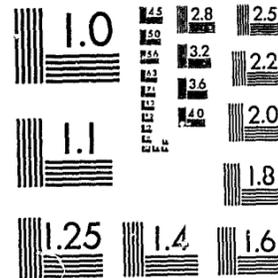


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# Pretrial Decisions: A Contextual Analysis of Central Intake Systems

Prepared for  
National Institute of Justice



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

December, 1982

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PRETRIAL DECISIONS: A CONTEXTUAL ANALYSIS OF  
CENTRAL INTAKE SYSTEMS

Prepared under  
Grant No. 80-IJ-CX-0052  
from the National Institute of Justice

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## I. INTRODUCTION

In a climate characterized by complex legal issues, community concerns and limited resources, most criminal justice systems are being forced to reanalyze their operations in order to increase their public accountability and promote efficient and effective processing of defendants. Of particular concern in the criminal justice system is the progression of defendants from apprehension through sentencing. An area that has become increasingly visible because of its potential impact on the entire criminal justice process is that of intake. The immediate processing of persons entering the criminal justice system, through arrest and booking, can affect the defendant, law enforcement, jail, pretrial services, courts, prosecutors, legal defenders, and community service agencies. In addition, information collected at intake can affect the quality of the release/detention decision, the rapidity with which a defendant is released, and the range of conditions imposed.

### Problems Associated with Intake and Release

The concept of pretrial release based on information collected during an intake interview, usually following booking, can trace its origins to the Manhattan Bail Project/Vera Institute findings in the early 1960s. Concern for removing pretrial defendants from jail and assuring their subsequent appearance in court without relying on bond were the primary motivators for initiating pretrial release projects across the country. Today, these same issues help to define the problems associated with more modern intake and release systems.

While predicting the likelihood of future court appearance is still a major factor in determining pretrial release eligibility, the consideration of dangerousness and public safety is now permitted in 29 states (Gaynes, 1982). In some of these 29 states, judges have statutory authority to deny bail on the basis of dangerousness. In others, extremely high bond can be set which effectively denies release. Although point scales and interview guidelines have been constructed to predict fugitivity (Eskridge, 1979, 1980, 1981; Gedney, 1975; Kirby, 1977, 1979), the ability of these instruments to provide an accurate prediction of dangerousness to the community is notoriously poor (Martin, 1981; Megargee, 1976; Monahan, 1981; Underwood, 1979). Thus, the problem of how to maximize pretrial release without endangering community safety remains unresolved (Beaudin, Pryor & Henry, 1981).

Closely related to the problem of dangerousness and fugitivity is that of recidivism. A number of reports (Lazar, 1981; Sorin, Toborg & Pyne, 1979; Toborg & Sorin, 1981; Toborg, Sorin & Silver, 1978; Williams, 1979) have demonstrated that of those released pretrial, a certain percentage will be arrested for criminal activity during the release period. At issue in a given community is defining what constitutes pretrial criminality and determining what level of recidivism will be tolerated as compared to the monetary and other costs associated with pretrial incarceration (Wheeler & Wheeler, 1981), as well as consideration of potential violation of the constitutional rights of defendants.

Prior to initiation of pretrial services programs, the primary method of obtaining pretrial release was through posting bond or otherwise securing through material means one's promise to appear in court. Those of indigent status were thus denied release more frequently because they had insufficient means to post bond (Goldkamp, 1979; Goldkamp, Gottfredson & Gedney, 1980). Although data have existed for some time that demonstrate court appearance can be reasonably expected on a defendant's promise to appear (i.e., Manhattan Bail Project), the use of bail has continued in many jurisdictions (Goldkamp, 1979; Landes, 1974; Rice & Gallagher, 1972; Wice, 1974). Recent reforms have included the use of guidelines in determining bail amounts to reduce the variability of bail set for a given crime, utilization of 10 percent cash deposit systems (to decrease the ultimate cost to the defendant by avoiding payment of a fee to a bonding agency), and enactment of automatic bond schedules to facilitate release prior to a bail determination hearing. However, the setting of bail still remains a controversial issue not only for the courts but also for the professional bail bonding agencies (Beaudin, 1981). For example, an initial setting of bail amount can be challenged and modified in subsequent hearings at the request of the defense or prosecution. The reluctance to rely solely on cash bail to regulate release processes can further be illustrated by the employment of preventive detention or bail denial laws and provisions. To date, there are mixed results regarding the comparability of rearrest and failure-to-appear (FTA) for those defendants released by nonfinancial means and those released by more traditional bonding methods. Pryor and Smith (1982) have summarized relevant research findings. Some studies have indicated that those released through nonfinancial means or by a pretrial release agency have lower recidivism and higher court appearance rates than defendants released on bail (Clarke, Freeman, & Koch, 1976). One explanation for this difference in pretrial releasees' performance (offered by the Denver Research Institute) is that releasees go through a screening process and in some cases, the agency provides contact and/or supervision. Other results are less clear-cut but still demonstrate few differences between overall rates regardless of the release method (Thomas, 1976; Wice, 1974).

While consideration of fugitivity, dangerousness, and pretrial criminality are concerns affecting primarily the community and criminal justice system, a defendant's constitutional rights and human service needs are also necessary considerations. Because of the overcrowded conditions existing in many county jails, defendants have successfully sued agencies of the local government for violation of their rights. Consequently, federally mandated capacities on certain jail facilities have been set. In a 1982 survey of the nation's jails, the National Sheriff's Association reported that, of those jails responding, 10.7 percent indicated that they were currently under court order to correct the following: overcrowded conditions, insufficient recreation, outdated facilities and inadequate medical care. A total of 15.9 percent reported having been under court order at one time or another. Five hundred twenty-nine jails reported that they are presently party to a pending law suit.

Many jurisdictions have explored the possibility of operating a pretrial services agency to insure early release of the pretrial detainee population and to explore alternatives to incarceration. A number of these agencies that were created were given the responsibility of interviewing arrestees following booking

and assessing not only release eligibility, but also defendant needs including mental and physical health services. The degree to which defendant needs were recognized and met was dependent in large part upon the availability of community resources amenable to cooperation with the criminal justice system.\*

Given the number and complexity of the problems facing both county and statewide criminal justice systems, the administrative processes of planning and evaluation have achieved particular importance. Evidence of this exists in the creation of criminal justice/corrections master plans (Wheeler, 1980) and further investigations into the expanded functioning of pretrial services. In attempts to cope with fair and equitable release of defendants, community safety, efficient case processing, jail overcrowding, crowded court calendars, and a host of other criminal justice system problems, many jurisdictions have focused their attention on the coordination of intake and release processes. Typically, one agency, such as a pretrial services unit, is given the responsibility for coordinating systemwide intake and release procedures with the remaining key criminal justice offices and for monitoring overall system functioning. The coordination of key criminal justice agency functions to facilitate efficient and effective intake and release through a centralized administration resulted in the creation of what is known as a central intake (CI) system.

#### Approaches to Central Intake

In a landmark monograph, Galvin (1978) described central intake as "a program designed to facilitate prompt but sound decision making in the individual case, and also to recognize and take appropriate action as to immediate service needs of defendants who face problems they cannot cope with unaided." Such a program, he noted, could not exist without cooperation from the extant criminal justice agencies within a given community, regardless of its administrative organization. He noted further that such a program should embrace policies relating to arrest alternatives, pretrial release, conditional release, diversion, bail, court processing, community services and other alternatives to incarceration. He delineated administrative-organizational arrangements, staff requirements and planning, evaluation, and budgeting considerations. He also suggested the incorporation of an information system to assist in program monitoring and evaluation. Illustrative examples were provided from several jurisdictions, and sample central intake processing forms were appended.

While not addressing central intake directly, Lazar (1981) extensively studied eight jurisdictions, completing detailed analyses of release practices and outcomes. The primary focus of this study was an examination of the pretrial release process including types of release utilized and factors effecting release, fugitivity, pretrial criminality, and the role of pretrial release programs. By documenting the release practices of each jurisdiction, The Lazar Institute also recognized the cooperative role of key participants from various criminal justice agencies such as the courts, corrections, sheriff, and pretrial services in facilitating early release decisions. This study indirectly provides evidence for the feasibility of cooperation and coordination among criminal justice agencies to facilitate fair and effective release practices.

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\*For example, see case histories, beginning page 26.

In 1980 and 1982 the Denver Research Institute (DRI) evaluated the Law Enforcement Assistance Administration (LEAA) Jail Overcrowding and Pretrial Detainee Program projects (Neubaum & West, 1982; West, Neubaum, Blumenthal, & Keller, 1980) including both Phase I (problem identification and planning) and Phase II (implementation). Because the focus of the projects selected was to reduce jail overcrowding primarily through a reduction in the pretrial population, many sites opted for the creation or enhancement of pretrial release programs to screen, interview and coordinate the release of pretrial defendants. As a condition of the Phase I grant, advisory boards were formed (which consisted of key criminal justice system officials) to become involved in planning and problem analysis as well as implementation. In instances where advisory boards remained active through Phase II, implementation of pretrial release programs and transitions to new release practices were facilitated. Information from selected sites suggested both the feasibility of a centralized administration for facilitating pretrial release and the desirability, for some jurisdictions, of maintaining active advisory boards to monitor criminal justice functions. In addition, the DRI reports indicated that jail overcrowding experienced in the sampled jurisdictions frequently was a source of leverage for instituting alternatives to incarceration programs. Because intake represented the point at which defendant information was being collected, intake processes were found to be critical in establishing not only early release eligibility of defendants, but also an information gathering procedure that would eliminate duplicate services by agencies involved in defendant processing. Emphasis was placed on pretrial decision systems and the flow of defendants and information through the criminal justice system, from apprehension through adjudication.

Taken together, the above studies demonstrated that pretrial release practices can be facilitated through cooperation and coordination among criminal justice agencies. Limited evidence also existed that a centralized administrative body or advisory board may be construed as a key component in enhancing interagency cooperation not only to improve the pretrial release decision making process, but also to increase overall system effectiveness and efficiency by providing an information collection and dissemination service. The National Institute of Justice (NIJ) funded DRI in 1980 to examine the pretrial decision process; in particular, the concept of central intake, and to document its existence and development in various criminal justice contexts. As initially conceptualized, a central intake system was one that included a centralized administration, prompt defendant screening and determination of release eligibility, authority to make pretrial release recommendations and/or decisions, provisions for early entry of counsel, availability of release options, potential for activities during detention such as jail classification and treatment, offender-based tracking and system monitoring/evaluation capabilities. The central intake project was to extend the work previously cited by examining not only how an agency such as pretrial services could expedite the release decision process, but also how it might impact a variety of related criminal justice functions through centralized authority and information management functions. In addition, the DRI approach to central intake includes the examination of the capacity for a systems approach to respond to symptoms and problems that have plagued more traditionally organized criminal justice systems. Whereas previous work had defined central intake either according to certain functions (such as pretrial

screening, supervised release, etc.) or to results (speedy processing, reducing unnecessary detention while minimizing FTA and rearrest, etc.), DRI proposed an investigation that was more organizationally oriented. Emphasis was to be placed on organizational characteristics such as centralized authority, interagency cooperation, and long-range planning activities.

#### Project Goals and Products

In order to examine the applications of the central intake concept, several goals were established by the project team in consultation with NIJ. An approach was selected that would maximize an examination of the range of CI functions studied in various jurisdictions. Sites were chosen that would allow for the documentation of alternative central intake models in various jurisdictional contexts.

A major product of this project is a workbook designed to assist jurisdictions in implementing a central intake system. Exercises are included to determine if existing intake and pretrial release practices need revision, and if a new or modified system is needed, what changes should be made and how these changes might be implemented and evaluated. Appendix A contains the Title Page and Table of Contents for this workbook.

Another product of the project is this final report that blends theoretical ideas and case history findings to produce a state-of-the-art document on central intake. This report reviews the history of the concept and how it is operationalized in a variety of county and state criminal justice systems, describes representative CI systems, and makes recommendations for future policy decisions. An executive summary distilling the major points of the final report is also available for wide dissemination.

#### Project Methodology

In conjunction with the Pretrial Services Resource Center, over 30 sites were initially screened for participation in the central intake project. A substantial amount of data on their release decision systems was collected. The six jurisdictions which were selected for detailed analyses met the initial criteria of a central intake system--immediate postarrest processing, limited exclusion categories, release of both misdemeanors and felons and the employment of a variety of release alternatives. The following sites were chosen: Arapahoe County (Littleton), Colorado; the state of Delaware; Jackson County (Kansas City), Missouri; Pima County (Tucson), Arizona; Salt Lake County (Salt Lake City), Utah; and San Mateo County (Redwood City), California.

These sites were included because of geographic location, type of government (county vs. state), degree of program development, inclusive categories of release eligibility, range of release options, type of release authority (statutory vs. administrative), basis of release recommendations, administrative organization, and degree of interagency cooperation achieved.

Jurisdictional demographics are contained in Table 1. In addition, jurisdictions were selected that had data available for at least some of the following: number of clients processed, FTA rates, pretrial criminality figures, Uniform Crime Report figures, budget breakdowns and jail management characteristics. Of primary consideration in determining site selection was the assured cooperation of local criminal justice officials. No financial incentives were provided to the cooperating jurisdictions. Letters detailing the nature of the study, the type and amount of involvement, and requesting cooperation with DRI were sent to each site and were returned signed by the appropriate agency officials. Specific requests by the project team included access to existing site records for available data and to criminal justice personnel for interviews.

Because of the need to gather in-depth information pertaining to concepts that were not readily quantifiable such as interagency cooperation and coordination, a case study approach was adopted. The project team determined that a series of site visits spaced throughout the duration of the contract would allow for extensive examination of the criminal justice and community agencies involved in maintaining central intake systems. Because central intake was viewed as a dynamic system, it was important to document how the system adapted as new criminal justice problems arose. During each site visit, data were collected pertaining to intake and release processes and subjective information was gathered from interviews with relevant agency personnel. Also, members of the media were interviewed about their views of community perceptions of criminal justice issues relating to central intake. Between the site visits, follow-up contacts were made by telephone to insure collection of timely information. This was necessary because of the developing nature of several of the intake systems and the problems such as jail overcrowding and limited funds facing others.

Emphasis was placed on an analysis of central intake projects as intake/release decision systems. Methods for determining release eligibility, including release criteria, objective and subjective recommendation schemes, and the validation of interview instruments were documented. Of particular interest was the source of release authority within each central intake system. Examples of both statutory and administrative authority were observed in the sample as well as differences between granting authority to pretrial services to release as compared to those jurisdictions where recommendations had to be acted on by the court prior to release.

#### Development of a General Model of Central Intake

Central intake is conceived as a "system" of separate units with distinct and often conflicting mandates working together towards the shared goal of more efficient and effective criminal justice operation. Intake as a "system" can benefit from the work done by engineers who have studied and designed physical systems and from the experiences of organizational psychologists who have worked with systems made up of groups of people and their organizations. A common finding of both engineers and psychologists is that some systems, either physical or social, can become unwieldy and either operate extremely

Table 1  
 Characteristics of Sampled Central Intake Systems

Jurisdiction Demographics	Arapahoe County	Jackson County	Pima County	Salt Lake County	San Mateo County	Delaware
1. Population - 1976*	225,900	630,000	449,100	525,187	584,100	581,832
Population - 1980*	293,621	629,266	531,443	619,066	588,164	594,338
2. UCR Part 1 Crimes - 1981	3,274	49,275**	8,531	18,381	6,270	7,533
3. Professional Bonding Agencies		6	6	3	4	2
4. Rated Jail Capacity	55	500***	450***	495	250	360
5. Jail Overcrowding (existing facilities)	yes	yes	yes	no	yes	yes
6. Release Officials	sheriff, courts	courts	CVC, courts	PTS, courts	sheriff, courts	courts
7. Release Criteria	point scale	point scale	point scale	point scale & subjective assessment	point scale	interview
8. Release Options	Jail PR OR SR	OR 10% Work Release	PBR OR SR	NBR OR SR Automatic Bond Schedule	Jail OR ROR Supervised	OR SR
9. Percentage of Eligible Defendants Interviewed	100%	90-95%	98%	93%	100%	100%
10. 1981 Annual Operating Costs	\$197,000	unknown	\$563,043	\$843,613	\$356,911	\$400,000****

\* U.S. Census Data  
 \*\* 49,275 total offenses reported in 1980 Police Department Annual Report for Kansas City metropolitan area  
 \*\*\* Jail facilities under construction  
 \*\*\*\* For 16 hours (daily) of intake center operation

inefficiently or break down completely. The experts in these fields have learned that it is possible to avoid extremes of functioning or complete breakdown by building into the system a unit with the dual responsibility of monitoring system functions and informing other functionally related system units when some change in their performance is necessary. Thermostats are familiar examples in the physical systems that surround us; they keep furnaces from overheating our houses, they "inform" automatic cooling systems when to circulate water, and "order" air conditioning units to turn on or off. In much the same way, economic indicators such as projections of the annual inflation rate, also serve to regulate the flow of money in the economy, influence interest rates, and affect unemployment and business growth.

In criminal justice, system breakdown frequently occurs when jails exceed their capacity, when defendants who are perceived as threats to the community are released and when defendants unnecessarily occupy corrections space prior to trial. In some jurisdictions, legislation has been passed that required resources that the criminal justice system did not have. For example, recent drunk driving legislation mandates jail for convicted drunk drivers but often no jail space is available. Fortunately, there is a way of informing appropriate components of the system when breakdown or inefficiencies are probable so that corrective measures can be taken. Thus, central intake has been conceived as a "thermostat" for monitoring selected aspects of intake, corrections, and adjudication processes, for anticipating impacts and for responding to observations of the entire criminal justice system by changing its policies and by informing other decision making units of the system of the need for changes within their own spheres of operations. Thus, an important function of central intake is to provide information as well as to act as a forum for both discussion and accommodation of key actors and agencies in the criminal justice system.

However, even the best designed "thermostat" can only function within a selected range of conditions and may be overwhelmed when the range is exceeded. Thus, CI is no guarantee against such problems as jail overcrowding when jurisdictions are faced with a massive increase in arrests, court ordered ceilings on capacity, defendant suits, etc.

The DRI conceptualization of central intake includes many of the same concerns of a pretrial release agency in that CI is concerned with timely and appropriate release of defendants by nonfinancial means during the pretrial period. CI, however, assumes a larger realm of responsibility to the criminal justice system by going beyond pretrial intervention strategies by providing feedback and facilitating interagency policy formation and cooperative decision making (Rovner-Reczenik, 1976). A decision making forum may be created by the formation of a criminal justice Advisory Board which serves not only to regulate release policies but also to function as a centralized authority for formulating plans, to avoid recurring problems within the criminal justice system or to prepare for those problems anticipated to occur as the result of other nonsystem changes (i.e., the economic climate, public attitude toward crime, etc.). Central intake provides the structure for constructive interchange among agencies and facilitates adaptation to system change. Many excellent pretrial release and

pretrial services agencies around the country are currently performing or have as goals the services DRI defines as central intake without having applied the CI label to their operations.

A general derivative model of CI was created from components, processes and functions judged most relevant to the previously stated goals of CI. The idealized model was designed to portray the flow of information and defendants through the criminal justice system from apprehension through arrest, the relationships among criminal justice agencies, and the points in the system where interagency agreements were needed. The rationale for the construction of DRI's central intake model is contained in the following section.

## II. A GENERAL MODEL OF CENTRAL INTAKE

This section includes a brief discussion outlining the major decision points in the criminal justice process and the rationale for including them in a model of central intake. The general form of the model is related to previous modelling of criminal justice processes, criminal justice decision making and organizational dynamics (Gottfredson & Gottfredson, 1980; Kotter, 1978; Nagel & Neef, 1979).

### Central Intake Release Decision Points

The decision points in the CI model fall within the jurisdiction of three agencies responsible for determining release eligibility. These are law enforcement, the pretrial services agency and the courts. Thus, release/detention decisions can occur immediately in the apprehension/arrest phase of processing, prior to booking; the early pretrial release phase following booking; and the later pretrial release phase which takes place during or after arraignment in the courts. The following discussion highlights criminal justice, legal, and defendant-based issues surrounding these key decision points.

When an alleged criminal is apprehended, the officer must decide the nature of the charge and if the person now in custody should be released. In cases of substance abuse, mental illness, public nuisance, or domestic arguments, the officer may choose among available alternatives to arrest such as a detoxification center, mental health facility, etc. It has long been believed that elimination of seriously maladjusted individuals from the general jail population would drastically reduce overcrowded jails (National Coalition for Jail Reform, 1982). In addition, incarceration of such populations without necessary treatment or counseling has resulted in both individual and class action lawsuits against jails which are frequently won by the defendants for violation of Eighth Amendment rights (Estelle v. Gamble, 1976; Forer, 1982).

If such alternatives to arrest are not deemed suitable for the individual, a variety of arrest options are available to the officer. Many jurisdictions provide for field citation or field release. For minor crimes, the officer issues a citation, much like a traffic ticket, if the individual can produce a valid form of identification, such as a driver's license. This requires minimal involvement both for the criminal justice system and the apprehended individual. In some jurisdictions, policy statements have outlined what types of offenses should be cited in the field rather than booked into jails. In other jurisdictions, arrest standards guide officers in determining suitable actions (Leahy, 1980). Sometimes informal information has revealed that sheriffs' deputies or police are reluctant to merely cite abusive or belligerent persons they have apprehended, and change the charge to a more serious offense to insure a more lengthy or involved contact with the criminal justice system (Black, 1980). This may take the form of actual booking into the jail or stationhouse. Booking for the latter reason may also provide a cooling off period for arrestees. Arrest may also reflect that officer's perceptions of whether the pretrial services agency, which will interview the

arrestee to later determine release eligibility, is lenient or stringent. The role of at least one law enforcement agency, the police, has been documented by Feeney (1982).

Some jurisdictions employ a release without booking process during the pretrial period, requiring a criminal history check for outstanding warrants. This procedure can address the problem of officers citing out arrestees who are later found to have existing warrants against them. This check can be called in from the field or the arrestee can be taken to a designated nonbooking area of the jail. If the check is clear, the arrestee can be cited and/or released. If a "hold" has been placed, booking can proceed. Also, an automatic bond schedule can be used if the offense is a bondable one. Use of an automatic bond schedule eliminates the necessity of being detained until an appearance in court for bail setting can be arranged. It can be used by those with financial means and/or those who do not wish to be considered for nonmonetary forms of release. For arrestees not eligible for release prior to booking or unable to post bond, booking occurs for identification, property check, and admission into a holding cell within the jail. Booking agents, usually members of the sheriff's department, may also have the authority to release via an own recognizance (OR) bond. This is accomplished by the signing of a personal recognizance bond. The defendant, by signing, promises to appear at all future court dates.

Once the booking process is complete, the pretrial services agency can interview the detainee. A delay in processing can arise at this point, however, if a large number of arrestees enter booking at the same time, (e.g., following a drug raid). In addition, booking agents may be reluctant to immediately turn over persons of known criminal history that they believe are likely to be released. The detainee also may refuse to be interviewed by pretrial services or may be detained before interviewing to allow for a case review by the arresting officer's department. In some instances, the detainee will not qualify for an interview procedure if the charge appears on the jurisdiction's exclusion list for pretrial release. These lists of ineligible charges vary from extensive to minimal and range from violent felonies to military holds. Regardless of the length and nature of the exclusion list, detainees can be interviewed to determine if any immediate mental or physical health problems exist and to procure any other information that might be useful during the detention period. The pretrial interviewer receives a booking slip containing standard identification information. If a criminal history check has not been completed, it is run during the course of the interview.

The form of the interview varies greatly from site to site but can be categorized by recommendation schemes--objective, subjective, or a combination of both. Objective point scales assign numerical values for employment history, community ties, etc. If an interviewee scores above a certain point total, then he or she can be recommended for release or actually released after interview information has been verified. Frequently a delay in the release process occurs because sources given for verification, such as employers, relatives or friends, cannot be reached or cannot verify all of the necessary information. Verification is also included in the subjective interview process. Interview questions cover the same general topics, but the interviewers use their own discretion in determining

release eligibility. Considerable debate has arisen over the merits of various interview formats for determining release eligibility. However, the validation of questionnaires to meet individual jurisdiction's needs is based on the ability of the jurisdiction to collect and interpret how well its release procedures are functioning and to modify them as necessary (Bench & Baak, 1980; Pryor & Smith, 1982). At the sites where point scales are used, interviewers may also have limited authority to use their own discretion and recommend for or against release regardless of the interviewee's total score. This observation also points to the fact that pretrial services intervention may not only result in a recommendation of who is eligible for release but also may involve recommendations for who should remain incarcerated. Regardless of the release/detention outcome, an informed decision based on verified information can be made.

An additional consideration embedded in the interview process is the confidentiality of the defendant information collected during the pretrial interview and the related issue of privacy. Approaches taken for protecting the defendant's rights are discussed in the individual site models and summarized in the program comparisons section. The questions that are asked in most pretrial interviews can be directly related to the guilt or innocence of the defendant as charged (e.g., narcotics use). In some manner, that information which could be damaging must not be admissible in the court processing of the charge itself. The pretrial interviewer must also be protected from subpoena in order to reassure detainees that information exchanged is for release purposes only.

Pretrial services agencies typically have the ability to recommend alternatives other than OR release or detention. Frequently, the pretrial interview results in information relating to substance abuse, lack of job skills, financial hardship, etc. which may be factors contributing to the alleged criminal act. Depending upon the available resources, pretrial services can suggest conditions for release that can then be acted upon by the court. In some cases, conditions may be imposed that will increase the likelihood of court appearance, i.e., daily call in and weekly visits to the pretrial services agency, maintenance of employment and residence, etc.

In some jurisdictions, the operation of the pretrial services agency is confined to providing information to the courts, rather than recommending release or actually releasing defendants. The release decision the judge makes may be influenced by pretrial services information, but the actual release authority remains in the courts. Delays can occur in the intake/release process if a judicial officer is unavailable. Interviewers may be able to talk with potential pretrial releasees, but they must remain incarcerated until the next scheduled court session. Alternatives to this particular problem have been developed, however. Some sites rely on the use of closed circuit television to speed up the arraignment process.\* Others have instituted night court or have provided for a judge to be on call in the off-hours.\*\*

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\*Video court has been used by the Superior Court of Maricopa County, Las Vegas Metropolitan Police Department and in Ada County, Boise, Idaho.

\*\*See Delaware and Salt Lake County case histories.

The courts also exercise their influence over the release process at first appearance or at arraignment. At this time, judges may overturn previous recommendations for release or detention or add additional conditions for release. They may also change the bond amount. Pretrial services can use this or subsequent appearances to provide newly verified information to the court. Most pretrial services agencies send a representative to court sessions. The judge can ask the agency representative for clarification or for additional information not contained in the interview, ask for additional information related to the recommended release program or stipulate other release conditions to which pretrial services would have to agree. A recommendation from the prosecuting and defense attorneys may also be solicited at this time. Attending court provides the agency with an opportunity to check its agreement rate--the percentage of times the court follows its recommendation. Although not explicitly mandated in some jurisdictions, the court may decide in favor of detention because of perceived danger to the community or the defendant at release. The court may also decide on appointment of a public defender for indigents, often basing this decision on financial or employment information contained in the pretrial interview. Depending on the availability of additional information or change of circumstances, the court may continue to consider release throughout the pretrial detention period. The court may also reverse, change, or otherwise disregard recommendations for release by pretrial services, the arresting officers, or other agencies or individuals.

The arresting officer, the pretrial services agency and the courts, while exerting considerable impact on the intake and release decision, do not operate in a criminal justice system vacuum. Without major involvement from other key criminal justice agencies and support from the local community, defendant processing could be seriously hampered.

