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PROCEEDINGS OF THE JAIL CROWDING SYMPOSIA

PROCEEDINGS OF THE JAIL
CROWDING SYMPOSIA, MARCH 17-20,
1991 [AND] AUGUST 18-21, 1991

142253

U.S. Department of Justice
National Institute of Justice

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INTRODUCTION

The Jail Crowding Symposia were conducted by the National Institute of Corrections, Jail Center.

The past decade has produced dramatic changes in jail systems. A rapidly increasing jail population has resulted in crowding in many facilities. These Jail Crowding Symposia were conducted by the Jail Center in response to the population problems. It is our hope that the participants benefited from the knowledge shared in the participant/peer training as well as from the opportunity to network with others. It is also our hope that the participants' suggestions and experiences will assist us in improving our efforts in the future.

The goals of these symposia were:

- to create a low-risk environment in which participants would interact freely and openly and to develop a basis for an outgoing, helpful work relationship;
- to provide participant/peer exchange of information on successful programs and procedures that have been used to safely manage jail populations and alleviate crowding; and
- to provide the means for an administrative networking for sheriffs and jail administrators on crowding issues.

The comments in this document reflect the experiences and opinions of the participants. The contents do not necessarily reflect official NIC views or policies.

CHAPTER I

The March 17-20, 1991 Symposium

PANEL AND GROUP DISCUSSIONS

PANEL I WHEN IS A JAIL CROWDED?

The Macro-Strategy System

Tom Allison, Director, Orange County Corrections Division, Orlando, Florida

The average daily population of inmates in the Orange County Corrections Division's 33rd Street Corrections Facility was 1,200 in 1988. Currently, it is 2,100, yet the use of force in 1988 was double what it is today. The facility was designed to hold 1,200 inmates, but it successfully houses nearly twice that number. This can be attributed to an emphasis on the importance of the classification system, corrections accountability, and a behaviorally oriented inmate management system.

Jail staff are not permitted to make classification decisions on their own—they must follow the effective, established system. The Orange County Corrections Division has set the following policy statement as a guiding precept:

It's time to hold corrections to the same level of accountability to which other public administrators are held. It's time to accept the responsibility for the condition of an inmate returning to our community.

To accomplish this, a change in the point of view was necessary. To implement this policy and to work effectively within the constraints of a crowded jail, a paradigm shift had to be made from a **micro-strategy** to a **macro-strategy**.

The **micro-strategy** entails looking only at available bed space. The fear of crowding can elicit negative responses from correctional officers and result in their focusing on how bad the crowding is. This approach generates a defeatist attitude.

The **macro-strategy** examines what a jail does, its purpose, and determines how best to accomplish its mission. It introduces rehabilitative opportunities to the inmates and holds them responsible for their decisions to rehabilitate or not, through a dual sentencing system of traditional or suspended sentencing. These alternatives include home confinement, work release, and the Trusty Program.

The behavioral management system encourages inmates to be accountable for their behaviors. They are made aware that the jail will respond to both their positive and negative behavior. There are set consequences for their behavior. The choice is theirs.

This shift in approach has resulted in Orange County Corrections coping successfully with jail crowding. The jail staff has become motivated by the challenge of crowding and change.

Defining Approaches to Crowding

John Townsend, Esquire, Director, Suffolk County Sheriff's Department, Boston, Massachusetts

The definition of when a jail is crowded is illusive. There are three approaches for defining jail crowding: (1) the practical approach, (2) the analytical approach, and (3) the legal approach.

1. *The practical approach entails examining the effects of crowding on the jail's ability to accomplish its mission of care, custody, and control. Is there enough space, or do inmates have to be released on the basis of crowding alone? Do the inmates virtually run the facility, or is it run by the staff?*
2. *In the analytical approach, the ability to meet established standards is measured on the basis of mathematical models and other scholarly techniques, such as the percentage of rate of capacity. However, factors such as cycles of population, which increase during events like Boston's St. Patty's Day celebration, are difficult to take into account in this approach. Additionally, there may be conflicting standards to which the jail is expected to adhere.*
3. *The legal approach evaluates crowding from a judicial perspective on the basis of the Fourteenth Amendment. The court looks at whether the conditions of confinement violate the Fourteenth Amendment. However, conditions of confinement can be judged from different perspectives - the court's and the jail's, and rarely does the court defer to the stance of the jail administrator.*

The Suffolk County Jail in Boston, Massachusetts, is operating under a court-ordered cap which came about from a conditions of confinement case. As a result, the Charles Street Jail was no longer permitted to double bunk. The facility was required to close in three years, and a new jail had to be built. A twenty year old consent decree stipulated that the new jail had to have single cells. A new lawsuit addressed the issue of who was responsible for paying for the new facility. A state-commissioned study determined that the new jail's 1990 population would be 200 inmates, and construction was set for 453 beds. However, by 1988, the population was already 500, and Suffolk County looked for partial modification of the consent decree. A judge denied the motion and prohibited double bunking. An appeal in the circuit court yielded the same decision as that of the lower court.

The Nashua Street Jail opened in May 1990. Currently between sixty to seventy inmates are being transported nightly to other places in order to meet the terms of the consent decree. The State Supreme Court has agreed to hear the case on the standard by which a modification can be made to consent decrees. The case, *Rufo vs. Inmates of Suffolk County*, is scheduled for October, 1991.

The El Paso County Crowding Plan

H.D. Bradley, Captain, El Paso County Sheriff's Office, Colorado Springs, Colorado

The El Paso County Sheriffs Office began to experience crowding in the Metro Detention Facility in July, 1982. The problem continued for the next six years, until the new Criminal Justice Center Detention Facility opened in August, 1988. Despite the seriousness of the situation, it was a time of growth, introspection, and innovation.

The Metro Detention Facility had been built to house 316 inmates. Crowding in the facility was increased by the State of Colorado's refusal to accept sentenced prisoners into Department of Corrections' facilities on a real time basis. A serious backlog inevitably developed. In 1982, there were 25 backlogged state prisoners per day; six years later the backlog was approximately 100 per day.

Another factor contributing to crowding was that the state legislature had taken a tougher stance against crime and criminals. The number of bookings increased 47% between 1982 and 1988. Additionally, local law enforcement agencies were not making effective use of Summons and Complaints, and many offenders who could have been cited and released were brought to jail.

To address the crowding, a plan was developed to:

- expedite construction of a new facility;
- revitalize the liaison between area law enforcement agencies;
- solicit input and support from members of the judiciary;
- educate the public and seek community involvement in problem solving ;
- explore every feasible alternative to incarcerating pretrial detainees ; and
- develop innovative internal management procedures to optimize use of existing personnel and facilities.

A citizens' committee played a major role in the design, financing, construction, and staffing of the new detention facility. This group, which was chaired by a member of the Board of County Commissioners, studied alternatives to incarceration and also explored

whether, and ultimately decided, to build a new facility. The citizens' committee served as a role model for the current Criminal Justice Advisory Board. The twenty-three persons who serve on this board come from all segments of the community and include members of the judiciary. This board was instrumental in the citizens' approval of an \$18 million bond issue to construct the new Criminal Justice Center and a one cent sales tax to fund the new facility's operation.

El Paso County maintains excellent working relations with the judiciary. The chief judge for the Fourth Judicial District served as the catalyst which ultimately led to resolving jail crowding. In 1984, he ordered all prisoners who were sentenced to work release to be remanded to the custody of the sheriff. This pressure led to a contract with Community Corrections to house work release inmates who are sentenced to El Paso County Detention Facilities. In 1985 he issued a court order that helped the jail place mentally ill inmates in the state hospital. Later, he supported the position that intoxicated prisoners without criminal charges should be held at the detox center and not the jail. He also approved the use of a "*Release and Commitment Form*" which enabled intake deputies to release prisoners. The presiding judge of the Colorado Springs Municipal Court was instrumental in reducing the number of pretrial detainees by eliminating bond stacking regarding municipal charges.

The Jail Overcrowding Committee, a subcommittee of the Criminal Justice Advisory Board, was formed in 1987. Comprised of representatives of all aspects of the criminal justice system, this committee assesses the effectiveness of jail population management procedures and discusses issues related to the jail population.

The Colorado Springs Police Department also played a critical role in reducing the jail population by establishing procedural changes. The sheriff imposed a cap of 320 inmates for the Metro Facility. A "*Red Alert*" was issued to all agencies when the jail population approached that figure. The Jail Overcrowding Committee developed and implemented emergency release procedures when the jail exceeded its self-imposed cap and no relief was anticipated. This voluntary cap became a viable population management tool through the cooperation of the county agencies.

Another factor that helped to relieve the crowding problem was the evaluation and restructuring of intake release procedures, including the revitalization of the Personal Recognizance (PR) Bond Program. The Sheriff's Office introduced the use of PR Bond Commissioners in lieu of PR Bond Investigators and empowered them to make release decisions on their own.

El Paso County Pretrial Services supervises the court-directed activities of almost 1,000 defendants per month. It has minimized the detention of low-risk adult defendants by instituting careful screening procedures. Among other innovations are credit card bonding, a military personnel bond release procedure, and a *Promise to Appear* form for municipal and state offenses with bonds of \$200 or less.

Continuing population increases led to the conversion of a former administrative area into a bed housing unit, and additional bed space was sought at other detention facilities throughout the state. Efforts were accelerated to develop an offsite Minimum Security Unit (MSU) for up to 80 inmates. The MSU reduced crowding and also served as a training ground for new deputies. It proved to be an extremely effective alternative to housing inmates outside the county and saved taxpayers more than \$300,000. In July, 1988 the new Criminal Justice Center Detention Facility opened.

The El Paso County experience was not unique, yet its approach to problem solving cannot be applied across the board to other facilities. There are some common elements, however. Crowded jails require innovative leadership, not crisis management, and that leadership must come from the sheriff and the jail administrator. Jail crowding is a community problem; therefore, the community and its support agencies must become involved in its resolution. The criminal justice system simply cannot do it alone.

Definitions of Crowding

John DaFoe, Chief Deputy, Santa Barbara Detention Facility, Santa Barbara, California

When is a jail crowded? There are various definitions, including:

- *when the design capacity is exceeded*
- *when the facility is out of compliance with existing standards*
- *when the judge says so*

Santa Barbara had an inmate population of 160 in 1965. In 1977 it was 337, and currently it is between 1,025 and 1,050. Between 1980 and 1990, the jail population increased 250%, and there were up to 125 inmates sleeping on the floor at one time.

The facility was sued, but lawsuits are not always negative. A lawsuit can result in the necessary resources being allocated to run the facility properly. The Santa Barbara lawsuit resulted in media attention, grand jury attention, presentations to local service clubs, and an informed citizenry. The state allocated money for a new wing, renovations, and a new facility.

The Santa Barbara Detention Facility now has a partnership relationship with the judiciary, county administrators, and board of supervisors. The jail is viewed as a county jail, and the county is responsible for the jail's having adequate resources to run constitutionally and safely. A mistake some jail administrators make is to try to defend indefensible conditions. This creates personal liability that the jail administrator shouldn't shoulder.

Santa Barbara has added a pretrial wing, as well as a counselor-staffed detox center, at their honor farm. There is a unit in the jail system that reviews felony arrests and releases between 40-45% of felony offenders on their own recognizance. Citation release is conducted in the jail, and approximately 70% of the misdemeanants are released on their own recognizance. There are both male and female caps. Meeting the caps on the male side has required the early release of some of the male inmates.

In spite of all that has been done, the jail is still crowded. The public will vote this fall on a half-cent sales tax that is needed for the jail to help fund the construction of the new North County facility.

Overcrowding is, simply stated, having too many inmates to efficiently and safely manage, when all factors such as classification and facility limitations are taken into account.

Highlights of the Discussion

Following the panel presentation, the participants discussed and commented on the issues presented. Highlights of the discussion follow:

- Triple bunking of inmates, which is used in some facilities, has caused direct supervision visibility problems in Sonoma County.
- Money, politics, and public opinion are the primary problems facing jails.
- Lawsuits can help to modernize a facility. When being sued, it is important to keep the information accurate and to keep all parties informed.
- Common factors contributing to crowding are:
 1. *backup of prisoners sentenced to the state prison system (in some counties prisoner transfer to state prisons takes up to a year);*
 2. *parole violators backed up at the local level ; and*
 3. *a judicial system that might not be expediting cases.*
- Temporary solutions to crowding are moving minimum security prisoners to trailers and using privatization.
- It is advisable to review people in custody daily to ensure inmates are not falling through the cracks in the system and staying in jail when they needn't do so.
- Crowding can be better managed under direct supervision than under indirect supervision.
- Use of ATMs in jail booking facilities has worked effectively for some counties.

**PANEL II
FACILITY AND PERSONNEL MANAGEMENT**

Extended Trusty Program

Major John Pauls, Jr., Marlon County Sheriff's Office, Ocala, Florida

Marion County, Florida has opened a 224-bed addition and is about to open another to deal with the rapid growth. However, it is anticipated that the new 224-bed addition will exceed its capacity by at least 10% within one year. The citizens want people in jail, yet they are not willing to provide the necessary funding.

Marion County Sheriff's Office has relied upon the Extended Trusty Program as a way to alleviate jail crowding. Through good behavior and working in the Extended Trusty Program, inmates can gain early release time. They provide labor services to government agencies such as vehicle maintenance, fire department, highway patrol, public works, the sign department, and the police department.

The objectives of the program are to make the inmate work, save the government agencies the cost of hiring persons to perform the tasks, instill a good work ethic to help the inmate become productive once outside the jail, and set up a positive reward system that teaches inmates personal responsibility. Benefits of the program include the cost savings to taxpayers, positive press, decreased jail time, bed space usage, and changing of the public's perception of the jail as a "country club jail." Some of the inmates have subsequently been hired by the government agencies for which they worked while in jail.

