



Decreasing Jail Crowding While Maintaining Public Safety

Pretrial Solutions for Sheriffs and Jail Administrators

November 29, 2011

Webinar Purpose

- ▶ Learn and talk about how, in the past few years, many local jurisdictions have figured out how simultaneously to improve public safety and court appearance while reducing the costs of pretrial jail incarceration.



Objectives

1. Identify the role of pretrial inmates in increasing jail populations nationally;
2. Implement legal and research-based policies, practices, and programs that improve the quality of justice and public safety at the pretrial stage;
3. Learn ways that Sheriffs and Jail Administrators can help; and
4. Access resources to help with implementing more cost-effective pretrial policies and practices

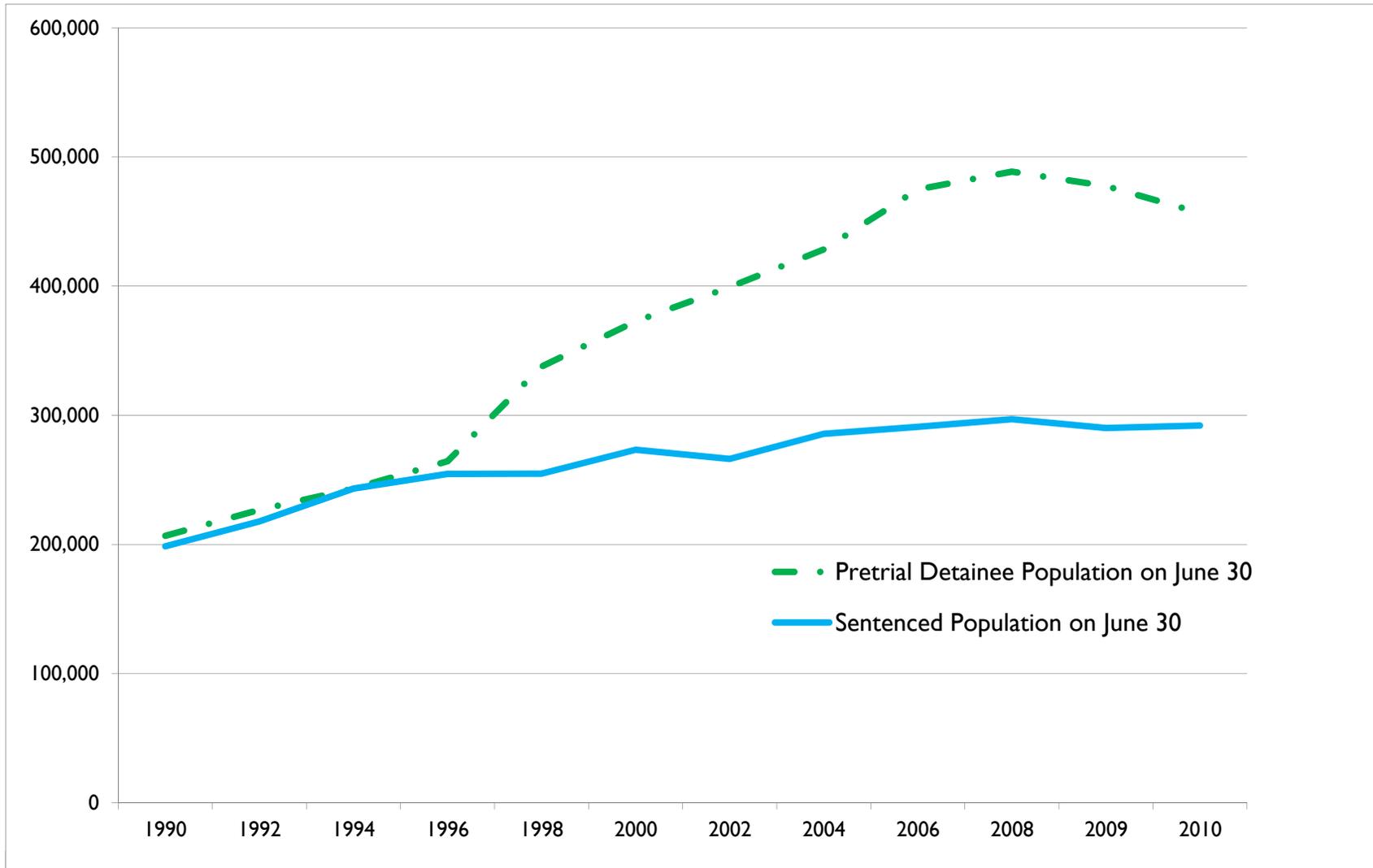


1. Pretrial Inmates and Jail Crowding

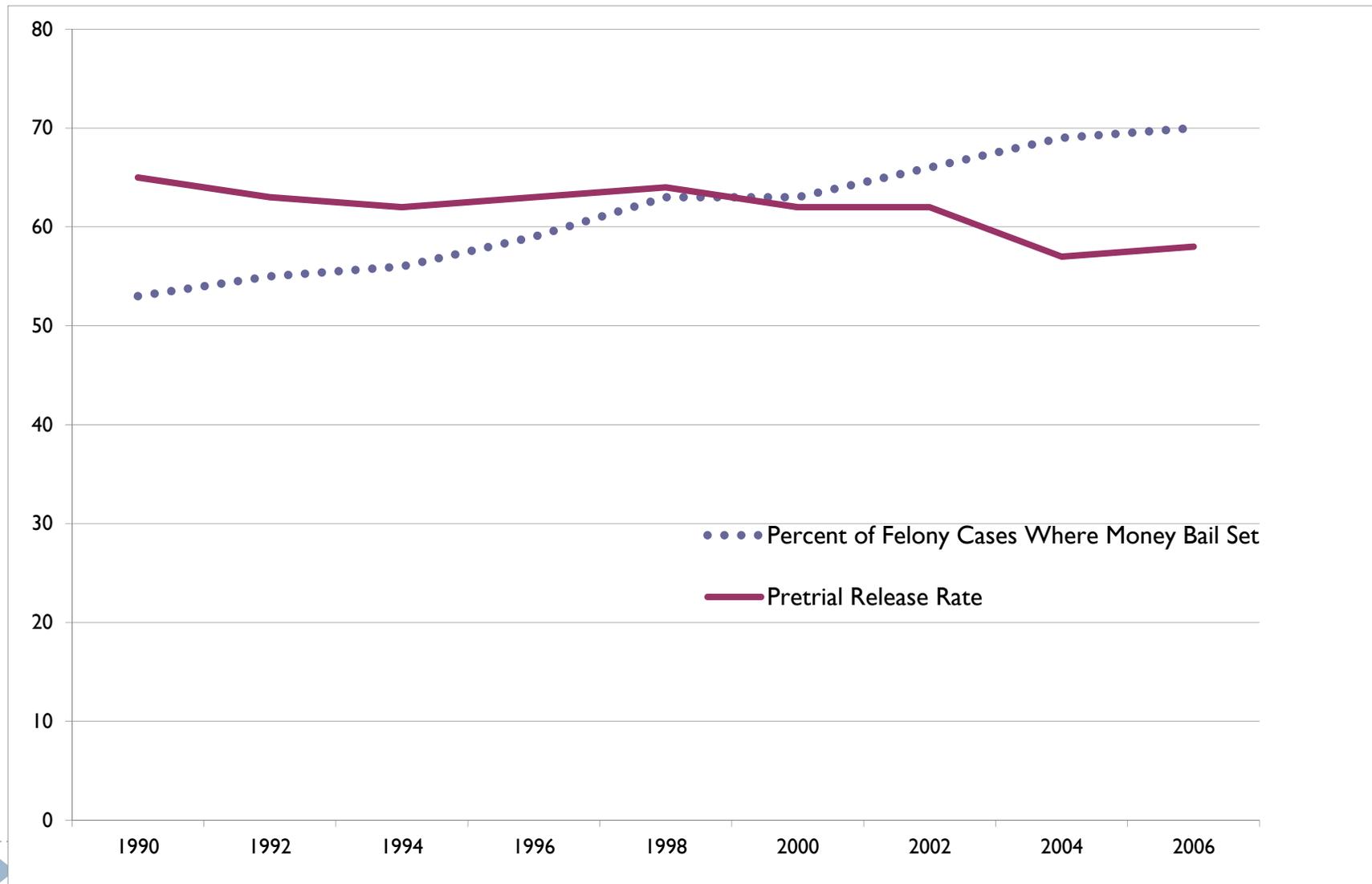
- ▶ Inmate types: Pretrial, Sentenced, Holds, Contracts, Others, ...
- ▶ Nationwide: 61% of inmates are on pretrial status
- ▶ Most of these inmates (88% of felony pretrial inmates) cannot afford the monetary amount of their bond
- ▶ Cause: Requiring money prior to release



