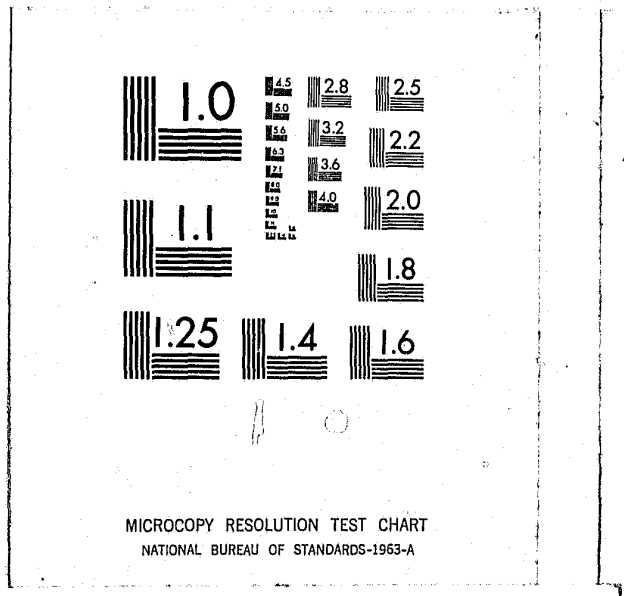


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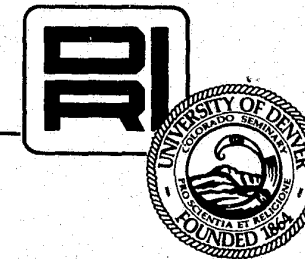
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Jail Overcrowding and Pretrial Detention: A Program Evaluation

For the Period May 1979-September 1980

Executive Summary

Prepared for
Law Enforcement Assistance Administration



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Social Systems Research and Evaluation Division
Denver Research Institute
University of Denver • Denver, Colorado

November, 1980

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JAIL OVERCROWDING and PRETRIAL DETENTION: A Program Evaluation

(May 1979-September 1980)

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Executive Summary

U.S. Department of Justice
National Institute of Justice

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Anita S. West, Ph.D.
Project Director

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INTRODUCTION AND OVERVIEW

Program Description

Overcrowding in county jails is a chronic and increasingly widespread problem. Although construction of new jail facilities is one approach to the problem, for the last 20 years researchers have pointed out the deficiencies of incarceration as a cost-effective sanction and as a reform mechanism. It is estimated that accused persons awaiting trial compose up to one-half of the national jail population and that a significant number of these persons are eligible for secured release but are simply unable to post bond.¹

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

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

The JO/PDP employs a two-phase approach: Phase I awards, ranging up to \$20,000, were for problem analysis and planning and Phase II awards, ranging up to \$250,000, were provided for the implementation of Phase I plans. In addition to direct funding (which required a 10 percent cash match from the sites), a significant amount of technical assistance was provided to the sites. Awards were limited to jurisdictions with populations over 150,000 that were experiencing severe jail overcrowding problems.

¹Johnson, M. "Alternatives to Incarceration," State Court Journal, National Center for State Courts, Vol. 4, No. 1, 1980.

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

The program is being coordinated by LEAA with the assistance of the American Justice Institute (AJI) which is serving as the National Program Coordinator, a concept being tested by LEAA. AJI has the responsibility of administering the funding and providing administrative assistance to each of the Phase I grants and providing coordination and technical assistance to all of the projects.

In 1978 AJI selected 18 sites for Phase I planning grants and LEAA awarded four Phase II implementation grants (these were the only four implementation projects that had not been preceded by Phase I planning studies). In 1979 AJI awarded grants to 19 additional Phase I sites and LEAA funded nine of the previous year's planning grant recipients as Phase II implementors. Additional projects are planned for 1980. Figure 1 lists the project sites for the period covered by this evaluation (May 1979 to September 1980).

Evaluation Approach

In May 1979, the Denver Research Institute (DRI) received a grant from LEAA to provide a management evaluation of the JO/PDP program. The purpose of the evaluation is to provide the sponsoring agencies with an assessment of program effectiveness through the development and examination of information on project impacts, and an analysis of the relationship between impacts and program inputs, i.e., program administration, technical assistance, and project strategies and activities. Interproject comparisons were required for an assessment of the relative effectiveness of different approaches and different modes of operation. The demonstration aspect of the program especially suggested the need for each project to be assessed and interpreted in the context of its own implementation environment for the information of potential replication sites.

Sampling criteria for site selection. Since it would not have been possible within the allocated time and resources for DRI to visit and document the activities and impacts of all 41 sites (1978 and 1979), DRI proposed to select nine Phase II projects and eight Phase I projects for site visits and case studies. The purpose of evaluating selected Phase I programs

FIGURE 1
JO/PDP PROJECTS

<u>Project Sites</u>	<u>1978</u>	<u>1979</u>	<u>1980**</u>
Alexandria, VA		I	II
Anoka, MN	I*		
Atlanta, GA		I	
Atlantic Co., NJ	I	II*	
Baltimore, MD		I	II
Boulder, CO		I*	II
Clark Co., NV		I	II
Connecticut		I	II
Cumberland, NC		I	
Dade Co., FL	I	II*	
Delaware Co., PA	I		
Delaware	I	II*	
Duval Co., FL	I*		
Franklin, OH		I	II
Genessee Co., MI	I*		
Golden, CO		I*	
Hamilton, OH	I		
Hawaii	II		
Jackson Co., MO		I	
Jefferson Co., KY	I	II*	
King Co., WA	II*		
Lane Co., OR	I		
Lucas Co., OH		I	II
Mercer Co., NJ		I*	
Middlesex, NJ	I		
Milwaukee, WI		I*	II
Monroe, NY		I	
Multnomah Co., OR	I	II*	
Muskegon, MI		I	
Orange Co., FL		I*	
Parish of Orleans, LA	I	II*	
Philadelphia, PA		I	
Pima Co., AZ	II		
Pierce Co., WA	I	II	
Regional Area, Northern VA	I		
Regional Area, Southern MS	I	II	
Santa Clara, CA		I	
Santa Cruz, CA	II*		
San Francisco, CA	I	II*	
Washington, DC	I		
West Florida		I	

*Sample of sites for in depth study during the reported evaluation period.

**New Phase I sites were also funded in 1980.

was to extend the number of projects examined in order to generalize more reliably about implementation problems, impacts, the relation of internal processes to outcomes, and external conditions that inhibit or facilitate achievement of objectives. Further, the inclusion of Phase I projects helped to identify factors that lead to implementation even without the continuation of LEAA funds.

In order to select programs for the study, projects were first stratified according to program characteristics and purpose, and then according to geographical location. Special considerations ranged from the selection of the State of Delaware as the only noncounty in our sample, to the intentional selection of three sites in the same state (Duval County, Orange County, and Dade County, Florida) where the same state laws applied. As a result of this analysis, the sites shown with asterisks in Figure 1 were selected and approved by LEAA for the evaluation study.

Only one of the Phase II projects (King County, Washington) completed its implementation in time for this report. Another (Santa Cruz, California) is almost complete, and the remainder are approximately at the mid-point of their implementations. This report, therefore, has much of the tone of an Interim Report. A summary of program impacts follows.

Summary of Program Impacts

Although only limited impact data are available at this time, it is already obvious that Phase I planning efforts have resulted in improved diagnoses of system problems, increased attention to their solution, and a more efficient implementation of Phase II efforts. Among those Phase I sites that did not receive Phase II funding, there is evidence that a continuation of interest exists and that many of the processes required to increase the number of eligible persons released and to minimize their length of detention have been implemented. Among the 1978 Phase II programs and some of the more well-advanced 1979 programs, there is already evidence of speedier, more efficient processing, decreased detention time for eligible releasees, and increased use of release alternatives with relaxed eligibility criteria.

Jail overcrowding is a national issue and efforts to relieve the problem are in evidence in numerous sites that did not receive JO/PDP funding. In an effort to isolate the impacts of this program, a limited survey on nonprogram sites was performed. The results of this survey show that progress in controlling jail population is only slightly slower in the nonprogram sites, but that population control has been accomplished with more risk to the community (i.e., higher failure-to-appear and rearrest rates). Also, the characteristics of the jail population are different among the

program and nonprogram samples with greater emphasis on reducing the pretrial population among the JO/PDP sites.

The National Program Coordinator's (NPC) role and the implementation of that role have also been examined. The use of an NPC as both an alternative to direct funding between LEAA and the 37 Phase I sites and as a technical assistance (TA) provider and coordinator was examined and found to be a generally sound and efficient mechanism for fulfilling both LEAA and site needs, especially in view of the selection of a broad-based, organizationally mature agency like AJI to fill that role. Some issues relating to the need for more interaction between AJI and LEAA and expanded services that the NPC could provide were identified. DRI is currently analyzing AJI's allocation of resources between monitoring, technical assistance, and coordinating functions.

At this time only a few of the nine Phase II sites in our sample have valid baseline and post-intervention data on which to make any definitive statements about the degree of effectiveness and the relative costs of the program. Among the sites in which impact data have been reported and verified (Santa Cruz, CA and King County, WA) the data show a 7.5 percent decrease in pretrial average daily population and a 17 percent decrease in average pretrial length of detention even though bookings have increased over 18 percent during the same period. This is especially significant since the nature of arrests and bookings have been changing and the percentage of serious felonies is increasing. The overall jail population has not been reduced by this program (in fact, it has increased 15 percent in these two jurisdictions), but the characteristics of the jail population have changed to a more serious felony population and a higher percentage of sentenced offenders. Failure to appear (FTA) and rearrest rates have decreased even though the percentage of releases has risen. The economics of the program have not been completely documented but the estimated savings of 27,000 jail days per year would entirely offset all program costs using reported per person jail cost figures. Using the estimated but more realistic marginal costs (those in excess of fixed costs of building maintenance, staff, etc.) the program still shows itself to have the potential of being highly cost effective. Pretrial unit screening, investigation and contact costs over the 18-month period have decreased from an average \$45 to \$28 per client. The costs saved by reducing the need for newer and larger jails, by keeping defendants on the job or in counseling programs, and by reducing risk to the community through conditional and supervised release options (as opposed to court order induced periodic jail sweeps) suggest even more cost-related benefits. In addition to the impact on jail overcrowding and costs, the reduction in the number of jail days served by defendants who are ultimately judged to be not guilty combined with acceptable FTA and rearrest rates provide evidence that the program is helping to serve an objective of the criminal justice

system to provide the least restrictive measure needed to ensure that pretrial defendants will be present for their court appearances.

Organization of the Executive Summary

Case study descriptions of the sampled sites and a detailed discussion of the National Program Coordinator role and its implementation are included in Chapters II, III, and IV of the complete Final Report. The balance of this Summary is modified from the Conclusions section of that report.

CONCLUSIONS, COMPARISONS, AND RECOMMENDATIONS

Although most of the projects evaluated during the period covered by this report are not yet completed, there is substantial evidence that the Phase I and Phase II projects of the JO/PD program have had some impact in reducing the number of persons detained before trial and toward reducing the average length of stay prior to pretrial release. Beyond this direct impact on pretrial detainees, the program provided a focus for coordinated criminal justice decision making, suggesting that the program has generated some lasting benefits. The following presentation of program conclusions is organized around the research questions posed in the evaluation solicitation and in the DRI evaluation design. In some instances the questions are broadened to provide the opportunity to present additional relevant information developed in the course of performing this management evaluation.

The final section of this report presents both technical- and management-related recommendations for the project and for the Jail Overcrowding Program.

Conclusions

A list of the nine questions formulated to direct the evaluation efforts are shown in Table 1. These questions are ordered according to LEAA priority. The research questions are aimed, first of all, at determining the effectiveness of the projects in attaining the immediate objectives of the program, i.e., reductions in jail population and pretrial detention (Question 1) and then in examining processes and activities that facilitated or impeded the attainment of those objectives (Questions 2-5). Questions 6-9 address the important second order effects of the program that have implications for longer-term program consequences. These questions focus on both positive and negative impacts of program operation. Most of the evaluation resources were expended in addressing Questions 1 and 2.