The Extended Trusty Program is estimated to have saved taxpayers over \$1 million in 1990 through the work performed by the trustees. Currently there are 150 trustees working in the program, and on an average, each one of them is being released a minimum of 60 days early. This translates into approximately 9,000 days that the inmates would otherwise be serving in jail.

Internal Repair and Maintenance

Dean Carr, Captain, Salt Lake County Jail, Salt Lake City, Utah

Salt Lake County Jail currently houses 730 people in its facility which is designed to hold no more than 565. A new facility for misdemeanants is scheduled to open to handle the overflow.

As additions have been made to the old facility, the maintenance people have had to work on both old and new equipment. As a result, they lack expertise in any one area. Additionally, there was no preventative maintenance program in effect. When repairs were needed, the crowding of the facility made it difficult to move inmates from one area to another to allow for the repairs to be done.

Repair and maintenance work was accomplished by the county at a cost of \$35.00 per hour. Hiring help from outside the county was out of the question because the cost was even higher. When work was needed, the jail had to wait until the county maintenance crews could do the work. The county would not permit the jail to hire any special maintenance staff.

Salt Lake County Jail devised an innovative way to deal with their maintenance problems. There are 150 correctional officers working at the facility. Among them there is a great deal of talent in areas such as plumbing, electrical, and mechanical expertise. The jail identified the capabilities of the staff, and the jail's staff performs the preventative and repair maintenance for which they are qualified.

The jail developed a systematic preventative maintenance plan which helps to avoid costly repairs. They purchased their own maintenance equipment, such as a roto-rooter, and implemented a drain maintenance program. They bought a Hobart, which allows on-the-spot repairs of stainless steel sinks and toilets. They also purchased a muffin monster, which grinds up virtually anything going into the sewage system. Although expensive, the muffin monster will pay for itself in one year through the money saved on repairing the clogged sewage system. An additional advantage is that the prisoners find they can no longer clog the system, so they stop trying.

The county maintenance crew is relied upon only when the repair and maintenance cannot be performed internally. This system has saved Salt Lake County Jail time as well as money.

Unique Facility Usages

Michael Carr, Superintendent, Milwaukee County House of Correction, Milwaukee, Wisconsin

By resolution, Milwaukee County has a County Jail operated by the Sheriff's Department, and a House of Correction, operated by the County Board. Also by resolution, the County Jail houses only pretrial detainees while the House of Correction houses all detainees sentenced up to one year. There are approximately 2,000 inmates in Milwaukee County, and the House of Correction houses about two-thirds of that population.

The Milwaukee County House of Correction's main facility is located in a semi-rural area in southwest Milwaukee County. It is the largest correctional facility in the state of

Wisconsin and its current population is at an all-time high of 1,400 inmates, with 333 staff. The increased population is attributable to the public's wanting criminals to be incarcerated. The politicians, who spearheaded the push for this increased incarceration, failed to tell the public that funds are needed to build more jail space. This correctional facility also gets the overflow of prisoners from other facilities, and inmates sentenced to state prisons are also backed up into the county facility.

The growth of the jail population has been the catalyst for innovative facility usage to alleviate the crowding. A former Nike missile site was converted into a training and placement center for 275 inmates. The county negotiated the purchase of a former hospital in downtown Milwaukee and converted it into the Huber Work Release Community Correctional Center. In 1990, a 250-bed medium security addition was added to the grounds of the main facility. This was constructed in nine months using precast concrete construction techniques.

These three facility usage concepts have helped to deal with the crowding. In addition, electronic surveillance, in conjunction with intensive supervision, is used for approximately 100 inmates.

The House of Correction has a Jail Population Control Committee composed of the sheriff, district attorney, county board supervisor, chief judge, and supervisor of the House of Correction, who work together collaboratively to address crowding. Volunteers are used extensively in the House of Correction. They perform useful duties, as well as unpopular chores, and provide a noncorrectional, unbiased ear to the inmates and staff.

To help inmates cope with crowding, there is one hour of recreation time per day. At present there is an effort to establish a satellite campus on the facility grounds which will provide literacy as well as other programs. If implemented, part of the program would include time off incentives for earning a GED. The facility currently operates several operations, including hatcheries, garden, nursery, bakery, laundry, and a graphics shop. Working in these areas has enabled inmates to develop marketable job skills that have helped them to find gainful employment once out of jail.

Highlights of the Discussion

Following the panel presentation, the participants discussed and commented on the issues presented. Highlights of the feedback follow:

- Erie County, New York, has a confidential Employee Assistance Program (EAP) to help employees address their own problems with stress, substance abuse, and personal problems. If the EAP is unable to provide the necessary help, the employee is referred to the appropriate community agency for assistance.

- Many facilities are pennywise and dollar-foolish in terms of facility maintenance. The money invested in preventative maintenance can save money that would eventually have to be allocated for repairs.
- There is currently no formalized standard training required for jail staff. Perhaps training programs should be standardized and followed up with strong, ongoing, in-service training.
- Volunteers can be an invaluable resource for jails. Contact the AARP for volunteers.
- A body shop/detailing course for inmates is offered on the premises of one facility. Old police cars and other county vehicles are refurbished and sold at a profit-bringing a much higher price than they would have at public auction. The money is then shared 50/50 with the county garage. Approximately half of the inmates have subsequently gotten employment in this field.
- Muffin monsters not only protect the sewage system from sabotage by inmates, but they also protect the maintenance staff from a threat that is currently a greater epidemic than AIDS-Hepatitis B, which incubates very nicely in sewage systems.
- Boot camps might be explored as a possible option for reducing jail time. Jail time can be reduced for participation in this rigid and physically demanding program for young first-time offenders.
- To reduce liability for inmates working with agencies through alternative and trusty programs, explore the possibility of transportation, food, special clothing, and worker's compensation being provided by the service program.
- The cost of contracting out services such as laundry, food, commissary, etc., might be the same as in-house. One of the advantages of contracting these services is that the jail does not have to be concerned with loss and budgetary controls.
- Money can be saved, and job skills taught, through providing sewing classes through the local school board. The inmates repair uniforms, linens, etc., while learning a marketable skill.

**PANEL III
PRETRIAL AND POST-CONVICTION
PROGRAMS**

Jail-Based Bail Appeal Program

***John M. Townsend, Esquire, Director, Suffolk County Sheriff's Department,
Boston, Massachusetts***

Suffolk County uses pretrial programs because the court ordered them to do so. A federal district court ordered the development of a bail appeal project. A federal court also imposed a court-ordered cap, which forced Suffolk County to seek alternatives to incarceration. A state court ordered them to develop various programs and also required the county commissioners to pay for these programs.

Massachusetts has a statute that requires the sheriff to take into custody and keep all detainees that are committed to him by the court. This, of course, directly conflicts with the court-ordered cap which states that inmates have to be released if the cap is exceeded. As a result of this dilemma, the Sheriff's Department has at times refused to pick up people from court when the cap was exceeded. This, in turn, resulted in the Sheriff going to court on a contempt charge. This was resolved by having inmates sleep on the floor until the crowding problem eased.

The Suffolk County Bail Appeal Project allows the bail commissioner to set bail when someone is arrested. If they don't make bail within twelve hours, the issue will be brought before the district court judge to allow reassessment of bail. In Suffolk County, there is no such thing as preventative detention.

Massachusetts gives the right to a bail appeal. In the mid-1970s, most district attorneys let the bail stand without appeal. The Sheriff's Department hired three attorneys to handle bail appeals and set standards for who is eligible for bail appeal. An attorney interviews the person and takes up the bail appeal the next day. Of the 475 people arrested per month, up to 200 appeal bail, 50 have their bail reduced, and 50 are released on their own recognizance.

The Suffolk County Pretrial Control Release Program attempts to ease the problems of jail crowding through the use of alternatives to incarceration. Suffolk County has a day reporting center. Another center offers career counseling and vocational training. Drug and alcohol treatment is provided and is a useful means of treating individuals at a lower cost than incarceration. A halfway house is another alternative used. The Pretrial Control Release Program has been successful because there is strict criteria used to determine who is eligible for the program.

House Arrest Program

Joseph Vittek, Director, Douglas County Department of Corrections, Omaha, Nebraska

The House Arrest Program of the Douglas County Department of Corrections was developed and implemented in 1986 as a means to deal with the dramatic population increases the jail experienced in 1985 and 1986. The House Arrest Program was implemented and viewed at the time as a political, pragmatic stopgap measure. Since that time, it has proven to be a valuable, ongoing alternative to incarceration.

The House Arrest Program combines intensive field supervision with electronic surveillance. Prisoners are placed on one of three different surveillance levels, depending on the Department of Correction's prediction of success. The electronic surveillance system consists of an electronic handshake with a computer along with verbal identification by the participant of his or her name and the time. If any three unanswered calls occur within a set time frame, the officer on duty is contacted and immediately alerted to the situation. This eliminates the possibility that someone could go unchecked for any period of time without the Department of Corrections being aware of the problem. Participants are checked up to eighteen times per day by telephone and unannounced visits. The program is staffed by five field supervisors who make visits a minimum of every forty-eight hours. Some participants are visited up to twice a day. Security is a primary concern, and the program's procedures are evaluated on an ongoing basis to ensure their effectiveness.

When the program was originally established, the Douglas County Board mandated that only sentenced prisoners convicted of nonviolent crimes be placed on house arrest. Added to this mandate were prisoners convicted of crimes involving sex, anyone who does not have an acceptable home situation, nonresidents of Douglas County, and anyone who does not have a telephone. Alcohol and drugs are forbidden, and extensive alcohol and other drug testing is conducted on an ongoing basis.

Prisoners are selected for the House Arrest Program on the basis of the Department of Correction's assessment of the prisoner's record, home environment, drug and alcohol intervention treatment undertaken by the prisoner since the crime, as well as attitude toward the program. The prediction is based to a large extent on experience, knowledge, and intuition as to whether the prisoner is likely to be a viable candidate for the program. All prisoners on house arrest are volunteers.

In 1987, a program was initiated which requires all House Arrest prisoners to perform unpaid community service work for nonprofit organizations in the county. This provides an indirect economic return for the taxpayers. It also may benefit the prisoners themselves. Some have not experienced a situation in which they have to be accountable to be at a certain place at a certain time and to give of themselves.

During the four and one-half years of the operation of the program, the success rate has been 95%. To date, approximately 5,500 prisoners have participated in the program. This translates into 83,000-84,000 days saved in what would have been incarceration time, at a cost of \$4 million. The Department of Corrections has made a commitment to maintain the program.

Monitoring Programs

David Listug, Captain, Dane County Sheriff's Office, Madison, Wisconsin

The Dane County Jail has experienced a 193% increase in population, growing at a rate of 11% each year between 1980 and 1990. It is projected that by 1995, the jail system will be short 542 beds and, by the year 2000, short 1,121 beds. A number of programs have been designed to cope with the jail crowding, including the Electronic Monitoring Program, the Bail Monitoring Program, and the Mental Health Diversion Program.

Programs such as these are typically not designed by the "mechanic," the person who must ultimately implement and work within the constraints of these programs. Programs that focus on getting inmates out of jail do not always adequately address how to deal with the 5% failure rate. The problem becomes determining how to return those people to custody.

Dane County's **Electronic Monitoring Program** is run through the Dane County Jail Diversion Office. The program monitors released inmates through electronic bracelets with the assistance of the Wisconsin Department of Corrections Community Residential Confinement Program.

An inmate who is diverted to this program is given a stay of sentence. Therefore, the person is out of the control, or custody, of the Dane County Jail. The person's records in the jail are closed and they become historical records. The judge who assigned the person to the program actually drafts an order sending the person to the program in lieu of his or her sentence. The stayed portion of the sentence is deemed served if the person successfully completes the program.

A problem exists if a person fails to abide by the order of the court. The current orders authorize the arrest of the subject if he or she violates the requirements of the Electronic Monitoring Program. However, the orders do not meet the statutory requirements of a warrant, nor is the person committing a crime. Therefore, Dane County may be inviting legal action if the subject is arrested on the basis of the order alone.

A separate issue also comes into play when the person is brought back to the Dane County Jail. This issue involves how to book the person back into the jail on the basis of the existing court order. The orders are not readily available to anyone but the Jail Diversion

Coordinator, and the person's records are historical for the original charge. It is therefore difficult to define on what basis the person can be booked back into the jail.

The Bail Monitoring Program involves a contract with the Attic Correctional Service, Inc., which operates the program. People who have a cash bail of \$2,500 or less are assessed in the jail by the case worker from Attic assigned to this duty. The assessment is the basis for the appeal to the judge to have the person's bail modified from cash to a signature bond. After input from the District Attorney's Office, the judge decides if and under what conditions, the person's bail will be modified.

The signature bond releases the person from the custody of Dane County Jail, and the records are then historical. The order that authorizes a signature bond also authorizes rearrest should the person fail to abide by the criteria set forth in the assessment with the caseworker. As with the Electronic Monitoring Program, a problem exists in determining the basis for the rearrest and booking of the person into the Dane County Jail. The order does not meet the statutory requirements of a warrant, nor has the person committed a new crime.

The Mental Health Diversion Program is currently in the developmental stages and is due to be implemented in 1991. This program will involve diverting mentally ill inmates from the Dane County Jail to allow monitoring in the community. This program will utilize a mixture of release alternatives. People who fit the criteria for release and are sentenced will most likely have their sentences stayed. People who may have charges pending and are on cash bail may have their bail modified to a signature bond under the condition that they complete whatever criteria the Mental Health Center has set up. The same issues of rearrest and booking of persons on the Electronic Monitoring Program and the Bail Monitoring Program apply to this program.

