

Institute for Law and Policy Planning

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Leon County Phase III Report

Implementation Plan to Reduce Jail Overcrowding in Leon County, Florida

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FEBRUARY 22, 1988

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February 24, 1988

Members, Jail Planning Committee
Leon County
County Administrator's Office
1st Florida Bank Building
2nd Floor
Tallahassee, FL 32301

Dear Committee Members:

With the Implementation Plan attached, the Leon County Jail Overcrowding Project moves toward closure. The first two reports, on "causes" and "solutions" to jail crowding, provided the basis for this Implementation Plan, to be followed by a fourth Final Report providing training, technical direction, a progress assessment, and overall project documentation.

This final version of the Implementation Plan for managing jail crowding in Leon County has some important changes which were determined at the Committee's last meeting. Modifications have been made where Committee members have so requested, and additions have been made by Consultants where new information or improved solutions became apparent. Because Consultants have "bridged" the Committee's input to a more fully developed and more specific implementation scheme, it is possible that we have overstepped our bounds. If so, the Final Report that documents the entire overcrowding project will show any further modifications required.

The ILPP staff has already begun training and technical assistance work towards implementation of a "population management system" for Leon County. Our in-house expert in pre-trial release, Dr. Roger Baron, spent four days in late December working to refine recent improvements in the release system. I also have spent time on site helping to develop improved data reporting for the Jail Planning Committee. More training and technical assistance will follow.

A final word relates to the notion of leadership. Research analysis and planning by Consultants, no matter how well done, must be supported locally by leadership in the criminal justice community. The time has come for implementing changes in the

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justice system, prior to moving forward with detention facility planning. If Leon County does not solidify recent advances and vigorously implement already approved population management options, crowding and crises will continue and the immediate benefits of recent progress through the overcrowding project will soon be lost.

We look forward to meeting with you on March 10, 1988, and toward continued progress. Thank you for your consideration.

Sincerely,

Alan Kalmanoff

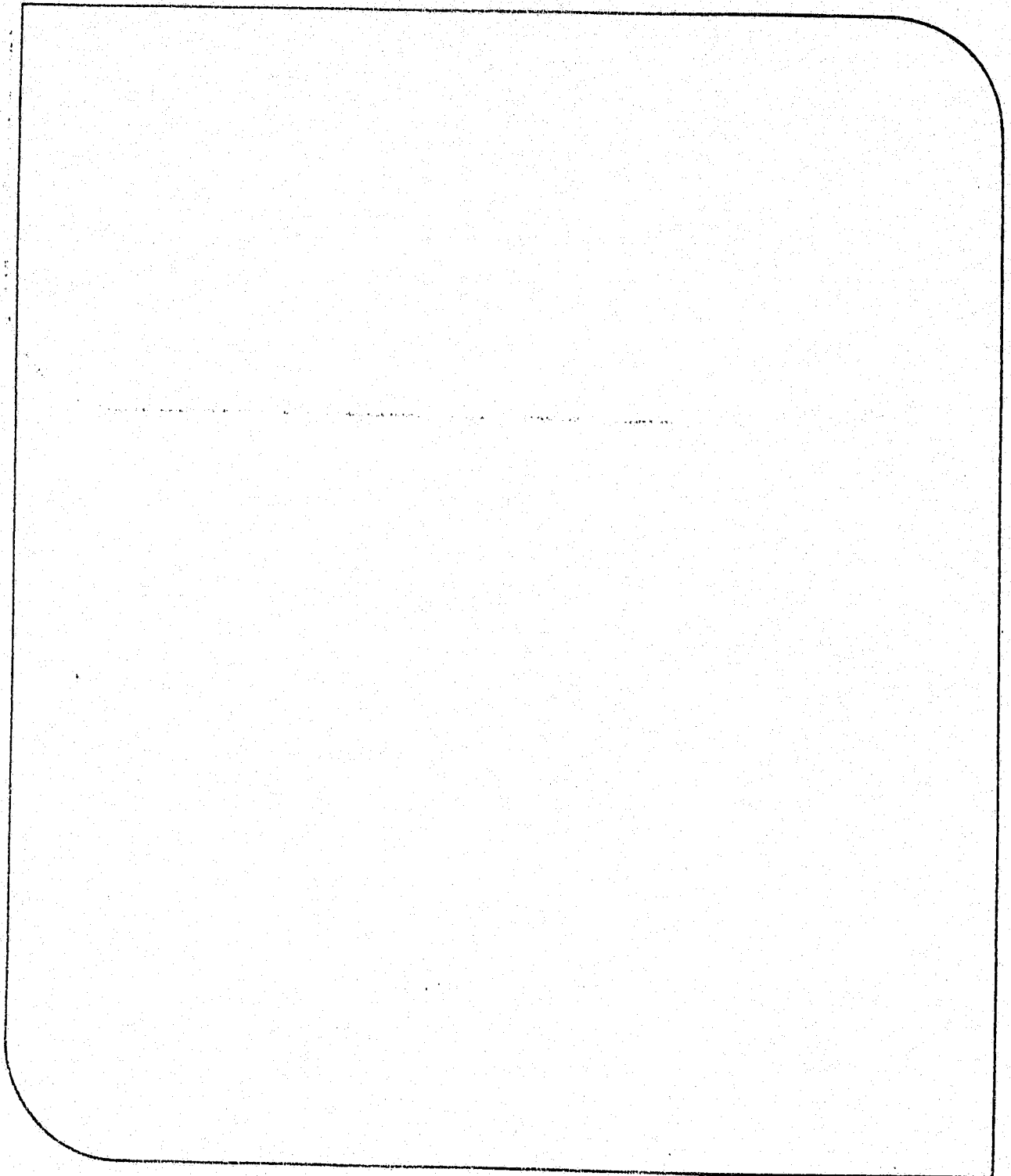
Alan Kalmanoff
Executive Director

AK/cc

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Introduction



I. INTRODUCTION

This report is the third of four reports that make up the Leon County Jail Overcrowding Project. The first two reports, concerning the causes and possible solutions to jail crowding, led to a list of preferred options to be implemented. These options have been part of the planning process, and now, in this Implementation Plan, the "surviving" options are called "program elements."

Consultants have divided the program elements into six groups so as to logically organize this Implementation Plan into general and specific areas of the County's justice system. As in past documents, the report roughly follows the criminal justice system flow; however, their order does not reflect the relative importance of any particular group of program elements.

