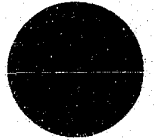


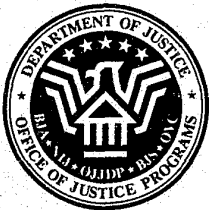


**THE AMERICAN UNIVERSITY**  
WASHINGTON, D.C.



128404

## Technical Assistance Report



# Bureau of Justice Assistance

## ADJUDICATION TECHNICAL ASSISTANCE PROJECT

A Joint Program of the Bureau of Justice Assistance, U.S. Department of Justice, and  
The American University School of Public Affairs.

**THE AMERICAN UNIVERSITY**

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**ADJUDICATION TECHNICAL ASSISTANCE PROJECT**  
**Technical Assistance Assignment No. 61**

**PROGRAM BRIEF:**

**Managed Use of Jail Capacity  
and  
Alternatives to Incarceration**

**January 1989**

**Consultant:**

**Walter H. Busher**

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National Institute of Justice**

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## I. PROBLEM

During the last decade, the problem of jail overcrowding has reached a crisis situation in many jurisdictions. By the end of 1986, 27% of the nation's 361 jails with capacities for 100 or more inmates were under federal or state court ordered "caps" on the number of pretrial detainees and sentenced prisoners which they could house. This statistic, it should be noted, do not reflect the impact on jail population levels of many mandatory state sentencing laws and the greatly increased incarceration rates for drug and DWI offenders which has subsequently occurred.

The intensity of the present jail population crisis is a product of many factors, present in varying degrees in individual jurisdictions, which include increasing populations, overburdened and under-funded court systems which are unable to adequately keep pace with the increasing pretrial and trial workload, conservative policies regarding pretrial release, traditional sentencing philosophies which rely significantly on incarceration, and overcrowded state correctional facilities which are unable to accommodate sentenced offenders.

Jail crowding is not a new problem. Many jurisdictions have been dealing with it for years and have developed relatively sophisticated approaches to alleviating it. Beginning in the early 1960's, police agencies initiated citation release practices; courts and jails developed and implemented a wide variety of pre-trial screening and release strategies; prosecutors experimented with diversion and charge review and reduction methodologies; courts undertook formal efforts to speed up case processing; and correctional agencies developed many kinds of pre-release and community based treatment programs. In 1978, the Law Enforcement Assistance Administration (LEAA) of the U.S. Department of Justice, cognizant of the jail population problems facing many local jurisdictions, conducted a nationwide demonstration program which systematically tested out a variety of methodologies to reduce jail populations without decreasing public safety. During the course of the program's four-year life, 21 participating jurisdictions evolved and tested out strategies for collective, system-wide planning, decision-making and program development which drew upon many of the program initiatives jurisdictions had undertaken independently.

However, with the substantial reduction in federal funds available to support similar programs during the 1980's, many of these coordinated, system-wide initiatives did not continue -- in large part, because the requisite broad-based inter-agency commitment and necessary state and local support had not been fully achieved. The methodology

introduced during the LEAA Demonstration Program, however, still has the potential to alleviate jail crowding problems and promote the effective jail capacity management mechanisms which so many jurisdictions currently need. Fully implemented, the methodology may help overcome an existing crisis or -- even better -- help to avoid a future one.

The Bureau of Justice Assistance is therefore issuing the following Program Brief which incorporates the essential elements of the demonstration program methodology with additional strategies jurisdictions have recently undertaken and found effective to enhance jail capacity management. The techniques described are designed to be useful to all jurisdictions, not simply those with seriously overcrowded jails.

Jurisdictions willing to make the necessary system-wide commitment to develop a Jail Capacity Management Program, including the identification and adoption of alternatives to pretrial and post-conviction incarceration for appropriate categories of defendants and the establishment of the mechanism described in Section IV of this Program Brief, are eligible to apply for Justice Assistance Act block grant support through their cognizant State Planning Agency. In addition, block grant applicants and recipients, as well as jurisdictions desiring to undertake a Jail Capacity Management Program without federal grant support, are eligible to receive Bureau of Justice Assistance-supported technical assistance in support of their efforts from one or more of the organizations listed in Section VII of this Program Brief.