Possible alternatives that would alleviate the concerns and issues of these three programs include:

- A Wisconsin Statute, 973.03(4), through which jail sentencing allows the court to sentence a person directly to the Electronic Monitoring Program. This can be an alternative to staying a sentence. This statute states that persons failing to comply with the program will be brought before the court.
- A subject who violates the rules set forth in the Electronic Monitoring Program can be arrested and charged with escape if the statutory definition of "custody" is changed to include sentencing to monitoring programs.
- A subject of bail monitoring who violates conditions can be arrested and charged with bail jumping. This charge also provides a cash bail amount of \$1,000. This can be accomplished if law enforcement has reasonable grounds to believe a crime has been committed. Copies of the orders that allowed persons out of the custody of the jail to the monitoring programs should be kept on file with the dispatch center. This would allow verification of the existing

conditions of release through the 911 Center. The impetus for arrest would be based on the information of violations received through the Jail Diversion Office/Coordinator. Persons brought back to the jail on the basis of violations of the Electronic Monitoring Program can also be checked for verification if the orders are on file with the 911 Center, regardless of the time of day.

- Because of the fragmentation of these programs - the *Electronic Monitoring Program*, the *Bail Monitoring Program*, the *Mental Health Diversion Program*, all three might be evaluating the same person separately and expending unnecessary time. System-wide coordination can eliminate duplication of efforts and result in more effective programs.

The Casa Seca Program

John DaFoe, Chief Deputy, Santa Barbara Detention Facility, Santa Barbara, California

The Santa Barbara Detention Facility books approximately 4,000 people per year for drinking and driving, which is more than the system can handle. These people demand a lot of staff time and are high risk in terms of liability.

Through a collaborative effort, a portion of the honor farm was converted into a male/female DWI/public intoxication unit. The facility contracted with *Zona Seca*, which provides education and treatment for substance abuse. The staff have master's degrees and many of them are recovering alcoholics themselves with substantial sobriety. This program, the *Casa Seca Program*, processed through more than 3,600 people last year. The cost of the contract is \$210,000 per year.

The decision to develop the program was driven by overcrowding, and it has gained tremendous community support and positive media attention.

The California budget was \$1.5 billion short last year, which means that there is \$750 million less available to counties. Mandated programs take up the lion's share of the allocated money.

The State Senate passed a bill which permits counties to charge cities for booking fees. This has had a negative result. Not only was it totally unexpected, but cities, which have two-year budgets, learned about this bill after they had already adopted their budgets. Santa Barbara will have to pay the county between \$800,000 to \$1 million for booking fees. To do so will require dramatic adjustments. Another problem is that no definition of a "booking" exists. Is it when individuals come in the door or when they are placed in the housing unit? Santa Barbara Detention Facility hired consultants to define "booking" and came up with a booking fee of approximately \$124.

One of the cities within the county is very poor. It would cost them \$50,000 per year in booking fees, which they do not have. Paying for these costs would require that they lay

off employees. This particular city went out of compliance and built their own "cage" in the back of the police station.

Santa Barbara Detention Facility staff met with city officials and explained that this Senate bill was not their idea and requested that the issue not be made a media fight. All those involved made a pact not to oppose each other.

There might be some benefits that come out of this situation. Perhaps cities will be more responsible in terms of the reasons for which they arrest people. This is likely to have a favorable impact on jail crowding.

Highlights of the Discussion

Following the panel presentation, the participants discussed and commented on the issues presented. Highlights of the feedback follow:

- Oregon decriminalized public drunkenness, and arrests are no longer made for this reason.
- In Naples, Florida, electronic surveillance is run by bail bondsmen.
- Jail as punishment has become a virtual joke. Those sentenced to 60 days don't go to jail, so judges set the sentence at 90 days; now 90 day sentences don't go to jail.
- Middlesex County, New Jersey doesn't lock up drunk drivers. Police departments keep them locked up locally.
- Pretrial detainees in one state who complete substance abuse treatment have three to six months taken off their time.
- It can be important to bring together jail administrators and judges in a meeting to redefine what crimes they want to punish and who they want to keep in jail.
- All diversion programs keep people out of jail. However, these diversion programs need to be more coordinated and less fragmented. For example, because of a lack of coordination, a person might fail in one alternative program and then get into another alternative program.

**PANEL IV
JUDICIAL SUPPORT**

Cooperative Programs

David Listug, Captain, Dane County Sheriff's Office, Madison, Wisconsin

The Dane County judicial system consists of three parts: district attorneys, courts, and sheriffs. Cooperation is essential to maintain the support of the judicial system, and this cooperation needs to occur on a daily basis, not just once or twice a year.

The judiciary can help jail administrators in many ways. The judge guides the case process virtually every step of the way. There is no other entity that makes decisions that have more effect. They decide who goes into jail, who gets out, and they approve the criteria for who is eligible for diversion programs. Judges also have the umbrella of judicial immunity, and they can be of assistance to the jail. They can "bless" particular programs. In order to have cooperation and have a friend, it is important to be a friend. Communication is critical for cooperative relationships. Jail administrators are, basically, crisis managers, and it is up to them to make order out of disorder. Don't expect everyone to agree with one's stance and decisions. It is important to employ the *Atila the Hun* management system: "**Only make enemies on purpose.**" Don't make enemies inadvertently. Judges are busy. Ask them for help and offer solutions. They will buy the solution if it is reasonable.

In Dane County, the Sheriff's Department has cooperated with the judiciary in several ways. For example, the judges have agreed to a 20% rule for the electronic monitoring program. Another example is a reservation system which is used to accommodate the monthly fluctuation of the jail population. To do this, the judge asks the bailiff for the next available sentencing date. The bailiff determines the date through radio communication. The only limiting criteria is that it fall within a sixty-day limit.

Other examples of cooperation include a judge forming a committee to develop the guidelines for an after-hours personal recognizance system, arranging for Thanksgiving and Christmas furloughs, and addressing security of the building issues.

By viewing the judiciary as a partner rather than an adversary, and going to extremes to maintain cooperative relationships, the jail stands to benefit.

The Judiciary and Jail Crowding

Honorable Robert E. Beach, Circuit Court Judge, Pinellas County, St. Petersburg, Florida

As communities grow in size, so do jail problems. It will be necessary for the judiciary to get increasingly involved and to provide leadership in addressing the problems.

Pinellas County is a densely populated area that is surrounded by water on three sides. Tourism is the largest industry. As a result, the area has an influx of sophisticated criminals from other parts of the country. In 1990, there were 12,711 felonies and 16,724 misdemeanors filed.

Pinellas County's first jail was built in the 1920s in Clearwater to house 350 criminals. As the county grew, St. Petersburg had greater criminal activity than Clearwater, and so there was a dual criminal justice system. By the 1970s, the jail's population had doubled. A class suit was brought, resulting in a federal consent decree. Many in the system now believe the consent decree was a mistake. In 1982, a new criminal justice complex was opened in the center of the county, thereby consolidating the entire criminal justice system. However, only half of the funding request for the complex was granted by the county commission. By the time the jail opened, it was already obsolete. Currently, a 27 courtroom building is being built. One thousand beds are being added, and additional space is being added to other parts of the criminal justice system.

Before moving into the central complex, the chief judge appointed a criminal administrator to pull together all the departments of the complex to make the system function together as a whole. The criminal administrator chairs the joint departmental committee, serves on the court house construction committee, has an early disposition calendar, holds bond hearings twice a week, holds early VOP hearings, works with public defenders to arrange pleas, and traces orders.

A criminal justice planner was hired to examine the long-range problems and submit plans for solutions. A long-range planning joint departmental committee, chaired by the criminal administrator, was created, consisting of the criminal administrator, state attorney, public defender, clerk of the court, sheriff, chiefs of police, a person from the private defense bar, and several prominent citizens. The committee meets regularly to discuss and formulate plans for addressing problems such as jail crowding, efficient handling of paperwork, and keeping track of the inmates.

Since drugs are a major problem in Pinellas County, as they are in any large community, a drug task force was formed. It consisted of some of the members of the long-range planning committee as well as people administering drug rehabilitation programs. This committee meets regularly to discuss and implement drug educational and rehabilitation programs.

When there are drug busts or abortion protests, a judge is onsite to handle the arrests. The judge and the jail staff work together on the Release on Own Recognizance (R.O.R.) Program. Pretrial Services interviews every new defendant and makes recommendations to the duty judge. Approximately 9.86% of R.O.R.s without bond fail to appear.

To eliminate the problem of people declared mentally incompetent from being transported back and forth between the state hospital and the jail, a judge established a forensic unit in the county jail. It is staffed by professionals who treat people in the jail, and services are also provided by outside agencies.

There are two types of community control-anklet or nonanklet. In the latter arrangement, there are unannounced spot checks at work and at the home, drug urinalysis, and search and seizure.

The criminal justice system is completely computerized. Each court room has a computer terminal. When defendants are arrested and booked, they are assigned SPN Numbers and Trial Divisions which track them the rest of their lives.

There are seven trial judges who handle pretrials weekly. If pleas are not arranged, then the case automatically goes to trial and deals are off. Approximately 88% of the cases are plea bargained and 12% go to trial.

The judiciary has worked effectively with the jail system in Pinellas County. How can one get judges to cooperate and play a leadership role in addressing jail crowding? Suggestions include getting the state attorney (an elected official), the sheriff (also elected), and the public defender together. They can go to the chief judge and ask for more cooperation. By talking with judges, one can gain their understanding and cooperation.

Developing a Working Relationship With the Judiciary

Bob Lester, Undersheriff, Ramsey County Sheriff's Office, St. Paul, Minnesota

Techniques that the Ramsey County Sheriffs Office has found useful in developing a working relationship with the judiciary include getting to know a judge, and not just by telephone. It is important both to know and be known by a judge. Spending time setting up good communications and requesting judges to go on jail tours can be very valuable. Invite them for a Friday or Saturday night tour of the jail. This allows them to see what it is really like in the jail and gives life to the statistics.

Another important consideration is setting priorities. If one takes exception every single time the judge appears to have overstepped boundaries, then the judge is likely to

summarily dismiss an issue of critical importance. Pick and choose battlegrounds carefully. Accommodate judges when it is feasible to do so.

In 1990 in Ramsey County, the Second Judicial District implemented a Differentiated Case Management system for criminal cases. Judicial involvement has been extensive in this program. The system was getting overloaded with gross misdemeanors, and the waiting period for plea bargaining and evidentiary decisions was often more than thirty days. The Differentiated Case Management system has reduced the number of prisoner days. This system analyzes cases in terms of the nature and extent of the judicial and other system resources that will be required for the preparation and disposition of the case. The case is assigned to appropriate case processing tracks under distinct timelines and procedures.

This system places emphasis on obtaining sentencing information at an earlier stage of the proceedings so that more informative plea negotiations can take place. In addition, the interval between the taking of any guilty plea or a guilty verdict prior to sentencing has been dramatically reduced. This is expected to help reduce some of the jail crowding that Ramsey County is presently experiencing. Defendants who are not in custody are sentenced within a four-week period, which expedites their placement into programs or correctional facilities.

Since the program's implementation, the Ramsey courts have reduced the number of felonies awaiting trial by more than 50%. Reductions in the number of pending gross misdemeanors has not decreased as dramatically but has declined. This will allow the court and other criminal justice agencies to concentrate their resources on the remaining pending cases and handle them in a timely manner.

Highlights of the Discussion

Following the panel presentation, the participants discussed and commented on the issues presented. Highlights of the feedback follow:

- In Pinellas County, a list of the number of days from arrest to hearing was printed and distributed to judges to show them exactly what occurs in their divisions.
- When sending reports to the judiciary, try to include a few program successes in some detail-this livens up dry statistics and gives them stories they can then remember and relate to others.
- Some jurisdictions work closely with judges to secure medical release furlough for pregnant women prior to their delivery date. This saves medical costs.
- To garner support, offer jail tours , not only to judges but also to public defenders and the ACLU.
- Never go into the courtroom angry with a judge.
- When bringing a problem to a judge, always bring a recommended solution.
- When building a new jail, consider putting a courtroom in the facility.

LEGAL ISSUES

William Collins, Attorney at Law, Olympia, Washington

Conditions of Confinement

Conditions of confinement cases are, essentially, all the jail's inmates vs. you and others. These cases are big, time consuming, and expensive. Both the discovery process and the relief phase cause potential unrest. Conditions of confinement cases affect not only the jail, but the entire criminal justice system, and often the county as a whole, since it is the county that must ultimately pay the damages.

During the time leading up to the trial, the facility will be visited by experts who are gathering information, and the judge may show up unexpectedly. Jail staff will be burdened with locating or compiling the necessary reports. While not always true, the county lawyer may have no conditions case experience, little corrections experience, and little understanding of the liabilities involved. He or she is likely to be overwhelmed with the size of the case, be thrust into a defensive posture throughout the case, and may not have a full grasp of the implications of settlement or alternatives. The plaintiff attorney, on the other hand, will have a lot of resources to draw on. If the defense of a conditions of confinement case is important, it will be costly, and it can be wise to hire additional attorneys as well as consultants and experts.

If the plaintiff wins the case, it will also be costly. The number of hours the plaintiff attorneys spent on the case (usually in the thousands) will be multiplied by the going rate (usually around \$100 per hour). This results in a six figure bill.

In the defense of conditions of confinement cases, it is important to follow the precept described in the movie "Dead Poets' Society": ***Carpe Diem*** (seize the day).

Consider hiring a corrections expert to conduct a thorough review of the jail. This expert should read the complaint, interview staff and inmates, inspect the facility, and develop a complete analysis of the status of the jail. Collect objective, reliable information from as many sources as possible-inmates, staff, walk-throughs, and documentation. Evaluate what the information reveals about the jail and compare it with other jails.

