasion it took him all day to get one person placed into a mental hospital) as the reason for the lack of such referrals. As the project staff is unlikely to be expanded, an increase in the number of referrals is not anticipated.

As evidence of the CJ system's recognition of its value, the project was granted local funding to continue its operations. The project became part of the Sheriff's Department Human Services Division which is headed by the former CINTAP director.

Conclusions and Recommendations

It is our conclusion that the CINTAP project successfully met all of its objectives. It has demonstrated that it can be a useful and effective instrument for assisting in making pretrial release decisions and, in fact, reduced the pretrial jail population by about 200 detainees per day. It has been successful at implementing and expanding alternatives to incarceration, increasing the CJ system's concern with jail overcrowding, winning the confidence and trust of local criminal justice officials, and accelerating the pace of change.

The CINTAP project, the automated information system operators, and the entire CJ system in New Orleans appears to be overworked and overburdened. Any addition of staff to CINTAP would increase its impacts, and an increase in the information staff would make the system work more efficiently and, in the long run, save money.

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1 OF 2

Our first two recommendations are that the project, in spite of its lack of staff, continue its efforts to make referrals to social services agencies and try to encourage the development and use of alternatives for public inebriates. Providing needed social services to arrestees may help prevent FTA and rearrest and may prevent them from returning to the CJ system. Getting the public inebriate population out of jail will free up space for more dangerous inmates and will reduce the alcohol-related offender costs of the CJ system. The project should also encourage the Advisory Board to meet as a group. An exchange of ideas among CJ officials could improve system operations and enhance project activities.

The project has become well established and accepted in Orleans Parish and it should begin expanding its release criteria and release options (the magistrate judge supports such a move; in fact, he recommended it). Such expansion is also warranted by the worsening overcrowding problem in the local jails. Increased numbers of releases and new release options should be pursued, as available evidence indicates that a monitored increased release rate is not likely to increase FTA or rearrest rates. The current rates of 2.3 percent and 4.1 percent, respectively, are very low compared to the national average, and they suggest that the project should consider relaxing its release criteria especially if release options are expanded.

The project also should:

- increase the use of ROR
- expand supervised release options to include more serious offenders
- encourage the use of citations
- encourage earlier screening of cases by the DA (currently 48 percent of the DA's caseload is nolle prossed or dismissed)
- work to develop arrest standards
- work to expand the newly developed MIS into other areas of the CJ system
- develop more communication with other sites that are dealing with overcrowding

CASE STUDY: SAN FRANCISCO COUNTY, CALIFORNIA

Background and Crime Statistics

In May 1978, the Mayor's Criminal Justice Council (MCJC) became aware of the LEAA Jail Overcrowding Program, applied for funds, and began the task of bringing systemization and coordination to the criminal justice system in San Francisco. Upon receiving Phase I funding in November 1978, the MCJC of its own volition appointed a ten member JO/PDP Advisory Committee. The committee grew from ten members to 21 and then to 24 to allow the inclusion of all interested criminal justice agencies and officials. To further accommodate the growing interest in the overcrowding committee, five subcommittees, a planning group, and three caucuses were formed. The total membership of all these committees was over 75 people. As the committee grew, it went beyond its original narrow concern of overcrowding to a concern with any problems pertinent to the criminal justice system.

Development of these committees and cooperation between criminal justice agencies was a major accomplishment of the project, and was unique in the history of San Francisco. In the past, local politics, interagency conflict, and protectiveness of personal territory are reported to have hindered cooperation among criminal justice agencies. This history of noncooperation and interagency antagonism was a frequently recurring theme in our discussions with criminal justice workers, all of whom were very much aware of the local political situation and viewed it as having real and serious consequences for their projects. Political considerations were probably the most important factor in the San Francisco JO/PDP project's environment.

Cooperation with the project was not easily won. Some people at first were unwilling to work with others. With time and hard work, cooperation developed among participants, with the exception of the head of the ROR program who argued against the committee and tried to prevent the project from receiving Phase II money. As a result of working together and defending the committee against its principal detractor, committee members became unified and a number of allies of the committee emerged. The Jail Overcrowding Committee became very popular and highly regarded.

Unlike most other Phase I projects, the activities of the Phase I project in San Francisco were not limited to planning. The Phase I project resulted in a number of system changes:

- the number of citations in 1979 increased 120 percent from the same period in 1978, and citation release was standardized
- juvenile offenders were moved to a brighter and nicer part of the jail (In October 1979 the jail stopped holding juveniles.)

- the chief jailer and the undersheriff started to use and request project data
- police were instructed not to arrest or cite persons with "an open container" because the DA's office refused to file such cases
- courts became sensitive to the pretrial release options and were willing to give arrestees project or court ROR releases

Most of these changes resulted from discussions related to the project data that were introduced at committee meetings.

Overall, the results of Phase I were impressive. Several system changes were initiated, cooperation among agencies was developed, extensive plans for Phase II of the project were made, and large quantities of baseline data were collected. Data were collected on FTA rates, number of citations issued, cost of arresting and processing public inebriates, and characteristics of people booked over an eight-week period.

Factors that were pertinent to Phase II of the project were: (1) the existing pretrial service agencies operating in San Francisco, (2) the extent of the public inebriate problem, and (3) the seriousness of the jail overcrowding problem. In San Francisco, a variety of pretrial release options were already available, including field and stationhouse citations, the ROR project, bail, court ROR, and alcohol and mental health care instead of jail. Also available were a number of diversion projects for less serious offenders, which included a restitution project, a drunk driving program, a community board program, and a jail clean-up program.

The Bureau of Alcoholism estimates that in 1978 there were 10,000 chronic public inebriates in San Francisco. In 1978, 16,609 arrests were made for public inebriation; this constituted 47 percent of all misdemeanor arrests. The problem appeared to be worsening because in the first three months of 1979, 4,660 arrests for public inebriation were made (this is an annual rate of 18,640 arrests per year).

According to the findings reported in the Phase I plan, San Francisco had little or no jail overcrowding problem. The capacity of the jail system was 1,518 while the average daily population for 1978 was 1,043 (Table 14). In 1978, only one of the three San Francisco jail facilities was ever over capacity and this was only for one month. While the jails were seldom overcrowded the number of bookings was high (they averaged about 130 per day in 1978) and quick detainee processing was required to prevent overcrowding. When the Phase II plan was written (July 1979), the average length of stay for detainees was 2.52 days, and 72 percent of arrestees spent one day or less in jail. As the data in Table 14 show, since the project began in November 1979, there has been a large increase in the number of total arrests, public inebriate arrests, and number of citations issued,

TABLE 14
CRIMINAL JUSTICE SYSTEM STATISTICS

Statistic	Year			
	1978	1979	1980	1981
Number of Reported Part I Crimes	71,077	71,550	71,123	72,504
Total Reported Crimes Part I and Part II	112,411	114,174	115,847	125,565
Total Arrests S.F.P.D.	62,491	60,486	70,434	89,032
Part I Arrests S.F.P.D.	11,059	10,169	11,327	9,255
Public Inebriate Arrests	16,609	16,158	16,177	20,328
Number of Bookings	46,994	43,347	43,772	48,320
Number of Citations Issued at County Jail #1	3,007	4,317	4,949	9,566
Average Daily Jail Population County Jail #1	377	310	333	359
Average Daily Jail Population Total	Fiscal Year 78-79			
	1,107		1,154	1,267

Source: Phase I Plan and data collected by project staff.

and a modest increase in total jail population and total crime reported, but few changes in other categories.

Although the jail capacity was seldom exceeded, a number of problems existed in the jail. Studies by the California Board of Corrections and the National Institute of Corrections found the San Francisco Jail to be deficient in a number of areas (i.e., deficient physical plant, failure to guarantee inmate's basic constitutional rights, insensitive or inhumane treatment). Furthermore, several law suits regarding inmates' rights were filed against the county jails.

Description of Proposed Project

Three major problem areas identified in Phase I and addressed by the Phase II implementation grant were: (1) the inappropriate use of jails for public inebriate and alcohol-related offenders, (2) lack of coordination, cooperation, and communication in the criminal justice system, and (3) lack of a consolidated system to deliver services to arrestees. These problem areas gave rise to the major objectives of the Phase II application which were:

"To reduce the public inebriate population within the San Francisco County Jail by 50 percent within the 18-month grant period. To develop a technique to identify the alcohol-related offender population in order to provide in-depth services.

To insure continuation and coordination of the jail overcrowding and pretrial detainee committee's activities (the comprehensive planning mechanism set in progress in Phase I comprised of a broad spectrum of criminal justice agencies, the judiciary, etc.); provide a forum in which Phase I unresolved issues will be addressed; provide ongoing monitoring of all Phase I recommendations implemented, such as citation release.

To consolidate the current fragmented arrestee service delivery system into a central client service center."

Beyond these major objectives the Jail Overcrowding Committee identified a number of secondary objectives. They included:

- plans to make people held on local traffic warrants and certain prostitution-related charges eligible for citation release
- a search for other agencies that might provide money and services for public inebriates
- plans to develop wet (where drinking is allowed) and dry hotels for public inebriates

- the development of programs to provide services for mentally ill offenders and offenders with drug problems

The committee forced the jail overcrowding project beyond its original concern with alleviating jail overcrowding to a general concern with any problems facing the San Francisco criminal justice system. The project served as staff to the committee and during Phase II it planned, to some extent, to address all the issues developed by the committee. The extent of commitment to these issues varied from discussion and analysis of problems to implementing activities designed to reduce or alleviate problems. The wide range of issues considered by the committee and subcommittees are listed in Table 15.

To monitor project results and provide information to the committees, project staff planned to collect a variety of information on public inebriate and prostitution arrests, citation releases, FTA rates, criminal justice officials' opinions, and more. They also planned to tap other data sources such as the Bureau of Substance Abuse, the research team at Ozanam (a reception, detoxification, and service center for alcoholics), and the Jail Classification Project.

Description of the Implemented Project

Phase II of the jail overcrowding project began on November 1, 1979, one month later than planned. The project staff addressed most if not all of the issues mentioned above, and some new issues that developed. To achieve their major objectives, the project staff implemented a number of activities. They allocated funds to the Ozanam Reception Center and to the Mobile Assistance Patrol (MAP), a program to pick up and transport consenting public inebriates to nonmedical detox centers, which allowed these two agencies to operate on a 24-hour per day basis. Prior to project intervention, these agencies lacked the staff and equipment to stay open around-the-clock and were closed between 11 p.m. and 7 a.m. The Phase I plan reports that 45 percent of all arrests for public inebriation occur between those hours. The expanded operations of these agencies provided services to public inebriates and increased the chance of public inebriates being diverted to detox centers rather than being incarcerated. In addition to providing services, these agencies tabulated the number of people they served and recorded some limited information on their service population.

To assist the alcohol-related offender population, two alcohol-related offender specialists, under the supervision of the Bureau of Alcoholism, were hired with project funds in January 1980. These specialists accepted referrals from throughout the criminal justice system, diagnosed and evaluated the offender's alcohol problem, developed relationships with and utilized the continuum of alcohol treatment and other community resources, recommended treatment plans as alternatives to incarceration to judges, and kept statistics to document the results of the program.

TABLE 15
COMMITTEE ISSUES

	TOPICS CONSIDERED
*A. <u>CITATION RELEASE AND PRETRIAL SERVICES:</u>	
(1) Citation Release (Sheriff and Police)	Citation Release Policy and Implementation (e.g., shoplifters, prostitution, traffic warrants, etc.)
(2) Nonincarceration Alternatives:	Alcoholics Drugs Mentally Ill Community Arbitration Boards District Attorney Citation Hearings Police Referral to Community Intervention Services Court Assigned Community Service Informal Diversion
(3) Other Pretrial Release:	O.R. and Night Court
(4) Defendant Services:	Courts Alternative Pretrial Diversion Project Northern California Service League Criminal Justice Unit of Community Mental Health Services
B. <u>JAIL POPULATION MANAGEMENT:</u>	Classification Central Intake Expediting Enroutes Consolidating Local Jurisdictional Holds With Other Matters at Arraignment Levels to be Achieved in Jail Population
C. <u>CRIMINAL JUSTICE DATA COORDINATION:</u>	Identification of Areas for Generating and Upgrading Data Aid Other Subcommittees With Pertinent Data Greater Access to Criminal Justice Data
D. <u>POST CONVICTION AND SENTENCING ALTERNATIVES:</u>	Alternatives to Sentencing: Project 20 Community Boards/ Arbitration Restitution: Monetary or Community Service Early Release County Parole Women's Work Furlough, etc.

*The source of this information is the Phase I Plan.

During Phase I of the project, the Jail Overcrowding Committee was able to develop effective cooperation among the various criminal justice agencies in San Francisco. One of the major objectives of Phase II was to enhance this cooperation, to provide a forum for discussion of unresolved Phase I issues and to provide ongoing monitoring of all Phase I recommendations implemented. To accomplish these ends, regular (at least once a month) meetings of the Jail Overcrowding Committee and all subcommittees were scheduled. At these meetings discussion was open to all CJ issues. At the meeting DRI attended, employment opportunities for ex-offenders, the impact of cutbacks in mental health services on the San Francisco jail population, and the development and implementation of an arrestee tracking system for the sheriff's department were discussed.

To meet the third major objective of Phase II (to consolidate arrestee services), the project developed a consolidation plan. Criminal justice agency heads were able to agree on which problems needed attention, on implementing services for public inebriates, and on a variety of other issues, but could not reach a consensus on how to consolidate arrestee services. Consequently, in addition to the projects consolidation plan, two other plans were developed. Each plan had its own group of supporters. These plans were the frequent topic of discussion during committee and subcommittee meetings.

Attitudes Toward the Project

In general, when asked about the project, interviewees responded in terms of the Jail Overcrowding Committee. The two were frequently viewed as synonymous. A number of people interviewed expressed surprise at the amount of interagency cooperation that was developed. Historically, all attempts at developing CJ agency cooperation had failed. The system participants had a tradition of dividing up the funding and responsibility and then going their separate ways. Most of the CJ officials interviewed supported the committee and the project and expressed satisfaction with the committee's achievements. As noted earlier, the committee had one principal detractor. Unfortunately, DRI was unable to contact this person for an interview during any of the four site visits and telephone calls were not returned.

Project Impacts and Accomplishments

The accomplishments of the jail overcrowding project in San Francisco (and those of the Jail Overcrowding Committee) were numerous and varied, although not always directly related to reducing the jail population. The project began affecting the criminal justice system during Phase I, and Phase II saw a continuation of project impacts. During Phase II, optional religious services were reintroduced into the jails, new viewing windows were installed in the jails, improvements in prisoners' diets and exercise opportunities were made, and a new method for handling inmate property was developed that minimized property loss.

The first major project objective, to reduce the public inebriate population in jail, was accomplished. By expanding the use of citations (Table 16) and the hours of operation of MAP and Ozanam, the project was able to reduce the number of public inebriates admitted to the San Francisco County Jail.

The public inebriate population of the jail decreased by about 50 percent. More precisely, the number of bookings for public inebriation for February 23, 1980 through April 19, 1980 was 17.3 per day; this is a 48 percent decrease from the 33.3 bookings per day for the same time period in 1978. It also expanded the number of public inebriates who received services and treatment (rf Table 16). MAP increased the number of people it picked up and transported by 45 percent from 1979 to 1980, and by 53 percent from the 15 months prior to the project to the 15 months of project activity (January 1980 through March 1981). During the 15 months of project activity, the Ozanam Reception Center increased its clientele by 80 percent over the previous 15 month period. While the project operated, the alcohol-related offender specialists received 531 referrals for services and made suitable treatment referrals for 374 of them. Because of their impressive results, all of these agencies were continued at project levels with local money once federal funding expired.

In the spring of 1979, the Southern District Police Station, after meeting with representative of the committee, agreed to deliver public inebriates to Ozanam rather than to the county jail. As a result of this policy, the number of public inebriate arrests in the southern district decreased by 70 percent from 1979 to 1980. They averaged 11.4 arrests per day in 1978, 6.5 in 1979, and only 2.3 in 1980. The southern station continued to deliver public inebriates to Ozanam after the project ended.

One problem DRI encountered in assessing the effects of the project relates to the target population of the program and the program emphasis. The emphasis of this project was on keeping a potential jail population from ever being booked and held. Police were encouraged to divert public inebriates to appropriate shelters and treatment facilities. It is not clear just how many people were actually diverted not only from jail but from any other criminal justice processes by this alternative. What is clear is that it is inappropriate in this instance to look at arrest/incarceration ratios as a program measure, and the jail population is impacted by so many intervening contextual variables that examining overall ADP cannot develop information from which to infer the impact of this particular program activity.