The arresting officer operates under guidelines or directions from the law enforcement department under which he or she is employed. In most cases, this is either the municipal police or county sheriff's department. Without departmental support, use of alternatives to arrest or arrest options such as field citation or stationhouse type of releases would be difficult to enforce since the traditional role of the police or sheriff has been that of apprehension, arrest, and incarceration of alleged criminals. The sheriff also plays a key role in most jurisdictions since corrections, i.e., the county jail facilities, are under the sheriff's jurisdiction. The jail may provide space for activities prior to booking as well as the room needed to accommodate a pretrial services agency computer terminal (if available) and interview space. Often the degree of jail overcrowding regulates the speed with which intake and pretrial release policies are implemented or changed. The conflicting values of incarceration traditionally held by many law enforcement officers and the release values maintained by most pretrial services agencies can result in system tension. Frequently, however, the overall needs of the criminal justice system have taken precedence over individual agency philosophies. For example, most jail commanders and law enforcement officials have recognized the philosophical differences between themselves and the pretrial services divisions but have allowed circumstances such as severe jail

overcrowding or court-ordered jail population limits to reconcile, at least temporarily, their differing views.

The courts themselves are involved in release determination in a variety of ways. First, many jurisdictions have more than one court system operating, i.e., District Court, Circuit Court, Municipal Court or Justice of the Peace Court, Federal Court, County Court, etc. If new release policies are mandated, agreement among the involved courts is necessary. Some of the courts can also play an instrumental role in the determination of release via bail. If an automatic bond schedule is to be utilized, the amounts per offense must be determined. Also, if guidelines are to be employed in bail setting, or 10 percent bail is to be deposited, the court must follow state statutes applying to their operation (Goldkamp 1979; Goldkamp, Gottfredson, & Mitchell-Herzfeld, 1981). The court, in states where specific release authority statutes do not exist, must determine how much of its authority will be administratively delegated to another criminal justice agency such as pretrial services. The relationship of professional bonding agencies to the criminal justice system is also determined in part by the court's collection of bond forfeiters and views toward nonfinancial forms of release. Policies regarding issuance of bench warrants for FTAs may also vary. In some jurisdictions, a certain amount of time may be allowed to elapse before a warrant is issued or the court demands payment from the bonding agency.

The rapidity by which a case is processed by the court is also effected by the actions of the prosecution and defense attorney. The speed with which charges are filed, cases are prepared and counsel is appointed for indigents often affects the rate of case disposition. Early entry of counsel can be facilitated by provision of screening information from pretrial services.

The jail also exerts its influence on the intake/release process. The degree of jail overcrowding may influence the court release or detention decisions. The extent of jail overcrowding may not only play a role in release determination, but may also have an impact on the adequacy of pretrial treatment and classification. The jail may rely on pretrial services information to make recommendations regarding various kinds of treatment for medical disorders or for gathering preliminary information needed for pretrial classification decisions. The jail's policies regarding incarceration of juveniles, public inebriates, the mentally ill, and the mentally retarded may also influence the degree to which arrest alternatives and conditional forms of release are utilized. The jail is required also to accommodate the rights given to pretrial populations (i.e., detention without punishment) as opposed to those mandated for sentenced populations.

Another criminal justice agency that can be affected by a central intake system is that of probation. During the presentence investigation, probation officers may make use of information on defendant compliance with release conditions collected by the pretrial services agency to determine client stability. Sentencing recommendations may favor release over incarceration because of the number of community resources available and the propensity to utilize community service restitution and other alternatives for at least some defendants.

Without the assured cooperation of community social services agencies, the development of arrest alternatives, conditional forms of release and sentencing options will place a heavier burden on nontreatment forms of supervision. With budgetary cutbacks for such agencies as community mental health, constraints can be placed on their utilization by pretrial services agencies or the courts. On the other hand, such agencies often justify their existence by the number of clients they serve, with pretrial services frequently being a source of referrals. The resolution of the often conflicting values and goals of the community, criminal justice system, and defendant can often be enhanced by the creation of an Advisory Board or other centralized form of central intake administration.

#### The DRI Model of Central Intake

In this section, a model created from selected intake components observed at the various CI sites is presented. This approach to CI does not view CI as being simply a pretrial release agency concerned primarily with timely and judicious release of defendants by nonfinancial means during the pretrial period. Rather, CI is seen as having the ability to facilitate both interagency cooperation and criminal justice system planning and to alert other units of the system to potential problems requiring their early attention. In other words, CI acts as both a system component attending to its own limited range of functions and at the same time as an integrative component servicing selected needs of the broader criminal justice system. Central intake provides the structure and the information for accommodation with integrity and rationality. It promotes principled compromise and the development of creative alternatives based on the informed judgments of knowledgeable and responsible officials, working within the range of what is constitutionally and legally permissible and locally acceptable.

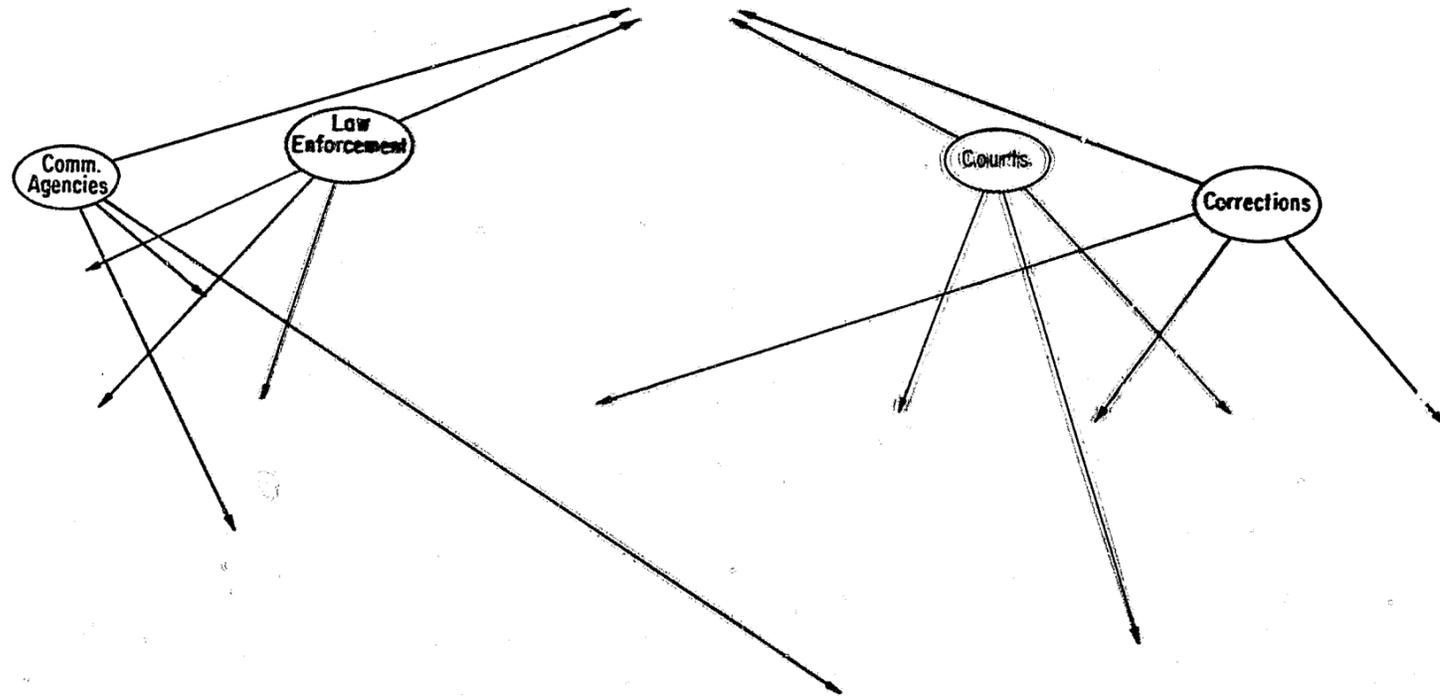
The DRI model is presented in three tiers or levels: first, the release decision process; second, the relationships among criminal justice system agencies; and third, interagency cooperative agreements. These levels are explained in the following figures and accompanying legends.

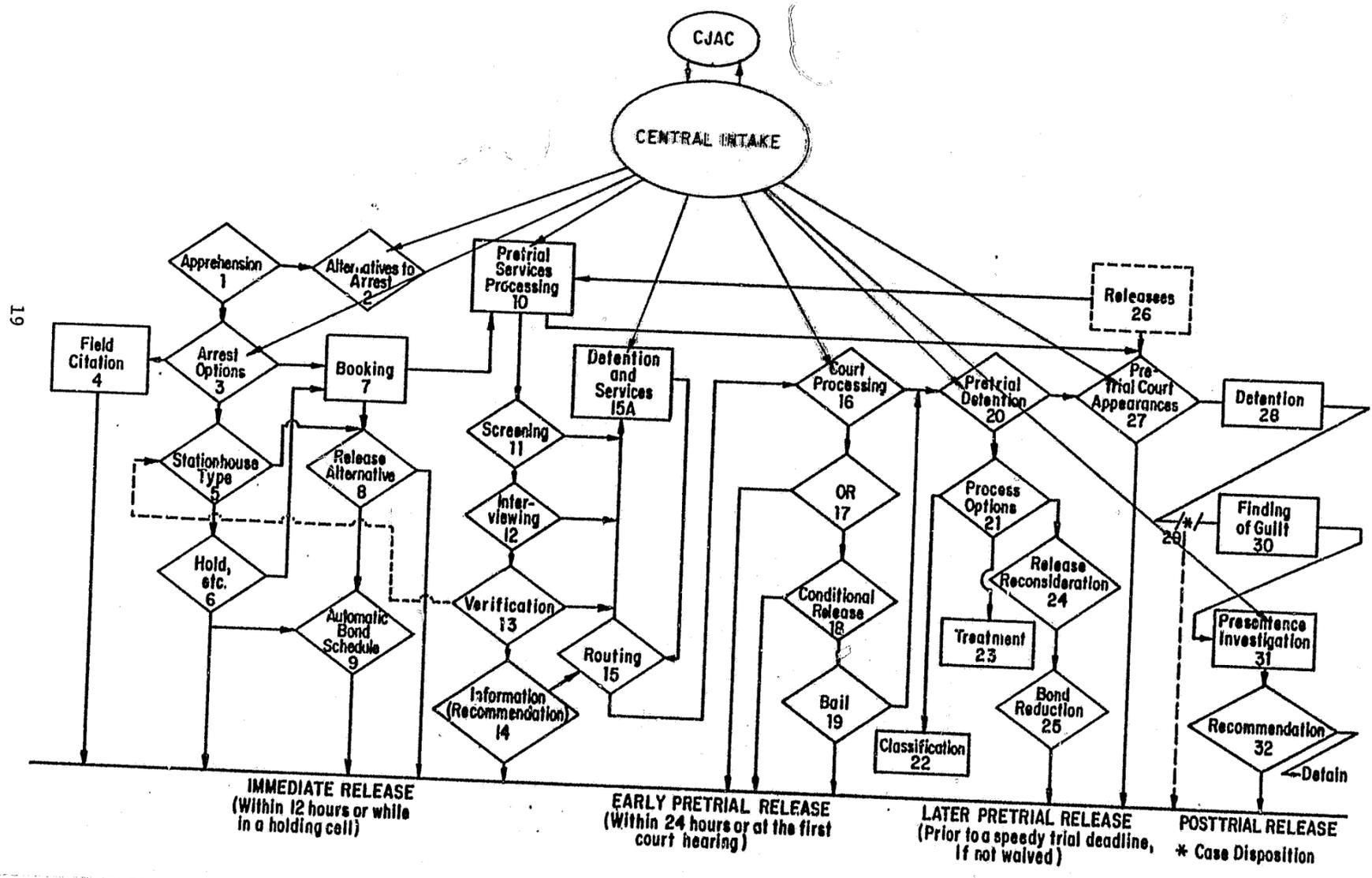
DRI central intake model: The release decision process. The model portrayed by the first flow chart (Figure 1) is an amalgamation of processes and decision points observed among the jurisdictions sampled in the study. The components selected for inclusion were judged to most closely portray CI concepts.

The release decision process begins at the point of apprehension (1)\*. According to the model, two options are available to the officer. The first, alternatives to arrest (2), allows for the detainee to be released with no further contact with the criminal justice system. Law enforcement officers may choose not to arrest; for example, public intoxicants may be transported to a local

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\*Numbers appearing in parentheses refer to processes and decision points contained in Figure 1.





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detoxification center or those suspected of having mental health problems would be taken to a community mental health facility. Another set of options follows an arrest (3). The first options involve nonbooking release, including a field citation and immediate release (4), and a "stationhouse" type release (5) following verification by pretrial services (see dotted lines) that there are no outstanding warrants or other legal reasons for detaining the arrestee. If a hold has been placed on the arrestee, then alternatives to "stationhouse" release apply (6). One alternative is to enter the normal booking process (7), usually at the jail.

An additional nonbooking release alternative (8) involves the use of an OR release, following the issuance of a personal recognizance (PR) bond. Also available at this point is the use of an automatic bond schedule (9), if bond can be posted. Field citations, other forms of nonbooking release and release via an automatic bond schedule are most commonly used for the release of misdemeanor defendants and the less serious felony crimes.

If warranted by the seriousness of the charge or by the condition of the arrestee and the arresting or booking officer decides in favor of formal booking and subsequent detention, the arrestee can enter the system by being booked (7). It is usually following this process that the pretrial services agency (10) initiates contact with the detainee. Ideally, as quickly as possible after the booking process is completed, a representative from pretrial services screens (11) potential interviewees, distinguishes defendants that are not releasable from those who are, and provides information for the judicial officer. Detention continues for those determined to be ineligible for release screening, and for those who refuse to be interviewed. Following screening, detainees are interviewed (12), using a recommendation scheme based on either a questionnaire or a point scale or a combination of both.\* During screening, information is also compiled from local, state and federal criminal history files.

For arrestees eligible for release, as determined by a score on a point scale, by screener decision, or a combination of both, verification (13) of interview information is required. Following verification, the pretrial screener makes a recommendation (14) regarding release. Ideally, at this point, the defendant, with a misdemeanor or minor felony charge, would sign a PR bond stating his or her promise to appear at all future court dates. For more serious felony charges, such as crimes of considerable violence, most jurisdictions would route (15) their recommendation to a judicial officer (16) for consideration, either in a formal court appearance or via telephone, at the same time forwarding to the prosecutor and defense attorney (public or private) the information about the person collected up to this point. While the defendant is being detained, information on his or her needs can be routed to correctional officers (15A). The court may then consider three release alternatives, from the least to the most restrictive (17), (18) and (19) beginning with OR (17). If permission for OR release is granted, then the defendant follows the same procedure as at (8). At this time,

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\*Many jurisdictions do not interview illegal aliens, those on federal hold, military prisoners or those charged with violent crimes.

judges may stipulate additional conditions for release (18) such as daily checks with the pretrial services agency, some personal restrictions, or mandatory treatment of some kind. In cases where the automatic bond schedule did not apply earlier because of violence, seriousness of the charge, etc., the court must then set bail (19) or specify conditions prior to release.\* If none of these release options applies and bond cannot be posted, then detention (20) continues and may involve further processing (21) beginning with classification (22).

For those defendants who remain in custody, central intake information from earlier stages (14) in the release decision process can be made available for decisions regarding jail classification (22), treatment (23) or additional opportunities for release (24), including bond reduction (25).

The next step is the first hearing or arraignment (27) at which all those previously detained (20) or released (26) must appear. This represents another release opportunity. New or recently verified information from pretrial services (10) may be available to the court. At this time, the judge can reconsider the release options (17) (18) (19) rejected earlier. The court may also use information (14) collected by pretrial services, for indigency determination. For those remaining in custody (28), the process options (21) remain available. Following the disposition of the case (29) and a finding of guilty (30), once again, information collected previously at (14) and (27) can be provided to probation departments for presentence investigation (31) and recommendations (32). Information can include defendant's failures-to-appear, additional charges during the pretrial period, or degree of compliance with supervised release conditions.

DRI central intake model: Relationships among criminal justice agencies. The entire concept of central intake centers on the ability of criminal justice agencies to subordinate often conflicting goals to the effective and efficient functioning of the whole system. Two developments are necessary for this to take place. First, a central intake system must be facilitated by assistance from those criminal justice agencies that control the flow of defendants from apprehension through adjudication. Second, cooperative arrangements must be established with community services agencies to provide needed defendant services. Tier two of the model (Figure 2) presents several agencies whose cooperation is essential.

Community referral agencies. They provide needed defendant services such as mental health treatment, employment assistance, and detoxification programs. Defendants can utilize their services as alternatives to arrest (2) as conditions for release (18) and for treatment while incarcerated.

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\*Even though justice is a public concern which theoretically supersedes private concerns such as commercial bonding for profit, bail is still used in many jurisdictions. Bonding does not necessarily represent equality in justice by definition and has been the subject of a continual controversy

**Law enforcement.** Alternatives to arrest (2) and arrest options (3) would not be utilized without a commitment on the part of the criminal justice community to the use of the least restrictive alternatives. Law enforcement officials, usually the sheriff, operate the local jail and are responsible for overseeing the booking process (7). In addition, most county jails are staffed by sheriff's employees and are charged with operating corrections programs (15A, 20, 28).

**Courts.** Courts usually delegate at least part of their authority to pretrial services (10) for OR release (17). They are also responsible for determining conditions to be imposed upon defendants at release (18) and for determining bail amounts (9, 19, 25). Release can also be reconsidered by the court if circumstances surrounding the case or defendant change (25).

**Corrections.** Corrections officers must assume custody of defendants from the point in time that they are incarcerated or are held in jail facilities for booking (15A). During pretrial detention (20) they may be responsible for classification (22), or treatment (23).

**DRI central intake model: Central intake administration.** The overlap of agency functions at various points during criminal justice processing necessitates formalized cooperation. The central intake organizational focus often dictates where such agreements will be needed (Figure 3). Frequently, a pretrial service agency will administer the central intake system under the auspices of a criminal justice advisory board composed of members of key agencies, law enforcement, corrections, and courts, community organizations and concerned citizens. The function of the board is to insure that all stages in the criminal justice process proceed as efficiently and effectively as possible, beginning with apprehension (1) and ending with sentencing recommendations (32) or earlier disposition.

### III. ALTERNATIVE APPROACHES TO CENTRAL INTAKE

In this section the major factors that influence the ways in which central intake systems can function are examined. These factors vary from jurisdiction to jurisdiction but generally fall into three broad categories: the legal or administrative authority under which a CI program must operate, the extent of and type of community and defendant criminal justice system needs that must be met, and the local political climate.

Following this discussion, the central intake models developed from information obtained at the selected program sites are illustrated and described.

#### Major Influences on Central Intake Configurations

**Legal and administrative authority.** Usually the first step taken by a jurisdiction in implementing a central intake program is the examination of the legal environment in which the program must operate. Frequently, statutes that must be interpreted and then implemented at the county level or statewide will be passed by the legislature regarding pretrial release, diversion, or preventive detention. Changes in or additions to state statutes are often reactions to problems that have existed in counties for quite some time, such as jail overcrowding. The local community may have already experienced legal sanctions as a result of previous law suits. Such actions may have resulted in changes in administrative procedures that are now mandated by statute rather than case law. For example, in a jurisdiction that has experienced severe overcrowding, defendants may have successfully sued for more humane conditions. If the precipitating conditions exist in a jurisdiction that is the state capitol or the most densely populated county in the state, legislation may be passed requiring all counties to favor a presumption for pretrial release. In the meantime, however, local jurisdictions may have already begun a pretrial service program to lessen the probability of additional law suits. In other words, administrative procedures calling for a change in the criminal justice system may precede or follow enactment of state legislation. A county may wish to comply with new laws while not having the resources to implement a new program. Instead, they may contract with agencies outside of their own jurisdiction to provide needed services. For example, the state of Utah has both pretrial release and diversion statutes on the books. Summit County, adjacent to Salt Lake County, did not have the financial resources to implement such programs because of the relatively small year-round population and large seasonal fluctuations in crime due to the ski and energy industries. Summit County contracts annually with the Salt Lake County pretrial services project to provide the necessary screening and related pretrial services.

Another example of a legal influence is that of preventive detention. Great variability exists across states and counties on both the enactment of legislation and the local procedures used for enforcement. Both pretrial interviewers and judges may have been basing release/detention decisions in part on perceived dangerousness prior to implementing formal preventive detention

hearings. Judicial discretion may also be constrained in the posttrial period by the passage of mandatory and determinate sentencing laws and the number of sentencing resources available in the community.

Criminal justice system, defendant and community needs. Not only must jurisdictions accommodate to their legal environments, they must also meet the immediate needs of the local criminal justice system defendant and community. If jail overcrowding is a primary concern and overcrowding is the result of a large pretrial detainee population, intake release programs may be given high priority (Neubaum & West, 1982; West et al., 1980). Similarly, if public inebriates or other less serious classes of offenders are clogging the jail, cultivation of community agency resources may be necessary. Usually within any given jurisdiction, most criminal justice practitioners will agree on a few basic issues that influence most of their policies. Unfortunately, implementation of new administrative procedures such as adoption of central intake processes or organization can only operate within a given problem range. Using every pretrial release option available may not sufficiently reduce jail overcrowding to preclude new jail construction. It may, however, keep the problem under control long enough to consider the construction options available or influence the design of the structure. The same can be said for the implementation of arrest standards, field citations, bail guidelines and sentencing practices. Without a comprehensive criminal justice master plan or committee to facilitate long-range planning and creative problem solving, criminal justice systems may respond only to the most pressing or short-term needs.

Political climate. With the benefit of long-range planning, community government may be able to respond in an efficient and effective manner to criminal justice needs and make short-term adjustments that are compatible with long-range solutions. Local criminal justice systems are closely tied to community government since county commissioners are usually responsible for allocating operating funds to agencies within criminal justice systems and community services agencies. In terms of government funding, there appears to be a trade-off between allocating funds to criminal justice agencies at a previously established level and responding to whichever criminal justice problems are currently receiving the greatest amount of notoriety. How budgetary resources are divided can be determined by the individual program director's justification of operating expenses and the actual or perceived need for continued or additional funds. Further, county government, because it consists primarily of elected officials, is likely to be somewhat responsive to community needs. In an era of limited resources, budgeting conflicts often arise between the community's desire to reduce violent crime and the decreasing pool of dollars to construct new facilities, hire more law enforcement officials, implement new programs, or increase existing program functions. Currently, many communities are experiencing a reduction in services as a result of the decreasing availability of funds. Such cutbacks have forced careful evaluation of the community criminal justice system in attempts to streamline operations and keep reduction in services to a minimum.

### Case Studies

A description of the five selected central intake sample sites follows. Each is portrayed according to its history and setting, its fit with the DRI model and the flow of defendants and information in the criminal justice process. The conclusion of each case history contains a summary of central intake impacts documented within each jurisdiction.

## ARAPAHOE COUNTY

### History and Setting

Pursuant to a court order issued by Arapahoe County court judges on December 12, 1977, steps were taken by criminal justice officials to reduce overcrowding in the county jail. At that time, the daily population of the jail was projected to range from 53 to 74 in 1975, 63 to 79 in 1980, and 74 to 90 in 1985 (Arapahoe County Pretrial Release, 1981) and the existing jail had a rated capacity of 55. The proposed changes consisted primarily of developing alternatives to incarceration for misdemeanor and minor felony detainees. The development and implementation of these processes brought with it the inception of a central intake system in Arapahoe County--a system designed not only to reduce the jail population, but also to serve as a coordinator of intake, correctional and adjudicative processes. The various components of the criminal justice system, including the sheriff, County Court, District Court, district attorney, corrections, public defender and probation are all participants in and beneficiaries of the central intake system.

Arapahoe County is part of the Denver metropolitan area, covering the territories directly east and south of Denver County. The jurisdiction is the largest county in the state. As a bedroom community in a rapid growth area of the country, the population of Arapahoe County has been increasing steadily over the past several years, going from 225,900 in 1976 to 293,621 in 1980.

The county's major population enclaves are concentrated in Littleton, the county seat, and the city of Aurora. Aurora accounts for the highest percentage of reported Part 1 crimes (56% in 1980) and is a likely site for a county jail annex currently under consideration.

As the population of the area has risen, the demands on the criminal justice system have intensified. The 1977 court order was the direct result of a law suit filed in 1975 by inmates of the Arapahoe County Jail, claiming that their constitutional rights were being violated as a consequence of being incarcerated in a jail which they claimed was overcrowded. In addition to the alternative programs aimed at reducing jail overflow, a new wing of the jail was opened in 1980 to provide more room. Nevertheless, population and crime figures continued to soar. The county reported 21,563 crimes known to the police in 1980. These factors have pushed the expanded facility beyond its limits to a point where the county is now trying to acquire land and funds to build a new jail. The situation is further exacerbated by the present state of fiscal austerity which is placing severe restrictions on criminal justice improvements. For example, despite a growing caseload, no new judgeships have been granted by the state in the last few years and judicial salaries have been frozen (except for cost of living increases), resulting in several resignations from the district and county benches.

### The Arapahoe County Central Intake System

Central intake in Arapahoe County consists of several programs administered by the Arapahoe County government, sheriff, district attorney and probation departments. These programs were initiated primarily to relieve overcrowding in the Arapahoe County Jail by providing alternatives to booking and pretrial detention for low risk arrestees. These programs include the field summons program, stationhouse release, felony summons and pretrial release.

Field summons program. One alternative process developed to help stem the jail overcrowding was the issuance of field summons, or citations for misdemeanors and petty offenses, in lieu of booking and detention. These procedures are provided for by Colorado state statute. Law enforcement officers in the field are required to issue a summons when making an arrest for these offenses if the suspected offender has valid proof of identification, has no outstanding holds on his or her record, and is willing to sign the summons form. Officers in the field may, as part of a summons arrest, refer people in crisis situations to Arapahoe County or Aurora mental health clinics. Funding for this program comes from the sheriff's department and the 11 local police agencies within the county.

The number of pretrial detainees arrested and charged with misdemeanors has dropped considerably--from 1,300 in 1975 to 268 in 1979. Arapahoe County officials attribute most of the decline to the field summons program. At the same time, the difference in the FTA rate between those booked and bonded and those arrestees issued summons has remained stable. In 1975, before initiation of the program, the FTA rate stood at 24.4 percent. The 1977 rate, reflecting the first complete calendar year of the field summons program, was 24 percent. Assuming no differences in the nature of the offenses and offenders, this indicates no greater risk of nonappearance under the summons system.

Stationhouse release. Stationhouse release was another option introduced as part of the county's Central Intake Program. Under its provisions, misdemeanor and petty offense arrestees, who are not issued a field summons, can be released on recognizance bonds by jail officers without being booked. Also, a bond schedule was established to facilitate quick release with no detention time for persons charged with relatively minor offenses. Recognizance bonds are generally granted over-the-counter for persons charged with second or third class misdemeanors, traffic, and petty offenses, if defendants can establish local community ties. The program is administered by the Jail Division of the Arapahoe County Sheriff's Department.

Arapahoe County officials report that they have essentially eliminated misdemeanor defendant pretrial detention through the stationhouse release and field summons programs. Figures for 1977 showed that 12 misdemeanor arrestees, out of 270 originally apprehended, remained in custody beyond the first advisement of rights hearing, which generally takes place within 24 hours of arrest. Some of these remaining detainees included persons arrested for first

class misdemeanors who were ineligible for recognizance release, persons who refused to sign the field summons, individuals with outstanding holds from other jurisdictions, and persons sentenced after pleading guilty at the initial court appearance.

Felony summons and pretrial release. Two other programs, felony summons and pretrial release, serve central intake functions for felony arrestees. The felony summons process can be initiated by the district attorney for arrestees charged with certain minor offenses classified as fourth and fifth class felonies, as provided by state statute. Rather than being served warrants, booked and jailed, persons charged with these offenses are issued citations for appearance and recognizance bonds. In 1979, 174 individuals, or 18 percent of the felony arrestees who could have been jailed, were issued felony summons.

The most comprehensive aspect of the Arapahoe County central intake system is the pretrial release program. Felony and first class misdemeanor arrestees are eligible for screening and release consideration through pretrial release. This includes all such persons booked into the Arapahoe County Jail (Littleton) and the Aurora City Jail. Individuals arrested are interviewed after booking and prior to the first advisement hearings.