To avoid being thrust into a defensive posture by the plaintiff attorneys, approach the case and settlement aggressively. Evaluate the case early on, promptly settle what can be settled, and defend aggressively. This will prevent the plaintiff attorneys from directing the case. Proposing the terms of the settlement can put pressure on the defense attorneys. They may not agree to settle and may take the case to trial. However, if the court rules

that the jail need do no more than what was originally proposed in the early settlement offer, the plaintiffs will be unable to collect fees for the trial time and will lose a great deal of money.

Determine the goals in the defense as well as whether all the defendants have the same goals. The county commissioners, for example, may want to keep the price down and not build a new jail. Police may want to continue arresting large numbers of people. The court may not want to be affected by the case. The jail administrator may want more staff and may want precisely what the inmates are seeking through the lawsuit. It is important to develop a set of common goals early on. Gather together the agencies and county officials who will be part of the solution.

Conditions of confinement cases do not specifically focus on jail crowding; rather, they pertain to the conditions experienced by inmates. These cases are examined from the standpoint of the Eighth and Fourteenth Amendments, which are very subjective tests. These cases deal with inmate safety, medical care, shelter, sanitation, food, clothing, and the effects of these standards on the inmates.

In general, the best defense is a well-managed facility, adequate documentation in all areas, and comprehensive policies and procedures that are implemented rather than existing only on paper. Good management can lessen the negative impact of crowding and is invaluable in a viable defense in these cases. Even if the case is lost, as long as the facility is well managed, the judge is likely to look at the jail administrator as part of the solution instead of bringing in outside managers.

The factors that are important to communicate in the defense of conditions of confinement cases are that the facility is being run constitutionally or, if the jail is unconstitutional, that the jail administrator is the solution. A current Supreme Court issue is *Wilson vs. Seiter*, in which the Court will decide on the Sixth Court of Appeals ruling that the intent of the defendants is a critical factor along with the adequacy of conditions. A decision is due in July, 1991.

Evaluating Conditions of Confinement

In evaluating conditions of confinement cases, the court will frequently examine six criteria that deal with the jail's adequacy in meeting the basic human needs of the inmates. Listed on page 23, is a Conditions of Confinement Issues Checklist developed by William Collins. This is not intended to be a complete list.

1. **Levels of Violence** - personal safety of inmates. Levels of violence, along with medical care, are perhaps the two most significant areas of concern in the typical conditions case.

- Classification. Is there a classification system? Does it work as it was designed?
- Numbers of stabbings, assaults, and other examples of serious violence. Are these numbers rising or falling?
- Requests for protective custody.
- Numbers of weapons found during shakedowns.
- Overall relationship between staff and inmates.
- Levels and types of supervision (how often are inmates seen by staff, and to what extent are video or audio surveillance used in lieu of direct human contact)?
- Levels of idleness and amounts of activity for inmates. This may include programs, organized activities, visiting, out-of-cell time, etc.

2. Medical Care - (Test: does the medical system show "deliberate indifference to the serious medical needs of the inmates")?

- Availability of qualified medical staff at sick call.
- Frequency of sick call.
- Qualifications of medical staff.
- Medical records.
- Emergency response plans and capabilities.
- Level of medical care provided.
- Handling of medications.
- Mental health care.
- In general, is any inmate who feels he or she has a medical problem, able, in a timely way, to get access to someone qualified to diagnose and treat that problem, and then able to obtain generally appropriate treatment in a timely fashion - at least for serious medical problems?

3. Shelter - The overall physical environment and its effect on the inmates.

- Fire safety issues.
- Temperature and ventilation.
- Lighting.
- Noise levels.
- Exercise areas and exercise time.
- Out-of-cell time.
- Plumbing.
- Cell size and extent of crowding.

4. Sanitation - This area is closely related to shelter.

- Is the facility clean?
- If inmates are expected to keep their living areas clean, do they have adequate access to cleaning supplies and equipment?
- Amount of vermin found in facility and vermin control measures taken by administration.

5. Food -

- Do inmates receive a nutritionally adequate diet, served in a sanitary way?
- Are records kept of the menus used?
- Are menus reviewed by a qualified person to determine nutritional adequacy?
- Is the food served in a palatable way (hot foods hot, cold foods cold, etc.)?

6. Clothing -

- Is the amount of clothing adequate given the temperatures in the facility; does it provide sufficient privacy for the inmates?
- Are there ample opportunities to obtain clean clothing?

These standards do not mark the requirements of the Constitution, and there is an increasing gap between modern standards and Constitutional requirements. The Supreme Court has pushed down the Constitutional floor while Corrections has raised its own expectations.

The six criteria listed above are likely be investigated to determine whether they reflect cruel and unusual punishment. "Cruel and unusual punishment" is a nebulous concept. While one of its definitions is the "*wanton and unnecessary infliction of pain without penological purpose*," the judgment is a subjective one. The court is supposed to judge the **effects** of jail conditions on the inmate.

Going from Complaint to Trial

Conditions of confinement cases comprise two phases: (1) the trial phase, from when the complaint is filed to the court decision, and (2) the relief phase, when the court-dictated order is implemented. The trial phase is often marked by potential confusion on the part of defense attorneys who may have never been involved in corrections litigation, an increase in staff workload due to documentation requests by both plaintiff and defense attorneys, and expense in hiring experts to prepare the defense.

Of the two phases, the relief phase is more expensive. It entails expense in implementing the court orders, some loss of administrative control, a difficult adaptation period, and potential unrest between inmates and staff due to unrealistic expectations. The inmate's expectations are typically high (they might anticipate some form of relief soon), while the staff's expectations are frequently low (they might interpret the court order as an indication that they will lose most of their control). The true outcome of the relief phase often lies somewhere between the two extremes.

A conditions of confinement case is potentially the biggest lawsuit a county can face. The county as a whole, not the jail alone, is likely to be affected by the case. After all, it is the county that must pay for the court-ordered changes. The budgets of other county departments may dwindle as funds are reallocated to the jail. The police, prosecutors, and court will feel the effects of justice system policies formulated in response to the court orders.

During the discovery process, jail staff will be inundated with requests for documentation, some of which exists and some of which will need to be developed. Often, defense and

plaintiff attorneys will disagree about the discovery process procedures. Defense attorneys are at a disadvantage during the discovery process. County attorneys may have limited experience in complex litigation, federal civil rights trials, and corrections law, and they will have insufficient time to educate themselves. Plaintiff lawyers will likely be experienced in this type of litigation and direct this early phase of the case.

County attorneys may be representing people or agencies with conflicting interests. Sometimes having a county attorney as well as an additional attorney can result in internal struggles. It is critical that defense attorneys work together cooperatively; otherwise, the plaintiff attorneys' task will be considerably easier.

Evaluate the qualifications of the defense attorney (often the county attorney). Does he or she have corrections expertise as well as negotiation and trial experience? The attorney needs to be able to define the jail's liabilities, locate appropriate experts, and structure the case. If the attorney is not experienced in these areas, consider hiring outside assistance.

Direct the defense attorney to the proper information resources. Assign a staff liaison to the attorney throughout the trial phase. While this might seem expensive in terms of staff time, a great deal of time and money will be saved by providing the attorney with immediate access to the necessary records and information. Maintain ongoing communication with the attorney to keep informed of what is likely to happen in the case, what is needed, and to ensure he or she is being provided the necessary information.

Plaintiff attorneys will take a close look at the jail's classification system, both how it is designed on paper as well as how it is implemented. They will look at the number of grievances and whether they were all resolved in favor of staff. They will look at the level of violence and how it is dealt with. They will interview inmates and review data on violence. They might conclude that the data grossly under-reports the incidence of aggression. Plaintiff attorneys will conduct a "sniff" test to determine levels of tension and attitudes between inmates and staff. Plaintiff attorneys are likely to perceive danger where defense attorneys do not. They will scrutinize staff satisfaction levels and, if possible, will attempt to extract damaging information from disgruntled employees. Defense attorneys and corrections administrators should ideally be conducting their own investigations into the conditions at the jail.

A good defense will push for an examination of the effects of conditions rather than a black-and-white look at the standards. Examine documentation to determine results over time. For example, look at whether the level of violence has remained constant while the population level has dramatically increased.

Maintain accurate documentation to demonstrate low levels of violence. Be prepared to counter the accusation by plaintiff attorneys that the data grossly under-reports reality. In a direct supervision jail, it will be difficult for the plaintiff attorneys to undercut the data.

Educate the judge on the reality of the jail so that he or she is not influenced by preconceived ideas or television's stereotypical portrayal of jails. Educating the judge will increase the likelihood that his or her subjective judgment of conditions of confinement is based on reality.

Develop a media relations strategy. Invite the media into the jail. Share favorable information regarding the jail with the media. The more honest, up front, and open the information the media is provided, the better off the jail will be. This can counter any attempt by the plaintiff attorneys to use the media to their advantage.

The Relief Order

The relief phase entails compliance with the court order, close monitoring by the courts, and, ideally, by the jail as well. It is financially advantageous to argue that the jail can adequately monitor its own progress and compliance because court monitoring is expensive. Above all, documentation is critical. Hard data allows the jail to dispute claims of noncompliance.

As mentioned above, a well-managed jail has a strong argument for monitoring its own compliance. There is a trend toward defendants being given the opportunity to develop their own relief plans and to operate under a general agreement rather than a specific court order. If the defendants can demonstrate in meeting the demands of the court, the court is less likely to enter a more detailed and demanding order.

CHAPTER II

The August 18-21, 1991 Symposium

PANEL AND GROUP DISCUSSIONS

PANEL I WHEN IS A JAIL CROWDED?

Criteria Used to Determine Crowding

Joseph M. Schmitz, Deputy Director of Corrections, Hamilton County Justice Center

How do we know when a jail is overcrowded? Many jail administrators have had outside "experts" telling them their jails are crowded. They have been faced with many different standards for defining jail overcrowding. Today we will talk about several criteria used in determining jail overcrowding. But first, let's examine one community's history of jail overcrowding and its effort to alleviate the problem. Although this example involves Cincinnati, Ohio, similar stories can be told all across America.

Prior to the 1980's, there were two main jail systems in Hamilton County. The Sheriff operated the county jail primarily for presentenced felons, and the City of Cincinnati's Correction Division operated a workhouse for misdemeanants. In the mid 1970's, the two systems averaged a combined daily inmate population of approximately 150. Both systems were subjects of lawsuits alleging inhumane conditions. As the inmate population began to grow in the late 1970's, the City of Cincinnati repealed most of its city ordinances which resulted in arrestees being charged under state statute rather than city ordinance. This action made the housing of the arrestees the responsibility of the County rather than the City. The County then had to reimburse the City to house its prisoners at the Workhouse. In a cost cutting measure, the County decided to assume management of the Workhouse in 1981. By the end of the year, the combined population of the Workhouse and County Jail reached 1,165. Lawsuits alleging overcrowding and inhumane conditions soon followed and the County decided to build a new facility to replace both the Workhouse and the County Jail.

In 1983, the County Commissioners funded several alternatives to incarceration programs, such as work release and community service, in addition to the existing Driver Intervention Program for first time DUI offenders. The implementation of these programs reversed the upward trend in the daily inmate population, and, as a consequence, the inmate population actually fell to 1,100.

In 1985, a new Justice Center with an inmate capacity of 848 opened. The new facility was designed to replace both the Workhouse and the old County Jail because the former

had been ordered closed by a local court and the latter could not meet modern jail standards. The capacity of 848 was based on "experts' "projections which indicated the County's general population was decreasing and that there would be, therefore, a corresponding decrease in the inmate population. Unfortunately, the downward trend from 1983 was reversed and the inmate population began to rise sharply. This necessitated keeping the old County jail and renovated sections of the Workhouse open.

In 1986, an additional alternative program for multiple DUI offenders was implemented to offset the rise in the inmate population.

In the spring of 1987, a new Sheriff was appointed. By the fall of 1987, the inmate population had reached an all time high of 1611, over 300 of whom were sleeping on the floor. To alleviate the condition, the County petitioned the Federal District Court to place a cap on the inmate population. As a result, the County entered into a consent decree with the Legal Aid Society which permitted the County to double bunk 168 cells which increased the capacity of the Justice Center to 1016 inmates. Total system capacity today is 1380. Based on increases in the average daily inmate population prior to the cap, it is estimated that Hamilton County's inmate population would be 1840 today if it were not for the cap. In an effort to maintain the cap, a number of alternative programs were implemented including early release and deferred sentencing. In addition, inmate trustees are given three days credit for each day worked. The County finally reached a point where it would accept for incarceration only individuals charged with serious offenses, i.e., violent felons, drug trafficking, domestic violence and assault on a police officer. All other arrestees are booked, fingerprinted, photographed and released. To date, approximately 50,000 arrestees and inmates have been released to maintain the population cap through utilization of the foregoing alternatives. In Hamilton County, the Federal Court made the determination when the jail system was intolerably overcrowded. Other factors which are generally used to define population limits include the following:

- functional capacity;
- classification capacity;
- operational capacity; and
- jail standards.

Following is a brief discussion of each of these criteria used to define jail overcrowding.

FEDERAL AND/OR LOCAL COURT ORDERS

The courts have traditionally used one of the accepted criteria which follow in this section to define jail overcrowding. They often rely on a court appointed corrections expert to make the determination. The number of beds which can be occupied is usually dependent on

other factors such as the availability of programs and program space, and the overall condition of the facility.

FUNCTIONAL CAPACITY

Functional capacity has been historically defined as 80 percent of the total beds available in a facility. Once a facility has exceeded this capacity level it can be considered overcrowded. This is due to the fact that the limited number of beds available begins to impact on the facility's ability to separate and house inmates based on their classification. It should be noted that some professionals consider 90 percent of total facility beds as the functional capacity.

