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*Issues and Practices*

## **Alleviating Jail Crowding:**

### **A Systems Perspective**

- Why is a systemwide approach necessary?
- What can each key system actor do to affect jail crowding?
- What information is necessary for a systemwide strategy?
- How can jurisdictions implement strategies to curb crowding?

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**James K. Stewart**  
*Director*

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U.S. Department of Justice  
National Institute of Justice  
*Office of Development, Testing, and Dissemination*

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## Alleviating Jail Crowding: A Systems Perspective

by

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with

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November 1985

U.S. Department of Justice  
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This project was supported by Contract Number 84-IJ-CX-009, awarded to the Pretrial Services Resource Center by the National Institute of Justice, U.S. Department of Justice, under the Omnibus Crime Control and Safe Streets Act of 1968, as amended. Points of view or opinions stated in this document are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Justice.

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## Acknowledgements

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This document reflects the contributions of agencies and individuals from over 50 jurisdictions, many of who are cited herein. Their assistance is gratefully acknowledged. Special thanks to site visit hosts in Frederick County, Virginia; King County, Washington; Mecklenburg County, North Carolina; and Milwaukee County, Wisconsin.

Also deserving special mention are the members of the Advisory Panel: Walter H. Busher, Professor Howard R. Messing, Sheriff James R. Metz, and Sheriff Michael E. Norris, for their ideas, review, and comments.

Thanks also to NIJ Program Monitor Bruce Johnson for his work in helping shape and refine the draft, and to members of the Pretrial Services Resource Center staff, for their advice and assistance throughout this project.

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November 1985

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## Abstract

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A recent study by the National Institute of Justice suggests that jail crowding is the most serious problem confronting criminal justice professionals today. Jail crowding affects the activities and decisions of those responsible for jail operations, as well as other justice system actors, including law enforcement, prosecution, the judiciary, probation, and the community at large. As a systemwide problem, jail crowding requires a systemwide response.

Alleviating Jail Crowding: A Systems Perspective provides an in-depth discussion of the range of options available to criminal justice professionals who can help alleviate jail crowding while safeguarding public safety. The experiences of many jurisdictions demonstrate that such options can be effective in addressing the jail crowding problem. Among the programs and practices discussed are the use of field citations by law enforcement in Oakland, California; early screening of charges by prosecutors in Milwaukee, Wisconsin; prompt bail-setting in Mecklenburg County, North Carolina;

and practices designed to reduce presentence investigation time by probation officials in Lucas County, Ohio. Other practices discussed include the establishment of systemwide jail population management programs in Lucas County, Ohio; Salt Lake County, Utah; and Shawnee County, Kansas.

Though program modifications and activities aimed at improving case processing efficiency can be effective in reducing jail crowding, accurate information concerning characteristics of the jail crowding problem is necessary for the development of appropriate remedies. The report provides information to guide data collection efforts, identifying what information is needed, how it should be collected and how it should be analyzed to support the decision-making process. Additional suggestions concerning the implementation of jail population reduction strategies are also provided.

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## Chapter 1

# Jail Crowding: The Problem and the Need for a Systemwide Approach

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### 1.1 Introduction

The words "jail" <sup>1/</sup> and "crowding" have appeared together so often in recent years they have come to be considered virtually synonymous. The condition of jail crowding has been described as "the most pressing problem" facing criminal justice systems across the nation. <sup>2/</sup>

One measure of the extent of the jail crowding problem is the proliferation of lawsuits challenging crowded living conditions. With officials from over three-quarters of the nation's 3,400 jails responding to a 1982 survey by the National Sheriffs' Association, over 10 percent reported being under court order to remedy crowding and other conditions. Another 20 percent indicated involvement in pending conditions suits. <sup>3/</sup> Further, in 1983, one survey found <sup>50</sup> of the nation's 100 largest jails under litigation for crowding. <sup>4/</sup>

Cities and counties often respond to jail crowding situations and resulting litigation precipitously, without careful study and planning and without the participation of all justice system agencies. Such approaches generally produce only expensive symptomatic relief, leaving unaddressed the underlying causes of crowding as well as the possible consequence of increased danger to the public. Hurried, quick-fix solutions often raise the specter of wholesale release of violent criminals. Jail crowding may, in fact, compromise public safety through lack of adequate space to confine those who pose the greatest threat to the community.

Responsible local officials, considering community safety and the possibility of expensive litigation, as well as the interests of those living and working within the jail, are under growing pressure to respond to crowded jail conditions. In a crisis atmosphere, these concerns are often

simply translated into a need for building larger jails. However, construction and operation of local jails is an extremely expensive proposition.

Even though new construction techniques may reduce initial costs substantially, <sup>5/</sup> operating costs alone will continue to present an important obstacle for fiscally pressed local governments. During the year ending June 16, 1983, local jail expenditures totaled more than \$2.7 billion, <sup>6/</sup> with average operating costs of \$79,000 per bed, <sup>7/</sup> and per bed construction costs averaging \$43,000 per bed (\$51,000 for an "advanced practices" jail). <sup>8/</sup> Assuming an average institutional life-span of 30 years, the National Institute of Corrections has estimated that the cost of operating a jail generally exceeds original construction costs by a factor of ten. <sup>9/</sup>

The problem of jail crowding must be recognized as one which demands the involvement of all key system actors in systemwide investigation and cooperation. This view was recently expressed by James K. Stewart, director of the National Institute of Justice. In comments on the threat posed to community safety by increasingly crowded jails, Stewart cited a 1983 NIJ survey of 1,400 criminal justice officials, stating:

"The findings show a system under great stress. Some areas of the criminal justice system are making adaptations that work to the disadvantage of other parts of the system. We need to focus our resources on the overcrowding problem, but if we deal with it on a piecemeal basis, we will not be meeting the needs of the whole system." <sup>10/</sup>

Though substantial resources have been applied in this area (such as

the Law Enforcement Assistance Administration's Jail Overcrowding Project, which produced useful publications for jurisdictions wishing to follow the Project's structured format for jail population management planning), 11/ this document is designed to complement the efforts of local officials by providing a framework for analysis and planning.

### 1.2 Overview

Jail crowding must be recognized as a local problem. Solutions to the jail crowding dilemma must be developed in accordance with the unique needs and desires of individual communities. Construction of new facilities to increase the supply of jail bed space may well be one appropriate component of solutions developed to address the crowding problem. While we recognize this, the emphasis of this document is on other activities which can help to ensure that existing bed space is effectively utilized. Accordingly, this document provides information to assist counties and cities in the study of case processing and in planning systemwide strategies, with particular emphasis on the role each local criminal justice agency can play in solving the problem of how to best use jail space to prevent crime and maintain public safety.

Briefly summarized, this guidebook focuses primarily upon the following:

- The series of case-handling steps and decision stages in the local criminal justice process and the choices available at each - Chapter 1 presents a flowchart as a visual representation of a typical adult criminal justice system. The importance of length of confinement in determining jail population levels is also discussed (Appendix A provides a brief narrative of decision points and options displayed in the flowchart).
- The policies and practices of criminal justice officials (as well as non-system actors) who in some way affect who is jailed and for how long - Chapter 2 uses

survey information to give specific examples of ways local criminal justice actors, including law enforcement, jail administration, prosecution, pretrial services, judiciary, defense, probation/parole, bail bond, and extra-system officials, can affect the size of the jail population. Systemwide mechanisms are also discussed in Chapter 2, as are local, state and federal laws and standards which may affect efforts to plan for the most effective use of jail space (Appendix B provides a listing of the local system contacts cited in Chapter 2).

- The nature of the jail population and system case flow, i.e., the development and use of information on the background and length of confinement of inmates and the movement of cases and persons through the local system - Chapter 3 describes the information needed to perform a thorough jail population analysis and the methods by which such information can be collected and analyzed. The chapter also discusses the need for obtaining accurate information on the volume and types of cases/ persons passing through the various system stages, average time expended at each stage and the use of court and extra-system placements. (Appendix C is a survey instrument which can be used as a tool in gathering such case flow information. Appendix D provides sample forms as guides for gathering jail admission and release information.)
- Factors to consider in implementing strategies to address jail population pressures - Chapter 4 emphasizes the prerequisites of obtaining accurate data on system operations and achieving full participation of key criminal justice actors in devising and implementing jail population reduction strategy. Advantages and disadvantages of programmatic changes and procedural modifications are outlined, and a checklist is provided to assist in implementing strategies to curb jail crowding.

Though such factors as local demographics and indices of criminal behavior deserve attention in examining the utilization of jail space, our emphasis is on the process of local criminal justice administration and on policies and practices controlled by city and county officials. Similarly, although discussion of the role of criminal justice officials, local chief executives and legislators, advocacy groups and others in organizing and conducting broad-based planning efforts may be useful, it is beyond the scope of this volume. 12/

### 1.3 Survey Method

Information on the efforts of local governments to achieve more effective use of available jail space was gathered by Pretrial Services Resource Center staff from mid-1984 to early 1985 through interviews (by phone and in-person) with a number of criminal justice officials in 14 jurisdictions, on-site visits in 4 jurisdictions, and from sites contacted in the course of ongoing Resource Center activities.

Officials were interviewed in a total of 40 counties or cities. State officials were interviewed in three states.

### 1.4 The Need For A System Perspective

Jail crowding may become an issue in a community for a number of reasons--through litigation initiated on behalf of jail inmates, a citizens campaign, a state agency citation for violation of capacity standards, or a sheriff's plea for jail expansion due to an increasing population, to cite a few. The extent of jail crowding may be determined in a number of ways--according to square footage, inmates per cell, or some other standard. State regulations may measure crowding according to staff efficiency criteria; a judge may define it based on the pronouncement of another court or a professional organization; or a county may measure crowding by the numbers of persons forced to sleep on the floor or in

areas intended for programs or recreation. Whatever the context or standard, the combination of sharp population increases and tightening local purse strings is bringing hundreds of communities face-to-face with an unwelcome dilemma.

Various justice officials may have different reasons for desiring long-term resolution of crowding crises. Judges, prosecutors, probation/parole officers, and others may find that crowding acts as a severe constraint in dealing with individual cases in which jailing appears necessary but space is unavailable. Prosecutors, public defenders, and pretrial services officers are among those whose functions are likely to be impaired by delayed access to inmates caused by overloaded facilities and jail staff. Court functions may suffer from an inability to move inmates to and from scheduled court appearances in a timely manner. Indeed, the ramifications of jail crowding--in lowered productivity, diminished employee morale, and increased operating expenses--affect all agencies involved in handling criminal cases. Most affected is the jail administrator, 13/ who must deal with such matters as the increased likelihood of prisoner and staff tensions, damage to facility and equipment, inability to meet program and service standards, and budgetary problems resulting from overtime staffing.

An increasing number of jurisdictions faced with dangerously crowded jails and strained local finances have begun looking for ways to curb jail population growth and the need for increased space by diverting persons from jail and shortening the custody period of those who remain, while insuring that neither premature nor inappropriate release occurs that could endanger public safety. According to those surveyed for this publication, this approach has proven highly effective. These and other communities have also concluded that whether jail crowding is periodic or chronic, it should be recognized as a clear signal that a thorough examination of criminal justice policies and procedures is warranted.

As Walter Busher, director of the LEAA Jail Overcrowding Project, stated:

"The experiences of numerous jurisdictions have clearly shown that the problem cannot be solved by simply creating more jail capacity. Officials in communities that have significantly increased the size of their jails have often realized belatedly that if jail overcrowding is to be dealt with effectively on a long-term basis, the problem must be factored into causes and symptoms." 14/

Through various combinations of system efficiency measures and carefully considered alternatives, many jurisdictions have succeeded in curbing jail population growth and avoiding the need for larger facilities without compromising community safety or the integrity of the justice system. These measures have been based on: (1) a realization that the factors determining jail population go well beyond the local crime rate; (2) a recognition of joint responsibility for jail population levels among agencies involved in criminal case handling; (3) an understanding of the overlapping functions and interdependence of all justice system components, and (4) careful planning involving all components of the local criminal justice system.

This section of the guidebook is intended to help the reader:

- view the local criminal justice system as a screening mechanism which can be modified to attain the best use of jail space;
- recognize the effects of day-to-day decisions and agency policies on the size of the jail population; and
- understand the role of each criminal justice actor in investigating jail use patterns and devising measures to control the size of the jail population.

### 1.5 Looking at a Typical Criminal Justice System

Jail capacities and populations are often determined haphazardly rather than by coordinated policy developed by officials of local criminal justice agencies, the "users" of the jail. However, a number of jurisdictions have employed a systemwide approach to the problem, adopting a variety of means toward the goal of controlling or reducing the number of persons who must be incarcerated. Some have initiated action to reduce waste of resources and avoid costly lawsuits. Others have responded to litigation and the possibility of court-mandated measures by developing appropriate remedies.

A detailed understanding of the operation of the criminal justice case-handling process, from the system's initial contact with potential arrestees to the final disposition of convicted offenders, is a prerequisite to the development of effective jail crowding strategies. Many systems accumulate a wide variety of persons in the jail, some clearly inappropriate for criminal justice handling, and hold them for excessive periods. 15/ However, local systems can be modified to efficiently divert many arrested and convicted persons to more appropriate dispositions or to substantially reduce periods of confinement, without threatening community safety.

Charting the stages of the criminal process at which custody or release decisions are made and the dispositions available at each point is an essential first step in understanding local justice system operations and identifying workable improvements. A carefully constructed flowchart will also demonstrate the participation of each actor at each decision point and the options each can use in conserving limited jail space.

A model of the flow of cases through a typical criminal justice system is presented in Figure I (see pp. 6-7). In this composite, 12 decision points are depicted to represent stages at which custody status may be affected. The model is intended to illustrate

the field of options which, though utilized to great advantage in some communities, remain unknown or underutilized in many others. With the exception of the very first "on-the-street" decisions made by the victim, witness, or field officer on whether to engage the formal crime response system, the decisions represent potential points of incarceration; that is, procedures in which a number of system and extra-system actors may employ discretion in determining whether the arrested, detained, or convicted individual will or will not be jailed. (See Appendix A for a discussion of the decision points shown in Figure I, including options which may be employed and criminal justice actors which may be involved.)

While this model may include features not found in some communities, other local systems may utilize many more decision points and options in handling criminal cases. Moreover, certain decision points in Figure I, such as the prosecutor's charging decision, may be found earlier or later in the course of events; others, such as bail review, may occur a number of times in a jurisdiction's system of processing cases.

### 1.6 Length of Confinement - An Added Dimension

Jurisdictions which have constructed a system flow chart for misdemeanor and felony cases such as that depicted in Figure I, and have used the chart to follow sample cases through the court process, quickly realize "catch points" which may substantially extend the length of confinement (LOC) of persons appropriate for release. Reducing LOC often becomes the first focus of population reduction efforts, for several reasons.

First, efficiency measures may cost much less than creating or expanding alternatives to incarceration. Second, many jurisdictions encounter much less resistance to the idea of improving speed and efficiency of system operations than to the prospect of diverting substantial numbers

of current jail admissions. Third, local analysis often reveals excessive LOC as the most serious underlying cause of crowding.

Although a jurisdiction may boast an impressive array of pretrial and sentencing alternatives, it will continue to suffer serious jail population problems if burdened by a sluggish, poorly coordinated case management system. Jails may be overburdened due to delay in preparing the presentence investigation, processing persons for release following dismissal of charges, carrying out a revocation hearing, or any point at which system agencies must prepare a file for the next step in the process.

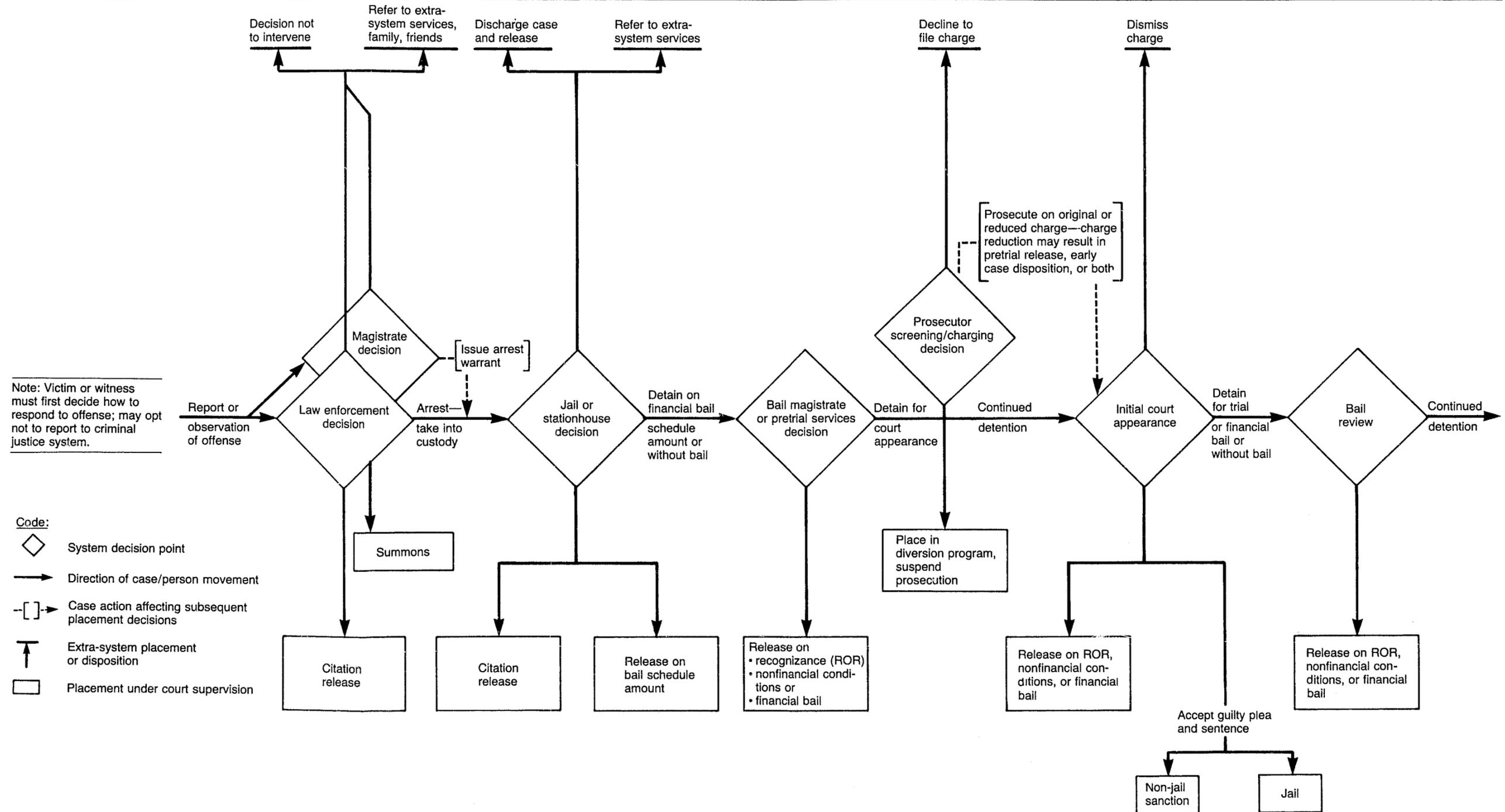
A second aspect of delay lies in the system's approach to considering non-jail options, particularly in the pretrial stage. That is, length of confinement may be determined not only by the availability of release options, but also by the points at which they may be applied, whether earlier or later, in the continuum of case/defendant handling. If a "pre-trial" system official (police, pre-trial services, prosecutor or court) is able to consider and choose a release option in the earliest stages of custody, LOC may be shortened considerably.

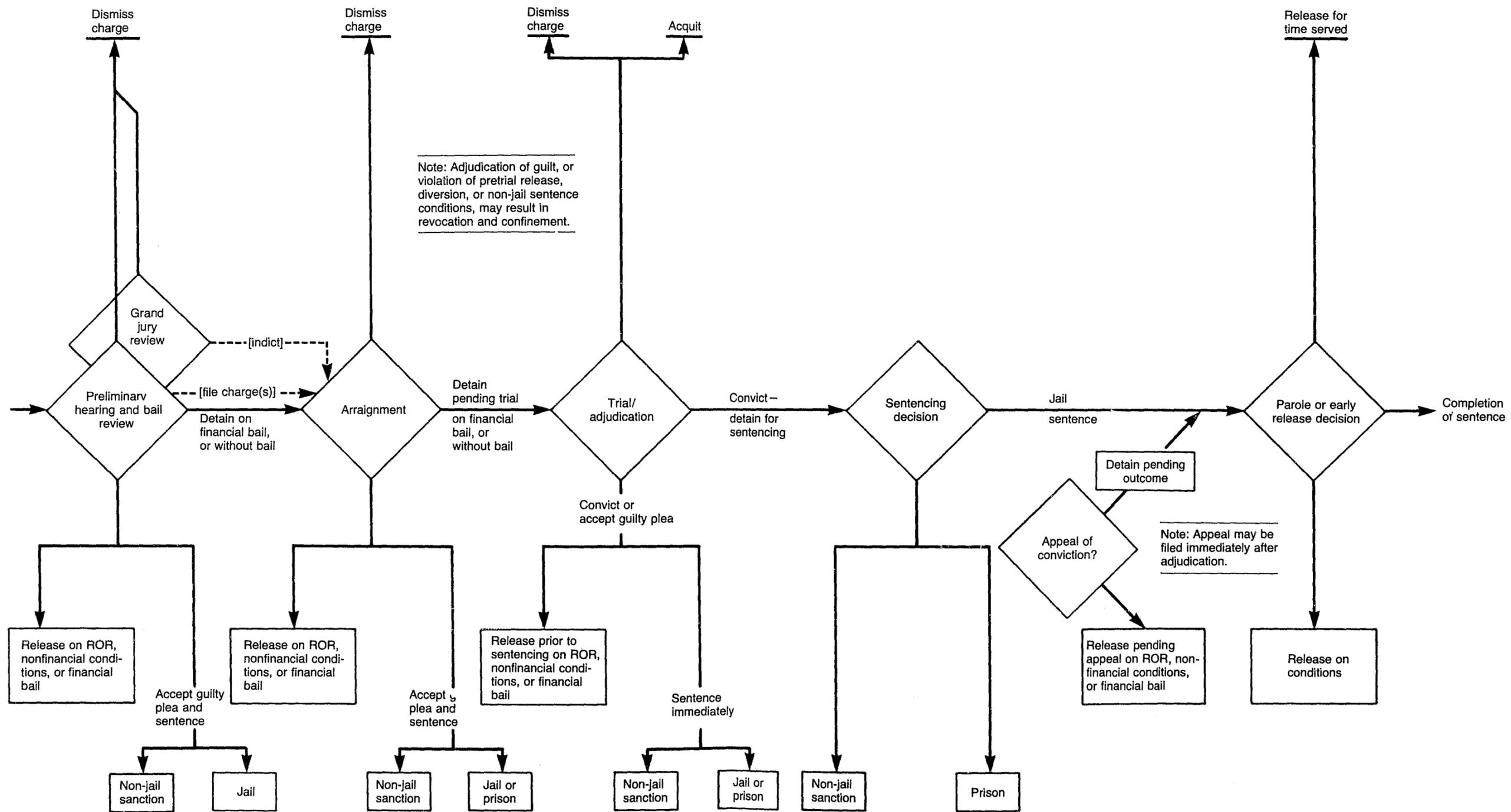
For instance, in many local systems the prosecutor's charging decision takes place prior to the defendant's initial appearance. Although the number of choices available to the prosecutor generally does not vary from system to system, jail space needs may be significantly reduced if the prosecutor acts to drop appropriate cases and reduce other charges prior to initial appearance rather than waiting several days or weeks afterwards to take the same action.

Length of confinement is also related to a third factor--bail practices--in that higher financial bail amounts generally result in longer pretrial confinement, with indigent persons (and others unable to readily furnish bail) representing a primary jail population. Average LOC may increase further if meaningful bail review

Figure 1

Criminal justice decision points and options





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does not take place or if private sureties are unwilling to offer services. As with other determinants of LOC, such problems could be addressed without sizable financial expenditures.

Recognition of decision points, potential non-jail placements and the determinants of length of confinement can lead to improved system performance. Moreover, review of the number of actors involved at each decision point can reveal the interdependency of justice system agencies and stimulate their participation in reducing jail crowding. The perspective to be gained from a detailed case flow model is not the complexity it will reveal, but the opportunities that exist as means for resolving the jail crowding situation.

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#### REFERENCES

1/ "Jail" is meant to apply to institutions of confinement holding persons awaiting trial or sentencing, or convicted and serving relatively short sentences not requiring incarceration in state-operated prison systems. Such facilities are usually administered by city or county governments, but are administered by state governments in six states--Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont. This definition excludes temporary local detention facilities used to hold arrestees for 48 hours or less, such as police "lock-ups".

2/ Abt Associates, National Assessment Program: Assessing Needs in the Criminal Justice System (Washington, DC: National Institute of Justice, January 1984), p. 9.

3/ Ken Kerle and Francis R. Ford, The State of Our Nation's Jails (Washington, DC: National Sheriffs' Association, August 1982), pp. 43-57.

4/ Elizabeth Gaynes (ed.), "Special Issue," The Pretrial Reporter (Washington, DC: Pretrial Services Resource Center, August 1983), p. 12.

5/ Under a project sponsored by the National Institute of Justice, "New Directions in Correctional Facilities" (Grant No. 84-IJ-CX-0019), Project Director Charles B. Dewitt surveyed new construction techniques to identify those which result in time and cost savings. For more information, contact NIJ, 533 Indiana Avenue, NW, Washington, DC 20531.

6/ James J. Stephan, The 1983 Jail Census (Washington, DC: Bureau of Justice Statistics, November 1984), p. 9.

7/ Center for Justice Planning, The Costs of Constitutional Jails (Boulder, CO: National Institute of Corrections, February 1982), p. 29.

8/ Ibid., pp. 7, 17.

9/ Ibid., p. 29

10/ Stephen Gettinger, "Assessing Criminal Justice Needs," Research in Brief (Washington, DC: National Institute of Justice, June 1984), p. 1.