1. What was the impact on jail population?

The seriousness of the jail population problem varied widely among the nine Phase II and eight Phase I projects in the sample. Average daily populations varied from well under jail capacity to almost double the rated capacity. All of the sites were engaged in some litigation to establish standards, improve conditions, and/or reduce overcrowding. While a comparison of ADP and jail capacity figures is an important measure of crowding, this comparison does not reveal the whole situation. Among the

TABLE 1
RESEARCH QUESTIONS

1. What was the impact of the Jail Overcrowding Program on the jail population, on pretrial detention?
2. How effectively has the National Program Coordinator supported the Phase I and Phase II grantees and the LEAA?
3. How effective were the Phase I planning grants?
4. What project activities were planned, which were implemented, and which were effective?
5. What other alternatives are feasible?
6. What has been the impact of the program on costs?
7. What, if any, has been the effect on case conclusion?
8. What has been the impact on law enforcement/criminal justice officials and other involved parties?
9. What has been the impact on the community and on community willingness to tolerate risk?

most frequently mentioned factors contributing to overcrowding in those jurisdictions where ADP and rated capacity compared favorably were segregational constraints on secured housing. The need to segregate inmates by sex, by charge (misdemeanor and felony), by status (pretrial and postconviction) and by locally determined classification categories contributed substantially to the need for larger or at least more flexible facilities.

Jail population data. Table 2, "Selected Summary Statistics," presents a summary of impact data related to observed changes in the jail population to date. The average daily population increased at six of the nine sampled projects, stayed virtually the same at two, and decreased in only one. The percentage of the jail population that is pretrial has been reduced in four of the five sites from which data were available, and remained the same in the fifth site. Bookings have increased in every site except San Francisco, where the emphasis of the program was on diversion of inebriates

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

1. Most jurisdictions are experiencing an increase in reported crime, an increase in numbers of arrests and bookings, and an increase in the quality of arrests, i.e., the percentage of arrests that are ultimately accepted for prosecution. Further, jurisdictions report that as crime rates rise and jails become more crowded, the police exercise greater discretion in the kinds of arrests made, and serious felony bookings were seen to increase at an even faster rate than others, reducing the pool of persons most eligible for release, thus keeping the jail population stable and, in some cases, increasing it in spite of program activities.

2. Most of the program participants were motivated primarily to develop and implement release alternatives and management procedures that would reduce their pretrial population because of their concerns about overcrowding and the law suits, court orders, and threats of court actions that resulted. However, few jurisdictions were primarily motivated to reduce the incidence of incarceration beyond what was necessary for compliance. Their sights, therefore, were set fairly low and for the most part as pretrial jail space was cleared, that space was filled with other inmates.

Pretrial length of stay. A large percentage of the pretrial population is ultimately released before trial, and reducing their length of stay prior to release can be an important factor in controlling jail

TABLE 2
SELECTED SUMMARY STATISTICS

Site	Jail Capacity	ADP		% Pretrial		Cost Per Day*	# Bookings		Average LOS		Jail Days Saved By Program	FTA/Rearrest Data	Jail Status/Court Order
		Pre	Post	Pre	Post		Pre	Post	Pre	Post			
Atlantic Co., NJ	172	141	171 7/80	54%	60.6% 8/80	\$35	1901/yr	867 4/80-9/80 2081/yr	10.9 days	11.5 days	365 releases @ 8-10 days each (138 nonmonetary releases) 2920-3560 days, 4/8-9/30/80	4.8% FTA 11.3% Rearrest	Court order to reduce crowding.
Dade Co., FL	1719 Tot 733 Main Jail	725 Jail	910 Jail	63%		\$25.32	61,520 (1978)		6.3 pre-trial 9.5 (all)		458 project releases @ 2-8 days (10/79-5/80) 916-3664 days	3.6% Felony 10.7% Misd. 6-8/80	Suits regarding inmate treatment, safety and recreation. Court order to reduce crowding.
Delaware	1253 Tot 600 DCC	1057 Tot 648 (DCC)	1381 (6/80)	17%	17% (est)	\$10-\$12			0-9 days pretrial				Court order to reduce crowding and improve conditions.
Jefferson Co., KY	629	596	650	80%	80% (est)	\$23.60	32,092 (7/78-6/79)	16,418 Q1 Q2 (6 mos) 1980	6.6	4.0 (9/80)	14,345 days (through 8/31/80)	Supervised Release 8.2% FTA 15.7% Rearrest Misd. Probation 3.2% FTA 10.9% Rearrest	Suit regarding inmate health care.
King Co., WA	500	755	986 4/80	49%	35% 6/80	\$25.25	570 Q1 1979	8138 Q1 1980	9.3 days	7.1 days	17,059 to 4/30/80 ~25,000/yr.	3% FTA 12% Rearrest 21% Noncompliance	Signed consent decree to reduce jail population.
Multnomah Co., OR	568 (set by County executive order 5/79)	~630	560	46%			22,731 1978	25,995 1979	10.1 (all)			4.8% FTA 4/79-12/79	Suit regarding jail conditions and treatment of inmates.
Orleans Parish, LA	1168 (3) 450 OPP	1700 1000 OPP	1851 (1-10/80)	60%	30% 7/80	\$22.40	10,000+ 1978	~1,000/ month 12,000/ year	42.4 (all)		871 released est. 40,090 days saved Q1 Q2 Q3 '80	2.5% FTA 2.1% Rearrest	Court order to reduce JO suit on inmate rights and living conditions.
San Francisco, CA	1518 460 CJ #1	1043		94%	94% 7/80	\$23.08	24,079 Q1 Q2 1979	21,768 Q1 Q2 1980	2.52 CJ #1				Suit on inmate rights.
Santa Cruz, CA	118	(127) with transfers 120	(130) 118 3/80	82%	78% 8/80	\$31 (per trans-ported inmate)	8,628 1978	9,741 1979	66.8% (released within 24 hours) 8/80	75%	1968 client days of residential treatment	FTA 17.6% (78) 9.4% (79) 5.7% (1-6/80)	Court order to improve jail conditions.

*Total estimated per inmate cost

overcrowding, i.e., saving even one day for each releasee could mean a significant savings of jail days per year. As a result of their Phase I planning efforts, several projects identified efficient case processing as a focus for their implementation projects. Pretrial length of stay among those who are ultimately released by the program was observed to decrease 17 percent at the two 1978 projects nearing completion. Efforts to reduce LOS in several of the other sites through larger and more efficient pretrial release units and increased release authority make it reasonable to assume that there will be additional reductions reported. (Project directors uniformly report such expectations but data have been slow to develop.) In Jefferson County, Kentucky, where average LOS was beginning to show a reduction, recent project management difficulties have resulted in a case processing backlog and a subsequent reversal of progress.

Jail days saved. Information distilled from each of the projects to estimate the actual number of jail days saved thus far by the program results in a conservative DRI estimate of 27,000 days as compared with a more optimistic estimate of 80,000 days from the projects. The large difference between these numbers is due to differences in estimating:

1. The population directly affected by program activities. DRI has attempted to exclude the effects of all pre-existing release programs, and
2. The number of days each person would have been in jail prior to release or case disposition if the JO/PD program had not been in operation.

The estimated savings of 27,000 days for the six projects on which data are available for estimation is particularly impressive since all data are reported prior to August 1980, when four of the six projects had barely become fully operational.

Pretrial population data. Aggregated information on program jail populations is not emphasized in this analysis because of the idiosyncratic nature of each jail situation, the criminal justice environment, and the individual programs proposed to address local problems. The single data element selected for comparison was pretrial ADP. Figure 2 shows comparative data for this variable for five of the nine projects. The pretrial population has decreased in spite of increases in arrests and bookings and an overall increase in total population. Figures 3 through 7 provide relevant profile data on five of the nine sites so that pre- and postimplementation jail population changes can be interpreted within the context of related information.

