

**JAIL POPULATION  
AND  
CRIMINAL JUSTICE SYSTEM STUDY**

**FINAL REPORT**

**Prepared for the  
SEDGWICK COUNTY COMMISSION  
WICHITA, KANSAS**

**December 31, 2003**



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December 31, 2003

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Dear Committee Members:

Sedgwick County has experienced cycles of jail crowding, out of County jail space and, in response, ever more expensive jail construction and staffing. This cycle came to the point where the County Commissioners, and the Sheriff in particular, saw the need to step back to reconsider the problem and consider solutions through a different lens. Sheriff Steed called for a comprehensive jail population study to examine whether a better understanding of the jail population dynamics and the overall administration of justice might result in re-engineering the system to reduce demand for jail beds. The County was seeking alternatives to the extremely expensive policies previously made that sought to manage crowding by renting and then building more beds.

This report is driven by the County's RFP for a population and system study as well as the insights and values of the leaders in all the justice system agencies who provided data and extensive interviews with the ILPP Team. The report features the Sheriff's excellent work to improve the system, as well as problems still needing solutions. It aims at a far more cost efficient justice system for Sedgwick County, and enhanced public safety.

This final report's direction is based on national "best practice" and "norms" as standards and points of departure. For example, although double bunking is not necessarily best practice, it is a national norm. For each area of discussion, ILPP has drawn upon methods which other counties across the country employ to cope with crowding and budget pressures. Most of these other counties' efforts have been put into practice and evaluated. Many of these counties have conservative values for law and order, but have implemented new, non-custody programs aimed at seriously punishing all offenders while still minding overall costs, and returning "home" those in rental beds outside the county. The "best practices" employed for this study have been identified by other researchers and/or seen by ILPP's experienced practitioners in each area as successful in many other places.

The report has been largely reworded based on feedback and comments from the draft report. It is now complete in certain areas where data was difficult to obtain or was still pending, when the draft was submitted. Comparison data with other counties, final population projections with a high and low range, and a major new "Action Plan" are included in this final report. The Action Plan has been prioritized and dates have been scheduled for implementation of the major recommendations, identifying each of their pros, cons, costs, and impacts in order for the County to have a workable guide for implementation.



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ILPP invites you to read the final report in its entirety, without moving directly to your own agency’s section. This approach to reading will enable you to see how the practices of each agency impact the others, and in what overall direction ILPP believes the system must migrate. It also provides the often requested “number of beds needed,” with a guide to first programming and then designing those beds to facilitate the inevitable public policy debate about when to build new beds and hire new staff, and how many to build and hire.

ILPP wants this study to be of great use to the County’s policy makers and we are preparing a presentation for the Committee and Council towards that end.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan Kalmanoff". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Alan Kalmanoff  
Executive Director

# TABLE OF CONTENTS

<b>1. INTRODUCTION .....</b>	<b>1</b>
<b>2. POPULATION TRACKING &amp; PROFILE STUDIES.....</b>	<b>3</b>
Tracking Analysis.....	3
Profile/Snapshot Analysis.....	8
Classification Analysis.....	14
Findings.....	16
<b>3. SYSTEM ASSESSMENT &amp; JAIL STRATEGIES.....</b>	<b>17</b>
Recommendations.....	23
Jail Population Strategies .....	25
<b>4. MANAGING THE RESOURCES.....</b>	<b>37</b>
County Government .....	37
Findings.....	37
Finances & Budgets.....	38
Justice Information Systems.....	42
Findings.....	46
Recommendations .....	47
<b>5. MANAGING THE FLOW.....</b>	<b>49</b>
Overview.....	49
Findings.....	57
Recommendations .....	57
<b>6. MANAGING THE CASE .....</b>	<b>59</b>
Court Filings.....	59
The Courts.....	61
18 <sup>th</sup> Judicial District Court.....	50
Findings .....	62
Recommendations.....	63
Wichita Municipal Court.....	64
Findings .....	65
Recommendations.....	67
Prosecution .....	68
Office of the District Attorney .....	68
Findings .....	70
Recommendations.....	71
Office of the Wichita City Attorney.....	71
Recommendations.....	73
Public Defender .....	73
The State Board of Indigents' Defense Services .....	73

Sedgwick County Public Defender.....	74
Findings.....	75
Recommendations.....	77
<b>7. MANAGING THE OFFENDER.....</b>	<b>79</b>
Intake.....	79
Recommendations.....	82
Bond.....	83
Findings.....	83
Recommendations.....	84
Pretrial.....	84
Findings.....	85
Recommendations.....	86
Adult Detention.....	87
Findings.....	87
Recommendations.....	92
Alternatives to Incarceration.....	96
Findings.....	102
Recommendations.....	103
<b>8. ACTION PLAN.....</b>	<b>109</b>

## APPENDICES

Appendix A: Justice Information Systems in Sedgwick County.....	125
Appendix B: Model Patrol Procedures and Citations for Adult Misdemeanors.....	131
Appendix C: Resource Web Sites.....	141
Appendix D: Continuum of Sanctions.....	145
Appendix E: County Comparison Data.....	151
Appendix F: Jail Reduction Strategies.....	155
Appendix G: Sample CJCC Bylaws.....	165
Bibliography.....	173
Interviews.....	177

**LIST OF FIGURES**

Figure 3.A:	Sedgwick County Crime Rates .....	27
Figure 3.B:	Kansas Crime Rates .....	27
Figure 3.C:	Arrests by Age.....	28
Figure 3.D:	Projected Population by Age Group.....	29
Figure 3.E:	Projected Jail Population.....	30
Figure 4.A:	Revenues .....	39
Figure 4.B:	Expenditures (all funds) .....	40
Figure 4.C:	Expenditures (local funds) .....	41
Figure 6.A:	District Court Filings (Lower-Volume Matters).....	59
Figure 6.B:	District Court Filings (Higher-Volume Matters).....	60
Figure 6.C:	Total Criminal Filings.....	60

## **ACKNOWLEDGEMENTS**

ILPP's criminal justice system assessment of Sedgwick County was made possible by the excellent support of Sedgwick County's Justice Agencies. The Commission and its staff, Sheriff's Department, Jail, Courts, WPD Chief and Public Defender provided access to requested records and facilities. Various personnel gave full cooperation by making themselves available for numerous interviews with consultants, despite compacted schedules. ILPP thanks Sedgwick County for that assistance.