11/ Two publications were prepared by the American Justice Institute for LEAA as part of the Jail Overcrowding Project: Jail Overcrowding: Guide to Data Collection and Analysis, by Jerome R. Bush (May 1982), and Jail Overcrowding: Identifying Causes and Planning for Solutions, by Walter Busher (February 1983).

12/ For assistance in organizing local planning mechanisms for formulating strategies relating to jail use, see Ellen Mowbray and Arlen S. Morris, Alternatives to Incarceration? A Community Planning Workbook (Washington, DC: Office of Justice Assistance, Research and Statistics, February 1982), and Walter Busher, Jail Overcrowding: Identifying Causes and Planning for Solutions (Washington, DC: Office of Justice Assistance, Research and Statistics, February 1983).

13/ The term "jail administrator" is used here to denote the corrections or law enforcement official chiefly responsible for the operation and management of the jail.

14/ Busher, op. cit., p. 1.

15/ In testimony before the U.S. House Judiciary Committee on February 24, 1983, National Sheriffs' Association Director L. Cary Bittick stated, "Jails in too many instances are used as a dumping ground for the social misfits of a community--the mentally ill, the alcoholic, the narcotics addict and the runaway juvenile, to mention a few."

## Chapter 2

# How the Actors Can Affect Jail Population

### 2.1 Introduction

The case flow diagram in the first chapter summarizes the decision points at which justice system officials, along with certain private or extra-system actors, directly affect the number of persons held in a jail system. This chapter provides examples of how each key actor can influence or control the size of the jail population. (See Appendix B for a listing of contacts for the programs and procedures highlighted in the following sections.)

System studies in a number of jurisdictions have suggested, as one surveyed judge said, "a lot of little ways" to halt or reverse jail population increases. The following actor-by-actor discussion highlights some of the "little ways" that are available and how officials in certain jurisdictions are making use of such practices to influence jail admissions and length of confinement (LOC). The chapter concludes with a brief discussion of state legislation, court rules, executive orders, and other "external factors" which may affect jail populations and local jail use planning efforts. A cautionary note: As with the case flow diagram, the examples offered here should be considered in the light of local statutes and practices.

### 2.2 Law Enforcement

Decisions surrounding local arrest practices--whether to arrest, whether to transport to the jail or stationhouse, whether to book, whether to detain for bail-setting--are critical determinants of jail population size. Thus, local police agencies, exercising discretion in the field and at the stationhouse, dominate the initial admissions decision.

### --Pre-arrest Practices

Individual officers have long referred certain cases to family, friends, or other services outside the criminal justice system or have used informal dispute settlement techniques. Recognizing these and other types of pre-arrest diversion as especially effective means of reducing unnecessary jail admissions, a number of local systems have acted to formalize certain measures.

Perhaps the most common form of pre-arrest diversion is that of short-term detoxification or "sobering up" facilities for public inebriates. San Diego County, California, and King County (Seattle), Washington, are examples of large jurisdictions which have established such services. King County's Division of Alcoholism has a screening unit and a 96-bed detoxification unit for police referrals. San Diego County claims success in relieving jail crowding through its inebriate reception program, where inebriates must remain for a minimum four-hour period. The facility is operated by the Volunteers of America, a non-profit organization. Both counties also offer extended care and treatment for those who desire it.

Alcohol programs are also used successfully by law enforcement agencies in smaller, largely rural areas. One such program diverts a large number of public inebriates from the jail in Frederick County (Winchester), Virginia. Operated by the Division of Court Services, a detoxification facility admits "walk-ins" as well as those brought in by law enforcement officers.

Persons suffering from mental illness often are jailed due to lack of adequate mental health care programs in the community. Studies in a number of jurisdictions have estimated that mentally ill, emotionally disturbed, or mentally retarded persons comprise

from 10 to 20 percent of their jail populations. 1/ Law enforcement agencies in some communities have responded to this problem by creating training programs for officers in recognizing mental illness and have obtained extra-system services to provide emergency mental health care. The Dayton, Ohio, police department has contracted with three community agencies to provide non-jail mental health services. Dayton officers can call the centers for immediate assistance on an around-the-clock basis.

A similar program has been initiated by the Galveston County, Texas, Sheriff's Department. A team of deputies has received special training in order to assist other deputies in meeting the emergency needs of severely disturbed and mentally ill persons. Such persons are taken directly to mental health care facilities instead of the county jail.

Shelter programs are also becoming available as alternatives to jailing in many cities. Operated with governmental or private funding, shelter facilities generally provide sleeping space, food and clothing to persons who might otherwise be taken to jails due to drunkenness, mild mental disturbances, trespassing or vagrancy violations. The State of Connecticut recently allocated monies to support privately operated shelter programs, in part because of the need to reduce inappropriate use of jail space.

Another recent development in pre-arrest options is the establishment of police teams trained to intervene without arrest in family disputes and to divert the disputants to available services if necessary. Family intervention units are reported now in use in New York City, Denver, Chicago, and Oakland. 2/ (However, recent research indicates that in cases involving physical assault, arrest appears to be the most successful deterrent to repeated violent incidents. 3/)

#### --Post-arrest Practices

"Of obvious advantage to defendants, the citation procedure

also saves considerable police time and money. In a time of stringent budgets...[it] enables officers to go back on the street quickly, saves the community unnecessary detention costs, helps reduce jail overcrowding and the need for bigger and more expensive jails, and saves court time." 4/

Citation and stationhouse release (or notice-to-appear) procedures offer an effective method of deflecting many arrestees from jail intake. Both large and small jurisdictions, for example, Duval County (Jacksonville), Florida, and Genesee County (Batavia), New York, use field release to such advantage. Genesee officials credit increased use of "appearance tickets" by police officers as one of several measures leading to a reduced jail population. In Duval, increased use of field citations has served as an important part of that jurisdiction's population control effort. The Sheriff's Department has assured its effectiveness by issuing clear written guidelines setting forth procedures for use in the field, and emphasizing the importance of citation release in eliminating unnecessary jail bookings.

Citation release may also be applied at the stationhouse to avoid formal booking, or may be used following booking to eliminate further detention. In Washington, DC, police substation and pretrial services staff use a 24-hour-a-day phone link to determine if arrestees qualify for immediate release. Salt Lake County, Utah, reports using "non-book release" as a means to reduce jail admissions. Law enforcement and pretrial services cooperate to screen detainees charged with misdemeanors and traffic violations.

Recent surveys have determined that citation release is used to some degree in 45 states (5 permit use in some felony cases) and that over 75 percent of the nation's largest police departments use the procedure. Field citations have resulted in substantial savings in officer time, transportation, bookings, and

incarceration in a number of jurisdictions. Cost analysis in Oakland, California, revealed that field citations were accomplished at less than one-half of the average per case expense of arrest and incarceration. 5/ Due to the advantages of cost savings and jail population containment, the number of jurisdictions using citations continues to grow as new state legislation requires its application in certain cases. 5/

#### --Other Practices

If earlier arrest options are inappropriate, police agencies may also use authority delegated by the court to set and accept bail amounts according to a bail schedule. The court may also authorize police to accept established fines for traffic violations and misdemeanors where the arrestee is willing to waive formal adjudication.

Law enforcement policies can have a bearing on jail populations beyond initial arrest and booking; for example, bail magistrates, pretrial release personnel, and courts may be influenced by police bail recommendations, which can, in turn, increase the use and duration of detention. Police may also practice direct filing of cases with the court, eliminating the possible salutary effect of early prosecutorial screening.

#### --A Note on Private Security

Crime prevention and control has traditionally been the responsibility of the public sector, primarily local law enforcement agencies. Increasingly, however, retail businesses, manufacturers, and other institutions are turning to private security firms for assistance. It is estimated that 1.1 million persons are now employed in this field and that annual private security expenditures outstrip those of federal, state and local law enforcement by almost 60 percent. 7/ Although the effect of private security agencies on jail populations has not yet been documented, substantial impact is possible.

The private security industry provides services in the areas of physical, information, and personnel security. While private security firms generally report UCR index crimes to law enforcement, incidents of employee theft, insurance fraud, industrial espionage, commercial bribery, and computer crime tend not to be reported. Instead, these activities are often dealt with through in-house mechanisms. These procedures vary widely, and little is known concerning the standards associated with their use. Nonetheless, it appears that large numbers of criminal acts are presently handled internally by private businesses, never entering the public justice system. 3/

However, private security practices can exacerbate jail space problems. In some jurisdictions, increased private security activity, often resulting from apprehension for minor violations such as trespassing, has also generated a concomitant increase in the number of cases referred to law enforcement and/or persons actually delivered to the jail by private security agencies. 9/ While the use of summons or citation release procedures can be highly useful in alleviating jail population pressures, when private security officers obtain arrest warrants from court officials, police and jail officials must arrest and book, preventing use of these discretionary options.

#### --Summary of Law Enforcement Options

- Pre-arrest diversion of public inebriates (San Diego County, CA; King County, WA; Frederick County, VA)
- Pre-arrest diversion of mentally disabled (Dayton County, OH; Galveston County, TX)
- Use of shelter programs (State of Connecticut)
- Use of family dispute intervention units (New York City; Denver, CO; Chicago, IL; Oakland, CA)

- Field citation procedures (Duval County, FL; Genesee County, NY)
- Stationhouse release procedures (Washington, DC; Salt Lake County, UT)

### 2.3 Jail Administration

Many jail administrators are familiar with the challenge of managing a facility filled to overflowing with prisoners. Classification procedures become useless. Day-to-day operations teeter on the edge of chaos as areas never intended as living quarters are filled with prisoners who have no other place to go. Privacy is non-existent. Staff morale plummets, and tensions mount to intolerable levels. Everyone who works or lives in the overpopulated facility is endangered.

With such conditions constantly in mind, no official has a more vital interest in permanent alleviation of the crisis in numbers than the chief jailer. Some contend that this interest is difficult, if not impossible, to translate to action. However, even though the jail administrator is first responsible for the "care and custody" of all who are admitted, this actor is far from powerless in minimizing jail capacity requirements. If direct control over admissions and length of confinement is not within his or her authority, the ability to affect these elements does exist in large measure.

#### --Assuring Access

The high cost of jailing places a premium on cooperation between the jailer and other actors responsible for in/out screening. Obstacles to efficient decision-making at the first stages of processing may be extremely difficult to overcome. Jail policies and procedures which combine to delay the pretrial services interview or the setting of bail, or limit the defendant's information or contact with persons in the community, may have systemwide repercussions. Delay reduction strategies, then, often hinge first on whether jailing practices

facilitate or hinder expeditious case processing.

As discussed, a number of jurisdictions (e.g., Frederick, Salt Lake, and Mecklenburg Counties) have placed magistrates and/or pretrial services staff in the midst of the booking/admissions process with excellent results. Whether such intervention is made at that point or shortly thereafter, easy access to detainees appears to be a characteristic of successful population reduction programs. That access depends upon the cooperation of the jail administrator.

In addition to assuring ready access for release screening and follow-up before and after the initial appearance, defendant access to telephones has become an important device for many jail administrators. Jail systems in Milwaukee County, the District of Columbia, and Pittsburgh, Pennsylvania, report that the installation of collect call phones in cell blocks has worked to expedite release for thousands of detainees and generate sizable savings in operating costs which far outweigh the expense of installing and maintaining the units.

#### --Supplying Needed Data

The jail administrator's relationship with the court may also play a pivotal role in keeping the jail population down. Feedback to individual judges regarding those who are in jail, pre- and post-adjudication, is often lacking in local system operations, yet jurisdictions which have established jail crowding task forces have found that reliable information on the jail population is a prerequisite for sound planning. The key figure in providing much of this vital information is the jail administrator. Again, without accurate information and an established, clear format for providing that information to the court and other officials, the population reduction program may be seriously hampered.

Brevard County, Florida, is one jurisdiction which depends on its

jail commander to supply data for use by its population oversight committee in weekly individual case reviews. The jail commander, working with the committee's coordinator, supplies vital LOC and court status information on each case. Similar procedures are instrumental in a number of other systems.

Bexar County (San Antonio), Texas, which claims marked improvement in cutting average confinement time, depends on regular jail population reports to its population review board and to the judges. The Mecklenburg County (Charlotte), North Carolina, senior district judge tracks pretrial LOC using a weekly list from the chief jail administrator. The court there has also granted the chief jailer the authority to issue "tickets" to certain categories of persons sentenced to jail time, deferring service of the sentence until adequate space is available.

In Campbell County (Covington), Kentucky, the chief jailer works with the pretrial services director to supply a weekly report of jail cases to all judges, indicating the judge responsible for each case. This has proven highly useful in showing the outcome of bail-setting decisions, revealing cases in which unintended detention has resulted. The jail administrator also brings individual cases which appear to be delayed to the attention of the appropriate judge. This practice, initiated by the jailer in concert with a "jail counselor", has aided the court in delay reduction efforts.

#### --Monitoring Detention Cases

Campbell County is one of a number of counties which have established jail case monitor positions. Campbell's "jail counselor" works as a liaison between jailer and prisoners and is responsible for the classification system. The counselor also serves as an ombudsman when grievances arise, and is generally responsible for tracking the court status of all prisoners to assure that cases are moved through the court process expeditiously and that length of

confinement is not extended through oversight or inattention. Though the counselor is an employee of the court, the duties are based in the jail. Originally required under the terms of a consent agreement in a jail crowding lawsuit, the jail counselor's work is now recognized as an essential feature of the county's policy of jail crowding avoidance.

In more heavily populated communities, the jail case monitor may concentrate entirely on delay reduction and bail review. Bexar County's "jail case coordinator" position was created in 1982 and has played a vital role in the streamlining of court processing and the development of various program options to jailing. The case coordinator also provides regular population reports to the members of the county's population review board.

Shawnee County (Topeka), Kansas, also relies on special "population control officers" who are part of the jail staff. These personnel are responsible for daily case status review, classification, expediting paperflow, providing jail case information for use by key officials in the county's planning program, and identifying persons who should be diverted to treatment programs outside the jail. These officers also conduct follow-up interviews on persons not released on recognizance at booking (booking personnel have direct release authority in certain cases) and are on call around the clock. Describing the work of these officers, the administrator of the Shawnee corrections department says, "They spend their days walking paperwork through the system and getting people out of jail."

Given the variety of tasks performed by population monitors, it should be reiterated that their principal activity in each jurisdiction remains that of transmitting information from the jail to the court to facilitate population reduction strategies. Although a number of devices have been used in Campbell County, its jail counselor is credited with playing a central role in that system's 40 percent reduction in jail numbers.

### --Developing Non-jail Options

Jail administrators also work in the community to develop alternative release and sentencing programs. Where release authority is obtained from the court, the jailer can have a direct effect on the use of non-financial release. In Marion County (Salem), Oregon, jail booking officers are empowered to interview and release arrestees immediately on recognizance bonds in all except capital cases. The sheriff or jailer may also establish a pretrial services unit responsible for direct release, interviewing for court bail-setting, and developing further conditional or supervised release options.

New laws mandating minimum jail sentences for driving while intoxicated have placed severe strain on many local jails. The Sarpy County (Papillion), Nebraska, jail experienced sudden population increases and severe crowding following enactment of such legislation in Nebraska. However, the sheriff obtained agreement from the court and prosecutor to divert persons who would have received two-day mandatory jail sentences directly to the community's alcoholism treatment center, prior to the formal filing of charges. The six-month out-patient program is reported to be highly successful in combating the problem of alcohol abuse and alleviating jail crowding.

In the post-adjudication area, the jailer may initiate contact with other city or county offices, private businesses and schools to establish community service and work/study release placements. As discussed in the Judiciary section, the efforts of the sheriff in Genesee County (Batavia), New York, have led to the creation of several new sentencing programs, including community service, intensive probation, house arrest, and "victim-directed" sentencing. The San Mateo County (Redwood City), California, sheriff's work release program has served as a vital element of that county's program to minimize jail use. And in Brevard County (Titusville), Florida, the sheriff operates a work program

for persons sentenced to county time. The program offers increased "good time" for those willing to do various types of manual labor for municipalities in the county. The community service work program is also available to those ordered to serve weekend sentences. The Brevard sheriff has also obtained authority from the court to credit persons serving jail sentences with "good time" at the rate used by the state prison system, 11 days per month. 10/

### --Assessing Costs

Per diem fees may offer considerable leverage to a city or county jailer. Many counties calculate the cost of booking and jailing on a per day basis, charging for each booking and/or jail day "used" by other units of government. King County (Seattle), Washington, corrections officials believe that the various municipal law enforcement agencies in the county became more aware of arrest and booking options when the county began billing \$40 per booking. Similarly, Bexar County jail officials have increased their per diem charge to municipalities to \$50 per day, more accurately reflecting the county's jail operating expenses. This is said to have contributed to an increase in the use of citation release and informal disposition of complaints and violations by arresting agencies.

### --Cooperating with Other Sites

Jail administrators may also cooperate on a multi-county basis to share available jail space. In 1977, three counties in rural Northern Virginia joined in such a cooperative arrangement. Officials in Clarke, Frederick and Warren Counties became concerned over the problems of crowding, inadequate separation of juveniles and females from other prisoners, and a general inability to maintain adequate classification procedures in their respective jails. With the help of state corrections officials, the three counties successfully applied for federal monies to hire a small coordinating staff and finance an inter-county transportation system. A plan was

devised to use each jail for a particular population group while eliminating crowded conditions, and a shuttle transportation system was initiated, circulating to each county several times a day to move prisoners to and from scheduled court appearances and maintain the classification system.

Today the system operates in much the same way with 100 percent local funding but now includes two more counties, Page and Shenandoah, which joined the "regional jail project" in 1981 and 1982 respectively. Two vans operate at all times, making three to four circuits each day. The staff comprises a coordinator (based in Frederick County), a classification officer, two drivers, and five guards (hired to provide 24-hour supervision of female and juvenile prisoners at the Clarke jail).

The five cooperating counties intend to continue using this space-sharing system, citing it as their key to avoiding crowding problems and construction of additional jail cells. While regional pooling of jail space is no guarantee against escalating jail numbers, the record of this particular system has been quite favorable. The combined population fell by 30 percent over a recent 24-month period, perhaps in part a function of the coordinator's role of oversight and communication with jail administrators and the courts. Moreover, the coordinator reports that only two court dates have been missed due to the transportation system since inception of the project.

These examples demonstrate the fact that sheriffs and others who are responsible for administering jails are not powerless in responding to the problem of crowding. Jail administrators are most aware of the dangers of crowding and are best able to answer questions of who is in the jail and for how long. Further, they are in a key position to facilitate population reduction programs.

### --Summary of Jail Administration Options

- Access to defendants for pretrial release screening and follow-up (Frederick County, VA; Salt Lake County, UT; Mecklenburg County, NC)
- Defendant access to telephone (Milwaukee County, WI; District of Columbia; Pittsburgh, PA)
- Providing jail census data to other key system actors (Brevard County, FL; Bexar County, TX; Mecklenburg County, NC; Campbell County, KY)
- Special detention case monitors/expeditors (Campbell County, KY; Bexar County, TX; Shawnee County, KS)
- Creation of new administrative structure (Shawnee County, KS)
- Direct recognizance release authority (Marion County, OR)
- Community development of pretrial diversion and sentencing options (Sarpy County, NE; Genesee County, NY; San Mateo County, CA; Brevard County, FL)
- Assessment of booking and per diem charges to user jurisdictions (King County, WA; Bexar County, TX)
- Creation of multi-county jail space sharing/classification system (Clarke, Frederick, Page, Shenandoah and Warren Counties, VA)

### 2.4 Prosecution

A majority of jurisdictions surveyed indicate that their prosecutors have assumed a prominent role in reversing jail population growth. This involvement is especially important given the prosecutor's participation at more case-handling decision points than any other system official. Depending on the extent of early case review, the prosecutor's scope of activity in a particular jurisdiction

may range from pre-arrest screening of warrants through possible revocation of non-jail sentences.

#### --Early Case Screening

Individual prosecution-based strategies for case management are numerous. One which appears to improve system efficiency and result in reduced jail admissions involves the early screening of arrest warrants. A number of localities now require police officials to obtain prosecutor approval before arrest warrants are served. System and jail space savings have prompted state legislation mandating this practice throughout Michigan.

Significant reductions in jail admissions and LOC may result from immediate review of charges at the point of booking or shortly thereafter. In Milwaukee County, Wisconsin, assistant prosecutors immediately review new arrests on a round-the-clock basis in order to eliminate or downgrade weak cases as quickly as possible. The process usually consists of examining police reports and any other information about the alleged crime, often conducting meetings between the complainant and the arrestee, then deciding whether to charge the arrestee and on what charges. The Milwaukee prosecutor generally reaches a charging decision within 24 hours after an arrest made on weekdays, 36 hours on weekends.

As a result of involvement in the LEAA Jail Overcrowding Project, the Lucas County (Toledo), Ohio, prosecutor's office provides 24-hour screening of "on-view" felony arrests (those made immediately after an offense, without warrants). Under this procedure, investigating officers interview felony suspects and witnesses, then call the prosecutor's office to relate the circumstances by telephone and receive a definition of the proper charge. Previously, police could file charges directly with the court; now the county jail will not accept felony suspects if the prosecutor has not been consulted. This practice has resulted in more accurate initial charging and a

substantial reduction in the percentage of felony complaints eventually dismissed. Lucas County officials also believe the practice has helped reduce the level of the jail population.

More accurate initial charging--- leading to decreased admissions and length of confinement (LOC)--has been reported in a number of other jurisdictions, including Ramsey County (St. Paul), Minnesota. Minnesota Rules of Criminal Procedure mandate that the prosecutor's charging decision be made within 36 hours of the time of booking on felony charges. In Jackson County (Kansas City), Missouri, earlier prosecutorial review has not resulted in an increase in case dismissals; but dismissals are occurring sooner, again reducing LOC and saving jail space.

An essential ingredient in successful early case screening is the use of experienced assistant prosecutors, who are sufficiently familiar with case disposition patterns to quickly determine which complaints are most likely to result in felony indictment, which should be downgraded, and which dismissed. In Sacramento County, California, a senior prosecutor, a former police officer with extensive felony trial experience, screens new felony cases. The prosecutor's office reports that approximately 50 percent of an average 1,200 cases per month are currently reduced or declined and that the average case review and presentment time has been cut from two days to one.

Hudson County (Jersey City), New Jersey, uses a special unit headed by a senior member of the prosecutor's office to conduct evaluations of cases prior to the initial appearance in the county's Central Judicial Processing (CJP) Court. The prosecutor's CJP unit screens the arrest report and the defendant's criminal history to assess the likelihood of grand jury indictment. Cases unlikely to lead to indictment as charged are immediately downgraded, resulting in increased non-financial release and lower bail for cases in which money bond is required. Quick

disposition of less serious charges is a major factor in the county's effort to relieve jail crowding pressures.

#### --Expediting Detention Cases

If a defendant is detained following the charging decision, initial court appearance, and pretrial services bail review (as discussed in the following section), the next critical element influencing the jail population is elapsed time to the preliminary hearing and/or grand jury deliberation, then to arraignment and trial. Here again the prosecutor plays a large, often dominant, role in the movement of cases, especially where he or she is responsible for the scheduling of cases. Even where the case scheduling, or "calendar-ing," function is reserved to the court or court administrator, the expeditious handling of cases is strongly influenced by prosecutorial management techniques.

Three particular case movement techniques are frequently utilized by prosecutors. First is consolidating the handling of multiple charges. Many systems have discovered that substantial numbers of prisoners are adjudicated on one charge, but remain in pretrial detention on other charges or holds, and have adopted a policy of consolidating cases filed against individual defendants whenever feasible. For instance, in Kentucky, the Fayette County (Lexington) prosecutor reviews case filings on a daily basis in order to consolidate cases of persons held in the jail.

Second, many prosecutors have reduced trial time significantly through "vertical" processing; that is, assigning prosecution to the same assistant attorney or team of attorneys from start to finish. Reassignment of cases from one assistant or team to another after a particular court event ("horizontal" processing) may cause stagnation in case flow, increased requests for continuances, and lengthened time to trial. Vertical prosecution has improved felony trial efficiency in Milwaukee County, Wisconsin, and

Mecklenburg County, North Carolina. 11/

Third, although the consolidation of charges and vertical case assignment may streamline court administration in any jurisdiction, the benefits appear to be multiplied when the cases of pretrial detainees are prosecuted on a "preferred" or "accelerated" calendar. Salt Lake County has established expedited handling as a part of its population de-escalation strategy by setting a standard of 45 days elapsed time from preliminary hearing to trial for jail cases. A 10-day standard has been established for the period between charge filing and preliminary hearing.

Jail cases are also handled on a priority basis throughout the State of Connecticut, contributing to low pretrial populations. Connecticut's Chief Bail Commissioner reports a statewide pretrial detention level well below 20 percent of the statewide jail population. Reduction of time to indictment for jail cases was identified as a needed step in Bexar County's population reduction strategy. Cutting the average time to 60 days from a previous average of 90-120 days has brought a sizable drop in average LOC in that system. Disposition of misdemeanor cases has also been shortened from 60 to 30 days, another key to lowering the Bexar jail population.

In Lucas County, Ohio, all felony cases are expedited by the use of daily grand juries (Ohio statutes require grand jury deliberation in all felony cases). Lucas County felony cases receive preliminary and grand jury hearings on the same day. The same-day system has completely eliminated the previous four- to six-week wait between the two events, according to local court officials.

#### --Task Force Leadership

Prosecutor involvement is vital where local strategy is concentrated on cutting case processing time, but it is no less important when considering alternatives to arrest, pretrial confinement, or sentencing. In the

adversarial process it might be said that the prosecutor is the one official who takes possession, who "owns" each case on behalf of the state. With the prosecutor's overriding interest in each criminal case, legislators, executives, and other officials, are rarely willing to propose changes in criminal case-handling without first gaining this official's support. If early release procedures, expansion of supervised release, pre-arrest diversion, or other modifications to existing practices are contemplated, the prosecutor's cooperation will be essential to implementation.

