U.S. Department of Justice
National Institute of Corrections

Jail Capacity Planning Guide

A Systems Approach

Jail Population Management

Criminal Justice System Assessment

The Jail Snapshot

Case-Processing Study

Data Collection

Planning for One Empty Bed

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A Systems Approach

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Foreword

During the past 30 years, jails nationwide have become crowded in response to policy shifts in the criminal justice system, including the clampdown on driving under the influence, the adoption of mandatory arrests for domestic violence, and the "get tough" approach to many drug crimes. Crowding can create serious management problems, compromising the safety of both inmates and staff. Therefore, it is essential that jurisdictions adopt comprehensive, effective strategies to address the problem of crowding in our nation's jails.

Jails are part of a complex criminal justice system whose policies and practices directly influence total bed need. As such, jail planning cannot be done in a vacuum. Any consideration of future jail bed need must take place within the context of a discussion about how to manage the larger criminal justice system more effectively. Jail planning and system planning are one and the same. Emerging information technology provides us with unprecedented potential for analyzing the dynamics of the complex criminal justice system and forecasting and managing jail capacity needs.

This guide describes key population management strategies that have as their foundation the necessity of holding offenders accountable while making judicious use of detention resources. This guide also makes the case for the importance of identifying offenders who pose higher risks and targeting them for the most intensive correctional resources, making available a full continuum of alternatives to jail, relying on evidence-based sanctions and quality treatments, and building in transition and stepdown options from jails.

For better or for worse, all local systems will change. The question is not whether, but how, policies will change. We hope that this document will assist jurisdictions as they implement program strategies designed to plan for, respond to, and manage change, while making the most efficient use of existing resources.

Morris L. Thigpen
Director
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Preface

More than 15 years ago, the National Institute of Corrections (NIC) sponsored the development of the *Jail Capacity Forecast Workbook.* I was one of three authors—joining Dr. Robin Ford and Anne Power—who produced the *Workbook,* which has not been updated and is currently out of print.

Since the *Workbook* was published, I have worked with more than 200 jurisdictions in more than 40 states and have continued to apply the methodology it outlined. Over that period, I have seen the tangible benefits realized when jurisdictions take a strategic, comprehensive approach to jail planning. What has become even more important is the need to approach jail capacity planning using a systems approach that analyzes the connections and interactions of the smaller components of a larger system, taking into account not only jail operations, but also the larger criminal justice system and county population trends. At a time when jail populations continue to grow, it is imperative that planners not only anticipate the future, but also explore the extent to which it can be managed. This guide updates the *Jail Capacity Forecast Workbook* and expands on this theme.

This guide also takes a closer look at alternatives to jail and other population management strategies. Planners now have more than three decades of experience with innovative approaches that hold promise in alleviating the demands on jails. Among these approaches are pretrial programs, drug courts, mental health courts, structured sanctions, and community correction centers: program-based transition facilities for inmates serving a sentence.

Focusing on managing risk and improving outcomes shifts the nature of jail planning. It challenges decisionmakers to think about custody resources as a continuum of choices, not as a single option that leads only to housing inmates in a facility. It asks decisionmakers to view jail as a gateway to individual change, not an endpoint. It calls upon them to plan as much for programs as they do for beds.

Research shows that simply holding offenders in custody and then releasing them does nothing to reduce future offending. Accordingly, jail planning must move beyond simple formula-based approaches that build more beds based on past demand. The goal of jail planning within a systems approach is to curb future demand—and thereby avoid the need to increase jail bedspace—by promoting offenders' capacity to change. The community corrections center concept is one promising element of a systems approach to jail planning.

The *Workbook* was written at a time when alternatives to jail were in the early stages of development, when expedited case resolution programs were being tested, and when comprehensive pretrial services programs were still "under construction." Furthermore, the *Workbook* was published before the criminal justice system had even heard of drug courts or mental health courts or had seen the implementation of the many diversion options that are now commonplace. Although some jurisdictions had begun implementing alternative-to-jail programs 15 years ago, a body of

research now exists that shows their promise not only as cost-effective alternatives to jail but also as a proven means of reducing recidivism. It is an exciting time to be planning the future.

Despite these developments, the methodology for developing a jail capacity forecast has not changed. This guide helps readers better understand the variables applied in jail capacity forecasting, provides more detail about the development of the jail snapshot (a jail assessment) and case-processing study (an analysis of adjudication decisions and timelines), and offers a framework for assessing key population management strategies across the system.

This guide also emphasizes the importance of gathering more detailed information about the workings of the criminal justice system, which speaks to the need to pursue new and emerging technologies for managing and analyzing criminal justice system data. Because planning must be based on a systems approach, it is crucial that administrators move toward technologies that allow them to better understand the dynamics that affect the rise and fall of the jail population. However, given the complexities of the criminal justice system, no database, no matter how sophisticated, will be able to ensure precise estimates of future jail need or accurately quantify the effect of every shift in policy or change in practice within the larger system. Therefore, this guide makes the adoption of jail population management strategies the centerpiece of the jail capacity planning exercise.

To illustrate the jail planning process, this guide uses a sample county throughout to provide readers with actual examples of data collected and analyzed. The sample county is a midsized jurisdiction located near a larger urban population center. Although it is an actual county that used the processes in this guide, it is not identified. It is used to highlight the universal nature of jail planning techniques.

Inherent in jail capacity planning is a great deal of uncertainty. Given the numerous variables that affect jails and the frequent lack of detailed historical data, jail capacity planning is as much an art as a science. The planning methodology presented in this guide represents a practical approach, one that uses available data to examine broad trends to derive estimates about future need while focusing on developing comprehensive management strategies. The value of jail capacity planning can be measured as much in regard to the role it serves as an impetus for examination and change within the criminal justice system as in regard to mapping future capacity in jails.

This publication would not have been possible without the insights and contributions of the following individuals: Robert Cushman; Dave Wells of the Northpointe Institute; Vicci Persons; Jim T. Barbee; Colonel Michael Waite of Lee County, FL; and Ray Bower, my good friend and County Manager of Strafford County, NH. In reviewing the manuscript, they provided invaluable assistance in the development of this guide.

David M. Bennett

Introduction

Available beds in any correctional facility have a tendency to become filled—no matter what the size of the facility. Jail crowding is a symptom of the policies and practices of the larger criminal justice system. The changes that have occurred in the nation's jail population during the past 30 years provide evidence that policy shifts alone can bring about dramatic changes in the demand for jail beds. Furthermore, reductions in crime do not necessarily translate into reduced demand. There is no correlation between crime rates and incarceration rates. Instead, unstated, and often unexamined, policies across adjudication decision points in the criminal justice system largely drive jail bed usage.

The number of incarcerated individuals has increased significantly over the past three decades. Yet planners in the 1970s would not have been able to foresee the nationwide policy shifts that would fuel this growth: the clampdown on drunk driving; the adoption of mandatory arrests for domestic violence; the crack cocaine problem and, some years later, the methamphetamine epidemic; and the "get tough" approach to most drug crimes. Nor could they have anticipated the expansion of mandatory minimum sentencing policies, the adoption of three-strikes laws, the restrictions on judicial discretion, or the combined effect of the deinstitutionalization of persons with mental illness and the lack of community-based resources to serve them.

Jail planning must be shaped by an understanding of the interactive effects of criminal justice system policies, its practices, and the availability of alternative programs. Assessing the efficiency of the criminal justice system first and then taking steps to optimize resources can postpone the overflow of a new facility for many years, typically saving a county hundreds of thousands of dollars at the very least. Today, construction costs for new jail facilities can be upwards of $100,000 per bed. Building costs, however, account for only a fraction of total expenditures. On average, construction costs for a new county jail represent only 10 percent of overall operating costs over a 30-year period. A plan addressing the intricate nature of the criminal justice system (a system master plan) can help jurisdictions manage limited jail resources and adapt to changing circumstances for years to come. The system master plan is a comprehensive strategy for addressing the many factors that drive jail demand.

Today's Jail

Jails play an essential role in the criminal justice system. Unlike prisons, which serve only a sentenced population, jails accommodate a broader category of individuals with shorter lengths of stay—usually up to 1 year, but in some jurisdictions up to 2 years.

Jails are short-term correctional facilities operated primarily by counties, but also by some cities and states. They detain individuals awaiting trial and incarcerated offenders who have been sentenced to jail, are awaiting transfer to prison, or are serving time on a probation or parole violation. In some localities, jails also house inmates held under state or federal jurisdiction. They

may also temporarily detain juveniles, persons waiting for a mental competency examination or transfer to a psychiatric facility, and defendants awaiting transfer to another county. Some county jails also accommodate an overflow of state inmates; others hold, through contract, federal and Immigration and Customs Enforcement prisoners.

More recently, jails are being used to hold juveniles on remand status. In localities without adequate community-based resources, jails are still used to house individuals being held for non-criminal reasons such as detoxification or mental health stabilization.

In the end, the jail population is a function of two factors: the number of admissions and the average length of stay, both of which greatly affect jail crowding (see exhibit I–1).

Exhibit I–1

Factors That Influence Jail Population

Number of Admissions to Jail	Average Length of Stay
County population	Access to timely pretrial assessment
Number of law enforcement officers	Early appointment of counsel
Booking and cite-and-release policies	Pretrial release options
County booking fee policy	Bonding policy
Availability of prebooking alternatives (detoxification and crisis centers)	Pretrial bond review procedures
Access to comprehensive pretrial services	Early case resolution procedures
Failure-to-appear rate and warrant policy	Charge and plea-bargaining policies
Pretrial failure-to-appear investigation and court return procedures	Local case-processing times
Pretrial supervision, monitoring, and tracking	Diversion and deferred sentence options
Violation of supervision rate and policy	Availability of jail alternatives (treatment, work release, etc.)
Juveniles certified as adults to stand trial	Eligibility criteria for jail alternatives
State policy transferring inmates to other counties	Sentencing mandates
Contracts with other agencies	Sentence length
Courtesy holds for other agencies	Stepdown options from jail to alternative facilities/programs
Availability of alternative sanction and diversion options	Prevailing philosophy regarding punishment versus treatment
Quality of system intervention	
Politics and the media	

The Upward Trend

During the 1990s alone, jail and prison populations almost doubled. Today, U.S. jails hold more than 700,000 inmates. The growth in the nation's jail population has been part of an overall surge in the correctional population (prison, jail, and probation) over the past 20 years. Skyrocketing expenditures for corrections have accompanied the steady growth in the demand for more jails as cities and states rushed to construct more bedspace.

Surprisingly, at the same time that the number of incarcerated individuals is at an unprecedented level, the reported crime rate is at a 40-year low. Although crime rates are in decline almost everywhere, the annual growth rate in the jail population continues its steady upward trend. The Sentencing Project reports that:

> Between 1991 and 1998, those states that increased incarceration at rates *less* than the national average experienced a *larger* decline in crime rates than those states that increased incarceration at rates higher than the national average. . . . Since 1998, 12 states experienced stable or declining incarceration rates, yet the average decrease in crime rates in these states was the same as in the 38 states in which rates of imprisonment increased.[1]

That there is no correlation between crime rates and incarceration rates can be seen in the experiences of three different states: California, New York, and Texas (see exhibit I–2).

Exhibit I–2

Comparative Change in Incarceration and Crime Rates: 1991–2001

State	Incarceration Rate (%)	Crime Rate (%)
California	42	–42
New York	11	–53
Texas	139	–34

Several factors have been fueling the increase in the jail population, but the fluctuation in reported crime has been a weak contributor. On the other hand, shifts in sentencing policies have had a profound effect on custody resources. Sentencing policies for drug offenses, for example, represent one of the more significant factors contributing to higher incarceration numbers over the past several decades. The number of drug offenders in prison and jail increased from 40,000 in 1980 to more than 450,000 today. The effect on jails is dramatic: The proportion of jail inmates constituted by individuals with a drug charge or conviction increased from 1 in 10 in 1983 to 1 in 4 in 2002.[2]

Within this upward trend, growth rates differ by groups. The adult female jail population has increased by an average of 7 percent annually over the past 10 years, whereas the adult male jail population has grown by a slower 4.2 percent.[3]

Finally, one cannot speak of the upward trend in the growth of the jail population without speaking of the downward trend in institutional housing for persons with mental illness. The United States has experienced an astounding 95-percent drop in the rate of admission to state mental hospitals over the past 50 years. In 1955, psychiatric hospitals housed 558,239 patients with severe mental illness; by 1994, this number had been reduced to 71,619.[4]

Administrators surveyed about the increasing demand on jails cited as primary factors the large number of bookings for drug offenses and violent crime, longer jail sentences, an increase in probation violators, and the increasing fallout from crowded prisons.[5]

Consequences of Jail Crowding

Crowding can create serious management problems and can compromise the safety of inmates and staff as the jail environment becomes increasingly volatile. Crowding can be measured in the lack of flexibility that comes with court-ordered limits (caps) on the jail population. The dynamics of a jail, with unpredictable inputs and daily fluctuations in population, require management flexibility in the form of a few empty beds. Because of this, a jail is at capacity before reaching its design limits. Beds have to be set aside for classification (a male prisoner cannot be housed in a female bed, nor can a maximum-security prisoner be housed in a minimum-security bed), and sufficient beds need to be set aside to handle the population during peak periods.

A crowded jail can result in the loss of system integrity. This occurs when inmates are turned loose from the jail through "forced releases." It does not take long for this to become common knowledge. In some jurisdictions, defendants routinely ask jail staff at the time of booking how soon it will be before they are "forced released" back to the streets. Forced releases are not an acceptable method for controlling jail crowding; they are evidence of the failure of the criminal justice system. This method of release not only requires the jail manager to assume something of a judicial role in shortening the time served on court-ordered sentences but it also does nothing to protect the community or interrupt the costly cycle of failures yet to appear. Moreover, in jurisdictions where forced releases have become the norm for managing the jail population, the failure-to-appear rate has increased exponentially. In fact, national data indicate that defendants released from jail on forced release are more than twice as likely as those released with pretrial conditions and supervision to have a bench warrant issued because of a failure to appear in court.[6]

Lane County, OR, confirmed these findings in an examination of its own failure-to-appear rates. In 2002, it found that 22 percent of circuit court defendants who were forced released from the Lane County Jail failed to report to court. This contrasted with a 10-percent failure-to-appear rate for defendants exiting the jail through the custody referee (pretrial release office) with a pretrial release agreement.[7]

Sometimes criminal justice systems respond to crowding by making abrupt changes in policy or practice. This can be a formal decision, as when a district attorney stops prosecuting all nonviolent misdemeanors because of a lack of resources, or, as in the case of Los Angeles County, when crowding leads to a decision to limit jail bookings to violent misdemeanors and felony defendants for whom a high bond has been set.[8] The system also informally modifies its behavior in response to a lack of jail resources. In one jurisdiction, law enforcement officers shifted to a "cite and release" policy for most drunk drivers in response to lack of jail space; in another jurisdiction, judges modified sentence length downward. The integrity of the criminal justice system is also compromised when, because of inadequate jail space, there is no guarantee that the sentence rendered will be the sentence served.

At a national level, the loss of integrity of the criminal justice system can be seen in the shrinking proportion of the jail population made up of sentenced inmates and the corresponding increase in the proportion of pretrial inmates. Since 1990, the relative percentage of pretrial offenders in jails

has increased from 51 percent to 60 percent.[9] Common inefficiencies in adjudication that extend the time needed to resolve the case contribute to this number. In some jurisdictions, the number of beds available for the sentenced population is so low that this group makes up less than 10 percent of the total jail population—that is, the sentenced population is literally being squeezed out. The end result is a system left to go through the motions of dispensing justice without the means to impose it in the manner a judge has ordered.

To address the problem of crowding, some counties have resorted to boarding inmates in other counties. Counties in Michigan did this when, over a 2-year period, at least 10 counties declared jail crowding emergencies. Even then, crowding continued, despite a 17-percent increase in county jail capacity and a 20-percent drop in arrests over a 6-year period.[10]

In some cases, crowding can even lead to system fragmentation. For example, some municipalities break away from county facilities to seek funding for their own jails. This is an imperfect solution because it can increase system redundancies and costs and exaggerate case-processing disparities.

There is another cost to crowding: the cost to the victims. For every inmate released from jail early, a victim is affected. For every inmate released prematurely who is then rearrested for another crime, additional victims are created.

Getting Out Ahead of the Problem

Planning often begins with a crisis. The best planning, however, starts long before the jail is overflowing. After Hurricane Katrina, a congressional committee was formed to examine the problems that led up to the levee break. The comprehensive analysis that followed was impressive, resulting in 800,000 pages of documentation and testimony from 250 experts and witnesses. Many questions were addressed: How could we have anticipated this? How should information have been shared? Who was in charge? How do we better predict and plan for future events? These same questions are relevant to projecting and planning future jail capacity. The goal is to get out ahead of the problem, not to wait until the existing jail is so dangerously crowded or antiquated that local officials either lose control (through court imposition of population caps) or are left with no choice but a rushed and poorly planned response.

Jurisdictions must make decisions determining capacity before crowding occurs. If a jail is planned to accommodate the addition of bunks and the infrastructure is in place to manage the additional population (dayrooms are sized appropriately, enough support areas are available in the units, etc.), the addition of bunks may not result in jail crowding. However, if the addition of bunks results in a violation of the classification system or the housing plan, then steps need to be taken to bring the jail into compliance through the implementation of well-planned alternatives as the planning process for new beds is completed.

The same problem applies to budget-based crises. Once the cutting back of resources begins, the opportunity to draft and enact systemwide changes in jail management without drastically disrupting the running of the broader system is curtailed. At that point, stopgap measures are often a county's only realistic option. This leads to piecemeal improvement of the criminal justice system that does not further long-term planning objectives.

It is always preferable for a county to undertake a needs assessment of its criminal justice system and begin implementing its desired systemwide changes before a crisis develops. Comprehensive planning is meant to design strategies that are balanced and that anticipate future needs.

A New Paradigm

For better or worse, all local criminal justice systems will change. The question is not whether but how policies will change. Jail capacity planning will always be an imperfect art—one that must include a comprehensive and continuous analysis of key variables of the criminal justice system. The methodology presented in this guide challenges jurisdictions to take a systems approach to planning based on available data. However, this guide also presents another challenge: to set a goal not just to meet demand but also to make a difference. It argues for a results-based paradigm for planning.

The jail will always be a scarce and expensive resource. The best knowledge should inform the policies that dictate how it is used. A body of research now exists that can provide a framework for taking a fresh look at how jail beds are used. The research makes the case for the importance of 1) identifying the higher risk offender for the most intensive corrections resources, 2) making available a full continuum of alternatives to jail, 3) relying on evidence-based sanctions and quality treatment, 4) building in transition planning and stepdown options from jail, and 5) adopting a positive emphasis on change. This research challenges the old notion that a jail bed is the only place, or the best place, to meet the goal of punishment and community protection. Instead, it makes the case for making treatment the norm, backed by the certainty of a short jail sanction, and for allocating both jail time and treatment intensity based on an offender's risk to the community.

What has been learned strengthens the argument for the judicious use of the detention resource. It argues for a new paradigm that views jail as the alternative. The drug court movement reflects this research; it has introduced a new conceptual framework that reasserts the primacy of treatment and redefines the system's response to failure. The community corrections center is another example of a new way of thinking about the central mission of the criminal justice system, one that makes reducing future crime a central goal. The challenge is to make effective use of limited corrections resources by instituting jail population management strategies that hold offenders accountable while taking a constructive approach that promotes public safety.

Notes

1. Ryan S. King, Marc Mauer, and Malcolm C. Young, *Incarceration and Crime: A Complex Relationship* (Washington, DC: The Sentencing Project, 2005), pp. 3–4, emphasis added; *www.sentencingproject.org/Publications.aspx?IssueID=2.*

2. Paige M. Harrison and Allen J. Beck, *Prison and Jail Inmates at Midyear 2004* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2005), *www.ojp.usdoj.gov/bjs/abstract/pjim04.htm.*

3. Harrison and Beck, 2005.

4. E. Fuller Torrey, *Out of the Shadows: Confronting America's Mental Illness Crisis* (New York, John Wiley & Sons, 1997).

5. National Institute of Justice, *NIJ Survey of Jail Administrators* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, 1995).

6. Brian A. Reaves and Jacob Perez, *Pretrial Release of Felony Defendants, 1992* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 1994), *www.ojp.usdoj.gov/bjs/abstract/nprp92.htm.*

7. Public Safety Coordinating Council, "FTA Task Force Report," Lane County, OR, November 2004 (August 2005 Update).

8. Joan Petersilia, Susan Turner, and Terry Fain, *Profiling Inmates in the Los Angeles County Jails: Risks, Recidivism, and Release Options,* final report for U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, 2000.

9. Harrison and Beck, 2005.

10. Pretrial Services Resource Center, "Governor's Task Force in Michigan Points to Importance of Enhancing Pretrial Services to Address Crowding," *The Pretrial Reporter,* April/May 2005.

Getting Started

Like it or not, you cannot fix a levee overnight, or in an hour, or even 6 hours.

—Trent Duffy, White House spokesman, commenting on the flooding of New Orleans after Hurricane Katrina, *New York Times,* February 10, 2006

Jail Planning

Forecasting is the science and art of predicting the future. The science involves the use of objective and tested methods to track trends. The art involves the ability to imagine courses of action that might alter those trends. Jail forecasting relies on tracking a modest set of variables. These include county population, incarceration rates, crime, adult misdemeanor and felony arrests, jail admissions (ADM), average length of stay (ALOS), and average daily population (ADP) of important subsets of the jail population. By mapping changes in these variables over time, a picture emerges that allows counties to make assumptions about future jail capacity need if criminal justice policy remains unchanged. This requires systematic planning, and the best jail planning, like the best planning for a flood, occurs well in advance of an emergency.

The first order of business in jail planning is acknowledging the limitations of the task. Anticipating future demand is a difficult endeavor when attempting to plan several years in advance, let alone 10 years or more. Jail forecasting models, like all such models, are only as good as the data that go into them. In the end, no method of forecasting can predict the future perfectly. Each local criminal justice system has its own complex and dynamic characteristics that influence jail capacity planning. Outside factors that cannot be controlled or predicted will affect future demand. Policies change, new laws are passed, financial resources wax and wane. Furthermore, the capacity-driven nature of most jails makes jail capacity planning difficult. In most cases, available jail space tends to fill. Surveys of jails reveal that facilities that had been expected to be adequate for 10 or 15 years were filled in half that time or less.

Most Jails Operate at Capacity

Because available jail beds tend to fill quickly and most jails operate at capacity, jail planning is challenging. Unlike most businesses, which experience an ebb and flow of demand, or some (like hotels) that actually have vacancies, jails tend to have

a full house. This presents a unique challenge for jail capacity planning. Pent-up demand in jurisdictions with crowded jails can result in changes in criminal justice system practices (e.g., police no longer booking certain offenders, prosecutors no longer filing particular offenses) that challenge the task of gauging actual demand.

Incarceration Rates Continue to Rise

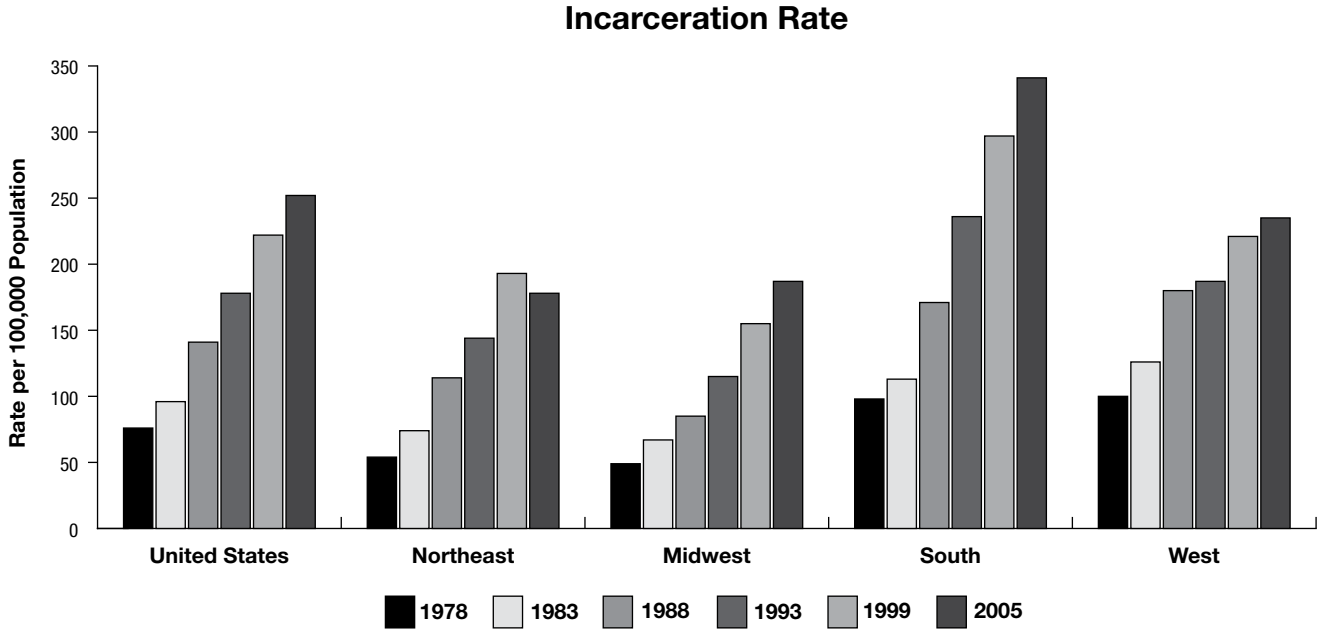
Not only do most jails operate at capacity, but incarceration rates have steadily increased, as have the total number of adults under supervision in both custodial settings and noncustodial settings such as probation. The increasing reliance on incarceration to respond to criminal activity can lead to a spiral of ever-increasing costs and facility demands unless counties can better manage criminal justice system conditions.