The second major objective (to insure continuation and coordination of the committee's activities, provide a forum for the discussion of CJ issues, and monitor all Phase I recommendations that were implemented) also was accomplished. The Jail Overcrowding Committee met regularly (16 meetings during the 18 months of project operation) and had a 90 percent attendance rate. The subcommittees also met regularly and enjoyed high attendance. The committee was widely respected and utilized as the principal CJ forum in San Francisco. As of this writing the committee continues to meet regularly and interest in it remains high.

TABLE 16
PUBLIC INEBRIATE AND ALCOHOL-RELATED OFFENDER STATISTICS

Agency and Service Provided	Time Period	
	1979	1980
MAP		
Total pick-ups	10,570	15,317
Pick-ups during expanded hours	--	4,303
	10/1/78-12/31/79	1/1/80-3/31/81
Total pick-ups	12,857	19,725
Ozanam Reception		
Total visits	119,555	215,303
Visits during expanded hours	--	71,768
Ozanam Detox Center		
Total	*	14,383
Alcohol-Related Offender Specialists		
Total new clients	--	531
Treatment referrals	--	374

*Because the center changed so drastically from preproject to project (from a 20 bed, three to five days per week operation to a 30 bed, seven days per week operation), it was inappropriate to compare these statistics.

Source: Collected by project staff from agencies involved.

Accomplishments of the committee reported by the project staff were:

- the committee revised and approved a new citation release policy which greatly increased the number of citations issued by the sheriff's department
- the committee recommended steps for the reduction of court delays by three to six weeks for mentally ill defendants headed for the NAPA and Atascadero state facilities (with the cooperation of the courts and the Department of Public Health)
- the committee promoted compliance with the State Board of Corrections's Minimum Jail Standards to minimize city lawsuit liability
- the committee established a police and sheriff's planning group to work to establish a centralized booking procedure which would free police for quicker return to the street
- the committee staff monitored and coordinated the handling of public inebriates by both the criminal justice and health systems and monitored jail population levels
- through extensive staff facilitation, criminal justice department and agency representatives are for the first time functioning cohesively as a system

The project had less success at meeting its third major objective, to consolidate arrestee services. Efforts to achieve this objective met with strong opposition. To facilitate consolidation of criminal justice defendant services, the project staff developed a plan that would consolidate services under the sheriff. This plan was opposed by the ROR project, the Adult Probation Department and the Municipal Court. This plan was revised and approved by the Jail Overcrowding Committee but once again it was rejected by the courts. The Adult Probation Department then developed a plan for consolidation of all services under its auspices. This plan was later withdrawn when the judiciary promised to deliver their own plan. The judiciary's plan was never formalized. During the life of the project no consolidation plan was accepted, nor has one been accepted as of this writing. The future of consolidation of arrestees' services in San Francisco does not look bright.

However, some consolidation of services did occur during the grant period. The Court's Alternative Project was disbanded and its staff provided court-related functions for the new agencies to which they were assigned. Also, the drug counselors from the Central Intake Unit and the alcohol-related offender specialists from the project joined forces to become the Substance Abuse Referral Unit. This unit was then administratively consolidated with the Pretrial Diversion Project under the sponsorship of the sheriff.

A number of additional activities occurred from which it can be inferred that the project was on target. These included:

- the project secured funds from the sheriff, police and Public Defender's Offices to support their entire staff from March 31, 1981 to June 30, 1981 and state funds were secured from July 1, 1981 to June 30, 1982
- project staff completed a study of the failure-to-appear rate for all citation releases from the sheriff's department between December 1, 1980 and March 31, 1981
- the reduction in the average LOS for misdemeanor offenders to less than two days (this is according to project staff; no supporting data were available)

Two accomplishments that occurred after the expiration of federal funds were:

- on the recommendation of the Jail Overcrowding Committee, the mayor appointed a 25-person Blue Ribbon Committee to address the problems of public inebriates, the mentally ill and the homeless
- a plan to improve coordination between the police and community mental health services

Conclusions and Recommendations

The San Francisco jail overcrowding project demonstrated the utility of CJ Advisory Boards. It further demonstrated the potentials and pitfalls of the development and operation of a systems approach to CJ policy and problems. Factors cited by the project director that facilitate the systems approach include:

1. The majority of original committee members were not adversaries. They wanted the good will of their colleagues and were willing to cooperate.
2. The possibility of Phase II funding encouraged cooperation among committee members.
3. Committee members were happy to be allowed to work out their own problems with no interference or pat answers from Washington.
4. The progressiveness of the police chief and the support of judges were very important to the success of the project and the committee.

5. The personal characteristics of the committee chair helped the committee and the project succeed. As chair, he helped gain respect for the committee, keep the peace, and keep the committee apolitical.
6. It was helpful that agency representatives had the power to speak for their agencies.
7. Deputy sheriffs stated that they were wasting their time dealing with public inebriates. They were happy to cooperate with a project that would address an already well perceived objective of their own (getting public inebriates out of the jail).
8. Employment of a democratic decision making process was a boon to the committee.

The San Francisco project was exemplary in its treatment of public inebriates. It demonstrated a method for and the utility of providing services and treatment rather than incarceration. Other jurisdictions looking for a solution to their public inebriate/jail overcrowding problem might consider the approach used in San Francisco as one possible solution to their problem.

This project also illustrates the problems a jurisdiction can encounter when attempting to consolidate arrestee services. In addition to the logistical problems caused by consolidation, several political roadblocks also exist.

Based on our experience with the development and evolution of this project, we recommend that the committee continue its efforts to develop a central booking facility and to consolidate arrestee services. To aid their consolidation efforts, the committee might consider studying other sites such as Delaware with a central intake system to determine if such systems might be feasible and beneficial in San Francisco.

CHAPTER III. 1980 PHASE II PROJECTS

Introduction

The NIJ grant was originally planned to extend from April 1, 1981 to March 31, 1983 with renewed funding after the first year. The two year evaluation period was intended to allow DRI to follow all the 1980 Phase II sample sites to conclusion under federal funding. Emphasis on the 1980 projects was to take place during the second year. Five 1980 Phase II sites were selected for in-depth evaluation. Each site was to be visited at least twice. Data on the background and environment of the project, the overcrowding problem, project implementation and project impacts were to be collected.

Funding cuts resulted in the termination of the study after the first year. Consequently, only one visit to each of these sites was conducted. Information on the project environments, their approaches to the crowding problems, and their implementation were collected. Since follow-up site visits were not possible, very little data on project impacts are available. A brief description of each 1980 site is presented in this chapter to demonstrate the variety of approaches utilized to achieve program objectives.

Site Profile: Alexandria, Virginia

The city of Alexandria is located in northern Virginia, adjacent to the Washington, DC area. The county is mainly urban, with a high proportion of low income population.

When the Phase II project began, the rated jail capacity was 98 and a legal limit of 115 was set by court order. The ADP was always close to the ceiling of 115. In Alexandria no automatic bond schedule was in operation, bond was set arbitrarily by magistrates, only magistrates and judges had release authority, the only release options available were cash bail and ROR. Jail classification decisions were based on intuition, information flow in the CJ system was very poor (no management information system existed), data collection, storage and analysis were very rudimentary, and a centralized source of data collection was needed.

Prior to Phase I of the project, Alexandria had secured funds to expand the jail facility. However, they delayed construction until the Phase I planning grant was completed so that the findings of Phase I could be used to help plan the new construction. The new construction took the form of an addition to the jail which would house a central intake system (CIS) and some of the sheriff's department administrative offices. Included in the CIS, in addition to the sheriff's department were records, booking, medical services, classification, property, intake, and the magistrates' offices.

The JO/PDP project was based in the jail and administered by the sheriff's department; it consisted primarily of a unit to screen and interview

arrestees for bonding information. The unit was scheduled to become part of the 24-hour per day central intake system. Pretrial interviews were conducted by the project to provide attorneys and the court with a basis for bond arguments. The project made no recommendations or release decisions but gave magistrates and judges necessary background data to make such decisions.

The Phase II screening process and eventual refinement into a central intake unit were brought about through recommendations emanating from Alexandria's Phase I study. This report, representing data collected from April - October 1978 and May - December 1979, indicated that a high proportion of the misdemeanants and felony arrestees brought before magistrates at the initial advisement were granted personal recognizance bonds and released. Nevertheless, the jail was operating at or above capacity through the study period and it was thought that more could be done to reduce the pretrial population.

Magistrates were making their decisions on the basis of very limited information--an arrestee's instant charge, name and address. A goal of Phase II was to develop a screening capability which would give magistrates defendant profiles for setting bond. It was also assumed that screening would allow judges and magistrates to reduce the high number of small cash bonds imposed and replace them with personal recognizance release.

A second goal called for the establishment of more structured types of release, i.e., third party custody, in addition to personal recognizance. Through these options it was anticipated that the pretrial population could be reduced without increasing risk and the previously high failure-to-appear rates would be lowered through supervision of releasees and a consequent cutback in unintentional FTA.

Additional goals of Phase II included:

- centralization of defendant record keeping through the use of a microcomputer
- development of a standardized objective jail classification system
- tracking a sample of arrestees through the system to discover determinants of FTA and to develop a profile of detainees
- sharing information collected with the floor deputy (a deputy assigned to a floor to get to know the inmates)
- reduction in average LOS of felony detainees from 10-12 days to 5 days or less, and to reduce the 3-5 day LOS for misdemeanor arrestees
- becoming the primary statistical resource on the jail/criminal population

- the collection of data for the career criminal program
- speeding detainee processing
- making community contacts available at booking to address defendants' needs for services

A follow-up telephone contact (July 1982) with the Alexandria project director revealed that the project, which ended May 30, 1982, had been picked up completely by city funds. The microcomputer proved to be inadequate to manage the project's information needs. The city is developing a CJ information system of which the project will be a part and the primary source of data input. The jail classification system was developed but is still being modified. The jail addition was completed in December 1981; the CIS became operational in January 1982 and it is currently operating 24 hours per day. The project supplies daily information (collected from arrestees) to probation and parole, the Commonwealth Attorney's Office, police records, and the floor deputies.

The project director also reported that the accomplishments of the Phase II project would have been impossible without federal funding and that the goals of the project have been incorporated into the goals of the system.

Site Profile: Baltimore City, Maryland

Like the other 1980 Phase II sites evaluated in this report, information on Baltimore is limited to an initial site visit and some follow up. Most of the data presented here were collected during a site visit conducted on June 18 and 19, 1981.

Basically, the impetus for the Phase I and Phase II projects emanated from a Consent Decree issued in 1978. The decree forced limits on the size of the Baltimore City Jail population below the pre-existing levels. Those levels were considered high in spite of the fact that the pretrial services program was bringing about the recognizance release of approximately 45 percent of all arrestees in the city system.

Phase I was primarily a data collecting and planning effort to determine where possible reductions in the jail's pretrial population could be made. Data were collected for two typical days to give an indication of the nature of the pretrial population and to identify possible alternatives to incarceration for that group. These Phase I efforts led to the conclusion that alternatives to pretrial detention, besides recognizance release, had never been fully developed or utilized. Therefore, Phase II, in part, was designed to expand the pre-existing recognizance release program to include conditional release and supervised release options.

The target populations to be served by Phase II included those defendants who could not post bail even after a District Court review of their status and bond adjustment. Tracking of subjects in the two-day Phase I sample indicated that 50

percent of those defendants remaining in custody eventually had their charges dismissed, which underlined the advisability of some form of release for these individuals. Also, the project was looking at the possibility of making release recommendations for persons arrested on failure-to-appear charges who, previously would not be considered for any type of pretrial release.

At the beginning of the JABAR (Jail Alternatives and Bail Risk project, as the JO/PDP project was called in Baltimore) the pretrial services unit (PTS)--which had been in operation for 11 years--operated with a 117 member staff. PTS was able to provide 24 hour, seven day a week bond investigations at the numerous lockups throughout the city. However, approximately 60 percent of the pretrial services staff were CETA employees who were terminated with CETA's demise in the spring of 1981. Therefore, JABAR was forced into a position of "picking up the slack" for displaced CETA workers. One JABAR staff member was stationed in the city jail each morning to screen arrestees who had not been interviewed by PTS during the previous night. JABAR also assumed total responsibility for pretrial diversion which originally was to be expanded by the new grant to include a wider range of referrals (more serious offenders) and a broader range of services. Because the pretrial diversion unit served only CETA-eligible clients, the diversion aspect of JABAR became the only such program operating in the city system. JABAR worked to develop private employment opportunities for diverted clients to replace CETA jobs. Prosecutors in Baltimore required divertees to work for a specified period as a condition of diversion.

To implement its program of expanded release alternatives, JABAR tapped existing direct service components of the pretrial services unit as well as other support service delivery systems. The project director reported using the following services:

- third party release and supervision through Offender Aid and Restoration (OAR)
- alcohol screening (pretrial services)
- drug screening (pretrial services)
- conditional release (pretrial services)
- spouse abuse (pretrial services)

Originally, Phase II was to begin with a judicial survey, which ostensibly was to ascertain judges' interpretations of the jail overcrowding situation and their views toward JABAR's proposed alternatives. However, CETA cuts forced the project to defer the judicial survey in lieu of immediate defendant services. Also, the project's plan to develop a network of community resources to act as support agents for conditionally released defendants fell behind schedule as a result of the immediate needs.

Summary and Conclusions

There was almost total agreement that JABAR was initiated to supplement PTS. In spite of a 45 percent ROR rate achieved by PTS, it was hypothesized that conditional release options could be added to PTS to permit release of more serious types of arrestees through alternative types of supervision. Nevertheless, JABAR was forced to supplement the PTS pretrial interviewing capability left reduced by CETA cuts. Rather than searching out marginal candidates for release, it appeared that the project was interviewing a large number of arrestees who previously would have fallen under PTS's responsibility. The diversion and community support systems which JABAR was to develop were delayed because of these immediate needs.

Site Profile: Boulder County, Colorado

The primary purpose of the Boulder County Phase I project was to (1) assess the effectiveness of alternatives to jail overcrowding currently in use, (2) use this assessment as the basis for expanding existing alternatives under a unified jail-use policy, and (3) develop a systems approach to the jail overcrowding problem. The project was successful at securing Advisory Board support and having regular meetings of that board, developing a flow chart of the system, and collecting and analyzing data. However, their data collection efforts were hindered by the absence of a centralized information source. Each agency collected data for its own use on what was important to it. Some data desired by the Phase I staff were not available. Useful information that was collected included LOS figures for the jail population, the bond commissioners caseload, an analysis of the computer capability of the county's CJ system, the finding that 58 percent of the pretrial detainees in Boulder County had drug, alcohol or mental health problems, and that about 84 percent of the Boulder jail population was pretrial.

When the Phase II project began Boulder was faced with a growing jail population. The jail was at 68 percent of capacity in January - March 1979 and 82 percent of capacity in October - December 1979. There was a lack of coordination of information collection and flow. There was much duplication of information collected, and some unique information collected by some agencies could be useful to other agencies if shared. Also, existing pretrial services were believed to be inadequate to handle the expected increase in jail population. The jail population was predicted to increase by 8 percent from 1979 to 1980. Finally, there was a lack of timely mental health services for the large portion of the jail population with drug, alcohol or mental health problems.

To eliminate or alleviate these problems, the project planned to develop a management information system. A project-funded systems analyst and researcher were to meet with each agency, discuss its information needs, and translate them into a software package. The MIS was to be interfaced with the already existing system in the Boulder County Sheriff's Office. The project also planned to fund another bond commissioner. This would expand the number of commissioners from three to four, allow them to operate 24 hours per day and screen more detainees. The added commissioner would help meet the expected

increased demand on the system. Bond commissioners assessed arrestees for crisis intervention, made referrals for future diagnosis of the arrestees, and collected data on the individual which were disseminated to the courts, prosecution, and defense counsel. The information was also used to make release decisions and recommendations.

The third method employed to alleviate the above mentioned problems was to expand pretrial services and develop a supervised/conditional release program to facilitate release of those detainees who were incarcerated from two to ten days. This program was designed by setting up the appropriate release conditions as support services to assist this population in securing release more quickly and without cash or surety bail. The final method employed by the project was the development of a Diagnostic Unit. This unit was to consist of a psychologist (county-funded) and an interim intervention caseworker (project-funded). It was designed to deal with the large offender population with drug, alcohol or mental health problems.

At the time of DRI's site visit to Boulder County (September 1981), the Phase II project had been in operation for almost one year and there was substantial evidence that it was making progress toward its objectives. The bond commissioner program interviewed 78 percent of all bookings between August and September 1981, compared to 58 percent of all bookings over the same time period prior to the grant. Also, since the project's inception, 88.25 percent of those screened were contacted within four hours.