Moreover, the effectiveness of task forces or groups attempting to deal with jail crowding may depend on the prosecutor's leadership. In Mecklenburg County, North Carolina, the district attorney is one of five members of a "key court officials" group deemed essential in keeping jail numbers below capacity. Bexar County (San Antonio), Texas, is another jurisdiction in which the district attorney plays a leadership role, chairing the county's ten-member jail population review board.

#### --Prosecution Diversion

Diversion of defendants from prosecution also offers possibilities for achieving a lower level of jail use. As noted in the discussion of law enforcement options to jailing, pretrial diversion programs may intervene at the pre-arrest stage. However, following arrest, the prosecutor becomes the key figure in deciding which arrestees should be directed away from adjudication.

Although diversion advocates may be more concerned with the specific treatment needs of certain types of arrestees than with jail population size, prosecutors are also aware that criminal case processing becomes increasingly costly at each succeeding stage. Diversion from prosecution is sometimes used as an alternative for persons arrested while under the influence of alcohol or some other intoxicant. Though sometimes operated by the prosecutor's office, screening and

supervision of the defendant is more often administered by the pretrial services, probation, or court social services division or by private agencies under contract to the jurisdiction. <sup>12/</sup>

Many jurisdictions using prosecution diversion programs cite their value in providing a viable alternative to the court system, containing costs, reducing court caseloads, and reserving jail space for more serious cases.

#### --Other Practices

The prosecutor may also influence jail use through policies on requests for continuances. Some prosecutors have imposed a limit on continuances for each case and have sought establishment of such limits on defense counsel. Sentencing recommendations made by the prosecutor may also have a significant effect on jail use, as may policies toward release pending appeal. Though the option of release pending appeal may be open to the court, prosecutorial opposition in all or certain types of cases may aggravate jail space problems. Incarceration may be an appropriate course of action in some appeal situations, but prosecutors often determine that release can occur without undue risk to the community.

As in the pretrial area, the prosecutor's office wields considerable influence regarding sentence revocation, work/study release, and in dealing with individual applications for early release or sentence mitigation. At these decision points, standard procedure usually requires prosecutorial consultation or approval, demonstrating once again the broad scope and importance of the prosecutor's position in working to achieve lower levels of jail use.

Although not treated separately in this volume, victim/witness services may also affect jail use. Sometimes established independently, but most often located in the prosecutor's office, such services provide a wide range of assistance, including notice of case status and specific court events (e.g., initial appearance,

arraignment, indictment, continuance, trial, verdict, and sentencing), victim impact statement preparation, court appearance scheduling, transportation to court, and plea negotiation consultation. Victim/witness programs also often refer clients for crisis counseling and other emergency needs.

Victim/witness programs are relatively new to the criminal justice system, and it is difficult to gauge their impact on jail populations in the jurisdictions where they exist. Insofar as such services emphasize advocacy for protection from defendants and convicted offenders thought to be dangerous, they may cause some courts to favor increased pretrial detention and jail sentences. On the other hand, judges may compensate by making bail and non-incarcerative sentences more accessible to those not charged with or convicted of crimes of violence.

Moreover, it is conceivable that increased victim involvement could result in speedier resolution of cases, reduced pretrial detention time and, where some form of victim-offender reconciliation is attempted, increased use of alternatives to jailing, such as restitution, community service, and treatment. <sup>13/</sup>

#### --Summary of Prosecution Options

- Pre-arrest warrant screening (State of Michigan)
- Screening of new charges upon booking (Milwaukee County, WI; Ramsey County, MN; Jackson County, MO)
- 24-hour "on-view" arrest screening (Lucas County, OH)
- Use of senior staff in early screening procedures (Sacramento County, CA; Hudson County, NJ)
- Consolidation of multiple charges, additional charges (Fayette County, KY)
- Vertical case processing (Milwaukee County, WI; Mecklenburg County, NC)

- Priority handling of detention cases (Salt Lake County, UT; State of Connecticut; Bexar County, TX)
- Same-day grand jury and preliminary hearing (Lucas County, OH)
- Leadership in jail overcrowding committees and other crowding alleviation efforts (Bexar County, TX; Mecklenburg County, NC)

#### 2.5 Pretrial Services

The delivery of pretrial services may vary among different jurisdictions more than any other local system function. <sup>14/</sup> Regardless of program structure--whether under the jurisdiction of the court, probation, jail staff, other unit of government, or as a private, non-profit organization--the pretrial services agency is frequently the detained defendant's first system contact beyond the arresting agency. In systems lacking pre-arrest diversion, citation release, or other "outlets" described in the Law Enforcement section, pretrial services agency contact may also represent the first point at which the need for further detention is determined.

#### --Early Intervention

A number of local systems dealing with jail crowding have benefitted from close scrutiny of pretrial services practices. Many cite early agency contact with the arrestee as a particularly valuable part of overall strategy. Clark County (Vancouver), Washington; San Mateo County, California; and Salt Lake County, Utah, are among a number of jurisdictions that have chosen to incorporate pretrial agency screening at the point of jail booking.

Jail numbers may be related to the hours of availability of pretrial services personnel for initial screening. Jail population levels may benefit significantly merely by adjustment of staff schedules to make certain that a maximum number of defendants are interviewed and that interviews are conducted on a timely basis. If full and timely coverage

is lacking, the number of detainees may swell to unnecessary levels. Some court systems accept large numbers of detainees awaiting initial appearance as a matter of course, particularly on weekends and holidays, but others recognize continuous screening as necessary for efficient jail and court operations.

In Mecklenberg County (Charlotte), North Carolina, for example, the court makes pretrial services and magistrate bail-setting available on a 24-hour, 7-day basis as a means of avoiding dangerous crowding situations. And in Kentucky, pretrial services staff are on 24-hour call, even in rural counties, to interview arrestees, notify the judge by phone of their qualifications for release, and supervise the release process if the judge authorizes non-financial bail.

In Clark, San Mateo, Salt Lake, and Mecklenburg Counties, agency staff are also authorized by the court to release persons charged with less serious offenses prior to first court appearance. Such direct release authority in misdemeanor cases is fast becoming the rule rather than the exception. Felony release authority is also being used on a limited basis. In King County, Washington, pretrial services staff operating under the jail administrator are empowered by the court to release certain felony defendants prior to initial appearance. Police agencies and bail commissioners in Connecticut's uniform statewide bail system are also authorized to make direct releases in specified cases, including certain felony charges. And in Oregon, custody referees (bail commissioners) have release authority for all cases except murder and treason.

#### --Special Needs Cases

An increasingly important aspect of pretrial services screening is the early identification of persons whose special needs may call for diversion from confinement. Public inebriate and driving-while-intoxicated (DWI) defendants, drug abusers, and the mentally disabled constitute a large

and growing segment of many jail populations. For example, DWI arrests and jailings are increasing with the current crackdown on intoxicated drivers. Local systems are beginning to utilize pretrial agencies in obtaining needed information and developing appropriate options for this special needs category. <sup>15/</sup>

In Charleston, South Carolina, municipal court judges are requested to authorize release of DWI arrestees to the custody of family members or friends immediately after booking. Officials there view third-party recognizance release as a means of preserving scarce jail space, as well as reducing the possibility of medical complications or suicidal behavior among such detainees. The same measure is used in Fayette County (Lexington), Kentucky, where pretrial services staff contact DWI arrestee references and arrange for immediate release to the custody of responsible third parties.

Thousands of persons suffering from mental illness or disability are now found in the nation's jails, <sup>16/</sup> but few jails have personnel with the expertise to identify such problems or provide proper treatment. Pretrial services agencies perform an essential function in some jurisdictions by employing specially trained staff to screen defendants or contracting with individual psychiatrists or clinics to perform evaluations. A specially trained staff person in Multnomah County (Portland), Oregon, screens arrestees with mental or behavioral disorders prior to initial appearance and identifies extra-system services and non-jail placements for court consideration. Third-party custody agreements are also arranged for certain defendants.

Though a number of cities and counties have initiated such programs, effective diversion of "special needs" cases from jails may be hampered by such factors as:

- lack of local treatment facilities;

- poor coordination between service programs and criminal justice agencies; and
- inadequate training in recognizing substance abusers and the mentally disabled.

Even so, pretrial services programs may be called upon to take the lead in early identification and diversion of special needs defendants as other local criminal justice system actors recognize their potential to relieve jail crowding.

#### --Expanding Release Options

The range of release options available to local courts can be greatly affected by the initiative of the pretrial services agency. When initially introduced during the 1960's and early '70's, the first and most fundamental job of these agencies was to provide information to the court on the suitability of release on recognizance (ROR) pending trial.

More recently, however, many agencies, such as the Washington, DC, program, have responded to local needs by creating a broader group of judicial choices, such as conditional release, supervised release, third-party release, unsecured bail, and deposit bail (for definitions, see Initial Appearance Point Discussion in Appendix A). "Target populations" for conditional, supervised, or third-party release are those determined ineligible for ROR due to insufficient community ties or previous criminal justice involvement.

Increased use of various types of non-financial pretrial release has allowed greater court flexibility and helped reduce jail crowding in the District of Columbia. A five-city release-on-recognizance program begun in Connecticut in 1980 is credited by the corrections commissioner and local jail administrators for lowering that state's pretrial jail population. The program screens jail inmates unable to make bail, recommends those considered to be good risks, and monitors court

appearances. The court appearance rate for those released under the program has equaled that of persons released on cash bonds.

Notwithstanding favorable experience in these and other localities, non-financial release programs may fail to reach defined target populations. Pretrial agencies and independent researchers have discovered that those who fail to meet eligibility criteria for ROR may not actually pose a higher risk of failure to appear or pretrial rearrest (due to overly restrictive ROR screening), and that many defendants released under special conditions ordinarily would have received release without conditions. <sup>17/</sup> Because these options may be misused, resulting in increased costs and supervisory burdens without positive effect on pretrial detention rates, local governments exploring new release techniques will need to give careful consideration to defining the target populations.

#### --Supervised Release

Pretrial agencies are also generally responsible for supervising persons released before trial, often including those released on financial bonds, as well as on non-financial conditions. This places the agencies squarely in the middle of the revocation decision should the releasee fail to abide by program conditions. Agency policies toward recommending revocation of release status for various conditions violations will affect jail admissions. Many agencies exercise discretion in considering relatively minor offenses and may even attempt to contact those who fail to appear in court in order to minimize the need for arrest warrants. Such policies can save valuable court and police time, as well as jail space.

A recent study found that by selecting participants from among felony defendants otherwise unable to secure release, supervised pretrial release programs in Miami, Florida; Portland, Oregon; and Milwaukee, Wisconsin, significantly reduced the bail-held

population without significantly increasing the risk to public safety. 18/ Increased use of supervised release is reportedly a chief means of checking jail crowding in San Mateo County (Redwood City), California. Supervised release is recommended by the county pretrial services program, which is also responsible for supervision. (The same agency conducts jail intake and classification, with authority to carry out stationhouse release in misdemeanor cases.)

#### --Follow-up Review

Beyond the reassessment of release on recognizance criteria (cited by Bexar County, Texas, officials in their population reduction efforts), pre-trial agency officials can institute review procedures for detainees rejected for ROR or unable to satisfy a financial bond. Post-initial appearance review can be an effective tool in reducing LOC when used as an added screening procedure for supervised and third-party release. Those pretrial agencies which are most successful in using regular bail review programs have streamlined screening and judicial approval procedures and developed a number of supervisory or treatment options.

Wisconsin Correctional Services (WCS), a private, non-profit supervisory release agency in Milwaukee County, Wisconsin, interviews all defendants remaining in jail more than 72 hours following initial appearance to gather information from detainees with specific problems, such as drug and alcohol use and mental disorders. WCS verifies the information, devises an appropriate release/treatment program, then recommends placement to the court. The agency also supervises pretrial releases with mental disorders and is licensed to dispense prescribed medication.

Other jurisdictions relying on pretrial agency follow-up review for jail population control are Philadelphia, Pennsylvania, through the Pretrial Services Division's Conditional Release Section, Washington, DC, and the State of

Kentucky. The Kentucky Pretrial Services Agency, as part of the state's Administrative Office of the Courts, assists local courts in conducting statutorily required bail review within 24 hours of the defendant's initial bail-setting. The District of Columbia pretrial program reviews those failing to meet ROR or conditional release criteria for short-term placement in a residential facility while the agency works with private service providers to develop individual supervised release plans.

The pretrial services agency may also play a role in screening defendants for diversion from prosecution. Such screening may be conducted by the prosecutor's staff, but in some jurisdictions the pretrial agency performs initial information gathering, then makes certain information available to the prosecutor or other agency responsible for accepting the defendant for diversion. In Monroe County (Rochester), New York, the local bar association sponsors a combined pretrial release/diversion program. The Pretrial Services Corporation has a special deferred prosecution component for persons charged with driving while intoxicated, which screens, determines eligibility, makes recommendations to the court and prosecutor, and supervises program clients. 19/

#### --Presentence Investigation

In most jurisdictions presentence reports are prepared by the probation department to aid the judge in sentencing. Pretrial services staff often participate in the investigation process by providing background information collected and verified in the pretrial phase. Information on the offender's compliance with pre-trial release conditions may also be valuable to the court in considering non-jail sentences. The Cobb County (Marietta), Georgia, pretrial agency is one of many which assist in expediting the presentence investigation procedure.

#### --Jail and Case Flow Information

Pretrial services agencies also serve to communicate useful information to the court and others in city or county government relating to pretrial case flow and the jail population. Local criminal justice advisory groups or jail crowding task forces may rely on the pretrial agency to provide such data on a periodic basis. Several of the agencies mentioned above (Kentucky's statewide program and Salt Lake, for example) provide regular jail census and/or system flow statistics.

#### --Summary of Pretrial Services Options

- Release screening at jail booking (Clark County, WA; San Mateo County, CA; Salt Lake County, UT)
- 24-hour, 7-day pretrial services screening (Mecklenburg County, NC)
- Misdemeanor direct release authority (all of the above jurisdictions)
- Felony direct release authority (King County, WA; State of Connecticut; State of Oregon)
- Screening to divert DWI arrestees (Charleston, SC; Fayette County, KY)
- Screening to divert mentally disabled (Multnomah County, OR)
- Expanding release options (Washington, DC; State of Connecticut)
- Supervised pretrial release (San Mateo County, CA; and Miami, FL; Portland, OR; and Milwaukee, WI)
- Revision of release on recognizance criteria (Bexar County, TX)
- Post-initial appearance follow-up for bail review (Milwaukee County, WI; Philadelphia, PA; Washington, DC; State of Kentucky)
- Prosecution diversion screening--DWI cases (Monroe County, NY)

- Assisting in presentence investigation procedure (Cobb County, GA)
- Providing jail census/system flow statistics (Salt Lake County, UT; State of Kentucky)

#### 2.6 Judiciary

The judiciary guides case processing virtually each step of the way; no system entity makes more decisions affecting the jail population. Whether the court of general jurisdiction (handling felony trials), the court of limited jurisdiction (setting bail on felony and misdemeanor charges and trying misdemeanor cases), or the magistrate court (which may set bail and screen requests for arrest warrants)--each affects jail admissions and length of confinement (LOC). (Note: The court administrator, not dealt with separately in this volume, may also affect jail numbers by generating case processing data, managing the court calendar, and sometimes by supervising the pretrial services agency.)

#### --Systemwide Leadership

The broad discretionary power and influential political position of the court may bring the presiding judge, as well as other judges, to a natural position of leadership in formulating and implementing a systemwide approach to the problem of jail crowding. Evaluators of the four-year LEAA Jail Overcrowding Program found that the most successful project sites were those with strong judicial leadership.

Survey work for this publication points to the same conclusion. Examples of vigorous court leadership may be found in virtually every site mentioned. For example, in Brevard County, Florida, the Chief Circuit Court Judge has played a principal role in the creation of a jail population oversight committee. The five-member committee meets weekly to review all jail cases, pre- and post-adjudication, to detect instances of delay in case-handling,

to determine whether confinement is necessary, and to identify system procedures which may require modification.

In rural Frederick County, Virginia, the General District Court Judge has established a 24-hour, 7-day release-on-recognizance screening program utilizing bail magistrates at the county jail and has initiated weekly review of all jail cases. The court has also provided leadership in developing a number of pre- and post-adjudication alternatives to jailing, including a detoxification facility and a residential work release facility outside the jail for felony and misdemeanor offenders.

Milwaukee County's success in creating pretrial release/treatment programs and improving court efficiency has been due in large part to the activism of the Chief Judge of the Circuit Court. Top level court participation in the work of population review boards in Salt Lake County, Utah, and Lucas County, Ohio, has proven highly important. In Mecklenburg County, North Carolina, the Senior Superior Court Judge conducts weekly reviews of all persons held in pretrial detention for over 60 days, contacting other judges and key court officials to determine whether "60-day club" cases can be expedited. These examples indicate the potential for local court-sponsored initiatives--as opposed to federal court mandates--in subduing jail population problems through measures which need not involve costly jail construction.

#### --Prompt Bail-Setting

Local court rules governing early handling of cases have brought about substantial progress in many localities, particularly in reducing jail admissions. Court policies that may be instrumental in diminishing crowding pressures include encouraging the use of summonses in lieu of arrest warrants, granting direct release authority for law enforcement and/or pretrial services personnel, extending bail-setting coverage beyond normal daytime court hours (or on a 24-hour basis), expanding the

number of initial appearance locations in geographically large counties, and tightening time standards for the arrest-to-bail-setting period.

Immediate review by a bail commissioner or magistrate may also improve system efficiency and reduce overall costs substantially. North Carolina bail laws establish magistrate screening at the point of booking. In Mecklenburg County, as well as other jurisdictions in the state, bail magistrates are on duty at the jail around-the-clock. Each arrestee appears before a magistrate to have bail set according to a financial range recommended by the chief judge. Pretrial services personnel (also present 24 hours/day) then immediately interview arrestees to determine eligibility for "unsecured appearance bond", a form of recognizance release. Eligible cases are then returned to the magistrate, who may opt for direct release to pretrial services supervision or continuation of financial bail. More sparsely populated jurisdictions such as Frederick County (Winchester), Virginia, also use 24-hour bail magistrates to guard against jail crowding.

#### --Delegated Release Authority

The King County, Washington, district court has established guidelines for pretrial services personnel specifying types of charges for which the pretrial staff may (1) effect release without court consultation, (2) carry out release with court consultation by phoning a duty judge, or (3) submit recommendations to the court for the most serious felony cases. This "three-tier" release policy has led to significant reductions in court time, jail admissions and LOC (see Pretrial Services section for description of King County's felony direct release program). In nearby Snohomish County (Everett), Washington, circuit and district courts have authorized the jail administrator to close the jail to persons charged with misdemeanors and have granted personal recognizance release authority for all others except Class A and some Class B

felony cases, the most serious charges under state law.

#### --Release Options

Expansion of the use of pretrial release options is also cited by a number of localities as an effective strategy. 20/ We have mentioned the court's work in Milwaukee, Wisconsin, to increase the range of release programs for "special populations" such as the mentally ill, as well as the program innovations spearheaded by the court in Frederick County, Virginia. Increased use of non-financial release options is also cited as a key element in achieving a 40 percent drop in population figures in Shawnee County (Topeka), Kansas. Although the county has no formal pretrial services agency, officials report a 65 percent rate of non-financial release following implementation of a bail schedule and introduction of a point scale for court use in assessing ROR eligibility.

Evaluation of the ROR eligibility scale and the list of factors excluding persons from ROR consideration (exclusions may include charges, residence, employment, past failure to appear, etc.) led to a major overhaul of pretrial procedures in Bexar County, Texas. The Bexar court lowered eligibility criteria and reduced recognizance bond exclusions, resulting in increased use of recognizance bonds and reduced jail admissions without significant increase in conditions violations. In addition, another non-jail option was created with the establishment of a supervised release program.

Similar results have been achieved in Brevard County, Florida, through the court's use of an individual case review procedure and employment of a full-time jail case coordinator. The court-chaired population oversight committee meets weekly, identifies cases by length of confinement and the bail-setting judge and requests bail reviews. This procedure has safely reduced the pretrial population and has generated increased awareness among judges of delay and its effect on the jail population. The Campbell County, Kentucky, court

system has also used weekly feedback to individual judges as a feature of its population reduction efforts.

Some years ago the Lucas County (Toledo), Ohio, court assumed authority for the county's pretrial services program from the legal services office, bolstering support for the use of non-financial release. The pretrial agency has since been delegated authority to release eligible misdemeanor defendants. The Lucas court also makes frequent use of percentage deposit bond for those not released through pretrial services. Ohio law allows misdemeanor defendants to elect between 10 percent court deposit and surety bail, but the choice is left to the court's discretion in felony cases.

#### --Delay Reduction

As discussed in the Prosecution section, effective calendaring of cases from initial appearance through adjudication and sentencing is crucial to effective use of jail space. Jurisdictions which have realized the greatest success in switching to a lower level of jail use are those which have moved most aggressively to eliminate "dead time" in handling detention cases.

Bexar County, Texas, has demonstrated success in this area through the criminal district court administrator's focus on efficient handling of jail cases. The court administrator there works with a jail case coordinator to identify individual cases in need of special attention and to detect processing steps which may be shortened. Each judge receives a weekly list of prisoners awaiting indictment, trial, sentencing or revocation procedures in his or her court. One result is a 50 percent reduction in time to disposition on misdemeanor charges, with a significant cut in overall LOC.

The case backlog in Middlesex County (New Brunswick), New Jersey, was recently reduced from over 1,600 cases to less than 1,000 through introduction of a new case-management system devised by the presiding criminal court judge. The system

relies on vertical case management by teams of probation officers from pretrial release screening through field supervision. Elimination of duplication has also led to a substantial increase in case dispositions per judge and a reduction in average time between arrest and disposition from 12 to 7 months, with corresponding reductions in average pretrial detention time.

Elapsed time between adjudication and sentencing should not be overlooked as an element of length of confinement. A number of jurisdictions have discovered that persons awaiting sentencing constitute a considerable portion of their jail populations and that prompt sentencing can produce significant savings in length of confinement. Here again, Brevard and Campbell Counties offer examples of improved sentencing timeframes. In Brevard, the average time between receipt of the PSI report and sentencing was rolled back from 15 to 5 days.

Research now underway at the National Center for State Courts, funded by the National Institute of Justice, is investigating a number of sites in which significant court delay reduction programs have been established. Intensive case studies, interviews, and case processing data will be used to identify critical elements in successful programs and produce a set of practical guides on reducing court delay in urban courts. Such strategies may prove useful in decreasing LOC, thereby reducing jail crowding.

#### --Sentencing Options

Although to this point much of the actor-by-actor discussion has centered on practices employed prior to adjudication, post-adjudication practices warrant the same scrutiny. The absence of community programs for offenders with recognized treatment needs (or lack of confidence in such programs) may lead judges to impose jail sentences in the hope that such needs will receive some degree of attention.

Numerous localities have worked to augment the range of available sen-

tencing options, including restitution, intensive probation supervision and treatment, and community service, only to fail to reach those who would otherwise be incarcerated. Courts which have shown success in assuring proper use of non-jail sentences (avoiding the tendency to use such sanctions simply as "add-ons" to other forms of community supervision) have employed one or a combination of three basic approaches:

1. Greater advocacy for individual cases at sentencing - This may include modifying the probation agency's presentence investigation to more fully explore the possibility of non-jail sentences, and providing support for probation or public defender services in preparing community sentencing plans. Private agencies may be contracted by the court or the offender to develop individualized proposals for court consideration. One such agency, the National Center on Institutions and Alternatives (NCIA), based in Alexandria, Virginia, contracts to provide "Client Specific Planning" (CSP) services. For persons who appear likely to be incarcerated, NCIA develops proposals detailing specific plans for supervision, treatment, and restitution.
2. Designating target populations and strict eligibility criteria for non-jail sanctions based on the characteristics of those receiving jail terms - A jurisdiction may set guidelines for the use of non-jail programs based on a study of sentencing patterns or may limit placements only to those with prior records, since first offenders often do not receive jail sentences. The Community Service Sentencing Project operated by the Vera Institute in New York City accepts only those who have received jail terms of one to six months and who have prior convictions.
3. Selecting offenders for non-jail sanctions from among those who have just received a jail sentence - This form of selection usually provides the judge the

option of referring jail-bound cases to a review board which may recommend modification or suspension of the original sentence and placement in a residential or non-residential program. Virginia's Community Diversion Incentive (CDI) Program uses such a review process for misdemeanants given local jail sentences, and for felony offenders given state prison terms. Local 15-member CDI boards may also oversee pre- and post-adjudication community programs, as in Frederick County, Virginia.

Non-jail sentences include probation supervision, suspended sentence, fine and/or payment of court costs, community service, restitution, specialized treatment, community residential (halfway house) placement, or some combination of the above (for definitions, see Sentencing Point discussion in Appendix A). Given the wide variety of available dispositions, courts have a great deal of latitude in applying sanctions in individual cases; community resources can often be enlisted by the court to create sentencing options that meet the needs of the victim, the community, and the offender.

The survey used for this publication brought several creative sentencing practices to light, plainly demonstrating that local courts need not be bound to two or three standard dispositions. Genesee County, New York, offers one example of how, even in a jurisdiction with a small population, ingenuity in sentencing can lead to success in reducing the need for jail space.

The Genesee County court, with strong support from the sheriff (who operates the jail), has implemented several new sentencing options in an effort to control jail numbers. <sup>21/</sup> The county's community service program, geared to jail-bound offenders, is a feature of the crowding avoidance policy. Private grant monies have enabled the Sheriff's Department to develop local government and private placements for offenders. An independent evaluation of the program has concluded that:

"the number of offenders placed, the number of courts served, the number of job sites developed and the low failure rate point to this program as representing a genuine alternative punishment which costs far less than incarceration."  
<sup>22/</sup>

Genesee courts also make use of house arrest and intensive probation supervision as specialized county probation programs.

Community service and restitution programs are cited by the Salt Lake County court as a primary ingredient in keeping the jail population down. Although these sanctions serve only as "get-tough" alternatives to fines or probation supervision in some communities, especially for drunk driving offenders, <sup>23/</sup> court officials in Salt Lake cite a significant reduction in the number of persons serving jail time since the programs became operative. Like Genesee, which claims considerable savings in jail days and operating expenses, Salt Lake officials believe their county has reaped large economic benefits.

