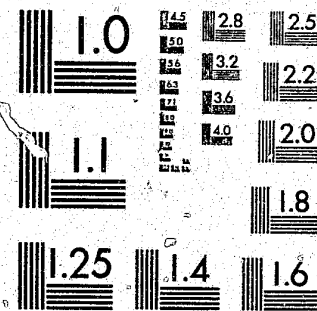


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## An Exploratory Study of Detentioners in Pennsylvania County Prisons

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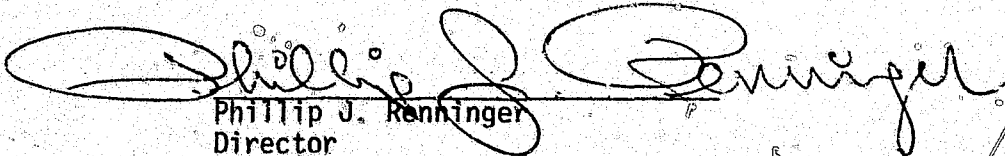
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## PREFACE

One of the responsibilities of the Pennsylvania Commission on Crime and Delinquency is the collection and analysis of information on a variety of criminal justice issues. Some issues are identified by the Commission through its planning process. Others are suggested by the Governor's Office, legislative committees, individual legislators, criminal justice agencies and other parties. Regardless of the source of referral, the Commission staff strives to conduct a detailed and thorough analysis in a totally objective fashion so that policy-makers have all of the information needed to make sound decisions.

This research report on detentioners in Pennsylvania's county prisons was initiated by the Commission to examine this prison population segment, as it is a primary contributor to local prison overcrowding. Although detentioners represent the largest source of admissions, as well as the largest proportion of the daily jail population, only a limited amount of statewide detentioner data was readily available for analysis. This lack of available data points to the need for some form of standardized data collection program on detentioners.

We are providing this report to the wardens of the facilities studied, as well as to other interested criminal justice decision-makers, in the expectation that it will convey useful information regarding the overcrowding issue.

  
Phillip J. Renninger  
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U.S. Department of Justice  
National Institute of Justice

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ACQUISITIONS

- EXECUTIVE SUMMARY -

This exploratory study traces the movement of detentioners from admission to release from detention status in twelve Pennsylvania county prisons. A historical overview of detention in Pennsylvania as well as an analysis of 1,211 detention cases resulted in the following significant observations.

- There has been a substantial rise (18%) in adult detention admissions over the past three years (1979-81).
- The majority of detentioners were white (56%) males (95%) within the age group of 18-29 years (66%). The largest portion of the population were 18-24 years of age (43%).
- Sixty-five percent of those known to be detained for a criminal offense (1,089 cases) were incarcerated for a non-violent charge.
- Offense-specific breakdowns show robbery represented 57% of all violent offenses. Burglary represented 64% of all Part I property offenses. The offenses of Receiving Stolen Property, Retail Theft and Drug Law Violations accounted for 53% of all Part II offenses.
- Criminal history information (based on 1,115 cases) indicates that 18% were first offenders.
- Forty-five percent had two or fewer prior arrests. Fifty-seven percent had no prior record of violence.
- Time served in detention has increased; thus, effecting a greater impact of detentioners on average daily populations. Although the magnitude of the increase is unknown, the average time served in detention for the study population was approximately four months.
- Major factors influencing the length of time served in detention include the type of offense, bail amounts, and the presence of detainers.
- In the 1,045 cases where a bail amount was set, only 21% (223 detentioners) eventually secured release by bail. These detentioners spent approximately one month in jail before release.
- Bail amounts increase with the severity of the offense. The average bail amount for a Part I violent offense was \$5,000. Averages for Part I property and Part II offenses were \$2,500 and \$1,500 respectively.
- The percentage of bail releases is higher for less serious offenses. While 30% of those detentioners charged with a Part II offense made bail, only 14% of those charged with a Part I violent offense were released in this manner.
- Length of stay before bail is determined, in part, by the bail amount. Those with bail set at \$2,500 or less spent an average of 23 days in detention. Those with bail set at more than \$2,500 spent 42 days in detention before bail release.

- Fifty-three percent of the survey population had some type of detainer lodged against them, in addition to the criminal charge or other violation that precipitated their detention. Detainers found in this study were based generally on probation or parole violations and Federal, military and other criminal charges.
- Those with detainers lodged against them are least likely to make bail. Only 11% of those released on bail had accompanying detainers. These detentioners secured release on bail, for example, by having their probation or parole detainer lifted, or by posting bail on both the instant offense and the other criminal charge(s) lodged against them.
- Seventy-one percent of those detained for a Part I violent offense remained confined until sentencing. Figures for Part I property and Part II were 68% and 55%, respectively.
- Sixty-three percent of the Part I violent offenders detained until conviction were sentenced to a State facility. Thirty-three percent of the Part I property and twenty-five percent of the Part II offenders also received State prison sentences.
- The impact of detentioners on county prison overcrowding can be reduced through increased and expeditious release of the non-violent detentioner. This would free up valuable jail space for the more dangerous offender.
- Methods for lessening the impact of detentioners on county prison capacity by reducing time served in detention include:
  1. The increased use of the 10% bail option.
  2. Increased attention given to reducing the use of probation or parole detainers for those incarcerated for a non-violent criminal charge.
  3. Schedule criminal cases awaiting trial so that those in detention are given priority over those persons who are free on bail.
  4. Increased use of sentences to time already served. This would reduce the overall time spent incarcerated.

## ACKNOWLEDGEMENTS

There were a number of people whose cooperation and assistance were vital to the completion of this project. Special thanks go to the wardens and staffs of the county facilities involved in this study.

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Washington County Prison

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Delaware County Prison

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Montgomery County Prison

Gene Scroggy, Warden  
Dauphin County Prison

Arthur M. Wallenstein, Warden  
Bucks County Prison

## SECTION I. DETENTION IN PENNSYLVANIA - AN INTRODUCTION

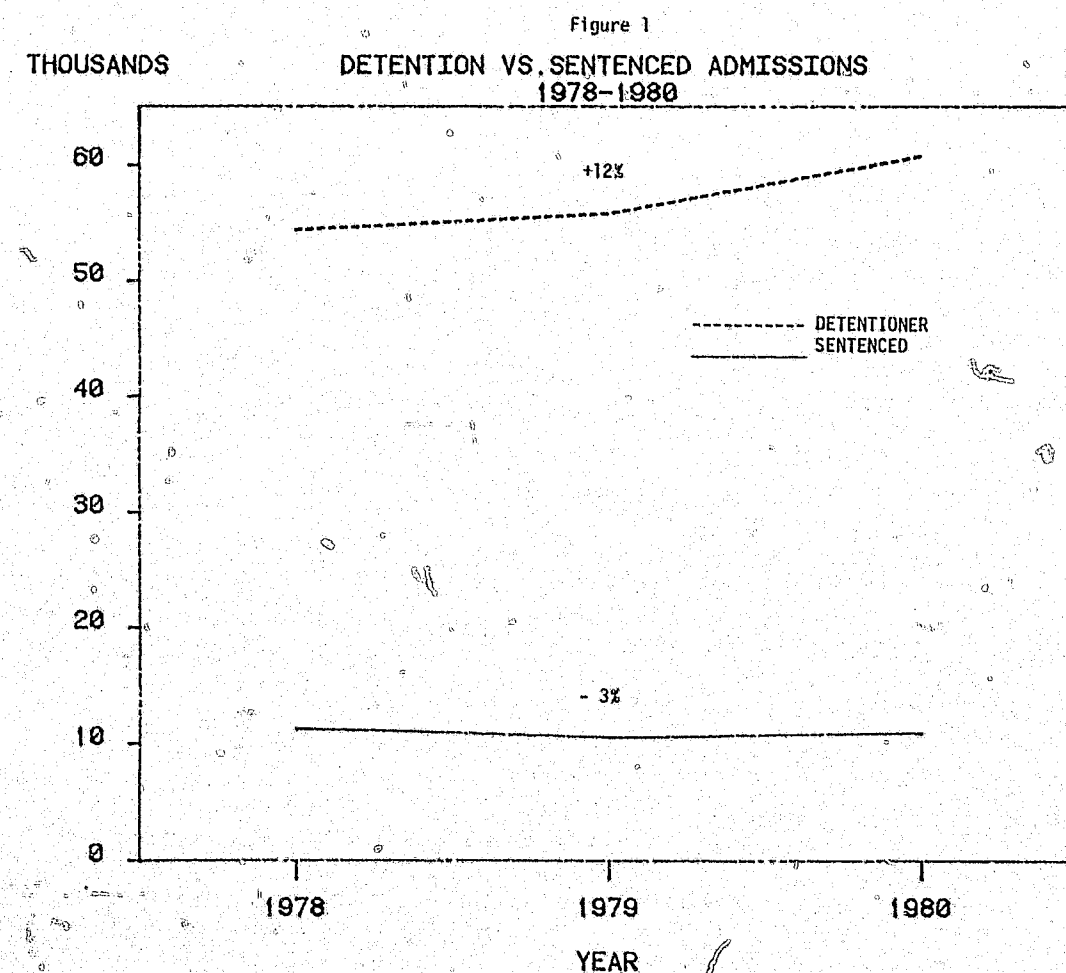
### Purpose of Study

The major purpose is to provide a profile of detentioners in Pennsylvania county prisons and assess their impact upon prison population growth and subsequent overcrowding. This study analyzes detentioner flow through the county system, from date of admission through date and type of release from detention. In addition, analysis includes type of final sentence as well as a follow-up of criminal activity for the at-risk population released to the street.