Interviewers cover two shifts from 5:30 a.m. to 4:30 p.m., Monday through Friday. Coverage starts at the county jail in Littleton at 5:30 a.m. and at the city jail in Aurora at 6:30 a.m. Advisements are held on those days at 8:30 a.m. Before presentation to the court, the information is verified and a written bond recommendation is prepared. The bond investigation interview probes areas such as community ties, employment status, prior criminal history, FTAs, and current charges. If an arrestee scores sufficiently high on the interview, he or she may be recommended for recognizance release, supervised release, or reduced bond. Between the program's inception in May 1977 and the end of 1979, approximately 4,000 persons were screened and 1,000 released. Also, through 1979, the project reported an 8.6 percent felony FTA rate, 18.9 percent misdemeanor FTA rate, and a 6.6 percent overall pretrial rearrest rate. Figures for June 1982 indicate a cumulative 9 percent felony FTA rate and a 6 percent felony rearrest rate. The misdemeanor FTA figure stands at 18 percent. This latter figure, although high, must be considered in light of the fact that the project supervises "high risk" misdemeanor releases previously rejected for citation and stationhouse release. The average misdemeanor rearrest rate since 1977 is 5 percent.

The pretrial release program serves the central intake role of gathering and disseminating arrestee information to other components of the criminal justice system. Indigency data are collected and presented to the public defender. The district attorney, public defender and court receive bond investigation data to provide information for all bonding arguments. Probation staff receive information on defendant status and performance while on supervised release for use in the preparation of presentence reports and in assessing client treatment needs. As of 1979, the project estimated that it saved the county approximately \$16,000 per month in deferred detention costs. This

figure was computed by calculating the cost of housing defendants in the Denver County Jail (\$26 per day) and counting the number of days the defendant is released, from the date of release to case disposition. This yielded a displacement figure of \$24,000 per month. The \$16,000 total was derived by subtracting \$8,000 in monthly project operating expenses.

Components of the Arapahoe County central intake system are administered by various criminal justice agencies. The field summons program comes under the law enforcement purview. Thus, the process is controlled by the sheriff's department and local police departments. The stationhouse release program is administered by the jail division of the sheriff's department. As noted earlier, the felony summons program falls under the auspices of the district attorney. The pretrial release program is now an independent county-supported agency. In its first three years (1977-1980), pretrial release was an LEAA-supported program sponsored by the Arapahoe County government and administered by the 18th Judicial District Probation Department.

Central intake as a "system" operates under the informal leadership of the pretrial release program. The director and her staff have taken the initiative to monitor and coordinate the activities of their own as well as other functions in the network. For instance, the agency conducts periodic audits of the jail population to provide the sheriff's department and courts information on possible needs to reduce the number of defendants detained in or sentenced to that facility. Interview recommendation reports are disseminated to the district attorney for bonding arguments, as well as for use in making filing and diversion decisions. Also, pretrial reports and recommendations are forwarded to the District Court, once a felony case has been filed, to permit bonding decisions at that level. The project makes its information available for bond reduction decisions, at any point, and for use by probation staff in composition of presentence reports. The frequent contacts which the program director has with representatives of most county criminal justice agencies and political power bases (i.e., county commissioners) allow her to informally provide information which influences the operation of many central intake functions.

The body which has ultimate funding and policy making authority over the criminal justice system is the Board of County Commissioners. A Criminal Justice Commission has been empaneled for the last few years, but deals almost exclusively with planning for a new jail. This committee, made up of heads of the county's criminal justice agencies, advises the Board of County Commissioners on issues involved in construction of a new jail and its inherent problems. Technically, it is designed to oversee the interagency workings of the entire criminal justice system, but the overriding importance of the new jail issue has consumed virtually all of this body's efforts.

#### Impacts

The impacts central intake has had on reducing the jail population, while maintaining stable failure-to-appear and pretrial rearrest rates, were

noted above. To summarize, the field summons and stationhouse release components have effectively eliminated the misdemeanor detainee population from the Arapahoe County Jail. The felony summons program and pretrial release program have been very effective in releasing minor felony arrestees in lieu of detention.

DRI interviewed a number of criminal justice and elected officials in Arapahoe County to assess "users" views of central intake and its effectiveness. Most of the opinions focused on the pretrial release program, as it is the most visible component.

Overall, the concept of central intake and its antecedent release alternatives are accepted as necessary steps to reduce jail overcrowding and provide arrestee bonding information. The jail commander concludes that the current jail overcrowding situation would be far worse without the release options. All the judges interviewed found the interview information to be highly valuable in setting bonds and stimulating communication between the district attorney, public defender and courts.

There was, however, some criticism of central intake and pretrial release in particular. Several remarks were made stating reservations about providing the opportunity for high risk, "serious" felony arrestees to be released. These respondents stated that limited jail space makes such release opportunities a necessary evil. Also, comments were heard regarding the inclusion of criminal history information as part of the pretrial report to serve additional needs of the central intake system. The absence of FBI criminal history information, as part of the pretrial record, was seen as a problem because such records are needed by probation to compose presentence reports. Probation contacts the FBI for this information and must wait 2 months to receive it. Also, the provision of information on defendants who bond out was seen as a necessary aspect of a central intake system—one which currently is not part of the present Arapahoe County set-up.

#### Arapahoe County Central Intake System

The following diagram presents a schematic flow of defendants and processes in the Arapahoe County system (Figure 4)\*.

\*Transparent central intake overlays for individual sites are contained in an envelope located on the back cover of this report. They are to be used in conjunction with the DRI central intake model (Figures 1, 2, and 3).

#### LEGEND: ARAPAHOE COUNTY PRETRIAL PROCESSING FLOW DIAGRAM (See Figure 4, transparent overlay, back cover)

1. Apprehension
2. Alternatives to Arrest - includes referrals to Arapahoe County or Aurora mental health clinics, alcohol treatment centers, personal or family counseling
3. Arrest Options - booking at Aurora City Jail or Arapahoe County Jail; nonbooking release through field summons, felony summons, stationhouse release or automatic bond schedule
- 4a. Field Summons - notice to appear to persons charged with misdemeanors, petty offenses and traffic offenses; defendant must sign summons, prove identity and have no outstanding holds from other jurisdictions
- 4b. Felony Summons - notice to appear served on behalf of the district attorney in lieu of an arrest warrant for fourth and fifth class felony charges
5. Stationhouse Release - jail officers may release arrestees charged with second and third class misdemeanors on bonds; takes place immediately after booking
7. Booking - at the Arapahoe County Jail in Littleton or the Aurora City Jail
8. Postbooking Release Alternatives - automatic bond schedule and stationhouse release
9. Automatic Bond Schedule - defendants not released on PR bonds immediately after booking may post bond according to a schedule based on the offense charged
- 10., 11., 12., 13., 14. Pretrial Processing-Screening, Interview, Verification/Record Check and Recommendation - defendants charged with felonies and serious misdemeanors, not released through stationhouse release or monetary bond, are eligible for interviews through the pretrial release program (except for those defendants on writs or retainers from other jurisdictions); a point scale is used; recommendations are made to the County Court at first advisement
15. Routing - pretrial recommendations and reports are routed to the County Court, district attorney and defense counsel prior to first advisement
- 16., 17., 18., 19. Court Processing (First Advisement) and Release Options - hearings held Monday through Friday at 8:30 a.m.; judges may release defendants on recognizance bond, conditional release or monetary bond

- 20. Pretrial Detention - Arapahoe County Jail
- 24. Release Reconsiderations - conducted prior to filing of felony charges in District Court and presented to that court for bond adjustment consideration
- 25., 26., 27., 28. District Court Arraignment - after felony charges are filed, bond may be reduced resulting in release of those defendants still in custody or detention may continue
- 29., 30., 31., 32. Case Disposition - pretrial release information may be used to effect defendant release between a finding of guilty and sentencing

Central Intake Administration

The Criminal Justice Council has no real input into the operation of central intake, but serves primarily to plan construction of a new jail. Most central intake functions, including all pretrial information gathering and release recommendations at the various levels, are coordinated by the pretrial release program.

Interagency Cooperative Agreements

**Community resources.** Includes county mental health centers, detoxification centers, community educational and employment agencies. Referrals are made by law enforcement as alternatives to arrest and by pretrial services as conditional release requirements.

**Corrections.** Pretrial release monitors jail population by providing periodic inmate counts to the sheriff's department; defendant background information, collected by pretrial release, is presented to the sheriff's department.

**Public defender and district attorney.** Receive pretrial screening information for use in bonding arguments.

**Courts, including County Courts in Aurora and Littleton.** Receive pretrial screening information to set bond at first advisement; pretrial screening data are also used by the District Court to set bond on cases originally filed there and to hear bond reduction arguments for cases bound over from County Court.

DELAWARE

History and Setting

In response to a directive from the federal District Court, the governor of Delaware spearheaded the development of a master plan for corrections in 1977. Part of the plan included the construction of a Multipurpose Criminal Justice Facility (MPCJF), known also as the Gander Hill processing center, to process arrestees and classify convicted offenders. In November of that year, the Hurley Committee was appointed to specify the function of the new facility and initiate planning. The committee recommended that the central arraignment concept be implemented on a trial basis prior to the opening of the new facility to illuminate problems with the approach and to demonstrate the benefits. The pre-Gander Hill project was known as the Post Arrest Processing Center (PAPC). Both the Hurley Committee and the Program Advisory Committee were staffed by members of the Delaware Criminal Justice Planning Commission. Their functions included providing relevant information, assisting in program development and designing procedures and staffing requirements.

PAPC was located in New Castle County which is Delaware's most populous county with a 1980 population of 399,002. The receipt of federal funds under LEAA's Jail Overcrowding and Pretrial Detainee Program was a major factor in the development of the PAPC project. The county's population was relatively stable, but its crime rate was increasing. The 1980-81 figures represent an 11.7 percent increase in total adult arrests over 1979, while the number of Part I arrests increased by 68.9 percent. While the number of adult arrests increased, the number of juvenile arrests declined slightly, and the total number of arrests from 1978 to 1980-81 increased only 8.4 percent. Figures from the New Castle County Public Safety Department (equivalent to a sheriff's department) also show an increase in arrests (Table 2). Total arrests were up 27.7 percent from 1979 to 1981 and Part I arrests increased by 18.6 percent.

Table 2  
Arrests in New Castle County

Arrests	Date		
	1978	1979	7/80 - 6/81
New Castle County			
Adult Part I	2,669	2,934	4,956
Adult Total	12,228	12,261	13,699
Adult and Juvenile Total	16,508	----	17,889
New Castle County Public Safety Department	1-8/1979	1-8/1980	1-8/1981
Part I Arrests	1,907	1,905	2,261
Total Arrests	4,442	4,799	5,674

Source: Delaware Criminal Justice Statistical Analysis Center.

Although arrests increased, the prison population (there are no county jails in the state) did not increase. The number of adults under corrections' jurisdiction was 6,168 on July 31, 1980 and 6,165 on July 31, 1981. On the same dates, the total number incarcerated and the pretrial population was 1,368 and 175 (1980), 1,317 and 239 (1981). The overall population decreased but the number of pretrial detainees increased by 36.6 percent, although the pretrial population was only 18 percent of the total.

When the PAPC project began there were a number of obstacles to its smooth implementation and operation. First, only part (about 70%) of the admissions to the state prison system came from New Castle County. Any reduction in prison population due to project operations could have been offset by increases in the population from the rest of the state. A second problem was the use of mandatory sentencing practices for offenses such as drunk driving that were approved by the state legislature in the past decade. Use of mandatory sentences reduced the outflow from the prison and increased the proportion of convicted criminals who were serving relatively long sentences (1 to 5 years vs. under 1 year).

PAPC operated in an environment in which not all criminal justice agencies were willing to cooperate. The Public Defender's Office, the Attorney General's Office, and the Governor's Office were all strongly behind the project and they fully supported the central arraignment concept; the Governor's Office continues to be a strong supporter; the Municipal Court judges were opposed to the project; and the state Supreme Court took a "wait and see" attitude about holding preliminary hearings at the central arraignment facility. The Department of Corrections (DOC) was a supporter of the project, but caused some delays in project implementation when it refused to staff PAPC until \$20,000 worth of security improvements were made. However, at a June 1980 meeting, the director of corrections reiterated his support for the project, took full responsibility for delays in implementation, agreed to staff the temporary arraignment center, and provided funds to improve security at the facility.

The newly constructed processing center, the Multipurpose Criminal Justice Facility at Gander Hill, partially opened on schedule in September 1982. The facility is currently accepting prisoners and conducting intake procedures. Operations have begun in an incremental fashion of opening one housing module at a time and adequate personnel are being phased in to eventually work around-the-clock shifts. This process should be completed by June 30, 1983.

#### The Delaware Central Intake System

Delaware's central intake services were managed by PAPC until the opening of Gander Hill. It was anticipated that the experience, procedures, materials, etc. developed at PAPC would be readily transferrable to Gander Hill.

In spite of start-up problems when PAPC began operations, it was implemented as originally planned in the original LEAA jail overcrowding grant

proposal. Initially, it operated 7 days per week from 6 p.m. to 2 a.m. but the hours were changed from 4 p.m. to 12 midnight within the first quarter of operations in order to be more consistent with other shift changes. The center was based on the concept that providing all arraignment services at one site would reduce time spent in detention by offenders and this would have a positive impact on jail overcrowding. During any one shift, PAPC was initially staffed by a magistrate, a court clerk, a deputy attorney general, an assistant public defender, a pretrial services worker and three correctional officers.

Central intake, as it was developed through PAPC and carried over to Gander Hill includes the following agencies and functions:

1. Police. Their duties were delineated from the time of a felony arrest to the time they relinquish possession of the offender to another agency. At Gander Hill, the officer drives through a sally port where the arrestee and a copy of the arrest report are turned over to a correctional officer. The police officer can then meet with the deputy attorney general and do the required intake interview on the arrestee or schedule another time for the interview.

2. Corrections officers. They accept transfer of the arrestee from the police, conduct a body search, obtain arrestee's personal effects, and turn the arrestee over first to pretrial services and then the Public Defender's Office to be interviewed. They also escort arrestees to the Magistrate Court in session at Gander Hill.

3. Pretrial services. The staff interviews the arrestee, runs a computer check for priors, warrants, etc., and compares the detainees' statements with the information from the computer. They call friends, relatives, or employers of the arrestee to verify information, present their information to the Public Defender's and Attorney General's Office, and then present the interview information and recommendation to the court. They also do preliminary drug/alcohol and mental and physical assessment of everyone who will be incarcerated, and they make referrals to the Criminal Justice Service Center (CJSC). Recommendations for release are made to magistrates on a subjective basis--no point scale is used. Pretrial services interviewers consult with both attorney general and public defender representatives before making their final recommendations to the court.

4. Public defender. After the pretrial services interview, the arrestee is interviewed by the Public Defender's Office. The public defender tries to negotiate the case with the deputy attorney general. The public defender represents all defendants at arraignment (unless they have a private attorney with them) and makes arrangements (if the arrestee qualifies) for continued public defender services.

The chief public defender is also concerned about the use of incarceration for those who may benefit most from educational or vocational training. A pilot testing program has been initiated to determine the feasibility of classifying inmates according to the types of educational remediation that would most benefit the arrestee.

The Public Defender's Office is administered by a director, appointed by the governor, for a 6-year term. The director is very supportive of the central intake concept as it is being operationalized at Gander Hill. The public defender is especially in favor of the diagnostic center where increased defendant screening is expected to result in better release decisions, i.e., minimize FTA and pretrial rearrest as well as unnecessary pretrial detention. Over 90 percent of the detainees in Delaware jails are reported to be public defender clients.

5. Attorney general. The attorney general's purpose is to provide police with the opportunity for immediate intake interviews and to discuss cases with arresting officers. Attorney generals also make recommendations at arraignment, evaluate the merits of a case, and negotiate pleas with the public defender.

6. Court. The Magistrate Court must review paperwork on each case, follow current initial appearance procedure, hear the recommendations and opinions of the attorney general, public defender, and pretrial services, set bail on the case, and set the preliminary hearing date. The magistrate can also accept a plea if the case is plead to an offense in Justice of the Peace Court's jurisdiction. In these cases, sentencing can also occur at Gander Hill.

Delaware has retained the Justice of the Peace Courts that have been retired in many states. Justice of the peace magistrates are selected for 4-year terms on the basis of a test for deductive reasoning and a series of interviews. This magistrate screening system was established by executive order. It is the responsibility of the presiding magistrate judge to write the legal memoranda that assist the lay judges to carry out their assignments. The presiding judge, who favors this system, has indicated that the Gander Hill postarrest processing center is the mechanism for bringing the police, public defender, attorney general, pretrial and corrections personnel together to facilitate the swift and equitable administration of justice. The original PAPC project was designed initially with the intent and expectation that more input at initial appearance would reduce reliance on cash bail and decrease bail amounts set. The opposite result appears to be occurring. This increase in use of high bail amounts is attributed to dependence upon the attorney general, who is generally more articulate and more respected by the lay magistrates than the police had been or than PAPC, which is perceived to be a defendant advocate. It is also possible that the sample is biased, that only the more serious cases (deserving of higher bail) are processed at Gander Hill.

7. Criminal Justice Service Center. CJSC is not located at Gander Hill, but it is charged with receiving referrals of people with suspected drug or alcohol abuse problems from the criminal justice system. CJSC evaluates these people and sends the results and recommendations to the referral agency. Certain time slots are reserved each day for clients referred from pretrial services.

8. Conditional release. Various forms of conditional release may be recommended by pretrial services and/or ordered by the magistrates. These include referrals for drug counseling, mental health counseling or alcohol treatment. Also, a releasee may be required to contact a pretrial services counselor periodically by telephone or be placed under family supervision.

9. Citation release. Police "in the field" may issue citations to individuals charged with minor offenses. Officers obtain thumbprints, as part of this process, to insure positive identification of defendants.

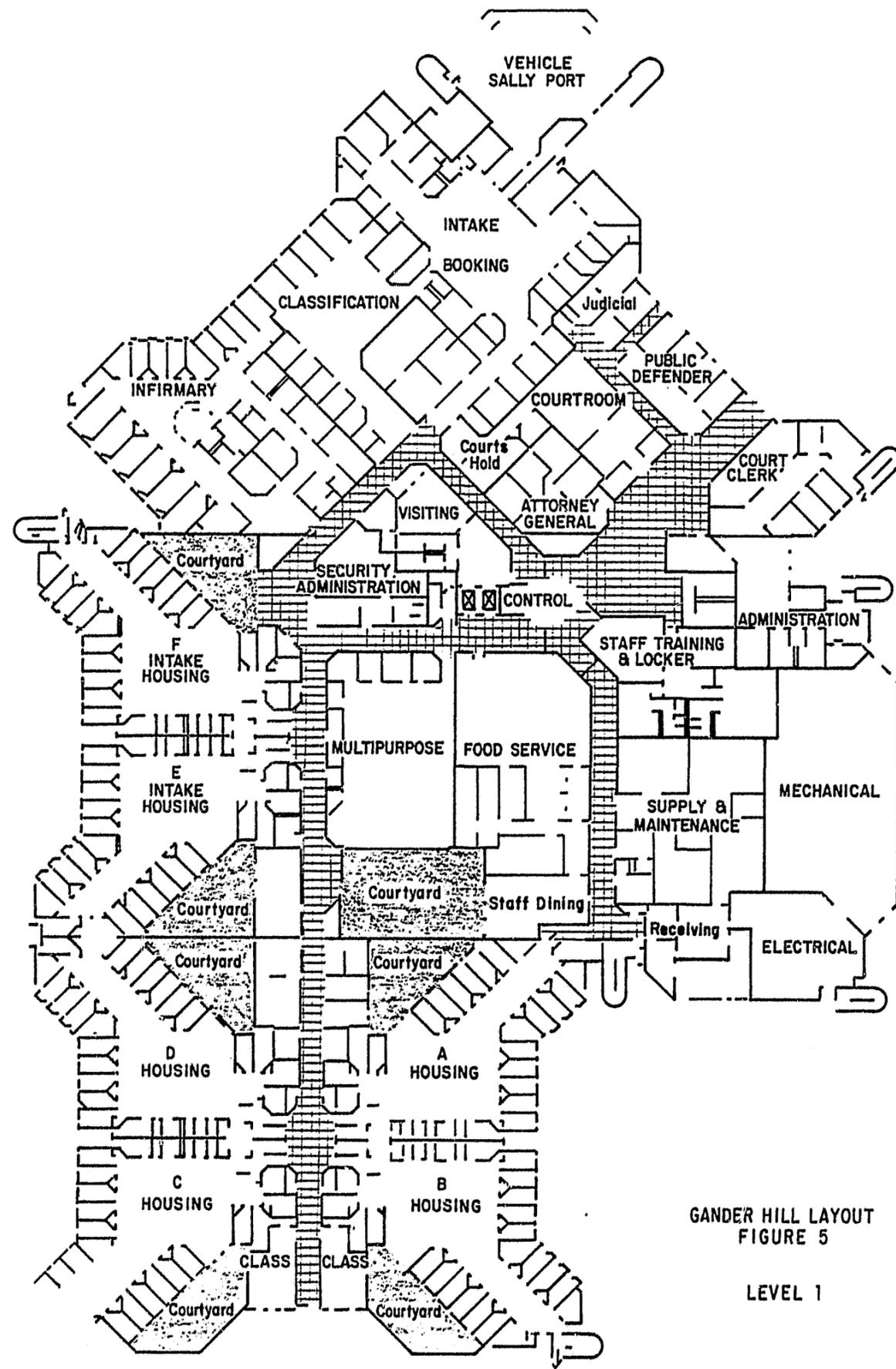
10. Physical and mental treatment. Gander Hill has a diagnostic center and a wing devoted to treating the short-term physical and mental health needs of detainees.

#### Gander Hill Physical Layout

The physical layout of the Gander Hill facility closely resembles the ideal facility envisioned by DRI staff when describing a building complex that is specifically constructed to facilitate the fair, effective and prompt administration of justice at the pretrial stage. On level 1 (Figure 5) intake, diagnostic center, booking, classification, public defense, prosecution (attorney general), health services and court officials are all located in close proximity to one another. Arrestees are booked and screened for release eligibility when they enter the facility. Space is available in the intake room for staff assigned to match community supervised release options with conditions of release imposed upon defendants. If health problems requiring immediate attention are detected, the infirmary is readily accessible. The attorney general maintains an office within the building, and someone will be present around-the-clock to review cases as they come in (at the present time there is only one shift operating). The attorney general's review speeds up the processing by allowing early negotiations of pleas with defense counsel. Also, this review enables the attorney general to make a bonding recommendation at arraignment based on his or her impression of the case's merits and the defendant's criminal history.

Public defenders are also to maintain an office--24 hours a day, 7 days a week--at Gander Hill. Their immediate access to arrestees hastens the processing of defendants through the system and serves to provide higher quality representation. Determinations of indigency are made early, thus allowing the Public Defender's Office to begin preparing the defense if they will be representing a defendant. By having the defense counsel and prosecutor within the same facility, both parties meet to discuss cases and negotiate plea bargains prior to initial arraignment. This facilitates the early disposition of cases which, in the combined opinion of the public defender and attorney general do not merit further prosecution, or which can be referred to diversionary programs. By having firsthand knowledge of each case and copies of pretrial release interviews, the public defender also can act as an advocate for defendants at arraignment in bonding arguments.

Magistrate courtrooms are part of the Gander Hill layout. The maintenance of full-time Magistrate Courts within the booking facility serves two purposes. First, defendants no longer have to be transported from one building to another--saving transportation costs and eliminating security problems. Second, bonding decisions are made at the earliest time possible--after booking and pretrial screening--so that unnecessary pretrial detention is avoided for those defendants qualifying for recognizance or conditional release.



GANDER HILL LAYOUT  
FIGURE 5

LEVEL 1

Finally, the placement of the classification unit adjacent to the courtroom and booking areas strongly enhances the effectiveness of processing defendants who are detained. Information gathered at intake by pretrial screeners is used by classification personnel to determine the personal characteristics of arrestees and special considerations (e.g., sex, potential for violence, suicidal tendencies, etc.) before making unit and individual cell assignments. If a defendant is to be detained, classification personnel have the necessary information readily available to make an educated decision as to where that person should be housed and what precautions or special steps have to be taken to insure personnel and jail population safety.

Individual magistrate judges initially resisted assignment to Gander Hill because of the proximity of the courtrooms to the detention facilities. Some indicated that it was not appropriate to hold court "behind bars." This resistance appears to have abated now that Gander Hill is operational.

#### Strengths and Weaknesses

The officials with whom DRI staff spoke identified a number of strengths, weaknesses, problems and potentials of the multipurpose facility at Gander Hill. The major strengths were:

- it provided judges with better information and, therefore, allowed them to make better bail/detention decisions
- arrestees were processed more quickly
- the people who were most likely to return for court appearances and least likely to commit crimes were released, but Gander Hill also identified and detained those who represented a danger to the community
- it provided a check on the accuracy of arrestees' statements that had never existed before
- attorney generals were better prepared for their cases because they received information on the case in advance--not on the day before court
- some cases could be settled at arraignment (30 minutes to 2 hours after arrest) because of early case screening by the attorney general
- defendants were contacted by the public defender sooner
- defendants were represented by counsel at arraignment

- increased communication, cooperation, and respect among the five agencies participating in P APC was developed and should transfer to Gander Hill
- the prison was notified when people with mental or physical problems were being sent to them
- a system was developed so that bail could be paid 24 hours per day
- police saved a great deal of time
- Gander Hill will produce a debugged central arraignment system

Weaknesses or problems of Gander Hill were:

- no one had central authority over the coordination of procedures at Gander Hill. This situation has since been corrected with the creation and appointment of a new administrative coordinator position.
- not enough people were being processed through P APC to make it cost effective; not all eligible arrestees were brought to P APC; no data on new Gander Hill operations yet
- the whole attorney general's staff was not committed to CI concept
- the project created the assumption that there was a need for attorney general shift work (the assistant attorney general doesn't believe such a need exists)
- the project was not necessary because the prison overcrowding problem was due to the sentenced not the pretrial population

Overall attitudes toward the P APC and Gander Hill project were mixed. Some CJ officials believed in the central arraignment concept and strongly supported the project; others viewed it as a threat or as having little value and resisted it.

Impacts

P APC proved to be an effective pretest of the central arraignment concept. Project reports and documents indicate that all objectives regarding organization of P APC (e.g., staffing requirements, job descriptions, standards, methods of service delivery, etc.) were accomplished.

P APC helped to improve cooperation among criminal justice agencies in Delaware. The offices of the public defender and attorney general developed a good working relationship. Cooperation among a number of agencies (e.g., the Bureau of Alcoholism, the Division of Mental Health, pretrial services, the Criminal Justice Service Center, Municipal Courts, Public Defender's Office, and the Attorney General's Office) was enhanced by project operations, and the new administrative coordinator has published a detailed procedures manual.

An area in which P APC had significant impact was the processing of arrestees. Table 3 compares detainee processing time at P APC with processing at Municipal Courts and County Courts. These data clearly indicated that arrestees were processed much more quickly by pretrial services, the Public Defender's Office, and the Attorney General's Office if they were processed through P APC. Being processed through P APC was associated with a longer period of time in which arrestees' cases were dismissed, or nolle prosequi (Table 4). The cause of this is unknown; however, it is hypothesized by project personnel that P APC defendants are charged with more serious crimes. It was, however, associated with a shorter period of time to a guilty plea and to a finding of not guilty.

The number of arrestees processed through P APC was relatively small (Table 5). There were 131 pretrial interviews during the first quarter of operations and 190, 197, and 217 for the second, third, and fourth quarters, respectively. The average number of cases per night went from 1.4 during the first quarter to 2.4 in the fourth quarter. P APC's caseload is small but it appears to be growing. The Municipal and Justice of the Peace Courts have agreed to a modification that will eliminate one court hearing in Municipal Court and increase the number of Wilmington arrests processed at Gander Hill.

To expand its operations and increase efficiency, P APC accepted into its holding cells commitments from other sources; there were 754 such commitments in 1981. Parole or probation violators apprehended by police and defendants committed to the Delaware Correctional Center (DCC) by other courts were delivered to P APC to be held until morning when they were transported to DCC in Smerna. These people were searched and placed in a holding cell by the P APC correctional office, and they received no other services from the P APC staff. The same policies will be followed at Gander Hill.