## II. BENEFITS WHICH CAN BE ACHIEVED

Jurisdictions which achieve success in establishing a jail capacity management program can expect to experience a number of benefits, some of which are:

- o A reduction in the number and/or merit of inmate-initiated legal action and the risk of intervention in the jail's administration by federal or state courts;
- o The reduced likelihood that the addition of another inmate to the jail's population will defeat classification decisions previously made;
- o A substantial reduction in conditions of confinement likely to result in inmate violence and/or new charges;
- o A reduction in the use of the jail for defendants more appropriate for pretrial release on recognizance, supervised release or bail following booking and initial court appearance;
- o Increased availability of space for use by sentenced inmates not deemed appropriate for probation or for incarceration in state prisons;
- o A greater consistency in judicial and administrative decision-making concerned with the use of incarceration and alternatives to incarceration;
- o Stronger support for improved jail programming based on greater public understanding of issues involved in the use of jail and alternatives to incarceration; and
- o Avoidance of, or a substantially reduced level of, capital expenditures for additional jail facilities because jail capacity management efforts have maximized efficient use of existing jail facilities and alternatives to pretrial and post-conviction incarceration.

### III. A CONTEXT FOR ENGAGING IN JAIL CAPACITY MANAGEMENT

State Constitutions and statutes, grounded as they are in the doctrine of separation of powers, dictate that a community's criminal justice machinery will consist of multiple independent or quasi-independent organizational entities, each with its own mission and area of functional responsibility, though sharing a common clientele. Collectively, these entities are not subject to any requirement that their administrative decisions be coordinated with each other. Therein rests the potential for jails becoming overpopulated and the need for political efforts to manage the use of jail capacity.

Because the nation's jail-administering jurisdictions vary widely in size, operational traditions, level of public awareness and understanding of criminal justice issues, the kind and quality of criminal justice programming, the allocation of responsibility between elected and appointed officials, and many other factors, no single prescription for managing the use of jail capacity should be expected to have universal application. Some jurisdictions beset by overpopulated jails may need only to call upon already existing information-sharing mechanisms and program resources to identify operational policies and procedures of their criminal justice machinery which need revision or adjustment. For example, a recognition that a pretrial agency's existing criteria for the release of certain kinds of felony cases are unnecessarily restrictive, followed by action to modify the criteria and monitor the results, may prove by itself to sufficiently bring the jail population back within functional capacity. In a given jurisdiction, one or more such adjustments, individually or in concert, may be the only measures which need to be taken at any point, assuming the consent and approval of the criminal justice officials directly concerned.

Most jurisdictions, however, are not so well situated. A crisis, not just a problem, precipitates efforts to gain control over a jail population which is swamping the facility. Such jurisdictions typically lack the kind of information needed to reveal what practices and policies warrant review, leaving officials no immediate option to planning and acting in the dark. Also, many jurisdictions in crisis lack any organizational vehicle composed of policy-level officials enabling them to accept joint responsibility for resolving a condition which individually they lack the capacity to deal with alone.

Regardless at what level or by what means a jurisdiction undertakes to respond to its jail population problem or crisis, certain principles apply and should be acknowledged:

- o There are just two determinants of the dimensions of a jail's population: admissions and length-of-stay;
- o Admissions and length-of-stay for any jail are the products of decisions made by a multitude of officials each acting within their own areas of discretion;
- o At any given time, a jurisdiction's jail capacity is fixed by past decisions made by officials of the jurisdiction's legislative body and/or executive office (and, if bond issues for jail construction had been placed on the ballot, by the general electorate);
- o Capacity management is a deliberate process for reconciling the demand for bed space by criminal justice agency decision-makers with the existing supply;
- o A jail capacity management program is possible only when all officials whose areas of decision-making impact jail bed supply and demand voluntarily agree to accept population management as a shared responsibility and its pursuit as a common goal;

This shared responsibility and common goal are the cornerstone of the methodology discussed in this Program Brief, all of whose "critical elements" are listed in the following section.

#### IV. CRITICAL ELEMENTS

Research and evaluation of the experience of jurisdictions which have already had to address the problem of a chronically overpopulated jail have revealed the importance of incorporating certain elements into their efforts. When present in any response to jail population problems, these elements enhance the likelihood that a jurisdiction's officials will be able to gain mastery of the problem instead of remaining the victims of it.

