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CROSSING THE BOUNDARIES BETWEEN COURTS AND CORRECTIONS*

H. TED RUBIN**

This note presents findings from an exploratory study of the interrelationships between the judicial and correctional systems. The interdependence of these organizational groups is marked. A wide variety of informational exchanges and cooperation efforts are noted, particularly at the local level, though officials of these two systems report different viewpoints across a range of questions. Correctional official interest in enhanced collaboration with the judiciary suggests that the present environment can result in more useful participation and initiatives by judges and court administration at this nexus. The recommendation is made that training efforts with court officials incorporate correctional developments and issues and focus more strongly on the role of the courts in achieving improvements in this interrelationship, thereby facilitating both judicial and correctional administration.

Introduction

Coordination deficiencies between courts and correctional agencies are a longstanding problem. To proceed along separate and autonomous pathways denies the interdependence of decisions made in each arena and frustrates their respective administrations and accomplishments. For example, the failure to bring a jailed defendant to court for a scheduled trial, because of a communication shortcoming or implementation error, delays a case disposition, hampers judicial efficiency, and inconveniences others including, perhaps, the defendant. As another illustration, although the sentencing practices of judges affect the demand for scarce prison resources, release practices instituted to curb prison overcrowding may make the actual amount of time served less than that anticipated at the sentencing.

A call for closer working relationships between courts and corrections has been repeated by recent national commissions and writers (American Bar Association, 1980; Goldkamp, 1979; Louthan, 1974; National Advisory Committee on Criminal Justice Standards and Goals, 1973; Reichert, 1975). Contemporary advocates have focused on the sharing of information as a means of achieving better integrated decisions (Friesen, 1977). Yet,

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despite the concern over how decisions in one sector affect the intended policies in the other, very little is known about existing communication patterns, areas needing improvement, or feasible ways of increasing information exchange for the purpose of resolving problems such as prison or jail overcrowding.

Pertinent questions include the following: How do court and correctional officials view certain widely publicized correctional problems? How do they perceive the responsibilities of different governmental officials to help solve these problems? What is the nature of formal and informal communication between these officials? What information is shared between these officials? What are the weaknesses with present communication and information sharing? What can be done to improve judicial system policies and decisions that affect correctional concerns?

The purpose of this note is to report the results of an exploratory study on communications between judicial and correctional officials.

Methodology

Interviews were conducted with judicial and correctional officials in eight states. Both state and local officials were interviewed. The eight states selected for this examination, as shown below, included four states with state prisons that had been found by federal courts to be so overcrowded as to represent cruel and unusual punishment and were subject to court monitoring at the time of the survey. The other four states had not experienced such holdings. The purpose of this selection criteria was to determine if the presence of a major problem affecting both judges and correctional officials might lead to more dialogue and coordination.

	Overcrowded States	Non-Overcrowded States
Large States	Florida	Minnesota
	Maryland	North Carolina
Small States	Arizona	Idaho
	Rhode Island	South Dakota

Seventy-three court and correctional officials were interviewed in these states by telephone, the frequency varying from eight to eleven officials per state. The state court administrator, a deputy administrator, or another official in this office comprised the state court administrator

interviews. The director of a state department of corrections, the deputy director, or other assistant constituted the correctional interviews. The judges included chief trial court judges, chief criminal division judges, and other judges handling criminal cases. Trial court administrators were most likely to have been the chief executive officer. Local correctional officials interviewed included sheriffs and directors of local correctional departments or their lead deputies.

Also, on-site interviews were conducted with judicial and correctional officials in order to supplement the information derived from the overall literature search and telephone interviews. The states utilized for on-site examination were Arizona, an overcrowded state, and Minnesota, a non-overcrowded state.

It should be said that this was a preliminary study designed to provide a clearer picture of present communication practices and attitudes, and of what might or should be taking place. The objective was to refine issues rather than test hypotheses. Hence, the findings should be viewed as suggestive—it is a beginning rather than an end.

The remainder of this note presents selected findings from the study. The first section considers the information and communication presently occurring across these systems, reports these officials' opinions as to correctional problems in their states, and discusses how the perception as to prison or jail overcrowding influences other beliefs as to practices and problems that may occur. The next section identifies how different officials assign responsibility for helping solve state and local correctional problems. This is followed by a description of trial court administrator interactions with corrections. Next, other findings are reported that further extend the presentations regarding information, communication, and attitudes toward problems and the responsibility for their solution. Finally, a summary of the data analysis suggests certain aspects of this interrelationship which appear to merit further attention.