### Problem Statement: Detention Population Increase

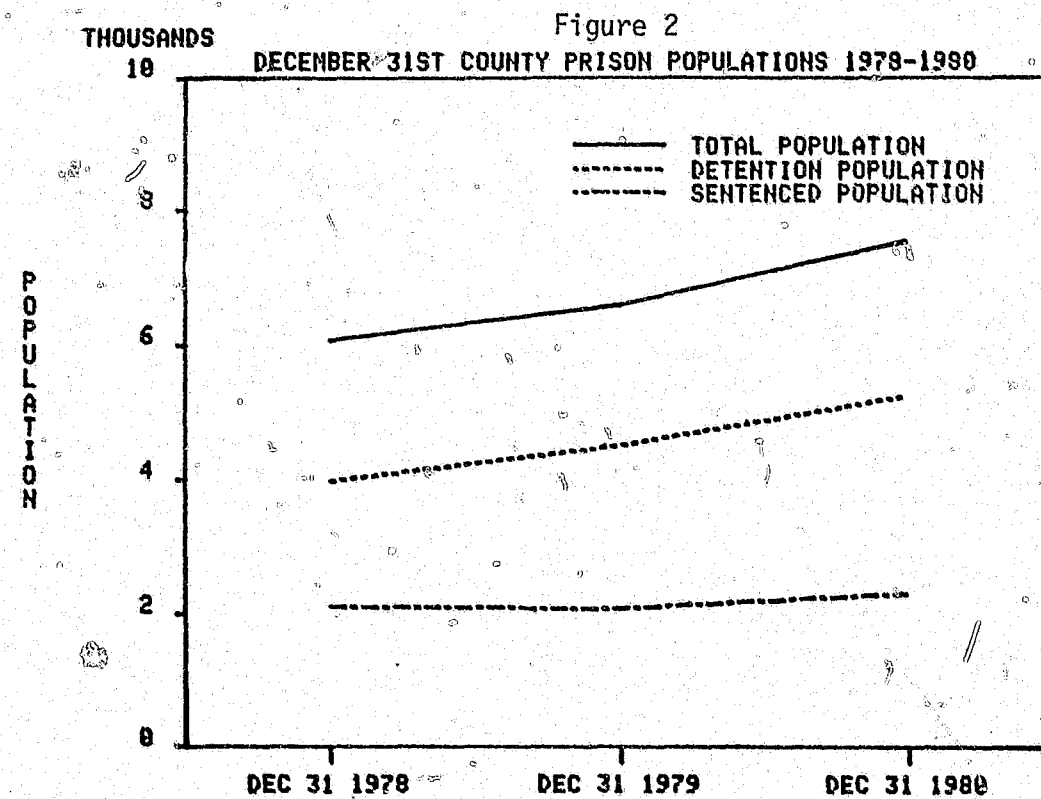
During 1980, the total inmate population of Pennsylvania's sixty-seven county prisons and jails began to rise significantly. The average daily population was 7,493, representing a seventeen percent increase from 1978. This average population was the highest on record, dating back to 1960.

An examination of the Bureau of Correction's annual reports on county facilities indicates that the increase in the total inmate population was due largely to the corresponding increase in the detention (unsentenced) population. The disproportionate growth of the detention population over the sentenced population can be seen in both total admissions (Figure 1) and the December 31st population (Figure 2) breakdowns. Total admissions increased by 9% from 1978 to 1980. While sentenced admissions decreased by 3%, detentioner admissions increased by 12%.





The December 31st population breakdowns show a 32% increase in the detention population from 1978 to 1980. The sentenced population increased by 9%.



The increase in the detention population has also impacted upon prison capacity. Figure 3 shows the effect of both the detention and sentenced population in terms of capacity for 1978-1980.

Figure 3  
Detention Impact  
on  
Statewide Facility Capacity  
December 31, 1978-1980

Capacity = 100% (8,638)

1978	Sentenced 24% of Cap.	Detentioners 46% of Cap.	Available Space 30% of Cap.
------	--------------------------	-----------------------------	-----------------------------------

Capacity = 100% (8,638)

1979	Sentenced 24% of Cap.	Detentioners 52% of Cap.	Available Space 24% of Cap.
------	--------------------------	-----------------------------	-----------------------------------

Capacity = 100% (8,937)

1980	Sentenced 26% of Cap.	Detentioners 59% of Cap.	Available Space 15% of Cap.
------	--------------------------	-----------------------------	-----------------------------------

SOURCE: Bureau of Correction's Annual Report on County Prisons and Jails 1978-1980.

The 1978 population was at 70% of total capacity, rising to 85% of total capacity in 1980. Detentioners occupied 46% of available space in 1978 while using 59% of the total capacity in 1980. The impact of sentenced inmates was relatively minor, showing an increase from 24% to 26%.

With the rising county prison population, more specifically, the detention population, and the increasing impact of this population on cell space, detentioners became a prime target for further study.

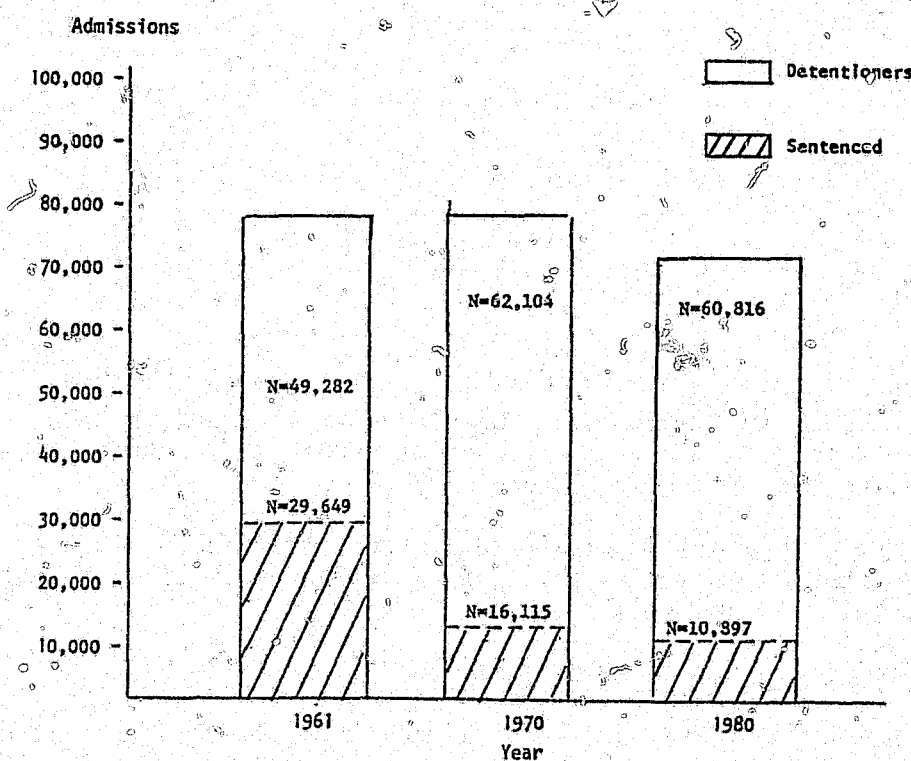
#### Historical Perspective and Review of Literature

The current situation in Pennsylvania's local facilities is not without precedent. Figures gleaned from Annual Reports on Local Prisons and Jails (1960-80) indicate prison population growth in both the early 1960's and 1970's. Overcrowding in Philadelphia jails, for example, was generally recognized as a serious problem when they reached crisis proportions in July of 1970. (Prison Overcrowding: A Closer Look at the Problem and Approaches to its Solution, July, 1981.)

However, the causes as well as the ensuing corrective measures taken appeared to be different. During the early 1960's, the bulk of admissions statewide were sentenced prisoners. For example, 29,649 sentenced inmates were admitted, compared to 16,115 in 1970 and 10,897 in 1980. The decline in sentenced prisoners may have been due to new programs and changes in sentencing practices. (Prisoners in Pennsylvania County Prisons and Jails, 1968-1972).

Although almost 80% of the admissions in 1970 were detentioners, the then innovative measures of Release on Recognizance (ROR), Accelerated Rehabilitative Disposition (ARD), and liberalized bail practices resulting from the Bail Reform Act of 1966, helped reduce the Average Daily Population (ADP) from 6,411 to 5,745 in 1974. The current situation, though, appears to be unique. There were over 5,000 fewer sentenced admissions in 1980 than in 1970. While detentioners were responsible for 85% of all receptions, there were about 2,000 fewer\* than in 1970. Yet the 1980 average daily population of 7,493 was the highest ever recorded. Figure 4 charts the admissions breakdown for 1961, 1970 and 1980.

Figure 4  
SENTENCED VS. DETENTIONER ADMISSIONS  
1961, 1970, 1980



Source: Pennsylvania Bureau of Correction's Annual Statistical Report, 1960-1980.

\*There were approximately 3,000 juvenile detentioners admitted in 1970 and none in 1980.

Rising detention population is probably not unique to this state. In *A Survey of the Nation's Jails and Jail Inmates* (1978), there were approximately 158,000 persons being held in locally operated facilities, a 12% increase from 1972. Estimates of the detention population were placed at 42-50%.

Although results of this survey represent the latest national figures, there is some evidence that the problems of overcrowding in local facilities have continued to grow. A number of local jails in various states have been ordered to reduce their populations. (*The Pre-Trial Reporter*, Vol. V, No. 2, 1981). A recent news weekly published an article concerning the tumultuous situation in our nation's jails. (*Newsweek*, August, 1981).

Because local jails have traditionally been responsible for the confinement of untried and unsentenced inmates, it is most likely that any current overcrowding is due largely to this population segment.

While there is limited data on detentioners, a review of the literature and existing data on the detention issue point to three general observations.

1. A relatively small percentage of detentioners receive prison terms greater than the period of their detention.
2. A majority of inmates nationwide are held on non-violent offenses and are there because they cannot make bail. (There is no offense breakdown of sentenced vs. detention. It is assumed here that figures for the total inmate population are reflective of the detention population as well.)
3. There are detrimental effects due to prolonged detention, such as loss of income, breakdown of family ties and, generally, more severe sentences than for those released on bail.

John Goldkamp (1979) in his study of bail and detention in Philadelphia found that of 6,216 defendants who were detained for varying periods of time, 10% (623) eventually received prison terms. In addition, of those detained, only 523 were held until final disposition. The others (5,693) were released sometime before case disposition.