The pretrial supervised/conditional release program was operating as planned. All arrestees eligible for review who remained in jail for 72 hours were recontacted by the program and efforts were made to secure their release. The Diagnostic Unit was also functioning as planned. The number of detainees evaluated by it increased each quarter and evaluation reports were being completed within the required 72 hours.

Development of the MIS was delayed because a partnership to develop a computerized information system with neighboring Weld County fell through, and the project had some difficulty securing the necessary cooperation from various CJ agencies. At the time of the site visit these problems had been resolved, and it appeared that by the end of the grant period, two sections of the system would be on-line.

Site Profile: Clark County, Nevada

Prior to the inception of the Phase I JO/PDP project in Clark County, a suit was filed by inmates against the jail. They stated that a number of jail operations were so inadequate as to constitute a denial of due process under the law. The suit resulted in a Consent Decree, signed September 20, 1978, which detailed a number of changes to be made in the jail, including the setting of a population ceiling.

During the Phase I effort, some of the activities completed by the project included the implementation of a video appearance system for probable

cause hearings, encouraging the police to use field and stationhouse citations, changes in the prisoner classification system, exploration of various management information systems options, production of flow charts describing the system, and collection of baseline data. The baseline data were from a 2 percent random sample of arrest sheets (N=575). They include demographic information on prisoners, length of stay data, charges, number of prior and subsequent arrests, cost figures per inmate per day, and average daily population characteristics. An Advisory Committee of 20 members from various criminal justice agencies in Las Vegas was also formed to oversee project operation. From this committee emerged an Executive Committee. The Executive Committee is the more active of the two; from it comes recommendations of issues to study and suggestions for problem solving. The Advisory Committee plays a more reactive advisory role.

The project's Phase I data analysis revealed that felony and gross misdemeanor (which carries a six month to one year sentence if convicted) offenders comprised 71 percent of the jail population. This population was identified as the target population to be impacted by Phase II efforts.

When the Phase II project began the jail was severely overcrowded; the capacity was 302 (set by Consent Decree) and the ADP was 524. In Clark County the only available pretrial release options were citation release, third party release, cash bail or ROR granted by a judge. The primary focus of the Phase II project was the development of a pretrial release program to grant ROR to the target population. The project also planned to develop a point scale for determining release, provide information on detainees to judges more quickly, and develop a system for the supervision and notification of releasees.

The Phase II project which was under the District Court was implemented as planned. A pretrial release program was developed which screens arrestees 24 hours per day, seven days a week. The screeners who were located in the jail sent the information they collected to the pretrial project's main office where it was verified. Initially the main office operated seven days per week from 8 a.m. to midnight. The screeners and the verifiers also did indigency screening, answered an arrestee's questions about the CJ system, and made referrals for social services. The verifiers used a point scale (based on the Vera model with some local modifications) to determine release eligibility. When the project began its operations it had authority to release misdemeanor offenders. This authority was later expanded to include gross misdemeanor offenders. The project was also authorized to accept cash bail.

As arrestees were released through the project they were told to report to the pretrial services main office. Once at the main office, they were provided with information on their charges, the manner in which the project secured their releases, and the guidelines governing their release (e.g., that they must call the project once per week, report to the project before and after each court appearance, etc.).

At the time of DRI's visit to Clark County, the project had been operating for almost nine months. It had demonstrated a number of positive impacts on the jail population and the CJ system which include:

- the number of detainees granted ROR within 24 hours increased from 56 percent to 73 percent
- the percentage of releasees granted ROR increased from 15 percent to 47 percent
- the project was screening about 2,000 arrestees per quarter
- information on arrestees was reaching the judges more quickly, usually within 12 hours
- for project releasees the FTA and rearrest rates were 6.9 percent and 2.9 percent, respectively
- generally, misdemeanor offenders were released by the project within two hours; gross misdemeanor and felony offenders were released within eight to ten hours

Also, the project director stated that the project had helped keep the jail population down, decreased the number of people held solely because they could not post bail, developed good cooperation with all the CJ agencies, quickened the processing of probation violators, and that the jail overcrowding problem would have been much worse if the project was not operating.

The JO/PDP project in Clark County received local funding (which began on November 3, 1981) to continue project operations beyond the federal funding cycle.

Site Profile: Milwaukee County, Wisconsin

The Milwaukee County project was initiated in response to Phase I recommendations to reduce the county jail population through screening and release of nonviolent pretrial prisoners and to review bond dispositions of defendants charged with misdemeanors and held more than 90 days. Also, the project was to provide expanded information to criminal justice agencies on the nature of the jail population.

The JO/PDP project began operations on August 11, 1980 and was to run through April 30, 1982. This evaluation is based on information obtained from a site visit and project communications through August 1981.

Description of Implemented Project

Prior to the inception of the JO project, nonmonetary release options were used almost exclusively for misdemeanor offenders. Phase I plans called for an expansion of these release options to include felony offenders. However, prior to receipt of Phase II, funding the county executive made a motion to the Advisory Committee to limit eligibility in the project to persons charged with nonviolent felonies. This motion passed, and as a result the Phase II project

served a different population than had been planned for during Phase I. Project bail evaluations were restricted to arrestees charged with nonviolent felony offenses.

Project procedures called for conducting bail evaluation interviews, verifying interview information, monitoring releasees through telephone and letter reminders of upcoming court dates, and reviewing bond dispositions of defendants charged with misdemeanors. The latter function had project staff periodically examine jail records to locate persons charged with misdemeanors whose bond had been set at \$500 or less, and who had been detained for 48 hours or more. The JUSTIS automated case tracking system was to be examined under Phase II to help define the jail population and identify candidates for bond reduction or alternative release consideration.

Supervised release and conditional release options were available, but through another program administered by the Wisconsin Correctional Service (WCS).

Bail evaluations were conducted after a defendant had been officially charged by the district attorney at a charging conference and prior to an advisement hearing by a Circuit Court judge. Criminal processing in Milwaukee County is somewhat unique in that all defendants, whether detained or out on bail must appear at the DA's charging conference. Except on weekends, these conferences and the subsequent court intake hearings are held within 24 hours of arrest. Original plans called for the bail evaluation to be done in the DA's office immediately after the charging conference, but logistical and security problems in the DA's offices blocked the implementation of this practice. According to the project director, the Milwaukee Police did not permit bail evaluators to conduct their interviews in the arrest lockups.

Bond interviews took place in an area known as the "bullpen," where defendants waited to be called for their initial court appearances. Interviews were done on a "catch as catch can" basis in that there were no assurances as to when particular defendants would be called for appearance. In an attempt to alleviate this uncertainty, project staff printed up notices which were inserted into case files--either notifying bailiffs and judges that a defendant was ineligible for an interview or that an evaluation was in progress. Also, project staff reached an informal agreement with the court whereby eligible cases (nonviolent felony charges) were placed at the end of the docket. Project staff stated that there still were no assurances of interviewing and verifying information on all eligible subjects before their court advisement.

In the first several months of operation, the project had an ongoing feud with the Milwaukee County Public Defender's Office concerning access to defendants in the intake area and potential detrimental uses of bail evaluation data.

The public defenders and the bail evaluators essentially competed for the attention of defendants in the "bullpen." The area was restricted by limited space and, as noted previously, by the time available between arrival and the call to appear before the court. Much of the personal data collected for indigency screening and bond evaluation was duplicative. Moreover, public defenders were concerned that potentially incriminating statements made by defendants during

the bail evaluation could be used against the defendant in the course of the case. Further, defenders contended that because the bail evaluators were sheriff's department employees, their objectivity could be tilted in favor of law enforcement goals.

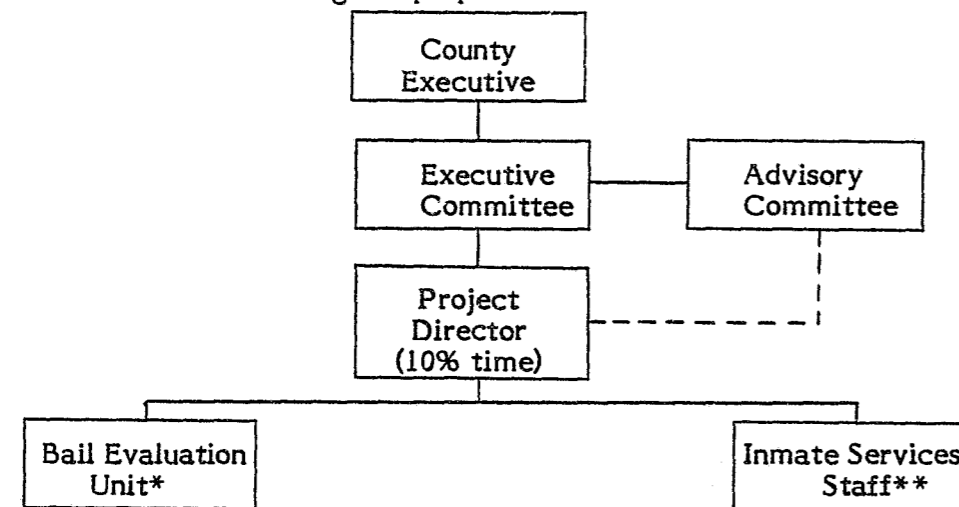
As the dispute went on, defenders, from time to time, discouraged defendants from participating in pretrial interviews. Some of the reason for the disagreement, aside from the issues noted above, stemmed from ill feelings created when the Public Defender's Office was not involved in the Phase I planning process, nor asked to be part of the Phase II Advisory Committee. Only when the dispute with the bail evaluators came to the forefront was the public defender invited to take part in the Advisory Committee meetings.

By September 1981 the dispute appeared to be settled. The hearing judges intervened on behalf of the bail evaluators by instructing public defenders not to interfere with the bond review process. The Public Defender's Office agreed to cooperate.

Organizational Structure of the Project

The project's administrative control rested with the Court Services Division of the Milwaukee County Sheriff's Department. The chairperson of the Advisory Committee informed DRI that placement of the project here was done strictly as an expediency measure, in that this was the only agency having the administrative staff willing to undertake control of the project.

Following is the project's organizational scheme as derived from information contained in their grant proposal:



*The bail evaluation unit was staffed by two bail evaluators and one secretary.

**The inmate services staff consisted of two inmate contact workers.

Attitude Toward the Project

Overall, the criminal justice community favored the concept of bail evaluation as a means of providing pretrial release opportunities and reducing the jail population. They almost universally agreed, however, that the exclusion of defendants charged with violent felonies severely encumbered the potential effectiveness of the program. It was generally stressed that the real need for pretrial information was expressly within the group which had been excluded--the alleged violent offenders.

Another concern was that of the limited space in the intake area for public defender and pretrial interviews. Also, some officials expressed the belief that the pretrial functions of bail evaluation conducted by the JO/PDP project and supervised release, carried out by Wisconsin Correctional Services, should eventually be merged. Finally, concerns were expressed by one individual that the job requirements for bail evaluators were set too high. He contended that a master's degree was not required to conduct and verify bond interviewees, and that the situation would eventually lead to high turnover as bail evaluators become bored with their work.

DRI received some figures on jail populations and release rates in Milwaukee. These figures compare the months of June and September 1981. While the average daily population of the jail rose (from 293.3 to 365.1) the number of releases went up slightly--from 72 in June to 87 in September.

CHAPTER IV. TELEPHONE SURVEY OF NONSAMPLE SITES

Phase II Sites

DRI staff conducted a telephone survey of seven 1978-80 nonsample Phase II sites. The survey included those locations that were not part of the DRI intensive Phase II analysis. Those sites included in the telephone inquiry were Gulfport region, Mississippi; Franklin County, Ohio; Lucas County, Ohio; Pierce County, Washington; Pima County, Arizona; Honolulu, Hawaii; and Connecticut.

Wherever possible, DRI researchers attempted to interview the person directly responsible for the day-to-day operations of the project--usually the director. Where the director was not available, we tried to seek out persons with ample knowledge about the projects to respond accurately and thoroughly to our questions.

The primary purposes of the survey were to examine the continuing impacts of Phase II funding, the situations leading to jail overcrowding problems, the role of Advisory Boards, project implementation procedures, the type and quality of technical assistance received, and to test out the generalizations reached from the in-depth examination of the sampled projects. It should be stressed that the information expressed here represents the opinions of those persons interviewed. These opinions, plus any quantitative data relayed to DRI, have not been verified by supporting documents, or in any other way. Therefore, the assumption made has been that the respondents were knowledgeable and that their perceptions, regardless of accuracy, are relevant. A summary of the information collected from these interviews follows.

Preproject Jail Overcrowding Situation

Generally, the jurisdictions polled faced daily jail populations near or above capacity at the time of their grant applications. Most of the respondents voiced the feeling that overcrowding was caused in large part by the holding of a disproportionate number of pretrial detainees. This was a chief concern in Gulfport, Connecticut, Lucas County, Pierce County and Franklin County. The underlying motivation of many of the Phase II projects was that grant funds were needed to develop detention alternatives, especially for arrestees charged with misdemeanors, in order to curtail jail overcrowding.

Additionally, most of the individuals queried stated that the existence of or the imminent threat of a court order was a major factor in initiating actions to curb overcrowding. Only Honolulu, Pierce County and Franklin County said court orders were not a consideration.

Project Planning and Organization

The Phase II sites interviewed were run under the auspices of various criminal justice agencies, several through joint efforts. For example the Gulfport project was initiated and administered by a regional planning council; Pima County was operated by the Superior Court; and Franklin County was under the dual sponsorship of the Alliance for Cooperative Justice and the sheriff's office.

Advisory Boards

Each site reported the existence of an Advisory Board which served the project in a variety of policy making/advisory capacities. Only Honolulu stated that they did not have such a committee for the jail overcrowding project, although the sponsoring agency's State Law Enforcement Planning Agency Advisory Committee also served in that role for the project.

Generally, these boards consisted of representatives of the various criminal justice agencies potentially impacted by the project (Figure 2). Also, local political officials and various lay persons were often included on advisory panels. For the projects surveyed, the frequency of board meetings varied, although three of the six met once a month. Of the remaining sites, one board met biweekly, one every third month and the other every two to three months.

DRI asked survey respondents about the role the Advisory Boards played in the ongoing operations of the projects and any role they may have played in preserving program activities beyond the termination of federal funding.

Generally, the Advisory Board committees served as oversight boards--establishing policies and procedures, but not getting involved in the day-to-day operations. It also appears that the boards were responsive to staff requests to consider policy issues, but rarely took it upon themselves to assume a proactive role. Several sites reported that their advisory committees were instrumental in obtaining local funding for continued operations once federal support ceased. For example, Pima County officials said their board's early and continued involvement created a rapport between the project and local criminal justice officials which served them in good stead when seeking local support. In Lucas County, the Advisory Board worked to establish components of the project (i.e., citation release in the police department) for continuation within the appropriate agencies.

Project Impacts and Success in Meeting Objectives

All but one respondent rated their respective projects as successful in meeting objectives. However, several reported that although alternatives to incarceration were put into action, jail populations often remained at high levels.

	Franklin County	Lucas County	Pierce County	Connecticut	Gulfport	Pima County
1. Composition	20 members including judges (Common Pleas & Municipal), County Commissioners, Probation, D.A., City Attorney, Mental Health, Corrections, PD	Not available	All impacted criminal justice and service agencies	Courts, corrections, social services	Political leaders of 3 county governments	Courts, DA, PD, Police, Sheriff, Highway Patrol, other local criminal justice officials
2. Frequency of meetings	Monthly	Bi-weekly	Every third month	Monthly	Monthly	Every 2-3 months
3. Primary role during project	Developed criteria for misdemeanor release; reviewed research; developed criteria for early appointment of defense counsel	Oversight-policy and procedure development	Oversight-policy and procedure development	Oversight	Policy review	Policy review
4. Role in preserving project beyond federal funding	Too early to tell	Helped preserve components permanently within departments	Helped--role unknown	Helped to secure state funds to continue operations	Helped get project picked up in one county	Very influential in helping obtain local funds through communication with appropriate criminal justice agencies

Figure 2. Matrix of Advisory Board characteristics: Phase II nonsample sites.*

*Honolulu is not included, as they did not have a project specific Advisory Board.

Some of the surveyed sites have institutionalized processes which began under jail overcrowding project funds. For example, Lucas County now has an ongoing field citation system. All jurisdictions within the Gulfport region now use standardized arrest report forms developed during the project.

Without exception, the surveyed sites claimed lasting benefits from the jail overcrowding initiative. Franklin County points to baseline data on the jail population as a valuable planning tool. Lucas County claimed the failure-to-appear rate went down and the misdemeanor pretrial population has been reduced. The respondent from Pierce County pointed to a reduced average length of stay and increased use of release on recognizance bond as that project's legacy.

