

NATIONAL INSTITUTE OF CORRECTIONS

Lake County Montana

April 24 - 26, 2007

The Justice System Assessment

Kevin Warwick
Diane Moore
Consultants

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REQUEST FOR TECHNICAL ASSISTANCE

Sheriff Lucky Larson submitted a request for a Justice System Assessment (JSA) to the National Institute of Corrections Jail Center. Ms. Fran Zandi, Correctional Program Specialist, responded to the request arranging for the JSA to be delivered April 24-26, 2007. Ms Diane Moore and Mr. Kevin Warwick were selected to conduct the JSA.

Meetings with the County Officials were to be held April 24-26, 2007 to assess the jail, its operations, conduct a review of local criminal justice system practices and gather additional information on the current situation in Lake County, Montana. The community meeting was to be held on April 26, 2007. Captain Todd prepared in advance for the on-site technical assistance visit and worked to insure that all the key stakeholders were prepared for the meeting. He agreed to provide meeting space for Tuesday and Wednesday and a large group space for the community meeting on Thursday.

The purpose of the technical assistance provided to Lake County was the following:

1. To assist Lake County in evaluating the practicality of adopting various intermediate sanctions options for the users of the criminal justice system;
2. To assist Lake County with the evaluation of jail programs and its impact on the facility;
3. To assist Lake County in reviewing various options for jail planning;
4. To assist Lake County in exploring a range of sanctions as a part of the decision making process related to a potential reduction in jail crowding;
5. To assist Lake County as it considers adding, deleting or changing some components of the criminal justice system;
6. To assist Lake County in evaluating the use of various pre-trial release options and other release mechanisms for low risk offenders;
7. To assist Lake County in reviewing and developing jail programs; and
8. To assist in providing the next steps for community reentry programs in Lake County.

THIS TECHNICAL REPORT REFLECTS:

- The consultants' findings regarding the existing jail facilities and operations;
- The consultants' assessment of local criminal justice system practices and use of alternatives;
- The consultants' review of planning efforts, which have been made to date;
- The content of the community meeting and a chronology of each of the meetings held during the technical assistance event in Lake County;
- The recommendations of the consultants regarding the planning process and the steps that should occur to develop a long range plan to meet the County's correctional needs;
- Short-term and long-term recommendations regarding the planning of a new facility;
- An assessment of the jail's physical plant against professional standards and accepted management practices; and
- Recommended jail operational changes, consideration of facility modifications, or new jail construction.

Special thanks goes to Captain Ed Todd for his coordination and efforts for the JSA as well as the direction and support provided to the consulting team.

THE NATIONAL INSTITUTE OF CORRECTIONS

The National Institute of Corrections (NIC) Jails Division was established in June 1977 in Boulder, Colorado, to serve as an identifiable source of assistance to the more than 3,000 jails throughout the country.

The Jails Division assists agencies with planning, managing and operating jails and gives them the tools needed to address the issues confronting them and make positive changes. The decision to change and the responsibility for implementing it rests solely with the client agency; the Jails Division provides information and training to facilitate decision-making and teaches strategies for implementing changes.

A jail is a locally administered confinement facility that holds people either awaiting adjudication or committed after adjudication, usually for sentences of a year or less. Although this definition fits all jails, it does not illustrate the diversity, complexity and uniqueness of these local institutions.

- ❑ **Size.** Jails range in size from one-cell facilities with average daily populations of less than 1 person to large urban complexes with average daily populations of more than 21,000.
- ❑ **Purpose of the Jail in the Local Criminal Justice System.** Opinions differ among local jurisdictions as to the primary purpose of the jail; rehabilitation, reintegration, retribution or restraint. What each jurisdiction perceives as the primary purpose determines the operations of the jail and the programs and services it provides.
- ❑ **Inmate Populations.** The profile of the inmate population is also taken into consideration when planning jail operations, programs and services. Profiles of inmate populations vary from jurisdiction to jurisdiction. Some jails hold only pretrial misdemeanor or felony defendants, others hold both, and still others hold primarily inmates sentenced to county jail time.

Justice System Assessment Purpose and Goals

Jurisdictions frequently request the Justice System Assessment (JSA) because the jail is “crowded,” and, as such, under some scrutiny. The jail assumes the victim stance—nothing can be done about the problem. In some ways this is correct. The jail is unable to fully control the flow in and out of the jail, yet it possesses a wealth of information about how the rest of the system is operating. Changes in policy and practice in an individual justice system component can also cause changes in the inmate population. The jail is usually unaware that the data they have will reflect those changes. In the meantime, the rest of the criminal justice system is sure it is doing the best job it can, and often feels taxed to the limit. However, each component is working in a vacuum—unaware of what the rest of the system is doing.

The JSA will demonstrate to the stakeholders that they have a common purpose and can benefit from working and thinking strategically. The jail will reap the benefit of managing its population; the other components will reap the benefit of sharing information and minimizing redundancy; and all will be working smarter, not just harder.

Even though some jurisdictions are fairly sophisticated and have an increasing number of sanctions (with the jail as one), they may still request a JSA. The JSA will help to assess how well the system is handling the demands it faces; determine if the existing services and programs are meeting their needs and are consistent with public safety (the community’s) concerns; and make sure those programs are having the desired impact on the system, and more specifically, the jail population.

TARGET JURISDICTIONS

Jurisdictions that could benefit from a JSA include any that are seriously planning a new jail; constructing a new facility or renovating an existing one; or considering adding, deleting or changing some component of their criminal justice system. Other reasons for requesting a JSA are to:

- Assess how well the local criminal justice system is handling the demands it faces;
- Determine whether existing services and programs are meeting the needs of the criminal justice system;
- Assess existing services and programs for consistency with public safety concerns; and
- Validate the impact of existing programs to the correctional system.

NIC JAILS DIVISION FINDINGS

The premise on which the Jails Division operates is that criminal justice systems are more successful when their various components work together. The jail is but one part of a criminal justice system. Successful solutions to the problems of the system, including the jail, are those that work best for the community and that have been reached by the community. Size, design, method of construction, level of jail services and programs and style of inmate management are all questions that are best explored and answered at the local level.

Many jurisdictions have no options between incarceration and probation. However, jurisdictions are increasingly implementing intermediate sanctions programs that satisfy punitive needs and also meet the concerns of public safety without overburdening the community's resources.