In 1980, of the 60,281 detentioners released from Pennsylvania county facilities, only 11% (6,832) were released by a sentence to a State or county prison. (Pennsylvania Bureau of Correction's Annual Statistical Report on County Prisons and Jails, 1980). The remainder (53,449) spent unknown periods of time in detention and were released, at least initially, without any further imprisonment at the county level.

It would appear, then, that a significant portion of detentioners are held until final disposition of their case, and then released without subsequent incarceration.

According to the *Census of Jails and Survey of Jail Inmates* (National Prisoner Statistics Bulletin, 1979), approximately 71% of those confined in the nation's local facilities were held for non-violent offenses. Four of every five unconvicted inmates remained in detention even though bail had been set (*Ibid*, 1979). McCarthy and Wahl (1965) in their study of pre-trial detention in the District of Columbia found that of 1,868 detainees who had bail set, about 50% had amounts set at \$1,000 or less. Yet, only 42% of the total sample were eventually able to post bail. A later study (Goldkamp, 1979), found that of 4,311 defendants who had cash bail set, 2,717 (63%) had bail amounts of \$1,000 or less. Twenty-eight percent (727) of this low bail group remained detained without being released on bail.

There is evidence that there are more severe case outcomes for those detained than those released. Since the first mention of differential case outcomes for detained and released defendants (1932), nearly every subsequent study has included findings showing that greater proportions of released defendants received favorable dispositions with respect to dismissal, conviction/non-conviction and sentencing. (Two Classes of Accused, Goldkamp, J., p. 185, 1979). In his Philadelphia study, Goldkamp (1979) found that pre-trial custody had no bearing on prospective innocence or guilt, but detention did have an effect on severity of sentence. Of those released from detention within 24 hours and later convicted, 10% received incarcerative terms. Of those released before final disposition, 30%. As to those detained until final disposition, 74% were sentenced to further incarceration.

#### Study Approach and Primary Areas of Concern

While county prison statistics have been compiled in Pennsylvania since 1847, there is virtually nothing known about detentioners. Only the volume of admissions and releases are recorded on a yearly basis in the Bureau of Correction's annual reports. This makes any analysis of current situations concerning this population quite difficult. Critical information such as the time spent in detention or the type of offender detained are simply not compiled in aggregate form.

This lack of information necessitated a field approach to the study of detentioners, in which primary data sources within the county facilities would be utilized. A "snapshot photo" of the detention population in various county prisons was taken on a particular day. Pertinent data was collected on the individual detentioner in preparation for a follow-up through the system. In short, a profile of the detention "experience".

This study approach can be characterized as exploratory, in that virtually little is known from which to generate traditional hypotheses. However, data gleaned from prison records can be analyzed in terms of key areas of the detention process. Should serious overcrowding exist, for example, the results of this study might indicate a certain area from which possible solutions can be generated.

The focus of this study is to 1) present the general findings of the exploratory study of the detention population in a descriptive format; 2) present the results of analyses of the data; and 3) offer viable suggestions for lessening the impact of detentioners on prison overcrowding. Major areas of discussion will be as follows:

#### 1. General Findings

- a. What are the characteristics of the detention population in terms of age, present offense, and past criminal history?
- b. What are the various exit points from detention?
- c. What is the average time served in detention and what types of final sentences do they receive?

#### 2. Analyses

- a. What are the primary factors of time served in detention?
- b. Does the detention process vary between counties and what are its effects?

#### 3. Results of Analyses and Their Application

- a. What are the major causes of the increasing detention population?
- b. Can the impact that detentioners have on growing county prison populations be reduced?
- c. If so, what are the feasible strategies?



## SECTION II

### THE EXPLORATORY STUDY

#### Data Collection Methodology

In January, 1981, the Commission on Crime and Delinquency began a study of detentioners in twelve Pennsylvania county prisons. Pertinent data was collected from the files of the active detentioner population in each of the selected prisons. It was determined that data to be collected should be germane to three major areas:

1. Who is detained, and why?
2. How long are they detained and how are they released?
3. What happens to them after release?

During the first stage of data collection, each of the twelve county prisons were visited in order to collect the following information on each individual who was in detention status on that particular day.

1. Name, age, race, sex
2. Offense Tracking Number and State Identification Number
3. Date of admission
4. Most serious charge
5. Amount of bail set and magisterial district
6. The presence of any detainers by type (criminal, parole, etc.)

This stage of data collection lasted approximately four months (January-April, 1981) and provided information on "who was detained, and why". Three data elements originally intended for inclusion in this study - residence, employment status and victim injury - had to be excluded because of reporting inconsistencies or general unavailability.

The second stage of data collection involved returning to each prison in order to ascertain the disposition of each case. Because of Pennsylvania Rules of Criminal Procedure Number 1100, which requires that an individual must be brought to trial within 180 days after the filing of charges, this stage did not commence until the expiration of at least six months. Return visits after this period of time would insure that the majority of cases had been finalized. Information collected at this stage included:

1. Date and method of release from detention status
2. Type and length of sentence (if applicable)
3. Date of release from sentenced status, if applicable.

This stage of collection provided answers to the question of "How long is the individual detained and how is he released?". This effort began in September of 1981 and was completed in early January of 1982.

Two problems surfaced at this stage which required an additional visit to several counties. When an individual is released on bail, the final disposition is not recorded in prison records unless the person was sentenced to that institution. Secondly, a number of cases were not yet disposed of, or the disposition was unknown. This information was supplemented through data collection at the respective court-houses and required an additional three months. This supplemental stage was completed in early April of 1982.

The final period of data collection involved the analysis of criminal history information. Rap sheets were acquired from the Pennsylvania State Police as this information was not consistently available at the prisons. Data gleaned from each available rap sheet were:

1. Number of prior arrests
2. Number of prior arrests for a violent offense
3. Number of prior incarcerations (30 days or more including parole violations)
4. Number of prior probation and parole violations, escapes and failure(s) to appear for trial or hearing.

This information provided a criminal history profile of the detentioner prior to his present admission as well as new arrest information for those released to the street within the temporal confines of the study, e.g., "What happens to the detentioner after release?". This component of the study was completed in June of 1982.

#### Selection of the Study Population

The county prisons selected for this study were the result of attempts to provide for both a representative sample of prison size as well as geographic region.

The Bureau of Correction's 1979 Annual Report, the most recent available information at the time, provided objective criteria for selection. Information such as cell capacity, the number of detentioners present on December 31, 1979, and the average daily population were analyzed to profile each county prison. The proportion of detentioners to the total population and the average daily population as a proportion of total capacity were key indicators of possible selection. County prisons from each county classification (from second class to fifth class) were selected. Philadelphia was excluded because of the difficulty and time involved with analyzing such a large population. The sixth through eighth class counties were excluded because any analysis of these small counties might not be representative of the state.

The twelve prisons selected comprised 51% of the State's detention population (excluding Philadelphia) and included three facilities that were experiencing serious overcrowding problems at that time, i.e., Blair, Bucks and Lycoming Counties. The southeast, southwest, northcentral and southcentral areas of Pennsylvania were represented.

Table 1 profiles the final site selection.

TABLE 1

CHARACTERISTICS OF SELECTED PRISONS  
AS OF DECEMBER 31, 1979

County Classification	I Cell Capacity	II Percent of Detentioners	III ADP	IV Percent of Total Capacity
2nd Class				
Allegheny	634	91%	439	69%
Delaware	485	61%	357	73%
Montgomery	270	59%	249	92%
3rd Class				
Bucks	176	58%	192	109%
Lancaster	223	55%	211	94%
York	192	73%	127	66%
Westmoreland	62	92%	44	70%
4th Class				
Dauphin	254	63%	207	81%
Lackawanna	152	68%	85	55%
Washington	119	59%	93	79%
5th Class				
Lycoming	75	50%	78	104%
Blair	71	69%	76	107%
Total Study Group:	2,713	68%	2,158	80%

Source: Pennsylvania Bureau of Correction's Annual Report on Local Prisons and Jails, 1979

The selection of the twelve county prisons resulted in 1,211 detention cases for analysis. A number of cases were excluded because they were least likely to be released from detention (thus skewing the time served figures upward) or were not physically present. Case exclusions were:

1. Those charged with murder
2. Those appealing their cases
3. Those convicted and awaiting sentencing
4. Those sentenced on one case but awaiting trial on another
5. Those detained in mental hospitals or other facilities

Further case attrition occurred during return visits to the prisons, wherein information on some of originally selected cases was unavailable. Table 2 profiles each county prison at the time of the initial data collection.

TABLE 2

Population Breakdown of  
Survey Prisons - 1981

	Final Sample Deten- tion Population	Total Detention Population	Total Inmate Population
Allegheny	351	537	560
Blair	54	64	88
Bucks	89	109	236
Dauphin	96	189	281
Delaware	142	206	404
Lackawanna	46	67	114
Lancaster	75	125	210
Lycoming	39	43	97
Montgomery	165	183	293
Washington	41	45	84
Westmoreland	41	43	44
York	72	120	192
TOTAL:	1,211	1,731	2,603

The total detention population in the twelve prisons was approximately 67% of their total inmate population and the final study population represented 70% of the total detention population.

## General Findings

### Who is Detained and Why?

Descriptive data compiled from the study population indicates that the majority of detentioners were white (56%) males (95%). The age group of 18-29 years (considered to be the crime-prone adult age group) represented 66% of the total population (N = 798). The 18-24 year old age group constituted the largest portion (43%) of the population (N = 519).