The director of the Connecticut program reported that court delay and probation caseloads have been cut back due to the program's court mediation efforts. The master plan developed, in part through Phase II monies, will help plan and develop new jail construction and other programs in Hawaii, according to the Honolulu project director. In Gulfport, the one county (Harrison) with a continuing project, reduced its FTA rate, reduced the number of substance abuse arrestees in the county jail, reduced the jail's misdemeanor population and initiated a stationhouse release program.

Finally, officials in Pima County reported that increased use of field citations, more nonmonetary types of pretrial release, faster processing and a lower average length of stay all emanated from the Phase II project.

Technical Assistance

All the sites but one (Honolulu) reported receiving technical assistance during Phase II. AJI, the national program coordinator, was the most frequent provider of consultation. Personnel at all sites reported that the help they received was very worthwhile, timely and based on strong expertise.

Summary and Conclusion

These Phase II sites were generally experiencing conditions pushing their local jails to capacity, or beyond, at the time of their grant applications. Also, most sites were faced with inmate suits or court orders challenging the county jail conditions. The majority of the seven sites sought to develop alternatives to incarceration for misdemeanor arrestees through grant funds.

Advisory Boards were empaneled at most locations to serve as oversight bodies for setting policies and procedures. Additionally, these committees proved helpful in working to get permanent funding for project components on the local level.

Personnel at all surveyed sites reported that the projects had long lasting, beneficial impacts on their criminal justice systems. The most prevalent

impacts reported were lower failure-to-appear rates, reduced average length of stay, and reduced misdemeanor detention rates. In every case at least some portions of project-initiated functions were continued beyond the federal funding period and in most instances a substantial amount of project initiated activities continue to be funded with local resources.

Phase I Sites

DRI staff conducted a telephone survey of randomly selected Phase I sites that did not receive Phase II funding. The primary purpose of this analysis is to determine the long-range impacts of Phase I planning grants where local initiatives were required to carry out the plans in the absence of federal implementation monies. Most of the 1978 and 1979 projects selected for the survey did not obtain Phase II support because they did not apply. In 1980 the applications were considerably more well thought out and supported, but limited availability of funds resulted in more rejections.

The projects surveyed include:

- | | |
|-------------|---|
| <u>1978</u> | <ul style="list-style-type: none">• District of Columbia• Duval County (Jacksonville), Florida• Hamilton County (Cincinnati), Ohio• Lane County (Eugene), Oregon• Middlesex County (New Brunswick), New Jersey |
| <u>1979</u> | <ul style="list-style-type: none">• Jackson County (Kansas City), Missouri• Mercer County, New Jersey• Muskegan County, Michigan• Santa Clara County (San Jose), California• Monroe County (Rochester), New York |
| <u>1980</u> | <ul style="list-style-type: none">• Sacramento County, California• Broward County (Ft. Lauderdale), Florida• Larimer County (Ft. Collins), Colorado• Oakland County (Pontiac), Michigan• San Diego County, California |

A total of nine 1978 projects, eleven 1979 projects, and nine 1980 Phase I sites were funded. Therefore, the sample represents 52 percent of the entire program.

Because of the different reasons for nonacquisition of Phase II funds, we have analyzed the results of the 1978-79 site surveys and 1980 surveys separately. With each site queried we attempted to speak to the former project director, or to a person directly involved in the day-to-day operations in order to get the most reliable information possible. It should be noted that much of the information represents opinions of the respondents.

Preproject Jail Overcrowding Situation

1978, 1979 projects. The sites related a variety of problems relevant to jail administration. Several, including the District of Columbia, Lane County, Santa Clara and Monroe County reported general overcrowding and the prospects of continuing trends in that direction as the most pressing problems. Duval County and Muskegan County respondents stated that Phase I funds were needed to develop alternatives to detention. Other problems cited were poor jail conditions, the need to develop information and classification systems, and the need to evaluate the feasibility of closing one of two facilities serving a community. Of the ten projects surveyed, six reported the existence or threats of law suits challenging the jail administrators on crowding or other adverse conditions in local jails.

1980 projects. Similar to the 1978-79 projects these sites reported capacity or near capacity conditions existing in their jails at the time of the grant applications. Of the six 1980 Phase I sites surveyed, all stated that court orders or threats of such orders were in evidence at the time of their grant applications.

Organizational Placement of Projects

1978, 1979 projects. Most of these Phase I planning grants were administered by consortiums of criminal justice planners. For example, Hamilton County's project was under the direction of the criminal justice regional planning unit; Kansas City's operated under the criminal justice council; and Duval County's under joint administration of the sheriff, planning and research unit and the county prison. Two sites, Santa Clara and Muskegan operated under the courts.

1980 projects. No distinct pattern of administration can be detected in the operation of these sites. Two projects (Sacramento County and Larimer County) operated under the auspices of the county sheriff, two others (San Diego and Oakland County) under county administrative offices; and one (Broward County) under the courts.

Advisory Boards

1978, 1979 projects. Generally, the advisory committees were composed of the heads of criminal justice agencies which took part in the jail overcrowding project, or would be impacted by its work. In addition, several boards included key political figures such as county commissioners--some had lay citizens included. One site, Duval County, did not have an Advisory Board. Characteristically, respondents found their Phase I Advisory Boards to be supportive and somewhat helpful with their input, but not very active in pushing for long-range changes. The fact that these sites did not obtain Phase II funding might account, in part, for the latter sentiment. Much of the Advisory Boards' activities revolved around review of data collected by staff and recommendations

for policy changes based on the data. Also, because of their well rounded criminal justice composition, the committees were able to facilitate communication and cooperation among participant agencies, which helped bring about changes. Nevertheless, the boards could only advise such changes; they lacked the power to enforce them.

1980 projects. All six projects surveyed had Advisory Boards--primarily made up of local criminal justice officials. Generally, the committees included persons representing police/sheriffs, courts, county/district attorneys, probation, corrections, public defense and county commissioners. As with the other sites, Advisory Boards for the 1980 projects served to review data collected by staff and make recommendations accordingly. Generally, these committees met once a month and made their recommendations to policy making bodies, e.g., boards of county supervisors, for implementation. Also, several sites reported that their board worked to keep the project alive and recommended it be institutionalized as federal funding began to run out.

Project Impacts and Success in Meeting Objectives

1978, 1979 projects. With some exceptions, most jurisdictions met their primary Phase I objectives of planning and conducting research into jail conditions and causes of overcrowding. However, the degree of action which was taken on the research results varied. Some respondents, including the District of Columbia, Lane County and Mercer County noted that the research results pointed out problems and let policy makers know what sort of action (e.g., build a new facility) was needed to correct them. Other sites pointed to specific actions which were taken on the basis of project findings. For example, new jail construction was undertaken in Santa Clara and Middlesex Counties, which was due, at least in part, to Phase I data indicating such a move was essential. Mercer County was considering closing one of its two jails, but project data pointed to the necessity to keep them both open--a recommendation that was followed. Monroe County developed the use of appearance tickets for misdemeanor arrestees and a community service restitution program as indirect results of the Phase I project.

1980 sites. Here also, most projects said they were successful in meeting their objectives. Some of the lasting accomplishments realized by these projects are:

- San Diego--developed a central intake system
- Sacramento--warrant and recognizance release programs were continued
- Broward County--developed a classification system
- Larimer County--expanded pretrial services; pointed out the need for more probation and court resources

- Oakland County--developed a management information system, and initiated the use of appearance tickets for misdemeanants

Technical Assistance

All 1978, 1979 and 1980 projects, with the exception of the District of Columbia, received some technical assistance during the period of their operations. The vast majority of the help was provided by AJI, although other contributors included NIC, INSLAW and the Federal Judicial Center. Most of the assistance was aimed at helping project staffs compose their research designs and develop data collection methods. The majority of respondents characterized the technical assistance as being of high quality and very helpful. Those jurisdictions that contracted with individuals unassociated with major organizations, however, reported mixed reactions to the timeliness, quality and usefulness of the technical assistance they received.

Summary and Conclusions

Most sites characterized their jails as being at or near capacity at the time of the Phase I grant applications. Funds were sought to develop such capabilities as alternatives to incarceration and jail classification systems. Of the 15 projects surveyed, 11 claimed that court orders or threats of courts intervention were pending at the time of their grant applications.

The majority of the sites surveyed included Advisory Boards as part of their Phase I operations. The boards were usually made up of the heads of criminal justice agencies within the jurisdictions and sometimes included local political figures and interested citizens. The boards' major activities involved conducting periodic meetings to review progress and make recommendations to policy making bodies for implementation.

Many of the projects reported meeting their objectives, although several expressed that the lack of Phase II funds made the Phase I planning and research effort useless. Despite the absence of Phase II monies, many significant and permanent innovations were realized as a direct result of the Phase I process. Recommendations which were enacted include new jail construction, adoption of central intake systems, development of computer-based information systems, and implementation of jail classification systems.

Figures 3 and 4 present summaries of the characteristics of projects that took part in this telephone survey.

	District of Columbia	Duval County	Hamilton County	Lane County	Middlesex County
1. Jail situation at time of grant application	Starting to get overcrowded; fiscal crisis	Needed alternatives to detention	2 jails overcrowded	General overcrowding	Needed classification, information systems
2. Court order?	Threat	Federal class action	Threat	No	Threat
3. Organizational placement	State planning agency	Sheriff, planning and research, prison	Regional planning unit	Council of governments	CJ planning board
4. Advisory Board role	Reviewed findings	N/A--no board	Reviewed research	Directed staff; raised jail issues	Promoted cooperation
5. Project impacts	Set policy guidelines; discovered drug arrest problems	Confirmed need for new jail	Some procedural changes	Created communication and awareness of jail problems	Built a new jail; helped speedy trial program; continued committee concept

Figure 3. Matrix of project characteristics: telephone survey of 1978, 1979 Phase I nonsample sites.

	Jackson County	Mercer County	Muskegan County	Santa Clara County	Monroe County
1. Jail situation at time of grant application	Admissions higher than releases; needed to know population characteristics	Too costly to run 2 jails--needed feasibility information	Renovation caused space loss, overcrowding; no alternatives to detention	ADP above capacity	10% over capacity
2. Court order?	Suit regarding jail conditions	No	No	Threat--have since been sued	No
3. Organizational placement	CJ council	Office of CJ planning	District Court administrator	Judicial department	County LEAA
4. Advisory Board role	Catalyst for change	Advise	Review staff work	Review data; make recommendations to board of supervisors	Decided on basis of data not to seek Phase II funds
5. Project impacts	Continued research capability; MIS initiated	Data showed need to maintain 2 facilities	None--politics stood in the way	Initiated plans for jail construction	Appearance tickets, community service restitution project, central intake

Figure 3. Matrix of project characteristics: telephone survey of 1978, 1979 Phase I nonsample sites (cont.).

	San Diego	Sacramento Co.	Broward Co.	Larimer Co.	Oakland Co.
1. Jail situation at time of grant application	50% over capacity	Beginning to exceed capacity	General overcrowding	Double capacity required by court order	Cell blocks and receiving exceeded capacity
2. Court order?	State court order	Yes, based on inmate suit	Federal court order	Yes	Pending lawsuit; now under court order
3. Organizational placement	County administrator	Sheriff department	Chief judge	Sheriff department	County executive
4. Advisory Board role	Minimal	Review data and make recommendation	Planning	Set priorities; reviewed recommendations	Reviewed data; made policy recommendations
5. Project impacts	Established central intake system; developed offender based tracking system	New classification staff; warrant and OR release	Court delay program; classification system, MIS	Expanded weekend pretrial screening; court reorganization for faster processing of cases; new probation officer; new judge	Continued Advisory Board; developed computer based offender tracking system; bond review process; appearance tickets

Figure 4. Matrix of project characteristics: telephone survey of 1980 Phase I nonsample sites.

CHAPTER V. CONCLUSIONS AND RECOMMENDATIONS

The conclusions and recommendations in this report are based upon a continuing examination of the implementation and operation of project activities at selected JO/PDP sites since May 1979. Data sources include:

- review of Phase I descriptive site material (problem diagnosis)
- review of AJI/LEAA proposal critiques
- analysis of Phase I baseline data
- site visits, facility tours, personal and telephone interviews with criminal justice personnel (e.g., judges, magistrates, public defenders, district attorneys, police, corrections and sheriff's department's staff, etc.), and observation of pretrial processes and court hearings
- examination of monthly statistics submitted to LEAA on arrests, pretrial interviews, average daily population, FTA, and pretrial releases, and on-site reviews of project data collection procedures
- review of additional data collected by other agencies of the criminal justice system (e.g., sheriff's reports, annual police department reports, county budgets, etc.)

During Phase I projects made a special effort to collect data on criminal justice system operations (at one site, a staff member spent 56 consecutive days at the county jail to collect information on the arrestee population). These data were collected to document the existence of an overcrowding problem and to provide useful baseline data for assessing project impacts. During Phase II most projects were primarily concerned with meeting their objectives (e.g., reducing length of stay, developing a management information system, finding alternatives for public inebriates, etc.), and they had little motivation, staff time, or resources to continue collecting data. The questionable status of LEAA (their monitoring agency) reduced any leverage the project monitor had to motivate the site to produce monthly statistics.

As discussed in the Introduction, the DRI grant was not budgeted for on-site primary data collection. DRI was largely dependent on the sites and periodic site visits to supply evaluation data needs. According to LEAA program guidelines, each project was charged with collecting data on its own operations and on the criminal justice system, and furnishing these data to DRI as requested. Also, many projects commenced operations and data collection before the DRI evaluation began; consequently, DRI had no input into the type or quantity of data collected by the projects.

In order to compensate for these potential data problems, DRI attempted to encourage the collection of pertinent data at the sites by emphasizing the value of feedback on program quality and by emphasizing accountability issues that were likely to arise after federal funds were exhausted and projects sought local support. During site visits and follow-up telephone contacts, DRI was able to collect data on both project operations and the criminal justice system in which they functioned. DRI also tried to work closely with other research contractors who were collecting primary hard data at some of the jail overcrowding sites (see Ross, 1980 and Finckenauer, 1981).

DRI made use of exhaustive interview data--one on one interviews with guarantees of anonymity to encourage respondents to speak freely. The evaluation staff used interview instruments that asked the same questions of people in different offices to increase the reliability of the data, used data from other more experimental studies, and interpreted that data together with DRI's limited quantitative but extensive qualitative data.

In addition to measures of jail population, the evaluation was expanded to include additional demonstrations of program impact. These include:

- the projects' impacts on the CJ system
- consideration of probable jail population growth and composition without the project
- impacts on detainee and information processing
- system awareness and concern for the overcrowding problem
- survival of projects beyond the federal funding cycle

The following presentation of program conclusions is organized around the research questions posed in the evaluation solicitation and in the DRI evaluation design. In some instances the questions are broadened to provide the opportunity to present additional relevant information developed in the course of performing the evaluation. This section also includes DRI recommendations for the JO/PDP projects and for other projects concerned with jail overcrowding, processing arrestees, and pretrial detention.

Conclusions

In evaluating program and project efforts it is necessary to take into account the original expectations concerning the program's potential impacts. In retrospect, the assumption that the JO/PDP projects could reduce their jail populations seems overly optimistic. The environment in which these projects operate is not static, but is subject to many conditions that are beyond their control (e.g., rising incidence of serious crime and rising arrest rates). Some officials were opposed to the projects and would not cooperate with some or many

of the project activities. Even where the projects enjoyed widespread support, it took time to overcome the systems' inertia and for CJ officials to become acquainted with new programs or operations. This problem is demonstrated by the fact that almost all projects experienced some start-up delays. A number of projects also selected objectives that were beyond their control (i.e., increase the use of citations). Finally, it seems unlikely that \$250,000 per project and only 18 months of operations could have a substantial short-term impact on LE/CJ systems that have annual budgets of over \$20,000,000.

Available evidence indicates that the Jail Overcrowding and Pretrial Detainee Program was a success from at least several perspectives. While individual projects were unable to reduce their jail populations, this failure was indicative not of ineffectual projects, but of unrealistic goals. The projects made a number of positive achievements. Evidence is presented to show that they increased and expanded release options, made release more equitable by reducing reliance on cash bail, reduced average length of stay prior to release, and improved information and detainee management procedures. They appeared to have slowed the rate of jail population increase. Projects also increased the speed of detainee processing, improved inmate classification procedures, made CJ officials more aware of the overcrowding problem, and developed a systems approach to the overcrowding problem. The program still fell short as a national demonstration with too few opportunities for nonprogram sites to learn of project activities and accomplishments.