Criminal statutes specify punishments for convicted offenders that vary in severity. To implement the punishments, judges are provided with an array of options, including intermediate sanctions. Based on which punishment is the most appropriate, offenders may be sentenced to jail, placed in jail, on probation or in one of a variety of intermediate sanctions programs. Those intermediate sanctions that do not involve incarceration must be consistent with the goals of the local criminal justice system and with public safety concerns. Local control, which ranges from almost total freedom (probation) to total restriction (jail), is a key factor.

While some intermediate sanctions have been devised in part as a means of easing the local jail's crowding problems, their success has often been only random. Programs that simply divert people from jail to alleviate crowding can actually have the opposite effect. Inappropriately placed offenders who fail are often sent back to jail for longer time periods, thereby aggravating the crowding problem.

GOALS OF THE JSA

The JSA is conducted in response to a jurisdiction's request for technical assistance. A team of consultants spends three days in the jurisdiction. The JSA provides an opportunity for the jurisdiction to acquire the tools that will help it to gain more control over the cost of justice operations and improve the management of the entire criminal justice system. The goals of the team are to:

- Understand the operation and capacity of the local criminal justice system;
- Understand who is in jail, why and determine whether other appropriate pre- and post-trial options exist that are consistent with the goals of the criminal justice system and public safety;
- Identify possible pre- and post-trial options that can be developed with existing resources;
- Develop or expand capacities so that options not currently feasible may be considered;
- Outline the scope of the existing problems, including collecting sufficient data to analyze incarceration issues and developing functional programs;
- Share experiences of other jurisdictions in similar straits;
- Help the community recognize its perception of the values and philosophies of incarceration; and
- Make local officials aware and promote their involvement in JSA.

CONSULTANTS' ROLE

A team of two consultants, one with primary expertise in jail administration and/or management, the other in community corrections, will conduct the JSA. The role of the consultants in this process is to facilitate accomplishing the goals of the JSA: to collect and analyze the most accurate information possible. The consultants will involve key persons from the Lake County Criminal Justice System, the community and the requesting agency. The consultant team's specific tasks are to:

- ❑ Tour the existing jail to assess it against established professional standards and management practices;
- ❑ Analyze the role the jail occupies in the framework of sanctions and options provided by the local justice system;
- ❑ Evaluate the impact of any existing programs and options on pretrial incarceration;
- ❑ Evaluate the impact of existing intermediate sanctions;
- ❑ Review the overall functioning of the criminal justice system, its planning and coordination capacity and the relationship of the law enforcement community and the court system to the jail. Available data will be analyzed and interviews will be conducted with key members of the local criminal justice system and local citizens to capture their perceptions of major justice system problems;
- ❑ Facilitate an exit interview with key criminal justice decision-makers to examine the roles that incarceration plays in the community. This will include discussions on such topics as legal issues, the purpose of the jail, total system planning and community involvement; and
- ❑ Produce a report that assesses the requesting agency's capacity to manage criminal justice issues, provides options or recommendations for improvement, and presents findings and information obtained during the community meeting.

The JSA process requires considerable local coordination and planning. Once assistance has been requested and approved, the primary consultant on the team selected by the agency representative will initiate and maintain contact with a person designated by the agency to arrange logistics and to schedule and coordinate necessary meetings, tours and interviews. Before the consultants arrive, the contact person will also complete application forms and perform all tasks required of the requesting agency for the on-site visit as outlined in the application. The contact person will:

- Assure that jail staff are prepared for the consultants' visit, are available for interviews and will have various documents available for review;
- Schedule interviews with: 1) coordinators of all non-jail programs used as punishments; 2) selected members of the criminal justice system; and 3) members of the local government and the community;
- Arrange locations for various interviews and meetings, including the community meeting;
- Assure that basic data about the criminal justice system and the county or jurisdiction that has been collected is available; and
- Coordinate the details of the community meeting.

PREPARATION FOR ON-SITE TECHNICAL ASSISTANCE

Several phone calls were made to Captain Todd in order to coordinate times for the on-site technical assistance visit. It was agreed that the dates of April 24-26, 2007 would work well with all involved and that key stakeholders in Lake County would be available for meetings during that time period. A sample schedule and other materials were sent in early March to Captain Todd in preparation for the on-site activities.

Captain Todd agreed to provide audiovisual materials, a room for the event and data on the facility, as well as population management studies completed in recent years.

Lake County is in the initial stage of evaluating its system and its impact on the present issues. The following materials were provided to the consultant team prior to the site visit:

- Data on inmate numbers over the last several years;
- Information on refusals due to lack of space;
- Information on jail programs;
- Architectural plans for a new facility;
- Data on 911 calls; and
- Information on intermediate sanction options currently used by Lake County.

As agreed, Captain Todd arranged meetings with key stakeholders and the consultant team in-groups of similar areas. Jail staff made the following data available prior to the on-site visit:

Average Annual Refusals

The following figures are the daily average numbers processed into the Lake County Jail for the past five years:

Year	Annual Bookings
1999	784
2000	989
2001	906
2002	1,016
2003	1,015
2004	958
2005	1,071
2006	1,071

- Many defendants are not booked in because there is no room.

Year	911 calls
1999	5,693
2000	8,778
2001	9,159
2002	9,571
2003	10,802
2004	10,884
2005	11,542
2006	13,812

- 911 calls have gone up over 100% since 1999.

Refusals by Year

The following chart includes information on the average length of stay:

Year	Refusals
2002	48
2003	69
2004	104
2005	78
2006	132

- Some defendants are not accepted in the jail because of lack of space or inability to place that offender due to classification issues. Violent felonies and domestic abuse cases are always accepted. These numbers do not represent all of those who have been refused.

On-Site Technical Assistance

Tuesday, April 24, 2007

Lake County Overview

Lake County, Montana is located in the western part of the state and is one of three counties situated on the Flathead Indian Reservation. The Salish and Kootenai Tribes are represented on the reservation. The Mission Mountain Range offers spectacular scenery throughout the county. The City of Polson is the county seat and it located at the southern end of picturesque Flathead Lake. The towns of Ronan and St. Ignatius are also located in the county and have their own police chiefs as well as the Tribal Council and City of Polson.

The census estimate of the county population in 2005 was 28,297 (state population was estimated at 935,670). The percent change in five years for the county was a 6.8% increase while the state experienced only a 3.7% growth rate. The tribes represent 26.5% of the county census with the remainder recorded as 70.1% white and 3.2% Hispanic/Latino.