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## ABBREVIATIONS

ACA	American Corrections Association
AFS	Adult Field Services
ALOS	Average Length of Stay
BOLOS	Be on the lookout
CAD	Computer Aided Dispatch
CDBG	Community Development Block Grant
CFS	Called-for-Services
CICS	Customer Information Control System
CJCC	Criminal Justice Coordinating Council
COR	Court Ordered Release
CPAI	Correctional Program Assessment Inventory
CSOM	Center for Sex Offender Management
DA	District Attorney
DB	Database
DDA	Deputy District Attorney
DIO	Division of Information and Operations
DOC	Department of Corrections
DUI	Driving Under the Influence
DV	Domestic Violence
EMCU	Exploited & Missing Children Unit
EMS	Emergency Medical Services
FTA	Failure to Appear
GIS	Geographical Information Services
ICAC	Internet Crimes Against Children
ISP	Intensive Supervision Program
IT	Information Technology
JFS	Juvenile Field Services
KCJIS	Kansas Criminal Justice Information System
KDOC	Kansas Department of Corrections
KHP	Kansas Highway Patrol
LLEBG	Local Law Enforcement Block Grant
NCIC	National Crime Information Center
NIC	National Institute of Corrections
OR	Own Recognizance
PC	Personal Computer
PD	Police Department
RFP	Request for Proposal
SBIDS	State Board of Indigents' Defense Services
SCDOC	Sedgwick County Department of Corrections
SD	Sheriff's Department
TOADS	Total Offender Activity Documentation System
UCR	Uniform Crime Report
VAWA	Violence Against Women Act
WIP	Wichita Intervention Program
WPD	Wichita Police Department

# 1. INTRODUCTION

## BACKGROUND

The Institute for Law & Policy Planning was engaged by the Sedgwick County Board of Commissioners to perform a comprehensive Jail Population/Criminal Justice System Study. Of particular concern to the County has been the increase in the jail population. This concern led the Sheriff to call for a study and analysis of bed needs and alternatives to plan for new programs, alternatives, and, if needed, new construction. This report focuses on the alternatives to increasing demand, but also looks forward to eventual construction possibilities.

## PROJECT PURPOSE AND SCOPE

The goal of this project is to comprehensively examine the overall criminal justice system in Sedgwick County and work with County leaders toward developing long-term strategies for alleviating jail crowding and providing quality public safety services given limited resources.

To carry out the study, ILPP planned a two-phase approach. First, Consultants examined the jail population to identify the nature of the population that goes through the jail and to project the size and type of population the jail might house over the next 5-10-20 years, assuming no changes in the system. Second, Consultants used these findings and extensive data from other areas to assess the system's individual agencies in their relationship to each other, and in terms of the overall impact on efficiency and effectiveness of those agencies, and the various system changes that might reduce or change the nature of demand for jail beds.

ILPP reviewed all elements of the system:

- Law Enforcement (chiefly Sedgwick County Sheriff's Department and Wichita Police Department)
- Prosecution
- Defense
- Judiciary (18<sup>th</sup> District Court and Wichita Municipal Court)
- Adult Detention
- Pretrial Release and Community Corrections
- Board of County Commissioners, County Manager's Office

Although not traditionally seen as part of the criminal justice system, the Sedgwick County Board of Commissioners is a crucial study element, because of its ultimate control of the County budget.

## REPORT ORGANIZATION

This report presents the Consultant's assessment of the County's criminal justice agencies. Expert practitioners met with key personnel from all criminal justice agencies, and focused in their interviews on the population studies conducted with jail and court data. They sought

to identify issues, collect more data and discuss concerns. There is no finding contained within this report that was not identified by a representative of the Sedgwick County system.

Findings are based on interviews and objective data provided by County and state agencies. Significant feedback came from the Criminal Justice System Study Steering Committee, to implement a population plan that realistically responds to the County's particular needs, constraints and assets. The basis for implementation is the Action Plan, set out in Chapter 8.

The report follows this outline:

Population Projections, Jail Tracking and Profile Studies analyze the population of the detention facility. The inmate tracking analysis is a study of the "flow" of arrestees and inmates through the jail, from the time of booking until release. This information has been used to identify system issues, such as points in the flow that can be made more efficient or the need to develop policies or procedures that will make the system more effective. A profile of the jail population on a given day is useful for determining housing needs and classification levels within the jail, as well as for long-term planning purposes. In conjunction with an inmate tracking study, the profile analysis compares those who pass through the booking process (tracking) with those who stay in jail after booking (profile).

The System Assessment provides an extended executive summary of key points, overall. This chapter also identifies a series of issues that have a serious impact on criminal justice goals and that are the result of no single agency's actions, but are of concern to the entire system. The chapter concludes with revised projections for jail beds based on current demand as well as reductions that can be accomplished by implementing this report.

Managing the Resources discusses how the County's administration is affected by and can affect criminal justice operations. This chapter also presents administrative topics common to all criminal justice agencies, including budgeting of services and electronic information management.

Managing the Flow reviews law enforcement agencies and practices involved in managing the "intake" or "input" of the system.

Managing the Case explores the criminal court adjudication process which involves the courts (judges, clerk and administrator), prosecution and defense.

Managing the Offender reviews Sedgwick County's correctional system, including alternatives to incarceration, pretrial services, probation and various forms of custody.

Action Plan lays out the major recommendations, prioritized and scheduled, and analyzes the pros, cons, costs and impacts of those key recommendations.

Appendices include supplementary information and data as well as sources of information used for this report, a list of persons contacted, and additional background data and resources.

The insight of the system's "gatekeepers" was essential to the development of final recommendations that are viable and consistent with the county's criminal justice goals. The feedback and corrections obtained from the study committee added directly to the draft and yielded the action plan content and direction.

## 2. POPULATION TRACKING AND PROFILE STUDIES

Jail Population studies are an integral part of ILPP's evaluation of criminal justice system operations. They are used to determine how criminal justice resources are currently used and to identify system issues that can be addressed through more effective and/or efficient system management.

These studies include an inmate tracking analysis, which looks at arrestees booked into the jail over a given time frame, an inmate profile analysis, which is a snapshot of a jail's population on a given day, and an inmate classification study, which "re-classifies" a sample based on a National Institute of Corrections (NIC) system.

### TRACKING ANALYSIS

An inmate tracking analysis examines the flow of arrestees and inmates through the county jail from the time of booking until release. A tracking study of persons booked into jail provides valuable information on how arrestees and inmates move through the criminal justice system. The information gained from a tracking study can be used to identify criminal justice issues such as points in the flow that can be more efficient, effective, and/or productive.

ILPP uses the tracking analysis model recommended by the NIC. Based on this model, raw data on inmate bookings was obtained by ILPP from the Sedgwick County Sheriff's Department. The data was converted into a statistical spreadsheet program (SPSS) for coding and analysis. Variables in the raw data included inmate demographics, booking reasons, charges and offense levels, assigned courts, and release reasons. A random sample of 300 cases was selected from the 577 bookings that occurred during the week of January 26<sup>th</sup>, 2003 to February 1, 2003 for the tracking analysis.

#### a) Demographics

Offenders booked into the Sedgwick County jail were predominantly male, Caucasian, Wichita residents, single, and unemployed. The average age of the inmate population was 32.