LEAA provided local jurisdictions with funds for JO projects with the hope that such funds would serve as seed money. It was anticipated that once the projects, started with federal funding, proved their value, local jurisdictions could continue funding them. LEAA funds proved to be very fertile seeds. Of the nine original Phase II sites studied, eight were continued as projects with local funding and parts of the ninth were continued under other agencies. Of the 16 nonsample Phase II projects, 12 were continued with local money as projects, in two some project activities were assumed and continued by other agencies, and two programs were still operating under federal funding at the time of our survey. Most of the Phase I projects reported that many of the issues raised during the planning phase are still being addressed or have been implemented with local funding.

There is no emphasis in this report on comparing sites. Due to the projects' distinct managements, staffings, caseloads, approaches, backgrounds, etc., and the differences in the crowding problem and the CJ environment (rf. Tables 1 and 2), such comparisons are inadvisable. DRI does not suggest, however, that project operations are so specific as to have no value to other jurisdictions. On the contrary, the authors strongly recommend that sites look to other projects for potentially useful approaches to the jail overcrowding problem. For example, a pretrial agency might be able to save a good deal of time in setting up a supervised release program if it were to become familiar with the supervised release programs already operating in Multnomah County, Oregon and King County, Washington.

A list of eight questions formulated to direct the evaluation efforts are shown in Table 17. These questions are aimed, first of all, at examining processes and activities that facilitate or impede the attainment of project objectives (Questions 1, 2, and 7) and then at the effectiveness of the projects in meeting its objectives (Question 3). Questions 4-6 address the important second order effects of the program that have implications for longer term program consequences. These questions focus on both positive and negative impacts of program operation. Question 8 deals with the effectiveness of the planning grants and is addressed in this section and Chapter IV of this report.

What project activities were planned, which were implemented and what other alternatives are feasible?

The types of programs implemented, the staffing and hours of operation, and the release alternatives available varied widely among cities (see Tables, 18, 19 and 20). From the outset, all of the sites had at least some pretrial release mechanisms available. Some relied on traditional methods of bail and ROR, while others used a full complement of incarceration alternatives that ranged from 10 percent bail and weekend sentencing to a video appearance system for probable cause hearings. For many, however, it appeared that the lack of an organized pretrial policy or program hampered the effective utilization of the available options.

Release options. Among the sample sites, release options available to and employed by the projects varied widely. In New Orleans, the project was the first serious attempt in the Parish to secure nonfinancial release for arrestees. In other sites (King and Dade Counties), most release options were already exhausted by other programs and the JO projects implemented supervised release projects.

In some sites the release options available to project personnel allowed them to influence all types of release decisions from ROR to full cash bail. In Delaware, no one is released prior to a preliminary hearing. Before the hearing begins, pretrial services must interview the detainee and verify the information collected. At the hearing the pretrial services worker presents the information, and the judge can use it to set bail, to grant ROR, or to exercise any other release or detention option. In other sites (Jefferson and King Counties and Orleans Parish) detainees are not referred to the JO/PDP for release assessment until they have failed to qualify for release under other programs. Being last in line for referrals often results in the jail overcrowding projects receiving more serious offenders who are likely to pose higher release risks than those detainees released through other programs.

Data from the Multnomah County, Oregon and Delaware projects suggest that coordination of release options can increase the speed and efficiency of detainee processing. Coordinated release option processes can eliminate duplication of interviews and investigations.

Release criteria. Criteria for release of pretrial detainees who cannot post financial bond but who are not disqualified on other grounds provided by law,

TABLE 17
RESEARCH QUESTIONS

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1. What project activities were planned and which were implemented?
 2. What other alternatives are feasible?
 3. What were the observed changes in the jail population?
 4. What were the effects of the program on costs?
 5. What, if any, were the effects on case conclusion?
 6. What were the effects on LE/CJ officials, other involved parties and the community?
 7. What effects did LE/CJ officials, other involved parties, and the community have on the project?
 8. What were the effects of the Phase I planning grants?
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TABLE 18
PRETRIAL RELEASE DATA BY SITE

Site	Staffing and Hours	# Screened	# Interviewed	# Released
Atlantic Co., NJ	1 Director 1 Secretary 5 Intake Techs 40 hrs./wk. On call rest of time	1,603	497 (4/80-4/81)	
Dade Co., FL	2 Correctional Officers 2 Spec. Proj. Admin. 1 Admin. Officer 11 ROR Aides 8 hrs./day 5 days/wk. 24 hrs./day 7 days/wk.		23,969 total approximately 12,963 due to project	3,026 total 1,586 due to project
Delaware	8 Corrections Officers 2 Deputy Attorney Generals 2 Asst. Pub. Defenders 1 Justice of the Peace 4 JP Clerks 6 PTR Staff 1 Planner 3 Clerical Staff 16 hrs./day 7 days/we. 8 hrs./day 5 days/wk.		518 (10/80-6/81)	
Jefferson Co., KY	1 Director 4 Vacant Interviewer 1 Asst. Direc. Positions 1 Data Analyst 1 Court Liaison 2 Clerical Staff 3 Interviewers 8 hrs./day 5 days/wk.	6,429	1,545 (10/79-12/80)	506
Multnomah Co., OR	1 Director 1 Systems Analyst 1 Secretary 1 Part-time Systems Analyst (county funded) 8 hrs./day 5 days/wk.	N/A	N/A	N/A
Orleans Parish, LA	1 Director 1 Court Liaison 2 Interviewers 2 Release Officers 1 Vacant Interviewer Position 10-12 hrs./day 7 days/wk.	14,424	3,304 (2/80-6/81)	1,804
San Francisco, Co., CA	1 Director 1 Data Analyst 1 Liaison to S.F. Bar 1 Clerk Typist 2 Alcohol-related Offender Specialists Money for alcohol treatment centers 8 hrs./day 5 days/wk. 24 hrs./day 7 days/wk.	Mobile Assistance Patrol 19,725 total 4,303 due to project	Ozanam Reception Center 215,303 total approximately 71,768 due to project (1/80-3/81)	Ozanam Detox Center 14,383

TABLE 19
TYPE OF PROGRAM BY SITE

Site	Pretrial Release	Central Intake System	Cooperative Programs with SS Agencies	Monitoring/Information Systems	Citation/Summons
Atlantic County, New Jersey	Screen, interview, notify, track, and supervise releases and secure social services for them. Have developed specific release criteria and procedures.	Planned 24-hour central intake is operating 16 hours/day due to staffing limitation and security problems.		Unit enters data on all detainees into an automated information system, but most data collection and tabulation and tracking is manual.	Planned but didn't implement increased use of citations. Judiciary is reviewing use of citations.
Dade County, Florida	Have expanded release criteria and the PTR unit. Revised interview form to speed detainee processing. Borrowed and are adapting a point system to objectify release decisions.			Manual tracking of cases from arrest to disposition. Flagging system for detainees who aren't moving through the system.	
Delaware		Developing a temporary central arraignment site. The experiences, procedures, materials, etc. from it will be transferred to the Gander Hill facility when it is finished.			Studied use of summons.
Jefferson County, Kentucky	Project emphasis is on release interviews, interview investigation and court liaison. Hope that when the grant ends, other agencies will pick up the project's pretrial release activity.		Refer about one-half of their releases to social service agencies.	Project plans to develop an MIS and increased use of citations have been abandoned. An information system will be developed under a jail information system (JIS) grant awarded to Jefferson County.	
Multnomah County, Oregon	Hope that an MIS will speed detainee processing and enhance pretrial services.			Through 1980 all project funds and efforts were devoted to developing an MIS. A JIS grant was awarded.	Have developed data that lead to policy decision to require citations for misdemeanants or rationale for holding.
Orleans Parish, Louisiana	Screen, interview, notify, track and supervise releases. On weekends, they screen municipal offenders for pretrial release.	CINTAP has become the initial screening unit of the jails classification system.		Work on MIS has been delayed. Operating by end of 1981.	
San Francisco County, California	Plans to consolidate arrestee services and unify intake procedures and standards met with strong resistance.	Succeeding with primary focus of getting public intoxicants out of jail and into treatment alternatives. Project funds used to expand alcohol-related offender services.			Are monitoring the use of citations.

TABLE 20

ALTERNATIVES TO PRETRIAL DETENTION IN USE

1979 Phase II Sites	Atlantic County	Dade County	State of Delaware	Jefferson County	Multnomah County	Orleans Parish	San Francisco County
Summons or Field Citation	/	/	/		/		/
Stationhouse Release		/					/
Drug Release (or Diversion)		/	/	/	/		
Detox Release (or Diversion)		/	/	/	/		
Situational Release (or Diversion)		/		/			/
Misdemeanor ROR	/	/	/	/	/	/	/
Felony ROR	/	/	/	/	/	/	/
Monitored or Conditional Release	/	/		/		/	
Third Party Release		/			/	/	
Unsecured Bail			/				
Private Bail	/	/	/			/	/
10 Percent Bail	/		/				
Work Release					/		
Citizen Dispute Resolution		/					
Notes and Miscellaneous		Domestic Violence Unit, Dollar Bond, Credit Card Release		Bonding agencies outlawed			Community board program

vary from site to site. Some projects used subjective criteria while others used objective point scales. With either system the release decisions were based on some combination of charge, previous record, probability of conviction, community ties, and stability factors.

At all the sample sites (except Multnomah County) the implementation of the JO/PDP project necessitated the use of less restrictive release criteria and/or development of new release options. At none of these sites did reduction of release criteria cause a substantial increase in FTA or rearrest rates. However, it could be argued that because they have gone through a screening process to qualify for release, arrestees granted ROR could be expected to have a lower FTA rate than those people who bond out (their only release criteria being ability to pay and/or acquire the services of a bondsperson). In two sites, once the projects became established they further reduced their release criteria. Orleans Parish tripled the number of releases it originally planned to make and maintained FTA and rearrest rates of 2.3 percent and 4.1 percent, respectively. These numbers are used for pre-and postcomparisons only. The manner in which FTA and rearrest percentages are calculated differs from site to site and FTA rates cannot be used to compare effectiveness. The important issue is that persons who were released on nonfinancial release did not demonstrate any more risk than those who were released after posting some form of financial bond. In Dade County, pretrial services doubled (during project operations) and tripled (postproject) the number of preproject releases they were making with no change in their FTA and rearrest rates. These data demonstrate that, at least in some jurisdictions, release criteria can be relaxed with no negative impact on court appearance or pretrial rearrest rates when appropriate release conditions are imposed.

Release prerogatives. The release prerogatives available to pretrial release units are to investigate and submit written or verbal reports to the court, to make release recommendations to the court, or to have either administrative (delegated by the courts) or statutory (provided by law) authority to release pretrial detainees. The most common prerogative available was that of making recommendations to the court. Three sites (Atlantic, King, and Multnomah Counties) had authority to release certain types of offenders.

The local judiciaries were willing to accept release recommendations from the projects, but they reserved the right to make release decisions. Judges appeared to be hesitant to relinquish their release authority to other agencies; occasionally they were legally restrained from doing so. However, as the projects gained the trust of the judiciary, release decisions often became virtually automatic. As cooperation and understanding between the judiciary and the project grows, release prerogatives tend to be informally expanded. In King County, one of the 1978 Phase II projects, 10 of 12 court jurisdictions have agreed to implement expanded project release authority.

The desire to gain the confidence of the judiciary can contribute to conservative release recommendations. Project personnel have reported that they hesitate to make any release recommendations that the judges are not likely (in their opinion) to accept. Judges have reported that they rely on project

recommendations and on the experience that the staff has accumulated in reviewing the outcomes of release decisions. Judges at two sites expressed the opinion that the projects should be more creative in their release recommendations using all the conditions available.

Both project staffs and judges spoke of "public sentiment" as a factor that influenced their decisions/recommendations. However, it was difficult to determine with what information they could act knowledgeably on the basis of perceived public sentiment. The collection of data validating the release decisions could go far to reassure both the judges and the public as to the safety of the community and the appearance of the accused at subsequent hearings.

Citation release. Most Phase I projects explored the use of various citation options as alternatives to other arrest and hold procedures because citations are a relatively quick, easy and inexpensive way to keep people out of the intake process and out of jail. Phase I projects generally recommended that police departments begin issuing citations or issue more citations (most jurisdictions already had this option).

Once Phase II began, it became evident that there was little that project personnel could do to implement a citation policy. They could recommend that police issue citations and they could monitor citation use, but the decision to actually issue a citation lies in the hands of the arresting officer and with police policy. Since the issuance of citations is outside of direct project control, it was an area where little project time, money, or energy was spent. Most of the Phase II projects were unable to appreciably increase the number of citations issued by police or sheriff's departments. The data collected by one project, Multnomah County, were used to help increase the number of citations issued by documenting police officers' own recommendations for OR release. Multnomah more than doubled the number of citations issued by requiring officers to use citations for misdemeanants as a rule. If officers choose not to cite a misdemeanor they must explain why in writing.

Detention of public inebriates. In some jurisdictions, inmates were held as long as 30 to 60 days on charges of public drunkenness. Criminal justice personnel frequently reported that alcohol detention simply wastes time, and that jail was an ineffective way of dealing with public inebriates. For them, any procedure that would allow for speedy handling in the short-term (e.g., direct transportation to a detoxification center) or effective rehabilitation in the long-term (e.g., diversion to treatment) would be supported. It was suggested that such programs would especially enhance the morale of police and correctional officers who would be freed for what they perceive to be more important duties.

Others suggested that the criminal nature of public inebriation should be maintained and were generally opposed to the more liberal approaches such as decriminalization and diversion in lieu of prosecution. Some were even opposed to utilizing detoxification centers if corrections personnel were not represented on the staff. Finally, it seemed that there was some unwillingness on the part of detoxification center personnel to accept clients who are belligerent or whom they regard as unlikely to "reform." Nearly all of the Phase II projects allocated

some resources for dealing with the special problems posed by public inebriates. Their efforts included establishing detoxification centers, improving and expanding existing programs, and simply monitoring alcohol-related jail admissions.

In San Francisco a successful method for diverting public inebriates from the criminal justice system, and providing them with needed treatment was developed. By expanding civilian van pick-ups, reception, referral and detoxification services for public inebriates, the project was able to decrease the number who were booked by 48 percent and, at one police station, reduce the number of arrests by 70 percent. The methods employed by this project could prove useful in other jurisdictions with similar public inebriate problems.

Management information systems. The majority of Phase II sites engaged to some degree in improving the information processing and management capabilities of their jails or of larger segments of the criminal justice system. Most sites tried to develop some form of an MIS or jail information system to provide better tracking and analysis of the jail population.

The preproject data systems operating at these sites shared a common weakness--the inability to produce summary data. These data systems generally had the capacity to produce inmate rosters, daily booking logs, daily release records, method of release, and information on each individual inmate (such as age, sex, race, number of prior arrests and convictions, current charges, court status, address, employment status and more). In essence, the jailers had the data they needed for the day-to-day operations of the jail, but they lacked the capacity to produce an overview and to analyze the data they possessed. Analysis of any jail population data would require a hand count of each individual value of every variable being studied from the inmate roster.

To eliminate some of the limitations of their data systems and to improve their data analysis capabilities, personnel at these sites attempted to:

- replace manual tracking with computerized systems
- equip new or existing computers with the ability to summarize data
- build new data elements into the system to make analysis more meaningful (variables such as rearrests, failures-to-appear, case disposition, participation in various release programs, number of arrests, number of citations, etc.)
- develop flagging systems to bring to the attention of the jail staff those people whose progress through the system was inordinately slow

These efforts met with varying degrees of success depending on the jurisdictions in which the changes were made, the attitudes of those affected, and the degree to which criminal justice personnel were supportive of the proposed changes.

In developing an MIS or JIS system, some of the problems experienced by the sample sites were:

- the general resistance to change that exists in any system
- teaching people how to use and get the most benefit out of a computer
- the tendency of jail personnel to be more concerned with booking and handling an inmate than in record keeping
- access to relevant data
- identifying the expertise needed for setting up and debugging a new computer system
- transforming written records into a form that can be entered into a computer
- the time needed to computerize back data while continuing to collect current data
- competition with other worthwhile activities for scarce resources

The information from the sample sites is not conclusive but it does provide clear indications of the utility of an MIS for speeding detainee processing and reducing the number of detainees who get "lost" in the CJ system. Multnomah County and Orleans Parish both reported that prior to project inception about three or four people per month would get "lost" in the system. Since their MISs were implemented, the "loss" of detainees has become a rare event. Orleans Parish also reported that their system assisted jail staff in making classification decisions.

Available project data suggest that in jurisdictions with particular population or information management problems an MIS or JIS could be a useful tool. This is true in sites where:

- detainees fail to make court appearances because of a breakdown of communications between the jail and the courts
- processing of detainees is delayed due to slow information flow
- there is a delay in notifying pretrial services agencies of new jail admissions
- useful feedback on systems operations is needed

Central intake systems. The central intake concept is fairly new to the criminal justice field. It involves a centralization and coordination of services for defendants awaiting trial and a sharing of information throughout the criminal justice system.