One factor influencing the population growth is the spectacular scenery and recreational activities which the county has to offer. The Bitterroot area to the south was described as having “no more room” and the highway expansion project between Missoula and Polson has been a catalyst for development in the towns with people moving north. There are a large number of “snow birds” in the area which impacts the area when these folk return for the warmer months and the tourists schedule time in the county.

Entrance Interview

The consultant team met with the following stakeholders during the entrance meeting:

- Sheriff Lucky Larson; and
- Captain Ed Todd

The following issues were discussed:

- There is a small number of people in attendance at the meetings - regularly they would like better representation;
- The jail is not presently meeting the needs of the County;
- The Sheriff and Captain clearly believe there is a need for new jails;
- The number of 911 calls has increase over 100% since 1999;
- The tribal members are not taxed by the county so there are limited resources;
- The bed count went down to 28 beds in 1995 due to an ACLU case. The number has been increased to 42 since that time;
- There is a tribal college in the county that has increased tribal members in the county;
- There is no state funding for a jail;
- There were five - six defendants being held for murder at one time this year;
- There is an increase in Methamphetamines use and alcohol-related crimes;
- There is no clear direction on whether there is a need for a new justice center or just an addition to the jail;
- The law enforcement budget is 2.4 million dollars; \$647,778 is allocated for jail operations;
- The Sheriff has been in office since October 16, 2006;
- The multipurpose room is used for church services and A.A meetings; and
- There is limited staff to do work release and other programs.

Lake County Jail Observations

Lake County Jail

The jail is situated in the heart of downtown Polson just off Highway 93 and is attached to the County Courthouse. The main elevator entrance to both the courthouse and the jail is located in the central control and booking area of the jail. The front entrance to the court house is only accessible by stairs. This is a serious security risk to the general public, jail staff and offenders. Offenders are transported to court through this one elevator and remain in the public hallway awaiting hearings.

The current jail was built in 1974 to accommodate 42 beds. There are four solitary cells with the remainder being double bunked. A federal consent decree in 1995 reduced the bed capacity to 24 single-celled beds. As a part of the decree a recreation area and two solitary cells were built. The decree was lifted in April of 2000 and the jail returned to the original 42 bed capacity. County officials have inspected the jail frequently and appear to be aware of operational space issues.

Currently the jail classification begins at arrest when officers call in to see if there is any vacancy and are almost always told there is no room unless the arrest is a serious felony or domestic violence arrest. Officers have been known to hold an arrestee in a police vehicle until the situation is mitigated. Judges, probation officers, county attorneys and public defenders make decisions based on jail vacancy. Once an arrestee does get booked into that jail, the officers do a very good job of classifying offenders for appropriate bed classification. However, the jail has had five homicide detainees at one time which make separation difficult. The present facility design limits the ability of staff to adequately classify inmates.

The receiving/booking area of the jail is small and congested and is further compromised since visitation is held in three spaces in this immediate area.

Attorney interviews, health and mental health evaluations and probation interviews are also conducted in this confined area. The administration area operates from offices created from converted cells. Storage space is almost non-existent and all spaces have been maximized and serve several functions. Other areas of concern are blind corners and accessible wiring. The inmate laundry also serves as a property room, file room and general storage. The kitchen preparation area is small however, it has received high ratings from the State of Montana Detention and Holding Facilities Inspection Reports. Food service for the inmates is contracted with a private vendor.

The jail has no dedicated space for health consultations, examinations or mental health evaluations. The physician does not have the basic exam table, cabinets or good lighting. Exams have taken place in the visitation area and even in the laundry room. The psychologist has no private space and all locations used for mental health reasons have poor acoustics and lack of confidentiality. Both services are well below community standards.

Designed as an indirect supervision facility, the A and B pods are mirror images with housing for eight male inmates in four double-bunked cells. The female pod holds six. The enclosed recreation area may be utilized for overflow when necessary. This area is also used for religious services and AA meetings. No other programs are held in the jail. Two single cells are located adjacent to the recreation area. An observation catwalk runs between the recreation area and A and B pods. The facility shows the normal wear of a 30-plus-year-old facility.

Sheriff Lucky Larson took office in October of 2006 and prior to that time was a Senior Officer with the Sheriff's Department. Sheriff Larson has made several changes since taking office which appears to have reduced correctional officer turnover and improved morale. A new uniform and patch were selected with the officer's input. All staff members who were interviewed expressed pride in

employment with the jail. Staffing is adequate with officers working 12-hour shifts.

1:00pm

Meeting with Police Chiefs

A meeting was held with the police chiefs and the following were in attendance:

- Polson Chief of Police – Doug Chase
- Ronan Chief of Police – Dan Wadsworth
- St. Ignatius Chief of Police – P.D. VanHoose
- Tribal Chief of Police – Craig Couture

The following issues were discussed:

- There has been a large increase in the number of 991 calls;
- There is an increase in the population in the County;
- There are a number of sub-divisions being built;
- There has been a large increase in property crimes in Ronan;
- There is an increase in the number of assaults;
- There has been a large increase in drug related crimes;
- There is an increase in domestic abuse cases;
- There is a growing population that is living here for only part of the year;
- The Tribe has seen a large increase in drug and alcohol problems;
- The I-90 connection is where drugs are trafficked in and through the county;
- There is a large increase in tourism population during the late spring and summer months;
- There is a need for more beds space;
- There is a need for a vehicle sally port;
- There is an excellent level of cooperation between all law enforcement agencies;
- The number of refusals causes issues throughout the system;
- There is a tribal jail with a capacity of 21 beds for misdemeanor crimes only;
- The Offenders know that the jail is full and that the system is at capacity;

- There is limited capacity of juvenile holding in Lake County;
- There is a 21 regional bed juvenile facility in Missoula;
- There needs to be an increased capacity for a detoxification in the jail; and
- There is no soup kitchen or shelter facility in Lake County.

2:00pm

Meeting with the District Court Staff

The NIC consultants met with the following:

Joan Rodriguez	City Court
Rose Bridenstine	District Court
Jessica Cole Hodgkinson	District Court
Jessica Jones	Justice Court

The following issues were discussed:

- There is a concern about safety at the Court due to prisoner transport;
- There is a very poor data management system for the District Courts;
- Justice and City court have full court data management systems;
- District Court has had a 900% increase since 1986;
- There is a need for additional space in all the courts;
- There is a need for a combined jail and justice center;
- There is a need to improve the process of moving and holding prisoners at the court; and
- There needs to be collaborative efforts to secure funding.