In Campbell and Mecklenburg Counties, courts have also instituted the practice of deferring service of jail sentences for certain offenses when the jail is at capacity. Postponement of jail terms in Campbell was first initiated as an emergency measure following a federal court order establishing a ceiling on facility population. However, even though other long-term measures have since taken effect (mid-1984 figures showed jail population at 70-90 percent capacity), the district court continues to use deferred jail terms in selected cases as the need arises.

A growing number of courts are resorting to this strategy, some dedicating a fixed number of jail beds for sentenced offenders and deferring cases until space becomes available. These are cases in which local confinement is believed the most appropriate sentence but where the underlying rationale does not require immediate jailing.

### --DWI Treatment

Few forms of criminal behavior have gained such prominent and well-deserved visibility in recent years as that of drunken driving, as state and local governments throughout the nation have increased their efforts to check a worsening problem. Local jurisdictions have responded in a variety of ways, depending upon the level of driving-while-intoxicated (DWI) arrests and public concern over such behavior. Jail/non-jail decisions in dealing with this and other offenses are clearly matters of local policy. While many local justice systems have acted to increase the jailing of DWI arrestees and convicted offenders, some have acted to divert such persons.

For example, Salt Lake County courts use specialized detoxification and treatment programs as an alternative to jailing DWI offenders. Though state laws mandate custody, public and private treatment services are generally considered by local courts as more appropriate than jailing. Jail administrators and judges also believe these programs will help limit jail population increases. They point to a recent increase in beer taxes earmarked for such programs as proof of broad support for diverting DWI offenders from jail.

Similar alternatives to jailing of DWI offenders are being implemented elsewhere. In Greene County (Springfield), Missouri, the circuit court suspends the 30-day jail sentence and requires the offender to attend a highly structured 46-hour session of evaluation and counseling. The individual must pay \$200 for the "Weekend Intervention Program" (WIP), as well as court costs. Those unable to pay the program fee are assisted in locating a community service placement with a local non-profit agency. Hours of unpaid service are then accepted in lieu of the WIP fee.

In Quincy, Massachusetts, DWI offenders may be placed on probation as an alternative to a 48-hour jail sentence and ordered to a treatment center for 48 hours of assessment and evaluation. They are then required

to attend four Alcoholics Anonymous meetings a week for 30 weeks. Both programs are reported to be effective jail crowding countermeasures while yielding high rehabilitative success rates.

### --Early Release

A number of courts have established special early release mechanisms for persons sentenced to jail time. These mechanisms (as distinguished from "good time" programs, which credit individual prisoners with time off the jail term for good behavior) may become permanent, particularly where no local parole board or system exists. However, early release is most frequently used as a temporary measure in crowding emergencies, with the court setting eligibility criteria and the number of days or weeks by which jail terms may be reduced. Such procedures in San Mateo County, California, allow for a five-day reduction in jail terms for certain sentenced prisoners, netting substantial savings in jail days.

Other courts have devised more sophisticated systems, including step-by-step procedures to be followed to reduce jail numbers to a specified level. Procedures may include review of all sentenced offenders and establishment of a system to reduce the sentences of low risk prisoners by a set percentage.

Court-wide cooperation and leadership are essential components in containing jail populations while meeting the ends of community safety and system integrity. Indeed, this study found no jurisdiction claiming to deal successfully with this problem where the judiciary, or at least a majority of judges, was not principally involved in developing confinement policies and non-jail options.

### --Summary of Judicial Options

- Leadership in systemwide crowding alleviation efforts (Brevard County, FL; Frederick County, VA; Milwaukee County, WI; Salt Lake County, UT; Lucas County, OH; Mecklenburg County, NC)

- Prompt magistrate bail-setting (Mecklenburg County, NC; Frederick County, VA)
- Use of delegated release authority (King County, WA)
- Court policy opposing detention of persons charged with misdemeanors (Snohomish County, WA)
- Development of non-financial release options and programs for special populations (Milwaukee County, WI; Frederick County, VA; Shawnee County, KS)
- Revision of pretrial release eligibility criteria (Bexar County, TX)
- Use of individual jail case review procedures (Brevard County, FL; Frederick County, VA; Mecklenburg County, NC; Campbell County, KY)
- Administrative transfer of pretrial services unit (Lucas County, OH)
- Overall emphasis on reducing delay in handling detention cases (Bexar County, TX; Middlesex County, NJ)
- Reduced adjudication-to-sentencing time (Brevard County, FL; Campbell County, KY)
- Use of community service and restitution as sentencing options (Genesee County, NY; Salt Lake County, UT)
- Deferred service of jail sentences (Campbell County, KY; Mecklenburg County, NC)
- Use of special treatment programs for DWI offenders (Salt Lake County, UT; Greene County, MO; Quincy, MA)
- Use of special early release mechanisms (San Mateo County, CA)

### 2.7 Defense

Defender policies are crucial to alleviating jail population pressures. Indigency screening and

appointment, application of pretrial release options, use of bail review, consideration of dismissal, plea bargaining and adjudication, and sentencing and sentence mitigation are some of the system procedures critical to determining population levels. All may be affected by defense practices.

### --Defender Caseloads

Though public defenders or appointed defense attorneys may be concerned over jail crowding, many may also experience difficulty in participating in plans to lower jail numbers. Many defense attorneys are burdened with staggering caseloads and lack the resources to take more than a small number of cases to trial. Since jailed defendants are more willing to plea bargain than released clients, the rushed attorney may choose to negotiate a plea rather than invest time in expediting pretrial release. Large caseloads may also cause lawyers to overlook clients likely to spend only a few days in jail before being released.

One jurisdiction which has realized the important role of defenders in reducing crowding is the city of St. Louis, Missouri. There the chief public defender successfully promoted the hiring of private attorneys to handle felony cases. A three-month experiment in early 1983 demonstrated exceptional benefits in reducing average caseloads for the permanent public defender staff and cutting case disposition time. Caseload reductions also resulted in increased bail review activity, which led to shorter periods of pretrial confinement for many defendants.

### --Prompt Identification

Early indigency screening, defender appointment, and defendant contact, like early prosecutor intervention, can yield substantial jail space savings. The timing of defense intervention varies among jurisdictions, but a recent test demonstrated the potential of expedited representation. With National Institute of Justice support, the Urban-Rural Systems Associates (URSA)

Institute evaluated a one-year field experiment in three counties with public defender offices (Palm Beach County, Florida; Passaic County, New Jersey; and Shelby County, Tennessee). In these jurisdictions, "test" defender staff provided a range of services (defendant contact, investigation, plea negotiation, etc.) much earlier in the process than normally operating "control" staff.

In terms of pretrial detention, the experiment showed that "test" defendants obtained pretrial release much sooner than comparable "control" defendants. On overall case-processing, the report stated that:

"Early investigation, early plea negotiation and increased public defender involvement in cases at the lower or municipal court level resulted in the early resolution of a higher proportion of test cases than control cases, and considerably reduced the average time for all test cases. The savings in case processing time and money were achieved...without an appreciable increase in the expenditure of resources." 24/

#### --Case Review

The URSA findings support the assertion that commitment of the highest possible quality of system resources at the early stages of the court process is an essential ingredient in combatting jail crowding. Early defense intervention in case screening may also foster improved defender-prosecutor cooperation. In Mecklenburg County, North Carolina, senior defense and prosecution attorneys hold regular conferences as a means of identifying and eliminating or downgrading marginal cases, thereby allowing each office to budget staff time more efficiently.

This informal process led the two offices to campaign jointly for a multi-agency system for defendant intake and case evaluation. That system, which became operative in fall 1984, features court presentment within three hours of jail admission,

following complete arrestee identification and arrest report preparation, district attorney case review, and pretrial services and public defender interviews.

Pretrial conferences are a key feature of the Jackson County (Kansas City), Missouri, system. There the defense counsel arranges to meet with the trial court judge and prosecutor following initial appearance, in an effort to speed plea negotiation of jail cases. This procedure has greatly reduced the time from initial appearance to preliminary hearing and further enabled many defendants to obtain earlier pretrial release.

#### --Pretrial and Presentence Services

Use of social service workers or paraprofessionals to complement the work of the attorney staff can also diminish jail population pressures. Two similar long-standing special defender services programs claim considerable success in advocating non-jail dispositions for those considered most likely to be jailed. In Portland, Oregon, "trial assistants" are assigned to work with defense attorneys on all felony cases to expedite bail review, arrange placements in treatment programs, and prepare defense presentence investigations.

In New York City, the organization contracted to provide indigent defender services, the Legal Aid Society, has created a special unit to work with the legal staff as felony cases proceed to disposition in court. Like the Portland program, the unit assists in preparing bail reports, makes referrals to various community resources (e.g., psychiatric treatment or vocational training), and assists in preparing presentence memoranda recommending specific non-jail dispositions.

#### --Alternatives Advocacy

Interest within the private defense bar in improving bail practices has also led to the establishment of pretrial services agencies in a number of communities. Bar associations

have sponsored the creation of pretrial offices in San Mateo County, California, and Monroe County, New York, and ongoing bar involvement has served as a primary catalyst in dealing with jail crowding in both jurisdictions. Court officials in Campbell County, Kentucky, also indicate that several members of that community's defense bar have acted to educate other system officials on possible pre- and post-adjudication reforms and have worked with judges to facilitate population reduction strategies. Much of Campbell County's progress in jail population reduction has been attributed to the high level of defense bar involvement.

Public defender offices may also support special alternative sentencing projects. The Connecticut Prison Association's Center on Sentencing Alternatives works with public defender offices in Hartford and New Haven to develop highly structured, individualized sentencing recommendations for clients who appear likely to receive jail terms. This program is based on the Client Specific Planning (CSP) model pioneered by the National Center on Institutions and Alternatives.

Santa Clara County (San Jose), California, offers another example of defense involvement in tackling the jail crowding issue. When that county was first faced with serious population pressures in 1980, the public defender's office responded by submitting a set of recommendations to the county's jail crowding task force. The document identified a number of problem areas causing unnecessary jailing, including delay in charge filing and inadequate public defender and prosecutor staffing. One result was a demonstration project involving the assignment of a case worker to assist in advocating non-jail alternatives in individual cases. Substantial jail-day savings convinced the county to create a full-time release advocate position in the defender's office.

#### --Other Practices

Finally, the defender's system of case-processing may influence the jail population. Vertical processing (assigning a case to the same attorney or team throughout the court process) may reduce court delay and save jail space. Reassignment of cases as each passes a certain stage (horizontal processing) often results in considerable case "dead time" while the new attorney becomes familiar with the case and defendant.

#### --Summary of Defense Options

- Staff enhancement to reduce caseloads (St. Louis, MO)
- Prompt indigency screening, appointment of counsel and defendant contact, early investigation and plea negotiation (Palm Beach County, FL; Passaic County, NJ; Shelby County, TN--from URSA Institute evaluation)
- Intensified review procedures for detention cases (Mecklenburg County, NC; Jackson County, MO)
- Special defender services programs (Portland, OR; New York City)
- Support of pretrial and sentencing alternatives programs (San Mateo County, CA; Monroe County, NY; Campbell County, KY; Hartford and New Haven, CT)
- Participation in jail crowding task force (Santa Clara County, CA)

#### 2.3 Probation and Parole

The range of alternatives to a jail sentence can be effectively expanded in any jurisdiction if support and resources are mobilized for successful implementation. In most, if not all, communities the probation agency is charged with the mobilization task, as well as conducting the presentence investigation (PSI), arranging for services, and supervising probationers.

### --Pretrial and Sentencing Options

Probation/parole agencies, particularly those funded directly by local units of government, are vital to the enhancement of non-jail sanctions. A number of survey sites appear to rely on these agencies to work in the community to expand the range of both pretrial and sentencing options. Moreover, local and state probation departments combine to administer approximately 25 percent of all local pretrial services programs in the nation. The role of marshalling community resources for pretrial conditional release placements can do much to reverse escalating jail populations. Jackson County (Kansas City), Missouri, and Genesee County (Batavia), New York, are two survey jurisdictions which call upon their probation agencies to provide pre-trial services, and where those services are regarded as a principal means of alleviating crowded conditions. Genesee also depends on its probation office to develop and administer a program of intensive supervision for felony and assaultive misdemeanor offenders (see Judiciary section).

Another jurisdiction where probation officials have played a crucial role in containing the jail population is Campbell County, Kentucky. There a number alternative sanctions have been employed, but the high level of confidence among judges in the supervisory capability of probation staff has brought about a substantial increase in the proportion of offenders sentenced to probation supervision. The agency is also responsible for supervision of those placed on deferred sentence status while awaiting space in the jail (see Judiciary section).

### --Delay Reduction

While the presentence investigation (PSI) is an invaluable tool in formulating sentences, delay in preparing the PSI report can also seriously inflate jail population levels. Several jurisdictions report finding significant numbers of offenders waiting considerable periods of time in jail for completion and submission of the

PSI to the trial court. In Brevard County, Florida, the jail population oversight committee identified PSI delay as a serious problem through its study of the jail population in late 1983. The group then worked with the state probation/parole agency's local office to streamline the PSI procedure, achieving a reduction from 90 days to 30-35 days for submission of reports in jail cases.

Other survey sites that report saving jail space through improved PSI efficiency are Shawnee County, Kansas; Ramsey County, Minnesota; Lucas County, Ohio; and the State of Connecticut. Both Ramsey and Lucas cite new average PSI times in the 15-21 day range. The Lucas County probation department claims to have reduced its investigation process from 90 to 16 days for all cases.

The experience of these five jurisdictions attests to the potential of probation agency initiatives in delay reduction programs. These agencies and others are now monitoring court demand for presentence reports (where PSI's are not mandated by state law), percentages of felony and misdemeanor cases receiving PSI's, the number of prisoners awaiting completion of reports, and the average time between adjudication and submission of the PSI to the court. Practices aimed at reducing "dead time" have helped relieve population pressures.

Another critical jail population segment tracked by probation and parole agencies is that group confined on detainers, or "holds", for investigation of possible conditions violations or new charges. Whether a probation/parole agency is operated by the local government or the state, its policies regarding revocation and detainers will directly affect jail admissions and confinement time. Jail population studies often detect sizable numbers of "holds" or persons ordered detained by request of probation or parole authorities.

State probation/parole officials in Brevard County, Florida, working with the county's jail population oversight committee, determined that the number of prisoners held awaiting

revocation proceedings was symptomatic of case-handling dead time. Action was then taken to expedite the revocation decision, cutting that time to 24 hours and achieving important jail space savings. Likewise, the state parole office in San Mateo County, California, cooperated with the sheriff by implementing a speedy revocation decision process, reducing the number of holds significantly.

### --Other Practices

Aside from timely revocation procedures, probation/parole agencies can affect jail population levels through their policies on the use of automatic detention or revocation in the event of rearrest or failure to pay fines and through authority to issue arrest warrants. Direct issuance of arrest warrants without court or prosecutorial screening may result in inappropriate demands on scarce jail space and other system resources.

### --Summary of Probation and Parole Options

- Pretrial release screening and development of conditional and supervised release programs (Jackson County, MO; Genesee County, NY)
- Strengthening the use of probation as a sentencing option (Campbell County, KY)
- Reduced presentence investigation (PSI) time for jail cases (Brevard County, FL; Shawnee County, KS; Ramsey County, MN; Lucas County, OH; State of Connecticut)
- Prompt action on probation and parole revocation (Brevard County, FL; San Mateo County, CA)

### 2.9 Bail Bondsmen

Even though bail bondsmen are private businesspeople technically operating outside the criminal justice system, their practices--and the regulations and policies that influence their decisions--can have a marked effect on jail populations. When surety bail is ordered as a condition of

release, an arrestee must find a bondsman willing to write the bond. The defendant then pays the bondsman a non-refundable premium, usually 10 percent of the bail set, and the bondsman assumes responsibility for the defendant's appearance in court. Should the defendant fail to appear, the bondsman must either locate and return the defendant to court or forfeit the entire bail amount. Consequently, many bondsmen require collateral and/or a cosigner in case of default.

The bondsman--not the court--makes the release decision in cases where surety bail is set, writing bonds for some defendants and rejecting others. Their decisions are based not only on whether the defendant is a "good risk," but also on the defendant's ability to pay the premium or post sufficient collateral to cover the bond.

Surety bail is a pretrial release option available in most jurisdictions; only four states have replaced surety bail with defendant-option deposit bail, and one state has specifically outlawed bail bonding for profit. 25/ In the remaining jurisdictions, bondsmen's decisions and their resultant impact on jail populations vary according to the conditions affecting the profitability of their business. Those conditions include:

- state laws and administrative regulations;
- local court practices regarding use of surety bail as a release option, collection of forfeited bonds, time to case disposition, and general support for bail bonding activities;
- market share and the structure of the local industry (i.e., the extent of insurance company involvement as underwriters for local bail bond firms); and
- other factors, such as individual bondsman preferences and type of defendants.

The regulatory environment and length of case processing particularly affect bondsmen's operations. For instance, detention rates for surety bail defendants may be low in jurisdictions where the regulatory environment or forfeiture collection practices are lax. Likewise, fast case processing may offset low use of bail bonds and a high degree of competition, so that few surety bail defendants remain in detention.

Ironically, detention rates may be high for certain defendants in jurisdictions with pretrial services or recognizance bond programs. If defendants are not released on non-financial conditions and are instead detained on low bails, bondsmen may choose not to offer their services, reckoning that such defendants represent a greater appearance risk to the court and only minimal possibility of profit.

Apart from case-by-case decisions, bail bondsmen may also affect jail populations through organized efforts to alter court policies. In some instances, bondsmen have acted in concert to express opposition to strict court regulations.<sup>25/</sup> A decision among local bondsmen to decrease bondwriting activity may cause an immediate and drastic increase in detention populations, bringing pressure on the court and other regulatory agencies to alter policies viewed as unfavorable to the industry.<sup>27/</sup>

Such tactics may be highly effective in jurisdictions which rely heavily on surety bonds as a release mechanism. They also serve to demonstrate the fact that in many jurisdictions the bail bondsman plays a very important and often underrated role in influencing pretrial case-handling and the size of the jail population.

#### 2.10 Extra-System Services

In some of the preceding sections, system actors are credited with utilizing agencies outside the traditional criminal justice arena in order to alleviate jail space

shortages. A great deal of credit is due judges, sheriffs, jail administrators, prosecutors and other officials who have reached out to the larger community to make use of extra-system services. Even so, the willingness of those agencies to accept clients referred by police, courts, and jails is the controlling factor in providing needed non-jail options.

Programs involving extra-system services are used by many of the system actors discussed in this guide, particularly law enforcement (in pre- and post-arrest diversion and third-party placements), jail administration and probation/parole (in developing community service, restitution, and work/study placements).

#### --Special Needs Populations

As demonstrated in the discussion of law enforcement and pretrial services practices, populations with special needs can be diverted or quickly removed from jail if services are made available. For example, such services can handle public inebriates and other drug-dependent persons, intoxicated drivers, and mentally disabled persons. Community services for juveniles can also decrease jail crowding.

For public inebriates and the homeless, shelters and reception centers can provide food, clothing and temporary lodging, as in Connecticut, where the state Jail Overcrowding Commission successfully advocated appropriations for emergency shelter beds and other services provided by churches and community programs in lieu of jailing. Detoxification programs, counseling, and domiciliary care are other approaches used in a number of locales in an effort to conserve scarce criminal justice resources and halt the inebriate's constant cycle of contact with police, jailers, and judges. Detoxification and long-term alcoholism treatment have been reported successful in alleviating crowding in San Diego, California. The primary service provider in San Diego is

Volunteers of America (VOA), a non-profit organization.

Identification of serious mental disturbance, coupled with crisis centers and long-term counseling services, can work to keep the mentally disabled out of jail. Pre-arrest diversion of mentally disabled persons in Galveston County, Texas; Montgomery County, Pennsylvania; and Dayton County, Ohio, have been discussed earlier (see Law Enforcement section). The involvement of local mental health centers has made these programs possible.

In Monroe County (Rochester), New York, mental health assessments of jail detainees are performed by an independent clinic which also acts as a source of mental health information for county criminal justice agencies. Evaluations are completed on a 24- to 43-hour basis for jail cases, while such assessments may require several weeks in other jurisdictions. The program screens approximately 1,000 prisoners annually and is credited with substantial reductions in length of confinement among pretrial detainees.

The role of Wisconsin Correctional Services in Milwaukee County's population control effort (see the Pretrial Services section) is another example of community agency participation in removing mentally disabled persons from jail. WCS provides pre-initial appearance screening for diversion and supervision and operates an out-patient mental health treatment center. Several other jurisdictions have developed similar programs to deal with special needs populations.<sup>29/</sup>

Where specific criteria have been developed, numbers of youth requiring secure detention have been reduced by as much as 30 percent without endangering public safety or the court process.<sup>29/</sup> Alternatives for juveniles may include the use of private homes such as those used in Atlanta, Georgia, to provide temporary shelter during crisis situations, probation-supervised home detention, counseling services, day treatment centers, and family crisis intervention.

#### --Special Mechanisms

Extra-system agencies may also be directly involved in a jurisdiction's response to jail crowding litigation. Since 1979 the city of Philadelphia has used a special bail-review procedure as part of its population control program, whereby a city judge reviews the cases of pretrial detainees unable to make bail. To combat the incidence of failure-to-appear and rearrest by those released, the city contracted with a private non-profit organization, Offender Aid and Restoration (OAR) of Philadelphia. OAR staff supervise a caseload comprised of special bail review releasees not accused of violent crimes, but who may be repeat felony defendants with poor court appearance records. With the supervision program, court officials indicate substantial reductions in rearrests and non-appearance.

#### --Sentencing

Effectiveness in diverting convicted offenders who otherwise would be incarcerated often hinges on the willingness of extra-system programs to accept such persons. Interest in demonstrating rehabilitative success (through a low incidence of subsequent criminal involvement) may cause some programs to prefer those unlikely to be jailed in any event, leaving persons convicted of more serious offenses, with prior records, and/or lacking substantial ties to the community no opportunity for non-jail sanctions. Moreover, though system actors such as probation officials may recognize many in the latter category as potential prospects for community supervision, they may be unwilling to recommend such sentences to the court due to a dearth of community services.

Faced with this situation, probation agencies, jail administrators, and courts have approached other units of local government, large private employers, and service organizations to urge their participation in sentencing alternative programs.

One example of private involvement in this area is the New York City

Community Service Sentencing Project (CSSP). CSSP was initiated as a pilot project in 1979 through the cooperation of the Vera Institute of Justice, a private, non-profit organization, and the Bronx District Attorney. Program staff specifically sought jail-bound cases, targeting unskilled, unemployed Black and Hispanic offenders with prior convictions. In the pilot phase over 250 offenders were sentenced to perform community service, cleaning up senior citizens' centers and parks, repairing community facilities, and so on.

As a result of the successful pilot program, the city asked Vera to administer a continuation of the Bronx operation and to expand the project to the Brooklyn and Manhattan court systems. State and private foundation monies were obtained to aid in the expansion process, allowing increased supervision capacity.

Since mid-1983, CSSP has handled over 1,100 cases annually, at a cost per sentence of \$750, which compares favorably with less strictly supervised probation. Most important, the program has continued to handle persons fitting a jail-bound profile: program participants average 5.3 prior arrests and convictions, with 44 percent having previously served jail or prison terms. Yet, even with a caseload which has more than tripled in size, the rate of successful compliance has remained in the 35 to 90 percent range. <sup>30/</sup> (See this note for discussion of CSSP "jail displacement" rates.) Further, Vera researchers analyzed sentencing patterns in each court in order to estimate the number of cell-years saved by program operations. Considering pretrial detention time and jail sentence time, projected jail space savings totalled 114 cell-years, or over 40,000 cell-days.

#### --Systemwide Planning

The experiences of many jurisdictions show evidence of the critical and often central role played by extra-system actors in implementing specific programs. However, several of the jurisdictions surveyed for this

publication also benefit from extra-system participation in systemwide jail use planning. Officials in a number of sites have worked to involve a wide range of extra-system service providers, including:

- persons skilled in treating and counseling juveniles, drunk drivers, chronic public inebriates, the mentally disabled, and drug addicts;
- professionals and volunteers in shelter programs, dispute settlement, crisis intervention, and emergency relief;
- vocational education specialists;
- employers able to provide jobs and community service slots; and
- church people and other social service providers willing to supervise pretrial or sentenced persons.

One system which has brought such individuals into the planning process is Salt Lake County. Salt Lake's Criminal Justice Advisory Council (CJAC), formed in 1981, is a permanent body which includes representatives of local and state social service agencies. The 18-member Council is chaired by the chief district court judge and serves as the principal jail use planning body for the jurisdiction.

In Mecklenburg County, North Carolina, a five-member Citizens Committee was created in 1982 on the recommendation of a special court technical assistance team. The committee enjoys the full support of key police, court, and jail administrators and has undertaken a wide-ranging study of system operations, including the use of jail facilities. The group has emphasized the need for improved efficiency and coordination in case-handling and has worked to educate city and county executives, legislators, and various community groups on the fiscal needs of criminal justice agencies.

The Citizens Committee has also helped establish a forum for the

heads of agencies involved in handling criminal cases. The "Criminal Courts Coordinating Council" (or "4-C's") holds a private, roundtable meeting on the third Thursday of each month to discuss and seek resolution of various issues.

Mecklenburg system officials, most notably the top circuit and district court judges and the district attorney, give both mechanisms high marks for improving systemwide awareness of the effects of policies and practices and for preventing stagnation in policymaking. Where consensus is reached on the need for certain efficiency measures, the momentum generated by the Citizens Committee and "4-C's" discussions works to expedite the implementation of new policies.