TABLE 3

#### Twelve County Prisons' Detention Population Age and Race

	Total N	Median Age	Percentage Non-White
Allegheny	351	27.3	67.5
Blair	54	23.1*	1.9
Bucks	89	25.2	24.7
Dauphin	96	27.0	47.9
Delaware	142	26.5	54.9
Lackawanna	46	26.8	10.9
Lancaster	75	26.1	24.0
Lycoming	39	24.6	33.3**
Montgomery	165	25.0	46.7
Washington	41	23.0	26.8
Westmoreland	41	24.4	7.3
York	72	25.8	29.2
TOTAL:	1,211	25.9	43.9

\*Unknown N = 2

\*\*Unknown N = 1

Detention occurs primarily as a result of an arrest for a criminal offense or as a result of a violation of parole or probation conditions. A brief description of the offense types referred to throughout this study follows:

- Part I Violent - includes manslaughter, rape (including involuntary deviate sexual intercourse), robbery, aggravated assault and kidnapping.
- Part I Property - includes burglary, theft (including auto theft) and arson.
- Part II - all other criminal offenses.
- Other - included here are technical parole and probation violations lodged by the Pennsylvania Board of Probation and Parole or the county probation department. In addition, detainers lodged by federal, military, or other state agencies are included. All cases included in this category represent

a violation of some condition rather than a criminal offense. In cases where a criminal offense was accompanied by a detainer, the criminal charge took precedence and was included in the respective offense grouping (violent, etc.). The only exceptions were bench warrants (failure to appear) in which the criminal offense was unknown. These were placed in the "other" category.

TABLE 4

#### Offense Type of Those in Detention Status

	Number	Part I Violent	Part I Property	All Part II	Other
Allegheny	351	130	87	102	32
Blair	54	18	21	13	5
Bucks	89	20	34	29	6
Dauphin	96	41	28	26	1
Delaware	142	50	54	31	5
Lackawanna	46	12	17	10	7
Lancaster	75	18	35	16	6
Lycoming	39	13	11	4	11
Montgomery	165	44	55	38	28
Washington	41	8	18	7	8
Westmoreland	41	8	15	14	4
York	72	14	33	15	10
TOTAL:	1,211	376 (31%)	408 (33.6%)	305 (25.1%)	122 (10.0%)

Robbery was the most prevalent violent offense; there were 214 robberies representing 56.9% of all violent offenses. Burglary (N = 261) represented 63.9% of all Part I property offenses. Receiving stolen property, retail theft, and drug law violations (N = 162) accounted for 53.1% of all Part II offenses. The preceding offenses represent 53% of all detention cases and 58% of all criminal offenses.

The distribution of those detained within the "Other" category (N = 122) includes:

Type of Detainer	Number Detained
PBPP-technical parole violation	25
County technical probation or parole violation	45
Bench warrants (offense unknown)	39
Other State, Federal or military detainers	13
TOTAL:	122



### What is the Extent of the Prior Criminal History of the Study Population?

Criminal history information was obtained from the Pennsylvania State Police (Rap sheets). Data gleaned were the number of prior adult arrests, prior arrests for violent offenses, prior incarcerations (over 30 days), and prior supervision failures (probation/parole violations, escapes, failures to appear). All prior information excluded the present offense. Rap sheets were available for 1,115 cases. The mean number of prior arrests is found in Table 5.

TABLE 5  
Number of Prior Arrests

County	Number of Cases	$\bar{X}$ (Mean)
Allegheny	335	4.0
Blair	44	1.1
Bucks	80	2.5
Dauphin	94	1.8
Delaware	134	3.1
Lackawanna	42	1.4
Lancaster	72	2.0
Lycoming	37	1.7
Montgomery	155	3.1
Washington	31	1.4
Westmoreland	29	1.9
York	62	2.0
Total	1,115	2.8

The overall means for the number of prior arrests for a violent offense (.78), the number of prior incarcerations (.91), and the number of prior supervision failures (.32) were all less than one.

There were 196 (18%) first offenders. Approximately 45% of the population (N = 500) had two or fewer prior arrests with no prior violence. Overall, fifty-seven percent (640) had no prior arrests for a violent offense while 50% had no prior incarcerations and over 70% (869) had no known prior supervision failures.

### Exit Points from Detention: How are They Released?

Of the total study population (1,211), the type of release from detention status was known for 1,191 cases. The types of release for the known cases were:

1. Bail - Upon arraignment for a criminal charge, a bail amount must be set\*; the only exception being a charge of murder. The primary purpose of bail is to insure the defendant's appearance in court. Bail can be revoked should the defendant fail to appear. Bail amounts are not set for parole and probation violations.

\*Non-monetary releases such as ROR are utilized. However, such cases were not found in this study because such persons' immediate release precluded being detained.

There were 223 detentioners who secured release by bail - 21% of all cases in which a bail amount was set (N = 1,045).

TABLE 6  
Median Bail Amount  
By County

County	# of Cases (Bail Set)	Rounded to Nearest Hundred Dollars
Allegheny	318	\$ 5,000
Blair	51	\$ 2,500
Bucks	75	\$ 1,500
Dauphin	94	\$10,000
Delaware	120	\$ 2,000
Lackawanna	37	\$ 7,500
Lancaster	59	\$ 5,000
Lycoming	30	\$10,000
Montgomery	130	\$ 5,000
Washington	33	\$ 1,000
Westmoreland	34	\$ 1,000
York	64	\$ 5,000
STATE:	1,045	\$ 4,500

\*Where 10% bail was indicated in jail records, the appropriate calculations were made to reflect the actual monetary value.

The median bail amount was \$4,500 with the lowest bail set at \$30 and the highest at \$325,000. In five counties, the average bail set was \$2,500 or less. Five counties averaged between \$5,000 and \$7,500 and two counties averaged \$10,000 or more. County-run bail agencies operate in Allegheny, Dauphin, Delaware and Lancaster Counties and, with the exception of Dauphin, the percentage bail option is utilized within these counties. Dauphin, Lackawanna and York rely mostly on cash bail. The remaining counties make use of the 10% system, although those detained in Lycoming County were not, according to jail records, provided that option.

2. Dismissal/Acquittal - This type of release includes dismissal of charges, nolle prosequi and not guilty. There were 116 such releases.
3. Release by Holding Authority/to Other Authorities - Only 79 detentioners were released in this manner. Examples of this type of release would be 1) release to the street from a parole or probation violation (by holding authority) or 2) release to state, federal or military authorities (to other authorities).
4. Sentencing - There were 773 detentioners who remained confined until sentence was pronounced by (in all but a few instances) the court of common please.

TABLE 7  
Manner of Release from Detention

Release Type	Number of Cases	% of Known Releases
Bail	223	18.7
Sentencing	773	64.9
Dismissals	116	9.7
By/To Authorities	79	6.6
TOTAL:	1,191	99.9

Time Served in Detention - How Long Do They Stay?

Detention time was measured from the date of admission to the prison, to the date of release from detention status (by bail, sentencing, etc.)

TABLE 8  
TIME SERVED IN DETENTION  
(in days)

County	Total Cases	Known Cases	Median Time Served
Allegheny	351	347	124.4
Blair	54	44	222.5
Bucks	89	87	98.0
Dauphin	96	95	154.0
Delaware	142	141	113.0
Lackawanna	46	41	195.0
Lancaster	75	74	140.5
Lycoming	39	38	143.5
Montgomery	165	162	113.5
Washington	41	40	53.5
Westmoreland	41	41	50.0
York	72	72	108.5
TOTAL:	1,211	1,182	122.2

Overall, time served in detention for the total population averaged 122.2 days. This figure varied across counties, with Westmoreland showing the lowest time served figure (50 days) and Blair County the highest (222.5 days). Section III provides a more detailed discussion of time served and the differences between counties.

Summary

This section presented the characteristics of the survey population, why they were detained, and how they were released. Detentioners in this study, on the average, were white, males within the 18-29 age group, most likely detained for a non-violent offense.

The majority of the population had incurred fewer than three prior arrests; most likely for non-violent offenses. Most remained in detention until final sentence for their case was pronounced. The average length of stay in detention was found to be approximately four months for the overall sample.

### Section III Data Analyses

This section presents major findings based on analyses of the descriptive data collected. The primary focus is to discuss the variables of the detention process in terms of their effects upon time served in detention and its variance between counties.

The impact of bail amounts, detainers, offense types and types of sentences are examined within the two major cohorts of 1) those detentioners released on bail and 2) those detained until disposition and sentencing.

#### Bail Amounts and Offense Type

As discussed in Section II, average bail amounts varied between counties. Bail amounts also increase with the severity of the offense type. The median bail amount for a Part I violent offense was \$5,000. Bail for Part I property and all Part II offenses was \$2,500 and \$1,500 respectively. While the relationship between amount and offense type is the general rule within each county, there is substantial variation in bail amounts between counties within offense type.

TABLE 9  
AVERAGE BAIL AMOUNT BY OFFENSE TYPE

	Part I Violent	Part I Property	Part II
	\$	\$	\$
Allegheny	5,000	3,000	2,000
Blair	2,500	2,100	500
Bucks	2,500	1,500	1,000
Dauphin	10,200	4,900	5,000
Delaware	2,600	1,000	1,000
Lackawanna	25,000	5,000	2,200
Lancaster	10,000	5,000	2,000
Lycoming	20,100	5,000	10,000
Montgomery	25,000	5,000	1,000
Washington	3,200	500	300
Westmoreland	1,000	1,000	600
York	21,600	4,900	2,000
STATEWIDE:	\$ 5,000	\$ 2,500	\$ 1,500

#### Offense Type and Bail Release

Since bail amounts increase with the severity of the offense type, one would expect that the greater percentage of bail releases consist of those detained for less serious (particularly non-violent) offenses. Table 10 supports this expectation and indicates that Part I violent offenders are least likely to secure release by bail.

TABLE 10  
BAIL RELEASE BY OFFENSE TYPE

Offense Type	Number Bail Releases	Total Cases*	Type Percent Released
Part I Violent	49	359	14%
Part I Property	81	388	21%
Part II	82	277	30%
TOTAL:	212	1,024	21%

\*This cohort represents those detained for a criminal offense who had a bail amount set.

#### Bail Amount and Release

One criteria for bail release appears to be, as expected, the dollar amount of the bail. Detentioners with lower bail amounts are more likely to secure release by bail. The table below shows that fewer bail releases occur as bail amounts higher.