3:00pm

Meeting with public Defender/County Attorneys Office

A meeting was held with the following:

- Public Defenders Office Noel Larrivee
- Lake County Attorney's Office Mitch Young

The following issues were discussed:

- There is limited staffing in the County Attorney Office. There has been the same staffing number for the last 18 years;
- There is support for use of meaningful alternatives to incarceration;
- There is no attorney/client visiting areas that are sufficient; and
- Discussed the concept of a Criminal Justice Coordinating Committee.

3:30pm

Meeting with Juvenile Probation

A meeting was held with Barb Monaco from the Juvenile Probation Department.

The following issues were discussed:

- There is large increase in juvenile crime in the County;
- There is limited office space for staff and meetings;
- The caseloads are very high and the cases are more and more serious;
- There is a need for short-term placement facility for juveniles with 6 beds;
and
- There is a need for space for juvenile probation in any planned justice system plan.

Wednesday, January 25, 2007

8:30am

Meeting with Adult Probation and Parole

A meeting was held with Lori Thibodeau and the following issues were discussed:

- They can hold someone in the tribal jail on a violation until a bed opens up;
- There is a limited ability to hold offenders accountable due to lack of jail space;
- There needs to be a priority in the jail system for those who violate conditions;
- There needs to be a larger justice system to accommodate the needs;
- Would like to see a work release program or house arrest program;
- DOC has a watch program for DUI offenders, a six month residential program;
- There are two Meth amphetamines 9 month residential programs;
- Pre-release center programs are available for some offenders;
- The Lake County Chemical Dependence program provides outpatient treatment for both intensive programs and individual and group counseling;
- There is limited funding for this program;
- The mental health program is from the Western Montana Mental Health, they have a small office here in Polson;
- There is limited eligibility for the program; and
- There are limited chemical dependency programs offered by the tribe.

9:00am

Meeting with County Commissioners

A meeting with the County Commissioners Mike Hutchinson, Paddy Trusler, James Raymond and City Attorney Sue Brueggaman. The following issues were discussed:

- There is a unique relationship with the Reservation and use of the jail;
- There has been a response from the lawsuit from the American Civil Liberties Union to improve the jail facility and services;
- There are limited dollars to spend on a local level;
- Time of the a higher percentage increase on any department;
- The Sheriffs Department budget was at 2.2 million dollars;
- The court system was converted to state in 2001;
- .Susan has been involved in jail inspection on a regular basis;
- The food handling issues are excellent; and
- The facility has improved in its cleanliness over the years.

10:00am

Meeting with Mayors

A meeting was held with the Polson and St Ignatius Mayors. The following issues were discussed:

- There is not enough space to accommodate the needs of the counties;
- There is an increasing female population in the CJ system;
- The population in Polson has increased and is getting older;
- 60% of tax dollars go to education and some go to the counties, leaving very little for the cities; and
- There is a limited work force in the area at present.

11:00am

Meeting with District Judge Christopher

A meeting was held with Judge Christopher and the following issues were discussed:

- There are limited resources for office space and staffing in the CJ system with this community;
- There are major security issues in all areas of the courthouse;
- There is only one courtroom in the building;
- There should be recommendations for restructuring the process of planning;
- We would like to see more treatment programs available; and
- There needs to be a safe and secure facility.

1:00pm

Meeting with Dr. Irwin

A meeting was held with Dr. Irwin and the following issues were discussed:

- He has worked as the jail doctor for ten years;
- Patients are seen on Monday and Friday mornings;
- More pregnant women are being seen for diabetes;
- There is a large issue methamphetamine addiction;
- 30% of the tribe is diabetic;
- There are many offenders at the jail with mental health issues;
- There is a need for a medical exam room; and
- There is no nursing staff.

2:00pm

Meeting with Dr. River

A meeting was held with Dr. River the following issues is discussed:

- He has been impressed with the interest in providing mental health services at the jail;
- There is no space to provide programs and treatment services at the jail;

- Much is done in the holding cell with no confidentiality;
- There is an initial screening for all inmates that relates to suicide screening;
- All inmates who are in crises are seen by Dr. River;
- There are no regular counseling services for inmates;
- There is a large number of inmates with mental health issues;
- There is a Methamphetamines problem in Lake County; and
- The Police sometimes hold people who are at risk to themselves overnight due to lack of inpatient mental health facilities.

3:00pm

Meeting with Architect Michael Absalonon

A meeting was held with Michael Absalonon and the following issues were discussed:

- They built the Flathead County Facility about twenty years ago;
- They also built the Missoula County Detention facility, which includes state, county and juvenile populations;
- There needs to be continued efforts in the planning process; and
- There should be data analysis and program alternatives.

ON-SITE TECHNICAL ASSISTANCE

Thursday, January 25, 2007

The on-site community meeting planned for Thursday, January 26, 2007 was well coordinated and had most key stakeholders in attendance. There were 47 people in attendance including Criminal Justice Officials, County Administrators and interested local citizens. The consultant team spoke to over 55 local criminal justice officials including the Sheriff and many of his staff. The attendance sheet is attached to this document. The Consultant Team went over recommendations as well as a review of the existing facilities and a review of intermediate sanction options. The consultants spent a great deal of time focusing on day reporting centers during the community meeting. There was a great deal of time devoted to questions and answers and the group was active throughout the presentation.

THE JUSTICE SYSTEM ASSESSMENT

The National Institute of Corrections is attached to the Bureau of Jails in the United States Department of Justice. Established in the early 1970's as a result of concern generated by unrest in a variety of correctional settings, it was initially funded through the Law Enforcement Assistance Administration (LEAA). In 1977, the National Institute of Corrections received its first appropriation.

The purpose of the Institute is to provide training, technical assistance and information to state and local correctional agencies and to sponsor research, evaluation and policy and program development. The NIC is a very small agency by federal standards with offices in Washington, D.C. and Longmont, Colorado. The staff members, who operate the Jails Division in Longmont, Colorado, deal exclusively with the problems and concerns of local corrections. Since its staff is small, the National Institute of Corrections contracts with a variety of service and technical assistance providers to provide technical assistance to local jurisdictions.