Pretrial Detainees Far Outnumber Sentenced Jail Inmates



Requiring Money Prior to Release



Example A: Effects of Money Bail

| Bond Status | Avg. LOS in Jail |
|-------------|------------------|
| Posted | 12 days |
| Not-Posted | 121 days |

- ▶ For felony defendants in 40 of the nation's 75 largest jurisdictions
- ▶ Source: Bureau of Justice Statistics, State Court Processing Statistics, 2006



Example B: Effects of Money Bail from Jefferson County, Colorado

| Bond Type | Defendants' Bond Status 6 to 9 Months Later | | Average Time to Post Bond |
|---------------|---|------------|---------------------------|
| | Posted | Not Posted | |
| Recognizance | 98% | 2% | 0.1 days |
| Cash Only | 68% | 32% | 3.4 days |
| Surety Option | 47% | 53% | 6.9 days |

- What is a “low” cash-only bond amount?
 - If bond was \$200 or less, 28% of defendants did not post. If did, average time was 1-2 days.
 - If bond was \$201 to \$750, 41% of defendants did not post. If did, average time was 6-7 days.
 - If bond was \$750 or higher, 67% of defendants did not post. If did, average time was 9-10 days.

▶ Outcomes: Court Appearance and Public Safety were the same.

2. Implementing Legal and Research-Based Policies and Practices

▶ The Problem:

- ▶ Don't know defendants' risk to public safety or for failure to appear
- ▶ Mismatch between defendants' risk and how that risk is handled
- ▶ 4 Groups of defendants:
 - ▶ Higher risk defendants in jail (desirable)
 - ▶ Lower risk defendants in the community (desirable)
 - ▶ Higher risk defendants in the community (a Public Safety problem)
 - ▶ Lower risk defendants in jail (a Jail Crowding problem)



2. Implementing Legal and Research-Based Policies and Practices

▶ The Cause

- ▶ Lack of effective pretrial risk assessment
- ▶ Use of a money bond schedule, usually for top charge only
- ▶ Lack of post-release supervision



2. Implementing Legal and Research-Based Policies and Practices

▶ The Solution:

- ▶ Develop validated, individualized pretrial risk assessment
- ▶ Remove money bonds as the determining factor in release or detention (by not requiring payment prior to release)
- ▶ Use customized pretrial supervision for both public safety and court appearance



Pretrial Services Assessment

▶ Risk Assessment

- ▶ <http://www.youtube.com/watch?v=AmUAaNI2TI0>
- ▶ Assess each defendant's risk to public safety and for failing to appear in court using a validated pretrial risk assessment instrument
- ▶ Give risk info to judge, prosecutor, and defense attorney prior to bond decision