Sex: 81% male and 19% female

Race: 62% Caucasian, 28% African-American, 9% Hispanic, and 1% other

Residence: 80% Wichita and 20% other

Marital status: 82% single and 18% married

Employment status: 55% unemployed and 45% employed

Age:

20 and under	14%
21-25 years old	22%
26-30 years old	17%
31-35 years old	13%
36-40 years old	15%
41-45 years old	10%
46-50 years old	5%
51 or older	5%

**b) Charge and Offense Related Factors<sup>1</sup>**

The Wichita Police Department arrested a large majority of the offenders booked into the county jail (61%), followed by the Sedgwick County Sheriff's Department (20%). Most offenders were charged with multiple offenses, typically misdemeanors. The most common offenses charged by the arresting officers were traffic, DUI, and domestic violence related. Correspondingly, the Wichita Municipal Court presided over most of the cases (58%).

Felony arrests were dominated by property and drug offenses (36% and 30% of all felony bookings, respectively). Theft, burglary, and forgery were the main property offenses. Possession of drugs was overwhelming the most common drug offense.

Arresting agency: 61% Wichita PD, 20% Sheriff's Department, 6% KHP, and 13% other

Number of charges: 3 offenses, on average

- ▶ 66% of the offenders had more than one charge.

Offense level: 73% misdemeanor, 11% felony, 7% probation violation, 4% parole violation, 3% Federal, and 2% other

Offense type:

Traffic	26%
DUI	16%
Domestic violence	11%
Drug	10%
Property	9%
Probation violation	7%
Parole violation	4%
Failure to appear	4%
Public order	4%
Violence	3%
Other	6%

- ▶ Driving under suspension (58% of all traffic arrests) and speeding (30%) were the most common traffic offenses.

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<sup>1</sup> Charge and offense factors are based on the most serious offense.

Assigned court: 58% Municipal, 34% District Court, 3% Federal, 3% State<sup>2</sup>, and 2% other.

### c) Booking and Release Variables

Exactly half of the offenders booked into the County jail were charged with a “fresh,” or new, offense. Another 26% were arrested on a bench warrant (21%) or other type of warrant (5%). Many of the bench warrants originated from the Wichita Municipal Court (88%) and were primarily for traffic (40% of the City bench warrants), domestic violence (16%), and property cases (16%).

Of the inmates sentenced to jail, approximately 60% were sanctioned by the municipal courts, mostly on DUI and drug related charges. Those offenders sentenced to jail by the District Court (40% of those committed to jail) were largely convicted of DUI charges and probation violations.

Booking reason:<sup>3</sup>

New arrest	50%
Warrant arrest	26%
Sentenced	12%
Probation violation warrant	5%
Parole violation	4%
Federal	2%
Committed to KDOC	1%
Other	1%

The majority of the accused offenders entering the County jail were eventually released on bond (56%).<sup>4</sup> Roughly two-thirds of these offenders (110 out of 168 inmates) were released on their own recognizance (OR), and all were charged with misdemeanors. Of those released on OR, 59% were charged with a traffic violation, 17% DUI, and 7% domestic violence. The remaining portion of bonded offenders generally secured their release through a bondsperson. In other words, traffic, DUI, and domestic violence were the offenses most often bonded. The major difference between OR bonds and bonds posted by a third party was that the bondsmen provided financial assistance to a wider variety of offenses (especially property and drug related crimes) and to felony level offenders (20% of the individuals bailed by a bondsperson were accused felons).

Court-ordered release (COR) was the second most common reason inmates were released from the detention facility (12%). Nearly four out of every five inmates released via a COR were booked on warrants. In a few cases, the COR occurred because the sentencing judge terminated an imposed jail term early.

<sup>2</sup> State cases refer primarily to parole violators.

<sup>3</sup> Amount exceeds 100% due to rounding error.

<sup>4</sup> The bond-out rate approached 80% when inmates brought in on a new arrests or local warrant were just considered.

Release reason:<sup>5</sup>

Bonded	56%
Court-ordered release	12%
Time served	10%
Released to KDOC	6%
Released without prejudice	5%
Released to County DOC	4%
Released to other agency	2%
Released to Federal agency	2%
Active inmate (still in jail)	1%
Other	2%

**d) Average Length of Stay (ALOS)**

The average length of stay (ALOS) for inmates in the tracking sample was 11 days, overall. Considering that 61% of the inmates secured their release within 24 hours of booking, and 74% within 72 hours, the ALOS was clearly skewed by the 14% of inmates incarcerated in excess of two weeks. Indeed, the ALOS for inmates detained longer than two weeks was 76 days. Over a third of these inmates were sentenced to jail (38%). The remaining portion were detained on a probation violation (30%) or while awaiting adjudication (32%).

ALOS:

0-24 hours	61%
25-48 hours	8%
49-72 hours	5%
4-7 days	9%
8-14 days	3%
15 days or more	14%

## 1) ALOS by Booking Reason

As mentioned above, the vast majority of offenders entering the jail were charged with a new offense or arrested on a warrant. Of those offenders arrested on a new charge, the ALOS was 40 hours, or just over one and a half days. If a person arrested on a new charge did not post bond within the first 24 hours, the ALOS jumped to twelve days.

Offenders arrested on warrants, usually bench warrants, were held approximately ten days longer than those arrested on a new offense (ALOS: 11 days). This ALOS was driven higher, in particular, by warrants for failure to appear (FTA) in court.

Probation violators stood out in the tracking sample due to their lofty ALOS (55 days). With an imposed cap of 60 days jail for probation violators, most approached or reached that limit. Very few of the violators were able to obtain their release through bond, and thus were incarcerated throughout the adjudication process.

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<sup>5</sup> Amount exceeds 100% due to rounding error.

ALOS by booking reason:

New arrest ( <i>n=149</i> ):	40 <i>hours</i>
Warrant ( <i>n=77</i> ):	9 days
Committed ( <i>n=36</i> ):	35 days
Probation violation ( <i>n=16</i> ):	55 days
Parole violation ( <i>n=11</i> ):	6 days
Federal inmate ( <i>n=5</i> ):	9 days
Other ( <i>n=6</i> ):	35 days

## 2) ALOS by Release Reason

Well over half of the inmates booked into the jail were released on bond, usually after an average of 14 hours incarceration. The type of bond greatly influenced the ALOS. Offenders released under their own recognizance averaged four hours in the detention facility. Other types of bond, on the other hand, typically required around 30 hours to post.

Approximately 80% of the incoming misdemeanants charged with a new offense posted bond and were released. In comparison, 57% of the incoming felons were released on bond or released without prejudice. The offense categories most likely to be released on bond were traffic, DUI, and public order. Offense types least like to be bonded were violence, sex, and drug.

Court ordered releases were generated largely from the municipal court system (86%) and, as one would expect, tied to misdemeanor offenders (89%). The ALOS for court released inmates was 17 days. As noted above, many of the court order releases were associated with failure to appear in court on the initial charge. The charges associated with court order releases were primarily domestic violence, traffic, and property related.

Inmates sentenced to the detention facility served the longest periods of confinement in the tracking sample (45 days, on average). Roughly 75% of the “time-served” releases were misdemeanor offenders, and more than 60% were from the municipal courts. Very few felons were directly sentenced to jail. The offense types sanctioned to jail most often were DUI (29% of the sentenced inmates), drug (26%), and probation violations (19%).