Exhibit 1–1 shows increases in incarceration rates. The graph compares U.S. incarceration rates with regional incarceration rates for the Northeast, Midwest, South, and West for the years 1978, 1983, 1988, 1993, 1999, and 2005. The data are from the Bureau of Justice Statistics' Census of Jails.[1] Unfortunately, the Bureau collects national data only every 5 or 6 years.

In 1978, the national incarceration rate was 76 per 100,000 population, as compared with 54 for the Northeast, 49 for the Midwest, 98 for the South, and 100 for the West. The last year for which national data are available is 2005, when the national rate was 252 per 100,000 population, as compared with 178 for the Northeast, 187 for the Midwest, 341 for the South, and 235 for the West.

Exhibit 1–1

Increase in U.S. Incarceration Rate, by Region: 1978–2005



Source: Bureau of Justice Statistics, *Census of Jails* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, various years).

Note: As this document went to press, the Bureau of Justice Statistics released updated jail statistics. For 2008, the reported national incarceration rate was 258 per 100,000 population. (BJS, *Jail Inmates at Midyear 2008 - Statistical Tables,* Todd D. Winton and William Sabol, Ph.D., March 2009.)

No Relationship Between Crime and Incarceration Rates

There is no direct relationship between crime rates and incarceration rates. Crime rates today are at the lowest levels in 30 years and yet the number of inmates incarcerated in jails and prisons is at an all time high. That there is no direct relationship between the two can be seen in states where prison growth has leveled out or declined yet the crime rate continues to drop. Incarceration rates reflect crime policies more than levels of criminal activity. As a result, jail size is not a function of the crime rate in a community. A higher number of beds per capita does not bring about less crime; a lower number of beds per capita does not result in more crime. There is no relationship.

Jails Alone Cannot Address Unmet Need

Not only do crime rates not correspond to jail size, but crime statistics reflect only the level of offending that is detected. When considering that half of the violent offenses that occur are not reported (and that almost half of those crimes that are reported do not result in an arrest), one realizes that jails are, at best, responding only to a subset of actual need. Measuring this unmet or unmeasured need for the purposes of jail planning is difficult.

In addition, most jails operate within systems that have built-in failure rates. Take, for example, the population that comes into contact with the criminal justice system and then drops out. In California today there are approximately 2.67 million unserved arrest warrants. If the state apprehended even a modest number of these individuals, its total jail capacity would be overwhelmed.[2] For example, if only 10 percent of the 285,000 felony warrants in California resulted in jail incarceration, the state would need an estimated 28,000 additional beds to meet the demand. It is as true for jail planning as it is for planning within the larger criminal justice system that planned workload is based on the presumption that, as has been historically true, not everyone will show up.

How *Not* To Plan a Jail

Certainly there are times when crowding is so extreme that little doubt remains that more capacity is needed. Too often, an agreement that "something must be done" leads inevitably to the conclusion that "something bigger must be built." Indicators of major system breakdown do of course require immediate attention. The following conditions seriously compromise the criminal justice system:

- Federal population caps imposed on jails.
- Pending lawsuits.
- Large numbers of inmates being held in other jails.
- Jail environments that are dangerous for inmates and staff.
- Law enforcement "locked out" from booking some arrestees.
- High disciplinary rates.
- Suicides.
- Sentences not served fully.

Insufficient jail capacity can result in jurisdictions resorting to immediate, emergency measures to manage the jail population, rather than thoughtfully considering all available options. In effect, the "keys to the jail" are turned over to the sheriff as release schedules become dictated by jail crowding and not by court order. When jurisdictions are forced to release inmates outside of a pretrial court order—short of having inmates serve their full sentence—the integrity of the system is compromised.

At the same time, the argument for jail expansion too often turns on an incomplete argument or a weak premise. Taken on their own, the four arguments that follow are not adequate justifications for jail expansion.

The Overflow Argument

Management of a jail through emergency (forced) releases is a sign of system failure. However, this is not, in itself, a sufficient argument for more jail beds. Only within a larger context can counties understand the significance of forced-release numbers. Consider the following questions:

- Does the county have a comprehensive pretrial services program?
- How quickly are the courts effecting release decisions?
- How many of those released from jail on forced releases were booked into jail on failure-to-appear warrants?
- What programs are in place to improve appearance rates?

The Rate Comparison Argument

Although it is interesting to know how one county ranks in comparison with other counties in terms of incarceration rates, jail beds per 1,000 population, and other factors, this kind of rate comparison taken alone does not provide a sufficient argument for additional beds. It does not reveal local differences in demand or practice that can drive differences in rates.

The "Let's Build To Solve It" Argument

It is understandable that counties want jail capacity to address unsolved facility issues. For example, a problem that many counties have is the time it takes them to transfer sentenced defendants from jail to state prison. However, before counties plan beds to address system-related problems, new efforts must be made to resolve these problems. The projected number of jail beds needed will be much lower if based on a negotiated 5-day transfer to prison than if based on a 43-day average wait in jail before transfer, a waiting period that is not unusual in some jurisdictions.

The "Jail Data Tell the Whole Story" Argument

Jail planning must not rely solely on jail data. To do so is to institutionalize current practices by assuming the existing system is operating in an optimal fashion. Jail data alone can never reveal larger system issues. For example, in most jails, defendants awaiting trial make up the largest population, but case-processing efficiency and release policies, which are larger system issues, influence the number of those awaiting trial. Jail planning should be done within a systems approach, one driven by a broader question: To what extent would modifications to the existing criminal justice system affect jails and future capacity need?

A Systems Approach

Because county jail populations are constantly changing, jail planning is not a one-time process. The process of developing a master plan for managing the jail population includes determining how efficiencies in the criminal justice system can be realized, what alternatives to jail should be in place, and how jail beds (existing beds or new beds) will be used. The plan also serves to guide decisions about the types of beds to build, in-custody program space, transition services, and other needs along the custody-to-community continuum. The plan includes assessing the efficiency of the criminal justice system first and then planning jail and program space needs based on the system modifications that the assessment suggests. Following such a process can postpone the overflow of a facility by decades.

The approach to jail capacity planning presented in this guide is based on the collection of the following information:

- Jail snapshot data.
- Case-processing analysis.
- Jail and county population trends.
- System assessment.

The data gleaned from the jail snapshot, case-processing analysis, jail and county population trends, and system assessment inform the development of a system master plan, a collection of strategies designed to make the most efficient use of existing resources and to manage change. Analyzing these data involves some level of statistical analysis, which this guide covers in chapter 5. For additional information about using statistical analysis in correctional administration, readers are encouraged to refer to the National Institute of Corrections' *How To Collect and Analyze Data: A Manual for Sheriffs and Jail Administrators, Third Edition*.[3]

The collected data will guide the selection of a jail forecast, a statistical model that represents the upper and lower limits of expected demand at a point set years into the future. The selection of a jail forecast depends on the degree to which a county can implement tested strategies to manage growth. This will require the county to consider the effect of different policy choices. For example, a county may wish to consider the following options:

- Taking inmates to a detoxification facility to sober up instead of booking them into jail.
- Implementing plans to decrease pretrial failure-to-appear rates.
- Reducing the average time between booking and case disposition by half for in-custody misdemeanants.
- Expediting immigration hold cases and out-of-county cases held in the jail.
- Expanding diversion options for nonviolent offenders.
- Imposing community-based sanctions on low-risk probationers with a technical violation instead of sentencing them to time in jail.

In most significant endeavors, planning is often key to ensuring a desired outcome. The ultimate goal is establishing a strategy that facilitates continuous system assessment through ongoing data collection and policy review. The best way to prepare to plan for jail capacity is to assemble a planning team and select a planning staff or consultant who will be responsible for completing all the elements of the jail capacity planning process, including the gathering of data and their analysis and assessment of the state of the current criminal justice system.

Assemble a Planning Team

The complex and interrelated nature of the criminal justice system makes it important that each county have a jail capacity planning team or criminal justice coordinating committee (CJCC) before undertaking jail capacity planning. The CJCC provides the forum for jail planning and acts as the center of ongoing data tracking, system monitoring, policy review, and program implementation.[4]

The CJCC's responsibilities are as follows:

- System planning: Development of a system master plan.
- Ongoing review of system data.
- Policy review and development.
- Development of standards and quality control.
- Coordination of system information.
- Community education.

The CJCC should include key decisionmakers in the criminal justice system, including (at a minimum) the police chief, chief judge, sheriff, prosecuting attorney, public defender, court administrator, county commissioner, juvenile director, and probation and parole director. These individuals are the policymakers and, as such, they should sit on the committee rather than send their designees. At the same time, jurisdictions should invite other key system players (e.g., victim advocates and representatives of the chiefs of police, alternative programs, and mental health and substance abuse services) to participate as committee members.

Membership of a Sample Criminal Justice Coordinating Committee

The membership of one county's criminal justice coordinating committee included the following representatives:*

- The chief judge.
- The county district attorney (chief prosecutor).
- A public defender or defense attorney.
- A county commissioner.
- A health/mental health director.
- A city council member or mayor.
- A representative of the state police department (nonvoting).
- A police chief selected by police chiefs in the county.
- The county sheriff.
- A state court judge.
- A director of community corrections.
- A county juvenile department director.
- One or more lay citizens.
- A city manager or other city representative.

*Adapted from *Guidelines for Developing a Criminal Justice Coordinating Committee,* by Robert C. Cushman (Washington, DC: U.S. Department of Justice, National Institute of Corrections, 2002), NIC Accession Number 017232, *www.nicic.gov/Library/017232,* accessed January 8, 2009.

Full participation in the CJCC is necessary for successful system assessment and jail planning. It is important that members from all parts of the system be involved in the process. The CJCC is to become familiar with the data outlined for collection in this guide:

- Jail snapshot data.
- Case-processing data.
- Jail and county population trends.

The CJCC will want to review the availability of the data and then decide on a plan for approaching the system assessment.

Select a Planning Staff or Consultant

Jurisdictions vary widely with respect to the time and expertise needed to conduct a system assessment. Some rely on in-house staff, while others seek outside assistance. Certainly, few counties are in a position to conduct a facility needs assessment or perform the architectural work needed to complete the final stages of detention planning alone, and many would benefit from a one-time system review by an outside system planner.

Counties considering hiring an expert will be confronted with the choice of what kind of expert to employ. Although many jurisdictions rely on architects to assess capacity needs, the methodology presented here argues instead for a system planner—one who operates independently of the "design and build" part of a project. Criminal justice planners bring a unique perspective to the task. They offer a broad and nuanced perspective that allows them to assess system functioning, offer models from other jurisdictions, and demonstrate how shifts in policy and programs can affect capacity needs. They should bring special expertise in areas such as pretrial services, early case resolution procedures, program alternatives, and evidence-based practices, to name a few areas. They can help decisionmakers understand not only what is needed, but also what is possible.

If an outside expert is used, the county's own employees should be involved directly in the data collection and analysis phase of the work to gain expertise in these areas. Whether a county employs in-house staff to conduct this work or engages a contractor, it is imperative that local elected officials and policymakers understand the jail capacity planning process—what goes into it, its potential, and its limitations.

Review and Assess the State of the System

As used here, the term "system assessment" refers to an assessment of the criminal justice system. To the casual observer, the criminal justice system may not be an "organized assembly." There is no central authority overseeing its

components and no single mission guides its course. Often, there is no integrated system of information to inform its activities, and planning, when it occurs, is more often than not conceived in isolation and implemented without broad consultation. Yet it is clear that this collection of individuals and entities is interdependent and inextricably interconnected. Minor changes in one part of the criminal justice system can have dramatic effects in other areas. For example, placing a few more police officers on the street can have a significant ripple effect, affecting the jail and the workload of all other players in the criminal justice system.

The CJCC will need to design a system assessment to review the key policies and practices over which counties have control and that significantly affect jail population. These areas include:

- Prebooking options.
- Pretrial release services.
- Jail classification and other reoffense risk instruments.
- Adjudication policies and practices.
- Diversion options.
- Sentencing alternatives.
- Program adherence to evidence-based practices.
- Sanction policies and programs.
- Jail stepdown, reentry, and discharge planning.
- Data availability and integration.

For each area, make an attempt to examine policies, review available data, assess need, and understand the effect it has on jails. The CJCC will need to discuss how to approach this task, what information to collect, and how to conduct the analysis. This guide provides more information to help frame this discussion in chapters 3–5. Finally, by way of preparation, the CJCC can also identify outstanding local issues that merit special attention as part of a larger system review. For example, a county may want to capture more detailed information about a particular population (e.g., drunk drivers), a specific point in the adjudication process (e.g., sanctions and revocations), or a certain type of alternative program (e.g., a work-in-lieu-of-jail program).

Notes

1. Bureau of Justice Statistics, *Census of Jails* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, various years).

2. S. Cohen and J.W. Kohls, *Do the Crime, Do the Time? Maybe Not in California* (Sacramento, CA: California State Sheriffs' Association, 2006), *www.calsheriffs.org/Documents/do_the_crime,_do_the_time.pdf,* accessed February 16, 2008.

3. Gail Elias, *How To Collect and Analyze Data: A Manual for Sheriffs and Jail Administrators,* 3d ed. (Washington, DC: U.S. Department of Justice, National Institute of Corrections, 2007), *www.nicic.gov/Library/021826,* accessed March 26, 2009.

4. For more detail on this topic, see Robert C. Cushman, *Guidelines for Developing a Criminal Justice Coordinating Committee* (Washington, DC: U.S. Department of Justice, National Institute of Corrections, 2002), *www.nicic.gov/Library/017232,* accessed January 8, 2009.

System Assessment: Jail Population Management Strategies

We must accept the reality that to confine offenders behind walls without trying to change them is an expensive folly with short-term benefits—a winning of battles while losing the war.

—Warren Burger, former Chief Justice of the U.S. Supreme Court[1]

An assessment of jail population management strategies should be an integral component of any jail forecast. The key to the long-term management of a jail is developing practices that allow the county not only to react to change, but also to influence and shape that change.

The county will want to develop an assessment strategy for examining the larger criminal justice system, with a particular focus on areas over which a jurisdiction can exercise control and that have a direct impact on the jail. Following are examples of areas the county may wish to examine:

- Case decisionmaking.
- Processing efficiency.
- Booking alternatives.
- Diversion and sentence options.
- Program effectiveness.
- Data availability and use.

Together, jail snapshot data, case-processing data, jail and county population trend data, and a formal assessment of the criminal justice system inform the development of a system master plan. The system master plan in turn guides the selection of a jail forecast. The degree to which a county commits to implementing new programs, policies, and procedures will help refine the selection of the jail forecast. This approach is in contrast to other approaches that focus simply on jail capacity and trends with the sole purpose of expanding facilities. This guide takes the reader through the steps of data collection and an assessment of the criminal justice system. It ends with a focus on the selection of a jail forecast.

At a minimum, jurisdictions should focus on the key population management strategies outlined in this chapter:

- Booking decisions.
- Pretrial release decisions and services.
- Classification and objective risk assessment.
- Adjudication policies and practices.
- Diversion options.
- Sentencing alternatives.

- Adherence to evidence-based practices.
- Sanction policies and programs.
- Jail stepdown, reentry, and discharge services.
- Routine examination of system data.

Each strategy includes examples of the related data this guide identifies for collection and offers examples of the relationship between the strategy and jail management. Jurisdictions will want to supplement those data with a qualitative review of their system. In the end, this review can take many forms:[2]

- Review of local policies (booking, bail, sanctions, etc.).
- Conformance to standards (e.g., National Association of Pretrial Services standards).
- Inventory of existing programs.
- Analysis of outcome data.
- Review of existing and pending state legislation.
- Review of new and pending state corrections policies.
- Review of available incentives and sanctions.

Booking Decisions

Police availability, cite-and-release policies, booking fees, and the availability of community alternatives all affect jails. Too often, jails become the only option for law enforcement officers, especially when jurisdictions try to resolve issues involving persons who suffer from mental disorders or who are social inebriates. The jail is not an appropriate or proportionate response to mental illness and public intoxication, conditions that are better treated as public health issues. Creating prearrest and prebooking options in the community has helped some localities divert these groups from jail.

Jurisdictions can use the data this guide recommends for collection as a starting point. They may use the data to discuss cite-and-release policies and a continuum of prebooking alternatives and then develop programs and policies to divert low-risk inmates who would be better served in a nonjail setting.

Examples of Data Recommended for Collection

- Incarceration rates (source: jail admissions trend analysis).
- Bookings by arresting agency (source: case-processing study).

Pretrial Release Decisions and Services

Pretrial services programs are an indispensable component of an efficient criminal justice system. Expediting release and reducing pretrial failures and rearrest are two ways a full-service pretrial services program supports jail population management goals. Pretrial staff supply the courts with accurate information about a defendant to inform decisionmaking, support the early appointment of defense counsel, identify diversion candidates, monitor pretrial jail inmates to facilitate timely bail reviews, and monitor, track, and supervise pretrial defendants.

Pretrial programs are a fundamental contributor to enlightened population management. The results are compelling: Research shows a direct correlation between jail crowding and the amount of coverage a pretrial services program offers. Jurisdictions with pretrial services programs that operate 24 hours a day, 7 days a week are less likely to have crowded jails (i.e., those that exceed capacity).[3] However, a well-managed jail is associated not only with access to pretrial services but also with the timeliness of those services. Jurisdictions with pretrial services programs that interview defendants before their initial court appearance are less likely to have a jail that exceeds its rated capacity.[4]

The role pretrial program staff play in the early assignment of defense counsel also has an effect on the jail. According to one study, defendants

not represented by an attorney at their initial appearance are less likely to be released on their own recognizance and more likely to have an unaffordable bail set, which contributes to higher detention rates.[5]

One county that documented the positive effect of a pretrial program was Montgomery County, MD. After the first year of program operation in the early 1990s, the county measured decreases in the average number of jail days for pretrial defendants, reductions in failure-to-appear rates for defendants released on pretrial supervision (the lowest rates in 5 years), and low rearrest rates.[6]

Pima County, AZ, put together a fast-track program to monitor the pretrial jail population by providing routine bail review for defendants not released at their initial appearance. The program involved the collection of additional information that could form the basis of a release plan. The county gave pretrial staff the authority to schedule bond hearings. Experts credit the program with reducing the felony pretrial jail population by 20 percent.[7]

Examples of Data Recommended for Collection

- Percentage of inmates in pretrial status (source: jail snapshot).
- Pretrial release rate (source: case-processing study).
- Pretrial release type (source: case-processing study).
- Pretrial failure-to-appear rate (source: case-processing study).
- Rearrest rate (source: case-processing study).

Additional information to collect as part of a qualitative review may include the availability of services for verification, bail review, a failure-to-appear investigation, identification of diversion candidates, and a review of policies and procedures.

Classification and Objective Risk Assessment

Reliance on an objective assessment of the level of risk an inmate poses ensures the rational allocation of jail resources. A reliable, validated classification instrument is also a population management tool in that it provides objective information that jurisdictions can use to modify risk thresholds in response to population pressures. Classification instruments are used across the criminal justice system, from pretrial release decisionmaking and jail classification to probation supervision and sanction decisions.

Criminal justice systems use classification and risk-assessment instruments in the following contexts:

- Jail classification.
- Pretrial risk assessment.
- Determining the risk of offender recidivism.
- Forced release.
- Sentencing guidelines that take into account the offender's probability of reoffending.
- Level and intensity of supervision required.
- Structured sanction guidelines.
- Jail stepdown.
- Assessment of offender risk and need for program referral.

Jail planning and alternative program planning must go together. Analyzing in-custody and probation (community supervision) populations by risk can help counties determine how many resources to fund. A starting point might be to assess whether high-risk/high-needs offenders are accessing programs.

In the case of jail classification, an objective assessment of risk can help ensure that inmate management decisions are consistent and reliable. It can also help spare jails the costs associated with overclassification (which leads to more intense management and longer stays) and litigation (an objective classification scheme provides more legal defensibility). Other benefits include improved efficiency and public safety.

Defendant information that police, jail, and pretrial release staff collect is vital to helping

jurisdictions make quick and informed release/detention decisions that promote efficiency in the criminal justice system, effective jail management, and, ultimately, public safety. In fact, national data indicate that pretrial programs that rely on subjective assessments of risk are more than twice as likely to have a jail that exceeds its capacity than pretrial programs that rely exclusively on an objective risk assessment.[8]

Examples of Data Recommended for Collection

- **Jail inmate classification (source: jail snapshot).**

Note: Some jurisdictions will want to consider a separate and more detailed analysis of their jail classification instrument as part of this study.

The recommendations for data collection and analysis presented in this guide provide an opportunity to review the use and application of risk-assessment instruments across the criminal justice system. Objective risk assessment should also be used to guide decisions about diversion, supervision intensity, and the response to noncompliance.

Adjudication Policies and Practices

The adjudication of defendants includes decision points, such as the charging and filing decision, that influence case outcome and, ultimately, the jail. The case-processing study this guide outlines affords jurisdictions an opportunity to look at this process in great detail, offering them, in most cases, the first indepth examination of their case-processing system.

The case-processing analysis examines many factors, including the appointment of defense counsel (which contributes to the speed of case resolution and the final outcome), policies on immigration and other types of jail holds, and overall adjudication outcomes.

Appointment of Counsel

Although mounting workloads and declining budgets are a reality for most components of the criminal justice system, underfunded public defender systems have direct implications for jail crowding. When jurisdictions cannot guarantee immediate access to defense services, both jails and defendants are adversely affected. A shortage of public defenders can be particularly acute in state-funded public defender systems; the state does not have the same interest as a local jurisdiction in adequately funding the public defender.

When needed, the jurisdiction must appoint a public defender quickly. Once appointed, the public defender must confer with the defendant before the first appearance or arraignment and be prepared to participate in an expedited case resolution process. Assignment of the defense counsel is but one of many issues to address as part of the case-processing analysis.

Early Case Resolution

Swift case disposition depends on the timely receipt of police reports, the early assignment of counsel, upfront screening, quick sharing of discovery, and the early offer of pleas. Lack of such procedures affects jails directly. The effect can be seen in the average length of stay (ALOS) for defendants who remain in custody pending disposition and in defendants released “time served” because the time available for a sentence has been spent awaiting the verdict.

Time-served releases often reflect system processing failures. Too often, defendants are detained pending adjudication only because the system is not prepared to adjudicate the case. When this happens, defendants take up scarce jail beds and jurisdictions delay for as long as 60 days those cases that could have been resolved in 10 days with a meaningful intervention. These cases have no option but time served.

For many jurisdictions, an early case resolution (ECR) program is the answer. Fully implemented, an ECR program can produce significant results. It is a central management tool for improving the efficiency of the criminal justice

system and managing the jail population. The objective of such a program is to provide a process for expediting the resolution of cases. The process begins with defendants having early, meaningful consultation with counsel and ends with prosecutors and public defenders meeting on a routine basis to review new cases to determine which ones might be resolved at arraignment.

Given that most cases are resolved through entry of a plea, a mechanism needs to be in place for exchanging discovery, arranging negotiations between counsel, and accepting pleas at the earliest stages of prosecution. It is inadvisable to house for long periods those pretrial defendants who will ultimately plead guilty.

An ECR program benefits jurisdictions in the following ways:

- Reduces ALOS.
- Reduces crowded dockets.
- Reduces jail overcrowding.
- Reduces case-processing times.
- Reduces the number of pretrial defendants.
- Reduces time invested in less serious cases.
- Reduces barriers to jail programs available only to sentenced inmates.

Jurisdictions will want to use the data this guide recommends for collection and other information gleaned from policy and procedure assessments to explore the use of ECR as a population management strategy.

To achieve expedited case resolution goals, jurisdictions will need to implement new upfront adjudication procedures. Adequate system resources must also exist to support this effort. A sufficient number of prosecutors, public defenders, judges, and other support staff must be in place to realize the orderly administration of justice. Moreover, a pretrial program is essential to this front-end work. Jurisdictions should take all of this into account in the assessment.

An ECR program results in savings in jail bed days through the timely resolution of cases. Jurisdictions that have adopted this approach have measured significant reductions in jail impact.