TABLE 11  
BAIL RELEASE BY AMOUNT

	Cases	Bail Releases	Percentage
\$1,000 or less	336	105	31%
\$1,001 -- \$2500	133	26	19%
\$2,501 -- \$5000	228	45	20%
\$75,000	348	40	11%
TOTAL:	1,045	216	21%

\*This cohort represents all cases wherein bail was originally set. Twenty-one detentioners within the "other" offense type had bail set, reflecting a total of 1,045.

Thirty-one percent of the detentioners whose bail was set at \$1,000 or lower were released on bail. Twenty percent of those whose bail was in the \$2,501-\$5,000 range made bail; a slightly higher percentage than the \$1,001-\$2,500 group (19%). However, only 11% of those whose bail was greater than \$5,000 secured release by bail.

#### The Lodging of Detainers and Their Effect on Bail Release

Thirty-one percent of all bail cases were set at \$1,000 or less. Forty-five percent (469 cases) had bail set at \$2,500 or less. Thus, 45% of the cases had bail set at what might be considered a relatively low amount. However, only 131 of the 469 detentioners (28%) who had the lower bail set were able to secure release by bail. The inability to afford bail as well as the presence of a detainer may be valid reasons why bail could not be met in so many cases.



The lodging of a detainer appears to be the major determinant for the failure to post bail. Of the total cases in the survey, 643 (53%) had an accompanying detainer lodged against them. Types of detainers lodged were as follows:

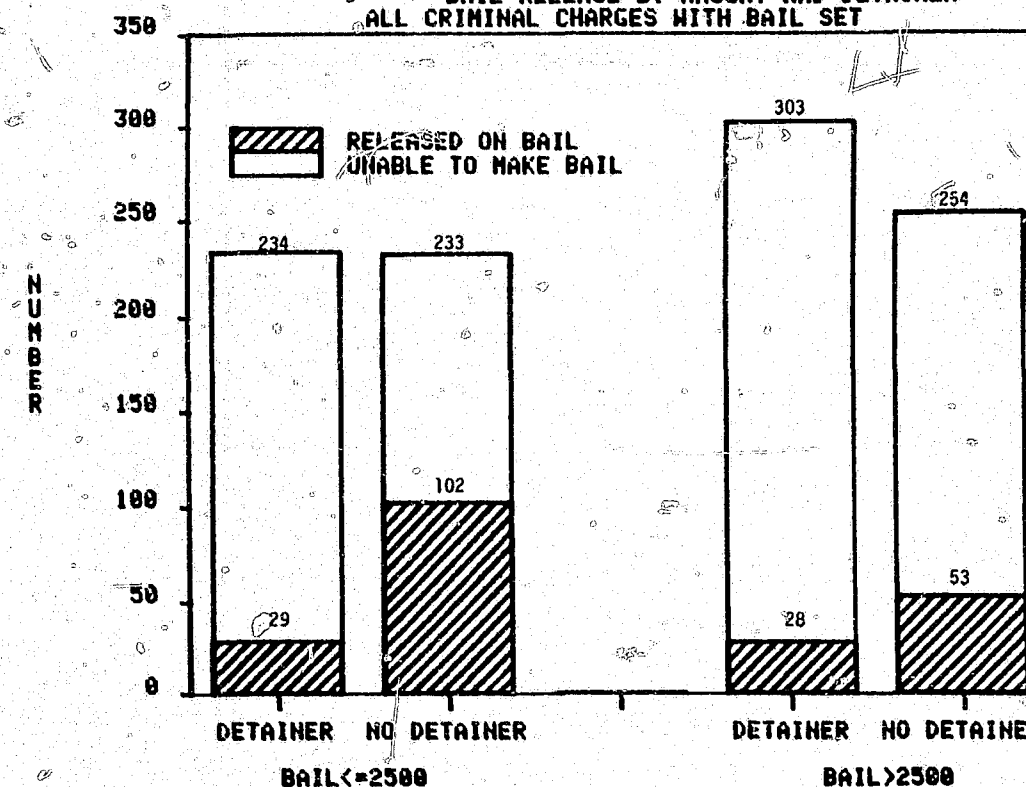
A. Another criminal detainer	-	N = 135
B. Pennsylvania Board of Probation and Parole	-	N = 160
C. County Probation and Parole	-	N = 148
D. Bench warrants	-	N = 116
E. Federal, Military and Other State	-	N = 37
F. Multiple detainers	-	N = 47
		643

To determine the effect of detainers on bail release, the subgroup of those detained on a criminal charge who had bail set originally (1,024 cases) was analyzed. Of this number, 537 had another detainer lodged against them, while 487 cases were detainer-free. Bail amounts were grouped into \$2,500 or less and greater than \$2,500.

Of the 487 individuals who did not have a detainer lodged against them, 155 (32%) made bail. Conversely, of the 537 individuals who did have a detainer lodged against them, only 57 (11%) made bail. Those with detainers made bail by either posting bail on the criminal detainer or through posting bail after a prob/par detainer had been lifted. A test for the significance between proportions reveals a statistically significant difference at the .05 level.

$$Z = 10.50 > 1.96$$

Figure 5: BAIL RELEASE BY AMOUNT AND DETAINER  
ALL CRIMINAL CHARGES WITH BAIL SET



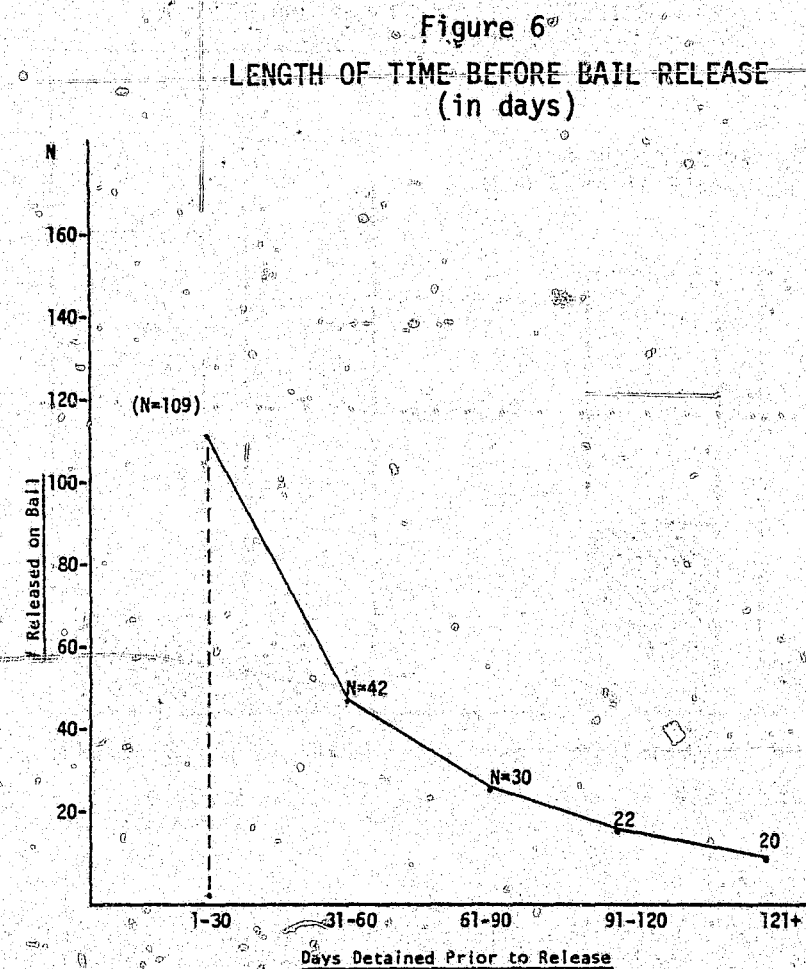
An analysis of the above data by offense type resulted in the finding that the significance of the relationship between other detainers lodged and the ability to make bail is unaffected by the offense.

Another factor affecting the ability to secure release on bail could be the economic inability to afford the bail set. All cases where bail was set at \$2,500 or less were analyzed. Of these 467 cases, 131 made bail while 269 were detained until disposition and sentencing. The majority of the remaining cases were released through dismissals, etc.

Ninety-seven of the 269 individuals detained until sentencing (36%) had no detainers lodged against them, remaining in detention ostensibly because of the lack of financial resources.

#### Time Served Until Bail Release

The critical time period for bail release appears to be within the first month of detention. The majority of detentioners making bail were released during this time period.



For those who eventually secured release from detention by bail, the average (median) time served was 31 days.

TABLE 12  
AVERAGE TIME SERVED IN DETENTION BEFORE BAIL RELEASE

County	Number Bail Releases	Percent of Those Eligible	Median in Days
Allegheny	49	15%	15.0
Blair	19	37%	120.0
Bucks	22	29%	22.5
Dauphin	11	11%	22.0
Delaware	29	23%	33.0
Lackawanna	11	29%	50.0
Lancaster	3	4%	48.0
Lycoming	8	25%	27.5
Montgomery	29	21%	33.2
Washington	9	26%	14.0
Westmoreland	15	41%	22.8
York	18	28%	36.5
TOTAL:	223	21%	31.3

An important point to note is that the key to evaluating bail release within counties is the average time served until release and not the number (%) of releases. If one were to look solely at the percentage of detentioners released on bail, indications would be that both Blair and Westmoreland Counties release the largest percentage of detentioners on bail. However, the difference in the length of stay before release is substantial - Blair at 120 days and Westmoreland at 22.8 days.

Once again, the issue of other detainers being lodged is a temporal factor regarding time served prior to bail release. Not only does a detainer prohibit release on bail to a large extent, but it also impedes an expeditious release on bail.

The median time served for those released on bail with no detainers was 23.8 days. For those with detainers, however, the median time served was 49.5 days. This difference is probably due to the time involved in lifting the detainer.