Participant Expectations

The participants were asked to introduce themselves and explain what expectations they had for the Community Meeting. The expectations were listed on a chart and discussed with meeting participants as presented.

Legal Issues in Corrections

The consultants presented a detailed overview of current legal issues as they relate to unconstitutional jails and the planning of new jail facilities and civil liabilities. The purpose of the presentation was to make officials aware of the potential constitutional problems of a jail and the potential legal liability of County Chief Deputies, Architects, or Jail Administrators from Jailer lawsuits resulting from those problems. This list of litigation includes the consent order that went into effect in May of 1997.

What are Jails For?

In order to clarify the values surrounding incarceration in a jurisdiction, government decision-makers and community leaders must consider a very basic

question, "What are Jails for?" The focus should be on why the community has a Jail and the real purpose it serves.

The consultants emphasized that providing a realistic view of the type of offenders typically held in jails illustrates the potential costs of incarcerating individuals who do not meet the criteria established in the agency's mission statement.

The consultants also emphasized the importance of collecting information regarding the actual use of the jail as well as the types and numbers of offenders using the facility. The presentation was designed to assist the participants in understanding what data needs to be collected why it should be collected and how to supplement information on inmate population profiles.

Emphasis was given to the importance of looking at local information before making major policy decisions. At present, there is a limited computerized data collection system in any government office in Lake County.

Structural Limitations

The consultants discussed the reality that even a well-designed facility is only one aspect of all the elements needed for an effective approach to corrections. A well-designed facility *will not*:

- Implement organizational philosophy;
- Provide for all the physical, psychological and emotional needs of the inmate population;
- Implement effective jail services and programs;
- Provide greater security to the community;
- Improve employee morale;
- Reduce staffing requirements and operating costs;
- Resolve inter-criminal justice system problems, such as overcrowding;
- Make the jail constitutional and reduce inmate suits.

The major reason why even a well-designed facility will not accomplish these items on its own includes the fact that *people* are needed to accomplish

these purposes and that *people* (and systems) resist change. However, a well-designed facility *will* accomplish the following:

- Reflect organizational philosophy;
- Provide a physical living environment for inmates which meets professional standards;
- Provide adequate space for services;
- Provide a physical environment conducive to effective staff-inmate interaction;
- Allow the effective utilization of staff resources;
- Serve as a catalyst for community involvement in the jail.

Total Systems Planning

The consultants discussed a systematic planning model, The Total Systems Model, which was developed by the now defunct National Clearinghouse on Criminal Justice Planning and Architecture as a process by which change could take place in the Criminal Justice System. Because of the interaction between the parts of the system, it is essential that the courts, law enforcement and corrections participate in the planning of a new jail facility or other major change in the local criminal justice system.

The Total Systems Planning Model consists of six phases or steps:

1. Identify Planning Tasks
2. Gather Information
3. Analyze Information
4. Develop Policy
5. Translate Policy to Programs
6. Implement Programs

Factors Which Influence Jail Populations

An overview was provided as to the factors that lead to jail over crowding as well as policy changes and programs which can assist communities in better managing their jail populations. Information provided on this topic is discussed primarily in the document from the National Institute of Justice, *A Second Look at Alleviating Jail Crowding - A System Perspective.*

UNDERSTANDING JAIL CROWDING

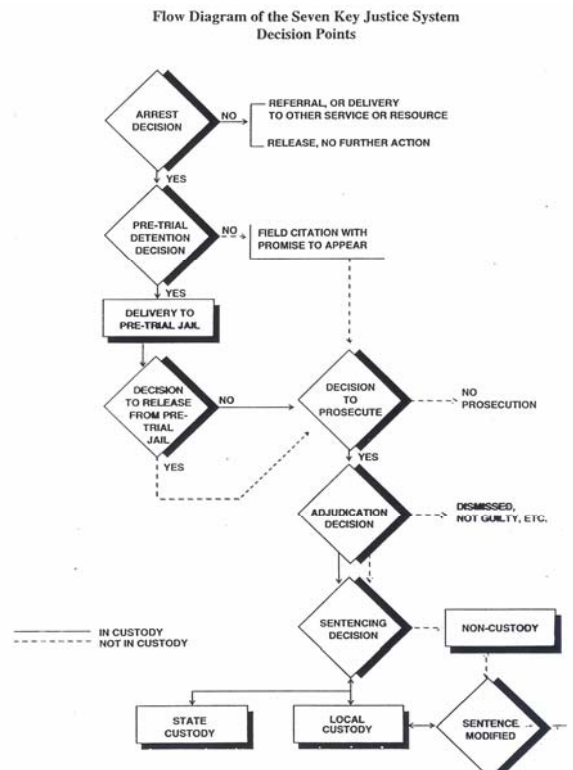
Preventing and/or managing crowding requires a basic understanding of the jail population dynamics that determine how many people are in a jail. This understanding comes from examination of a basic formula:

THE JAIL POPULATION ANALYSIS FORMULA:
The admission rate and inmate length of stay determines the number of people in jail. This can be expressed as (number of admissions x average length of stay = number of jail bed days required) divided by 365 days per year = average daily jail population.

Changes to either portion of this equation (number of admissions or length of stay) will change the number of people in jail on any given day.

The length of inmate stay is a very important but under-appreciated, and perhaps, less understood determinant of the number of people in any jail. Many jail administrators can quickly produce detailed information about their number of admissions, often with additional detail about arresting agency, charges, and so forth. Yet, it is much harder to find jail administrators who can produce length of stay information for these same classes of jailers.

The seven-decision point flow diagram (right) may be helpful in conceptualizing these data elements (table 1). The key data elements monitor and reflect any changes in policy and practice by the justice system officials and their staff.



It is precisely in these times of crisis that the Jail Administrator is expected to answer what lay people believe are pretty simple questions:

- Who is in jail?
- Why has the jail population been increasing?
- Why is the jail crowded?
- What can be done about this crowding?
- How much will these changes cost?

Typically, the people responsible for answering these questions do not do a very good job. This is because they simply do not have sufficient information to do so. This difficulty in answering even simple questions can undermine public confidence in the ability of the jail administrator to understand and manage the situation.