ALOS by release reason:

Bonded ( <i>n=167</i> ):	14 <i>hours</i>
Court order release ( <i>n=36</i> ):	17 days
Time served ( <i>n=31</i> ):	45 days
Released to KDOC ( <i>n=19</i> ): <sup>6</sup>	37 days
WOP ( <i>n=16</i> ):	41 <i>hours</i>
Released to County DOC ( <i>n=12</i> ):	36 days
Release to other agency ( <i>n=5</i> ):	19 days
Released to Federal agency ( <i>n=5</i> ):	9 days
Active inmate ( <i>n=4</i> ):	198 days
Other ( <i>n=5</i> ):	2 days

<sup>6</sup> This average includes inmates who were 1) released by parole, 2) committed to jail by the courts pending transfer to KDOC, and 3) inmates held during pretrial that were eventually convicted and sentenced to KDOC. The ALOS, respectively, was 16 days, 7 days, and 63 days.

## PROFILE/SNAPSHOT ANALYSIS

A profile, or “snapshot,” of the jail population on a given day can be used to determine current housing needs and classification levels for the jail, as well as long term facility planning. As with the inmate tracking studies, an inmate profile analysis can identify system issues that affect the use of the jail and efficient allocation of criminal justice resources.

The profile sample for Sedgwick County was taken on Sunday, July 27, 2003. The jail population for the day was 1,489 inmates, of which 1,215 were actually in the jail. The out-of-facility inmates were incarcerated at the County’s work release facility (128) or in other county jails (146).

To perform the snapshot, a sample of 751 inmates from the total inmate population (1,489) was randomly selected. Raw data on demographics, date and time of bookings, booked charges, and inmate status were obtained from the jail electronically. The raw data was then matched with inmate printouts, also from the jail, to ensure accuracy in interpreting the data. Results from the analysis are presented below.

(Note: The figures in the tracking analysis often differ from the profile analysis. This is due to the nature of the data. The tracking analysis depicts “who is coming into the jail,” while the profile analysis illustrates “who remains in jail.”)

### a) Demographics

Inmates detained in the Sedgwick County jail on 7/27/03 were predominantly male, Caucasian, Wichita residents, single, and unemployed. The average age of the inmate population was 33 years old.

Sex: 84% male and 16% female

Race: 54% Caucasian, 35% African-American, 10% Hispanic, and 1% other

Age:

20 and under	8%
21-25 years old	23%
26-30 years old	16%
31-35 years old	13%
36-40 years old	14%
41-45 years old	14%
46-50 years old	8%
51 or older	4%

Residence: 82% Wichita and 18% other

- ▶ 48% of the inmates were born in Wichita, Kansas.

Marital status: 79% single and 21% married

Employment status: 68% unemployed and 32% employed

## b) Criminal History<sup>7</sup>

Approximately 90% of the inmates had a criminal record. Based on a random sample, on average, inmates had three prior convictions: two misdemeanors and one felony. Property and drug related convictions were the most common offenses found in the criminal histories, along with DUI and probation violations.

Prior misdemeanor conviction: 75% “yes” and 25% “no”

Prior felony conviction: 61% “yes” and 39% “no”

- ▶ 23% of the inmates had served a prison term in the past.

### Type of prior conviction(s):

Prior violent offense	19%
Prior domestic violence offense	20%
Prior sex offense	4%
Prior property offense	44%
Prior drug offense	38%
Prior public order offense	27%
Prior DUI	34%
Prior probation violation	34%

## c) Charge and Offense Related Factors<sup>8</sup>

Inmates in the jail were often arrested by the Wichita Police Department (52%). Most were booked between the late afternoon and early evening hours. Slightly more than a third of the bookings (37%) were for misdemeanor charges. Bookings for probation violations and felonies were also frequent. The District Court had jurisdiction over most of the inmate cases, based on the sum of the felony, non-City misdemeanor, and probation violation bookings.

Arresting Agency: 52% Wichita PD, 35% Sheriff’s Department, 3% other municipal PD, and 10% other

- ▶ Charges that lead to an arrest typically *originated* from the Wichita PD (51%), community corrections (21%), and the Sheriff’s Department (14%).

### Book time:

0-400 hours	11%
401-800 hours	7%
801-1200 hours	17%
1201-1600 hours	23%
1601-2000 hours	26%
2001-2400 hours	16%

<sup>7</sup> Criminal histories were obtained from NCIC records. A random sample of 228 inmates were drawn from the profile sample (n=751) for the criminal history analysis.

<sup>8</sup> Charge and offense factors are based on the most serious offense.

Offense level: 37% misdemeanor, 28% probation violation, 26% felony, 3% Federal, 3% State, and 3% other

Offense type:<sup>9</sup>

Probation violation	28%
Drug	12%
Property	11%
Violence	11%
DUI	10%
Public order	7%
Traffic	5%
Domestic violence	4%
Sex	4%
Federal	3%
State	3%
Fugitive	1%
Other	2%

Number of charges: 3 offenses, on average

- ▶ 61% of the inmates had more than one charge filed against them.

Assigned court: 63% District, 28% Municipal, 3% Federal, 1% Juvenile/Domestic, and 6% other

The median bond amount for felony offenses was \$50,000 (probation violations averaged the same amount). Misdemeanor offenses, on the other hand, typically had bond set at \$3,000. Sex crimes and crimes of violence generally had the highest bond amounts for felony cases. At the misdemeanor level, failure to appear received the uppermost bond amounts, followed by violence and DUI offenses.

Bond by court (median bond amount):

District Court- felonies	\$50,000
District Court- misdemeanors	\$25,000
Municipal Courts	\$2,500

- ▶ 38% of the inmates with multiple charges had their bonds run concurrently.

#### **d) Booking and Inmate Status Information**

Forty-two percent of the inmates were booked into the jail due to new charges (27% of the bookings) or for outstanding warrant (15%). When arrests for probation violations (19%) are included in this group, the percentage jailed due to an arrest climbs to 62%. Commitments (i.e., inmates sentenced to jail) represent the next largest booking category (28%).

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<sup>9</sup> Amount exceeds 100% due to rounding error.

Booking reason:

New arrest	27%
Warrant arrest	15%
Sentenced	28%
Probation violation warrant	19%
Federal	3%
Parole Violation	2%
Bond revoked	2%
Fugitive	1%
Other	2%

On the date of the snapshot, nearly half of the inmate population (49%) was held in lieu of bond. Another 6% was detained pending court action (bond hearing, sentencing, etc.).

Inmate status:<sup>10</sup>

Held in lieu of bond	49%
Committed	29%
Awaiting court action	6%
Awaiting transfer to KDOC	5%
Federal inmate	3%
State inmate	3%
Awaiting transfer to County DOC	2%
Awaiting transfer to other agency	1%
Other	3%

Twenty percent of the inmates had charges added after their initial booking date due to outstanding cases. In addition, 18% of the inmates had a detainer/hold. No particular type of offense or offense level had a higher proportion of detainees/holds.