Positive Effect on the Jail

In 2003, Orange County, FL, implemented an ECR program in response to jail crowding. It took a series of actions to achieve the timely processing of inmates, including the assignment of a permanent judge to conduct first appearance hearings. Within a short period of time, the number of inmates processed in first appearance hearings increased from 77 per day to 93 per day. The result was that the average daily population of the county's jail dropped 15 percent, from 4,000 inmates to 3,413 inmates. In 2005, the National Association of Counties honored Orange County with an Innovative Programs Award for the effect the county's "meaningful first appearance program" had on its jail.[9]

Lucas County, OH, implemented elements of an ECR program in the form of a special prosecutors' unit dedicated to immediate screening of felony warrantless arrests. In the program, prosecutors review a case with the arresting officer and make an immediate filing decision. As a result, the county either drops about 20 percent of its cases immediately or reduces the cases to misdemeanors. According to a Lucas County prosecutor, this approach has resulted in a decrease in the jail population.[10]

Washoe County, NV, implemented an ECR program that involves a coordinated effort at ECR by the judiciary, public defenders, and the district attorney. As a result, the time for case resolution decreased from an average of 8 weeks to 6 weeks for certain offenses. The county releases the offender the day the case is resolved through diversion, drug treatment, or another alternative. This ECR program reduced the ECR population demands on the jail.[11]

Lee County, FL, now resolves a quarter of its felony cases through ECR, and Washington County, OR, resolves a third of its cases through this program.

Monroe County, NY, took an approach to change that it credits with postponing the building of additional jail bedspace. The approach included developing pretrial and posttrial alternatives, expediting cases, and improving case management. One specific effort involved expediting the completion of presentence investigations for in-custody cases. According to the county, this effort succeeded in reducing completion time for presentence investigations from 4 weeks to 2 weeks, saving 4,319 jail bed days in 1 year.[12]

Other examples of expedited case processing include a project in Maricopa County, AZ, where the county focused on expediting the adjudication of probation/parole violation hearings. This resulted in a 43-percent reduction in the average time for case resolution and an associated decrease in the average daily population of jail inmates.[13]

Examples of Data Recommended for Collection

- Legal representation, by attorney type (source: case-processing study).
- Case-processing times from booking to filing, from filing to arraignment, from arraignment to disposition, from disposition to sentencing, and so forth (source: case-processing study).
- Case-processing times, by charge type (domestic violence, property, drug, public order, traffic, etc.) and charge class (felony/misdemeanor) (source: case-processing study).
- Felony filing rate (source: case-processing study).
- No-complaint rate (source: case-processing study).
- File attrition rate (i.e., the percentage of defendants charged with a felony who were convicted of a felony) (source: case-processing study).

Diversion Options

Diversion options offer lower cost and effective interventions for low-risk offenders. The lack of use of meaningful diversion to treatment is easily seen in the rates of release, rearrest, and return that plague jails. For example, nearly 80 percent of inmates booked into the Los Angeles jail had previously been in jail or prison. After release from jail, nearly 62 percent were rearrested within 2 years. Of those rearrested, 42 percent were picked up within 3 months of release.[14] This recidivism and the uncounted number of associated new crime victims show the current failure of the criminal justice system.

Drug Diversion Legislation

Drug diversion programs come in many different forms, and some states, such as California with its Proposition 36, have passed legislation to mandate diversion programs for particular types of offenders (e.g., nonviolent second- and third-time drug offenders or those with probation violations linked to drug use). The California statewide diversion program has proved to be an effective measure in reducing the demand for custody resources. Incarceration costs decreased dramatically: Jail costs for defendants who completed the diversion program were measured 30 months after they entered the program and found to be 41 percent lower than the jail costs for defendants who never entered the program.[15] Other court-based diversion options include mental health courts, domestic violence courts, courts specializing in cases involving driving under the influence, and community courts. Community service and work-related diversion programs are additional options.

Drug Courts

The success of drug courts has made a strong case for diversion programs (many drug courts now also function as postplea sentencing options). These programs work to address the underlying problems associated with criminal activity, and they have repeatedly been shown to halt further offender entry into the system. A recent analysis of the Multnomah County (OR) Drug Court (the second oldest program in the nation) tracked 11,000 offenders eligible for drug court over a 10-year period. The study found

significantly reduced recidivism for drug court participants for up to 14 years after they entered the program as compared with eligible offenders who did not participate. The program reduced the incidence of rearrest by nearly 30 percent for drug court participants. In the final analysis, costs for drug court participants were $1,392 less than the costs for "business as usual" cases.[16]

Mental Health Services

Diversion services are also an appropriate option to consider for defendants suffering from mental illness. Jail discharge planning also holds promise. Providing immediate and concrete assistance is the key. For example, a recent study found that offenders with mental illness who were released from jail with Medicaid benefits to assist with payment for continued community mental health treatment had, on average, 16 percent fewer subsequent detentions over the following year than those who were released without Medicaid.[17]

Mental health courts and assertive case management programs also demonstrate a real potential to decrease demands on jails and hospitals. A new study on the San Francisco Behavioral Health Court found that, 18 months after program completion, participants had a 39-percent lower risk of being arrested for a new offense and a 54-percent lower risk for committing a violent offense than a comparable group booked into the jail who did not participate in the specialty court.[18]

Examples of Data Recommended for Collection

Disposition Type:

- **Percentage of defendants diverted to nonjail program (source: case-processing study).**
- **Nature of diversion program (source: case-processing study).**

Jurisdictions will want to supplement these data with a more indepth examination of their continuum of diversion options, including a look at eligibility criteria, number of defendants served, policies on incentives and sanctions, and outcomes.

Sentencing Alternatives

The Bureau of Justice Assistance advises that jurisdictions "view jails as but one alternative in a continuum of graduated responses to criminal conduct.…The availability of alternatives, treatment options, and other resources is a powerful tool in decreasing jail populations."[19]

Jails must be part of a system of alternatives that allows counties to move inmates to less expensive community-based options as inmate classification and inmate behavior allow. These posttrial alternatives range from work-release facilities or community corrections centers (CCCs) to community work crews. Jurisdictions that have incorporated a CCC into the facility plan can also use the CCC as a release valve for the jail, allowing low-risk inmates to serve all or part of their sentences in a less restrictive, program-oriented setting. This alternative lowers system costs while providing another treatment- and employment-based option.

Continuums of diversion, treatment, supervision, and sanctions must be in place to address the varied and complex issues that offenders present. Foremost is the need for a continuum of quality alcohol- and drug-treatment programs. When offered as an alternative to jail, these programs save dollars and lives. A body of research demonstrates that a punitive approach to addiction does not lower criminal behavior and that quality treatment, coupled with case management and swift sanctions, can significantly reduce recidivism. Substance abuse treatment, in its many forms, shows repeatedly that it is a good investment. A study of 44 treatment programs in California across 13 counties revealed that every dollar spent on drug treatment yielded $7 in savings for the local criminal justice system.[20]

Work and transition programs that bridge the gap between jail and the community must be a central feature of any criminal justice system. Jails are costly to build and operate. For this reason, safe and proven alternatives to jail must be a standard feature of any jail plan.

Examples of Data Recommended for Collection

- Percentage of offenders sentenced to prison, jail, probation, or other alternatives (source: case-processing study).
- Average length of sentence imposed, by type (source: case-processing study).
- Jail inmates, by charge or conviction type (source: jail snapshot).

Additional information to collect includes program inventory and capacity, eligibility criteria, average length of stay, sanction policies, costs, and outcomes.

Adherence to Evidence-Based Practices

Not all programs are created equal. Research shows that the programs that achieve the greatest reductions in recidivism share common characteristics. These include targeting offenders at higher risk for recidivism, focusing on known predictors of criminal behavior, and having well-qualified staff deliver cognitive-behavioral interventions of adequate duration and intensity. Recent research demonstrates the cumulative benefit of evidence-based practices. Researchers have empirically linked the following approaches to a significant reduction in recidivism, which, in turn, has a positive impact on the jail:

- Targeting offenders at higher risk for recidivism for the most intensive services.
- Providing treatment of at least 3 months' duration.
- Using a reoffense risk-assessment instrument.
- Varying treatment intensity by risk level.
- Expediting entry into treatment.
- Ensuring treatment continuity.
- Delivering cognitive-behavioral programs.
- Ensuring swift, not severe, sanctions.
- Providing treatment of sufficient intensity.
- Offering incentives and rewards for progress.

To have the greatest influence on recidivism, jurisdictions should clearly link an offender's risk level to the length of supervision and services they provide. The significance of targeting the higher risk offender is made clear in research studies showing that not only do services for this population provide the greatest public safety return but also that intensive services delivered to low-risk offenders can actually increase recidivism (some researchers speculate that this may be explained by bringing low-risk offenders into prolonged contact with higher risk offenders).[21]

Particular treatment models are crucial for realizing long-term gains. Cognitive-behavioral approaches that address criminal thinking and help individuals understand triggers for addictive/criminal behavior have proven most effective, providing a benefit to the criminal justice system (after accounting for treatment costs) of $10,299 per individual.[22]

Providing a balance of treatment and supervision achieves the greatest reductions in recidivism. Surveillance-only or sanction-only approaches demonstrate no positive outcome. A review of 23 control-group studies of surveillance-oriented, intensive supervision showed zero positive effect.[23]

The Washington State Legislature recently commissioned research into evidence-based practices. The study found that although intensive supervision alone yielded no reductions in recidivism, such supervision combined with a treatment-oriented approach resulted in an almost 22-percent reduction in recidivism. After accounting for the cost of supervision and treatment, the legislature estimates the cost benefits per individual to be $11,563.[24]

Although most research on evidence-based practices has focused on the properties of effective programs, recent research is paying attention to the quality of the interaction between staff and the offender. Evidence suggests that the quality and nature of the interaction is as important as the program itself.[25]

The State of Oregon is phasing in a law (SB 267) that makes funding for corrections programs contingent on the delivery of evidence-based practices. In the first year of implementation, the state expects that it will designate 25 percent of county funding for "best practices" and that this allocation will increase each year.

Even for defendants at the highest risk levels, jail alone is only a temporary stopgap measure for preventing repeat criminal behavior. Given research findings regarding the effectiveness of treatment, it is time to rethink the approach that views treatment as an alternative; treatment should instead be considered the norm. The ultimate goal is a system in which jail becomes the alternative.

Example of Data Recommended for Collection

- **Percentage of offenders admitted who have previous bookings (source: case-processing study).**

The data this guide recommends for collection will reveal some recycling of defendants through the system, often as a result of no intervention or ineffective interventions. Jurisdictions should adopt quality control reviews for their programs and formalize the collection of outcome data. The planning effort should include a discussion about achieving evidence-based standards for programs.

Sanctioning Policies and Programs

The success or failure of treatment and supervision programs in the community strongly affects the jail. A continuum of graduated sanctions allows offenders to move up and down a range of graduated punishments based on the severity of their offense or violation and their level of risk.

The use of structured sanctions not only saves jail beds but is supported by research. Research shows that recidivism is not reduced when incarceration is the sole intervention nor is reduced recidivism correlated with time spent in jail. Deterrence programs alone do not reduce recidivism.[26]

Although the overall effect size for treatment programs is 10 percent (an average 10-percent reduction in recidivism across programs), the reduction in recidivism for all types of surveillance-oriented interventions is zero. Intensive-supervision deterrence programs had no effect on recidivism, and programs like Scared Straight and electronic monitoring produced a 5- to 7-percent increase in recidivism, respectively.[27]

Research demonstrates that it is the swiftness and certainty of the sanction that is important, not the severity. The Oregon Department of Corrections showed this in a study that matched offender groups by risk level and then tracked outcomes for groups that received sanctions of different types and length. The study found similar rates of reconviction for high-risk offenders, regardless of time in jail. For most medium-risk offenders, higher recidivism was associated with longer stays in jail. Overall, low-cost community sanctions yielded lower reconviction rates.[28]

Example of Data Recommended for Collection

- **Percentage of inmates with failures to appear in court (source: case-processing study).**

Jurisdictions will also want to review sanction policies and the continuum of options available.

Jail Stepdown, Reentry, and Discharge Services

The manner in which jurisdictions release inmates affects the rate at which they return to jail. Constructive opportunities for transition to the community can interrupt the cycle of rearrest and return. Discharge planning can help stabilize those who suffer from mental

illness and ensure ongoing linkages for those at a high risk of recidivism. Stepdown options with movement to a minimum-classification/work-release facility reduce jail costs while addressing community reintegration and rehabilitation goals.

The reality of the modern jail is that it must function as an integral part of a larger community network. Preparing offenders to reenter society upon their release—whether after days or months of incarceration—benefits the community. The failure of the criminal justice system to prepare offenders for reentry is evident in the number of persons who repeatedly cycle through the system. Most jails are well aware of the dramatic effect this population—sometimes dubbed "frequent fliers"—can have on both the community and the jail, yet the extent of the impact can be surprising. Multnomah County, OR, determined that the most frequent of "frequent fliers," who comprise approximately 4 percent of the jail population at any time, accounted for 26 percent of annual bookings.

Some may surmise that many of those who suffer from mental illness also have substance abuse problems. This was the conclusion in a study that examined "frequent fliers" recycling through emergency rooms. A Washington State analysis found that 56 percent of those who visited emergency rooms 31 or more times in 1 year had been diagnosed as having both mental illness and alcohol or drug abuse problems.[29]

A jail must be part of a larger network of services. These services must extend from the community through the jail and on to a continuum of criminal justice programs and community alternatives.

Community Corrections Centers

One approach to reentry is to plan for a CCC as part of jail planning. A CCC is a minimum-security residential facility that offers a structured, supervised living environment for the transition from jail to the community. It provides a lower cost option that allows inmates to serve their sentence in a minimum-security setting while maintaining employment and having the benefit of a range of programs.

The principal goal of the CCC is to facilitate a successful transition back to the community. Center staff design individual case plans to address conditions of supervision, court orders, treatment needs, community safety, and victim restitution. Issues addressed include employment, life skills, and substance abuse. At the same time, the challenge is to keep from widening the net—to make sure that the CCC serves as a substitute for jail time and does not turn into an expanded custody resource.

Courts base individualized plans for offenders on their risk level and needs and on the anticipated length of their stay at the CCC. For residents with short stays (less than 2 weeks), the principal goal is to connect the individual to treatment before release. For those with longer stays, the goal is to work with the resident to find employment, engage in treatment, and move into drug- and alcohol-free housing upon exit.

Jurisdictions can realize some of the concepts of a CCC even if they do not have an actual building. Strafford County (Dover), NH, the recent recipient of a National Association of Counties award, has an excellent community corrections department. One of the functions of the department is to work with custody staff to develop a reentry plan for each sentenced offender. Sentenced prisoners who complete essential programming while in custody can earn an early stepdown from jail and complete the remainder of their sentence in the community.

Impact on Jails

CCCs have demonstrated good outcomes. In Washington County, OR, a 215-bed CCC serves a diverse population, including inmates

transitioning from jail or prison, offenders serving direct sanctions, and persons undergoing short-term stabilization. The overall success rate, measured by successful completion, is 89 percent. Of the 11 percent who are unsuccessful, only 1 percent of the failure is due to the commission of a new crime. The success of the Washington County CCC is also demonstrated by its residential treatment program, which houses approximately 30 residents. This program has been evaluated and ranked in the top 8 percent of programs nationwide for adherence to evidence-based practices.[30]

A CCC also costs less to construct than a jail. By definition, a CCC is a minimum-security facility that has dormitory-style housing. One organization estimates that building costs for a CCC are one-third less than those for a jail (Rosser International, personal communication, September 9, 2007). Moreover, a CCC's operating costs are usually less, depending on whether it is civilian run. In Washington County, OR, the cost per resident per day of operating a CCC run by civilians from the community corrections department is $65—significantly less than the $109.46 cost per inmate per day of operating a government facility.[31]

Like CCCs, day-reporting programs have a good track record. In Hampden County, MA, a prerelease facility serves inmates who are within 6 months of release. Inmates reside at an alternative facility and work in the community. In a move to reduce jail crowding even more, the county added a day-reporting component. This program serves offenders serving shorter sentences and pretrial defendants released with a condition to report, and functions as a stepdown from prerelease. The program not only has saved jail beds for those who need them most and reduced the costs of holding inmates, but also has improved the chance of successful community reentry for individuals who have earned the opportunity to participate in it.[32]

Examples of jail cost savings can also be found in jurisdictions that incorporated day-reporting centers into their continuum of services. Several months after opening a reporting center, the jail in Franklin County, PA, reported its lowest number of inmates in 4 years. This achievement reportedly allowed the county to build a smaller jail, resulting in savings of $10 million in construction costs.[33]

In Davidson County, TN, the sheriff sought grant funds to start a day-reporting center in a move to alleviate jail crowding. Designed for nonviolent offenders, the center's program-rich environment gives "someone an option to turn his or her life around in a positive manner," according to the sheriff. The county judges the program a success, with a per diem rate of one-third of the jail residents actively completing programs.[34]

The judicial branch of the State of Connecticut established the Office of Alternative Sanctions to expand alternative programs. It developed day-reporting centers as part of this approach. These centers are community-based alternatives to jail for defendants with more serious offenses, who need more structure than straight probation provides. Participants report to these centers during the day and are under house arrest at night. One study estimates that this program saves Connecticut the cost of 700 jail beds each year.[35]

Example of Data Recommended for Collection

- **Percentage of offenders who serve a full sentence in jail (sentence type/sentence length) compared with the percentage who exit to an alternative facility (source: case-processing study).**

Additional information to collect includes the percentage of offenders stepping down from jail to lower level security, the percentage receiving discharge planning, the percentage exiting jail with medications or prescriptions (if needed), the percentage exiting jail with a referral/appointment to a community agency or case manager, the percentage transported from jail to stable housing, and the percentage exiting jail who receive followup.

Routine Examination of System Data

Jail population management depends on access to good information. Receiving feedback about trends and performance in the criminal justice system is vital to guiding change. Criminal justice systems must track trend and performance data, but they must also monitor the quality of their efforts and track outcomes. Decisionmakers must have information about the long-term effect of interventions so they can answer fundamental questions such as what it cost and whether it made a difference.

Jurisdictions need to develop the analytical capacity to allow policymakers to routinely examine criminal justice system data. They should work toward an information system that allows for the linkage and integration of separate system databases. Some jurisdictions are developing data warehouses to integrate data across separate systems. This kind of capability allows for a more sophisticated and ongoing system analysis.

This guide is designed to help jurisdictions structure the baseline system data and jail data they need to further this goal. Collecting these data will help jurisdictions pinpoint the weak links in their data collection system.

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The Jail Snapshot

A picture is worth a thousand words.

—Fred R. Barnard, 1921[1]

Local system policies and practices that influence who is booked into jail and how long they stay largely drive jail bed usage. Because of this, assessing the need for new beds must begin with an understanding of who is in custody and how the county is currently using the jail within the context of the larger criminal justice system. This understanding comes from two valuable planning tools: jail snapshot data and system case-processing data (see chapter 4). This chapter focuses on jail snapshot data.

Compiling data on the local jail and criminal justice system is fundamental to any long-term planning exercise. By revealing local practices, these data help decisionmakers see "the big picture." Framing the data helps frame the debate. With good data in hand, decisionmakers are in a better position to identify practices that affect the jail, observe patterns, and determine where to focus further study.

More importantly, jail and system data provide a reference point, or baseline, against which to measure change. The real value lies in comparing jail and system data over time: to track and observe the effects on the jail of modifications to policy and practice. Over time, this repository of local system data will become an important source of information with which to inform and shape criminal justice decisionmaking.

The first step toward this goal is to examine how a county currently uses the jail.

The Jail Snapshot

A single jail snapshot offers a window into one moment in time. By itself, it can raise interesting questions but, like the individual frames that make up a movie, the real picture comes into view by collecting and overlaying multiple shots of the same scene. Only then does a story emerge. Daily jail snapshots are averaged over a 1-month period to produce a monthly composite average. Comparing monthly data composites over time can then reveal changing dynamics in the criminal justice system.

A jail snapshot allows a jurisdiction to accurately describe how it is using its jail. A jurisdiction should be able to answer questions such as:

- How many individuals are in jail?
- What is the relative proportion of misdemeanor versus felony charges/convictions?
- What percentage of jail beds does the jurisdiction devote to the sentenced population and to the pretrial population?
- For what reasons are inmates in jail for holds?
- What is the impact of probation violators on the jail?
- Which charges are most frequently represented?
- How many inmates are awaiting transfer to state prison and how long have they been waiting?
- What is the length of stay by reason for detention or by charge?

The goal is to develop an automated routine that produces a single daily jail snapshot captured at the same time each day. The snapshot collects profile, legal status, and time-in-custody data for each inmate.

A Data Standard for Local Planning

The jail snapshot presents more detail than data from the Bureau of Justice Statistics. The data classify prisoners as either pretrial or posttrial. The jail snapshot, in contrast, adds a third category: holds. That is because jail snapshot data serve a different purpose. Not all persons in jail are awaiting trial or serving a sentence, and this guide acknowledges that jurisdictions need more detailed information than this for long-term planning.

Holds include those prisoners who will not be processed by the local criminal justice system. U.S. marshal pretrial prisoners are one such group. These prisoners are not awaiting local trial, but they do take up local jail space, and whether the federal prisoners are awaiting trial or not is of no concern. A county must simply know how many persons will take up space in the jail. The same logic applies to immigration holds, probation holds, and holds for other jurisdictions.

The approach this guide describes allows jurisdictions to isolate and quantify probation and parole violation cases, thereby facilitating both a separate examination of immigration violators or other federal prisoners held in jail and a breakout of parole violators or sentenced inmates awaiting transfer to state prison. Distinguishing these subcategories of probation and parole violators is important because state and federal prisoners have nothing to do with the local criminal justice system, but can take up a significant number of jail beds. In some jurisdictions, the state backs up prisoners in local county jails to manage prison crowding. For local planning purposes, it is crucial to be able to separate these prisoners from the total jail population and to identify the policies that govern their being housed in a local jail.

Within a recommended framework, each jurisdiction will want to customize specific variables that reflect local practices and terminology. One jurisdiction's district court is another jurisdiction's circuit court. Jurisdictions may also want to expand the variables to allow a closer look at a particular inmate subpopulation: juveniles, the mentally ill, inmates on psychotropic medications, individuals held because of public inebriation, and so forth.

Jail Snapshot Variables

Jail snapshot variables fall into several broad categories. Within those categories, jurisdictions will want to tailor the data to meet local system issues and priorities, to construct a jail snapshot according to what the local situation dictates, and to reflect the data that are available.

Legal Status

Because a case may have more than one legal status (i.e., pretrial, posttrial, holds), a hierarchy is used to assign cases to a particular category. The most significant charge keeping each inmate in custody dictates assignment.

For each separate legal status, the jail snapshot breaks out more specific information, for example, charge class (misdemeanor/felony) and charge type (person, property, narcotics, drunk driving, public order, traffic) information. For inmates in the hold category, the breakout is limited to charge type.

The purpose of the hold category is to discretely capture inmates who have ties to another jurisdiction (e.g., other county holds, federal holds, immigration holds), who are awaiting transfer to prison or another facility, or whose principal reason for incarceration is a violation of probation or parole supervision. Some of the inmates whom counties are holding for other jurisdictions will also have local charges pending. This group merits separate review because of the effect they have on the jail and because a hold makes these inmates subject to different management considerations. For example, a hold may limit an inmate's eligibility for either a pretrial release, a posttrial alternative program, or restricted participation in a work program.

Although it is important to acknowledge both the hold and any new charge, local considerations should dictate the hierarchy for classifying holds; the key is consistency in the selected approach. There are three options for classifying holds:

1. **Hold as priority.** In this method, counties first prioritize the inmates by hold status and then by whether they are "hold only" or "hold plus local charge(s)."
2. **Local status as priority.** In this method, counties first prioritize inmates by local status and adjudication stage (pretrial/posttrial) and then by "holds" or "no holds" for each category.
3. **Charge severity as priority.** In this final method, inmates are first categorized by the severity of the charge against them, with felony charges taking precedence over holds (i.e., an inmate with both a felony charge and a hold would be counted as a felony). For inmates with misdemeanor charges, the hold would take precedence. Counties then break out both groups further to show local charges with holds and holds with local charges.

Inmate Profile

Though profile information may include descriptors such as employment status, level of education, etc., it should always include age, gender, and race. The number of races classified should reflect a locale's racial diversity. Moreover, a separate accounting for ethnicity can be important for certain populations (such as the Hispanic population) that are often not fully identified within broad race categories.

The jail snapshot should also indicate whether an inmate is a local resident. For metropolitan areas, this information helps show the extent to which neighboring jurisdictions have an impact on the county. For counties with a large tourist trade or a university population, the jail snapshot can reveal seasonal patterns that affect the system.

Additionally, the jail snapshot should capture time-in-custody information. This will provide a useful indicator for gauging, over time, the relative effect that different populations have on the jail.

It is important to note that time-in-custody data are not the same as average length of stay (ALOS), the latter being derived by calculating an average based on time from jail booking to jail exit for each inmate (pretrial/posttrial/hold). Time in custody includes only the duration of detention at one point in time, the length of time an inmate has been in jail on a charge when the jail snapshot is taken. (Note: ALOS data related to jail planning are discussed in chapter 6, where they are captured as part of a historical trend analysis.)

As a measure of duration, time-in-custody data provide a useful indicator for examining jail usage and exploring the system questions the data suggest. The kind of jail and systems analysis demonstrated in the sidebar "Case Study"—an analysis made possible by converting good data into more useful information—needs to be an integral part of jail and criminal justice system management. Tracking such information over time allows a county to explore measures that can be taken to reduce lengths of stay.

