

CRIMINAL JUSTICE SYSTEM ASSESSMENT: Appendices to Final Report

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Presented to the
Dane County Board of Supervisors
Dane County, Wisconsin



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Appendix A



Dane County Criminal Justice Group

Bylaws of the Dane County Criminal Justice Group

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Article I: Name

The name of this CJG is the Dane County Criminal Justice Group, and it will be referred to as the CJG in the following bylaws.

Article II: Authority

The CJG was established in 2001 for the purpose of bringing together key criminal justice stakeholders to engage in systemic planning and coordination of the Dane County criminal justice system.

Article III: Purpose

Section A: Principal Mission

The principal mission of the CJG is to serve as the forum for identifying criminal justice issues and solutions, proposing actions, and facilitating cooperation that will improve public safety and the Dane County criminal justice system. The CJG is committed to providing the coordinated leadership necessary to establish cohesive public policies and programs which are based on research and evaluation, systemic planning, and collaborative implementation. This commitment entails effective resource utilization and targeted funding strategies as part of its goal.

Section B: Guiding Principal

The CJG is committed to serve as the planning body for the criminal justice system in Dane County.

Section C: Recommendations

The CJG may make recommendations to decision makers pertaining to criminal justice issues. The recommendations are non-binding.

Article IV: Members

There are fifteen voting members on the CJG who are members due to the position they hold. These fifteen members serve on the CJG as long as they occupy the position:

- County Executive (Co-Chair)
- Representative Judge of the Criminal Court (Co-Chair)
- Representative, Municipal Judge
- Representative, Juvenile Court Judge
- District Attorney
- County Council Public Safety Chair
- Sheriff
- County Clerk of Courts
- County Manager
- Court Administrator
- Public Defender
- Mayor of Madison
- Madison Chief of Police
- Representative, Crime Victims
- Representative, Private Sector

CJG members may nominate candidates for representative positions to the Co-Chairs, who have the authority to select the members.

Article V: Meetings

Section A: Regular Meetings

The CJG meets on the fourth Tuesday of January, April, July, and October, beginning at 11:45 a.m.

Section B: Designees

CJG members may designate one chief of staff person to represent them and vote at CJG meetings. Any member wishing to appoint a designee is to identify the designee in written correspondence addressed to the Co-Chairs of the CJG. Designees can be changed only by notifying the Co-Chairs in writing.

Section C: Quorum

A quorum is no less than a simple majority of the total membership. Designees cannot be counted when determining a quorum. Action may be taken by a majority of those present and voting and by not less than a majority of the quorum.

Section D: Special Meetings

The Co-Chairs of the CJG may convene a special meeting. Written notice must be served at least 48 hours in advance. Only items included in the written notice are to be discussed or considered.

Article VI: Officers

Section A: Co-Chairs

The County Executive and the representative Judge of the criminal court are the principle executive officers for the CJG. They exercise general supervision and control over the affairs of the CJG. In addition, the Co-Chairs have such powers and duties as the CJG may assign from time to time.

Section B: Vice-Chair

The Vice-Chairperson, who is selected by the CJG, will have the power and perform the duties that the Co-Chairs prescribe. In instances when both of the Chairs cannot attend a meeting, then the Vice-Chair will preside.

Article VII: Voting

Each CJG member has one vote. Designees may vote on behalf of a member if they have been identified in written correspondence to the Co-Chairs.

Article VIII: Protocol

The latest edition of **Robert's Rules of Order** governs all CJG meeting and standing committees except in instances of conflict between the rules of order and the bylaws of the CJG or provision of law.

Article IX: Confidentiality

It is essential for the proper functioning and success of the CJG that there are secure and trusted channels for the free and wide-ranging exchange of information, ideas, criticism, and viewpoints among members.

Accordingly, all members of the CJG, and its related sub-committees, who, during the course of their appointment, have knowledge of matters coming before the CJG for review, study, evaluation, action or decision must refrain from public comment about those matters, except as directed by the CJG or Co-Chairs. Members of the CJG must not communicate or cause to be communicated to any person not also a member of the CJG any documents, information, knowledge, opinion, rumor or gossip about the work, internal deliberations or decision-making process of the CJG.

Article X: Conflict of Interest

Members of the CJG, a standing committee, or a task committee must disclose to the Co-Chairs, in writing, any interest they may have in an agency or organization beyond their appointed position that may benefit from their involvement on the CJG. Such member(s) will abstain from voting when appropriate.

Article XI: Political Advocacy

The CJG, as a body, will not take any position whatsoever with respect to the candidacy of any person or public office.

Article XII: Compensation

Members of the CJG, a standing committee, or a task committee shall not receive compensation, beyond their normal salary, for their service.

Article XIII: Executive Committee

The Executive Committee provides leadership in strategic planning and policy development for the CJG. It ensures that the CJG and its related committees maintain their systemic goals and objectives. Any policy or program initiatives developed by the CJG are taken under advisement by the Executive Committee. Additional responsibilities include:

- Approving courses of action for policies and programming initiatives developed and recommended, by the CJG.
- Prioritizing issues that the criminal justice system and the CJG should address.
- Developing strategies on interagency collaboration and cooperation on criminal justice issues.
- Determining ways in which county and municipal governments can leverage scarce resources to resolve complex problems effectively and efficiently.

Membership

The membership of the Executive Committee will include the Co-Chairs, the Vice-Chair, and two other members selected from the CJG.

Meetings

The Executive Committee meets on the fourth Tuesday of those months when a CJG meeting does not occur (February, March, May, June, August, September, November, and December). The meetings begin at 11:45 a.m.

Article XIV: Standing Committees

Section A: Operating Committee

The Operating Committee facilitates and coordinates the activities of the CJG. Particularly, it ensures that the duties and responsibilities assigned to the Standing and Task Committees are sustained. Other functions of the Committee include:

- Reviewing analyses, policy and program recommendations, plans for implementation, and projected costs submitted by committees prior to submission to the CJG.
- Designating existing structures or creating new structures for the achievement of CJG goals.
- Monitoring the implementation of Executive Committee directives and their outcomes.
- Administering the business of the CJG on matters coming before it, including the planning of the agenda for CJG meetings.

A designated representative from the Operating Committee will report to the Executive Committee.

Membership

The Operating Committee has five members. The committee will include at least one member from the Executive's Office and one member from the Common Pleas Court. The other three members will be selected from the CJG by the Executive Committee.

Each Standing Committee and Task Committee will send a representative to the Operating Committee meetings.

Meetings

The Operating Committee meets on the third Tuesday of the month at Conference Room X. The meetings begin at 3:00 p.m.

Section B: Jail Oversight

The Jail Oversight Committee monitors inmate population levels, identifies emerging jail trends, and coordinates inmate population reduction efforts. It will also:

- Pursue policies and programs that alleviate jail crowding, including the development of alternative sanctions.
- Resolve issues that cause inmates to be detained longer than necessary.
- Establish effective in-house rehabilitative programming for inmates as well as post-incarceration follow-up services designed to reduce recidivism.

Membership

The membership of the Grant Oversight committee will include, but is not limited to, a municipal and district court judge, a district attorney, a public defender, a police chief or major, the probation chief, and the jail administrator. Representatives from community-based mental health and substance abuse treatment services shall also be included.

Meetings

The Jail Oversight Committee meets on the second Thursday of the month at Conference Room X. The meetings begin at 4:00 p.m.

Section C: Grant Oversight

The Grant Oversight Committee researches, evaluates, procures, and oversees grants obtained from local, state, and Federal sources. The Committee's responsibilities include:

- Assisting departments and agencies in securing grant funding.
- Facilitating collaboration among departments and agencies for grant-related projects.
- Reviewing grants applications pursued by County departments and agencies to ensure that they are in accordance with the CJG's systemic planning objectives.
- Determining viable, long-term fiscal options for grant funded projects.
- Ensuring compliance with local, state, and Federal guidelines for grant funds obtained on behalf of the County.

Membership

The membership of the Grant Oversight committee will include, but is not limited to, one representative from the following: the County Executive, the District Attorney, the Dane County Circuit Court Pleas, the Sheriff, the Public Defender, the County Jail, and the City of Madison. Each entity will select their representative. Additional members may be chosen by the Executive Committee.

Meetings

The Grant Oversight Committee meets on the second Tuesday of the month at Conference Room X. The meetings begin at 3:00 p.m.

Section D: Information Systems

The Information Systems Committee oversees the integration of electronic information between government agencies and departments. Included in the Committee's responsibilities are:

- Producing an information systems comprehensive plan for the criminal justice system, including objectives and timelines with yearly updates.
- Monitoring the purchasing of hardware and software by agencies and departments within the criminal justice system for compatibility and integration purposes.
- Promoting the sharing and linking of information contained in electronic form between agencies and departments.
- Standardizing the definition of terms, including abbreviations, and reducing data entry errors to enhance reliability

of data exchanged between agencies and departments.

- Seeking up-to-date technologies for application in the criminal justice system.

Membership

The membership of the Information Systems Committee will include, but is not limited to, one representative from the following: the County Executive, the District Attorney, the Dane County Circuit Court Pleas, the Sheriff, the Public Defender, the County Jail, Emergency Management, County Police, and the City of Madison. Each entity will select their representative. Additional members may be chosen by the Executive Committee.

Meetings

The Information Systems Committee meets on the second Tuesday of the month at Conference Room 1 of the Courthouse. The meetings begin at 10:30 a.m.

Article XV: Task Committees

Section A: Purpose

Task committees are formed under the approval of the CJG or Executive Committee for the purpose of investigating and analyzing specific areas within the criminal justice system. Recommendations formed by the task committees are submitted to the Operating Committee for review and, if acceptable, presented to the CJG for consideration. Task committees also assist in the implementation and evaluation of approved plans.

Section B: Members

Task committees may include members from the public and private sectors and are not limited in size.

Section C: Meetings

Meetings of the task committees should occur on a regular basis, as agreed to by the committee members. All members of task committees should be notified of meetings one week prior to the scheduled date.

Article XVI: Records

Correct and complete written minutes of all CJG and standing committee meetings will be maintained.

Article XVII: Amendment of Bylaws

Proposed amendments to the bylaws are to be included on the agenda of a regularly scheduled Executive Committee meeting. If approved by the Executive Committee, the proposal will be forwarded to the CJG at a regularly scheduled meeting for approval. Any action in response to the proposed change in the bylaws taken by the CJG becomes effective immediately.

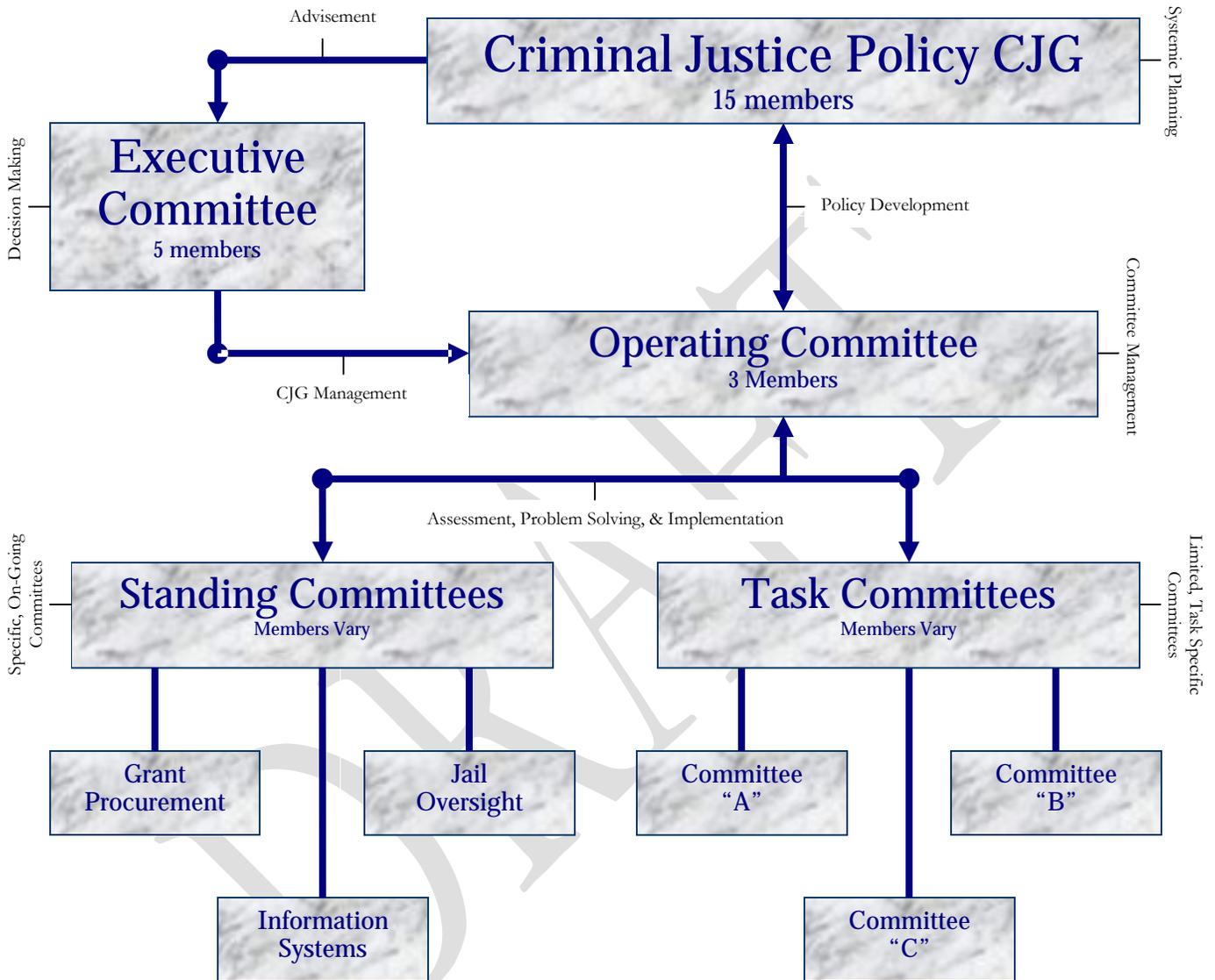
Article XVIII: Signatures

We hereby certify that the foregoing is true, correct, and complete copy of the Bylaws of the Dane County Criminal Justice Policy CJG, as in effect on this day of _____, 2007.

Co-Chair

Co-Chair

Appendix A: Organizational Chart



Appendix B

Analysis of Previous Evaluative Work in Dane County

This draft report presents the ILPP assessment, evaluation and review of prior efforts to address jail crowding, and the relationship between jail occupancy levels and the rest of the justice system operating within Dane County. The basis for conducting this work is contained in the Purchases of Service Agreement, which says: “The analysis will include a review of evaluative work done by Dane County regarding jail diversion programs” (Purchase of Services Agreement, Schedule A, p. 8).

The purpose of the report is to:

1. Establish a general understanding of these prior efforts – what was done;
2. Determine the conceptual framework, or lens, through which the work was planned, conducted, and reported;
3. Obtain a general understanding of the results and expected outcomes of this work;
4. Assess the strengths and weaknesses of selected, key reports, typical of the overall effort.

In addition, under “A general overview of the scope of work to be performed” we see that the ILPP has been asked to provide:

1. Assessment of the inmate population;
2. Crime and inmate population projections;
3. Jail system assessment and evaluation; and
4. System coordination recommendations/management plan

Approach

The ILPP staff and consultants collected and reviewed a very large number of prior reports. Some of these were prepared by Dane County. Others were prepared by contractors or consultants. Many were produced by inter-agency committees staffed by subordinates of the criminal justice policy makers on these committees.

This documents focuses on four reports, each of very different type, selected from among this universe of publications. They are used as examples to illustrate key themes that characterize the work that has been done in Dane County.

A Brief History

Wisconsin Correctional Service conducted an analysis of jail population growth in August 1999. They concluded that in the decade prior to the study, general growth in the Dane County population accounted for 5% of the increase in the county jail system average daily population (ADP), the increase in arrests and jail

admissions accounted for another 19% of the increase in jail occupancy levels, and increases in the average length of stay (ALS) accounted for the remainder.¹

A later report, written in 1999², notes the ALS had increased from 7.2 days in 1980 to 14.17 days in 1990, and to 22.35 days by 1988. Thus, there were very early and continuing indications that increases in ALS were driving increases in the ADP.

In 1999, Helene Nelson prepared an excellent, policy-oriented report that provided a historical context for examining jail crowding. It identified the sources of crowding and described what needed to be done to better manage it. The report provided the conceptual foundation for the strategic approach the County has employed, up to the present day. It is the lens that has framed the conceptual nature of the problem to be solved.

Two basic courses of action dominate the current approach. Officials believe jail crowding can be substantially impacted, or contained, if they: 1) Achieve sufficient efficiencies in case processing; and 2) Develop programs they refer to as “alternatives to incarceration” or “jail diversion programs” that will free up bed space in the jail system.

In 2000, the Dane County budget established a special Committee on Jail Diversion “with the mission of bringing together key stakeholders in the criminal justice system for continuing work to address the jail population, stabilize or reduce length of stay, expand cost-effective and safe jail diversion programs, and improve existing program effectiveness.”³

A number of reports were released by the special committee and/or its successors during the year 2000-2006 period. In one way or another, they are very specific applications of the basic strategy that has been described above.

Assessment Overview

Viewed as a whole, the reports represent a substantial level of effort. They involved the right people. They are well written. They contain excellent graphics. But, in general, they suffer some important shortcomings. First, with one notable exception, they are descriptive, not prescriptive. In other words, reading them does not lead the reader to a better understanding of what needs to be done to manage jail crowding. Second, and this may seem contradictory, there is a constant and singular belief that the only solution is more resources: particularly, more jail beds, but also more staff and, to a lesser extent, more programs. This mantra is often the “bottom line” to many of these reports. It is driven by a sense

¹ The Dane County Jail Population: Information for Assessing Jail Alternatives, Oct 12, 1999. (page 20).

² *Ibid*, p. 20.

³ Dane County Circuit Courts Criminal Cases: A Systems Overview, Working draft 4, August 29, 2001.

of being victimized by an uncontrollable workload. This creates pressure to continually expand the corrections system. Third, the options that have been initiated to free up bed space in the jail system have been modest in size and, at this point in our assessment, it looks like they are being under-utilized. They are viewed and treated as]"alternatives" not legitimate options. They are not well integrated into the justice system, and operate as exceptions, or add-ons to the usual processes. This raises questions about the commitment to actually use them as substitutions for jail bed days. Third, Dane County is unable to determine the extent to which these new programs are, in fact, freeing up bed space in the jail system, or the extent to which program failures are re-cycling back into the jail system. It is possible that these programs are not freeing up jail bed space. It is also possible that, in some instances, they are being imposed in addition to former sanctions, not substituting for them. These are unknowns.

Despite these limitations it is clear that Dane County has the data/information and analyst talent to do much better. To do so, however, will require a willingness to work together to manage the size of the justice system workload, rather than letting the workload drive the system. This means changing the local legal culture. It means looking at jail crowding through a new lens. Seeking efficiencies and mounting additional sanctioning options must be accompanied by deliberate changes in policy and practice. This will require deliberate, objective self-examination by each agency and of each decision point in the system where these agencies come together to do their work. It will require making choices, and doing things differently. It will require leadership that encourages these processes.

We turn now to a brief review of four very different, but representative reports.

The 1999 Report

In 1999, Helene Nelson, Director, Policy Implementation and Program Development, Office of the County Executive, produced a report titled: *The Dane County Jail Population: Information for Assessing Jail Alternatives, Oct 12, 1999*. This is a fine piece of work by a staffer who quickly developed a sophisticated grasp of the situation. It adroitly captures and describes the jail crowding situation, the sources of crowding, and what needs to be done to better manage it. The report deserves re-reading, because it is as applicable today as when it was written.

A major finding of the report was "Historic and continuing jail population growth runs contrary to trends of reduced crime, and is much faster than general population growth. Policies and practices of the criminal justice system explain high growth of county jail populations" (p. 37).

The report is also instructive, in that many of the recommendations have been implemented. In fact, it seems to be the original blue-print for subsequent program development in Dane County. But, on balance implementation does not seem to have had much of an impact. The same situation exists today, except it is worse. Expressed differently, some current staffers complain: “But we have all these alternatives; we have tried just about everything.”

“In summary, the county has a number of jail diversion programs in four different departments of County government. There is not a comprehensive or coordinated approach to jail diversion, nor has there been a systematic evaluation of the extent to which the programs perform as intended to reduce jail time” (p.5).

A long list of short-term and longer-term recommendations appear at pages 37-40. The author emphasizes the need for broad participation and increased cooperation and coordination, suggests formation of a Dane County Special Committee of Jail Diversion, and the need to improve information.

In sum, though, the report advocates two basic approaches: 1) Speed up the process from arrest to final disposition. This expresses the common belief that crowding can be managed by achieving case processing efficiencies. 2) Develop alternatives to incarceration; that is, other correctional options that would substitute for jail time. These two approaches continue to dominate the Dane County strategy to reduce jail crowding.

At one point the author notes the ALS in Dane County (then 22.35 days) was 29% above the 17.3 day average for the state as a whole. However, there is no other attempt to compare Dane County with other counties of similar size and circumstance. This is one weakness of the report. Comparative data would show that the system in Dane County is being administered differently than in other WI counties, and that it is using its jail differently. All WI counties operate under the same state statutory framework, but the implementation of these statutes differs among and across counties. A comparative analysis would show that each WI county has established its own unique local legal culture and that this has workload and expenditure impacts.

The March 2002 NIC Report

In March, 2002, the National Institute of Corrections (NIC) provided an outside, independent assessment.⁴ It is a disappointing report. The content is heavily weighted toward description of facilities and short-comings of the physical plant. Unlike the 1999 report, which addresses policy choices, this report is basically descriptive and operational in its orientation.

⁴ Local Justice System Assessment for Dane County, WI by the National Institute of Corrections, US. Department of Justice, March 2002.

However, the report does offer some important, relevant key recommendations, though the basis for these recommendations is not obvious in the main body of the NIC report.

The report urged development of what NIC called “intermediate sanctions” and commented on the need for a shift in thinking that would recognize the jail as just one option in a continuum of sanctioning options.

They included an important caution: “While some intermediate sanctions have been devised in part as a means of easing the local jail’s crowding problems, their success has often been only random. Programs that simply divert people from jail to alleviate crowding can actually have the opposite effect. Inappropriately placed offenders who fail are often sent back to jail for longer time periods, thereby aggravating the crowding problem” (page 8 of the NIC report).

The report also recommends strengthening of the existing Jail Advisory Committee, linking that effort to a broader criminal justice planning effort, further development of information systems, and the importance of engaging the public in support of the need for additional jail bed capacity. The report provides little in the way of a blue print or road map that would help Dane County officials accomplish or implement these recommendations.

Dane County Circuit Courts Criminal Cases: A Systems Overview.

In 2000, the Dane County budget included provisions for a major system wide study of criminal case processing.⁵ The report was prepared by a broadly representative group of justice system officials, and with staff support from many of the participating agencies.

We had access to a working draft #4 and do not know if the report was ever released in final form.

In one sense the report is very thorough and detailed. It is informative in the sense that it describes the numbers passing through the key justice system decision points. It describes the processing of cases and people, provides year-to-year comparisons and, in some cases compares Dane County to state averages. It is also an attempt, though an unsophisticated one, to view justice processes as a system from arrest to final disposition. But, while it describes them, it does not illuminate these key decision points, or reflect on changes that might be considered to improve the administration of justice.

⁵ *Dane County Circuit Courts Criminal Cases: A Systems Overview, Working draft 4, August 29, 2001.*

The report shows the programs are reaching only a small numbers of inmates. The calculations of savings in ADP are pretty basic, usually estimates of some kind. This will be frustrating reading for a reader who is looking for opportunities to improve or change the way things work. The report does not contain any new, action-oriented ideas.

The report does not meet the its stated mission: "... bringing together key stakeholders in the criminal justice system for continuing work to address the jail population, stabilize or reduce length of stay, expand cost-effective and safe jail diversion programs, and improve existing program effectiveness."

Rather, the tenor of the piece is to convince the reader that the workload is continuing to increase, the agencies are doing all they can, and the only solution is to provide additional resources. There is no discussion of a need to shift priorities, change or mount new initiatives, to reconsider policies, or aggressively manage the size of the growing workload.

Appendix I – Jail Profile

This report profiles the inmate population over the period 2000 through June 30, 2006. Preparing a report like this takes skill and considerable time and energy. Over 600,000 records were extracted and analyzed. The report demonstrates the capability to produce a wide range of administrative statistics describing arrests and inmate characteristics and legal classification. In particular, it shows a sophisticated capability to produce length of stay (LOS) numbers for a wide range of different types of inmates sub-populations.

The problem is that this is simply another descriptive report. It is not truly informative or insightful. Despite the obvious skill it took to prepare, the report seems to have been written to simply regurgitate the changes in inmate characteristics from year to year, as if drawing meaning or interpreting these results is up to some one else. The reader is provided with table after table, but no summary of what it all means, no implications, no analysis. There is no attempt to try to explain why these year-to-year changes are taking place. The year-to-year changes are all given the same valence. That is, none of the changes seem to be viewed as more significant or noteworthy than others.

There is no information about how inmates leave the jail, or the disposition of their cases.

The report is focused mainly on snapshots of the average daily population. The methods used to project ADP are very basic, even primitive. The projections are all based on straight-line historical extension of past and existing practices. There is no attempt to suggest how future jail populations might be impacted by changes in the number and characteristics of people entering the jail and/or their lengths of stay. No policy choices are described.

The Past as Prologue

The letter of transmittal/cover letter to the 1999 report (reviewed earlier) concludes:

“Can Dane County unclog its jail? My opinion is this: IN THEORY, YES, Dane County can unclog the jail – IF key players are willing to work together toward that goal. The harder question to answer is this one: “Will Dane County unclog its jail?” I don’t know the answer to that question. Expanded jail diversion programs can be safe and cost-effective, if properly designed, used as intended, and funded sufficiently. Note while some programs are expensive, such as those that serve people with mental illness or substance abuse issues, they can be cost-effective in the long-term if they reduce repeat offenses. Adding jail beds at some point is an option too, although a costly one. However, adding more jail diversion “slots” or even agreeing to add 600 more jail beds in the next few years will not get us out of “the mess we’re in” on a continuing basis. A longer term solution requires a substantial, and continuing collaboration of key players in the criminal justice system to address jail population issues. The system is complex, and solutions are not simple.”

State Comparisons

1	2	3	4	5	6	7	8	9	10	11	12
	County Population 7/1/2006 N	Index Crimes Reported 2005 N	Index Crimes Reported 2005 rate	Index Person Offenses Reported 2005 N	Index Person Offenses Reported 2005 rate	Index Property Offense Reported 2005 N	Index Property Offense Reported 2005 rate	Total Adult Arrests 2005 N	Total Adult Arrests 2005 rate	Total Index Adult Arrests 2005 N	Total Index Adult Arrests 2005 rate
Racine	196096	7332	373.9	446	22.7	6886	351.2	10922	557.0	1027	52.4
Brown	240213	6427	267.6	555	23.1	5872	244.4	10717	446.1	1461	60.8
Waukesa	380985	5647	148.2	215	5.6	5432	142.6	13163	345.5	1335	35.0
Milwaukee	915097	56312	615.4	6881	75.2	49431	540.2	57842	632.1	8335	91.1
4 County Average:			351.3		31.7		319.6		495.2		59.8
Dane	463826	15048	324.4	1159	25.0	13889	299.4	25556	551.0	2256	48.6
State	5556506	166200	299.1	13620	24.5	152580	274.6	314173	565.4	29827	53.7
Dane vs 4 Co. Average:			-8%		-21%		-6%		11%		-19%
Dane vs Statewide Ave:			8%		2%		9%		-3%		-9%

1	2	13	14	15	16	17	18	19	20	21
	County Population 7/1/2006 N	Adult Person Index Arrests 2005 N	Adult Person Index Arrests 2005 rate	Adult Property Index Arrests 2005 N	Adult Property Index Arrests 2005 rate	Adult Non- Index Arrests 2005 N	Adult Non- Index Arrests 2005 rate	Adult Non-Index Arrests as % of Total %	Total Criminal Complaints Filed in Circuit Courts 2006 N	Total Criminal Complaints Filed in Circuit Courts 2006 rate
Racine	196096	104	5.3	921	47.0	9895	504.6	91%	7334	374.0
Brown	240213	199	8.3	1260	52.5	9256	385.3	86%	6090	253.5
Waukesa	380985	163	4.3	1169	30.7	11828	310.5	90%	7556	198.3
Milwaukee	915097	1641	17.9	6661	72.8	49507	541.0	86%	24479	267.5
4 County Average:			8.9		50.7		435.3	88%		273.3
Dane	463826	453	9.8	1798	38.8	23300	502.3	91%	10630	229.2
State	5556506	5637	10.1	24190	43.5	284346	511.7	91%	152807	275.0
Dane vs 4 Co. Average:			9%		-24%		15%	3%		-16%
Dane vs Statewide Ave:			-4%		-11%		-2%	1%		-17%

1	2	22	23	24	25	26	27	28	29
	County Population 7/1/2006 N	Total Criminal Complaints Disposed Circuit Courts 2006 N	Dispositions as Percent of Filings 2006 %	Felony Complaints Filed in Circuit Courts 2006 N	Felony Complaints Filed in Circuit Courts 2006 rate	Felony Complaints Disposed Circuit Courts 2006 N	Felony Dispositions as Percent of Filings 2006 %	Misdemeanor Complaints Filed in Circuit Courts 2006 N	Misdemeanor Complaints Filed in Circuit Courts 2006 rate
Racine	196096	7478	102%	1740	88.7	1731	99%	3790	193.3
Brown	240213	6507	107%	1324	55.1	1516	115%	2519	104.9
Waukesa	380985	7831	104%	1364	35.8	1619	119%	3599	94.5
Milwaukee	915097	30501	125%	6796	74.3	7427	109%	9587	104.8
4 County Average:			109%		63.5		110%		124.3
Dane	463826	11409	107%	2948	63.6	3482	118%	4816	103.8
State	5556506	164863	108%	36804	66.2	40982	111%	72771	131.0
Dane vs 4 Co. Average:			-2%		0%		7%		-16%
Dane vs Statewide Ave:			-1%		-4%		6%		-21%

1	2	30	31	32	33	34	35	36	37
	County Population 7/1/2006 N	Misdemeanor Complaints Disposed Circuit Courts 2006 N	Misdemeanor Dispositions as Percent of Filings 2006 %	Criminal Traffic Complaints Filed in Circuit Courts 2006 N	Criminal Traffic Complaints Filed in Circuit Courts 2006 rate	Criminal Traffic Complaints Disposed Circuit Courts 2006 N	Criminal Traffic Dispositions as Percent of Filings 2006 %	Median Age of Pending Cases (Days) 2006 N	Median Age of Pending Felony Cases (Days) 2006 N
Racine	196096	3967	105%	1804	92.0	1780	99%	102	115
Brown	240213	2608	104%	2247	93.5	2383	106%	80	105
Waukesa	380985	3539	98%	2593	68.1	2673	103%	105	128
Milwaukee	915097	10169	106%	8096	88.5	12905	159%	97	105
4 County Average:			103%		85.5		117%	96	113
Dane	463826	5217	108%	2866	61.8	2710	95%	102	116
State	5556506	76144	105%	43232	77.8	47737	110%	98	118
Dane vs 4 Co. Average:			5%		-28%		-19%	6%	2%
Dane vs Statewide Ave:			4%		-21%		-14%	4%	-2%

1	2	38	39	40	41	42	43	44	45
	County Population 7/1/2006 N	Median Age of Cases at Disposition (Days) 2006 N	Age of Felony Cases at Disposition (Days) 2006 N	Age of Misd. Cases at Disposition (Days) 2006 N	Age of Crim. Traff. Cases at Disposition (Days) 2006 N	Total Criminal Dispositions Circuit Court 2006 N	Total Criminal Dispositions Circuit Court 2006 rate	Total Number of Trials 2006 N	Number of Trials as % of Dispositions 2006 %
Racine	196096	96	127	67	144	7478	381.3	52	1%
Brown	240213	94	157	82	76	6507	270.9	54	1%
Waukesa	380985	126	165	104	135	7832	205.6	41	1%
Milwaukee	915097	135	142	122	153	30501	333.3	522	2%
4 County Average:		113	148	94	127		297.8		1%
Dane	463826	140	144	135	147	11409	246.0	93	1%
State	5556506	105	141	86	106	164864	296.7	1885	1%
Dane vs 4 Co. Average:		24%	-3%	44%	16%		-17%		-13%
Dane vs Statewide Ave:		33%	2%	57%	39%		-17%		-29%