Extra-system agencies, those operating outside the traditional criminal justice system, are essential to the alleviation of jail crowding. From the initial decision of the victim or witness to the possible revocation of non-jail sentences, extra-system service providers affect numerous decisions that determine jail admissions and length of confinement. Lack of such resources at any point in the case-handling process may force the jail into the role of "social service provider of last resort". Extra-system services may also provide crucial resources in the event of court-mandated population reduction measures. Finally, various human services providers and concerned citizens often lend the breadth and objectivity of analysis essential to the success of systemwide jail use planning efforts.

#### --Summary of Extra-System Services Options

- Emergency shelters and reception centers (Connecticut)
- Alcohol and drug detoxification, counseling, and domiciliary care (San Diego County, CA)
- Pre-arrest diversion of mentally disabled (Montgomery County, PA; Dayton County, OH)

- Prompt assessment of mental health problems (Monroe County, NY)
- Out-patient mental health treatment (Milwaukee County, WI)
- Temporary shelter for juveniles in private homes (Atlanta, GA)
- Supervision of special review releases (Philadelphia, PA)
- Community service sentencing (New York City)
- Systemwide jail use planning (Salt Lake County, UT; Mecklenburg County, NC)

#### 2.11 External Factors

The local criminal justice system can be viewed as a specialized, internal environment comprised of legal actors and processes. The nature of that system *vis-a-vis* its use of the jail is defined by the policies, practices and procedures dictated by key agency administrators. However, the decisions of local administrators and agency staff must also conform to rules promulgated at higher levels of government. Such "external" rules establish the basic framework within which city or county officials must operate.

Other external factors may affect incarceration levels, as well. For instance, though the link between demographics and jail use is tenuous at best (since neighboring cities and counties often show tremendous variation in their incarceration rates even where culture, crimes and general population size and characteristics are similar), <sup>31/</sup> such variables are important in planning for criminal justice and social system service needs. The availability of resources--local, state, and federal--also influences incarceration policies.

Public opinion and media coverage of criminal justice issues play a large role in local policy, even affecting decisions in individual cases. The activities of various community organizations (such as the bar

association, Chamber of Commerce, League of Women Voters, Mothers Against Drunk Drivers, ACLU chapter, and other civic groups) affect local criminal justice policy. Political campaigns and referenda may bring about substantial shifts in practices. And highly publicized criminal acts can cause changes in confinement practices.

Still, since local policy parameters are set by legislation, executive rules and standards, and court orders issuing from the state level, those involved in developing new jail use policies must study these areas most closely. Moreover, a thorough knowledge of state legislative, executive and judicial structures is essential in determining how crowding alleviation strategies may be enhanced or constrained by the external environment.

State laws, court rulings and executive orders must be carefully reviewed to determine their effects in a number of policy areas. In the area of system diversion, the jurisdiction must be aware of legislative/executive/judicial prescriptions pertaining to the treatment of chronic inebriates, drug addicts, the mentally disabled, juveniles, and others for whom alternatives to arrest and/or jailing may be mandated or encouraged. Also, state policy may prescribe dispute resolution in lieu of immediate arrest and charging for certain offenses. The use of shelters may be encouraged as an alternative to jailing homeless persons. Conversely, incarceration may be mandated for such individuals. State funds may be available for developing system diversion services.

In the area of bail policy, planners must be familiar with the presumptions for or against pretrial release established by state court rule, statute, or constitution. They must also have knowledge of legislatively authorized release options, such as whether citation release, personal recognizance, and deposit bail mechanisms are supported or specifically discouraged. State law or court rules may call for pretrial preventive detention based on predictions

of future criminal activity, or such practices may be prohibited. Victim or witness participation in the bail-setting process may also be mandated by state law.

Regarding legal counsel, jail use planners must be aware of the prescribed system for appointment of attorneys for indigent defendants and whether a public defender agency is authorized in the jurisdiction. Specific procedures or standards may be established to assure timely delivery of defense services. Systems of remuneration may be prescribed for defense attorneys serving indigent clients.

In terms of sentencing practices, local review must include such factors as state speedy trial and speedy sentencing standards, guidelines on the use of probation and parole (including authority to create local probation and/or parole programs), and sentencing guidelines for all offenses. State laws may require incarceration for certain offenses (such as use of firearms in the commission of a felony, driving while intoxicated, and "habitual offenders").

Also, community corrections legislation may be in effect, providing for state compensation for local custody or supervision of offenders who might otherwise be sentenced to the state prison system, and for penalties for state prison commitments when local custody/supervision is presumed appropriate. Legislation or executive guidelines may govern work/study release programs for persons serving local sentences. The state court or legislature may allow victims and/or witnesses to testify or otherwise participate in the process of sentencing individual offenders.

In the crucial area of jail operations, the study process must review the responsibilities of particular officials for jail operations and whether discretionary powers are express or implicit with regard to jail admissions or extension of the limits of custody. Jail standards, particularly those relating to capacity, should be studied, and the

jurisdiction must also be familiar with the function of any state jail commissions or task forces. Jurisdictions should also investigate the availability of state or federal funds for jail operations (including per diem payments for holding state or federal prisoners locally) or capital expenditures and the existence of statewide jail data collection systems.

Legislation may authorize or mandate the use of emergency procedures to reduce jail populations. Executive powers in such circumstances may also be spelled out. Laws or standards may call for expeditious transfer of persons sentenced to state custody, with specific elapsed time rules. Special procedures, incentives, or disincentives may exist relating to cooperative ventures among counties in the use of jail space and/or the establishment of regional or multi-county jail facilities. Officials must also closely examine any strictures concerning local authority to contract with private firms to build or operate jails, or to obtain private financing for new jail facilities.

Finally, if jail conditions are under court challenge, the court may become directly involved in jail operations, perhaps ordering population reduction or establishing new jail capacity limits. Court intervention may also impinge on practices outside the jail (e.g., bail-setting, sentencing, and so on), according to the extent of crowding and the long-term implications of the court order.

The state corrections system may also have a direct impact on the jail population through its handling of state-committed persons. The U.S. Bureau of Justice Statistics (BJS) cited 19 states holding state prisoners in local jails at the end of 1983. Six states--Alabama, California, Louisiana, Mississippi, New Jersey, and South Carolina--reported more than 250 state prisoners held in local jails. <sup>32/</sup> Even though prison officials in these and other states may be hard-pressed to assist particular local systems beset with crowding programs, many

are able to find ways to respond. Even with significant prisoner "back-up", state corrections personnel may be able to cooperate with selected jurisdictions to expedite the paperwork necessary to accomplish custody transfers.

These are some of the external elements which may affect the size of the jail population and influence city and county jail use planning. This section emphasizes the potential effects of state legislative, executive, and judicial standards; but local criminal justice administrators must become fully aware of the entire spectrum of external forces, including public opinion and the media, in order to develop appropriate jail use policies and minimize future jail capacity requirements. They must also guard against external constraints. Many of the jurisdictions cited above as successful in implementing new programs and procedures have encountered substantial opposition from external influences, but have taken advantage of public attention and media interest to generate support for safe, money-saving innovations.

The external environment could have caused a tunnel-vision approach, but these and other communities have proved the value of dealing with the jail space question as a system problem requiring comprehensive planning based on sound information. The next chapter discusses specific local information needs and several methods of collecting that information.

NOTE: Appendix B lists local contacts for programs and procedures listed as options in this chapter.

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1/ Such figures were reported in Denver, Milwaukee, and Montgomery County, Maryland, according to the Advisory Committee on Intergovernmental Relations, in Jails: Intergovernmental Dimensions of a Local Problem (Washington, DC: May 1984), p. 13 (hereinafter "ACIR").

2/ ACIR, op. cit., p. 53.

3/ Lawrence W. Sherman and Richard A. Berk, "The Minneapolis Domestic Violence Experiment" (Washington, DC: Police Foundation, April 1984).

4/ Floyd Feeney, The Police and Pretrial Release (Lexington, Mass.: D.C. Heath and Company, 1982), p. 3.

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6/ See Walter H. Busher, Citation Release: An Alternative to Pretrial Detention (Sacramento, CA: American Justice Institute, March 1979); also Whitcomb et al., op. cit.

7/ William C. Cunningham and Todd H. Taylor, "The Growing Role of Private Security," Research in Brief (Washington, DC: National Institute of Justice, October 1984), p. 1.

8/ Ibid., p. 7.

9/ Interview with Michael Norris, Sheriff of Alexandria, VA, March 4, 1985.

10/ Though state statutes often prescribe the sheriff's scope of activity, many sheriffs have chosen to interpret their responsibility for inmate custody as more than facility management, viewing the development of non-jail placement options as a corollary to effective jail administration.

11/ Joan E. Jacoby, Leonard R. Mellon, and Walter F. Smith, Policy and Prosecution (Washington, DC: National Institute of Justice, January 1982).

12/ Donald E. Pryor, Practices of Pretrial Diversion Programs: Review and Analysis of the Data (Washington, DC: Pretrial Services Resource Center, February 1982), pp. 13-25, 87-83.

13/ The National Victims Resource Center of the U.S. Department of Justice cites four victim/witness programs which have established sophisticated notification and victim-impact statement procedures, including the Pima County Attorney Victim Witness Program, Tucson, AZ; Witness Information Services, Peoria, IL; Victim Witness Program, Minneapolis, MN; and Victim Witness Services, Milwaukee, WI. For additional information, contact the Center 533 Indiana Avenue, Suite 1342, Washington, DC, 20531.

14/ The practice of pretrial release and the development of pretrial services programs over the past 25 years is the subject of a June 1984 report entitled Pretrial Release Program Options. Funded by the National Institute of Justice and authored by Pretrial Services Resource Center staff, the report reviews bail reform in the U.S. and discusses current issues in the field. Single copies may be ordered without charge from The National Criminal Justice Reference Service, Box 6000, Rockville, MD 20850.

15/ Recent studies of jail suicides from Massachusetts, Michigan, and South Carolina have pointed to a correlation between jail suicides and the increased jailing of persons arrested for driving while intoxicated. In May 1984, the

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Massachusetts' Special Commission to Investigate Suicides in Municipal Detention Centers reported a "direct correlation between the advent of tougher drunk driving measures and the incidence of lockup suicides and attempts." Michigan corrections officials have drawn the same conclusion, according to Frank Donley, chief of the state's jail inspection unit. See The Pretrial Reporter, Vol. VIII, No. 2 (Washington, DC: Pretrial Services Resource Center, September 1984), p. 3. The South Carolina Department of Corrections' 1984 analysis of 49 jail suicides in the state found that persons arrested on DWI charges were more likely than other arrestees to commit suicide in jail.

15/ ACIR, op. cit., p. 13.

17/ Wayne H. Thomas, Jr., Bail Reform in America (Berkeley and Los Angeles: University of California Press, 1976), pp. 171-179; Mary A. Toborg and Michael D. Sorin, "Pretrial Release Program Recommendations: Should They Be Revised?" Pretrial Services Annual Journal, Vol. IV (Washington, DC: Pretrial Services Resource Center, 1981), pp. 149-154; Donald E. Pryor, Practices of Pretrial Release Programs: Review and Analysis of the Data (Washington, DC: Pretrial Services Resource Center, February 1982), pp. 24-28, 31-37, 39-44.

18/ See James Austin, Barry Krisberg, and Paul Litsky, Evaluation of the Field Test of Supervised Release: Final Report (San Francisco: National Council on Crime and Delinquency, June 1, 1984) for recent research on the strengths and limitations of supervised release (SPR) programs. Funded by the National Institute of Justice and prepared by the National Council on Crime and Delinquency (NCCD), this three-year evaluation provides information on SPR practices in three major jurisdictions. The report suggests that SPR can alleviate jail crowding and produce substantial savings if used to avoid construction costs, and that compared to other pretrial release methods, SPR does not pose a higher risk to public safety. Contact NCCD, 760 Market Street, Suite 433, San Francisco, CA 94102.

19/ See "DWI Diversion in Monroe County," Pretrial Services Annual Journal, Vol. V, (Washington, DC: Pretrial Services Resource Center, February 1982), pp. 94-115.

20/ Recent research on the use of bail-setting guidelines in the Philadelphia Municipal Court indicates that in addition to serving as a useful tool in improving equity in bail decisions, such guidelines can be used to identify categories of defendants who would be good candidates for bail reduction or non-financial release conditions. Moreover, the researchers concluded that bail guidelines could be particularly valuable in evaluating pretrial populations in jurisdictions without established pretrial services programs. See John S. Goldkamp and Michael R. Gottfredson, Judicial Guidelines for Bail: The Philadelphia Experiment (Washington, DC: National Institute of Justice, July 1984).

21/ Genesee County's "victim-oriented" sentencing alternative works through detailed planning similar to "client specific planning," but involves both victim and offender in devising a non-incarcerative punishment. Reconciliation sessions may be used. It is used in cases involving certain high-risk offenders, particularly those likely to be sentenced to the state prison system.

22/ Robert K. Corliss, "Jail Population Reduction Project: A Study of the Genesee County Jail Population and Recommendations for Reducing the Population" (Albany, New York: State Commission of Corrections, April 1984), p. 31.

23/ ACIR, op. cit., p. 71.

24/ Ernest J. Fazio et al., "Early Representation by Defense Counsel Field Test: Final Evaluation Report, Executive Summary" (San Francisco: URSA Institute, August 1984), p. ii.

25/ Kentucky Rev. Stat. 431: 510-530.

26/ R.L. Ramey, "Bail Bond Practice from the Perspective of Bondsmen," Creighton Law Review, Vol. 3 (July 1975), pp. 933-884.

27/ Andreas de Rhoda, "Whither the Bail Bondsman?," The National Law Journal (January 22, 1979), p. 1.

28/ See Judith Johnson and Keith McKeown, Removing the Chronically Mentally Ill From Jail (Washington, DC: National Coalition for Jail Reform, March 1984) for detailed descriptions of programs for diverting the mentally ill and disabled from jails in seven communities: Charleston, SC; Galveston County, TX; Madison, WI; Monroe County, NY; Montgomery County, PA; Multnomah County, OR; and Los Angeles County, CA. Also, see The Pretrial Reporter, Volume IX, No. 1, (April 1985), p. 4, for information on the Individual Justice Plan developed in Nebraska to divert mentally retarded persons from jails.

29/ Community Release Forum, Removing Children From Adult Jails: A Guide to Action (Champaign, IL: University of Illinois, 1980), p. 14.

30/ Judith Greene, The New York City Community Service Sentencing Program: Fourth Interim Report (New York: The Vera Institute of Justice), March 13, 1984. Vera has also conducted extensive research to test the "jail displacement rate" of this alternative; that is, the agency sought to determine how many of its community service clients would have received jail terms if the program did not exist. The rate of "displaced" jail sentences was considered the best measure of effectiveness in reducing jail population pressures in each borough. By using profile information from the three courts and considering a large number of case and offender characteristics, the staff found that in 1983 CSSP displaced jail sentences in 57 percent of its cases. The program goal was 50 percent.

31/ See National Advisory Commission on Criminal Justice Standards and Goals, Corrections (Washington, DC: Law Enforcement Assistance Administration, January 23, 1973), pp. 274-275.

32/ Mimi Cantwell and Lawrence A. Greenfield, BJS Bulletin: Prisoners in 1933 (Washington, DC: Bureau of Justice Statistics, April 1984), pp. 4-5.

## Chapter 3

# Information Needs for a Systemwide Strategy

### 3.1 Introduction

Two types of information needs are discussed in this chapter: (1) case processing information, which is information on case- and person-processing through the criminal justice system; and (2) jail population information, which is information on who goes to jail (beyond basic identification and charges), how long they stay and what factors determine their admission and length of confinement. Each is important in providing an understanding of delay at various stages in the system and determining which categories of detainees could be diverted from the jail without jeopardizing the community.

Experience has shown that jail population information is often not readily available and that jurisdictions generally must institute special efforts to gather it, while case processing information, though not usually available from any one agency, can generally be pieced together using information already compiled by various components of the criminal justice system. <sup>1/</sup> Because of the different approaches used to gather the two types of information, they are discussed separately.

### 3.2 Case Processing Information

As described in Chapter 1 (see pp. 1-9 and Appendix A) decisions are made at numerous points in the criminal justice process concerning the routing of cases and persons into and out of the court system and the jail.

A case flow diagram constructed for a local criminal justice system is useful in assisting local decision-makers assess the timeliness of the various decisions made and the availability of non-jail options for certain types of individuals. The knowledge gained from constructing

such a diagram is greatly enhanced when criminal justice actors have information on the number of cases which arrive at each decision point, the outcome of those decisions (particularly with respect to the release or detention of the individuals involved), and the amount of time which is taken at each stage of processing.

To enhance the case flow model, Appendix C provides a list of questions for each criminal justice agency. Standard information would include law enforcement data on arrests and citation releases; jail administration data on admissions; pretrial release data on referrals, interviews and recommendations, and the timeframe involved; prosecution data on cases received for screening, charging decisions, and the time between arrest and the charging decision; defense/public defender data on cases assigned by the court and time between arrest and contact with the arrestee; court data on cases adjudicated and the arrest-to-adjudication timeframe; and probation/parole data on detainers, revocations, and time from detainer filing to decision on revocation. <sup>2/</sup>

By answering such case volume, time, and decision outcome questions, officials can see how their actions affect the jail population level and whether the system is making efficient use of jail space.

### 3.3 Jail Population Information

Local officials, including the sheriff or jail administrator, often have little information on the composition of the jail population beyond that needed strictly for jail operations and security. Even the most accurate jail "housekeeping" information (e.g., what individuals are held, their location and security classification, movement to and from court, etc.) fails to provide the

data needed to answer fundamental jail use questions.

Certain defendants may remain in jail due to their inability to pay small amounts of money to obtain release or because of unnecessary delay in the court system. A jail may house large numbers of chronic public inebriates, substance abusers, the mentally ill or retarded, or juveniles. Significant jail bed days may be expended on persons sentenced to or held for other local, state, or federal agencies.

Yet administrators may be unaware of the frequency of admissions, size, or variation of distinct segments of the jail population or of indicators of sluggish case processing. Many might be diverted from the jail or dealt with more expeditiously, conserving scarce and expensive jail space; but, without data to clearly define such aspects of jail use, efforts to identify appropriate processes or programs for jail population reduction will be seriously hampered.

Several sampling techniques with varying levels of complexity can be used to gather sound jail use information. This section examines standard items of information local officials should collect and discusses three methods which may be used to gather data, depending on the level of resources and time available to the local jurisdiction.

#### --Jail Population Analysis

A general overview of items of information needed for jail population analysis follows. However, local officials should supplement these items according to the unique structure of their own criminal justice system and the research questions being explored.

To decide what information will be needed to supplement the standard items provided here, and before beginning any data collection effort, officials familiar with the processing of cases and persons through the local system should construct a model of system case flow like that suggested in Chapter 1. Such a model

can be used not only to serve as a framework for case flow study, but to aid in jail population analysis. Using the model, a list of questions can be formulated identifying the suspected reasons for jail crowding in the jurisdiction.

Key questions might include:

- Are defendants being admitted and released within hours who could instead be diverted from the criminal justice system through early case screening or the development of extra-system services?
- Are there specific categories of inmates for whom out-of-jail placements may be a more effective use of resources (e.g., alcoholics, drug abusers, mentally ill/ developmentally disabled persons)?
- Are individuals being unintentionally detained before trial (e.g., low bail defendants, defendants with unverified background information, etc.)?
- Are persons being held in the jail longer than necessary due primarily to administrative inefficiencies?
- Are state prisoners being held who could be transferred to a state facility?

To ensure that the jail population study is tailored to local practices, key actors should be asked to help construct the model and propose the research questions and hypotheses.

Inmate Background Information - In studying jail population movement, it is necessary to collect information on inmate characteristics. Individual background information--including socio-demographic factors, prior criminal justice system contact, pre-trial release history, and history of escape--will aid in identifying categories of inmates who may be inappropriately detained and may also alert jail administrators to the need for improved intake classification procedures and other services. Moreover,

when matched with admission and release data (see below), it will assist in understanding how quickly certain categories of persons are processed through the system.

Specific items of information on individual inmates may include:

- age
- sex
- race
- residence
- drug and/or alcohol dependence
- mental health impairments
- number of felony convictions
- number of misdemeanor convictions
- status at arrest
- pretrial release history (FTA, rearrests)
- history of escape

When tabulated, analysis of this information can provide local officials with an accurate picture of the composition of the jail population. Information collected on a sample of jail inmates can also form the basis for examining the relationship between two or more factors. For example, the factors of residence and drug abuse can be examined to assess the need for treatment services in the jurisdiction. A more detailed discussion on analyzing the information is provided at the end of this chapter.

#### Jail Admission and Release

Information - Jail admission and release information is important in determining the average length of confinement (LOC) for inmates. As previously noted, the two variables which determine the average daily jail population are: (1) the number of admissions; and (2) length of confinement. LOC data is crucial to identifying system operations which may cause delays in routine case processing. Other admission and release information will help determine the points at which alternatives to incarceration are used.

Specific items of information may include:

- arresting agency
- charge
- charge level

- detention status
- release method
- bail amount
- arraignment judge
- length of confinement
- last court action
- numbers of days since last court action
- trial judge
- probation or parole hold
- other detainers

Analysis of these items, particularly when combined with inmate background information, can provide an excellent basis for analyzing local incarceration practices. For example, officials may accurately determine the size of the pretrial and sentenced populations, the percentage of felons versus misdemeanants, the percentage of defendants held on less than \$500 (or \$1,000 or \$1,500) bail, and the proportion of the sample population held on detainers.

The utility of this information can be greatly enhanced by examining the relationship between two or more factors. For example, much can be learned about incarceration practices by analyzing the relationship between length of confinement and bail amount and studying this relationship separately for felons and misdemeanants. Similarly, the analysis of the relationship between type of release, length of confinement, and whether the inmate had been held on a detainer may alert local officials to delays in processing probation or parole holds or other detainers.

#### 3.4 Methods for Gathering the Information

If the information discussed above is not already available, jurisdictions should initiate efforts to gather it. Though many local governments have found that collection of this level of information on every jail admission is too costly, a number of methods can be used to collect information on a sample of inmates from which projections may be made for the entire population.

Sampling methods vary in terms of accuracy, reliability, timeliness and

cost. While many statistical sampling methods exist, three methods, each used successfully by jurisdictions faced with jail crowding, are described here as possible mechanisms for conducting a jail population study. They are the "snapshot" method, the "exit survey" method, and the "admission cohort" method.

All three are statistical procedures designed to collect information on a sample, rather than the entire population, of inmates. Although the procedures differ, much of the information to be collected is similar, including background, jail admission, and release information collected on individuals selected for the sample. Experience has shown that jurisdictions using the "admission cohort" method generally collect information on a larger number of factors and gather that information not only from jail records, but from the other criminal justice agencies. Jurisdictions using the "snapshot" or "exit survey" methods generally rely exclusively on information available from jail records.

#### --Snapshot Method

This is a sampling method that tallies inmates processed in a typical day. It is used very much as the term implies, in two slightly different ways--the "in-jail" snapshot and the "released-from-jail" snapshot. The "in-jail" snapshot pictures inmates who are in the jail at a particular moment in time and provides information on length of confinement. If an "in-jail" snapshot is taken at 6 a.m. on a Tuesday, inmates in jail at that particular time would constitute the sample. Inmates admitted at 6:15 a.m. would not be included.

The "released-from-jail" snapshot is a picture of inmates released from jail on a particular day. For example, a "released-from-jail" snapshot might be taken during the 24-hour period from 12:00 a.m. to 11:59 p.m. on a Tuesday. Every inmate released that particular day would constitute the sample. Inmates released before or after that time period would not be included. The

"released-from-jail" snapshot provides length of confinement data for different types of inmates. Coupled with the "in-jail" snapshot, it can tell officials what types of defendants go to jail, how long they stay, and factors which may determine the length of their confinement.

With each type of snapshot sample (all in jail at a particular moment or all released during a particular period), a group of jail inmates is selected to represent the whole. Background, jail admission, and jail release information is then collected on those in each picture. (Sample forms that may be used to gather snapshot data can be found in Appendix D. The form labeled "DETENTION FORM" should be used for the "in-jail" snapshot, and the form labeled "JAIL RELEASE FORM" should be used for the "released-from-jail" snapshot. These forms are intended as examples--to be revised as local needs warrant.)

Because the snapshot sampling method is supposed to reflect a typical day, care should be taken to assure that a snapshot is not taken when an unusual event (such as a "sting" operation) has occurred to populate the jail with inmates not typical of the everyday population. Also, jail snapshots should not be taken when courts are not in session (e.g., weekends and holidays in many jurisdictions), unless these periods are the subject of separate analysis.

The advantage of the snapshot method lies in the ease of arriving at an estimate of the types of prisoners incarcerated in the local jail. The "in-jail" snapshot can be used to compute percentages of different types of prisoners (e.g., male/female, pretrial/sentenced/other, etc.). This is the method used by the Bureau of Justice Statistics of the U.S. Department of Justice in its five-year census of jail inmates and its annual survey of jail inmates. The "released-from-jail" snapshot can be used to estimate length of confinement for these different types of inmates.

The disadvantage of the snapshot method is that it portrays local incarceration practices for only one day. The "in-jail" snapshot is biased towards pretrial and sentenced inmates who spend longer periods of time in jail. The "released-from-jail" snapshot may underestimate length of confinement if the sample contains many short-term pretrial defendants. However, a series of snapshots taken over a period of several months can overcome these problems.

The timing of snapshots should be carefully considered. For example, in a jurisdiction such as Phoenix, Arizona, where an influx of transient persons during the winter months usually presages a substantial jail population increase, a July jail snapshot would probably be markedly different from one taken in February. Again, a number of snapshots may be necessary to adjust for seasonal as well as other local differences.

#### --Exit Survey Method

This sampling method requires that information be collected on all inmates released from jail over consecutive days. It is, in effect, a series of one-day "released-from-jail" snapshots. The exact number of days required for the sample will depend on the number of persons needed for an acceptable sample size. A general rule of thumb is that an exit survey sample should comprise at least 10 percent of the entire population (in this case, the number of individuals released per year) or 500 persons, whichever is smaller.