Case Study

A jurisdiction tracking time-in-custody data observes a steady decrease in the number of pretrial felons in jail and a corresponding increase in time in custody for this group. This observation leads to an examination of possible causes, and two possible explanations are advanced for further review:

1. **Case processing has slowed, resulting in delays in release.**
2. **The success of a new pretrial supervision program in providing a release option for low-risk defendants has resulted in a more concentrated population of high-risk inmates who would be expected to have longer stays.**

A look at system data can help in evaluating the theories advanced above, leading to the following questions: Is the system experiencing more delays and continuances? What do the program data indicate about the number and type of pretrial jail releases over this same period?

Analyzing Jail Snapshot Data

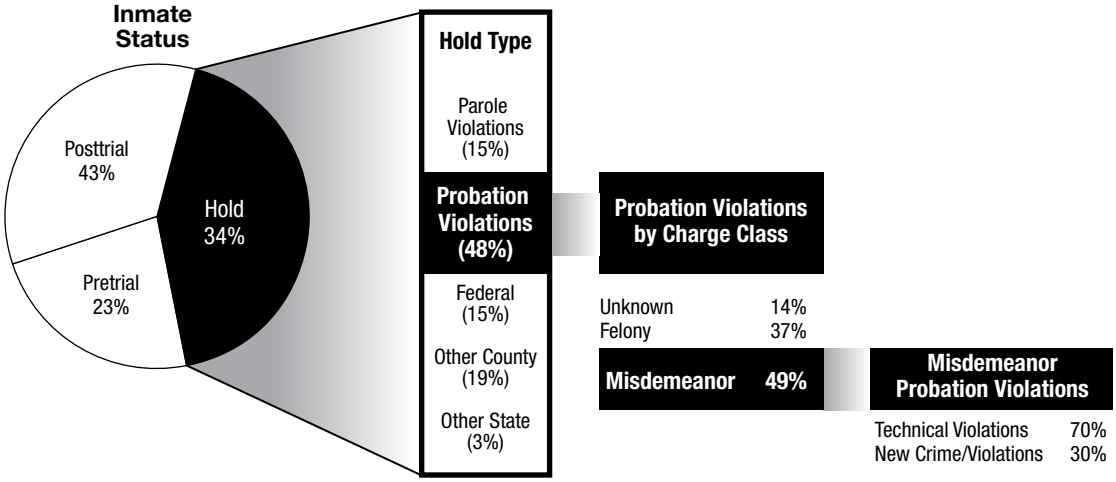
Analyzing jail snapshot data may provoke a series of questions about the state of the local criminal justice system. Look at the small segment of a jail snapshot from the sample county depicted in exhibit 3–1. This figure selects the hold population, highlights probation violators within the hold population, and then pinpoints misdemeanor probation violators, illustrating how a comprehensive jail snapshot provides a multilayered analysis. The overlay of levels of data allows for a detailed analysis of discrete jail populations, which is critical for intelligent jail planning.

Presenting the data initiates what is meant to be an ongoing discussion about the system dynamics behind the numbers and begins the process of generating policy questions to guide further review. Over time, the ongoing comparison of jail snapshots will enable a jurisdiction to track patterns.

Exhibit 3–1 demonstrates the significant influence the hold population has on a jail and highlights

Exhibit 3–1

Jail Snapshot of Inmate Status in a Sample Jail



the effect of supervision violation cases. This jail snapshot shows the inmate status of 539 inmates in the sample county jail. On this particular day, there are 182 individuals on hold status and 113 individuals (more than 20 percent of the total jail population) on a probation or parole violation. Digging deeper illuminates the real effect of technical violations. Though not shown here, the analysis of felony probation violations shows a similar outcome, with technical violations comprising the vast majority of violations. Also not shown in this snapshot are the time-in-custody data that provide another overlay to the analysis.

Exhibit 3–1 can be analyzed even further. Digging deeper into the misdemeanor probation violation group reveals the number of bench probation cases as opposed to traditional supervision cases. Within the bench probation group, one can examine the percentage of inmates who are in jail because they did not comply with a court-ordered financial condition, and so on. This multidimensional approach allows for a more refined analysis.

An analysis of the "hold" snapshot might raise the following questions:

- To reduce impact on the jail, what would be needed to expedite the resolution of local charges for inmates who also have holds?
- What is the policy for responding to technical violations, and what other options should be considered?
- What is the role of the financial condition, and how is it monitored? For instance, are payment schedules put in place, and is there an immediate response short of a summons at the first nonpayment? Or does the system simply wait until the term of probation is about to expire and then issue a bench warrant for nonpayment of fines?
- Are some of the individuals who have been booked into jail on violations simply being processed for entry into the work-release center? If so, what is the system cost?
- The percentage of pretrial inmates is somewhat lower than national statistics report. It is likely that this reflects, in part, the local jail crowding policy that gives sentenced cases precedence over pretrial ones. How can an objective and validated pretrial risk assessment be developed and integrated into a comprehensive jail management strategy?

Putting a jail snapshot in place is not just another information collection routine done for the sake of more data. It is an important management and planning tool, and the analysis should be integrated into the ongoing management of the jail and the system. This analysis should be a perpetual exercise that involves key decisionmakers and the local criminal justice coordinating committee.

Ultimately, the answers to the policy issues these kinds of data identify will show the local willingness or ability to address system issues, which, in turn, will affect jail bed forecast scenarios and thereby dictate the size and cost of future detention facilities. Although all local criminal justice systems operate within the constraints of things they cannot control, jail and system data provide the detail jurisdictions need to affect positively those things that they can manage.

Automating the Snapshot

Automating the gathering of jail snapshot data will provide jurisdictions with consistent, ongoing information for analysis. The foundation of this is a written codebook that defines all terms and written procedures that detail quality control protocols, with instructions on how to check data accuracy and investigate data anomalies.

The manual snapshot process is laborious. Consequently, those jurisdictions that must rely on manual data collection at the jail are, of necessity, restricted in the amount of data that can be collected. It is not unusual, for example, for a manual snapshot to take the better part of a day to collect. By the time the analysis has been completed, circumstances may have changed.

Not only is this terribly time consuming, but it also limits the amount of information that counties can make available for analysis. A manual approach that might yield one snapshot per month is no match for an automated system that can capture data on a daily basis and then present it as a monthly composite. The difference is not only of degree, but also of kind: composite data are more reliable.

A snapshot provides a static moment in time within a dynamic system. As such, there is no guarantee that a jail snapshot taken today is representative of the bigger picture that emerges over time. Automation is important for more reasons than convenience: It is crucial to the development of reliable data upon which counties can base sound decisions. Confidence in good information is the basis for rational planning.

Jail Alternative Facility Data

In addition to the jail, a jurisdiction should create snapshots that will illustrate the utilization of alternatives to jail facilities. These might include forest work camps or, as in the case of our sample county, a community corrections center.

A separate accounting of those in alternative programs outside facilities is also encouraged. In doing this, counties must take care not to double count: persons fulfilling their sentence on electronic monitoring, for example, should not be counted as inmates. On the other hand, the jail snapshot can show those serving their sentence on an intermittent schedule of checking into jail (i.e., "weekenders," "part-timers") as a subset of the sentenced population.

For alternative facilities, an accounting of the population housed should, at a minimum, be generated on a monthly basis. This should include the average daily population, status of the individuals served (pretrial, posttrial, hold), as well as charge class (felony/misdemeanor) and charge type.

Jail Classification Study

A jail classification study is another type of analysis that sheds light on jail usage. It is designed

Jail Snapshot Exercise

The following exercise should provide a starting place for developing a jail snapshot. As designed, it provides only basic information but enough to allow a county to set up a routine and begin examining patterns of use. Developing a comprehensive routine would then be the next step.

For this exercise, document all inmates in custody on one day according to the data outline. Repeat this exercise on the same hour and day once a month for each of the next 6 months, or once a quarter for the next year, depending on the time required and resources available. The sample should include all inmates who were in the jail(s) on each sample day.

Note: To calculate time in custody, document the number of days in custody for each inmate from booking to the date of the snapshot.

Employ a hierarchy that ranks cases by the most serious charge: If the defendant is charged with more than one offense, record only the most serious charge and charge type.

Each jurisdiction should define all terms used according to local law and common usage.

Data Outline

1. Sample number: number each inmate in your sample beginning with 1.
2. Inmate name or identification number.
3. Day and year booked.
4. Age.
5. Race/ethnicity.
6. Gender.
7. Current address.
8. Arresting agency.
9. Court of jurisdiction.
10. Legal status: pretrial, posttrial, hold, other.
11. Hold type: parole, probation, federal, immigration, state, other county, other, none.
12. Charge class: felony, misdemeanor.
13. Charge type: person, property, narcotics, drunk driving, public order, traffic.

to assess jail classification protocols and criteria and to analyze infraction rates by classification type as a measure of validity—the latter accomplished by collecting data on a representative sample of jail inmates.

A jail forecast should include a realistic inmate classification plan. Without this, a county can either overbuild (construct too many maximum-security beds) or underbuild (construct too few). Inmate classification drives the current and future demand for jail bed types, housing unit configuration, and program needs. And, it is another tool in identifying populations who might be good candidates—because of low risk—for jail alternatives.

For those jails without a formal, objective classification scheme, the first step is adopting one. One example is the Northpointe Decision Tree model.

Jail Release Study

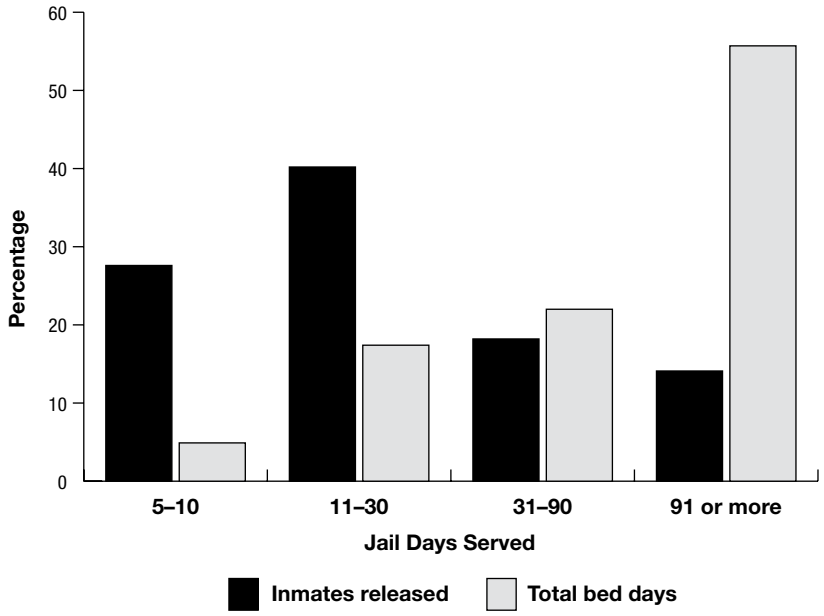
A jail release study is another type of analysis that can shed light on jail bed usage. This involves tracking a sample of inmates from the point of release from jail, and then tracking the case back in time through the adjudicatory stages to document profile and case-processing information.

A jail release study can demonstrate jail population dynamics, showing the relative impact of different categories of offenders, offenses, and classification and admission types. It shows how a small group of inmates (those with longer average lengths of stay, for example) can have a significant effect. The weakness of this methodology is that its retrospective focus limits the analysis to information already available in the jail or official record—which is often inadequate. As a corollary to other data collection efforts, however, this approach can contribute to jail and alternative program planning.

Exhibit 3–2 from the sample county jail shows sample jail release data. It demonstrates the tremendous effect that a small number of inmates with long stays can have on the jail. Although only 14 percent of the inmates in the sample were detained for 90 days or more, this group consumed 56 percent of total bed days.

Exhibit 3–2

Percentage of Inmates Released and Total Bed Days in a Sample County, by Number of Jail Days Served



Notes: Study sample includes only inmates incarcerated more than 4 days. The average number of days served was 43. Detail may not add to total becuase of rounding.

In the end, the value of any type of jail snapshot is realized over time, as comparative analyses reveal shifting demands and broad patterns in jail usage. This broader perspective allows for flexible management and forms the basis for ongoing planning.

It is now time to turn to an analysis of the larger criminal justice system, with a look at how to conduct a case-processing study.

Note

1. Burton Stevenson, *The MacMillan Book of Proverbs, Maxims and Familiar Phrases (*New York and Chicago: MacMillan, 1968).

Case-Processing Study

If we could first know where we are, and whither we are tending, we could better judge what to do and how to do it.

—Abraham Lincoln[1]

With a jail snapshot routine in place, a county can examine how its custody resources are being used and turn its attention to a broad analysis of its criminal justice system. Mapping the current state of system functioning ("where we are") is essential before beginning the process of jail planning ("whither we are tending") because the two are inextricably linked.

This chapter uses an inmate sample study to describe a method for examining the workings of the criminal justice system through the collection of case-processing data. The detailed data this study generated provide not only a rich baseline for analysis but also the framework for a qualitative review of system policies, programs, and practices. Several areas of emphasis—alternatives to jail, pretrial practices, and court case-processing efficiency (all of which affect jail usage)—are addressed in this chapter. Jurisdictions can also supplement the analysis of local case-processing data with other system data—crime rate trends and court filing data, for example. In examining these areas, the goal is to develop a systematic approach to jail management that acknowledges the complex dynamics that affect its use. The data collection and analysis outlined here can be conducted with in-house staff or with the assistance of a consultant.

A case-processing study tracks a sample of cases through the criminal justice system from arrest through disposition and provides a picture of the multiple factors that affect the jail. It also provides system baseline data that help reveal the efficiency and effectiveness of the local criminal justice system. A case-processing study generates data about the timeliness of case processing for both misdemeanor and felony cases. These data are crucial, for the more efficient a criminal justice system can be in processing cases, the fewer beds will be necessary and the amount of bedspace constructed will last longer.

Expedited case processing results in fewer defendants held before trial and can reduce the incidence of failure. There is no question that the more efficient a jurisdiction's case-processing system is, the more efficient is its jail. There are additional

benefits. For example, victims and witnesses can appreciate a more streamlined process that offers fewer continuances and delays.

In addition to case-processing times, the data gathered in a case-processing study can provide answers to other important questions, including:

- What is the profile of the individuals booked into jail?
- Which offense types have the greatest impact on jail bed days?
- What impact do individuals with multiple prior bookings have on the jail?
- What types of release are used for inmates released before trial, and what are the failure-to-appear and rearrest rates by type of release?
- What is the processing time from booking to disposition? How does this differ between misdemeanants and felons?
- How many defendants have an assigned public defender?
- What is revealed about case filing and disposition?
- To what extent are alternative sentences used?
- What types of sentence options are used?
- What is the average sentence length by offense or by misdemeanor/felony?

Conducting a Case-Processing Study

The steps in organizing a case-processing study are as follows:

1. Define the sample population.
2. Determine the variables to be studied.
3. Determine the size of the study sample.
4. Collect the data.
5. Analyze the data.

Each of these steps is discussed in the sections below.

Step 1: Define the Sample Population

A case-processing study takes a sample of defendants booked into the jail on a new charge and tracks them through the system to disposition. (Each booking identified for the sample should be a new local arrest; individuals booked into jail for violating release conditions are not tracked.) Bench warrants, sentenced inmates, out-of-county cases, and probation-violation-only arrests are also excluded. However, individuals on active probation supervision are tracked as part of the analysis. In this way, the study provides the most direct look at how cases without multiple extenuating factors move through the criminal justice system.

To ensure that the sample cases are processed fully during the study period, a sample is collected from several points over the previous year or two. The goal is to have a sample of recent cases, most of which have been resolved by the criminal justice system. Skip a quarter or two and then select a random sample at even intervals. For example, a jurisdiction may select a sample from jail bookings that occurred in the months of January, April, July, and October. This will ensure that the sample is not influenced by seasonal variations. Selecting the sample from jail bookings will also ensure that it properly represents cases from throughout the county. The sample should include cases from multiple areas of the county and from different times of the year. Such variations of random sampling will ensure that your data accurately reflect the overall trends of a county rather than the nuances of one particular jurisdiction or one particularly violent period of time.

Step 2: Determine the Variables To Be Studied

Questionnaires represent one type of data collection instrument. Those used in case-processing studies typically gather defendant profile data (age, gender, employment, etc.), pretrial release

type, key case-processing dates, sentence type and length, and failure-to-appear and rearrest data for the period from pretrial release to case disposition. Each jurisdiction will develop a data collection instrument by selecting a list of variables. However, terms and definitions will vary between jurisdictions, so it is important that each jurisdiction customize its variables based on relevant terminology and available data. Each jurisdiction should include in its data collection instrument variables that address its own unique circumstances. Once the proper terms are identified and the availability of data confirmed, a code book should be drafted that describes all terms and abbreviations. Exhibit 4–1 presents a list of key variables to include in a case-processing study.

Where there are automated databases, a county may be able to supplement the list of variables. For example, the criminal justice coordinating committee (CJCC) in Utah County, UT, was also able to track inmates in the study sample into treatment and then document their exit status. Other counties may be able to collect more detailed profile information about mental health status, intoxication at booking, and so forth.

The variables that are initially selected should be finalized based on input from the CJCC. Doing so helps ensure that the study can answer questions and address issues important to the policy board that will ultimately be making recommendations about jail capacity.

Step 3: Determine the Size of the Study Sample

Sample size depends on the annual number of pretrial jail bookings. The goal is to draw a sample that is representative of who comes to jail before trial; that is, the sample should reflect an accurate picture of what the jail encounters in a year of operation. For example, if the jail booked in misdemeanor inmates at a ratio of five misdemeanors to one felony, the sample should reflect the same ratio.

Exhibit 4–1

Key Variables To Include in a Case-Processing Study

The list below gives an example of the kinds of data collected in a case-processing study. Appendix B features an additional listing of variables.

Detention Center

1. Defendant identification number.
2. Date of birth (month/day/year).
3. Booking date.
4. Release date.
5. Education level.
6. Employment.
7. Charge (circle one):
   Domestic violence Person Property Drug Public order Traffic
8. Charge class (circle one):
   Felony Misdemeanor
9. Charge degree (circle one):
   First Second Third
10. Number of charges.
11. Arresting agency.
12. Total bail amount.
13. Release type.

Circuit and County Court

14. First appearance date.
15. Filing date.
16. Arraignment date.
17. Disposition date.
18. Sentencing date.
19. Number of administrative hearings.
20. District attorney charge class.
21. District attorney charge degree.
22. District attorney charge.
23. Attorney type.
24. Disposition type.
25. Disposition charge class.
26. Reason for nonconviction.
27. Bond amount.
28. Release type.
29. Sentence type and length.
30. Failure to appear: yes/no.
31. Rearrest: yes/no.
32. Prior arrests.

A second characteristic required of a sample is reliability; in other words, if one drew several samples from a jail, what would be the odds that they would all tell the same story? The degree to which samples are the same is a measure of their reliability. For example, if a jurisdiction has a significant number of felony bookings that are reduced to misdemeanors or dismissed before disposition, it becomes necessary to oversample the felony population so that the felony sample will remain statistically valid as the cases proceed to court disposition. Oversampling ensures that a baseline population will be large enough to account for these variations and maintain an appropriate number of cases for sampling.

Exhibit 4–2 presents recommendations for sample size based on annual jail admissions. Most samples do not need to exceed about 880 inmates. However, if resources permit, a larger sample is preferable because as a sample's size increases, so does its reliability. Note that some jurisdictions have a limited budget for data collection and it is better to have some data than no data at all. Exhibit 4–2 is merely a guide to determining sample size and not a rigid rule.

Exhibit 4–2

Recommended Jail Sample Size

Pretrial Admissions	Recommended Sample Size
1,000	516
2,000	696
5,000	880
10,000	964
25,000	1,023
50,000 or more	1,045

Note: The sample size is based on a 95-percent confidence level and ±3-percent confidence interval (see Creative Research Systems, *www.surveysystem.com/sscalc.htm#top*).

Today some criminal justice systems have achieved a level of electronic data integration that allows a full year of data to be analyzed, negating the need for a sample. This, of course, is the ideal.

Determining the Size of the Study Sample in the Sample County

The sample county jail books more than 18,000 inmates a year. Even though a few inmates inevitably will be excluded for incomplete data, the size of this inmate population should be sufficient to provide a sample large enough both to be reliable and to be drawn in a manner that fairly represents seasonal changes in the population. Although this county could have used a larger sample (a good idea if possible), it chose to draw a sample of 800 inmates.

To be representative, a sample must be drawn from weeks and months that offer a balanced picture by accounting for seasonality and other expected variations. To draw a sample effectively, the jail must go far enough back in time that almost all the inmates in the sample period will have been processed through the criminal justice system by the time data collection begins. For this reason, skipping two quarters and then taking a sample from each of the four previous quarters is usually recommended, depending on case-processing times, to ensure that the cases will have been resolved within the study period.

The sample of 800 defendants booked into the sample county jail was taken from different days and months over a 9-month period. Each defendant identified for the sample was a new local arrest. Bench warrants, out-of-county cases, and probation-violation-only arrests were excluded. The sample includes the first 100 misdemeanor bookings and the first 100 felony bookings from the months below. To account for potential variations related to the week of the month and the day of the week, a different week and day were chosen to begin the data collection for each month:

- April 10, 2004.
- July 23, 2004.
- October 16, 2004.
- January 3, 2005.

Step 4: Collect the Data

Once the sample has been identified, the work of collecting the data begins. Many local criminal justice systems have computerized databases. However, it is unlikely that all data will be automated. Rearrest and failure-to-appear data often require a case-by-case check, for example. In such instances, data collectors will need to be trained. The best approach is to enlist the help

of individuals who already work within the system. Because the data may have to be drawn from several sources and/or from several agencies, cooperation among all system sources and agencies involved is essential.

Pretesting the data collection instrument with a trial run of 20 to 30 cases at the beginning of the study is indispensible. Some data elements will likely need to be changed. It may be that information purportedly found in files is not reliably available. A data collection instrument is easier to adjust at this stage than after the data collection is fully under way.

Data can be collected with paper forms and then entered into a spreadsheet. The data will ultimately be transferred to a statistical software program for more detailed analysis. Appendix C features a list of sample calculations. At a minimum, the software used for the analysis should be capable of these basic calculations below:

- Means, modes, medians, and standard deviations.
- Frequency counts and distributions.
- Cross tabulations of two or three variables.

The county will want to enlist the assistance of someone with a basic knowledge of statistical software systems such as the Statistical Package for the Social Sciences (SPSS) or SYSTAT. Although a county can contract for such assistance, the goal should be to develop in-house expertise for this kind of analysis. Appendix C features an additional list of sample calculations that jurisdictions may use in a case-processing study.

Step 5: Analyze the Data

Initial Categorization

After the data have been collected and entered into a statistical software program, the initial categorization of the data can begin. First, calculate the frequency distribution for each key variable identified (e.g., age, gender, race, charge class (felony or misdemeanor), legal status (pretrial or posttrial), and so forth (see exhibit 4–1). A frequency distribution quantifies the number of times a given variable occurs in a set of data. Calculating frequency distributions allows the analyst to make certain that no errors have occurred in the coding of the data or in its entry into the computer. Because coding errors almost always occur, frequency distributions should be calculated to "clean" the data before any further analysis is performed. Calculating frequency distributions also provides an opportunity to discover how much information is missing for each of the variables in the dataset.

After the data have been cleaned, scan the frequency distributions for basic information about the sample. Examine profile data, court processing time, failure rates, and other information about the system. Examine the data on a given variable either individually (e.g., what types of sentences were received) or in relation to other variables. The "cross tabulation" function of a statistical software program allows examination of the degree of association between variables. Exhibit 4–3 shows the relationship between charge class and selected other variables. Note that within each variable category, the numbers for each subgroup sum to the category total. It is this capability for cross tabulation that creates the potential to ask nuanced questions of a complex system.

Case-Processing Analyses

The breadth of system data collected in the case-processing study lends itself to varied analyses. These analyses can help frame discussions about system policies, the availability and use of alternative-to-jail programs, and the quality of supervision and treatment services.

One population grouping, for example, that allows for specific analysis is the pretrial dataset.

Exhibit 4–3

Relationship Between Charge Class and Selected Variables for Defendants Booked Into a Sample County Jail

	Misdemeanor		Felony	
Variable	Number of Inmates	Percent	Number of Inmates	Percent
Age (years)*				
All inmates	391	100	386	100
18–24	107	27	106	27
25–34	136	35	132	34
35–44	83	21	103	27
45 or older	65	17	45	12
Type of release				
All types	309	100	230	100
Recognizance	214	69	117	51
10% bail	52	17	53	23
Forced	43	14	60	26
Sentence type				
All types	299	100	199	100
Prison	0	0	50	25
Jail	91	30	27	14
Community corrections	24	8	53	27
Diversion	76	25	1	1
Probation	97	32	68	34
Fine	11	4	0	0
Rearrest				
All inmates	309	100	230	100
Rearrested	53	17	77	33
Not rearrested	256	83	153	67

*The average age of inmates charged with misdemeanors is 33.1; the average age of inmates charged with felonies is 31.7.

Note: Detail may not add to total because of rounding.

One can compute what the average court processing times might be for this group. Further dividing the sample into pretrial inmates who leave the jail before their case is concluded and those who stay in jail throughout their pretrial processing time can be constructive. Comparing these two timelines ought to reveal valuable information about the efficiency of court processing, the pretrial release rate, and whether incarcerated pretrial inmates are on a faster track for having their cases handled or not.