The methodology described below evolved out of the evaluated experience of dozens of jail-administering jurisdictions which, with federal financial help and technical assistance, have addressed the problem of chronically crowded detention facilities. The system-wide strategy presented is directed toward the elimination, reduction or control of factors which cause problems. Its goal is to maintain the integrity of the criminal justice process and provide for public safety by assuring that existing jail capacity is available at all times for those defendants deemed most in need of confinement.

The approach requires consideration of a variety of programs to alleviate the jail population management problem. Some of these programs, such as expanding the criteria for ROR or provision of indigent defense counsel at bail-setting hearings, can be instituted fairly quickly, with the general agreement of appropriate officials; others may require more extensive time and planning.

It must be stressed, however, that even if immediate impact in the short-run can be achieved through adoption of specific program initiatives, these initiatives will be futile in the long run if they are not undertaken in the context of a total system-wide strategy for jail population management. This strategy requires consensus of all parties; a simple majority decision is inadequate to provide the broad-based commitment required.

The critical elements for this system-wide strategy are described below.

##### A. A Jail Capacity Management Board (JCMB)

A jurisdiction which intends to establish and maintain an on-going capability for managing its jail population within existing capacity will need a Jail Capacity Management Board. The JCMB is a formal organization of policy-level officials from the local criminal justice agencies and the executive and legislative arms of the local government. The JCMB should function as a collective body for fact finding, consensus building, policy development, priority setting and risk sharing. It should be made up of policy-level officials and representatives from the jurisdiction's judicial, executive and

legislative branches. The Board should meet regularly to resolve an agenda of issues suggested by the Board's action plan. It should be constituted as a permanent, not an ad hoc, body.

**B. Competent Staff Support For The Jail Capacity Management Board**

To assure that it is supplied on a timely manner with meeting notices, agendas, minutes, and relevant information for consensus building and decision-making purposes, the JCMB should have assigned staff support (drawn from line staff of appropriate local agencies) which it regards as knowledgeable, competent and trustworthy.

**C. Formal Action Plan**

As its initial act, the JCMB should develop an action plan detailing issues to be addressed, actions to be taken, a schedule for accomplishing each step, and the person(s) or committees responsible for accomplishing specific tasks.

**D. A Detailed Systems Flow Chart**

The JCMB should request its staff to prepare a flow chart detailing each decision point in the criminal justice process and every option available at each decision point. The flow chart should serve as a guide for the JCMB as it systematically examines factors impacting jail admissions and length-of-stay.

**E. A Competent Data Base**

To the extent reliable information is available describing the movement of cases through each decision point in the criminal justice process, such information should be made available to the JCMB by its staff in such format and at such time as best meets the needs of the Board. When competent data does not exist, the JCMB should sponsor measures to assure its development.

**F. Preparation, Approval and Adoption of a Jail Capacity Management Plan**

All procedures, programs, policies and priorities resulting from the Board's fact-finding and decision-making efforts should be incorporated into a written Jail Capacity Management Plan prepared by staff, approved and formally adopted by the Board and employed by all criminal justice agency personnel.

**G. Impact Monitoring and Plan Revision**

A JCMP can never be regarded as immutable. Changes in legislation, community population shifts, previous miscalculations and assessments by the JCMB, and many other factors will alter the volume and course of flow of cases through a jurisdiction's criminal justice apparatus. When such factors are noted and their impact evaluated, the JCMP should be amended to compensate for their impact.

## V. IMPLEMENTATION

### A. The Implementation Process

#### 1. Objectives

The objectives of the methodology presented for developing a system-wide approach for jail population management are to:

- 1) Achieve a functional agreement on the part of all parties entitled to use the jail that assuring the availability of beds for priority cases must be a shared responsibility; and
- 2) Through achievement of consensus and collective action based on credible information, to accomplish the formal drafting, adoption, implementation and monitoring of a plan for the management of the jail's population's dimensions.