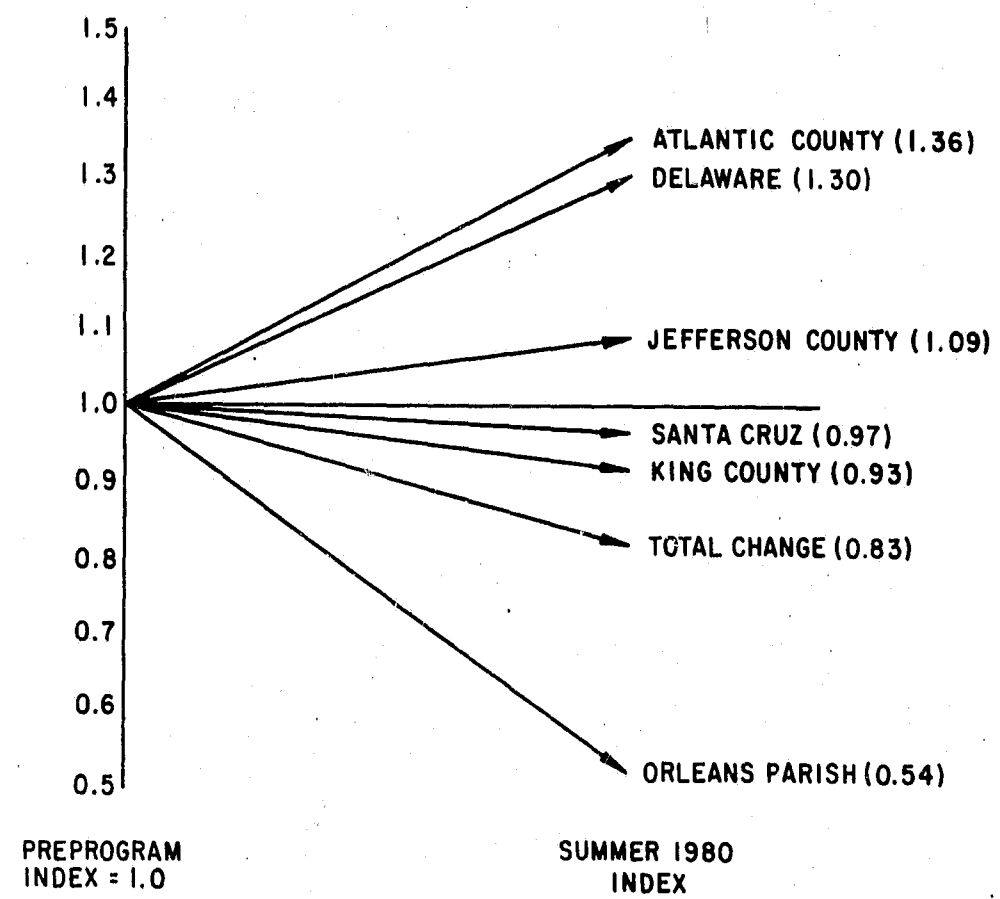
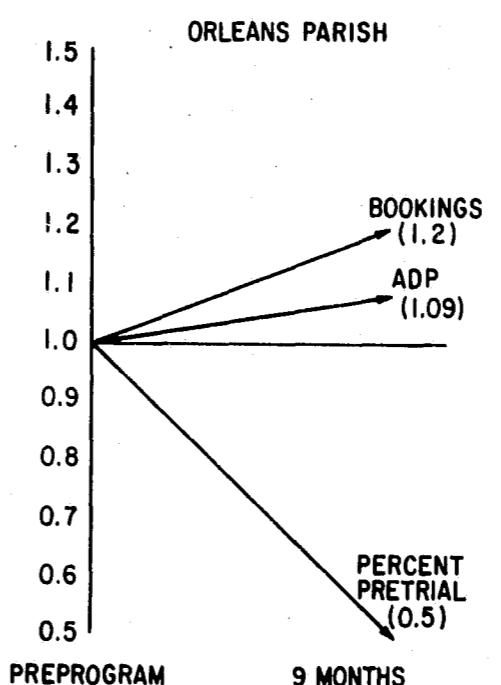
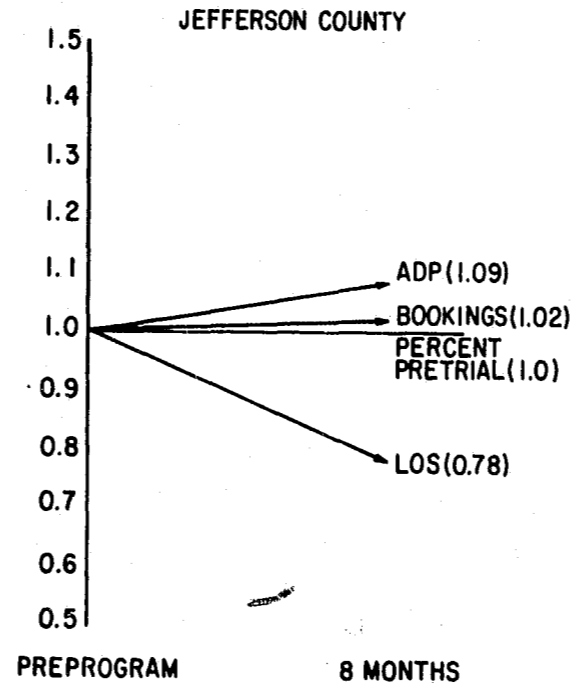
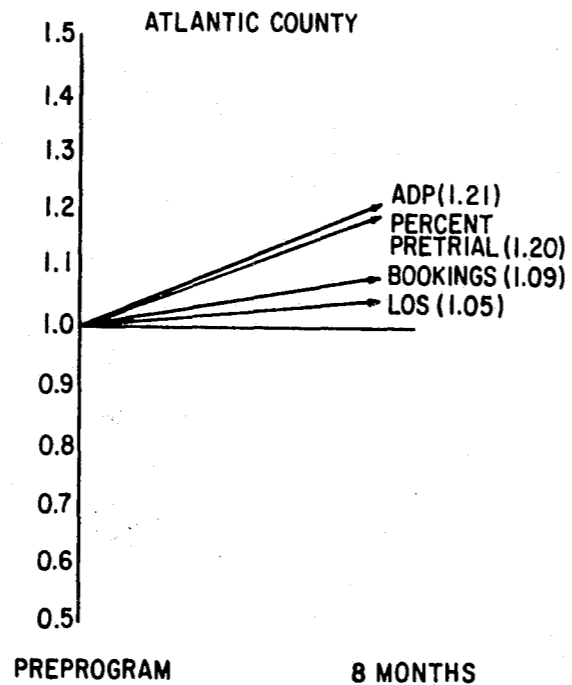
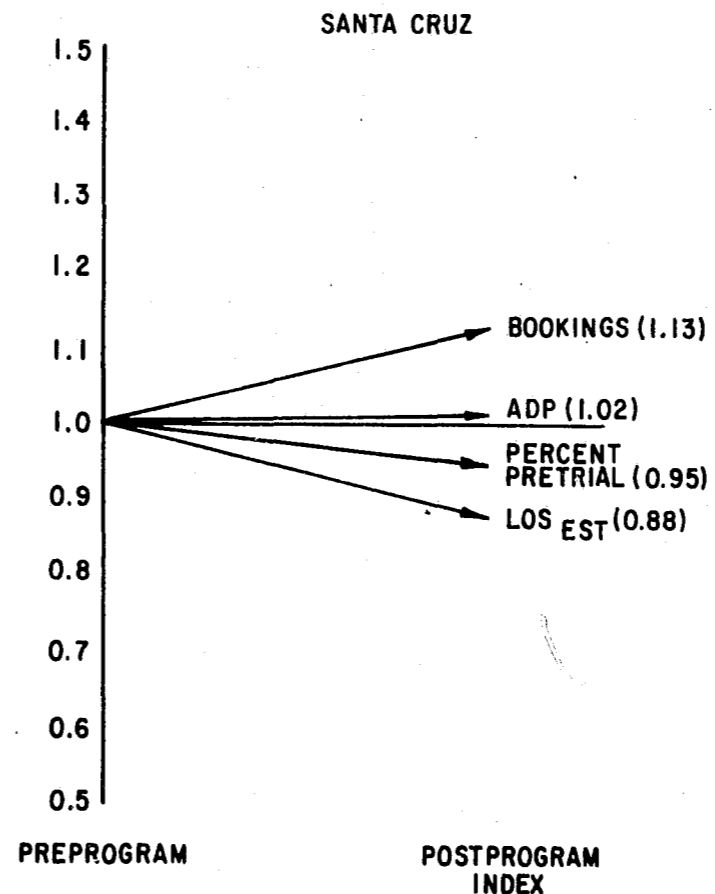
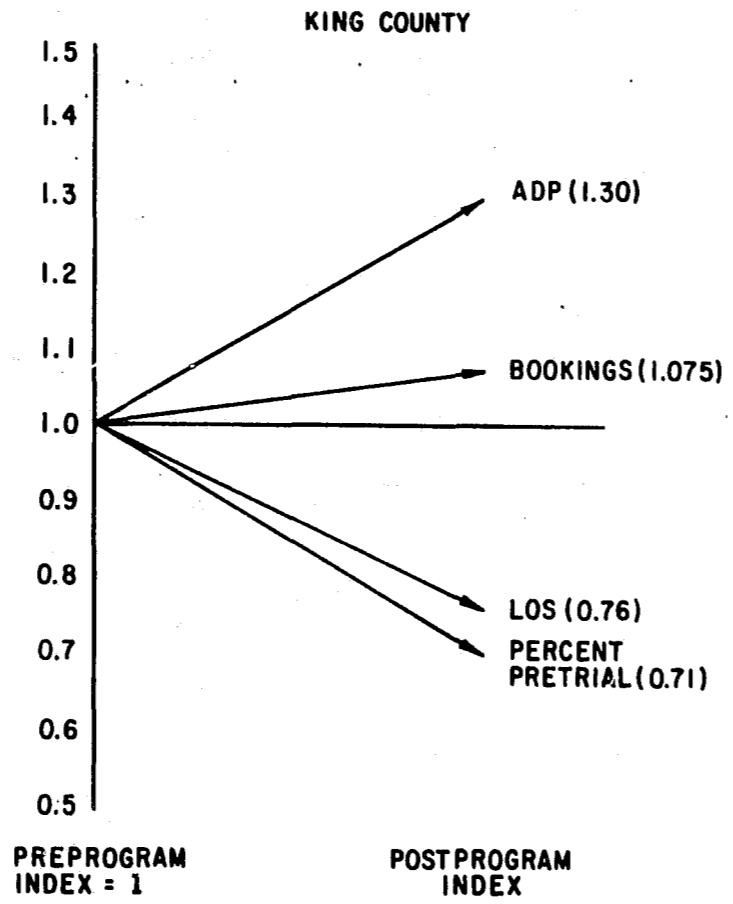


FIGURE 2
PRETRIAL POPULATION CHANGE INDICES AT SIX SITES



FIGURES 3, 4, & 5
IMPACT PROFILES (INTERIM CHANGE INDICIES)



FIGURES 6 & 7
IMPACT PROFILES (CHANGE INDICES)

Comparison with data from nonparticipating sites. In an effort to isolate the impact of this program from other attempts to control this pervasive national problem, a sample of 16 sites that were not among the JO/PDP jurisdictions was surveyed. Most of the sites (11) attempted to cooperate in the survey but only five could supply complete or nearly complete information. The results of this survey are shown in Table 3 where it can be seen that compared with program sites, the comparison sites showed an approximately equal increase in bookings, a 15 percent higher increase in ADP, a reduction in pretrial population but not as much as among the JO/PDP sites, and a slight decrease in average pretrial LOS. Further, the reported FTA, rearrest, and noncompliance rates among the comparison sites were higher, indicating a less well controlled approach to the jail overcrowding problem. Although the data are more suggestive than conclusive because of the unscientific sample and the relatively few sites reporting, the jail overcrowding projects are probably doing relatively even better than the data indicate since the response bias among the comparison sites may have been skewed toward the more active sites with better information capabilities. Finally, the demonstration sites have the further advantage of being in a situation in which their programs are being examined by boards and commissions set up for that purpose, are self-monitored and are learning from their current experiences. For these reasons, we would expect future data collection from both samples to show even more dramatic differences favoring project sites. However, if this program has its intended national impact, in time the non-JO/PDP projects will benefit also from the information generated at the funded sites.

One of the most important results to report vis-a-vis jail overcrowding is that in spite of increases in reported crime, increases in arrests and bookings, and increases in the incidence of serious crimes, most of the projects have been able to remain in compliance with court orders and have been able to limit or reduce the planned construction of new facilities.

2. How effectively has the National Program Coordinator supported the Phase I contractors, the Phase II grantees and the LEAA?

As the National Program Coordinator, the American Justice Institute was faced with a large and complex task, requiring varying abilities including financial management skills, personnel management and training skills, political and negotiating skills, expertise in automated systems, data collection and analysis, and an intimate knowledge of the criminal justice system in general and the problems associated with jail overcrowding in particular. Further, the organization was called on to provide this assistance in a timely fashion to a geographically dispersed set of projects with unique problems and needs. The American Justice Institute has discharged most of these responsibilities very well, but not without some problems generated for

TABLE 3.

COMPARISON OF PROGRAM
AND NONPROGRAM SITES ON FIVE MEASURES

	PERCENT CHANGE - PRE- TO POST PERIOD*				CURRENT REPORTED RATES	
	BOOKINGS	ADP	PERCENT PRETRIAL ADP	PRETRIAL LOS	FTA	REARREST
JO/PDP SITES	9.0% increase	16% increase	17% decrease	13.2% decrease	5.16	10.4
COMPARISON SITES	7.6% increase	20% increase	8% decrease	5.1% decrease	7.80	12.2

*Premeasures: Fall 1978 to Spring 1979
Postmeasures: Spring - Summer 1980

the most part not by their own inadequacies, but by the occasional inconsistent demands inherent in the program coordinator concept. Specifically, we list the following strengths and weaknesses of both the NPC concept and the AJI implementation of that role.

Strengths. AJI was to supply guidance and leadership to the Phase I grantees in the areas of planning, problem analysis and implementation strategy, and to supply or, where more appropriate, broker technical assistance. They were seen to be strongest in the delivery of leadership and encouragement to the Phase I sites, particularly during the early stages of the program. They responded quickly to requests for technical assistance and they provided or matched the Phase I sites with the planning and analysis skills needed at a time when considerable insight and support were required for establishing and negotiating advisory board compositions, judicial endorsements and financial commitments for matching funds from the local governments.

Their technical advice to the Phase II sites was tempered with a good sense of the political and operational issues. Project directors and personnel reported a positive view of AJI assistance. When they were not available or otherwise unable to provide TA, AJI could be relied on to refer the projects to appropriate alternative sources. Perhaps their strongest endorsement comes from what they did not do--in no instance were they a disruptive influence nor did they handle problems in a destructive way. This open, helpful and supportive posture was observed under two different project directors. The NPC concept presents the opportunity for conflict through the introduction of a third party in the traditional program monitor/grantee relationship. It is to the credit of all the participants that conflict was held to an absolute minimum.

AJI was equally open and committed to the program in their dealings with DRI. They responded positively to DRI recommendations and as administrative, TA, or monitoring needs were identified, AJI instituted the mechanisms to meet them.

In supporting LEAA, the NPC managed the subcontracting responsibilities and relieved LEAA of the administrative burden of Phase I monitoring.

Weaknesses. It is not difficult for any professional evaluation group to review the work of another institution or even its own and find opportunities for improvement. It would be a very rare case indeed to find it otherwise. This identification of weaknesses is proceeded therefore by DRI's general endorsement of the NPC concept and our repeated recognition of an excellent job by AJI in fulfilling the many demands of that role.