The six program element groups are as follows:

- A. System Developments
- B. Arrest
- C. Pre-Trial
- D. Courts
- E. Special Populations
- F. Post-Sentence Options

For each group of program elements (and, in some cases, for each element) the Implementation Plan sets out information about "who," "what," and "when" to suggest actual operationalization. This information, somewhat condensed, is displayed in the following chart to serve as a reference. Also, for each group or element, this plan puts forth Monitoring Guidelines for the Jail Planning Committee to employ in assessing implementation; and a Review Process, to maintain management control over the system modifications.

The conclusion to this planning report sets out expectations regarding the fourth stage of the project, the training, technical assistance and documentation stage. Consultants expect to spend time in February and March assisting Leon County in training County staff to employ new policies, procedures and programs. Consultants anticipate a final Committee review on March 10, as planned.

Leon County Overcrowding Study

Program Elements (from Preferred Options)

Element	Who	What	When
1-1:Computer Generated Studies	Crim. Justice Manager and JPC	studies on: inmate tracking and profile	every 6 mos.
		citation release	ongoing - report in 6 months
		charging practices (State Atty. monthly reports)	quarterly
		release, re-arrest and FTA rates	monthly
		supplementary studies	monthly (as needed)
2-1:Commitment to Manage Jail Pop. - PMS	JPC	institute a PMS	immediate
		establish task forces	immediate
		review computer- generated studies	ongoing - as provided (see 1-1)
		develop standards for release, re- arrest & FTA rates	in 6 mos.
		decide upon need for pre-trial citation release	in 6 mos.
3-1:Field Citation Policy (Notice to Appear)	law enforcement	make system manage- ment decision	ongoing
		approve criteria	March 1
	JPC	officer training	April 1
		implement	May 1
		monitor rates	begin June 1
		report rates to JPC modification	Aug. 1 - quarterly Sept. 1

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Element	Who	What	When
4-1:Pre-Trial Citation	Circuit Court Bench	JPC approves of program	after 6 mos. study
	Pre-Trial Release Program and Booking Officer	Bench approves criteria training implementation	month 1 month 1 & 2 month 3
	JPC	monitoring report rates modifications	month 4 - ongoing quarterly month 7
	State Atty. Pub. Defender	establish State Attorney units integration with Pub. Def. units	ongoing month 2
		monitor	ongoing
		JPC review	in 6 mos.
8-1:Pre-Trial Release Criteria (Point Scale)	Pre-Trial Release Program	modify forms & procedures	March 1
		recruit volunteers to staff	March 1 & ongoing
		training	March 1 - April 1
		monitor	March 1 - June 1
		revise point scale	July 1
		evaluate program	Aug. 1 & every 6 mos.
9-1:Modify Residency Requirements	LCPTRP	develop criteria	March 1
		develop verification format	March 1

Leon County Overcrowding Study

Element	Who	What	When
9-1 (cont'd)		train LCPTRP staff	March 1 - April 1
		monitor	April 1 - June 1
		review & analyze	July 1
		report to JPC	quarterly
9-3: Enhance Notifica- tion to Control FTAs	Pre-Trial Release Program	determine method	March 1
		obtain staffing & funding	March 1 - May 1
		set up & pilot test	May 1 - June 1
		monitor & review	June 1 - Aug. 1
		report to JPC	quarterly
9-5: Provide Alterna- tives to Fees for Pre-Trial Services	LCPTRP JPC	develop alternatives to fees	March 1
		develop eligibility criteria	March 1
		institute procedures	April 1
		monitor program	May 1 - June 1
		review program impact	quarterly
9-7: Increase Speed and Accounta- bility of Information Exchange	LCSO Circuit Court Administrator Circuit Court Bench	develop procedures	March 1
		clear procedures	March 1
		implement	April 1
		monitor and report reviews	May 1
10-1: Consistent Revocation Hearing Policies	Circuit Court Admin. Judge of Crim. Div Chief Judge	approve a uniform procedure	March 1
		implement & monitor	April 1 - May 1
		review & report to JPC	Oct. 1

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Element	Who	What	When
11-1:Evaluation of Indigency	Chief Circuit Court Judge Crim. Justice Comm.	designate a comm.	March 1
		review Florida policies	March 1 - April 1
		change County policies	April 1
		train personnel	Apr. 1 - May 1
		monitor impact	May 1 - July 1
		evaluate and report in six months	July 1 and November 1
13-1:Centralize Court Scheduling	Courts	Bench meets to establish policy	March 1
		case screening	ongoing
		data collection and monitoring	ongoing
14-1:Expand Sheriff's Work Program and Commun. Service Prog.	Sheriff's Office & Probation	---	implemen- tation after increase in post sentence population
16-1:Electronic Monitoring Program	---	---	implemen- tation after increase in post sentence population
18-1:Increase Use of Work Release	Sheriff's Office	---	implemen- tation after increase in post sentence population