#### 2. Organizational Steps Required

Jurisdictions desiring to establish a permanent jail capacity management capability should:

- o Identify and commission an individual, official or body to sponsor and activate a formal course of action;
- o Request through the designated sponsor a formal resolution from the jurisdiction's Board of Commissioners declaring the need for action, establishing a Jail Capacity Management Board, designating membership, authorizing staff support and charging the JCMB to prepare a Jail Capacity Management Plan; and
- o Request from federal or state technical assistance programs the services of an experienced consultant to assist in the orientation of the members of the Jail Capacity Management Board and its staff to developing the methodology to be employed, identifying issues to be examined and hypotheses to be tested, and developing the action plan.<sup>4</sup>

### 3. Requisite Operational Tasks

After being created, commissioned, staffed and oriented, the Jail Capacity Management Board, in accordance with the schedule set forth in its action plan, should:

- o Direct staff to produce a flow chart for the local criminal justice process;
- o Use the flow chart as a guide for: (1) a series of step-by-step explorations of operational practices and problems involving each option available at every decision point, and (2) formulating a series of questions and hypotheses to be addressed by data collection efforts;
- o Direct its staff to design and carry out a data collection effort capable of producing information needed to answer the Board's questions and to test its hypotheses;
- o Make findings based on information generated by staff, formulate recommendations for actions and assign priorities for their implementation;
- o Prepare and adopt, with staff assistance, a formal Jail Capacity Management Plan;
- o Undertake the implementation and monitoring of the effects of the Jail Capacity Management Plan;
- o Present to the jurisdiction's legislative and/or executive body(ies) any requests for funding of measures in the plan requiring fiscal support;
- o Explain the plan and the factual underpinning of it to the community; and
- o Engage in a continuous monitoring of the impact which implemented measures in the plan have on the jail's population, authorizing adjustments when indicated by performance information.



#### 4. Functions and Agencies Involved

##### Function/Activity

##### Government Officials/Agencies Involved

1. Action Initiator: Individual, group or organization that perceives need and triggers action to address it.  
Sheriff, County Commissioner(s), County Executive Officer, Chief Judge, Citizens Committee, Civil Rights Group, Local Bar Association.
2. Authorization for the establishment of staff support for a multi-agency, multi-branch, Jail Capacity Management Board.  
County governing body, county executive, criminal justice planning agency.
3. Composition of a JCMB for collective problem analysis, consensus building, policy and program development, and shared risk taking.  
(1) A policy-level Jail Population Management Board consisting of agency heads and top-level representatives of the executive, legislative and judicial branches of government: the Chief Judge or Chief Criminal Division judge of the trial court (and of the limited jurisdiction court, if appropriate to judicial system structure); the heads of executive branch criminal justice agencies, including the Sheriff, the Chief of Police, the director of the local corrections department; adjudication system officials including the chief prosecutor, the public defender and the court administrator; and other appropriate executive branch officials, including the city/county and executive officer or his or her designee, the chief of data processing, and, very importantly, a member of the city or county legislative body or its designee.  
(2) A JPMB staff and resource group including representatives of probation, pretrial release, data processing, and city/county planning offices or activities.
4. Preparation of System Flow Chart.  
JCMB staff with Board review.
5. Organization of criminal justice management information system.  
County governing body, director of data processing, criminal justice planner, criminal justice agency departments.
6. Defining scope of data collection and analysis  
Jail Capacity Management Board (JCMB)
7. Data collection, analysis and presentation  
JCMB staff, director of data processing department, criminal justice agency staff.

8. Review of findings from data collection and analysis: identification of areas requiring program, policy and procedural changes; setting of priorities for use of existing capacity; establishing schedule and priorities for instituting agreed-upon operational changes. JCMB
  
9. Preparation of Jail Capacity Management Plan JCMB and staff.
  
10. Approval, execution and monitoring effectiveness of Jail Capacity Management Plan JCMB and staff
  
11. Support for the Plan JCMB

## **B. Specific Policies and Practices Warranting Review**

The policies and practices of the various justice agencies which play a role in jail capacity management should be reviewed to determine possible changes which may halt or reverse jail crowding without danger to the community. Below is a list of some of the areas which should be examined:<sup>1</sup>

### **1. Law Enforcement**

Decisions surrounding local arrest practices, including whether to arrest, transport to jail, book or detain for bail setting, are critical determinants of jail population size. Pre-arrest diversion (through use of, for example, short-term detoxification centers for public inebriates or special programs for persons involved in family disputes) can divert a significant number of persons from jail. The range of situations appropriate for diversion to services, as well as for release without charge (public inebriates, for example), or through field citation (certain misdemeanors, for example) must be explored.