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1	2	46	47	48	49	50	51	52	53	54
	County Population 7/1/2006 N	Total Number of Jury Trials 2006 N	Jury Trials as % of Total Trials 2006 %	Total Number of Court Trial 2006 N	Total Stip. or Pled Before Trial 2006 N	As % of Dispos. 2006 %	Total Dismissed Before Trial 2006 N	Dismissed as % of Dispos. 2006 N	Felony Criminal Dispositions Circuit Court 2006 N	Felony Criminal Dispositions Circuit Court 2006 rate
Racine	196096	48	92%	4	5900	79%	1470	20%	1731	88.3
Brown	240213	49	91%	5	4917	76%	1485	23%	1516	63.1
Waukesa	380985	34	83%	7	5487	70%	2277	29%	1619	42.5
Milwaukee	915097	428	82%	94	18155	60%	10591	35%	7427	81.2
4 County Average:			87%			71%		27%		68.8
Dane	463826	82	88%	11	9341	82%	1870	16%	3482	75.1
State	5556506	1572	83%	313	122349	74%	39540	24%	40982	73.8
Dane vs 4 Co. Average:			1%			15%		-38%		9%
Dane vs Statewide Ave:			6%			10%		-32%		2%

1	2	55	56	57	58	59	60	61	62	63
	County Population 7/1/2006 N	Felony Criminal Dispositions by Trial 2006 N	Felony Trials as % of Felony Dispos. 2006 %	Felony Criminal Dispositions Jury Trial 2006 N	Felony Criminal Dispositions Court Trial 2006 N	Felony Stip. or Pled Before Trial 2006 N	Stip. Or Pled as % of Felony Dispos. 2006 %	Felony Dismissed Before Trial 2006 N	Dismissed Before Trial as % of Felony Dispos. 2006 %	Misd Criminal Dispositions Circuit Court 2006 N
Racine	196096	43	2%	40	3	1316	76%	319	18%	3967
Brown	240213	28	2%	26	2	1230	81%	215	14%	2608
Waukesa	380985	23	1%	21	2	1175	73%	400	25%	3540
Milwaukee	915097	297	4%	264	33	5839	79%	1080	15%	10169
4 County Average:			2%				77%		18%	
Dane	463826	68	2%	59	9	2848	82%	472	14%	5217
State	5556506	987	2%	876	111	31143	76%	7974	19%	76145
Dane vs 4 Co. Average:			-20%				6%		-25%	
Dane vs Statewide Ave:			-19%				8%		-30%	

1	2	64	65	66	67	68	69	70	71	72	73
	County Population 7/1/2006 N	Misd Criminal Dispositions Circuit Court 2006 rate	Total Misd. Trials 2006 N	Misd. Trials as % of Misd. Dispos. 2006 %	Misd Jury Trial 2006 N	Misd Court Trial 2006 N	Misd Stip. or Pled Before Trial 2006 N	Misd. Stip. Or Pled as % of Misd Dispos. 2006 %	Misd Dismissed Before Trial 2006 N	Misd Dismissed Before Trial as % of Dispos. 2006 %	Traffic Criminal Dispositions Circuit Court 2006 N
Racine	196096	202.3	8	0%	7	1	3225	81%	733	18%	1780
Brown	240213	108.6	12	0%	11	1	2224	85%	367	14%	2383
Waukesa	380985	92.9	9	0%	5	4	2197	62%	1330	38%	2673
Milwaukee	915097	111.1	184	2%	134	50	6936	68%	3028	30%	12905
4 County Average:		128.7		1%				74%		25%	
Dane	463826	112.5	19	0%	18	1	4120	79%	1071	21%	2710
State	5556506	137.0	579	1%	445	134	56987	75%	18427	24%	47737
Dane vs 4 Co. Average:		-13%		-47%				6%		-18%	
Dane vs Statewide Ave:		-18%		-52%				6%		-15%	

1	2	74	75	76	77	78	79	80	81	82	83
	County Population 7/1/2006 N	Traffic Criminal Dispositions Circuit Court 2006 rate	Traffic Criminal Dispositions by Trial 2006 N	Traff. Crim Trials as % of Traff Misd. Dispos. 2006 %	Traffic Jury Trial 2006 N	Traffic Court Trial 2006 N	Traffic Stip. or Pled Before Trial 2006 N	Stip. or Pled as % of Dispos 2006 %	Traffic Dismissed Before Trial 2006 N	Dismissed as % of Traff. Misd Dispos 2006 %	Total Filings in Municipal Courts 2005 N
Racine	196096	90.8	1	0%	1	0	1359	76%	418	23%	28375
Brown	240213	99.2	14	1%	12	2	1463	61%	903	38%	10122
Waukesa	380985	70.2	9	0%	8	1	2115	79%	547	20%	35488
Milwaukee	915097	141.0	41	0%	30	11	6380	49%	6483	50%	4207
4 County Average:		100.3		0%				67%		33%	
Dane	463826	58.4	6	0%	5	1	2373	88%	327	12%	56793
State	5556506	85.9	319	1%	251	68	34219	72%	13139	28%	474753
Dane vs 4 Co. Average:		-42%		-32%				32%		-63%	
Dane vs Statewide Ave:		-32%		-67%				22%		-56%	

1	2	84	85	86	87	88	89	90	91	92	93
	County Population 7/1/2006 N	Total Filings in Municipal Courts 2005 rate	Traffic Filings in Municipal Courts 2005 N	Traffic Filings in Municipal Courts 2005 rate	Adult Non-Traffic Filings in Municipal Courts 2005 N	Adult Non-Traffic Filings in Municipal Courts 2005 rate	OWI/ BAC Filings in Municipal Courts 2005 N	OWI/ BAC Filings in Municipal Courts 2005 rate	Jail Bed Capacity N	Jail Bed Capacity rate	ADP Head Count N
Racine	196096	1447.0	17219	878.1	5990	305.5	453	23.1	650	33.1	684
Brown	240213	421.4	6631	276.0	1987	82.7	385	16.0	696	29.0	614
Waukesa	380985	931.5	26170	686.9	4929	129.4	2004	52.6	835	21.9	651
Milwaukee	915097	46.0	129956	1420.1	42429	463.7	2053	22.4	3082	33.7	2912
4 County Average:		711.5		815.3		245.3		28.5		29.4	
Dane	463826	1224.4	32928	709.9	16431	354.2	1328	28.6	883	19.0	931
State	5556506	854.4	306456	551.5	104935	188.9	11428.0	20.6	16910	30.4	14210
Dane vs 4 Co. Average:		72%		-13%		44%		0%		-35%	
Dane vs Statewide Ave:		43%		29%		88%		39%		-37%	

Diagnostic Worksheet- Dane County. Version 5-11-07 Draft

1	2	94	95	96	97	98	99	100	101	102	103	104
	County Population 7/1/2006 N	ADP Head Count rate	% of Jail Capacity %	Huber Capacity N	Huber Capacity rate	Huber ADP Count N	Huber ADP Count rate	Number of Borders in Jail N	Number of Males in Jail N	Number of Males in Jail rate	Number Of Females in Jail N	Number Of Females in Jail rate
Racine	196096	34.9	105%	90	4.6	61	3.1	0	584	29.8	100	5.1
Brown	240213	25.6	88%	207	8.6	128	5.3	39	520	21.6	94	3.9
Waukesa	380985	17.1	78%	326	8.6	265	7.0	0	552	14.5	82	2.2
Milwaukee	915097	31.8	94%	392	4.3	371	4.1	129	2579	28.2	334	3.6
4 County Average:		27.3	91%		6.5		4.9			23.5		3.7
Dane	463826	20.1	105%	544	11.7	399	8.6	59	774	16.7	126	2.7
State	5556506	25.6	87%	5451	9.8	3568	6.4	1700	12221	22.0	1676	3.0
Dane vs 4 Co. Average:		-27%	15%		80%		77%			-29%		-27%
Dane vs Statewide Ave:		-22%	21%		20%		34%			-24%		-10%

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1	2	105	106	107	108	109	110
	County Population 7/1/2006 N	Number in Other Jails N	Number On EMP or Home Monitoring N	Jail Bed Capacity Plus Number in Other Jails N	Jail Bed Capacity Plus Number in Other Jails rate	Jail ADP + Number in Other Jails N	Jail ADP + Number in Other Jails rate
Racine	196096	0	0	650	33.1	684	34.9
Brown	240213	0	41	696	29.0	614	25.6
Waukesa	380985	0	3	835	21.9	651	17.1
Milwaukee	915097	0	301	3082	33.7	2912	31.8
4 County Average:					29.4		27.3
Dane	463826	105	40	988	21.3	1036	22.3
State	5556506	666	762	17576	31.6	14877	26.8
Dane vs 4 Co. Average:					-28%		-18%
Dane vs Statewide Ave:					-33%		-17%

Comparative Studies

Arrest Patterns

Although bookings/admissions are clearly not the main driving forces behind increases in average daily jail population, they do play a role. To break it down further, some analysis was completed on the arrest patterns in Dane County and in the state of Wisconsin overall.

Adult Arrest Patterns – Statewide and Dane County

Table 10 shows the number of statewide and Dane County adult arrests (columns 3 & 5) reported in 2005, broken down by major offense type (column 1). The table also shows adult arrest rates per 10,000 general county population (July 1, 2006 population) in columns 4 and 7.

Column 8 displays the difference between the Dane County rate per 10,000 and the state rate per 10,000 for each offense group. Column 9 shows the percent difference between the Dane County rate and the statewide rate.

Column 11 applies the statewide rate to the Dane County data. It shows how many more or how many fewer arrests in each category would be expected if the Dane County adult arrest rates were the same as the statewide adult arrest rates.

The differences do not necessarily have negative or positive implication. They simply offer a comparative benchmark.

Table 10 Comparison of Dane County and Statewide Arrest Patterns, by Offense

1	3	4	6	7	8	9	10	11
	Adult Arrests 2005 State N	Adult Arrests 2005 State rate	Adult Arrests 2005 Dane N	Adult Arrests 2005 Dane rate	Dane Rate less State Rate	State Rate less Dane %	Number If Apply State Rate to Dane	Apply State Rate To Dane Means This + or - N
Total Index	29827	53.7	2256	48.6	-5.0405	-9%	2490	234
Person Index	5637	10.1	453	9.8	-0.3783	-4%	471	18
Property Index	24190	43.5	1798	38.8	-4.77	-11%	2019	221
Arson	166	0.3	5	0.1	-0.1909	-64%	14	9
Total Non Index	284346	511.7	23300	502.3	-9.3917	-2%	23736	436
Total Arrests	314173	565.4	25556	551.0	-14.432	-3%	26225	669
Murder	161	0.3	3	0.1	-0.2251	-78%	13	10
Forcible Rape	625	1.1	37	0.8	-0.3271	-29%	52	15
Robbery	920	1.7	61	1.3	-0.3406	-21%	77	16
Aggravated Assault	3931	7.1	352	7.6	0.5145	7%	328	-24
Burglary	2838	5.1	85	1.8	-3.2749	-64%	237	152
Theft	19883	35.8	1620	34.9	-0.8564	-2%	1660	40
M.V Theft	1303	2.3	93	2.0	-0.3399	-14%	109	16
Negligent Manslaughter	47	0.1	2	0.0	-0.0415	-49%	4	2
Simple Assault	15086	27.2	1192	25.7	-1.4509	-5%	1259	67
Forgery	2576	4.6	145	3.1	-1.5098	-33%	215	70
Embezzlement	162	0.3	4	0.1	-0.2053	-70%	14	10
Stolen Property	847	1.5	44	0.9	-0.5757	-38%	71	27
Weapon Laws	3478	6.3	181	3.9	-2.357	-38%	290	109
Drug Laws	20970	37.7	1265	27.3	-10.466	-28%	1750	485
Drug Sale	4851	8.7	214	4.6	-4.1165	-47%	405	191
Drug Poss	16119	29.0	1051	22.7	-6.3499	-22%	1346	295
OWI	41086	73.9	3364	72.5	-1.415	-2%	3430	66
Liquor Laws	34807	62.6	5042	108.7	46.063	74%	2905	-2137
Gambling	79	0.1	0	0.0	-0.1422	-100%	7	7
Prostitution	654	1.2	74	1.6	0.4184	36%	55	-19
Other Sex offenses	1995	3.6	87	1.9	-1.7147	-48%	167	80
Disorderly Conduct	46852	84.3	4138	89.2	4.8953	6%	3911	-227
Vandalism	6511	11.7	519	11.2	-0.5283	-5%	544	25
Vagrancy-Loitering	3210	5.8	6	0.1	-5.6477	-98%	268	262
Family Offense	2184	3.9	46	1.0	-2.9388	-75%	182	136
Fraud	10271	18.5	513	11.1	-7.4245	-40%	857	344
All Other	93531	168.3	6678	144.0	-24.351	-14%	7807	1129

Source: Crime and Arrests in Wisconsin (2005) , Office of Justice Programs, Statistical Analysis Center, 2007

Highlights from Table 10

There would have been an additional 669 adult arrests in Dane County if arrest rates there actually mirrored those of the state as a whole;

However, there would have been 2,137 fewer arrests for Liquor law violations and 227 fewer arrests for Disorderly Conduct. The data shows that on a per capita basis, many arrests for Liquor law violations are made in Dane County.

Table 11 summarizes broad groups of adult arrest offense types.

Table 11 Adult Arrests - Statewide and in Dane County, 2005
Grouped into Large Categories

1	2	3	4	5
Indicator	Adult	Percent of Arrests %	Adult	Percent of Arrests %
	Arrests		Arrests	
	2005		2005	
	State		Dane	
	N		N	
Total Arrests	314,173	100%	25,556	100%
Total Index	29,827	9%	2,256	9%
Total Non Index	284,346	91%	23,300	91%
Fraud	10,271	3%	513	2%
Misc.	21,743	7%	1,108	4%
Drug Laws	20,970	7%	1,265	5%
Simple Assault	15,086	5%	1,192	5%
Theft	19,883	6%	1,620	6%
OWI	41,086	13%	3,364	13%
Disorderly Conduct	46,852	15%	4,138	16%
Liquor Laws	34,807	11%	5,042	20%
All Other	93,531	30%	6,678	26%

Misc. includes: Negligent Manslaughter, Forgery, Embezzlement, Stolen Property, Vandalism, Weapons Laws, Prostitution, Other Sex offenses. Gambling, Vagrancy-Loitering, Family Offenses.

Source: Crime and Arrests in Wisconsin (2005) , Office of Justice Programs, Statistical Analysis Center, 2007

Highlights from Table 11

Only 9% of adult arrests are for UCR Part I Index Offenses (the most serious reported crimes are the ones that are considered to directly impact on public safety). The other 91% of adult arrests are for Non-Index Offenses, those that are not considered nearly as related to public safety and include a large number of less serious and victimless crimes.

Liquor laws, OWI and Drug offenses account for 38% of the total adult arrests. When Disorderly Conduct and Simple Assault (arrests usually associated with substance abuse) are added to this total, they account for 60% of all adult arrests.

26% of Dane County adult arrests fall into a large category titled “other”. Statewide, this figure makes up 30% of total adult arrests. The State report does not detail the nature of these arrests, even though they have become a substantial portion of the total.

Typically, these arrests include many non-compliance type behaviors associated with probation/parole holds, bench warrants, etc.

These figures are expected in a county with an established student community surrounding a distinguished and thriving college campus. Collaboration between university staff, local and campus law enforcement, government leaders, and the community have been described as an ongoing, fruitful effort, although participation of municipal court judges appears to be a lacking critical component. Dealing with the issues of substance abuse is a work in progress, with prevention as a primary goal. Recommended screening and treatment is discussed further in the Community Corrections chapter of this report.

Highlights of Comparative Analysis

To offer some perspective, further comparisons were conducted to create a relative guide of key indicators in Dane County to four nearby counties and the State of Wisconsin overall.

The basics: Data allows comparison of Dane with each of the four comparison counties, a mean average of the rates per 10,000 persons for these four counties (which serves as a composite or peer county average) and with a statewide average. These averages serve as comparative benchmarks.

Table 12: Summary of Crime and Justice System Indicators and Measures

Column Numbers Key to the Diagnostic Worksheet, in Appendix B		Dane County		Percent Difference From:	
Col. #	Indicator or Measure	Dane No. or %	Rate per 10,000 Pop.	Four County Average	State Average
3	Crime Reported - 2005				
	Index Crimes Reported (UCR Serious Crimes)	15048	324.4	-8%	8%
	Person Index Crimes Reported	1159	25.0	-21%	2%
	Property Index Crimes Reported	13,889	299.4	-6%	9%
	Adult Arrests				
	Total Adult Arrests	25556	551.0	11%	-3%
	Index Adult Arrests	2,256	48.6	-19%	-9%
	Person Index Adult Arrests	453	9.8	9%	-4%
	Property Index Adult Arrests	1798	38.8	-24%	-11%
	Non-Index Adult Arrests (less serious)	23,300	502.3	15%	-2%
	Non-Index Adult Arrests as Percent of Total Arrests	91%	n/a	3%	1%
	Circuit Courts - 2006				
	Total Criminal Complaints Filed	10,630	229.2	-16%	-17%
	Total Criminal Complaints Disposed of	11,409	246.0	-17%	-17%
	Dispositions as a Percent of Filings	107%	n/a	-2%	-1%
	Felony Criminal Complaints Filed	2948	63.6	0%	-4%
	Felony Criminal Complaints Disposed of	3,482	75.1	9%	2%
	Felony Disposition as a Percent of Filings	118%	n/a	7%	6%
	Misdemeanor Criminal Complaints Filed	4,816	103.8	-16%	-21%
	Misdemeanor Criminal Complaints Disposed of	5,217	112.5	-13%	-18%
	Misdemeanor Dispositions as a Percent of Filings	108%	n/a	5%	4%
	Traffic Criminal Complaints Filed	2,866	61.8	-28%	-21%
	Traffic Criminal Complaints Disposed of	2,710			
	Traffic Crim. Dispositions as a Percent of Filings	95%	n/a	-19%	-14%
	<i>Median Age of Pending Criminal Cases (Days)</i>	102	n/a	6%	4
	Median Age of Pending Felony Crim. Cases (Days)	116	n/a	2%	-2%
	<i>Median Age of Cases at Disposition</i>	140	n/a	24%	33%
	Median Age of Felony Cases at Disposition	144	n/a	-3%	2%
	Median Age of Misdemeanor Crim. Cases at Disposition	135	n/a	44%	57%
	Median Age of Criminal Traffic Cases at Disposition	147	n/a	16%	39%
	<i>Total Criminal Complaints Disposed of</i>	11,409	246.0	-17%	-17%
	Disposed of by Trial (Jury + Court).	93			
	Number of Trials as Percent of Total Crim. Court Dispos.	1%	n/a	-13%	-29%
	Total Number of Jury Trials	82			
	Number of Jury Trials as Percent of Total Jury + Court Trials	88%	n/a	1%	6%
	Total Number of Court Trials	11			
	Disposed of by Stipulation or Pled Before Trial	9,341			
	Disposed of by Stipulation or Pled as Percent of Total Dispos.	82%	n/a	15%	10%
	Disposed of as Dismissed Before Trial	1,870			
	Dismissed as Percent of Total Dispositions	16%	n/a	-38%	-32%
	<i>Felony Criminal Case Dispositions</i>	3,482	75.1	9%	2%
	Felony Disposition by Trial (Jury + Court)	68			
	Felony Trials as Percent of Felony Dispositions	2%	n/a	-20%	-19%
	Felony Jury Trials	59			

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Felony Court Trials	9			
Felony Stipulated or Pled Before Trial	2,848			
Felony Stip.or Pled Before Trial as Percent of Felony Dispo	82%	n/a	6%	8%
Felony Dismissed Before Trial	472			
Felony Dismissed Before Trial as Percent of Felony Dispo.	14%	n/a	-25%	-30%
<i>Misdemeanor Criminal Dispositions</i>	5,217	112.5	-13%	-18%
Misdemeanor Criminal Trials (Jury + Court)	19			
Misdemeanor Trials as Percent of Misd. Crim. Dispos.	0%	n/a	-47%	-52%
Misdemeanor Criminal Jury Trials	18			
Misdemeanor Criminal Court Trials	1			
Misdemeanor Stipulated or Pled Before Trials	4,120			
Misd. Stip. or Pled Before Trial as Percent of Misd. Dispos	79%	n/a	6%	6%
Misdemeanor Dismissed Before Trial	1,071			
Misd. Dismissed Before Trial as Percent of Misd. Dispos.	21%	n/a	-18%	-15%
<i>Traffic Criminal Case Dispositions</i>	2,710	58.4	-42%	-32%
Traffic Criminal Disposition by Trial (Jury + Court)	6			
Traffic Crim. Trials as Percent of Traff. Crim. Dispos	0%	n/a	-32%	-67%
Traffic Criminal Dispo by Jury Trial	5			
Traffic Criminal Dispo by Court Trial	1			
Traffic Crim. Disposed of by Stip. Or Pled Before Trial	2,373			
Traff. Crim. By Stip/Pled Before Trial as Percent of Dispo.	88%	n/a	32%	22%
Traffic Crim. Cases Dismissed Before Trial	327			
Traff. Crim. Dismissed Before Trial as Percent of Dispos.	12%	n/a	-63%	-56%
Municipal Courts - 2005				
Total Filings in Municipal Courts	56,793	1224.4	72%	43%
Traffic Filings in Municipal Courts	32,928	709.9	-13%	29%
Adult Non-Traffic Filings in Municipal Courts	16,431	354.2	44%	88%
OWI/BAC Filings in Municipal Courts	1,328	28.6	0%	39%
Jails –Average for Dec 2006 through Jan 2007				
Jail Bed Capacity	883	19.0	-35%	-37%
Average Daily Population Jail Head Count	931	20.1	-27%	-22%
Average Daily Jail Population as Percent of Jail Capacity	105%	n/a	15%	21%
Bed Space Capacity for Huber Inmates	544	11.7	77%	34%
Number of Borders in the Jail	59			
Number of Males in Jail (not including out of county placements)	774	16.7	-29%	-24%
Number of Females in Jail (not including out of county placements)	126	2.7	-27%	-10%
Number in Other Jails (13 month average ADP)	105			
Number on Elec. Monitoring or Home Monitoring (13 mo. Ave)	40			
Jail Average Daily Pop. + Number in Other Jails (13 mo. Ave)	1036	22.3	-18%	-17%

References to sections below are to column numbers of the Diagnostic Worksheet.¹ Note that “rate” = rates per 10,000 total county population. The four county average is the mean of the four comparison county rates per 10,000, so larger counties do not exert more influence than the smaller counties. Notes and sources for each column appear at the end of this draft document.

Highlights (referenced to chart in Appendix B):

Index Crimes Reported (Col’s. 3- 8) shows that the number of serious crimes (UCR-Part I Index Crimes) reported to law enforcement in 2005 varied substantially over the four comparison counties. The Dane County rate per 10,000 persons falls between the rates for Racine and Brown Counties, but is much higher than Waukesha County and much lower than Milwaukee County.

The Dane County serious crime rate was 8% below the four county average; however, the Person Crime rate, which represents the violent crimes people fear the most, was 21% below the four county average.

In comparison to the four county average, the Dane County Total Index Crime rate was 8% lower; the Index Person Crime rate was 21% lower; and the Index Property Crime rate was 6% lower.

Because the state is made up of many less populated, rural counties, the Dane County serious crime rate can be expected to be higher than the state average.

In comparison to state average rates per 10,000 persons, the Dane County Total Index Crimes rate was 8% higher; the Person Crime Index rate was 2% higher, and the Property Crime rate was 9% higher.

Total Adult Arrests (Col.’s 9 – 19) shows the number of adult arrests in the Index (serious person and property arrests) and Non-Index (generally, less serious) adult arrest categories. Ninety-one percent of adult arrests are non-index arrests in Dane County and statewide, and make up 88% of the adult arrests in the four county average (col. 19).

In comparison to the four county average, the Dane County Total Adult Arrest rate was 11% higher; however, this is all accounted for by the Non-Index arrest rate, which was 15% higher. Note the adult arrest rate for Index offenses was 19% lower. The Person Index Adult Arrest rate was 9% higher; while the Property Index Adult Arrest rate was 24% lower.

¹ A table providing the columns referenced in this section is provided in the Appendix of this report.

These figures are in contrast to the crime reported data: In comparison to the four county average, the Dane County Person Crime Reported rate is 21% lower, but the Person Crime Arrest rate is 9% higher.

The Dane County Adult Arrest Rates more closely mirror the statewide averages: The Dane County Total Adult Arrest rate was 3% lower; the Non-Index Adult Arrest rate was 2% lower. The Total Index Arrest rate was 9% lower; the Dane County Person Index rate was 4% lower; and the Property Index Arrest rate was 11% lower.

Circuit Court Criminal Complaints (Col. 8) show that the Dane County rate (total of felony, misdemeanor and criminal traffic complaints being filed) is 16% lower than the four county average and 17% lower than the statewide average. This means less work entering the Circuit Courts.

However, of these, felony complaints are filed at about the rate of the comparative benchmarks and these matters are more labor intensive (Col. 12). Misdemeanor and Criminal Traffic complaints were filed at rates 16-28% below the benchmark rates.

Circuit Court Criminal Dispositions, expressed as a percent of filings (Col. 10), show the Circuit Court in Dane County is disposing of about as many cases as were filed. Columns 14, 18, and 22 show the information for felony, misdemeanor and criminal traffic. Felony and misdemeanor dispositions exceeded filings, and exceeded the benchmark rates (col. 14 and 18); criminal traffic dispositions did not keep up with the number of filings (col. 22)

Median Age of Pending Circuit Court Criminal Cases (Col. 24) was 102 days, 6% above the four county average and 4% above the statewide average. The Dane County median age of felony pending cases was very close to the two comparison benchmarks (col. 24).

Median Age of Cases at Disposition (Col 25) shows a different story. Here, the Dane County median (days) is 24% longer than the four county average and 33% longer than the statewide average. These are indicators of delays in court processing times.

Curiously, the age of felony cases at disposition (col. 26) is not elevated above the four county average or the statewide average. The problem seems to be with Misdemeanor and Criminal Traffic cases.

The Dane County Misdemeanor median age of cases at disposition is 44% longer than the four county average and 57% longer than the statewide average.

The Median age of Criminal Traffic cases at disposition (col. 28) is 16% longer than the four county average and 39% longer than the statewide average.

Disposition of Criminal Matters in Circuit Court (col. 30) shows the Dane County rate to be 17% below the four county average and the statewide average. This should translate into a lower workload for correctional agencies operating in Dane County.

Trials (Jury + Court) as a percent of Criminal Dispositions (col. 32) shows there are few criminal cases settled by trial in Wisconsin, compared to other states. This means the courts in Wisconsin are more dependent upon guilty pleas to function than courts in other states. The Dane County percentages are 13% below the four county average and 29% below the state wide average. Most of the trials are jury trials, as opposed to court (bench) trials (Col. 34).

Circuit Court Criminal Cases Disposed of by Stipulation or Pled Before Trial (Col. 36-37). The percentage disposed of in Dane is 15% higher than the four county average and 10% higher than the statewide average.

Total Circuit Court Criminal Cases Dismissed Before Trial (Col. 39). Sixteen percent of the Dane County Criminal cases are dismissed prior to trial, compared to 27% (four county average) and 24% (statewide average). Defendants may have more than one case, but these dismissal rates (prior to trial) show a substantial portion of people charged with criminal offenses are not convicted of them. Charge/Plea/Sentencing negotiations may play a part. A person may plead to a lesser offense or another charge.

Felony Criminal Dispositions (Col. 41) rates for Dane County are 9% above the four county average and 2% above the statewide average. This stands in contrast to the Dane County **Misdemeanor Criminal Disposition (col. 51)** rates, which were 13% below the four county average and 18% below the statewide average. And in even more contrast to **Criminal Traffic disposition (col. 61)** rates, which were 42% below the four county average and 32% below the statewide rate.

In addition, Dane County's proportion of Criminal Traffic cases disposed of by stipulation or plea was well above the benchmark averages. The proportion that was dismissed was much smaller than the four county or statewide average. The Dane County **percent of dispositions settled by stipulation or plea (col. 67)** was 32% above the four county average and 22% above the statewide average. The **percent dismissed before trial (col. 69)** was 63% lower than the four county average and 56% lower than the statewide average.

Filings in Municipal Courts (Col.71) must be reviewed with caution, as the data is known to be incomplete. (See notes and sources at the end of this section.) The Dane County number of filings in Municipal Courts, expressed as a rate per 10,000 persons, was 72% above the four county average and 43% above the statewide average. This suggests a highly active level of filings in municipal courts within Dane County. However, these rates per 10,000 vary by type of case:

Dane County Traffic Filings in Municipal Courts (col. 73) rates were 13% below the four county average, but 29% above the statewide average.

Dane County Adult Non-Traffic Filings in Municipal Courts (Col. 75) rates were 44% higher than the four county average and 88% higher than the statewide average.

Dane County OWI/BAC Filings in Municipal Courts (Col. 77) rates were the same as the four county average and 39% above the statewide average.

Total Jail Bed Capacity (Col. 78), expressed as the number of beds per 10,000 county population, shows that Dane County's rate was 35% below the four county average and 37% below the statewide average. (This capacity includes the jail, Huber, and work release facilities in the counties.) The actual **Average Daily Population or Head Count in Facilities (Col. 81)** rate shows the Dane County rate is 27% below the four county average, and 22% below the statewide average, even though the jail is crowded and operating at 105% of capacity (**Col. 82**). The Dane **County Huber Capacity rates (col. 84) and the Huber ADP rate (Col. 86)** are both much higher than the four county average or the statewide average. This is because many counties do not have separately designated Huber or Work Release bed space.

The jail incarceration rate for men is more than seven times the incarceration rate for women in Dane County. **Number of Males in Jail (Col. 89)** rate for Dane County is 29% below the four county average and 24% below the statewide average. **The Number of Females in Jail (Col. 91)** rate was 27% below the four county average and 10% below the statewide average. These figures do not include out of county inmates.

The Jail ADP + the Number In Other Jails (Col 97) (N= 1036) rate still produces an ADP that is 18% below the four county average and 17% below the statewide average. This means that, even including the out of county prisoners, the Dane County jail utilization rate is below the four county and statewide averages.

Comparisons with Minnesota and the United States

To offer an even broader perspective, a comparison of key indicators between Wisconsin and neighboring Minnesota was undertaken, with the understanding that there are differences in legislation and policy.

- The Wisconsin serious crime rate is 14% lower than Minnesota, and 34% lower than the U.S. The violent crime rate is even lower -- 19% lower than Minnesota and 94% below the U.S.

However,

- The Wisconsin arrest rate is 25% above Minnesota and 5% above the US; and,
- The Wisconsin incarceration rate is 88% above Minnesota and 2% above the U.S.

Table 13: Numerical Counts²

	Wisconsin N	Minnesota N	U.S. N
Populations	5,536,201	5,132,799	296,410,404
Crimes Reported	160,646	173,544	11,556,854
Violent Crime	13,371	15,243	1,390,695
Property Crime	147,275	158,301	10,166,159
Arrests (all ages)	275,752	204,004	14,094,186
All Inmates	36,154	15,422	2,186,230
State Prisoners	21,850	8,399	1,438,701
Local Jails	14,304	7,023	747,529

Table 14: Rates per 100,000 Population

	Wisconsin rate	Minnesota rate	U.S. rate
Crimes Reported ³	2,902	3,381	3,899
Violent Crime	242	297	469
Property Crime	2,660	3,084	3,430
Arrests (all ages)	4,981	3,975	4,755
All Inmates	258	137	252

² State and local inmate data taken from *Prison and Jail Inmates at mid-year, 2005*; Tables 1 and 12, published by the U.S. Department of Justice, Bureau of Justice Statistics, Washington, D.C.

³ Crime and arrest data from Uniform Crime Reports- 2005, U.S. Department of Justice, Federal Bureau of Investigation, Washington, D.C., 2006.

Table 15 : Wisconsin Compared With Minnesota and US		
	Wisconsin vs. Minnesota	Wisconsin vs. U. S.
Crimes Reported	-14%	-34%
Violent Crime	-19%	-94%
Property Crime	-14%	-29%
Arrests (all ages)	25%	5%
All Inmates	88%	2%

Appendix C

Total Systems Planning

CRIMINAL JUSTICE SYSTEM PLANNING MODEL

FACILITY DEVELOPMENT PROCESS

Gary R. Frank

The Total Systems Planning model, also known as Transfer 14, was developed by the National Clearinghouse on Criminal Justice Architecture. It represents a rational, methodical planning approach by which change can take place in the criminal justice system. It consists of six phases.

1. Identify planning tasks
2. Gather information
3. Analyze information
4. Develop policy
5. Translate policy to program
6. Implement programs

The Total Systems Model makes no implicit assumption about the nature of changes to be made in the criminal justice system. Changes can range from policy and practice interventions at various points of the system to the construction of new facilities. If new facilities, specifically a new jail, become the focus of change, then the process diverges at Phase 5 of the model. Translating policy to program is significantly different for a change involving a new facility than it would be for a change involving bonding practices.

The Facility Development Process is an explanation of the steps involved in taking a jail project from the point of master planning to occupancy. The Facility Development Process will be used to discuss what must **be** accomplished to implement a new jail facility.