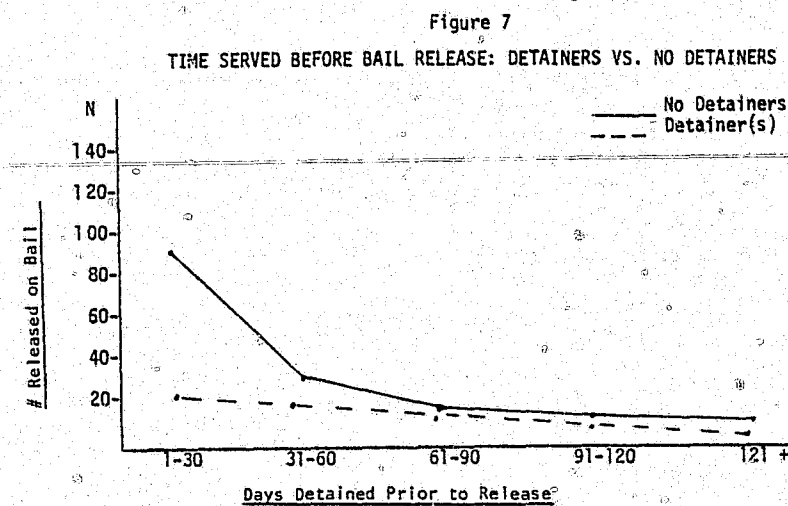
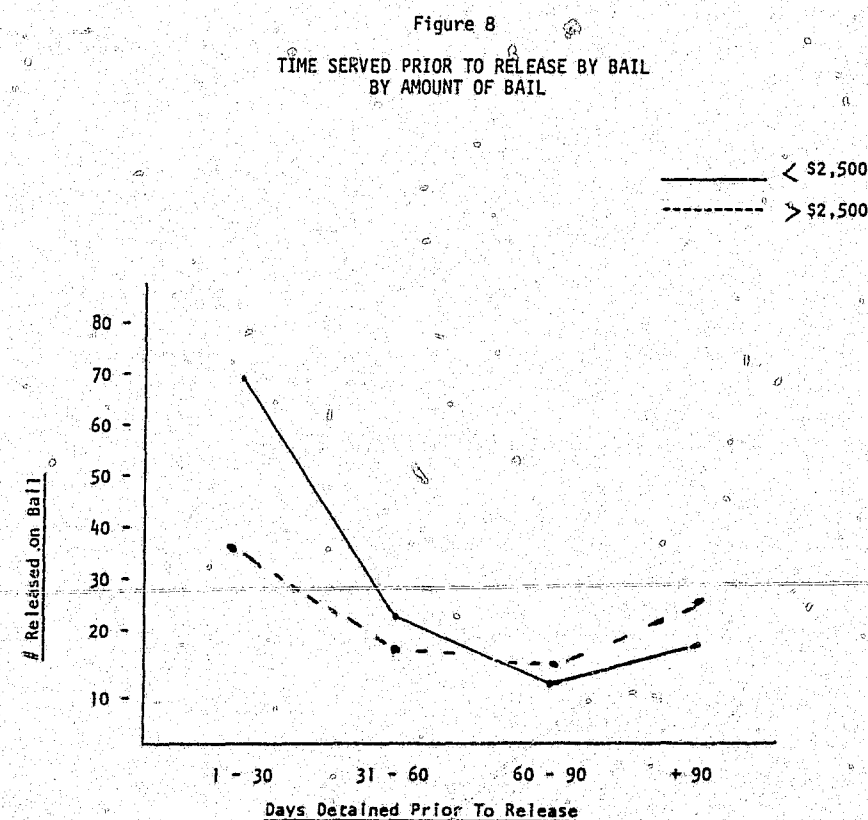


Figure 7 shows that, unlike the detainer-free cases, there appears to be no critical time period concerning bail release for individuals with detainers lodged against them. There is no precipitous decline in bail releases after 30 days. For those with detainers, there are comparatively fewer released on bail within 30 days and only a steady decline thereafter.

Time served until bail release is, as expected, longer for those with higher bail amounts. The average time served for those with bail set at \$2,500 or less was 23.2 days. For those with higher bail (> \$2,500), this figure was 42.0 days. Figure 8 shows the relationship of time served and bail amount.



### Those Detained Until Sentencing

This analysis focuses on those detained until sentencing. The variables of offense type and type of sentence are examined in terms of the impact on time served in detention.

There were 773 detentioners who remained confined until disposition/sentence; representing 63% of the total survey population. This subgroup spent an average of 148 days in detention.

TABLE 13

### TIME SERVED TO SENTENCING

County	Cases*	Median Time Served (Days)
Allegheny	228	151.0
Blair	18	415.0
Bucks	55	137.5
Dauphin	68	166.5
Delaware	100	151.2
Lackawanna	22	241.0
Lancaster	61	142.0
Lycoming	23	191.0
Montgomery	108	139.5
Washington	28	71.5
Westmoreland	18	84.5
York	44	142.5
<b>TOTAL:</b>	<b>773</b>	<b>148.1</b>

\* Time served was unknown for 4 cases.

Detentioners in Washington County spent, on the average, the least amount of time in detention until sentencing (71.5 days) while those in Blair spent almost 14 months.

Those detained until sentencing, for a Part I violent offense are most likely to be sentenced to a state or regional facility. It can be noted here that 116 cases were processed out of the courts' system, before sentencing, through dismissals, nolle prosequi or not guilty verdicts.



TABLE 14  
SENTENCE OUTCOME BY OFFENSE TYPE

Offense Type	Number	Sentence Outcome					
		State Correc- tional Institution	%	County Jail*	%	Probation	%
Part I Violent	268	169	63%	79	29%	20	7%
Part I Property	279	94	34%	153	55%	31	11%
Part II	168	43	25%	90	54%	35	21%
Other	58	15	26%	30	52%	13	22%
TOTAL:	773**	321	42%	352	46%	99	13%

\*Includes sentences to time served.  
\*\*One sentence unknown.

#### Time Served by Offense

Time served figures for those who were sentenced increases in direct proportion to offense type. Part I violent offenders spent, on the average, 180 days in detention status. Part I property and Part II offenders spent 141.5 and 131 days respectively.

TABLE 15  
MEDIAN TIME SERVED IN DETENTION BY OFFENSE TYPE

Offense	Total Number	Known Number	Time Served (in Days)
Part I Violent	268	268	180.0
Part I Property	279	276	141.5
Part II	168	167	131.0

Time served figures are higher for those who were ultimately sentenced to a state or regional facility (187.2 days) when compared to those sentenced to a county facility (133 days). Because those detained for a Part I violent offense are more likely to be sentenced to a state facility, it is not readily apparent if the offense type or the type of sentence is responsible for the higher time served figures.

It is possible that those charged with a violent crime are more prone to elect a jury trial, thereby lengthening the court process. It is also possible that the procedure for sentencing to a State facility requires more time. According to Rule 1403 of the Pennsylvania Rules of Criminal Procedure, the sentencing judge may order a pre-sentence investigation (PSI) in cases where incarceration of one year or more is a possible disposition when the offender is less than 21 years of age or where he is a first-time adult offender.

Although the PSI is not mandatory, it is likely that such investigations are more likely to be ordered in cases where a state sentence is contemplated by the court.

Table 16 indicates that the type of sentence is probably the major determinant of time served figures. Figures for each offense type vary according to the type of sentence given. For example, those detained for a violent offense served an average of 180 days until sentencing. For those sentenced to a state institution, the average was 207 days. For those sentenced to a county facility, however, the figure was 157 days. This variation is found within all offense groups.

TABLE 16  
TIME SERVED IN DETENTION BY SENTENCE OUTCOME  
(in days)

Offense Type	Overall Average	State Sentence Average	County Jail Sentence Average
Part I Violent	180.0	207.0	157.0
Part I Property	141.5	167.0	133.5
Part II	131.0	155.5	116.5

Analysis of time served until imposition of sentence, for all offenses, shows substantial variation between counties.

TABLE 17  
MEDIAN TIME SERVED IN DETENTION  
(in days)

	Sentence Outcome		
	County Jail Sentence	State Sentence	
Allegheny	N = 41 131.0	N = 137 166.0	
Blair	N = 12 374.0	N = 5 443.0	
Bucks	N = 36 131.5	N = 14 227.5	
Dauphin	N = 33 154.8	N = 33 209.0	
Delaware	N = 62 133.5	N = 24 231.0	
Lackawanna	N = 12 241.0	N = 10 225.5	
Lancaster	N = 46 138.5	N = 12 186.0	
Lycoming	N = 12 158.0	N = 11 214.0	
Montgomery	N = 52 113.5	N = 40 151.5	
Washington	N = 14 53.5	N = 12 103.5	
Westmoreland	N = 6 17.0	N = 10 108.5	
York	N = 26 113.5	N = 13 217.0	

#### Summary

This section focused on bail amounts, detainers, offense types, sentence types, their impact on time served in detention and its variation between counties.

It was shown that bail amounts increase with the severity of the offense type. While release on bail is contingent, to some degree, on the amount, it was shown that the presence of a detainer was the primary factor in prohibiting bail release. The length of time spent in detention until bail release was determined by both amount and detainers. Analysis of the cohort detained until sentencing showed that time served figures varied with both offense type and type of sentence given.

#### SECTION IV

#### RESULTS OF ANALYSIS AND THEIR APPLICATION

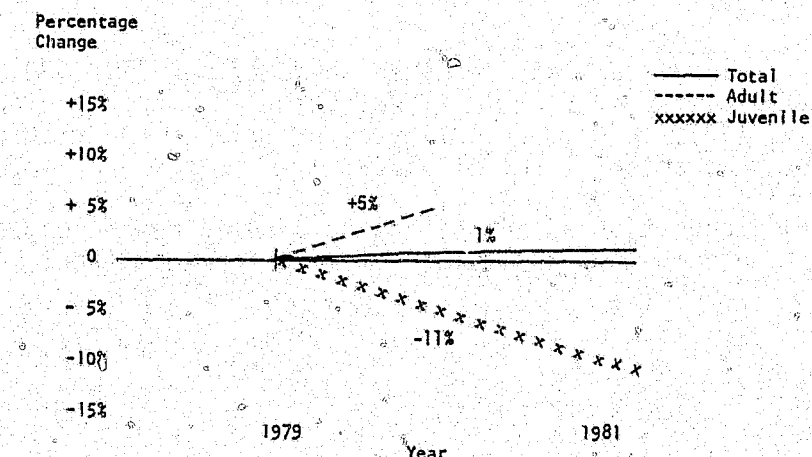
#### Causes of the Rising Detention Population

Generally, there are only two conditions that affect any fluctuation in the detention population. These are: 1) the number of persons admitted to detention; and 2) once admitted, the length of stay in detention.