### **2. Jail Release Programs**

Although elected sheriffs or appointed jail administrators have little, if any, control over jail admissions and length of confinements, there are ways in which they can help reduce jail crowding. They can assure ready access of prisoners for pre-trial release and recognizance screening and for bail review. They can also provide regular feedback to the court and other criminal justice officials regarding the status of prisoners in the facility which may highlight operational areas warranting redress, such as in the prosecutor's timely filing of charges, delay in the pretrial process, or in moving adjudicated prisoners to state facilities. In some jurisdictions, jail administrators cooperate with neighboring jurisdictions to alleviate jail crowding on a regional basis.

### **3. Prosecution**

The exercise of prosecutorial discretion can play an important role in containing jail population growth. Early case screening, diversion and deferred prosecution can limit or eliminate the period of confinement for a substantial number of individuals. In addition, charging policies, including "overcharging", can result in the setting of higher bail requirements than would be required if the likely disposition of the case were realistically considered.

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<sup>1</sup> See Alvin W. Cohn, National Overview of Innovative Options to Relieve Jail Overcrowding for further discussion of program options.

supervision are also becoming increasingly utilized in lieu of or in conjunction with incarceration.

### C. Implementation Issues

The likelihood for successful implementation of an effective Jail Population Management Plan will be enhanced if special effort is devoted to the following considerations:

- o the critical and difficult task of getting policy makers and those with control over necessary resources to recognize the benefits of taking action to manage the jail population;
- o having the key decision-makers on the Jail Population Management Board-- and not their assistants -- prepare for and attend JPMB meetings;
- o taking advantage of federally-sponsored training and technical assistance resources to provide a catalyst for consciousness raising and a forum for discussion;
- o developing a credible data base while, at the same time, not getting bogged down in data collection at the expense of delaying necessary policy decisions;
- o the need to cope with specialized jail population subgroups, e.g., the mentally ill or DUI offender;
- o the need to develop credibility for newly adopted or proposed alternatives to incarceration in the eyes of each trial judge in the jurisdiction, and to promote their confidence in the use of such alternatives by providing regular feedback to the individual judges on their system impact;
- o identifying specific ameliorative measures which can be implemented immediately to provide at least short-term relief for a crisis situation while, at the same time, proceeding to develop a comprehensive system-wide jail capacity management plan.

#### **4. Indigent Defense Services**

Early screening for indigency and the appointment of a defender in appropriate cases can contribute to jail population control by promoting more meaningful bond hearings as well as facilitate case disposition, including possible downgrading of charges and/or plea negotiation.

#### **5. Pre-Trial Release Services**

The availability of pretrial services to provide prompt and relevant background information on defendants, release recommendations, and other pre-trial assistance, including appropriate supervision, is an important factor in controlling the jail population. In some jurisdictions, pre-trial staff are available 24 hours a day, seven days a week, to interview persons arrested, notify judges by phone of a prisoner's qualification for release, and supervise the release if nonfinancial bail is authorized. Many pre-trial programs, working in conjunction with the courts and prosecution, respond to jail population pressures by expanding the range of available release options (conditional and supervised release, third party custody, etc.) and by conducting regular bail reviews for those detained for trial.

#### **6. The Court**

In most jurisdictions, judges make the major decisions regarding the nature and size of the jail population. They have the authority to decide who is to be detained and/or released pretrial and the length of time convicted defendants serve post-trial, as well as to manage the court process until adjudication occurs. Such pretrial options as the issuance of judicial summonses rather than arrest warrants, the promulgation of guidelines authorizing direct release by police, jail and pretrial staff, and the conduct of bail hearings outside of normal court hours can have a significant impact on the jail population. In addition, a systematic review of the pretrial judicial process can result in measures to expedite case disposition and the preparation of pre-sentence investigations, thereby reducing the time of confinement prior to sentencing. A number of jurisdictions are also considering sentencing alternatives, such as house arrest and electronic monitoring, which provide viable alternatives to incarceration or when used in conjunction with a sentence of confinement, reduce the average length of stay.