Charges added since initial booking: 80% “no” and 20% “yes”

Detainers/holds: 79% none, 7% KDOC, 6% police agency, 4% probation/parole, 2% county DOC, 1% federal agency, and 1% other

- ▶ 18% of the inmates held in lieu of bond had a detainer/hold.

Based on the jail’s former classification system, 61% of the inmates were classified as felons (22% against person felons and 39% non-person felons).<sup>11</sup> The remaining portion of inmates were mostly scored as misdemeanants (38%) and placed in a corresponding pod.

Classification:<sup>12</sup>

Felony, against person	22%
Felony, non-person	39%
DUI	1%
Misdemeanor	38%

<sup>10</sup> Amount exceeds 100% due to rounding error.

<sup>11</sup> Classification data is based on the old classification system employed by the jail. A new classification system was implemented in October 2003.

<sup>12</sup> The entire inmate population (n= 1,489) was used in reporting this variable.

Roughly 18% of the jail's population was housed in other locations. The work release facility had half of the out-of-facility inmates and the remaining inmates were placed in other counties due to jail crowding. Most of the latter inmates were detained in the Rice and Stanton County Jails.

Facility:<sup>13</sup> 82% Sedgwick County Jail, 9% County Work Release Facility, and 9% other counties.

### e) Average Length of Stay (ALOS)

The ALOS for the entire profile sample was 63 days. As was the case in the tracking sample, this average was skewed by a segment of inmates incarcerated for several months. A vast majority of the inmates (80%) in the profile sample were jailed for longer than one week, but less than 60 days (66% of the sample). However, 8% were housed for longer than six months. Most of these inmates were sentenced to the facility (62%).

#### ALOS by days:

1 day or less	6%
2-7 days	14%
8-30 days	25%
31-60 days	21%
61-90 days	12%
91-180 days	14%
181-365 days	5%
1 year or more	3%

Male inmates were incarcerated, on average, 15 days longer than female inmates (66 days vs. 51 days, respectively). Caucasian offenders were jailed slightly fewer days than African-Americans (58 days vs. 61 days, respectively). Of all the racial groups, Hispanics were held for the longest periods of time, on average (94 days). Differences in an inmate's employment (employed vs. unemployed) or marital status (single vs. married) had little bearing on their ALOS.

#### 1) ALOS by Offense Level, Offense Type, and Court

Misdemeanor inmates were incarcerated for an average length of 52 days. A quarter (25%) of the misdemeanants was held on DUI charges (average ALOS: 74 days). Other offense types commonly committed by these offenders were drug (20%, ALOS: 54 days), property (16%, ALOS: 64 days), public order (12%, ALOS: 27 days), traffic (12%, ALOS: 23 days), and domestic violence (11%, ALOS: 25 days).

Felony inmates, in contrast, were held in the facility for nearly three months (87 days), on average. Violent offenses were the most common crimes committed by felons (34% of the felony inmates), and the ALOS in these cases was 98 days. Other categories of crime frequent in the felony inmate population were property (21%, ALOS: 71 days), drug (19%, ALOS: 61 days), and sex (13%, ALOS: 112 days). Felony DUI offenders averaged the longest incarceration periods of all offenses (243 days).

<sup>13</sup> The entire inmate population (n= 1,489) was used in reporting this variable.

ALOS by offense level:

Misdemeanor ( <i>n=280</i> ):	52 days
Felony ( <i>n=198</i> ):	87 days
Probation violation ( <i>n=207</i> ):	65 days
Federal ( <i>n=25</i> ):	39 days
Other ( <i>n=41</i> ):	45 days

ALOS by offense type:

Probation violation ( <i>n=207</i> ):	65 days
Drug ( <i>n=93</i> ):	57 days
Property ( <i>n=85</i> ):	67 days
Violence ( <i>n=81</i> ):	95 days
DUI ( <i>n=75</i> ):	90 days
Public order ( <i>n=50</i> ):	35 days
Traffic ( <i>n=34</i> ):	23 days
Domestic violence ( <i>n=33</i> ):	27 days
Sex ( <i>n=28</i> ):	105 days
Federal ( <i>n=25</i> ):	39 days
Parole violation ( <i>n=15</i> ):	14 days
Other ( <i>n=25</i> ):	47 days

ALOS by court:

District Court- Criminal ( <i>n=474</i> ):	72 days
Municipal ( <i>n=207</i> ):	11 days
Federal ( <i>n=25</i> ):	39 days
Juvenile/Domestic ( <i>n=11</i> ):	45 days
Other ( <i>n=34</i> ):	45 days

- ▶ The average ALOS for District Court misdemeanor cases was 62 days.

## 2) ALOS by Booking Reason

A large majority of the inmates (62%) in the profile sample were booked into the jail on new offense arrest or a warrant for charges (i.e., bench warrant, probation violation). On the date of the snapshot, 85% of these inmates were held in lieu of bond for an average of 44 days. The largest group of the pretrial inmates was accused felons (40%, ALOS: 66 days), nearly half of whom were accused of violent or sex offenses, followed by probation violators (30%, ALOS: 36 days) and misdemeanants (30%, ALOS: 23 days).

When an inmate was held from the point of arrest to post case disposition (e.g. committed to jail, KDOC, or community corrections) the ALOS rose to 128 days.

ALOS by booking reason:

New arrest ( <i>n=204</i> ):	67 days
Warrant ( <i>n=112</i> ):	36 days
Committed ( <i>n=209</i> ):	89 days
Probation violation ( <i>n=146</i> ):	56 days
Parole violation ( <i>n=19</i> ):	26 days
Federal inmate ( <i>n=25</i> ):	39 days
Committed to KDOC ( <i>n=5</i> ):	17 days
Other ( <i>n=31</i> ):	46 days

## 3) ALOS by Inmate Status (as of July 27, 2003)

Of those inmates committed to jail, two-thirds (66%) were convicted of misdemeanor offenses. Probation violators accounted for the second largest segment of the sentenced population (27%), with felons representing the remaining portion (7%). After probation violations, DUI, drug, and property offenses were the most prevalent types of crimes committed by those sentenced.

ALOS by inmate status:

Held in lieu of bond ( <i>n=371</i> ):	45 days
Committed ( <i>n=219</i> ):	97 days
Awaiting court action ( <i>n=39</i> ):	45 days
Awaiting transfer to KDOC ( <i>n=38</i> ):	116 days
Federal inmate ( <i>n=25</i> ):	39 days
State inmate ( <i>n=19</i> ):	26 days
Awaiting transfer to County DOC ( <i>n=17</i> ):	63 days
Awaiting transfer to other ( <i>n=10</i> ):	9 days
Other ( <i>n=7</i> ):	45 days

**CLASSIFICATION ANALYSIS**

As part of the analysis of the jail's population, ILPP examined the classification levels for inmates. Reviewing classification levels indicates the nature of the inmate population based upon objective measures developed by the National Institute of Corrections.

Out of the 751 inmate sample drawn for the profile analysis, 228 inmates were randomly selected for the classification analysis.<sup>14</sup> Records staff from the jail then ran criminal history profiles from the NCIC system. The records were coded in accordance with the NIC classification guidelines by ILPP.