For example, if County 1 releases 25 inmates from the facility on a normal day (or approximately 9,000 inmates per year), given our sampling rule of thumb of the smaller of 10 percent or 500 persons, an acceptable minimal sample size would be 500 (since 10 percent of 9,000 is 900). To obtain the sample, the jurisdiction would select every person released from the facility until 500 individuals were selected (approximately a 20-day period). As each inmate is chosen for the sample, background, jail

admission, and release information can then be gathered.

If County 2 releases an average of 10 inmates per day from the local facility (or approximately 3,650 inmates per year), an acceptable sample size would be 365 (10 percent of all the inmates released during the year). To obtain this sample County 2 would select every inmate released from the facility until 365 persons were selected (approximately a 36-37 day period). Background, jail admission and jail release information can be gathered on those 365 releases as they are selected for the sample.

The advantage of using the exit survey method is that since data is collected over a longer period of time, it provides more reliable length of confinement information than that obtained using the one-day snapshot (though a series of snapshots taken biweekly or monthly may provide a suitable alternative). In addition, because the sample is selected over a consecutive number of days, the exit survey more accurately identifies the number of defendants who are admitted to jail, but remain in custody only a short period of time prior to pretrial release. A disadvantage of this method is that sentenced offenders tend to be underrepresented in the sample since, as a group, they are released less frequently than pretrial detainees.

#### --Admission Cohort Method

Although more complicated and costly than either the snapshot or the exit survey, the admission cohort sampling method gathers more reliable information. It requires that a systematic random sample of jail bookings be tracked through each decision point of the criminal justice system until final case disposition for a period of time, such as one year. The sample may be taken from the jail's booking/intake log or release log.

For a 10 percent systematic random sample, every tenth booking (after random selection of the first booking) would be included in the sample. To randomly select the first booking,

the numbers between 1 and 10 could be placed in a box and mixed, and the number selected would be the start of the sampling. If the number 7 were drawn, the seventh booking would begin the sampling and every tenth booking thereafter (i.e., 17, 27, 37, 47, etc.) would be selected until the entire population (e.g., all bookings during 1985) was sampled. 3/

Jurisdictions using this method generally have the resources and the time required to determine systematic random samples, collect a larger amount of information on sample inmates, and gather this information from a variety of sources. Because of the additional work involved, a number of jurisdictions have made this a special project of a county planning agency or have contracted with independent consultants.

The advantage of the admission cohort sampling method lies in the accuracy and reliability of the information gathered. Local officials may feel more secure knowing that the information obtained reflects, with a statistically calculated degree of accuracy, a wide array of jail population characteristics which can be studied to determine how the jail is being used by various criminal justice agencies.

One disadvantage of the admission cohort sampling method can be its cost. Data collection, including training (and possibly hiring) data collectors, computer coding, and data analysis may require sizable budgetary allocations. However, for jurisdictions possessing the needed resources or those which can obtain low-cost assistance, perhaps from a local university, this method provides the most reliable information upon which to base the examination of local incarceration practices.

### 3.5 Information Analysis

Analysis of the jail population identifies symptoms of jail crowding but not causes. However, knowledge of the symptoms greatly enhances the ability of officials to identify the causes and devise appropriate

modifications in system procedures or determine the need to create or expand specific programs.

Whatever method of information gathering is used, once the information has been collected, statistical measures will be needed to conduct analysis. The initial analysis of jail population data should consist of frequency distributions on all the factors (age, sex, charge level, arresting agency, length of confinement, type of release, bail amount, etc.) which were collected on the sample of inmates. A frequency distribution includes both the number of inmates in the sample and the proportion of the total sample they represent. Table 1 provides a sample frequency distribution.

Frequency distributions of single factors provide limited but useful information. Examining relationships between two or more factors (termed joint distributions or cross-tabulations) offers local officials a better understanding of why inmates remain in jail for the length of time that they do. Table 2 is an example of a cross-tabulation table using two factors, length of confinement and type of release.

An examination of Table 2 shows, for example, that the majority (55.7%) of sample defendants released before trial are released after spending from 3-5 days in jail. Forty percent of all those released on their own recognizance (ROR) were released during this time period, as well as two-thirds of all those released on surety bail. From this data, policy-makers may question why pretrial release does not occur more quickly, i.e., why a greater percentage of defendants are not released pretrial in the 0-2 day range. Such a finding such may point to delay in pretrial release screening or indicate that the jurisdiction might benefit from allowing for deposit bail, which could reduce the time necessary for defendants to secure financial release.

Additionally, the "dismiss/nolle" category suggests that the prosecutor may not be making a charging decision

TABLE 1  
DETENTION STATUS

	NUMBER	PERCENT
PRETRIAL	165	55%
SENTENCED LOCALLY	60	20%
STATE SENTENCED	45	15%
DETAINEES ONLY	30	10%
<b>TOTAL</b>	<b>300</b>	<b>100%</b>

TABLE 2  
LENGTH OF PRETRIAL CONFINEMENT BY TYPE OF PRETRIAL RELEASE

	0-2 days	3-5 days	6-10 days	10+ days	ROW TOTAL (%)
<b>Dismiss/Nolle</b>					
Number	1	1	3	0	10
Row %	(10%)	(10%)	(30%)	(0%)	(3.3%)
Column %	(1.3%)	(.6%)	(22.2%)	(0%)	
<b>Recognizance</b>					
Number	43	36	3	3	90
Row %	(53.3%)	(40%)	(3.5%)	(3.3%)	(30%)
Column %	(62.3%)	(21.6%)	(3.3%)	(15%)	
<b>Third Party</b>					
Number	0	9	1	0	10
Row %	(0%)	(90%)	(10%)	(0%)	(3.3%)
Column %	(0%)	(5.4%)	(2.8%)	(0%)	
<b>Surety Bail</b>					
Number	25	100	10	15	150
Row %	(16.7%)	(66.7%)	(6.7%)	(10%)	(50%)
Column %	(32.5%)	(59.9%)	(27.9%)	(75%)	
<b>Cash Bail</b>					
Number	3	2	4	2	30
Row %	(10%)	(70%)	(13.3%)	(6.7%)	(50%)
Column %	(3.9%)	(12.6%)	(11.1%)	(10%)	
<b>Property Bail</b>					
Number	0	0	10	0	10
Row %	(0%)	(0%)	(10)	(0%)	(3.3%)
Column %	(0%)	(0%)	(27.3%)	(0%)	
<b>COLUMN TOTAL (%)</b>	<b>77 (25.7%)</b>	<b>167 (55.7%)</b>	<b>36 (12%)</b>	<b>20 (6.7%)</b>	<b>300</b>

until a week to 10 days after arrest or booking. Earlier prosecutorial screening, conducted by experienced prosecutors who can determine the most appropriate charges, might substantially reduce confinement time for this group.

Questions involving more than two factors, such as the relationship between bail amount, length of time in jail and charge level for pretrial defendants, can provide an even more detailed understanding of incarceration practices. For example, if the relationship between length of pretrial confinement and type of pretrial release were examined separately for those charged with felonies and those with misdemeanors, officials might recognize a need to modify misdemeanor pretrial release policies (e.g., by expanding eligibility for citation release). If charge level (felony/misdemeanor) were broken down further into individual charge categories, the analysis could point out the utility (in jail bed day savings) of establishing alternative procedures for handling certain categories of defendants (e.g., public inebriates, shoplifters, bad check cases, etc.).

Many more relationships can be examined in this fashion to reveal the symptoms of crowding and targets for remedial action. Generally, the statistical analysis of sample data will identify subgroups of the jail population which may be targeted for reduction in length of confinement or diversion from jail altogether, or policies and procedures which may unnecessarily prolong the length of confinement for some or all of the jail population.

The well-documented experience of Travis County (Austin), Texas, illustrates the pivotal role that jail population analysis can play in crowding reduction efforts. In 1981 the Travis County Jail Overcrowding Task Force undertook a comprehensive study to identify possible solutions to chronic jail crowding which had resulted in a number of lawsuits challenging jail conditions. Through the "admission cohort" method, the county sampled every eighth person

booked into the county jail during 1979. Individual data items (length of confinement, type of release, probation status, etc.) were collected from court, jail, probation and police records. Analysis focused on who went to jail and how long it took for cases to move through the Travis County court system.

The task force issued its report in January 1982, recommending elimination of incarceration for a number of offenses, including driving while intoxicated, public drunkenness, traffic, prostitution, contempt of court, and for all persons considered emotionally or mentally impaired. Recommendations were also made to reduce the use of incarceration for persons incarcerated solely on applications to revoke probation, and/or indigent defendants unable to provide bail, and to speed the transfer of state-sentenced felony offenders.

The task force also offered a number of recommendations aimed at modifying criminal justice policies and procedures. These included elimination of the second booking of arrestees transferred from the city to the county jail, earlier case screening by the prosecutor, expanded use of release alternatives, priority calendaring of detained felony defendants, and the creation of a unified automated information system.

By conducting a thorough jail population study, the Travis County Jail Overcrowding Task Force was able to identify problem areas and formulate effective solutions designed to "do something with persons who are arrested other than leave them in jail, and to get the people who are in jail out at a faster rate." 4/

### 3.6 A Cautionary Note

An information-gathering effort focused on jail population data to the exclusion of case processing information would assume a criminal justice system operating at or near peak effectiveness, which is not often the case. Solutions based solely on jail population data may only address the symptoms of jail

crowding without reaching the causes. For instance, without information describing the flow of cases, jail data showing a large number of inmates convicted of first-time property offenses might suggest a need for an alternative sentencing program directed at that group. However, case flow information showing only a very small percentage of first-time property offenders receiving jail sentences would suggest that unless strict criteria were formulated, the clientele for a new program would most likely be drawn from among those receiving less restrictive sanctions, rather than the intended jail-bound group.

Similarly, analysis of data on the jail population might show that most pretrial detainees obtain release only after 7 to 10 days in custody. Taken alone, such a finding could be interpreted as justification for a special pretrial services program to expedite screening and bail review. However, introduction of information on case flow within system agencies might reveal inefficient case-processing in a number of areas (e.g., court, prosecution, defense, etc.) which, if corrected, could reduce the jail population without a new program.

## REFERENCES

1/ The use of data contributed by various criminal justice agencies to describe the flow of cases and persons through the system may result in inconsistencies and confusion. Law enforcement accounts of arrest volume may not match the prosecutor's records of arrestees screened for charging. Probation figures on presentence investigation (PSI) totals and timeframes may differ with court data on PSI's. Such discrepancies can usually be reconciled by reviewing counting methods and definitions. If such discrepancies persist, however, additional data should be collected for the jail population analysis (see heading, this chapter) in order to obtain sample information on length of time between case flow decision points. This information will allow estimates of jail bed days which could be saved by modifying system operations or programs.

2/ The questions listed in Appendix C represent basic system operation questions used in case flow studies. Jurisdictions undertaking such study will likely find it necessary to augment these with more detailed items appropriate to their individual systems.

3/ Appropriate sample size must be determined by deciding how much confidence in the results is needed, expressed in terms of statistical variation, and how much error can be tolerated, expressed in terms of statistical reliability. Once these decisions are made, tables of confidence intervals and reliability levels can be consulted to determine the needed sample size. For an in-depth review of admission cohort analysis, see Jerome R. Bush, Jail Overcrowding: Guide to Data Collection and Analysis (Washington, DC: Office of Justice Assistance, Research and Statistics, May 1982) and Gail Elias, "How to Collect and Analyze Data: A Manual for Sheriffs and Jail Administrators" (Boulder, CO: National Institute of Corrections, 1982).

4/ Travis County Jail Overcrowding Task Force, Phase I Report (Austin, TX: January 1982). The Travis County Jail Overcrowding Task Force was aided in designing the research project by a grant from the Law Enforcement Assistance Administration (LEAA). It also utilized the services of local university researchers and students in data collection and analysis. The type of technical assistance available to Travis County in 1981 is currently available through the National Institute of Corrections (NIC) Jail Center in Boulder, Colorado. Local jurisdictions interested in obtaining assistance in analyzing jail populations to identify possible solutions to crowding problems can contact the NIC Jail Center, 1790 - 30th Street, Suite 140, Boulder, CO 80301, (303) 497-6700.

## Chapter 4 Implementing Strategies To Curb Crowding

### 4.1 Introduction

As information is developed to identify appropriate target groups for population reduction measures, the types of changes that will be suggested may be categorized as either "process" or "programmatic." Each category carries its own benefits and drawbacks. The process/program distinction is used here simply as a convenient means of raising certain concerns associated with approaches to system change. In practice, they are not mutually exclusive. For example, the creation of a new program (a "programmatic" measure) may also necessitate modifications in case-handling or defendant-processing procedures.

### 4.2 Process Changes

Process changes as solutions to jail crowding tend to be case- rather than person-oriented, with the goal being that of improving the efficiency of the case processing system. Certain benefits often accrue when process changes are implemented in an effort to reduce crowding:

- more efficient processing of all cases--not only those representing jailed persons;
- if the time to accomplish existing procedures is substantially reduced, additional procedures or programs may be unnecessary;
- average length of confinement (LOC) can decrease dramatically as process changes are implemented;
- emphasis on reduced LOC (as opposed to number of admissions) will not increase the number of persons released or diverted from jail. The effect on jail population size is accomplished by releasing the same types of persons released in the past, but releasing them more expeditiously.

Consideration of process changes may also stimulate discussion of each actor's case processing procedures, thus providing better understanding among other system actors of current procedures.

Some caution must be exercised when considering process changes, however. First, process changes, though generating increased efficiency, may also lead to short-term increases in the jail population as jail-bound offenders are more expeditiously convicted and sentenced. Second, attempts to speed the processing of cases could require increased staffing in some agencies, with a commensurate increase in system operating costs.

Finally, changes in court processes may be unexpectedly difficult to implement. In a national examination of the causes of court delay in criminal and civil courts, the National Center for State Courts identified the "local legal culture", the informal norms established by judges and lawyers in governing the timeliness of case disposition, as a key variable in attempts to improve court efficiency. The report stated, "The impact of the local legal culture on the pace of litigation presents a serious challenge to those who would attempt to accelerate that pace...[A]ny such effort will face considerable resistance that must be taken into account." 1/

### 4.3 Program Changes

Programmatic changes tend to be more "person-oriented" than process solutions; the intent is to identify a particular population in the jail that could benefit from the intervention of a particular program, with success or failure measured by the number of persons within that target population who are diverted or released without disrupting the court system or endangering the public.

As with process solutions, certain benefits can be expected:

- Since program solutions are aimed at particular target populations (rather than all defendants), they can have a direct impact on categories of persons who, but for the program's intervention, would have been detained. Target populations might include persons with drug or alcohol abuse histories, mental illness, or persons awaiting trial on certain felony charges. In each instance, a program is implemented (or expanded) to accomplish release of the target population either before admission to the jail or shortly thereafter, thus measurably affecting both LOC and admissions.
- Programs aimed at a specific social problem, such as drug addiction or alcoholism, may remedy individual conditions (e.g., chronic drunkenness) contributing to criminal justice system involvement, perhaps leading to a reduction in recidivism in the jurisdiction.
- Unlike process changes, program changes may require little modification of the surrounding case-processing system.
- Program innovations can more easily be evaluated to determine their effectiveness in ensuring community safety, as well as their impact on jail populations.

At the same time, program changes share certain disadvantages:

- Every program implemented to decrease jail crowding has the potential to increase jail populations. That is, if ineffectively monitored, programs may draw participants from among those who would otherwise not have been detained, rather than the intended jail-bound group.
- Program solutions usually require a "start-up" period, during which time there may be little if any effect on the crowded jail. Depending on the sophistication of

the program design, this period might be quite lengthy.

- Additional costs may be incurred by the jurisdiction either in creating, remodelling or expanding a program. 2/
- Programs may be met by strong system resistance, since program staff will be attempting to convince key system actors to divert or release persons who in the past have been incarcerated.
- New programs, particularly in their developmental stages (before substantial public and political support are established), are highly susceptible to individual client failures. A pretrial releasee rearrest or a new charge against a probationer, particularly if violence is involved, can easily cause the elimination of a recently established program, no matter how much impact the program might have had on the jail population.

#### 4.4 Key Actor Participation

While the approaches outlined in Chapter 2 emphasize programs and practices of particular system actors (for example, prosecutorial screening practices and their impact on jail population levels), it would be erroneous to assume that appropriate solutions for a jurisdiction's jail crowding problems might be derived from isolated examination of the practices of one or two system actors. Jail crowding is the result of interaction among criminal justice system officials whose actions determine the rate of jail admissions and periods of confinement. Blame for crowded conditions cannot be laid at the feet of any single system actor or agency, since the practices of one are virtually always affected by a number of others. Conversely, effective strategies to combat the problem of crowded jails cannot be derived except through such interaction.

Earlier examinations of jail crowding have stressed the need to develop

collective planning mechanisms. For instance, the LEAA-funded Jail Overcrowding Program emphasized the need for forming "jail population management boards" made up of a broad range of local agencies. Such participation was a precondition for counties for technical assistance and/or program funding. The final Program report recommends that the following system actors participate jointly in studying crowding causes, and in formulating and implementing recommendations:

- sheriff;
- county department of corrections;
- jail superintendent;
- prosecutor;
- court of general jurisdiction;
- courts of limited jurisdiction;
- magistrate courts;
- court administrator/clerk;
- pretrial services agency;
- state or county adult probation;
- state parole office;
- public defender;
- municipal police departments;
- county commission;
- office of the county executive;
- director of data processing service; and
- other offices, depending on local circumstances, perhaps including county counsel, federal government agencies or juvenile justice agencies. 3/

The formation of such a broad-based group is, of course, no guarantee of success. To avoid the pitfalls of indecision and stagnation, participants must be prepared to share fully in the work of the group and to develop a sound work plan and carry it out on schedule. Nor is such a mechanism the only means of achieving sound planning and strategy. However, the accomplishments of such boards in jurisdictions throughout the country suggest that there is much to recommend this approach.

A chief benefit of collective key system actor involvement is increased awareness of the impact of various actions on other system agencies and their procedures. In addition, the recommendations of a broadly constituted planning group are more likely to gain systemwide support and be

successfully implemented than those offered by single system actors or a small, closed group. Further, there is a measure of political pragmatism that accompanies "committee" recommendations which may allow some participants to support more imaginative policy options. As one local court official said during our survey, "If the criminal justice committee decides that it's a good idea to change (a particular office procedure), I've got protection that's non-existent if I decide to make the same change on my own. That committee allows me to be a bit more willing to take a chance on change."

#### 4.5 Strategy Implementation Checklist

The following list is provided as a guide to jurisdictions addressing the issue of jail crowding. The nine steps listed will require varying amounts of time; data-gathering, for example, could require several days or several months to complete. Some steps may naturally take place concurrently, and new jail crowding solutions may be developed and implemented subsequent to the implementation of initial strategies. In either event, it is crucial that adequate evaluation of each approach to the crowding problem be conducted. 4/

1. Involve the key actors. Make certain that all officials identified as having some impact on the jail population level are committed to helping arrive at solutions to the problem.
2. Develop the necessary jail and system data. While the basic data necessary for a jurisdiction to undertake a sound planning effort is provided in Chapter 3, unique local conditions will require that the jurisdiction design its own mechanism to ensure that the data required to answer site-specific questions is obtained.
3. Examine the data for indications of possible process changes as well as potential target populations for program changes. Begin discussions among key actors on

the benefits and drawbacks of each for the jurisdiction.

4. Identify those programs and/or processes to be implemented.
5. Develop methods to evaluate the impact of the particular changes on the jail population. This step should take place before actual implementation.
6. Implement the new programs and/or processes.
7. Evaluate the impact of the programs/processes on the jail population. Also, identify unanticipated effects on other criminal justice procedures.
8. Modify programs/processes based on the findings of the evaluation process.
9. Inform the public of system changes when initiated, and successful strategies as they are confirmed.

#### 4.6 Final Caveats

Many programs that have become integral parts of local criminal justice systems, such as release on recognizance (ROR), diversion and community service, were initially designed to perform a jail population reduction function. In many instances it was assumed that with program implementation the problem of crowding would be solved, that the specific program would serve as a panacea in the effort to deflate population pressures. But local research and experience have revealed the complexity of the jail crowding problem and the futility of expecting one program or process to eliminate the phenomenon of rising jail populations and crowded cells. Long-term success requires time, patience, and the attention of the entire criminal justice community.

However, research for this manual has also revealed situations in which the causes of crowding are evident and immediately remedied. Thus one final caveat: Nothing in this document is

meant to suggest that an obvious response to a clear-cut cause of crowding should not be quickly undertaken. If a particular procedure or program emerges as an obvious remedy with a predictable impact, lengthy data-gathering and analysis may be eliminated. The steps outlined in this chapter for developing workable strategies are based on the assumption that the most obvious solutions have been tried--and found wanting.

#### REFERENCES

- 1/ Walter Busher, Jail Overcrowding: Identifying Causes and Planning for Solutions (Washington, DC: Office of Justice Assistance, Research and Statistics, February 1983), pp. 16-21.
- 2/ Justice Delayed: The Pace of Litigation in Urban Trial Courts (Williamsburg, VA: National Center for State Courts, 1978), p. 65.
- 3/ Some programs have offset these costs and have even become self-sustaining by charging program participants either a fixed fee or a fee based on a sliding scale of income. Many probation departments are also experimenting with such mechanisms, but for most jurisdictions, new functions will cause operating expenses to increase somewhat for the agency involved. Still, new programs can and should produce substantial savings in jail operating costs, improved jail conditions, and increased community safety.
- 4/ The procedures described here could be carried out with relative ease were it not for the dynamics of local politics. For assistance in devising political strategies to deal with the problem of jail crowding, see the resources cited in Chapter 1, note 12.

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## Appendix A

# Criminal Justice Decision Points and Options

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### Decision Point 1 - Police or Magistrate Decision

Following a report or observation of an offense, 1/ the law enforcement officer has several choices. While the most obvious is to make an arrest and transport the arrestee directly to a temporary holding facility or jail (particularly if a violent or otherwise severe offense is involved or if the safety of the victim or the arrestee requires removal from the scene), a broader range of custody options exists. Depending upon legislative authority, the arresting officer may issue a citation ordering the arrestee to appear in court at a particular date and time. Generally, citation release is available for misdemeanor suspects and, as with the court summons (see below), relies on the judgment of the official involved in assessing the risk of defendant failure to appear in court.

The officer may also decide the behavior in question does not justify formal intervention, but should instead be dealt with through informal channels. Several options may be available (especially for non-violent offenses, which are the most common in any jurisdiction), including contacting the suspect's family or friends, a crisis intervention center, citizen dispute resolution center, shelter facility, or other public or private social, mental, or health services.

Although such choices are not part of the official system, and are thus "extra-system" options, they constitute a crucial part of any jurisdiction's mechanism of response to social problems. Services such as "walk-in" counseling, detoxification,

shelter programs, mental health clinics, dispute settlement centers, and other helping programs are often overlooked in jail "needs assessments" and other criminal justice planning efforts. Such programs can serve many who might otherwise be jailed. For instance, in many counties persons arrested for public intoxication and driving under the influence constitute the majority of jail admissions. Diversion of appropriate cases, such as public inebriates, mentally ill, juveniles, persons jailed on vagrancy or trespassing charges or on other minor disputes or nuisance charges, can have beneficial impact in conserving limited jail space.

If a warrant for arrest is requested from a court magistrate by a law enforcement officer or private citizen, the magistrate may sign the warrant, issue a summons requiring the defendant to appear in court on a certain date to respond to the charge, refer the complainant to appropriate extra-system services, or decline to intervene.

Other actors at this stage are extra-system services staff, families, friends or others concerned with the suspect's welfare. The victim or witness can also play an important role by urging police to take a particular course of action.

### Decision Point 2 - Jail or Stationhouse Decision

Upon the arrestee's admission to the jail or stationhouse, law enforcement staff at the facility become the principal system gatekeepers. The staff may first elect to release the arrestee and eliminate the case from

possible prosecution, depending upon the agency's interest in eliminating cases unlikely to stand prosecutorial or court scrutiny. (In fact, some prosecutors place staff at detention facilities to screen arrestees--see Prosecutor discussion, Chapter 2). This stage of case-handling may also offer the last opportunity for directing arrestees to extra-system services, particularly for cases in which an underlying physical or mental problem may have been the chief reason for field contact and arrest. Whether or not system discharge can be considered, the policing function would include observation for possible treatment needs.

Many jurisdictions recognize citation release as an available course of action at the stationhouse as well as in the field. Where the option of outright discharge is eliminated, a stationhouse citation (also known as a "desk-appearance ticket") may be issued before or after the booking procedure. Law enforcement and pretrial services agencies cooperate to conduct "pre-booking release" at the stationhouse in some jurisdictions (see Pretrial Services discussion, Chapter 2). The defendant receiving a citation would be released without supervision and required to appear at the next session of the court to answer to the charge.

Another option at the stationhouse is to book the defendant and set bail according to a schedule determined by local court rules. Where particular charges are listed with corresponding required amounts of bail, booking staff can calculate the total bail required and immediately inform the defendant, who can then arrange for payment. Some local courts authorize release without a financial requirement, i.e., release on recognizance, at this point for traffic and/or misdemeanor charges, but most bail schedules require posting some amount of money as security against

possible failure to appear in court. The full amount may be deposited by the defendant, family or friends.

A bail option which remains in use in most jurisdictions, particularly those which do not allow deposit of a refundable percentage of the bail amount directly with the court, is the use of a private surety, or bail bondsman, licensed by the state to guarantee payment of the full bail amount in the event of defendant non-appearance. State bail statutes vary but generally allow the surety to require a non-refundable fee of 10 percent of the bail amount, plus some form of property collateral to be forfeited to the surety agent in the event of failure to appear.

Even where a schedule of bail amounts (or fines) is available for use, some stationhouse personnel also have discretion to refuse to admit the defendant to bail. If discharge, citation release, and application of a bail schedule are unavailable or inappropriate, the only remaining option is detention for magistrate or pretrial services review.

Though stationhouse personnel are the principal decisionmakers at this stage, community services staff also play a role in considering referrals to extra-system services. Prosecutors and/or pretrial services staff may enter the process in deciding whether the defendant will be released or jailed. Family and friends may help provide the bail amount. Finally, the surety agent may make release possible by offering services to selected defendants, producing a total of six possible primary or secondary participants in the jail or non-jail decision at this stage.