Two sites (Delaware and Alexandria, Virginia) implemented central intake systems. While the data from these sites are very limited, they suggest that CIS can offer many advantages over noncentralized processing. It can speed detainee processing, provide faster delivery of services to detainees, be more efficient, and more cost effective by providing an early warning to all parts of the system when legal, social or economic factors create new or different demands. It can also improve cooperation among various elements of the CJ system.

Those jurisdictions interested in the potential of CIS are referred to two forthcoming (December 1982) reports by the Denver Research Institute on central intake pretrial decision systems.

Advisory Board participation. Each project in the Jail Overcrowding Program (except Multnomah County) had some form of Advisory Board to encourage a systemwide approach. LEAA recommended that the membership of the Advisory Board include the key individuals of the criminal justice system, and that the board members be encouraged to actively participate in the identification of problems and development of recommendations. Among the various boards, there were many differences in the composition of membership, frequency of meetings, and formal structures. These are largely superficial differences; a more significant difference is the perceived role of the Advisory Board by its membership and the project staff. Different perceptions of the Advisory Board's role contributed to the significant variations in its function and the degree of cooperation of its members.

Project directors' views of their Advisory Boards varied greatly. Some saw Advisory Boards as vital to project operations and as the central voice of the CJ system which needed to address the overcrowding problem. In these instances the project personnel functioned as staff to the board, and provided it with data analyses and other information pertinent to the board's concerns. At the other extreme were projects that viewed their Advisory Boards as merely a necessary source of bureaucratic approval which had to be secured before implementation of programmatic changes. The view of most staffs fell somewhere between these two extremes.

The perceived role of the Advisory Board by its own membership also varied. There was, of course, a natural inclination for members to try to protect their own interests; participation on the Advisory Board could be viewed as necessary for making certain that one's input to the problems and solutions is given adequate consideration. We do not suggest that this view is always a negative or defensive reaction; we recognize that different members of the justice community have specific areas of responsibility which cannot be abdicated. Other individuals on the Advisory Board preferred to remain uninvolved as much as possible, perhaps to the extent of sending proxies to attend the meetings. Then there are certain individuals whose views of the Advisory

Board closely conform to that of the ideal of the national program coordinator--a forum for the entire criminal justice community to address common problems related to jail overcrowding and seek systemwide solutions. Board members' attitudes toward their projects varied from hostile, to indifferent, to supportive.

While the results of DRI's study of Advisory Board participation are not quantified, they suggest that the board could be a very important asset to project operations. Projects reported that their Advisory Boards:

- helped develop a systems approach to the jail overcrowding problem
- aided the project in its dealings with the judiciary
- put pressure on CJ officials to cooperate with the project
- helped secure local funding to continue project operations beyond the federal funding cycle
- provided a forum for the discussion of CJ issues and the presentation of project information and results

Generally, projects with supportive and active Advisory Boards were more effective at impacting the CJ system. The San Francisco project was very successful at developing and utilizing its board, and at meeting and even surpassing its objectives (see the San Francisco site profile). Other sites (Delaware, Jefferson County and King County) had less supportive boards and experienced greater difficulty in implementing their projects and accomplishing their goals. While Advisory Board participation is not the only factor affecting project success, it does appear to contribute to a project's success or failure.

Role of project director and organizational placement of project. The project director's understanding of the CJ system and his or her political awareness and interpersonal skills appeared to influence project success (e.g., in both King County and Orleans Parish, the particular skills of the project director appeared to be instrumental to project success). The organizational placement of the project (e.g., under the sheriff, corrections, courts, etc.) can also impact project operations. In most jurisdictions, there are some agencies that are at odds with others. For example, the Corrections and Public Defenders Office may have minimal communication and cooperation. In such a system, if the JO project is under the auspices of the Corrections Department it will have to overcome considerable resistance before it will be able to secure the public defender's cooperation. On the other hand, if the project were under the court, it might enjoy immediate acceptance from the Public Defender's Office.

What were the observed changes in the jail population?

The seriousness of the jail population problem varied widely among the sample sites. Average daily population varied from well under jail capacity to

almost double the rated capacity. All of the sites were engaged in some litigation to establish standards, improve conditions, and/or reduce overcrowding. While a comparison of ADP and jail capacity figures is an important measure of crowding, this comparison does not reveal the whole situation. Among the most frequently mentioned factors contributing to overcrowding in those jurisdictions where ADP and rated capacity compared favorably were segregational constraints on secured housing. The need to segregate inmates by sex, by charge (misdemeanor and felony), by status (pretrial and postconviction) and by locally determined classification categories contributed substantially to the need for larger or at least more flexible facilities.

Jail population data. Although it is not clear that observed changes in project figures are entirely due to project activities, Table 21, "Selected Summary Statistics," presents a summary of data related to observed changes in the jail population during the project periods. The average daily population increased at six of the seven sampled projects, and decreased in only one (and at this one site only a small percentage of the decrease could be attributed to the project). The percentage of the jail population that was pretrial increased very slightly at two sites, stayed the same at two, and decreased at two. Bookings increased at every site for which data were available except Multnomah County where they were unchanged.

An assumption of the JO/PD Program was that the management and reduction of the pretrial population would control and reduce jail overcrowding as measured by ADP. However, average daily population in the jails has not been observed to decrease as a function of this program. It appears, as noted earlier, that any expectations that it might lead to reduction in ADP may have been unfounded for the following reasons:

1. Most jurisdictions were experiencing an increase in reported crime, an increase in numbers of arrests and bookings, and an increase in the quality of arrests, i.e., the percentage of arrests that were ultimately accepted for prosecution. Further, jurisdictions reported that as crime rates rose and jails became more crowded, the police exercised greater discretion in the kinds of arrests made, and serious felony bookings were seen to increase at an even faster rate than others, reducing the pool of persons most eligible for release, thus increasing the jail population in spite of program activities.
2. Most of the program participants were motivated primarily to develop and implement release alternatives and management procedures that would reduce their pretrial population because of concerns about overcrowding and the law suits, court orders, and threats of court actions that resulted. However, few jurisdictions were primarily motivated to reduce the incidence of incarceration beyond what was necessary for compliance. Their sights, therefore, were set fairly

TABLE 21
SELECTED SUMMARY STATISTICS

Site	Atlantic County	Dade County	State of Delaware	Jefferson County	Multnomah County	Orleans Parish	San Francisco County
Jail Capacity Pre	172	1,719 total 733 main jail	1,253 total 600 DCC	629	568	1,168 total 450 OPP	1,518 total 460 C3#1
Post	186	1,931 733 main jail	1,280 (1981) 768 DCC	918 (5/82)	532	1,418 450 OPP	1,518 460 C3#1
ADP Pre	141 192 (4/80)	1,512 (7/79-1/80) 750.4 (jail 7/79-1/80)	1,057 total 648 DCC	596	630	1,700 1,000 OPP	1,107 FY 78-79 310.7 (1979 C3#1)
ADP Post	231 (1/81) 260 (2/82)	2,200 (7/80-1/81) 1,004.6 (jail 7/80-1/81)	1,349 (1-6/81) 880 (12/81)	650 (8/80) 850 (3/82) 900 (5/82)	525 (1980) 508 (1981)	1,851 (10/80) 2,500 (5/81)	1,267 (1981) 359.7 (1981)
% Pretrial Pre	54%	63%	12.8% (7/31/80) 17% (1979)	80%	46%	35-40%	26.4%
% Pretrial Post	60.6% (8/80)		18% (7/31/81)	80%	32%	30%	26.5%
Cost per Day*	\$37		\$34	\$30		\$23	\$23

*Total project estimated per inmate cost.

TABLE 21
SELECTED SUMMARY STATISTICS (cont.)

Site	Atlantic County	Dade County	State of Delaware	Jefferson County	Multnomah County	Orleans Parish	San Francisco County
# Bookings Pre	1,901 (1978 jail admissions)	61,520 (1978)		32,092 (7/78-6/79)	22,731 (1978) 24,695 (1979)		43,347 (1979)
# Bookings Post	2,823 (1981 jail admissions)	78,000 (1981)		39,010 (1981)	22,581 (1981)		48,320 (1981)
Average LOS Pre	10.9 days	6.3 days pretrial	0-9 days pretrial	6.6 days	10.1 days all	42.5 days all	2.52 days CJ#1
Average LOS Post	6.5 days (project releases)			4.0 days (7/80) 17 days (12/80)		8-12 hours (project releases)	less than 2 days
Jail Days Saved By Program**	5,152-6,440	3,012-12,048		15,164		83,100	
FTA/Rearrest Data	(preproject) 7.5% FTA 11.7% rearrest (project) 7.8% FTA 11.4% rearrest (postproject) 2.8% FTA 4.4% rearrest	(preproject) 4.6% FTA (postproject) 4.6% FTA 4.4% rearrest		10/79-8/80 supervised release 8.2% FTA 15.7% rearrest misd. probation 3.2% FTA 10.9% rearrest		2.3% FTA 4.1% rearrest	

**Days estimated by project as # of project releases x average LOS, a high limit of days saved.

low and for the most part as pretrial jail space was cleared, that space was filled with other inmates.

3. All projects were relatively short-term (18-21 months), required several months to begin operations and thus could effect only modest changes in the short-term.

Pretrial length of stay. A large percentage of the pretrial population is ultimately released before trial, and reducing their length of stay prior to release can be an important factor in controlling jail overcrowding, i.e., saving even one day for each releasee could mean a significant savings of jail days per year. As a result of their Phase I planning efforts, several projects identified efficient case processing as a focus for their implementation projects. Unfortunately the majority of sites did not collect project or postproject data on length of stay, so the LOS analysis is very limited and may be somewhat deceiving. Length of stay statistics are generally bi-modal or even tri-modal in shape. Most persons who either bond out, are OR'd or are released with conditions, do so within a relatively short period of time. Those who are detained beyond this period are generally waiting for funds or an appropriate supervised release program, or have the charges against them dismissed. Most of the sites do not distinguish among these subpopulations and only the initial group whose detention period is primarily related to postarrest processing and the availability of release alternatives is affected by program operations. Those sites reporting LOS figures show a dramatic reduction. The Atlantic County, Jefferson County and Orleans Parish figures refer only to project releasees and not the average LOS for the entire pretrial population. Also, in Jefferson County the reduced LOS rate did not last long. Due to loss of staff and project management difficulties, the four-day LOS increased to 17 days.

Jail days saved. All the projects whose efforts were designed to secure pretrial release for defendants were successful at saving jail days (for more on this topic see the following section).

What were the effects of the program on costs?

During every site visit and many telephone conversations, DRI attempted to collect data on project and CJ system costs. Generally, the only available cost data were total project costs, total agency budgets, and the cost of one day in jail. None of the projects measured or calculated costs per unit of service delivered (e.g., cost per interview, cost per release, cost per public inebriate diverted, etc.), and all of the projects engaged in some activities the costs and impacts of which were not easily measured (e.g., improving coordination of CJ agencies and services, liberalizing release criteria, encouraging the use of citations, increasing awareness of the jail overcrowding problem, improving information distribution and utilization, etc.). These factors make it extremely difficult to assess project costs and cost savings. No attempt has been made to estimate the cost savings attributable to increased cooperation and coordination among CJ agencies (e.g., reduction of service duplication and other staff efficiencies) or the value of other social costs associated with placing persons in treatment alternatives.

Given the variety of activities in which all projects engaged, to simply calculate the cost per interview, per release, or the number of jail days saved, would underestimate project accomplishments. For example, to state that in Orleans Parish the cost per release was \$109 (the total project budget of \$196,660 divided by the total number of releases, 1,806) would overestimate the cost per release. In addition to making release recommendations, the project staff helped develop a jail classification system, and alternatives to incarceration for public inebriates, and made referrals for social services. The project also spent \$27,000 of its budget on computer equipment and \$2,000 on training staff in the use of that equipment. At no site did a project have such a singular orientation as to make the above type of cost analysis appropriate.

Keeping in mind that saving jail days represents only one facet of a project's operations, a table of cost savings due to project releases was developed (Table 22). Using a conservatively, modest average for the marginal costs of a single jail person-day, the jail days saved by Atlantic, Dade and Jefferson Counties resulted in a cost savings of between 45 and 85 percent of their total budgets.* The value of the days saved in Orleans Parish was over three times the cost of the project. Savings in excess of project costs were also recorded at King and Santa Cruz Counties (West et al., 1980). These successful demonstrations of cost effectiveness have been made without including additional savings associated with:

- avoiding expensive lawsuits
- reducing prisoner transportation costs
- reducing medical/psychological costs
- reducing payments to state or other facilities for housing prisoners
- reducing the number of hearings prior to release
- limiting the need for new construction
- diverting people from the CJ system

A second approach to the effects on costs by projects is to consider the probable state of the CJ system without the project. Criminal justice officials estimated (depending on their jurisdiction) that, on any given day their jails held between 50 (Atlantic County) and 300 (Dade County) fewer inmates than they would if the project were not in operation. The smaller population, due to project intervention, likely resulted in fewer inmate suits and court orders against the jail, improved staff and inmate morale, and better treatment and classification of inmates.

*See note (**) at bottom of Table 22.

TABLE 22
PROJECT COSTS AND COST SAVINGS

Site	Jail Days Saved*	Marginal Cost/Jail Day**	Total Cost Savings	Total Project Cost
Atlantic County	6,440	7.86	\$ 50,618	\$112,365
Dade County	12,048	7.86	\$ 94,697	\$198,231
Jefferson County	15,164	7.86	\$119,189	\$139,614
Orleans Parish	83,100***	7.86	\$653,166	\$199,660

*Jail days saved were calculated using number of releases by a project and average number of days saved per release. However, in most instances other accommodations would have been made to keep population figures below legal limits. It is not clear however, that this would have been accomplished without additional danger to the community.

**An average figure for marginal costs was used. Actual marginal costs for these sites may vary somewhat from this average figure.

***Existing facilities are not ample to accommodate these additional detention days; either new construction or payments to alternative facilities would have been necessary, or detainees accounting for these jail days would have been released without benefit of pretrial screening, possibly accounting for additional costs to the system and the community.

Another problem with measuring cost savings of the projects is that some project activities (e.g., development of a JMIS in Multnomah County, or laying the groundwork for Gander Hill in Delaware) may have long-term impacts that are not yet measurable. The Delaware project staff's efforts to organize Gander Hill may start paying dividends of increased detainee processing efficiency a full year after federal funds terminate.

There are three additional factors that illustrate the cost effectiveness and value of the JO/PDP projects. First, according to the county executive, the King County Pretrial Services Unit (formerly the JO project) saved the county \$2,000,000 in 1981. He recommended that it be expanded by six persons and its budget increased to \$300,000 so it can generate more savings in the future (1981 letter from Madeleine Crohn of the Pretrial Services Resource Center). Second, of the seven 1979 Phase II projects, all but one were continued with local funding once federal funds expired; elements of the discontinued ones were adopted and continued by other agencies. Also, all nonsample Phase II projects whose federal funding expired and the majority of the Phase I projects contacted were continued with local funding. This finding indicates that regardless of their cost efficiencies, most projects were viewed as valuable by their local CJ systems and funds were made available to continue project operations. Finally, in all the sites visited except Multnomah County and Delaware, almost everyone interviewed stated that they believed the project in their jurisdiction was cost effective. As evidence of the reliability of these assertions, they frequently based their conclusions on the different sets of data with which they were most intimately involved.

Transportation costs. No project collected data on arrestee transportation costs, but it seems appropriate to infer that some transportation costs were avoided because of project operations. In Multnomah County, the increased use of citations implied that a smaller percentage of arrestees were transported to jail, and, therefore, fewer had to be transported back to court to meet with appointed counsel and have preliminary hearings. The increased number of pretrial releases granted in Dade County, indicated there were 300 fewer pretrial detainees to cause overcrowding which would have required the transfer of inmates to the Stockade. Transportation costs may also have decreased in San Francisco because police take most public inebriates directly to treatment centers and because of the expanded operations of Mobile Assistance Patrol (MAP). Twenty-four hour operations allowed the MAP to pick up and deliver public inebriates to detox centers between 11 p.m. and 7 a.m. In the past they would have been picked up by police and taken to jail.

Construction costs. There is little evidence that any of the projects helped avoid or postpone new jail construction. In the state of Delaware, and in Atlantic, Dade, Jefferson and Multnomah Counties, new jail construction has been completed, is underway, or is planned. At most of these sites, jail overcrowding was extreme and new construction was already planned when they applied for JO/PDP funds. The projects were viewed as necessary stop-gap measures to reduce the jail population until new facilities were completed. However, the projects may have long-term positive impacts. Once new facilities are constructed, if programs such as these continue to operate, expansion and/or construction of additional new facilities may not be necessary.