Although technical assistance for all the sites was available from AJI and the other TA providers, it was not always evenly supplied. Sometimes this was appropriate because of differing needs among the sites but occasionally it may have been because of other factors: geographic location and the personalities of the project directors, their knowledge of AJI's capabilities and their willingness to ask for help. DRI noted a need for more internal (AJI) communication about projects. We saw a shift to more management structure during the project period. In carrying out its assigned roles as both monitor and TA provider for the Phase I sites, AJI chose, perhaps wisely, to emphasize the TA role with its attendant requirements for support and encouragement. However, this may have contributed to insufficient data collection and some laxity in meeting contractual deliverables on the part of the projects.

We saw a need for more contact with some of the Phase II projects. The further away from Sacramento, the less contact there was between AJI and the projects. Cluster meetings were held infrequently and because of personnel turnover at the sites, we met with two project directors who, after several months on the job, were still unaware of AJI's role in Phase II of the program. Some projects reported that they would have liked a little more closure after AJI visits with more information on AJI's recommendations for the site. The program has not yet developed good dissemination channels either internally within the program or with jurisdictions outside the JO/PDP network.

In functioning as an extension of LEAA, there appeared to be a need for more communication with LEAA in order to develop more agreement on policy and the sharing of responsibilities when required.

Summary. While the NPC model is not without limitations, in particular the opportunity for loss of control by LEAA, on balance the NPC structure appears to be relatively economical and efficient while encouraging flexibility, innovation and diversity among the local projects as well as accountability and continuity of coordination. The characteristics of the management model matched the demands of the problem for which it was designed.

In addition to fulfilling the contractual demands of the NPC, AJI provided encouragement, leadership, and perspective for the sites and much of the credit for the success of this program to establish a coordinated approach to analyzing and mitigating the problems of overcrowded jails and overreliance on money bail can be given to AJI's conscientious and capable performance. The recommendation section of this report presents concrete suggestions for removing the weaknesses identified.

3. How effective were the Phase I planning grants?

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

All of the Phase I projects formed coordinating committees. Attempts were made to include on these committees representatives from all or most of the criminal justice agencies associated with the jail. However, the role played by each committee in project administration varied among sites. While some took an active role in directing the project staff, determining issues to be studied and data to be collected, other committees served as passive advisors. The formation of these committees served to focus criminal justice attention on the problems of jail overcrowding and pretrial detention and to upgrade their awareness of the various release options available or under consideration in other jurisdictions. All projects reported receiving good cooperation from the other criminal justice agencies in their locality. They had no trouble securing local match money, and all sites reported spending their funds on data collection, research, and planning.

Jail populations changed little during Phase I funding for most of the sites studied. Only one site was willing to attribute a noticeable decline in ADP to Phase I operations. Others felt some stabilization had occurred, but could not be sure of the cause without further data analysis. The objective of the Phase I program, however, was to establish a better understanding of each project's situation rather than directly impact on jail populations. The sites unanimously reported success in meeting that objective. In fact, one of the most important products of these planning projects was the development of collection methods for reliable baseline data. This information is critical for both an understanding of the existing system and any future evaluation of changes that are implemented.

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

The most striking feature of the terminal Phase I sites is that although their LEAA funding has expired, the projects are all still operating. They have discovered local or federal sources of money to allow work on

Phase I problems to continue. The problems being addressed and the programs being implemented at these sites are not as large as they would have been with LEAA Phase II funding, but work continues on them nonetheless. In general, projects are focusing on policy and procedural changes while de-emphasizing costly MIS requirements. It was generally felt that failure to receive Phase II support would severely curtail and delay any efforts toward major jail population reduction. Although policy and procedural changes would be implemented without further funds, their impact in the absence of an organized and comprehensive program is uncertain.

The importance of good planning to achieve successful implementation is well recognized and clearly evident in the Jail Overcrowding Program. However, it appears that a lack of continuity in staffing, particularly between the planning and implementation phases, may hinder the success of the program at some time. Continuity of staffing is especially important at key administrative positions such as project director. We have observed it not to be unusual for the project director of the implementation phase to be someone newly hired and not involved with the planning effort. Sometimes hiring a new project director can introduce considerable delays in initiating programmatic changes. It is also unlikely that a new person can quickly develop a broad perspective of the system and its problems. Frequently, files are misplaced, data are overlooked, and contacts are lost.

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

It seems clear from the amount of activity generated by the planning grants (all in the neighborhood of \$20,000), that the sites expended much more toward the analysis of the jail overcrowding problem and a plan for addressing those problems than either the federal funds or the local match provided for. In terms of relative benefits from federal funds, the Phase I sites were clearly cost effective. However, the extent to which they were motivated by the anticipation of Phase II funding is not certain. It will be important to examine 1980 Phase I projects, for which there is only slim hope of Phase II follow-on funding, to determine if these planning grants are equally effective in developing cooperation and establishing policies and procedures to reduce pretrial detention.

4-5. What project activities were planned, which were implemented, which were effective and what other alternatives are feasible?

From the outset, all of the sites had at least some pretrial release mechanisms available. Some relied on traditional methods of bail and ROR, while others used a full complement of incarceration alternatives that ranged from 10 percent bail and weekend sentencing to a video appearance system for probable cause hearings. For many, however, it appeared that the lack of an organized pretrial policy or program hampered the effective utilization of the available options.

Citation release. Most projects explored the use of various citation options as alternatives to arrest and hold procedures because citations were seen as a relatively quick, easy, and inexpensive way to keep people out of the intake process and out of jail. Several projects proposed that project activities would include promoting the use of citations in lieu of arrest. Most jurisdictions already had this option. Once the projects were initiated, however, it became evident that there was little the project staff felt they could do to implement a citation policy. They can recommend that police issue citations in certain instances and they can monitor citation use, but the decision to issue a citation lies with the arresting officer and with police policy. Since the issuance of citations is outside of direct project control, it is an area where little project time, money, or energy is spent. Of the nine Phase II projects, less than one-third appear to be concerning themselves with the use of citations as an incarceration alternative, and these have been able to effect little change in the citation issuing policies or practices of police or sheriff's departments. Multnomah County and San Francisco were the two projects in the sample where the use of citations was successful. Arresting officers are required to use citations for misdemeanors as the rule. When they deem custody as necessary, they must provide a written explanation. Although the use of citations is an attractive means of reducing jail population, new projects should be cautioned against overreliance on this method. Any project considering this option should look long and hard at the existing citation policy, at the political feasibility and acceptability of citation release, and at the willingness of law enforcement agencies to cooperate. The composition and role of the Advisory Board may also influence this decision.

Detention of public inebriates. Nearly all of the Phase II projects have allocated some effort toward dealing with the special problems posed by inebriated detainees. These include: establishing detoxification centers, improving and expanding existing programs, or simply monitoring alcohol-related jail admissions. Yet, despite this agreement that alcoholics and alcohol abuse are a major concern, the policies proposed to deal with the problem do not appear to be uniformly relieving the problems of jail overcrowding. Clearly, the motivation of criminal justice personnel charged

with implementing these policies will be an important determinant of program success.

Criminal justice personnel report that alcohol detentions simply waste time, and that jail is an ineffective way of dealing with public inebriates. For them, any procedure that allows for speedy handling in the short-term (e.g., direct transportation to a detoxification center) or effective rehabilitation in the long-term (e.g., diversion to treatment) will be supported. It has been suggested that such programs will especially enhance the morale of police officers who will be freed for what they perceive to be more important duties.

Others feel that the criminal nature of the offense must be maintained and are generally opposed to the more liberal approaches such as decriminalization and diversion in lieu of prosecution. Some are even opposed to utilizing detoxification centers if corrections personnel are not represented on the staff. In some jurisdictions, inmates are being held as long as 30 to 60 days on charges of public drunkenness. Finally, it seems that there may be some unwillingness on the part of detoxification center personnel to accept clients who are argumentative or whom they regard as unlikely to "reform." These behaviors may result in substantial impacts in jurisdictions where public intoxication has been decriminalized, since the only remaining alternatives are release or the filing of charges.

Since so many of the sites have jail overcrowding problems that are negatively impacted by the large number of detentions of inebriates (pretrial and sentenced), the issue of alcohol-related jail admissions is a high impact program issue. The San Francisco project has had some success with this problem. Arrests of public inebriates dropped 19 percent and the number of bookings for public inebriation decreased by 48 percent in the spring of 1980 compared with the same period in 1979. The methods employed by this project could prove useful in other jurisdictions where a serious problem exists.

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

The data systems currently operating at these sites share a common weakness--the inability to produce summary data. These data systems generally have the capacity to produce inmate rosters, daily booking logs, daily release records, method of release, and information on each individual inmate (such as age, sex, race, number of prior arrests and convictions,

current charges, court status, address, employment status and more). In essence, the jailers have the data they need for the day-to-day operations of the jail, but they lack the capacity to produce an overview and to analyze the data they possess. Analysis of any jail population data would require a hand count, from the inmate roster, of each individual value of every variable being studied.

To eliminate some of the limitations of their data systems and to improve their data analysis capabilities, personnel at these sites are seeking the resources and approval for:

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

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

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

- The general resistance to change that exists in any system.
- Teaching people how to use and get the most benefit out of a computer.
- The tendency of jail personnel to be more concerned with booking and handling an inmate than in record keeping.
- Access to relevant data.
- Identifying the expertise needed for setting up and debugging a new computer system.

- Transforming written records into a form that can be entered into a computer.
- The time needed to computerize back data while continuing to collect current data.
- Competition with other worthwhile activities for scarce resources.

Although the development of management information systems was a stated objective of many of the projects, few sites were able to implement the proposed development of automated management information systems without the assistance of additional funding and technical support. This support was available through LEAA's Jail Information System program which was also coordinated by AJI.

Release options. Among the sampled sites, the release options for felons (ROR, bail, third party release, release to detox centers, supervised release, etc.) that are influenced by project activities vary widely. In some sites, project personnel are in contact with a defendant at an early point and project activities (interviewing, investigating, verifying and reporting information) influence all types of release decisions from ROR to full cash bail. In Delaware, no one is released before a preliminary hearing. PTR interviews must be conducted and a report made before the preliminary hearing; consequently, the judge can use the PTR report to help set bail, to grant ROR, or to exercise any other release or detention option.

Generally, however, the most common release option is supervised release (used in Atlantic County, Dade County, and King County). In most jurisdictions, ROR, detox, and other pretrial release programs predate the JO/PDP. These other programs have exhausted a number of release options. For a detailed list of alternatives to pretrial detention (including diversion activities) operating at the sampled sites, see Table 4 and Appendix C of the full report. Frequently, detainees are not referred to the JO/PDP for release assessment until they have failed to qualify for release under other programs (this is the case in Jefferson County, King County and New Orleans). Being last in line for referrals often results in the jail overcrowding projects receiving more serious offenders who are likely to pose higher release risks than those detainees released through other programs.

Release criteria. Criteria for release of pretrial detainees who cannot post financial bond but who are not disqualified on other grounds provided by law vary from site to site. Most sites are using some variation of a nationally accepted guideline, such as the Vera Institute's point system. Almost all the sites expressed some desire to test and validate the criteria in use based on their local experience. Although the information used during the pretrial release interview is generally related to some combination of

TABLE 4. ALTERNATIVES TO PRETRIAL DETENTION IN USE

Project		Summons or Field Citation	Stationhouse Release	Drug Release (or Diversion)	Detox Release (or Diversion)	Situational Release (or Diversion)	Misd. ROR	Felony ROR	Monitored or Cond. Release	3rd Party Release	Unsecured Bail	Private Bail	10% Bail	Work Release	Citizen Dispute Resolution	Notes and Misc.
1978 Phase I	Anoka	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
	Duval	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
	Genessee			✓		✓		✓			✓	✓	✓	✓		
1979 Phase I	Boulder	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
	Las Vegas	✓	✓	✓	✓						✓					Expediting probable cause hearing via video system
	Milwaukee	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓			
	Orlando	✓	✓	✓	✓	✓		✓			✓	✓	✓	✓		
	Trenton	✓		✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓		
1978 Phase II	Santa Cruz	✓	✓	✓	✓	✓	✓	✓	✓		✓	P				
	Seattle	✓	✓	✓	✓	✓	✓	✓	✓		✓	✓	✓			
1979 Phase II	Atlantic	✓				✓	✓	✓			✓	✓				
	Dade	✓	✓	✓	✓	✓	✓	✓	✓		✓			✓		Domestic Violence Unit, Dollar Bond, Credit Card Release
	Delaware	✓		✓	✓	✓	✓			✓	✓	✓				
	Louisville			✓	✓	✓	✓	✓			✓					Bailbondsmen outlawed
	New Orleans					✓	✓	✓	✓		✓					
	Portland	✓		✓	✓	✓	✓		✓				✓			
	San Francisco	✓	✓	✓	✓	✓	✓				✓					Community Board Program

charge, previous record, and to stability factors, we have found that investigation (information validation) resources and investigation practices differ from site to site, so that it is not always possible to reliably correlate criteria and release status (degree of supervision or contact) with FTA revocation and rearrest experiences.