Usually, it's not that the jail administrator isn't trying. The interaction of these variables can be complicated. These are not easy interactions to understand. Many computerized jail information systems seem unable to create the kinds of reports that are needed. And, if done manually, it takes time to pull the booking jackets, collect the data by hand, analyze it, and prepare a report. Even then, the report may not contain information sufficient to answer some of the questions that will be asked. For example, it may not contain information that will confirm or discredit some of the hypotheses (guesses) others will set forth to explain changes in jail population levels. Thus, the analysts must return to the data, do additional analysis, and repeat the process.

By the time a written report can be presented, additional changes in admission and release rates may be taking place. The situation keeps changing. Analysts are always shooting at a moving target. It is difficult to create a clear picture of the situation. Rather, the process seems to go in circles. There is erosion in confidence in the department's ability to analyze the situation. As a consequence, there is little enthusiasm for proposed courses of action because

too many people are unsure that these are the appropriate remedies. The result is inaction.

Table 1: Jail Population Analysis System Data Elements

Essential Data Elements	Description
Person identifier	Number unique to the person
Booking event number	Number to identify the jail admission
Sex	Identify gender
Booking date	Date inmate was admitted to the jail
Booking time	Military time inmate was admitted
Release date	Date inmate was released from jail
Release time	Military time inmate was released
Release type	Bail, ROR, acquittal, escape, etc.
Other critical data elements	
Arresting agency	Agency making arrest (not transport)
Sentence status	Sentenced all charges; partial; none
Offense level	Felony, Misdemeanor, Infraction, etc.
Court jurisdiction	Court of jurisdiction

These data should be collected on every person in the jail at a specific date and time, and thereafter for anyone who enters or leaves the jail. The data for each inmate would appear as a row on a spreadsheet or in a database. Conceptually, it is like creating a checkbook where the checkbook balance represents the daily population count, deposits represent admissions and checks written represent releases -- It's a crude equivalent of a "Quicken" for Corrections.

Modeling Jail Population Management Options

Once the basic jail population analysis capability is established it can be used to begin modeling the results of hypothetical or actual changes in admissions or lengths of stay. Hypothetical changes may be labeled “defensive,” as in the case of a crowded jail that seeks to find ways to reduce the size of the inmate population. But other changes may be labeled “proactive.” For example, officials may seek to make more effective use of jail bed space by deliberately changing the composition of the jail population so as to keep some people longer and move lesser offenders to other corrections options in the community.

Conclusion

The key to preventing crowding and to managing the jail population is to continuously collect, monitor and analyze admission and length of stay information, then share the results with other justice officials and officials in leadership positions in general government. Their cooperation will be essential. They, collectively, control the policies and practices that determine jail admissions and length of stay. As noted earlier, with only a few minor exceptions, these levers and mechanisms lie outside the control of the jail administrator.

For this reason the jail administrator has a stake in forming a justice system wide Criminal Justice Coordination Council (CJCC), or in strengthening an existing CJCC that is not operating well. This is a forum where the Jail administrator can change the perception that potential crowding is a “jail problem.” The data and ensuing dialogue will allow the Jail administrator to portray potential or actual jail crowding as a justice system dysfunction. That change in perception makes it “our problem” instead of “the Jail administrator’s problem.”

These officials have a big stake in making sure the jail bed resource is best used to maximize public protection. When they are presented with clear and

convincing, empirical evidence, they will do what they can to modify their policies and practices. The Jail administrator can exert a great deal of influence on the decision making of these other agencies. But they can only do so if they have the facts, if they can competently answer questions about how the jail population is changing, and if they can clearly demonstrate how changes in admission rates or lengths of stay can improve the administration of justice.

Pre-Trial Services

Discussed were Pre-trial service programs, which in many jurisdictions provide information to help the judicial officer make informed release/detention decisions. Program staff member's interview arrests, contact references, conduct criminal history checks and summarize the information for the court. Many programs also offer release recommendations and services to supervise conditions of release imposed by the court and divert the defendant from the criminal justice system. (*Pretrial Services Program*, Bureau of Justice Assistance, Program Brief and *Pretrial Services and Practices in the 1990's: Final Report*, Bureau of Justice Assistance, 1991, is include with this report in the appendix section).

Intermediate Sanctions Options

A discussion was led relating to the term "intermediate sanctions" which is used to refer to both specific sanctioning options or programs and to the overall concept of a graduated range of sentencing choices guided by an articulated policy framework. Creating intermediate sanctions in a jurisdiction requires the development of both a range of sanctioning options and a coherent policy to guide their use. Sanctions that are devised and implemented without the participation of the decision-makers that will use them are likely to be a disappointment.

Developing a range of sanctions typically means rationalizing the use of all correctional resources within a jurisdiction. If a jurisdiction seeks to create specific responses to specific offender behavior, then it must also define the best use of its existing options. The intermediate sanction system should provide a

judge with a menu of options, which allows for public safety and cost-effective utilization of resources within the system.

For a local jurisdiction to create a policy-driven range of intermediate sanctions, the key policy and decision-makers in the jurisdiction must agree to some fundamental changes in the way they do business. In effect, they must make the criminal justice system behave like a system.

Several key elements are necessary to achieve that goal:

- The key players in the criminal justice system must agree to regular and frank communication about the sentencing practices, options and outcomes in their jurisdiction;
- Communication and dialogue must be led by the bench and given the resources needed to meet objectives;
- This policy group of key players must educate themselves about their own system;
- The key players in the criminal justice system must assume responsibility for the implementation and outcomes of sentencing decision;
- The policy group must be supported by changes needed in those agencies and offices represented; and
- There must be regular evaluation of the system to determine whether or not offenders are placed in the most appropriate option within the system.

Intermediate sanctions are designed to provide cost-effective ways to punish, incapacitate, deter and rehabilitate offenders, while maintaining public safety and reducing jail crowding.

WORK RELEASE
and
DAY REPORTING
CENTERS

Work Release

Courts have ordered offenders to work in communities for hundreds of years however; it has only been since the mid-1960's that judges have imposed work assignments as an alternative to jail. More commonly referred to as "Community Service," offenders complete tasks that benefit the community at large. Another form of work in the community is employment programs or job placement depending on the employment status of the offender at the time of adjudication. For those employed at the time of sentencing, continued employment with restrictions affords the opportunity for continued family support and other financial responsibilities. For those offenders who are unemployed at sentencing, a work release program may offer job training, skills preparation and employment readiness prior to entering the work force.