Validated Pretrial Risk Assessment Instruments

- ▶ Objective and standardized, similar to jail classification
- ▶ Superior to top charge alone
- ▶ Assesses defendants'
 - ▶ Current Charge
 - ▶ Other Pending Cases
 - ▶ Criminal History
 - ▶ Failure to Appear History
 - ▶ Residence
 - ▶ Employment
 - ▶ History of Drug Abuse or Mental Illness



Pretrial Services Supervision

- ▶ **Supervision**
 - ▶ Supervise defendants in community for both public safety and court appearance
- ▶ **It's an investment: Spend a little to save a lot**
 - ▶ Increased public safety
 - ▶ \$2-5 supervision vs. \$50-120 jail, per day
 - ▶ Other savings/benefits (defendants work, pay taxes, avoid welfare)



3. What Sheriffs and Jail Administrators can do

- ▶ **Paint a Picture**
 - ▶ Collect and analyze the data (similar to previous illustrations)
 - ▶ Use both real-life cases and statistics
- ▶ **Collaborate with local system stakeholders (judges, prosecutors, defense attorneys, probation officers, ...)**
 - ▶ Be a champion for system improvement, or find one
 - ▶ Bring decision-makers together
 - ▶ Make the case with the data (stats and examples)
 - ▶ Try using risk assessment and supervision vs. bond schedule
 - ▶ Don't let other decision-makers off the hook
- ▶ **Work with state associations to support national associations and their efforts**



AJA Resolution on Pretrial Justice

- ▶ “[T]he Board of Directors of the American Jail Association recognizes the value of high-functioning pretrial services agencies to enhance public and officer safety, safeguard the judicial process, and aid jail administrators in safely managing jail populations.”



What's Happening Nationally

- ▶ Legislation favorable to money bail and bondsmen in FL, VA, WI, CO, and others
- ▶ Attorney General's National Symposium on Pretrial Justice <http://www.pretrial.org/symposium.html>



More What's Happening Nationally

- ▶ National organizations are taking public positions for improving pretrial decision-making
 - ▶ American Jail Association (AJA)
 - ▶ International Association of Chiefs of Police (IACP)
 - ▶ American Prosecutors Association (APA)
 - ▶ American Council of Chief Defenders (ACCD)
 - ▶ National Association of Counties (NACo)
 - ▶ American Bar Association (ABA)
 - ▶ American Probation and Parole Association (APPA)
 - ▶ National Association of Pretrial Services Agencies (NAPSA)



4. Accessing Training and Technical Assistance

- ▶ Pretrial Justice Institute (PJI) www.pretrial.org
- ▶ National Institute of Corrections (NIC) www.nicic.gov
(Lori Eville, leville@bop.gov)
- ▶ BJA's National Training and Technical Assistance Center (NTTAC) <http://bjatraining.org/>



4. Accessing Publications

- ▶ Jail Crowding: understanding Jail Population Dynamics

<http://static.nicic.gov/Library/017209.pdf>

- ▶ Pretrial Justice Institute

<http://www.pretrial.org/Pages/Resources.aspx>

- ▶ Jail Population Management: Elected County Officials' Guide to Pretrial Services

[http://www.pretrial.org/Reports/PJI%20Reports/Jail%20Population%20Management%20Elected%20County%20Officials%20Guide%20to%20Pretrial%20Services%20\(2009\).pdf](http://www.pretrial.org/Reports/PJI%20Reports/Jail%20Population%20Management%20Elected%20County%20Officials%20Guide%20to%20Pretrial%20Services%20(2009).pdf)



4. Accessing Funding

- ▶ BJA Byrne/Justice Assistance Grant (JAG) Program
- ▶ State initiatives: California Realignment



Take Home Message

- ▶ There is a way to increase public safety and the integrity of the courts and the rule of law, while spending less taxpayer money than we are now.
- ▶ The way to do this is to follow the law and the science → Local stakeholders use more pretrial risk assessment and supervision and less money bonds prior to release



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