The P APC project met its primary objective of developing a temporary central arraignment site to pretest the central arraignment concept. P APC was fully operationalized, most of the problems were worked out of the system, and procedures and policies were developed that should be applicable at Gander Hill once it is fully operational. The experiences of P APC should help to insure the smooth transition of the central arraignment system into Gander Hill.

The P APC project greatly improved arrestee processing but had not yet proven to be cost effective (costs were about \$400 per detainee interviewed), nor can it be documented that it reduced the pretrial population in the prison system. It did improve interagency cooperation in the Delaware criminal justice community, and it provided the prison with more information on detainees than it had previously received. Police officers also believed that the CI concept saved a great deal of police time.

Table 3  
Summary Statistics

	<u>PAPC*</u>	<u>Courts 10, 11 and Municipal*</u>
Pretrial Interview	10 minutes	6 days
Public Defender - first contact	30 minutes	13 days
Felony Intake	7 days	10 days
Final Disposition	53 days	49 days
TOTAL Defendants	817	

Table 4  
Average Days to Disposition

<u>Disposition</u>	<u>PAPC*</u>	<u>Municipal*</u>	<u>Court 10</u>	<u>Court 11</u>
Nolle Prosequi	48	38	33	39
Dismissed in Superior Court	56	41	N/A	N/A
Guilty	39	132	N/A	109
Pled Guilty to Lesser Charge	69	73	81	55
Pled Guilty to Original Charge	66	73	69	70
Open - No Disposition	50	100	113	13
Not Guilty	71	94	N/A	96

\*Data for PAPC are from January - December 1981. For Courts 10, 11 and Municipal data are from January - April 1981.

Source: Collected from court records by JO/PDP project staff.

Table 5  
Number of Pretrial Services Interviews at PAPC by Month

<u>Month</u>	<u>Number Interviewed</u>
<u>Project</u>	
October 1980	45
November	30
December	56
January 1981	60
February	57
March	73
April	69
May	75
June	<u>53</u>
TOTAL	518
Average	57.5
<u>Postproject</u>	
July 1981	70
August	68
September	<u>79</u>
TOTAL	217
Average	72.3

Source: Pretrial Service Unit's Monthly Records.

LEGEND: STATE OF DELAWARE (GANDER HILL)  
PRETRIAL PROCESSING FLOW DIAGRAM  
(See Figure 6, transparent overlay, back cover)

1. Apprehension
2. Arrest Options - booking at Gander Hill; nonbooking release through issuance of a field citation
4. Field Citations - issued to individuals charged with minor offenses; thumbprints obtained to insure positive identification
7. Booking - at Gander Hill mostly felony arrests only; misdemeanants are generally booked at Municipal or local Magistrate Courts
- 7a. Attorney General Intake Interview - attorney general interviews arresting officer to get an early interpretation of merits of the case
- 10., 11., 12., 13., 14. - Pretrial Processing - includes defendant interviews, computer checks for criminal history, warrants, holds, etc., verification, drug/alcohol, mental/physical health screening (by CJSC personnel) preparation of recommendations to court, referrals for treatment within the facility or to Criminal Justice Service Center
11. - 16. Public Defender Interview - may take place between pretrial screening and initial court arraignment; provides public defender with information to represent case at arraignment and to negotiate with attorney general
15. Routing - to attorney general, public defender and Magistrate Court; pretrial services' recommendations are subjective
- 16., 17., 18., 19. Court Processing and Release Options - held in Magistrate Court at Gander Hill; magistrates can release on recognizance bond, conditional release, supervised release, monetary bond, or order defendants to be detained; set preliminary hearing date
- 20., 21., 22., 23. Detention and Treatment Options - includes referral to Criminal Justice Service Center or short-term mental/physical treatment within the Gander Hill facility and preliminary classification
- 24., 25., 26., 27., 28. Preliminary Hearing - held in Municipal Court for city arrests and Court of Common Pleas for county arrests; determination is made as to whether probable cause exists to bind case over for trial; bond reduction and release reconsideration motions are heard
25. Release Reconsideration - after preliminary hearing and before trial

Central Intake Administration

The various components of Delaware's central intake system operate independently within the Gander Hill facility, coordinated by recently appointed administrative coordinator from the Department of Corrections. Pretrial services supervises the collection and dissemination of defendant background information to the Magistrate Court, Classification Unit, attorney general and public defender. The governor has issued an executive order establishing a coordinating group to oversee the intake concept. The executive director of the Delaware Criminal Justice Planning Commission is chairing that group.

Interagency Cooperative Agreements

**Criminal Justice Service Center.** Receives referrals of persons with suspected drug or alcohol abuse problems for screening.

**Attorney general, law enforcement, public defender.** Work together to evaluate cases for filing and to negotiate pleas prior to arraignment.

**Corrections.** Makes classification decisions based largely on pretrial screening information.

**Courts.** The Magistrate Court in Gander Hill sets bond for most accused felons and some misdemeanants based on pretrial services recommendations and attorney general and public defender arguments which are also derived from pretrial services defendant data.

## JACKSON COUNTY

### History and Setting

In their final report to LEAA on the Jail Overcrowding and Pretrial Detainee Program, the Jackson County Department of Corrections made a recommendation to establish a central intake system that would serve two primary functions. First, such a system would assist in monitoring the flow of defendants through the Kansas City criminal justice system; and second, it would provide a mechanism for early identification of those eligible for pretrial release and those defendants who needed some type of intervention such as mental or physical health assistance (Dobies, 1981). At the time central intake sites were being selected for this study, Jackson County voters had recently approved \$23 million for new jail construction by a margin of only 1 percentage point. The passage of this issue was not without controversy. On a previous ballot, it had not passed. However, with the help of a public relations firm and the publicizing of criminal justice system needs for a new jail facility, funds were appropriated. Because of the new jail construction, the county Department of Corrections planned to revise existing intake and release policies and procedures and was considering a systemwide computer service. In addition, there was a history of commitment and cooperation of criminal justice officials in this jurisdiction. Jackson County had not only participated in the LEAA jail overcrowding project as a Phase I site, but also had been involved with National Institute of Corrections' Jail Classification Program (Megerman & Dobies, 1981). Jackson County was chosen as a CI site by DRI because of its plans to operationalize CI concepts prior to the opening of the new jail in late 1983. It was anticipated that during the development process, facilitators and impediments could be identified for CI implementation and the development of cooperation between city, county and state governments could be monitored.

The Jackson County Department of Corrections had taken the initiative in previous criminal justice system changes. This department is a civilian agency charged with all corrections and custody programs in the county. It was formed in 1973 when all corrections functions were removed from the county sheriff's office. Since 1973, the following programs have been revised or implemented: initiation of a work release program through federal funding in 1974, with the county assuming program costs in 1977; an ongoing inmate classification project (dating from 1974); staff training (1977); and, in 1977, a general education degree and substance abuse programs (Dobies, 1981).

Despite the efforts of the corrections staff, jail overcrowding remained a large and apparently unsolvable problem from an alternatives viewpoint. Although to date no federally imposed ceiling has been set on the jail capacity, a class action law suit, filed on behalf of inmates housed in the Jackson County Jail, has kept litigation open on the overcrowding issue since 1973, for example, in Goldsby vs. Carnes (United States District Court, 1980). In an effort to comply with the consent judgment rendered, the jail population was ordered reduced by an executive order. Five 48 person "tanks" were to be reduced to 30 inmates each while an additional tank of 32 was limited to a population of 24. The 45 year old

county courthouse jail facilities, located on the 11th through the 15th floors, had an average daily population (ADP) of 252 in 1973. By 1979, the number had skyrocketed to an ADP of 419 (Memorandum and Order, the United States District Court for the Western District of Missouri, filed March 20, 1980). Therefore, emphasis was placed on increased use of pretrial release alternatives, and jail overcrowding funds from LEAA were sought to target the investigation of central intake and management information system (MIS) development. A resolution to this effect is presented in Figure 7. Although the county Department of Corrections assumed most of the responsibility for developing and implementing a Central Intake Program, the state was mandated to operate all recognizance release programs through the state Department of Probation and Parole. In addition, within the metropolitan area, the Kansas City police made most of the arrests. The coordination of services among these three agencies and the courts was the main goal of the Department of Corrections staff at the time of the DRI central intake project.

Jackson County includes the Kansas City, Missouri metropolitan area. Although the inner city has been losing population for years, the surrounding suburbs are gaining in numbers. Urban redevelopment projects are attempting to reverse this trend. Population in the overall area is expected to increase as manufacturing and agricultural business continues to expand. Accompanying the population change has been a steady increase in crime. In 1980, 49,275 Part 1 offenses were reported to the Kansas City Police Department (KCPD); 45,150 were offenses against property (Annual Report, 1980). This represents an 8 percent increase in 1 year in property crimes and approximately an 8 percent increase in Part 1 offenses overall (Annual Report, 1979). As a result of the continued escalation in property crimes, recent news reports have documented their low clearance rates and the heavy caseload of police detectives in assisting in burglary cases ("Burglary: Crime Without Punishment," 1981).

The perceived threat of a court ordered jail capacity (rumored to be 250 when the ADP has consistently been over 400 for many months) existed and crime rates continued to rise. Several key criminal justice officials expressed a personal commitment to establishing a viable central intake system. The remainder of this site report will be devoted to describing the progress made toward reaching CI goals.

### Jackson County Central Intake System

The development of the county central intake system was spearheaded by the Department of Corrections and supported by the local division of the state Probation and Parole Department. In addition, two advisory committees were formed to facilitate intra-agency cooperation, particularly with the courts and the KCPD.

County Department of Corrections. At this time, the director of this department also serves as the county administrator who is responsible for the coordination of all county operations and the implementation of county policies. These positions provide a direct link between the criminal justice system and the

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

A RESOLUTION authorizing the Criminal Justice Coordinating Council to receive and evaluate central intake data on persons entering the criminal justice system in Jackson County at no cost to the County.

Resolution #3524, September 10, 1979

Introduced by Albert A. Riederer, County Legislator

WHEREAS, the National Institute of Corrections has provided an evaluation team to examine the pre-trial population in the Jackson County Jail, and has indicated a great need to monitor and track defendants and cases within the criminal justice system in Jackson County; and,

WHEREAS, the analysis of intake data would be a necessary prerequisite for our criminal justice system to provide faster and fairer treatment of defendants, victims, and witnesses; and,

WHEREAS, an improved court system would reduce the number of prisoners and the length of their stays in the Jackson County Jail, and thus, alleviate the overcrowding in that facility; and,

WHEREAS, the Criminal Justice Coordinating Council consists of representatives of all elements of the Jackson County criminal justice system, including the Director of Corrections, the Prosecutor, the Kansas City Police Chief, the Public Defender, and the administrators of the Circuit and Municipal Court systems, and,

WHEREAS, the sponsoring agency of the Coordinating Council, the Missouri Council of Criminal Justice - Region 1, is the central comprehensive planning agency for the criminal justice community in the metropolitan area; therefore,

BE IT RESOLVED by the County Legislature of Jackson County, Missouri that the Criminal Justice Coordinating Council be asked to receive and evaluate central intake data on persons entering the criminal justice system in Jackson County, as a first step toward establishing the vehicle for maximizing the management of the criminal justice system.

Figure 7. Jackson County resolution regarding Central Intake.

15 member county legislature (Jackson County League of Women Voters, n.d.). The Department of Corrections has three divisions: support, detention, and inmate services. Reporting directly to the director is the research and development specialist who has been perceived by several criminal justice agency officials as the driving force behind some of the organization's move toward developing a systemwide CI concept. The division of inmate services is responsible for inmate classification, in-house volunteer programs, program services to inmates and the work release program.

Research and development specialist. The R&D position grew out of the need to find federal funding to investigate new jail classification systems, remedies to jail overcrowding and to assess the feasibility of central intake. Responsibilities include data collection, report publication, and planning. The efforts of this staff person have been perceived as a contributing factor to the credibility of the concept of central intake. She has also served as a liaison between the county and the state Department of Probation and Parole.

She has also been involved in the Department of Correction's plan for a systemwide computerized offender-based tracking system. Through the manager of support services, IBM was contacted to do a 3-5 year needs assessment. This recommendation was to use the existing hardware from the courts, county processing, and KCPD. A tie in with the Prosecutor's Office and court computer system has been approved but a tie to the police department is still needed. Approval for similar arrangements is pending for corrections. A decision has been made by the court to allow the Corrections Department to use the court's computer as a host. In the spring of 1982, the Corrections Department also made a decision to purchase the jail information system version of PROMIS (from INSLAW). The department plans to tailor "JAILTRAC" to its own information needs using in-house personnel with the assistance of the data processing staff from both the Circuit Court and county staff. The system should be operational by 1984. This is an essential component to the planned central intake system since, at present, there are no means for accurately calculating FTA and rearrest rates. The criminal justice system is currently planning on using an appearance-based definition of FTA to accommodate court computing although they initially wanted to make a distinction between willful and nonwillful FTAs.

Manager of inmate services. This position entails the directing of casework/classification/screening, program services, and pre-, posttrial work release programs. The role of this division program in CI is the early identification of special cases. Under the present administration, efforts have been accelerated to enhance treatment and programs for special defendant needs. If conditions of pretrial release cannot be met as specified by the court, the defendant may be booked into the county jail. At this point, the jail intake screening takes place. A detailed procedural statement has been published on inmate intake and classification outlining definitions of special inmates (acute chemical dependency withdrawal, mentally ill, suicide risks, etc.) and the procedures to be followed for administrative segregation (Jackson County Department of Corrections, 1980b).

Information collected at intake provides the basis for additional classification decisions, one of which includes pretrial work release. The release on own recognizance (ROR) screener can make a recommendation for work release which is forwarded to the jail. Frequent changes in the point scale used for release eligibility determination as a result of an ongoing validation process has resulted in the elimination of the previous point scale criteria for consideration of work release at least temporarily. Currently work release is underutilized by the court. There also exists a need for improved communication between the ROR staff and the work release staff. Two options are available in assignment to the program: work release alone or with residency in the Community Corrections Center. Those employed are housed on the fourth floor of the center while those in the pre-employment stage live on the fifth floor. There is an ongoing employment education cycle. One pretrial work release developer is employed to maintain contact with potential employers and two posttrial developers perform the same function. The success of these placements is dependent upon community involvement and is limited by lack of centralization of services and the physical constraints of housing, transportation, etc. The Department of Corrections initially established a rate of \$5.00 a working day charged to residents in the work release residential program in order to make the project more cost effective. This rate has been changed to 25 percent of the resident's salary.

Improvements in both the intake/classification and work release programs are slated for operation in the new facility (Megerman & Dobies, 1981). The new jail will contain 32 beds in a mental health clinic for psychiatric care and space for high quality inmate housing arrangements is slated to be available.

State Department of Probation and Parole. In 1972, two state probation and parole officers were responsible for all pretrial screening. In 1975, the department received two more screeners for the county and in 1980, a total of six screeners or bond investigators were employed. Technically, these bond investigators are responsible for screening all pretrial detainees.

Screeners undergo 4 weeks of formal training, as do probation and parole officers. They undergo 1 week of training for each of the following: reality therapy (including 1 day on family counseling), law, community resources and interviewer and presentence investigation techniques (interviews and report writing). Training is scheduled for 1 week each month along with supervised on-the-job training. There is a very low staff turnover rate. Usually bond investigators move to become probation and parole officers. The ROR unit screeners conduct interviews in the city lock-up prior to arraignment and in the county jail following arraignment. They also do some screening at the probation and parole office to check charges on those arraigned without arrest. In a previous report (Bennett, 1981), it was noted that of those eligible for screening, a low 20 percent were recommended for ROR and were approved by the judiciary.

Release eligibility is determined by use of a point scale for all those admitted to the Department of Corrections on state misdemeanor and felony charges. The point scale includes questions on social, employment, residential, and criminal background, as well as substance abuse and mental health. The point

scale was constructed in conjunction with the Pretrial Services Resource Center to reflect the individual's stability in the community. Positive and negative scores are assigned to specific factors. Those scoring above a certain level (0 points) are recommended for ROR. Those not meeting the release criteria because of a lack of employment or residential factors are recommended to the pretrial work release program or for 10 percent court deposit bail. Surety bond is not recommended by pretrial screeners. However, the judge hearing the case may accept or reject such referrals or may order the defendant on ROR (Jackson County Department of Corrections, 1980a). The point scale has currently undergone several revisions in an attempt to improve it. The intent is to determine statistically which scale is best before making any additional changes.

The Missouri Department of Probation and Parole also administers the diversion program which is responsive to special needs of defendants. In order to be eligible, a defendant must give a verbal confession. If a year in the program is successfully completed, the record is destroyed. Referrals come from both the police department and the county Prosecutor's Office.

Two impediments have existed to efficient and effective screening--the Kansas City police arrest rule and the courts. The police maintain their own city lock-up where they can hold defendants for up to 20 hours following arrest. During this 20-hour period, the police case review unit, consisting of detectives, reviews cases for prosecution. This is legally proper and was intended to lead to case improvement. Until November of 1980, the screening interview could not take place until after the 20-hour case review period. Since the DRI study began, procedural changes have occurred. When the case review unit was finished with a given defendant, a talk slip was issued initially, allowing the screener access to that individual. In September of 1981, the talk slip was eliminated. Effective almost immediately, 90 to 95 percent of all defendants processed through the city jail on state charges were screened by the program. This was an increase from about 60 percent before. Once the interview was completed, the evaluation was brought to the court records units. Recently the police have withdrawn from plans to move all lock-ups into the new jail facility. The official reason for the withdrawal given was the lack of access to complete arrest records containing photographs, fingerprints, etc. Reasons for withdrawal were perceived by some members of the criminal justice community as being the reluctance by police and Municipal Courts to release control over defendants to the county immediately following arrest. A potential problem may be that teams of two screeners will have to be maintained--one for the city and one for the county. To date, the police have used field citations (general ordinance summons) solely in traffic cases rather than expanding their usage to other classes of crimes.

The courts have also played a key role in the determination of pretrial release practices. The Associate Circuit, or lower court, has jurisdiction over all county and state misdemeanors and holds preliminary hearings on felonies. The higher or Circuit Court conducts all felony trials and hears misdemeanor appeals from the lower court. While viewed as generally supportive of the OR concept, Circuit Court judges usually do not see defendants until 2 to 3 weeks following arrest. One judge is assigned to the criminal bench to hear first appearance and preliminary hearings at the associate level. This assignment rotates every 6

months. Part of the reason that ROR has not gained credibility at the rate evidenced in other jurisdictions appears to be the reluctance of at least some members of the judiciary to utilize pretrial release extensively. At least one attitude expressed from the Associate Court level was that ROR or 10 percent bond seemed overly lenient and that sitting in jail awaiting hearings for a few weeks may be the only sanction some arrestees receive. Changes in the point scale by probation and parole may also have affected the credibility of ROR recommendations. In a recent month, 200 cases were recommended by probation and parole for ROR; 62 were granted. For sponsored ROR (conditional), 32 were referred and none were accepted by the court. Figures for 10 percent court deposit were 82 recommended, 43 granted (Jackson County Pretrial Services Bond Unit, 1982). About one-half of the 10 percent bond recommendations are granted month after month.

Another factor likely to have influenced reluctance to release on OR by the judiciary may be that no action has been taken recently on the jail overcrowding consent judgment. Apparently, the consensus among the judiciary is that the new jail will alleviate much of the need for pretrial alternatives to incarceration. With the average daily population now over 450 and a rated capacity of 520 for the new jail, overcrowding problems may be only temporarily stayed. The DRI site visit team viewed the judge's occasional attendance at planning meetings as bringing into question their commitment to early pretrial release.

Another potential delay in defendant processing is that Jackson County does not utilize an automatic bond schedule. Bond can be set only by judges at initial appearances. At this same appearance, indigency determination is made by asking if the defendant can afford private counsel. If means appear unavailable, the defendant is sworn to a statement of indigency. The lack of any verification of indigency status and the perceived amount of additional time needed for verification by the judiciary of any financial statement have probably been contributing factors to the public defender's staggering case load (approximately 50 percent of the Circuit Court caseload and a slightly higher percentage in Associate Court).

The county Prosecutor's Office currently dismisses approximately one-third of its cases but is under increasing pressure due to a spiraling case load. This office is concerned, presently with updating the previously manual case tracking system and achieving central intake systemwide.

Advisory committees. Two existing committees had been meeting on a regular basis in an attempt to design policy and to plan for system changes brought about by the construction of the new jail. The Executive Committee, consisting of the county prosecutor; presiding judge, Circuit Court; criminal A judge, Associate Court; chief, KCPD; public defender; regional director, Missouri Board of Probation and Parole; and the director, county Department of Corrections. The committee was formed specifically to meet the "... need for policy makers to confer and plan for the future." It would provide a forum for problems to be discussed face to face rather than aired in the newspaper (Criminal Justice Coordinating Council, 1981).

A staff-level working group, known as the Systems Operation Team, was formed to provide the Executive Committee with recommendations for prioritizing system problems, analyzing system deficiencies, and suggesting feasible system remedies. Members include office administrator, Prosecutor's Office; Circuit Court bailiff to the presiding judge; public defender; district supervisor, Missouri Board of Probation and Parole; KCPD captain; and the director of the court computer systems. The first success of these committees came when the policy was changed in the police department to allow for early ROR screening following case review and prior to the 20-hour limit. Issues scheduled for consideration by the committees were information needs, assessment of the OR interview process, pretrial intervention, and information verification. However, the Systems Operations Team has been temporarily rendered inactive because no requests for information have been made by the Executive Committee.

#### Impacts

Even though a new jail is slated for opening in 1984, the site visit team perceived some existing problems that will necessitate continued attention within the criminal justice system. At the time of the site visits, various steps were being taken to implement a central intake system: plans for a computerized systemwide offender-based tracking and management information system; research regarding jail intake/classification for early identification of defendant needs; validation and revision of the ROR point scale; consideration of use of alternatives such as conditional release; and the formation of advisory committees. All the necessary key elements appear to have been put in place. Jackson County Department of Corrections, because of its extensive involvement in past research projects, seems particularly well suited to carry out systemwide data management functions and program evaluation. Yet, the anticipated progress toward developing central intake was slower than DRI anticipated and appeared hampered by members' intermittent attendance at scheduled planning and policy meetings. The existing state ROR project is having a less than desired impact on jail overcrowding because of the approximately 20 percent agreement rate between screener recommendations and judicial actions. Likewise, because of the extreme overcrowding, jail intake and classification are reduced to a minimal level of efficiency, functioning far below the planned levels for the new facility. Because KCPD does not want to move part of its operation to the new jail, screening will have to be conducted at two sites, destroying the effectiveness of the planned unified booking/interviewing process. At this time, it appears that some form of an MIS that will include the courts, police, corrections, and Prosecutor's Office will offer computerized access to defendant records. The planning and policy making functions of the two advisory boards had met a need for a problem solving forum. However, their early success has been undermined by what may be a temporary cessation of their meetings.

LEGEND: JACKSON COUNTY CENTRAL INTAKE SYSTEM  
(See Figure 8, transparent overlay, back cover)

Pretrial Release Decision System

7. Pretrial intervention usually begins at booking when KCPD issues a talk slip allowing probation and parole to begin the interview process.
- 10.-15a. State probation and parole interviews, verifies, then recommends to the court OR, supervised release or bond.
- 15a. Once admitted, the jail intake unit begins screening for immediate defendant services and possible classification (22), or eligibility for work release (24).
- 16.-19. The court receives screening information on most defendants and acts by ordering release, either OR, supervised or secured or detention.

Central Intake Administration

The county Department of Corrections oversees most of the CI operations concerned with jail activities and coordination while the state Probation and Parole Department is in charge of screening activities. Planning for the new jail facility is facilitated by the Executive Committee composed of key system department heads and the Systems Operation Team, consisting of department staff members.

Interagency Cooperative Agreements

**Community resources.** Relied on mainly to provide employment opportunities for those defendants eligible for work release.

**KCPD.** Plays a pivotal role since they can hold defendants for up to 20 hours before allowing them to be interviewed by the state probation and parole screeners.

**County corrections.** Controls all jail activities related to inmate services including release.

**Courts.** Rely on limited use of release alternatives, instead preferring secured release. Both the public defender and prosecutor play a role in how rapidly the courts can process criminal cases.

**Corrections.** Inmate Services runs a work release program for residential and nonresidential pretrial defendants and coordinates employment opportunities and other defendant services.

PIMA COUNTY

History and Setting

The Court Volunteer Center (CVC), until 1981 known as the Correctional Volunteer Center, serves as the central intake and pretrial release agency of the Pima County Superior Court. Since its inception in 1972, following a grant from LEAA, CVC has steadily grown in size and function. When it was originally established in order to "carry out its humanitarian purpose,"\* a single half-time, paid staff person was hired to coordinate volunteers who interviewed indigent persons detained in jail to assist them in obtaining nonfinancial pretrial release conditions. The volunteer center kept a fairly low profile at the jail and never went into court. In September 1973, after Arizona adopted new rules of criminal procedure (rule 7.2) and became an own recognizance state (presumptive recognizance release), CVC began to develop. By July 1974, it was functioning as a pretrial agency with the backing and support of the presiding judge of the Superior Court. There was initial resistance from prosecutors who perceived CVC as being a defender-oriented agency. When CVC became a department of the court in 1974, it tried to shed its client advocate "social worker" image, and it was during this period that the presiding judge encouraged the introduction of supervised release alternatives for high risk felony defendants.

The program remained fairly stable from 1974 to 1977 during which period it interviewed and recommended release for misdemeanor defendants and provided follow-up contact and supervision for released felony defendants. For short periods (in the form of 6-month intermittent agreements), CVC also provided contact with released misdemeanor defendants. Misdemeanant contact was not sustained because it appeared to be too costly in light of the already high appearance rate for misdemeanor defendants. Until 1978, CVC still had no release authority. However, it was at about this time that the pressure of jail overcrowding started to grow and Pima County applied for a grant from LEAA's Jail Overcrowding and Pretrial Detainee Program. CVC had been developing significant amounts of jail data with their manual tracking system so they had already accomplished the essence of the planning study, LEAA's normal Phase I grant activity. In 1979 Pima County was one of four jurisdictions to receive a Phase II implementation grant to pursue judicial (as distinct from legislative) remedies to reduce jail overcrowding and to give pretrial units the authority to release misdemeanor defendants without a prior planning grant. In August of 1980 (and amended in October 1980), a ruling from the U.S. District Court capped the jail population in Pima County at 300, prohibited double-celling and mandated mental illness screening so that mentally ill persons would not be housed in the jail. The average daily population prior to this ruling was 521 with a 77 percent pretrial population (116 of the 521 were federal prisoners who were no longer being held in Tucson).

\*An Overview of the CVC, an internal document.

In September 1980, a memo from Superior Court provided for more release discretion on the part of CVC, revised the point scale release criteria downward, and reduced criteria for direct CVC release of misdemeanants. By the end of 1980, with receipt of the LEAA jail overcrowding grant, CVC had grown to 26 full-time equivalents plus seven CETA positions and 60 volunteers (Lindauer & Cooper, 1982).

Pima County, Arizona includes the entire city of Tucson and unincorporated areas to the west of the city several times the size of Tucson. However, over 75 percent of the population of Pima County resides within the metropolitan Tucson area. In 1979 the population of Pima County was 542,100 including approximately 16,000 winter visitors. There has been a steady population growth during the past few years, and the population is projected to be 950,000 by the end of this century. About 25 percent or 49,000 of the households in Tucson consist of retired persons, and approximately 10 percent of the population has lived in Pima County less than 1 year. The economic growth of the city has slowed somewhat in the last year, but in the past several years, Tucson's economy has flourished with new light industry because of its climate, labor supply and location.\*

The incidence of reported crime has risen slowly but steadily with a 25 percent growth in both charges filed and cases disposed of over the 6-year period ending December 1980.

A new 450-bed jail is expected to be completed in 1983 at which time the present facility will probably be converted to administration.

CVC was influential in having a facility built which reduced the advertised housing for maximum security by 150 beds. The reduction occurred in part because of the successful use of release alternatives by CVC. The new jail initially was budgeted at \$26 million; however, because of reduced construction costs tied to a slow economy, the actual cost was only \$16 million which included a minimum security facility for work furlough. The remaining \$10 million is being slated for the construction of a 288 bed facility at the end of 1984. The state prison is also experiencing severe overcrowding causing delays in the transfer of sentenced prisoners from jail to the state facility.