Analyzing the decisionmaking that occurs in the criminal justice system is also instrumental for determining the efficiency of the system. For example, examining the data on the charge a defendant was booked on, the charge filed by the prosecutor, and the charge for which the defendant was ultimately convicted—along with the resultant impact on the custody status of the defendant—reveals the cumulative influence of prosecutorial and judicial discretion on jail capacity needs. With the information obtained thus far, it may be possible to identify points at which expediting the processing of defendants might help the local criminal justice system gain jail space. Remember, the degree to which a jail is full is a function of both admissions and time in custody.

Court appearance data for study sample defendants on pretrial release can provide valuable information. The data on who failed to appear in court for their cases and who were rearrested while waiting for their cases to move to disposition can help determine which subgroups of the jail pretrial population can safely be released on their own recognizance or on supervised pretrial release, which defendants should be held until disposition, and what the time to release is.

Taken together, this information gathered from the pretrial dataset provides a framework for assessing the potential of a county's pretrial services program to mitigate pressures on the jail. Followup questions that can be asked about the program in this regard include:

- What percentage of defendants booked receive a pretrial interview?
- Is there staff coverage 24 hours a day?
- Is an objective and validated risk instrument used?
- In what percentage of cases is the judge presented with verified background information at the time of a defendant's first appearance?
- Does the program provide supervision and court date notification?
- Does the program provide ongoing review of the jail pretrial population for bail review consideration?
- Does the program work to return failure-to-appear cases to court in lieu of issuing a warrant?

Exhibit 4–4

Relationship Between Age and Charge Class for Defendants Booked Into a Sample County Jail

	Misdemeanor		Felony	
Age	Number	Percentage	Number	Percentage
18 to 24	107	27%	106	27%
25 to 34	136	35%	132	34%
35 to 44	83	21%	103	27%
45 or older	65	17%	45	12%

Exhibit 4–5

Relationship Between Charge Attrition and Charge Class for Defendants Booked Into a Sample County Jail

	Misdemeanor			Felony		
Charge Attrition	Number	Percent*	Percentage of Dispositions From Booking	Number	Percent*	Percentage of Dispositions From Booking
All charge attrition	1,038			920		
Booking	391			396		
District attorney filing	336	86		310	78	
Disposition	311	93	80	214	69	54

*The percentages are of the previous event. For example, 86 percent of the misdemeanants arrested had charges filed.

Further analysis will provide more detailed information about sentenced inmates, including age, sex, vocational and educational background, and sentence type and sentence length. These data can be the starting point for discussions about the local continuum of alternatives to jail, specifically, how these alternatives are used and what might be added or enhanced to provide additional nonjail sentencing or sanctioning options. Questions raised might include:

- What prebooking services are in place to prevent use of the jail for detoxification or stabilization of mental health crises?
- What diversion resources are in place?
- What alternative-to-jail facilities exist?
- What community-based resources are in place?
- What kinds of treatment or supervision services exist for specialized populations (e.g., offenders with mental disabilities, female offenders, sex offenders, and others)?
- What programs are available for inmates in custody?
- Which community-based programs can be accessed as a sanctioning option?

The study data can also provide information about the adjudicatory process for both felony and misdemeanor cases in the local criminal justice system. For example, it will be helpful to know what percentage of new felony arrests later pled to misdemeanor-level offenses. Revealing the overall pattern of prosecution practices, charge attrition (see exhibits 4–4 and 4–5), and case-processing times can be the start of discussions with the prosecutor's office to find a way to expedite case processing or explore a different approach for handling and disposing of particular offense categories, again saving jail space. It can also lead to discussions about local policies and how they govern case processing. Questions might include:

- What policies guide law enforcement citation versus booking decisions?
- What policies dictate pretrial release?
- Are there policies to allow efforts to return failure-to-appear cases to court before issuing a warrant?
- What are the eligibility policies for diversion or other alternatives?
- To what extent do probation officers have discretion to sanction an offender without returning the case to court?
- Are there mandatory sentencing policies or local sanction policies that dictate the type or length of sentence?
- Are there policies to allow a sentenced offender to be moved along a custody/community program continuum?

Finally, data such as the percentage of admissions made up of offenders already on supervision and the rearrest rates for those released from jail before case disposition can lead to discussions about the effectiveness of local interventions that serve to reduce recidivism and returns to jail. These discussions should be informed by the research on practices shown to reduce risk and decrease recidivism. There is now a body of literature about these best practices that takes as its starting point the use of objective and validated risk assessment tools. It suggests that the most intensive resources be reserved for offenders at the highest risk of reoffending. An example of a program that embodies many of these principles is drug court. Drug courts divert nonviolent, substance-abusing offenders from prison and jail into treatment. The concept embodies many variations, but is premised on judicial monitoring, a team approach to case review, swift sanctions, and positive incentives—to name just a few.

Following are some questions that can be asked to generally assess adherence to best practices:

- Is an objective and validated risk instrument used to allocate supervision and treatment resources?
- Are the most intensive interventions reserved for the higher risk offender?
- Do interventions focus on individual risk factors associated with criminal behavior (substance abuse, employment, peers, attitudes, etc.)?
- Are programs of sufficient duration (3 to 9 months at minimum) and intensity (structuring 40 to 70 percent of an offender's time)?
- Does the program employ sanctions in a manner consistent with reducing recidivism (swiftness, rather than severity, is important), and does it use positive enforcement?
- Are interventions specialized or tailored to particular populations (e.g., women, persons with mental disabilities)?
- Are staff trained in interaction/communication styles that have been shown to foster positive change in offenders?

Sample County Findings

- **Thirteen percent of felony defendants and 8 percent of misdemeanants had six or more prior bookings into the sample county jail since 2000.**
- **Forty percent of the sample had not completed high school.**
- **Twenty percent of the defendants were intoxicated at booking.**
- **Twenty-six percent of felony defendants released pretrial were rearrested awaiting disposition of their case, higher than the national average.**
- **Seventy-eight percent of filed felony cases resulted in a conviction, higher than the national estimate of 64 percent.**
- **Ninety-three percent of local felony dispositions were guilty pleas.**
- **The average time from booking to disposition for felony defendants was 4 months (lower than the national average).**
- **The average duration of a local jail sentence for felony offenders was 4.3 months.**

Summary

This chapter barely touches on the numerous questions that can be asked of case-processing data. As questions are raised about the data and as discussion follows, it is normal to go through several iterations in bringing results back to the CJCC for inspection and discussion. Particular agencies will have questions of the data that can entail a more detailed analysis or further review.

The sample county study yielded valuable system information. It revealed, for example, that high pretrial failure rates affected the jail significantly and that case-processing times were reasonable but could be improved.

A case-processing study may expose issues that merit more indepth analysis, warranting the undertaking of additional specialized research. In the sample county, for example, two other studies were conducted: 1) an analysis of the processing and disposition of probation violation cases and 2) an analysis of the transition of inmates from jail to the community corrections center. Both were undertaken after early data analysis illuminated these two areas as having a direct effect on jail bed usage.

Case-processing data and more qualitative system assessments allow a jurisdiction to become familiar with the workings of its criminal justice system and to build on this knowledge to develop strategies for reducing the size of the inmate population and/or controlling the rate of growth. The case-processing study in the sample county resulted in more than 80 system recommendations, with a focus on the development of an expedited case disposition program, discussion about the establishment of a comprehensive pretrial program, attention to the use of nonjail sanctions, and a review of the policies that governed the movement of inmates from jail to the community corrections center. The value of this systematic approach is the ability to prioritize areas of greatest concern—or of greatest potential—in developing jail management strategies. The set of local strategies adopted for inmate management and control of the growth of the inmate population represent only one part of a county's system master plan.

Note

1. Roy P. Basler, ed., *The Collected Works of Abraham Lincoln* (New Brunswick, NJ: Rutgers University Press, 1953) vol. 2, p. 461.

Jail Capacity Planning Overview

There is good reason why weather forecasts do not usually exceed 5 days: The reliability of any prediction weakens with time. For jail planning, this realization is tempered by the fact that facility planning and construction together constitute a lengthy and expensive proposition. For this reason, most jurisdictions base their jail forecasts on 10- or 20-year horizons. Within that range, jurisdictions can map out a plan in 5-year increments, if desired.

Just as there is no standard time horizon in which to forecast the weather, there also is no set historical timeframe from which to collect data. However, jurisdictions cannot rely on data from shorter periods (less than 5 years, for example) with confidence. The rule for collecting jail data should be to go back as many years as time and accuracy permit. Ideally, jurisdictions will collect at least 20 years of historical data.

The Jail Capacity Forecast

The jail capacity forecast builds on an analysis of three types of data, which this guide refers to as "jail usage variables":

- Admissions (ADM) rate.
- Average length of stay (ALOS).
- Average daily population (ADP).

The following two adjustment factors further refine the jail capacity forecast:

- Peaking factor.
- Classification factor.

Finally, the jail capacity forecast is checked against local and state incarceration rates to determine where local practice falls within historical and regional contexts.

The first step for a jurisdiction should be to collect historical data for jail usage variables for as many years as data are available. In some states, jails are required to submit monthly or annual reports to their state jail inspection office or to the state department of corrections. When historical local data are not available, it can pay dividends to retrieve this information from these agencies, if possible.

Data Used in a Jail Forecast

Jail Usage Variables
- Admissions rate.
- Average length of stay.
- Average daily population.

Adjustment Factors
- Peaking factor.
- Classification factor.

Local and State Incarceration Rates

If data on all three variables are not available, not all is lost. The relationship between the three jail forecast variables (ADM, ALOS, and ADP) allows a planner with only two variables on hand to arrive

at the third by applying a simple mathematical formula. Understanding how to use this formula can come in handy because many jurisdictions do not have complete data. Most jails, for example, will have ADP data for each year for the past 5 to 20 years. Some will have ADM data for that same period. If two of the variables are known, then the third can be calculated using the formulas given below.

Admissions

Jail admissions (ADM) provide an indicator of workload, and over time, they help gauge changing pressures on a jail. Factors that influence the number of admissions include the population of the jurisdiction, police resources, the availability of prebooking alternatives (including the use of citations, summons, or detoxification/crisis intervention centers), the pretrial failure rate, the supervision violation rate, and program effectiveness.

Locating records of jail admissions is the starting point for developing a jail capacity forecast. This information allows a jurisdiction to track the demands on its facility over time. Jurisdictions with an alternative custody facility such as the sample county's community corrections center would track ADM, ALOS, and ADP data for the second facility as well. The sample county would need to collect this data for both the jail and the community corrections center, because together they form a continuum of sentence options. Appendix D features a list of data from the community corrections center in the sample county.

Historical jail admissions data collected for the jail capacity forecast, which examines trends over time, provide a broader look at ADM than either the case processing study or the jail snapshot.

Admissions Data To Collect

Calculate the total number of individuals booked into the jail each month for as far back as this information is available, but for at least the past 5 years. Exclude those who enter only for fingerprinting ("print and mug") and sex offenders reporting to the jail to register. Next, calculate the total daily admissions for each month over the same period. The sum of the month's daily admission counts should equal the number obtained for the total admissions for the month.

Count admissions only; do not count releases and do not count individuals who were brought to the jail but not booked. Do not count as new admissions those who went to court and were returned to jail on the same day, even if their status changed. If the jurisdiction booked an individual more than once during the month, count each new admission to the jail separately. Count inmates serving an intermittent sentence, such as a weekend sentence, as an admission for their first booking only.

If possible, break down the monthly count by other inmate characteristics such as age grouping, gender, charge, and mental health status. The sum of the inmates in each of these categories must equal the monthly total. When sorting inmates by charge, classify those who have multiple charges according to the most serious charge, using the same hierarchy of charges applied in the jail snapshot: domestic violence, other person, property, narcotics offense, drunk driving, public order offense, or traffic.

If the data are available, it may be useful to contrast admissions for felons and nonfelons or pretrial and posttrial inmates in each year, for as many years as are available. This provides a more detailed analysis of the trends present within discrete subpopulations, which may in turn reveal particular system dynamics. Planners might discover, for example, that felony admissions have been constant, but that nonfelony admissions ebb and flow with the priorities of local law enforcement.

Help With Statistical Analysis From NIC

Much of the advice in this guide relies on readers' understanding that legislative factors, community involvement, and the workings of the criminal justice system all contribute to determining what constitutes arrest and how inmates, once arrested, are tried. The outcome of these cases determines length of stay in jail, which in turn determines future jail capacity. Reliance on numbers and statistical data is only one aspect of analysis. A thoughtful approach balances numerical data with other, less quantifiable data. This guide discusses both forms; yet, some may require additional help in understanding the numerical aspects. For those readers, *How To Collect and Analyze Data: A Manual for Sheriffs and Jail Administrators, Third Edition,* may help.

How To Collect and Analyze Data demystifies statistics while providing tips on efficient data collection, data analysis, and organizing data for interpretation. County officials, other agencies, and the public must understand the data. To help, the manual provides step-by-step instructions for using statistical data to improve an organization's efficiency, find support for funding initiatives, and make informed decisions about obtaining data, storing them, accessing them, and applying methods for interpreting them. Readers will find explanations of management techniques, fundamental concepts in mathematics and statistics, and ways to maximize the potential of information systems.

The appendixes include a glossary of technical terms, an annotated bibliography, sample forms for data collection, and tables for determining sample sizes and generating random numbers for use in sample selection.

Average Length of Stay

ALOS data can be a measure of system efficiency reflecting, for example, the time needed to move from booking to pretrial release or from booking to case disposition. ALOS data can also indicate the seriousness of offenses that jurisdictions prosecute through the local jail or that reflect changes in policy. A legislative directive to shift inmates from the prison to jails, for example, can significantly influence jail ALOS. Other factors that affect length of stay in jail include the availability of pretrial release options, case-processing times, and access to sentence alternatives.

ALOS data can also show how jails, unlike prisons, are processing centers. The majority of individuals booked into jail will be in and out within the first few days. The sample county has data to demonstrate this fact (exhibit 5–1). In the sample county jail, 67 percent of all individuals booked in 2004 remained in custody for 4 days or less.

Exhibit 5–1

Average Length of Stay for All Bookings in a Sample County: 2004

Average Length of Stay (hours)	Percentage of Inmates
Less than 24	32
24–96	35
96 or more	33

A summary table of annual ALOS can be assembled to allow for cross-year comparison of the data. Note that ALOS differs from the time-in-custody measure captured in the jail snapshot and from the adjudication times measured in the case-processing study. Exhibit 5–2 shows the ALOS in the sample county over different periods.

Exhibit 5–2

Average Length of Stay in a Sample County

Period	Average Length of Stay (days)
10-year average	12.8
5-year average	14.6
2005	14.3
2006	14.7

Note: Data represent an average of the jail and the community corrections center.

Calculating Average Length of Stay

The average length of stay (in days) for a given year equals the annual average daily population multiplied by 365, divided by the total number of admissions in that year:

$$(ADP \times 365)/ADM = ALOS$$

Average Daily Population

The jail population is made up of inmates with varying profiles. These include legal status (pretrial, posttrial, hold), age (adults and juveniles), gender, charge class, classification, and other characteristics (mental illness, intoxication, etc.). ADP is a general indicator of jail bed need, representing the degree to which a facility operates at capacity. ADP is a direct function of ADM and ALOS. Examined over time, ADP will show the degree to which the jail is operating under pressure.

Most jails take a daily count of all inmates. When collecting data, make sure the count is taken at the same time each day. For example, use the count taken at midnight or 6 a.m. for each day of the month. Collect data for as many years as are available, but for at least the past 5 years.

Ideally, monthly ADP data will be available. Collect the daily inmate count and add the counts to determine the monthly total. If possible, break down the monthly count by the status of the inmates counted. The sum of the inmate days in each of these categories must equal the monthly total. If the monthly ADP is not available, then the annual ADP would be used. Chapter 3 discusses the compilation of ADP with relation to developing a jail snapshot. Ultimately, a formalized jail snapshot is a way to capture ADP data accurately.

Record each inmate in only one category, although some inmates will have multiple charges. In all cases, when there is the likelihood of local prosecution, classify the inmate under the local classification: pretrial or posttrial. When defining the status by charge category, use the most serious charge. For example, count a defendant admitted on both felony and misdemeanor charges as a pretrial felon.

Where data are available, further identify detention days for pretrial and posttrial inmates by type of offense. Felon and nonfelon are important categories to include. Jurisdictions can also tailor the data collection to reflect more indepth breakdowns (e.g., driving while intoxicated, traffic, misdemeanor).

Calculating Average Daily Population

The average daily population for a given year is the number of admissions in that year multiplied by the annual average length of stay, divided by 365 (days in a year):

$$(ADM \times ALOS)/365 = ADP$$

Forecast Adjustment Factors

Criminal justice planners have usually factored in a percentage of the total number of jail beds when developing their jail capacity forecast, so as to absorb peaks that occur throughout the year and manage fluctuations in the number of inmates in different classification categories. Often referred to as "rated beds above the operational capacity used," these percentages have ranged anywhere from 10 to 20 percent. Jurisdictions commonly use these numbers to identify when a jail is becoming crowded. Some jurisdictions experience large population changes during certain seasons (e.g., resort communities) and require a larger margin of additional beds, whereas others see very little change throughout the year.

There is more than one way to determine how many beds a jurisdiction will need to manage peaking and classification fluctuations. When the *Jail Capacity Forecast Workbook* was completed, the authors decided that it would be more accurate to split peaking and classification factors so that jurisdictions could complete a more accurate assessment. The resulting assessment

was born out of a thoughtful process, not one suggesting that administrators simply add more jail beds to the forecast. This guide employs the same methodology with minor changes.

Peaking Factor

The forecast methodology anticipates facility demands based in part on an analysis of changes in ADP; however, during peak periods—traditionally weekends, the end of the month, and the summer months—jail populations climb. The jail must be prepared to have space available during such peak periods. Adjustments for peak periods are made by going back to several years during which the jail had not yet reached capacity. These years provide the high population counts needed to calculate a peaking factor for each year.

Calculating a Peaking Factor

Document peak counts for jail inmates. Obtain the three highest daily population counts ("peaks") during each month of the past 3 years. If the jail was operating at capacity or was under a cap, then take the data from the most recent 12-month period when the jail was not at capacity. Record this count data by day, month, and year.

Obtain the annual peaking factor for each of the 3 years. For each month, take the sum of the three peak daily population counts. Divide this number by three to obtain the peak daily population count for that month (P). Then add the 12 peak daily population counts and divide the total by 12 to obtain the average peak count for the year:

$$(P^1 + P^2 + P^3 + P^4 + P^5 + P^6 + P^7 + P^8 + P^9 + P^{10} + P^{11} + P^{12})/12 = \text{Average Annual Peak Daily Population Count}$$

Divide this number by the annual ADP to obtain the peaking factor for the year:

$$\text{Average Annual Peak Daily Population Count/ Annual ADP} = \text{Annual Peaking Factor}$$

Obtain the 3-year average peaking factor. Calculate the sum of the three annual peaking factors (APFs) and divide this number by three to obtain the average peaking factor for the 3-year period:

$$(APF^1 + APF^2 + APF^3)/3 = \text{3-Year Average Peaking Factor}$$

Obtain the projected peaking factor. Multiply the 3-year average peaking factor by the projected average daily population for each of the forecast years to obtain the projected peaking factor:

$$(\text{3-Year Average Peaking Factor}) \times (\text{Projected Annual ADP}) = \text{Projected Peaking Factor}$$

Classification Factor

Classification, a second adjustment factor, takes into account the flexibility needed to separate populations by characteristics such as gender, risk level, mental health, physical health, and disciplinary segregation. The classification factor provides for those times when the number of inmates in a classification category exceeds the number of beds available for that classification. It creates a planning cushion that allows for the jail's need to have a few open beds within each classification category available at all times for new inmates.

There is no one percentage or number that will work for every jurisdiction, as each jurisdiction is unique. Nor is there a single formula that can assure a jurisdiction that it will build space for just the right number of additional beds. One rule of thumb might be to apply a classification adjustment factor for each of the primary classification categories—that is, to select a specific number to apply to each different classification category. This decision will depend on the facility size, type of inmate housing unit (direct supervision, podular remote, dormitories, etc.), gender separation factors, and the number of housing units dedicated to each classification category.

A different method for determining a classification factor is to consider the number of classification categories housed in the jail. This method is possibly more valid than applying a general percentage factor or assigning the same number to each of the primary classification categories. For example, if a jail holds primarily medium-security, postsentenced male inmates, only a small percentage of additional beds may be needed to accommodate temporary classification issues. However, if the jail is a "full service" facility that holds a mix of male and female inmates, inmates with mental illness, and pretrial and posttrial inmates, the percentage of additional beds allowed for is likely to be much higher.

Each jurisdiction must decide for itself the appropriate number of beds needed to accommodate the numbers for each classification, keeping gender separation issues and special management needs in mind. Much of that decision will depend on how many different classification categories are allowed to mix in housing areas and how many housing units there are. Accepting that forecasting is not an exact science, and that efforts to manage the jail population are most important, the goal is not to increase the number of jail beds unnecessarily, but rather to use a conservative approach for setting aside additional beds to handle both the peaking factor and the classification factor.

County Population Trends

County population is an especially important variable to study in relation to jail admissions.[1] Tracking population growth rates helps anticipate future demands on the jail; admissions per 100,000 county population (i.e., the number of admissions per 100,000 residents of the county) provides a rate that allows for the examination of trends in jail bookings. As a county's population grows, the number of admissions most likely will increase; however, the admissions rate may remain constant.

The U.S. Census Bureau collects county population data every 10 years. The Bureau surveys all households to determine the number and ages of people in the nation. The Bureau then breaks the data out by state and county. Many county and/or state planning departments will already have reviewed and interpreted the findings.

Data To Collect: County Population Trends and Projected Growth Figures

Collect actual population figures for each year, going as far back as average daily population is available. Additionally, break out totals by gender, race, and age groups where available. Using official U.S. Census data, document the county's projected population for 5, 10, 15, and 20 years into the future.

Tracking population trends by age cohort and other characteristics adds a greater level of detail to the forecast and can help a county look at broad population trends (e.g., Is the population expected to get older or younger over time?). Adding this information comes with a note of caution: Population trends do not always follow expected courses, and levels of criminality may not always conform to the expected age hierarchy (where crime diminishes with age).

Tracking county population by age cohorts can also reveal interesting information about the types of services that a jurisdiction needs to plan for, but such tracking is not necessarily a reliable tool for predicting changes in crime rates or in jail demand. A study that examined crime trends nationally and in California concluded that with respect to the role of changing age demographics:

> It appears that the crime rate decrease in the early 1980s was largely driven by demographics; the number of juveniles (17 years of age and under) and youths (18 to 24 years of age) in peak crime-prone ages decreased markedly. In contrast, it seems that the crime rate decline from 1991 to 1999 had very little to do with demographics since the number of individuals in crime-prone ages changed very little from year to year.[2]

Statistical Models Used in Forecasting

Forecasting is a method for translating past experience into estimates of future need. The method a jurisdiction chooses depends on the experience of the planner and data availability. Jurisdictions employ several statistical methods in jail forecasting, including regression (causal) models, rate and ratio models, jail exit analysis, and time-series models.

Regression (Causal) Models

Regression models attempt to reveal the many variables that have influenced the jail and then speculate how causal relationships between selected variables would affect future demand. Regression is a statistical technique that selects a number of independent variables (e.g., crime, arrests, filings, population) and conducts a regression routine to determine the relationship between variables and their predictive strength. The objective is to determine the extent to which discrete variables can be applied to the task of forecasting future jail need. The goal is to construct a set of "what if" scenarios to examine the relative influence of different variables on fluctuations in jail population.

The appeal of using a regression model for jail forecasting is that it allows a jurisdiction to analyze the interactive effect of different variables and then manipulate them to imagine different futures. The problem with using a regression model is that it can provide a false sense of precision. Forecasting jail bed needs will never be an exact science. The multiple and shifting factors that affect a jail are too numerous to be captured completely to reliably predict future need. In large part, this is because jails are influenced by events and policies over which a jurisdiction has little control. For example, questions like the following might arise:

- What would be the effect of adding more police officers or more judges to the jurisdiction?
- How might one quantify the impact of more pretrial resources?
- What could be the expected benefits of programs that better conform to "best practices"?
- How would a change in sentencing policy affect the jail?

Regression models also suffer from other shortcomings, such as a lack of available data. Jurisdictions often lack the detailed retrospective data they need for this kind of analysis. Another shortcoming is complexity: The need to use complex statistical techniques puts this method beyond the expertise of many jurisdictions. Nevertheless, there is real value in being able to ask "what if?" questions of the criminal justice system and to engage in planning that proposes different outcomes.

Large-scale academic studies can be informative in efforts to understand the degree to which various factors can predict changes in jail populations. One study found, for example, that reported crimes and court filings had minimal usefulness in predicting future jail growth.[3] The study also found that variations in total arrests (especially violent arrests) and changes in the demographic makeup of the county population were associated with changes in jail demand. As administrators analyze and compare data, their awareness of the limitations of their predictions based on that data will be crucial.

Rate Analysis Methods

A rate analysis uses a jurisdiction's rate of incarceration, rate of admissions, or crime rate as the basis of the forecast. When compared over a span of years, these data provide an indicator against which to measure change.