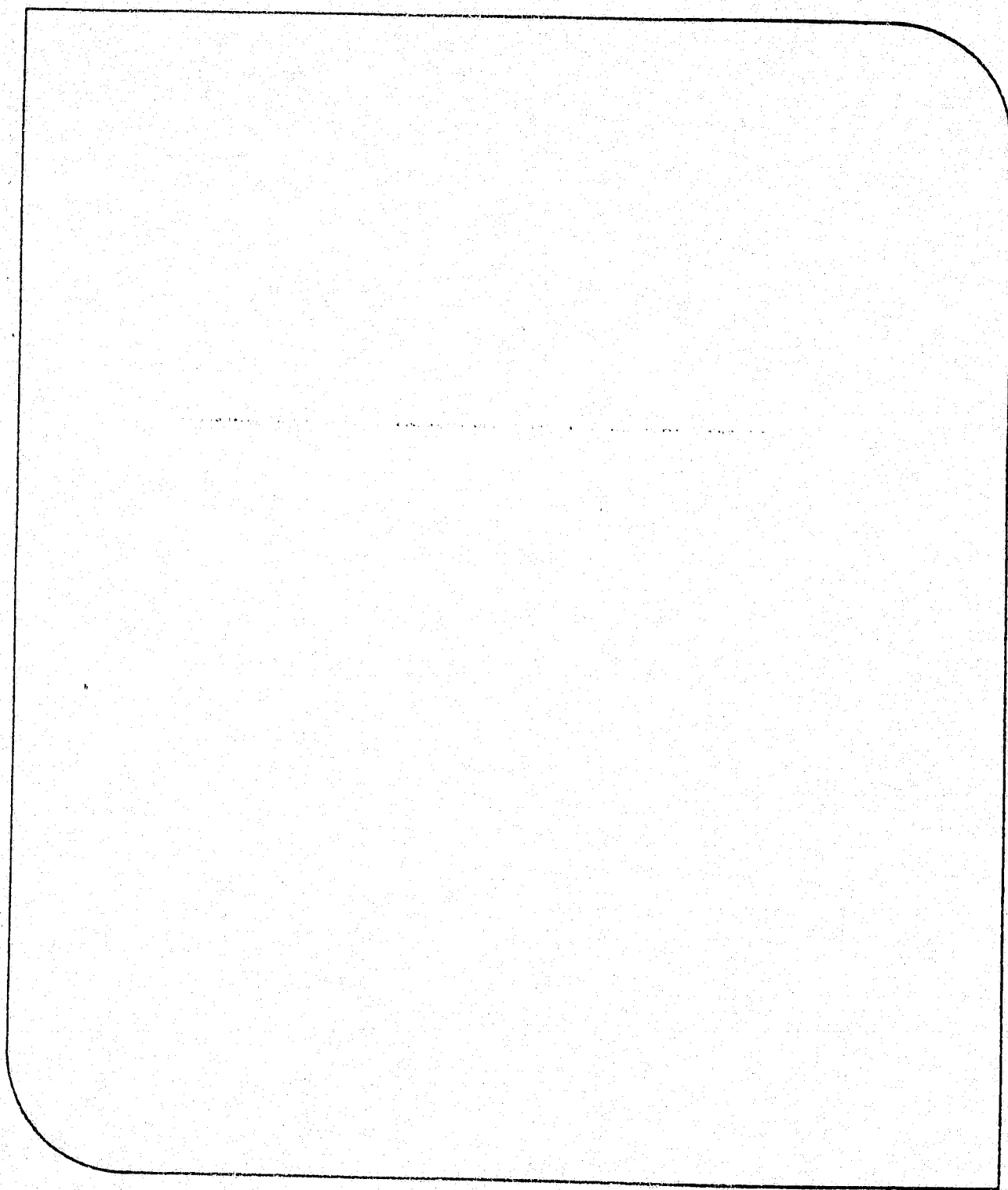
Leon County Overcrowding Study

Element	Who	What	When
18-2:Supervised Work Prog. (Work Camp)	Sheriff's Office	---	implemen- tation after increase in post sentence population and when PMS is in place
22-1:Post- Sentence Alternat- ives for Substance Abusers	Probation Co. Admin.	eligibility determinations look into programs develop RFP funding and monitor contract monitoring evaluation	March 1 April 1 May 1 June 1 ongoing Dec. 1
23-1:Divert Mentally Ill Prior to Booking	TPD LCSO PATH	agencies meet training monitor evaluate performance	March 1 - April 1 April 1 - May 1 May 1 - July 1 Aug. 1
24-1 & 25-1:Emergency Treatment and/or Placement of Mentally Ill & Ment. Retarded	Co. Admin rep. of court law enforcement jail med. staff Appalachee	subcommittee meets to standardize process hire coordinator set up procedures training monitor & evaluate	March 1 April 1 May 1 June 1 July 1 - Sept. 1

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Element	Who	What	When
27-1: Juvenile Housing	Chief Circuit Court Judge	committee convenes	March 1
	law enforcement and juvenile and court officials	look into juvenile issues devise plan obtain funding, etc.	Mar. 1 - Apr. 1 Apr. 1 - May 1 May 1 - June 1
	County & City	implementation monitor & evaluate	July 1 - Aug. 1 Aug. 1 - Dec. 1

The Plan

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II. THE PLAN

Planning engages relative perspectives, and action planning provides a schedule and actual staff responsibility, costs, facilities, etc. This Implementation Plan seeks to accomplish both by setting forth the relative aspects of each approved program element, in implementation terms. So, in addition to a summary of the implementation steps required and a review of the implementation progress already made, Consultants set forth "who" is responsible for implementation, and "when" various steps must be taken. The narrative also sets forth Monitoring Guidelines and a Review Process to enable the Jail Planning Committee to insure successful project implementation. Coverage is a compromise between providing technical direction and Consultants' desire to not "box the County in" by providing specifics in too much detail.

Legislative lobbying at the State level, by the County, may assist the County in developing financial resources to help implement this jail overcrowding plan. State policies concerning the deinstitutionalization of the mentally ill, as well as mandatory sentencing laws and sentencing guidelines, have required more jail beds of the County, but have provided no parallel funds. Even more discouraging is proposed cutbacks in budgets for agencies such as the State Attorney and the bench. Lobbying for more "impact funds" using this "spillover costs" argument may help.

Below, six groups of program elements are covered according to this organization.

A. SYSTEM DEVELOPMENT - Overall Management of the Jail Population

Program Element 1-1: Computer-Generated Studies of the Inmate Population and Criminal Justice System

Program Element 2-1: The Need for High Level Commitment to Manage Jail Population

Program elements 1-1 and 2-1 called for a high level commitment to manage jail population, and computer-generated studies of inmate population and underlying criminal justice system factors.

Below is an implementation scheme for the Leon County Population Management System (PMS) program element, to be overseen by the Jail Planning Committee, a committee that should become a "standing committee."

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PMS OVERVIEW

"PMS" stands for a "Population Management System." The PMS developed by the Consultants for implementation in Leon County is, in essence, an ongoing, system-wide planning process. PMS allows the County to monitor, evaluate, rationally allocate, and adjust the flow of offenders into and out of its detention and corrections facility (and to some degree, the local criminal justice system).

The PMS involves the implementation of a range of policy decisions targeted to each stage in the flow of the local criminal justice system. In addition, the PMS emphasizes data-based planning through the collection and analysis of information which monitors offender flow through the system, and the impact of various policy decisions on that flow.

Several system **assumptions** underlie the implementation of the PMS. First, every criminal justice agency, either directly or indirectly, is involved in determining the numbers of inmates who populate the County's detention and corrections facilities. For this reason, the entire criminal justice system must be sensitive to over-demand in the detention/corrections component. In addition, the criminal justice system must be flexible in the development and implementation of policy decisions which impact either on the numbers of inmates who flow through the system or their length of stay in the system.

Second, incarceration is an expensive solution to the problem of dealing with individuals who commit crimes in the community. Although incarceration is often the appropriate solution, the PMS recognizes the existence of a wider range of alternatives.

Finally, the PMS allows the County to gain control over every aspect of the detention/corrections component of the criminal justice system. This control is manifested in terms of efficiency, consistency, and the ability to respond rapidly to change. Moreover, the PMS provides information to avoid costly overcrowding and the inefficient use of scarce resources without any decrease in security and community safety.

The PMS is, also, predicated on a number of practical assumptions. First, in order to effectively determine both the numbers and types of offenders to be housed in the county's detention and corrections facilities, the mission and goals of those facilities must be clearly articulated.