STEP 1: CORRECTIONS MASTERPLAN

Emerging from Phase 4 of the Total Systems Model, is a document, which systematically identifies the policy decisions made in that phase about the practices and operations of the jail facility itself, as well as the practices of the entire criminal justice system. Policy decisions about the practices and operations of the jail facility, along with the mission statement, will become the facility master plan. It will define not only the purpose and philosophy of the jail, but also define the policies concerning the operations of the jail. In like manner, policy decisions about the practices of the entire criminal justice system will become the criminal justice master plan. It will define policies concerning the execution of the duties and responsibilities of each criminal justice agency, the nature of their relationships to one another, and their responsibility to managing jail resources. The corrections master plan will become a critical instrument not only for the construction of a new jail facility, but also for its operation for years to come.

STEP 2: ECONOMIC FEASIBILITY

No county can proceed with a jail project, which it can neither afford to build nor afford to operate. At the point of completion of the corrections master plan, an informed study of economic feasibility can proceed. This study should include a preliminary budget for the project, including pre-architectural programming, design, site acquisition, and construction, the need, if any, and cost of special design studies, and exploration of funding sources and requirements. Analysis of economic feasibility should continue throughout the architectural design process. At minimum, it should continue until construction bids are received. It is only at that point that an accurate cost of the building is established. During the architectural design process, economic feasibility should focus on the costs of staffing and operating the new facility.

STEP 3: PROGRAMMING

Facility programming is a crucial step in the process. It involves the development of a functional or pre-architectural program. A program, briefly, is a document that defines the way in which a facility will function. It defines, most importantly, the flow of work. As part of the work flow description, it defines spaces, adjacencies, users, equipment, furnishings, and policies. Implicit in this description is the explication of procedures.

Programming is a crucial step in the process because the program document defines for the architect the way in which the facility will function. Pre-architectural or functional programming is the prerequisite to architectural programming. Without a program document, the design phase of the project will occur in a vacuum and the chances of the finished facility meeting the needs of the user are minimal. Programming requires the active involvement of the client. It can become quite technical in nature and probably will require the services of an architect or consultant.

STEP 4: SITE ANALYSIS AND SELECTION

Site selection is a difficult and important step in the process. The Selection of a site has technical, cost, and political implications. This task must be approached with care and sensitivity.

The first step of the process is to develop site requirements or criteria. As part of this, size (and shape), access, and location (linkage) are criteria to be considered. Once the site requirements have been developed, alternative sites can be identified which roughly meet the requirements. These alternatives can be evaluated more precisely according to the criteria. A site is eventually selected and acquired.

STEP 5: SITE MASTER PLAN

Once the site has been selected, master planning activities center around examining and determining long-term site utilization. The master plan locates open space, parking, circulation routes and security zones. It takes into account the long-term development of the site including required phasing over time.

STEP 6: SCHEMATIC DESIGN

Schematic design is the first step in the architecture process. It consists of conceptual architectural design. Spaces are defined in terms of size and shape. Spatial relations or adjacencies are defined. It is during schematic design that the organization and a "sense" of the facility begin to emerge.

Although the client should be involved during all phases of the design, the schematic design phase is particularly important. It is during this phase that the client achieves a first indication of how the facility will perform in terms of functional and organizational expectations. Since 90% or more of the total expenditure for a jail facility over its life cycle is operating expense, the client will want to pay particular attention to the facilities performance, or lack thereof, in facilitating operations.

The schematic design phase will also see preliminary engineering studies being conducted. These will typically include structural, mechanical, and electrical engineering analyses.

STEP 7: DESIGN DEVELOPMENT

The design development phase takes the architecture process a step further. More detailed and sophisticated drawings of the building are available. A more complete sense of the facility emerges. Engineering design takes place during this phase. Simply put, the facility begins to take shape, albeit still on paper.

The issues that are relevant for the client in schematics are also relevant in this phase. The design must still be evaluated in terms of its performance and cost. Thus, client involvement during design development is still critical.

STEP 8: SPECIAL DESIGN STUDIES

As part of the design development process, the need for special design studies may emerge. Jail facilities are complex. Since they must facilitate the operations of individual counties, they are further unique. A specific need in the areas of security, equipment, food service, communications, etc. may require a special design study. These are not part of the basic architectural service, but may be contracted as an additional

STEP 9: CONTRACT DOCUMENTS

Contract documents are the plans, specifications, and other bidding documents. Together, these form the basis for bids and the contract with the contractor. Contract documents specify what will be built and at what cost. They are highly technical and can be voluminous. Since these documents specify what you will get for what you will spend, they must be consistent with what you want and how you intend to operate. Final costing is done at this stage.

STEP 10: AGENCY APPROVALS

Agency approval is a matter of coordination with the various regulatory agencies. This step includes obtaining building permits and having the representatives of the regulatory agencies sign-off on the contract documents. Responsibility for obtaining agency approval usually lies with the architect.

STEP 11: BIDDING AND NEGOTIATION

This step is part of the architectural service stipulated in the standard AIA contract. This is the phase during which the contract documents are put to bid. There are three basic forms of bidding and negotiation.

The standard form is design-bid-build. In this form, the architect prepares one set of contract documents for bidding. A bid is selected and a single contractor is hired.

A second form involved bidding packages. The architect may prepare a number of bidding packages, which cover various aspects of the project and bid each package.

The third form is a variation of the second. It involves fast tracking. This is a process wherein parts of the project are bid and constructed before other parts are even designed.

Bidding on the jail facility should obviously be consistent with the county's process for sealed competitive bids. Upon completion of the bidding process, a construction contract is negotiated with the winning bidder.

STEP 12: CONSTRUCTION

It is only after considerable effort in planning and programming that construction begins. Typically, the time which elapses from the beginning of the project to the start of construction is 24 months. Construction is the fruit of the early planning effort, and although we are always anxious to see concrete results, construction must necessarily wait.

During this phase, the architect executes his responsibilities for construction administration. He visits the site regularly; a check progresses, and works with the contractor to insure that construction is consistent with the specifications. Counties typically have their own agent assigned to fulfill similar responsibilities. Sometimes the county releases a percentage of an employee's time to become a "clerk of the works." In other cases, a project manager fulfills this role. In any case, this person must work collaboratively and not competitively with the architect.

STEP 13: CONSTRUCTION COMPLETION

As construction winds down, the county will be involved in several completion efforts. The architect and contractor will develop a "punch list" or list of items which need attention for completion or repair. Performance tests are conducted on the mechanical,

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electrical, plumbing and other systems. The county should be careful to insure that it has received warranties and guarantees on all equipment and furnishings that are installed. Further acquisition of a user's manual for equipment as well as the facility as a whole is recommended. Above all, the county must be sure to get "as-built" drawings which reflect the actual way in which the facility was constructed, not the way it is represented on the original blue prints.

STEP 14: MOVE IN

Although transition seems like an easy task, it is not. Transition is primarily a staff training issue. Staff must receive training concerning the new facility and how it will operate if it will indeed operate as planned from day one. A transition team should be organized to develop a transition plan, which includes staff training, shakedown, transfer of prisoners, and the commencement of operations.

At the time of transition, a plan for preventative maintenance is also a wise investment. After all the time, effort, and money spent to make the new jail a reality, care should be taken to insure that new facility is well maintained.

STEP 15: OCCUPANCY

A recent survey revealed that, on average, occupancy of the new jail facility occurred 43 months after the project began. Since it took a long time and a lot of effort to reach the point of occupancy, it behooves the owner to insure that the facility is used properly. Certainly this involves the maintenance and timely repair of the facility. But more than that, it includes constant evaluation of its operation vis-a-vis the facility and criminal justice master plans. Since jails are capacity-driven organizations, these plans must be monitored such that policy departures from the master plan do not overcrowd your new, expensive, and limited resource.

SUMMARY

The Facility Development Process is a complex one. It clearly involved a number of distinct steps, numerous tasks, and countless hours of hard work. Fortunately, not all the work rests with the county. However, the responsibility for insuring the proper completion of all work does.

We noted in Step 15 that, on average, occupancy of a new jail occurs 43 months after the project is begun. Another way of looking at that statistic is to note that Phases I through 4 of the Total Systems Planning Model and Steps 1 through 14 of the Facility Development Process are completed in 43 months. That provides at least some rough idea of a time line.

NIC JAILS DIVISION FACILITY DEVELOPMENT PROGRAM

JAIL DESIGN REVIEW WORKSHOP

PROGRAM DESCRIPTION

The purpose of this program description is to provide the context for the development of training content and resource materials for the Jail Design Review Workshop. This description is designed to provide direction to instructors for the development of lesson plans that will satisfy the goals of the workshop and become the basis for both short and long term evaluation. It is the responsibility of the instructors who accept assignments for this workshop to develop their modules consistent with the appropriate content guidelines so that they complement and reinforce the other modules and achieve the goals of the workshop.

COURSE DESCRIPTION

The Jail Design Review Workshop is designed for officials from local jurisdictions that are in the process of building a new jail, have completed the schematic phase, and are involved in the design development or early stages of construction. The workshop is a logical follow-up to the Planning of New Institutions workshop, but participation is not a prerequisite. The course will focus on methods the participants can use to influence and evaluate their planning process with special emphasis on understanding the documents that contractors will or have provided to the county(s). The participants will use their own plans and planning and design documents, blue prints and design specifications to the session for use during the week. The instructors will utilize example documents from other recently completed jail facilities as training exercises to facilitate the learning process.

TARGET AUDIENCE

Generally, participants will be two-person teams from 12 jurisdictions, consisting of the sheriff or jail administrator and the project manager. Most importantly, the role of applicants in the planning and design of the county facility. The program will impact the project by selecting trainees who are working on the design process and will have significant influence on the project outcomes. Each applicant's assigned project responsibility will influence the applicant's selection for training. NIC prefers to select project managers and key officials working on the project to attend the workshop.

WORKSHOP GOALS

The goals of the Jail Design Review workshop are as follows:

To provide participants with an understanding of the facility development process as it relates to their role in the jail planning, design, and construction process;

To increase the participants' knowledge and skills in facility planning;

To increase participants skills necessary to monitor the jail project and to increase participants project management skills;

To ensure that predesign planning is translated into design documents which reflect the agencies needs;

To teach participants to read and understand construction documents and to understand architectural terminology to more effectively interact with architects and design team consultants.

JAIL DESIGN REVIEW WORKSHOP

The following material in this program description includes content guidelines for each of the workshop segments to be presented. Taken together, the program description and the content guidelines provide direction to trainers for the development of lesson plans that complement each other in achieving course goals.

FACILITY DEVELOPMENT PROCESS

This session will provide the participants with an overview of the facility planning, design and construction process. Emphasis will be placed on the relationship between and importance of decisions and changes made during this process that have significant impact on the design, construction and cost of the facility. Participants will be encouraged to take control of the project instead of allowing it to control them. Participants will learn their control techniques can depend on the type of personalities involved and the phase of the facility development process. Instructors will emphasize the necessity for a formal sign-off procedure by both the owner and the consultant/architect or other service provider for each phase of the facility development process.

Discussion of the types of documents generated at each phase of the facility development process will ensure the participants seek proper documentation in their own projects.

Delivery Strategy: Lecture and Discussion

Participants will identify at what phase and stage their jurisdiction is at in the facility development process. Participants should be encouraged to discuss their experiences and to discuss the pro and con of those experiences.

COMMUNICATION WITH ARCHITECTS

This session will address how the owner's representative interacts with the architect. This should be accomplished by identifying the type of materials and tools that will help improve the communication between the architect and owner.

Participants should be encouraged to discuss the situations they have faced as the project developed to the phase they currently face. They will be asked to identify communication strategies that have been successful during their previous interactions with architects and consultants.

The instructor will discuss language and terminology unique to the construction trade and architectural profession. Participants will contribute phases and terms that have confused them in their experiences.

Delivery Strategy: Lecture and Discussion

USE OF DESIGN TOOLS

This session will discuss the owner's need and responsibility for understanding the design documents (blueprints, schematics, models, and specifications) presented to them by architects. This session will focus on the tools, materials and processes of the trade that are used during design. The terms "net" square feet, usable space within a room, and "gross" square feet which includes wall thicknesses and circulation space will be introduced. Participants orientation will include direction on reading and measuring scaled drawings.

Delivery Strategy: Lecture and Discussion. The participants should engage in an exercise using and becoming familiar with the architectural scale and associated design tools and supplies.

PROGRAM TO DESIGN PROCESS

This session will introduce the elements of the pre-architectural program, including project functional scenarios space list, square footage estimate and demonstrate how those elements translate into bubble diagrams, relationship diagrams, adjacency matrix, schematic drawings, design development and construction documents. An actual case study should be used to examine the major issues which require attention and consideration such as distances, security and staff movement.

Delivery Strategy: Lecture and Discussion based on the case study being examined.

An exercise should be conducted where each participant team examines one or two major building design considerations demonstrated in the case study. The impact of each item on project construction and operational costs will be a major focus.

READING PLANS AND DESIGN DOCUMENTS

Participants will be required to exercise lecture orientation to learn how to read plans and design documents. They will learn about the documents used to describe the building. Examples will guide the participants through a step by step learning method of reading design documents.

This session will utilize the involvement of the participants in teams where, under the guidance of the consultants, they examine the schematic design and design development documents of the host agency's detention facility. The participants will work to achieve an understanding of how the building is organized so that they begin to see the result and importance of the design development phase; where the actual form and character of the project is established.

Delivery Strategy: Exercises and guided group interaction should be conducted where the consultant will teach the skill of reading and understanding the documents and helping the participants become familiar with specifications.

HOST DETENTION FACILITY PLAN REVIEW

During this session participants will examine the host facility's design documents, drawings and specifications manual detailing the requirements for construction techniques and products of the building. This is a practical experience of reading an actual set of design documents and comparing the plans to a final product that they will tour later.

Some emphasis will be given to explaining that preliminary documents will not exactly translate into working drawings or construction documents due to compromises and trade-offs that normally occur. In addition, it should be understood that changes must

involve the key persons in this target audience so that these changes are coordinated and understood from an operational perspective.

Delivery Strategy: An exercise should be conducted which requires the participants to demonstrate their understanding of the relationship between schedules and specifications and working drawings.

FIRE AND LIFE SAFETY CONSIDERATIONS

This session will use current National Fire Protection Association materials to illustrate life safety issues to be addressed during the planning of a new facility and monitored throughout the construction process. The session will orient the participants to the fire code and illustrate a use of the codes in the design process.

Delivery Strategy: Lecture and exercise. An exercise should be done to demonstrate the impact that decisions about building design and system selection have upon life safety concerns.

USE OF DETENTION EQUIPMENT

This session will discuss various types of security equipment such as types of security glazing, doors and locking devices available for use in detention facilities. Emphasis should be placed on the fact that equipment selected should match the facility's desired security, safety and supervision level (s) ; withstand inmate abuse; be reliable and easy to maintain, repair, and operate; and be cost effective over the useful life of the facility.

In addition, discussion should be given to the importance of obtaining reliable performance data and information about equipment during the selection process and what resources are available for this effort.

Delivery Strategy: Lecture and Discussion

Samples of manufactured products should be available during the lecture to illustrate the appropriate use of these items.

STAFFING ISSUES

This session should explore the issue of staffing and its relationship to jail planning by illustrating the importance of planning for staffing prior to and throughout the design phases of the project and identifying methods that can be used to plan for staffing during the programming and design process. This session should identify and discuss the critical programming and design decisions that influence staffing, examine the effect of staffing requirements on life-cycle costs.

The training will emphasize that with development of a schematic design a determination can be made about where staff will be positioned, how many are needed to supervise an

area, and how much movement will be required. Ensure that participants understand the short-comings of the use of comparison methods of staff to inmate ratios. They should understand the implications of building layout, security levels, policy choices, service delivery and types of inmate supervision and management styles. They should understand that providing program services dictates staffing to accomplish desired activities. A review of numbers of inmates assigned to living units and methods of control will be conducted by the instructor.

Delivery Strategy: Lecture and discussion on successful and unsuccessful staffing methodologies.

An exercise should be included that requires the participants to demonstrate their understanding of the relationship between design decisions and staffing requirements.

ANALYSIS AND REVIEW OF INDIVIDUAL DOCUMENTS

This session will provide an opportunity for the consultant staff to analyze and review design documents brought to the work shop by each participant team. Specifically, they will have brought with them their architectural program document (including and space list), project floor plan, specification document, staffing plan, and their project and operational budgets.

This session will put to practical use the skills and processes the participants learned in earlier sessions. They will be encouraged to continue using the skills as they evaluate and review plans after returning to their jobs.

Delivery Strategy: Discussion and exercise.

PROJECT MANAGEMENT

This session should develop the participant's ability to understand project management and the project manager's specific tasks associated with the complex role of controlling a jail construction project. Emphasis should be placed on demonstration that the project manager is not a broad policy maker, but through her/his actions and decisions, policies are carried out. The project manager is the point of contact for all individuals involved in the project and coordinates, directs and administers the project.

Emphasis should also be given to discussion of the level of responsibility that should be provided for the project manager, the major phases of project management responsibilities, and the specific tasks required to be completed.

It should be clearly understood that the project manager will see things that were not planned and not evident earlier as well as things that may be inconsistent with the

documents that resulted from the planning efforts; therefore there must be a system for effective communication with the architect, contractor, etc.

Delivery Strategy: Lecture and discussion.

DESIGN ISSUES FORUM

This session will precede the introduction and tour of the host facility. The staff consultants will draw from their experience and address a variety of design issues in a forum format and respond to questions of a specific nature from the participants. The session is intended to open discussions about topics not anticipated. Instructors will have identified issues raised by the participants during previous sessions that was not completely discussed and resolved. These topics can serve as a starting point for the discussions and forum.

Delivery Strategy: Round table discussion involving all instructors and with little formal structure.

ACTION PLANNING

This session should define action planning in reference to the facility development process and develop an understanding of the importance of action planning at each phase of the project and reinforce the concept that action planning provides structured activities in a logical manner, fixes responsibility for each activity and establishes a timetable for completion.

Illustrate major components of an action planning effort with specific focus upon the roles and responsibilities of the decision makers in this target audience. Illustrate the actual process of establishing an action agenda that determines responsibility for activities and sets schedules for progress reports and completion of tasks.

Delivery Strategy: Lecture and Discussion.

The participants will be directed to fully develop their action plan during the evening and be able to return the following morning to report out how they will use the information gained during the week in the next six months.

ACTION PLAN DEVELOPMENT

This session will facilitate team members refining action plans that they develop on their own. Encourage the participants to coordinate these action agendas with the roles and requirements of other governmental entities such as advisory committees and boards of commissioners not represented in the workshop. Participants will be told to use the process to their advantage as they develop plans during the project. The process requires drafting and redrafting. It is important that they seek input and approval from key officials and individuals who will be responsible for specific steps or activities.

Delivery Strategy: Discussions within each team will be facilitated by the consultant with the conclusion being a verbal report from each team to the entire group.

FORECASTING: FICTION AND UTILITY IN JAIL CONSTRUCTION PLANNING

by Allen R. Beck, Ph.D.

HOW ACCURATE IS FORECASTING?

There are several things to remember about forecasting criminal justice events, regardless of whether the forecast is based on simple or complex mathematical models, uses a microcomputer or the most sophisticated main frame computer, or was developed by a high priced consultant. The first point to remember is that the future cannot be predicted with certainty. The rules of probability do not hold in the forecasting of social phenomena such as crime. The further out in time a projection is made, the greater the possibility that the future could vary. Quite simply, a forecast made for tomorrow, one day away, is more reliable than a forecast made for months or years into the future. If an "expert" claims to possess a forecasting model that has been proven to be accurate or that a forecast can be created with 90% probability of being correct, the person hearing this claim should warm up the tar, collect the feathers, get out the rail, and escort the charlatan out of town.

Forecasts are guesses about the future based on the past. Using the past to "see" the future is like driving a car by looking into the rear view mirror. As long as the road is straight or curving in wide arcs, the driver can stay on the road by looking backward. However, if a sharp turn occurs or a bridge is out, the driver will crash. So it is in criminal justice forecasting. For example, no one in the 1970's was able to foresee the rapid growth of drugs in the 1980's. In fact, in the late 1960's and up to mid 1970's there was a political move afloat by some "knowledgeable" experts to halt new prison construction across the country. Their prognostications were as shaky as are all long range visions.

FOUR CONSIDERATIONS OF A JAIL FORECAST

When faced with jail or prison overcrowding a need arises to determine how much new capacity should be added. Knowing that the current jail or prison is too small is a different matter from deciding how much capacity should be built. The answer to this question involves examining alternatives rather than a single prediction of bed space requirements. Each alternative involves a cost. Building a new jail based on the recent inmate growth rate is but one of the options. And it just happens to be the most costly!

In order to provide a solid understanding of decision making options, the forecaster should address four considerations:

Consideration One: Have there been any criminal justice policy shifts that have contributed to the trend in inmate population growth? In some cases local decision makers may feel they know what is causing their population growth problem, but often they are surprised at what an analysis discovers. Seemingly minor changes in informal and formal policies can sometimes ignite major growth in jail population. Fortunately, not all policy shifts are unalterable. In explaining such shifts the forecaster should include an estimate of the magnitude of impact on the inmate population.

Consideration Two: What is happening to crime and arrests? These two events are not the same thing. It is not unusual to find that a crime, such as auto theft, is decreasing in its rate of occurrence but has an increasing arrest rate. Furthermore, what brings about an increase in crime does not necessarily bring about an immediate increase in arrests and vice versa. For this reason, a forecaster must examine not only policy shifts but changes in community demographics, changes in economic trends, and changes in the reporting and arrest trends for each type of crime. The findings should be communicated in the forecast document and in a manner that is easy to understand. Such information is helpful in two

ways. First, it can rule out erroneous perceptions about crime in the community. For example, in one community studied by the author the analysis deflated a notion held by several political activists that serious crime was soaring and that more jail space was an absolute necessity. Anyone not supporting their view of the need for a new jail ran the risk of being labeled as "soft" on crime. The second benefit of historical analysis is to provide insight into why arrests are changing. Sometimes such analysis points to choices among law enforcement options.

Consideration Three: How well is the criminal justice system functioning in moving defendants through the adjudicatory process? This is an extremely important question when considering construction of a new jail. Given that typically about 60 to 75% of the persons in jail are awaiting trial, the speed with which their cases are processed will affect the size of the jail population. Large reductions in jail populations have been obtained by improving case processing procedures. Those procedures span the entire criminal justice system from the time of arrest to the point of final disposition of the defendant's case. For this reason the forecaster should look for historical changes, i.e., those changes within the last ten years and specifically within the last three, that have slowed the adjudicatory process. In addition, an analysis should be performed to determine if the system is operating efficiently. Such study need not be all-consuming or prohibitively expensive. In most small and medium sized jurisdictions, three days of interviews and one day of making data requests is all of the information collection time that will be required of the forecaster. Of course, time will be required for agencies to turn around data requests. A protracted study is not usually needed since most major performance improvement needs can be identified through a general analysis.

Consideration Four: What alternatives to incarceration are being used? Experience suggests that in about two thirds of the communities experiencing jail crowding underutilize alternatives to incarceration. This is not to say that all incarcerated defendants should be let out. The use of effective options is not an all or nothing situation. If a defendant cannot make bail, he or she is not necessarily a poor candidate for supervised release. Conversely, a defendant who makes bail is not automatically a good risk for unsupervised community release. Not only is this an issue related to jail crowding, but one of practicality and fairness as well. What is being advocated is not a radical or "liberal" position but one that recognizes that locking up arrestees is not an appropriate "one size fits all" response to managing the unsentenced jail population. Usually the development of effective community supervision options for both unsentenced and sentenced persons provides a cost-effective way of reducing the number of new jail beds that will need to be constructed.

FORMAT OF A USEFUL FORECAST

Keeping in mind that the future will be greatly affected by decisions, an administrator or governing body dealing with the issue of jail or prison overcrowding should expect to receive a forecast document that makes explicit the various offender population management options. This document should also depict the future in terms of alternative paths or projections. Typically, one path will portray what might happen in a "business as usual" scenario. Other paths should provide insight into what could occur given various likely mixtures of options. Of course such a forecast will require the analyst to provide more than one set of calculations on projected capacity requirements.

The forecast document should also present details on the four considerations described in the previous section. This will help decision makers become knowledgeable about the issues. If they are to make cost-effective decisions and justify their decisions to the public they must be well informed.

Decision makers must keep in mind that no one can tell exactly what will happen in the future. Forecasting the criminal justice future is not like forecasting rain, an undertaking in which scientists keep looking for more accurate methods. The future will be driven by a collection of forces, some of which can be affected, manipulated, and changed. A forecast should not be judged by the pinpoint accuracy of its predictions, as that is a matter of luck. Rather, a forecast document should be evaluated on its utility in making explicit decision making options which can be employed to control jail population growth. This view of the future respects decision making and program management--not mathematical equations and

computer programs, as determinants of the future. The forecaster plays a supportive role which provides information for decision making. Collectively, the forecaster and decision makers strive not to foretell the future but to enable it.

STRATEGIES FOR CAPACITY ADDITION

There are several ways to approach addition of jail and prison capacity. One way of hedging against an unpredictable long range future is to plan facilities so that capacity can be added in intervals rather than all at once. From a cost perspective, it is wasteful to immediately "build out" the estimated capacity required to house inmates fifteen or twenty years into the future. Such a strategy could result in constructing beds that would go unfilled for many years.

In architectural terms, such planning calls for designing a larger "footprint" than is needed for the next five to ten years. A footprint involves the layout of space and utilities to accommodate all of the space within the facility at build-out. For example, the kitchen and laundry would be sized for future needs and utilities would be planned to accommodate additional living areas. By designing a larger footprint than is immediately needed construction can be geared to match the rate that the inmate population actually grows. If the rate slows, construction of additional inmate housing capacity can be delayed.

Other strategies to offset the costs of overbuilding capacity can be considered. For example, the housing of inmates from surrounding jurisdictions on a per diem cost basis is a relatively common way of filling unused jail capacity. Such strategies typically are examined as a separate issue apart from the forecast.

ABOUT THE AUTHOR: Dr. Allen Beck has been actively involved in studying and creating forecasts since 1976. In 1978 he completed his dissertation entitled: *The Art and Methods of Jail and Prison Population Forecasting*. He was also a Research Fellow sponsored by the U.S. Department of Justice, USDOJ, to study forecasting methods. From 1977 to 1981 he served as Consultant, Assistant Director, and Director of the Midwestern Criminal Justice Training Center established by the Law Enforcement Assistance Administration, LEAA, which was part of the USDOJ. While associated with the Training Center he taught forecasting to many of the country's criminal justice planners. Since 1981, he has created forecasts for the planning of jails and prisons in more than 35 criminal justice communities (counties and states). During the late 1980's he created a computer-based training program for a forecasting software program, IMPACT, which was developed by the Justice Research and Statistics Association under a USDOJ grant.

Dr. Beck is a principal in Justice Concepts Inc., JCI, which provides consulting services nationwide in the study of criminal justice systems and planning and financing of jails. He can be contacted at Justice Concepts Inc., 417 W. 87th Place, Kansas City, MO 64114, Phone: (816) 361-1711, Email: abeck@justiceconcepts.com.

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Facility Development Process

Overview

This provides an overview of the facility development process. In addition to the overview, emphasis should be placed on the level and type of involvement of the planning team at each stage of the process. In doing this, account for the fact that many of the project tasks will overlap.

It should be pointed out that in the beginning stages of the process, the role of the planning team is larger. As the process proceeds, and the experts develop the input of the team regarding their needs into a design response, the role of the team gradually decreases.

The instructor should lead the teams in brief discussions about the status of their projects during the presentation.

1. Facility Development Process

The instructor who indicates that the process is divided into five main phases of work will provide an outline of the facility development process. Particular attention must be paid to demonstrating how the total process is a series of activities that build upon and compliment each other. However certain activities like site selection may occur at any time. Further, the instructor will begin to demonstrate the importance and complexity of the facility development process.

The five main phases of work are:

- Pre-architectural
- Site selection and planning
- Architectural design
- Construction
- Occupancy

2. Phase I - Pre-Architectural Planning

The instructor will begin by indicating that the first phase is comprised of four steps and then provide a discussion of each. The four steps are:

- Corrections Master Plan
- Economic Feasibility Study
- Consultant/Architect Selection
- Facility Programming
- Corrections Master Plan

Often referred to as Needs Assessment, the master plan involves organizing a planning team and advisory committee that will begin to identify planning tasks and those associated with the collection and analysis of data. That data will be used to identify alternatives to incarceration, the size of the facility, what standards and legal issues will impact the facility and help in the development of the mission statement.

Economic Feasibility Study

The instructor should stress the importance of determining earlier on in the project, the economic feasibility of building a new facility. Staffing and operational cost are associated with this phase and should be determined no later than during schematic design. Funding sources will be evaluated as well as an analysis of the existing facility for future use.

Consultant/Architect Selection

The need for hiring specialized services should be discussed. Many counties do not have the in-house expertise to provide those specialized services required in the facility development process. However, each consultant must be managed to ensure that the services the client needs are provided.

Facility Programming

The instructor will provide a discussion of operational and architectural programming. Two of the major products that also occur in this step are a refined budget and a project schedule. It must be emphasized that during this time, the client will be able to determine HOW the new facility will operate because "form must follow function" in the design process.

3. Phase Two - Site Selection and Planning

Phase two is comprised of two steps, site analysis and selection and site master plan.

Site Analysis and Selection

This step involves the identification of the site requirements and the analysis of available sites. Costs will be evaluated in association with economic and political issues.

Site Master Plan

During this step, we begin to determine open space requirements, parking issues, circulation requirements for staff and others and environmental impacts. The long-term utilization of the site once it has been selected is a major component of the step.

4. Phase Three - Architectural Design

Architectural design involves the four steps indicated below.

Schematic Design

Schematic design is the most critical step because the building begins to take shape but the cost of change is not dramatic. Now is the time to use mock-ups and models to evaluate space needs and adjacency issues. Engineering and cost analysis studies should also occur here. Programming documents should be used to test the performance of the design in achieving stated goals. Public input may be requested in the review of the schematic documents.

Design Development

The building design continues to be refined during design development. Specifications are developed to include materials and equipment. Reviewing the selection of systems and materials as the specification is being developed is an important task of this step.

Contract Documents

Plans are finalized and a final cost is determined in this step. Contract document is a technical term for the plans, specifications and bidding documents, which, together, form the information base describing what will be built and establishing the contractual relationship between the owner and contractor.

Agency Approvals

Building permits are issued in this step and funding approval is granted. The architect/consultant may aid the owner during this step in obtaining the required agency approvals. They should have been maintaining a liaison with the relevant agencies from the beginning and therefore, no surprises should be expected at this stage.

5. Phase Four - Construction

The construction phase is divided into three steps. The three steps are:

- Bidding and Negotiation
- Construction
- Construction Completion

Bidding and Negotiation

A discussion of alternative bidding procedures should be provided during this phase. Also indicate that normally the contract is awarded to the lowest qualified bidder.

Construction

During this phase, the involvement of jail staff may be limited. It is not uncommon for the county to have a technically qualified representative on-site to look after their interest. The major user involvement during construction is in reviewing change orders. Change orders have a significant impact on how the building is actually built. Therefore, it is imperative that the user has this review opportunity on any change that might affect operational performance.

Construction Completion

Punch lists will occur during this phase and the owner should be provided with a set of as built drawings. Discuss the concept of a facility users' manual. That manual should be a compilation of technical and functional information. Contrast the situation of automatically receiving such a manual when buying a car or major appliance costing tens or thousands of dollars but only getting a handshake at the ribbon cutting ceremony for a building costing millions. Also indicate the importance of transition and activation planning during this step.

6. Phase Five - Occupancy

Three steps occur in phase five and are discussed below.

Move - In

Move-in involves the training of staff for the new facility and the finalization of many of the transition tasks discussed earlier. Equipment and furnishings are installed, inmates are transferred, maintenance programs are initiated and the facility begins operation. Stress that building

maintenance must begin the moment the building is occupied to avoid costly delays in the future.

Occupancy and Operation

The new facility is occupied, operated, maintained and repaired.

Obsolescence and Renovation

The final phase of the facility development process involves reviewing the performance of the building to determine if it meet the long-term needs of the owner. What if any were the misfits between the facility and programs and goals stated in the early planning stages. If the building is not serving the owner well, than what options are available to begin to address their needs.

SEVEN STUMBLING BLOCKS TO EFFECTIVE JAIL PLANNING

David J. Voorhis
1984

INTRODUCTION

Over the last several years, it has become evident that some counties run into considerable difficulty as they plan for the construction or renovation of their jail facilities. They encounter problems that either delay or, in some cases, derail the project. Other counties complete the planning process only to develop facilities that are impossible or too expensive to operate. In short, such projects fail in their ultimate test -- the facilities do not meet the needs of the jurisdictions.

Since 1978 the NATIONAL INSTITUTE OF CORRECTIONS has funded the PLANNING OF NEW INSTITUTIONS (PONI) program to provide training and technical assistance to state and local jurisdictions that plan to construct new jails or significantly expand or renovate their present facilities. Having been involved with the PONI Program since its inception, Mr. Voorhis has had the unique opportunity of working with more than 200 counties in 31 states, as well as 19 state correctional systems.

In an environment as complex as the criminal justice system, it is not surprising that the planning of change is a complicated process. Experience with the PONI Program has shown that there are seven critical stumbling blocks associated with the planning process.