Release prerogatives. Pretrial release units can investigate and submit written or verbal reports to the court, can make release recommendations to the court, or can have either administrative (delegated by the courts) or statutory (provided by law) authority to release pretrial defendants.

By far, the most common release prerogative available under this program is the option of recommending release to the courts. This option is exercised by seven of the eight sites that have release prerogatives. The eighth site, Jefferson County, although officially limited to interviewing detainees, collecting and verifying information, is for the most part making recommendations. In Jefferson County, the judiciary has begun to accept the investigation report as a recommendation for release.

The judiciary seem to be willing to accept release recommendations, but they are continuing to reserve the right to act on recommendations for themselves. Judges appear to be hesitant to relinquish their authority to release defendants to other agencies. Occasionally they are legally restrained from doing so. In only two of the eight sites are projects granted release authority, and this authority is administrative (delegated) rather than statutory and is limited to misdemeanants.

As projects and judiciary work closely together and judges gain confidence in the recommendations made by the project, the release prerogatives are informally being expanded. In Seattle, one of the earliest projects, ten of twelve court jurisdictions have agreed to implement expanded program release authority. This need to develop the confidence of the judiciary occasionally contributes to conservative recommendations. Pretrial unit personnel report that they hesitate to make any recommendations that the courts are not likely (in their opinion) to accept. At the same time, judges have reported to us that they rely on the recommendations of the pretrial staff and the experience that the staff is accumulating in reviewing the outcomes of release decisions. Both staff personnel and judiciary spoke of "public sentiment" as an influencing factor but it was difficult to see with what information they could act knowledgeably on the basis of perceived public sentiment. The collection of data validating the release decisions could go far to reassure both the judges and public opinion as to the safety of the community and the appearance of the accused at subsequent hearings.

Advisory Board participation. Each project in the Jail Overcrowding Program initially had some form of Advisory Board to encourage a system-wide approach. Among the various sites, there are many differences in the composition of membership, frequency of meetings, and formal structures. These are largely superficial differences; a more significant difference is the perceived role of the Advisory Board by its membership and the project staff.

Different perceptions of the Advisory Board role have contributed to significant variations in its function and the cooperation obtained. At the risk of making an unfair generalization which would not apply to any site, it seems that some projects view the Advisory Board merely as a necessary source of bureaucratic approval which must be secured before implementing programmatic changes. Other projects tend to view the Advisory Board as the central voice of the criminal justice system which must speak to the jail overcrowding problem. The project itself then functions as staff to the Advisory Board, and provides the board with data analyses and other information pertinent to the concerns of the board. Even in this situation, the project staff must play a key role in directing the attention of the board to specific issues.

The perceived role of the Advisory Board by its own membership is also an important factor which varies among sites. There is, of course, a natural inclination for members to try to protect their own interests; participation on the Advisory Board can be viewed as necessary for making certain that one's input to the problems and solutions is given adequate consideration. We do not wish to suggest that this view is always a negative or defensive reaction; we recognize that different members of the justice community have specific areas of responsibility which cannot be abdicated. Other individuals on the Advisory Board prefer to remain uninvolved as much as possible, perhaps to the extent of sending proxies to attend the meetings. Then there are certain individuals whose views of the Advisory Board closely conform to that of the ideal of the National Program Coordinator: a forum for the entire criminal justice community to address common problems related to jail overcrowding and seek system-wide solutions.

No project has enjoyed the full support of the entire Advisory Board at all times. There will always be differences of opinions, and one can expect an occasional dispute intensified by a difference in personalities. But at some point, the project staff and the Advisory Board must reach a general consensus about appropriate roles for each with respect to the implementation of any changes.

Two project directors, who have relatively inactive advisory boards, have mentioned that they work on a one-to-one basis with other criminal justice agencies in their jurisdiction to secure agency cooperation and coordination with the jail overcrowding project. Their approach may be the

most expedient or the only one available to these directors and it may produce successful project activities, but it does not foster a systems approach to solving the jail overcrowding problem nor does it encourage cooperation among criminal justice agencies. No forum for discussion of problems facing the system exists and group decision making does not occur. While project-agency cooperation is important, of more importance (and a specific objective of the Jail Overcrowding Program) is development of a system-wide approach to the jail overcrowding problem.

Comparisons. Although the nine sampled projects shared the same goal of reducing unnecessary pretrial detention, each of the projects had distinct management and program characteristics that may have influenced its achievements. Tables 5, 6, and 7 present descriptive information on management processes and activities. While there are several factors that make it difficult and perhaps inadvisable to compare impacts among individual projects as a sole estimate of relative achievement, some of these same factors are useful for reviewing site selection criteria and for allowing prospective sites to analyze characteristics that may be contributing to the outcomes being generated. These include:

1. Date of program inception, existence of Phase I planning effort, length of time program was fully staffed and operational.
2. Program emphasis, affecting the likelihood of short-term measurable impacts.
3. Pre-existence of on-site release programs.
4. Presence of concurrent federally funded programs on site.
5. Local conditions such as crime rate, extent of jail overcrowding, history of cooperation/antagonism among criminal justice agencies, existence of community supported release options, population growth, economic indicators, court orders, etc.

Several of the projects experienced some delays in becoming fully staffed and almost all have requested or are requesting time extensions to complete. In only three of the seven projects that were preceded by a Phase I planning phase did the Phase II project director direct the Phase I effort. Because of late starts and generally long start-up periods, very little meaningful impact data are available, except for the two 1978 projects which show small reductions in pretrial population (see Figure 8). This small reduction in the pretrial population, however, reflects a significant achievement since it occurred in a period during which bookings and total ADP were increasing. The percentage of the total jail population that was

TABLE 5
PROJECT MANAGEMENT DATA

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Site	Phase I Dates			Phase II Dates			Date Director Hired	Date Fully Staffed	Implementation Date	Project Director Background	Administrative Location of Project	Advisory Board Participation
	Start	Termination		Start	Termination							
		Planned	Actual		Planned	Current						
Atlantic Co., NJ	10/13/78	7/1/79	12/31/79	10/1/79	12/31/80	no change	1/28/80	2/19/80	4/6/80	Investigator, Prosecutor's Office	Court	Low
Dade Co., FL	8/15/78	3/15/79	4/15/79	8/1/79	10/31/80	3/31/81	12/26/79	2/80	10/79	Lawyer	Circuit court and corrections	High
Delaware	8/11/78	5/1/79	8/15/79	8/16/79	7/31/80	6/30/81	(Phase I)	10/80	2/80 Fully 10/80	CJ Planner, Evaluator	CJ Planning Commission, Gov's Office	Medium
Jefferson Co., KY	7/21/78	11/27/78	4/20/79	9/15/79	1/4/81	4/1/81	1/7/80	10/1/79	10/79	Attorney, Public Defender's Office, U.S. District Attorney Off.	Metro Correctional Services--CJ Dept.	Low
King Co., WA	NA	NA	NA	11/1/78	1/31/80	4/30/80	12/11/78	2/79	3/79	Local Govt. Administrator	Department of Rehabilitative Services/Division of Corrections	Low
Multnomah Co., OR	9/25/78	3/25/79	9/30/79	10/1/79	3/31/81	no change	(Phase I)	3/80	10/79	Grad Student Urban Studies Social Research	Department of Justice Services, Div. of Corrections	Not Using
Orleans Parish, LA	9/13/78	5/13/79	10/1/79	10/1/79	3/29/81	6/30/81	1/80	2/80	2/80	CJ Planner	Criminal Sheriff's Office--Department of Justice Services	Low
San Francisco Co., CA	10/1/78	8/31/79	8/31/79	10/1/79	3/31/81	no change	(Phase I)	12/79	12/79	CJ Planner Evaluator	Mayor's CJ Council--Mayor's Office	High
Santa Cruz, Co., CA	NA	NA	NA	5/10/79	6/30/80	12/31/80	5/10/79	7/79	7/79	Social Worker	Municipal Court	Medium

TABLE 6

TYPE OF PROGRAM BY SITE

Site	Central Intake System	Cooperative Programs with SS Agencies	Information Systems	Citation/ Summons	Pretrial Release
Atlantic Co., NJ	Planned 24-hour central intake center is operating 16 hours/day due to staffing limitation and security problems.		Unit enters data on all detainees into an automated information system, but most data collection and tabulation and tracking is manual.	Planned but didn't implement increased use of citations. Judiciary is reviewing use of citations.	They screen, interview, notify, track, and supervise releases and secure social services for them. Have developed specific release criteria and procedures.
Dade Co., FL			Manual tracking of cases from arrest to disposition. Flagging system for detainees who aren't moving through the system.		Have expanded release criteria and the PTR unit. Revised interview form to speed detainee processing. Borrowed and are adapting a point system to objectify release decisions.
Delaware	Developing a temporary central arraignment site. The experiences, procedures, materials, etc. from it will be transferred to the Gander Hill facility when it is finished.			Studied use of summons.	
Jefferson Co., KY		Refer about one-half of their releasees to social service agencies.	Project plans to develop an MIS and increased use of citations have been abandoned. An information system will be developed under a JIS grant awarded to Jefferson County.		Project emphasis is on release interviews, interview investigation and court liaison. Hope that when the grant ends other agencies will pick up the project's pretrial release activity.
King Co., WA	An attempt to develop cross-utilization of city and county PR interviewers failed.		Planned MIS was determined to be beyond project capacity and is not being implemented.		Have supervised release program for felons. Have succeeded in expanding release criteria and standardizing release procedures. Project now authorized to release misdemeanants and class C felons.
Multnomah Co., OR			All project funds and efforts are devoted to developing an MIS. A JIS grant was awarded.	Have developed data that lead to policy decision to require citations for misdemeanants or rationale for holding.	They hope that an MIS will speed detainee processing and enhance pretrial services.
Orleans Parish, LA	CINTAP has become the initial screening unit of the jails classification system.		Work on MIS has been delayed. Hope to have it operating by mid 1981.		They screen, interview, notify, track and supervise releases. On weekends, they screen municipal offenders for pretrial release.
San Francisco Co., CA	Plans to consolidate arrestee services and unify intake procedures and standards are meeting strong resistance.	Succeeding with primary focus of getting public intoxicants out of jail and into treatment alternatives. Project funds used to expand alcohol-related offender services.		Are monitoring the use of citations.	
Santa Cruz, Co., CA	The JO/PD project and the Pretrial Release Unit have merged. Trying to develop a central intake model to use at the new jail.	\$130,000 of project money is being used to pay subcontractors to provide residential supervised release for arrestees.	A consulting firm has developed an automated JIS for Santa Cruz.	Santa Cruz has a citation release program that predates JO/PDP. It has not been impacted by current programs.	Have increased the number of people screened and granted ROR.