#### The Pima County Central Intake System

Pima County's central intake services are managed and largely performed by the Court Volunteer Center. As the programs have evolved over the last 4 years and as they are presently constituted, central intake includes the following six functions or units: Jail Intake Unit, Daily Felony Program, Case Unit, Volunteer Unit and the Administrative Unit. The responsibilities and activities of each are described briefly in the following pages.

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\*Material for this paragraph has been taken largely from Tucson Trends, 1980, a publication of the Valley National Bank of Arizona and Tucson Newspapers, Inc., 1980.

1. Jail Intake Unit. The goal of this unit is to provide comprehensive pretrial screening for all misdemeanor and felony defendants who qualify for release under established criteria. It performs the following functions.

**Field citation and prebooking release.** Motivated by concerns about jail overcrowding, the Tucson Police Department has encouraged the use of field citations. Except for misdemeanor domestic violence offenses involving married persons (for which a special program exists in Pima County), the police have the authority to write field citations for almost all misdemeanor charges including DUIs. However, there are numerous barriers to the widespread use of field citations in all but traffic and shoplifting charges. These barriers, which include missed opportunities to locate wanted persons and a frequent need to remove combatants or potential combatants from a tense situation or to provide a period for persons who may be intoxicated to recover, led to the prebooking release program. As it operates in Pima County, officers may take the persons they arrest on misdemeanor charges to an office located in a trailer adjacent to the Pima County Jail. Belligerent arrestees or persons who are more than marginally intoxicated or disturbed are brought directly to the booking room in the jail. At this point the arresting officer is relieved of responsibility and the CVC staff take over. One of the administrative benefits of having the CVC staff interact with the arrestee is that a third, more neutral party has been introduced, which in many instances relieves a tense situation. In addition, the police, in the past, have been the subjects of vicarious liability suits brought on by defendants and are content to pass their liability on to another agency. CVC, as an agency of the court, is immune from liability and the police regard CVC as a good place to calm down arrestees. Further, the time and expense of booking, printing, and photographing is eliminated. Since the Tucson Police Department has no lock-up, the city contracts with the Pima County Jail which charges Tucson \$19 per day for processing/detaining city ordinance violators, so prebooking reduces direct costs as well as reducing police waiting time and booking resources. From the arrestee's point of view, he or she is spared the anxiety of the booking process and can be released very quickly. Unlocked individual holding rooms are used to separate arrestees who are detained only until information is verified or, when necessary, a friend or relative arrives to drive them home.

The Domestic Violence Unit and PARE (Pima Alcohol Rehabilitation Program) function outside of CVC. The pretrial diversion program operates out of the County Attorney's Office. Agreement of the arresting officer, the victim, the prosecutor and the program are all required for entry into the diversion program, which excludes from eligibility persons charged with drug-related offenses or an offense that includes violence of any kind. As a result of these restrictions, the program faces local charges of "widening the net," i.e., bringing people into the criminal justice system with an admission of guilt who would probably have had all charges against them dismissed if the program did not exist.

**Felony interviews.** CVC program staff and volunteers are on duty 24 hours a day at the jail to conduct initial interviews with felony defendants after receiving limited booking information on all felony arrestees. Investigation and court presentation is provided by the Felony Release Unit. The interviews consist of a release questionnaire, a health services form for the purpose of initial health

screening for the jail, and a financial statement for the purpose of indigency determination. Felony defendants are released only with concurrence of the court, although agreement rates between judges and CVC run consistently high (i.e., in excess of 90%).

**2. Daily Felony Program.** The Daily Felony Program runs 7 days a week for the purpose of investigating and verifying information from defendants prior to an initial appearance. The program also provides written recommendations to the court, specifying a defendant's community ties and criminal history. The type of release the program should recommend which will secure defendant's appearance at all future court dates is indicated. Bail recommendations are also provided. Copies of all paperwork on felony defendants are sent to both the county attorney and defense attorney.

**3. Case Review and Supervised Release Unit.** The purpose of this unit is to provide a systematic screening and referral process for all felony cases that involve detention beyond initial appearance and to provide information for bail determination and bond reduction for release hearings scheduled after initial appearance. The Supervised Release Unit provides extensive evaluations on those defendants remaining in pretrial custody. Release alternatives are developed through contractual agreements between defendants, relevant social services agencies and the CVC Program.

Substance abuse and family counseling programs are generally available for immediate placements, which are handled in the absence of nationally standardized testing and diagnostic procedures. Persons who are unemployed and/or have no place to stay are the most difficult to place. The program staff are responsible for developing release program workups, investigations, verifications, placement, and supervision of felony defendants who are not eligible for unsecured recognizance release.

**4. Data Collection Unit.** The Data Collection Unit systematically records and tracks all pending cases for the purpose of providing a management information system for case monitoring. This system also provides the data base for developing program statistics for evaluation and accountability reports. Its other function is to maintain communication with felony defendants released on a nonfinancial basis. In addition to establishing and maintaining contact, the information system provides accurate information to defendants regarding future court dates. A misdemeanor defendant contact system was discontinued in 1981 after an outside evaluation determined the program was unnecessary. However, the case tracking system that monitors court appearances and pretrial rearrest continues to track all defendants. Another function of the information system is to maintain statistics on agreement rates between CVC and the court.

**5. Volunteer Unit.** In order to maintain all of its services, CVC recruits, screens, trains, and supervises qualified volunteers to supplement staff activities and provides additional services that would otherwise be unavailable to the court and to the public. Another benefit of this activity is to increase the amount and quality of communication between the community and the criminal justice system (Lindauer & Cooper, 1982).

**6. Administrative Unit.** The Administrative Unit consists of the director, deputy director, pretrial program coordinator, and a clerk typist—all county employees. It is their responsibility to coordinate and maintain pretrial services, establish and monitor departmental policies, reduce jail overcrowding through planning and program development, and coordinate planning with the principal city and county decision makers. They do this by formal participation on criminal justice Advisory Boards and working committees, e.g., Justice Systems Policy Board for the automated management information system, and by informally maintaining working relationships with key officials. It is also their responsibility to review and evaluate the impact of the department's services on the community and on the criminal justice system.

The Advisory Board has not met formally in over 2 years. Its main impact was felt at the inception of the release program. Advisory Board members are still active in smaller criminal justice committees.

#### Impacts

In a study recently completed by CVC, the felony population released in four different months (February, May, August, and November 1981) was examined. A total of 1,117 defendants were released, including 834 ROR releases. Thirty-one FTA warrants were issued for those released ROR for an FTA rate (as defined by court appearances) of 3.7 percent. An additional 152 defendants were released on ROR to CVC (supervised release). Eleven FTA warrants were issued for this group, yielding a 7.2 percent FTA rate. A total of 976 defendants were released by nonfinancial means with a combined FTA rate of 4.2 percent. This compares to the 7.2 percent FTA rate of those released on financial bond.

Recent figures on 686 defendants released to CVC indicated that there were 38 rearrests (allegations for pretrial crime) for a 5.5 percent rearrest rate. Approximately 4 percent were actually convicted. In 78 cases (11.37%), supervised release was revoked for technical violations of release conditions at the suggestion of CVC. About 13 percent of the entire supervised release population had warrants issued during pretrial release. CVC views itself as "successful" about 81.5 percent of the time and "unsuccessful" about 18.5 percent of the time. These rates compare favorably with the pretrial performance of those who post bond.

Interestingly, about 4 percent of the alleged felons who are detained are convicted of pretrial crime (rape, destruction of property, setting fires, etc.) while in custody. This is approximately the same rate of conviction for felons who are released on supervision to CVC from the county jail.

For October of 1982 the agreement rate between CVC and the judiciary on a total of 407 felony case recommendations was as follows. On those cases where CVC recommended ROR release, 9 percent had money bond set, 3 percent were released to CVC and 88 percent were released by the court or to a third party. When CVC recommended supervised release, 20 percent were released ROR, 72 percent were released to CVC and 8 percent had money bail set. In the

few cases where no recommendation for release was made (98% of all eligible felony defendants are interviewed), the judges granted ROR releases to 17 percent and 83 percent had bond set. If CVC recommended against nonfinancial release, 9 percent were ROR'd, 4 percent received supervised release and 87 percent had bond set.

From January to November 1982, 2,700 misdemeanants were seen at the prebooking trailer at the county jail and 5,358 were processed at City Court. Across all misdemeanor cases, 38 percent of the defendants were released out of the total number of cases presented. This represented 51.8 percent who were eligible for release. Fifty-five percent were eligible but did not post bond. Some defendants bail out within 5 to 15 minutes before CVC can interview them. Composite figures showed a slight increase for the month of November--43, 59, and 62 percent, respectively.

In response to alleged felonies committed by a person 24 hours after being released pretrial, data were kept on all armed robbers passing through the system. This demonstrates CVC's willingness to examine its own release practices as well as being responsive to community information needs.

In addition to an examination of the program statistics, the impacts of central intake in Pima County can also be inferred by the conclusions of criminal justice officials during interviews in which the focus of discussion was on central intake as it is managed and conducted by CVC. The following list is merely a summary of individual perceptions as they were expressed to the research site visit team in the summer of 1981. It does not represent a consensus opinion.

#### Perceived strengths of CVC,

- Value of CVC is in its ability to consolidate information and services.
- CVC attempts to make an objective and valid determination of probability of reappearance if ROR'd.
- CVC has been the most instrumental agency in assisting judges in determining release eligibility and in making release decisions.
- Over time CVC has established its integrity with the criminal justice system and has positively impacted the jail overcrowding situation.
- Central intake (CVC) is increasingly cost effective especially in light of recent law suits.
- CVC is good for providing a place to calm arrestees before releasing them.

- CVC has become a buffer for police in terms of avoiding vicarious liability suits because it is immune as an arm of the court.
- CVC provides a much needed supervised release program.
- CVC initiates and maintains interagency cooperation among Tucson criminal justice agencies and the community.
- CVC demonstrates great professionalism and credibility with court and defendants. CVC stays with cases even after initial screening.

#### Perceived weaknesses of CVC.

- CVC does act, on occasion, as attorneys on behalf of its clients. Staff members are not supposed to go to court on its motion--not licensed to practice law.
- Inadequate checking of priors before recommendations are made. This is not always CVC's fault since the information it sometimes receives is incomplete.
- It is too easy to acquire three points necessary for release on CVC's point scale.
- City is opposed to CVC's misdemeanor release program. Field citations should eliminate need for expensive prebooking release.
- CVC releases defendants who return to the community and commit serious crimes.
- If sufficient jail space existed, there would be no need for CVC.
- CVC may be a low funding priority because it is behind in improving and updating its procedures. May be hurt rather than helped by being part of the court rather than an independent agency.
- Volunteers interview felons; staff do misdemeanants, CVC does not have a professional image and is viewed as an unrealistic, empire building effort.
- CVC should become involved with diagnostics and direct placements of defendants.

The site visit team saw evidence of most of the positive contributions attributed to CVC by criminal justice officials. Although a comprehensive automated management information system was being developed by the Prosecutor's Office, the manual case tracking system maintained by CVC still appears to provide the most complete and reliable data on individual dispositions. We base this observation on our attempted use of police and court data, which were not consistent with one another or entirely consistent within its own files. Spot checks of CVC's system showed virtually 100 percent accuracy, the only error detected being one of omission. We agree with the observation expressed, however, that in the long-term, an automated system should provide a more efficient and higher quality data resource. The other functions of central intake appear to be functioning well and, except for individual concerns, are generally well accepted. One of the biggest psychological problems facing the central intake unit was to change its image from a defendant-advocate to a community-advocate function and it has largely accomplished this image change. The unit is particularly diligent about notifying the court when defendants do not comply with the conditions of their release, evidence of their effective tracking capabilities as well as monitoring functions. A random selection of 34 instances of disagreement between CVC recommendations and judicial action over a 2-year period showed that exactly one-half of them resulted in unrecommended release (and one-half in unrecommended detention). There is no way to determine how successful these detainees may have been (although subsequent release was secured through cash bail or dismissal of charges for 11 of the 17), but the FTA rate for the 17 released was unusually high at 65 percent. The study team concurred with the official who recommended additional diagnostics and a more active role in the placement of defendants. The diagnostics would also be helpful in making jail classification recommendations, a function that is now entirely outside of central intake's responsibility. Given the ruling on an inmate suit vis-a-vis separation of the mentally ill, increased diagnostic capability and wider use of intake information seems advisable.

The Pima County Central Intake Program is an example of a program that grew out of a small LEAA grant that put volunteers in the jails to assist detainees in securing nonfinancial release to one that functions as a valuable agency of the court throughout all aspects of the postarrest/pretrial process.

LEGEND: PIMA COUNTY CENTRAL INTAKE SYSTEM  
(See Figure 9, transparent overlay, back cover)

3. Arrest options available to Pima County sheriff's officers and the Tucson Police include a special program for domestic violence and alcohol rehabilitation.
4. Field citation--police have authority to cite almost all misdemeanor offenses.
6. Prebooking Release--at a trailer adjacent to the jail, CVC takes over misdemeanor arrestees not cited to determine release eligibility.
7. After receiving limited booking information on felony arrestees, the CVC staff interview all felony defendants in the jail.
- 10.-15. The Felony Release Unit interviews felons detained pretrial using a release questionnaire, health services form, and a financial statement for indigency. All information is verified. Copies of felony information are sent to the county and defense attorneys.
- 16.-19. CVC makes recommendations to the court concerning OR, supervised release and bail amounts.
- 20.,24.,25. The CVC Case Review Unit reviews all felony cases remaining in pretrial detention beyond initial appearance. It continues to provide information for subsequent bond reduction and release hearings.
26. The Case Review Unit is also responsible for placements and supervision for those not eligible for unsecured recognizance release.

Central Intake Administration

CVC coordinates and administers CI activities under the direction of the Pima County Superior Court. Periodic review was conducted by an Advisory Committee when release policies were first implemented.

Interagency Cooperative Agreements

**Community resources.** Includes substance abuse counseling, family counseling and employment assistance. Most importantly, the community provides volunteers to augment CVC staff.

**Law enforcement.** Tucson police rely on CVC to assume responsibility for misdemeanor arrestees at the prebooking trailer. CVC also tracks felony defendants following booking for the sheriff's department.

**Courts.** CVC is most closely aligned with the Superior Court who has given CVC release authority for misdemeanants and relies on CVC for felony information concerning release eligibility, placements, and indigency determination.

**Corrections.** CVC monitors jail populations and provides initial health screening information on those detained after first appearance.

## SALT LAKE COUNTY

### History and Setting

The origins of the central intake system in Salt Lake County date to 1972 when the local judges instituted an information gathering unit to provide information to the court at bond hearing and later, about release. This program was established as a pretrial own recognizance program and was funded as a nonprofit corporation by the state and the Salt Lake City Corporation. In September of 1974, the county was designated by LEAA as a Des Moines Community Correction Program replication site. By accepting this grant, the county was charged with developing pretrial and posttrial alternatives to incarceration. The previous OR program was integrated into the new, LEAA-sponsored project. As a result of the replication grant, a new department, the Salt Lake County Department of Court Services, was created and charged with running several community corrections programs. These included the absorption of the city OR release program, supervised release program (pretrial services), and the creation of a halfway house for residential rehabilitation. When federal funding for the Des Moines project ran out, the halfway house was closed. In 1976, the County Attorney's Office began an LEAA TASC (Treatment Alternatives to Street Crime) program which was later transferred to the Pretrial Services (PTS) Division until the grant expired.

Prior to the termination of the LEAA grants, the chair of the county commission invited representatives from the National Association of Counties to review corrections in Salt Lake County. Recommendations were made to consolidate the OR and supervised release programs to establish a screening agency which would be responsive to criminal justice and social services agencies. This merger was accomplished in 1976, and in 1978 became known as PTS which was located administratively in the Human Services Department ("Salt Lake County Auditor's Report," 1978). In 1977, a Judicial Advisory Board for Pretrial Services was established that later (1979) formalized pretrial information collection, release, supervision, and referral authorization by administrative order (Salt Lake County PTS Division, 1982). PTS continues to be an active force in the criminal justice system and has been the impetus for many large-scale changes that have resulted in a model central intake system. The context in which these changes have occurred is discussed below.

Salt Lake County is the center of Utah's government, industry, education, and religion and is the most densely populated area of the state. Census figures indicate that the county has grown from 525,187 in 1976 to 619,066 in 1980. Much of this rapid growth can be attributed to population increases in suburban areas such as Sandy City and Murray. Factors leading to increases in population are the relative stability of the community, the proposed large-scale energy and military projects for the region and the abundant vacation and tourist areas. A small portion of the increase can be attributed to an influx of immigrants sponsored by the Mormon Church.

As a result of both the rapid population growth and the changing economic climate, the crime rate in Salt Lake County has continued to rise. Between 1979 and 1980, there was an overall increase in Part 1 offenses of 4.5 percent. In the same time period, jail bookings decreased by 12.6 percent. However, current bookings continued to approach the high reached in 1979. There was a 1.6 percent increase in 1981, bringing total bookings to 19,042. This change occurred despite the increased use of alternatives and a perceived leveling off of the crime rate toward the end of 1981.

In response to the increased demands on the Salt Lake County criminal justice system, a master plan for county corrections was funded in 1979. In their final report, the consultants (Facility Sciences Corporation) noted that the most pressing problem facing the county was the overcrowded facilities at the county jail. The jail had, at that time, a capacity of 311 inmates. During the 12-month period of the study (May 1979 to April 1980), the jail capacity was exceeded 82.5 percent of the time (301 days). Furthermore, the population had gone over 420 inmates on certain days. The problem was viewed as even worse than the figures indicated since the recently adopted standards for jail space would lower the actual capacity. Staff tenure, health care facilities, lighting, etc. were also considered inadequate ("Corrections System Master Plan," 1980). The final report recommended construction of new correctional facilities, maintenance of existing pretrial alternatives to incarceration, and the exploration of possible sentencing alternatives other than jail. As a result of these recommendations, additional changes in the Salt Lake system were implemented and additional CI characteristics became apparent.

#### Salt Lake County Central Intake System

Central intake, as implemented in Salt Lake County, consists of several key groups—PTS Division, Judicial Advisory Board, and Criminal Justice Advisory Council. These groups and their functions have evolved over a 10-year period and have had significant impacts on the entire criminal justice system. The CI processes undertaken by each group are described below.

**PTS.** Pretrial services functions regarding release and provision of verified information on misdemeanor charged defendants are directed at the Justice of the Peace and Circuit Courts; felony charged defendant information is provided primarily to the Circuit and finally to the District Courts. In cooperation with the jail and sheriff's department personnel, PTS screens the majority of defendants who enter the criminal justice system through the arrest process. Records on PTS clients have been computerized to assist in defendant tracking and to establish, in the case of a rearrest, if previous cooperation had been received. Individuals who have not previously complied with release conditions are not generally recommended for release. In 1981, PTS interviewed 14,744 or 91.6 percent of all defendants eligible for interviewing. Information gathered by PTS can be used in the following ways.

**Nonbooking release.** In April of 1980, a new program was introduced in an attempt to reduce jail overcrowding by routing certain arrestees through a

nonbooking release (NBR) procedure implemented at the jail. Those arrested for circuit and county traffic offenses (except DUI and hit-and-run), circuit traffic warrants, and qualifying circuit and county misdemeanors are screened for NBR eligibility. If the arrested individual can post cash bail or if the eligibility requirements for release as determined by a point scale including a criminal history check are met, an own recognizance release can be obtained without entering the normal jail booking process. When the arrestee is released, the PTS screeners assign a court date, time and location according to a prearranged court schedule. Those who do not qualify for NBR, effectively a stationhouse release from the county jail, then enter the normal booking process. In its first 7 months of operation, the NBR program was responsible for 605 releases—for 1981, the number was 1,063, a 2.5 percent increase in rate from 1980-1981.

Those released by NBR successfully completed 91.9 percent of all their scheduled court appearances for an 8.1 percent failure-to-appear rate.\* No data were available for calculations of recidivism or rearrest rate.

At the same time the NBR process was implemented, emphasis was placed on the increased use of field citations by arresting officers from both the sheriff's and police departments for traffic and certain kinds of misdemeanor offenses (Salt Lake County PTS Division, 1981, 1982). Other changes such as the revision of the state statute regarding public intoxication and the opening of a new detoxification center were also responsible for an overall decrease in bookings from 1979 to 1980. Despite the continued use of these arrest and booking alternatives, the booking rate continued to rise through the end of 1981.

**OR release.** For those ineligible for NBR or other forms of release, booking into the jail is the next step. Arrestees can volunteer to be interviewed by a pretrial screener as part of the booking process in one of two offices in the jail. Pretrial screeners (2) are on duty 24 hours a day, 7 days a week. Defendant qualifications for release are determined by a point scale. After interview information is verified, points are assigned in the categories of legal involvement, residence, phone, employment/education, and local ties. The total number of points that can be accumulated is 13. A score of 1 does not qualify the defendant for release; 2-3 points merits discretionary release by the screeners and 4 or more points insures mandatory release except in cases where screener discretion indicates otherwise (see Bench & Baak, 1980). The reason for such exceptions must be recorded on the interview form. According to a recent report issued by PTS . . .

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\*PTS defines an FTA as a pretrial services action of closing a case because the appearance of an individual in court regardless of the reason has not been secured. By calculating FTA rates in this manner, a comparison is made between the total number of cases closed and the number of cases closed because of "willful FTA." This method of calculation produces a relatively higher percentage figure than using a comparison based on all releases during a given time period regardless of their open or closed status (Salt Lake County PTS Division, 1982).

While the point scale is constructed with a built-in "presumption for release," the screeners are delegated significant responsibility and discretion to make exceptions to the general rule, and thus to deny release for those who present appearance or safety risks beyond Pre-Trial Service's supervision ability. (Salt Lake County PTS Division, 1982, pp. 5-6)

Those defendants who qualify are then released by the judicial authority of the Third District Court, the Fifth Circuit Court and Salt Lake County Precinct Courts. The pretrial services agency then becomes responsible for insuring their appearance at future court dates and for compliance with release conditions.

Misdemeanor offenders are eligible for own recognizance release following the screening interview, verification of information, assessment of points and assignment of court dates. In 1981, out of a total of 4,356 closed cases, 394 or 9.04 percent were classified as willful FTAs (Salt Lake County PTS Division, 1982).

**Supervised release.** For more serious misdemeanor and all felony offenses, a slightly different procedure is followed by the PTS screener. For misdemeanants with treatment needs or those probation cases with a new misdemeanor arrest, the screening, interview information, verification and point assessment is followed by contact with a judge for release authorization. This is usually conducted by telephone with the judge that is on call during times when the court is closed. For some cases, a follow-up interview is conducted by a PTS screener to obtain more detailed information and additional verification. At this time, the screener may also recommend some form of treatment and the Prosecutor's (County Attorney's) Office may be contacted if appropriate. The screening supervisor takes the original interview and screener recommendation into court. For supervised releases, the release authority remains with the court. PTS's duties include supervising the defendant, making sure the conditions of release are met, informing the court of any changes of circumstances about the case and providing updated information.

Individuals released on supervised conditions must report immediately or as soon as the office opens to the PTS agency. There a counselor meets with the client and reviews the conditions of release. These conditions vary depending on the counselor's determination, via a social history and problem assessment, of the amount of structure needed by the client. Referrals to community agencies for alcohol, drug, mental health treatment or employment assistance can be made if necessary. PTS counselors monitor scheduled court appearances for their clients, often accompanying them through the criminal justice processing stages to final adjudication and tracking their treatment referrals. Part of the success of the supervised release program can be attributed to the working relationships developed by PTS with the community services agencies. PTS provides them with numerous clients, usually making placements within a day for both misdemeanants and felons. This arrangement was fostered in part by the previous TASC program. In 1981, around 1,320 referrals were made for 1,000 clients to about 30 different community services agencies.

In 1981, for felony supervised release, 755 cases were closed with a 6.3 percent willful FTA rate. PTS closed 877 misdemeanor supervised release cases (primarily FTA bench warrants) with an FTA rate of 17.8 percent, prompting elimination of this release category. Supervised releases accounted for 4.4 percent of those interviewed and had a combined rearrest rate of 3.3 percent.

**System information interviews.** PTS also provides information to the courts and other criminal justice agencies as well as to defendants for setting or reduction of bond, indigency determination, and for provision of general information. The courts requested such information from PTS interviews on 17,408 defendants in 1981 (Salt Lake County PTS Division, 1982). Defendants included those with county warrants for arrest for FTA, bench warrants for traffic and misdemeanor offenses, new felony arrests on probation cases, District Court bench warrants, warrant for arrest and holds, and probation and parole violations.

**Nonrelease activities.** In these instances, the defendant is assisted as necessary and no paperwork is completed. These defendants include the following offenses: federal (military and immigration), in transit, Salt Lake City Circuit Public Intoxification and Commitment.

Currently, the Jail Mental Health Unit, the Legal Defender's Association social worker, the jail correctional staff, and PTS staff have been working together on matters relating to emotionally distressed inmates. Many public health system referrals are now taking place in the jail prior to release, through the mental health unit. All the involved criminal justice agencies practice "early warning" identification and mutual referral.

**Judicial Advisory Board.** This board, created in 1977, serves as a forum for policy discussion and as a basis for developing change in PTS services to the criminal justice system. Members of the board represent key criminal justice agencies: the presiding and criminal judges from the Third Judicial District, the presiding and a representative judge from the Fifth Judicial Circuit, the presiding and a representative justice from the County Precinct Courts, the Salt Lake County attorney and the chief deputy from the Justice Division, the Salt Lake County sheriff and jail commander and the chief legal defender. This committee also serves as a liaison between PTS and county government. This relationship seems particularly valuable at budget time. In a recent round of budget hearings, members of the Judicial Advisory Board approached the county commissioners\* for additional appropriations for PTS so that services to the courts would not have to be cut back or reduced. Although the PTS budget allocation was still less than requested, the impact was limited to the reduction of the research specialist position, a counselor (misdemeanant warrants), and a secretary, rather than major service cutbacks.

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\*Salt Lake County Commissioners (3) are elected in staggered 2- and 4-year terms. The 1981 budget process was hampered by the fact that this was the first budget process for all three--two elected in 1980 and one recently appointed because of a resignation.

The board has also been involved in implementing plans to reduce jail overcrowding and has become a forum for discussing policies/procedures relating to the implementation and cessation of a pretrial diversion program. Following the passage of a state diversion statute, a program was begun by the County Attorney's Office. This office screened eligible arrestees and then sent a list of proposed candidates to PTS for additional screening. PTS made recommendations for treatment, counseling, or service and administered the client supervision. The program was discontinued officially after 1 year because of the expense of maintaining additional diversion counselors at PTS.

Although the Advisory Board meets formally on a monthly basis, communication remains open between board members and the director of PTS. Contact is maintained with individual members and information is shared without regard to individual territories.

Criminal Justice Advisory Council. As a result of the jail overcrowding problem and the need for long-term criminal justice planning, the Salt Lake County commissioners approved funding for the previously mentioned criminal justice master plan. One of the recommendations contained in that report emphasized the need for committees to be formed to investigate current problems and policy issues within the jurisdiction. As a result of this recommendation, two committees were formed: the Jail Implementation Committee and the Advocacy for Alternatives to Incarceration Committee.

The Jail Implementation Committee was composed of the chairperson of the Salt Lake County Commission, the presiding judge of the Fifth Circuit Court, mayor, Salt Lake City, Salt Lake County attorney, Salt Lake County sheriff, Utah state representative, three business persons, an attorney, the commissioner of West Valley City and a representative from South Valley Association of Community Counsels. Members of the committee were charged with developing plans for determining the size, budget, funding mechanisms, site, staffing, structure, and feasibility for both a new minimum/medium security facility and for remodeling the existing county jail. This committee approved a plan to remodel the existing facility to increase jail capacity by 110. The new addition, planned by a private firm, was designed to house all women, both maximum and minimum security, and all minimum security men. At the time the contract was let, the County Engineering Department estimated cost at \$800,000; however, cost midway through construction had escalated to \$1,599,623.50 and time to completion had doubled. In order to lessen further costs, security hardware had been downgraded, and changes were made on which jail personnel were not consulted.\*

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\*This committee was also involved in the consideration of building a new maximum security facility on the property known as Decker Lake. This plan was abandoned and the property was sold to help defray the cost of the new jail addition. Various estimates from criminal justice personnel indicate that the new addition will only be a temporary "bandaid" for the jail overcrowding problem.