CLASSIFICATION CAPACITY

Classification capacity is very similar to functional capacity. However, a facility does not have to reach its 80 percent capacity level to exceed its classification capacity. A facility exceeds its classification capacity anytime it lacks sufficient cells to house a particular classification of inmates. Typically, categories comprising smaller numbers of inmates, such as females or juveniles, cause facilities to exceed their classification capacity. This is due, in part, to the fact that fewer cells are allocated to these classifications and the cells must be physically separated from other classifications of cells. As classification systems have become more complex, that is, separating inmates into more definitive groups, the problem of exceeding the classification capacity can become greater.

OPERATIONAL CAPACITY

Operational capacity is defined as the number of inmates a facility can adequately house, based on available program and support service facilities. Space and program requirements would include food service, laundry, recreation facilities and visiting. Each of these areas has limits on the number of inmates they can serve due to space and number of hours they are available.

STATE JAIL STANDARDS CAPACITY

Most states now have jail standards which regulate inmate population capacities. These capacities are usually limited by such factors as square footage in sleeping and day areas, the ability to separate inmates, and available program space.

Although there may be several different measures used to define jail overcrowding, the bottom line is, a jail is overcrowded anytime we cannot provide a safe and secure environment for inmates, staff and the public.

Early Release Mechanisms

**Marvin P. Wusthoff, Commander, Washtenaw County Sheriff's Department,
Ann Arbor, Michigan**

The Jail Overcrowding Act was passed in Michigan in 1983. It stipulates that if jail capacity is exceeded for seven consecutive days, a letter must be sent to the chief district and circuit court judge and the chair of the board of commissioners notifying them of the situation. After notification has been issued, jail administrators attempt during the next fourteen days to reduce the population through early release and admission of offenders into various alternative programs.

If the population is reduced to ten beds below the maximum population of 275, then the emergency ends. If not, the sheriff presents the chief circuit judge with a list of all sentenced inmates. The judge then assesses the risk of the inmates to the community, divides them into high-and low-risk groups, and sets maximum and minimum sentence reductions.

Decisions on which inmates are eligible for early release is made on the basis of the following criteria:

- nature of offense;
- prior criminal history, including prior release on recognizance or bail, and jail classification/behavior;
- propensity to be a threat to community safety based on current and past information;
- suicidal history, medical, substance abuse and/or mental health;
- employment history and financial stability;
- length of community residence and current family history;
- record of court appearances, nonappearances, or flight to avoid prosecution, probation, or parole;
- motivation and willingness to follow recommended treatment plan with court supervision;
- adequate transportation and non-jail living conditions to ensure successful program completion;
- history of spouse abuse or patterns of violence; and
- identification of responsible and reliable individuals within the community who verify information gathered and information such as the offender's character.

If this early release mechanism does not succeed in reducing the inmate population to ten beds below the rated capacity, then the sheriff further reduces the low-risk inmate population. The inmates who cannot be released under this arrangement are sex offenders, inmates who have escaped from custody, violent offenders, and those who have been arrested for drug trafficking. If the number still exceeds the maximum capacity, then the sheriff again reduces the sentences, not to exceed a reduction of more than 30% of the sentences served. The next step is deferring new prisoners. If the repeated attempts to achieve the necessary population reduction fail, then the entire process starts over again, beginning with notification letters.

Factors Affecting Inmate Population

John Shields, Chief, Pierce County Sheriff's Department, Tacoma, Washington

The Bureau of Justice found that in 1990, Washington state had the second highest annual percentage increase in inmate population. While the number of inmates across the nation grew 8.2% in that year, the rate increase in Washington was 15.4%. These recent increases in inmate population have been driven by policy factors, not crimes. The inmate population has grown at a faster rate than the population of criminally prone males, recorded crimes, and arrests. The percentage of offenders prosecuted and convicted, however, increased in the past twenty years. The reasons for the population increase are a low release volume from prisons, a dramatic increase in drug offenses, and an increase in parole offenders.

Between 1991 and 1992, Washington's inmate population is forecast to grow 16%. The Department of Corrections' biennial operating budget is expected to increase 9%.

The following briefly discusses factors that affect inmate population size in Washington state.

AT-RISK POPULATION

The population of males between 18-39 years of age is traditionally considered the at-risk or criminally prone population. In Washington, males under the age of 40 account for 75% of adult felony convictions and 80% of prison admissions. The percentage of at-risk offenders is holding fairly constant.

REPORTED CRIMES

The number of reported crimes has increased only slightly, and the crime rate has not increased at all. In 1990, the reported non-person crimes outnumbered person crimes 11 to 1. The total crime rate has varied little over the last twenty years.

REPORTED ARRESTS

The number of reported arrests and the arrest rate have remained relatively flat, except for larceny/theft, which has increased approximately 11%.

SUPERIOR COURT FILINGS

Both the number and rate of superior court filings have increased in the past ten years, due primarily to the increase in felony drug crime filings. In 1990, drug offense filings accounted for nearly one-third of all felony filings. Between 1980 and 1990, the filing rate for drug offenses increased 290%. Since crimes and arrests have remained constant, the increases in filings mean a greater percentage of crimes and arrests are resulting in felony filings.

FELONY CONVICTIONS

Felony conviction volumes and rates have increased in the last ten years. Convictions for crimes against persons increased 69% and non-person crimes increased 57%. The increase in felony filings has driven the increase in felony convictions.

CHANGES IN FELONY SENTENCES

In 1982, 30% of all felons received a sentence of no confinement; in 1990, fewer than 8% received a sentence of no confinement. The decline in the no confinement sentences has been absorbed primarily by the jails, not the prisons.

ALTERNATIVE SENTENCES

The number of offenders who receive alternative sentences has decreased for first-time offenders of nonviolent crimes and for some sex offenders eligible for treatment in lieu of jail.

CONCLUSION:

Jails and prisons cannot solve or contain crime. It is too hard a problem to cope with. Incarcerated people represent an insignificantly small fraction of people committing crimes.

Crime is not out of control. What is out of control is our fear of crime and our public rhetoric regarding it. Incarceration is a very ineffective and expensive tool to fight crime. Hence, we need to stop connecting crime and incarceration.

Corrections should adopt the 19th century mission of trying to correct offenders. The best hope for correcting offenders in the long term is to correct them in the social context in which they live--in the community, not institutions.

There is an abundance of human service agencies already in the community and Corrections needs to link up with them. If offenders' social conditions are so horrible that they are led to crime out of economic desperation, then Corrections working with other human services and economic development agencies must adjust these larger social issues. If the offender is incapacitated by substance abuse, then Corrections working with substance abuse treatment agencies must address this problem. If an offender has no place to live, then Corrections working with local housing agencies must address this need. Corrections needs to broaden its perspective and change its fundamental mission. Correct through positive change and community development, not social control.

Most prison inmates are poorly educated, have few marketable skills, and have long-term dependencies on alcohol and/or drugs. They need to have realistic training, not sweeping floors, etc. If this training and treatment are connected to the real job market and other realistic social conditions on the outside, institution-based Corrections can aid the offenders' reintegration into the community. In order to make this training and treatment relevant to the outside world, prison staff must be linked to the outside world. Corrections needs to get out of the closet and join the rest of the world. Corrections needs to join the mainstream of life, especially the mainstream of human services. Corrections administrators must broaden their perspective and reach out to other human service agencies. Probation and parole, the two Correctional services that have operated in the community for decades, must participate in this change.

While the goal of controlling crime may be a futile one for Corrections, controlling costs and crowding is not. Restrict the use of prisons to those prisoners who inflict physical harm on others in the commission of their crimes. All other offenders should be placed in some form of community based corrections, such as residential programs, specialized treatment programs, community service, or intensive probation. The preferred governance model is community managed as opposed to community based with little or no community involvement when nonviolent offenders that would normally be placed in prison are instead placed in community managed programs. Correctional expenditures can be reduced. Precautions must be taken to ensure that offenders placed in community managed programs are those that would normally receive a prison sentence or are those whose prison sentences are reduced.

Crowded jails and prisons are not the result of increased crime or a crime problem that is out of control. Prison and jail crowding is the result of social and criminal justice policies that have been instituted in recent years. Until these policies are reviewed and changed, crowding will persist.

Initiatives and Cooperative Programs

Albert Van Lieu, Superintendent, Mercer County Correction Center, Trenton, New Jersey

In 1981 the inmate population at the Mercer County Correction Center was 190, and the total available beds (rated capacity) was 292. Consequently, at the time it appeared reasonable to negotiate a contract with the N.J. State Department of Corrections to house 75 state inmates at the Correction Center. This arrangement not only helped relieve the state of overcrowded conditions, but also afforded the county the opportunity to generate revenue since the state paid the county a per diem rate of \$42.50 per inmate.

Unfortunately, in the succeeding years the state inmate population continued to steadily increase, and while the county continued to be obligated to house the 75 state contract inmates, we were also forced, as the result of an Executive Order issued by the Commissioner of the N.J. State Department of Corrections, to house over 200 inmates who received state sentences and were awaiting transfer to a state facility.

While the county enjoyed a significant increase in revenue, the Correction Center became grossly overcrowded and difficult to manage. All available rooms and floor space were converted to bed space. Continuous efforts to encourage the state to remove some of their inmates from the county failed, primarily because the state was under Federal Order to reduce the population in a number of other counties in New Jersey that opted to initiate litigation against the state.

In an effort to effectively deal with the situation, a number of initiatives were taken. A number of cooperative programs were developed with the courts.

1. *In June of 1988 a Court Order requesting that Weekend Sentenced Inmates be permitted to assignment Judge.*
2. *In April of 1989 a request to permit inmates sentenced on Contempt of Court charges to participate in a Community Work Program during the day and go home at night was authorized by the County Assignment Judge.*
3. *In November of 1989 a request to initiate an ongoing procedure whereby we were authorized, with judicial approval, to reduce the length of sentence of inmates serving sentences for Disorderly Persons Offenses by a maximum of 20%, whenever current bed space was not available, was authorized by the County Assignment Judge.*
4. *The population continued to increase; consequently, a request was made to change the Court Order listed above in number 3 to permit a reduction of 25% of the sentence of those sentenced on Disorderly Persons offenses whenever current bed space was not available.*

In spite of all of our efforts, in February 1990 our inmate population increased to 570, which required that 100 inmates sleep on cots or mattresses placed on the floor. On February 5, 1990 the inmates rioted. That evening the N.J. State Department of Corrections removed 100 state inmates from the Correction Center.

For most counties in New Jersey, the influx of state sentenced inmates is the primary cause of overcrowding conditions. During the last several years at the Mercer County Correction Center the inmate population has averaged 60% states inmates. Currently, there are 3,500 state inmates backed up in county facilities waiting to be transferred to a state facility.

Unfortunately, when overcrowding conditions exist we have a tendency to add additional beds wherever possible to accommodate the immediate crisis. As time goes on, the actual rated capacity becomes distorted and clouded. What should be viewed as temporary bed space becomes viewed as part of the accepted rated capacity. Prolonged overcrowding clearly results in daily "Management by Crisis." Most of the county facilities in New Jersey are unable to deal with the increasing state inmate population. Current trends suggest that there will be no relief in the immediate future.

Highlights of the Discussion

Following the panel presentation, the participants discussed and commented on the issues presented. Highlights of the feedback follow:

- Has the "War on Drugs" had an impact on corrections? In Pinellas County, Florida, drug offenders account for approximately 50% of the inmate population. In New York state, there has been an increase in drug-related offenses. State police there created the Community Narcotics Enforcement Task Force which arrests drug distributors through undercover work. The Laredo, Texas budget increases between \$30,000 to \$40,000 per month through acquiring yachts, planes, and cars from drug busts. In Pensacola, Florida all persons arrested on drug charges, even paraphernalia charges, go to jail.
- There is not much that can be done to decrease the drug-related inmate population increases until selling drugs is no longer profitable.
- In Boise, Idaho a majority of the inmate population were jailed for misdemeanors and DUIs. Corrections influenced judges to change their sentencing for misdemeanors and DUIs by educating them about the causes of jail crowding in a newsletter.
- Two ways to alleviate jail crowding are to divert inmates out of the system and to build new cells. Communication is the key of effective diversion programs. The various components of the criminal justice system must work together cooperatively.
- Better management information systems (MIS) are needed. Better information means better decisions and better solutions.
- As population grows and spaces are needed for inmates, there is a temptation to use areas such as gyms for bed space. However, to maintain control over inmates, recreation programs and the like need to be maintained.

**PANEL II
FACILITY AND PERSONNEL MANAGEMENT**

Management Strategies

Richard Sealy, Captain, San Joaquin County Men's Jail, French Camp, California

The San Joaquin County Men's Jail, Women's Jail, and Honor Farm are located next to one another on a large parcel of land in an agricultural area.

The Men's Jail is of linear construction with three tiers. It is open from the first tier to the roof with the center area of the first tier used as a dining hall for feeding inmates. Multiple occupancy cells run off of a central circulation corridor, and there are landing areas at each end of the corridor for correctional officers. All cell doors are controlled electrically, not electronically.

In 1983, the Men's Jail reached its rate of capacity. Managing the overcrowding required addressing both inmate management and personnel issues.

Specific steps taken to deal with the overcrowding included double bunking (which was inadequate; there were still beds on the floor), adding security screens on the corridors to separate rival gang members, moving illegal immigrants from the jail to the Honor Farm, and instituting pretrial release programs. Recreation and feeding times were combined, as were shower times with the clothing exchange. Time allocations for programs and services were expanded under the reasoning that more inmate recreation results in better temperaments.

Planning began for a new 744-bed facility, but a number of problems in the existing facility needed addressing to improve operations until the new facility is constructed. Staffing was inadequate for security in the Men's Jail. In response, custodial officers were added. The turnover rate for custodial officers was 38% due to lack of promotional opportunities (career ladder) and their pay being less than that of other deputies performing the same job.