The NIC classification system assigns points according to a variety of behavior.<sup>15</sup> This model allows for reclassification during an inmate's stay in jail to encourage behavior

<sup>14</sup> Criminal histories for 250 inmates were originally requested by ILPP for the classification analysis. Since the State of Kansas refused access to these records for research purposes, 22 inmates were excluded from the analysis.

<sup>15</sup> ILPP favors this particular model for its classification analysis because it is comprehensive and objective. This model has also been used effectively in urban jails with a high number of daily bookings, such as Hillsborough County, Florida, and Salt Lake County, Utah. NIC has other classification models, such as a

modification, but ILPP only uses the criteria and scoring system for initial classification in its analysis. The initial evaluation is based on three criteria: 1) severity of the current charge, 2) serious offense/assault history, and 3) escape history. Inmates who score 7 points or higher on these factors, which determine the *maximum custody score*, are automatically assigned to maximum security housing. For inmates whose score is less than 7, four additional criteria are considered: institutional disciplinary history, prior felony convictions, alcohol/drug abuse, and stability factors. Housing assignments are then made on the basis of this total *comprehensive score*. 5 points or less mean minimum security; 6 to 10 points mean medium security, and 11-or more points mean maximum security. An inmate with five or less points, but who also has a detainer, should be placed in medium security housing. Thus, the scoring is conservative.<sup>16</sup>

The scale to determine severity of offense ranges from 0 for low level offenses to 7 for the most serious. Low level offenses include most misdemeanors; moderately severe offenses include most felony property and drug offenses; high severity offenses include robbery and first degree assault; and highest severity offenses include murder, rape, and kidnap.

The NIC classification analysis revealed that 51% of the inmates were minimum security, 40% were medium security, and 9% maximum security. The percentages changed modestly, as shown in the chart below, when inmates incarcerated at other locations (i.e., the work release facility or out-of-county jails) were excluded from the county jail population.<sup>17</sup>

<b>NIC Housing Level</b>	<b>Inmate Population</b> (n=228)	<b>County Jail Population*</b> (n=190)
Minimum <sup>18</sup>	51%	48%
Medium	40%	42%
Maximum	9%	10%

\* Reflects the classification of inmates housed in the county jail and excludes those inmates housed in the work release facility or in other counties (n=38).

The minimum security inmates in the Sedgwick County Jail were mostly misdemeanor offenders (60%), equally dispersed from the municipal (47%) and District Courts (47%), and charged with DUI, drug, and property offenses. The ALOS for these inmates was 49 days. In contrast, medium security inmates were commonly felons (36%), followed by probation violators (29%) and misdemeanants (23%). Their cases, which were generally adjudicated by

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decision tree that is also effective. The key to a classification system, regardless of the model selected, is that it is objective, validated, and thorough enough to safely house inmates in a facility without overbuilding or overusing system resources.

<sup>16</sup> The Sedgwick County Jail altered its classification system in October 2003 to include some of the elements found in the NIC version utilized by ILPP for the analysis. For example, the jail's new system includes institutional disciplinary behavior. To their credit, the jail staff acknowledge that the new classification system is a work in progress, and are seeking the guidance of NIC to develop a more improved, objective, and validated instrument for determining an inmate's housing level.

<sup>17</sup> Seventy-five percent of the inmates at the work release facility were minimum security.

<sup>18</sup> Inmates classified as "minimum" were examined to determine if any disciplinary actions may have existed which would increase their custody score. Thirteen of the 116 minimum inmates were identified as having a history of disciplinary problems. The scores for these inmates were adjusted accordingly. This exercise was not carried out for medium and maximum level inmates because, unlike minimum security inmates, there is a stronger argument that they should be incarcerated.

the District Court (68%), were typically for probation violations and drug and property crimes. The ALOS for medium security inmates was 78 days. Finally, the maximum security inmates were nearly all felony or federal inmates (75% and 14%, respectively). As such, their cases were generally processed by the District and Federal Courts. Crimes of violence, drug, or sex were most common. Maximum security inmates had an ALOS of 82 days.

## **KEY FINDINGS FROM THE DATA ANALYSIS**

The following are key findings from the analysis of the jail population:

- 1) The unemployment rate for offenders booked into the jail was extremely high compared to the general population.
- 2) Many inmates were incarcerated on DUI or drug related offenses.
- 3) There was a significant number of bench warrants, especially from the Municipal Court level, booked into the jail. These offenders were typically detained in lieu of bond for a substantial amount of time.
- 4) There was a high proportion of probation violators incarcerated in the jail (28% of the jail's population). Probation violators were typically held close to the maximum number of days agreed upon by the jail and courts (60 days).
- 5) The County Jail was, and is, used extensively by the City of Wichita. Many of the individuals booked from the City were there for low risk, non-serious offenses, such as driving under suspension or no driver's license.
- 6) OR releases occurred fairly quickly (four hours, on average). Other types of bond releases took nearly ten times longer, on average.
- 7) A vast majority of the inmates had a prior criminal record. Many of the prior convictions were directly, and more than likely indirectly, related to alcohol and drugs.
- 8) Almost half of the inmate population (49%) was held in lieu of bond, and another 6% was held pending court action (e.g., bond hearing, sentencing, etc.).
- 9) Roughly 10% of the jail's population was housed in out-of-county detention facilities.
- 10) The average length of stay, based on the inmate profile analysis, was 63 days.
- 11) Hispanics, on average, were incarcerated over 30 days longer than Caucasians and African-American inmates.
- 12) The jail is a full-service maximum security facility and its inmate population consisted of approximately 50% minimum security level inmates.

### 3. SYSTEM ASSESSMENT & JAIL STRATEGIES

The criminal justice system in Sedgwick County consists of traditional components, which include law enforcement, prosecution, defense, adjudication, probation and community corrections. Most agencies are fairly well run, considering State and County budget limitations. Given the financial constraints, which show no signs of subsiding, the justice system needs to reconsider long-standing policies and practices and whether to adopt new, innovative management approaches that not only promise cost-efficiency, but can also invigorate the justice workforce and improve public safety.

Clearly, the adage “necessity is the mother of invention” is applicable, as the system must move to embrace new ways. Fortunately, with so many other counties having identical problems, a path of empirically proven “best practices” exists to help guide the needed change. Sedgwick County has the opportunity, which it has already begun to harness through efforts like the Sheriff’s pursuit of a new classification system, to evolve into a model justice operation.

Outlined below are key areas within the justice system that require progressive movement. These areas include:

- a) coordination and planning,
- b) jail bed management,
- c) citation policies,
- d) pretrial release,
- e) jail operations, and
- f) alternative sanctions to jail.

#### **Coordination and Planning**

In Sedgwick County there is a lack of coordination and communication, not among officials or individuals over cases (were coordination is actually quite good), but rather between agencies over system flow. For example, the Department of Corrections and jail do not coordinate their beds, nor do they coordinate the movement of inmates in what is considered standard practice. The Department of Corrections does not often interact over program and case flow with the Probation Department, or vice versa. The jail does not consistently reach out to law enforcement, the courts, probation, or community agencies for assistance and cooperation to develop system-wide solutions to its housing and crowding problems (although the jail recently invited a Municipal Court Judge to come in and review individual cases for immediate bond).