A rate is calculated by dividing the total of a given data element by each 100,000 people

in the jurisdiction's population. The result is referred to as the "rate per 100,000 population." Jurisdictions with a total population of less than 100,000 divide by each 10,000 people to calculate the rate per 10,000 population.

Any model based on a single rate analysis is appealing because of its simplicity. It stimulates discussion of straightforward questions like "How do the incarceration rates of the county compare to other similar counties?" or "What can one infer from changes in rates of admission?" Yet, the problem is that focusing on a single indicator, such as a rate, ignores the complexity of the criminal justice system.

The complex and shifting nature of change within a criminal justice system does not lend itself to forecasts based on an analysis of one or two variables. To do so is to ignore the complex nature of the criminal justice system and can offer a false sense of precision. Experience teaches that it is most often those variables outside the control of the jurisdiction that drive jail population growth—in particular, county population growth and changes in criminal justice policy. Thus, the winds of policy change can blow off course any forecast that relies too much on a single factor. For example, any analyst in the 1970s who forecast juvenile detention bed need into the 1990s based only on the growth rate of the general juvenile population ages 10–17 would have been off course considerably. Although the national population of juveniles remained relatively constant from 1970 to 1998, juvenile court caseloads more than doubled during that same period.[4]

Although a forecast that relies exclusively on a rate analysis is not recommended, looking at rates of change does have an important place in a comprehensive approach to jail forecasting. A rate analysis provides perspective. Plotting change over time provides a reference point for forecasting that can help identify trends and highlight areas for research.

Suppose, for example, that a county alarmed by a steep upward trend in jail admission begins to question whether reliance on the jail has increased. Examining admission rates can help the county determine whether the increase is related to population growth. An example from the sample county demonstrates this. Exhibit 5–3 reveals that although total admissions in the sample county went up steeply over the past 8 to 10 years (from around 12,000 inmates to more than 18,000 inmates; see exhibit 5–2), the admissions rate, measured at different intervals, changed less significantly. The conclusion is that the increase in jail admissions has more to do with county population growth than changes in booking policy.

Exhibit 5–3

Admissions Rate in a Sample County

Period	Admissions Rate (inmates per 100,000 population)
10-year average	3,200
5-year average	3,700
2005	3,900
2006	3,600

Incarceration Rates

Historical and projected incarceration rates are useful as broad indicators of local, state, regional, and national trends, but they should not be incorporated into any jail scenario. Incarceration rates are influenced by policies and enforcement strategies outside the easy control of jails, so to plan on the basis of incarceration rates would be to consign jail planning to the vagaries of political winds. Instead, jail planning should acknowledge incarceration rates but then focus on those factors over which the criminal justice system has more direct control.

Ratio Model

In the context of corrections, the ratio model (sometimes called a stock/flow analysis) looks at the relationship between the number of individuals who move in and out of a jail and the

length of time they spend in custody. This model uses a ratio to measure growth in jail admissions as compared with releases to forecast future ADP, which the model posits as the central measure of past and present demand on the jail. The ratio model suffers from the same weakness as the rate model: oversimplification.

In a ratio analysis, the more admissions increase (or releases dwindle), the more likely it is that the arrest/release ratio will be greater than 1. Conversely, the more admissions decrease (or releases increase) the more likely it is that the arrest/release ratio will be less than 1.

Admission/release ratios can be misleading. If a jail has been at capacity for some time, there will be no fluctuation in ratios to track. This lack of variability, however, might not reflect actual demand. Full jails often lead to a situation where admissions decrease in an artificial manner or releases are increased to keep the jail population at or near the upper space limit.

The ratio model has other weaknesses. Jails frequently do not keep accurate admissions and release records for more than 4 or 5 years. Attempting to forecast population levels for 15 or 20 years into the future based on only 4 or 5 years of data may not make sense. Furthermore, because the ratio model uses the same formula used for computing compound interest, the results can be wildly unrealistic once arrest/release ratios go above averages of 1.

Jail Exit Analysis

Sometimes a jail exit analysis is used to calculate lengths of stay and examine other inmate-processing variables. The problem with this method is that it is based on a single point in time and so may not be representative of jail usage. Additionally, an exit analysis may underestimate lengths of stay. By design, this method may capture a disproportionate number of individuals who had short stays in jail.

However, apart from forecasting, a jail exit analysis does have value in providing another perspective on jail bed usage, especially when coupled with classification information. It is useful for understanding the dynamics of the jail population in terms of jail bed days used, for revealing the relative impact of inmates in different classification categories, and for exploring the release potential of groups the jurisdiction considers to be low risk.

Time-Series Model

The recommended approach to jail forecasting, the time-series model, tracks several jail population variables. A study comparing forecasting models applied to prison populations found that the time-series model was superior to the others, including a regression model, on measures of predictive accuracy.[5] The time-series model assumes that, similar to predicting recidivism, past behavior is the most reliable predictor of future behavior. The model looks at data on past jail use, measured at set intervals, to plot broad trends that are used to map future demand.

With a historical/time-series model, jurisdictions can produce a range of alternative capacity scenarios by altering assumptions about the rate of change of discrete variables (ADM and ALOS). Graphing these results enables them to plan within the curve represented by trend lines that are an objective extension of the past.

At the same time, data collected from the broader system analysis can be used to raise "what if" questions about how potential shifts in policy or practice might affect the jail. The degree to which a jurisdiction can identify system actions that hold potential for mitigating jail demand and commit to making them happen will dictate whether to select the low end or the high end of the jail capacity forecast.

Time-series models make use of different types of analysis that vary in complexity, from moving averages and weighted moving averages (exponential smoothing) to simple mathematical and basic statistical models. This guide uses the latter approach to track trends in major indicators (county population, ADM, and ALOS) and to chart both the direction and the rate of change to forecast future conditions.

Putting It All Together: Forecast Scenarios

Forecasts test different capacity assumptions by modeling changes in the principal factors that drive jail populations. Forecasting calls on county planners and key decisionmakers to speculate about the robustness of observed trends (i.e., the likelihood that they will continue) and to gauge their confidence in initiating measures to effect change. Forecast scenarios are built on historical jail trend data and different classification and peaking factors. Each scenario represents a different future based on changes in underlying assumptions. Forecast scenarios test different capacity assumptions by modeling changes in the principal factors that drive jail populations. The goal is to develop a range of scenarios that represent an upper and lower limit of expected demand at a point set years in the future. In selecting a forecast model for a general audience, such as criminal justice practitioners, jurisdictions should choose one that is simple for the task but sufficient to the need. The best model is one that maximizes accuracy and minimizes bias.

Altering different variables modifies forecast outcomes. Exhibit 5–4 shows how changing the sample county's admissions rates affects bookings.

Exhibit 5–4

Three Admissions/Bookings Scenarios for a Sample County for 2030

Projected Admissions Rate (inmates per 100,000 population)	Bookings
4,000	31,256
4,500	35,467
5,000	39,408

Forecast scenarios factor in not only different admission rates, but also assumptions about ALOS. The sample county examined two different average lengths of stay: 15 days and 17 days.

Exhibit 5–5 shows two forecasts for the year 2030. For purposes of comparison, both examples assume an admissions rate of 4,000 per 100,000 population but adjust the ALOS. The ALOS selected for constructing scenarios is based on the local trend analysis of changes in ALOS. Jurisdictions can construct scenarios to reflect either the status quo or changes in different variables.

The cumulative effect of the changing variables on the estimated jail bed need in exhibit 5–5 is evident. Using isolated variables based on historical data to map different future scenarios allows jurisdictions the flexibility of testing the effect of different assumptions on future capacity needs and discussing the underlying factors that drive those assumptions.

Exhibit 5–5

Two Average Length of Stay Scenarios for a Sample County for 2030

Scenario A: ALOS = 15 days		Scenario B: ALOS = 17 days	
Forecasted need:	1,296 beds	Forecasted need:	1,468 beds
+ Peaking factor:	1,425 beds	+ Peaking factor:	1,615 beds
+ Classification factor:	1,453 beds	+ Classification factor:	1,643

Note: Both scenarios are based on an admissions rate of 4,000 per 100,000 population.

Based on the trends in jail and population data, jurisdictions can develop jail forecast scenarios that represent a range of upper and lower limits of expected demand. Jurisdictions may base each one on different assumptions about jail use indicators, rates of population growth, and peaking and classification factors.

To complement this, a jurisdiction can also model various policy choices to consider how specific changes in policy might mitigate the anticipated demands on the jail. The caveat is that because jails reside within complex and ever-changing systems, a change modeled in one policy may quickly be neutralized by another change unanticipated by the model.

The best system assessment and the most accurate forecast cannot account for all the factors involved in determining bedspace demand. Therefore, jurisdictions are best served by examining a range of forecasts based on different assumptions when selecting a scenario on which to base jail planning. However, the extent to which the county commits to making changes in the criminal justice system and implementing strategies to manage the jail population will dictate which end of the scenario range it can comfortably select.

Forecasting encourages a review of assumptions about policies and practices and can be a catalyst for change. It should not be a once-a-decade exercise. Ongoing review of forecast assumptions against measured developments and trends allows a jurisdiction to continuously fine-tune its planning and refine its population management techniques.

Notes

1. For the sake of brevity, the term "county" refers to all jurisdictions that maintain jails.

2. Leonard A. Marowitz, *Why Did the Crime Rate Decrease through 1999? (And Why Might it Decrease or Increase in 2000 and Beyond?): A Literature Review and Critical Analysis* (Sacramento, CA: California Department of Justice, Criminal Justice Statistics Center, 2000), *www.nicic.gov/Library/016837,* accessed March 13, 2009.

3. William D. Bales, *Palm Beach County, Jail Population Plan: 2001 to 2010* (Florida Department of Corrections, Bureau of Research and Data Analysis, 2003).

4. Jeffrey Butts and William Adams, *Anticipating Space Needs in Juvenile Detention and Correctional Facilities* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, 2001).

5. Lin Bin-Shan, Doris MacKenzie, and Thomas R. Gulledge Jr., "Using ARIMA Models To Predict Prison Populations," *Journal of Qualitative Criminology* 2(3):251–264, 1986.

The Jail Capacity Forecast: A County Example

Jail capacity forecasts depend on the availability and quality of local data. The forecasts contained in this guide are no exception. For the sample county, much information was available for the previous 21 years. Jail admissions, average length of stay (ALOS), and average daily population (ADP) data were available from 1986 to 2006. Corresponding data for the community corrections center (CCC) were available from 1999 to 2006. The county annualized its jail data for 2006 on the basis of the first 9 months, and it annualized its 2006 CCC data on the basis of the first 7 months.[1] Attempts to obtain older data proved impossible—the records simply did not exist or were not reliable. The state's Office of Economic Analysis provided an estimate of the forecast county population.

As useful as these numbers may be in constructing a picture of what is to come, they will not aid the county unless it reaches a consensus about criminal justice system policy for the next 20 years. Analyses of the data culminate in several scenarios, each of which suggests an alternative future in terms of jail bed demand. No one policy scenario is the "right" scenario. In the end, it is up to county decisionmakers to select the view of the future that best represents what they believe to be the most likely direction, based on all the information at hand, and then plan for jail bedspace on that basis.

The county collected historical data for both the jail and the CCC. This chapter presents the jail data; CCC data are presented in appendix D. As the county considered the forecast for future jail space, it combined its data from both facilities for the years 1999 through the present. In the end, local decisionmakers received several scenarios of total corrections space to help them determine the percentage of beds to be allocated to the jail and the CCC.

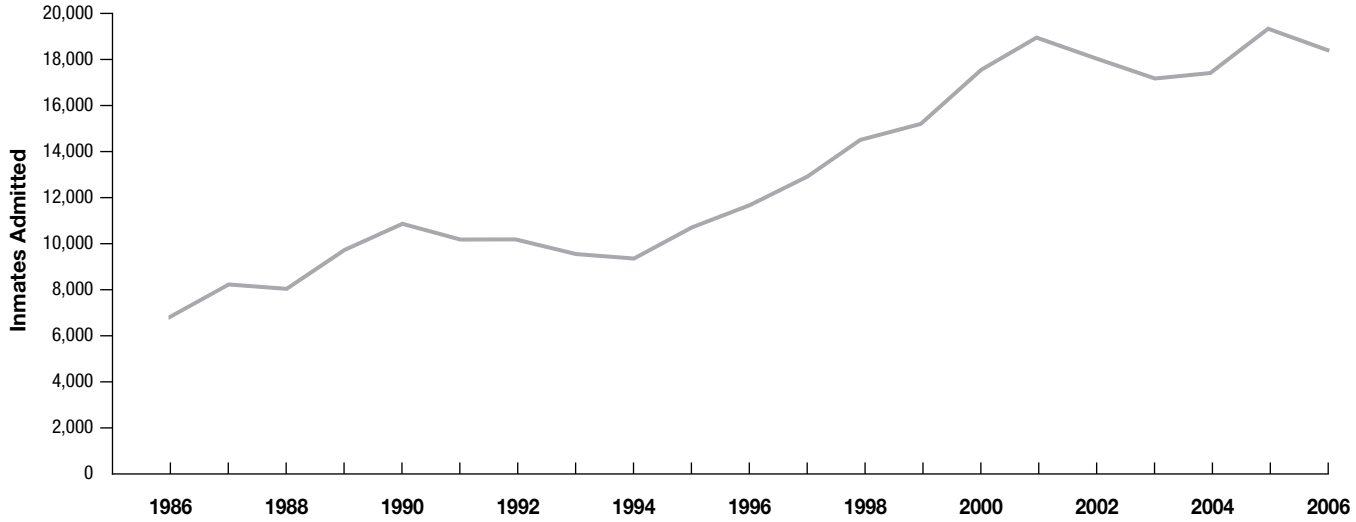
Jail Data

Admissions

Plotting admissions to the jail provides a visual display of the increasing demand on the local facility. Exhibit 6–1 shows that total bookings into the county jail increased from 7,268 in 1986 to 18,388 in 2006, an increase of 153 percent. In contrast, the admissions rate (the number of inmates per 100,000 population) shows a lower, 40-percent increase over the same period (see exhibit 6–2), revealing the contribution of county population growth to admissions. In fact, the rate analysis shows a fairly constant admissions rate for at least the preceding 8 years (see "Overall Admissions Rate" below).

Exhibit 6–1

Annual Jail Admissions in the Sample County: 1986–2006



Note: The number of admissions increased 153 percent between 1986 and 2006.

Average Length of Stay

Exhibit 6–3 shows ALOS from 1986 to 2006. ALOS in 1986 was 6.9 days. In 2006 ALOS was 11 days, a 69-percent increase since 1986. Exhibit 6–3 shows the pressure on the jail from 1994 to 1997, when ALOS dropped due to severe increases in jail admissions. Once new jail beds became available in 1998, ALOS rose and remained fairly stable for the next 4 years.

Average Daily Population

Exhibit 6–4 presents ADP for the county jail from 1986 to 2006. ADP was 137 inmates in 1986. It rose modestly for 2 years and then remained constant until new beds became available in 1998. ADP in 2006 was 556 inmates, a 306-percent increase since 1986. With ADP at 556 inmates, there is no question that the jail, which has a rated capacity of 572 inmates, is operating above capacity, as there are not enough beds to properly classify or house inmates.

Rate Analysis

Overall Admissions Rate

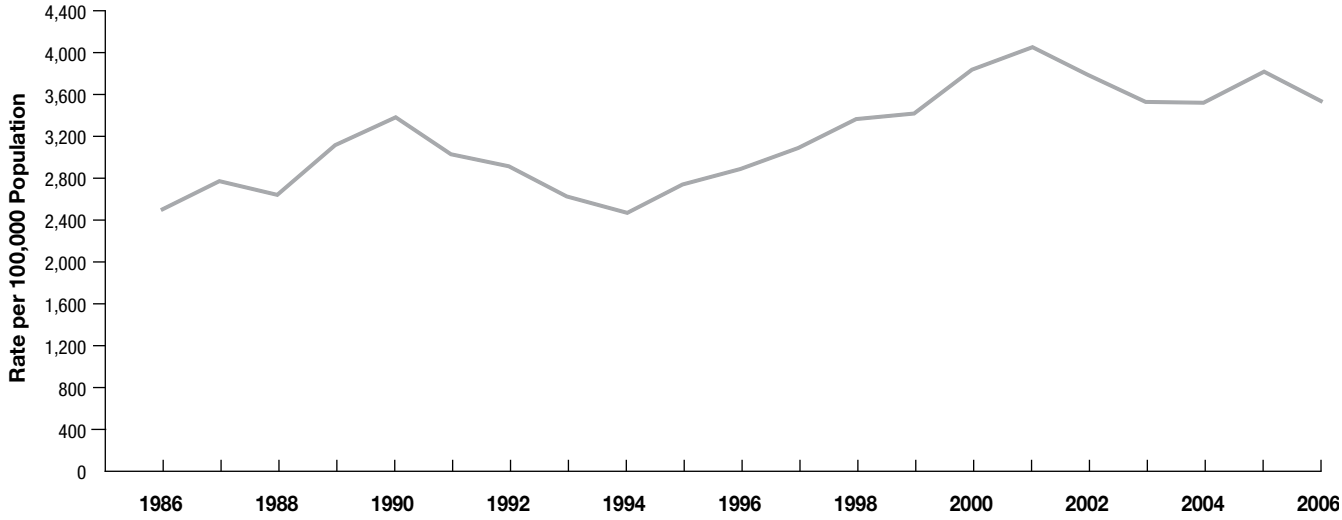
Exhibit 6–2 shows the rate of admissions to the county jail per 100,000 county population from 1986 to 2006. Because virtually all individuals admitted to the CCC are first booked into the jail, exhibit 6–2 also represents the overall admissions rate for the county. In 1986, the jail's admissions rate was 2,603 inmates per 100,000 county population. By 2006, the rate had risen to 3,637 inmates per 100,000 population, a 40-percent increase.

Crime Rate

Exhibit 6–5 compares crime rates (the number of crimes committed per 100,000 county population) and admissions rates for the period 1991 to 2003. Although there was some relationship between the crime rate and the admissions rate in 1991–92 and 2001–03, exhibit 6–5 shows that these two rates do not rise and fall together consistently.

Exhibit 6–2

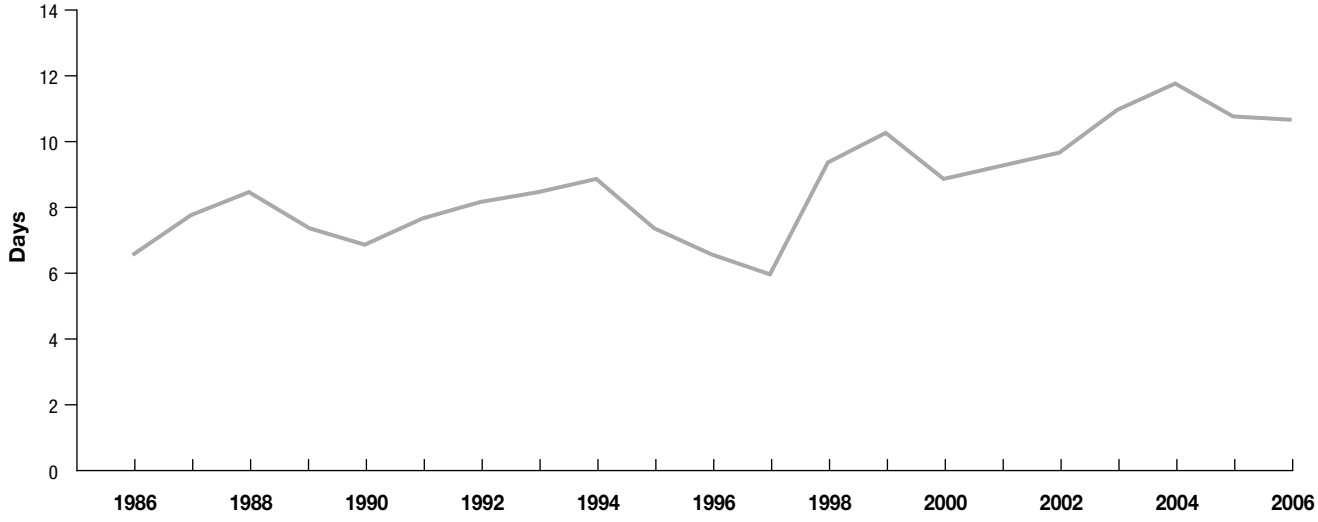
Admissions Rate in the Sample County: 1986–2006



Note: The admissions rate increased 40 percent between 1986 and 2006.

Exhibit 6–3

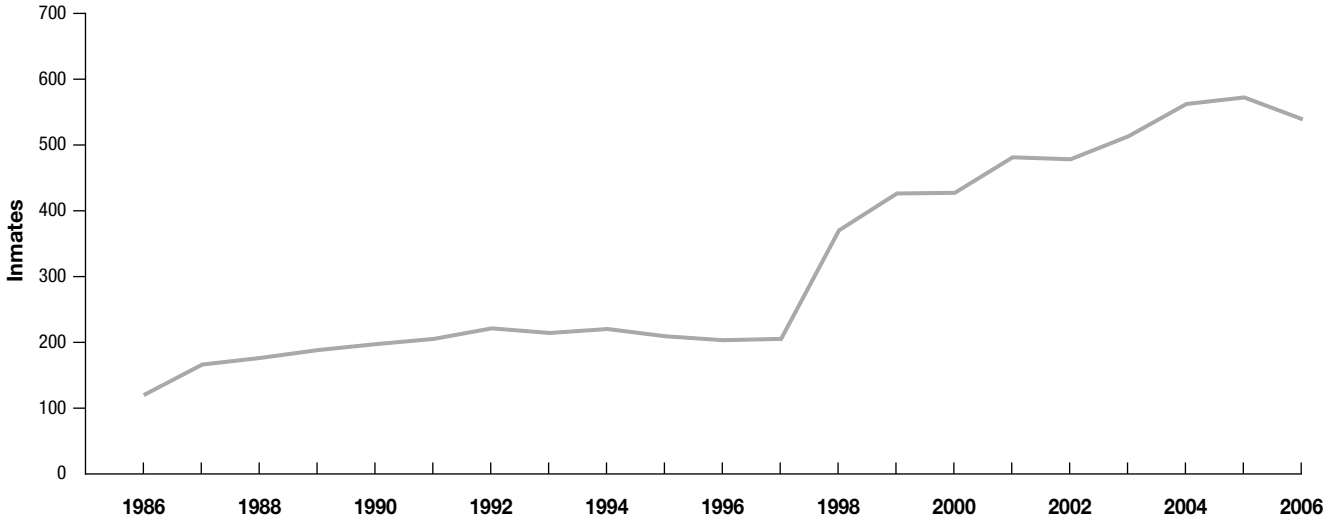
Average Length of Stay in the Sample County Jail: 1986–2006



Note: The average length of stay increased 69 percent between 1986 and 2006.

Exhibit 6–4

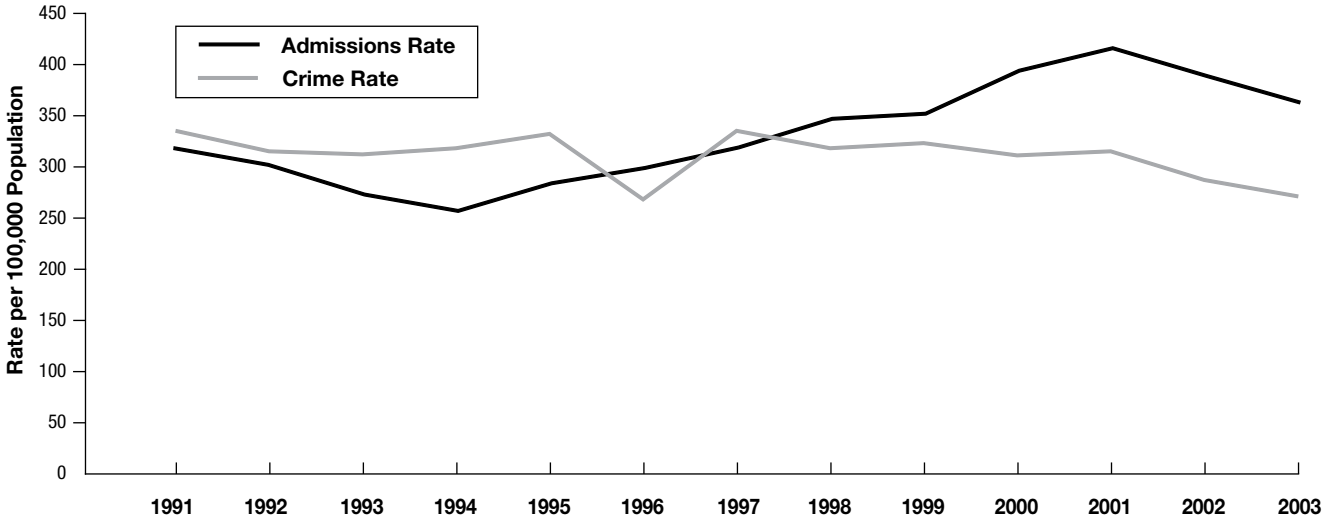
Average Daily Population in the Sample County Jail: 1986–2006



Note: The average daily population increased 306 percent between 1986 and 2006.