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Second, data on offender flow, as well as rates and speed of pre-trial release, failure to appear (FTA) and similar public safety data are the proper basis for adjusting offender flow as well as custody and program criteria. Thus, actual data will direct planning and policy decisions, and reflect the actual state of the system. Third, at least a one half-year cycle will be required to develop sufficient baseline data experience for the PMS to be complete and operationally 100% effective.

PMS ORGANIZATIONAL STRUCTURE

Because the causes of overcrowding are system-wide, the effective implementation and on-going operation of the PMS will require the active involvement of all key actors in both the local criminal justice system and County government.

The PMS will be coordinated by the Leon Jail Planning Committee (JPC). The JPC will be responsible for recommending system-wide policies regarding the management of the flow of offenders through the County's detention and corrections facilities and the local criminal justice system (sometimes subject to the approval of the County Commission and/or other authorities, i.e., courts, police, etc.).

The JPC will also be responsible for reviewing relevant data and other documentation, and recommending adjustments in policies as conditions change over time. In addition, the JPC will make recommendations to the County Commissioners regarding the allocation of financial and other resources required for the implementation of PMS-related policy decisions.

Given its scope of responsibilities, ILPP recommends that the JPC devote two consecutive meetings each quarter to PMS-related activities.

Basic staff work related to the operation of the PMS will be performed by the Office of the Criminal Justice Manager (CJM) under the Leon County Administrator. The CJM will be responsible for the collection and analysis of the data necessary for the development of the inmate profile and tracking studies (until an enhanced computer program for the collection of such data can be established), and the coordination of the development of specialized data collection and analysis activities which will actually be performed by individual criminal justice system agencies.

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The Office of the Criminal Justice Manager will be responsible for:

- Assisting the JPC and task forces in the development of the policies and procedures necessary to operationalize policies recommended by the JAC.
- Documenting activities associated with the operation of the PMS to insure that a record exists regarding the County's efforts to eliminate overcrowding.
- Monitoring the effectiveness of the implementation of the PMS, and making recommendations to the JPC regarding potential policy adjustments; and
- Facilitating interaction, communication, and coordination between the various criminal justice system and County agencies involved in the operation of the PMS.

Functional task forces (e.g. Law Enforcement, Courts, Pre-Trial, Trial and Detention and Corrections) can be established to provide assistance in the development and implementation of the operational plans and policies and procedures necessary to implement PMS-related policy decisions. In addition, a task force will be established to assist the County's Data Processing Department in the development and implementation of a system for computer-generated studies of the inmate population and criminal justice system. The task forces will be composed of supervisory and management staff from each criminal justice system agency, and will be multi-disciplinary in their memberships.

The three groups described above constitute the infrastructure for the PMS and do not eliminate the need for the involvement of other individuals and agencies. Indeed, the day-to-day activities associated with the implementation of PMS-related policy decisions will be performed at the agency level.

PMS DATA COLLECTION AND ANALYSIS ACTIVITIES

The systematic collection and analysis of data are critical to the effective implementation and on-going operation of the PMS. Inmate population and criminal justice system data are important not only to rational decision-making regarding the management of inmate flow through the system but, also, to the monitoring and evaluation of the impact of the operational activities which comprise the PMS.

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Following is a discussion of the types of data to be collected and analyzed, the frequency of collection and analysis activities, and the responsible individual(s) and/or agencies. The discussion assumes that, at least for the next twelve months, required data may have to be collected manually (once modifications have been made to the criminal justice information system, computer-generated data collection and analysis activities can be implemented). It should, however, be noted that, with respect to the inmate tracking and profile studies, analysis of the data can already be accomplished via personal computer utilizing the "Statistical Package for the Social Sciences" (SPSS) or similar programs.

Consultants worked with the Criminal Justice Manager to help produce sample reports for the meeting on 1/28/88.

INMATE TRACKING STUDY

Semi-annually an inmate tracking study will be conducted. The study will include the following data elements:

- booking number;
- primary charge;
- number of additional felony charges;
- number of additional misdemeanor charges;
- outstanding warrants or holds;
- type of release;
- court of record;
- month, day, year and time of booking;
- month, day, year and time of release;
- re-bookings/dates;
- length of stay

For the purposes of this study, a 1/5th sample of all bookings occurring during a one-week period in each of the two quarters of the study period is sufficient. The weeks to be studied will be determined in consultation with the Sheriff's Department.

- the average length of stay (ALS) for the entire sample, and by primary charge, type of release and court of record;
- the impact of additional felony or misdemeanor charges on the length of stay;
- the impact of outstanding warrants and/or holds on the length of stay; and
- the percentage of re-bookings and average length of stay.

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INMATE PROFILE STUDY

Semi-annually, an inmate profile study will be conducted. The following data elements will be collected:

Identifying Information

- *inmate
- *booking number
- *date of birth

Demographic Information

- *age
- *sex
- *race
- *residence

Current Offense History

- *booking date
- *number of days from booking to sample
- *arresting agency
- *primary charge
- *number of additional felony charges
- *number of additional misdemeanor charges
- *adjudication status
- *amount of bail
- *type and number of warrants and/or holds

Past Offense History

- *number/most serious felony conviction
- *number/most serious misdemeanor conviction
- *number of past bench warrants/FTA's
- *number of prior assaultive offenses
- *date(s) of escape(s) or escape attempts
- *alcohol/drug abuse history

Social Characteristics

- *length of county residence
- *family/community ties
- *education
- *history of institutional violence

For the purposes of this study, a 1/5th sample is required of all inmates in custody.

Given the large number of variables involved in this study, the scope of the analysis is almost limitless. The JPC can later decide the types of data manipulations which should occur. Data can easily be handled on a personal computer with inexpensive software.

CITATION RELEASE STUDY

Monthly, the Tallahassee Police Department and the Sheriff's Department will collect data on use of the field citation release programs. This data will be aggregated by the County's Criminal Justice Manager.

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After analyzing six months of data on citation release programs, the JPC will consider whether institution of the Pre-trial Citation Program (Program Element 4-1) is warranted. If the JPC decides to institute Pre-trial Citation Release, additional staffing and resources for the Pre-Trial Release Program will be required. The Leon County Pre-Trial Release Program (LCPTRP) will collect data regarding the utilization of the pre-trial citation release program.

For each release program, the following types of information are required:

- law enforcement agency;
- number of misdemeanor arrestees, and percentage of total arrestees;
- number and percentage of misdemeanor arrestees by primary charge;
- number and percentage of misdemeanor arrestees given a specific type of citation release (total and by primary charge);
- number and percentage of misdemeanor arrestees denied a specific type of citation release (total and by primary charge);

The above data will be aggregated for each law enforcement agency with study results reported to the JPC.

Over time, the format of the studies for citation release programs will include comparisons with the previous two month, six month, and one year periods.