While officials manage their own agencies competently, no entity is administering the overall system to ensure that resources are utilized efficiently and effectively. New programs and policies are implemented in an ad hoc fashion, thus reducing the likelihood that they will meet their objectives, let alone survive. Leadership, i.e., a group of criminal justice

“gatekeepers” in place and meeting over the system, is needed to shape a vision of how the system should function to its fullest potential. A strategic plan should be formulated where objectives and goals are clearly defined, prioritized, and mapped out for implementation.

The Sheriff has recently assembled a group that could serve as a partial foundation for a coordinating council (generally called a Criminal Justice Coordinating Council, or CJCC). The group focuses on jail population cases, which is a useful endeavor, yet it is primarily concerned only with case by case issues. A CJCC, however, needs to be a collaborative forum that explores and resolves broad-based systemic issues, such as the expanded use of field citations, the creation of objective pretrial release, the development of program entry criteria, and a vastly changed jail use policy, system-wide.

### **Jail Bed Management**

A large percentage of the incarcerated population in Sedgwick County consists of minimum-security inmates detained in a maximum-security level detention facility. This is perhaps the most important single finding of the population study commissioned.

Given the increasing budget restrictions and the proven alternatives that are less expensive and more effective in support of public safety than jail, the County has substantial incentives to consider a change in direction. More importantly, the bulk of research and best practice experience demonstrates that the predominant use of custody, without excellent objective screening and a continuum of sanctions, is not likely to increase public safety. In fact, the only consistently validated outcomes of excessive offender incarceration have been serious budget problems for counties.

The crowding that is occurring in the Sedgwick County Jail, and the increasing case loads and impacts on other agencies in the County’s criminal justice system, are not for the most part based on increasing crime rates, increasing population, or even increasing bookings due to arrests. Rather, the demand is primarily the result of an increase in processing time in the overall system and an increase in the length of stay. The County’s solution to this growth in the number of offenders has been to rent beds outside the county, and then construct additional jail facilities whenever crowding and rental costs reach a level that seems to require attention. Although the County’s focus on construction of additional facilities has in the past put off its immediate problems, improvements to other parts of its system have not been adequately addressed, resulting in a spiral growth in jail beds without an underlying cause in crime or population. A byproduct of this strategy has been significant costs and a rising fraction of the County budget founded in the momentum to blindly “build the way out of crowding,” instead of analyzing the crowding populations and system causes, as has occurred through the initiative of the Sheriff and Commissioners in this study and plan.

The County is currently budgeting approximately \$1.5 million to house its own inmates in other county jails. While these funds appear to be spent at a lower rate per bed day than the cost in the Sedgwick County jail, available data does not take into account the extreme inefficiencies for the Public Defender, Courts, Sheriff’s transportation, and various other rehabilitative and public safety concerns that arise from housing inmates out of county. When these factors are accounted for, it is not less expensive to rent beds elsewhere. While appearing to lower the cost to the Sedgwick County jail, renting beds actually increases the cost to the whole system and, as it cuts offenders off from their families and community

(where they are destined shortly to return), it is also directly counter-productive for rehabilitation and future public safety concerns. Renting beds should stop, now, totally, in favor of double-bunking which would be safe and extremely cost effective even with some remodeling and staffing costs.

An overarching issue between the cities and the County is the lack of a booking fee or virtually any other economic rationing device to limit and prioritize scarce jail bed usage. Such rationing would also help limit the incentive by cities to raise revenue through use of the County jail, which currently occurs without any of the associated expense burdened by the County. Although city residents pay County taxes, city agencies do not pay for use of the jail regardless of how they use it.

### **Citation Policies**

In spite of existing policies on police discretion, the police and law enforcement function lack adequate use of citation in lieu of arrest. This lack contributes to the overemphasis on incarceration, often at the expense of response time and coverage of the patrol function for both the city police and the Sheriff's Department. Officers are often out of service for hours, traveling and booking inmates, rather than citing very minor offenders in the field to appear in court. Although Sedgwick County citizens have often voiced their approval of law enforcement's pattern of removing annoying or offensive violators from neighborhoods and stores, citizens are actually the ones punished by this practice. The jail is short term and expensive, and alternatives exist that would better control the originating behavior. Because many of these arrestees are released a short time later, the practice creates more work and expenses for the County without adding appreciably to public safety. This has given rise to a large bail bond industry, an industry notorious in other jurisdictions for corruption, biases against indigents and minorities, and inadequacy for protecting the public.

The police should not book offenders unless they are a continuing risk to the community, or unlikely to appear in court.

### **Pretrial Release**

Pretrial release in Sedgwick County is vastly underdeveloped in comparison with other counties of its size. Pretrial release services are provided to felony offenders only, when the bulk of the individuals booked into the detention facility are misdemeanor-level offenders. In addition, pretrial release decisions are not based on objective and validated risk assessment instruments, which are considered best practice and have been used nationally since the 1940's. Expanding pretrial release to include most felons and misdemeanants and implementing standardized (objective and validated) release criteria would greatly increase the number of individuals released on sufficient bond and/or pretrial supervision. Public safety would also be greatly improved because release decisions would be based on accurate and reliable information regarding defendants instead of wealth, as they are now.

In spite of a widely circulated myth to the contrary, there is a general lack of alternatives for release, as well as for sentencing in Sedgwick County. Again, while it is often stated that Sedgwick has "all the alternatives," Sedgwick actually has very few alternatives to jail, and in fact, those that exist are very limited. In comparison with the national norm, the Sedgwick County justice system is quite underdeveloped in terms of alternatives to incarceration. In the Courts there are various other inefficient practices, particularly in case scheduling,

handling probation violations, and what may be characterized as an overly high bond schedule (that is also widely considered, even locally, to be rigid and ineffective).

### **Jail Operations**

The jail, under the astute leadership of the Sheriff, has made substantial commitments in the recent past to fine-tuning corrections operations. Two important areas that have received needed attention are inmate classification and double bunking. The Sheriff's Department has secured the assistance of the National Institute of Corrections to develop its recently improved classification system to further improve decision making regarding the assignment of inmates, heighten safety at the facility, and ultimately avoid enormous expenditures by identifying inmates who could be placed in less secure (and less expensive) settings. This is an excellent move that needs to be carried out to its fullest potential. The Sheriff is to be congratulated for engaging the heart of the problem, namely, over-classification.

The Sheriff's implementation of double bunking is another strong move that will maximize the use of existing buildings and staffing, save extensive funds, and provide a much needed buffer in terms of time to implement systemic change.