Exhibit 6–5

Comparison of Sample County's Admissions Rate and Crime Rate: 1991–2003



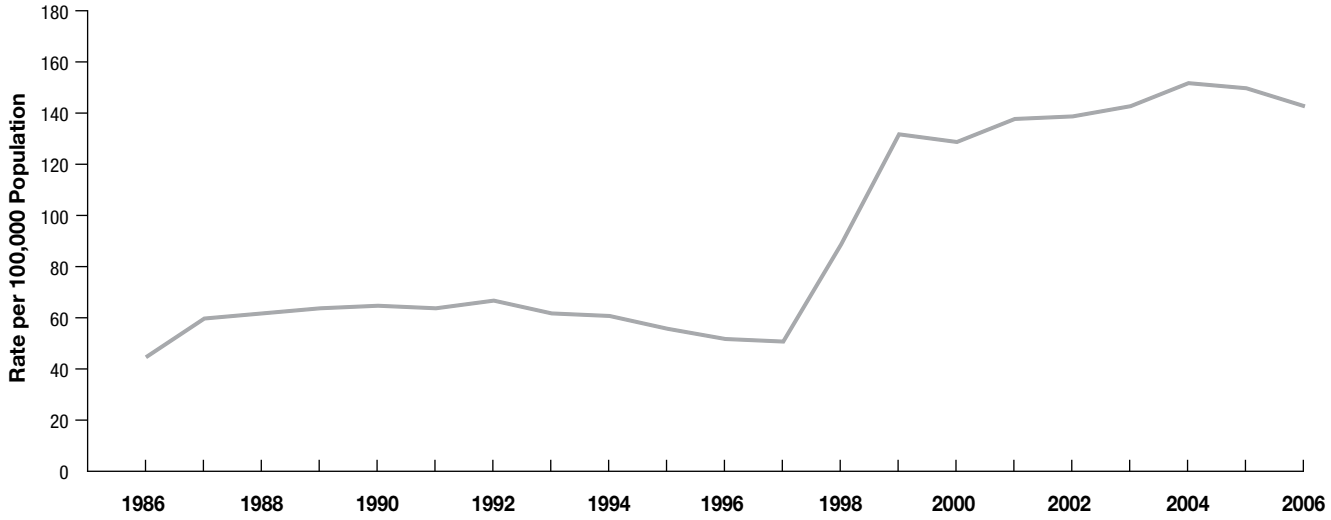
Incarceration Rate

Exhibit 6–6 shows the incarceration rate (the number of inmates per 100,000 county population) from 1986 to 2006. For the years 1999 to 2006, the number shown is the combined rate for the jail and the CCC.

The incarceration rate rose from 49 inmates per 100,000 population in 1996 to 147 inmates per each 100,000 population in 2006, a 200-percent increase. The dramatic increase in the incarceration rate in 1998 corresponds to the county's new jail bed capacity. (This steep upward slope in 1998 is also evident in exhibits 6–3 and 6–4.)

Exhibit 6–6

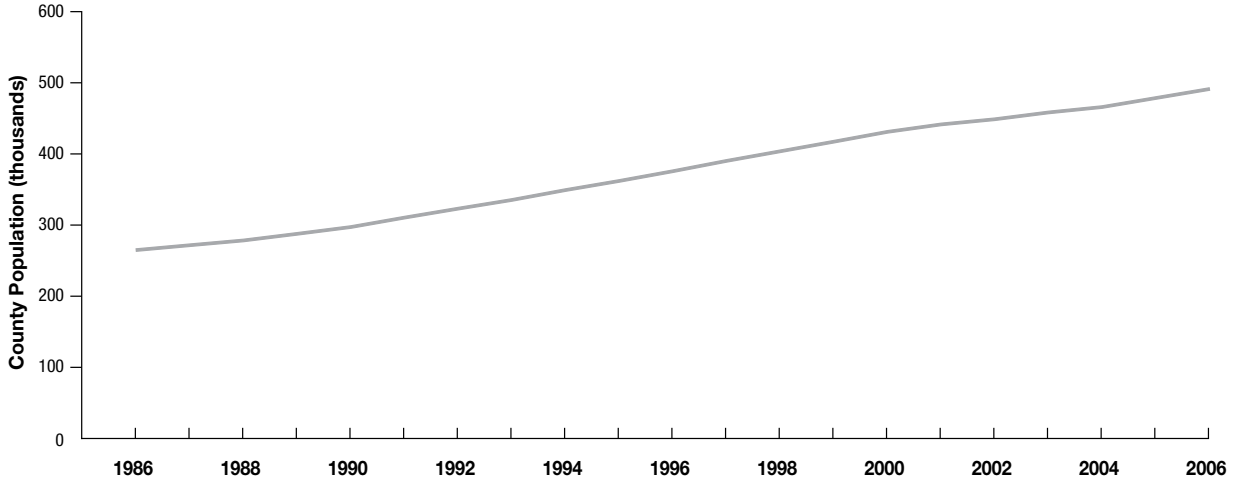
Incarceration Rate in the Sample County: 1986–2006



Note: The incarceration rate increased 200 percent between 1986 and 2006. Data for 1999 through 2006 include both the jail and community corrections center populations.

Exhibit 6–7

Population of the Sample County: 1986–2006



Note: The county population increased 81 percent between 1986 and 2006.

County Population

Actual County Population: 1986–2006

Exhibit 6–7 shows the actual county population for each year from 1986 to 2006. In 1986, more than 279,000 individuals resided in the county. Since then, the population has risen steadily, and the county estimates that 505,528 individuals lived in the county in 2006, an 81-percent increase across the period.

Forecasted Increase in County Population: 2006–2030

Exhibit 6–8 shows the forecasted increase in the county population from 2006 to 2030 as provided by the state's Office of Economic Analysis. The county population in 2006 was 505,528 residents,

and the county expects the population to grow to 788,162 by 2030, a 56-percent increase. When data are available, planners may choose to categorize future population trends by age and gender cohorts, remaining mindful that predicted changes may not occur and that the assumptions attached to those cohorts may not hold.

Jail Capacity Forecasts

The primary factors driving jail population in the sample county have been steady increases over the years in admissions and ALOS.

Admissions rates can be examined for different time intervals:

- 1986–2006 (past 20 years): 3,300.
- 1996–2006 (past 10 years): 3,700.
- 2001–2006 (past 5 years): 3,700.
- 2004: 3,600.
- 2005: 3,900.
- 2006: 3,600.

Based on rates of growth in admissions over time, the sample county used three different admissions rates for their forecasts: 4,000 inmates per 100,000 population, 4,500 inmates per 100,000 population, and 5,000 inmates per 100,000 population.

ALOS can be viewed over different time intervals:

- 1986–2006 (past 20 years): 10.4 days.
- 1996–2006 (past 10 years): 12.8 days.
- 1998–2006 (past 8 years): 14 days.
- 2001–2006 (past 5 years): 14.6 days.
- 2004: 15.7 days.
- 2005: 14.3 days.
- 2006: 14.7 days.

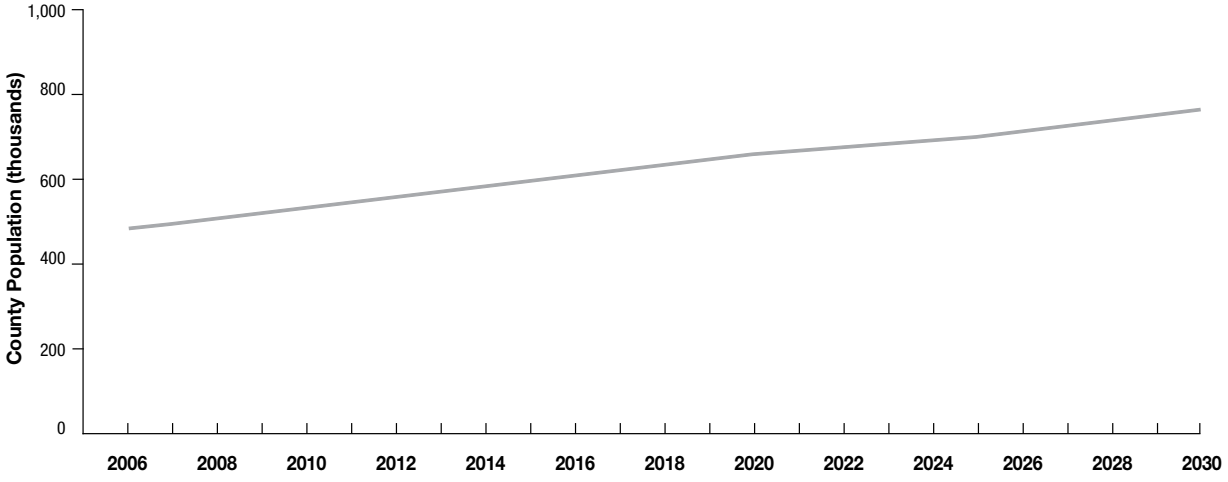
The past 8 years are particularly relevant because that period is the only one for which the county has data that represent the combined ALOS of the jail and the CCC. The county used two estimates of ALOS to forecast jail bed need for the year 2030: 15 days and 17 days.

Adjustments: Peaking and Classification Factors

Having an expected ADP for each of the jail forecast scenarios does not mean the county

Exhibit 6–8

Forecasted Increase in the Population of the Sample County: 2006–2030



Note: The forecasted increase in the county population between 2006 and 2030 was 56 percent.

should have that number of jail beds available. Because these are daily averages, the county's plans should include allowances for the days in a given year when the jail population surges above the average because of normal fluctuations in admissions and releases.

This situation is similar to a storm drain system. A storm drain sits empty most of the year; however, it needs to be large enough to handle peak runoff from a summer thundershower or melting snow from the mountains. Jail populations are like the water filling the drain. During peak periods—traditionally weekends, the end of a month, and in summer—jail populations climb. A jail, like a storm drain, needs to be large enough to handle its peak periods.

Exhibit 6–9 shows the peaking factor for the sample county. The jail first identified its three highest population days each month for 2003, 2004, and 2005. The jail then determined each month's average peak population and compared it with the annual ADP to develop the peaking factor. The 3-year average was 2.5 percent, which was rounded up to 10 percent for the jail forecasts. Ten percent was selected to be conservative, since the forecasts are made for a time interval greatly exceeding that for which the peaking factor was developed.

The county also used a second factor, classification, to allow for the jail's daily need to have a few open beds available for new inmates within each classification category. In a jail of the size under study in the sample county, a reasonable classification adjustment factor would be seven beds for each of the four primary classification categories—high/maximum security, close custody, medium custody, and minimum custody. (Note: Counties will have to determine what is reasonable or appropriate for their own facilities' management strategies.) For the sample county that means increasing its estimate of the number of beds needed in each year of the planning cycle by 28 beds per year.

Jail Forecast Scenarios for 2030

Varying the assumptions for the principal factors that contribute to jail demand is key to developing a jail forecast scenario. These assumptions work to set the upper and lower parameters for future capacity needs.

Exhibit 6–9

Peaking Factor for the Sample County

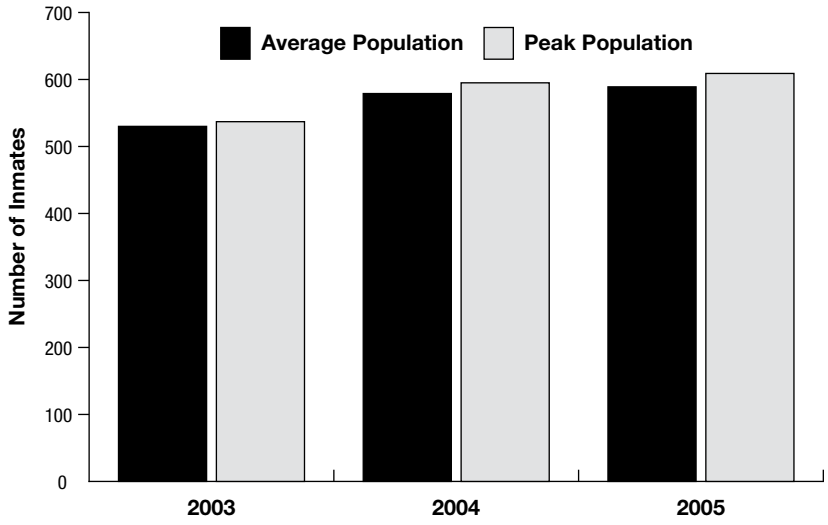


Exhibit 6–10 presents jail forecast scenarios for the sample county in the year 2030 based on two estimates of ALOS (15 days and 17 days) and on three estimated admission rates (4,000 inmates per 100,000 population, 4,500 inmates per 100,000 population, and 5,000 inmates per 100,000 population). For each estimated ALOS and admission rate, the exhibit shows the ADP, the number of beds necessary to handle peak periods, and the number of beds necessary for classification purposes. That is, each jail forecast scenario in exhibit 6–10 is formed on the basis of slightly different assumptions about what the county is likely to experience in the future with regard to jail capacity demands. The scenarios represent different possibilities—a relatively stable rate of growth, a moderate rate of growth, and a more aggressive rate of growth—for the years between 2006 and 2030.

Exhibit 6–10

Sample County Jail Capacity Forecast for Year 2030, by Average Length of Stay and Admissions Rate

ALOS and Admissions Rate	Average Daily Population	Total Beds Necessary: For Peak Populations*	Total Beds Necessary: For Classification†	Incarceration Rate‡
4,000	1,296	1,426	1,454	164
4,500	1,458	1,604	1,632	185
5,000	1,620	1,782	1,810	206
ALOS = 17 days				
4,000	1,468	1,615	1,643	186
4,500	1,652	1,817	1,845	210
5,000	1,835	2,019	2,047	233

*Calculated as ADP x 1.1 (for this peaking factor example).

†Calculated as (ADP x 1.1) + 28.

‡Calculated as (ADP/Projected County Population in 2030) x 100,000.

Notes: Admission and incarceration rates calculated as number of inmates per 100,000 county population. Estimated county population in 2030 is 788,162. Incarceration rates provided for purposes of comparison only; jail forecast scenarios are not based on suggested incarceration rates.

For purposes of comparison only, exhibit 6–10 also presents incarceration rates for each combination of ALOS and admission rate. (Note that jail forecast scenarios are not developed on the basis of incarceration rates.) The exhibit shows how the incarceration rate changes as the ALOS and admission rate change: the larger the jail population, the higher the incarceration rate.

Before selecting one scenario over another, a county must anticipate changes within the criminal justice system that might increase demand and then discuss the extent to which the county can implement system changes to mitigate future demand. An effective approach is to start with a midrange projection (4,500 in exhibit 6–10) and then discuss the factors of the criminal justice system that could affect that projection positively or negatively.

Both underestimating and overestimating capacity needs come with their own set of implications. Underestimating future need for beds can result in crowded and sometimes unsafe conditions. Overestimating the need can result in poorly managed public dollars and could even widen the net (i.e., bringing into the criminal justice system individuals who previously would never have entered), thus leading to longer sentences for offenders who might have been diverted had fewer beds been available.

Criminal Justice System Factors That Can Affect a Midrange Projection

Factors that might increase need for more jail capacity:

- Potential for changes in state prison admission policies.
- Discontinuation of booking fee requirements.
- Acceleration of population growth.

Changes that might mitigate need for more jail capacity:

- Implementation of full-service pretrial program.
- Development of early case resolution program.
- Adoption of risk assessment to guide treatment allocation.

In the end, counties should make all jail forecast decisions in conjunction with discussions that ask critical questions about the assumptions guiding both policy and practices and that explore the extent to which a county can put in place the strategies needed to manage change. Forecast scenarios provide a framework within which to have these discussions and to consider a plan for the future of a jurisdiction's criminal justice system.

Bed Allocation

Custody space needs are not just a function of population trends and crime rates. System policies that dictate jail bed use also determine custody space needs. As such, jurisdictions planning how to best allocate beds between a jail and an alternative facility such as a CCC should conduct their planning on the basis of both population and policy considerations. The extent to which local policies allow particular inmates (as determined by classification, charge, and other factors) to serve all or part of their sentences in an alternative facility sets the parameters for this discussion.

Jurisdictions can perform additional analyses to help guide their decisions about the distribution of custody beds among the jail, the CCC, and other nonsecure correctional options that are available today in the graduated array of sanctions and services.

Conducting a risk-and-needs study is one approach to planning the allocation of beds between a jail and a CCC. A risk-and-needs study uses a validated tool (i.e., data collection instrument) for analyzing risk (e.g., risk of recidivism) to examine a sample of inmates. The results should help frame a discussion about how to manage a jail population by managing risk. A risk-and-needs analysis can help a jurisdiction explore how it might manage inmates across a custody continuum to improve offender outcomes. The analysis can also help a jurisdiction examine how risk-based policy decisions translate into cost savings. Consider the following:

- What would happen if a jail moved all inmates who had served half their sentence to a CCC?
- What would happen if a jail exited all low-risk inmates to sheriff work crews and day reporting?
- What would happen if a jail exited all medium-risk inmates to a CCC?
- What would happen if a jail exited all high-risk inmates to a CCC that offered substance abuse treatment?

Several risk tools are available for such an analysis. However, regardless of the instrument, a jurisdiction will want to ensure that it is well tested and valid. Once a jurisdiction settles on a particular risk tool, it will then select a random sample of sentenced inmates. The sample should be of adequate size to ensure significant results. At a minimum, it should include sentenced misdemeanants, sentenced felons, and felony technical violators.

The risk tool generates a risk score for each inmate in the sample. It also collects demographic information (age, gender, etc.) and information about sentence length, jail classification, and individual needs (i.e., risk factors). Substance abuse, mental health, vocation, and education are the risk factors most commonly included. Collecting this information involves a review of each inmate's official record and a short interview with the inmate. Some risk tools collect data on an extensive array of risk factors. However, a shorter list is sufficient for this study. The risk factors selected depend on the tool a jurisdiction uses and the jurisdiction's interest in assessing particular areas of risk.

With the information obtained from a risk-and-needs study, a jurisdiction can test different scenarios for allocating beds between a jail and a CCC. Findings from one county risk-and-needs study include the following:

- Eighteen percent of jail inmates were at low risk for recidivism.
- Forty-eight percent of the inmates were at moderate risk for recidivism.
- Thirty-four percent of the inmates were at high risk for recidivism.

The analysis also revealed the factors that correlate with high risk. Compared with the low-risk group, high-risk offenders in the county:

- Had four times the number of prior arrests.
- Were less than half as likely to have a job.
- Were three times as likely to have used drugs at the time of their current offense.
- Had a greater effect on the jail in terms of bed days used.

In discussing possible facility housing scenarios based on risk, the objective is not to exclude the high-risk offender from access to the CCC. Instead, the purpose of knowing the risk level is to improve inmate management along a custody continuum. For example, the Washington County, OR, CCC excludes from its facility only inmates who either have less than 2 weeks remaining on their sentence or have the highest jail classification level (once reclassified, these inmates may be reconsidered for CCC eligibility). All other sentenced inmates are eligible to move from jail to the CCC, with exclusions made on a case-by-case basis.

A focus on risk and needs, along with local policies regarding the discretion for jail managers and corrections directors to move offenders along a custody-to-community continuum, can help guide a jurisdiction's allocation of resources. Ultimately, the planning of resource allocation should be guided by a philosophy that views jail as the alternative—an approach that views the jail as the option of last resort and that plans to use the jails as but one option along a broad continuum.

Jail scenarios are just a starting point, and projections are, at best, estimates of what is likely to occur in coming years. Should a jurisdiction's decisionmakers wish to alter any of their scenarios, they can do so by adjusting the key indices of jail use: county population trends, admission rates, expected ALOS, and the peaking and classification factors. Adjusting these indices will yield different estimates of the required number of jail beds. The process of estimating future space needs should be an active exercise, one that is updated as conditions change. Creating scenarios is not a one-time exercise, and neither is the implementation of strategies to manage growth.

The average time from planning a jail to opening a new facility can be 4 years or even longer. Over this period, jurisdictions should analyze and implement their recommendations in the criminal justice system. Doing so allows for the kind of continuous fine-tuning needed to manage the existing jail population while constructing a new jail and ensures that the new facility is not full on the day it opens.

If the necessary changes that the county has recommended do not occur, then more jail beds than those predicted might be necessary. Left uncontrolled, jail populations continue to grow, filling and overfilling whatever facilities counties construct in response to such growth and leaving no alternatives for managing a jail population other than to expand facilities every few years. An approach that emphasizes active management, on the other hand, may make it possible to prolong the sufficiency of newly constructed jail space for a longer period, giving a county time to explore and try out the many viable alternatives to construction that have become available in recent years.

In any case, planned jail bed demand is bound to create "sticker shock" when the cost of building a new or expanded facility is finally calculated. However, realizing the cost can itself be the impetus for exploring changes in the criminal justice system that support reducing admissions or ALOS.

Note

1. Annualized data were calculated using the following formula: (total for *n* months/*n*) x 12.

CHAPTER 7

Planning for One Empty Bed

A good plan executed right now is far better than a perfect plan executed next week.

—General George S. Patton[1]

The key to the long-term management of a jail and other corrections resources is the implementation of a system master plan: a set of policy and program strategies that will enable a jurisdiction not only to react to change but also to influence and shape the course of that change.

System Master Plan

The development of a system master plan should provide the foundation for any jail capacity forecast scenario. A system master plan is a strategic plan for the future: It outlines principles and practices designed to make the most efficient use of existing resources and manage change. Once implemented, the strategies developed in the system master plan can help manage a jail toward the goal of "one empty bed" and forestall the need for more jail beds. A system master plan should, at the minimum, address the following areas:

- Prebooking options.
- Pretrial release services.
- Classification and use of objective risk assessment.
- Adjudication policies and practices.
- Diversion options.
- Sentencing alternatives.
- Program adherence to evidence-based practices.
- Sanction policies and programs.
- Jail reentry and discharge planning.
- Data availability and integration.

In examining these areas, a jurisdiction should refer to its case-processing and jail snapshot data, its policies and procedures, qualitative reviews of its programs, and any other data it believes would inform its decisionmaking process.

The sample county's system master plan contains more than 80 recommendations that address a broad spectrum of system policies and practices. In some cases, the county took action before the plan was complete. One presiding judge, for example, made the commitment to assign a single judge to handle front-end court proceedings as part of a broader initiative to streamline processing and adopt early

case resolution (ECR) practices. In the broadest terms the sample county could group its recommendations by the two factors that most directly influence the jail: admissions and average length of stay (ALOS).

The sample county's recommendations to reduce admissions were as follows:

- Establish a comprehensive pretrial program.
- Fund local detoxification services.
- Increase the use of nonjail sanctions.
- Develop diversion options for the mentally ill.
- Reduce the use of jail for probation violations through a structured sanction policy.

The sample county made the following recommendations for reducing ALOS:

- Implement an ECR program.
- Reduce the time between citation for a probation violation and the hearing.
- Expedite the movement of inmates from the jail to the community corrections center (CCC).

These are but a sample of the measures jurisdictions might take to improve system efficiency. In the end, the degree to which jurisdictions implement these changes will dictate whether a jurisdiction selects the high end or low end of its projected need in a jail forecast scenario.

Selecting a Jail Forecast Scenario

Recommendations proposed in a system master plan should represent jail management strategies that, if implemented, will go a long way toward mitigating jail crowding and optimizing outcomes. Jurisdictions can fashion scenarios to test the influence of changes in policies and practices. Policy scenarios allow a jurisdiction to use its jail capacity forecast not only to plan for the future but to shape it as well. These scenarios can be a useful tool for speculating about the ramifications of different policy choices.

One example from a study of the Los Angeles County Jail shows the power different policy choices wield. This study simulated how different eligibility policies for jail diversion would affect the jail population. The county found that when the population eligible for diversion from jail was limited to inmates who had been incarcerated for a nonviolent crime and who had no previous jail incarceration, approximately 11 percent of the sample in custody would qualify for diversion. However, when the criteria for diversion eligibility were expanded to include inmates who had a previous jail incarceration but no prison incarceration, the population of inmates eligible for diversion rose to more than 53 percent (although a quarter of these inmates were felony drug offenders).[2]

The policy choices of the criminal justice system and achievement of efficiencies and improvements within the system can reduce demand on a jail. However, because jails are complex and dynamic systems, the effect of a single system modification is difficult to quantify. Moreover, although making changes can help a jurisdiction moderate its jail population growth, shifts in policies and practices over which the jurisdiction has no control can undermine these improvements. For example, the sudden employment of more police officers or a new state "zero tolerance" policy for probation violators can reverse gains in holding down jail population growth. Conversely, one California county found that a new state policy rendered forecast jail bed demand unreliable: Proposition 36, which diverts nonviolent drug users from jail to treatment, led to less growth in the jail population than anticipated. (Overall, however, jail admissions in California are at their highest, even with Proposition 36.)

Jail planning also cannot fully anticipate the interactive factors of a complex system. For

example, a successful strategy for reducing the number of offenders on absconded status can swell caseload size and negatively affect a jail. Likewise, a jurisdiction might expect an early case resolution program to reduce the case dismissal or decline rate. No model is yet sensitive enough to examine the interactive effects of all changes to the criminal justice system.