Regarding the first factor influencing the rising detention population, the Bureau of Census' recent population count reported there were 170,000 more people in Pennsylvania age 18 years and over in 1980 than in 1978. Along with this increase in the adult civilian population, there has been a corresponding increase in the number of adults arrested.

There were 380,899 total arrests in 1981, representing a less than 1% increase over the 1979 figure of 380,644.\* While this increase does not appear to be of great significance, a closer examination reveals a shift in the age of persons arrested. While the number of juveniles arrested has decreased by 11% (from 114,117 in 1979 to 101,044), adult arrests have increased steadily since 1975.\*\* There were 266,527 adult arrests in 1979 compared to 279,855 in 1981 - an increase of 5%.

FIGURE 9  
PERCENTAGE CHANGES IN NUMBER OF PERSONS ARRESTED  
1979 - 1981



Source: Pennsylvania Uniform Crime Report (Raw Data) 1979-81.

Of particular note is that the number of persons arrested within the age group of 18-24 has increased by 5%, from 147,147 in 1979 to 154,541 in 1981. The significance of this statistic is that a certain proportion of the former juvenile population has been, and is presently moving into the crime-prone age group of 18-24. Pennsylvania Act 41 (1977) states that juveniles cannot be detained in an adult facility unless certified as adults by the court. Therefore, former juveniles, the majority of whom could not be detained in the county adult facilities, are now moving into the age group wherein they have become "eligible detentioners".

While the number of adults arrested has increased, the proportion of individuals admitted to detention, of the total arrests, has also increased. Table 18 shows the number of persons admitted to detention for trial or further hearing as a proportion of all adult arrests statewide.

TABLE 18  
DETENTION ADMISSIONS AS A PROPORTION OF STATEWIDE ADULT ARRESTS  
1979-1981

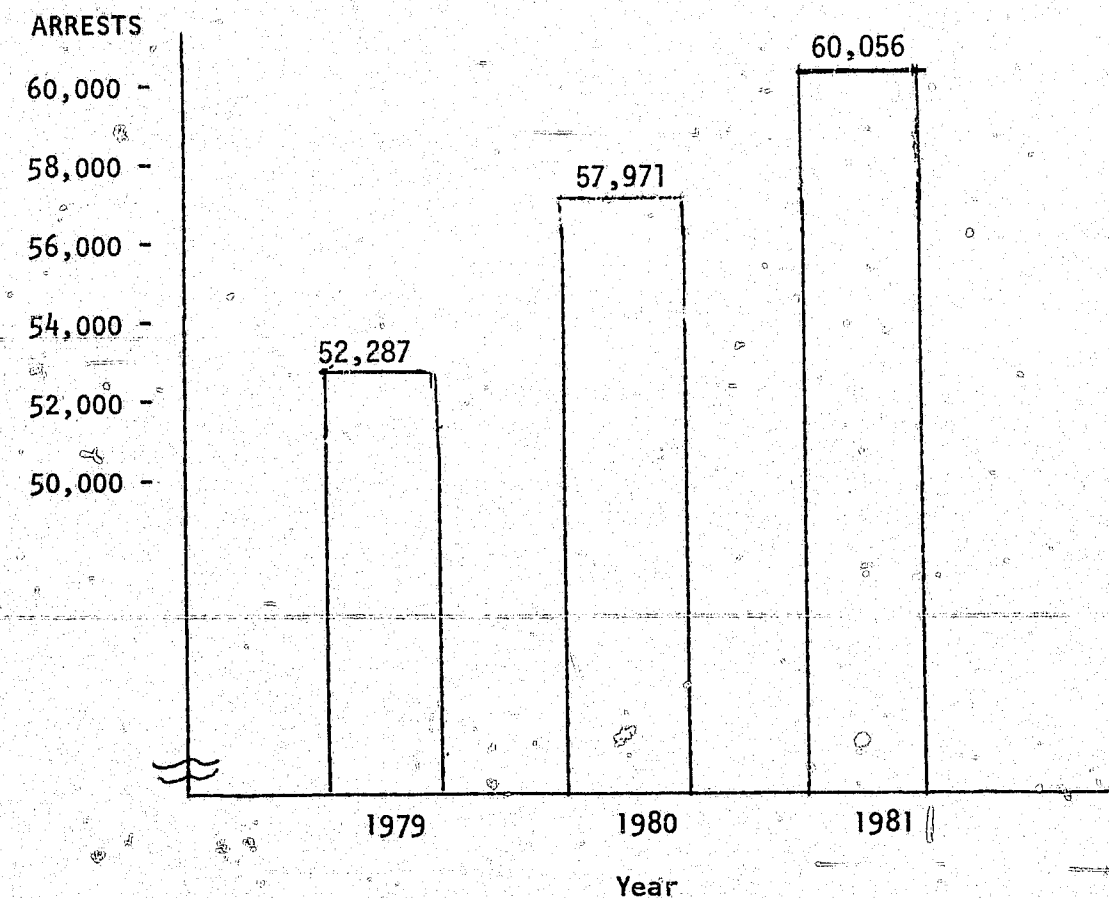
	Adult Arrests	Admissions for Trial/Hearing	Percentage Incarcerated
1979	266,527	50,018	18.7%
1980	274,510	54,592	19.8%
1981	279,855	59,733	21.3%

Source: Pennsylvania Uniform Crime Report (Raw Data) 1979-1981.  
Bureau of Correction's Annual Report on County Prisons and Jails, 1979-1981.

In 1979, 18.7% of all adult arrests resulted in detention. In 1981, this figure was 21.3%. If, for example, the 1979 ratio of detention admissions to adult arrests had remained constant in 1981, the number admitted for trial or hearing would have been 52,517, compared to the actual total of 59,733.

The increase in the proportion of admissions to arrests may be explained, in part, by the fact that the number of adults arrested for serious (Part I) offenses has increased.

FIGURE 10  
ADULTS ARRESTED FOR PART I OFFENSES  
1979 - 1981



Source: Pennsylvania Uniform Crime Report, (Raw Data) 1979-81.



There was a 15% increase in the number of adults arrested for Part I offenses from 1979 to 1981; a 15% increase in those arrested for violent crime. There was a comparable increase within the 18-24 age group as well; 11% and 15% respectively.

The other major factor causing the increase in the detention population is the increased time served in detention status. Although time served in detention figures are not compiled for county prisons, the Administrative Office of Pennsylvania Courts has estimated that the number of days required to dispose of a criminal case has increased by 45% during the period from 1977 to 1980.

While disposition time is not a certain indicator of time spent in detention, there are other data available to indicate that detention time may be increasing. The assumption of increasing time served can be generated by an historical analysis of what can be termed a "turnover rate". This rate is logically defined as the number of times the average daily population enters and exits the system in a given year. For example, if there were 10,000 admissions in a calendar year with an average daily population of 2,000, the ADP would "turnover" five times to account for the admissions.

$$\frac{\text{Total Admissions}}{\text{ADP}} = \text{Turnover Rate}$$

Charting detentioner admissions and using the December 31st (the only available breakdown) detentioner population as the average daily detentioner population, a turnover rate was calculated from 1960 through 1981. A relatively high turnover rate might indicate that the ADP is moving through the system more quickly than would be indicated by a lower turnover rate. Stated in other terms, a high turnover rate might be indicative of lower time served figures than a low turnover rate.

Table 19 shows the steady decrease in "turnover rate" over the years; reflecting possible increases in time served.

TABLE 19  
TURNOVER RATE  
1960 - 1981

Year	December 31st Detention Population	Detentioner Admissions	Turnover Rate
1960	2,056	49,493	24.07
1961	2,098	49,282	23.48
1962	2,030	50,473	24.86
1963	2,126	49,748	23.39
1964	2,302	51,733	22.47
1965	2,286	49,759	21.76
1966	2,608	51,841	19.87
1967	3,095	57,311	18.51
1968	3,653	57,319	15.69
1969	3,790	59,555	15.71
1970	3,654	62,104	16.99
1971	3,990	63,392	15.88
1972	3,963	62,254	15.70
1973	3,588	59,770	16.65
1974	3,792	61,007	16.08
1975	3,928	65,252	16.61
1976	3,792	62,811	16.55
1977	3,739	58,666	15.69
1978	3,980	54,840	13.77
1979	4,519	55,880	12.36
1980	5,256	60,816	11.57
1981	6,189	66,268	10.70

Source: Bureau of Correction's Annual Reports on County Prisons and Jails, 1960-1980.

The turnover rate can also be used to calculate an estimated time served figure. Using the previous example (Admissions = 10,000 and ADP 2,000), a turnover rate of 5 would indicate that each ADP cohort spends 73 days in prison.

$$\frac{\text{Estimated Time Served}}{\text{Turnover Rate (5)}} = \frac{365 \text{ days}}{5} = 73 \text{ days}$$

To test the validity of this estimate, a turnover rate was calculated on sentenced inmates for years in which the actual time served figures were known.

TABLE 20

TURNOVER RATE AND TIME SERVED (SENTENCED INMATES)

Year	Turnover Rate	Actual Time Served (in days)	Estimated Time Served
1973	66.709	669.11	553.8
1974	55.239	777.5	70.0
1975	55.332	78.0	68.6
1976	55.16	88.2	70.7
1979	55.088	95.3	71.9
1980	4.72	99.0	77.3

Source: Pennsylvania Bureau of Correction's Annual Report on County Prisons and Jails, 1973, 1974, 1975, 1976, 1979 and 1980.

While the estimated time served figures deviate from the actual figures, the important indicator is the corresponding increase in time served values.

In summary, the following factors have contributed to the increase in the detention population.

1. As the adult civilian population has increased, the number of adults arrested has also increased.
2. The ratio of persons detained of total adult arrests has increased. This may be due to the increase in adults arrested for Part I offenses.
3. Time served in detention has more than likely increased.