Functional management was instituted by assigning an Operation's Lieutenant, a Personnel Lieutenant, a Security Lieutenant, and a Lieutenant in charge of Programs and Services. Previously, there was a Lieutenant responsible for each facility. A new training program was implemented as a means to improve employee satisfaction and retention rates. There was a successful shift from on-the-job-training to a combination of classroom training followed by on-the-job-training. This permitted additional training in specific skill

areas. The on-the-job training time was reduced from twenty-eight weeks to fourteen weeks.

Overcrowding gave the San Joaquin Sheriff's Department an opportunity to evaluate its operations and make changes to more effectively manage inmate population and personnel.

Management Elements for Crowded Facilities

John Goldman, Captain, Spokane County Jail, Spokane, Washington

Spokane County built a new facility in 1986 - a ten-story direct supervision jail with soft furniture and wood furnishings. It became known as the "*Manning's Marriott*," named for the original superintendent. For a time, space in the facility was rented out to the Washington, D.C. Department of Corrections for federal class six and seven inmates serving life sentences. The Spokane County Jail, like many others, has experienced crowding problems.

There are a number of considerations in facility and personnel management in a direct supervision jail that can facilitate the ease with which a crowded facility is operated. To be effective, direct supervision must include eight elements:

- *Effective Control* - Maintain total control of inmates, sound perimeter security, a population divided into manageable groups, easily surveilled areas, accountability for behavior, and maximum self-control.
- *Effective Supervision* - The staff to inmate ratio is appropriate, officer is in control of unit, officer is consistently in leadership role, officer is frequently supervised by management.
- *Competent Staff* - Recruit, select, and assign qualified staff, provide effective training, ensure effective leadership by management.
- *Safety of Staff and Inmates* - Monitor inmate and staff responses to unsafe surroundings and monitor fear-hate responses.
- *Manageable and Cost-Effective Operation* - Implement modifications as necessary, reduce vandalism, ensure sanitation and orderliness of facility, anticipate and meet inmates' needs for telephone, television, visiting, commissary, sleeping, and privacy.
- *Effective Communication* - Communicate frequently with inmates and staff, ensure adequate communication among staff, designate lead person among staff.
- *Classification and Orientation* - Knowledge of the inmate is thorough, inmate is classified appropriately, provided orientation, supervised during initial hours of confinement, and has predictable rotation and movement.

- *Just and Fair* - Changes are made when wrongdoing is perceived, the leadership of staff is just and fair, discipline is used appropriately.

Other considerations in facility and personnel management include smoking vs. nonsmoking, uniformity of rules, personal alarms, response teams, and procedures that are both written and implemented.

Staff input is critical to a successfully managed facility. Spokane County Jail has found it valuable to invite all staff to attend a facilitated meeting in which key issues and areas of concern are identified and prioritized. A vertical team composed of representatives from all levels of personnel is then selected to develop recommendations to rectify the concerns raised. This has been successful in giving staff a sense of ownership and accountability for outcomes.

Eliciting staff input early on prevents adversarial issues from mushrooming.

Implementation Approaches

Alma Cornish, Captain, Escambia County Department of Corrections, Pensacola, Florida

A class action suit was initiated against the Escambia County Department of Corrections in 1976. The court ruled in favor of the plaintiff and found the jail unconstitutional. A 1977 consent decree appointed a master to monitor compliance with rectification of the identified problem areas. A new, constitutional jail was planned and constructed, but not without a series of problems. Corrections construction knowledge and expertise were limited. The staff attrition rate was high, personnel policies were lacking, and demand for workers exceeded supply. Changes needed to be made.

Like most other counties, the Escambia County facility faces overcrowding and budgetary cutbacks. To cope with the crowding, double bunking was initiated in 1988, adding 240 beds which were filled within two months. Other measures taken included a weekend program, a pretrial release program, a work release program, expanded programs, and conversion of areas of the jail for more effective use of available space. These changes resulted in added strain on employees. Their turnover rate was high and they felt they had little say in matters that affected them. Upper management failed to see the employees' point of view. Staff threatened to quit.

In 1989, a number of changes were implemented to redress employee complaints. These included:

- a quality circle which meets monthly with administration to air complaints;
- a report writing room for employees;

- professional literature available to staff;
- intensive staff training;
- pay parity;
- uniforms;
- equipment, such as two-way radios;
- stocked arsenal; and
- mandatory training for supervisors.

All new hirees must complete a basic recruit school, for which they themselves must pay.

The Escambia County Department of Corrections has implemented improvements in personnel management practices that have yielded positive results. Staff morale has improved as employees begin to feel important and valued. Incidence of sick leave has decreased and inmate-employee confrontations have declined. The Escambia County Department of Corrections is committed to continuing to institute the changes and modifications necessary to ensure staff satisfaction and productivity.

The Drug-Free Workplace

Ray Sabbatine, Director/Jailer, Lexington-Fayette Detention Center, Lexington, Kentucky

The Lexington-Fayette Detention Center is the first corrections facility in the state of Kentucky to do drug testing of employees. The Drug Free Workplace Policy was introduced in November 1989. This policy was developed as a result of an extensive review of national statistical data and measurements of the impact of drugs in the workplace. Another reason for the Lexington-Fayette Detention Center's decision to develop an Employee Assistance Program (EAP) was employee incidents that resulted from alcohol and drug use and abuse. While staff initially complained about the mandatory testing, they are now proud of their reputation. Other agencies, such as the police department, are not drug tested.

Drug use is not uncommon among corrections staff nationwide, and the system offers ample opportunities for use. The national average of drug abusers in agencies ranges between 10%-15%. The issue is one of duty fitness. Jail employees are entrusted with responsibilities and powers to maintain public safety by securing society's most incorrigible individuals. Being alcohol and drug free is essential for employees to carry out their duties properly.

Drug testing in the workplace accomplishes two things: it ensures that staff are drug free and, if they are using substances, it gives them the opportunity to get the help and support they need to become drug free. The Lexington-Fayette Detention Center does pre-employment testing, testing for cause, scheduled testing, random testing (five people per week), and return-to-duty testing after treatment for chemical dependency. By educating staff and having a commitment to treatment, the facility will be able to help some of the employees to turn their lives around. Those who cannot will be released from employment.

Chemical dependency doesn't differentiate between socio-economic status or race. Humans are not infallible, and some chemically dependent people can turn their lives around. The Lexington-Fayette Detention Center has found that some of its best current employees tested positive for substances and successfully underwent treatment.

Highlights of the Discussion

Following the panel presentation, the participants discussed and commented on the issues presented. Highlights of the feedback follow:

- Requiring attendance at a basic recruit school prior to application for a position will eliminate diversity in the work force and narrow the selection.
- Oneida County, New York has an agreement with the local mental health agency to assign correctional officers as security. The correctional officers consider this a welcome break from their normal duty assignments.
- A solution to problems with special housing is to accelerate reclassification of inmates out of that category.
- Staff morale boosters can include employee of the month/year awards (selected by peers), supervisor of the quarter/year awards, awards banquets, wellness/fitness programs, babysitting services, athletic events, flex time, twelve- or sixteen-hour shifts with accompanying longer periods of time off.
- In writing procedures manuals, request staff input.

**PANEL III
PRETRIAL AND POST-CONVICTION
PROGRAMS**

Maintaining a Reasonable Jail Population

Juan Garza, Sheriff, Webb County Jail, Laredo, Texas

The Webb County Jail has between 650-700 "paying" inmates out of a total of 875 inmates total. Currently, there are 253 convicted felons from Harris County, Texas, for which that county is paying \$40 per person per day, and 442 federal inmates, for which the government pays \$40 per person per day. The border patrol pays the jail if it wants immigrants held after a designated period of time. The jail has secured the cooperation of other arms of the criminal justice system by developing channels of communication and by using money as an incentive. Last year, the Webb County Jail added \$1.2 million to the county budget. There are a number of pretrial and post-conviction programs in Webb County. The ***Parole In Absentia Program*** is for first-time nonviolent offenders.

Electronic monitoring is carried out by a private company. Some offenders are eligible for personal recognizance bonds if they make 5% of the bail, are members of the local community, have a steady job, and a lien can be put on their property. Bail bonds are another option. People arrested on DWI who can't make bail and are members of the local community are released after twenty-four hours.

A restitution center for low-risk, nonviolent offenders is essentially a work release program carried out under the auspices of the probation office. The restitution center was made possible by a grant from the State of Texas.

The district attorney has played a key role in helping to maintain a reasonable jail population size. Webb County Jail has found it valuable to designate someone in the jail to work with the district attorney or the assistant district attorney.

Privatization and Sanctions

Joe Payne, Deputy Chief, Jefferson County Corrections Department, Louisville, Kentucky

It has been said that jail crowding is not a problem to solve but a condition to manage. Jefferson County Corrections Department in Louisville, Kentucky has had a number of lawsuits as a result of overcrowding, and it has implemented alternatives to incarceration

to manage the burgeoning jail population. Our county's experience is that jail population continues to increase even though alternatives are in place. In the past three years, the jail population has doubled due to DUI and spouse abuse. Population increases often have more to do with changing priorities in enforcement of policy decisions than with an actual increase in incidence.

Jefferson County turned to privatization three years ago due to private companies being able to arrange for bed space faster than the government can.

Dismas Inc. is one of the privatization companies. It houses a maximum of 225 sentenced or work release inmates and charges the county \$28.60 per day per inmate. The county paid out \$1,698,800 and regained \$121,000 through work release fees. The actual cost to the county was therefore \$1,578,800 or \$25.59 per day per inmate. In the next contract with Dismas, the county will add in revisions for collection of work release fees on a percentage basis. U.S. Corrections is the other private corporation contracted with by the county, and, it too, houses only sentenced and work release inmates. The county pays \$28.60 per day per inmate, at an annual cost of \$2,578,000. \$164,000 was recovered through work release fees, bringing the actual cost to \$2,414,000 or \$25.75 per inmate per day.

Intensive misdemeanor probation is another avenue used to deal with overcrowding. It is contracted through State Probations and Parole at a cost of \$383,700, with none of the costs recovered. The cost per inmate per day is \$3.42. In this arrangement, offenders are given probation by the court and report once weekly to State Probation and Parole. The county is currently proposing legislation to recover fees.

In Jefferson County, home incarceration is a post- or pre-conviction program with the majority of participants post-conviction. Originally operated by *U.S. Corrections*, it is now operated by our department. The cost of the program is \$620,300, with \$282,000, or 46%, recovered from work release fees. The actual cost is \$337,330 or \$4.95 per inmate per day. There are currently 305 inmates in the program.

Two factors that have affected crowding are admissions rate and length of stay. In the future, the county wants to line up a continuum of sanctions that will allow the placement of inmates back and forth between the appropriate sanctions. Some of these are:

- comprehensive sentencing strategy for present alternatives or continuum of sanctions;
- treatment programs;
- additional pretrials on home incarceration;
- speeding up case processing between arrest and disposition;
- promoting increased use of citations by city and county police; and

- establishing legislation for earned time credit for sentenced misdemeanants.

The Pre-Warrant Diversion Program

O. Kenneth Peters, Community Corrections Manager, Hall of Justice, Grand Rapids, Michigan

The Michigan Community Corrections Act was enacted in 1988. The act allows counties to apply for funding and other assistance by a vote of the county board of commissioners and by appointing a county, city, or regional advisory board.

The advisory board consists of representatives from the criminal justice system, the business community, and the public. The advisory board applies for funding or other assistance by submitting a comprehensive corrections plan. Funding decisions are based on an analysis of data about the local criminal justice system. These data include a description of jail utilization, detailing areas such as sentenced versus unsentenced inmates, sentenced felons versus sentenced misdemeanants, and any use of a jail classification system. The data also includes a description of offenders sentenced to probation and to prison and a review of the commitment of the city, county, or counties to the state corrections systems for the preceding three years.

Grand Rapids, Michigan is a large city on the western side of Michigan. The jail facility currently pays to board out between 150-200 sentenced prisoners daily. Unsentenced misdemeanants are no longer booked. Unsentenced felons make up approximately 70% of the population.

Grand Rapids has a pre-warrant Diversion Program for first-time offenders. Originally this program was not wanted because the system believed there were no first time offenders serving time in jail. However, an analysis of 4,172 felony warrants issued in 1990 by the Prosecutor's Office revealed that approximately 1,000 inmates, or 23.9%, of those warrants were for offenses that could possibly have been diverted according to the criteria established by the Prosecutor's Office. Approximately 47% of these 23% spent time in the county jail. This data made it clear that the Diversion Program could have an impact on overcrowding.

The Objectives of the Diversion Program are To:

- decrease the number of cases entering the system;
- decrease the number of cases presented to probation for presentence investigations;
- reduce the number of requests for court-appointed attorneys;
- increase the potential for collection of restitution and program costs;

- reduce jail crowding; and
- reduce the chance of the offender committing future offenses by early intervention.

Offender eligibility guidelines for the Diversion Program were developed in cooperation with the Prosecutor's Office. First-time offenders who commit the following crimes are eligible for the program:

- unlawful use of an automobile;
- checks, credit card, financial transaction devices, and computer fraud;
- embezzlement;
- forgery, U&P, false pretenses, larceny/retail fraud (except larceny from a person);
- B&E coin boxes;
- failure to return rental property;
- malicious destruction; and
- receiving and concealing.

Offenders must have no other holds, detainers, pending charges, or other conditions that would hold them ineligible.

Incentives For Offenders to Participate in the Diversion Program Include:

- no formal charges are filed;
- there is no court appearance;
- there is no criminal record; and
- participation is confidential within the criminal justice system.

The Prosecutor's Office reviews all warrant requests submitted by local law enforcement officers to determine the eligibility of candidates. Courts Services staff interview the offender, and if the individual is interested in program participation, they develop an appropriate plan that delineates specific responsibilities or conditions for program completion. If the offender meets all obligations, then the case is formally dismissed. The cost for the Diversion Program is estimated at approximately \$400 per client.