Those stumbling blocks are:

1. The failure to perform early planning activities;
2. The failure to educate the public;
3. The failure to understand the nature of the criminal justice system;
4. The failure to gather data about critical planning issues;
5. The failure to make system-level policy decisions;
6. The failure to do adequate pre-architectural programming; and
7. The failure to consider operational costs during the planning process.

Each of these stumbling blocks can be fatal to the project. This article explores the seven stumbling blocks and their effects on the planning of new jail facilities.

STUMBLING BLOCK #1: FAILURE TO PERFORM EARLY PLANNING ACTIVITIES

Many counties have a tendency to begin the planning process "in mid-stream." After some resolution that a new facility is necessary (often with a considerable amount of help from the courts), they retain an architect to provide them with schematics, select a site and march off to do battle to pass a bond issue. What these jurisdictions have neglected are several critical problems associated with early planning. The failure to adequately address each of these problems brings a new and unique risk to the project.

While there are political theorists who argue in favor of "muddling through," there is substantial evidence against transferring this approach to planning for a new jail. The costs of being wrong are far more than most counties can bear. Because planning a new jail facility is a complex undertaking, a systematic approach to the planning process is critical to the success of the project. Just as most of us would not set out on a lengthy trip to a destination we have never visited without a road map, so counties should not set out on a journey as complex or as lengthy as building a new jail without some sort of map with which they can chart their course. Yet, many counties begin planning with neither a clear picture of the major steps in the planning process nor a mechanism for developing one.

Also characteristic of the failure to perform early planning activities is the failure to identify all the key actors in the planning process. The criminal justice system itself is comprised of a multiplicity of actors, all of whom are critical to the planning process. These actors, along with local elected officials, are actually the easier individuals to identify. However, there are other highly significant actors such as correctional staff, attorneys and other professional visitors, groups which provide services to inmates in the facility, the community and the inmates themselves. All of these actors either use or "own" the facility and, therefore, have a stake in the outcome of the planning process.

We have, thus far, painted a picture of a highly complex system in which many key actors have a stake in the planning process. It is also critical to understand that there is a considerable lack of clarity among these actors regarding their various roles in the planning process. A lack of clarity regarding role, responsibility and authority almost inevitably leads to conflict. This is really only a matter of common sense. Many of the key actors are playing for high stakes. The outcome of the project may be critical to their professional and political careers. Many have other significant policy-making roles within the system. And the criminal justice system itself is a somewhat unstable relationship between components with distinctly different and sometimes competing purposes. It is not surprising that there should be some disagreement about who has the authority or responsibility to make which decisions in the planning process.

It is critical for all those who will work together over the life of the project to clearly understand the nature of their own involvement. This is some of the best insurance the county can buy to prevent the kind of internal conflict that has proved lethal to many projects. Jurisdictions must make certain that all involved actors know what is expected of them in the planning of the new facility.

Another problem associated with early planning activities is the failure to commit the necessary dollars and human resources to the planning process, resulting in projects that "never get off ground." Those counties that have successfully completed the new facility planning process estimate that they spent approximately one percent of the total project costs on early planning activities including the development of the master plan. While there are those who would argue that one percent of the project costs is too much to spend on planning, experience has shown that these are the very dollars that may ultimately save a community the most money. Many counties that have successfully planned new jail facilities have developed temporary project management structures to coordinate the planning process. In most cases, project management does not require major additional expenditures but, rather, a reallocation of staff responsibilities to release an individual, either full or part-time from his or her normal duties to coordinate the planning process. While some additional dollars will be necessary for a variety of early planning activities, they are relatively small considering the scope of the entire project. They are, however, a wise investment in this project.

Perhaps the most lethal problem associated with early planning activities is the failure to take the time to plan. In constructing new jail facilities, counties often face serious time constraints such as an inflationary economy or deadlines imposed by court orders or the political process. In an attempt to accommodate such constraints, many counties choose to minimize the amount of time involved in the planning process. Unfortunately, by rushing through the planning process, such counties submerge discussions over key issues or ignore critical decisions. However, these issues and decisions invariably reemerge later in the project when the costs associated with their resolution are much higher. By taking the time necessary to do a thorough job of planning, major errors that can result in unnecessarily high staffing levels, increased liability, and a short life-cycle for the facility can be avoided.

The failure to adequately complete early planning activities before initiating the facility design process is somewhat akin to putting up the walls before a strong foundation has been laid. The foundation of any project of this nature can only be good planning which involves all the key actors in a clearly defined process that fosters the development of consensus on key issues. Counties must commit themselves to providing the financial and human resources, and taking the time necessary to the planning process if their new jail facilities are to fulfill their intended purposes.

STUMBLING BLOCK #2: FAILURE TO EDUCATE THE PUBLIC ABOUT THE JAIL

Until recently, jail has been an institution which was better out of sight and out of mind. Jails were placed on the upper floors or roofs of county courthouses, in back of county courthouses or other public buildings, or on the outskirts of town. During the past two decades, however, suits under Section 1983 of U.S. Code Title 42 have placed the jail high on the agenda of local government. Unfortunately, it is still low on the public's agenda. At a time when tax limitation propositions are popular, public attention to the problems of the jail, no matter how serious its neglect, is very small indeed. In fact, one can sense profound resentment among the public, in communities facing litigation, that anything must be done about the jail.

The public must be made aware of the evolution and meaning of case law concerning the jail, and the impact such case law has for the practice of corrections in their community. They must be made aware of the meaning of national and state standards and their impact. Most importantly, the public must be made aware of the physical and operational deficiencies of their local jail and how these deficiencies affect the administration of justice in their community.

Failure to educate the public why changes in local jail facilities and operations are necessary most often results in the failure to secure adequate funding to construct or operate the facility. Frequently, the community does not understand the impact of standards and case law upon the local jail. Likewise, the great majority of the community has no idea of the conditions which exist in their facility. As a result, citizens are reluctant to support any change which will have a financial impact. Since most jails have, historically, been underfunded, nearly every change has some financial impact. This situation is made even more difficult by present public attitudes toward crime and criminals.

Jurisdictions that have attempted to "disguise" the jail bond issue by making it part of a criminal justice complex, or including it in additional county administrative space frequently have been defeated at the polls. Passing a bond issue for any major public works project is difficult. Trying to pass a jail bond issue without first building public support is a major tactical error. Citizens must know why change is necessary, what the costs of not changing are, and what the impact of the proposed change will be. Most importantly, they must have the opportunity to participate in shaping that change.

Ultimately, if the problems of the jail can be brought into better focus for the public, the chances of solving those problems are greatly increased. If the jail remains out of sight, it will most certainly remain out of the public mind, and continue to be the unwanted stepchild.

STUMBLING BLOCK #3: FAILURE OF POLICY MAKERS TO UNDERSTAND THE NATURE OF THE CRIMINAL JUSTICE SYSTEM

A third major stumbling block in the planning process is the failure of the criminal justice system actors and other policy makers to understand the criminal justice system and its impacts on the jail. It may seem ironic that the criminal justice system needs to be educated about the problems of the jail since the jail is part of the system. But experience has shown that, in many counties, ignorance of the jail problems in the criminal justice system is as widespread as it is among the public.

In most jurisdictions, the criminal justice system displays little "systemness." Individual agencies operate independently with apparent disregard for the effect of their actions on other components of the system. There is frequently no attempt to manage the system and no mechanism for this purpose. The component organizations simply exist as a collection of agencies under the rubric of "criminal justice system."

The criminal justice system needs to be made aware of its complex interrelatedness. The component agencies of the system need to understand that their policies have an effect on the other components. Most importantly, they need to understand that their collective activities have a direct impact on the jail. The jail is the element of the system which tolerates overload least well. Where overload in the prosecutor's office or the courts results in delay, overload in the jail, which manifests itself as crowding, results in tension among and between staff and inmates, assaults, disturbances, vandalism and litigation.

Sheriffs and jail administrators must be vocal about the problems the jail is experiencing. They must begin to assume proactive positions on system-related issues, rather than react to the positions of the other elements of the system. Often the rest of the system has little or no idea what those problems facing the jail are or how they may be contributing to those problems. All too frequently the jail adopts an accommodating posture in relation to the other elements of the system which perpetuates their ignorance regarding the jail's problems. Until the jail's problems and each component organization's contribution to those problems are understood, little can be done to solve them.

STUMBLING BLOCK #4: FAILURE TO GATHER DATA

When counties begin the planning of new jail facilities "in mid-stream," they frequently fail to gather the information they need for rational planning and decision-making. Such counties move into the architectural phases of the planning process, working from a program that is based upon assumptions which are all too often erroneous. As a result, the completed facility fails to function effectively.

Because of the complex nature of the arena in which the planning process occurs, there are five distinct areas in which information must be gathered. They are:

1. the inmate population;
2. criminal justice system practices;
3. potential policy and practice changes;
4. constitutional and professional standards; and
5. future legislation.

Failure to gather appropriate information in each area will result in different styles of problems, all of which are equally lethal to the project.

INMATE POPULATION INFORMATION - Information about the inmate population is important for several key planning tasks. First, total numbers which define the inmate population, such as average daily population or total bookings, will be necessary for population forecasting. This statistical technique provides a systematic way of estimating the size of future inmate populations and relates directly to the size of facility that will be needed to meet the county's needs for a given period of time.

Second, information which describes the inmate population is critical for the development of a good pre-architectural program. The types of services and activities offered in the jail, as well as the degree to which they are offered should be directly related to the needs of the inmate population. Unless there is a factual description of what those needs are, there is substantial possibility that certain critical services may not be provided or that the county will expend funds on services that may be relatively unimportant.

Counties are also faced with the need to make decisions about the proportion of bed spaces which should be provided at the various security levels. Since there are dramatic differences in costs associated with the construction of different security levels, it is critical to know how much of the inmate population can be housed safely at lesser security levels. Only information which profiles the inmate population can help policy makers decide this critical issue.

CRIMINAL JUSTICE SYSTEM PRACTICES INFORMATION - In many respects, the population of the jail is like the water in a bathtub. Law enforcement controls the rate at which inmates flow into the jail and the "mix" of prisoners. The courts, including the prosecuting attorney, probation department and others, determine the rate at which prisoners flow out of the jail. Thus the jail does not determine and cannot control its own population.

For this reason, it is critical to gather information about the practices of the other agencies in the criminal justice system. The types of information which should be collected include law enforcement variables which describe arrest practices in

the county, and court variables which describe the county's bonding practices, court processing, and alternative sentencing practices.

These variables are important because they determine the jail's population. If, for example, the jail is crowded, changes in these variables will have an impact on the number of people housed in the jail. A study sponsored by the National Institute of Justice has shown that construction is at best a short-term solution to crowding. No matter how many years were included in the county's projection methodology, within two years of opening, nearly all jails were operating at 100 percent of capacity, and within five years of opening, nearly all jails were at 130 percent of capacity. Jail crowding is a system problem. And only system-level interventions have any hope of providing long-term solutions to this problem. If counties hope to provide adequate jail space for the future, the other elements of the criminal justice system must be involved in the planning process, and must contribute data for decision-making.

POTENTIAL POLICY AND PRACTICE CHANGES INFORMATION - Given the relationship between the size of the jail population and the policy decisions which are made by the other elements of the system, it is clear that when law enforcement and the courts change their policies and practices, the population of the jail is likely to change as well. As a result, in planning, it becomes extremely important not only to identify what their current policies and practices are but, also, to attempt to determine what their future policies and practices might be.

The types of data discussed previously were largely quantitative in nature. Now, however, the data that become important are qualitative. They are generally obtained through interviews and frank discussions about the future policy direction of the local criminal justice system. Counties that fail to consider this type of data do so because they fail to understand a fundamental fact of life in the criminal justice system -- informal systemic accommodation. When one element of the system experiences a crisis, the other elements of the system often alter their behavior to help the affected agency. As an example, when the jail is crowded or falls far short of standards, the other criminal justice system agencies frequently change their practices to ameliorate the situation. The courts seem more apt to release individuals prior to adjudication and more reluctant to sentence individuals to the jail. Law enforcement agencies are more apt to release individuals with a summons or citation.

As a result, the quantitative data which is gathered is based upon this series of accommodations and, therefore, does not reflect policy and practice changes that are likely to occur when the new facility is opened. In short, the data presents a biased view of how the system functions. Judges frequently find themselves more likely to sentence individuals who might have previously remained in the community "because the facility is safer" or "because there is adequate space." Law enforcement agencies respond in a similar manner.

Estimating future policy changes is certainly not a precise planning methodology. However, discussion of potential policy changes, particularly when combined with system-level policy decisions that describe how the jail should operate and who the county believes should be jailed has helped counties prevent or at least retard the unpleasant scenario reflected in the National Institute of Justice study.

CONSTITUTIONAL AND PROFESSIONAL STANDARDS INFORMATION -

Litigation has driven much of the change that has occurred in corrections in the last two decades. Case law has moved to define the constitutional rights of those in custody. A variety of correctional standards have emerged from both professional organizations and state legislatures to help the courts in their efforts to upgrade corrections by defining what accepted correctional practices are.

Counties that fail to adequately research both the constitutional standards, as reflected in case law, and the professional standards that are applicable to their county jail may find themselves faced with the necessity of expensive renovations when litigation occurs. In some respects, counties that built new jail facilities five to ten years ago faced a far more difficult task in this area than counties beginning the planning process now. At that time, professional standards were just emerging, and correctional case law was changing so rapidly that future directions were extremely difficult to predict. Standards are far more consistent now, and the courts have ruled on virtually every aspect of corrections.

Unfortunately, many counties make two critical errors in researching the applicable standards. First, counties often fail to explore any professional standards other than those promulgated by their state. Since state standards are not always reviewed and updated on a regular basis, counties run the risk of planning a new facility based on standards which may not reflect accepted correctional practices. Second, although professional standards are clearly defined as minimum standards, most counties automatically interpret them as maximums. This, too, can lead to the development of a facility that is soon outdated.

If counties are to develop jail facilities that will meet their long-term needs, they must expose themselves to a broad range of both state and national professional standards. In addition, they must research the correctional case law from their federal district and circuit courts and the Supreme Court to determine the applicable constitutional standards. Wherever possible, counties must, in the planning process, go beyond the minima established in these standards to insure that, both physically and operationally, the new jail facility will meet the test of time.

FUTURE LEGISLATION INFORMATION - There is an old saying that "no one is safe when the legislature is in session." State and local legislative bodies have had a profound effect on the criminal justice legislation, and other legislation regarding administrative and operational practices have radically altered the policies and procedures of all criminal justice system agencies, including the jail.

As a result, counties which have planned most effectively for their new jail facilities have made an effort to identify potential changes in legislation. Such counties have taken two different approaches to this planning constraint. By gathering data that describes the impact of criminal justice system-related legislation, some counties have found it possible to influence their legislatures. Other counties have developed strategies to deal with certain types of legislation should they be enacted.

Ultimately, this is an extremely difficult planning task since it involves many possible issues and the interaction of various special interest groups in the political arena. Estimating potential changes in legislation is a bit like "crystal ball gazing." Yet, it is a critical task because it can help counties identify the potential range of future constraints which relate to the degree of flexibility, expandability and adaptability the architect must build into the design of the new jail facility.

For most counties, two major problems are associated with gathering data -- the failure to gather data which is critical to rational decision-making, and the inability to use data which is already available. Thus far, we have focused on the former problem. A few words on the latter are appropriate.

Many counties find it difficult to use the information they have available to them. Often as many as 20 to 25 separate analyses or studies have been prepared for policy-makers to assist them in making decisions regarding the new jail facility. Yet, policy-makers are unable to decide what to do and continue to "study the matter" or "take it under advisement."

There are a number of potential causes of this problem. It may be that so much information is available that decision-makers are suffering from "information overload." It may be that they lack a systematic process for analyzing the information, that there are no criteria against which to evaluate the information, or that the information conflicts.

Whatever the cause, it is likely that this particular problem has its roots in a previously mentioned stumbling block -- the failure to perform early planning activities. When people are unclear about what is expected of them, and when no process for decision-making break down. Counties that are planning new jail facilities must make a commitment to gathering the right data, developing a method for interpreting the data and deciding what the data mean for their planning process.

STUMBLING BLOCK #5: FAILURE TO MAKE CRIMINAL JUSTICE SYSTEM POLICY

Earlier, we noted a lack of "systemness" in the criminal justice system. The component agencies tend to see their interrelatedness only in terms of the imperatives of the law. As such, they comprise only a loose collection of justice agencies and not a system. We also noted that the jail is the dependent variable in the system. What happens in and to the jail is not primarily a matter of the jail's discretion but, rather, depends on the policies and practices of the other component agencies.

This leads to a crucial issue in the new facility planning process. It is not enough that the criminal justice system be an informed participant in the planning process, nor is it enough to make individual agency level policy decisions, although such decisions are important. If the jail, as a scarce and expensive resource, is to effectively serve the incarceration needs of the county, system level planning is essential. General Motors would not allow its five automotive divisions to plan independently of each other. While each division develops its own plan, each plan becomes part of an integrated corporate plan. Unfortunately, this is not the case in local criminal justice systems. Generally, there is little or no planning at the agency level beyond the development of a budget document for the coming fiscal year. There is rarely a broader system level plan for any time frame.

In the planning of new jail facilities, most counties develop a master plan which reflects only the policies and practices of the jail. Because of the dependency of the jail on other elements of the system, it is understandable that such plans fail miserably in their implementation. In the absence of system level planning, the problems that plague the existing facility will, in all probability, manifest themselves in the new facility. System level policy decisions, as reflected in a criminal justice system master plan, are the key to effective jail planning.

STUMBLING BLOCK #6: FAILURE TO DO ADEQUATE PRE-ARCHITECTURAL PROGRAMMING

Pre-architectural programming is a process which bridges the gap between problem identification and problem solution. It is a critical phase in the development of an architectural response to the incarceration problems identified by the county. If successfully performed, it will insure the development of a jail facility which will meet the needs of the county for many years to come.

Unfortunately, many counties hold serious misconceptions about the architectural process. They believe that the process begins at schematic design when the architect first puts lines on paper. In fact, architecture is a response to a particular set of problems, and it is the client's responsibility to precisely define the problems and, from an operational perspective, the solutions for the architect.

Pre-architectural programming demands an active client who clearly understands how the new jail facility should operate, and who is willing to provide this information to the architect in a systematic manner. When clients fail to participate actively in this process, the outcome of the entire project is at risk.

In the course of planning a new jail facility, countless philosophical and operational decisions with long-term ramifications will be made. Indeed, they must be made in order for the architect to design the facility. If the county ignores its decision-making responsibility, the architect will assume that responsibility in order to have the necessary information on which to design the facility. The resulting facility will reflect a correctional philosophy, and dictate certain operational practices. However, in this case, both the philosophy and practices will have been defined by the architect.

Allowing an architect to make philosophical and operational decisions can lead to two potentially disastrous outcomes. First, while architects have considerable expertise in the design process, many are not knowledgeable about correctional problems and practices. As a result, many jails designed without client input prove to be dysfunctional. Second, to insure maximum effectiveness, the design of the jail facility must reflect the operational philosophy of the county. When a county "skips over" pre-architectural programming, it does not communicate that philosophy to the architect. Sometimes, the architects make a lucky guess. Usually, however, the architect is not so lucky. In a number of instances, differences in the perceived and actual philosophies have led to serious operational problems including escapes, vandalism, and inmate disturbances when the new facilities were occupied. In several other instances, such philosophical differences have resulted in substantial renovation or abandonment of the facilities within one or two years of occupancy.

There is no substitute for pre-architectural programming. It is the bridge between the problem, as defined by the client, and the architectural response. In the absence of this bridge, the design process is, in essence, a "leap of faith."

STUMBLING BLOCK #7: FAILURE TO CONSIDER OPERATIONAL COSTS

This stumbling block is particularly insidious since it does not manifest itself until late in the project. In some instances, it does not emerge until the facility is occupied. It is particularly costly since the failure to consider operational costs during the planning process invariably results in facilities that are staff-inefficient or too expensive to operate.

When all the costs related to corrections over the thirty-year life cycle of a new facility are considered, approximately 10 percent of the dollars spent are related to capital construction costs and the remaining 90 percent reflect operating expenses, primarily staff salaries and fringe benefits. Yet, there is a marked

tendency to focus so strongly on the undeniably important construction costs that the operational costs implications of certain policy decisions are overlooked.

Moving forward from planning to construction without a clear commitment to providing the staff necessary to operate the facility is extremely risky. Jails are people-intensive operations which have, traditionally, been understaffed. The courts have, however, taken a strong position that providing a new facility is not enough. Ultimately, how the facility is operated will determine its constitutionality. To operate a facility in a constitutional manner requires an adequate level of staffing. A well-designed facility can allow for the effective deployment of staff, but a building can never replace staff. Unless the county can afford to staff the facility it plans to construct, it should give serious consideration to the redesign of that facility, or consider the feasibility of an alternative solution to the jail problem.

The consequences of not considering operational costs during the planning process can be disastrous. Many counties have constructed new jail facilities only to discover (as they were preparing for occupancy) that the design of the facility would require a tripling or quadrupling of staff in order to operate the facility in a safe and secure manner. Revelations of this nature have not only required the unnecessary expenditure of additional tax dollars, but have shattered harmonious relationships between sheriffs and county commissioners, and caused the public to seriously question the rationality of those who planned and supported the project.

To insure that a new jail facility is operationally cost-efficient, those responsible for planning must come to agreement, during the schematic design stage, on two critical factors related to staffing the facility. The shift relief factor is a "multiplier" which compensates for the time individual personnel are away from certain posts which must be staffed 24 hours a day, 365 days a year. Second, they must agree on an appropriate staffing pattern for the facility. The staffing pattern, essentially, describes the responsibilities and locations of all positions or posts within the facility.

Most counties construct or renovate their jail facilities every 30 to 50 years. As a result, the operational impacts of planning decisions are felt not only by the present users, owners and operators, but by the individuals in these capacities and the taxpayers for years to come. In these times of severe resource constraints, planning that makes a priority of the operational cost implications of policy decisions is essential.

CONCLUSION

In this era of public outrage over criminal activity, court intervention into correctional operations, and diminished financial resources, jail planning is a highly complicated and issue-laden process. The NATIONAL INSTITUTE OF CORRECTIONS has noted that, because of the environment in which they must

exist, jails are, among public institutions, second only to hospitals in their complexity. For this reason, any approach to planning that hopes to be successful in such an environment must be comprehensive and systematic.

In this article, we have attempted to discuss seven major stumbling blocks, each of which can damage or destroy the planning process and lead to the development of a new jail facility which does not meet the incarceration needs of the county it serves. These stumbling blocks do not stem from "arm-chair" theorizing based on abstract planning models. Rather, they reflect a distillation of the experiences of numerous counties that have struggled to solve the jail problem in their jurisdictions. We have shared these seven stumbling blocks in the hope that those counties about to embark on the planning process may stand on the shoulders of those counties which have preceded them.

ABOUT THE AUTHOR

David J. Voorhis is a Principal of Voorhis/Robertson Justice Services, Inc. a criminal justice consulting firm based in Boulder, Colorado, which provides planning and technical assistance to architects and local government officials. Mr. Voorhis was Police Chief of the City of Boulder and Undersheriff of Boulder County, Colorado. He has conducted training and technical assistance for the National Institute of Corrections for the past fifteen years. Mr. Voorhis continues to conduct the PLANNING OF NEW INSTITUTIONS (PONI) technical assistance and has provided guidance to over 300 counties nationwide in the planning of new jail facilities.

Mr. Voorhis received his Masters degree in Public Administration from the University of Colorado at Boulder, Colorado.

NIC RESOURCES

NIC makes available a variety of resources related to jail administration, such as:

- “Alleviating Jail Crowding: A Systemic Approach,” satellite/Internet
- broadcast held on April 18, 2001 (VHS or DVD).
- “Beyond the Myths: The Jail in Your Community” (VHS or DVD).
- Budget Guide for Jail Administrators: Beyond Budget Allocation—Sources of Funding and Services.
- Budget Guide for Jail Administrators: Developing the Budget.
- Budget Guide for Jail Administrators: Managing the Budget.
- Developing/Revising Detention Facility Policies and Procedures.
- Guidelines for Developing a Criminal Justice Coordinating Committee.
- How To Collect and Analyze Data.
- Jail Crowding: Understanding Jail Population Dynamics.
- Jail Design and Operations and the Constitution.
- Preventing Jail Crowding: A Practical Guide (second edition).
- Recruitment, Hiring, and Retention: Current Practices in U.S. Jails.
- Resource Guide for Jail Administrators.
- Sheriff’s Guide to Effective Jail Operations.
- Staffing Analysis Workbook (second edition).
- Staff-to-Inmate Ratios: Why It’s So Hard To Get to the Bottom Line.
- Women in Jail: Legal Issues.
- NIC e-Learning Program (<http://nic.learn.com>)
- NIC Staffing Analysis for Jails.

Appendix D



CourTools

**Giving
Courts
the
Tools to
Measure
Success**

CourTools: A Court Performance Framework

Modern courts are busy places. A vast array of different case types in all stages of the legal process simultaneously compete for the time and attention of judges and staff.

Satisfying the expectations of court customers who vary in their roles and goals is a daunting challenge for court leaders. Moreover, judges and court administrators have only limited opportunities to view their work in perspective. The press of caseloads, along with everyday operational problems, often seems all consuming.

In this context, performance assessment actually helps court managers set goals as well as understand and manage organizational performance. With performance indicators in place, judges and court managers can gauge how well the court is achieving basic goals, such as access and fairness, timeliness, and managerial effectiveness.

Not everyone will see and accept the purported benefits of court performance measurement. Skeptical reactions range from “performance measurement won’t tell us anything we don’t already know” to “we’re happy with the way things get done now” to “we just don’t have the time and money to even try this.” Simply stated, an understandable response to the call for a new set of responsibilities is “why shouldn’t we just continue to try to do a good job, rely on our sense of how we’re doing, and strive to minimize daily problems as much as possible?”

These types of reactions show the need for a discussion of why the bench and court managers should devote energy to the systematic and ongoing task of court performance.

Five Reasons to Assess Court Performance

1 One reason for embracing performance measurement is that perceptions and beliefs of court insiders about how work is getting done are not always accurate. As a result, positive anecdotes and personal accounts are dismissed by court critics who see what is happening in terms of their personal, and perhaps negative, experiences. In contrast to endless debate over conflicting images, performance data allow everyone to test the reality of their assumptions of how well things are going. Performance evaluation sorts out whether what court insiders think is going on is, in fact, taking place.

2 A second attractive aspect of performance assessment is the capacity to identify and focus on areas of greatest importance to a broad and diverse audience. Multiple indicators permit courts to respond to the varied concerns of constituents, including litigants, attorneys, witnesses, jurors, the public, and funding authorities. Certainly the bench and court staff are in a prime position to assess internal operating procedures, but court customers might have quite different criteria in mind when they evaluate the quality of service. By clarifying and measuring key outcomes relevant to the individuals and groups being served, the court averts the problem of making incorrect assumptions about what will best satisfy the public.

3 Fostering greater creativity among court staff is another reason for being clear on desired outcomes. When court leaders and managers explicitly state what matters most, court staff more easily engage in determining how to make it happen. This is done by standardizing the ends rather than dictating the means to achieve them. Setting the desired outcomes in terms of clear measures (e.g., 90% of case files could be retrieved within 15 minutes) help staff better understand their individual contributions and empower court staff to devise creative means to achieve the desired outcome.

4 The value of performance data for preparing, justifying, and presenting budgetary requests constitutes a fourth reason why chief judges and senior administrators should consider performance assessment as a standard management practice. Performance assessment's focus on multiple goals and corresponding measures makes clear that courts use resources to achieve multiple ends. Information on how well the court is doing in different work areas provides essential indicators of whether goals are reasonably being achieved, which ones are being met more fully than others, and which ones are marked by poor or unacceptable performance. As a result, courts can articulate why some activities need tighter management oversight, improved administrative practices, more resources to support promising uses of new technology, or different configurations of

Five Reasons to Assess Court Performance

personnel. In this manner, performance assessment is a critical foundation for building evidence-based requests for new initiatives and additional resources. Performance assessment across a spectrum of goals establishes a natural priority of emphasis and shields courts from the criticism that budget requests are the product of some individual judge's or administrator's personal preference. Instead, budget proposals flow from the mission of meeting agreed-upon goals.

5 Finally, attention to the results of court activities is more than just a polite gesture to the outside world. For the nation's courts, failure to highlight performance goals and measure them undermines the judiciary's proclaimed ability and need to govern its own affairs. Formal performance assessment signals a court's recognition, willingness, and ability to meet its critical institutional responsibilities as part of the third branch of government. Effective judicial governance and accountability require courts to identify primary responsibilities for which they can and should be held responsible. Since courts use public resources, taxpayers and their elected representatives are legitimately entitled to raise questions about efficiency and effectiveness in the expenditure of court funds. In response, performance assessment provides the means for courts to demonstrate the value of services delivered.

The foregoing observations suggest that performance assessment shifts the focus of court management from paying attention primarily to internal processes to delivering quality and value for the taxpayer dollar to court customers. However, actually establishing measures of value in the court context is a complex task. No single best measure for assessing high performance (like profitability in the private sector) exists to guide court leaders. Traditional court management typically measures a blend of inputs (e.g., the number of court staff employed) and outputs (e.g., the number of cases processed by court staff). But measures that focus on outcomes—the ones that allow people to say, “Yes, I see the value delivered for the investment”—are much more difficult to craft. *CourTools* proposes a small but well-considered set of outcomes that appear to be widely accepted as valuable.

Outcome measures should, however, be supplemented and tempered by reference to measures that relate to cost-effectiveness. Court leaders focused solely on outcomes risk investing money past the point of diminishing returns. If improvements in performance fail to increase proportionately to additional outlays of time and resources, new money would be better distributed to another activity, function, or program. At some point, for example, the impact on case-processing time of adding more staff will be negligible. Therefore, performance measurement should be conducted with an eye on two fundamental criteria: the outcomes the court delivers to its customers and the cost-effectiveness the court achieves in distributing resources. Both kinds of measures are included in *CourTools*.

***CourTools**, developed by the National Center for State Courts, is a first effort toward providing all courts a common set of ten indicators and clear methods to measure performance in a meaningful and manageable manner.*

Design criteria

The choice and formulation of the ten **CourTools** measures are shaped by three interrelated criteria: (1) fundamental court values; (2) balanced perspective on the work of the court; and (3) feasibility and sustainability. Performance measures must be relevant to a court's mission, purpose, and strategic plan. In designing **CourTools**, the NCSC draws on the civic ideals and major performance areas unique to courts, as defined by the *Trial Court Performance Standards (TCPS)*. These include, for example, providing access to justice, reducing delay, and ensuring fairness. **CourTools** also includes other success factors linked to management effectiveness that are relevant to all public institutions, such as fiscal responsibility, client-customer satisfaction, and the effectiveness and efficiency of internal processes. The ten measures making up **CourTools** provide concrete and specific indicators of success.

Achieving a balanced perspective means core performance measures should cover the most important dimensions of court performance and offer meaningful indicators of success in each area. Many court managers recognize the need for measurement in appraising current practices and procedures, but may not view performance measurement as essential beyond the arena of case-processing. The management approach associated with a "balanced scorecard" entails both the idea of achieving balance (e.g., unifying traditional case-processing measures like time-to-disposition with measures of access, procedural fairness, effective use of jurors, and court-employee opinion) and the need to regularly score performance. The goal is making performance measurement an integral part of the management process.

Finally, feasibility and sustainability require measures that are limited in number, readily interpretable, and durable over time. **CourTools** constitutes ten vital indicators of court performance, with more specific focus than the 68 measures of the *TCPS*. The **CourTools** indicators are easier to use initially and permit regular, periodic applications. The effort to apply the measures is not exorbitant or exhausting.

Delivering quality service

Let us now consider the relationship between these three design criteria and the ten measures. To facilitate the measurement of what constitutes a well-performing court, performance is defined in terms of service delivery, a concept associated with the outcomes of public institutions. For courts specifically, key services include how individuals are treated, the manner in which cases are handled, and the integrity of how a court controls its operations. Courts exist to provide the services of a controlled, efficient, and orderly legal process.

Within each area of service delivery, there are criteria for evaluating the quality and value of services rendered. In the treatment of individuals, we focus on measures of access and fairness, which are key values in the *Trial Court Performance Standards*. In the handling of cases, we focus on the criterion of timeliness, a value enshrined in the U.S. Constitution. Drawing on the insights of the *TCPS* as well as contemporary management literature, we examine managerial effectiveness, a standard calling for purposeful and deliberative administrative actions.

CourTools: Ten Measures

Access and fairness emphasize the fundamental importance of individuals and how they are treated in the American legal system. The degree to which these values are achieved in the real world is measured by ratings of court customers. **Measure 1: Access and Fairness** is a survey measuring individual satisfaction with the ability to make use of the court's dispute resolution services (access) and how the legal process dealt with their issue, interest, or case (fairness).