TABLE 7

PRETRIAL RELEASE DATA BY SITE

Site	Staffing and Hours	# Screened	# Interviewed	# Released
Atlantic Co., NJ	1 Director 1 Secretary } 16 hrs./wk. 5 Intake Techs-5 days/wk.; On call rest of time		986 (through 1980)	424 (only 166 of these were non- secured releases)
Dade Co., FL	2 Correctional officers } 8 hrs./day 2 Spec. Proj. Admin. } 5 days/wk. 1 Admin. officer } 11 ROR aides } 24 hrs./day 7 days/wk.			458 (10/79-5/80)
Delaware	8 Corrections officers } 16 hrs./day 2 Deputy Attorney Generals } 7 days/wk. 2 Asst. Pub. Defenders } 1 Justice of the Peace } 8 hrs./day 4 JP clerks 6 PTR staff } 5 days/wk. 1 Planner 3 Clerical staff }		No Data	
Jefferson Co., KY	1 Director 4 Vacant interviewer 1 Asst. Direc. } positions 1 Data analyst 1 Court liaison 2 Clerical staff } 8 hrs./day 3 Interviewers } 5 days/wk.	5,350	1,912 (through 8/31/80)	549
King Co., WA	1 Unit supervisor } peak 152 1 Social worker } hrs./wk. 4 Counselors } currently 5 PTR screeners } 144 hrs./wk. 2 Clerical staff }	1,764	686 (through 4/30/80)	268
Multnomah Co., OR	1 Director } 8 hrs./day 1 Systems analyst } 5 days/wk. 1 Secretary 1 Part-time systems analyst (county funded)	N/A	N/A	N/A
Orleans Parish, LA	1 Director } 10-12 hrs./ 1 Court liaison } day 2 Interviewers } 7 days/wk. 2 Release officers 1 Vacant interviewer position	8,319 ~200/wk. municipal offenders	1,682 (through 9/30/80)	871 788
San Francisco, Co., CA	1 Director } 8 hrs./day 1 Data analyst } 5 days/wk. 1 Liaison to S.F. Bar } 1 Clerk typist } 2 Alcohol related } offender specialists } money for alcohol } 24 hrs./day treatment centers } 7 days/wk.	Mobile Assistance Patrol 6,852	Ozanam Reception Center 67,155 (1-6/80)	Ozanam Detox Center 5,563
Santa Cruz Co., CA	1 Director } 8 hrs./day 1 Social worker } 5 days/wk. 1 Secretary money to subcontractors } 24 hrs./day	3,005	1,831 (9/79-8/80)	858

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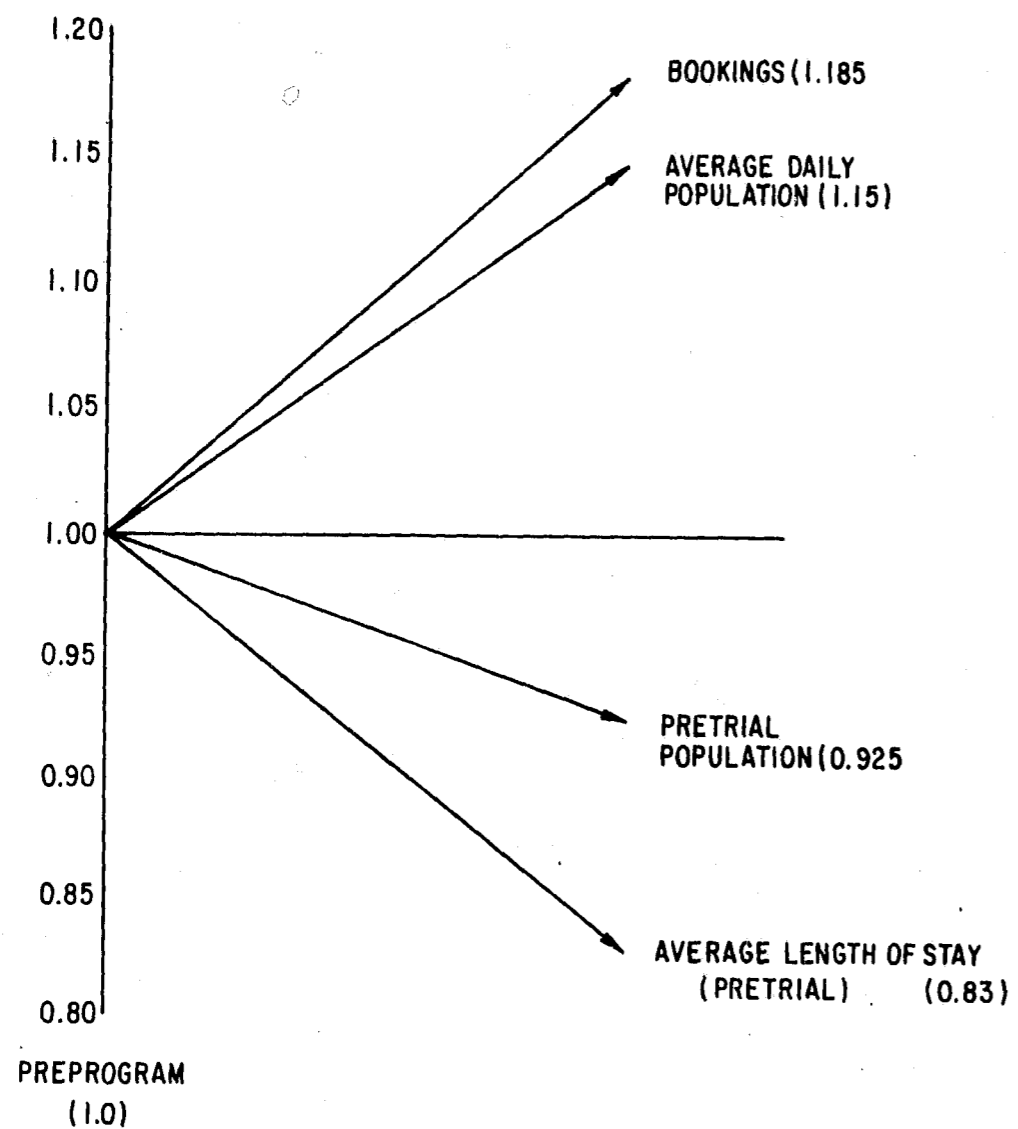


FIGURE 8
1978 PROJECTS CHANGE INDICES
PRE PROGRAM AND 18 MONTHS AFTER PROJECT IMPLEMENTATION

pretrial was reduced by 28 percent in King County and 5 percent in Santa Cruz in order to generate the 7.75 percent overall population reduction. During the same period bookings increased 18.5 percent. There were numerous differences in the two projects among which were community characteristics, difference in project emphasis, project director orientations, and use of an Advisory Board. Both projects had capable, dedicated and politically knowledgeable directors. Although there was overcrowding in both jail systems, King County clearly had a more serious problem than Santa Cruz, where a much greater percentage of bookings were for misdemeanors.

While two sites may both be 30 percent over capacity, the nature and seriousness of their crowding problems may be quite different. Site A may have several pretrial release programs operating and as a result have almost exclusively felons left in jail, while Site B may have few ongoing release programs and have a jail population of 40 percent traffic and misdemeanor offenders. We suggest that Site A has the more serious crowding problem. At Site A the relatively low risk offenders have been released and a crowding problem still exists. Any additional releasees are likely to have more serious charges, a longer criminal history, be more likely to be rearrested or fail to appear in court, and be less acceptable to the public. Site B, on the other hand, has a large pool of low risk, relatively minor offenders from which to draw releasees and its crowding problem is amenable to a wider range of solutions. While this evaluation does not suggest that any of the projects examined could be accurately defined by either of these hypothetical extremes, this illustration dramatizes the idiosyncratic nature of jail overcrowding that could, and did, have substantial impact on achievable population reductions.

Those projects that allocated most of their resources to the development of long-term benefits, e.g., consolidation of intake services, development of an MIS (and did not have concurrent release programs on-site) seem to show the smallest immediate gains in reducing the jail population and in persons released. (When using tabular data note that differences in implementation dates make valid direct comparisons impossible.) However, the long-range potential for impact may be greatest at these sites. Conversely those sites that used most of the program funds for pretrial release screeners, interviewers and counselors are already demonstrating the highest number of jail days saved.

6. What is the impact on costs?

Only a portion of the Jail Overcrowding Program costs were focused directly on pretrial release activities (i.e., those activities that could be expected to result in observable cost savings during this reporting period). On the basis of data generated at the two 1978 sites, it appears that the cost

savings associated with controlling pretrial jail population has at least offset program costs related to the screening, interviewing, investigation, and conditional release activities funded by the program. The impact of other activities such as improved information utilization efforts and the policy and procedural changes recommended by Advisory Boards, e.g., increasing use of citations, broadening release prerogatives of pretrial units, etc., and associated effects of focused coordinated attention to the problems of jail overcrowding will not become measurable for several months.

The chart on the following page (Table 8) presents cost-related information from Santa Cruz and King County from which the evaluation concludes overall cost-effectiveness. Preliminary information from Jefferson County, Dade County, and Orleans Parish similarly seem to indicate that on the basis of jail savings alone, program funds expended in the operation of pretrial release and supervision activities will be offset. With efficient case processing procedures, many of the costs associated with release screenings, interviews and investigations may be incurred in lieu of or offsetting the cost of jail classification investigations and/or presentence investigation reports, which would result in measurable cost savings to the community. King County has successfully demonstrated cost effectiveness to its Criminal Justice Planning Committee and has received local support for continuation of project activities. In Santa Cruz, where the project paid for a staff person at each of three residential treatment facilities as well as routine contact with other releasees, project staff anticipate the continuation of program support without additional federal funds.

Successful presentations on cost-effectiveness have been made without including additional savings associated with:

- limiting the need for new construction
- avoiding expensive law suits
- reducing prisoner transportation costs
- reducing payments to state or other facilities for housing prisoners
- reducing the number of hearings prior to release

TABLE 8
ESTIMATED DIRECT COST ELEMENTS, 1978 PROJECTS¹

	SAVINGS			COSTS PROJECT FUNDS (FULL TERM)			
	Jail Days Saved	Jail Day Costs	Transportation Savings	Estimated Savings	Pretrial Services	Residential Treatment	Pretrial Unit Per Person Costs
King County	17,059	\$7.86 ²	29,516	\$134,083 29,516 \$163,599	\$277,178		\$35.62 ⁶
Santa Cruz	1,968 ³ (treatment) 9,215 (OR)	\$31.00 ⁴	\$24,710 ⁵	\$346,673 24,710 \$371,383	\$118,740	\$130,000	\$28.36

¹ Costs shown are full term costs and include local match; savings are shown through April 1980.

² Marginal cost of incarceration--covers only consumables utilized by detainees.

³ OR @ 117/mo = 4,914 at an estimated increase of 400% over previous year = 3,686 net x 2.5 Average LOS = 9,215 days.

⁴ Actual housing costs at state facility.

⁵ 3,700 people @ \$6.68/person (150 miles RT) = \$24,710.

⁶ $\frac{\$277,178}{7,782} = \$35.617/\text{person}$ including project administration and start-up costs.

⁷ Based on an average of 147.5 persons on release by program each day.

⁸ Based on 2,500 residential and 9,500 OR days.

1980 PROJECTIONS	
<u>King County</u>	53,828 ⁷ Jail Days @ \$7.86 = \$23,088
	Transportation 29,516
	Hospital guard costs <u>101,751</u>
	\$554,355
	Pretrial services <u>349,423</u>
	<u>NET SAVINGS</u> \$204,932
	Potential loss of funds for housing federal prisoners <u>550,000</u>
	<u>TOTAL</u> \$754,932
<u>Santa Cruz</u>	12,000 ⁸ Jail Days @ \$31.00 = \$346,673
	Transportation <u>29,652</u>
	\$376,325
	Residential program costs 145,000
	Pretrial services <u>94,608</u>
	<u>NET SAVINGS</u> \$136,717

One of the best treatise we have seen on approaches to cost analysis of pretrial programs was prepared by Susan Weisberg in May 1978 under a grant awarded to the American Bar Association by the Department of Justice. While being relatively detailed and complete in many respects, this five page list of related data items does not include cost factors such as welfare payments to dependent families of pretrial detainees, taxes paid by working releasees, and ultimate impacts on employment status and earnings of persons detained prior to dismissal, acquittal, or probation.