The Alternatives Committee also contained members from the judiciary (including a judge that served as a liaison between the two committees), the director of PTS, staff from Human Services, a representative from a community services agency, and business persons. The primary objectives of this committee were to relieve overcrowding in the jail and find alternatives to incarceration. Initially, the following alternatives were investigated: field citations, stationhouse citations, 10 percent public bail bond, county halfway houses for work release, alternatives to booking for DUIs, eliminating state prison inmates from the jail population, community service restitution and sentencing, judicial sentencing guidelines and house detention commitments. In its final report to the county commission, the following recommendations were made: implementation of a community service restitution program, implementation of a citation release program, and the review of class "A" misdemeanor jail commitments for parole. The Criminal Justice Advisory Council (see below) was charged with monitoring implementation of the programs, and to further develop strategies to reduce the jail population including Grand Jury, night court, 10 percent bail, and halfway house programs.

These alternatives were aimed at the targeted populations of sentenced felons, sentenced misdemeanants, holds, and part-timers. A variety of other alternatives including house arrest were also considered. The committee forwarded their recommendations to the commissioners.

Both committees were active for approximately 6 months, meeting on a weekly/biweekly basis. Because of the information generated and the questions raised, a standing committee, requested by the chief commissioner, was formed by merging the two previous committees. This new committee was designated as the Criminal Justice Advisory Council (CJAC). CJAC will continue to investigate both the jail situation and alternatives to incarceration.

#### Impacts

Despite the already extensive use of pretrial release, the consideration of the feasibility of such programs as community service restitution and 10 percent bail, the Salt Lake County criminal justice system is still facing problems centering around the jail. In the 1981 PTS report, the director notes that the system's response to increased volume, brought about by population growth, is to identify more difficult types of offenders. Even though more defendants are being released from jail prior to trial, the jail population continues to increase to well over 400 a day. Given the old jail capacity of 311 plus the addition of 110 spaces in the new addition, overcrowding will continue to be a systemwide problem.

Two decreases were also noted: in those eligible for OR and felony defendants for supervised release. Recent data indicate that more defendants with FTAs or without stable residence or community ties are being booked and that some felony offenders are considered too risky for release even by professional bonding agencies. The PTS program director speculated:

. . . that there are more emotional problems, more violent behavior, more desperation, less money, more unemployment, and less familial support among this population than ever before. That is further compounded by inadequate jail capacity and a constantly shrinking social services availability in our community. (Salt Lake County PTS Division, 1982)

Other program impacts can be related to technology transfer. For 2 years PTS has retained a subcontract with Summit County (Park City) to facilitate release and supervise defendants who fall under the jurisdiction of the Fifth Circuit Court and the Summit County Justices of the Peace. Through telephone contact and case supervision, the county experienced a net savings due to the number of jail days saved. Although the number of cases handled remains small but is gradually increasing, Salt Lake County PTS will be in an excellent position to provide technical assistance to other Utah counties if a statewide pretrial services system is implemented. In addition, under the auspices of an LEAA grant, a research study aimed at an assessment of failure-to-appear rates and factors affecting them was launched. Data on approximately 6,600 defendants processed through the system were collected over a 6-month period. Extensive demographic data on the defendant, time spent in the system, charges, etc. were collected. Unfortunately, because of a lack of funds, data analysis had to be discontinued. However, continued analysis may provide an in-depth picture of defendants, FTA and rearrest rates that impact entire criminal justice systems.

PTS maintains records on the jail population and its own clients. Monthly and quarterly reports are disseminated by the assistant director. In addition, a manual cost accounting system for program, pretrial crime, and court appearance costs has been implemented. The system is based upon employee's time spent in various function areas. While the shortcomings of this approach have been recognized, the relative savings to the jail, courts, and community cannot be disputed. The widespread dissemination of defendant and cost-related information facilitate the activities of the Criminal Justice Advisory Council by providing a data base for policy decision and new program implementation.

During the course of the DRI site visits, various opinions were expressed toward PTS and its role in the Salt Lake County central intake system. While these opinions do not form a consensus, they do reflect the perceived strengths and weaknesses of PTS. In general, the strengths of the agency were seen as the ability of PTS to respond to criminal justice system needs and the professionalism of the agency. Perceived weaknesses were the agency's dependency on the judiciary's discontinuation of pretrial diversion and the relative cost of PTS to the county for some of the same services as offered by professional bonding agencies.

The site visit team was able to gather firsthand evidence of the successes of the PTS agency, the Judicial Advisory Board and the Criminal Justice Advisory Council. The personal commitment of the PTS Director, David Baak, and his administrative and professional staff and their professionalism brought praise from all who were interviewed. The one opponent to the centralization of criminal justice services under PTS appears to be the local bondspersons.

Originally they brought a law suit against PTS because of the amount of business they expected to lose. Though unsuccessful in their suit, they continue to appear in the media to complain about PTS's release policies. With the formation of the CJAC, it appears that the cooperation of and coordination among criminal justice agencies, the community and county government will continue. However, even with the implementation of additional alternatives to incarceration, it is expected that a new jail facility will have to be constructed within a few years.

LEGEND: SALT LAKE COUNTY CENTRAL INTAKE SYSTEM  
(See Figure 10, transparent overlay, back cover)

Pretrial Release Decision System

2. Alternatives to arrest--transportation to the local community detoxification center.
3. Arrest options--limited use of field citations and . . .
5. Nonbooking release--criminal history check at window in jail; if no hold, then release OR.
- 6.,7. Booking--at the main jail in Salt Lake City.
8. Release Alternatives--precourt OR release process begins.
9. Automatic Bond Schedule--used for misdemeanor offenses and some lower classes of felonies.
- 10.-15a. Pretrial Processing--by PTS can release OR qualifying misdemeanants; must contact judge prior to releasing felons. An objective point scale with screener discretion is employed. An additional interview is conducted sometimes for felons.
- 16.-18. Court Processing--usually recommend supervision for felons and can impose a variety of other release conditions.
- 20., 23., 24. Pretrial Detention--mental health services, including a suicide watch are available to defendants. At any time during pretrial detention, the court can reconsider new information or review cases in light of overcrowded conditions.
26. Releasees--a tracking unit has responsibility for locating those that have missed a court appearance.

Central Intake Administration

CI activities are administered by PTS and the planning and system problem solving functions are coordinated by the Judicial Advisory Board (for pretrial operations) and the Criminal Justice Advisory Council.

Interagency Cooperative Agreements

**Community referral agencies.** Provide alternatives to incarceration at arrest, for supervised releasees and for treatment options during detention.

**Law enforcement.** Officers have arrest options, utilize field citations and nonbooking release options. The sheriff's department also operates the jail and controls the flow of defendants through the jail.

**Courts.** All courts cooperate in the early release of defendants and are open to release reconsideration throughout the pretrial process.

**Corrections.** The jail commander coordinates services for all those incarcerated in the jail and develops plans in conjunction with the courts and PTS for overcrowded conditions.

## SAN MATEO COUNTY

### History and Setting

The selection of the San Mateo ROR project as a CI site was made initially because of the project's involvement in pretrial jail classification and its long-term operation. However, further investigations revealed that San Mateo represented an exemplary site in many aspects.

Begun in 1969-70 as a Vista volunteer project under the direction of the local bar association, release on recognizance was viewed as part of the early criminal justice reform movement. The bar association noted that the credentials of the project were not up to the standards expected by the local judiciary and so took charge of the volunteer program. The chair of the bar's OR committee organized a Steering Committee of representatives of all branches of the criminal justice system including members from the Superior Court, Northern, and Southern Municipal Courts, sheriff's department, and representatives from the private sector. This board set the criteria for the project and was responsible for overseeing its operations. Its major concern was the credibility of the release recommendations. There were two primary issues involved--the return to court of those not placed on bail and the development of reliable criteria for release determination. Initially, obtaining county funding and battling local bonding agencies were the biggest problems. Both were overcome in about 2 years.

When the OR project was designed, it contained a built-in feedback loop. The planners and policy makers were those who actually used the system. In 1971-72, a director and full-time staff members were hired and the project was run as a private, nonprofit division of the bar association under contract to the county. The project was selected as a Des Moines replication site and supervised release was incorporated into the county OR program. In 1978, the project participated in a classification program sponsored by the Criminal Justice Council and became the first such project to provide jail housing recommendations for all persons booked into the county jail.

The main county jail, located in Redwood City, was constructed in 1958, expanded in 1972, and remodeled in 1981 to accommodate classification, OR, and booking procedures. The recommended capacity is 250; however, ADP has been as high as 380 in 1982. A women's facility, opened in 1980, has a rated capacity of 71 and its ADP has been running between 40 and 70. The county also maintains a work camp facility in the country, about an hour's drive from the city. This converted Boy Scout camp can accommodate about 112 minimum/medium security prisoners. Classes and therapy are offered. Work assignments include road maintenance and running fire crews. A medium security facility with a capacity of 93 was opened in May 1981. The ADP for this facility has been on the increase, averaging 42 for 1981; for the first three quarters of 1982, 66; and a high of 83 in September 1982. An additional work furlough program is used for minimum security prisoners and can accommodate 96--60 from the county and 20 from the state (by contract). By order of the Superior Court, all prisoners sentenced to 15 days or less, can participate in a work furlough program on

weekends. They report to the jail Saturday morning and do community work such as maintain city parks. Previous efforts at using the main jail for weekend sentences have been discontinued because of security problems and the amounts of contraband brought into the jail.

Jails throughout the state are expected to be affected by recent legislative changes requiring mandatory sentences for certain offenses, such as a 48-hour jail term for a second drunk driving charge. Also, on June 8, 1982, California voters approved three propositions aimed at reducing criminal violence. Proposition 1 included a \$495 million bond issue for new prison construction. Proposition 4, passing by the widest margin, amends the previous bail provisions of the state constitution, permitting judges to deny bail to felony defendants who pose a threat to public safety where there was "clear and convincing" evidence. Proposition 8, also known as the "Crime Victim's Bill of Rights" requires offenders to pay restitution to their victims; allows use of all relevant evidence in trial regardless of how it was obtained; restricts the use of plea bargaining for drunk driving and other serious offenses; makes public safety the chief criteria for bail determination and requires a judicial reason for the granting of bail; allows victims to testify at sentencing and parole hearings; requires judges who grant probation to state if the offender is a risk to public safety; and adds 5 years additional imprisonment time for each previous felony offense on a defendant's record ("California voters," 1982; "Californians vote," 1982).

Since Proposition 4 was approved by the largest percentage of voters (83% as opposed to 56% for Proposition 8), most courts are following the provisions of Proposition 4 where the amendments conflict. According to the July 1982 Pretrial Reporter:

The viability of Proposition 8 has been further questioned by wide speculation that it will be held unconstitutional on the grounds that it violates the "single-subject" requirement which mandates that all the parts of an initiative "are reasonably germane to each other," according to a recent California State Supreme Court decision. Opponents have argued that, for example, the "right to safe schools" contained in one provision of Proposition 8 is not "reasonably germane" to a change in the insanity defense, which is another part of the initiative.

A case has already been filed with the California Supreme Court to challenge the constitutionality of the amendment. However, the court declined to stay the order and the initiative is being implemented in some jurisdictions.

The county government is located in Redwood City, a predominately urban area about 30 miles south of San Francisco. The county itself is split into two judicial districts--the northern and southern. The northern district is viewed as being very conservative while the southern district is seen as being more liberal. The county criminal justice system has been in the local and national spotlight several times as the jail in which Patty Hearst was held and also as the place of the first trial of a defendant accused of murdering a California state police officer and receiving the death penalty.

One of the problems recognized as on the increase in the criminal justice system was the number of violent incidents occurring among those housed in the county jail. In an attempt to eliminate the problem, a joint classification program by the sheriff's department and the ROR project was begun. This represents just one example of the adaptability of the local system and the degree of cooperation existing among criminal justice agencies. Further investigation revealed that past problems had been resolved in a similar manner. As the DRI investigation continued, evidence of a CI system became apparent throughout the criminal justice community.

#### San Mateo County Central Intake System

The central intake system in this jurisdiction is the result of the continued collaboration and cooperation of several key agencies--the ROR project, the sheriff's department, the Policy Committee, and the local bar association. Over a 12-year period, these groups have been responsible for implementing and maintaining a model central intake system that has successfully overcome many of the criminal justice problems which continue to plague other less adaptable jurisdictions.

Release on Own Recognizance Project. The project serves as a central information gathering agency for two criminal justice consumers--the criminal defendants themselves and the various criminal justice agencies which must make decisions regarding the defendants. These groups include the Municipal and Superior Courts, the Sheriff's Office, the District Attorney's Office, Private Defender Program and the Probation Department (Newman, 1980).

For nonviolent misdemeanor cases being booked into the jail, the ROR project is responsible for interviewing and verifying defendant information and determining release eligibility prior to arraignment. The sheriff virtually always issues a jail OR release on the pretrial staff member's recommendation. In order to override the ROR recommendation, the sheriff has to fill out a form showing why the defendant is being detained. A point scale is used with the emphasis placed on fugitivity, the only factor that can be considered in denying release by law. Use of a point scale is justified because it keeps a pretrial interviewer from exercising discretionary "contempt of me"--allowing any objectionable or rude behavior on the part of the defendant to influence to a large extent the release recommendation. The only qualification for the release of nonviolent misdemeanants is that the defendants be residents of California. If a defendant does not have sufficient community ties for OR release, the project will call out of state. Its commitment to accurate verification is evidenced by its purchase of a flat, long distance telephone rate system. The project also provides defendant services by recommending release for those who qualify at arraignment, providing an appropriate housing classification for defendants remaining in custody, giving financial information to the courts regarding indigency determination and, where appropriate, brokers services through community agencies. The privacy and confidentiality of defendant responses is protected by intentionally forgetting to read the Miranda rights to the defendant so that the information cannot be subpoenaed.

A computer terminal, a gift from the sheriff, has been installed in the ROR office that reports the booking records from the Sheriff's Office. The project staff still keep manual records on booking, court appearances, etc., because of errors on the computerized lists. One problem is that the computer maintains separate records for every event booked. A recently reported 30 percent increase in bookings is the result of counting events rather than people. The number of persons actually booked has increased slightly and the number in custody has risen. The project uses the computer to check ID numbers, reason in custody, and time of booking, in order to prepare its list of clients for court. It serves as a check for new names that may need to be interviewed before that day's court calendar begins.

If a defendant is conditionally OR'd, the supervised release case worker checks in the jail after lunch each day and gives out his card with his phone number and defendant's court date on it. He emphasizes that defendants must call in between 9 a.m. and 12 noon the next day and he then explains the conditions of the release. If they are working, address and phone number are verified, and contact once a week by phone and making all court appearances are required. If a defendant is not working, he or she may be required to come into the office and put more effort into their OR. They must make an appointment to come into the office the first week of release. Judges can also add conditions such as calling in every day. The OR person checks on additional conditions. They vary--staying on medication, staying away from victims, avoiding witnesses, etc. Those released on supervised OR have been referred to 41 different community services agencies in six general categories: mental health, alcohol rehabilitation, drug rehabilitation, family counseling, emergency/survival, and general health. Every Friday, the case worker calls everyone who has a court date for Monday or Tuesday. He uses discretion on those who are called and those who need a second reminder. He also spends a day in the field by meeting clients in neighborhood coffee shops, etc. Lots of personal contact with those who are not working is maintained.

Courts. In relationship to the courts, the OR project helps in determining if a defendant can be released OR and if conditions should be placed on his or her release, the amount of bail to be set, and whether court appointed counsel should be provided. In general, the project's recommendations are followed by the Municipal Courts 78.4 percent of the time in regard to release. This rate dropped slightly during the first three quarters of 1982 to 76 percent. The Northern Court is less likely to follow release recommendations. The total number recommended for OR release in 1981 in this district was 484 with a total of 275 defendants released (56.8%). The comparative statistics for the Southern District were 694 released out of 767 recommendations (90.5%). Failure-to-appear is calculated on a case rather than appearance basis. Missing a scheduled court appearance is not classified as an FTA if the defendant is in custody or calls in shortly afterwards, and arranges to self-surrender to the court. For supervised release, both courts combined released 81.7 percent of those positively recommended (Southern, 292 out of 336 or 86.9%; Northern, 87 out of 129 or 67.4%) with an FTA rate of 7.9 percent and 9.2 percent, respectively. A slightly higher FTA rate was observed for those releases made by the judiciary against or without project recommendations. Interestingly, of the 129 FTA cases, 61 were

on misdemeanor charges and 68 were for felony offenses; 70 were released OR and 59 were released under supervision. The response to the project on the part of the municipal judges was generally very favorable in terms of project cost effectiveness, in guaranteeing the least restrictive alternative to incarceration and the credibility of the release recommendations. It was noted that this acceptance by the judiciary was a gradual process. Initially, the people associated with the project were viewed by some members of the judiciary as too young and idealistic and interested only in the number of releases they could effect. One complaint was that the project did not consider violence, which was a key issue with some of the judiciary, in regard to public safety. Judges in Municipal Court are also concerned with the rapidity in which defendants come to trial. If the defendant is in custody, case disposition is in 30 days--not in custody, 45 days. The average length of time between arrest to trial is about 75 days. Most cases are disposed of at a disposition hearing 16 days before the jury trial date.

In Superior Court, a total of 39 recommendations were made for OR release, with 26 or 66.7 percent granted. The FTA rate was 7.7 percent. For supervised release, 33 were recommended with 28 releases being made (84.8%) with a 10.7 percent FTA rate. Relatively little information is received from the OR project because relatively few felons are released OR at this level. Most felons are released OR by the Municipal Courts. The 28 Superior Court felony releases were initially denied release at the municipal level. However, the project is viewed as saving the local criminal justice system from collapse, as providing excellent summary data and client information, and not overrecommending release. If felony FTAs from Superior Court are caught, approximately 1 year is added to their sentence; otherwise, bail is forfeited. A problem currently facing the Superior Court has been the increase in criminal filings. Ninety-five appearances were recently scheduled in one 2-day period, the largest number in county history. There also has been a subsequent increase in the number of scheduled jury trials. Out of 36 defendants recently sentenced, 25 were sent to the state prison system and the remainder were sentenced to a full year in the county jail. On the day of arraignment in Superior Court, a trial date is set for within 60 days, and a pretrial conference in 3 weeks. Forty-four percent of the cases are decided at this point, reducing the total number of court appearances.

District Attorney's Office. The project has limited interaction with the district attorney, which usually takes place at arraignment. A verified criminal history of each defendant is provided when available.

Probation department. The ROR project assists probation in two ways. First, the project advises them when a defendant is booked into jail who is currently on probation. Second, they help probation officers write presentence investigation reports for those clients who have been on supervised releases.

The most extensive interactions occur between the ROR project, the sheriff's department and the local bar association. These relationships and their impacts on central intake are discussed below.

Sheriff's department. Because of the increase in criminal offenses and the continued threats of jail overcrowding, a strong liaison has been formed between the jail and the ROR project. Initially, ROR assists sheriff's officers in determining which defendants can be released by jail OR. In the course of their interview, they also make referrals and provide medical and mental health information to the jail medical staff. A nurse is retained around the clock and mental health professionals are on call. The local county hospital also maintains a jail section for criminal defendants. The remaining ROR functions deal with housing classification. In addition to determining OR release qualifications, the ROR interviewer will also make a classification recommendation based on a profile established in conjunction with the sheriff's department jail classification staff. In 1978 it was noted that a level of inmate vs. inmate violence had been steadily increasing to the point where one serious assault was taking place every week and one sexual assault took place every 65 days. Once the pretrial/sentenced jail classification program was begun, the most significant drop was in sexual assaults. There have only been three assaults in the 2-year period following classification implementation.

Following questions regarding defendants personal residence, employment, and criminal history, 15 jail classification questions are asked. They are:

1. Are you a civil prisoner?
2. Are you a juvenile?
3. Have you ever been incarcerated in a state prison or at CYA?\*
4. Have you ever cooperated with any law enforcement agency? If yes, do you feel it would cause you any trouble in this jail?
5. Have you ever been involved in any homosexual activity: (a) bisexual and/or (b) homosexual?
6. Have you ever been arrested for a crime of violence?
7. Have you ever been charged with a gun allegation or any other weapons charge?
8. Have you ever been charged with assault on a police officer?
9. Have you ever been in custody? If yes, while in custody, were you charged with disruptive behavior (a) with jail staff and/or (b) with other inmates?
10. Have you ever been charged with escape?
11. Have you ever attempted suicide?
12. Are you suffering from any medical or mental problems? If so, what are they?
13. Have you ever been or are you now addicted to heroin? Any other drug?
14. If current charge is 261 PC (rape), 288 PC (crimes against children) 647a PC (soliciting a lewd act), 273d PC (wife or child beating), what is the age of the alleged victim?
15. What is your height?

The pretrial investigator is also asked to determine on the basis of his or her observations whether the defendant was cooperative or not (Newman, 1980).

The first decision in housing recommendations centers on identification of those prone to violence. An in-house study done by the jail classification staff revealed that 80 percent of those committing an assault had a history of being in the state penal system. Fifty-three percent of those assaulted had no state prison history. Sexual assaults were viewed as more common by those with time in the state system because of the longer lengths of stay. Also, they needed a system that would classify the "exotics," either by virtue of their sexual preferences or because of being known as "snitches." Other classification criteria are race, ethnic group and size. On the basis of this information, defendants are recommended for one of eight classification categories:

1. Assaultive
  - a. to inmates
  - b. to staff
  - c. serious past history of assaults
2. Protective custody
  - a. by nature of the offense
  - b. dealings with law enforcement
  - c. dealings with jail staff
  - d. past history (e.g., ex-police officer)
3. Unsentenced, state or CYA history (blue)
  - a. served time in a state prison
  - b. served a sentence in the California Youth Authority
4. Unsentenced, all others (white)
  - a. probation violation (until sentenced)
5. Sentenced to the county jail with state prison or CYA history (red)
  - a. sentenced, en route to state prison
  - b. served sentence in state prison
  - c. served sentence in the CYA
6. Sentenced with county jail history only (orange)
7. Juveniles (green)
8. Civil prisoners (yellow)

The colors in parentheses refer not only to the numerical classification but also to a corresponding plastic wrist ID band. When defendants are placed into a tank or group cell, all the colors on their wrist bands should be identical. During any of the three daily jail counts, classification errors can be readily caught. Because there is no inherent value to any particular color, defendants have not attempted to alter their IDs. Information on the arm band is coded as the following:

- "B" (black)
- "W" (white)
- "M" (Mexican-American)
- "1" (persons up to 5'5" tall)
- "2" (persons 5'5" to 5'8")
- "3" (persons 5'9" and above)

The last digit will be the numerical jail classification colored arm band code. Using the example from the Operations Manual (1980), former President Carter would have an armband bearing the following information:

Carter, J. W (white) 2 (medium size)/4 unsentenced (county history only) and would have a white armband.

The ROR project also provides the Sheriff's Office (jail classification officers) with a psychological profile of sentenced detainees remaining in custody for more than 4 days to assist in housing in the appropriate facility. Initially, pretrial detainees were going to be tested also and then sent to the minimum or medium security facilities. However, the sentenced population has risen to such an extent that these facilities are filled with sentenced prisoners. Their joint goal has been to refine the whole jail classification process by changing the forms used in federal prisons and by developing an inmate profile where simple scores could be used for determining housing assignments. Tests are administered to defendants in two sessions and the scores are then combined with prior record of jail behavior to determine housing. The ROR project meets with the jail classification staff twice a week where psychological testing scores and performance are reviewed prior to making a final classification. The computerized test scoring included: Test of "q" Culture Fair Intelligence Test; the ACQ, LMAT, and LVIM personality and attitude tests; and the Wide Range Achievement Test. A profile on each defendant is printed out containing the following topics: security, counseling, motivational patterns, factors relating to recidivism, vocational competence, remedial education needs, vocational interests, barriers (if any) to vocational functioning, and other management considerations. In particular, it notes potential suicide and escape risks.

The success of the project has been measured in fewer escapes and reduced numbers of suicide attempts. Since the inception of the project, there have been no suicides or major law suits. In 1981, it was estimated that the additional psychological testing cost around \$31,000 per year. The continued support of the current jail commander insures future collaborative efforts on the jail classification project.

San Mateo County Bar Association. Under the direction of the local bar association, four programs are administered--the ROR project, lawyer referral services, private bar, and the bar offices. Both the ROR and private bar make the county a unique jurisdiction. In 1968, the private bar was conceived in response to problems associated with the use of direct counsel appointment by judges. The judges were accused of patronage and the credibility of vouchers submitted for legal cost reimbursement was questionable. The Board of Supervisors (county government) scheduled meetings regarding appointment of counsel for indigents. The private defender program was proposed by the local bar association. In review, the county believed such a program would be more cost effective than a Public Defender's Office. The program went into gear in February 1969. Since then it has won awards from the American Bar Association, has remained popular with lawyers and judges alike, and has served as a model for private defender programs in other states.

Since the cost of defender services has risen incrementally about every 3-4 years, periodically the county will investigate the feasibility of establishing a public defender. However, the private program always comes out as more cost effective. The county contracts with the bar association for its services and makes several large payments early in the fiscal year. By investing the money in certificates of deposit, overall cost to the county is reduced. Last year \$1.8 million was appropriated and the county paid out \$1.3 million in the first 6 months. The budget for the ROR project (from September 1, 1981 to August 31, 1982) was \$356,911. For the 1982-83 fiscal year, the budget was approved at \$383,579, a 7.5 percent increase.

There are about 700 members in the county bar of which 110 do criminal work in the private defender program. Lawyers apply to a bar panel to be selected and can remain a member for as long as they desire. Legal experience ranges from novice to experienced trial lawyers. Every day one attorney is assigned to each of the three misdemeanor courts and the Superior Court to cover first appearances. At this time, the court receives a copy of the OR interview sheet to assist in making a private defender appointment. Following court, the attorney calls in to the bar association with all of the cases for that day. He or she is entitled to keep five cases for his or her own practice. The remainder are assigned to the panel. There is a published fee schedule for reimbursement. For example, the bar receives \$149 from the county for handling misdemeanors. The attorney, paid by the bar, receives slightly less. There are also procedures to be followed if a case does not fall under the existing fee schedule.

Judges generally seem pleased with representation by the private bar, except variability is often a problem. However, some judges report that the private defender program often provides superior services to that of private counsel. Many of the present judges were previous members of the private bar panel. Although no formal means of monitoring panel attorney's performance exists, the panel receives informal evaluative information from clients, other attorneys, and judges. The panel matches attorneys and cases in an attempt to equate for experience and case demands. The judges are reluctant to utilize a provision ordering clients to pay the county back for private defender services. The consensus is generally that most clients are simply too poor to be forced to pay.

Advisory panels. The San Mateo County Criminal Justice Council, initially created to supervise and serve as a policy board for the ROR project, still meets on a monthly basis and maintains the project's credibility throughout the criminal justice system. Some issues currently under consideration are the county narcotics problem and the problem of mentally ill defendants in the criminal justice system, especially those who are incarcerated for minor offenses. In addition, the Community Service League, a predominantly civilian volunteer organization, works closely with both defendants and criminal justice officials. The Service League runs a rehabilitation program in the jail and serves as a liaison between the defendant and his or her family, the community, and the criminal justice system. It assists defendants in getting through the bureaucracy of social services in the county and can help pay essential bills such as utilities for a defendant's family. The Service League is considered in an advisory capacity

because it serves as a community watchdog over conditions in the jail. Recently, the president of this organization (who is also the ROR project director) has been working with the judges to ascertain the causes of recent increases in the jail population. Both the advisory panel and Service League keep the system open to periodic evaluation both internally by other criminal justice agencies, and externally by allowing community volunteers within the system.