The required reporting process will require \$2-5000 annually, to staff, about half each for police and sheriff.

CHARGING PRACTICES STUDY

Based on the review of charges filed at arrest, the State Attorney will develop a monthly charging practices study.

The monthly studies will provide the following data:

- law enforcement agency
- total number of charges filed (misdemeanor and felony);

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- total number of individuals on whom charges are filed (misdemeanor and felony);

- number and percentage of charges filed.

In addition to the quantitative data, on a daily basis, newly formatted reports by the Office of Criminal Justice Manager will inform the Public Defender of information filed by the State Attorney. The State Attorney will also develop a monthly report which summarizes the nature of charges filed at arrest and charges on which defendants are convicted. Over time, both the study and report will provide comparisons with the previous two month, six month, and one year periods.

Both the study and report will be reported to the JPC quarterly.

This study should require \$2-5000 annually for the State Attorney to staff.

RELEASE RATE, RE-ARREST RATE AND FTA RATE STUDY

On a monthly basis, the Leon County Pre-Trial Release Program will conduct FTA rate studies.

For the purposes of this study, the FTA rate will be calculated only for those failures to appear which result in a bench warrant. For each type of release, the FTA will be determined by dividing the number of individuals who fail to appear by the number released.

The results of the study will be reported to the JPC quarterly. After six months of conducting the studies, the JPC will develop county-wide standards for each rate.

Data from all three studies, the two on citations and one on charging, can be utilized by the JPC to consider and, if necessary, recommend the adjustment of the eligibility criteria associated with each type of release.

IMPLEMENTATION PROGRESS IN SYSTEM DEVELOPMENT

Some implementation progress has already been made. The JPC has been through the recommended data analysis and planning process during the first two stages of this overcrowding project. Also, ILPP Consultants have already worked with the Office of the Criminal Justice Manager to develop

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guidelines for data development, both short and long-term. This data is set forth in the Appendix. The County has applied for and obtained \$153,000 for computerized data programming development.

In the five sections that follow in this Implementation Plan, separate groups of program elements for population management are covered in outline form.

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B. ARREST

Program Element 3-1: Uniform, County-Wide Field Citation Policy (Notice to Appear)

Program Element 3-1 called for uniform and increased usage of field citation in lieu of arrest for those eligible. Nationally used citation criteria as set forth in the Phase II report is included below.

Citation Criteria

All misdemeanor defendants should be eligible for field citation (notice to appear) release unless:

1. The defendant cannot produce satisfactory identification;
2. The defendant is arrested for a continuing or dangerous offense;
3. The defendant presents a significant likelihood for failure to appear;
4. The defendant is unable to care for him/herself;
5. The defendant has outstanding warrants above a stipulated amount;
6. The defendant presents a danger to the community;
7. There is a reasonable likelihood of continued significant offenses by the defendant; or
8. Prosecution efforts would be jeopardized by the release of the defendant.

Reasons should be stated in writing for all cases of non-release.

Implementation Plan

Date Completed

1. Tallahassee Police Department, Fish and Game, Highway Patrol, Campus Police and the Sheriff's Department should approve criteria set forth below for citations and/or notices to appear;
2. Officer training;
3. Implementation by law enforcement;

March 1

April 1
May 1

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- | | |
|---|--------------------|
| 4. Monitoring of notice to appear rates, as discussed earlier, by law enforcement; | June 1 - ongoing |
| 5. Reporting of notice to appear rates quarterly to JPC; | Aug. 1 - quarterly |
| 6. Modification recommendations made to law enforcement by JPC based on results of new program. | Sept. 1 |

Field citation release in lieu of arrest is meant to release those misdemeanants arrested who do not present a danger to the community and/or a risk of non-appearance at trial. Thus, the new release mechanism should be implemented uniformly, carefully monitored and reviewed, and modified as appropriate.

Costs are minimal; more than offset by savings in transport and booking.

Implementation Progress
None

Program Element 4-1: Pre-Trial Citation (or Notice to Appear)

Program Element 4-1 calls for the institution of a citation program at the jail (or a Notice to Appear). The program would be administered by the Pre-Trial Release Program with a "sign off" by the booking officer. Because of potential overlap of this program element by the Field Citation Program, as well as the Pre-Trial Release Program's OR efforts, implementation will be delayed for six months until misdemeanor arrest data has been collected and analyzed (see Program Element 3-1). This data should help the JPC decide if this pre-trial citation program is needed and if so, to what extent.

Citation criteria would be essentially the same as outlined above for the field citation program. Implementation, if and when it is warranted, should proceed as follows on the Implementation Plan. Dates of completion cannot be exact, but would begin at least six months in the future upon completion of misdemeanor data analysis.

Implementation Plan

Date
Completed

1. The Circuit Court Bench through the Administrative Judge of the Criminal Division, and with the concurrence of the Chief Judge, should approve the

Month 1

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same criteria for a notice to appear program (to be administered by the Pre-Trial Release Program, at the jail with "sign off" by booking officer);

- | | |
|---|-------------------------|
| 2. Particular emphasis should be placed on the dollar value of warrants, for this item can easily be manipulated later. Pre-Trial Release Program staff and booking officer training; | Months
7 & 8 |
| 3. Implementation by Pre-Trial Release Program and booking officer; | Months
7 & 8 |
| 4. Monitoring of notice to appear rates, as discussed earlier, by law enforcement and Release Program; | Month 4
& ongoing |
| 5. Reporting of notice to appear rates quarterly to JPC; | (quarterly)
Month 14 |
| 6. Modification recommendations made to Pre-Trial Release Program and Bench by JPC based on results of new program. | Month 14 |

Notices to appear at the jail are meant to release those misdemeanants arrested who do not present a danger to the community and/or a risk of non-appearance at trial. Thus, the new release mechanism should be implemented uniformly, carefully monitored and reviewed, and modified as appropriate.

Costs are minimal; more than offset by savings in transport and booking.

Implementation Progress
None

Program Element 7-1: Case Screening Units for the States Attorney and Public Defender

Currently, neither law enforcement nor the prosecution takes formal responsibility for the screening, evaluation, prioritizing, and speedy and appropriate calendaring of cases; this results in drops and dismissals and much delay. As a result, the system's ability to effectively screen out and prioritize cases, especially regarding the appropriateness of charges, is limited. Data collected by ILPP show a significant percentage of bookings released for lack of further prosecution; that many felony charges are reduced; and that there is needless delay. Together, the data demonstrate potential for early screening by law enforcement and prosecution in coordination with the

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defense. This screening is instrumental to centralized court calendaring.