The new demonstration sites have been sensitized to the need to keep records on staffing and processing costs in order to make full and defensible presentations on the impacts of their programs after the termination of their federally funded grant periods. Subsequent evaluations will be able to report more data and both direct and indirect impacts of program activities. Compared with many other federal demonstration programs, the percentage of pretrial release programs that have continued with the support of local funds has remained quite high (66%) over the past ten years, indicating that the concept of the pretrial release program as a cost-effective mechanism is fairly well established. The need to justify program costs is usually very strong when local governments are asked to bear these costs. As competition for scarce local funds increases (as current trends indicate it may), new projects and existing projects will be required to test and demonstrate the fiscal value of their programs. It is also not unlikely that state governments will be asked to take on additional responsibilities and costs of pretrial programs, and state legislatures can similarly be expected to test the cost efficiency of these programs.

In terms of the cost information developed thus far, the per defendant cost benefits of the program are probably marginal, except in those instances in which construction of new facilities has been delayed or where costly legal suits have been avoided. In the case of residential supervised release, costs are shifted from public to both public and private nonprofit agencies. There have been few problems associated with identifying and matching social agencies to releasees and frequently there are more spaces available than eligible detainees. The costs of noncompliance have not been fully documented. Failure-to-appear rates are not reported to be any higher than they were previously and are lower than in the control sites which have a less comprehensive approach to controlling jail population.

7. What, if any, is the effect on case conclusion?

One unanticipated benefit of jail overcrowding projects reported by some project personnel is that, due to project activities, jail days are being saved not only before trial but after sentencing as well. They believe that postsentence jail or prison days are being saved because people who are granted pretrial release and comply with its conditions have demonstrated their ability to live within the law and even if they are subsequently found guilty they are more likely to be sentenced to probation than are those who had been detained until tried.

The existence of such a benefit is, as yet, undocumented and even if it does exist it could be due to selection bias (i.e., that less serious offenders are granted release, while more serious offenders with longer arrest histories remain in jail). If such a bias is occurring we would expect detainees to be sentenced to jail more often than releasees. In spite of possible selection bias, the King County project director believes many of his releasees who were found guilty would have served time if not for their successful participation in the pretrial release project. When and if more data becomes available, we hope to determine the accuracy of this supposition. The potential of the Jail Overcrowding Program for saving postsentence jail days merits our attention and local projects' staffs and national program administrators should be alerted to the possibilities of the program in this area. The saving of post sentence jail days would certainly enhance cost effectiveness of local projects and improve their chances of securing local funding to continue operations after federal funds are exhausted.

There are other matters of conjecture for which data are still insufficient to resolve. Some project directors report that pretrial detainees are more motivated to plead guilty to the original charge if they anticipate a suspended sentence or a plea bargain than are those who are released. Both of these issues require controlled experiments and random selection. A current study sponsored by NIJ on supervised release is investigating these issues within an appropriate experimental paradigm.

8-9. What is the impact on LE/CJ officials, other involved parties and on the community and community willingness to tolerate risk?

One of the research questions of interest to potential adopters is police (arrest) behavior as a function of changes in booking, release and detention policies. Most of the baseline data we have collected to date relate to arrest experience which is subject to the influence of numerous

intervening variables. In talking with project personnel at each of the sites about the appropriate data by which to measure program impacts on police behavior, some general observations or concerns have been noted.

There appear to be two very different expectations related to anticipated impacts. The first is that arrests will increase as improvements in the booking and intake process become more efficient and as police are required to spend less time off the streets with the defendants in booking rooms, hospital emergency rooms, etc. For the same reason (reduction in police booking time), widespread use of citation in lieu of arrest may also result in increased criminal justice contacts. Another reason suggested for anticipating that arrests will increase is that as diversion and release options increase, enforcement may be increasingly viewed as separate from the "administration of justice" and police may exercise less discretion in marginal arrest cases, i.e., police have the responsibility to arrest and the courts have the responsibility for the equitable disposition of cases. It has even been suggested in some jurisdictions that as programs for rehabilitation, counseling, etc., become more available and well known, police may make more arrests just for the purpose of placing people into release and diversion programs with supportive services. In addition, it has been predicted that among police less sympathetic with release programs, some overcharging may result (misdemeanor to felony) to ensure minimum detention time. A second school of thought propounds the theory that as the courts divert and release more defendants, some measure of futility will set in among arresting officers and arrests will decrease as the officers become less inclined to go through the booking/arrest process. Further, it was hypothesized that as pretrial release agencies require more and more information from arresting officers (with which to make release determinations), the number of arrests could decline.

In any case, the type of arrest affected would be the discretionary or marginal misdemeanor arrest. It was not anticipated that felony arrests would be seriously impacted by project options. So far, we are seeing less misdemeanor arrests but the reason appears to be more related to jail overcrowding than to programmatic variables.

Failure-to-appear data. FTA data are being developed at nearly all the sites in one form or another. The range of what is suggested to us as an acceptable (to the local community and to the judiciary) FTA rate is extremely broad. It seems reasonable that areas with different population characteristics, e.g., transiency/stability factors, differing crime rates, and different overcrowding problems will develop different standards as realistic

goals. Further, we have noted different attitudes relating to release among project staff--some are primarily responsive to the jail overcrowding situation and some primarily responsive to what they perceive to be community and judicial attitudes toward risk.

FTA percentages are computed on different populations and with different release requirements, only some of which include release revocations in their FTA rates. Some areas have concurrent projects that siphon off the most serious and/or the least serious risks, so the remaining populations not only have different characteristics (population demographics, charges, arrest histories, etc.) but use different segments of their jail population distribution with which to compute FTA. In order to make inferences about impacts on these rates it will be necessary to standardize FTA reporting among new sites to include information on misdemeanor and felony populations separately, on whether or not any special populations targeted by other programs are removed from the calculation, the degree of supervision or contact with releasees, and how release revocations are treated in the data. If jurisdictions are using comparative FTA rates to influence local release criteria, then it would be well for them to have the information necessary to interpret numbers with which they are comparing their own experiences. FTA data have been collected at six of the nine sites. Reported rates vary from a low of 2.5 percent in Orleans Parish to 10.7 in Dade County. All the figures are well within the national norms.

Community response. As noted earlier, local overcrowding projects must be responsive not only to the needs of the criminal justice system but to the appropriateness of possible solutions for their community. Similarly, any recommendations for addressing the national overcrowding problem must be couched in terms of current criminal, legislative, and attitudinal trends. Only in this way can they reflect the dynamic nature of the problem and its solutions.

It is common knowledge that crime is on the rise, particularly in metropolitan areas. National uniform crime figures released in 1978 showed that reported index offenses had risen nearly 9 percent since 1974.¹ When population growth was taken into account, that represented a 5.3 percent increase in the crime rate per capita. While it has been argued that this

¹FBI uniform crime reports: Crime in the United States. Washington, DC: Government Printing Office, 1978.

increase reflected a higher rate of reporting crimes rather than of actual criminal activity,² the situation has clearly taxed criminal justice resources. A slightly greater increase in female crime rates than in those for males was also noted for 1977 to 1978. Further changes in this direction could prove particularly exacerbating for local jail problems because of the segregational constraints imposed on jail space by female inmates.

Despite its apparent ineffectiveness, the traditional response to increasing crime has been incarceration.³ The United States not only has the highest imprisonment rate in the free world but that rate is rising. That approach has proven to be particularly expensive, however, for the local governments that operate jails. Between 1971 and 1977, the corrections expenditures for county governments increased 135 percent.⁴ This figure is not surprising, however, when it is considered that national expenditures in criminal justice doubled during that period.

Public opinion appears ready for alternative ways of dealing with crime. A 1978 Gallup Poll found that of all uniformed community services, people were least satisfied with corrections.⁵ Community resistance to new prisons and work release center may also be on the rise. Recent legal battles in Arizona and Maryland, for example, have blocked the establishment of three new facilities and raised objections to two others. While prison construction has always faced opposition from community residents because of possible escapes and lowered property values, it has been suggested that these latest protests also reflect a dissatisfaction with the current warehousing approach to corrections.⁶ Unfortunately, this trend underscores the difficulty of establishing community-based corrections as well.

²Doleschal, E. Crime--some popular beliefs, Crime and Delinquency, 1979, 25, (1), 1-8.

³See for example, Biles, D. Crime and the use of prisons. Federal Probation, 1979, 43 (2), 39-43.

⁴U.S. Department of Justice. Trends in expenditure and employment data for the criminal justice system. Washington, DC: U.S. Government Printing Office, 1979.

⁵Gallup Poll: Public opinion, 1978. Princeton, NJ: The Gallup Poll, 1979.

⁶News Briefs. Corrections Magazine, June 1980.

Legislative trends are, of course, critical to the effective implementation of alternatives to jail overcrowding and a number of positive moves have been made in this area. Many states have downgraded various substance abuse violations in the past few years. The fact that arrests for drug-related violations were down 17 percent over the 1974-1978 period indicates the impact of such legislation. More importantly for local jails, alternatives to arrest are now being used in about half of the states for dealing with large numbers of public intoxicants.

Another important change has been the establishment of a statutory basis for presumption in favor of pretrial release. Both local and federal codes under consideration provide such a basis while permitting judges to consider community safety in determining release conditions. The legislative authority for many alternative sentencing programs, however, has been notably lacking. Only recently have any concerns been voiced over the possible legal consequences of this oversight.⁷ With the increasing use of these creative alternatives to incarceration, it seems likely that the necessary legislative support will be forthcoming.

The movement toward determinate sentencing has less certain impacts on jail overcrowding. Currently, determinate sentencing has been enacted or is being considered by ten states and the federal system. The general assumption made by lawmakers has been that prisoner populations will be largely unaffected, yet the matter has not been well studied. One analysis of the probable impact of California's determinate sentencing legislation (S.B.42) warned "there are sound reasons for speculating that S.B.42 may stimulate increases in prison admissions."⁸ Only further research can show whether or not this fear will be realized and to what extent the analysis might be applicable to jails, where inmates are predominately pretrial or are serving short sentences. The population of sentenced inmates in county jails awaiting appeals is likely to increase if determinate sentences become longer sentences.

⁷Beha, J., Carlson, K., & Rosenblum, R.H. Sentencing to Community Service. LEAA. Washington, DC: U.S. Printing Office, 1977.

⁸Nagin, D. The impact of determinate sentencing legislation on prison population and sentence length: A California case study. Public Policy, 1979, 27, 69-98.

Overall, the environment looks favorable for implementing alternatives to overcrowding, especially if the program focuses on its cost effectiveness. Public dissatisfaction, coupled with legislative and financial support suggest a general willingness to deal with the growing problems of crime and incarceration. Construction costs for new jails are rising rapidly and it is difficult to generate the revenues for their construction. However, those alternatives that directly affect special interests, such as establishing halfway houses in residential neighborhoods may need to be approached cautiously in view of growing citizen activism.

Recommendations

The recommendations in this section are divided into two categories: Program or Technical Recommendations and Administrative or Management Recommendations. They are based on information gathered from visiting and reviewing materials from all 17 sampled sites, and from lengthy discussions with program monitors and TA providers. Technical recommendations are designed to help individual sites to improve release procedures and reduce jail overcrowding. The management recommendations are for both the projects and the funding agency and are suggestions for improving program and project administration. Since the needs of the individual projects vary so widely, there is no priority order implied by this listing of recommendations.

Technical Recommendations

The first two recommendations relate to the identification and treatment of two large populations for which the development of alternatives to criminal justice involvement or pretrial processing could substantially impact the overcrowding problems in local jails.

Public inebriates (both pretrial and sentenced) constitute a major segment of the local jail population in several jurisdictions. Many sentenced offenders are held in jail for several weeks. Diversion and treatment programs are receiving some attention and DRI has observed that relations between law enforcement personnel and the staff at the detoxification centers have generally improved as the programs have matured. In some jurisdictions where public inebriation has been decriminalized, no effective alternatives have been developed and many violators are still being taken to jail either for their own protection or in response to community and business preferences. We recommend continued and increased attention to this problem and cite the San Francisco diversion program as an example of an effective method for addressing this concern.