#### Decision Point 3 - Bail Magistrate or Pretrial Services Decision

In many jurisdictions, lower court magistrates or bail commissioners

review law enforcement charges, gather basic information on the arrestee's background, and determine required bail conditions. As an officer of the court, the bail magistrate may act alone or depend on pretrial services agency staff to obtain sufficient background data for an informed bail decision. Law enforcement or detention staff may also provide information and, if the defendant has obtained legal counsel, the attorney may intervene to offer relevant information.

Where no bail magistrate is present, a court may use pretrial services staff to gather background information relating to the likelihood of appearance for subsequent court events. In some jurisdictions, the degree of threat to community safety is also considered. <sup>2/</sup> Some courts also authorize the pretrial services agency to release certain categories of defendants at the staff's discretion. Such direct release authority is available for misdemeanor and some felony charges in certain jurisdictions (see Pretrial Services discussion, Chapter 2). Otherwise, pretrial services staff would gather information collected from interviews with the defendant and other references and from criminal history records for the defendant's initial appearance before the court.

Alternative dispositions for the magistrate or bail commissioner (or the pretrial services director with release authority) include release on recognizance, conditional release, or financial bail. With financial bail some defendants may be unable to post the required amount, effectively denying admittance to bail. Where financial bail is required without the option for a defendant to make a percentage deposit directly with the court, the bail bondsman becomes a case-handling decisionmaker. Finally, depending on the severity of

the charge, the defendant may be denied bail at this point (see discussion of Decision Point 5 for a full listing of release options).

#### Decision Point 4 - Prosecutor's Charging Decision

In practice, prosecutors who review charges prior to initial appearance may be in the minority. However, many prosecutors are involved in case review soon after an arrestee is taken into custody. Some perform pre-arrest or on-scene review. The prosecutor takes information from law enforcement officials and, in some instances, from the arrestee and/or victims and witnesses in order to determine whether prosecution should proceed on the original charge, a reduced charge, or be declined. Since charge reduction often leads to bail reduction and release and since a significant percentage of cases may eventually not be prosecuted, expeditious screening can yield substantial reductions in average length of confinement of those detained.

As another case processing alternative, many prosecutors and courts consider defendants for diversion from prosecution. Generally, such programs identify first offenders persons facing misdemeanor charges, offering participation in treatment, education, or job training programs with the agreement that successful completion will cause the charges to be dropped. Since few clients are likely to be drawn from the jail population, such programs offer less direct effect in efforts to reduce jail populations. <sup>3/</sup>

#### Decision Point 5 - Initial Appearance

Initial appearance before the lower court is the most critical event in determining detention or release during the pretrial stage. It is at this point that bail is universally considered for all defendants.

Generally available forms of release include:

- Release on Recognizance - Requires no financial deposit and involves no conditions other than appearance for court and no additional criminal charges.
- Conditional Release - Requires no financial deposit, but certain conditions, such as regular reporting to the court or pretrial services agency, continuing employment or educational status, staying away from the victim, travel or curfew restrictions.
- Supervised Release - Requires no financial deposit or payment, but requires supervised participation in a problem-oriented program such as job counseling, or drug treatment.
- Third-party Release - A non-financial release condition in which a family member, friend, or an independent organization is assigned custody of the defendant and assumes responsibility for assuring court appearance;
- Nominal or Unsecured Bail - Similar to release on recognizance, with the exception that a dollar amount is set by the court for which the defendant is liable in case of failure to appear.
- Deposit Bail - Requires posting of a percentage, usually 10 percent, of the full money bail amount with the court that is refunded, sometimes minus a small administrative fee, if court appearances are made.
- Full Deposit or Cash Bail - Requires posting of the full amount of the bail bond, to be returned if the defendant appears as required.

- Property Bail - Posting of property or other assets in lieu of posting full cash bail with the court.
- Surety Bail - Requires posting of a non-refundable percentage, usually 8-15 percent, of the full bond amount with a licensed private surety agent who agrees to pay the full amount of the bond if the accused fails to appear as required. 4/

The court may also dismiss or allow a plea to a misdemeanor charge at this point, perhaps after receiving a recommendation from the prosecutor; or, as previously mentioned, prosecution may be suspended while the defendant participates in a diversion program.

If denied or unable to post bail, the defendant would remain in custody pending further court events, unless a guilty plea is entered 5/ and a non-jail penalty is ordered (see discussion of Decision Point 10 for full listing of sentencing options).

In addition to the judiciary, participants in the initial appearance generally include prosecuting and defense attorneys (though counsel for indigent defendants may not yet be appointed), and may also include pretrial services staff, or probation staff if sentencing is contemplated. Representatives of victim-witness programs, perhaps located in the prosecutor's office, are also present in some jurisdictions.

Other pretrial or sentencing alternatives program staff could influence a non-jail disposition by accepting or rejecting potential clients. Finally, private advocacy groups concerned with disposition of particular cases may also contact the court or other agencies to attempt to influence bail-setting or sentencing decisions. 6/

#### Decision Point 6 - Bail Review

Generally, review of bail conditions is a part of each pretrial hearing, but reconsideration may also take place in an independent court proceeding. In many jurisdictions, review of bail conditions within a certain period following initial appearance is required by legislation or by state or local court rules (e.g., bail review must be conducted within 24 hours of initial court bail-setting in Kentucky). The defendant who remains in detention after automatic bail review may request reconsideration at any time. Bail review necessarily involves the court, the defendant, defense counsel, and the prosecutor. Some pretrial services agencies also participate, providing further background on the defendant and/or suggesting possible pretrial release options.

Court options include reduced financial requirements, or any combination of financial and/or non-financial conditions calculated by the court to increase access to bail while assuring court appearance. Bail may also be increased if the court determines that the likelihood of violation of a release condition has increased.

#### Decision Point 7 - Preliminary Hearing/Grand Jury Review

Procedures vary considerably at this stage. Figure I assumes that cases (generally felony and serious misdemeanor charges) may be taken to one or both of these proceedings. The preliminary hearing is used by the court to determine whether there are reasonable grounds to believe that the defendant committed the crime. If not, the case is dismissed. If the charges are not dismissed, bail may be set or adjusted, giving the detained defendant an opportunity to obtain pretrial release by one of the methods previously outlined. The court may also accept a plea and

immediately sentence the defendant, which could result in release from jail.

In many jurisdictions, grand jury consideration follows the preliminary hearing. Where grand juries are used, the defendant may waive preliminary hearing, although the hearing might afford the chance to move for dismissal of the case. The grand jury may either indict or find "no true bill", effectively dismissing the case. Where grand juries are not used or do not review certain charges, the prosecutor prepares the case for formal arraignment. In some jurisdictions, neither the preliminary hearing or grand jury process is used regularly. Instead, the prosecutor files the case directly for formal arraignment.

Decisionmaking participants at this stage would include the judiciary, prosecutor, defense attorney and defendant, and grand jury members. Others, such as victim-witness program staff, pretrial services staff, private surety agents, and victim/witness assistance agency staff monitoring certain cases also participate directly or indirectly in many jurisdictions.

#### Decision Point 8 - Arraignment

As with the preliminary hearing/grand jury procedure, a formal arraignment hearing may be held for felony and the most serious misdemeanor cases. Arraignment follows the prosecutor's filing of a charge or grand jury indictment formally accusing the defendant and is the point at which the defendant is required to enter a plea. (Note: The initial court appearance constitutes arraignment in most misdemeanor cases, since a plea may be entered in the lower court at that point. Felony defendants may also enter a plea in the lower court, though some jurisdictions allow felony pleas only subsequent to indictment.)

At arraignment the trial court may dismiss the case outright, accept a plea and order a sentence from among those discussed below, set or reset bail, perhaps allowing the defendant to achieve release through one of the aforementioned methods, or order the defendant held without bail for trial.

The trial judge, prosecutor, defense attorney and defendant are principal participants in the arraignment process. However, as in the earlier procedures, a number of other system officials often have some bearing on the question of custody. These include program representatives from pretrial services, diversion, probation, sentencing alternatives projects, and victim/witness assistance. As before, the private surety agent often plays a role in release outcome, and private-interest groups may attempt to influence the disposition of the case or placement of the defendant.

#### Decision Point 9 - Trial/Adjudication

Trial holds the possibility of dismissal of charges, leading to immediate release if the defendant is detained to that point. Acquittal or mistrial also results in release. If neither occurs and the defendant is convicted, the court may impose a sentence immediately. Release pending sentencing at a later date represents another decision option. While this is most commonly accomplished through financial bail, the court may choose to release the convicted individual on non-financial conditions, such as supervised release or release on recognizance. Conviction may also result in detention of formerly released defendants, pending sentencing.

The court, jury members (in jury trials), prosecution, defense and defendant, victim, witnesses, and special interest advocacy organiza-

tions may all participate in determining trial outcome; and, if post-conviction release is a possibility, the bail surety agent may again play a role in the release decision.

Aside from possible release or detention before sentencing, the court may order a presentence investigation (PSI) and/or a special examination, e.g., to determine mental condition. Though the PSI/examination procedure does not represent a primary decision point, it deserves particular attention in constructing a useful model for jail crowding reduction efforts (see discussion of Probation/Parole, Chapter 2). Recommendations stemming from these procedures may open certain sentencing options but, as with all of the processes heretofore discussed, could significantly affect average length of confinement depending on the amount of time expended for completion of the investigation.

#### Decision Point 10 - Sentencing

Among sentencing options, the court may first decide upon suspending the statutorily prescribed jail or non-jail dispositions. However, suspension of a jail sentence is likely to bring with it other sanctions, such as probation supervision for a certain time, a fine, restitution, or some combination of community controls.

The court may choose from among a number of non-jail penalties, including:

- Probation Supervision - Requiring the offender to report to the probation agency for a specified period of time, during which limitations on association or movement, treatment or restitution to the victim may be required;
- Suspended Sentence - Holding a more severe penalty in abeyance for a specified time on the con-

dition of no further criminal activity, possibly requiring supervision, treatment, limitations on mobility, or restitution.

- Fine - Requiring cash payment, usually in installments, based on the damage incurred and the offender's ability to pay.
- Community Service - Requiring unpaid service for a certain number of hours to a local government agency or sponsoring private organization, sometimes as substitution for a fine with hours of service calculated by dividing the fine by the established minimum wage.
- Restitution - Requiring cash payment by the offender of an amount calculated to offset the loss incurred by the victim or the community. Services are sometimes substituted for cash payment if the offender has little or no earning capacity.
- Treatment - Requiring the offender to undergo a regimen, on an in- or out-patient basis, designed to address a particular problem associated with criminal behavior, such as alcohol or drug dependency, or mental illness.
- Halfway House - Requiring the offender to be confined in a residential setting apart from the jail, where programs may address treatment needs or offer specialized services, such as work/study programs or employment counseling.

As with the pretrial release options, some courts combine alternative sentences, e.g., ordering community service hours with a suspended sentence or strict probation supervision. Finally, the court may elect to incarcerate, either in the jail or in the state prison system. 7/

The court's sentence often depends on information from a variety of sources, including prosecution and defense representatives. If a presentence investigation (PSI) or other examination were required, those responsible for the report (most likely the probation staff) would influence the outcome. If the offender were released before trial, pretrial services or other supervisory staff would report on pretrial release behavior directly or through the PSI. If non-jail penalties or programs were being considered, appropriate program staff would appear in court or forward their recommendations. Also, the victim and/or witness to the offense might present a statement in court or through the prosecutor, presentence investigation staff, or victim assistance agency.

#### Decision Point 11 - Appeal

If an appeal of conviction or sentence is filed by the defendant, another custody decision point is created for certain system actors. The court must again decide if the offender, now an appellant, is to be confined or released pending the outcome. The trial court is at the center of this process, with defense counsel and prosecutor. Pretrial services staff or others who would supervise non-financial release may also be involved. The private surety could play a deciding role if money bail is required. Detention practices pending appeals may have substantial effect on the jail population, particularly if appeals and retrials are not conducted expeditiously.

#### Decision Point 12 - Parole or Early Release Consideration

In most jurisdictions, modification of the jail term is an available option in selected cases. This may be possible under established local parole guidelines, through a specially

created early release consideration scheme or by formal application to the court for mitigation of sentence. Some jurisdictions utilize all three procedures. In the latter instance, the trial court may accept or refuse to consider the prisoner's request for sentence review. If the court should agree to a review, three basic options would be open: release on time served, release on conditions such as supervision by the probation agency, or continued confinement.

Early release systems may be created by cities and counties as emergency mechanisms triggered by jail population levels, as a more or less permanent practice (especially where local paroling authority does not exist), or as a gesture during certain holiday seasons. Supervision may be ordered for a specified length of time.

Local paroling authority is usually established by state criminal statutes, with a permanent board to conduct case review on annual or biannual schedules. 3/ The degree of local involvement in selection of cases for release varies, but selections are generally based on prisoner behavior or work performed in the jail. Schedules and selection criteria may be adjusted in an attempt to reduce jail time and lower jail populations. However, state-established local parole policy is generally less flexible than locally established early release measures, therefore less responsive to city or county population reduction efforts.

Participants in sentence mitigation includes the prisoner's legal counsel, the court, and the prosecutor. In the case of special early release, the corrections staff selects appropriate cases for consideration by the corrections administrator, sheriff, and/or court. For parole release, the local parole board would decide on the basis of its own prisoner

interview, review of institutional records and consultation with the court and/or prosecutor. Parole guidelines may also require victim contact prior to the parole decision.

As previously noted, this description of a "typical" case-handling process does not account for every possible decision point and case-handling option which may exist in the operation of a particular local criminal justice system. Those familiar with their own city or county procedures will find significant variations. In fact, a close look at any local system may reveal several additional critical custody decisions, a larger number of "non-jail" and "extra-system" options, and a broader array of participants.

#### REFERENCES

1/ The criminal case process often begins with an act or result of an act observed by the victim or witness, who may either tolerate the situation or confront the behavior. If the latter course is taken, the first action is usually to call law enforcement officials or file a charge with a court magistrate. However, several other choices may be available, such as those mentioned as law enforcement/magistrate extra-system options.

2/ For recent analyses of state laws on restrictive conditions of release and preventive detention of "dangerous" defendants, see Barbara Gottlieb, The Pretrial Processing of Dangerous Defendants: A Comparative Analysis of State Laws (Washington, DC: Toborg Associates, November 1984), and John S. Goldkamp, "Danger and Detention: A Second Generation of Bail Reform," Journal of Law and Criminology, Vol. 76, No. 1 (Spring 1985).

3/ For further discussion see Madeleine Crohn, "Diversion Programs: Issues and Practices," Pretrial Services Annual Journal, Vol. III (Washington, DC: Pretrial Services Resource Center, 1980), pp. 20-51.

4/ The court may order a combination of financial and non-financial bail conditions, requiring, for example, money bail in addition to some form of supervised release.

5/ Bureau of Justice Statistics data from five selected urban jurisdictions show that in 1979, 45 of every 100 felony arrests ended in a guilty plea, while only 5 went to trials. The cases 50 of every 100 felony arrestees were rejected or dismissed. Barbara Boland, Bureau of Justice Statistics Special Report: The Prevalence of Guilty Pleas (Washington, DC: Bureau of Justice Statistics, December 1984), p. 1.

6/ Should the defendant fail to appear for any court proceeding, be arrested on a new charge, or fail to comply with conditional or supervised release requirements, the court or other supervising agency could order the defendant's return to custody. While issuance of an arrest warrant is often a matter of course in this instance, the supervising agency may, with court permission, attempt to remedy the problem and obviate the need for arrest. In the case of failure to satisfactorily complete a diversion-from-prosecution program, the suspended charge may be reactivated for trial and the defendant returned to jail without bail or admitted to bail under financial or non-financial conditions. A number of agencies may be involved in weighing the question of pretrial revocation, including pretrial services, diversion, or treatment staff; the prosecutor; the defense attorney; law enforcement officers; and the court. For a discussion of pretrial services program practices in this and other areas, see Andy Hall et al., Pretrial Release Program Options (Washington, DC: National Institute of Justice, June 1984).

7/ As in the pretrial phase, serious or repeated violation of conditions accompanying a non-jail sentence, or of parole following an abbreviated jail term, may result in revocation and confinement. In most jurisdictions, arrest on a new charge carries a presumption of revocation. Since considerable time may be expended in dealing with the question of revocation, a substantial amount of jail space may be used to house persons awaiting the decision.

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8/ For example, California law authorizes a three-member local parole board, to include the sheriff and chief probation officer and a citizen member appointed by the Presiding Superior Court Judge. Oregon law allows the sentencing judge to parole misdemeanants from the local jail.

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## Appendix B Local Contacts for Programs and Procedures

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### Law Enforcement Options

#### --Pre-arrest Diversion of Public Inebriates

San Diego County, CA: Volunteers of America, 1111 Island Avenue, San Diego, CA 92101, (619) 232-9343

King County, WA: Gene Uno, King County Treatment Center, Washington Center Building, 1421 Minor Avenue, Seattle, WA 98101, (206) 587-0161

Frederick County, VA: John Foreman, Starting Point, 112 South Cameron Street, Winchester, VA 22601, (703) 667-8943

#### --Pre-arrest Diversion of Mentally Disabled

Dayton County, OH: Major D. E. Tobias, Dayton Police Department, 335 West Third, Dayton, OH 45402, (513) 449-1074

Galveston County, TX: Sarah Boyd, Galveston County Sheriff's Department, Mental Health Deputies, P. O. 2490, Galveston, TX 77553, (409) 766-2323

#### --Use of Shelter Programs

Connecticut: Paul Brown, Chief Bail Commissioner, Judicial Department, Drawer N, Station A, Hartford, CT 06105, (203) 722-5845

#### --Use of Family Dispute Intervention Units

For information on these units in Oakland, Chicago, Denver, New York City and other sites, contact Mark Caplan, Senior Police Specialist, National Criminal Justice Reference Service, P. O. Box 6000, Rockville, MD 20850, (800) 851-3420

#### --Field Citation (Notice-to-Appear) Procedures

Duval County, FL: Gary Higgins, Chief, Planning and Research Division, Office of the Sheriff, 501 East Bay Street, Jacksonville, FL 32202, (904) 633-4303

Genesee County, NY: Sheriff W. Douglas Call, Genesee County Sheriff's Department, P. O. Box 151, Batavia, NY 14020, (716) 343-0838

#### --Stationhouse Citation Release Procedures

Washington, DC: Jay Carver, DC Pretrial Services Agency, 400 F Street, NW, Washington, DC 20001, (202) 727-2911

Salt Lake County, UT: Candace Nenow, Salt Lake County Pre-Trial Services Division, 460 South 400 East, Salt Lake City, UT 84111, (801) 535-5100

### Jail Administration Options

#### --Access to Defendants for Pretrial Release Screening and Follow-up

Frederick County, VA: Hon. David Simpson, General District Court, P. O. Box 526, Winchester, VA 22601, (703) 667-5770

--Access to Defendants for Pretrial Release Screening and Follow-up (cont.)

Salt Lake County, UT: Candace Nenow, Salt Lake County Pre-Trial Services Division, 460 South 400 East, Salt Lake City, UT 84111, (801) 535-5100

Mecklenburg County, NC: Herb Mann, Director, Pretrial Release Department, 720 East Fourth Street, Charlotte, NC 28202, (704) 336-2027

--Defendant Access to Telephone

Milwaukee County, WI: Lt. Richard Cox, Assistant Jail Administrator, Milwaukee County Safety Building, 821 West State Street, Milwaukee, WI 53233, (414) 278-4759

--Providing Jail Census Data to Other Key System Actors

Brevard County, FL: Gary Barringer, Jail Commander, Brevard County Sheriff's Department, P. O. Drawer T, Titusville, FL 32780-0143, (305) 269-8906

Bexar County, TX: James R. Thorn, Criminal District Court Administrator, Bexar County Courthouse, Room 404, San Antonio, TX 78205, (512) 220-2544

Mecklenburg County, NC: Chief Jail Administrator Julius Lloyd, 801 East Fourth Street, Charlotte, NC 28202

Campbell County, KY: Hon. Lloyd Rogers, County Judge Executive, 24 West Fourth Street, Newport, KY 41071, (606) 292-3838 or Ed Crockett, Director, Pretrial Services, Room 308, Third Floor, Covington-Kenton Building, 301 Court Street, Covington, KY 41011, (606) 292-6517

--Special Detention Case Monitors/Expeditors

Campbell County, KY: Hon. Lloyd Rogers, County Judge Executive, 24 West Fourth Street, Newport, KY 41071, (606) 292-3838 or Ed Crockett, Director, Pretrial Services, Room 308, Third Floor, Covington-Kenton Building, 301 Court Street, Covington, KY 41011, (606) 292-6517

Bexar County, TX: James R. Thorn, Criminal District Court Administrator, Bexar County Courthouse, Room 404, San Antonio, TX 78205, (512) 220-2544

Shawnee County, KS: Earl Hindman, Jail Administrator, Shawnee County Department of Corrections, 200 East Seventh Street, Room 315, Topeka, KS 66603, (913) 295-4073

--Direct Recognizance Release Authority

Marion County, OR: Jerry Frost, Intake Release, P. O. Box 710, Salem, OR 97308, (503) 588-5218

--Community Development of Pretrial Diversion and Sentencing Options

Sarpy County, NE: Tom Richards, Sarpy County Alcohol Diversion Program, 1210 Papillion, NE 68046, (402) 593-2206

Genesee County, NY: Daniel Hale, Chairman, Criminal Justice Advisory Council, County Building 2, 3738 West Main Road, Batavia, NY 14020, (716) 344-2580

San Mateo County, CA: Ron Brothers, Director, Adult Probation, Hall of Justice and Records, Redwood City, CA 94063, (415) 363-4244

Brevard County, FL: Gary Barringer, Jail Commander, Brevard County Sheriff's Department, P. O. Drawer T, Titusville, FL 32780-0143, (305) 269-8906

--Assessment of Booking and Perdiem Charges to User Jurisdictions

Bexar County, TX: James R. Thorn, Criminal District Court Administrator, Bexar County Courthouse, Room 404, San Antonio, TX 78205, (512) 220-2544

--Creation of Multi-County Jail Space Sharing/Classification System

Clarke, Frederick, Page, Shenandoah, and Warren Counties, VA: Patricia Flegal, Director, Regional Jail Project, 317 South Cameron Street, Winchester, VA 22601, (703) 667-6696

Prosecution Options

--Pre-arrest Warrant Screening

Michigan: Tom Robertson, Prosecuting Attorneys Coordinating Council, 306 Townsend, Lansing, MI 48913, (517) 373-6541

--Screening of New Charges Upon Booking

Milwaukee County, WI: Herman John, District Attorney's Office, Milwaukee County Safety Building, Room 412, 821 West State Street, Milwaukee, WI 53233, (414) 278-4676

Ramsey County, MN: James Konan, Chief, Criminal Division, County Attorney's Office, 350 St. Peter Street, Fourth Floor, St. Paul, MN 55102, (612) 298-4391

Jackson County, MO: Albert Riederer, Prosecuting Attorney, 415 East 12th Street, Floor 7 Mezzanine, Kansas City, MO 64106 (816) 881-3555

--24-Hour "On-View" Arrest Screening

Lucas County, OH: Kurt Posner, District Attorney's Office, Lucas County Court House, 710 Adams Street, Toledo, OH 43624, (419) 245-4700

--Use of Senior Staff in Early Screening Procedures

Sacramento County, CA: D. J. Sekany, District Attorney's Office, P. O. Box 749, Sacramento, CA 95804, (916) 449-5771

Hudson County, NJ: Robert Zucconi, Central Judicial Processing Court, 595 Newark Avenue, Jersey City, NJ 07306, (201) 795-6400

--Consolidation of Multiple Charges, Additional Charges

Fayette County, KY: Jack Miller, Commonwealth Attorney, 219 North Upper Street, Lexington, KY 40505, (606) 252-3571

--Vertical Case Processing

Milwaukee County, WI: Herman John, District Attorney's Office, Milwaukee County Safety Building, Room 412, 821 West State Street, Milwaukee, WI 53233, (414) 278-4676

Mecklenburg County, NC: Peter S. Gilchrist III, District Attorney, 26th Judicial District, 700 East Trade Street, Charlotte, NC 28202, (704) 374-2642

--Priority Handling of Detention Cases

Salt Lake County, UT: Candace Nenow, Salt Lake County Pre-Trial Services Division, 460 South 400 East, Salt Lake City, UT 84111, (801) 535-5100

Bexar County, TX: James R. Thorn, Criminal District Court Administrator, Bexar County Courthouse, Room 404, San Antonio, TX 78205, (512) 220-2544

Connecticut: Joseph D'Alesio, Case Flow Manager, Office of the Chief Court Administrator, Drawer N, Station A, Hartford, CT 06106, (203) 566-7370

--Same-Day Grand Jury and Preliminary Hearing

Lucas County, OH: Kurt Posner, District Attorney's Office, Lucas County Court House, 710 Adams Street, Toledo, OH 43624, (419) 245-4700

--Leadership in Crowding Alleviation Efforts

Bexar County, TX: James R. Thorn, Criminal District Court Administrator, Bexar County Courthouse, Room 404, San Antonio, TX 78205, (512) 220-2544

Mecklenburg County, NC: Peter S. Gilchrist III, District Attorney, 26th Judicial District, 700 East Trade Street, Charlotte, NC 28202, (704) 374-2642

Pretrial Services Options

--Release Screening at Jail Booking

Clark County, WA: Jane Johnson, Manager, Clark County Corrections, 703 West 15th Street, P. O. Box 5000, Vancouver, WA 98668, (206) 699-2436

San Mateo County, CA: Roman "Skip" Duranczyk, Director, San Mateo County Release on Recognizance Project, 234 Marshall Street, Suite 8, Redwood City, CA 94063, (415) 363-4181

Salt Lake County, UT: Candace Nenow, Salt Lake County Pre-Trial Services Division, 460 South 400 East, Salt Lake City, UT 84111, (801) 535-5100

--24-Hour, 7-Day Pretrial Services Screening

Mecklenburg County, NC: Herb Mann, Director, Pretrial Release Department, 720 East Fourth Street, Charlotte, NC 28202, (704) 336-2027

--Misdemeanant Direct Release Authority

San Mateo County, CA: Roman "Skip" Duranczyk, Director, San Mateo County Release on Recognizance Project, 234 Marshall Street, Suite 8, Redwood City, CA 94063, (415) 363-4181

Mecklenburg County, NC: Herb Mann, Director, Pretrial Release Department, 720 East Fourth Street, Charlotte, NC 28202, (704) 336-2027

Salt Lake County, UT: Candace Nenow, Salt Lake County Pre-Trial Services Division, 460 South 400 East, Salt Lake City, UT 84111, (801) 535-5100

Clark County, WA: Jane Johnson, Manager, Clark County Corrections, 703 West 15th Street, P. O. Box 5000, Vancouver, WA 98668, (206) 699-2436

--Felony Direct Release Authority

King County, WA: Frank Fleetham, Jr., Court Services Section, King County Department of Corrections, E-119 King County Courthouse, Seattle, WA 98104, (206) 344-4020

Connecticut: Paul Brown, Chief Bail Commissioner, Judicial Department, Drawer N, Station A, Hartford, CT 06105, (203) 722-5845

--Screening to Divert DWI Arrestees

Charleston, SC: Sgt. James Doyle, Jail Administrator, Charleston City Jail, 180 Lockwood Drive, Charleston, SC 29402, (803) 577-7434

Fayette County, KY: Linda Johnson, Kentucky Pretrial Services, Municipal Building, 136 Walnut Street, Room 201, Lexington, KY 40507, (606) 233-4085

--Screening to Divert Mentally Disabled

Multnomah County, OR: Charles Wall, Director, Pretrial Release Office, 1120 Southwest Third Avenue, Room 301, Portland, OR 97204, (503) 248-3893

--Expanding Release Options

Washington, DC: Jay Carver, DC Pretrial Services Agency, 400 F Street, NW, Washington, DC 20001, (202) 727-2911

Connecticut: Paul Brown, Chief Bail Commissioner, Judicial Department, Drawer N, Station A, Hartford, CT 06105, (203) 722-5845

--Supervised Pretrial Release

San Mateo County, CA: Roman "Skip" Duranczyk, Director, San Mateo County Release on Recognizance Project, 234 Marshall Street, Suite 8, Redwood City, CA 94063, (415) 363-4181

Dade County, FL: Tim Murray, Director, Pretrial Services, 1500 NW 12th Avenue, Suite 736, Miami, FL 33136, (305) 547-7987

Multnomah County, OR: Charles Wall, Director, Pretrial Release Office, 1120 Southwest Third Avenue, Room 301, Portland, OR 97204, (503) 248-3893

Milwaukee County, WI: Jill Fuller, Wisconsin Correctional Service, Court Intervention Program, 436 West Wisconsin Avenue, Milwaukee, WI 43203, (414) 271-1750

--Revision of Release on Recognizance Criteria

Bexar County, TX: James R. Thorn, Criminal District Court Administrator, Bexar County Courthouse, Room 404, San Antonio, TX 78205, (512) 220-2544

--Post-Initial Appearance Follow-up for Bail Review

Milwaukee County, WI: Jill Fuller, Wisconsin Correctional Service, Court Intervention Program, 436 West Wisconsin Avenue, Milwaukee, WI 43203, (414) 271-1750

Philadelphia, PA: Maria Terpollili, Director, Conditional Release Section, Pretrial Services Division, 219 North Broad Street, Philadelphia, PA 19107, (215) 686-7576

Washington, DC: Jay Carver, DC Pretrial Services Agency, 400 F Street, NW, Washington, DC 20001, (202) 727-2911

--Post-Initial Appearance Follow-up for Bail Review (cont.)