Communication Between Systems

With overcrowding, accommodation methods are used at both state and local levels. For example, an Arizona correctional official indicated that several hundred state prisoners had been released administratively prior to their parole release date and were being supervised by parole agents pending formal assignment to parole status. Similarly, in Pima County (Tucson), Arizona, where the local jail has been held to be unconstitutionally overcrowded, county corrections officials meet with pretrial release agency and probation officials when jail capacity is approached to

determine which inmates should be recommended to the chief judge for speedy release. Further, information that a prison or jail is at, beyond, or approaching capacity appears, in some cases, to affect judicial sentencing decisions. Although the safety valve of early release may compromise judicial intent and correctional administration objectives, its use illustrates the need for ongoing cooperation by the three branches of government in developing and maintaining a correctional policy that relates sentencing practices to present resources.

There was a very real difference among court official responses as to whether courts were regularly informed of the number of inmates in state prisons and local jails. Few such officials reported they received prison population data. However, about two-thirds of the trial court officials reported the receipt of local jail data. That this information is more frequently shared at the local level reflects the closer working relationships that occur there as well as the still-to-be-formulated need for and use of this information at the state level. Respondents receiving state or local level inmate population data indicated that, usually, this was not mandated by law. There appeared to be, in general, less use of aggregate cross-system data than would seem desirable for planning purposes by both courts and corrections.

Court system officials reported that little information of other types, such as reports of inmate disturbances, offender progress, or rehabilitation research, was received by them from state or local correctional officials. A few state correctional annual reports were transmitted to the courts, and at the local level prison complaints and certain program information were received by several judges.

Some information is provided in the other direction—from courts to corrections agencies. For example, Rhode Island court officials routinely advise state correctional officials as to the number of pending felony sentencing hearings so that the latter can to some degree predict and anticipate the case flow to their overcrowded correctional facilities. In addition, court officials are required, of course, to send copies of incarceration orders to state or local correctional officials. Courts also inform work release program administrators of persons whose sentence includes work release and sometimes advise correctional administrators when an offender appears to need a particular form of care or treatment. Where adult probation services are administered by the judiciary, presentence investigation reports and psychiatric or other evaluation studies are forwarded following commitment. Probation departments, however administered, may receive copies of daily sentencing calendars. Courts may also provide

information of new procedures or laws that are relevant to corrections as well as court system newsletters.

Although relatively scant information was provided to court officials, particularly state court administrators, by correctional officials, interview data suggest that when this information is provided, it is in fact reviewed by court officials. State court administrators reported seeking to correlate prison admission data with court sentencing statistics. One administrator, interested in obtaining speedier presentence investigation reports for the judiciary, noted that his request for correctional agency time frame data was all that was necessary to secure more swiftly completed reports.

Some of the general jurisdiction judges reported that they review state corrections materials along with the chief judge of the court, while other judges review these materials themselves. They reported using this information to better comprehend correctional problems, to explain to defendants what awaits them in prison, to consider incarceration alternatives where there is prison overcrowding, or to decide whether to advise the parole board concerning a person being considered for parole. General jurisdiction trial court administrators also examine state corrections materials by themselves, or with the chief judge or staff members.

Judicial system review of local correctional department communications has a more specific purpose. Judges reported that: "I review who is awaiting trial to see if they are held on excessive bail"; "to insure no one is in jail without a current court date"; "to decide if a person can be released"; "to decide if a person should go on work furlough"; "to decide, from psychiatric information, if commitment procedures should be instituted"; "to discuss with judges at bench meetings how we are affecting jail populations".

Limited jurisdiction trial court administrators also utilize this information. For example, they use it to review if anyone has been held thirty days without trial for excessive bail; to set up meetings with people involved in the solution of a problem; to handle the complaint that court orders are not legible by assigning just one staff member to do all the typing; to make sure fines are posted; to make sure an attorney interviews persons held more than thirty days; and to insure cases are moved along.