Day Reporting Centers

The development of Day Reporting Centers (DRC) first came to the United States in the early 1980's and was originally patterned after day centers which were showing success in Great Britain. The DRC concept addressed serious jail overcrowding which was spreading throughout urban America as well as offering specialized services designed to reduce recidivism. Day Reporting Centers offer these communities an alternative to incarceration that underscores both strict supervision and high levels of treatment. This dual emphasis is what distinguishes DRC's from other intermediate sanctions. Positioned between probation and incarceration, DRC's can offer the community not only an option prior to incarceration, but also a step down from jail as an offender shows progress. DRC's target jail bound offenders who, without this option, would be incarcerated. Target populations are those that do not pose a substantial risk to the public, but lack basic skills to survive lawfully and are most likely abuse drugs and alcohol. Some have diagnosable mental health issues. Most have education, life skills, parenting and employment deficiencies that need attention if successful community living is to be expected. Most DRCs develop multiple supervision phases that decrease in intensity as the offender demonstrates

compliance and accountability. Reintegration into positive community life is a primary goal. Currently there are over 450 DRC's in the United States offering unique responses to criminal justice needs.

INTERMEDIATE SANCTION OPTIONS

Work Release

Long-standing programs providing transition for inmates back to the community. Programs also provide some treatment services as well.

Pre-Trial Release Programs

Programs designed to monitor offenders while awaiting trial. Supervision may have some use of technology (i.e. – electronic monitoring, voice I.D, etc.).

Intensive Supervision Probation

Provides for a small caseload with additional responsibility:
Drug Testing
Treatment Programs
Electronic Monitoring
Community Supervision

Day Reporting Centers

One-stop shopping centers to provide services for all populations.

Boot Camps

Highly structured programs designed to make lifestyle changes.

IN JAIL TRANSITIONAL PROGRAMS

Jail Reentry Programs

Cognitive groups for substance abuse, employment preparation, etc.

Work Release

Transitional programs that provide job development and other services.

Day Reporting

Highly intensive outpatient model.

KEY ELEMENTS OF A DAY REPORTING CENTER

DRUG TESTING

Drug testing is a key element of these types of programs.

REGULAR CHECK-IN TIMES

Offenders check into the center at regularly scheduled intervals. This varies by program.

COMMUNITY SUPERVISION

Offenders must be held accountable while in the community.

DAILY ITINERARY SHEET

Itineraries outline all activities for each DRC participant.

ELECTRONIC MONITORING/CURFEW MONITORING

Insuring offenders are not out in the community late at night reduces the potential for community crimes.

CLEAR ELIGIBILITY CRITERIA

Programs must have clear definitions as to eligibility. This information should be disseminated to all key stakeholders.

A STRONG TREATMENT COMPONENT

Day reporting centers typically offer substance abuse treatment and other skills.

EMPLOYMENT DEVELOPMENT/LIFE SKILLS

DRC programs offer opportunities for offenders to obtain employment and achievement of a high school diploma.

KEY FACTORS

Provisions for Public Safety

**Program Targets a Non-Violent
Offender Population**

Strict Accountability of Offenders

Electronic monitoring

Community supervision model

Stringent Requirements for Offenders

Work

Community Service

Treatment for Offenders

Treatment reduces recidivism and
public safety issues

DEFINITION OF A DAY REPORTING CENTER

**“A DAY REPORTING CENTER
IS A PROGRAM PROVIDING
FOR INTENSIVE SUPERVISION
AND TREATMENT OF OFFENDERS
AND/OR AWAITING TRIAL
POPULATIONS”**

WHO OPERATES DAY REPORTING CENTERS?

- PROBATION DEPARTMENTS
- SHERIFF'S DEPARTMENTS
- PAROLE DEPARTMENTS
- NON-PROFIT PROVIDERS
- FOR-PROFIT PROVIDERS
- COLLABORATIVES INVOLVING ANY OR
ALL OF THE ABOVE

Observations and Themes

- Jail was built in 1974;
- The jail facility is at capacity and has a limited ability to separate classification levels;
- The jail is refusing a large number of inmates due to limited space;
- Since 2000 there has been 578 offenders who were not brought in due to lack of jail space;
- There is no medical exam room;
- Several of the core services space in the jail (kitchen, medical, etc.) are insufficiently sized to serve additional people;
- The jail is not presently meeting the needs of the Lake County Criminal Justice System;
- There are limited intermediate sanctions programs; and
- There is limited participation in the Justice Center Planning Committee.

COUNTY SPECIFIC RECOMMENDATIONS

- The County needs to rename and restructure to form a Criminal Justice Coordinating Council;
- The County should complete a more in depth *needs assessment* to review the needs for additional programs and to evaluate bed space needs;
- The County needs to develop a strategy for immediate mid-term and long-term plans to add necessary jail beds;
- The Criminal Justice System needs to develop a strategy to educate the public about the jail overcrowding problems;
- The County needs to identify and collect data which is necessary to evaluate criminal justice needs;
- The County needs to maintain and keep the Justice Committee informed of key statistical information;
- The County should continue to explore opportunities to collaborate with the tribes regarding these issues; and
- The County should explore potential funding options.

RECOMMENDATIONS

The following is a list of recommendations for Lake County as they continue to evaluate their needs for a new facility or expansion at their present site:

1. Organize a Criminal Justice Coordinating Committee

A Criminal Justice Coordinating Committee should be established as soon as possible to begin the planning process to evaluate the need for a new combined jail facility in Lake County. This committee needs to be action orientated and move towards resolution of these issues. This committee should include a cross section of individuals from the service agencies in the community, various parts of the criminal justice system and the community at large in Lake County. At a minimum, this should include the following representation:

- The Judiciary
- County Commissioners
- Jail staff/Sheriff
- Local Treatment/Health Providers
- The District Attorney's Office
- Parole/Probation
- Tribal Representatives
- Defense Attorneys/Public Defenders

In addition to those who are selected to the committee, other individuals should be consulted during the planning stages of the new facility including fire and environmental safety officials and those who can provide expertise in the design of any additions to the existing facility. This group should begin the process of taking the next steps in the evaluation of the present facility in Lake County. This will include subcommittees established for specific purpose for the planning process.