#### **7. Corrections**

A review of correctional program options can potentially point up a number of areas in which alternative programs can be utilized or expanded. Many jurisdictions have incorporated requirements for restitution and community service, for example, as integral components of their correctional programs. Work release and various types of intensive

## VI. FEDERAL PROGRAM CONTACTS

### GRANT INFORMATION:

- o State and Local Assistance Division  
Bureau of Justice Assistance  
U.S. Department of Justice  
633 Indiana Avenue, N.W.  
Washington, D.C. 20531  
Telephone No. 202/272-6838*

### REFERENCE MATERIALS:

Many of the articles and monographs cited here may be procured from either the National Criminal Justice Reference Service (NCJRS) or the National Institute of Corrections Information Center (NICIC). Addresses and telephone numbers for those two excellent reference services are:

- o National Criminal Justice Reference Service  
Box 6000, Department F  
Rockville, MD 20850  
(301) 251-5500*
- o National Institute of Corrections Information Center  
1790 30th Street, Suite 130  
Boulder, CO 80301  
(303) 444-1101*

## VII. TECHNICAL ASSISTANCE SOURCES

- o National Jail Center, National Institute of Corrections  
Bureau of Prisons, U.S. Department of Justice  
1790 30th Street, Suite 440  
Boulder, CO 80301  
Telephone No. 301/497-6700*

Jail operations-centered needs assessment and projections of future inmate populations and facility space needs conducted by jail center staff and/or trained consultants with possibility of short-term follow-on technical assistance; regional training programs for jail population management "teams" from local jurisdictions, conducted in cooperation with the National Academy of Corrections; Pilot Prison/Jail Overcrowding Project in four states.

- o Adjudication Technical Assistance Project  
EMT Group, Inc.  
3615 Wisconsin Avenue, N.W.  
Washington, D.C. 20016  
Telephone No. 202/362-4183*

Needs assessment of local criminal justice system operations and/or short-term technical assistance conducted by staff and consultants experienced in application of Jail Population Management strategies. Priority given to jurisdictions with programs supported by Justice Assistance Act or Anti-Drug Abuse Act Block Grant funds.

- o Pretrial Services Resource Center  
918 F. Street, N.W., Suite 500  
Washington, D.C. 20004  
Telephone No. 202/638-3080*

Problem definition studies and technical assistance for jurisdictions concerned with increasing the scope and effectiveness of pretrial programming and improving organizational structures for delivery of pretrial release services; produces and distributes publications concerned with jail population reduction measures.

- o National Sheriff's Association  
1450 Duke Street  
Alexandria, Virginia 22314  
Telephone No. 703/836-7827*

Information delivery (manuals, tapes, reports) on jail crowding issues. Staff available to consult on-site with Sheriffs and jail administrators on problems arising out of or contributing to crowding. Jail audits conducted upon request.

- o American Jail Association  
162 West Washington Street  
Hagerstown, Maryland 21740  
Telephone No. 301/790-3930*

Drug treatment programs in jails.



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Volume 1: Issues and Programs in Brief;  
Volume 2: Alternatives to Pretrial Detention;  
Volume 3: Alternatives to Prosecution;  
Volume 4: Sentencing the Misdemeanant;  
Volume 5: Planning, Staffing, and Evaluating Alternative Programs.
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- "The State of the Jails in California, Report #2: Prisoner Flow and Release"; Carol A. Kizziah for the State of California Board of Corrections, 1985.
- "Alternatives to Incarceration - A Community Planning Workbook"; Ellen J. Mowbray and Arlen S. Morris, Aurora Associates, Inc., Washington, D.C., 1982.
- "Alternatives to Incarceration: An Annotated Bibliography 1978-1980. Thomas Christina, National Center for State Courts, Southern Regional Office, 1600 Tullie Circle, N.E., Atlanta, GA 30329, 1980.

## C. Alternatives to Incarceration: Operational Areas

### 1. Diversion Programs

- "The Dilemma of Diversion - Resource Materials on Adult Pretrial Intervention Programs"; Joan Mullen, National Institute of Justice, 633 Indiana Avenue, N.W., Washington, D.C. 20004, 1983.
- "Alternatives to Prosecution: A review of Recent Research Findings"; Donald E. Pryor and Walter F. Smith, Pretrial Services Resource Center, 918 F Street, N.W., Washington, D.C. 20004, 1983.