Reported judicial system attention to correctional reports would seem to be a hopeful sign supporting the interchange of additional relevant information. Also, correctional officials expressed interest in obtaining more information from and about the courts.

In response to the question as to whether a judicial system official or someone on his or her staff visits prisons or jails, trial court judges and

administrators generally answered affirmatively. However, state court administrative staff were substantially less inclined to make such visits. Though they may be involved in arranging prison visits for judges, these officials are less interested in going inside the gates. In some states, judge visits are mandated by statute or court rule. Interviewers also brought out that some correctional agencies encourage judges to have their monthly judges' meeting at the local jail or workhouse so that a tour might be tacked on to the meeting. Questionnaire data reflected that while most such officials had visited prison or jail facilities, visits were infrequent and irregular.

It is not difficult to envision how the sharing of information can facilitate both court and correctional objectives. At the community level, judicial policies and case decisions benefit from a working knowledge of the nature of jail space use, inmate classification methods, program offerings, work furlough administration, whether good time is authorized and if so how it is calculated, permissible visitations, medical and psychiatric evaluation provisions, speed of transfer to state facilities following sentence, data on population, and other information. Trial court judges also need to understand the nature, eligibility criteria, and program services offered by existing pretrial release and diversion agencies. Other pertinent information at the community level may include bail bond procedures, bail schedules, and police citation practices. Court caseflow data and processing time experience can be used beneficially by the judiciary in considering opportunities for improving collaboration with corrections.

Correctional officials are very dependent upon both the decisions rendered daily by trial courts and court policies. Judicial system approval of pretrial release services means that fewer offenders will be detained on a pretrial basis. A longer period of time rather than a shorter period of time between adjudication and sentencing means that more detained offenders will take up jail space until the court acts. The existence of more extended probation and community rehabilitation agency services should mean that fewer defendants are sentenced to incarceration.

The reverse dimensions of this are pertinent to the courts. An overcrowded jail may handicap appropriate judicial sentencing of female misdemeanants to a secure facility when the small woman's section has been preempted by an excess of male prisoners. Or a court that invokes weekend sentencing for drunk driving may find these offenders turned away because there is no room in the jail. An inadequate jail information system may result in a failure to bring inmates to court for scheduled hearings.

It seems apparent that these two systems cannot function effectively in

isolation, and that more than rudimentary individual case information is necessary if corrections is to address its responsibilities to the public seriously and if courts are to move forward with such problems as case delay (Friesen, 1977), effective judicial scheduling (Church, 1978), and informed judicial pretrial and posttrial decision-making. Both systems need to make the most expeditious use of their staff resources.

Joint information systems utilized by law enforcement, courts, and corrections are now underway in a growing number of communities and offer promise of better-coordinated and better-targeted efforts. The field visits conducted with this study revealed that when officials of different agencies got together to develop such a joint information system or other planning effort which often involved the need to develop information, considerable informal communication subsequently flowed between these officials as other problems arose that crossed systems. Information is a source of understanding and understanding needs factual and useful data and experience to obtain accurate perceptions of processes and problems. The field visits revealed that new judges or judges newly assigned to criminal case responsibilities often receive an orientation experience that acquaints them with probation procedures and services, existing work furlough programs, and local jails.

Perceptions of Overcrowding and Other Issues

State-level officials were asked whether they considered their prisons were overcrowded and local-level officials were questioned as to their views of jail overcrowding. It should be remembered that state prisons in four states had been found by federal courts to be unconstitutionally overcrowded; further, six local jails in these same states (and where local officials were questioned), had also been held unconstitutionally overcrowded (Dade County and Broward County, Florida; Baltimore City and Prince George's County, Maryland; Maricopa County and Pima County, Arizona). Where local officials were queried in the non-overcrowded states, two local jails had been found overcrowded.

Officials in states where prisons had not been found unconstitutionally overcrowded were almost as likely to agree that their prisons are overcrowded as the officials in judicially-declared overcrowded states. Further, it is of interest that two state correctional officials and two general jurisdiction judges in overcrowded states disagreed (one of the former disagreed strongly) as to whether there was prison overcrowding. Although it may appear these officials paid no heed to a judicial declaration of overcrowded status, federal court constraints on inmate numbers may have returned

the populations to capacity, permitting the view that overcrowding does not exist.