Impacts. The San Mateo central intake system is a prime example of a mature CI site. Cooperation established through the local bar association, the courts, sheriff's department, advisory council, and community involvement groups has assured its continued efficient and cost effective functioning. San Mateo also represents a site where central intake is operating at its maximum capacity and where at least one critical problem still exists.

Despite the rapid release of misdemeanor and felony defendants on OR or supervised release and that the overall FTA rate is well within the acceptable range, the jail still remains overcrowded. In a one day sample of the jail population taken to analyze sentencing patterns and length of stay, the ROR project director observed that 70 percent of the jail population was sentenced on alcohol-related charges. No rehabilitation is being offered while inmates are in jail and they take up considerable jail space. This analysis also revealed that all those who were eligible had already been released, except for one misdemeanant who refused to be interviewed. Refusal to be interviewed is not a common problem. Usually a defendant either wants to stay out of contact with probation and parole or, in the case of burglary or drug-related charges, does not want to give out any information that might lead to others involved.

A number of officials expressed interest in the opening of a 40-person medium security facility to alleviate overcrowding in the main jail. In order to circumvent the direct costs of operating yet another facility, the current jail commander offered the estimated daily cost of operation to the department of probation and parole to hire a new case supervisor for approximately 40 cases. In this way, a medium security facility could be avoided. Because of the conservative nature of probation and parole and the unusual deal offered, it is expected to take some time before a suitable compromise can be worked out.

It is also unclear at this time what effect continued enforcement of mandatory sentencing for drunk driving and burglaries will have on the local criminal justice system, particularly in terms of the jail population. Although both the jail and OR project staff have expressed a continued commitment to their classification schemes, they can only operate in a jail that does not greatly exceed capacity. To date, the effects of the June 1982 referendum on bail denial and pretrial release are not known.

Despite the jail overcrowding issue, key actors in the system believe that reasonable answers for both defendants and the criminal justice system can be found. Given the past track record of this jurisdiction and the unique answers found to previous system problems, this is not viewed as an unreasonable expectation.

**CONTINUED**

**1 OF 2**

LEGEND: SAN MATEO CENTRAL INTAKE SYSTEM  
(See Figure 11, transparent overlay, back cover)

Pretrial Release Decision System

4. Field citation--emphasis on citing in the field for minor offenses.
7. Booking--begins the pretrial process in an open area of the jail.
- 10.-15a. Pretrial Processing--requirement is California residency for jail OR and citation release. Interview is a point scale plus 15 questions pertaining to jail classification. Misdemeanors qualifying can be OR'd by sheriff. Felons must appear in court. Mental and physical health care available 24 hours a day. Pretrial jail housing recommendations are made.
- 16.-18. Release options available at court appearance include OR and supervised release.
- 20.,22. For all sentenced detainees remaining in custody for 4 days, psychological testing is administered to determine an appropriate housing classification.
26. Supervised releasees are notified of all future court appearances by ROR supervised release counselor.
31. ROR records regarding compliance with supervised release conditions are available to probation and parole for presentence investigations.

Central Intake Administration

The main administrative groups involved in CI are the ROR project overseeing release activities and the private bar administering the ROR and private defender programs. The whole system is designed to be responsive to all it services and feedback is provided through the San Mateo County Criminal Justice Council.

Interagency Cooperative Agreements

**Community services.** The Service League and 41 other community agencies provide defendant services and keep jail/criminal justice processing open to public scrutiny.

**Law enforcement.** Sheriff's department, who also operates the jail, can release on ROR project recommendations at the jail and is also involved in the jail classification project.

**Courts.** Maintain the importance of the rapid flow of defendants and keeping delays in court calendars to a minimum.

**Corrections.** The jail maintains pretrial classification and a more exhaustive housing system for those housed over 4 days in conjunction with the ROR project.

#### IV. COMPARISONS, CONCLUSIONS AND RECOMMENDATIONS

Because of the diversity of the CI sites, this section has been included to facilitate comparison of the DRI observations made among jurisdictions on major CI components. The comparisons are based on the site visits which included extensive process observations as well as interviews and a review of documents provided by criminal justice agency officials, and media reports. Of particular utility were minutes from advisory committee meetings, quarterly and annual reports of criminal justice agencies, in-house agency evaluations, newspaper articles and program summary statistics. The team also had the opportunity to visit various facilities at each site and was able to interview administrators and staff of key criminal justice agencies, community referral organizations, county government officials and representatives from the media.

The CI projects differed widely in terms of their own data collection and evaluation efforts, the degree of record computerization, means of calculating cost effectiveness, the definition of key terms such as FTA, and the availability of baseline data for measuring program changes over extended periods of time. Because of the differences in quality, quantity, and availability of data, information available, including interview data from source, on-site, achieved significant importance. The design, implementation, and maintenance of such CI concepts as interagency cooperation among criminal justice offices, the role of advisory boards, coordination of services, community responsiveness to criminal justice needs, and the brokering of services to meet defendant needs were documented qualitatively.

The following sections explore the importance of various issues affecting the processes, functions and overall operations of central intake. From all the possibilities, the list was narrowed to those issues believed to be critical to the success or failure of central intake. Portrayal of these key issues attempted to capture central intake systems as they developed rather than viewing them in a static state. Because the sites differed in number of years in existence and operationalization of central intake concepts, the differences among systems may, in part, be attributable to the developmental process. In addition, information was sought from as many different perspectives as possible--defendant, law enforcement, counsel, courts, corrections, pretrial services, community service groups, media, and local government--in order to present the most accurate description of individual central intake systems and their resolution of common problems.

Presentation of the general observations of the CI sites follows closely the introduction of the DRI central intake model. Observations relating to the release decision process, relationships among criminal justice agencies and central intake administration are presented first, followed by information pertaining to the use of pretrial information, program evaluation, and related programmatic factors.

### Program Components Relating to the Release Decision Process

The DRI central intake model (presented in Chapter II of this report) and the subsequent case histories provide documentation for the importance of such key program characteristics as arrest options, automatic bond scheduling, pretrial services processing, pretrial court hearings, detention processing options and presentence investigations. Whereas no one jurisdiction totally illustrated the DRI central intake model framework, each release decision element was present in at least one central intake site. The DRI site visit team noted that those programs that had earlier established a credible OR release project had branched out to fill other central intake functions. Own recognizance release, if development was to occur in a stepwise fashion, was usually established first, followed by supervised release (Pima, Salt Lake, and San Mateo Counties). The addition of a field citation program was often concurrent with the development of alternatives to incarceration and often was the result of jail overcrowding. In cases where citation, OR release, or automatic bond schedules were used, the court needed to relinquish some of its authority. In most instances, information was initially provided to the court for release decisions. However, as projects gained a general criminal justice acceptance, more release authority was granted to pretrial services. Interestingly, two projects (San Mateo and Delaware) view their primary functions as providing only recommendations and information, respectively, to the court. Neither desires actual release authority, particularly over felony defendants. In another jurisdiction, Salt Lake, felony offenders (who have met release criteria) can be released on a telephone call to a judge. The older the system and the more threatened by law suits or jail overcrowding, the more likely additional functions, such as alternatives to arrest, presentence reports and jail classification, were added. Analogous to the development of more sophisticated criminal justice processing was the implementation of a management information system that allowed for offender-based tracking.

Observations across sites indicated that the degree of sophistication of defendant processing adopted by a jurisdiction and the order in which CI components were added was dependent upon the problems each criminal justice system was facing. Use of pretrial services information for presentence reports was facilitated in two sites by burgeoning probation case loads. Jail classification was added to the San Mateo ROR project because of inmate to inmate violence. It is predicted that as the CI sites mature, additional functions will be added to help the criminal justice system respond to its own changing needs, community expectations and defendant populations.

### Advisory Boards and Centralization of Authority

Regardless of the current developmental state of the sample sites, almost all could trace their origins to the development of release alternatives and the need to establish a policy or advisory board to oversee system changes resulting from implementation of pretrial release practices. In some cases, such as in Salt Lake County, the initial OR project grew out of need of the judiciary to have available more information about defendants at bond hearings. In others, such as San Mateo and Pima Counties, a concern for human rights and jail reform

provided the motivation for change and the necessity of a steering or advisory panel. In the remaining cases, however, advisory councils were formed to help solve serious jail overcrowding problems (Arapahoe County, Jackson County, Delaware). In almost all instances, a single individual or agency took initial responsibility for conveying the need for system change and for instilling a spirit of cooperation among agencies with differing organizational goals.

Over time, it appears that one of two things happened to the advisory boards. In systems such as Pima County where CVC has been active for over 10 years, its advisory panel meets relatively infrequently and mainly to review the performance of CVC in the current criminal justice system. The primary central intake organization has become an integral part of the overall justice picture and is, itself, consulted on long-range planning issues. In a similar vein, the advisory committee in Arapahoe County has focused its efforts for several years on only one criminal justice problem—the jail overcrowding situation and the related issue of new jail construction. The overall coordination of other planning and policy efforts has been left to the director of the pretrial services program.

The use of an advisory panel to spearhead an effort to eliminate or reduce one problem at a time is similar to the modular approach to central intake outlined by Galvin (1978). Rather than implement a systemwide change to create central intake, one problem or component related to central intake is addressed at a time. In this type of developmental scheme, the policy and planning functions were executed by a single person acting on behalf of the interest of the entire criminal justice community (i.e., Arapahoe County). In other configurations of central intake, an advisory panel representing all criminal justice agency factions was found to be the more common approach (i.e., Delaware, Jackson and Salt Lake Counties).

The second pattern advisory councils seem to follow is that early successes, such as the operation of a pretrial release program, insured their continued operation in addressing different or more long-range planning efforts. For example, the advisory council for the criminal justice system in Salt Lake started out as two committees dealing with two separate issues—jail space and alternatives to incarceration. However, even after the completion of planned detention facilities, the new consolidated committee continued to meet to address additional issues such as 10 percent bail. As a whole, it is less concerned with the day-to-day operations of the existing central intake agencies, such as the pretrial release unit, than it is with planning for future criminal justice needs of both the community and the defendant.

Long-range planning and policy change becomes more complex for those jurisdictions where more than one type of government plays a role in the criminal justice process. The two sites where advisory committees seemed to take a less active role in criminal justice planning and decision making initially were Jackson County where the interests of state, county, and city officials were at odds and the state of Delaware. Only recently a new advisory committee has been convened to oversee long-range planning. This committee was formed by an executive order from the governor. Also, an administrator has been appointed recently to coordinate criminal justice activities at the new facility. Without

Some form of centralized authority, criminal justice functions, such as planning, seemed split between various government and criminal agency groups. One of the advantages of an advisory committee for some sites was that it provided a forum for establishing control over jurisdiction's intake and release processes. Individually, some members of the advisory committees interviewed expressed reluctance over relinquishing some of their agency's power or authority and mentioned differences in philosophy regarding detention and release. When confronted by a group whose function was to centralize authority and instill cooperation, individual interests were more easily sublimated to the greater effectiveness of the whole system.

Given the variety of criminal justice agencies involved in the various central intake systems, the composition of the advisory boards appeared relatively uniform. Typically they consisted of members of the judiciary; law enforcement; corrections; counsel, both the defender and prosecutor; and the pretrial services agency. A point of variation usually was the inclusion of representatives from community referral agencies or private citizens. The effectiveness of such boards seemed to depend upon the regular participation of its members and the board's overall commitment to cooperation and coordination.

#### Central Intake Organizational Location Among Criminal Justice Agencies

As mentioned previously, the majority of central intake systems can trace its origins to the development of pretrial release programs. Therefore, most of the agencies responsible for implementing and maintaining central intake processes were those also involved in pretrial release. However, within the individual criminal justice systems observed, the pretrial services agencies were located administratively in a variety of places. In Arapahoe County, the pretrial program was administered initially through the county Probation and Parole Department. The Court Volunteer Center, as its name implies, is under the jurisdiction of the Pima County Superior Court. Whereas Salt Lake County PTS is responsive to a judicial advisory board, it is administered through the county Department of Human Services. In San Mateo County, the ROR project reports directly to the local bar association which, in turn, reports on contracted services to the county Board of Supervisors. The release program and intake services are split between the Jackson County Department of Corrections and the State Board of Probation and Parole. Administratively, the state of Delaware is dependent upon the state pretrial release program which previously functioned in the postarrest processing center, the state Department of Corrections and the input of the public defender and prosecutor. Recently, a central administrator has been appointed to coordinate release efforts in Delaware among county and city interests.

The organizational configurations of the intake/release system for each jurisdiction initially had an impact on the image that was acquired throughout the rest of the criminal justice system. In instances where they were associated with defendant services, programs were often viewed, particularly by the court and Prosecutor's Office, as being too liberal and concerned solely with release rather than accurate decision making regarding defendant release/detention status.

Over time, however, the more mature systems have become viewed as primarily neutral, making only release recommendations or detention decisions in instances where they are clearly warranted. This position of neutrality was viewed as essential by most pretrial services directors to insure accurate interview information from defendants and to maintain their credibility with the courts, defense and prosecution. The image of a neutral position appeared to be enhanced when agencies charged with intake/release decision making were located organizationally, outside of the normal criminal justice system. Sites that have maintained such an image throughout the system include Salt Lake and Arapahoe County. In San Mateo, the project is administered by members of the local bar, many of whom have served as members of the judiciary as well, and it has maintained an image of credibility because of its strict adherence to release policies. Subjective opinions expressed by criminal justice agency officials in other jurisdictions frequently characterized programs as being too defendant-oriented, too pro-court, opposed to law enforcement, etc., because of what appeared to be their administrative location rather than their actual functioning or their perceived variability in determining release eligibility.

#### Multiple Uses and Confidentiality of Central Intake Information

Because one of the initial premises in the investigation of CI was that an efficient intake/release decision system would eliminate unnecessary duplication of defendant information, the flow of information throughout the criminal justice system was examined. Again, in the more mature systems such as San Mateo, Salt Lake and Pima Counties, offender-based tracking systems that allowed various system members access to criminal records were in operation. Surprisingly, not all of the systems were computerized, yet efficient manual record keeping was still maintained. Such management information systems provided for tracking of defendants from arrest through adjudication and allowed multiple access by various criminal justice users. A systemwide record keeping approach was deemed necessary in those jurisdictions because it reflected the most accurate data on defendant status if rearrest occurred while on pretrial release or probation and parole and if changes occurred regarding the status of the case (i.e., dismissal of charges, changes of court dates, etc.).

One of the first steps taken by several systems was the creation of multiple copy intake interview forms. Once the initial pretrial interview was completed, color or office coded forms were automatically forwarded to the appropriate agencies such as the courts, corrections, defense attorney, prosecutor and, in cases where immediate defendant needs were apparent, to the appropriate medical or mental health authorities. Such rapid dissemination of information increased defendant processing speed and may have had an impact on the number of potential lawsuits filed for inadequate pretrial defendant care. When the court reviews the intake release information, not only is an action taken regarding release or detention, but conditions can also be imposed to maintain pretrial release status. Frequently during the course of the pretrial interview, information will be obtained regarding substance abuse, mental or physical health circumstances that mitigate assignment of straight OR. The judge, relying on this information, can then make a determination of the type of conditions or amount of supervision needed by an individual defendant.

An agency that seemed particularly sensitive to the use of pretrial services intake information was that of the public (or private) defender. Conflicting views were expressed. On the one hand, collection and verification of financial information by the intake services unit was viewed as useful by most courts since it assisted in the determination of indigency status at first appearances. However, defense attorney organizations were often opposed to the brevity of the intake interview questions, usually restricted to employment information, rather than inclusion of a more detailed financial statement. In some jurisdictions, such as Arapahoe County and Jackson County, Public Defender Offices are already working well over capacity and do not have the time or staffing to engage in any additional collecting of information regarding a client's ability to afford private counsel. Frequently, the attitude of the courts is expressed as it is better to have some form of representation than none at all.

An additional side of this dilemma is also posed by the court-appointed defense attorney. Frequently clients view their previous contacts with the system after they are arrested as pro-incarceration and are sometimes suspicious of the intentions of the representation that they have been assigned. Therefore, as in Arapahoe County, the defender views the initial interview as a time to "break the ice" with clients even though similar types of information may have already been requested.

As mentioned before, one of the unique aspects of multiple information use was for pretrial housing classification in San Mateo. Also in that jurisdiction, information regarding compliance with supervised release conditions is made available to probation and parole at the time presentence investigation reports are being compiled. At the new Gander Hill facility, efforts are being made to make available information from both pretrial and probation and parole not only for initial release eligibility determination, but also for sentencing recommendations.

Intake information was also used in some jurisdictions as a basis for recommending participation in pretrial diversion programs. Although in most cases, prosecuting attorneys received whatever information was available at booking, they expressed relatively little interest in any information other than the current charges and the past criminal history information. In relatively new systems, prosecutors sometimes expressed concern about noninterview-related information that might be discussed with the pretrial interviewer. Usually such concern dissipated when the brevity and nature of interview questions became apparent.

The multiple use of defendant information and the presence of automated or manual management information systems presents an opportunity for the potential misuse of all or part of the defendant's criminal history record. In some jurisdictions, attempts have been made to limit the type of information received by each agency to the data that are most useful to them. For example, in San Mateo, a multiple copy interview form is used. However, the copy forwarded to the medical staff contains only that information pertaining to the defendant's medical background. In jurisdictions where consideration of past criminal history is prohibited, this information is deleted from the report sent to

the court (Arapahoe County). In other locations, additional forms are required in some types of cases and not in others. Sometimes more detailed employment and residency data are compiled for felony defendants in Salt Lake County and are forwarded to the court.

Even though the amount and type of intake information available to each criminal justice agency is controlled to some extent when an MIS is employed, a potential hitch in the system exists in protecting the confidentiality of information told by the defendant to the pretrial interviewer. Because the credibility of a pretrial services program with defendants could be destroyed by violations of privacy and confidentiality, several jurisdictions have taken steps to insure those defendant's rights. In Salt Lake County, an informal agreement between pretrial services and the courts (through the Judicial Advisory Board) exists that does not permit the court to subpoena pretrial interviewers regarding client/screener interchanges. In Pima and Arapahoe Counties, similar informal arrangements exist. In San Mateo, advisement of rights follows the pretrial interview. Because defendants were not advised of their rights, interview information is not admissible evidence in court. Although several jurisdictions have had cases where important case-related information was revealed and a motion was made to subpoena the pretrial interviewer, the courts have granted such information privileged status, thus protecting the client/interviewer relationship.

The protection of defendant-related information and the early interviewing by a pretrial services screener prior to counsel availability can present a serious dilemma to jurisdictions implementing CI systems. In at least one case, the problem was viewed as serious enough for public defenders to advise their clients not to speak to anyone but their attorney. Only after sufficient privacy and confidentiality safeguards were insured, were pretrial screeners given immediate access to defendants.

Although none of the sampled jurisdictions have totally automated tracking systems at this point, all have considered safeguards to the protection of privacy for criminal history records. One of the reasons stated for the continued use of a manual system by one pretrial agency was the knowledge of who requested information and for what purpose. With a large number of clients, however, such a system may become too cumbersome for efficient use. Safeguards to erroneous information usage or unapproved access to computerized records were being developed along with most expanded, computerized management information systems.

#### Program Evaluation

One of the most interesting observations recorded by the site visit teams concerned the need for well integrated CI system organizations to justify annually their existence to local government funding sources. Regardless of the level of maturity, degree of system institutionalization, number of services provided, or the strength of their advisory boards, most funding requests, usually located in the budget of the pretrial services agency, were reviewed on an annual basis. For this

reason alone, ongoing program evaluation was viewed by most project directors as an essential task. Project evaluation was usually based on the following factors: the performance of the pretrial services agency in predicting court appearance and the noncommission of pretrial crime; the degree to which the courts, prosecutors, and defense attorneys followed recommendations regarding forms of release, bail or indigency determination, and pretrial diversion; the impact of central intake on jail management issues; and the cost per defendant for central intake processing.

FTA and recidivism. Each jurisdiction developed and subsequently validated its release criteria using either a subjective or objective process, or a combination of both. Content of the interview form was usually dictated by requirements for consideration of fugitivity in release decisions. Emphasis in all cases was placed on community ties as measured by employment, residency and support of other community members. Approval of the form was usually a result of review by the advisory board. Also such a board frequently determined the acceptable ranges for a given system's failure-to-appear and recidivism rates. Although various judges, law enforcement and corrections officers expressed a philosophical commitment to a zero rate on both parameters, the realities of their situations required them to live with some degree of FTA and pretrial rearrests. Observation of the site data indicates a varying range of acceptable pretrial crime and fugitivity levels. Part of the variation can be traced to differences in FTA calculation--whether fugitivity was calculated on a defendant or appearance basis and whether or not a distinction was made between willful and nonwillful FTAs. Recidivism rates were calculated less frequently and were dependent upon the presence of an up-to-date offender-based tracking system. Recent pretrial status information had to be available at the time of arrest to determine if a pretrial crime had, in fact, occurred.

Another factor determining the level of reported pretrial fugitivity rates was the presence of a tracking unit that took responsibility for locating FTAs. A common practice witnessed across jurisdictions was a 1 to 2 day delay of the issuance of bench warrants by the courts if the pretrial services representatives thought the fugitives could be located. As long as the defendant was returned to court in an acceptable time period, an FTA was not recorded. This was particularly true in cases of nonwillful FTA when a defendant appeared at the wrong courtroom, or the wrong day, was delayed by circumstance or did not receive proper notification. In those jurisdictions where a tracking unit was not present, and, in cases where no follow-up contact was established for scheduling and making court appearances, higher FTA rates were tolerated, particularly for misdemeanor arrestees.

Agreement with pretrial services recommendations and release authority. Usually the courts received recommendations from the pretrial services units regarding release eligibility, conditions to be imposed, and the amount of bail to be set. Some variations were apparent in the release authority granted by the courts to the intake unit. The greatest release powers were delegated to those civilian agencies with the longest history of operations--Salt Lake and Pima County. In both instances, misdemeanants can be released pretrial by the interviewer, providing release criteria are met. In Salt Lake, after an

additional interview by a felony caseworker, felons can be released with verbal approval from a judge on call 24 hours a day. In both Arapahoe and San Mateo Counties, misdemeanants can be released through the jail on a personal recognizance bond or jail OR. Only in the state of Delaware is a personal appearance in front of a magistrate necessary to secure release.

Generally, mature pretrial services agencies enjoyed a higher percentage of agreement with the court on their recommendations than younger, still developing systems. Whereas agreement rates on release recommendations between the judiciary and pretrial services hovers about 90 percent for the older sampled sites, the current agreement rate in Jackson County is about 30 percent and has been recorded as low as 20 percent. Part of the reason for this difference may be the need for systems to develop credibility for their recommendations over time and for a validated release decision instrument to be established. The lack of continuity from one judge to the next on rotating criminal bench assignments and the need for each judge to personally determine the reliability of release or bail recommendations may be contributing factors to depressed or fluctuating agreement rates. In the systems that have agreement rates over 90 percent, the usual source of disagreement is not having a recommendation for release denied by the court, rather the court orders release over no recommendation or a negative recommendation by the project. Although only San Mateo monitored the number of judicial releases, the other jurisdictions reported on a subjective basis that the judicial releasees frequently had higher FTA rates for both misdemeanors and felons.

A variety of perspectives were taken by the central intake sites regarding the delegation of release authority. Some focused on strict interpretations of state statutes regarding the release of felons by judicial officers. Others expressed concern for the amount of responsibility entailed and the possible liabilities associated with assuming release authority. Another more favorable view toward release authority was advanced by pretrial services which had already dealt efficiently and effectively with release of misdemeanors and felons alike. In part, the degree of release authority granted to a pretrial services agency may be the result of the proven credibility of the release agency that had developed over the years and may be a developmental phenomenon. As Neubaum and West (1982) observed in their study of sites participating in the LEAA jail overcrowding program, release authority contributed to the efficiency and cost savings of pretrial release. In most of the sampled jurisdictions, a high rate of agreement existed between the judiciary and pretrial services. A similar result has already been noted for the central intake sites. The determining factors in expanded release powers for an agency other than the court center around the amount of risk agencies are willing to assume in the release process, judicial attitudes toward delegation of release authority, the efficiency and effectiveness of release practices, proven competence on the part of the pretrial services agency, and jail overcrowding.

Prosecutors, in the case of the now discontinued Salt Lake County Diversion Program and in the anticipated Jackson County and Gander Hill systems, will be given the opportunity to utilize intake-related information to assist in making pretrial diversion decisions. Because its information at intake is

the most complete and most readily available, pretrial services is often consulted in making diversion program suggestions for placement. In the one known case, prosecutors were reluctant to delegate diversion supervision to an outside agency and frequently went against project recommendations for termination of active clients. Because of the lack of cooperation, the project was discontinued. However, even if viewed as an unsuccessful attempt, prosecutor/pretrial services joint selection of diversion clients did illustrate the use of a larger data base on which to base diversion recommendations rather than on charges filed.

As discussed previously, little disagreement exists between court recommendations regarding appointment of counsel based on intake information and acceptance of cases by the public defender. However, this apparent agreement is not on the basis of cooperation but rather on the lack of resources available to provide additional verification for determination of indigency status or the recovery of defense costs from those who can afford to pay.

Jail management. Because central intake was designed to track the flow of information and defendants through the criminal justice system, a variety of jail impacts were documented. In those jurisdictions where pretrial screening and release options were available to the majority of misdemeanor and at least a portion of felony defendants, jail populations composition changed to reflect the more serious nature of charges of the detained defendants (cf. Salt Lake County). In addition, most corrections officials, while admitting their philosophical differences with the concept of pretrial release, indicated that CI, including defendant needs assessment and release practices, was saving their jails from even more severe overcrowding and inmate law suits (Pima and Arapahoe Counties). In most instances, all available releases had been made and no immediate alternatives for release were being considered for those detained.

Whereas central intake did not offer a "cure" for jail overcrowding experienced by the CI sites, it did provide a management tool whereby the portion of pretrial defendants incarcerated was reduced, those charged with violent or otherwise serious crimes were detained, and few if any defendants became lost in the system. Despite increased use of central intake concepts, three sites engaged in new jail facility construction during the course of the project (Salt Lake, Delaware, and Pima) and another is engaged in feasibility studies for new correctional building efforts (Arapahoe County).

Cost effectiveness. The most frequent means used to justify intake/release decision system costs was to calculate the number of jail days saved both in terms of those defendants who were released initially and those who had reduced length of stay as the result of more efficient case processing. Some projects further analyzed cost savings by estimating not only jail costs but also staff allocations for the interview and supervision processes. Although this level of specificity was often hampered by the means used to calculate jail costs (variable vs. fixed costs) and the division of each staff member's time (screening, administrative, etc.), an amount for individual case processing was estimated. Most program bottom-line justifications were based on dollar amounts, even though many of the benefits of such systems remained qualitative rather than quantitative (improved interagency cooperation and coordination, meeting of

defendant needs, reduction in unnecessary incarceration, etc.). Many of the observed jurisdictions were caught up in a conservative fiscal climate. Despite presenting evidence of cost effectiveness, they were forced to operate on reduced budgets (Salt Lake and Pima Counties). Ironically, the capabilities used to justify their existence for a number of years (tracking, program evaluation, and research) were those that were eliminated first, rather than reduction of services to defendants and other criminal justice agencies.

Whereas most of this discussion has focused on program evaluation to justify expenditures, staffing, etc., evaluation among programs was not limited to external criteria. Frequently, evaluation efforts at some period in the development of CI systems were focused on establishing release criteria (Bench & Baak, 1980). In those jurisdictions relying on point scales, validation studies and changing criminal needs sometimes lead to a revision of the point scale or interview instrument (Jackson County, Salt Lake County, San Mateo County). A discussion of the merits of objective (point scale) and subjective (interviewer discretion) recommendation schemes is beyond the scope of this report. The interested reader is referred to a discussion of release criteria in the DRI companion volume (Central Intake Workbook: Diagnosing and Improving Intake and Release Decision Systems) and to release criteria published by the Pretrial Services Resource Center (Pryor & Smith, 1982).

In summary, if various performance measures are determined to establish the effectiveness of central intake components, these same measures can be used to recognize changes in system functioning (change in arrest trends, jail population, court processing time, etc.) and used as a basis for system adaptation.