To alter a plan on the basis of changes anticipated for one particular target group ignores the complexity of the criminal justice system. Jurisdictions that have attempted to model changes in jail usage based on a single policy change are often surprised when jail demand quickly exceeds or falls short of modeled changes. This is because another system change that has an opposite effect can quickly neutralize the initial policy change. For this reason, this guide focuses on population management strategies, which are flexible tools for managing change.

Jail planning is not a precise science. In fact, planning methodologies based on a high level of detail might only serve to give a false sense of precision. One county that developed a forecast based on modeling jail admissions for more than 20 types of criminal offenses was quickly thrown off target by larger changes in system policy, proving that sometimes it is better to be "generally right" than "precisely wrong."

For these reasons, jurisdictions are advised to conduct jail forecasts by using historical patterns of demand as their starting point. Historical changes in jail admissions and ALOS set the parameters. Anticipated rates of future growth in county population set the pace. Finally, the jurisdiction's level of confidence in implementing system measures to manage the jail population and improve system efficiency helps determine which end of the range of projected demand for jail beds it should choose. Before selecting one jail forecast scenario over another, a jurisdiction must decide the extent to which it can effect changes to the criminal justice system and mitigate future demand on the jail.

Criminal Justice System Factors That Affect the Choice of a Jail Forecast Scenario

Factors Associated With Increased Jail Capacity Need

- Pent-up demand (as measured by indicators such as housing inmates in other jails, truncating sentences, and increasing citation rates).
- Degree of uncertainty about state policy changes.
- Elimination of booking fee requirement.
- Anticipated increase in the number of police officers.
- Anticipated increase in county population.

Factors Associated With Decreased Jail Capacity Need

- ECR programs.
- Pretrial services.
- Community corrections centers.
- Jail stepdown options.
- Elimination of booking fee requirement.
- Quality diversion and sentencing options.
- Risk-based programs.

Exhibit 7–1

Outcomes of Various Jail Scenarios in Mitigating Average Daily Population

Scenario	Estimated Reduction in Average Daily Population
Reduce transfer time from jail to the CCC by 27 days	109
Reduce pretrial failure rate by 50 percent	29
Reduce case-processing time by 3 days	43
Divert low-risk inmates with mental illnesses from jail	33

Focusing on population management strategies encourages a jurisdiction to adopt measures that allow flexible and continuous jail management. In contrast, approaches that attempt to model single policies are vulnerable to changes in those policies. This can limit the usefulness of modeling efforts. This is not to say there is no value in modeling the effect of policies or practices. This kind of planning can help demonstrate the relative influence of different changes and can serve as a catalyst for change. The sample county considered the jail mitigation scenarios listed in exhibit 7–1.

In the end, the main focus of jail planning should be on the adoption of population management strategies that can reduce pressures on the jail by managing change. Three examples of these are pretrial programs, which manage the front end of the jail, thereby structuring release decision-making; early case resolution programs, which address the movement of cases through the jail; and jail stepdown options, which move certain inmate populations out to work crews, day-reporting centers, or CCCs, according to individual levels of risk and need.

The extent to which a jurisdiction is committed to making changes to the criminal justice system will dictate which end of the forecast range of options it can select. A jurisdiction that outlines a bold plan that addresses major drivers of jail bed demand can more confidently plan on the low end of projected future capacity need. The sample county concluded that implementation of key recommendations would allow it to base its plans on the low end of the continuum. Each jurisdiction confronted with the need for long-term jail capacity planning can use this opportunity to influence change in the criminal justice system toward improved jail management and better offender outcomes.

Presenting the Forecast Results

Once the forecast is complete, planning carefully how to present the results can pay dividends. If the jurisdiction has a criminal justice coordinating committee, the committee should be aware of the details of the jurisdiction's data collection efforts. Optimally, the committee also will have had a voice in shaping the direction taken during the data collection and in providing input into tracking the analysis. Including key elected and appointed officials in the final review of the data is particularly important. After the planning team has analyzed the data, a representative of the team should visit each official individually to discuss the findings specific to that official's agency. This is not only a matter of courtesy but is also essential to ensuring that the data are correct and that the jurisdiction has interpreted them appropriately.

Jurisdictions may want to consider scheduling a full-day symposium to present system data to a full contingent of criminal justice system representatives. Not only is this an opportunity to reveal data about jail usage and system case-processing dynamics, but it can also be an interactive forum. Presenters can ask the audience to help derive the assumptions that drive the selection of different jail forecast scenarios. The symposium may be followed up with additional presentations to criminal justice-related commissions. If the members of the jurisdiction's elected governing body (e.g., the County Board of Commissioners) do not all attend the symposium, the jurisdiction may wish to offer them a separate presentation.

A jurisdiction may also present its findings to other interested parties and community groups. Doing so is important for laying the groundwork for citizen understanding of the issue. Jurisdictions should incorporate the feedback from all these meetings into a final report: the system master plan. This report will include the jail and case-processing data, jail forecast scenarios, analysis, and final recommendations.

Once the system master plan is issued, jurisdiction officials will want to decide how to proceed. They may form subcommittees to begin addressing the plan's recommendations. If the jurisdiction decides to proceed with planning a jail facility, it will make arrangements to bring in experts in jail operations, staffing, facility design, site selection, and cost analysis. It will also begin a conversation with voters.[3]

Making Adjustments

Facility planning takes place on shifting ground. Jail planning (based on 10- to 20-year forecasts) drives building plans that proceed as jail demand continues to fluctuate and, in some cases, veers off course completely. For this reason, a jurisdiction should reexamine its jail projections as the criminal justice system adopts new policies or passes new laws. In some cases, changes in county population will also require a review. In all cases, the forecast of jail and alternative facility needs should be an ongoing process, just as the review of the programs and policies of the criminal justice system should be a continuous endeavor.

Jurisdictions should view the system master plan as a starting point on which to build as time and circumstances dictate. Only through commitment to ongoing review can a jurisdiction get ahead in its planning and consider how to forestall the continued building of facilities to increase jail beds.

Planning for Results

Jail usage is driven by the policies of the criminal justice system, judicial decisions, sentencing law, available alternatives, case-processing efficiency, and program effectiveness. Each of these factors can be examined or measured. For this reason, jail capacity planning should be grounded in a systems approach.

Notes

1. Roy Rosenzweig, "Scarcity or Abundance? Preserving the Past in a Digital Era," *American Historical Review* 108(June):754, 2003, n. 47.

2. Joan Petersilia, *Profiling Inmates in the Los Angeles County Jails: Risks, Recidivism, and Release Options* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, National Institute of Justice, 2000).

3. For a description of how to engage the public in the process of jail planning, see Gail Elias, *Building Community Support for New Jail Construction* (Washington, DC: U.S. Department of Justice, National Institute of Corrections, 2006), *www.nicic.gov/Library/021328,* accessed February 24, 2009.

Appendixes

These appendixes list all jail snapshot and case-processing analysis variables referenced in this guide. Administrators may use a spreadsheet to organize the variable data identified for collection as part of the jail capacity forecast.

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Jail Snapshot: Data Variables

The data needed to complete a jail snapshot analysis include a daily census or roster of all inmates held at all facilities included in a study. If a jurisdiction has a work-release facility, it can develop separate snapshots for the jail and the work-release facility. Jurisdictions should consider the following guiding principles when developing a jail snapshot:

- A "snapshot" of the jail population consists of information that describes a jurisdiction's incarcerated population at one point in time.
- Most jails take a census that includes all inmates. For this exercise, take a sample at the same hour on the same day of the week once a month for each of the next 6 months. The sample should include all inmates who were in the jail on each sample date.
- For the purposes of this exercise, if a defendant is charged with more than one offense, record only the most serious charge type and status.
- Capture time in custody by noting the number of days each inmate has been in custody. For an aggregate time in custody, divide the total number of days by the number of inmates or by inmate status (e.g., pretrial, sentenced).
- Add any additional demographic variables where the data are available. For example:
  - Residence.
  - Employment.
  - Education level.
  - Serious mental illness: yes/no.
  - Prescribed psychotropic medication: yes/no.

Data To Collect for a Jail Snapshot

The variables listed below are only an example of the types of information to collect for a jail snapshot. Each jurisdiction should tailor the data collected to the needs of its own system.

1. Inmate number: Beginning with 1, number each inmate included in the sample. If there are 200 inmates in the census, the data sheet should contain the numbers 1–200.
2. Inmate name or jail identification number.
3. Status: Enter the appropriate letter as given below:

   P = Pretrial

   S = Posttrial

   H = Hold

   O = Other
4. Charge type: Use the following codes to indicate the most serious charge or

conviction for which the jurisdiction is holding the inmate.

DV = Domestic violence*

PE = Person

PR = Property

DR = Drug

DU = Drunk Driving

PO = Public Order

TR = Traffic

*Domestic violence is a subset of person crimes.

5. Charge class:

   F = Felony

   M = Misdemeanor

6. Hold type: If the jail recorded the status as a hold, select the type of hold. If there are other hold types in the jurisdiction, develop a set of codes that fit the jurisdiction's needs. Then assign each code a number.

   1 = Federal hold

   2 = State hold

   3 = Other jurisdiction

   4 = [Enter name of additional hold]

   5 = [Enter name of additional hold]

7. Year booked: Enter the last two digits of the year an inmate was booked.

8. Day booked: day/month/year

9. Arresting agency: Develop a code for the jurisdiction by assigning a number to each agency (police, sheriff, or other entity) that arrests and brings defendants to the jail.

   0 = Unknown

   1 = [Enter name of agency]

   2 = [Enter name of agency]

10. Court of jurisdiction.

11. Age: [Enter age in years]

12. Sex:

    M = Male

    F = Female

13. Race/ethnicity: Record the appropriate code according to local categories:

    W = White

    B = Black

    H = Hispanic

    I = American Indian

    A = Asian

    O = Other

    U = Unknown

14. Classification assignment:

    Close

    Maximum

    Medium

    Minimum

Case-Processing Study: Sample Variables

The terms and definitions for the inmate sample variables used in the case-processing study will vary with each jurisdiction. Once a jurisdiction identifies the proper terms and confirms the availability of data, it should draft a code manual that describes all terms and abbreviations.

Note: The variables listed below are only an example of the types of information a jurisdiction needs to collect. Each jurisdiction should tailor the data collected to the needs of its own system.

Data To Collect for a Case-Processing Study

Detention Center

1. Defendant identification number.
2. Date of birth: month/day/year.
3. Place of birth: (state, region, other state, other country).
4. Age at booking.
5. Sex (circle one): male/female.
6. Race/ethnicity: Record the appropriate category according to local classifications.
7. Residence (circle one):
   - Current jurisdiction
   - Other jurisdiction within same state
   - Other state
8. Residence length (circle one):
   - Less than 1 year
   - 1–3 years
   - 3 or more years
9. Homeless (circle one): yes/no
10. Marital status.
11. Driver's license state.
12. Employment.
13. Level of education (circle one):
    - No high school
    - Some high school
    - High school graduate
    - Education beyond high school
14. Gang affiliation.
15. Booking date.
16. Booking time.
17. Release date.
18. Release time.
19. Charge at time of booking (circle one):
    - Domestic violence
    - Person offense
    - Property offense
    - Drug offense
    - Public order offense
    - Traffic offense
20. Charge class (circle one): felony/misdemeanor.

21. Charge degree (circle one): 1, 2, 3.
22. Number of charges.
23. Arresting agency (list major law enforcement agencies).
24. Total bail amount.
25. Pretrial release type (circle one):
    - Released on own recognizance
    - Supervised release
    - Bond
    - Supervised release plus bond
    - Forced release
    - No release
26. Posttrial release type:
    - Time served
    - Case dismissed
    - Released from probation
    - Released to other agency

Court Data

27. First appearance date.
28. Filing date.
29. Arraignment date.
30. Disposition date.
31. Sentencing date.
32. Number of administrative hearings.
33. Prosecutor charge class (capture the charge at the time of filing).
34. Prosecutor charge degree.
35. Prosecutor charge.
36. Attorney type (circle one):
    - Public defender
    - Other appointed counsel
    - Retained
    - None
37. Disposition type (circle one):
    - Guilty
    - Not convicted
    - Pending
38. Guilty verdict type (pled, found).
39. Disposition charge class.
40. Disposition charge degree.
41. Disposition charge.
42. Reason for nonconviction (circle one):
    - Prosecutor decline
    - Dismissed
    - Not guilty
    - Pending
43. Bond amount.
44. Release type (circle one): pretrial, posttrial.
45. Posttrial release type (circle one):
    - No complaint
    - Dismissed
    - Time served
    - Transported
    - Court order
46. Sentence type (circle one):
    - Prison
    - Jail
    - Community corrections center
    - Diversion (e.g., drug court, mental health court)
    - Probation
    - Fine
47. Sentence length.
48. Failure to appear: yes/no.
49. Rearrest: yes/no.
50. Previous bookings (circle one):
    - 0
    - 1–2
    - 3–5
    - 6–10
    - 11 or more

Sample Data Analysis Calculations

Jurisdictions can analyze the data collected in both the jail snapshot and the case-processing study in numerous ways. A full report on the data may include hundreds of charts and graphs displaying the data from different analytic perspectives. This will require the services of a good analyst.

Specific examples of data calculation discussed in the chapter on the case-processing study are listed below. These examples provide only a sample of the kinds of analysis jurisdictions can conduct to reveal system functioning.

Data Analysis Calculations for a Case-Processing Study

- **Pretrial release rate:** Divide the number of inmates released prior to case disposition by the number of inmates booked into jail.
- **Pretrial failure-to-appear rate:** Calculate the number of inmates released before trial who failed to make a court appearance during the period between release and case disposition. Then divide the number of inmates who failed to appear by the number released.
- **Pretrial rearrest rate:** Calculate the number of inmates released before trial who were rearrested during the period between release and case disposition. Then divide the number of inmates who were rearrested by the number released.
- **Felony filing rate:** Divide the number of felony cases filed by the number of felony cases booked.
- **No-complaint rate:** Calculate the number of cases for which the prosecutor filed no formal charges. Then divide the number of these cases by the number booked.
- **File attrition:** Subtract the number of no-complaint cases from the number of cases filed.
- **Case-processing times:** Calculate the average time between different points in the adjudication process. The average processing time is calculated by taking the total process times between two points and dividing it by the number of cases.

Sample County Community Corrections Center Data

The following data show the additional information collected for the community corrections center (CCC) in the sample county. Jurisdictions with a jail and an alternative facility need to track the same forecast variables for both.

Community Corrections Center

Overall Admissions

Exhibit D–1 shows the number of admissions into the CCC from 1999 to 2006. In 1999, there were 1,813 admissions into the facility. Administrators anticipated 2,050 admissions in 2006, resulting in a 13-percent increase over the period.

Admissions by Resident Admission Status

Exhibit D–2 shows the number and percentage of admissions into the CCC for 2006 by type of admission. In 2006, there were 1,985 admissions to the CCC. Of these, 9 percent were inmates serving a sanction, 75 percent were sentenced offenders, and the remaining 16 percent were T-lodgers—short-term "transition" lodgers. T-lodgers are offenders who are 1) reentering the community from prison,

Exhibit D–1

Community Corrections Center Admissions: 1999–2006

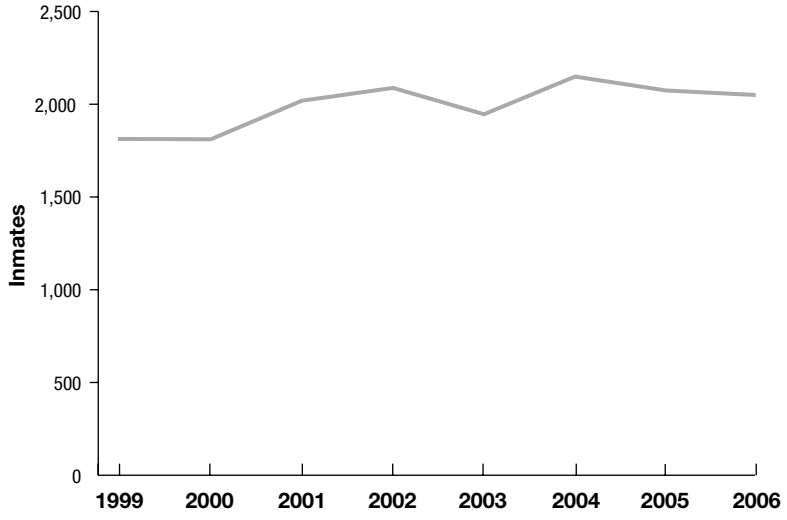
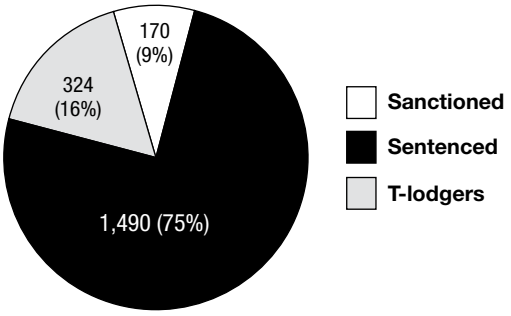


Exhibit D–2

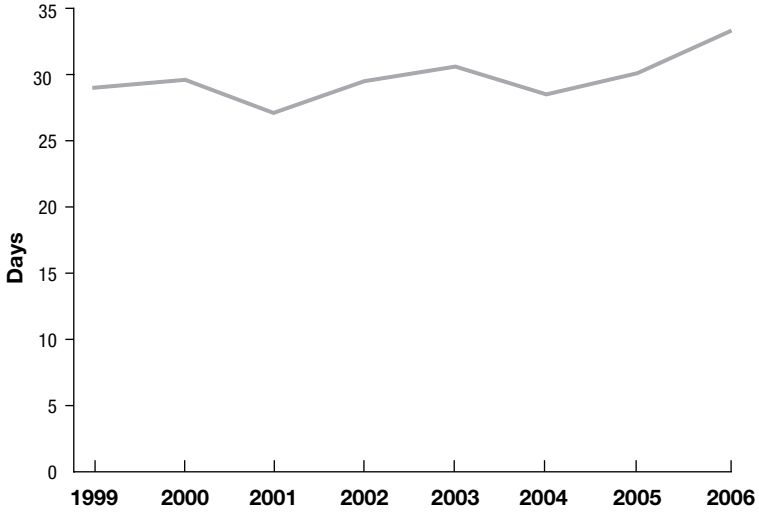
Distribution of Community Corrections Center Admissions, by Type of Admission: 2006



Note: A T-lodger is a short-term "transition" lodger who is reentering the community from prison, occupying a CCC bed as a stabilization measure after release from jail, or serving a short-term direct sanction from a probation officer.

Exhibit D–3

Average Length of Stay at the Community Corrections Center



Note: Average length of stay increased 14 percent between 1999 and 2006.

2) in a CCC bed as a stabilization measure after release from jail, or 3) serving short-term direct sanctions from a probation officer (this category includes inmates who have been released from the state prison and do not have a residence).

Overall Average Length of Stay

Exhibit D–3 shows the average length of stay (ALOS) at the CCC from 1999 to 2006. In 1999, the ALOS was 29.2 days. By 2006, the ALOS had increased to 33.3 days, a 14-percent increase over the period.

Average Length of Stay by Type of Admission

Exhibit D–4 shows the 2006 ALOS at the CCC categorized by the type of admission. In 2006, the overall ALOS was 33.3 days; for sanctioned inmates, the ALOS was 25.8 days; for sentenced inmates, the ALOS was 38.9 days; and for T-lodgers, the ALOS was 18 days.

Overall Average Daily Population

Exhibit D–5 shows the average daily population (ADP) at the CCC from 1999 to 2006. In 1999, there were an average 145 individuals at the CCC. By 2006, that number had grown to 187, a 29-percent increase over the period.

Average Daily Population by Type of Admission

Exhibit D–6 shows the ADP of the CCC in 2006 by type of admission. Overall, 6 percent of CCC residents were sanctioned inmates, 85 percent were serving a sentence, and the remaining 9 percent were T-lodgers.

Exhibit D–4

Average Length of Stay at the Community Corrections Center, by Type of Admission: 2006

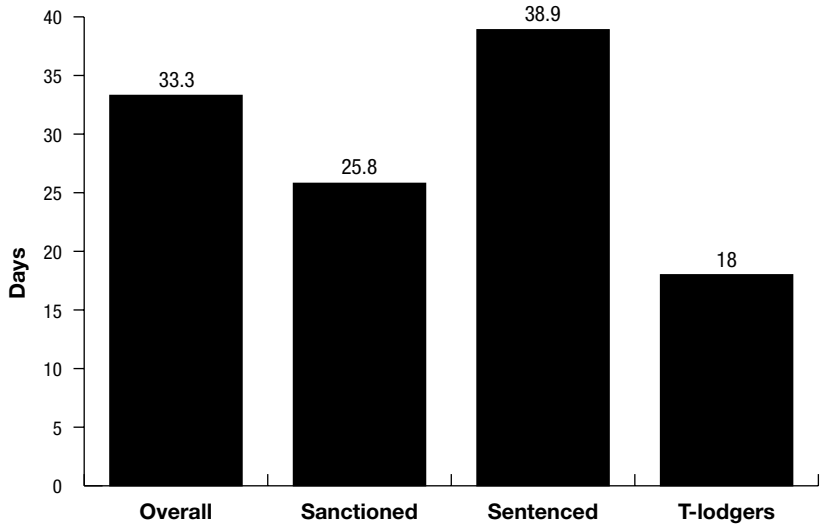


Exhibit D–5

Average Daily Population at the Community Corrections Center: 1999–2006

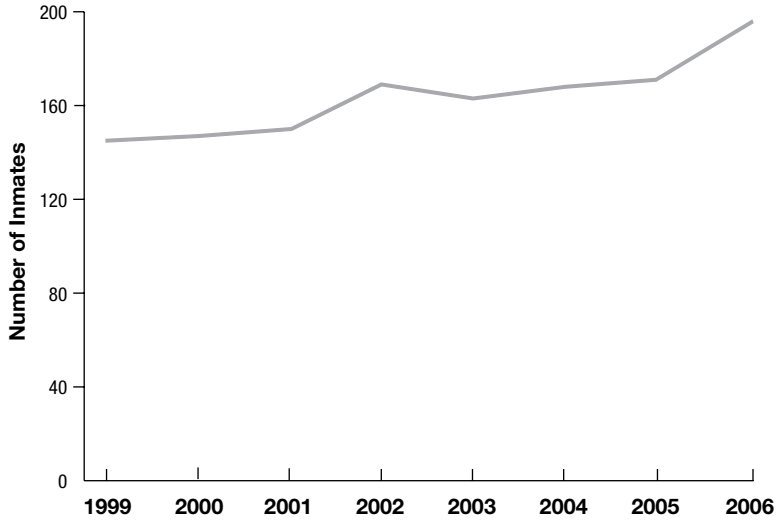
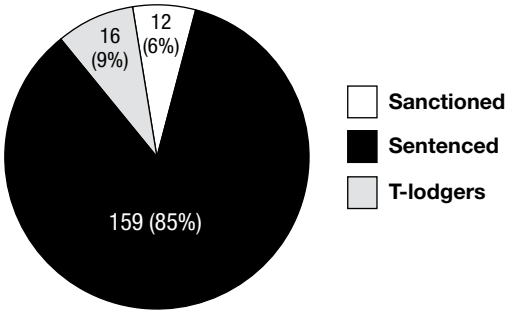


Exhibit D–6

Distribution of Community Corrections Center Admissions, by Type of Admission: 2006



Note: A T-lodger is a short-term "transition" lodger who is reentering the community from prison, occupying a CCC bed as a stabilization measure after release from jail, or serving a short-term direct sanction from a probation officer.

Author Biographies

David M. Bennett

David Bennett has more than 30 years of experience in addressing jail overcrowding issues and criminal justice system reform. As a consultant, he has advised more than 250 jurisdictions in 40 states regarding the development of system-based solutions to jail population management. Before beginning his consulting career, he established and directed the Pretrial Services Department of Salt Lake County Criminal Justice Services in Utah.

Mr. Bennett has also worked on several nationwide jail projects. Under the sponsorship of the National Institute of Corrections and the American Justice Institute, he served as lead trainer and helped set the agenda for the federal government's first jail overcrowding seminar in 1981. He also participated in the development of the Law Enforcement Assistance Administration's jail management guidelines, which have been recommended to state and local officials since 1978. Mr. Bennett is a coauthor of the first *Jail Capacity Planning Workbook* published by the U.S. Department of Justice.

Mr. Bennett is adept at working with jurisdictions to achieve comprehensive solutions to jail overcrowding. The hallmark of his work is the development of individualized, research-based jail population management plans for counties. As part of this work, Mr. Bennett has successfully implemented pretrial service programs, early case resolution protocols, meaningful alternatives to incarceration, and improved information systems in jurisdictions throughout the United States. At the forefront of his consulting practice is using innovation and integrity to develop jail population management plans.

Donna Lattin

Donna Lattin began her career as a community corrections manager and legislative policy analyst. Currently, as a consultant, she specializes in the assessment of local criminal justice systems and jail alternatives. Ms. Lattin develops system master plans based on best practices and evidence-based research, helping jurisdictions develop comprehensive strategies to optimize jail resources and enhance their capacity to effect positive change. Ms. Lattin has worked around the country in the design and refinement of pretrial services, in-custody programs, specialty courts, mental health and treatment services, risk assessments, and supervision and sanction alternatives.

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