Local level officials also responded with their views regarding local jail overcrowding. These responses tallied rather closely with whether one's local jails had been declared unconstitutionally overcrowded. All ten who strongly agreed and nine of twelve who agreed worked with officially designated overcrowded jails. Four of five disagreeing as to overcrowded jail status worked in jurisdictions where their jails had not been declared overcrowded.

The same two sets of officials were asked variously whether judges sometimes imposed lesser sentences, rather than prison (or jail) terms, because of prison (or jail) overcrowding. As expected, there was a fall-off from the higher percentage of those who agreed (a) there was prison or jail overcrowding in contrast with (b) those who believed that due to overcrowding judges imposed lesser sentences than incarceration. However, 39 percent (14/36) of responding officials accepted the lesser sentences contention as to state sentencing practices. Agreement was stronger in overcrowded states. Forty-four percent (12/27) of responding officials accepted this contention as to local sentencing practices. It is of interest that four of eleven responding general jurisdiction judges and five of eleven limited jurisdiction judges indicated that such lesser sentences were imposed.

When the overcrowding and lesser sentences responses were placed together, a majority of those who agreed there was overcrowding also agreed judges imposed lesser sentences. Only one of those who disagreed as to overcrowding agreed that judges impose such lesser sentences. Moreover, statistical measures found relationships between these variables ($\gamma = .64$).¹ If one agreed there was overcrowding, one was also more likely to agree judges imposed lesser sentences. If one disagreed as to overcrowding, one also disagreed as to lesser sentences.

On another measure, fifty-two percent (36/69) of respondents agreed that there were too few alternatives to incarceration available to judges. State correctional officials were more likely than local correctional offi-

1. In analyzing the data, the gamma test of association was used to measure the strength of the relationship between answers to different questions about courts and correctional issues (e.g., degree of agreement that there is prison or jail overcrowding and degree of agreement that judges impose lesser sentences because of overcrowding). The more closely related are the two factors, the higher the gamma correlation. A rule of thumb in interpreting the correlation value is as follows: 1.0-.60 indicates a strong relationship; .59-.3 is a moderate relationship; .29-.0 is a weak or virtually non-existent relationship. Therefore, the fact that the more an official agreed that overcrowding is a problem, the more he/she was likely to agree that judges impose lesser sentences because of overcrowding, is reflected in a high correlation of .64.

cial, and general jurisdiction judges were somewhat more likely than limited jurisdiction judges to agree there were too few alternatives.

Depending on whether one agreed that prison or jail overcrowding existed, a respondent was similarly more inclined to agree that there were too few alternatives to incarceration. Further, 78 percent (47/60) of respondents indicated their prisons or jails lacked adequate training and rehabilitation programs. This belief is more strongly shared by court officials, eighty-four percent (37/44) of them finding inadequate incarceration programs. While eighty-six percent (36/42) of those who agreed that their prisons or jails were overcrowded also agreed that prisons or jails lacked adequate training and rehabilitation programs, sixty percent (9/15) of those who did not find overcrowding did agree that the facilities lacked adequate programs.

How one perceived prison or jail overcrowding also correlated with the extent to which one believed that prisons or jails were the source of many suits against governmental entities ($\gamma = .51$) and that prison or jail staffs had difficulty maintaining prisoner safety ($\gamma = .44$) and their own safety ($\gamma = .41$). Respondents, then, acknowledged substantial problems with prison or jail overcrowding and administration and the existence of too few correctional alternatives.

Responsibility for Helping Solve Correctional Problems

Trial court judges are accorded far more responsibility by the various respondents for helping to solve state correctional problems that are either state court administrators or trial court administrators. Further, trial court judges are granted the primary judicial system role in helping to solve local correctional problems. Though state court administrators are accorded greater responsibility than trial court administrators in helping to solve state correctional problems, the reverse is true at the local level. But overall, the trial court administrator's visibility is somewhat low, the state court administrator's lower. Further, correctional officials view all court officials as more responsible for correctional problem solving than court officials do themselves.

Trial court judges accepted responsibility for local correctional problems (16/23) and local trial court administrators are agreeable to this role (10/15), though correctional representatives are more impressed here with what judges rather than court administrators can achieve. Interview respondents, however, assigned the heaviest responsibility for solving state correctional problems to state legislatures and state correctional agencies. Further, they heavily accorded this responsibility at the local level to

county commissioners, local correctional agencies, and state legislatures.