Timeliness emphasizes the concern of court participants, the public, and policymakers that the legal process is controlled and well-managed. Four measures highlight the general requirement that trial court functions be performed within a proper and reasonable timeframe.

Measure 2: Clearance Rates examines court productivity in keeping current with the incoming flow of cases. **Measure 3: Time to Disposition** calculates the length of elapsed time from case filing to case resolution, with the recommendation that the result be compared to some stipulated or agreed-upon case-processing time standard.

Measure 1

Access and Fairness

Access and Fairness Survey

Section I: Access to the Court

Circle the Number.

- | | 1 | 2 | 3 | 4 | 5 | |
|--|---|---|---|---|---|-----|
| 1. Finding the courthouse was easy. | 1 | 2 | 3 | 4 | 5 | n/a |
| 2. The forms I needed were clear and easy to understand. | 1 | 2 | 3 | 4 | 5 | n/a |
| 3. I felt safe in the courthouse. | 1 | 2 | 3 | 4 | 5 | n/a |
| 4. The court makes reasonable efforts to remove physical and language barriers to service. | 1 | 2 | 3 | 4 | 5 | n/a |
| 5. I was able to get my court business done in a reasonable amount of time. | 1 | 2 | 3 | 4 | 5 | n/a |
| 6. Court staff paid attention to my needs. | 1 | 2 | 3 | 4 | 5 | n/a |
| 7. I was treated with courtesy and respect. | 1 | 2 | 3 | 4 | 5 | n/a |
| 8. I easily found the courtroom or office I needed. | 1 | 2 | 3 | 4 | 5 | n/a |
| 9. The court's Web site was useful. | 1 | 2 | 3 | 4 | 5 | n/a |
| 10. The court's hours of operation made it easy for me to do my business. | 1 | 2 | 3 | 4 | 5 | n/a |

If you are a party to a legal matter and appeared before a judicial officer today, please complete the following additional questions:

Section II: Fairness

- | | | | | | | |
|---|---|---|---|---|---|-----|
| 11. The way my case was handled was fair. | 1 | 2 | 3 | 4 | 5 | n/a |
| 12. The judge listened to my side of the story before he or she made a decision. | 1 | 2 | 3 | 4 | 5 | n/a |
| 13. The judge had the information necessary to make good decisions about my case. | 1 | 2 | 3 | 4 | 5 | n/a |
| 14. I was treated the same as everyone else. | 1 | 2 | 3 | 4 | 5 | n/a |
| 15. As I leave the court, I know what to do next about my case. | 1 | 2 | 3 | 4 | 5 | n/a |

Section III: Background Information

What did you do at the court today?

(Check all that apply)

- Search court records/obtain documents
- File papers
- Make a payment
- Get information
- Appear as a witness
- Attorney representing a client
- Jury duty
- Attend a hearing or trial
- Law enforcement/probation/social services staff

What type of case brought you to the courthouse today?

- Traffic
- Criminal
- Civil matter
- Divorce, child custody or support
- Juvenile matter
- Probate
- Small Claims
- Other: _____

How do you identify yourself?

- American Indian or Alaska Native
- Asian
- Black or African American
- Hispanic or Latino
- Native Hawaiian or Other Pacific Islander
- White
- Mixed Race
- Other: _____

How often are you typically in this courthouse?

(Choose the closest estimate)

- First time in this courthouse
- Once a year or less
- Several times a year
- Regularly

What is your gender?

- Male
- Female

CourTools: Ten Measures

A related indicator of timeliness is the amount of time cases have been pending or awaiting resolution—

Measure 4: Age of Active Pending Caseload. It is possible for a court to show expeditious processing of disposed cases, yet have undesirably high figures for the age of its pending caseload. This happens when routine cases move smoothly through the court system while problematic cases are allowed to continue aging.

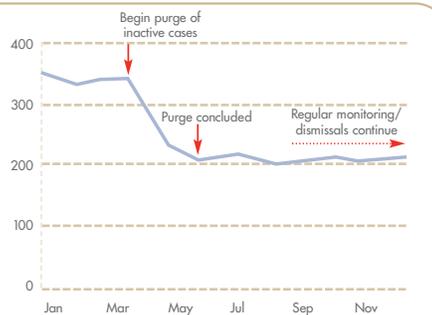
Moreover, an increase in the age of pending cases foreshadows difficulties a court might have in continuing its past degree of expeditiousness. Finally, **Measure 5: Trial Date Certainty** provides a tool to evaluate the effectiveness of calendaring and continuance practices. Not only does trial postponement almost inevitably delay case resolution, the constitutional guarantee of a speedy trial is frustrated by the inability of a court to conduct trials as scheduled.

Managerial effectiveness highlights the nexus between operating procedures that are strictly internal and outcomes important to the court's customers. Success in meeting this key value is assessed in the five remaining *CourTools* measures. Measures 6 to 9 relate to values emphasized in the *TCPS*, while Measure 10 focuses on cost-effectiveness.

Measure 4

Age of Active Pending Caseload

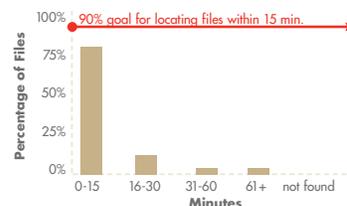
Median Age of Pending Civil Cases



Measure 6

Reliability and Integrity of Case Files

Percentage of Files Retrieved



Measure 6: Reliability and Integrity of Case Files

is vital to the public interest (individual litigants and taxpayers alike) in that the records of court decisions and actions officially determine the rights and responsibilities of individuals and the government. Inaccessible or incomplete case files seriously compromise the court's integrity and undermines the judicial process. A well-performing court maintains case files completely and correctly in recordkeeping systems, which also permit expeditious retrieval and support timely case processing.

CourTools: Ten Measures

Integrity and public trust in the legal process also depend in part on how well court orders are observed and enforced. **Measure 7: Collection of Monetary Penalties** focuses on the extent to which a court takes responsibility for the enforcement of monetary penalties.

Jury participation in the legal process represents the basic democratic premise that citizens are appropriate decision makers in legal disputes. **Measure 8: Effective Use of Jurors** addresses a court's ability to effectively manage jury service.

Measure 9: Court Employee Satisfaction uses a survey, drawn from contemporary management literature, to gauge employee perspective on the quality of the work environment and relations between staff and management. Conflict, low morale, and doubt about the appropriate division of labor among court employees undermine service to the public. Moreover, effective supervision and direction by managers are essential to the ongoing growth and development of court staff. Clarity and a sense empowerment by employees facilitate judicial efforts to process and issue orders in a timely and effective fashion.

Deciding how best to allocate scarce resources so as to gain the biggest bang for the buck is a critical task for court managers. Attention to outcomes must be united with the equally critical element of cost-effectiveness. High performance courts will want to compare relative expenditures (costs) with outcomes to determine where additional dollars will likely have the greatest incremental impact on performance. **Measure 10: Cost per Case** provides information essential for deciding how to allocate funds within the court and for understanding the link between costs and outcomes. Claims of judicial independence unsupported by information on the cost-effectiveness of current programs makes court budget requests vulnerable to arbitrary cuts or inadequate increases. Hence, it is in the self-interest of courts to frame the dialogue over the financing of services with their own, independent cost-effectiveness data.

Measure 9

Court Employee Satisfaction

Rate of Agreement with Questions



Calculating a Satisfaction Rate

The adjacent chart shows the percent in the Agree group (rating of 4 or 5) for the first five items. Court employees were especially positive about being kept informed and communications. At the same time, they were least satisfied with having the resources they need.

Conclusion

CourTools enables courts to collect and present evidence of their success in meeting the needs and expectations of customers. Basic indicators of court performance are a necessary ingredient of accountability in the administration of justice and effective governance of the third branch. Moreover, performance measures provide a structured means for courts to communicate this message to their partners in government. **CourTools** should appeal to judges and administrators interested in setting the agenda of policy discussions and evaluations of institutional performance. Designed to demonstrate the quality of service delivery, **CourTools** fosters consensus on what courts should strive to achieve and their success in meeting objectives in a world of limited resources.

CourTools



Contact the National Center's Court Services Division
to learn more about implementing
CourTools in your court.

Call us toll-free at:
800-466-3063

Download a free copy of **CourTools** at:
www.courtools.org

Send an email to:
courtools@ncsc.dni.us

Readings and Sources

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NCSC
National Center for State Courts

Court Consulting Services
707 Seventeenth Street
Suite 2900
Denver, CO 80202-3429
800-466-3063

Headquarters:
300 Newport Avenue
Williamsburg, VA 23185-4147
800-616-6109
www.ncsonline.org

INTRODUCTION

Differentiated case management (DCM) is a technique courts can use to tailor the case management process—and the allocation of judicial system resources—to the needs of individual cases.

A. Understanding Differentiated Case Management

The DCM premise is simple: Because cases differ substantially in the time required for a fair and timely disposition, not all cases make the same demands upon judicial system resources. Thus, they need not be subject to the same processing requirements. Some cases can be disposed of expeditiously, with little or no discovery and few intermediate events. Others require extensive court supervision over pretrial motions, scheduling of forensic testimony and expert witnesses, and settlement negotiations. The early case screening that a DCM system promotes also enables a court to prioritize cases for disposition based on other factors such as prosecutorial priorities, age or physical condition of the parties or witnesses, or local public policy issues.

Inherent in the concept of DCM is the recognition that many cases can—and should—proceed through the court system at a faster pace than others if appropriate pathways are provided. Under a DCM system, cases do not wait for disposition simply on the basis of the chronological order of their filing.

DCM synthesizes the past three decades of development in the field now known as caseload management. As caseloads increase and more judges and administrators acknowledge the importance of active supervision of case progress, greater attention has turned to methods for reducing delay, making the courts more accessible to the public, and improving predictability and certainty in calendar management. For the most part, the many techniques developed, modified, and expanded in this process tend to be “event oriented.” For example, the concept of the

pretrial conference was developed as a method for narrowing issues, perhaps shortening trials, and providing an opportunity to advance settlement possibilities. Mandatory settlement conferences were also attempted. The focus was primarily on creating additional and more useful case events.

More recent research and development focus equally (if not more) on control of time intervals between events and on methods to supervise, control, and make these intervals more predictable. As part of this focus, emphasis has returned to the recognition that, although cases may be classified by broad definitions, each case is unique. Further, minimizing and making more predictable the time between case events calls for tailoring a disposition timetable to the characteristics of each case.

The premise that all cases are not the same and do not make the same demands is one that everyone accepts intuitively, but it was not broadly applied to case management until recently. In July 1987, the Bureau of Justice Assistance (BJA), Office of Justice Programs, of the U.S. Department of Justice launched a demonstration program to pilot test the application of DCM techniques to criminal and civil caseloads in the State trial courts. At the time, only one court in the country had introduced a DCM program. The Superior Court in Bergen County, New Jersey, had adopted in March 1986 a pilot DCM program designed by the New Jersey Administrative Office of the Courts. No court had yet applied DCM to criminal cases.

The demonstration program confirmed the logic and benefit of differentiated case management for the trial courts and the usefulness of such programs for courts of varying sizes and caseload composition. This guide grew out of the experiences of six jurisdictions that implemented DCM techniques for criminal and civil caseloads in courts of general jurisdiction during the 1988–1991 demonstration. A list of these pilot jurisdictions, along with the names of the local officials involved in their operation, is included in appendix A.

Although the guide is based on pilot testing in general jurisdiction courts, the DCM concept can be readily adapted to the case processing systems in courts of limited jurisdiction as well as to special classes of cases, such as domestic relations, juvenile, probate, and other matters.

B. Purpose of This Guide

This guide focuses on the issues that must be addressed by jurisdictions that plan to implement a differentiated case management program. It is designed to be used by judges, prosecutors, public defenders, members of the private bar, court administrators, and other judicial system officials involved in adapting the DCM concept to the case processing systems in their jurisdictions. Because a successful DCM program requires continual coordination among all agencies affected, it is critical that they be involved from the start in DCM planning and operation.

GOALS AND OBJECTIVES OF DIFFERENTIATED CASE MANAGEMENT

Regardless of the criteria chosen for differentiating among cases or the case assignment system in use, two goals and four resulting objectives characterize differentiated case management. The goals:

- Timely and just disposition of all cases consistent with their preparation and case management needs.
- Improved use of judicial system resources by tailoring their application to the dispositional requirements of each case.

To achieve these goals, a DCM program should have the following objectives:

- Creation of multiple tracks or paths for case disposition, with differing procedural requirements and timeframes geared to the processing requirements of the cases that will be assigned to that track.¹
- Provision for court screening of each case shortly after filing so that each will be assigned to the proper track according to defined criteria.
- Continuous court monitoring of case progress within each track to ensure that it adheres to track deadlines and requirements.
- Procedures for changing the track assignment in the event the management characteristics of a case change during the pretrial process.

The key to developing meaningful DCM track criteria is to identify factors that determine the levels of preparation and court intervention required to achieve a just and timely resolution of each case. A variety of

approaches are possible. Some courts differentiate on the basis of the seriousness of the case—the nature of the charges and sentence exposure involved, for example—or the characteristics of the claims and defenses asserted, such as the amount in controversy. Other courts estimate the time required for preparation and disposition based on the need for forensic testimony or psychiatric evaluation, the number of parties, the amount of discovery anticipated, or other such factors.

Some courts simply differentiate on the basis of case type; others use a combination of these approaches. No approach has been demonstrated to be superior as long as it permits a jurisdiction to distinguish the amount of preparation and judicial intervention needed to resolve each case fairly and expeditiously. Appendix B provides examples of criteria used by several of the DCM pilot programs.

DCM can be used with any type of case assignment system as long as it permits early, meaningful case screening and differential processing procedures and pathways. Courts using a master calendaring system will manage DCM program functions centrally. Courts that use an individual calendaring system will require some central management functions, such as defining program goals, operational policies, and procedures; monitoring system performance; and the like; but most case management tasks will be performed by the individual judges and their staffs. Hybrid calendaring systems will require a combination of these management approaches.

¹ The term “track” has become associated generically with DCM programs. However, some jurisdictions have found the term offensive to the qualitative aspects of the judicial process that a DCM program is designed to promote. Instead of “track,” some jurisdictions therefore have adopted the term “plan” or “category” for their DCM classifications.

BENEFITS TO BE DERIVED FROM A DCM PROGRAM

Seven principal areas, summarized below, are likely to be affected by a DCM program. Users of this guide may wish to contact officials in the BJA pilot sites (see appendix A) to discuss the DCM concept and its implementation in their jurisdictions in more detail.

A. Use of System Resources

DCM is designed to enable a court to make better use of judicial and staff resources. Early screening identifies cases that require substantial judicial involvement to ensure timely preparation and disposition as well as those that require less judicial intervention and preparation time. By tailoring the disposition process to the management needs of cases filed, court resources can be used more efficiently, and judges' time can be reserved for functions that require a judge's effort. For certain simpler cases, pretrial case management activities can be delegated to administrative staff. Increasing administrative staff responsibility for case management can also build a sense of organizational responsibility for case disposition and enhance job satisfaction.

This is not to say that DCM is a substitute for additional resources where these are needed. However, such a program will contribute to a more efficient use of existing resources and enable a jurisdiction to assess its staffing and judicial needs more realistically.

B. Case Disposition Time

Although DCM is a technique to enhance management of the case disposition process, it also may reduce the time to disposition. The impact of a DCM system on case processing time is particularly apparent in those cases that do not require a trial. Since 90 percent or more of cases filed are disposed of without trial, earlier attention to these cases and shorter

deadlines for case completion can have a marked effect on the court's overall time to disposition.

Setting deadlines, particularly when done in consultation with counsel, can also be expected to reduce requests for continuance springing from lack of preparation. If the deadlines within the DCM tracks are realistic and counsel know the court will enforce them, compliance is far more likely.

C. Quality of the Judicial Process

By tailoring case processing time and procedures to the individual cases, DCM improves the quality of the case process. Early case screening, an essential component of DCM, promotes better attorney preparation and more informed discussion of disputed issues at each event. For the litigants, DCM provides greater certainty that their cases will receive the degree of time and attention necessary and that they will reach timely disposition. DCM also facilitates greater public access to the court process by assuring that the time and procedures allocated for the disposition process are consistent with case requirements. DCM results in greater certainty that events will be conducted when scheduled; thus, judicial system officers, including attorneys, need to prepare only once for each scheduled event.

D. Cooperation Among Agencies Involved in the Justice System

Because the planning and implementation process for a DCM program requires that all components agree collegially on priorities for case processing and resources, the DCM program—if it is to succeed—necessarily fosters increased cooperation among judicial system agencies and the recognition that they are working toward *system* goals as well as their respective institutional missions.

E. Litigation Costs

A DCM system may be expected to affect litigation costs in several areas. Earlier case disposition and deadlines for completion of key activities, such as discovery, result in fewer discovery-related motions. Limitations on the amount of discovery for cases in certain tracks or at certain pretrial stages, if explicitly incorporated into the DCM system, reduce litigation costs.² The number of appearances resulting from continuances as well as events that do not meaningfully contribute to case disposition also are significantly decreased.

Some offsetting costs may be connected with DCM system requirements, such as completion of forms and reports by counsel relating to case screening and monitoring. A jurisdiction should assess the implications of its DCM system on litigation costs as the system is being designed.

F. Public Perception of the Court

Improving the court's public image is a related benefit of implementing a DCM system. The efficiency and predictability achieved through a well-functioning DCM program can enhance the respect and credibility of the court among the legal community and the general public.

G. Other

In most of the pilot DCM jurisdictions, the DCM programs have had an impact on numerous other aspects of judicial system operations and resources, including:

- Reducing the number of jail days for defendants in pretrial custody as a result of the reduction in case processing times for detained defendants.³
- Reducing the number of bench warrants issued as a result of shorter time between court events and greater certainty that scheduled events will, in fact, occur.
- Savings in clerical and postage costs by eliminating unnecessary continuances and associated notices.
- Savings in prisoner transport costs as well as in the time expended per case by judges and attorneys by eliminating unnecessary continuances and events that do not contribute to case disposition.
- Savings in witness costs, including those related to police overtime, resulting from greater certainty in the court's calendar and the elimination of events that do not contribute to case disposition.
- More efficient coordination of individuals and tasks associated with complicated cases by identifying these cases early and imposing management supervision.

² Some jurisdictions use a two-stage discovery process so that limited discovery is permitted for purposes of early settlement discussions which, if not successful, are then expanded for purposes of trial preparation.

³ An essential element of all of the pilot criminal DCM programs has been the creation of separate subtracks for detained and released defendants within each major track.

PREREQUISITES FOR IMPLEMENTING A DCM SYSTEM

The prerequisites for implementing a DCM program are:

- The court must acknowledge its responsibility for managing case progress.
- Judicial officials must agree that all cases filed are not alike and that they need different management and processing.
- Participants must commit themselves to differentiate among cases for management and processing purposes.
- A key judge must assume leadership throughout the development and implementation process.
- An experienced administrator must be assigned to coordinate the details of the DCM development and implementation process.

- Key justice system agencies must be willing to collaborate on the design and implementation of a DCM program.
- The court and other agencies involved must be willing to reorganize existing staff to support the operation of a DCM program.
- Each agency must be willing to dedicate senior staff with expertise and credibility to evaluate cases.
- An information system must be available to support the DCM program operation, monitoring, and evaluation. Depending on case volume, automation may be necessary, although in many jurisdictions a PC-based system has been adequate.

If these prerequisites exist, a court can start to plan for a DCM program. The principal planning tasks are summarized in chapter 5.

PLANNING FOR A DCM PROGRAM

The first step in planning a DCM program is to identify the agencies and individuals integral to the caseload process who will be affected by the changes a DCM program introduces.

A. Determining Who Should Be Involved in Planning

If a criminal DCM program is being implemented, the following officials need to play a role:

- Chief judge.
- Presiding criminal judge.
- Court administrator.
- Prosecutor.
- Indigent defense service provider.
- Representative from the private criminal bar.
- Sheriff or other agency responsible for prisoner transport and court security.
- Agency responsible for preparing pretrial release recommendations and presentence investigation reports.
- Agency responsible for probation supervision.

If a civil DCM program is being implemented, individuals who need to be involved include:

- Chief judge.
- Presiding civil judge.
- Representatives from the local bar.
- Court administrator.
- Civil case manager or assignment clerk.
- Representatives from the court clerk's office.

Once these have been identified, the directors of each agency identified should assemble a policy committee to develop the DCM overall goals and objectives. Once these have been agreed to, detailed planning

can begin. This can best be accomplished by creating a task force drawn from the membership of the policy committee and supplemented by staff in key operational positions within these agencies (see chapter 7).

B. Information Gathering by the DCM Policy Committee

Before it considers the changes a DCM might achieve, the policy committee must develop a sound understanding of the court's caseload characteristics and how it presently is being disposed. Thus, the committee should obtain and analyze information on the current state of case processing, including:

- Recent trends in the number and types of case filings.
- The number, type, and age of pending cases.
- The reasons for and frequency of continuances and the types of cases in which they commonly occur.
- Current time from filing to disposition and trends over the past 5 years.
- Points and timeframes at which case disposition is occurring.

This information will provide a general picture of the pace and methods of case disposition as well as special problems occurring in the case process, as evidenced by continuances, for example. These data should then be further analyzed to indicate the percentage of cases disposed of in 30-day increments, the events at which disposition occurs, and the disposition methods used. This analysis will provide a clear picture of how time consumed by the case process is currently being employed. The results will provide a framework for gathering the data discussed below relevant to the design of the DCM program.

Primary focus should be upon identifying:

- Types of cases that can be disposed of early in the caseload process and the events and information necessary to trigger their disposition.

■ Types of cases that warrant more extended dispositional timeframes and the extent of judicial supervision or management they require.

The caseflow information described above will provide a basis for identifying problems with the existing caseflow system that the DCM program should address. Among the specific issues that should be explored to determine how cases should be differentiated and the various procedures and times applicable to each category are:

■ **The stage (event) in the caseflow process at which different types of cases are being disposed and the most common types of disposition at each stage.**

In other words, what events—such as completion of discovery, conduct of a pretrial conference, omnibus hearing, motions hearing, or trial—are associated with disposition of various types of cases? What methods of case disposition—such as settlement, plea agreement, alternative dispute resolution (ADR) referral, or jury verdict—occur most frequently? Because more than 90 percent of civil and criminal cases filed are disposed of through nontrial methods, a DCM program should promote the occurrence of whatever events are needed to trigger disposition as early in the process as possible as well as identify which cases will, in fact, require trial. A sample “fallout” chart showing the events and times at which case disposition occurs and the methods of case disposition used is provided in appendixes F1 and F2.

■ **The age of cases at disposition.**

A historical summary of the age of disposed cases, measured from filing to disposition, should provide a general picture of case processing time. The data should be coupled with an analysis of the events that occurred prior to disposition to determine whether these intervening events—and the elapsed time between them—contributed to case disposition. For example, on the criminal side, whether significant numbers of dispositions occurred at arraignment depends upon whether discovery was exchanged, whether the defendant was represented by counsel, and so forth. On the civil side, whether or not pretrial conferences contributed to case disposition depends upon the timing of the conference and the preparation required of attorneys for the conference.

■ **The reasons for and frequency of continuances**

In addition to reviewing the nature of activities preceding disposition, the reasons for and frequency of continuances of any of these events and the types of cases in which they commonly occur should also be assessed. Special attention should be given to identifying situations in which continuances reflect unrealistic timing of scheduled events (for example, defendant’s counsel was not yet appointed), inadequacy of existing resources to accommodate scheduled events (for example, no trial judge was available), lack of coordination among participants (for example, the prisoner was not transported), or other dysfunctions. This analysis should provide a basis for identifying general management problems as well as specific issues that the DCM program should address.

C. Setting Standards or Goals for the DCM System

Goals for the DCM system serve two principal functions:

- To provide a common standard toward which all parties can direct their efforts.
- To provide a basis for measuring the system’s effectiveness.

This analysis will provide a solid foundation for developing the goals and objectives of the DCM program and a framework for adapting DCM principles to local caseflow requirements. Goals should include:

- General performance objectives for the justice system as a whole as well as for the court and specific justice agencies involved.
- General case processing objectives and priorities.
- Objectives relating to judicial and other system resource allocations systemwide and within each involved agency.

The case processing goals and objectives of several of the BJA pilot DCM programs are included with the project descriptions in appendix A.

Within this framework, the operational policies and procedures for implementing the DCM program can then be developed by the DCM task force. The role and function this task force should play in designing the DCM program are discussed in chapter 6.

DESIGNING AND IMPLEMENTING A DCM PROGRAM

The DCM task force should design the program and implementation plan for the DCM to achieve the program goals and objectives developed by the policy committee and address specific caseflow problems identified during the analysis phase.

To ensure the successful design and implementation of a DCM program, a task force should assemble key policy and operational staff of the agencies and organizations necessary to implement a DCM program. The DCM policy committee members can be a valuable nucleus, but the task force also needs the operational perspective of people who can help develop requisite program procedures. Mechanisms for assembling the task force and conducting its activities will vary from one jurisdiction to another, but the court must take the leadership role in the task force.

The following outlines the principal jobs the task force should perform.

A. Developing a Common Understanding of the Existing Caseflow Process

As discussed in chapter 5, design and implementation planning should be the responsibility of task force components of the DCM policy committee. The existing case process—civil, criminal, or both—should be documented, including at least the following:

- Each key event in the caseflow process.
- The estimated time between events.
- Responsible agency or staff at each stage.
- Points at which the court exercises (or loses) control over case progress.

Sample diagrams of criminal and civil caseflow processes are provided in appendix F3.

The task force should develop a thorough understanding of present practices affecting both the civil and criminal caseflow process. The principal areas that should be addressed are summarized in exhibit 1.

This analytic process will give the task force the necessary level of understanding and common frame of reference for an effective DCM program.

B. Defining Criteria for Case Differentiation and Agreeing on DCM Track Characteristics

Chapter 1 described a variety of possible criteria for differentiating among cases. The analysis explained above should provide a framework for identifying factors that best distinguish among cases in a specific jurisdiction in terms of case management and disposition needs.

Some courts have begun their DCM systems with three tracks that represent three different speeds of case disposition; others have used as many as five or six tracks to address both speed and special categories of cases. The number and characteristics of the DCM tracks appropriate to an individual jurisdiction will depend upon the case categorization that emerges from the first-step analysis. Among the issues that need to be addressed in determining the specific tracks and track characteristics appropriate in a specific jurisdiction are:

- What cases can be reasonably expected to be disposed of earlier than others? For example, if plea agreement and probationary sentences currently dispose of most first-offender cases involving less than 3 years potential incarceration, is it possible to assign these cases to a special track that will provide an early conference at which realistic plea offers can be made and assessed and disposition can occur? Similarly, if completion of discovery triggers the disposition of certain classes of civil cases, is it

Exhibit 1. Relevant Criminal and Civil Caseload Practices: Areas for Review by the DCM Task Force

<p>■ General</p> <ul style="list-style-type: none"> a. Method for assigning cases to judges b. Method for scheduling cases <ul style="list-style-type: none"> – formal – informal c. Key intervention points or scheduled events and when they occur d. Current procedures for case screening <p>■ Criminal Case Processing System</p> <ul style="list-style-type: none"> a. Criminal caseload process overview: Major events and timeframes b. Relevant statutory and rule provisions <ul style="list-style-type: none"> (1) Delay/speedy trial provisions <ul style="list-style-type: none"> – description – degree of compliance (2) Mandatory sentencing provisions and frequency of their use (3) Other provisions that impact on the caseload process c. Judicial system policies <ul style="list-style-type: none"> (1) Court policies <ul style="list-style-type: none"> – Regarding scheduling cases of detained defendants – Regarding continuance requests – Regarding case processing priorities (2) Prosecutorial policies <ul style="list-style-type: none"> – Regarding method (use of indictment/accusation/information, etc.) – Regarding plea negotiation – Regarding provision of discovery 	<ul style="list-style-type: none"> (3) Defense policies <ul style="list-style-type: none"> (a) Issues relating to indigent defense services <ul style="list-style-type: none"> – Method for providing defense services – Method for assigning cases to attorneys – Point in case at which attorneys are assigned (b) Issues relating to private counsel (4) Special issues affecting caseload <ul style="list-style-type: none"> (a) Obtaining lab reports (b) Scheduling forensic experts d. Case filing and disposition information <ul style="list-style-type: none"> (1) Historical information (last 5 years) <ul style="list-style-type: none"> – Annual case filings – Average and median case age at disposition by year (and type of case if available) – Method of disposition and average and median age for each case disposition method by year (2) Management information on the pending caseload <ul style="list-style-type: none"> – Volume – Age – Stage in caseload process e. Major problems identified by judicial system officials <ul style="list-style-type: none"> ■ Civil Case Processing System a. Civil caseload process overview: Major events and timeframes 	<ul style="list-style-type: none"> b. Applicable rules regarding case processing <ul style="list-style-type: none"> (1) Applicable timeframes (2) Applicable events (3) Discovery (4) Lack of prosecution (5) Sanctions for noncompliance c. Alternative dispute resolution programs <ul style="list-style-type: none"> (1) Applicable procedures and timeframes for their use (2) Impact on civil case process system d. Judicial system policies <ul style="list-style-type: none"> (1) Scheduling (2) Continuances (3) Use of sanctions e. Case information collected <ul style="list-style-type: none"> (1) Information used to screen cases (2) Type of information (3) Point at which it is collected (4) Action taken as a result f. Case filing and disposition information <ul style="list-style-type: none"> (1) Historical information (last 5 years) <ul style="list-style-type: none"> – Annual case filings – Average and median age at disposition by year – Disposition methods average/median age for each by year (2) Management information on pending caseload <ul style="list-style-type: none"> – Volume – Age – Stage g. Major problems identified by judicial system officials.
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possible to assign these cases to a special track that will provide for the completion of discovery at the earliest practical time, with a settlement conference scheduled shortly thereafter?

■ What degree of court supervision do cases require that need more extended case disposition time? Adequate court supervision of cases with extended dispositional timeframes ensures that these cases proceed as scheduled and that the extended time promotes *disposition*—not delay.

■ Do any special classes of cases present special management considerations? Management considerations of some special cases warrant assignment to a special category—or subcategory—within a track. These might include criminal cases involving foreign-speaking defendants who require interpreters for court proceedings as well as for interviews with attorneys, pretrial service, and probation officials, or cases requiring competency or psychiatric evaluations. Civil cases for special attention may include those involving multiple expert witnesses or third-party complaints.

C. Defining the Case Characteristics for Each Track

The case differentiation criteria adopted in task B above should define the characteristics of cases assigned to the various tracks.

For example, a drug case involving one defendant, a simple laboratory analysis, and minor criminal sanctions may be assigned to an expedited track. Another drug case that has similar characteristics, but also includes search-and-seizure issues and a defendant with an extensive criminal history, may be assigned to a standard or complex track. Similarly, a contract dispute involving two parties, no expert witnesses, and limited discovery may be assigned to an expedited track; another contract dispute with four parties, several expert witnesses, and extensive discovery may be assigned to a standard or complex track.

Approaches used by the pilot criminal and civil DCM sites to define case characteristics for each track are included in appendix B. Based on the track characteristics adopted, forms should be designed to capture essential case information for track assignment. Sample forms used by several of the pilot sites appear in appendix C.

D. Identifying Procedures That Need To Be Instituted or Changed

Once the basic case differentiation scheme and the characteristics for each track are agreed upon, procedures must be developed for each track. These procedures should address the entire caseflow process from filing and screening through disposition. Existing procedures that contribute to effective case management should be continued and adapted to the DCM program; where necessary, additional procedures and events should be instituted to assure adequate case screening, management, and monitoring.

Additional events may likely be needed or existing events modified to provide for earlier court intervention and a chance of earlier disposition. For example, if the flow chart developed during the planning phase indicates substantial delay before any court intervention, an early pretrial conference (that is to say, within 10 to 15 days of the filing of a criminal case and within 30 days of the filing of the answer in a civil case) may be essential to ensure that cases are disposed of as early as possible, consistent with their management needs. Examples of the track procedures and timeframes adopted by several of the pilot sites are included in appendix E.

E. Assuring That Essential DCM Functions Are Performed

The procedures developed for the DCM system should promote performance of the critical DCM functions listed in exhibit 2 and clear-cut responsibility for the tasks entailed.

F. Ensuring Interagency Coordination, Management Support, and Periodic Training

The task force also will need to:

■ See that each agency affected by the DCM program develops adequate internal implementation policies and procedures.

Exhibit 2. Critical DCM Functions and Planning Issues

■ *Defining the tracks for the DCM System*

- What factors distinguish cases in terms of their management and disposition needs?
- What procedures, events, and deadlines should be established to reflect the different management and disposition requirements of the caseload?
- What degree of court supervision will the cases in these tracks require?

■ *Case screening*

- What information will be used to screen cases for track assignment, and how will that information be obtained?
- Who will screen the cases?
- When will case screening be done?

■ *Track assignment*

- When will the track assignment be made?
- Who will make the track assignment?
- What attorney input will be considered?
- How will attorneys be notified of the assignment?

■ *Case management*

- What management functions are needed to ensure that cases in each track are disposed of in accordance with applicable track procedures and timeframes?
- What management functions can staff perform?
- What management functions require a judge?