Community costs. All available evidence indicates that community costs (e.g., failure-to-appear and rearrest rates) did not increase while projects were in operation. While the projects increased, in some cases tripled, the number of people granted pretrial release, at no site did this result in a significant increase in FTA or rearrest rates. DRI's findings concur with the research by Toborg (1981) who found that no direct relationship existed between agency release rates and FTA or rearrest rates. In those instances in which arrestees were granted release by the courts in the absence of a recommendation by the pretrial agency, a significantly higher FTA rate was observed (see Lindauer & West, 1982). Also, for every person-year of incarceration avoided, the community saved approximately \$2,869 (calculated from the average cost per day of incarceration at the sample sites).

What were the effects on case disposition?

One unanticipated benefit of the program reported by some project personnel was that, due to project activities, jail days were saved not only before trial but after sentencing as well. They assert that postsentence jail or prison days were saved because people who were granted pretrial release and complied with its conditions demonstrated their ability to conform, and even if they were subsequently found guilty they were more likely to be sentenced to probation than were those who had been detained until trial.

The existence of such a benefit could be the result of selection bias (i.e., that less serious offenders are granted release, while more serious offenders with longer arrest histories who are more likely to get longer sentences are detained). While selection bias cannot be ruled out, the King County project director stated that the people released on his program were no different than the detained population and their not being incarcerated after conviction was a result of successful participation in the pretrial release program. Available literature on this issue is divided, but the bulk of it supports the existence of a sentencing and/or conviction bias against defendants who are detained awaiting trial (Goldkamp, 1979; Hermann, 1977; Wheeler & Wheeler, 1981; Wheeler & Wheeler, 1982). The potential for saving postsentence jail days might be of interest to budget minded project directors. If documented, the additional savings of postsentence jail days could enhance the cost effectiveness of programs, and improve their likelihood of continued funding during hard financial times.

Another effect on case disposition demonstrated by one project (San Francisco) was the elimination of cases from the system. In San Francisco police officers took public inebriates directly to detoxification centers and consequently eliminated these cases from the criminal justice system, and reduced court caseload and costs.

Another consequence of the program was the reduction in costs to arrestees. According to Brochett (1973) the threat of high bail or the offer of low bail is used by police as a bargaining tool to elicit information and/or confessions from detainees. Feeley (1979) and the Criminal Law Bulletin (1972) also addressed the inequality of the bail system and the use of detainee processing as a

form of punishment. By increasing the percentage of people who are released pretrial and who are released without cash bond, the projects reduced the potential for abuse and misuse of bail.

What were the project's effects on LE/CJ officials, other involved parties, the community, and what effects did these actors have on the project?

These research questions are likely to be a concern to potential adopters of the pretrial alternatives to incarceration described in this report. The data DRI collected on these issues are inconclusive, but they do facilitate the discussion of some general concerns and issues.

Effects on police behavior. There appear to be two very different expectations about the impacts of project operations on the police. The first is that arrests will increase as improvements in the booking and intake processes become more efficient and as police are required to spend less time off the streets with the defendants in booking rooms, hospital emergency rooms, etc. For the same reason (reduction in police booking time), widespread use of citation in lieu of arrest may also result in increased criminal justice contacts. Another reason suggested for anticipating that arrests will increase is that as diversion and release options increase, enforcement may be increasingly viewed as separate from the "administration of justice," and police may exercise less discretion in marginal arrest cases, i.e., police have the responsibility to arrest and the courts have the responsibility for the equitable disposition of cases. It has even been suggested in some jurisdictions that as programs for rehabilitation, counseling, etc. become more available and well known, police may make more arrests just for the purpose of placing people into release and diversion programs with supportive services. In addition, it has been predicted that among police less sympathetic with release programs, some overcharging may result (misdemeanant to felony) to ensure some detention time.

A second school of thought propounds the theory that as the courts divert and release more defendants, some measure of futility will set in among arresting officers and arrests will decrease as the officers become less inclined to go through the booking/arrest process. Further, it was hypothesized that as pretrial release agencies require more and more information from arresting officers (with which to make release determinations), the number of arrests could decline. In any case, the type of arrest affected would be the discretionary or marginal misdemeanor arrest. It was not anticipated that felony arrests would be seriously impacted by project options. During the course of project operations, misdemeanor arrests did not increase as fast as felony arrests, but there could be numerous alternative explanations. In San Francisco County police changed their behavior in response to the project, and in Multnomah County the project was instrumental in getting the police to issue more citations. These examples indicate that it is possible for projects to impact police activities. In Delaware, police reported that the project saved them up to three or four hours per arrest, but with available data it is impossible to determine whether or not the decrease in processing time resulted in an increase in the number of arrests.

Effects on CJ officials. Information collected for this section was gathered through interviews with project staff and criminal justice officials. As was anticipated, almost every judge, district attorney, and public defender interviewed stated that the project had virtually no impact on his or her individual caseload, but it supplied information that was valuable in the conduct of case disposition. Correctional officers in Delaware, Orleans Parish, Multnomah and Atlantic Counties all reported that their local projects had impacted their operations by improving detainee processing and classification procedures. Judges have indicated their reliance on pretrial screenings and release recommendations, and jail commanders have been unanimous in praise of programs that provide them with additional information and assist in controlling overpopulation.

At most of the sites visited, a number of recurring themes from the project staff and CJ officials were heard. These were:

- that the project initiated efforts on the overcrowding problem
- that the project sensitized people to the problems of overcrowding and the steps their agencies could take to help alleviate it
- that the project helped develop a systems approach to the jail overcrowding problem
- that the project developed and/or improved cooperation among CJ agencies in general, and
- that the project improved the data collection and analysis capabilities of the CJ system

To support their opinions, CJ officials pointed to developments such as the new working relationship between the Delaware Attorney General's Office and Public Defender's Office which had not existed before, and the Advisory Board in San Francisco, which was an historic first for cooperation among that city's CJ agencies. These statements indicate that the local jail overcrowding projects had considerable, albeit unmeasurable, impacts on the CJ systems in which they operated.

Criminal justice systems also appear to have had an impact on the projects operating in their jurisdictions. Project directors and staff reported that the amount of cooperation, guidance, and data that CJ officials provided them were determinants of program success. Project Advisory Boards and key CJ officials were credited with exerting pressure on agencies and individuals to ensure their cooperation with the project.

Effects on the community. Generally, the projects studied were insulated from the communities in which they functioned. In fact, in most communities the general populace appeared to be unaware of the project's existence, as determined from local contacts and newspaper reporter interviews.

Without direct knowledge of the project the only way for the community to affect the project could be through its influence over judges, DAs, and other CJ officials or in the press. If communities were to pressure officials to change their practices, the officials would in turn, probably pressure the projects for a change. In none of the sites did DRI discover such a chain of events occurring.

FTA and rearrest rates. The presentation of FTA and pretrial rearrest statistics (if they are within acceptable limits) to local CJ officials can help win or increase support for a project, particularly among the judiciary. In Orleans Parish and King County the success of the projects as demonstrated in part by low FTA and rearrest rates, allowed expansion of release activities.

FTA data were developed at nearly all the sites in one form or another. The range of what was suggested as an acceptable (to the local community and to the judiciary) FTA rate was extremely broad. It seems reasonable that areas with different population characteristics, e.g., transiency/stability factors, differing crime rates and different overcrowding problems will develop different standards as realistic goals. Further, different attitudes relating to release among project staff were noted--some are primarily responsive to the jail overcrowding situation and some primarily responsive to what they perceive to be community and judicial attitudes toward risk. Others are committed to the philosophy that the law makes a presumption for release unless there are other conditions that make pretrial incarceration necessary.

FTA percentages were computed on different populations and with different release requirements, only some of which include release revocations in their FTA rates. Some areas had concurrent projects that siphoned off the most serious and/or least serious risks, so the remaining populations not only have different characteristics (population demographics, charges, arrest histories, etc.) but use different segments of their jail population distribution with which to compute FTA. For these reasons, reported FTA rates are not directly comparable and some of the variations in rates from site to site may reflect different calculation methods and the different populations served rather than real differences. FTA rates ranged from 2.3 percent in Orleans Parish to 8.2 percent in Jefferson County. These rates agree favorably with those reported by Toborg (1981) in her study of eight projects with an average FTA rate of 12.6 percent. Rearrest figures for sample sites ranged from 4.1 percent to 15.7 percent, which were also lower than the 16 percent range (7.5-22.2%) average in Toborg's study.

Widening the net. In the criminal justice literature, a frequently expressed concern is that pretrial programs may expand the influence of the CJ system over people who would have been, if the program didn't exist, under fewer restrictions or removed from the system altogether (Austin & Krisberg, 1981). Examination of project data indicates that this was not a problem with the projects in the sample. Generally, the jail overcrowding projects left ROR programs intact, secured release for people who would otherwise be detained until trial, and allowed detainees to be released under nonfinancial conditions when they previously would have had to get cash or security bonds. The release conditions imposed were generally very modest ranging from telephone contact to infrequent personal contact. Treatment alternatives were infrequently imposed

when there was no other alternative to detention. The project helped to ensure that detainees were released under the least restrictive conditions necessary to ensure their appearance in court.

What were the effects of the Phase I planning studies?

Fundamental to the philosophy of the LEAA program on jail overcrowding was a funding mechanism to provide separately for planning and implementation. The purpose of the planning grant was not only to document that jail overcrowding did exist, but to identify the components of the overcrowding problem and to develop an understanding of how the elements of the criminal justice system can function to alleviate the problem.

Jail populations changed little as a result of Phase I funding for most of the sites studied. Only one site was willing to attribute a noticeable decline in ADP to Phase I operations. Others reported that some stabilization had occurred, but could not be sure of the cause without further data analysis. The objective of the Phase I program, however, was to establish a better understanding of each project's situation rather than to directly impact jail populations. The sites unanimously reported success in meeting that objective. In fact, one of the most important products of these planning projects was the collection of data for analysis of the jail overcrowding problem.

Two of the Phase I projects determined from the analysis of their problems that they had exhausted most other options and that construction of new jail facilities was essential and a first priority. The DRI evaluation concluded, however, that although it was likely there would be continued overcrowding, in both cases there was an opportunity for some relief through more efficient case processing, greater use of citations, and more coordination with state corrections.

The most striking feature of the terminal Phase I sites was that although their LEAA funding expired, most projects continued to operate. They discovered local or federal sources of money to allow work on Phase I problems to continue. The problems being addressed and the programs being implemented with local funding at these sites were not as comprehensive as they would have been with LEAA Phase II funding, but work continued on them nonetheless. In general, locally continued projects focused on policy and procedural changes while deemphasizing costly MIS requirements. Although policy and procedural changes were implemented without further federal funds, their impacts in the absence of an organized and comprehensive program are uncertain.

The importance of good planning to achieve successful implementation was well recognized and clearly evident in the Jail Overcrowding Program. However, it appears that a lack of continuity in staffing, particularly between the planning and implementation phases, may have hindered the success of some projects. Continuity of staffing is especially important at key administrative positions such as project director. DRI observed it not to be unusual for the project director of the implementation phase to be someone newly hired and not involved with the planning effort. Hiring a new project director often introduced

considerable delays in initiating programmatic changes. It was difficult for a new person to quickly develop a broad perspective of the system and its problems. Frequently, files were misplaced, data were overlooked, and contacts were lost.

Occasionally, the Phase I projects used the services of consultants in major project roles. Although there is nothing intrinsically wrong with this approach (and occasionally it is the most efficient way to get expert assistance), there is a need to plan for the most beneficial use of consultants and to provide for documentation of consultant recommendations. Without this provision, information exchanged verbally between consultants and a local staff person can be lost or misinterpreted when staff changes or turnovers occur.

It seems clear from the amount of activity generated by the planning grants (all in the neighborhood of \$20,000), that the sites expended much more toward the analysis of the jail overcrowding problem and a plan for addressing those problems than either the federal funds or the local match provided. In terms of relative benefits from federal funds, the Phase I sites were clearly cost effective. There was some concern that successful Phase I programs were the product of anticipated Phase II funding. However, information from the 1980 Phase I sites, which had little hope of Phase II funding, indicates that Phase I planning efforts (at least at these sites) were not affected by the absence of the "carrot" of Phase II funding.

Recommendations

Many of the recommendations that follow were first presented in the literature by DRI in 1980 (see West, Neubaum, Blumenthal & Keller, 1980). Additional information from numerous visits to 20 different sites, a review of relevant criminal justice literature, and discussions with criminal justice officials and researchers have increased the reliability of the data on which these recommendations are based. Since the needs of individual jurisdictions vary greatly, there is no order of priority implied by this listing of recommendations.

Citations in lieu of arrest. This option was proposed by several jurisdictions as a safe and effective alternative to intake and detention for a large class of petty offenders. Unfortunately, most projects were unable to have a major impact on the increased use of summons and citations. Although in most instances, their use was legislatively possible, the use of citations does not appear to be a popular alternative among law enforcement personnel. Multnomah County demonstrated the most success with the use of this alternative. Their success was attributed to the fact that the officers were expected to cite certain types of offenders. If they chose to book one of these offenders, they were required to explain why in writing. Given the large number of persons who qualify for ROR, DRI sees the use of citations as an underutilized alternative and recommends that its use be increased and that more information on its advantages and disadvantages be collected. Increased use and analysis of stationhouse release is also recommended. In jurisdictions suffering from jail overcrowding, the incarceration of minor offenders represents an ineffective use of resources. In her recent study (1981:55) of eight jurisdictions, Toborg also recommended

increased use of citations but expressed concern about police cooperation "because law enforcement officers have been traditionally more concerned about apprehending defendants than releasing them." The presentation of empirical data to systemwide criminal justice boards has helped to overcome this reluctance in selected instances.

Public inebriates and other detainees in need of treatment. Public inebriates (both pretrial and sentenced) constitute a major segment of the local jail population in several jurisdictions. Mentally ill, drug dependent, and juvenile offenders are not as numerous as public inebriates but they cause special problems for jails, and they too appear to be in need of treatment and are likely to benefit little from incarceration. The diversion and treatment of these populations was a concern of some sample programs. DRI has observed that relations between law enforcement personnel and detoxification center staff have generally improved as the programs have matured. In some jurisdictions where public inebriation has been decriminalized, no effective alternatives have been developed and many violators are still being taken to jail either for their own protection or in response to community and business complaints. DRI recommends the use of treatment alternatives to incarceration for public inebriates, mentally ill offenders, and offenders with drug problems. Again our recommendation concurs with that of Toborg (1981:56) and is further supported by the work of Beaudin (1980), Moynahan and Stewart (1980), Mullen, Carlson and Smith (1980), and the National Coalition for Jail Reform (1982a). In addition, county jails have a substantial population of persons who are serving relatively short sentences for DUI offenses. Recently passed provisions for mandatory jail sentences for DUI offenses in many states are expected to intensify this situation. Consideration of the use of alternate medium and minimum security facilities is recommended as an alternative to inefficient use of jail space for a large portion of this population and for other persons serving short sentences.

For any project to work effectively it is important that its staff have a clear understanding of the project's functions and its position in the CJ system. The next five recommendations deal with such issues.

Release criteria and the use of point scales. A small controversy has grown surrounding the use of objective point scales versus subjective release policies in the determination of pretrial release recommendations. Regardless of the type of determination (point scale or subjective) most jurisdictions apply very similar criteria: community ties, stability factors, criminal history including previous FTAs, and current status. There are several arguments given to support or object to the exclusive use of either objective or subjective criteria. We list a few of those most commonly identified.

Point Scale Criteria

Supports

- standardizes criteria

- reduces opportunity for personal bias
- uses validated factors as criteria
- has potential for systematic modification on the basis of aggregated feedback data

Objections

- gives the illusion of being valid and objective but may be neither, i.e., interview information may be unreliable, criteria may not be valid, and the ways in which point scales are usually used still permits some subjective influence either intentionally (through override provisions) or unintentionally (through ambiguous criteria)
- may be too bureaucratically applied, e.g., there may be a reasonable explanation for a frequent change of residence or employment

Subjective Criteria

Supports

- provides for the inclusion of knowledge developed by experienced screeners through years of experience
- individualizes the decision process
- is more sensitive to arresting or booking officer's assessment
- is more satisfying to criminal justice personnel

Objections

- has the potential for inconsistent policies within the agency
- makes it difficult to update agency policy on the basis of aggregated experience
- has the potential for and/or gives the illusion of consideration of irrelevant variables such as personality, appearance, race, sex
- depends extensively on the training/experience/sensitivity of screeners

Neither argument deals with outcomes, e.g., percent of those interviewed who are released, court appearances and pretrial crime, since the data on these are not conclusive. In the absence of clear outcome data, the observation and examination of JO/PDP site experiences leads us to the conclusion that the use of a point scale is superior primarily because it minimizes the opportunity for personal bias in the application of release policies and maximizes the opportunity for systematic review of agency policies. The objections to the point scale relate primarily to the ways in which it is customarily applied (e.g., without local validation) and these uses are subject to modification and correction. Some of the arguments that support the use of subjective policies are compelling but do not offset the potential for abuse.