The rising detention population has had impact on prison capacity. As of March 31, 1982, Pennsylvania's sixty-seven county prisons were operating at 107% of capacity. The following table profiles the study counties in terms of capacity, arrest trends, and detention admissions. The percentage change in persons arrested is based on Part I offenses, while admissions reflect those detained for trial or further hearing.

TABLE 21

CHANGE IN FLOW INTO THE COUNTY PRISONS

	Percent Change Persons Arrested 1979 vs. 1981	Percent Change Detention Admissions 1979 vs. 1981	Percent of Capacity as of March 1982
Allegheny	+ 12%	+ 16%	89%
Blair	0%	0%	133%
Bucks	+ 19%	+ 42%	101%
Dauphin	+ 28%	+ 43%	103%
Delaware	+ 1%	0%	103%
Lackawanna	+ 5%	+ 14%	82%
Lancaster	+ 15%	+ 13%	129%
Lycoming	+ 21%	- 17%	151%
Montgomery	+ 15%	+ 30%	144%
Washington	- 10%	- 42%	86%
Westmoreland	+ 13%	- 2%	93%
York	+ 27%	+ 45%	100%

As shown in Table 21, there were increases in persons arrested in all but two counties. Admissions increased in seven counties, most markedly in Bucks, Dauphin, Montgomery and York.

The county criminal justice system's reaction to increasing arrests can be witnessed in two general areas. The first is in the area of pre-detention release. A county may, for example, react to rising arrest rates by increasing the use of release on recognizance (ROR). The other reactive response, more germane to this study, is in the area of time served in detention. Counties may react to the increasing detention population by reducing the time served in detention.

Table 22 profiles the survey counties in terms of time served in detention before bail release as well as time served until sentencing (the two release points from detention). It should be noted that comparative data does not exist. Therefore, reaction to increasing arrests, in terms of time served in detention, cannot be determined. Also, the reactive area of time served in detention varies between counties.

TABLE 22  
TIME SERVED IN DETENTION  
(in days)

County	% Change in Admissions 1979 versus 1981	Time Served in Detention Until Bail Release	Time Served in Detention Until Sentencing
Allegheny	+ 16%	15	151
Blair	0%	120	415
Bucks	+ 42%	22.5	137.5
Dauphin	+ 43%	22.0	166.5
Delaware	0%	23.0	151.2
Lackawanna	+ 14%	50.0	241
Lancaster	+ 13%	48.0	142
Lycoming	- 17%	27.5	191
Montgomery	+ 30%	33.2	139.5
Washington	- 42%	14.0	71.5
Westmoreland	- 2%	22.8	84.5
York	+ 45%	36.5	142.5

The remainder of this study focuses on possible options by which the county criminal justice system might minimize the impact of detentioners by reducing time served. Options are confined to this area because this study has dealt with only those individuals who are detained.

#### Options for Reducing the Detention Stock: Decreasing Time Served

##### Option 1: Increased Use of the 10% Bail Option

Percentage bail (10%) is an alternative to straight cash bail. The defendant may post 10% of the set bail amount, which is then returned to the individual upon final disposition. A small amount (usually 1%) is kept for administrative costs. Analysis of the study population indicates that the use of percentage bail (10%) results in more bail releases in a shorter period of time. There were 422 cases in which percentage bail was set, resulting in 119 bail releases (28.1%). Of the 628 cases in which straight cash bail was set, 97 (15.4%) made bail. The average time served until bail release for the cash group was 36 days. For the percentage group, this figure was 29 days.

##### Option 2: Increased Attention Given to Lifting County or State Probation/Parole Detainers

This study has shown that the presence of a detainer is a major obstacle for potential release on bail. It may be feasible to lift some of these detainers, particularly in non-violent cases, when overcrowding exists, thus allowing the potential for the financial conditions of bail to be met.

##### Option 3: The Prioritization of "Jail Cases" before "Bail Cases"

The number one priority of criminal case scheduling is to insure that trial commences within 180 days of filing the charges. However, given two cases entering the system at the same time - one detained and the other released on bail - the general approach would be to prioritize the detention case. This would result in the detention case moving through the system more quickly.

##### Option 4: Increased Use of Sentences to Time Already Served for Non-Violent Detentioners

There were 352 detentioners confined until a county sentence was pronounced, spending an average of 133 days in detention. Of the 352, 70% (243) were detained for a non-violent offense. While there were 78 time served sentences given, the average minimum county terms given to the remainder of the cohort was slightly less than six months. With credit for time already served (this is usually the case), it is probable that the average time served in sentenced status is only two to three months. An analysis of time served in county sentence status (for all those known to be released) shows an average time served of 83 days, based on 292 cases.

Thus, it appears that increased use of sentences to time already served would have substantial impact on the overall length of stay.

#### Potential Impact of Reducing Time Served in Detention

The potential benefits of reducing time served in detention can be realized in the area of cost savings as well as a reduction in the average daily population (ADP). The approach here is to select actual time served figures from the study data, and to show, only as an example, the impact of reducing those time served figures through one or more of the proposed options. It should be noted that the following analysis is based on data collected on a particular day. It is assumed that that particular day was representative of any given day.

For the first impact example, the group of detainees who were incarcerated until final disposition for a non-violent offense, and who had 0 or 1 prior arrest for a non-violent offense, was selected (135 cases). This group spent an average of 130 days in detention and comprised 17% of the total population who were detained until sentencing. This group was selected for impact analysis because of their limited criminal history and the fact that there was no record of current or past violence.

The following method demonstrates the achievable reduction in the average daily population, as well as the potential cost saving, if this selected example group had been released on bail within the same average timeframe as all other bail releases (31 days).



The impact of the example group on the estimated average daily population was calculated as follows:

Step 1:

$$\begin{array}{rcl} \text{Example Group} & \times & \text{Average Time Served} \\ (135) & & (130 \text{ days}) \\ \hline & = & \text{Total Man Days} \\ & & (17,550) \end{array}$$

Step 2:

$$\begin{array}{rcl} \text{Total Man Days} & & \\ (17,550) & & \\ \hline \text{Days in the Year} & = & \text{Example Group ADP} \\ (365) & & (48) \end{array}$$

Step 3:

$$\begin{array}{rcl} \text{1981 ADP for Study} & \times & \text{December 31st \% of} \\ \text{Counties} & & \text{Detentioners} \\ (2,764) & & (65\%) \\ \hline & = & \text{Estimated Average Daily} \\ & & \text{Detention Population} \\ & & (N = 1,797) \end{array}$$

Explanation: The estimated detention ADP for the twelve study prisons in 1981 was approximately 1,797. The example group ADP was estimated to be 48. Thus, the example group ADP is estimated to be 2.6% of the total detention population on any given day.

$$\frac{48}{1,797} = 2.6\%$$

While this figure does not appear to be of great significance, the addition of cost analysis provides a clearer impact picture.

Step 1:

$$\begin{array}{rcl} \text{Days in Year} & & \\ (365) & & \\ \hline \text{Average Time Served} & = & \text{Turnover Rate} \\ \text{for Cohort} & & (2.8) \\ (130 \text{ days}) & & \end{array}$$

Step 2:

$$\begin{array}{rclclcl} \text{Cohort ADP} & \times & \text{Turnover Rate} & \times & \text{Average Time Served} & \times & \text{Average Cost Per Day} & = & \text{Total Cost} \\ (48) & & (2.8) & & (130 \text{ days}) & & (\$27) & & (\$471,444) \end{array}$$

Explanation: The cohort ADP spends 130 days in detention and "turns over" 2.8 times a year, at a cost of \$27 per man per day.

If the selected cohort had been released on bail within the same timeframe as all other bail releases (31 days), their impact on the detention ADP would have been reduced to less than 1%. This figure results from using the same formula, only substituting 31 days in place of 130 days.

The total cost of this cohort would be \$108,642 - a savings of approximately \$360,000. This figure results from using 31 days in calculating a new turnover rate.

Table 23 highlights the impact of the reduction in time served achievable in the twelve counties in terms of the ADP and potential cost savings.

TABLE 23

POTENTIAL TWELVE COUNTY IMPACT  
OF REDUCING TIME SERVED IN DETENTION  
-IF EXAMPLE GROUP HAD BEEN RELEASED ON BAIL-

	Actual Time Served of Example Group N = 130 days	Time Served if Released on Bail N = 31 days
Estimated Proportion of Detention ADP	48 (2.6%)	11 (<1%)
Total Cost	\$471,444	\$108,366

The second impact example results from selecting all those who remained in detention until sentencing (773 cases). This group (as discussed in Section III) spent an average of 148.1 days in detention. The potential impact, if this group had spent only 10 fewer days in detention status, is shown in Table 24.

TABLE 24

POTENTIAL TWELVE COUNTY IMPACT  
OF REDUCING TIME SERVED IN DETENTION  
-IF TIME SERVED UNTIL SENTENCING WAS REDUCED BY 10 DAYS-

	Actual Time Served N = 148.1 Days	If Time Served N = 138.1 Days
Estimated Proportion of Detention ADP	314 (17.4%)	292 (16.2%)
Total Cost	\$3,094,470	\$2,877,660

### Summary and Conclusion

This study has provided a profile of detentioners in Pennsylvania county prisons. Data was collected on 1,211 detainees in twelve prisons, with follow-up through the county criminal justice systems.

Data provided a descriptive account of the type of offender who might be detained on any given day. Analyses of the data revealed the major determinates of how long an individual is detained and how he or she is released.

An historical overview of detention in Pennsylvania was presented along with the primary causes of the increasing detention population.

Finally, several options were offered for minimizing the impact of detentioners on facility overcrowding.

There is some evidence to suggest that overcrowding will continue to pose problems for the county institutions. Projections indicate that arrests will peak sometime before 1985.

It is important that counties adopt strategies to reduce their non-violent detention population in order to make room for the violent offender; particularly in light of recent mandatory sentencing legislation which focuses its attention on this offender type.

**END**