■ *Case monitoring*

- What information is needed for case monitoring?
- How will compliance with applicable event deadlines be monitored?
- How will noncompliance be addressed?

■ *Program assessment*

- What are the goals and objectives of the DCM program?
- Who will be responsible for assessing the degree to which the DCM program achieves its goals and objectives?
- What information will be used to perform this assessment?
- How will needed modifications in DCM be identified and made?

■ *Interagency coordination*

- Who will be responsible for assuring continuing communication and coordination among agencies involved in the DCM process?
- What procedures will be instituted to promote close cooperation among the agencies involved and identification and resolution of problems as they arise?

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- Develop mechanisms for ongoing interagency coordination between all agencies involved.
 - Secure adequate management and information support to manage and monitor individual cases as well as the overall DCM program.
 - Guarantee ongoing education and training programs for all levels of staff in each agency affected by the DCM program.
 - Establish mechanisms for ongoing assessment of DCM program operations, resolution of internal operational and interagency coordination problems, and periodic modification of program policies and procedures.

G. Regular Meetings To Watch Program Operation and Address Any Problems

The task force should meet regularly to review operations of the DCM program and address implementation problems as they occur. The meetings should occur at least once a month for the first 6 months of the program and no less frequently than every other month after that. Many unanticipated problems will develop. Most of them will be relatively minor, but if not addressed promptly may impede the program's success. Minutes of a task force meeting in one of the pilot sites shortly after implementation, included in appendix D, highlight the range of issues and questions that can come up once the DCM program is implemented.

H. Special Issues To Consider in Developing the DCM Program Implementation Plan

(1) Changing the rules or other provisions relating to the case process. To the extent that the DCM program changes discovery practice and timeframes for case processing, adds new events, or changes the character of old events, civil DCM programs most likely will require changes in existing court rules. Rule changes will be the most effective way of giving attorneys and the public adequate notice of the new civil case processing procedures, including case processing applicable to the various tracks. For

jurisdictions without local rules, publishing special rules may be necessary. Starting the DCM program with temporary or interim rules may be desirable; these can be modified to reflect changes as the program completes its pilot test period. Examples of rules prepared for civil DCM programs are included in appendix G1.

Criminal DCM programs, on the other hand, most likely will require only minimal changes, if any, in court rules. Most of the changes brought about by the DCM program can be introduced by court administrative order or interagency agreement within existing statutory or rule provisions regarding case processing time and events in the criminal case process. As an example, appendix G2. includes the Pierce County (Washington) Superior Court's Memorandum and Supplemental Memorandum on revised criminal procedures instituted for the DCM program.

To determine whether implementing DCM requires rule changes or other action, a jurisdiction should carefully review existing rules and statutory and other provisions on time, events, and other details of case processing. Based upon this review and the "local legal culture," local officials should determine how best to proceed. In any event, the bar and the public should learn in local legal and other publications of the adoption of DCM. Appendix H has examples of publication announcements explaining the DCM program.

(2) Evaluating the pros and cons of pilot programs. Some jurisdictions may want to consider a DCM program for the entire criminal or civil docket—or for both. Benefits of this approach are that all cases go through a uniform procedure. Others may want to begin with a pilot program, focusing on only a segment of the caseload. This approach permits DCM to be tested in a limited number of cases and program procedures to be refined before the system is applied to the rest of the docket. The BJA pilot projects have used both strategies. However, those jurisdictions that phased in the DCM program found that maintaining one caseflow management system for DCM cases and a second system for non-DCM cases required added management functions and necessitated orienting agencies to the procedures of the new system while still maintaining the old. This has been a particular problem in situations in which the DCM program imposed more stringent management and preparation requirements.

(3) Assuring adequate program management and support staff. The intensive case management characteristic of a DCM program and its focus on early disposition require adequate staff and information system support. This support enables staff to perform necessary case management and monitoring functions and issue notices of applicable events for each track. In jurisdictions where a special judge is designated to handle a high volume of dispositions, such as those at arraignment or shortly thereafter, sufficient clerical and security support must be provided for the volume of cases. This does not necessarily require additional staff. Redefining existing responsibilities and duties will often suffice.

(4) Handling the current case inventory. Regardless of whether DCM is implemented on a pilot basis or extended to the full caseload, the court will need a plan to dispose of pending case inventory. Although DCM procedures will not apply to these cases, there is no reason why the court cannot informally adhere to DCM principles by tailoring the case disposition process to the needs of each case in inventory. Many jurisdictions initiated their DCM systems with an audit of all pending cases to determine their status and schedule them for disposition. For the initial period, the court will need to maintain two parallel scheduling systems. The DCM program must be designed to accommodate systems for DCM and non-DCM cases.

(5) Developing necessary forms. The DCM system will require new forms for case screening and monitoring and for notices regarding track assignment and scheduling. The design of these forms should give particular consideration to:

- The purpose of each form.
- The source from which the information will be obtained.
- How the information will be used.

Requests for information for case screening should be unambiguous and geared to obtaining objective information that can be readily coded.

(6) Assuring adequate information system support. The experiences of the BJA pilot DCM jurisdictions made it apparent that many trial courts lack information systems that provide adequate information for day-to-day case management and monitoring as well as for managing the overall DCM program.

Efforts by the pilot DCM sites to adapt statewide court or county information systems proved unsatisfactory, and most of them developed supplemental PC-based systems to manage and monitor DCM.

A number of existing software programs can provide the capability necessary for DCM in most jurisdictions. When adapting any of these programs to the needs of a local jurisdiction, judges and administrators should meet to define the functions they need to have performed in order to manage and evaluate the new system, to supervise individual case progress, to determine the status of the caseload, and to measure the degree to which DCM goals and objectives are being achieved.

At a minimum, the DCM information system should provide:

- Information necessary to manage and monitor case progress.
- Information necessary to assess the degree to which the system's goals and objectives are being achieved.
- Flexibility to generate ad hoc reports that various users of DCM find helpful.
- Information on the DCM program and individual case progress as frequently as needed.

Sample computer screens and management reports generated by several of the pilot sites are included in appendix I.

(7) Fostering cooperation between prosecutors and public defenders. The prosecutor and public defender must cooperate to make a criminal DCM program work. Each of these offices should designate a senior-level attorney with expertise and credibility to screen each case, exchange discovery early, and conduct realistic settlement discussions. The objective is to reach the earliest possible disposition of each case consistent with the legal and management issues presented. For example, many jurisdictions require that the early plea offer be the best offer and not be reopened after the time for acceptance has expired. In determining the range of reasonable offers to promote early disposition in a given type of case, some jurisdictions sample the types of sentences arrived at prior to the DCM program, considering case type and offender characteristics, through plea or trial disposition.

(8) Analyzing costs and benefits. Cost is, of course, an important consideration in designing a DCM system, and it is difficult to quantify in dollar terms the economies—or costs—that will result. Certainly a DCM program will produce significant savings by eliminating unnecessary, repetitive events and functions and by permitting more efficient use of judicial and staff time. On the other hand, a DCM program requires adequate staff, management, and information resources to be effective. It may require enhanced information system capabilities (either automated or manual) and increased staff support. However, it may simply require reorganizing existing staff and resources and redefining the functions they perform.

Most DCM pilot sites used the resources provided by BJA or local matching funds to support information system needs (primarily the purchase of personal computers); hire court staff to coordinate and monitor case progress; and perhaps hire additional prosecutors, public defenders, and paralegals to screen and handle the caseload. In many instances, however, existing staff responsibilities were reorganized, thus obviating the need for new hires solely to implement the DCM program.

In the long run, whether a DCM program results in cost savings or higher expenditures will depend upon the type and level of resources existing before DCM, the degree to which the court currently manages cases efficiently, and the capabilities of the information system in place. Regardless of whether DCM reduces costs or increases savings, it should contribute significantly to more efficient use of existing judicial system resources.

(9) Providing training. An initial orientation program is essential for judges, court staff, prosecution and defense attorneys, probation officers, sheriffs, and all their staffs. In addition, ongoing training must follow the orientation to address operational problems as

they arise and reinforce DCM goals and procedures. In many jurisdictions attorneys who practice before the “DCM court” also practice in courts *not* using DCM and therefore need to be exposed regularly to the DCM program to promote compliance with its new procedures.

I. The Justice System Environment

An effective DCM program should capitalize on the organizational strengths of the local judicial system and address its weaknesses. In considering how to implement a DCM program, the following questions need to be addressed:

- What factors in the environment would support efforts to implement DCM, and how can they be utilized in the court? In other justice system agencies?
- What factors would work against DCM implementation, and how can they be overcome or counteracted in the court? In other justice system agencies?

Usually it is more effective to identify and capitalize on the facilitating factors rather than to try to make arbitrary changes. In designing a DCM program, it is important to:

- Identify specific problems that will be remedied by implementing differential case management.
- Secure the agreement of key leaders to participate in development.
- Listen carefully to objections or problems raised in your agency and in others because many will have merit and must be addressed.
- Make sure adequate resources, staff, and equipment will be available at program startup to maximize the chances of success.

CRITICAL ELEMENTS OF A DCM PROGRAM AND ASSESSMENT GUIDELINES

Here are the essential elements of a DCM program along with the objectives they support and the criteria and guidelines for assessing the effectiveness with which they function.

A. Case Differentiation Criteria

Objective: *Identification of the factors that determine the level of preparation and court intervention required to achieve a timely and just resolution in each case.*

Assessment Criteria:

- Policymakers have agreed on the factors that meaningfully differentiate cases.
- These factors are the basis for formal criteria used to define the number and nature of case processing tracks in the DCM system.
- Track criteria are unambiguous and easily used.
- Track criteria are clearly understood by all, including the bar.

Assessment Guidelines:

- Do the track criteria for the DCM program provide a meaningful guideline for categorizing cases according to the time and tasks required for their fair disposition?
- Are the track criteria clearly defined and capable of easy, unambiguous application?

B. Case Processing Tracks and Procedures

Objectives: *Creation of sufficient processing tracks to facilitate timely disposition.*

Scheduling of case events consistent with the needs of each case.

Assessment Criteria:

- Each of the DCM tracks is used with sufficient frequency to justify its existence.
- No DCM track has so high a percentage of cases assigned that it defeats the purpose of case differentiation.
- Each event on the track and its timing meaningfully contributes to timely case preparation, disposition, or both.
- The time and processing characteristics of each track accommodate the range of management/processing needs of the caseload.
- Track reassignment is easily accomplished when justified.
- Track reassignment occurs infrequently.

Assessment Guidelines:

- Do the distinguishing processing characteristics of the tracks in the DCM system reflect the range of management needs of the cases filed?
- Do the time and processing characteristics of each track permit flexibility to accommodate the range of management/processing needs of the individual cases assigned?
- Is the time between events individualized to reflect the management needs of each case?
- Are all of the tracks established being used frequently enough to make them useful?
- What percentage of cases are assigned to each track? What percentage of cases were anticipated to be assigned to each track? [If the actual percentage of cases assigned to the tracks differs significantly from the anticipated percentages, are there any special issues that need to be addressed, such as

possible need for refinement of the track criteria?
creation of subtracks? etc.]

- Are the tracks serving the purposes for which they were established?
- How are cases warranting track reassignment identified?
- What criteria are used to determine whether or not reassignment is necessary?
- What procedures are used to reassign a case to another track?

C. Case Screening Process and Track Determination

Objective: *Screening of each case as soon as possible after filing and assignment to the appropriate track.*

Assessment Criteria:

- Suitable forms and procedures exist for obtaining necessary information about each case at the time of filing for the purpose of track determination.
- Case differentiation criteria are applied shortly after each case is filed.
- Track assignment is communicated promptly to attorneys and appropriate court staff.
- Deadlines imposed as a result of track determination are communicated promptly to those who need them.
- The track assignment and associated deadlines are recorded in the permanent case record.

Assessment Guidelines:

- Does the court review the pleadings in each case shortly after filing (i.e., after charges are filed in criminal cases and after issue is joined in civil cases), using the criteria established for each track, to determine the track assignment for each case and the timeframe appropriate for its disposition?
- Is there adequate information available to make the track assignment at the time of this review? If not,

what additional information is needed for track determination and how soon can it be obtained?

- How are the results of the case review recorded and communicated to attorneys and court staff?
- How much time elapses between the time of filing and the track assignment? Can this time period reasonably be reduced? What case disposition activity is occurring during this period?

D. Court Control of Case Progress and Deadlines

Objective: *Assurance that cases proceed to disposition in accordance with the procedures and deadlines for the track to which they have been assigned.*

Assessment Criteria:

- Hearings or other court events occur on the scheduled date.
- The court can identify cases that are in danger of exceeding deadlines and take action to assure that they stay on schedule.
- Extensions of deadlines occur infrequently and are granted by the court only for exceptional cause.
- Requests for extensions are recorded and their frequency monitored.
- Patterns of requests for continuances are examined to determine whether modifications in the DCM system may be necessary.
- Consequences are imposed for noncompliance with established deadlines.

Assessment Guidelines:

- Are cases heard when scheduled for pretrial events? For trial?
- What mechanisms are used to monitor compliance with case processing deadlines?
- Can the court identify cases in danger of noncompliance with these deadlines? Who identifies these cases? What action is taken on them?

- How and when are cases identified that have exceeded deadlines? Who identifies these cases? What action is taken on them?
- What mechanisms are used to monitor the frequency and reasons for motions to extend deadlines?
 - How frequently, by track, are such motions filed?
 - By track, what action is taken on these motions?
- Are continuance requests made for any special category of cases or for any specific events with such frequency as to suggest that existing DCM time-frames are unrealistic or that resources are not adequate to achieve case processing objectives?
- What mechanisms exist to monitor the frequency and circumstances of motions to compel compliance with discovery requests by track? By case type?
- How frequently are such motions filed by track? By case type?
- What action is taken on these motions?

E. Information Support

Objectives: *Prompt creation of a case record to facilitate monitoring of case progress and overall system performance.*

Use of the information system to:

- *monitor case progress.*
- *generate notices, calendars, and statistical reports.*
- *permit periodic analysis of system performance.*

Assessment Criteria:

- Case information, track assignment, and deadlines are entered promptly into a data base.
 - The information produced by the system enables court personnel to monitor case progress and the condition of the caseload.
 - Information about the current status of each case is readily available.
- The system flags cases in danger of exceeding time standards.
 - Performance of cases on each track can be evaluated, by track.
 - The system can respond to ad hoc inquiries.
 - The system provides information to determine whether the DCM system is meeting goals and objectives.
 - Notices and calendars are generated promptly.

Assessment Guideline:

- Is the track decision promptly entered into a data base?
- Is this information subsequently used for day-to-day case management?
- Is the track assignment promptly communicated to the parties involved along with the schedule for subsequent case processing events?
- Is the information needed to manage and monitor your DCM program routinely collected?
- Is the information needed to determine whether modifications need to be made in the DCM program routinely collected and readily available?
- How is this information obtained and what is done with the information after it is obtained? (i.e., to whom is the information communicated?)
- Is the information needed to measure the success of your DCM program routinely collected and readily available?
- How is this information obtained and to whom is it communicated?
- Does the information system routinely provide information by track regarding:
 - case inventory by age, case type, and event?
 - compliance with event and track deadlines?
 - frequency, reason for, and effect of continuances?
 - case dispositions by age, track, and type of disposition?

F. Judicial System Leadership

Objectives: *A key judge to assume responsibility for overseeing the DCM program, meet regularly with officials of the agencies involved, review case management reports, address problems disclosed by these reports, and meet periodically with the DCM policy board and implementation task force.*

The court has adopted policies that articulate the DCM goals and policies clearly.

Assessment Criteria:

- The court has published policies that clearly articulate the goals and procedures of the DCM program.
- There is evident judicial leadership of the DCM system.
- There is frequent, open consultation between the court and each agency involved with the DCM system.

Assessment Guidelines:

- Has the court clearly publicized the goals and procedures of the DCM program to attorneys and others involved in the caseflow process?
- Has one judge been designated with administrative responsibility for monitoring and managing the DCM program and assuring that goals and procedures are achieved?
- Does he or she meet regularly with other judges and officials in other agencies involved in the DCM program to address the operation of the program?

- Does he or she have authority to adopt/revise procedures to address operational problems that occur?
- Have mechanisms been established to assure that all judges adhere to DCM policies and procedures?

G. Mechanisms for Interagency Coordination

Objective: *Establishment of mechanisms for ongoing communication among all agencies involved in the DCM process.*

Assessment Criteria:

- Representatives of the agencies involved meet regularly concerning system operation.
- Operational problems are addressed and resolved in a collegial manner.

Assessment Guidelines:

- Do representatives from each of the agencies involved in the operation of the DCM program meet regularly to discuss the DCM program from the perspective of their respective offices?
- Are operational problems relating to interagency coordination promptly identified and addressed?
- Is the information needed to measure the impact of the DCM program routinely collected?
- What actions are taken as a result of having this information?

FREQUENTLY ASKED QUESTIONS ABOUT DCM

Why would a jurisdiction want to consider adopting a DCM program?

(1) To make more efficient use of justice system resources by tailoring their application to the needs of the individual cases filed.

(2) To serve the public more efficiently by providing different processing paths with different timeframes and different procedural requirements, appropriately geared to case requirements to achieve a just disposition in each case filed.

What types of cases are most appropriate for a DCM system?

All types of cases are suitable for a DCM program.

Which cases—civil or criminal—will most benefit from DCM in terms of improved case-processing time?

The case-processing time for both civil and criminal cases can be substantially improved by DCM, particularly with regard to cases not disposed of by trial—i.e., disposed of by plea or settlement, dismissal, etc.—which make up at least 90 percent of cases filed. These cases can be disposed of efficiently and fairly by obtaining whatever information or scheduling or other court events are necessary to reach their disposition as early as possible, rather than waiting until the trial date approaches. In addition, the docket time that might otherwise have been unnecessarily reserved for their trial can be freed up for those cases that will, in fact, require trial.

How do you decide on the right criteria for differentiating your caseload? For example, how do you determine and isolate those factors that truly make a difference among the cases?

The best way to determine criteria for differentiating cases is through a combination of brainstorming with officials representing various components of the judicial process (i.e., plaintiff and defense counsel, prosecutor, public defender agencies, and the court) to identify differentiating factors based on experience

as well as to identify the critical information and events necessary for disposition of different classes of cases.

What resources are needed to perform the case screening for a DCM program, and how many staff are needed for the screening process? Can we get the attorneys to provide enough information to intelligently screen each case?

One experienced staff person can perform the case screening functions in most courts. This person can perform other DCM program functions as well, such as case monitoring, coordination with attorneys, etc. Experience with the pilot DCM programs has demonstrated that attorneys will provide all information necessary to screen cases intelligently, provided that the forms requesting this information are readily usable, the request for information is clear and unambiguous, and the response is capable of objective interpretation. Case screening also can occur at an early status conference conducted by a judge or magistrate, thus relieving staff of that function.

How much information needs to be collected on each case to classify it for the DCM program? How much is needed for monitoring compliance with case-processing schedules? Who should monitor compliance with the case-processing schedules developed for the DCM program?

The data needed to classify a case in a DCM program should be geared to the criteria the jurisdiction has adopted for case differentiation and the information desired to evaluate the DCM program. The various track criteria developed by the pilot DCM projects, included in appendix B, give examples of the type of information needed. In terms of monitoring case-processing schedules, the information needed would relate to the time and events scheduled and the track to which a case was assigned. Appendix I provides sample computer screens used by several of the DCM projects demonstrating the data used for monitoring purposes.

Will our existing information system be able to support the needed DCM data? If it can't, should we give any further consideration to a DCM program?

To decide whether your existing information system can support a DCM program, local officials should meet and determine the questions they will need to answer and the information they will want to maintain on a regular basis in order to manage and monitor the DCM program. They should then present these questions and information items to the director of the court's information system, asking the director whether the system can provide this information and, if not, what if anything can be done to obtain it. (Based on the experiences of the pilot sites, very few court information systems can provide the day-to-day management information that a DCM program—or any court management program, for that matter—requires.)

That the present court information system cannot support the DCM program, however, should not be a reason to abandon the program. Most of the pilot jurisdictions developed simple PC-based programs that were inexpensive, user-friendly, and adequate until such time as a more permanent system could be developed. Specific information on the development and use of these PC systems can be obtained by contacting the local officials involved in the development of these systems in Pierce County, Washington, and Ramsey County, Minnesota.

When should track assignments be made?

The track assignment should be made as soon as possible after filing—within 5 to 10 days of the filing of an answer in a civil matter and at the time of the first appearance, or very shortly thereafter, in a criminal matter.

Who should make the track assignment?

Under a master calendar, an administrator or coordinator can make the case track assignment; in an individual assignment system, the track assignment can be made by the judge to whom the case is assigned or by his or her designee. In either instance, clear criteria should be established for assignment to the various tracks established and the attorneys involved in the case should be consulted and have an opportunity to provide input to the track assignment decision.

How many tracks should there be?

Many jurisdictions have begun their DCM programs with three tracks; others, however, have used more or have subsequently developed subtracks so as to address special classes of cases. There is no magic number; the number should reflect realistic distinctions in case-processing requirements.

What should be the procedure if litigants object to the track classification? Does that add to case-processing delay?

Procedure for prompt appeal to a judicial officer should be provided. The appeal process should be simple and in no way delay case progress. The experience of the pilot DCM sites was that appeals of a track determination were extremely rare. Appeals of a track determination should be minimal if the criteria for track assignment are unambiguous and capable of objective and uniform application.

Do case screening and track assignment delay case processing in any way?

No. If anything, the information obtained at the time of case filing should accelerate case progress by forcing opposing counsel to consider much earlier the issues and tasks necessary for disposition and to provide each other this information.

Should all cases be included in the DCM program?

Yes. Some courts exclude certain types of cases initially, such as probate or domestic relations, but there is no reason to make such exclusion once a DCM system has been pilot tested.

What will be the impact of a DCM program on cases not included in the program?

Cases filed before the DCM program was implemented, and therefore not subject to DCM procedures, will need to be processed according to pre-DCM practice. It will be very important that these cases not be relegated to second-class status. Many of the pilot jurisdictions conducted an audit of these cases and were able to dispose of many of them, scheduling those remaining for trial as soon as possible. The same concerns apply to cases not subject to the DCM program because they are excluded by case type (i.e., civil cases in a court using a criminal DCM program, general criminal cases in a court using a DCM program for drug cases only, etc.). In either

situation, there is no reason why the principles underlying a DCM program—active court management of the case process and categorization and processing of cases based on their complexity—should not be applied to all of the cases, DCM or non-DCM.

Are civil cases more or less difficult to screen than criminal cases?

Civil cases are neither more nor less difficult to screen than criminal cases, as long as the criteria for case screening are clearly articulated and capable of unambiguous application.

Our individually calendared judges are randomly assigned cases of all kinds at the time of filing. How could we go about integrating a DCM program into their caseload system?

Since differentiation can be applied to all types of cases, these judges can devise differentiated case management procedures for all cases assigned to them. Their first step should be to define the case-screening criteria that the DCM system will use. The DCM tracks and procedures should then be defined, followed by a determination on how to allocate judicial time to the events prescribed for each track. Since all types of cases might be expected to have an early conference, a judge might designate part of one day a week simply as a conference day regardless of case type.

Does DCM assume that each judge has a “specialty” calendar and gets only one type of case?

No. The DCM principles apply to all types of cases and are concerned with the complexity of cases, not the case type as such.

What agencies, departments, or entities in addition to the court are affected by a DCM program? Do they need to be involved in the decision to implement a DCM program?

Virtually every agency involved in the civil or criminal case process will be affected by a DCM program. While not all of these agencies can realistically be involved in the decision to implement a DCM program, they will certainly play a role in determining its success. Special effort should therefore be made by the DCM Task Force to coordinate development of the program with these agencies and to plan for the

program’s anticipated impact. On the criminal side, for example, the agency responsible for prisoner transport will be instrumental in assuring that detained defendants are brought to court when scheduled. To the extent that the criminal case process is expedited or there is any increase in the numbers of detained defendants needed to be brought before the court each day, resources must be available to guarantee that the program does not break down at this point. Similarly, the agency responsible for obtaining criminal histories and preparing presentence reports must fulfill its role in order for cases to be disposed of in accordance with the DCM timeframes. If it is difficult to obtain timely and adequate criminal history information to satisfy statutory requirements, the planning process must address this situation.

Can a DCM program have an impact on crowding in our jail?

Definitely. Not only will a DCM program give priority to cases involving detained defendants but, in addition, it should promote much earlier disposition of those cases that do not require extensive preparation. In addition, the scheduling certainty built into the DCM program should ensure that cases involving detained defendants are not continued except for a showing of very good cause.

Our prosecutor will not negotiate pleas. Would a DCM program still be useful to our jurisdiction?

Yes, because it will permit the court to manage the pace and procedures of the criminal case process from time of filing. In addition, if sentence exposure is a factor considered in track assignment, a DCM program can also contribute to earlier disposition.

Our prosecutor and public defender indicate that their heavy caseloads prevent their “screening” cases for purposes of DCM tracking until shortly before trial. How can a DCM program be useful, given this constraint?

Many prosecutors and public defenders have expressed this reaction initially, when a DCM program is first discussed. Their later experience, however, tends to be that, by disposing of those cases which can be disposed of fairly expeditiously and by ensuring that each event scheduled contributes meaningfully to the disposition process of each case, they have had more time to devote to those cases that require their attention.

WISCONSIN COURT SYSTEM

Job Title: District Court Administrator

Division: Judicial Administrative District

Reports To: Chief Judge and the Deputy Director of State Courts for Court Operations

Summary Description

The District Court Administrator (DCA) works within a district under the direction of the chief judge and the Deputy Director of State Courts for Court Operations. A DCA analyzes, recommends and implements court management policies and procedures. These policies are intended to secure the fair and prompt administration of justice in the trial courts within the DCA's judicial administrative district.

This position serves as the chief executive officer of the district in court management, provides administrative and technical assistance as required by Supreme Court Rule (SCR) 70.16 and is a representative of the Director of State Courts Office as well as the chief judge.

The duties and responsibilities of a DCA vary somewhat over time and from district to district. The needs of the judicial administrative district, district policies, and the degree of delegation authorized by the chief judge affect the percentage of time spent in certain work activities. The DCA assists the respective chief judge in carrying out his/her responsibilities under Supreme Court Rule Chapter 70 and Wisconsin Statutes.

Tasks

- Develops and maintains a comprehensive and effective administrative structure for the district. (10-30%)
- Establishes and implements a caseload assignment system for the district. (10-15%)
- Collects and analyzes data to measure court performance. (10-20%)
- Provides technical and administrative assistance to judges and court staff as defined by SCR 70.16. (10-30%)
- Carries out committee assignments and performs ad-hoc or special projects as assigned. (1-25%)
- Develops and implements policies regarding court reporting services. (10%)
- Identifies facility needs and manages courtroom availability and security within the district. (5-10%)
- Provides training for judges and court staff. (1-10%)

Institute of Law and Public Policy (ILPP)

- Provides for communication and acts as a liaison between Supreme Court, the Director of State Courts Office, chief judge, and counties. (1-10%)
- Provides assistance in the budget process to counties and the State. (1-5%)
- Represents trial court or the chief judge at state and local hearings. (1-5%)
- Acts as a liaison with local government bodies, agencies and the media. (1-5%)
- Maintains an awareness of national court management trends and developments. (1-2%)

Knowledge and Abilities Required

- Court management skills
- Effective oral and written communication skills
- Effective organizational and problem solving skills
- Program and policy research and analysis
- Background in legal and judicial setting

Education and Experience Required

- Significant, progressive experience in management in a court or legal setting
- Graduate degree or comparable experience in court administration, public administration, business administration or related fields
- Training and/or experience in supervision

License and/or Certificate Required

Certificate from the Institute for Court Management is preferred

Discretion

A DCA functions independently on a variety of court management issues under the general direction and supervision of the respective chief judge and the Deputy Director of State Courts for Court Operations. This position is expected to exercise good professional and political judgment and provide leadership and innovation in solving problems and making improvements.

Contacts

A DCA functions in a highly political environment, working with elected and appointed government officials. This position works closely and on a routine basis with the Office of the Director of State Courts, including the Deputy Director of State Courts for Court Operations and the Deputy Director of State Courts for Management Services, senior management staff, circuit court judges and court reporters.

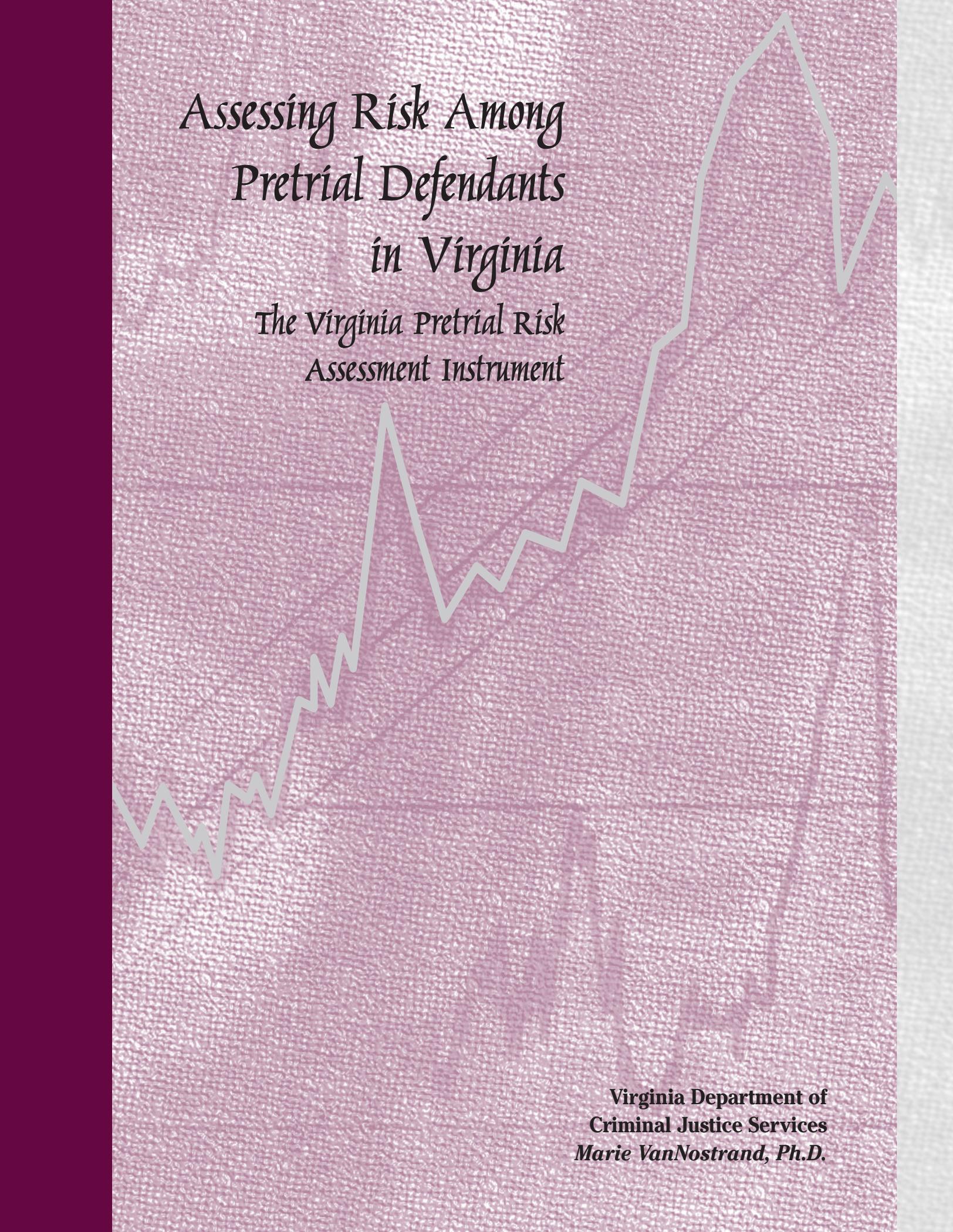
A DCA also works closely and on a routine basis with clerks of circuit court, registers in probate, other circuit court staff, county circuit court commissioners, county government officials and committees, district attorneys, public defenders, local bar associations, law enforcement personnel, court-related government agencies and local media. A DCA is responsible for ensuring a positive image of the court through effective communication with the public and media.

Supervisory Authority

A DCA assigns and reviews the work of the District Administrative Assistant, coaching and training this position, and recommending hiring and disciplinary actions. A DCA also supervises the District Court Reporter. A DCA is responsible for court reporting services in the judicial administrative district and may assist judges in selecting official court reporters.

Supreme Court Rule and Wisconsin Statutes give the chief judge significant supervisory authority over circuit court judges, official court reporters, and court personnel within the district. A Chief Judge may delegate this authority to a DCA.