### 2. Citation Release

- "Countywide Citation Release Programming: An Alternative Delivery System"; Jerome A. Needle and Walter H. Busher, American Justice Institute, Sacramento, CA 95825, 1982.
- "Citation Release"; National Institute of Justice; March, 1984.
- The Police and Pretrial Release: Floyd Feeney, 1982; (Lexington, MA: Lexington Books)

3. Central Intake Screening

- "Criminal Justice Central Intake Program: Concepts and Guidelines"; John Galvin, American Justice Institute; February, 1978

4. Pretrial Screening/Pretrial Release

- "Pretrial Release Program Options"; Andy Hall, et al., Pretrial Services Resource Center, Washington, D.C., 1984 (NCJRS - 094612).
- "The Public Defender and Pretrial Detention"; Elizabeth Gaynes, Pretrial Services Resource Center, 918 F Street, N.W., Washington, D.C. 20004, 1981.
- "Pretrial Release Programming - Issues and Trends"; C.W. Eskridge, Clark Boardman Co., 435 Hudson Street, New York, NY 10014, 1983 (NCJRS-094837).
- "Effectiveness of Supervised Pretrial Release"; James Austin, et al., National Council on Crime and Delinquency, 1985 (NCJRS - 088750).

5. Intensive Supervision

- "Program Brief: Intensive Supervision Probation and Parole"; U.S. Department of Justice, June, 1987. (Included is an extensive bibliography dealing with the subject of intensive supervision.)
- "Home as Prison: The Use of House Arrests"; Ronald P. Corbett, Jr., and Ellsworth A.L. Fersch, Federal Probation, March 1985.
- "A Theoretical Exam of Home Incarceration"; Richard A. Ball, J. Robert Lilly, Federal Probation, March, 1986.
- "The Perceptions and Attitudes of Judges and Attorneys Towards Intensive Probation Supervision"; Arthur J. Lurigio, Federal Probation, March 1987.
- "Developments in Shock Probation"; Gennarro F. Vito, Federal Probation, June, 1984.

6. Community Service

- "Handbook on Community Service Restitution". Glenn Cooper, et al., Social Systems Research and Evaluation Division, Denver Research Institute, University of Denver, Denver, CO 80208, 1981.
- "Community Services: A Review of the Basic Issues"; Robert M. Carter, Jack Cocks and Daniel Glaser; Federal Probation, March, 1987.

- "Experience With Community Service: A Punitive Alternative to Imprisonment"; Richard J. Maher, Henry E. DuFour; Federal Probation, September, 1987.

7. Electronic Monitoring/House Arrest

- "Electronic Monitoring: Who Uses It, How Much Does It Cost, Does It Work"; Annesley K. Schmidt; Corrections Today, December '87.
- "Electronic Monitors"; Annesley K. Schmidt, Federal Probation, 50(2), 1986.
- "Electronically Monitored Home Confinement", Daniel Ford and Annesley K. Schmidt, National Institute of Justice Reports, SNI 194, 1985.
- "Electronic Monitoring Programs: An Overview"; EMT Group, Inc., April 1987.

D. Case Processing Functions Impacting Jail Population Size

1. Calendar Management

- "Caseflow Management in the Trial Court"; M. Solomon; Chicago, American Bar Association, Committee on Standards of Judicial Administration, 1973.
- "Managing To Reduce Delay"; L. Sipes; National Center for State Courts, Williamsburg, VA, 1980.
- "Courts Technical Assistance Project Study Guide on Caseflow Analysis"; N. Zoller; The American University Criminal Courts Technical Assistance Project, Washington, D.C., 1980.

2. Pre-sentence Investigations

- "Pre-sentence Investigation Report Program"; Loren Beckley; OJARS; August, 1981.

## X. PERFORMANCE MEASUREMENT

During and following their implementation of measures described in this brief for (1) organizing a jail capacity management capability and (2) having an impact on the volume of jail admissions and inmate length-of-stay, jurisdictions should find it useful to track and record the results of certain processes deliberately initiated or modified and, when available data permits, compare those results with those of a comparable period before changes were introduced. Such comparisons can serve to provide an indication of the value of the new practices and serve as benchmark for measuring future program impact.