2. Development of a Data Base/ Management Information System

Currently, Criminal Justice System Data does not flow between agencies very smoothly. The data routinely generated by one agency is used or accessible minimally elsewhere in the system. It is imperative that each agency

maintains caseloads and other pertinent information and that someone be charged with monitoring paper flow. The Lake County Jail does enter information into a computer system however, they should consider purchasing a software system that would allow them to coordinate their classification system as well as analyze data regarding their inmate population. The present system makes it difficult to evaluate the population being held at the jail to determine eligibility for diversion or community. The Jail Overcrowding Committee must decide what type of information they are interested in obtaining by developing a management information system. It is important to understand that this is not only related to the jail, but the entire system as they follow offender populations from arrest to post incarceration. It is important that any computer systems purchased have the capability of being networked together to provide institution wide access.

3. Public Relations

Lake County has already begun the public relations phase during the The Justice System and the Jail and Justice System Assessment. Community members were provided an opportunity to attend the community meeting to review the consultants finding. The local media was also in attendance. The consultants strongly urge that a formal campaign be designed to inform the public of the planning process to deal with overcrowding in Lake County.

While it might be in vogue to talk very hard line on all criminals, the truth of the matter is that in Lake County nearly all of the offenders incarcerated are going to be released and will be returning back into the community. The decisions made on how they are handled while in jail will have an effect on how they come back into the community. Would anyone want a traffic offender to end up in jail and be placed in the same cell with a person who has previous convictions for violent crimes simply because he could not post bail? This could happen if the overcrowding situation continues to escalate in Lake County. Would anyone whose son or daughter committed a minor offense want them to be housed with such a person?

It is important that the citizens decide on a course of action and they should participate in more than a referendum voter status. Therefore, it is important that the reasons for every decision are provided to them by the media, direct mailing and door to door canvassing to hand out information.

4. Criminal Justice System Master Plan

To fully understand and anticipate the impact of change within the Lake County Criminal Justice System, a coordinated long-range master plan should be developed. The plan would support a commitment to leadership by providing carefully defined goals and objectives to help the criminal justice system successfully face the challenges of the next ten years.

As discussed earlier, the report should include a more comprehensive evaluation of data and the local criminal justice system prior to making a final evaluation as to the number of beds and facility design for a facility in Lake County. The Lake County planning process should allow for a plan with a long-term solution for the correctional needs of the county for many years to come.

The Criminal Justice System Master Plan should involve:

- Developing a system-wide philosophy and mission to ensure that all constituents have a shared understanding of what needs to be accomplished and how to accomplish it;
- Summarizing system wide capacity and workload projections;
- Developing a comprehensive, system-wide management and operations plan to include a detailed initiative to improve programs and services; Developing a system-wide capital improvement plan to address crowding conditions and to provide adequate space for all users of the criminal justice system
- A system wide approach to develop a continuum of sanctions that include the jail, probation, parole and other services that provide the most appropriate sanction for the offender.

5. Long-Range Crime Prevention Plan

In support of the Criminal Justice System Master Plan, the County should also develop a long-term strategy for crime prevention. This strategy is not limited to just the agencies in the Criminal Justice System but, should be a

community-wide effort and have representation from all components. Further, the plan should include both adult and juvenile offenders. Without this strategy, the County will always be in a build and fill dilemma. In simple terms, the County will not be able to just build their way out of the crowding problem.

This plan, like the Master Plan, should become a living document that would serve as the basis for a working partnership between all components of the criminal justice system. It is also firmly recommended that a jail construction project not be started until this plan and a Master Plan has been completed. Proceeding without these documents further increases the risk of building additional beds and related support space without fully analyzing all factors that contribute to crowding.

6. Development of Intermediate Sanction Options

The County should consider design and development of a Day Reporting Center for selected inmates. The County should consider consolidation of many or all of these intermediate sanctions that are on-site. At present, there are no intermediate sanctions options available in Lake County. There are limited numbers of release options for defendants being held while awaiting trial. Pre-trial services programs, electronic monitoring programs and other options can be utilized to make the most effective use of jail beds in Lake County.

The use of these options should be integrated within the local system. Assessment of offenders for placement with clear eligibility criteria is a critical component of these types of options. Jurisdictions throughout the country utilize intermediate sanctions in a cost-effective manner without compromise to public safety. There are other additional intermediate sanctions programs that can assist Lake County in using jail beds most effectively for the more serious violent offenders. These options should be considered on a regional basis if possible and there should be a more coordinated effort with the local treatment providers.

SUMMARY

A crowded jail is a symptom of many things that occur within the Criminal Justice System. Through interviewing, the consultants found a spirit of cooperation throughout the system to work together in the planning of various options to deal with their overcrowded jail. However, for many of those interviewed, including Captain Todd, there was concern as to whether or not a facility that was initially built in 1974 would be able to satisfy the needs of Lake County in the future.

Most of the staff we met with at the jail felt that the facility that was designed would not be able to serve the long term needs of the County. The staff felt that the overcrowded conditions have contributed to increased problems especially over the last several months.

It appears clear that all of the individuals involved with this project in Lake County understand there is a need to look at the existing jail space and evaluate the need for expansion. At present, the focus is on the development of intermediate sanction options and the expansion of reentry programs.

Booklets Recommended:

In addition to the booklets and videotapes provided, County staff members were advised of the National Institute of Corrections web site www.nicic.org where additional information may be ordered, such as the following:

- A Second Look At Alleviating Jail Crowding: A System Perspective, by the Pretrial Resource Center, Grant Number 97-DD-BX-0016, Bureau of Justice Assistance, Office of Justice Programs, U. S. Department of Justice. NCJ-182507, October 2000.
- Guidelines For: Developing A Criminal Justice Coordinating Committee, by Robert C. Cushman, NIC Accession Number 017232, January 2002.
- How to Collect and Analyze Data: A Manual for Sheriffs and Jail Administrators, Second edition, U.S. Department of Justice, National Institute of Corrections-Jail Center.
- Objective Jail Classification Systems: A Guide for Jail Administrators, by James Austin, Ph.D., National Institute of Corrections, U.S. Department of Justice, TA# 97-J2303, February 1998.
- Preventing Jail Crowding: A Practical Guide, Robert C. Cushman, NIC Accession Number 016720, 2nd Edition, May 2002.
- A PowerPoint presentation completed by the consulted team and submitted as an attachment to this report.

Video Tape:

- "Alleviating Jail Crowding: A Systematic Approach", National Institute of Corrections, U.S. Department of Justice, Tapes 1 & 2, February 7001.