The recommended approach is speedy screening of all cases by Screening Units in the States Attorney office as well as an existing unit in the office of the Public Defender. Structured to mesh with similar screening units in law enforcement agencies, and with various changes in the prioritizing and centralized calendaring of cases in the courts, such screening units would employ senior trial attorneys to screen all new cases for charge as well as for "trialability".

Cases would be dropped or charges lowered, and certain cases would be prioritized for speedy trial or plea, career criminal prosecution, special diversion, etc. Through earlier and more systematic evaluation and screening of police arrests and charges, and the dropping or modifying of charges as to trialability, improved and quickened case processing would be sought system-wide.

Implementation Plan

Circuit Court and County Court Benches provide a leadership role in requiring a case management system (See Option 13-1).

Implementation Progress

There are units in the Public Defender's Office and in the law enforcement agencies. At the January 28, 1988 JPC meeting, the State Attorney committed to begin work on a special screening and case evaluation unit for prosecution.

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C. PRE-TRIAL

Consultants' first report on the causes of jail crowding in Leon County stressed that 92% of those incarcerated were awaiting trial. The second report presented options for enhancing speedy and safe pre-trial release of those likely to appear at trial. Although an objective point system used nationally was recommended, and implemented on a trial basis in November, quite a few modifications and enhancements to the release process were proposed in the Phase II options report. These options and the overall pre-trial release system implementation plan are covered in this section.

Program Element 8-1: Objective Quantifiable Pre-Trial Release Criteria, Adjusted to FTA Rates

Implementation Plan	Date Completed
1. Circuit Court Bench develops a quantifiable standard for objective release criteria based on a point scale.	done
2. The Leon County Pre-Trial Release Program (LCPTRP) should develop appropriate forms and written procedures.	March 1
3. The LCPTRP should mount a <u>major</u> campaign of recruiting law student/staff volunteers to help staff the program. (This volunteer element has been employed in many counties with great success.)	March 1
4. Develop training and train Pre-Trial Release Program staff.	March 1 - April 1
5. Monitor release criteria and FTA data re: charge, time of release, method and conditions and types of FTA.	April 1 - June 1
6. Revise and modify point scale as appropriate.	July 1
7. Review and evaluate point scale and overall policy impact; re-evaluate monthly, (ongoing) comprehensively each six months.	August 1 (ongoing)

Implementation Progress

1-6 implemented or in progress. ILPP Consultant, Dr. Roger Baron, began 6. during a site visit in December.

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Program Element 9-1: Modify Residency Requirement To Make Eligible Any Verified and Established Permanent Residence Through Which Defendant Can Be Contacted

Implementation Plan	Date Completed
1. Leon County Pre-Trial Release Program (LCPTRP) develops criteria for eligibility for pre-trial release of out-of-area residents based on family ties showing permanence and accessibility.	March 1
2. Develop verification format.	March 1
3. Train LCPTRP staff.	March 1 - April 1
4. Monitor procedure via FTA rate, etc. (as per 8-1).	April 1 - June 1
5. LCPTRP reviews procedure after a month and analyzes impact; reports to JPC quarterly.	July 1

Implementation Progress

1-2 in progress, 3-5 no progress. LCPTRP has worked with ILPP Consultant, Dr. Roger Baron and developed residency verification procedures stressing family ties.

Program Element 9-3: Enhance Notification to Control Failures to Appear

Implementation Plan	Date Completed
1. LCPTRP determines method (i.e., post card, computer phone calls) and point of time (i.e., one week prior, day before) of enhanced notification procedures.	March 1
2. Obtain staffing and funding (.5 FTE @ \$8000).	March 1 - May 1
3. Set up and pilot test procedures.	May 1 - June 1
4. Monitor FTA rates and review system's process monthly; report to JPC quarterly.	June 1 - Aug. 1

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Implementation Progress

In progress. ILPP Consultant, Dr. Roger Baron, has assisted the LCPTRP in developing enhanced notice procedures.

Program Element 9-5: Provide Alternatives to Fees for Pre-Trial Services

Implementation Plan	Date Completed
1. LCPTRP to develop alternatives to fees (work in-lieu-of fees for indigents) and work alternatives as option for those who cannot pay for supervision and tests.	March 1
2. LCPTRP develops participant eligibility criteria.	March 1
3. Institute procedures.	April 1
4. Monitor program through FTA rates and money flows.	May 1 - June 1
5. Review program impact quarterly; report to JPC.	quarterly

Implementation Progress

1-2 in progress. ILPP's Consultant has assisted the LCPTRP in developing alternative procedures to replace fees for indigents.

Program Element 9-7: Increase the Speed and Accountability of Information Exchange

Implementation Plan	Date Completed
1. The Leon County Sheriff develops procedures to transmit court orders regarding release, to the jail for actual release, in advance of computer entry.	March 1
2. The procedures should be cleared with the Administrative Judge of the Criminal Division of the Circuit Court, with the concurrence of the Chief Judge.	March 1

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|---|---------|
| 3. Implement new procedure. | April 1 |
| 4. The Circuit Court Administrator monitors procedure by comparing jail list to court records, and report reviews to Circuit Court Bench. | May 1 |

Implementation Progress

None.

Program Element 10-1: Consistent Revocation Hearing Policies

- | Implementation Plan | Date Completed |
|---|--------------------|
| 1. The Circuit Court Bench, led by a proposed consistent procedure from the Administrative Judge of the Criminal Division with the concurrence of the Chief Judge, approves a uniform procedure. The procedure stresses maintaining public safety and the respect for and jurisdiction of the Court, while limiting pre-trial custody where post-sentence punishment is as appropriate. | March 1 |
| 2. The policy is implemented, and monitored for uniformity only, by the Circuit Court Chief Judge. | April 1 -
May 1 |
| 3. The Chief Judge reviews after six months and reports to the JPC. | October 1 |

Implementation Progress

None.

Option 11-1: Evaluation of Indigency With Consistent Policies Between State and County

- | Implementation Plan | Date Completed |
|---|----------------|
| 1. Chief Circuit Court Judge to designate a | March 1 |

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small committee of appropriate criminal justice decision-makers.

- | | |
|--|--|
| 2. Committee obtains and reviews Florida evaluation of indigency policies. | March 1 -
April 1 |
| 3. Chief Circuit Court Judge changes County policies to be consistent with State policies; distributes new policies. | April 1 |
| 4. Personnel trained in various agencies. | April 1 -
May 1 |
| 5. New policy instituted. | May 1 |
| 6. LCPTRP monitors impact of policy change (FTA rate violations, etc.). | May 1 -
July 1 |
| 7. LCPTRP evaluates impact; reports to JPC within 6 months from starting date. | July 1 &
within 6
months from
starting date |

Implementation Progress

None.