Locally validated standardized release criteria are still needed by many jurisdictions. We recommend the collection of more research data on whom to release and with what degree of supervision. We recommend the development of standardized release/incarceration guidelines for approval by the court. (For a more detailed discussion of bail guidelines see Goldkamp, Gottfredson & Gedney, 1980; and Gottfredson, Wilkins & Hoffman, 1978.) We recommend that these guidelines be periodically updated with new experience as a mechanism for speeding the release process, increasing the number of safe releases, and decreasing the costs of revocations. Researchers who express similar opinions are Bench and Baak (1980).

Out-of-state arrestees and verification policies. One of the more typically applied factors used to estimate the likelihood of a released defendant appearing in court in the absence of financial bail is a local address and telephone number. The application of this criterion frequently results in the detention of out-of-state persons who are either charged with relatively minor infractions (and are typically released at the preliminary hearing after having spent several hours or overnight in jail) or who would have been recommended for some form of contact or supervised release if they had been local or at least state residents. During periods of extreme overcrowding, out-of-state persons charged with misdemeanors and less serious felony crimes are frequently detained while local people with poor court appearance records and charged with more serious crimes, including crimes of violence, are released on either financial or nonfinancial conditions. Two factors contribute to this situation: (1) the obvious assumption that it is more likely that a local resident will return to court and (2) the costs to verify information by telephone for an out-of-state resident and to provide contact supervision where such contact is indicated. The inexpensive confirmation of out-of-state information and interstate cooperation of pretrial agencies could assist a jurisdiction to overcome this barrier to pretrial release. Arrangements for unmetered long distance telephone rates for information verification and follow-up contacts either directly with the defendant or with the assistance of interstate agency cooperation could facilitate the release of low risk defendants and reduce unnecessary incarceration. We recommend a critical review of all residency and community tie requirements and more reliance on cooperation with other cities and/or states for information verification.

Release authority. The issue of granting release authority to pretrial services agencies has been approached from several perspectives: efficiency,

philosophy, and outcomes. In those instances where release authority was granted to the pretrial agencies, we observed more efficient processing and substantial costs savings in view of the almost uniformly high agreement rates between pretrial agencies and the court. Many projects have instituted 24-hour screening functions; however in the absence of release authority, the screening functions may be ineffective in reducing LOS. In most jurisdictions a judicial determination is required for the release of felony defendants but in those sites where felony release is an option, it is working generally without incident. Aside from the bondsperson lobby, the major reservation expressed about agency release authority came, surprisingly, not from those who advocate more conservative release policies but rather from those who advocate more relaxed release criteria. It is their concern that pretrial agencies, in order to maintain their credibility with the court and with the community, will be overly fearful of taking risks and will choose to err on the side of conservatism in making nonfinancial release arrangements. We did see some evidence of this; however, we saw many more instances of delayed release and both jail and court cost escalation where a release hearing was mandated. To some extent an overly cautious release policy may be a developmental phenomenon--the older agencies have already built up credibility and will take more risks. Further, even in those instances in which pretrial does not choose to make the release, the defendant is still referred to the court where the judge or hearing officer can override pretrial's recommendation to detain or, as is more frequently the case, release with condition, in the absence of action or a strongly worded recommendation by the pretrial agency.

Administrative delegation or statutory granting of release authority to the pretrial unit contributes to its role as a neutral agency of the criminal justice system with a responsibility for protecting the community and reduces its identification as solely a defendant advocate agency, a more appropriate role for the public defender. We recommend release authority as an efficiency measure and endorse this reinforcement of a neutral posture for the pretrial agency.

Political considerations. While political considerations are somewhat intangible, this evaluation has demonstrated that they are very real. The project director's and staff's knowledge of their local political environment and ability to work within it are critical to project success. We recommend that project directors intentionally develop their awareness of local political coalitions, conflicts, and power structures. Knowledge of these factors will not in themselves make a project work, but it may help the project work more smoothly. The decision to either keep a low profile or develop high visibility should be made after considerable analysis of the degree and sources of support and opposition, and the decision should be periodically re-evaluated. We recommend that pretrial agencies actively seek to develop the reputation for both protecting defendant rights and safeguarding community safety. Many agencies have already made an effort to move in this direction.

The length of stay in jail among pretrial detainees who are ultimately released, either because charges are never filed or because they are ultimately found to qualify for some type of pretrial release, has been identified as a critical factor in controlling jail overcrowding. The four following recommendations have a bearing on the reduction of LOS.

Pretrial investigations are conducted by most pretrial release units for the purpose of verifying information provided to them by the defendant and by criminal history file data. The amount and quality of these investigation procedures differ from site to site. We recommend the development of national data on efficient verification procedures that would optimize the level of effort applied toward investigation. There are three important reasons for recommending increased attention to information verification: (1) to make more informed release decisions, (2) to reduce the costs of investigation and poor decisions, and (3) to develop reliable information from which to test and validate release criteria.

Earlier involvement of the District Attorney's Office and earlier screening of cases is recommended. Such measures would reduce the number of persons being held who are eventually released because charges are never filed or who later become eligible for release through existing programs. In some jurisdictions persons are routinely held as long as seven days before project staff can start release processing. Although this time period may provide important flexibility for the District Attorney's Office in deciding to prosecute in special cases, it should not be used routinely because of an overburdened DA staff. The length of time until charges are filed and an examination of the reasons should be reviewed locally to determine the reasons for charging delays. The employment of experienced DA staff during the postarrest review process could contribute to more knowledgeable assessments of the merits of each case.

Follow-up release screening. The projects in Dade County and Baltimore City both initiated procedures to provide a second screening of detainees who had already been screened but failed to secure release. In both cases, secondary screening resulted in additional releases being made and jail days being saved. These two sites noted, as did Jefferson County, that most people who failed to secure pretrial release after their initial screening were not released before their trial. Some of these detainees can be released once information on them is verified, additional information becomes available, charges are reduced, or necessary supportive services can be secured. We recommend that pretrial programs develop methods for and perform secondary screening of detainees and periodic re-evaluation of the status of their jail populations (See also Toborg, 1981: 63).

The following six recommendations stress the importance of a systemwide comprehensive approach to the processes of law enforcement and corrections. The level and quality of Advisory Board participation in the projects varied greatly but, even among those projects where initial use of the Advisory Board was negligible, by the end of the federal funding period the need for systemwide support became more obvious. It seems likely that the ultimate success of the program to effect permanent change will be influenced by the degree of support received from the Advisory Board and in their endorsement of project recommendations.

Advisory Boards. A requirement of all Phase I and Phase II projects was that they form a CJ Advisory Board. DRI examined the effects of Advisory Boards on the projects. At some sites the Advisory Board proved to be

instrumental in helping achieve project goals and objectives, in developing a systems approach to the overcrowding projects, and in institutionalizing program components. We recommend that pretrial programs and CJ systems develop Advisory Boards to serve as CJ forums and to develop a systems approach to criminal justice.

Increased use of pretrial interview and investigation data for subsequent criminal justice procedures would reduce costs and justify increased attention to reliability and completeness of information. Persons not released immediately after interview are frequently interviewed again in order to make jail classification recommendations. The histories of those who are ultimately convicted are routinely reviewed once more for the presentence investigation report. Much of the information developed by the pretrial release unit could be used for both jail classification and presentence reports and would reduce the duplication of investigation processes. The decision to consolidate these activities usually required the support of several agencies. e.g., Orleans Parish, Multnomah County.

Management information systems and central intake systems are two methods that can expand the use of pretrial interview data and facilitate consolidation of CJ agencies' efforts. Sites with certain data management and/or detainee processing problems (e.g., detainees getting lost in the system, jailers not delivering detainees to court when they should, or a lack of useful feedback information) should consider the development of MI and CI systems. Jurisdictions looking for more efficient methods for processing detainees or information may also be interested in these systems. For more discussion see DRI's forthcoming handbook (December 1982) on problems and symptoms that suggest the use of central intake processes.

Police motivation to increase arrest rates in order to demonstrate effectiveness and justify increased budget allocations should be discouraged and replaced by other measures. Arrests by law enforcement officers provide highly visible evidence of performance. If, however, the problems of the criminal justice system and the community are to be addressed comprehensively, alternatives to arrest, including diversion from the criminal justice system, may be more effective than arrest in reducing crime by allowing the resources of the criminal justice system to focus on those problems for which the community provides no other treatment alternatives. This concept requires community support. If the Advisory Board is not supportive, then it is likely that arrest rates will continue to be singled out as the most important measure of police performance.

Speedier trials. A number of researchers (Toborg, 1981; Thomas, 1976; and others) have recommended the use of speedier trials as one approach to reducing pretrial crime and FTAs. They have also noted the limitations of speedier trials for solving such problems. We support their recommendations to process cases as quickly as possible, especially those cases in which the defendant is incarcerated awaiting trial.

Securing local funding. This recommendation deals with some approaches projects might adopt in appealing to their funding sources and CJ communities. When addressing these audiences projects should stress:

- that their staff can screen not only for arrest but for detention as well. Pretrial services staff generally collect the most complete and reliable information available on an arrestee. Therefore, if preventive detention or bail denial recommendations are to be made, no agency is better qualified to make them than the pretrial staff.
- that screening helps maximize the use of limited jail space (less serious offenders are released and more risky offenders are detained)
- that supervised and/or conditional pretrial release is unlikely to increase FTA or rearrest rates
- that nonmonetary pretrial release reduces the inequity and misuse of bail. It reduces the use of bail as a bargaining tool for the police and DA and it eliminates the possibility of biased case conclusion based on pretrial status.
- that it costs the community an estimated \$2,869 for every person-year of jail time
- that construction of a single new jail cell costs between \$30,000 and \$60,000
- that new jail construction may be untimely because the postwar baby boom generation will be passing out of its high crime years in the mid-1990s. At that time the crime rate is likely to decrease and many new cells constructed in the 1980s may become empty (see also Jones, 1981).
- that increasing jail capacity is not an effective long-range method for alleviating the jail overcrowding problem
- that overcrowding can lead to court orders that may lead to fines and federal court oversight of jail operations

The remaining recommendations fall into the miscellaneous category. They address a variety of issues including jail construction, equitable treatment of arrestees, and criminal justice research.

New jail construction. A number of the sites visited were in the process of constructing new jails or were considering such construction. We recommend to those sites that have made the decision to increase their jail capacities that they consider construction of minimum, medium, and maximum security cells. The work of Goldfarb, 1980; Moynahan, 1980:110; and Roesch, 1976:32 also support construction of multiple security levels. Providing several security levels will reduce construction costs and allow people to be confined in the least restrictive environment necessary to ensure their appearance in court.

Preventive detention and bail denial. There is a growing movement in the U.S. toward preventive detention of offenders awaiting trial (see Gaynes, 1982 for a list of preventive detention statutes). Reardin (1980) and the Attorney General's Task Force on Violent Crime (1981) recommend that laws be changed to allow dangerousness as a consideration in making pretrial release/detention decisions. Little research is available that documents the value or effectiveness of these provisions and there are numerous legal problems associated with pretrial detention. The preventive detention hearing provided in some states as a safeguard against potential abuse represents an additional burden for the courts, the prosecuting attorney and the public defender and the defendant. Furthermore, there is a large body of literature which states that dangerousness cannot be accurately predicted (e.g., Beaudin, 1980; Frederick, 1978; Friedman & Mann, 1976; Magargee, 1976; Martin, 1981; Moynahan, 1980; Underwood, 1979). We recommend additional research on the impacts of these provisions.

Reduction in use of cash bail. A number of researchers have pointed out the weaknesses and shortcomings of the cash bail system and have argued for its revision or elimination. Goldkamp (1980: 185) stated that if a bondsperson pays bail, the defendant has little incentive to return for court. Beaudin (1980: 90-95) recommended that surety bail be eliminated and states the following six reasons:

- the surety system is prone to abuses
- judges have no way of knowing if the bond they set is affordable or if a bondsperson will risk the bond
- other alternatives work as well, if not better than cash bail
- bondspersons seldom return people who have forfeited bail—they are usually returned by law enforcement agencies
- the system is inequitable in that the wealthy get released while the poor remain incarcerated
- the American Bar Association, the National District Attorney's Association, and a number of other national LE/CJ organizations recommend the abolition of cash bail

For more on the shortcomings and elimination of surety bail see Goldkamp, 1979; Pryor and Henry, 1980; Thomas, 1976; and Toborg, 1981. Experience from the jail overcrowding sites suggest that the use of cash bail can be greatly reduced.

Data collection and analysis. We recommend that most projects collect and analyze more data on their own activities and on those of their criminal justice systems. Increased data analysis provides a more accurate picture of the pretrial process and its system, allows for a more accurate assessment of project or other program impacts on the system, can help develop a scientific basis for making release/detention decisions and selecting release options, and provides useful information to funding and oversight agencies.

For assistance in data collection and/or project design, the Phase I projects had a number of technical assistance providers available to them through AJI. The experience these projects had with TA providers demonstrated that in order to optimize the use of consultant input, it is necessary to plan appropriately for that use. Several permanent local government agency employees should work closely with the consultant(s) and there should be written accounts of all discussions and recommendations. Information exchanged between consultants and a single project person is lost if that person leaves the project. Given the two-phased funding approach (which was viewed as an effective procedure) there was generally uncertainty about the continuation of funding and many Phase I directors left the projects in order to secure permanent employment before the second funding increment was approved. Frequently, when they departed the information they received from consultants was lost to the project. In order to avoid information loss, consultants should be required to submit written reports.

Dissemination of information within the program and to sites outside the program appears to be inadequate for national impact. A number of project employees expressed a sense of isolation. They were not sure about what other programs were doing or if they themselves were going about their work in the best way. And, in response to direct questioning, we saw only modest signs of information exchange among projects or between JO/PDP projects (even those in the same state) and other jurisdictions. All of this occurred despite the excellent technical assistance available to the projects and the large number of professional organizations to which various project staff belong.

To facilitate the dissemination of information we recommend that project personnel attend regional and national symposia on jail overcrowding. They should also attempt to contact jurisdictions with problems similar to their own to examine the approaches these projects used and are using to ameliorate their problems. Implementing a programmatic option (with some minor changes as needed) that has already been developed, implemented, and evaluated at another site could reduce the opportunity for adopting ill conceived programs and could save time and money.

Projects are also encouraged to contact the National Institute of Corrections (NIC). NIC has a resource center which contains a variety of criminal justice information, and it has funds available to provide technical assistance to local jurisdictions.

Finally, we encourage NIJ and NIC to expand their efforts to disseminate information on the issue of jail overcrowding.

Summary Statement

Although the nation's jails remain overcrowded, the safe and effective use of nonfinancial pretrial release alternatives has been demonstrated by this program and by other similar efforts around the country. The recent enactment of preventive detention and bail denial provisions only emphasizes the inadequacies of bail alone as a criterion for release, and suggests an expanded role

for the pretrial agencies in making release/detention recommendations. The pretrial agency has frequently been viewed in the past as an advocate for the defendant, dedicated to virtually eliminating all pretrial use of incarceration. This position was a response, in part, to the overuse and inequitable use of incarceration for indigent defendants. Jail overcrowding was the leverage for developing and applying alternatives to financial bond. At this time, public sentiment and legislative action are demonstrating less flexibility for persons charged with crimes, particularly those persons with long criminal histories. These two ideologies suggest the need for an even more visible concern for both defendant rights and community safety. The pretrial services agency, however it is constituted in any given jurisdiction, is usually in an excellent position to collect up-to-date and reliable information from national and local information systems and to function as the pivotal agency in making release decision recommendations. The indiscriminate use of pretrial detention for persons accused of crimes may be unconstitutional and unproductive and there are those who find money bail to be an inadequate and unfair release condition. In response to these concerns, the support of research on the predictors of pretrial performance seems to promise the greatest opportunity to develop informed recommendations that would protect the community from persons who are a danger to others and to themselves and whose previous performance indicates they are unlikely to appear for trial, while freeing on own recognizance or on condition those persons who fit neither of these categories, independent of their ability to pay. Support for the pretrial agency staff appears to be more appropriate than ever based on the services they can perform as interviewers, screeners and investigators for the courts and in maintaining records for evaluating the decision processes. The Jail Overcrowding Program has been the seed money for many of these agencies to develop staff and procedures, and for this alone it has contributed to the equitable administration of justice.

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