Appendix E



*Assessing Risk Among
Pretrial Defendants
in Virginia*

*The Virginia Pretrial Risk
Assessment Instrument*

**Virginia Department of
Criminal Justice Services
Marie VanNostrand, Ph.D.**

Virginia Pretrial Risk Assessment Advisory Committee Members

Danielle Angel, *Case Manager*
Hampton/Newport News Criminal Justice Agency

Anthony C. Casale, *Program Administrator*
Virginia Department of Criminal Justice Services

John Clark, *Deputy Director*
Pretrial Services Resource Center

Cyndi O. Davis, *Pretrial Officer*
Halifax/Pittsylvania Court Services

Michael L. Emmons, *Pretrial Supervisor*
Chesterfield Community Corrections & Pretrial Services

Amanda E. Hayes, *Criminal Justice Planner*
Colonial Community Criminal Justice Board

Spurgeon Kennedy, *Operations Deputy Director*
D.C. Pretrial Services Agency

Peter C. Kiers, *Director of Operations*
New York City Criminal Justice Agency, Inc.

Rick Martin, *Director of Community Corrections*
Rappahannock Regional Jail

Margo B. Ray, *Pretrial Officer*
Arlington Pretrial Services

Ken Rose, *Program Analyst*
Virginia Department of Criminal Justice Services

Trina Willard, *Evaluation Unit Chief*
Virginia Department of Criminal Justice Services

Virginia Pretrial Risk Assessment Advisory Committee Consultants

Steven Cuvelier, Ph.D., *Associate Professor*
Sam Houston State University

Dennis Potts, *Assistant Director*
Harris County Office of Court Services

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Lead Researcher

Marie VanNostrand

Advisory Committee Members

Danielle Angel
Anthony C. Casale
John Clark
Cyndi O. Davis
Michael L. Emmons
Amanda E. Hayes
Spurgeon Kennedy
Peter C. Kiers
Rick Martin
Margo B. Ray
Ken Rose
Trina Willard

Advisory Committee Consultants

Steven Cuvelier
Dennis Potts

Contributors

Dan Catley	Tristan Leiter
Cecil W. Collier	David Lundy
Tracy E. Costigan	Linda Macklin
Clyde E. Cristman	Wolfgang Pindur
Mona J. E. Danner	Stacey B. Plichta
Lance Forsythe	Stephanie Powers
Julie Goetz	Steve Squire
Beverly Harris	Sorayal A. Thorne
Kevin Hudson	Lloyd Young, Jr.
Damita Jackson	Office of the Magistrate 6 th , 8 th , and
Gail Johnson	15 th Judicial Districts
Brian W. Kays	

Executive Summary

The Virginia Department of Criminal Justice Services (DCJS) developed the Virginia Pretrial Risk Assessment Instrument for use by pretrial services programs across the Commonwealth of Virginia. Pretrial services programs' primary responsibilities are to provide information to judicial officers (magistrates and judges) to assist them with the bail decision (to release or detain a defendant pending trial) and to provide supervision and services as ordered by a judicial officer.

The Virginia Pretrial Risk Assessment Instrument utilizes nine risk factors to classify a defendant in one of five risk levels. The risk levels indicate the risk of failure (failure to appear for a scheduled court appearance or arrest for a new offense) for defendants pending trial. The risk factors include measures of criminal history, residence, employment, and substance abuse. Consideration was given during instrument development to ensure the instrument was not biased toward any group based on sex, race, or income. In addition, the instrument was shown to equitably classify defendants regardless of the community type in which the arrest occurred, ensuring that the instrument can be effectively applied statewide.

The Virginia Pretrial Risk Assessment Instrument will be completed by pretrial services staff and provided to judicial officers as part of the pretrial investigation report. The instrument does not take into consideration the nature and circumstance of the offense nor the weight of the evidence; two critical factors that must be considered when making the bail decision. It does, however, identify the level of risk posed by defendants based on risk factors that measure criminal history, residence, employment, and substance abuse.

Providing the risk instrument to judicial officers to consider in addition to the nature and circumstances of the offense and the weight of the evidence will assist them in making the bail decision such that: (1) "lower risk" defendants can be safely released into the community pending trial; (2) the risk of "moderate" and "higher" risk defendants can be minimized by utilizing appropriate release conditions, community resources, and/or interventions upon release; and (3) the "highest risk" defendants, those for whom no condition or combination of conditions can reasonably assure the safety of the community or appearance in court, can be detained pending trial.

Improved bail decisions provide substantial benefits to the defendants, the community, and the criminal justice system including increased public safety, protection of the presumption of innocence, expeditious court case flow, effective utilization of criminal justice and community resources, and a reduction in the potential for disparity in bail decisions.

This report details the research conducted to develop the instrument and provides instruction for instrument application.

Introduction

The Virginia Department of Criminal Justice Services (DCJS) developed the Virginia Pretrial Risk Assessment Instrument to be used by pretrial services programs across the Commonwealth of Virginia. The General Assembly mandated, as a part of the Pretrial Services Act, that the Virginia Department of Criminal Justice Services “...shall develop risk assessment and other instruments to be used by pretrial services programs in assisting judicial officers in discharging their duties pursuant to Article 1 (§ 19.2-119 et seq.) of Chapter 9 of the *Code of Virginia* (*Code of Virginia* § 19.2-152.3).” A pretrial risk assessment instrument is used to identify a defendant’s risk of failure (failure to appear for a scheduled court appearance or arrest for a new offense) if released pending trial.

Currently there are 30 pretrial services programs serving 80 of the 134 Virginia localities (cities and counties). Pretrial services programs began operating in Virginia on a small scale in the mid 1970s. By 1995, there were 14 programs in operation and, after the Pretrial Services Act became effective on July 1, 1995, the number increased to 24 programs. Pretrial services programs’ primary responsibilities are to provide information to judicial officers (magistrates and judges) to assist them with the bail decision (to release or detain a defendant pending trial) and to provide supervision and services as ordered by a judicial officer.

Pretrial services staff interview and investigate adult defendants held in custody and charged with an offense and provide pretrial investigation reports to judicial officers at the initial bail hearing, arraignment, and/or bail review hearing. The pretrial investigation report provides information about a defendant, which includes, but is not limited to, demographics, residence, employment, education, substance use, health, and criminal history-related information. The investigation includes an interview with the defendant, verification of information when appropriate, and a thorough criminal history summary including records from the National Criminal Information Center (NCIC), Virginia Criminal Information Network (VCIN), Department of Motor Vehicles (DMV), Virginia Court Automated Information System (CAIS), and local police records.

The pretrial investigation report and other services provided by pretrial services programs were developed to meet the intent of the Pretrial Services Act. As outlined in the *Code of Virginia* § 19.2-152.2 “Such programs are intended to provide better information and services for use by judicial officers in determining the risk to public safety and the assurance of appearance of persons held in custody and charged with an offense, other than an offense punishable by death, who are pending trial or hearing.” In addition to the information provided in the pretrial investigation report, pretrial services staff often make a bail recommendation to the judicial officer. The recommendation is made based on information contained in the pretrial investigation report and the professional experience of the staff making the recommendation.

Prior to the development of the Virginia Pretrial Risk Assessment Instrument, no standardized risk assessment instrument existed to assist pretrial services staff in identifying defendant potential for failure if released pending trial. Utilizing a standardized, objective, research-based instrument will aid pretrial services programs in their duty to provide information and services to judicial officers. This report, *Assessing Risk Among Pretrial Defendants in Virginia: The Virginia Pretrial Risk Assessment Instrument*, presents the Virginia Department of Criminal Justice Services’ response to the mandate contained in the Pretrial Services Act.

Pretrial Risk Assessment

The development of a pretrial risk assessment instrument requires the use of historical data to identify risk factors and their relationship to pretrial failure. The information is then used to develop an instrument to identify risk levels for defendants pending trial.

The Virginia Pretrial Risk Assessment Instrument will be incorporated into the pretrial investigation report and serve as a tool for pretrial services staff to improve the determination of a defendant's risk level and to support the bail recommendation. The risk instrument is provided to judicial officers to consider in addition to the nature and circumstances of the offense and the weight of the evidence to assist them in making the bail decision such that: (1) "lower risk" defendants can be safely released into the community pending trial; (2) the risk of "moderate" and "higher" risk defendants can be minimized by utilizing appropriate release conditions, community resources, and/or interventions upon release; and (3) the "highest risk" defendants, those for whom no condition or combination of conditions can reasonably assure the safety of the community or appearance in court, can be detained pending trial.

Improved bail decisions provide substantial benefits to the defendants, community, and the criminal justice system, including:

1. increased public safety,
2. protection of the presumption of innocence,
3. expeditious court case processing,
4. efficiently managed jail space,
5. effective utilization of criminal justice and community resources (i.e., courts, prosecutors, jail staff, police, community supervision, and substance abuse and mental health services), and
6. reduction in the potential for disparity in bail decisions by providing an objective and standardized tool to assist judicial officers in the bail decision-making process.

This report details the process followed by the Virginia Department of Criminal Justice Services to identify pretrial risk factors and their relationship to pretrial failure and to develop the Virginia Pretrial Risk Assessment Instrument.

Research Methods

After reviewing existing data from local pretrial services programs it was determined that the information necessary for analysis was either not standardized or not available. Due to a lack of appropriate data, DCJS began collecting data for analysis in July 1998.

Sample

A dataset was developed that contains data from a sample of defendants arrested in select Virginia localities between July 1, 1998 and June 30, 1999. The defendants were arrested in one of seven localities: Hampton, Fredericksburg, Spotsylvania, Emporia, Brunswick, Sussex, and Greensville. The localities included in the dataset varied substantially in community characteristics including: community type (urban, rural, and suburban); number of persons, households, and families; sex; race; median family income; percentage of people below poverty level; and education level (*see Appendix A*).

Data were collected from a number of sources including those listed below.

1. Personal interviews were conducted with defendants, either face-to-face or by video teleconference, after arrest and prior to the initial bail hearing with a judicial officer.
2. Arrest warrants, criminal history records (i.e., National Criminal Information Center [NCIC], Virginia Criminal Information Network [VCIN], Department of Motor Vehicles [DMV], Virginia Court Automated Information System [CAIS], local police records), and court records were reviewed.
3. References provided by the defendant were contacted to verify information.
4. Current and prior adult criminal justice supervision records were consulted as needed.

The cases were tracked until final disposition through the use of court and other official records to determine the pretrial outcome (success or failure).

Because it was financially prohibitive to interview every defendant arrested during the year, a sampling procedure was used to account for variances in arrest due to time of day, day of week, month, and season. A data collection schedule was followed that collected data through defendant interviews and official records in 48-hour increments, rotating days of the week throughout the year (see Appendix B). The defendants included in the dataset were adults (18 years or older or juveniles previously certified as adults by the Court) arrested for one or more jailable offense(s) (Class I and II misdemeanors, unclassified misdemeanors that carry a penalty of jail time, and all felonies).

The sampling procedure resulted in an original sample of 2,348 cases from all seven localities. The following cases were removed from the original sample:

- 355 Cases (15%)—never released pending trial
- 21 Cases (< 1%)—remained in pretrial status 10 months after the data collection period ended
- 1 Case (< 1%)—died prior to trial

This resulted in a final sample of 1,971 cases (84%).

Measures

Appendix C contains the variables and their corresponding values used for analysis. There are 50 variables classified as independent variables, which have been clustered into the following groups: demographics, health, community and general stability, and criminal history. The variables are measures of the following: demographic characteristics, physical and mental health, substance abuse, residence, transportation, employment and school status, income, the charge(s) against the defendant, and criminal history. Pretrial outcome, defined as success or failure pending trial, is the single dependent variable. A defendant was classified as a “failure” pending trial if he failed to appear for a scheduled court appearance or was arrested for a new offense pending trial. If neither of these events occurred the defendant was classified as a “success.” The variables are a comprehensive representation of potential predictors of pretrial outcome based on previous pretrial risk assessment research.¹

Statistical Techniques

The dependent variable “pretrial outcome,” success or failure pending trial, is nominal and dichotomous. The independent variables range in measurement and include nominal, ordinal, and ratio-level data. Descriptive statistics were completed for all variables and included frequencies or mean, standard deviation, median, and range, when appropriate. Any independent variables with a small degree of variance, 95% or more of the cases producing the same response, were omitted from further analysis. The bivariate statistics used were Chi-Square for nominal and ordinal-level variables and Mann-Whitney U for all ratio-level variables due to their non-normal distributions. The measure of association used to assess the strength of the relationships for the nominal-level variables was the Phi (ϕ) coefficient. Gamma (γ) was used as the measure of association for the ordinal-level variables. The multivariate test used was Binary Logistic Regression. Regression is the preferred tool when the goal of the research is to predict an outcome, as is the case here. Binary Logistic Regression is the most appropriate multivariate technique because the outcome, or dependent variable, is dichotomous.²

Analysis Methodology

The bivariate analysis was completed to identify the statistically significant variables (risk factors) related to pretrial outcome (success or failure pending trial) and the strength of the relationship between the dependent variable and each independent variable.

The results of the bivariate analyses were used to build a Binary Logistic Regression model. Guided by the bivariate results, the model was built using a hierarchical approach by entering the statistically significant variables within a block of variables in the following order: criminal history, community and general stability, health, and demographics. The hierarchical method of variable entry allows the

¹ See the bibliography for publications related to previous research identifying pretrial risk factors and for similar pretrial risk assessment research studies.

² Grimm & Yarnold (1995)

researcher to control the order of entry of variables based on the bivariate analysis and previous research.³ It also allows the researcher to interpret the impact of a block of related variables on the outcome.

The final model was guided by the Nagelkerke pseudo R^2 , Chi-Square (χ^2) results for the model and blocks, Hosmer and Lemeshow Goodness of Fit test, odds ratios associated with the independent variables (e^B), the percentage of correct predictions (sensitivity and specificity), and the impact of the model on select groups.

Results

The data analysis for this research included descriptive statistics, bivariate statistics, and the multivariate technique of Binary Logistic Regression. Appendix D contains the results of the descriptive statistics and Appendix E contains the results of the bivariate statistics. These techniques were used to determine the combination of risk factors that are the best predictors of pretrial failure. The Binary Logistic Regression model can be found in Appendix F. This model identified the following nine risk factors to be the best predictors of pretrial failure:

1. Charge Type—Defendants charged with a felony were more likely to fail pending trial than defendants charged with a misdemeanor.
2. Pending Charge(s)—Defendants who had pending charge(s) at the time of their arrest were more likely to fail pending trial.
3. Outstanding Warrant(s)—Defendants who had outstanding warrant(s) in another locality for charges unrelated to the current arrest were more likely to fail pending trial.
4. Criminal History—Defendants with at least one prior misdemeanor or felony conviction were more likely to fail pending trial.
5. Two or more Failure to Appear Convictions—Defendants with two or more failure to appear convictions were more likely to fail pending trial.
6. Two or more Violent Convictions—Defendants with two or more violent convictions were more likely to fail pending trial.
7. Length at Current Residence—Defendants who had lived at their current residence for less than one year were more likely to fail pending trial.
8. Employed/Primary Child Caregiver—Defendants who had not been employed continuously at one or more jobs during the two years prior to their arrest or who were not the primary caregiver for a child at the time of their arrest were more likely to fail pending trial.
9. History of Drug Abuse—Defendants with a history of drug abuse were more likely to fail pending trial.

The first six factors are measures of criminal history. The remaining factors are measures of residence, employment/primary child caregiver, and substance abuse.

³ See the bibliography for publications related to previous research identifying pretrial risk factors and for similar pretrial risk assessment research studies.

Instrument Development

The results of the Binary Logistic Regression model were used to develop the Virginia Pretrial Risk Assessment Instrument. Logistic Regression calculates the relationship between a set of independent variables (risk factors) and one dependent variable (pretrial outcome). The unique contribution of each risk factor is expressed as a Logistic Regression coefficient, which provides the information necessary to construct point values for each risk factor.

Point Assignment

Transformation of coefficients into point scores was completed by following the procedure outlined below.

1. The smallest significant coefficient was identified.
2. A score was computed that transformed the smallest coefficient to a score of 0.500.
3. The transformation was applied to all coefficients, which were then rounded to the nearest whole number.

Despite the use of rounding to simplify scoring, repeated tests have shown that the resulting accuracy of the point scores lose only modest degrees of accuracy (less than 5%) when compared with applying the exact values produced by Logistic Regression. This accommodation makes the instrument calculation easier to understand and calculate by hand. Migrating the assessment instrument to an information system could improve predictions marginally and reduce the incidence of human error.

As a result of the transformation procedure, point values were assigned to each risk factor as demonstrated in the chart on the following page.

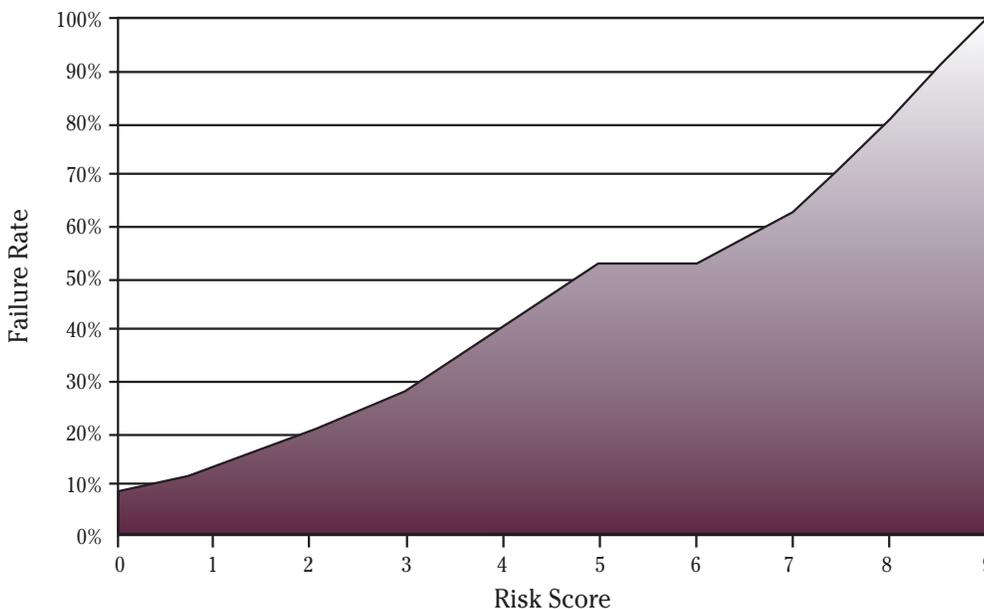
Risk Factor	Criteria	Assigned Point(s)
Charge Type	If the most serious charge for the current arrest was a felony	1 point
Pending Charge(s)	If the defendant had one or more charge(s) pending in court at the time of the arrest	1 point
Outstanding Warrant(s)	If the defendant had one or more warrant(s) outstanding in another locality for charges unrelated to the current arrest	1 point
Criminal History	If the defendant had one or more misdemeanor or felony convictions	1 point
Two or more Failure to Appear Convictions	If the defendant had two or more failure to appear convictions	2 points
Two or more Violent Convictions	If the defendant had two or more violent convictions	1 point
Length at Current Residence	If the defendant had lived at their current residence for less than one year prior to arrest	1 point
Employed/ Primary Child Caregiver	If the defendant had not been employed continuously for the past two years and was not the primary caregiver for a child at the time of arrest	1 point
History of Drug Abuse	If the defendant had a history of drug abuse	1 point

Risk Scores

The point scores assigned to the risk factors were used to calculate a total risk score. The nine risk factors have a range of possible risk scores from 0–10; the higher the risk score the greater the risk of pretrial failure. The scoring criterion was applied to the sample data and a risk score calculated for each defendant. The table below reports the results of the risk scores for the sample and the corresponding pretrial failure rate for each group. The risk score of 3, for example, is associated with a failure rate of 27%, which closely approximates the sample average of 28% failure (10% failure to appear and 18% arrest for a new offense).

Risk Score	N	% Population	Failure Rate
0	131	7%	8%
1	340	17%	11%
2	461	23%	19%
3	412	21%	27%
4	332	17%	40%
5	184	9%	52%
6	81	4%	52%
7	24	1%	62%
8	5	<1	80%
9	1	<1	100%
10	0	0	NA

The following figure demonstrates that as the risk score increased the actual pre-trial failure rate increased.

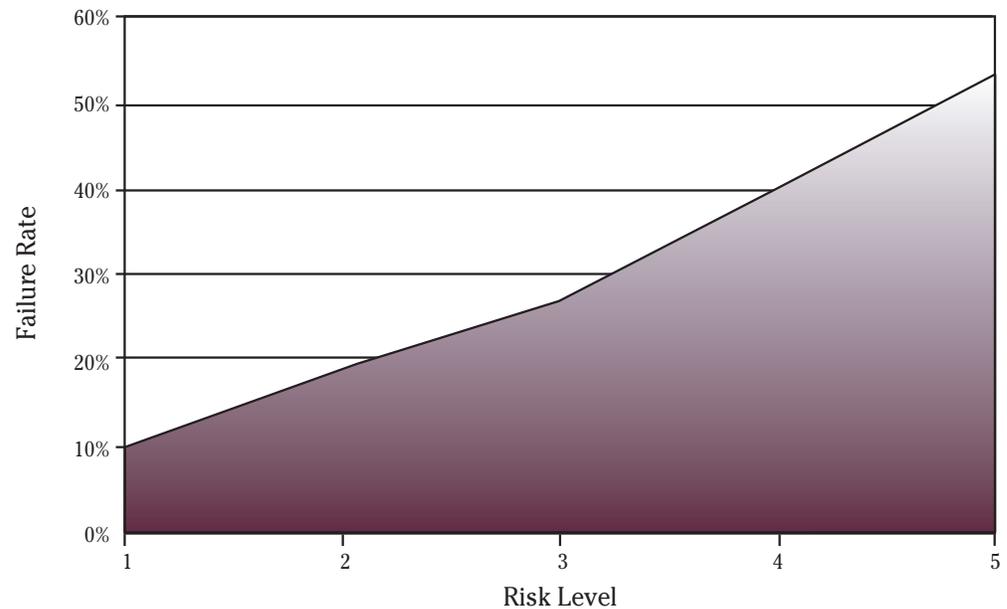


Risk Levels

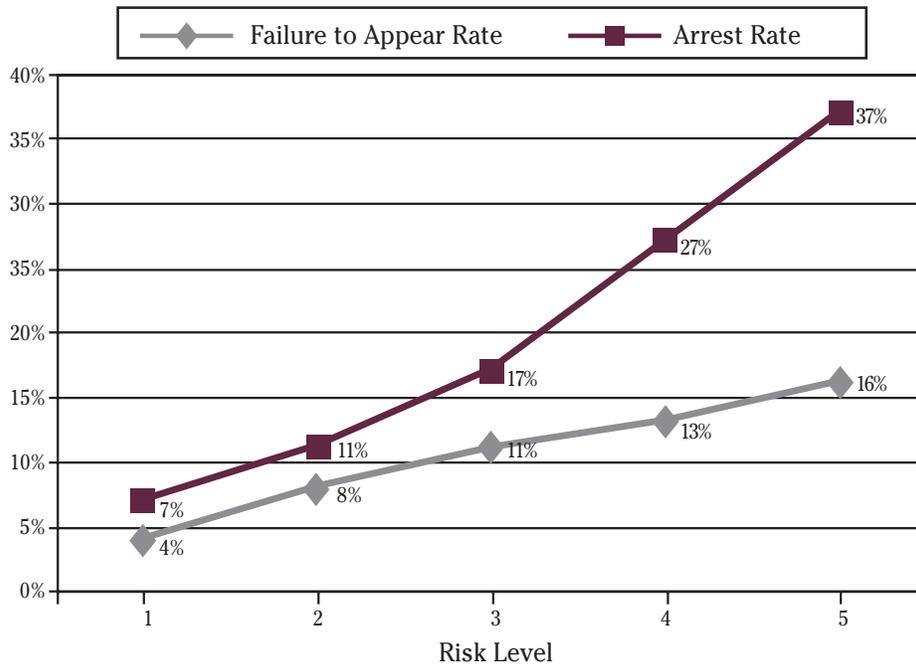
The risk scores were grouped into risk levels as dictated by the data. The risk scores were merged into risk levels as follows:

Risk Level	Risk Scores	N	% Population	Failure Rate
1	0,1	471	24%	10%
2	2	461	23%	19%
3	3	412	21%	27%
4	4	332	17%	40%
5	5 thru 10	295	15%	53%

Defendants who scored a 0 or 1 were classified in risk level 1; defendants who scored a 2 were classified in risk level 2; defendants who scored a 3 were classified in risk level 3; defendants who scored a 4 were classified in risk level 4; and the defendants who scored 5 or higher were classified in risk level 5. The higher the risk level the greater the actual pretrial failure rate as demonstrated in the following figure.



As stated previously, pretrial failure occurred when a defendant either failed to appear for a scheduled court appearance or was arrested for a new offense pending trial. In addition to correctly categorizing defendants based on their failure rates it was also important to determine if the risk levels categorized defendants correctly based on the specific type of pretrial failure. The figure below illustrates the failure rates per risk level by type of failure.



The figure demonstrates that the risk level classifications correctly identify defendant risk levels based on the type of failure. The higher the risk level, the higher the failure to appear and arrest rates.

Equitable Classification of Groups

To ensure the instrument was unbiased toward groups based on sex, race, and income, an examination of instrument classification for groups was undertaken. Tests of proportions were completed to determine if there was any unintended bias in the classification of group members. The test of proportions determines if there is a statistically significant difference in the classification of group members while taking into consideration random variation and group size.

The procedure for applying the test of proportions included the formulation of a Z-test and was completed by following the steps outlined below.

1. Established a base failure rate for each risk level.
2. Subdivided each risk level by the comparison group (male/female, etc.).
3. Computed the failure rates for each comparison group for each risk level.
4. Computed a standardized Z-score of the difference between the base failure rate and the failure rates of the comparison group for each risk level.

The Z-score is used to determine if the observed differences in groups are statistically significant (not due to chance). Z-scores that fall beyond plus or minus 1.96 are statistically significant. A result such as this would indicate inequitable treatment of a particular group.

The test of proportions was first applied to defendants based on their sex. The results are contained in the following tables.

Male Defendants

Risk Level	Base Failure Rate	N=1547	Comp. Group Failure Rate	Z Score
1	10%	346	12%	0.287
2	19%	330	21%	0.390
3	27%	332	27%	-0.132
4	40%	277	42%	0.382
5	53%	262	54%	0.142

*Statistically significant at +/- 1.96

Female Defendants

Risk Level	Base Failure Rate	N=424	Comp. Group Failure Rate	Z Score
1	10%	125	6%	-0.463
2	19%	131	15%	-0.594
3	27%	80	30%	0.275
4	40%	55	31%	-0.790
5	53%	33	48%	-0.379

*Statistically significant at +/- 1.96

There was no statistically significant difference in classification based on sex; therefore, it was concluded that the instrument equitably classified both males and females.

The test of proportions was next applied to defendants based on their race. The analysis could not be completed on the category of 'Other' due to the low number in the group (n=48). The tables below show the results.

Black Defendants

Risk Level	Base Failure Rate	N=785	Comp. Group Failure Rate	Z Score
1	10%	214	10%	-0.019
2	19%	254	19%	-0.072
3	27%	259	29%	0.292
4	40%	221	43%	0.635
5	53%	190	52%	-0.325

*Statistically significant at +/- 1.96

White Defendants

Risk Level	Base Failure Rate	N=1138	Comp. Group Failure Rate	Z Score
1	10%	76	11%	0.107
2	19%	390	19%	0.031
3	27%	435	23%	-0.546
4	40%	179	34%	-0.764
5	53%	58	56%	0.460

*Statistically significant at +/- 1.96

Due to the lack of a statistically significant difference in classification based on race, it was concluded that the instrument consistently classified defendants irrespective of race.

Finally, the test of proportions was applied to defendants based on their income. The sample was divided into two groups: 1) below the median income and 2) equal to or above the median income. The following tables contain the results.

Below Median Income

Risk Level	Base Failure Rate	N=1009	Comp. Group Failure Rate	Z Score
1	10%	136	10%	-0.104
2	19%	223	19%	-0.078
3	27%	243	28%	0.027
4	40%	208	39%	-0.151
5	53%	199	52%	-0.196

*Statistically significant at +/- 1.96

Equal or Above Median Income

Risk Level	Base Failure Rate	N=962	Comp. Group Failure Rate	Z Score
1	10%	335	11%	0.066
2	19%	238	20%	0.076
3	27%	169	27%	-0.032
4	40%	124	41%	0.199
5	53%	96	55%	0.291

*Statistically significant at +/- 1.96

Again, there was no statistically significant difference in classification found between defendants who were 1) below or 2) equal to or above the median income.

The results of the test of proportions provide confidence that the instrument produced unbiased classifications of risk across sex, race, and income groups.

Community Types

The Commonwealth of Virginia consists of varying community types. The sample used for analysis consisted of data from seven localities representing four community types: large urban, small urban, rural, and mixed. For the purposes of this research, community type was defined as the community type in which the defendant was arrested. Because this instrument will be used statewide, the test of proportions was applied to each community type to identify any statistically significant difference in classification based on the arresting community type. The results of the tests are contained in the following tables.

Large Urban Community Type

Risk Level	Base Failure Rate	N=1050	Comp. Group Failure Rate	Z Score
1	10%	219	10%	-0.056
2	19%	224	22%	0.512
3	27%	166	31%	0.714
4	40%	146	38%	-0.390
5	53%	121	48%	-1.063

*Statistically significant at +/- 1.96

Small Urban Community Type

Risk Level	Base Failure Rate	N=235	Comp. Group Failure Rate	Z Score
1	10%	45	9%	-0.106
2	19%	58	21%	0.118
3	27%	54	24%	-0.283
4	40%	47	49%	0.880
5	53%	31	74%	*2.299

*Statistically significant at +/- 1.96

Rural Community Type

Risk Level	Base Failure Rate	N=208	Comp. Group Failure Rate	Z Score
1	10%	55	16%	0.483
2	19%	57	10%	-0.701
3	27%	42	26%	-0.093
4	40%	37	46%	0.512
5	53%	17	53%	-0.017

*Statistically significant at +/- 1.96

Mixed Community Type

Risk Level	Base Failure Rate	N=468	Comp. Group Failure Rate	Z Score
1	10%	152	9%	-0.154
2	19%	114	17%	-0.254
3	27%	93	20%	-0.756
4	40%	51	35%	-0.396
5	53%	60	60%	0.830

*Statistically significant at +/- 1.96

No statistically significant difference in classification was identified for the large urban, rural, and mixed community types. The small urban community type, however, showed a statistically significant difference in classification for risk level 5 when compared to the sample as a whole. The sample had a base failure rate of 53% while the small urban comparison group had a 74% failure rate in the same risk level. In this case, defendants in the small urban community type did not experience bias because they were correctly classified in the highest risk level. Further examination reveals that there were only 31 defendants from the small urban community type classified in level 5. This allows for the possibility that the difference could be due to the small sample size. Regardless, the instrument correctly classified these defendants in the highest risk level; therefore, the instrument correctly classified defendants regardless of arresting community type.

Summary

The Virginia Pretrial Risk Assessment Instrument was developed using nine risk factors identified as the best predictors of pretrial failure. The risk factors were identified through a Binary Logistic Regression model and include measures of criminal history, residence, employment/primary child caregiver, and substance abuse. The risk factors were assigned point scores based on the transformation of regression coefficients. The point scores were added to calculate a total risk score with a range of 0–10. The risk scores were then merged into 5 risk levels with corresponding failure rates.

Risk levels range from 1-5; the higher the risk level the greater the failure rate. The instrument was determined to have correctly classified defendants based on the type of failure—failure to appear for a scheduled court appearance and arrest for a new offense pending trial.

Additional steps were taken to determine if the instrument produced any unintended bias in the classification of group members based on sex, race, or income. Tests of proportions were completed to identify any statistically significant differences in the classification of group members. No differences were found, therefore, it was concluded that the instrument equitably classified defendants regardless of sex, race, or income.

The test of proportions was also used to determine if the instrument was biased based on the community type in which the defendant was arrested. The results demonstrated that defendants were equitably classified regardless of arresting community type.

The Virginia Pretrial Risk Assessment Instrument utilizes nine risk factors to classify defendants into one of five levels of risk. The instrument is an accurate predictor of pretrial failure; including both failure to appear and arrest for a new offense pending trial. The instrument has been proven to classify defendants equitably regardless of sex, race, income, or the arresting community type.

Instrument Application

The Virginia Pretrial Risk Assessment Instrument is automated and integrated into the Pretrial and Community Corrections Case Management System (PTCC). PTCC is a case management and information system utilized by pretrial services programs statewide to track pretrial screenings, investigations, referrals to pretrial supervision, and defendant supervision activity. Appendix G contains a sample of the instrument. The PTCC generated instrument will vary slightly in appearance. The instrument is a part of the pretrial investigation report. A thorough interview and investigation must be completed before the instrument can be generated and incorporated into the pretrial investigation report.

Pretrial Interview

During the pretrial interview the defendant must be asked, at a minimum, about his current and past employments, status as a primary child caregiver, current and past residences, prior drug use, and adult criminal history.

Employment/Primary Child Caregiver

The defendant must provide current and previous employment information with corresponding length of time at each employment. For risk assessment purposes it is crucial to gather employment history for the previous two years and to identify any gaps in employment during that time. In addition, the defendant must be asked if he or she was a primary child caregiver at the time of the arrest.