Correctional officials expressed strong interest in expanded communications and collaboration with the judiciary. Correctional officials appear to more frequently initiate meetings with judicial system officials. Moreover, they expressed more concerns that problems exist in communicating with other system officials than did the judiciary, more often citing that relevant people were too busy or indifferent. They also reported more problems with the information they receive from the judiciary than the judiciary reported as to correctional information. Correctional officials seem to be asking for enhanced working relationships with the judicial system.

Understandably, however, correctional officials saw fewer problems associated with the management of their facilities than did the judiciary. Among those expressing viewpoints, 84 percent (37/44) of court officials believed that prisons and jails lacked resources necessary to provide adequate training and rehabilitative programs while 63 percent (10/16) of correctional officials accepted that contention. Court officials more often than correctional officials indicated that prison and jail staffs had a difficult time insuring inmate safety as well as the staff's own security. Also, court officials were more likely to agree that judges had too few sentencing alternatives to incarceration.

Correctional officials acknowledge that trial court judges have a strong responsibility and role in solving both state and local correctional problems, suggest that the state court administrator can be more helpful with state-level problems particularly, and see some potential for state-level assistance from trial court administrators. The court officials responded that they were attentive to reports they receive from correctional agencies. Correctional officials indicated that they encourage judicial system visits to their agencies and respond quickly to judicial system requests for information.

Trial Court Administrator Activities

Although a strong role is granted trial court judges in helping solve correctional problems, trial court administrators also cited a number of actions they had taken to facilitate the local correctional enterprises. These actions often grew out of meetings or other informational exchanges with correctional officials. These activities can be categorized as follows:

1. Altering court procedures to better accommodate corrections population concerns and management needs.
 - Bail policies and schedules were revised and updated.
 - Judicial hearings were initiated to review the pretrial status of

- inmates unable to make bail.
- Case processing was accelerated.
 - The scheduling of judicial sentencing hearings was altered to make it easier for sheriff's deputies to transport prisoners and cover all hearings.
 - A plan was developed for closed circuit televising of court arraignments, eliminating the need to transport prisoners from jail to court for this purpose.
2. Facilitating or supporting improved or expanded community-level services to assist both jails and the courts.
 - Judicial branch pretrial release services were expanded to furnish supervision to certain releasees and reduce jail populations.
 - Support was provided to increase the number of probation officers and to develop work release programs.
 - Assistance was provided in implementing additional rehabilitation programs.
 3. Steps taken to improve the quality of care to correctional inmates or the particularized use of certain county correctional facilities.
 - Suggestions were made to improve jail food storage and obtain smoke detectors and improved lighting.
 - Resolutions were prepared for judicial approval and forwarding to county commissioners concerning programs and procedures at correctional institutions.
 4. Steps taken to improve or better utilize a court or jail management information system.
 - Uniform records were developed for locally-sentenced offenders.
 - Court statistics were developed to provide improved information for addressing correctional problems.
 5. Legislative strategies to improve court procedures which affect correctional concerns.
 - Proposed procedural changes were lobbied through the legislature to enable judges to better cope with caseloads.

A different picture of the court administrator emerges at the state level. Interview data indicate that state correctional officials assign substantial responsibility for problem solution to the state court administrator. Yet, among state court administrators interviewed in the eight states, only one reported receiving regular information as to state prison populations.

Other Findings

There were statistically significant correlations with officials' views of

the responsibilities of different court officials in helping resolve correctional problems. If they agree (or disagree) that a particular judicial system official should be responsible, they also agreed (or disagreed) that another judicial official also should be held responsible.

For example, if one agreed that upper trial court judges had a responsibility with state correctional problems, one also agreed that state court administrators were also responsible ($\gamma = .82$). If one disagreed regarding this judge's responsibility, one also disagreed that the state court administrator and a trial court administrator held such a responsibility ($\gamma = .86$). Trial court judges and administrators were both held responsible or both held lacking in responsibility for helping solve local correctional problems ($\gamma = .82$).