D. COURTS

Program Element 13-1: Centralize All Scheduling Responsibilities in the Court

In the courts area there is only a single option (program element)*, albeit an extremely important one. The option calls for centralizing all scheduling with the courts.

This centralized court calendaring will rely on effective case review and screening, complete with responsive evaluation and scheduling by the offices of the Public Defender and of the State Attorney.

Currently there is no formal case screening unit in either agency although the eventual implementation of Option 7-1 should remedy this. Nonetheless screening currently occurs in both offices, and this screening must be enhanced by case scheduling and then connected organizationally, and from a systems viewpoint, to central court calendaring.

By definition, centralization of scheduling responsibilities in the court requires the Circuit Court Bench to take affirmative action to develop the necessary policies and procedures and to operationalize and implement this option. Because of the position of the Court in the criminal justice system, however, successful implementation of centralized scheduling also requires coordination with other criminal justice agencies, specifically the Sheriff's Department, the State Attorney, the Public Defender, the Probation Department, and the Pre-Trial Release Program.

Given the need for interagency coordination and cooperation, the following are the implementation issues for centralized scheduling:

1. Uniformity in Policy and Implementation.
Implementation of centralized scheduling requires uniformity in both policy and application within the Court itself. (The whole purpose of a centralized scheduling mechanism would be defeated if each criminal department adopted different scheduling policies or implemented uniform policies differently.) The need for uniformity in these areas requires the Bench to meet and "agree to agree," followed by scheduled meetings, policy formulation, monitoring agreements, and reviews.

*While the word "option" has been used by Consultants to consistently describe the various program elements of this implementation plan, in fact state law requires centralized calendaring controlled by the bench.

2. Extent of centralized scheduling.

The extent of centralized scheduling is really an issue of control. How much control does the Court want over its own docket? Florida Rules of Judicial Administration (2.080) call for judges to set the calendar. Newly established Time Standard rules require that a) litigants "sign off" personally on continuances; and b) make mandatory the duty of the trial judge to assume control at the earliest stage in the case, to monitor and to calendar.

There is a minimum degree of control in setting the intervals at which specific hearings will be scheduled. Setting the intervals to be followed by all criminal justice agencies involved in an initiating activity is the minimum control (such as 7 days after filing of information for arraignment).

Maximum control involves actual case management through judicial "probing" (evaluating and scheduling through case conferences). Much greater and more effective control over the docket is maintained if centralized scheduling includes a case management aspect. Case management itself can be aggressive or passive. These different approaches could be adopted by treating the case management conference as a settlement conference or a status conference, the latter obviously implying a less active role by the court.

Critical to case management is development of policy requiring attorneys to take affirmative action with their cases prior to the settlement or status conference.

Adhering to these trade-offs, and the demonstrated impact of calendaring on jail crowding, the Bench must make the decisions, hopefully over the next three month period, and under the direction of the Chief Circuit Court Judge and the Administrative Judge of the Criminal Division.

3. Enforcement

A centralized scheduling mechanism should include a case management component, which requires attorneys to take specific action before each key hearing and to seek continuances only for very limited reasons.

To effect change, however, attorneys must know that the Court will be firm in the implementation of its adopted policies and procedures. Appropriate sanctions must be imposed if attorneys fail to cooperate. Notice, a brief trial period without sanctions and then enforcement is a gradual implementation sequence likely to succeed.

4. Case Screening

Intervals for scheduling specified hearings and identification of cases most appropriate for aggressive case management cannot be done without collection of data for case screening. Certain criteria developed for courts by the State for case classification purposes may be used for case screening, but additional data should be collected and maintained by the Clerk's Office to identify cases requiring special attention due to local caseload characteristics. In the end, cases must be scheduled realistically, and then the schedule maintained. Case screening will also require the cooperation of and coordination with other criminal justice agencies.

5. Monitoring

System changes cannot be measured or identified without the collection of data or other information to monitor the rate of extent of change. Such information can also be used to "fine tune" policies or procedures to achieve the purposes of centralized scheduling.

Data must be collected by the Court Administrators not only on court activity, such as number of continuances, number of hearings to case disposition, time to case disposition, etc., but also data from other criminal justice agencies for activities that could affect court activity, such as "time to file an information" or "time to obtain pre-trial release." In other words, data must be collected to allow comparisons and to fill in the "big picture." Special care must be given to identifying what are "independent" variables and what are "dependent" variables. These data points are discussed above, in the PMS section, and relate to current County information-system planning.

Implementation Progress

The Chief Circuit Court Judge has for a long time pushed for the required data. The Office of the Criminal Justice Manager has begun to collect some data, and should soon have most data.

E. SPECIAL POPULATIONS

The Phase I report on causes of overcrowding noted a significant number of jail beds inappropriately devoted to special populations. These special populations, who contribute to jail crowding and who could be better handled elsewhere, include: certain substance abusers who could be involved in residential programs, the mentally ill who could be diverted as could the mentally retarded (both prior to booking, and from sentenced custody); and of great import, juveniles. The need to eliminate housing of juveniles is a pressing concern.

Taken as a whole, Consultants recommend an implementation scheme to develop more appropriate placements that rely on contracts for service, funded on a fee for service basis, and available to law enforcement, detention and custody, prosecution and defense, and the bench. The County should fund a total of 50 beds for all of the special populations, by contract, and then monitor the impact on custody in the jail. At \$50./bed/day, implementation of this recommendation might cost \$800,000. annually, while saving significant jail and system costs, and avoiding larger liability cost potentials.

Special populations tend to take up an inordinate amount of bed space, as well as law enforcement and other criminal justice resources. Generally, they require segregation from other jail populations. Due to the shortage and configuration of the segregated housing or "slammers" in the jail, just one special population inmate may take up four beds.

This problem is exacerbated when the special population consists of a mix of male and female. For instance, two mentally retarded inmates, one male and one female, could actually take up eight beds (one each to a slammer). Because of this, the numbers presented in the following chart do not actually reflect the potential tie up of beds, which could be much higher.

On the following chart, figures for estimated number of beds were calculated using inmate profile data and interviews with jail personnel. Figures for juveniles have been rising rapidly from an average of around nine in September to a high of 14 in January.

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Special Population	Current Estimated # of beds	% of Total Jail Pop.*	Plus 20% for peaking and short-term growth	
			Beds	%
Substance Abuser (primary charge)	6	1%	7.2	1.5%
Mentally Ill** (booked for minor related offense)	(15)	(3%)	(18)	(4%)
Mentally Ill (all offenses)	25	6%	30	7%
Mentally Retarded	1	.2%	2	.5%
Juveniles	12	3%	14.4	3%
Total	44	10.2	53.6	12.0%

Below, each of the four preferred special population options is reviewed in outline form regarding the Implementation Plan and Implementation Progress.