Residence

The defendant must provide current and previous residence information with corresponding length of time at each residence. For risk assessment purposes it is imperative that the residence history include the past two years.

Drug Use

The defendant must be asked about all prior drug use. For the purposes of risk assessment, drug use does not include alcohol, which is documented separately, but does include the use of any illegal or prescription drugs.

Criminal History

The defendant must be asked about any charges pending in an adult criminal or traffic (not civil) court, any outstanding warrants in another jurisdiction that have not been served, and any adult criminal convictions. This information will be used to complete the criminal history investigation and summary.

Collection of information from the defendant during the interview relating to employment, primary child caregiver status, residence, drug use, and criminal history is critical to completing the risk factors in the instrument. Responses to risk factors are determined by pretrial staff based on an analysis of the information gathered during the interview and investigation and are not intended as questions to be directed to the defendant.

Pretrial Investigation

Once an interview has been completed, the residence, employment, and primary child caregiver information must be verified, as well as additional information gathered, as a part of the pretrial investigation.

Employment, Primary Child Caregiver and Residence

All attempts must be made to verify information provided by the defendant regarding residence, employment, and primary child caregiver status. The primary mechanism for verification of this information is through references provided by the defendant. References usually include family members, friends, employers, or other people who have knowledge of the defendant.

Additional sources can be utilized during a pretrial investigation to verify information and include current and prior supervision activity for the defendant such as pretrial, probation, alcohol safety action program, and other types of formal adult criminal justice supervision. These records can be good sources of information to verify residence, employment, and primary child caregiver status related information.

Drug Use

Information about a defendant's drug use is never to be discussed with references. Any unsolicited information regarding drug use provided by a reference should be documented as part of the pretrial investigation.

The additional supervision sources described above can be utilized to verify information regarding prior drug use. Adult supervision records may include results of urinalysis as well as self-reported information provided by the defendant while under supervision.

Criminal History

A pretrial investigation includes a thorough criminal history check and requires checks of the National Criminal Information Center (NCIC), Virginia Criminal Information Network (VCIN), Department of Motor Vehicles (DMV), and Virginia Court Automated Information System (CAIS). Local police records can also be consulted when appropriate. Criminal history information provided by the defendant that is not found on the NCIC, VCIN, or DMV records should be tracked through CAIS or other methods when possible.

It is imperative that the status or final outcome be found for charges that are listed in a defendant's criminal record without a final disposition. CAIS, local police records, pretrial staff in other localities, and court clerks are all potential resources for determining charge dispositions. An emphasis should be placed on determining dispositions for all failure to appear and violent charges as well as charges that appear likely to be pending in court.

Once the criminal record check is complete, a criminal history summary detailing all outstanding warrants, pending charges and adult criminal convictions for the defendant is prepared as a part of the pretrial investigation report.

PTCC Screening Tab

Once the interview and investigation are complete, the pretrial staff must open the Screening module in PTCC to begin completing the instrument. Beginning with the Screening tab the following data elements must be entered:

First Name
Last Name
Race
Social Security Number (SSN*)
Sex
Date of Birth (DOB*)
Primary Charge Classification (PCC*)
Arrest Date
Jail
Screened- In
Staff Completing Screening (BY*)
Screened Date
Investigated- Yes
Staff Completing Investigation (BY*)
Investigated Date

* Information contained in parentheses indicates the field name in PTCC.

As with any pretrial screening, defendant information can be entered by locating an existing record for the defendant or by entering a new defendant in the system. Once the Screening tab is complete and the record saved successfully, the pretrial staff can then access the RA Instrument tab.

PTCC RA Instrument Tab

When the RA Instrument tab is first accessed, the Charge(s), Bond Type, and Bond Amount fields must be completed. The next step is to select responses for the nine risk factors that make up the instrument. The risk factors and their definitions and/or guidance for interpretation are listed below.

1. Charge Type—Select *misdemeanor* or *felony* to indicate whether the most serious charge classification for the arrest event is a misdemeanor or a felony. If there is only one charge—select the charge classification for that charge. If there are multiple charges and all of the charges have a charge classification of misdemeanor—select *misdemeanor*. If there are multiple charges and one or more of the charges is a felony—select *felony*.
2. Pending Charge(s)—Select *yes* if the defendant had one or more charges pending in a criminal or traffic (not civil) court at the time of arrest. Pending charge(s) require that the defendant was previously arrested for one or more charges and had a future court date pending at the time of arrest. Select *no* if the defendant had no pending charge(s) at the time of arrest.

3. Outstanding Warrant(s)—Select *yes* if, at the time of the arrest, the defendant had one or more warrant(s) outstanding in another locality for charges unrelated to the current arrest. Outstanding warrants include warrants that have not been served on the defendant and, therefore, do not have a future court date. Select *no* if the defendant did not have any outstanding warrant(s) at the time of arrest.
4. Criminal History—Select *yes* if the defendant has at least one adult misdemeanor or felony conviction in the past. Select *no* if the defendant does not have any misdemeanor or felony conviction(s) in the past.
5. Two or more Failure to Appear Convictions—Select *yes* if the defendant has two or more prior failure to appear convictions as an adult. Select *no* if the defendant does not have two or more failure to appear convictions.
6. Two or more Violent Convictions—Select *yes* if the defendant has two or more prior violent convictions as an adult. Select *no* if the defendant does not have two or more prior violent convictions. Violent convictions are defined in the *Code of Virginia* and include murder, rape, robbery, sex offenses, sexual assault, assault, and kidnapping. Both misdemeanor and felony assaults are counted as violent convictions.
7. Length at Current Residence—Select *less than one year* or *one year or more* to indicate the length of time the defendant has lived at his current residence. Select *less than one year* if the defendant has lived at his residence less than one year, is homeless, or does not have a stable residence. Select *yes* or *no* to indicate whether the residence information was verified by a reference or other secondary source.
8. Employed/Primary Child Caregiver—Select *yes* if the defendant has been employed continuously at one or more jobs during the two years prior to the arrest. Select *yes* if the defendant was a primary child caregiver at the time of the arrest. Select *no* if the defendant was unemployed at the time of the arrest or had a gap in employment over the two years prior to the arrest and was not a primary child caregiver at the time of arrest. Employment includes part or full time as long as the defendant worked regularly and consistently for a minimum of 20 hours per week. A defendant is considered a primary child caregiver if he or she is responsible for, and consistently cares for, at least one dependent child (under the age of 18), living with the defendant at the time of the arrest. Select *yes* or *no* to indicate whether the employed/primary child caregiver information was verified by a reference or other secondary source.

9. History of Drug Abuse—Select *yes* to indicate the defendant has a history of drug abuse. Select *no* if the defendant does not have a history of drug abuse. The pretrial staff must determine if the defendant has a history of drug abuse based on the information gathered during the pretrial investigation. Consideration should be given to the information provided by the defendant, criminal history, information contained in supervision records, and any information provided by references regarding drug use. The following are examples of indications of a history of drug abuse: previously used illegal substance(s) repeatedly (this is to be distinguished from short-term experimental use); defendant admits to previously abusing illegal or prescription drugs; the criminal history contains drug related convictions; and the defendant received drug treatment in the past. Any one or a combination of these factors can be used to determine whether or not the defendant has a history of drug abuse.

Instrument Completion

After the responses for all risk factors are complete, PTCC automatically calculates a risk score and assigns the defendant to the appropriate risk level. PTCC also highlights the risk factors, if any, which contributed to the risk level classification.

The pretrial staff then have the opportunity, if they deem appropriate, to enter comments and/or recommendations to the judicial officer. Once the instrument is completed and has been saved successfully it can be printed and made a part of the pretrial investigation report.

The pretrial investigation report, containing both the investigation and risk assessment instrument, are provided to judicial officers at the initial bail hearing, arraignment, and/or bail review hearing. The information is intended to assist judicial officers in making bail decisions, to release or detain defendants pending trial.

Future Plans

The Virginia Pretrial Risk Assessment Instrument is now complete, automated, and integrated into the PTCC case management system. Future plans for implementation of the instrument include four phases: planning, pilot testing, statewide implementation, and validation.

Planning Phase

DCJS is currently in the planning phase of instrument implementation. Prior to June 30, 2003 the tasks listed below will be completed during this phase.

1. Selection of four (4) programs to serve as pilot sites for implementation.
2. Formation of a pilot site work group to develop instrument completion instructions, draft training curriculums, and complete an addendum to the PTCC User Manual.
3. Development of an implementation project management plan.

Pilot Testing Phase

Four pretrial services programs will serve as pilot sites in which to test the implementation of the instrument. This will include the assessment of the efficacies of the following:

- training curriculum;
- instrument completion instructions;
- new version of PTCC; and
- the addendum to the PTCC User Manual.

The pilot sites will test the full integration of the instrument into the pretrial services investigation report and all aspects of instrument implementation.

Implementation of the instrument at the pilot sites will begin in July 2003 and be guided by the tasks listed below.

1. A new version of PTCC, containing the RA Instrument tab and the RA Instrument report will be installed at the pilot sites.
2. Training for the instrument will be provided to all pilot site staff.
3. Presentations will be made to the local Community Criminal Justice Boards (CCJB) of the pilot site localities.
4. Intensive support and technical assistance will be provided. Risk assessment instruments completed by programs will be reviewed to ensure accurate data interpretation and risk assessment scoring. If discrepancies are found, additional intensive training and support will be provided to address and correct those discrepancies.

Statewide Implementation

The implementation of the Virginia Pretrial Risk Assessment Instrument in the remaining 26 pretrial services programs is dependent upon the availability of funding. Contingent upon adequate funding, statewide implementation will occur between September 2003 and June 2004.

Implementation will be phased in on a regional basis. Four new sites will be implemented approximately every six weeks until all sites are fully utilizing the instrument. Implementation will follow the same procedures as those outlined for the pilot sites and include the installation of a new version of PTCC, training provided to all pretrial services program staff, a presentation to their respective CCJB's, concentrated technical assistance and support to the programs, and additional training as needed.

Validation Phase

It will be crucial in future years to validate the accuracy of the instrument and to make the adjustments necessary to ensure its effectiveness in future years. This phase can begin one year after statewide implementation has been achieved.

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Appendix A

Locality/Community Characteristics

U.S. Census Bureau	Virginia	Hampton	Fredericksburg	Spotsylvania	Emporia	Greensville	Brunswick	Sussex
Community Type		Large Urban	Small Urban	Mixed	Rural	Rural	Rural	Rural
Persons*	6,187,358	133,793	19,027	57,403	5,306	8,853	15,987	10,248
Families*	1,642,735	35,322	4,166	15,670	1,423	2,434	4,090	2,792
Households*	2,294,722	49,699	7,469	18,978	2,032	3,131	5,576	3,808
Urban And Rural*								
Inside urbanized area	62%	100%	100%	42%	0%	0%	0%	0%
Outside urbanized area	8%	0%	0%	5%	100%	0%	0%	0%
Rural farm	1%	0%	0%	2%	0%	5%	5%	7%
Rural non-farm	29%	0%	0%	51%	0%	95%	95%	93%
Sex*								
Male	49%	49%	46%	50%	47%	48%	50%	48%
Female	51%	51%	54%	50%	53%	52%	50%	52%
Race*								
White	77%	58%	76%	87%	54%	44%	41%	41%
Black	19%	39%	22%	11%	46%	56%	59%	58%
Other	4%	3%	2%	2%	0%	0%	0%	1%
Median Family Income In 1989*	\$38,213	\$34,291	\$33,353	\$43,596	\$25,458	\$25,361	\$23,948	\$26,538
Median Household Income In 1989*	\$33,328	\$30,144	\$26,614	\$41,342	\$21,009	\$22,116	\$19,424	\$20,833
Percent Below Poverty Level**	10%	11%	12%	5%	18%	16%	25%	20%
Total Resident Population***	6,189,000	139,181	21,953	71,981	5,835	10,967	16,465	10,078
Education***								
Total persons 25 years and over		82,670	11,118	34,901	3,559	5,641	10,210	6,734
High school graduates		80%	74%	77%	58%	50%	51%	54%
College graduates		19%	26%	19%	13%	5%	7%	9%

* U.S. Census Bureau: 1990 Census: Summary Tape File 3A

** U.S. Census Bureau: County Income and Poverty Estimates 1990 Census Estimates: Virginia 1989

***U.S. Census Bureau: 1996 USA Counties General Profile

Appendix B

Data Collection Schedule

JULY-98						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	

SEPTEMBER-98						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

NOVEMBER-98						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

JANUARY-99						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						

MARCH-99						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			

MAY-99						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

AUGUST-98						
S	M	T	W	T	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31					

OCTOBER-98						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

DECEMBER-98						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

FEBRUARY-99						
S	M	T	W	T	F	S
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28						

APRIL-99						
S	M	T	W	T	F	S
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	

JUNE-99						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			

Appendix C

Variables and Corresponding Values

VARIABLE	VALUES
Pretrial Outcome	Success, Failure
Demographics	
Age	Continuous variable
Sex	Male, Female
Race	White, Black, Other
Marital Status	Never Married, Married, No Longer Married
Dependents	None, 1, 2, 3 or more
Dependents Living with Defendant	None, 1, 2, 3 or more
Primary Language	English, Other
Able to Read	No, Yes
Able to Write	No, Yes
Level of Education	Continuous variable
Health	
Current Physical Health Problem	No, Yes
Current Mental Health Problem	No, Yes
Current Physical or Mental Health Treatment	No, Yes
Current Alcohol Abuse	No, Yes
Prior Alcohol Abuse	No, Yes
Current Drug Abuse	No, Yes
Prior Drug Abuse	No, Yes
Current Drug or Alcohol Treatment	No, Yes
Community and General Stability	
Fixed Address	No, Yes
Time at Current Address	Less than 1 Year, 1 Year or more
Home Phone	No, Yes
Years in Area	Continuous variable
Years in State	Continuous variable
Address Changes in Last 2 Years	Continuous variable
Vehicle Access	No, Yes
Public Transportation Access	No, Yes
Currently Employed	No, Yes
Length of Current Employment	Unemployed or Newly Employed, 1 to 3 Years, 4 or more Years
Employed During the Last 2 Years	No, Yes
Employed During the Last 2 years or Primary Child Caregiver at Time of Arrest	No, Yes
Other Income	No, Yes
Net Monthly Income	Continuous variable
Currently a Student	No, Yes
Months a Student in Last 24	Continuous variable
Criminal History	
Charge Type	Misdemeanor, Felony
Charge Category	Theft, Narcotics, Failure to Appear, Violent, Traffic, Other
Total Number of Charges	1, 2, 3 or more
Outstanding Warrants	No, Yes
Pending Charges	No, Yes
Community Supervision	No, Yes
Criminal History	No, Yes
Prior Revocations	No, Yes
Prior Escape or Flight	No, Yes
Misdemeanor Convictions	None, 1, 2 or more
Felony Convictions	No, Yes
Misdemeanor Convictions Last 5 Years	None, 1, 2 or more
Felony Convictions Last 5 Years	No, Yes
Failure to Appear Convictions	None, 1, 2 or more
Violent Convictions	None, 1, 2 or more
Drug Convictions	None, 1, 2 or more

Appendix D

Descriptive Statistics

Demographics:

Variable	n=1971
Age	
Mean (SD)	31.03 (10.15)
Median	29
Range	18–82
Sex	
Male	78%
Female	22%
Race	
White	40%
Black	58%
Other	2%
Marital Status	
Never Married	54%
Married	22%
No Longer Married	24%
Dependents	
None	45%
1	20%
2	17%
3 or more	17%
Dependents Living with Defendant	
None	65%
1	14%
2	11%
3 or more	10%
Primary Language	
English	99%
Other	1%
Able to Read	
No	2%
Yes	98%
Able to Write	
No	2%
Yes	98%
Level of Education	
Mean (SD)	12 (1.83)
Median	12
Range	3–17

Health:

Variable	n=1971
PHYSICAL/MENTAL:	
Current Physical Health Problems	
No	86%
Yes	14%
Current Mental Health Problems	
No	94%
Yes	6%
Current Physical/Mental Health Treatment	
No	87%
Yes	13%
SUBSTANCE ABUSE:	
Current Alcohol Abuse	
No	77%
Yes	23%
Prior Alcohol Abuse	
No	76%
Yes	24%
Current Drug Abuse	
No	78%
Yes	22%
Prior Drug Abuse	
No	64%
Yes	36%
Current Drug/Alcohol Treatment	
No	98%
Yes	2%

Appendix D

Descriptive Statistics (cont.)

Community and General Stability:

Variable	n=1971
RESIDENCE:	
Fixed Address	
No	5%
Yes	95%
Time at Current Address	
Less than 1 Year	39%
1 Year or more	61%
Home Phone	
No	24%
Yes	76%
Years in Area	
Mean (SD)	16.28 (14.04)
Median	15
Range	0–64
Years in State	
Mean (SD)	20.28 (14.18)
Median	20
Range	0–66
Address Changes Last 2 years	
Mean (SD)	.88 (1.14)
Median	1
Range	0–12
TRANSPORTATION:	
Vehicle Access	
No	35%
Yes	65%
Public Transportation Access	
No	38%
Yes	62%

Variable	n=1971
EMPLOYMENT:	
Currently Employed	
No	36%
Yes	64%
Length of Current Employment	
Unemployed or Newly Employed	64%
1 to 3 years	20%
4 or more years	16%
Employed During the Last 2 Years	
No	56%
Yes	44%
Employed During the Last 2 Years or Primary Child Caregiver	
No	49%
Yes	51%
INCOME:	
Other Income	
No	88%
Yes	12%
Net Monthly Income	
Mean (SD)	\$971 (\$1206)
Median	\$800
Range	\$0–\$20,000
STUDENT STATUS:	
Currently a Student	
No	94%
Yes	6%
Months a Student in last 24	
Mean (SD)	1.57 (4.74)
Median	0
Range	0–24

Criminal History:

Variable	n=1971
CURRENT CHARGES:	
Charge Type	
Misdemeanor	66%
Felony	34%
Charge Category	
Theft	17%
Narcotics	11%
Failure to appear	9%
Violent	23%
Traffic	21%
Other	19%
Total Number of Charges	
1	68%
2	20%
3 or more	11%
CURRENT STATUS:	
Outstanding Warrant(s)	
No	95%
Yes	5%
Pending Charge(s)	
No	77%
Yes	23%
Community Supervision	
No	86%
Yes	14%

Variable	n=1971
PRIOR HISTORY:	
Criminal History	
No	29%
Yes	71%
Prior Supervision Revocation(s)	
No	94%
Yes	6%
Prior Escape or Flight	
No	99%
Yes	1%
Misdemeanor Convictions	
None	31%
1	16%
2 or more	53%
Felony Convictions	
No	74%
Yes	26%
Misdemeanor Convictions Last 5 years	
None	42%
1	19%
2 or more	39%
Felony Convictions Last 5 years	
No	83%
Yes	17%
Failure to Appear Convictions	
None	85%
1	10%
2 or more	6%
Violent Convictions	
None	82%
1	11%
2 or more	7%
Drug Convictions	
None	82%
1	10%
2 or more	8%

Appendix E

Bivariate Statistics

Demographics:

Variable	n=1971
Age	
Successful	
Mean (SD)	31.41 ^a (10.24)
Unsuccessful	
Mean (SD)	30.04 (9.82)
Sex¹	
Male	71% ^a
Female	80%
Race¹	
White	76% ^b
Black	70%
Other	79%
Marital Status¹	
Never Married	69% ^a
Married	79%
No Longer Married	74%
Dependents¹	
None	71%
1	72%
2	73%
3 or more	76%
Dependents Living with Defendant¹	
None	71%
1	74%
2	76%
3 or more	78%
Level of Education	
Successful	
Mean (SD)	11.81 (1.86)
Unsuccessful	
Mean (SD)	11.7 (1.74)

Note: ¹ values represent percent successful

^a categories within this variable are significantly different at $p < .01$

^b categories within this variable are significantly different at $p < .05$

Health:

Variable	n=1971
PHYSICAL/MENTAL¹:	
Current Physical Health Problems	
No	72%
Yes	76%
Current Mental Health Problems	
No	73%
Yes	72%
Current Physical/Mental Health Treatment	
No	73%
Yes	73%
SUBSTANCE ABUSE¹:	
Current Alcohol Abuse	
No	73%
Yes	73%
Prior Alcohol Abuse	
No	73%
Yes	72%
Current Drug Abuse	
No	76% ^a
Yes	61%
Prior Drug Abuse	
No	79% ^a
Yes	62%

Note: ¹ values represent percent successful

^a categories within this variable are significantly different at $p < .01$

Appendix E

Bivariate Statistics (cont.)

Community and General Stability:

Variable	n=1971
RESIDENCE:	
Fixed Address ¹	
No	62% ^b
Yes	73%
Time at Current Address ¹	
Less than 1 Year	69% ^a
1 Year or more	75%
Home Phone ¹	
No	64% ^a
Yes	75%
Years in Area	
Successful	
Mean (SD)	16.3 (14.05)
Unsuccessful	
Mean (SD)	16.21 (14.01)
Years in State	
Successful	
Mean (SD)	20.6 (14.36)
Unsuccessful	
Mean (SD)	19.44 (13.66)
Address Changes Last 2 years	
Successful	
Mean (SD)	.86 (1.14)
Unsuccessful	
Mean (SD)	.92 (1.14)
TRANSPORTATION:	
Vehicle Access ¹	
No	64% ^a
Yes	77%
Public Transportation Access ¹	
No	76% ^a
Yes	70%

Variable	n=1971
EMPLOYMENT:	
Currently Employed ¹	
No	69% ^b
Yes	74%
Length of Current Employment	
Unemployed or Newly Employed	70% ^a
1 to 3 years	74%
4 or more years	81%
Employed for the Last 2 Years	
No	68% ^a
Yes	78%
Employed for the Last 2 Years or Primary Child Caregiver	
No	67% ^a
Yes	78%
INCOME:	
Other Income ¹	
No	72%
Yes	74%
Net Monthly Income ²	
Successful	
Mean (SD)	\$1029 ^a (\$1284)
Unsuccessful	
Mean (SD)	\$818 (\$958)

Note: ¹ values represent percent successful; ² numbers have been rounded to the nearest whole dollar

^a categories within this variable are significantly different at p <.01

^b categories within this variable are significantly different at p <.05

Criminal History:

Variable	n=1971
CURRENT CHARGES¹:	
Charge Type	
Misdemeanor	77% ^a
Felony	64%
Charge Category	
Theft	66% ^a
Narcotics	60%
Failure to appear	72%
Violent	76%
Traffic	77%
Other	76%
Total Number of Charges	
1	74%
2	71%
3 or more	69%
CURRENT STATUS¹:	
Outstanding Warrant(s)	
No	74% ^a
Yes	51%
Pending Charge(s)	
No	77% ^a
Yes	57%
Community Supervision	
No	75% ^a
Yes	60%

Variable	n=1971
PRIOR HISTORY¹:	
Criminal History	
No	84% ^a
Yes	68%
Prior Supervision Revocation(s)	
No	74% ^a
Yes	58%
Misdemeanor Convictions	
None	83% ^a
1	76%
2 or more	65%
Felony Convictions	
No	77% ^a
Yes	61%
Misdemeanor Convictions Last 5 years	
None	82% ^a
1	73%
2 or more	63%
Felony Convictions Last 5 years	
No	75% ^a
Yes	60%
Failure to Appear Convictions	
None	75% ^a
1	67%
2 or more	44%
Violent Convictions	
None	75% ^a
1	66%
2 or more	53%
Drug Convictions	
None	76% ^a
1	60%
2 or more	56%

Note: ¹ values represent percent successful

^a categories within this variable are significantly different at $p < .01$

Appendix F

Binary Logistic Regression Model

Variable	e^B	95% CI	B (SE)	Wald	p
Charge type is felony	1.606	1.291-1.997	.474 (.111)	18.128	.000
Pending charges exist	1.925	1.519-2.438	.655 (.121)	29.435	.000
Outstanding warrants exist	2.070	1.295-3.310	.728 (.239)	9.246	.002
Prior criminal history exists	1.563	1.183-2.065	.447 (.142)	9.875	.002
Failure to appear convictions				18.751	.000
None	1.0	Reference			
One	.953	.673-1.350	-.048 (.178)	.074	.785
Two or more	2.440	1.615-3.686	.892 (.211)	17.936	.000
Violent convictions				8.614	.013
None	1.0	Reference			
One	1.142	.824-1.585	.133 (.167)	.636	.425
Two or more	1.760	1.204-2.572	.565 (.193)	8.534	.003
At current address less than 1 year	1.433	1.157-1.774	.360 (.109)	10.907	.001
Has not been employed past 2 years and not primary child caregiver at time of arrest	1.368	1.104-1.695	.313 (.109)	8.180	.004
Has a history of drug abuse	1.567	1.256-1.954	.449 (.113)	15.887	.000
Constant	.099		-2.314 (.145)	253.762	.000

Note: Model statistic: $\chi^2(11) = 217.326, p < .001$; Nagelkerke pseudo $R^2 = .151$

Goodness of fit: $\chi^2(8) = 7.692, p = .464$

Appendix G

Virginia Pretrial Risk Assessment Instrument

Instrument Completion Date _____

First Name _____ Last Name _____ Race _____

SSN _____ Sex _____ DOB _____

Arrest Date _____ Court Date _____

Charge(s) _____

Bond Type _____ Bond Amount _____

Risk Factors

- | | |
|--|------------------------------------|
| 1. Charge Type | Felony or Misdemeanor |
| 2. Pending Charge(s) | Yes or No |
| 3. Outstanding Warrant(s) | Yes or No |
| 4. Criminal History | Yes or No |
| 5. Two or More Failure to Appear Convictions | Yes or No |
| 6. Two or More Violent Convictions | Yes or No |
| 7. Length at Current Residence | Less than 1 Year or 1 Year or More |
| 8. Employed/ Primary Child Caregiver | Yes or No |
| 9. History of Drug Abuse | Yes or No |

Risk Level



Risk Factor(s) _____

Comments/Recommendations _____

Department of Criminal Justice Services Staff

Leonard G. Cooke

Director

804.786.8718

Robert Mathieson

Chief Deputy Director

804.786.8718

Francine C. Ecker

Deputy Director

Division of Programs and Services

804.786.3967

Daniel E. Catley

Section Chief

Correctional Services

804.786.8477



Virginia Department of Criminal Justice Services
805 East Broad Street
Richmond, Virginia 23219

April 2003 www.dcjs.org

Abbreviations

ACD	Assigned Counsel Division
ADA	Assistant District Attorney
ADP	Average Daily Populations
ADSI	Applied Data Systems
ALS	Average Length of Stay
AODA	Alcohol and Other Drug Abuse
BAC	Blood Alcohol Content
CAD/RMS	Computer Aided Dispatch/Record Management System
CAMP	Custody Alternative Monitoring Program
CCAP	Consolidated Court Automation Program
CCB	City/County Building
CDP	Criminal Defense Projects
CJ	Criminal Justice
CJG	Criminal Justice Group
CMS	Case Management System
CPAI	Correctional Program Assessment Inventory
CTS	Credit for Time Served
DOC	Department of Corrections
DOJ	Department of Justice
DUI	Driving Under the Influence
EBP	Evidence Based Practice
FC	Ferris Center
FTA	Failure to Appear
FY	Fiscal Year
GJXDM	Global Justice XML Data Model
GUI	Graphical User Interface
HCF	Head Count in Facilities
ICJIS	Integrated Justice Information System
LOS	Length of Stay
LSI	Level of Service Inventory
MOU	Memorandum of Understanding
NIC	National Institute of Corrections
OWI	Operating While Impaired
PDP	Possession of Drug Paraphernalia
PJ	Presiding Judge
PO	Probation/Parole Hold
PP	Probation and Parole
PSB	Public Safety Building
PSI	Pre-Sentence Investigation
PSR	Pre-Sentence Report
PSRC	Pretrial Services Resource Center
PX	Pretrial
RMS	Records Management Systems
SFS	Salient Factor Scale

SPD	State Public Defender
SPSS	Statistical Spreadsheet Program
TRaCS	Traffic Citation System
UCR	Uniform Crime Reports
VOP	Violations of Probation/Parole
VPN	Virtual Private Network
WCCA	Wisconsin Circuit Court Access
XML	Extensible Markup Language

Interviews and Contacts

Joe Balles – Lieutenant, Operations Central District Police Department, City of Madison

Lori L. Bastian - Program Analyst, Department of Human Services

Julie A. Beyler – B. S. W., Lead Social Worker, Alternatives to Incarceration

Brian W. Blanchard – District Attorney, Dane County District Attorney’s Office

Patricia A. Bolch - Court Manager, Office of the Clerk of Circuit Court

Jean Bousquet – Superior Court Chief Information Officer, Consolidated Court Automation Program (CCAP)

Ron Boylan – Chief Deputy, Sheriff’s Office, Dane County

Robbie Brooks – Consolidated Court Automation Program (CCAP), Racine County

Julie Cavanaugh – Assistant Regional Chief, State of Wisconsin Department of Corrections

Robert De Chambeau – Judge, Dane County

Shelley Chevalier - Community Services Manager, Adult Mental Health, Department of Human Services

Susan Crowley - Director, Prevention Services & Community Relations, University Health Services

Dave Delapp - Program Coordinator, Mental Health Center

Anthony Delea – Private Defense Counsel

Catherine Dorl – First Assistant, Law Offices of the Wisconsin State Public Defender

Carlo Esqueda – Clerk of Circuit Court, Register in Probate

Kathleen Falk – County Executive, Dane County

Patrick J. Fiedler – Judge, Dane County Circuit Court

Institute for Law and Public Policy (ILPP)

Randy Finet – Consolidated Court Automation Program (CCAP)

David Flanagan – Judge, Dane County

C. William Foust – Judge, Dane County Circuit Court

Mark W. Frank – Private Defense Counsel

Lynn Green – Directory, Dane County Department of Human Services

Lori L. Hahn - Dane County Drug Court Treatment Coordinator/Evaluator,
Department of Human Services

Bonne Hammersley – Director of Administration, Dane County Office

Ann Harris – Consolidated Court Automation Program (CCAP)

Jenny Hermanson – Madison Police Department

Jeffrey E. Hook – Lieutenant, Deputy Jail Administrator, Dane County Sheriff's
Office

Luke Imhoff – Administrative Manager

Marvin Klang – Senior Systems Administrator, Department of
Administration/Division of Information Management

Sandy L. Koepp – Management Information Specialist and Project Leader,
Department of Administration Information Management

Margaret L. Krohn – C. P. A., Assistant Controller, Dane County

David J. Mahoney – Sheriff, Dane County

Tanya Maloney – Sheriff's Office, Dane County

Michelle Marchek - District Attorney's Office, Dane County

Scott McDonnell – County Board Chair of Supervisors, Dane County

Todd E. Meurer – Judicial Court Commissioner, Dane County Courthouse

Daniel R. Moeser – Chief Judge, Dane County

Jeff Meyer - Senior Systems Administrator, Department of
Administration/Division of Information Management

Institute for Law and Public Policy (ILPP)

Travis W. Myren - Deputy Director of Administration, Dane County

Brent Norten – Deputy, Inmate Shipping Coordinator

Mike Nowakowski – Chief Judge, Dane County

Sarah B. O'Brien – Deputy Chief Judge, Dane County

Dennis J. O'Loughlin - Supervisor District 22, Dane County Board of Supervisors

Candace Peterson - Substance Abuse Services Manager, Department of Human Services

Jim Pingle – Wisconsin Office of Justice Assistance

Mike Plumer - Captain and Dane County Jail Administrator, Sheriff's Office

Sergeant Price - Classification

Laura Radke – Div. Ent. Tech.

Gail Richardson – District 5 Court Administrator, State of Wisconsin Supreme Court

Timothy F. Ritter – Captain Field Services

Paul Rusk – Board Member and Director of Alzheimer's Association

Joseph Samspon – Lieutenant, Support Services, Dane County's Sheriff's Office

Timothy Satterfield – Legislative Service Director, Dane County Board

Lila Schmidt - Associate Program Manager, Mental Health Center

Judy Schwaemle – Deputy District Attorney, Dane County

Stuart Schwartz – Judge, Dane County

Jose M. Sentmanat – Executive Assistant, Dane County Executive Office

Michael J. Short – Private Defense Counsel

Daniel A. Turk – Sergeant, Patrol services Bureau, Dane County Sheriff's Office

Mark Twombly - Lieutenant, Out of County Prison Coordinator

Institute for Law and Public Policy (ILPP)

Timothy Verhoff – District Attorney, Dane County

Barbara Weber – Senior Community Planner, Community Analysis and Planning
Division

Barbara J. Wegner – Risk Manager, Dane County

Kerry Widish – Chief Deputy Clerk of Circuit Court, Dane County

Brian L. Willison – Captain of Executive Services (Budget)

Brent Worten - Deputy and Shipping Coordinator, Dane County Sheriff's Office

Noble L. Wray – Chief of Police, Madison Police Department, Dane County

Gail Zaucha – Chief Information Officer, Wisconsin Public Defender's Office

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