There were similar agreements (or disagreements) as to the state court administrator's responsibility for helping solve state correctional problems, with the state court administrator's responsibility for helping solve state as well as local correctional problems, and with the state court administrator's and trial court administrator's responsibility for helping solve local correctional problems.

One statistically significant correlation, however, avoided this typology and this difference underscores how the trial court judge is accorded the highest responsibility among the court officials whose responsibility was assessed. If one agreed that the state court administrator had responsibility for helping solve state correctional problems, one also agreed (100 percent) that the trial court judge had such a responsibility in helping solve local correctional problems. But even if one disagreed as to the state court administrator's state-level responsibility, one agreed (72 percent) that the trial court judge held such a responsibility with local correctional problems ($\gamma = .44$).

In another area, that only two of nine state court administrators and none of the thirteen general jurisdiction judges accepted the state court administrator's responsibility for solving state correctional problems suggests both that this official declines responsibility in this area and that the invisibility of his activity in this arena leads judges to deny him such a role. Yet, seven of eight state correctional officials accorded him such responsibility. Two state court administrators in states whose prisons have been held unconstitutionally overcrowded still denied themselves a function in helping solve such problems that bear significantly on the judicial function. It should also be noted that no state court administrator in a non-overcrowded state accepted responsibility for solving state correctional problems. With other responses, state court administrators typi-

cally relied on a separation of powers issue, contending the courts had no active function in helping with state correctional problems, or acknowledged a reactive interest in responding to calls for help from state correctional departments. Several did suggest there was merit to the concept of regularly scheduled joint meetings.

As part of the study, inquiries were directed to universities and centers that train court administrators. Responses revealed that in general they provide only a modest orientation to the world of corrections, to court administrator roles that might be developed in this relationship, or skill training that might strengthen as well as activate court administrator functions in this regard.

Court administrators as well as trial court judges were questioned as to whether they would be interested in experiencing training programs that focused on corrections and the court-corrections relationship. Ninety percent of such officials answered that subject matter covering "Alternatives to Institutionalization" and "Basic Issues in the Courts-Corrections Interface" would be useful. They were also questioned as to whether they would be interested in attending an educational program involving teams of state and local court and corrections personnel to address the joint problems of courts and corrections. Seventy-five percent of officials responded affirmatively.

That judicial system officials indicated extremely positive responses to increasing their knowledge of correctional matters pertinent to the courts and to convening with corrections personnel to work on interrelating problems provides support for a stronger educational initiative in this area.

Summary and Conclusions

Correctional administration is viewed as having serious problems even in non-overcrowded states. Solutions to these problems need to be obtained from a number of sources. Improved and expanded information sharing, communication, and collaboration between the courts and correctional agencies appear to be a desirable strategy.

Correctional officials allocate a stronger responsibility to the judicial system for assisting with their problems than the judicial system accords itself, and perceive more deficiencies in present information sharing and communication than the judicial system acknowledges. Correctional officials appear to be asking additional judicial system assistance with these problems.

The greatest responsibility for helping solve state correctional problems

is accorded to state legislatures and correctional agencies and for local correctional problems to county commissioners, local correctional agencies, and state legislatures. Expanded judicial system assistance to legislative bodies in helping solve these problems would be in order.

The trial court judge is granted a prominent role in helping resolve local and, to a lesser degree, state correctional problems. This opportunity can be maximized through enhancing the skills, understanding, and involvement of trial court administrators.

State court administrators least often acknowledge responsibility for helping solve state correctional problems. Pre-position and post-position educational efforts with state and local court administrators, to assist their achievement of an increased comprehension of correctional issues and the court administrator's function in the courts-corrections relationship, may well be a useful undertaking. There was strong support for further educational experiences with both court administrators and judges.

Heightened judicial system official familiarity with correctional issues, facilities, and programs would seem to offer numerous benefits, one of them being a more mutually-held assessment with correctional officials as to the quality of correctional administration. Also, there is more that correctional officials can do to facilitate judicial system awareness of correctional developments and to further communication with judicial system officials.

This exploratory study points to the need for expanded research into this area. Governmental agencies and interested private organizations can do more to document what is occurring, evaluate the costs of isolation, and assess the specific information and collaboration that can be beneficial. The current crisis calls for action and actions that promote a more productive crossing of this boundary line.

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