Program Element 22-1: Provide Additional Post-Sentence Alternatives For Substance Abusers

Implementation Plan	Date Completed
1. Probation Department determination of inmates potentially eligible.	March 1
2. Probation Department looks into new TASC program for adult substance abusers (will it serve current needs, can it be expanded); determines if another program should be instituted. County Administrator develops RFP for program bedspace. Program eligibility criteria is set up with involvement of pertinent criminal justice agencies.	April 1

* Using total of 430 inmates, the approximate average around the date sample data was taken. Percentages were rounded.

** This category relates to Option 23-1 and the numbers presented are part of the figure for Mentally Ill (all offenses).

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| 3. County provides funding, and monitors contract and impact; | May 1 |
| 4. Probation Department monitors program, regarding program success, diversion, impact on jail, etc. | June 1 |
| 5. Probation Department evaluates performance and reviews approach in 6 months; reports to JPC. | June 1
ongoing;
Dec. 1 |

Implementation Progress

No progress.

Program Element 23-1: Divert Individuals Arrested For Being Mentally Ill (prior to booking)

- | Implementation Plan | Date Completed |
|---|----------------------|
| 1. TPD, LCSD and PATH meet to determine ways to reduce intake time. | March 1 -
April 1 |
| 2. Officer training by all departments regarding the mentally ill and policy of diversion, resources, etc. Obtain training from local University and/or PATH. | April 1 -
May 1 |
| 3. Sheriff's Department - Monitor decisions and timing at PATH and the jail. | May 1 -
July 1 |
| 4. Evaluate law enforcement and PATH performance (Joint PATH-law enforcement meeting) | August 1 |

Implementation Progress

None

Program Elements 24-1 and 25-1: Provide Emergency Treatment And/or Speed and Standardize Process For Placement of Mentally Ill and Mentally Retarded

- | Implementation Plan | Date Completed |
|---|----------------|
| 1. County Administrator to convene a sub- | March 1 |

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committee meeting with representatives of courts, law enforcement, jail medical staff, Appalachee Associates and other pertinent staff to standardize process.

- | | |
|--|--------------------|
| 2. Hire a coordinator to oversee process of placement (ideally located within the court system). | April 1 |
| 3. Set up standardized procedure. | May 1 |
| 4. Training for Public Defenders, State Attorney, other pertinent court officials; obtain free from NIC. | June 1 |
| 5. Monitor. | July 1 -
Aug. 1 |
| 6. Evaluate performance. | Sept. 1 |

Implementation Progress

No actual implementation; however, jail staff and Appalachee Associates work closely and have spent some time deciding upon possible procedural changes.

Program Element 27-1: Reduce or Eliminate Housing of Juveniles

- | Implementation Plan | Date Completed |
|---|----------------------|
| 1. The Chief Circuit Court Judge should convene a meeting of a committee for County, City, law enforcement, jail, juvenile and court officials liable on the issue of juvenile detention. The committee, either on its own, or through a funded consultant contract, should conduct a juvenile detention crowding and needs assessment study. | March 1 |
| 2. Look into population and flow of detention security, legislation, staffing and funding issues to enhance juvenile authority's ability to house and/or program juveniles. | March 1 -
April 1 |
| 3. Devise plan to reduce juvenile housing at jail. | April 1 -
May 1 |

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- | | |
|--|---------------------|
| 4. Obtain funding, staffing, etc. to implement plan. | May 1 -
June 1 |
| 5. Implementation. | July 1 -
Aug. 1 |
| 6. Monitor. | Aug. 1 -
Nov. 30 |
| 7. Evaluate. | Dec. 1 |

Implementation Progress

None.

F. POST-SENTENCE PROGRAM ELEMENTS

At present, the Leon County Jail has very few post-sentence inmates, less than 5%. Therefore, the funding and implementation or expansion of the following post-sentence options will need to await increased numbers of eligible post-sentence offenders (a minimum of 10% of total jail population).

Implementation planning still needs to take place so that when post-sentence numbers increase, which should happen when improved management of the jail population at the pre-trial and court stages occurs, progress toward implementation has been made. Generally, an Implementation Plan would encompass the following:

"Generic" Implementation Plan for Post-Sentence Options

1. Review pertinent data on profile of post-sentence inmates and other similar programs.
2. Decide upon specific program needs (program or facility size, eligibility requirements, number of participants).
3. Obtain staffing, funding and a site, if applicable.
4. Monitor program.
5. Evaluate program performance.

The following lists the preferred post-sentence options with notations regarding specific option information.

Program Element 14-1: Expand Sheriff's Work Program and Community Service Program

Officials of the Sheriff's Department's Work Program and Probation Department's Community Service Program should meet to determine the potential for expansion and make eligibility criteria changes. Additional staffing (one staff person per 150 participants) and funding for staffing and possibly another truck may be necessary.

Program Element 16-1: Institute an Electronic Monitoring Program (EMP)

Leon County has been investigating the use of an EMP. Further decisions regarding number of program participants and specific eligibility may have to wait until the number

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of post-sentence inmates increases. Part of the Implementation Plan will be to solicit bids, hire a firm and monitor program performance including, FTA rates. At this time Leon county is considering EMP administration by the Probation Department.

Program Element 18-1: Increase Use of Work Release

At present, most post-sentence inmates are in the Work Release Program (about 12). This has left the jail short of trustees. Therefore, until there is an increase in post-sentence inmates, full implementation should be postponed.

Program Element 18-2: Implement A Supervised Work Program (Work Camp)

The work program and/or camp, preferred by many on the Jail Planning Committee, may be planned in the upcoming Master Plan phase. Preliminary implementation should include locating possible sites and deciding upon number of beds, funding sources and staffing needs. Type of work to be performed, including looking into permits, contracts and special clearances should also be planned.

Leon County built the minimum security barracks at the main jail to house post sentence "work program" type of inmates. Without system-wide criminal justice management, the County has been forced to use the annex barracks primarily for unsentenced inmates. Until the PMS is operational, construction of another post sentence barracks-type facility would be a mistake. Without the PMS in place, judgments as to facility size would be guesswork and its continued use as a post sentence facility would be jeopardized.

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III. CONCLUSIONS - THE FINAL STAGE

The preceding phased Implementation Plan, with monitoring guidelines and review processes, brings the Jail Overcrowding Project to its final stage.

The Phase III Report was approved by the JPC at its January 28, 1988 meeting. Consultants are now developing a training and technical assistance program to help the County implement the plan. Consultants will also provide a Final Report documenting the entire project and setting forth base-line material, training guidelines, final project costs, and an interface to the upcoming Master Plan phase.