The Performance Report Form on the following pages is only suggested as a quarterly performance monitoring form to be prepared by JCMB staff to facilitate assessment and monitoring of the impact of the adopted JCMP at three-month intervals following its implementation. In order to make the statistical report meaningful for plan monitoring purposes, it is very important that each performance indicator recorded be accompanied by a written staff assessment of the perceived causes of reflected changes (positive or negative) or lack of changes in reported data. This will assist the Board to differentiate between the effect of intervening factors on the plan's impact and the efficacy of specific components of the plan, and will enable it to adopt effective corrective measures.

In addition to any internal performance measurement forms or mechanisms that may be adopted by a jurisdiction receiving block grant support for a Jail Capacity Management Program, the grantee's cognizant State Planning Agency will supply it with standard reporting forms applicable to all certified block grant programs.

**PERFORMANCE REPORT**

Date of Report: \_\_\_\_\_

Prepared By: \_\_\_\_\_  
Name and Title

**I. Reference Information**

- (a) Date Jail Capacity Management Board (JCMB) Established: \_\_\_\_\_
- (b) Number of persons appointed as members of the JCMB: \_\_\_\_\_
- (c) Current rated capacity of jail: \_\_\_\_\_
- (d) Functional capacity of jail: \_\_\_\_\_

**II. Performance Indicators**

- (a) Number of meetings the JCMB has held since established: \_\_\_\_\_
- (b) Average number of members Attending JCMB Meetings: \_\_\_\_\_
- (c) For a specified period of time beginning no sooner than 6 months after the JCMB held its first meeting ("current period") and for the comparable period of time in the preceding year ("comparison period"), record:

Quarterly Periods

	(1) Current (e.g., 6/1/88)	(2) Comparison (e.g.,6/1/87)
-8/31/88)    -8/31/87)		
No. of Arrests:	_____	_____
No. of Persons Cited & Released Without Booking	_____	_____
No. of Persons Booked into Jail Following Arrest	_____	_____
No. of Persons Arrested and Booked into Jail on Felony Charges	_____	_____
No. of Persons Arrested and Booked into Jail on Misdemeanor Charges	_____	_____

	(1)	(2)
	Current	Comparison
	(6/1/88-8/31/88)	(6/1/87-8/31/87)

Average Daily Population (ADP) of Jail	_____	_____
Average Length of Stay of Pretrial population (from date of booking, for those released during period)	_____	_____
Average Length of Stay of Post-Conviction population (from date of conviction, for those released during period)	_____	_____
% of Days When ADP Exceeded <u>Rated</u> Capacity	_____	_____
% of Days When ADP Exceeded <u>Functional</u> Capacity	_____	_____
% of Jail Population in PreTrial Status On Last Day of Period	_____	_____
% of Jail Population in PostTrial Status on Last Day of Period	_____	_____
% of PreTrial Jail Population with Felony Charge(s) On Last Day of Period	_____	_____
% of PreTrial Jail Population with only Misdemeanor Charge(s) On Last Day of Period	_____	_____
% of Sentenced Jail Population convicted of felonies as of last day of period [include awaiting transport to state facilities]	_____	_____
% of Sentenced Jail Population convicted of Misdemeanor as of last day of period	_____	_____
Average Elapsed Time from Arrest to Trial of Persons charged with Felonies and not Released from Custody Pending Trial	_____	_____

(1)	(2)
Current	Comparison
(6/1/88-8/31/88)	(6/1/87-8/31/87)

Number of Persons Released on Supervised Release

\_\_\_\_\_

Number of Persons Released on 10% Bail

\_\_\_\_\_

For Persons in custody Referred for Pre-Sentence Investigation, Average Length of Time Required Between Order for PSI and Filing of PSI Report with Court

\_\_\_\_\_

No. of Persons Sentenced to Jail (with or without Probation)

\_\_\_\_\_

No. of Persons Granted Parole From Jail

\_\_\_\_\_

Type of Pretrial Release Options  
Used by Court

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Type of Sentencing Options  
Used by Court

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_