Highlights of the Discussion

Following the panel presentation, the participants discussed and commented on the issues presented. Highlights of the feedback follow:

- Pretrial and post-conviction programs used or proposed by various counties include citation in lieu of arrest, complaint in lieu of a pick-up, pretrial home incarceration, deferred sentences, weekender programs, electronic monitoring, work release, day reporting, ROR, property bonds, third party release, accelerated release, probation.
- Oriskany, New York has a full-time probation officer in jail who reviews all people in jail for eligibility for pretrial or post-conviction programs.
- Keeping 1% of cash bonds can help courts to cover administrative costs.
- A fast track booking system can aid in getting people out of jail quickly.
- Arrest standards should match prosecution standards.
- When a jail becomes crowded, develop an inmate list and go before the judge for release decisions.
- In Cincinnati, some misdemeanor charges are disposed of through a dispute resolution program (a diversion program).
- As media coverage increases in certain areas, police arrest patterns follow.

**PANEL IV
JUDICIAL SUPPORT**

The Judiciary and Jail Crowding

Honorable Robert E. Beach, Circuit Court Judge, Pinellas County, St. Petersburg, Florida

Jail overcrowding is a fact of life, particularly in the sunbelt states where there is a drug problem. Adding bed space is a temporary solution. A longer-term solution is to arrange for government entities that have contact with the criminal justice system to get together to address the issue collaboratively.

There appear to be two age-old principles in government: "*it's not my job,*" and "*we've always done it that way*". These kinds of attitudes support stagnation. Solving problems requires being innovative and brave in trying programs that may ultimately fail and be criticized.

Key Ingredients In Successfully Addressing Jail Overcrowding Are:

- the judiciary must take a leadership role;
- there must be a working plan;
- there must be continued planning for the future; and
- political partisanship must be kept out of the program.

Problems are likely to be encountered sooner or later if the problems are addressed from a short-term perspective only.

Two important objectives are to release inmates who should be released and are being held in jail, and to quickly dispose of the cases of people who belong in jail and are awaiting trial.

Alleviating jail overcrowding necessitates that the judiciary is involved. The role of the judiciary extends beyond simply placing people in jail. *Leadership in dealing with jail crowding should come from the judge because of the power inherent in the judge's position. He or she can exercise that power in solving problems.*

* For a description of the specific avenues used by Pinellas County in addressing jail overcrowding, please see the text of the March 1991 symposium, pages 18-19.

The Judiciary Role in Population Management

John Shields, Chief, Pierce County Sheriff's Department, Tacoma, Washington

Judges have played a pivotal role on the Confined Population Management and Review Board in Spokane County, Washington. The Board is composed of city and county officials, members of the criminal justice system, and representatives of the private sector that play a role in the management and/or control of local confinement resources. Spokane County Superior Court Judges and District Court Judges head the Board.

The mission of the Board is to manage the impact of criminal justice offenders on the confined population through the collaboration and shared responsibility of criminal justice and political officials. This is accomplished by reviewing significant information relative to immediate and future needs, and by identifying and recommending alternatives to total incarceration that are consistent with community objectives of public safety, accountability, punishment, treatment, and public awareness. Board decisions are made on the basis of majority vote, although the intent of the Board is to strive for consensus.

Addressing jail crowding requires a collaborative effort and leadership from the judiciary. Judges in Spokane County have made a commitment to work with the jails. Judges often call jail administrators for information such as program news and the level of weekend crowding. Sentence times have decreased, and people are moved through the system faster and more efficiently. The cooperation of the judiciary has helped to avoid critical situations. The judiciary can help jails to manage the population in a politically acceptable way.

Highlights of the Discussion

Following the panel presentation, the participants discussed and commented on the issues presented. Highlights of the feedback follow:

- In Dubuque County, Iowa a good relationship with the judiciary has resulted in the jail administrator's being able to determine when inmates will serve their sentences.
- A cooperative effort among the entire criminal justice system can result in there being one cohesive goal rather than eight separate goals.
- It is important to tactfully manage communications with the secretaries and administrative staff of judges.
- Having a judge serve as chair on a short- or long-range planning committee can help to garner support for the committee's mission.
- Educate judges; explain to them their potential as magistrates in using alternatives.
- Most judges are so backlogged with cases that they don't have the time to address why they are backlogged.

LEGAL ISSUES

William Collins, Attorney at Law, Olympia, Washington

Overview

Conditions of confinement cases do not specifically focus on jail overcrowding; rather, they pertain to the conditions experienced by inmates. Most operating jails have been, are, or will be involved in conditions of confinement cases. These cases deal with inmate safety, medical care, shelter, sanitation, food, and clothing.

Conditions of confinement cases are time consuming, large, and expensive. They comprise two phases: (1) the trial phase, from when the complaint is filed to the court decision, and (2) the relief phase, when the court-dictated order is implemented. The trial phase is often marked by potential confusion on the part of defense attorneys who may have never been involved in corrections litigation, an increase in staff workload due to documentation requests by both plaintiff and defense attorneys, and expense in hiring experts to prepare the defense. Of the two phases, the relief phase is more expensive. It entails expense in implementing the court orders, some loss of administrative control, a difficult adaptation period, and potential unrest between inmates and staff due to unrealistic expectations. The inmate's expectations are typically high (they might anticipate some form of relief soon), while the staff's expectations are frequently low (they might interpret the court order as an indication that they will lose most of their control). The true outcome of the relief phase often lies somewhere between the two extremes.

A condition of confinement case is potentially the biggest lawsuit a county can face. The county as a whole, not the jail alone, is likely to be affected by the case. After all, it is the county that must pay for the court-ordered changes. The budgets of other county departments may dwindle as funds are reallocated to the jail. The police, prosecutors, and court will feel the effects of justice system policies formulated in response to the court orders. The elected officials, boards of commissioners or supervisors, must comply with the court orders or face possible fines or jail sentences

The Discovery Process

During the discovery process, jail staff will be inundated with requests for documentation, some of which exists and some of which will need to be developed. Often, defense and plaintiff attorneys will disagree about the discovery process procedures. Defense attorneys are at a disadvantage during the discovery process. County attorneys may have limited experience in complex litigation, federal civil rights trials, and corrections law, and they will have insufficient time to educate themselves. Plaintiff lawyers will likely be

experienced in this type of litigation and direct this phase of the case. To avoid this, evaluate the case early on, settle what can be settled, and develop an aggressive defense on the issues that remain.

Plaintiff attorneys will take a close look at the jail's classification system, both how it is designed on paper as well as how it is implemented. They will look at the number of grievances and whether they were all resolved in favor of staff. They will look at the level of violence and how it is dealt with. They will interview inmates and review data on violence. They might conclude that the data grossly underreports the incidence of aggression. Plaintiff attorneys will conduct a "sniff" test to determine levels of tension and attitudes between inmates and staff. Plaintiff attorneys are likely to perceive danger where defense attorneys do not. They will scrutinize staff satisfaction levels and, if possible, will attempt to extract damaging information from disgruntled employees. Defense attorneys and corrections administrators should ideally be conducting their own investigations into the conditions at the jail. By gathering information from as many sources as possible, they can develop a viable defense based on fact.

The Court's View

In evaluating conditions of confinement cases, the court will frequently examine six criteria that deal with the jail's adequacy in meeting the basic human needs of the inmates. Listed below is a Condition of Confinement: Issues Checklist, developed by William C. Collins. This is not intended to be a complete list.

1. **Levels of Violence** - personal safety of inmates. Levels of violence, along with medical care, are perhaps the two most significant areas of concern in the typical conditions case.
 - Classification. Is there a classification system? Does it work as it was designed?
 - Numbers of stabbings, assaults, and other examples of serious violence. Are these numbers rising or falling?
 - Requests for protective custody.
 - Numbers of weapons found during shakedowns.
 - Overall relationship between staff and inmates.
 - Levels and types of supervision (how often are inmates seen by staff, and to what extent are video or audio surveillance used in lieu of direct human contact)?

- Levels of idleness and amounts of activity for inmates. This may include programs, organized activities, visiting, out-of-cell time, etc.

2. Medical Care - (Test: does the medical system show "deliberate indifference to the serious medical needs of the inmates")?

- Availability of qualified medical staff at sick call.
- Frequency of sick call.
- Qualifications of medical staff.
- Medical records.
- Emergency response plans and capabilities.
- Level of medical care provided.
- Handling of medications.
- Mental health care.
- In general, is any inmate who feels he or she has a medical problem able, in a timely way, to get access to someone qualified to diagnose and treat that problem and then able to obtain generally appropriate treatment in a timely fashion, at least for serious medical problems?

3. Shelter - The overall physical environment and its effect on the inmates.

- Fire safety issues.
- Temperature and ventilation.
- Lighting.
- Noise levels.
- Exercise areas and exercise time.
- Out-of-cell time.
- Plumbing.
- Cell size and extent of crowding.

4. Sanitation - This area is closely related to shelter.

- Is the facility clean?
- If inmates are expected to keep their living areas clean, do they have adequate access to cleaning supplies and equipment?
- Amount of vermin found in facility and vermin control measures taken by administration.

5. Food -

- Do inmates receive a nutritionally adequate diet, served in a sanitary way?
- Are records kept of the menus used?
- Are menus reviewed by a qualified person to determine nutritional adequacy?
- Is the food served in a palatable way (hot foods hot, cold foods cold, etc.)?

6. Clothing -

- Is the amount of clothing adequate given the temperatures in the facility; does it provide sufficient privacy for the inmates?
- Are there ample opportunities to obtain clean clothing?

These standards do not mark the requirements of the Constitution, and there is an increasing gap between modern standards and Constitutional requirements. The Supreme Court has pushed down the Constitutional floor while Corrections has raised its own expectations.

The six criteria listed above are likely to be investigated to determine whether they reflect cruel and unusual punishment. "Cruel and unusual punishment" is a nebulous concept. While one of its definition's is the "wanton and unnecessary infliction of pain without penological purpose," the judgment is a subjective one. The court is supposed to judge the *effects* of jail conditions on the inmate. A good defense will push for an examination of the effects of conditions, rather than a black and-white look at the standards.

The Supreme Court ruling on *Wilson vs. Seiter* states that the intent of the defendants is judged rather than adequacy of conditions in the six areas listed above. This ruling could potentially result in defendants winning the cases, inmates losing, and jails with poor conditions will not be improved.

Guidelines for Defense of Condition of Confinement Cases:

The following are guidelines that may be helpful in the defense of conditions of confinement cases. In general, the best defense is a well-managed facility, adequate documentation in all areas, and comprehensive policies and procedures that are implemented rather than existing only on paper. Good management can lessen the negative impact of overcrowding and is invaluable in a viable defense in these cases.

- Carpe Diem*** (seize the day). To avoid being thrust into a defensive posture by the plaintiff attorneys, approach the case and settlement aggressively. Analyze the case early on, promptly settle what can be settled, and defend aggressively. This will prevent the plaintiff attorneys from directing the case.
- County attorneys may be representing people or agencies with conflicting interests. Sometimes having a county attorney as well as an additional attorney can result in internal struggles. It is critical that defense attorneys work together cooperatively; otherwise, the plaintiff attorneys' task will be considerably easier.
- Evaluate the qualifications of the defense attorney (often the county attorney). Does he or she have corrections expertise as well as negotiation and trial experience? The attorney needs to be able to define the jail's liabilities, locate appropriate experts, and structure the case. If the attorney is not experienced in these areas, consider hiring outside assistance.
- Direct the defense attorney to the proper information resources. Assign a staff liaison to the attorney throughout the trial phase. While this might seem expensive in terms of staff time, a great deal of time and money will be saved by providing the attorney with immediate access to the necessary records and information.
- Maintain ongoing communication with the attorney to keep informed of what is likely to happen in the case, what is needed, and to ensure he or she is being provided the necessary information.
- Collect objective, reliable information from as many sources as possible—inmates, staff, walk-throughs, and documentation. Evaluate what the information reveals about the jail, and compare it with other jails.
- Consider hiring a corrections expert to conduct a thorough review of the jail. This expert should read the complaint, interview staff and inmates, inspect the facility, and develop a complete analysis of the status of the jail.
- Push the court for an evaluation of effects, not standards. Examine documentation to determine results over time. For example, look at whether the level of violence has remained constant while the population level has dramatically increased.

- Maintain accurate documentation to demonstrate low levels of violence. Be prepared to counter the accusation by plaintiff attorneys that the data grossly underreports reality. In a direct supervision jail, it will be difficult for the plaintiff attorneys to undercut the data.
- Educate the judge on the reality of the jail so that he or she is not influenced by preconceived ideas or television's stereotypical portrayal of jails. Educating the judge will increase the likelihood that his or her subjective judgment of conditions of confinement is based on reality.
- Develop a media relations strategy. Invite the media into the jail. Share favorable information regarding the jail with the media. The more honest, up front, and open the information the media is provided, the better off the jail will be. This can counter any attempt by the plaintiff attorneys to use the media to their advantage.

Relief Order

The relief phase entails compliance with the court order, close monitoring by the courts, and, ideally, by the jail as well. It is financially advantageous to argue that the jail can adequately monitor its own progress and compliance-court monitoring is expensive. Above all, documentation is critical. Hard data allows the jail to dispute claims of noncompliance.

There is a trend toward defendants being given the opportunity to develop their own relief plans and to operate under a general agreement rather than a specific court order. If the defendants can demonstrate administrative skill in meeting the demands of the court, the court is less likely to enter a more detailed and demanding order.

Consent Decrees

Consent decrees allow settlement of a lawsuit without the defendants having to admit liability. The defendant agrees to alter specific practices or conditions to satisfy the plaintiff and the court. The duties of the defendant may endure over a long period of time and may be substantial. During the period of the decree, the court retains jurisdiction over the defendant to enforce the decree's provisions.