Citations in lieu of arrest were proposed by several jurisdictions as a safe and effective alternative to intake and detention for a large class of petty offenders. Unfortunately, most projects were unable to have a major impact on the increased use of summons and citations. Although in most instances their use was legislatively possible, citations do not appear to be a popular alternative among law enforcement personnel. Some sites, e.g., Multnomah and Jefferson Counties, are collecting data on FTAs and rearrests among those who receive citations. However, in neither location are the numbers of persons processed with either field or station house citations large enough to develop convincing data on the efficacy of this approach. Given the large number of persons who qualify for OR release, DRI sees the use of citations as an underutilized alternative and recommends additional emphasis on collecting more information on the advantages and disadvantages of its use.

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

Earlier involvement of the District Attorney's Office and earlier screening of cases would reduce the number of persons being held who are eventually released because charges are never filed or who later become eligible for release through existing programs. In some jurisdictions persons are routinely held as long as seven days before project staff can start release processing. Although this time period may provide important flexibility for the District Attorney's Office in deciding to prosecute in special cases, it should not be used routinely because of an overburdened criminal justice system. The length of time until charges are filed and an examination of the reasons should be reviewed locally to determine if additional staffing is required in the District Attorney's Office.

Locally validated standardized release criteria are still needed by many jurisdictions. Pretrial release units are frequently granted release authority for misdemeanants and are occasionally administratively delegated the right to release certain felony defendants. Many projects have instituted 24-hour screening functions; however, in the absence of release authority the screening function may be ineffective in reducing LOS. We have also observed an overreliance on both perceived judicial preference on the part of the pretrial staff and perceived community preferences on the parts of both judges and pretrial staff. We recommend the collection of more research data on who to release and with what degree of supervision. We recommend the development of standardized release guidelines for approval by the court.

We recommend that these guidelines are periodically updated with new experience as a mechanism for speeding the release process, increasing the number of safe releases, and decreasing the costs of revocations.

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

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

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

Police motivation to increase arrest rates in order to demonstrate effectiveness and justify increased budget allocations should be discouraged and replaced by other measures. Arrests by law enforcement officers provide highly visible evidence of performance. If, however, the problems of the criminal justice system and the community are to be addressed comprehensively, alternatives to arrest, including diversion from the criminal justice system, may be more effective than arrest in reducing crime by allowing the resources of the criminal justice system to focus on those problems for which the community provides no other treatment alternatives.

This concept requires community support. If the Advisory Board is not supportive, then it is likely that arrest rates will continue to be singled out as the most important measure of police performance.

Management Recommendations

The following recommendations relate to the management of the jail overcrowding projects, the use of a National Program Coordinator, and the potential of the program for national impact. An overall conclusion about program management is very positive. The program solicitation was a good one in that it allowed for a variety of local projects suited to special needs and as a result the program had direct input on reducing the number of persons detained and in providing a focus for coordinated problem solving.

Multi-program sites were frequently the recipients of JO/PDP funds. Most of the jurisdictions evaluated in this study were receiving or had recently received other program funds, and many received additional project awards during the evaluation period. To a certain extent this was a deliberate plan and has proven wise in that the sites selected had demonstrated they had the expertise and commitment to use the funds effectively. However, it could also be argued that the sites that received Phase II funds were those that were aware enough and capable enough to institute programs without federal assistance, and that they have simply become more expert in grantsmanship, and further that some of the sites did not have critical jail overcrowding problems but were able to write winning applications. With one or two exceptions the evaluation study concurred with the selection of Phase II implementation projects and agreed that without the articulated support of the judiciary and local government leaders that was a condition of the proposal solicitation, the chances for successful implementation would have been diminished. We recommend, however, that this decision is consciously and deliberately reviewed at each funding cycle to determine if the rationale for selecting "active" sites continues to be convincing and continues to be in the best interests of the nation.

The National Program Coordinator/TA network available to the projects is recognized as a critical programmatic feature in the overall success of the program. The following recommendations are provided for improving important and generally well delivered services.

We recommend increased communication between AJI and the projects and increased communication among the TA providers and the projects through:

- Generous use of telephone conference calls, speaker phones, or other available communication technology.

- Distribution of examples of model data collection forms, coding manuals, flow charts, etc., to all projects.
- Systematic follow-up of site visits to include appropriate feedback to projects leading to a sense of closure in regard to the problems covered during the visit.
- Making AJI's existence and purpose better known to all projects with ongoing orientation as to AJI's range of services.
- More closely knit organization and integration of AJI staff activity that has the potential of compensating, in part, for the use of part-time and geographically dispersed consultants. This conclusion reflects the evaluators' concern for AJI developing a national perspective as well as keeping track of the vicissitudes of individual sites.
- Keeping new local project directors and personnel informed of the assistance available from AJI.
- Periodic contact with all projects to facilitate the informal exchanges that assist in monitoring and timely provision of TA.
- Fuller use of the cluster conferences to reflect the conclusions of this report, such as orienting new project heads and personnel, etc.

Increased communication between AJI and LEAA is required to assure maintenance of policy control by the funding agency. DRI recommends:

- Regular direct contacts between LEAA and AJI to ensure the continuing coordination of the conceptual and operational direction of the program.
- Clarification of AJI's responsibility to the Phase II projects. At present, they would benefit from closer supervision and a more proactive TA role and more detailed files recording the progress of each site. It has been AJI's understanding that Phase II sites are largely LEAA's area of responsibility, except for the provision of TA.

- Additional and clear encouragement from LEAA and AJI for the Phase I sites to collect all the data proposed in the grant application.

Use of consultants by the projects during Phase I allowed projects to secure expert assistance not routinely available to them on a short-term basis. However, in order to optimize the use of consultant input, it is necessary to plan appropriately for that use. Several permanent local government agency employees should work closely with the consultant(s) and there should be written accounts of all discussions and recommendations. Information exchanged between consultants and a single project person is lost if that person leaves the project. Given the two-phased funding approach (which was viewed as an effective procedure) there is generally uncertainty about the continuation of funding and many Phase I directors left the projects in order to secure permanent employment before the second funding increment was approved. In order to avoid information loss, consultants should be required to submit written reports.

The proposed project duration in every case except one was insufficient to accomplish program objectives. The projects were almost all late, but managed to conserve resources so that with time extensions they were able to stretch out the project periods. However, the need to reschedule activities caused planning and staffing difficulties and set up unreasonable expectations for implementation. It seems clear that longer project periods are needed to reach individuals and change attitudes and to institute new processes and measure their impacts. Although the experiences of 1978 and 1979 projects should be valuable to new programs, all of which had planning grants, we suggest that implementation periods be routinely extended to at least 18 months following the date on which a project director is hired.

Dissemination of information within the program and to sites outside the program appears to be inadequate for national impact. Each of the projects is making progress in the achievement of its own objectives. Mechanics of operation are being instituted that are either already speeding processes of release and provide additional release options or which have every potential for doing so. However, as we talk to people at the various project sites, we hear some of them express a sense of isolation. They are not sure about what other programs are doing or if they themselves are going about their work in the best way. And, in response to direct questioning, we see only modest signs of information exchange among projects or between JO/PDP projects (even those in the same state) and other jurisdictions. All of this occurs, despite the excellent technical assistance available to the projects and the large number of professional organizations to which various project staff belong. These projects are being described as "demonstration

programs" and part of the justification for selecting sites with a high likelihood for demonstrable achievements during the funding period is for their utility in encouraging other jurisdictions to adopt successful programs. Previous research has shown that dissemination of findings (beyond program participants) will be substantially affected by the development of interest among the target group during project operation, and we recommend that program monitors and coordinators encourage the use of the potential outlets for dissemination. Proposed travel budgets are, in general, fairly modest, and frequently, project staff do not have access to additional travel funds. Attendance at regional and national symposia, the presentation of papers, etc., should be encouraged.

The selection of Phase II sites has been somewhat of a problem. For many reasons, including constraints of government funding cycles, it is desirable to make decisions as quickly as possible following proposal submission in order to retain project momentum. However, as a result of interaction with our 17 sample sites, we have developed some criteria that we believe Phase I sites should meet before they are either granted Phase II funds or commence Phase II operations. Prior to implementation, sites should (1) document that a pretrial detainee population problem exists or will soon exist, (2) demonstrate the appropriateness of their implementation plans for alleviating the overcrowding problem, (3) secure the cooperation of criminal justice agencies in their jurisdiction, (4) develop a fully operational Advisory Board, and (5) collect baseline data that will form the foundation of project evaluation. These standards are consistent with LEAA and AJI developed criteria but are not always applied. All of these criteria are important, but for purposes of evaluating the results of the program, specific emphasis is placed on the collection of baseline data. The omission of an adequate baseline at most projects has complicated this documentation of project impacts.

During the life of the program, some Phase I projects that failed to meet one or more of the above criteria have been granted Phase II funding. These projects were troubled with start-up delays and proved unprepared to proceed with the implementation phase. In reference to awarding Phase II funds, AJI's staff have stated that there was not a sufficiently large pool of candidates from which to select Phase II sites, that Phase I sites were not required to demonstrate their readiness to begin Phase II, and that some Phase II sites were funded prematurely. They have also stated that the Phase II applications for 1980 were substantially better prepared than for 1979 and that although marginally acceptable sites were funded during 1979, some very good applications had to be turned down in 1980. This phenomenon is typically observed in programs that are improving and maturing with age. We do recommend, however, closer monitoring and selection procedures in order to increase the number of well prepared projects and shorten the start-up delays that plagued many Phase II projects.

Summary

The jail overcrowding projects have had the difficult task of simultaneously attempting to accommodate a response to two odious conditions that are frequently in conflict with one another: the detention of persons on charges of crimes for which they have not been convicted; and the incidence of new crimes, especially violent crimes, by persons awaiting trial on other charges.

An examination of most release eligibility factors shows that fugitivity still appears to be the principal concern of most pretrial release agencies. As jails become more overcrowded, there is pressure to release a higher percentage of pretrial defendants, as we have already seen both within and outside of the Jail Overcrowding Program. If more defendants are being released and fewer federal and state resources become available to provide the validated information needed for rational release decisions and to supervise persons on release, both FTA and pretrial rearrest will increase. In that case, danger to the community is likely to surface as the more critical concern, requiring modification of most existing eligibility criteria.

An examination of the experiences of the JO/PDP projects has led to the following three summary recommendations for both the program sites and others for whom no program funds are likely to be available next year:

1. Concentration on programs for target populations that account for substantial percentages of the local jail population, e.g., alcohol abuse programs, programs that identify and treat the chronically mentally ill offender, family crisis intervention and criminal dispute mediation. Many of these programs will not only relieve the jail overcrowding problem, but can also divert large numbers of persons from subsequent criminal justice involvement.
2. Process changes such as increased use of citations in lieu of arrest, prebooking misdemeanor release, intercounty and interstate information exchange and cooperation for the release of eligible persons without local ties (who are now frequently being held on minor charges), early involvement of prosecution and defense counsel, and reducing the time between charge and trial.
3. Developing the capability to implement recommendations (1) and (2) through the initiation and utilization of criminal justice Advisory Boards. Although this report has not presented hard evidence of a relationship between jail population management and Advisory Board participation, we have

documented implementation problems that developed in the absence of Advisory Boards and intense belated efforts to establish board participation as federal funds were becoming exhausted and it became necessary to develop local support.

The Jail Overcrowding Program solicitation provided for a great deal of response variation from the applicant sites. Because of the resulting differences in project approaches, the program was difficult to administer and required a large network of supporting technical assistance. Since the specific objectives and, therefore, the short-term impacts of the projects varied so widely, it was also more difficult to evaluate than a program in which projects shared common goals and objectives. However, the program that was offered was well suited to the varied needs and capabilities of the grantees, and despite some slow starts and on-site differences about project focus and direction, the programs that evolved not only made progress in intelligently managing local jail overcrowding problems, but also developed important information and insights for other jurisdictions facing similar problems.

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