#### Other Critical Central Intake Programmatic Factors

Program staffing. This report has documented a variety of qualitative issues without highlighting key roles played by various administrators at both county government and criminal justice agency levels. Without exception, the successes of the various central intake sites could be traced to the drive and perseverance of one group of individuals--the pretrial services directors. Their commitment to the equitable release of defendants, the insurance of public safety, the provision of systemwide data, and their openness to investigation from both within their own systems and from outside evaluators has made possible numerous criminal justice processing improvements. In those jurisdictions where a recent change of director took place (Salt Lake) or where no one person was responsible for overall system maintenance, change occurred at a slower rate and often with dissension. In three jurisdictions (Arapahoe, Pima, and San Mateo) the long-term tenure of the pretrial services director has facilitated system functioning including the addition of new policies, computerization of management information systems, new jail construction, release/intake instrument revision, research, etc. These directors have frequently been supported by county government officials, such as commissioners, mayors, and legislators who recognized the need for system improvement. In addition, low staff turnover rate was observed in the more mature projects. This also

facilitated credibility with other system members, such as the judiciary who saw the same agency representatives year after year.

External community factors. Two other key factors are external to the program itself but can influence the functioning of any criminal justice intake/release system. They are the community and the media. Frequently, community safety has been mentioned in regard to proposed changes in release determination. This very same community, however, is relatively uninformed about the entire release decision process. In almost every jurisdiction, publicity regarding the criminal justice system was focused on sensational events including felony pretrial crime, editorial complaints by local bondspersons concerning "wholesale" pretrial release practices, and inability of law enforcement to stem increasing crime. In several jurisdictions, however, community awareness was not limited to media reports. In Pima County, volunteers are actively recruited to participate in CVC programs. In Salt Lake and San Mateo, citizens serve on criminal justice advisory panels so their interests are voiced from their own rather than a third party perspective.

#### Conclusions

The DRI central intake project resulted in three major findings. First, when central intake is defined as a centralized administrative organizational structure charged with facilitating interagency cooperation and coordination of intake and release functions in a criminal justice system, community, defendant, and system needs in the sampled jurisdictions were viewed as being met with greater efficiency and effectiveness. The goals of more rapid defendant processing, provision of defendant services, reliance on nonmonetary forms of release and increased use of alternatives to incarceration were facilitated by management information systems which assisted in the tracking of defendants and the flow of information concerning their cases, from apprehension through adjudication. Planning efforts, system change and problem resolution were primary motivators in adopting a central intake approach to criminal justice processing. The success of these activities was frequently attributable to an active advisory board composed of criminal justice agency representatives, members from community referral groups and concerned citizens. The administrative location of the agency charged with the majority of central intake functions was associated with perceptions of neutrality by judges, prosecutors, defense attorneys, and defendants, if it was located outside of the criminal justice system itself. Frequently however, a criminal justice agency such as the court became an advocate of the pretrial services/CI unit. Despite the presence in at least four sites of management information systems, quantitative or baseline data relating to system changes for extensive pre-post comparisons were unavailable. Although evaluation was generally recognized as necessary to justify continuing financial support from funding sources, additional evaluation or research efforts were given lower priority than providing defendant or other criminal justice-related services. With continued budget cutbacks, the previous expansion of services to the criminal justice system may be halted, and, in some jurisdictions, a reduction of services may take place. At only one site was extensive use of volunteers made to supplement paid professional staff.

The second major finding was that of the six jurisdictions studied, of which three were considered mature central intake sites, all had followed a similar development sequence. Most systems began as either an OR program, designed as part of a bail reform/human rights movement in late 60s or early 70s, or as a release program designed to reduce jail overcrowding. Implementing changes in release policies required a concurrent change in intake procedures and the coordination of law enforcement, pretrial services, corrections, courts, legal counsel and the community. Once the OR release project had firmly established its credibility and had validated its release/detention criteria, additional services to both the defendant and the rest of the criminal justice system were added and release authority was expanded in some instances. The quantity and quality of additional services and release responsibilities was dependent upon the perceived needs of all groups involved, the availability of community resources, and the means to keep track of the additional information flow generated by increasing the number of services. When well developed systems were faced with financial hardships, internal services, usually informational or evaluative in nature, were eliminated first rather than services to other agencies or to defendants. These same, older systems, perhaps because of their past history at adapting to criminal justice problems, spent more time, effort and resources on planning for future needs rather than reacting to immediate problems.

Last, as discussed in the introduction, a central intake system was not a panacea for all the problems that plagued the sampled jurisdictions. For example, three of the sites' utilization of alternatives to incarceration pre- and posttrial did not preclude the construction of new jail facilities. In another jurisdiction, the lack of new judicial appointments has hampered court processing. Even though central intake was not able to eliminate these types of system problems, in most cases, they were kept below a crisis level requiring immediate system change by CI until more effective remediation could be instituted. Central intake, as DRI has examined it, is not a singularly defined action program with measurable outcomes. The adoption of CI, however, appears to facilitate the timely initiation, appropriate modification and supportive maintenance of programs that can have a direct impact on the fairness, efficiency and effectiveness of postarrest-pretrial processes.

Based on the qualitative information collected from all the sites sampled in the CI survey, DRI recommends that other jurisdictions that are interested in modifying their existing intake/release systems or wish to institute a new system based on central intake concepts, consider several key implementation and policy-related issues. These issues are summarized in Table 6. In addition, a separate volume, Central Intake Workbook: Diagnosing and Improving Intake and Release Decision Systems, has been prepared in workbook fashion to assist jurisdictions in diagnosing existing system problems related to central intake and in the selection, implementation and evaluation of new CI system remedies.

Table 6

Issues Facing Intake/Release Systems and  
DRI Central Intake Recommendations

Issue	Recommendation
A. Advisory Boards	The success or failure of implementing central intake, regardless of whether changes occur in a modular or systemwide fashion, depends on the centralization of authority in the form of a representative criminal justice advisory council charged with policy formation and long-range planning. Although one participant in the criminal justice process can facilitate progress toward central intake in a step-wise fashion, DRI recommends that the formation of an advisory council precede system changes and that such a board remain active in planning for future criminal justice system needs by scheduling regular sessions.
B. Program Components	Although no one developmental sequence seems appropriate for all criminal justice systems, central intake systems should consist of the following characteristics: arrest options, including arrest alternatives (transportation to community detoxification or mental health centers); nonbooking release (stationhouse type or utilization of an automatic bond schedule); pretrial services processing (provision of verified defendant information to key criminal justice agencies involved in release decision making); establishment of well defined release criteria; consideration by the courts of delegation of release authority, pretrial release options, and the hearing of pretrial motions; detention services (treatment-classification, reconsideration for release); and the use of available information by probation in the preparation of presentence investigations. If not already present, steps should be taken to gear a management information system to the needs of these CI components.
C. CI Organizational Focus	If possible, the organizational focus of a central intake system should be located outside of the jurisdiction of any single criminal justice agency and preferably placed in what is viewed by the rest of the system as a neutral position. Such a neutral image assists in both defendant processing and in the maintenance of the role of an unbiased release/intake decision maker.

Table 6 (cont.)

Issue	Recommendation
D. Multiple Uses of CI Information	Because of the CI emphasis on multiple uses of intake information, DRI suggests multiple copy dissemination procedures for interview information to key criminal justice agencies to determine release status, indigency, defendant needs, pretrial diversion eligibility, jail classification, probation and presentence recommendations and the collection of data for offender-based tracking. In cases where there is a conflict between the courts and the defender regarding determination of eligibility for court appointed counsel, agreements with the intake unit should be reached regarding the amount and type of financial information needed for adequate determination of indigency status. In addition, a management information system allowing for an offender-based tracking system from arrest through adjudication is viewed as a key element to accurate defendant processing.
E. Privacy and Confidentiality of Defendant Information	Regardless of the existence of an automated or manual information system, steps should be taken by each jurisdiction to limit the access to defendant records to those agencies directly involved in case processing. Whether by formal or informal agreements, the courts should protect the confidentiality of the information exchanged between the defendant (client) and the pretrial screener.
103 F. Ongoing Program Evaluation	Ongoing monitoring of central intake functions is absolutely necessary to establish credibility with those agencies receiving program recommendations, for tracking FTA and rearrest rates, for measuring impacts on jail management, for determining cost effectiveness, for long-range planning and justification of continuing program operation. Evaluation can also establish a program's credibility when delegation of release authority is considered. Judicial attitudes toward delegation of release authority, proven agency competence, and the degree to which pretrial services will assume the risk associated with greater release powers are all factors influencing delegation of release authority. Release authority is recommended for those agencies that meet these criteria. It is recommended that the advisory panel establish systemwide performance criteria and an overall evaluation plan adapted to the needs of individual jurisdictions.

Table 6 (cont.)

Issue	Recommendation
G. Other Critical CI Programmatic Factors	<p>Pretrial service directors and/or central intake administrators should be chosen not only on the basis of their criminal justice credentials and experience but also on their abilities to work with existing criminal justice and county government agencies.</p> <p>It is advisable to include community representatives and the media on advisory panels to give them the opportunity for a firsthand view of the criminal justice system.</p>

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**CENTRAL INTAKE WORKBOOK:  
DIAGNOSING AND IMPROVING INTAKE AND  
RELEASE DECISION SYSTEMS**

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APPENDIX A

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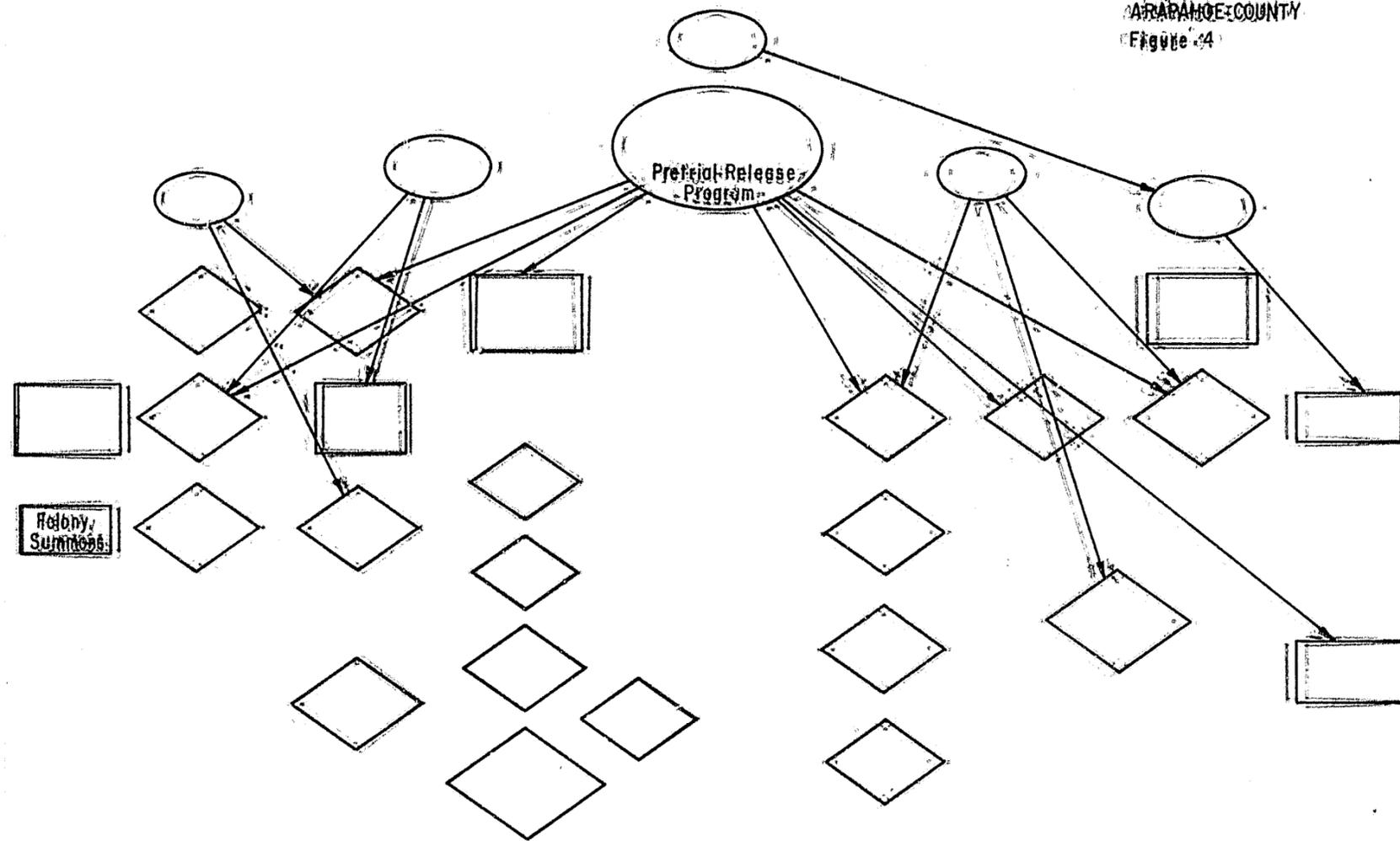
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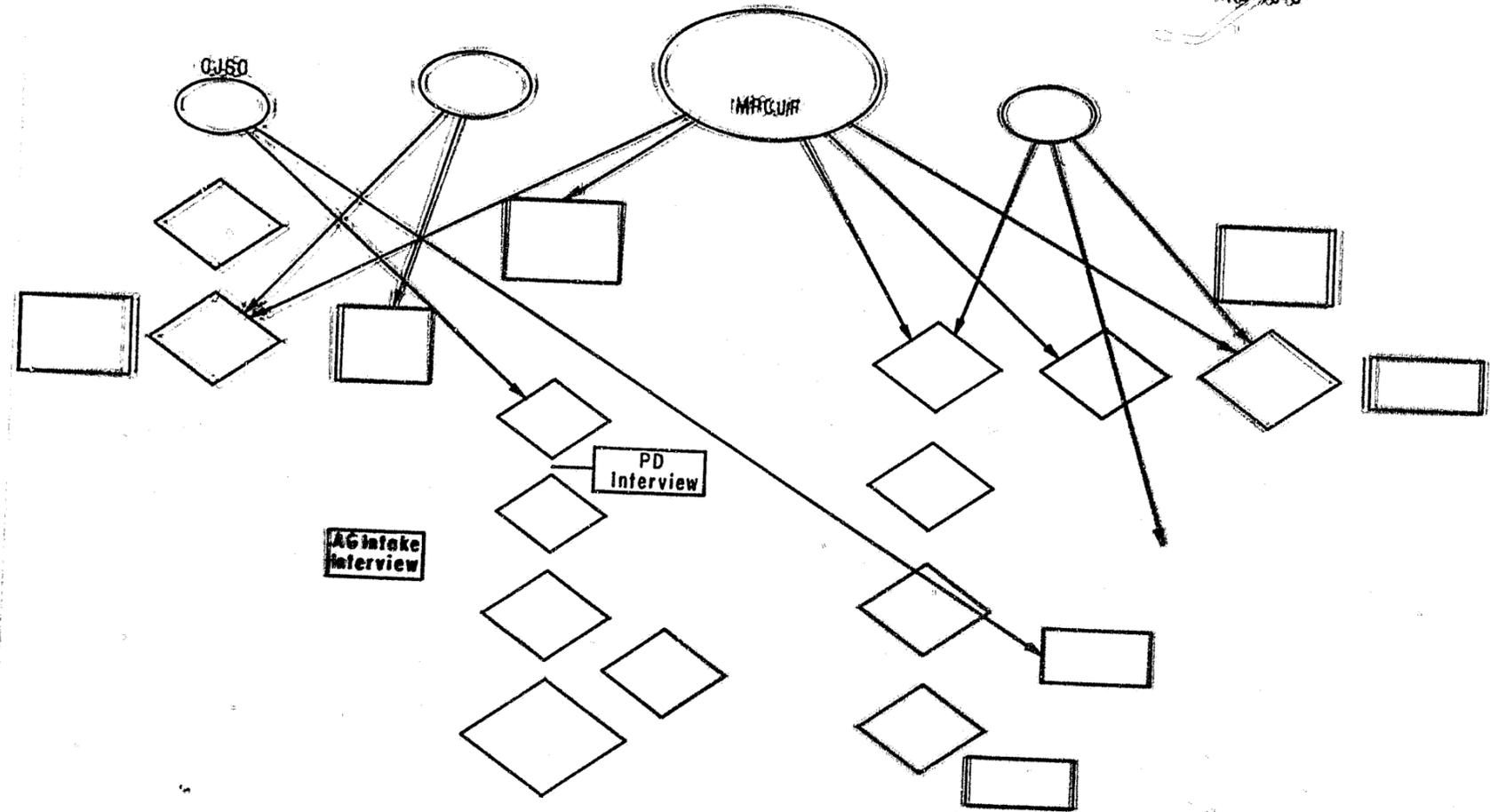
### APPENDIX D: SELECTED FORMS, INTERVIEW REPORT, O.R. PROJECT POINT SCALE

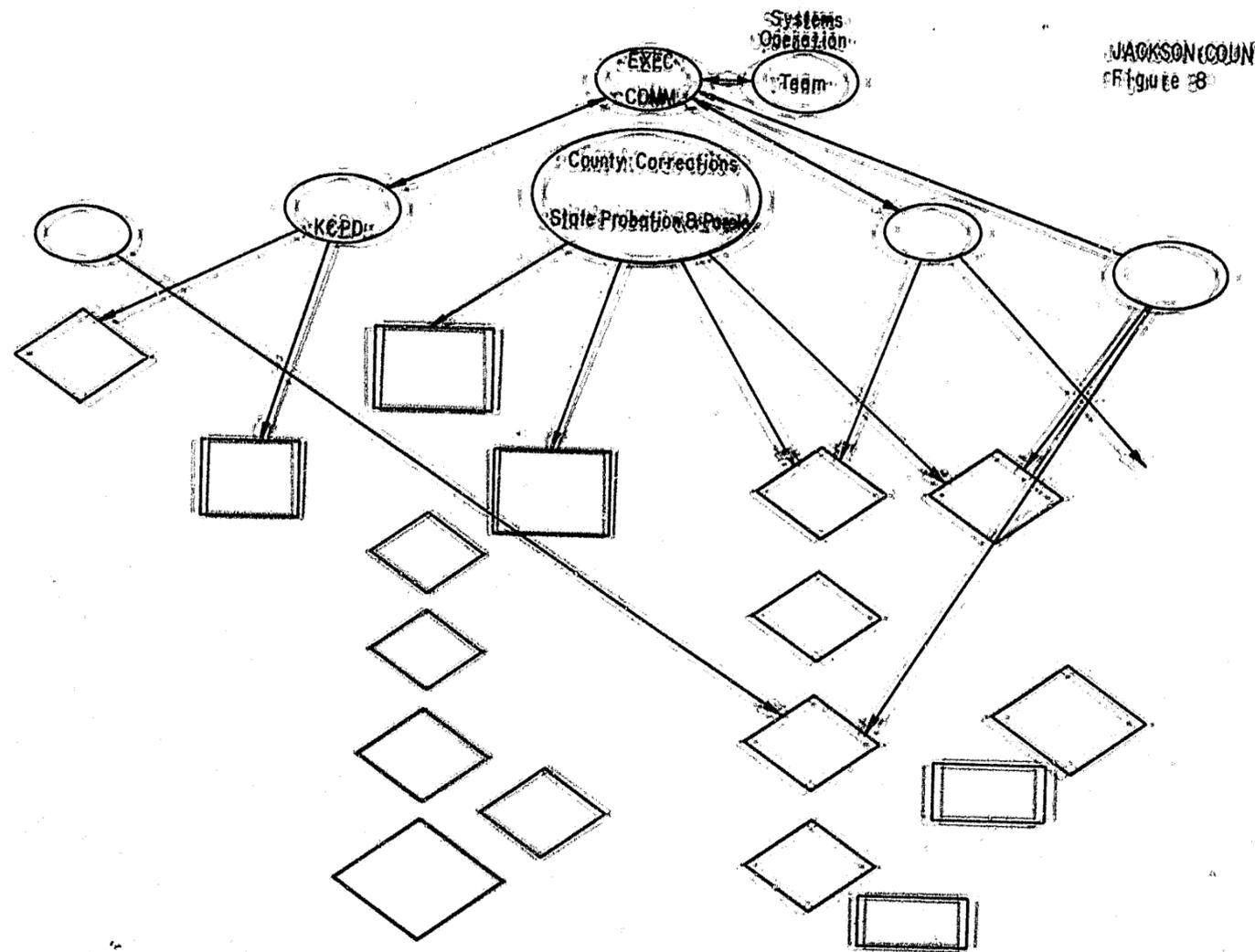
### APPENDIX E: PLANNING DESIGN CHECK LIST

ARABAMOE COUNTY  
Figure 4



~~DELUAN~~  
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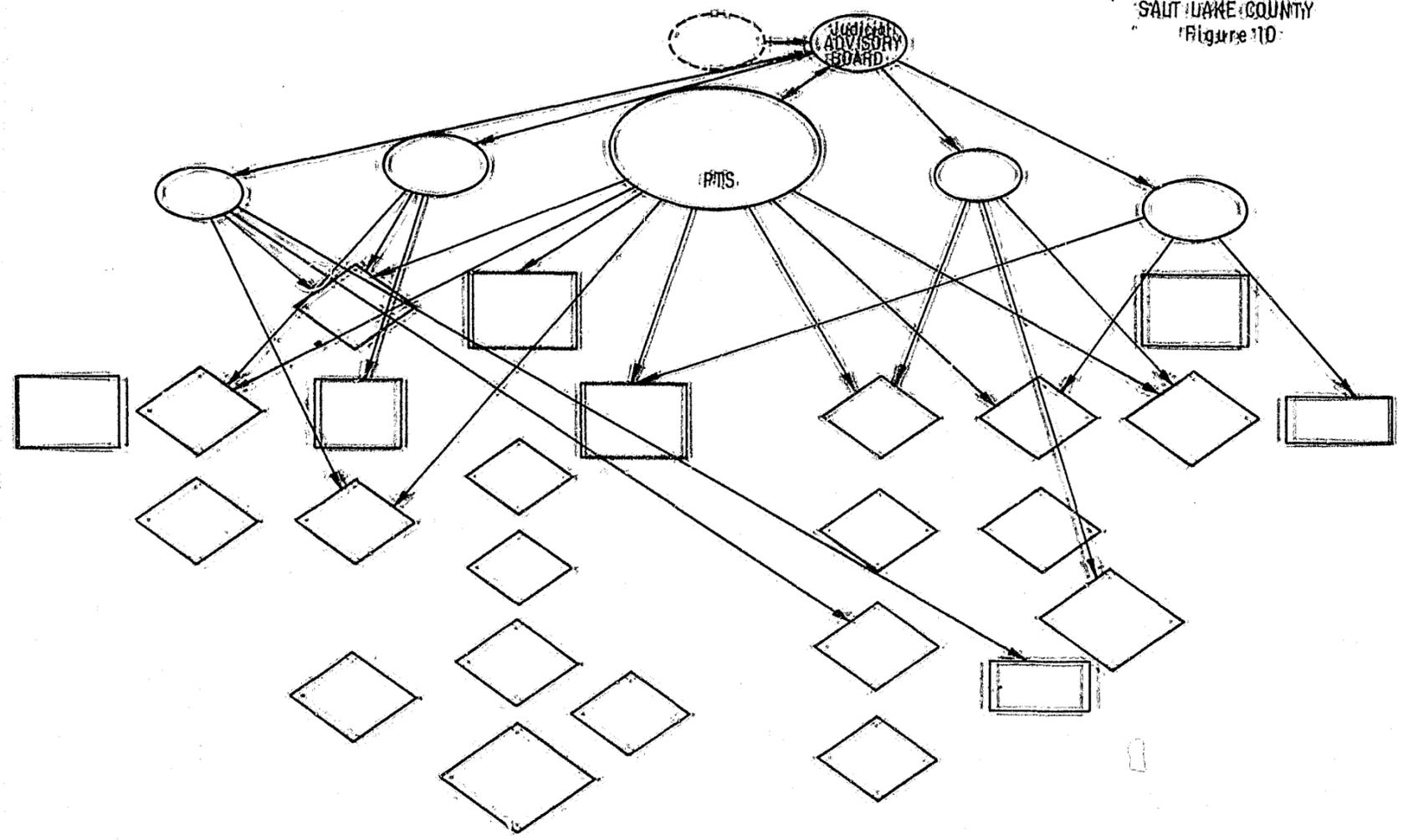




JACKSON COUNTY  
Figure 28

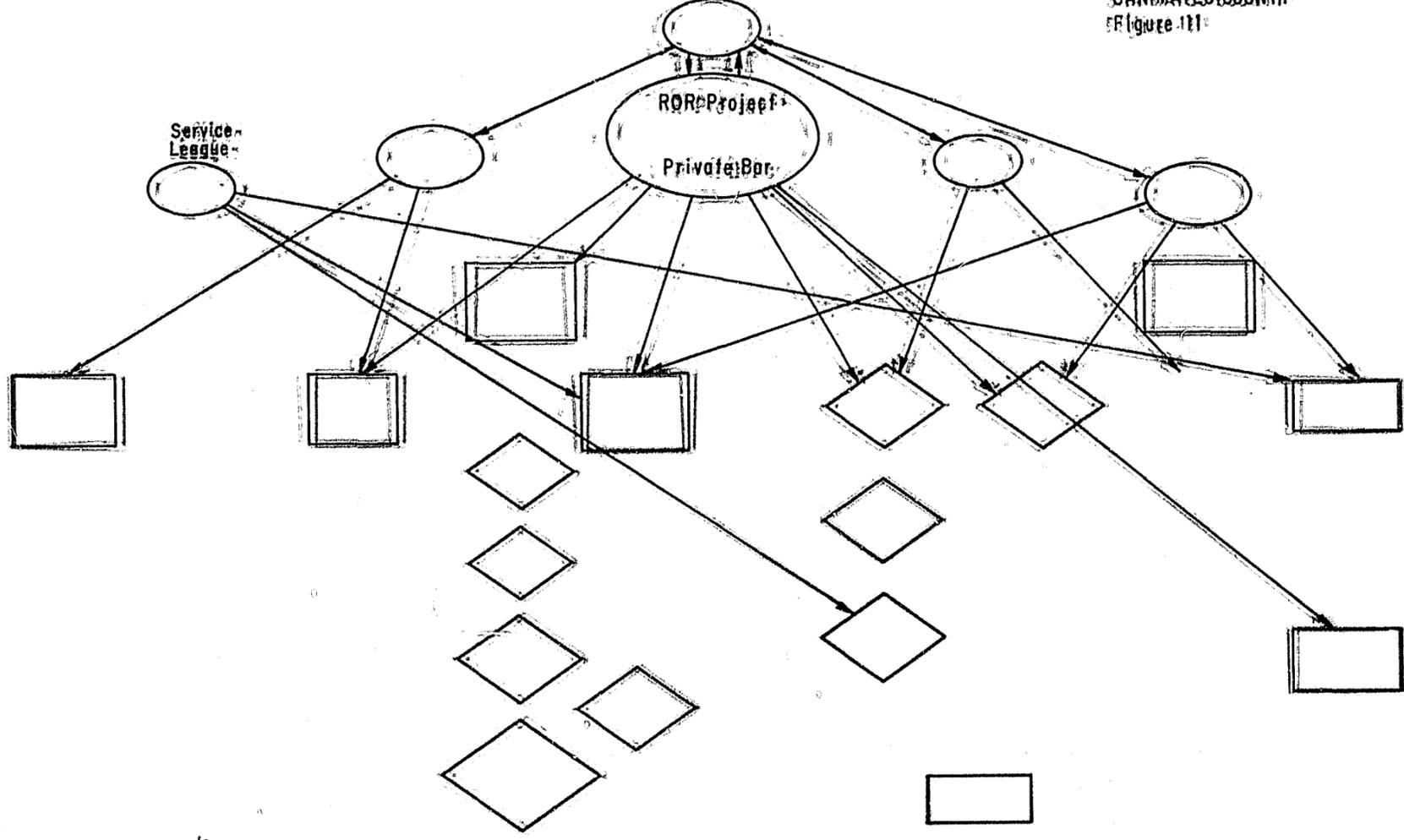


SALT LAKE COUNTY  
Figure 10



Railway  
Committee

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