Kentucky: John Hendricks, Director, Kentucky Pretrial Services, Administrative Office of the Courts, 403 Wapping Street, Frankfort, KY 40601, (502) 564-2350

--Prosecution Diversion Screening--DWI Cases

Monroe County, NY: Ms. Lee Wood, Director, Monroe County Bar Association Pre-Trial Services Corporation, 65 Broad Street, Room 610, Rochester, NY 14614, (716) 454-3491

--Assisting in Presentence Investigation Procedure

Cobb County, GA: Wanda Stokes, Pretrial Court Services Agency, P. O. Box 649, Public Safety Building, Marietta, GA 30061, (404) 424-0926

--Providing Jail Census/System Flow Statistics

Salt Lake County, UT: Candace Nenow, Salt Lake County Pre-Trial Services Division, 460 South 400 East, Salt Lake City, UT 84111, (801) 535-5100

Kentucky: John Hendricks, Director, Kentucky Pretrial Services, Administrative Office of the Courts, 403 Wapping Street, Frankfort, KY 40601, (502) 564-2350

Judicial Options

--Leadership in Systemwide Crowding Alleviation Efforts

Brevard County, FL: Hon. Gil Goshorn, Chief Judge of Circuit Court, P. O. Drawer T, Titusville, FL 32780-0143, (305) 269-8115

Frederick County, VA: Hon. David Simpson, General District Court, P. O. Box 526, Winchester, VA 22601, (703) 667-5770

Milwaukee County, WI: Hon. Victor Manian, Chief Judge, Milwaukee County Courthouse, 901 North Ninth Street, Room 500, Milwaukee, WI 53233, (414) 278-5112

Salt Lake County, UT: Hon. David B. Dee, Chair, Criminal Justice Advisory Council, Room 408, City and County Building, Salt Lake County, UT 84111, (801) 535-7506

Mecklenburg County, NC: Hon. Frank W. Snapp, Senior Resident Superior Court Judge, 800 East Fourth Street, Charlotte, NC 28202, (704) 373-6736

--Prompt Magistrate Bail-Setting

Mecklenburg County, NC: Hon. James E. Lanning, Chief District Court Judge, 800 East Fourth Street, Charlotte, NC 28202, (704) 373-6735

Frederick County, VA: Hon. David Simpson, General District Court, P. O. Box 526, Winchester, VA 22601, (703) 667-5770

--Use of Delegated Release Authority

King County, WA: Frank Fleetham, Jr., Court Services Section, King County Department of Corrections, E-119 King County Courthouse, Seattle, WA 98104, (206) 344-4020

--Court Policy Opposing Detention of Persons Charged with Misdemeanors

Snohomish County, WA: William B. Harper, Snohomish County Department of Corrections, Fourth Floor, County Courthouse, Everett, WA 98201, (206) 259-9395

--Development of Non-Financial Release Options and Programs for Special Populations

Milwaukee County, WI: Hon. Victor Manian, Chief Judge, Milwaukee County Courthouse, 901 North Ninth Street, Room 500, Milwaukee, WI 53233, (414) 278-5112

Frederick County, VA: Hon. David Simpson, General District Court, P. O. Box 526, Winchester, VA 22601, (703) 667-5770

Shawnee County, KS: Earl Hindman, Jail Administrator, Shawnee County Department of Corrections, 200 East Seventh Street, Room 315, Topeka, KS 66603, (913) 295-4073

--Revision of Pretrial Release Eligibility Criteria

Bexar County, TX: James R. Thorn, Criminal District Court Administrator, Bexar County Courthouse, Room 404, San Antonio, TX 78205, (512) 220-2544

--Use of Individual Jail Case Review Procedures

Brevard County, FL: Hon. Gil Goshorn, Chief Judge of Circuit Court, P. O. Drawer T, Titusville, FL 32780-0143, (305) 269-8115

Frederick County, VA: Hon. David Simpson, General District Court, P. O. Box 526, Winchester, VA 22601, (703) 667-5770

Mecklenburg County, NC: Hon. Frank W. Snapp, Senior Resident Superior Court Judge, 800 East Fourth Street, Charlotte, NC 28202, (704) 373-6736

Campbell County, KY: Hon. Lambert Hehl, Chief District Judge, 30 West Fourth Street, Newport, KY 41071, (606) 292-6323

--Administrative Transfer of Pretrial Services Unit

Lucas County, OH: William Brennan, Regional Planning Unit, 316 North Michigan, Room 800, Toledo, OH 43624, (419) 244-5819

--Overall Emphasis on Reducing Delay in Handling Detention Cases

Bexar County, TX: James R. Thorn, Criminal District Court Administrator, Bexar County Courthouse, Room 404, San Antonio, TX 78205, (512) 220-2544

Middlesex County, NJ: Hon. George J. Nicola, Presiding Criminal Court Judge, One J. F. Kennedy Square, New Brunswick, NJ 08903, (201) 745-4155

--Reduced Adjudication-to-Sentencing Time

Brevard County, FL: Hon. Gil Goshorn, Chief Judge of Circuit Court, P. O. Drawer T, Titusville, FL 32780-0143, (305) 269-8115

Campbell County, KY: Hon. Lambert Hehl, Chief District Judge, 30 West Fourth Street, Newport, KY 41071, (606) 292-6323

--Individual Case Advocacy; Strict Eligibility Criteria; Community Review Boards

National Center on Institutions and Alternatives, Herb Hoelter, Director, 814 North Saint Asaph Street, Alexandria, VA 22314, (703) 684-0373

Community Service Sentencing Project, Dick Rikkens, c/o Vera Institute of Justice, 377 Broadway, New York, NY 10013, (212) 334-1300

Frederick County, VA: Charles D. Poe, Director, Division of Court Services, 112 S. Cameron Street, Winchester, VA 22601, (703) 667-8933

--Use of Community Service and Restitution as Sentencing Options

Genesee County, NY: Dennis Whittman, Community Service/Victim Assistance Officer, Genesee County Sheriff's Department, P. O. Box 151, Batavia, NY 14020, (716) 344-2550

Salt Lake County, UT: Gwen Rowley, Adult Probation and Parole, 431 South 300 East, Salt Lake City, UT 84111, (801) 533-5545

--Deferred Service of Jail Sentences

Campbell County, KY: Hon. Lambert Hehl, Chief District Judge, 30 West Fourth Street, Newport, KY 41071, (606) 292-6323

Mecklenburg County, NC: Hon. Frank W. Snapp, Senior Resident Superior Court Judge, 800 East Fourth Street, Charlotte, NC 28202, (704) 373-6736

--Use of Special Treatment Programs for DWI Offenders

Salt Lake County, UT: Larry Peterson, Salt Lake County Alcohol and Drug Division, 231 East 400 South, Salt Lake City, UT 84111, (801) 538-2001

Quincy, MA: Andrew Klein, Chief Probation Officer, Quincy District Court, Dennis Ryan Parkway, Quincy, MA 02169, (601) 471-1650

Greene County, MO: Dr. Elissa Lewis, Director, Weekend Intervention Program, Southwest Missouri State University, Springfield, MO 65804, (417) 836-5802

--Use of Special Early Release Mechanisms

San Mateo County, CA: Hon. Thomas Jenkins, San Mateo County Courthouse, 2227 Broadway Street, Redwood City, CA 94063, (415) 363-4000, ext. 1679

Defense Options

--Staff Enhancement to Reduce Caseloads

St. Louis, MO: Joseph P. Downey, Public Defender - City of St. Louis, Municipal Courts Building, 1320 Market Street, Room 62, St. Louis, MO 63103, (314) 622-4241

--Prompt Indigency Screening; Appointment of Counsel and Defendant Contact; Early Investigation and Plea Negotiation

Palm Beach, Passaic, and Shelby Counties--from URSA Institute evaluation: Ernest J. Fazio, J.D., The URSA Institute, Pier 1-1/2, San Francisco, CA 94111, (415) 398-2040

--Intensified Review Procedures for Detention Cases

Mecklenburg County, NC: Isabel Day, Chief Public Defender, 800 East Fourth Street, Charlotte, NC 28202, (704) 373-6730

Jackson County, MO: Sean O'Brien, Public Defender, Jackson County Courthouse, 415 East 12th Street, Tenth Floor, Kansas City, KS 64106, (916) 474-5811

--Special Defender Services Programs

New York, NY: Ron J. Hill, Director, Special Defender Services, The Legal Aid Society, 15 Park Row, New York, NY 10036, (212) 577-3400

--Support of Pretrial and Sentencing Alternatives Programs

San Mateo County, CA: Roman "Skip" Duranczyk, Director, San Mateo County Release on Recognizance Project, 234 Marshall Street, Suite 8, Redwood City, CA 94063, (415) 363-4181

Monroe County, NY: Ms. Lee F. Wood, Director, Monroe County Bar Association Pre-Trial Services Corporation, 65 Broad Street, Room 610, Rochester, NY 14614, (716) 454-3491

Campbell County, KY: John G. Patten, Jr., Director, Public Defenders Corporation, 700 Campbell Towers, Newport, KY 41071, (606) 261-7000

Hartford and New Haven, CT: Lisa Bennett, Connecticut Center on Sentencing Alternatives, 106 Ann Street, Hartford, CT 06106, (203) 525-6691

--Participation in Jail Crowding Task Force

Santa Clara County, CA: Sheldon Portman, Public Defender, County Government Center, West Wing, 70 West Hedding Street, San Jose, CA 95110, (408) 299-2055

Probation and Parole Options

--Pretrial Release Screening and Development of Conditional and Supervised Release Programs

Jackson County, MO: Dennis Agniel, Probation and Parole Services, Jackson County Courthouse, 415 East 12th Street, Kansas City, MO 64106, (816) 472-2271

Genesee County, NY: Sheriff W. Douglas Call, Genesee County Sheriff's Department, P. O. Box 151, Batavia, NY 14020, (716) 343-0838:

--Strengthening the Use of Probation as a Sentencing Option

Campbell County, KY: Hon. Lambert Hehl, Chief District Judge, 30 West Fourth Street, Newport, KY 41071, (606) 292-6323

--Reduced Pre-Sentence Investigation (PSI) Time for Jail Cases

Brevard County, FL: Gary Barringer, Jail Commander, Brevard County Sheriff's Department, P. O. Drawer T, Titusville, FL 32780-0143, (305) 269-8906

Shawnee County, KS: Earl Hindman, Jail Administrator, Shawnee County Department of Corrections, 200 East Seventh Street, Room 315, Topeka, KS 66603, (913) 295-4073

**CONTINUED**

**1 OF 2**

--Reduced Pre-Sentence Investigation (PSI) Time for Jail Cases (cont.)

Ramsey County, MN: Robert Hansen, Director, Adult Probation and Parole, Ramsey County Courthouse, Room 945, St. Paul, MN 55101, (612) 298-4791

Lucas County, OH: William Brennan, Regional Planning Unit, 316 North Michigan, Room 800, Toledo, OH 43624, (419) 244-5819

Connecticut: Terry S. Capshaw, Director, Office of Adult Probation, 643 Maple Avenue, Hartford, CT 06114, (203) 566-8530

--Prompt Action on Probation and Parole Revocation

Brevard County, FL: Gary Barringer, Jail Commander, Brevard County Sheriff's Department, P. O. Drawer T, Titusville, FL 32780-0143, (305) 269-8906

San Mateo County, CA: Ron Brothers, Director, Adult Probation, Hall of Justice and Records, Redwood City, CA 94063, (415) 363-4244

Extra-System Services Options

--Emergency Shelters and Reception Centers

Connecticut: Paul Brown, Chief Bail Commissioner, Judicial Department, Drawer N, Station A, Hartford, CT 06105, (203) 722-5845

--Alcohol and Drug Detoxification, Counseling, and Domiciliary Care

San Diego County, CA: Volunteers of America, 1111 Island Avenue, San Diego, CA 92101, (619) 232-9343

--Pre-arrest Diversion of Mentally Disabled

Montgomery County, PA: Naomi Dank, Executive Director, Montgomery County Mental Health/Mental Retardation Emergency Service, Inc., Building 16, Stanbridge and Sterigere Streets, Norristown, PA 19401, (215) 279-6100

Dayton County, OH: Major D. E. Tobias, Dayton Police Department, 335 West Third, Dayton, OH 45402, (513) 449-1074

--Prompt Assessment of Mental Health Problems

Monroe County, NY: Dr. Jim Clark, Mental Health Clinic for Socio-Legal Services, Room 20A, Hall of Justice, Rochester, NY 14614, (716) 428-4530

--Out-Patient Mental Health Treatment

Milwaukee County, WI: Jill Fuller, Wisconsin Correctional Service, Court Intervention Program, 436 West Wisconsin Avenue, Milwaukee, WI 43203, (414) 271-1750

--Temporary Shelter for Juveniles in Private Homes

Atlanta, GA: Angela Welch, Attention Home Coordinator, Georgia Division of Youth Services, 878 Peachtree Street, NE, Atlanta, GA 30303, (404) 894-4569

--Supervision of Special Review Releases

Philadelphia, PA: Milton Berkes, Offender Aid and Restoration (OAR), 219 North Broad Street, Mezzanine Level, Philadelphia, PA 19107, (215) 557-8131

--Community Service Sentencing

New York, NY: Dick Rikkens, Community Service Sentencing Project, c/o Vera Institute of Justice, 377 Broadway, New York, NY 10013, (212) 334-1300

--Systemwide Jail Use Planning

Salt Lake County, UT: Hon. David B. Dee, Chair, Criminal Justice Advisory Council, Room 408, City and County Building, Salt Lake County, UT 84111, (801) 535-7506

Mecklenburg County, NC: Peter S. Gilchrist III, District Attorney, 26th Judicial District, 700 East Trade Street, Charlotte, NC 28202, (704) 374-2642

# Appendix C Case Processing Questionnaire



## PRETRIAL SERVICES RESOURCE CENTER

918 F Street, N.W. Suite 500 Washington, D.C. 20004-1482 (202) 638-3080

### CASE PROCESSING QUESTIONNAIRE

#### LAW ENFORCEMENT

- How many adult arrests were made last year in your jurisdiction?  
Total? \_\_\_\_\_ (number)  
Felony arrests? \_\_\_\_\_ (number)  
Misdemeanor arrests? \_\_\_\_\_ (number)  
Traffic/local ordinance arrests? \_\_\_\_\_ (number)  
Other arrests? \_\_\_\_\_ (number)
- How many citations ("notices to appear") were issued by arresting agencies in the last calendar year, excluding traffic offenses?  
\_\_\_\_\_ (number)

#### JAIL ADMINISTRATION

- How many admissions were there last year for:  
Felonies? \_\_\_\_\_ (number)  
Misdemeanors? \_\_\_\_\_ (number)  
Detainers without additional charges? \_\_\_\_\_ (number)  
Other? \_\_\_\_\_ (number)  
Total? \_\_\_\_\_ (number)
- Does the jail administrator have release authority for pretrial defendants?  
(Please circle appropriate answer.)  

YES    NO

If yes, how many defendants were released in this way?  
\_\_\_\_\_ (number)

Appendix C: Case Processing Questionnaire 83

**DIRECTOR**  
D. Alan Henry

**BOARD OF TRUSTEES**  
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PROSECUTION

1. In the past calendar year, how many of the following were referred to the office of the prosecutor?
  - (a) total defendant referrals \_\_\_\_\_ (number)
  - (b) persons with felony charges \_\_\_\_\_ (number)
  - (c) persons with misdemeanor charges \_\_\_\_\_ (number)
  - (d) persons with ordinance violations \_\_\_\_\_ (number)
  
2. Of those persons referred for prosecution, what percentage of defendants:
  - (a) arrested for felonies were charged with felonies? \_\_\_\_\_ (number)
  - (b) arrested for felonies were charged with a lesser offense? \_\_\_\_\_ (number)
  - (c) arrested for felonies were released without charges? \_\_\_\_\_ (number)
  - (d) arrested for misdemeanors were released without charges? \_\_\_\_\_ (number)
  
3. On average, how much time transpires between the arrest of a person and notification to the court of the prosecutor's formal charging decision described in Question 2 above? (Please circle the appropriate answer.)
  - (a) less than 8 hours
  - (b) 8-24 hours
  - (c) 24-48 hours
  - (d) 2-5 days
  - (e) 5-10 days
  - (f) 10-14 days
  - (g) if over 14 days, please indicate the actual number of days \_\_\_\_\_

DEFENSE

1. For those cases/persons where defense counsel is assigned by the court, how much time transpires on average between arrest and counsel's first meeting with the arrestee? (Please circle the appropriate answer.)
  - (a) less than 8 hours
  - (b) 8-24 hours
  - (c) if more than 24 hours, please specify the actual amount of time \_\_\_\_\_
  
2. What percentage of defendants are represented by counsel at their initial court appearance?
  - (a) 0%-10%
  - (b) 11%-25%
  - (c) 26%-50%
  - (d) 51%-75%
  - (e) 76%-100%

PRETRIAL SERVICES

- For questions 1, 2, and 4, please circle the appropriate answer(s).
1. Is there an agency or office that conducts pretrial release screening?

YES NO
  
  2. If so, does the pretrial services agency interview arrestees prior to the first court appearance?

YES NO
  
  3. During the most recent time period for which data is available, please indicate the number of the following:
    - (a) number of arrestees referred to the agency \_\_\_\_\_ (number)
    - (b) number interviewed \_\_\_\_\_ (number)
    - (c) number recommended for nonfinancial release \_\_\_\_\_ (number)

4. Does the release program have the authority to effect any releases prior to the first court appearance? (Circle all that may apply)

(a) no

(b) yes, it can release some arrestees on its own authority

(c) it can recommend release to law enforcement officials or court-appointed officials with the power to release before initial court appearance

(d) it can contact a judge for approval prior to releasing

5. What proportion of the number of arrestees referred to the program are released through the efforts of the program prior to the first court appearance?

\_\_\_\_\_ (percent)

COURT

For questions 1, 2, and 6, please circle the appropriate answer.

1. What is the average time between arrest and initial appearance in court?

(a) less than 8 hours

(c) 25-48 hours

(b) 8-24 hours

(d) more than 48 hours

2. Do initial appearance courts operate at night? YES NO

On weekends? YES NO

3. How many judges (or bail commissioners) are setting bail at any one time?

\_\_\_\_\_ (number)

4. What is the average time between arrest and adjudication (not including sentencing) for:

(a) detained felony defendants \_\_\_\_\_ (days/months)

(b) released felony defendants \_\_\_\_\_ (days/months)

(c) detained misdemeanor defendants \_\_\_\_\_ (days/months)

(d) released misdemeanor defendants \_\_\_\_\_ (days/months)

5. What is the average length of time between adjudication and sentencing when presentence investigations are ordered?

(a) for felonies \_\_\_\_\_ (days/months)

(b) for misdemeanors \_\_\_\_\_ (days/months)

6. Please indicate the percentage of cases disposed of by the following methods (circle appropriate number for each):

(a) Pleas 0-10% 11-25% 26-50% 51-75% 76-100%

(b) Jury trials 0-10% 11-25% 26-50% 51-75% 76-100%

(c) Non-jury trials 0-10% 11-25% 26-50% 51-75% 76-100%

(d) Dismissals/Nolle 0-10% 11-25% 26-50% 51-75% 76-100%

(e) Other \_\_\_\_\_ 0-10% 11-25% 26-50% 51-75% 76-100%

PROBATION/PAROLE

1. How many requests for presentence investigation reports were made last year?

Total? \_\_\_\_\_ (number)

Felonies? \_\_\_\_\_ (number)

Misdemeanors? \_\_\_\_\_ (number)

2. What was the average length of time from PSI request to delivery to the court?

Felonies? \_\_\_\_\_ (days/months)

Misdemeanors? \_\_\_\_\_ (days/months)

3. How many probation detainers were filed last year?

\_\_\_\_\_ (number)

4. How many of the filed probation detainers resulted in revocation?

\_\_\_\_\_ (number)

5. What is the average length of time between the filing of a probation detainer and a revocation decision?

6. How many parole detainees were filed last year? \_\_\_\_\_ (days/months)

\_\_\_\_\_ (number)

7. How many of the filed parole detainees resulted in revocation?

\_\_\_\_\_ (number)

8. What is the average length of time between the filing of a parole detainer and a revocation decision?

\_\_\_\_\_ (days/months)

9. If inmates serving sentences in jail can be paroled prior to the expiration of their sentence,

(a) How many hearings were conducted last year? \_\_\_\_\_ (number)

(b) How many resulted in the inmate being released?

\_\_\_\_\_ (number)

## Appendix D Sample Detention and Release Forms

Prisoner Name/Identification Number												DETENTION FORM
												Sex
												Male
												Female
												Age
												16-18 Years
												19-29 Years
												30-39 Years
												40 or more Years
												Residence
												In-County
												Out-County
												Most Serious Charge Code
												Charge Level
												Felony
												Misdemeanor
												Violation
												Detention Status
												Pretrial
												Sentenced (local)
												State Sentenced
												Probation Hold Only
												Parole Hold Only
												Other
												Arresting Agency
												Probation Hold
												Yes
												No
												Parole Hold
												Yes
												No
												Other Detainer
												Yes
												No
												Bail Amount
												\$1-\$500
												\$501-\$1,500
												\$1,501 - \$5,000
												\$5,001 - \$10,000
												\$10,001 or more

JAIL RELEASE FORM

Prisoner Name/Identification Number	
	Sex
	Male
	Female
	Age
	16-18 Years
	19-29 Years
	30-39 Years
	40 or more Years
	Residence
	In-County
	Out-County
	Most Serious Charge Code
	Charge Level
	Felony
	Misdemeanor
	Violation
	Length of Confinement
	1-2 Days
	3-5 Days
	6-10 Days
	11-20 Days
	21-30 Days
	31-60 Days
	61-90 Days
	91-150 Days
	151-365 Days
	366+Days
	Release Method
	Dismissed/Not Prosecuted
	Release on Recognizance
	Percentage Deposit Bail
	Third Party Custody
	Cash Bail or Bond
	Acquitted
	Sentenced to Time Served
	Jail Sentence Completed
	Sent to Non-Jail Altern
	Sentenced to State
	Released from Detainer
	Rel to Other Authority
	Other Release
	Bail Amount
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	\$501-\$1,500
	\$1,501 - \$5,000
	\$5,001 - \$10,000
	\$10,001 or more

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