To avoid distress and problems, it is vital that the consent decree be well thought out and the near-term and long-term implications be thoroughly analyzed. Once set, consent decrees are not easily changed. Consent decrees should be designed to be time limited and amendments should be reasonably possible.

APPENDIX

**NATIONAL INSTITUTE OF CORRECTIONS
JAIL CENTER**

JAIL CROWDING SYMPOSIUM

**STAPLETON PLAZA HOTEL
DENVER, COLORADO**

MARCH 17-20, 1991

AGENDA

SUNDAY

MARCH 17, 1991

6:00 - 8:00 PM

INFORMAL DINNER

Colorado Room

*Welcome, Introductions and
Program Overview*

Michael O'Toole

MONDAY

MARCH 18, 1991

7:30 - 8:30 AM

BREAKFAST

Colorado Room

8:30 - 10:30 AM

"When is a Jail Crowded"

Aztec Room

- o Orange County, FL*
- o Suffolk County, MA*
- o El Paso County, CO*
- o Santa Barbara, CA*

*Director Tom Allison
Director John Townsend
Captain H. D. Bradley
Chief Deputy John DaFoe*

10:30 - 10:45 AM

BREAK

10:45 - 11:45 PM

RECAP and CLOSE-OUT

12:00 - 1:30 PM

LUNCH

Colorado Room

MONDAY (continued)

1:30 - 3:00 PM

Facility and Personnel Management Aztec Room

- o *Extended Trusty Program* Major John Pauls
- o *Internal Repair and Maintenance* Captain Dean Carr
- o *Unique Facility Usages* Superintendent Michael Carr

3:00 - 3:15 PM

BREAK

3:15 - 5:00 PM

RECAP and CLOSE-OUT

6:00 - 7:00 PM

DINNER

Colorado Room

TUESDAY

MARCH 19, 1991

7:30 - 8:30 AM

BREAKFAST

Colorado Room

8:30 - 10:30 AM

Pretrial and Post Conviction Programs

Aztec Room

- o *Jail Based Bail Appeal Program* Director John M. Townsend, Esq.
- o *House Arrest Program* Director Joseph Vitek
- o *Bail Review Program* Captain David Listug
- o *Middlesex County Pretrial Program* Warden Rudolph Johnson

10:30 - 10:45 AM

BREAK

10:45 - 11:45 AM

RECAP and CLOSE-OUT

12:00 NOON

LUNCH

Colorado Room

TUESDAY (continued)

1:30 - 3:00 PM

Judicial Support

Aztec Room

*Dane County, WI
Pinellas County, FL
Ramsey County, MI*

*Captain David Listug
Judge Robert E. Beach
Bob Lester, Undersheriff*

3:00 - 3:15 PM

BREAK

3:15 - 5:00 PM

RECAP AND CLOSE-OUT

6:00 - 7:00 PM

DINNER

Colorado Room

WEDNESDAY

MARCH 20, 1991

7:30 - 8:30 AM

BREAKFAST

Colorado Room

8:30 - 10:00 AM

Legal Issues

Aztec Room

Presentation/Instruction

Bill Collins

10:00 - 10:15 AM

BREAK

10:15 - 11:30 AM

**Group Discussion, Questions
and Feedback**

11:30 - 12:00 AM

RECAP AND CLOSE-OUT

12:00 NOON

ADJOURNMENT

**NATIONAL INSTITUTE OF CORRECTIONS
JAILS DIVISION**

JAIL CROWDING SYMPOSIA

**Stapleton Plaza Hotel
Denver, Colorado**

March 17-20, 1991

PARTICIPANT LIST

**Tom Allison
Director**

**Orange County
Corrections Division
2436 W. 33rd St.
Orlando, FL 32809**

**Honorable Robert E. Beach
Circuit Court Judge**

**Pinellas County
Criminal Court Complex
5100 144th Ave. N.
Clearwater, FL 34620**

**Ronald Beckham
Sheriff**

**Jefferson County
Sheriff's Department
17900 W. 10th Ave
Golden, CO 80401-2697**

**H.D. Bradley
Captain**

**El Paso County
Sheriff's Office
2739 East Las Vegas St.
Colorado Springs, CO 80906**

**Dean Carr
Captain**

**Salt Lake County Jail
437 S 2nd E
Salt Lake City, UT 84111**

**Michael J. Carr
Superintendent**

**Milwaukee County
House of Correction
1004 N. 10th St.
Milwaukee, WI 53233**

**Penny Collins
Deputy Chief**

**Adams County Detention
150 N. 19th St.
Brighton, CO 80601**

**Richard Cox
Bureau Director**

**Milwaukee County Jail
821 W. State St.
Milwaukee, WI**

**John W. DaFoe
Chief Deputy**

**Santa Barbara Detention
Facility
4434 Calle Road
Santa Barbara, CA 93110**

**Dominick L. DeRose
Deputy Warden**

**Dauphin County Prison
501 Mall Road
Harrisburg, PA 17111**

**Frank W. Henn
Administrative tieutenant**

**Arapahoe County Detention
7375 S. Potomac St.
Englewood, CO 80112**

**Don Hunter
Sheriff**

**Collier County Jail
3301 East Tamiami Trail
Naples, FL 33962**

**Rudolph Johnson
Warden**

**Middlesex County
Dept. of Adult Correction
Box 266
New Brunswick, NJ 08903**

**Robert Lester
Undersheriff**

**Ramsey County
Sheriff's Office
14 W. Kellog Blvd
St. Paul, MN 55102**

**David Listug
Captain**

**Dane County
Sheriff's Office
210 Martin Luther King Jr. Blvd.
Madison, WI 53709**

**David K. Mapp
Sheriff**

**Norfolk City Jail
811 E. City Hall Ave.
Norfolk, VA 23510**

**Edward McGhee
Warden**

**Essex County Jail
60 Nelson Pl.
Newark, NJ 07102**

**Jim H. McLendon
Undersheriff**

**Muscogee County
Sheriff's Office
P.O. Box 1338
Columbus, GA 31901**

**Dale A. Meisel
Warden**

**Lehigh County Prison
38 N. 4th St.
Allentown, PA 18102**

**Leo Miller
Sheriff**

**Law Enforcement Center
P.O. Box 3715
Sioux City, IA 51102**

**Frederick Netzel
Superintendent**

**Erie County Correctional
Facility
11581 Walden Ave.
Alden, NY 14004**

**John A. Pauls, Jr.
Major**

**Marion County
Sheriff's Office
700 NW 30th Ave.
Ocala, FL 32675**

**Duane Rutledge
Director**

**John E. Polk
Correctional Facility
211 Bush Blvd.
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General Counsel
Director of Corrections**

**Suffolk County
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200 Nashua St.
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**Joseph C. Vitek
Director**

**Douglas County Department
of Corrections
710 South 17th St.
Omaha, NE 68102**

**Henry C. Wallace
Corrections Staff**

**Oakland County
Sheriff's Office
1201 N. Telegraph
Pontiac, MI 48341**

**Les Weidman
Sheriff-Coroner**

**Stanislaus County
P.O. Box 858
Modesto, CA 95353**

**John E. Wright
Director**

**Montgomery County
Detention Center
1307 Seven Locks Road
Rockville, MD 20854**

NATIONAL INSTITUTE OF CORRECTIONS
JAIL CENTER

JAIL CROWDING SYMPOSIUM

STAPLETON PLAZA HOTEL
DENVER, COLORADO

AUGUST 18-21, 1991

AGENDA

SUNDAY

AUGUST 18, 1991

6:00 - 8:00 PM

INFORMAL DINNER

Colorado Room

Welcome

Michael O'Toole

*Introductions and
Program Overview*

Patricia Lanier

MONDAY

AUGUST 19, 1991

7:30 - 8:30 AM

BREAKFAST

Colorado Room

8:30 - 10:45 AM

"When is a Jail Crowded"

Aztec Room

- o Hamilton County, Cincinnati, OH*
- o Washtenaw County, Ann Arbor, MI*
- o Pierce County, Tacoma, WA*
- o Mercer County, Trenton, NJ*

*Deputy Director Joseph Schmitz
Commander Pat Wusthoff
Chief John Shields
Superintendent Albert Van Lieu*

10:45 - 11:00 AM

BREAK

11:00 - 12:00 PM

RECAP and CLOSE-OUT

12:00 - 1:30 PM

LUNCH

Colorado Room

MONDAY (continued)

1:30 - 3:45 PM

Facility and Personnel Management Aztec Room

- o San Joaquin County,
French Camp, CA Captain Richard Sealy
- o Spokane County, Spokane, WA Captain John Goldman
- o Escambia County, Pensacola, FL Captain Alma Cornish
- o Lexington-Fayette Detention
Center, Lexington, KY Ray Sabbatine

3:45 - 4:00 PM

BREAK

4:00 - 5:00 PM

RECAP and CLOSE-OUT

6:00 - 7:00 PM

DINNER

Colorado Room

TUESDAY

AUGUST 20, 1991

7:30 - 8:30 AM

BREAKFAST

Colorado Room

8:30 - 10:45 AM

**Pretrial and Post Conviction
Programs**

Aztec Room

- o Webb County, Laredo, TX Sheriff Juan Garza
- o Jefferson County, Louisville, KY Deputy Chief Joe Payne
- o Kent County, Grand Rapids, MI Ken Peters

10:45 - 11:00 AM

BREAK

11:00 - 12:00 AM

RECAP and CLOSE-OUT

12:00 - 1:30 PM

LUNCH

Colorado Room

TUESDAY (continued)

1:30 - 3:45 PM

Judicial Support

Aztec Room

- o Pinellas County, Clearwater, FL
- o Richmond County, Augusta, GA

Judge Robert E. Beach
Charles A. Toole, Sr.

3:45 - 4:00 PM

BREAK

4:00 - 5:00 PM

RECAP AND CLOSE-OUT

6:00 - 7:00 PM

DINNER

Colorado Room

WEDNESDAY

AUGUST 21, 1991

7:30 - 8:30 AM

BREAKFAST

Colorado Room

8:30 - 10:15 AM

Legal Issues

Aztec Room

- o Presentation/Instruction

Bill Collins

10:15 - 10:30 AM

BREAK

10:30 - 11:30 AM

Group Discussion, Questions
and Feedback

11:30 - 12:00 AM

RECAP AND CLOSE-OUT

12:00 NOON

ADJOURNMENT

**NATIONAL INSTITUTE OF CORRECTIONS
JAILS DIVISION**

JAIL CROWDING SYMPOSIA

**Stapleton Plaza Hotel
Denver, Colorado**

August 18-21, 1991

PARTICIPANT LIST

**Honorable Robert E. Beach
Circuit Court Judge**

**Pinellas County
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5100 144th Ave. N.
Clearwater, FL 34620**

**Richard Boyd
Captain**

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17900 10th Ave.
Golden, CO 80401**

**Alma Cornish
Captain**

**Escambia County
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**Clifford J. Daniels
Deputy Warden**

**Monmouth County
Correctional Institution
1 Waterworks Road
Freehold, NJ 07728**

**Leland H. Derner
Facility Commander**

**San Mateo County Jail
401 Marshall Street
Redwood City, CA 94063**

**Daniel Douthit
Director of Security**

**Ada County
Sheriff's Department
7200 Barrister Drive
Boise, ID 83704**

**Juan Garza
Sheriff**

**Webb County Jail
P.O. Box 29
Laredo, TX 78042-0099**

**John A. Goldman
Captain**

**Spokane County Jail
1100 W. Mallon Ave.
Spokane, WA 99260-0300**

**Leo La Lone
Admin Lieutenant**

**Sarasota County Jail
P.O. Box 4115
Sarasota, FL 34230-4115**

**James Longmore
Deputy Warden**

**Allegheny County Jail
440 Ross Street
Pittsburgh, PA 15219**

**Gary Lucas
Sheriff**

**Clark County Jail
P.O. Box 410
Vancouver, WA 98666**

**Richard Miles
Jail Administrator**

**Muscogee County
Sheriff's Office
P.O. Box 1338
Columbus, GA 31902**

**O. Joseph Payne
Deputy Chief**

**Jefferson County
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**O. Kenneth Peters
Community Corrections
Manager**

**Hall of Justice
Room 456 J
333 Monroe Ave. N.W.
Grand Rapids, MI 49503**

**Charles Pringle
Captain**

**Boulder County
Sheriff's Office
3200 Airport Rd
Boulder, CO 80301**

**Ray Sabbatine
Jailer**

**Lexington-Fayette
Detention Center
200 Clark Street
Lexington, KY 40507**

**Joseph M. Schmitz
Deputy Director of Corrections**

**Hamilton County
Justice Center
100 Main Street
Cincinnati, OH 45202**

**Richard Sealy
Captain**

**San Joaquin County
Men's Jail
999 W. Matthews Road
French Camp, CA 95231**

**John H. Shields
Chief**

**Pierce County
Sheriff's Department
910 Tacoma Ave.
Tacoma, WA 98402**

**Charles A. Toole, Sr.
Jail Administrator**

**Richmond County Jail
401 Walton Way
Augusta, GA 30911**

**Albert Van Lieu
Superintendent**

**Mercer County
Correction Center
P.O. Box 8068
Trenton, NJ 08650**

**Donald A. Vrotsos
Sergeant**

**Dubuque County
Sheriff's Department
P.O. Box 1004
Dubuque, IA 52001**

**Gerald Washburn
Sheriff**

**Oneida County
Sheriff's Department
Law Enforcement Building
Oriskany, NY 13424**

**Marvin P. Wusthoff
Commander**

**Washtenaw County
Sheriff's Department
2201 Hogback Road
Ann Arbor, MI 48107-8645**