Issues still need to be resolved, however, such as the amount of double bunking in the cell blocks and the ratio of inmates to staff. A ratio of 1:96 is common nationally for the minimum level of security of most of Sedgwick's inmates, but programming changes to best accommodate double bunking in the existing facility, in terms of staffing and support space, will allow a more careful and comparative outside look at staffing ranges. The goal of double bunking, at this point, should be to return all the out of county inmates to the detention facility, thus saving per diem fees and improving justice system logistics. The idea that the County should try and hold on to expensive out-of-county beds, in light of a perceived regional shortage, should give way to the concept that the County is now going to manage its own locally generated demand within the system locally, with re-engineered policies, procedures and alternatives to process all who are arrested, and only hold those for whom public safety requires custody.

The recent and proposed improvements in classification and double bunking need to be tied together with a safety valve for the jail's population. In Sedgwick County, the old approach has been to house inmates in out-of-county jails. Many other jurisdictions, in contrast, use population management techniques as a safety valve, employing a release matrix that objectively allows for the automatic release of non-violent, low-grade offenders to electronic monitoring, day reporting, or work programs once a certain population cap or threshold is reached.

The sum of the recommendations herein, to use objective point systems to decide on custody or citation, custody or pretrial release, classification, and program eligibility should become the foundation for a **release matrix** that keeps all inmates in the county, and prioritizes jail bed use under an established **population cap**.

### Alternative Sanctions to Jail

State laws have essentially moved to block counties from sending some offenders to prison, thus pushing the burden of managing offenders further on to the counties. The passage of SB 123 will only augment this increasing burden on Kansas counties. To effectively address this trend of shifting responsibilities from the state to the county level requires careful strategic planning by Sedgwick County, with input from the City of Wichita. Addressing this issue effectively will allow the County and the City to avoid the economic, public safety, and social costs of more crowding, greater expenses in the face of declining revenue, and an overriding lack of a positive impact on crime through the overuse of detention without corresponding or parallel program resources devoted to rehabilitation and sanctioning within the community.

Even if Sedgwick County's policy makers were not interested in best-practice policies with regard to a full range of sanctions and a reliance on programs that are alternatives to custody, the bleak budget picture would dictate a change in this direction. Sedgwick County revenues are growing only modestly. In addition, it is clear that support from the State of Kansas is decreasing. The County recently made a major budget cut. The criminal justice system has consumed nearly a quarter of the County's entire budget over the past few years and an increasing share of the general fund.

If the County chose to not implement the significant re-engineering of its system, already commenced by the Sheriff and others, then the following cost increases can be anticipated, without any improvement in public safety or the various other serious problems presented by the traditional approach of relying on jail for minor offenders.

### Continuing the Status Quo

What would be the budgetary consequences of allowing the jail population to continue to grow without population management?

Consider the high-end projection: a jail population rising as shown:

Year	2002	2005	2010	2015	2020	2025
Population	1,002	1,288	1,658	2,029	2,400	2,771

A few simple assumptions show the budgetary consequences.

First, it is assumed that new facilities will be needed periodically. ILPP's model – one of many that could be used – assumes a new 600-bed facility in 2010, another in 2020, and another in 2025. A reasonable approximation for the construction cost of a bed is \$100,000, so each new facility will cost \$60,000,000 (in today's prices). Presumably the costs will be amortized. The monthly payment will depend on the prevailing interest rates and the County's bond rating, neither of which is easily predicted. For simplicity, we take a rate of 5.5 % (municipal tax-free bonds) and a 30-year payoff. Under those conditions, the annual capital cost for each facility is about \$4 million.

The new facilities would need to be staffed. The budget for the current 1,068 bed facility includes 39 officers (lieutenants, sergeants, corporals) and 239 deputies. The new

facilities are assumed to have the same inmate:staff ratios, or 23 officers and 143 deputies. Other costs (clerical staff, contractual, commodities) are assumed to increase proportionally.

Certain costs are omitted in this simple model, as it would be necessary to know the exact configuration of any new facilities to approximate them. Included would be any economies of scale, as with clerical staff, and the numbers of supervising officers, which could be either more or less than shown. However, cost escalation should be considered. There was a 4.1% increase in personnel expenses from 2001 to 2003 without an increase in the number of employees. Using that figure, and extrapolating the county-funded portion of the entire county budget, the following estimates are obtained.

	2002	2010	2015	2020	2025
Bed capacity	1,068	1,668	1,668	2,268	2,868
Officers	39	62	62	86	109
Deputies	239	382	382	526	669
Personnel	\$11,902,781	\$26,349,355	\$32,277,208	\$54,365,656	\$84,759,025
Contracts	\$4,662,300	\$10,320,999	\$12,642,930	\$21,294,939	\$33,199,973
Commodities	\$717,496	\$1,588,331	\$1,945,660	\$3,277,145	\$5,109,248
Capital	\$0	\$4,088,081	\$4,088,081	\$8,176,162	\$12,264,242
Total cost	\$17,282,577	\$42,346,766	\$50,953,879	\$87,113,901	\$135,332,489
County budget -					
County sources	\$207,346,016	\$289,560,013	\$340,802,321	\$392,044,629	\$443,286,937
Jail as pct of					
County budget	8.3%	14.6%	15.0%	22.2%	30.5%

For approval by voters of these kinds of cost increases, each year, a new consensus and also new levels of support would be required simply to maintain the status quo of jailing so many minimum security offenders.

### Closing Comment

Up to half the beds in the Sedgwick County jail are poorly utilized by minimum security inmates. The out-of-county inmates could be returned to the County jail, and new construction avoided, if 1) inmates are classified more appropriately with a validated and objective system, 2) inmates are appropriately double bunked, 3) arrestees are given citations under specific circumstances, 4) detainees are processed through pretrial release programs, and 5) defendants are sanctioned to new and expanded alternatives. In fact, enormous resources would be freed for badly needed programs that are alternatives to incarceration. These programs, based on the experience of many other jurisdictions cited in this report, would significantly heighten public safety and decrease recidivism in the community, thus reducing crowding even further.

## **RECOMMENDATIONS**

### **1. Create a Criminal Justice Coordinating Council.**

The County should create a Criminal Justice Coordinating Council (CJCC) and use that management group of system gatekeepers to manage the system and maximize the cost-effective use of criminal justice resources. Members of CJCC should include the following: the County Manager and Public Safety Director, a County Commissioner, the Presiding Judge of both the District Court and Wichita Municipal Court, the Sheriff, the District Attorney, the Mayor of Wichita, the Wichita Chief of Police, the County Department of Corrections Director, the Clerk of Courts, and a representative of the defense bar. (Note: the CJCC would not have any real authority over independent offices or departments or their budgets, but such groups, nationally, have demonstrated great success in managing the justice system by consensus).

### **2. Hire a Criminal Justice Planner.**

The County should hire a criminal justice planner to work for the County Manager/Public Safety Director. The criminal justice planner should be responsible for coordinating the CJCC, procuring more Federal, State, and private grants, and facilitating the initiatives described in the strategic criminal justice plan (Note: the strategic plan should be developed from the Action Plan herein, by the CJCC).

### **3. Expand pretrial release system and services.**

The County should expand its limited pretrial release services so that pretrial release: a) occurs earlier, b) covers more offenders, c) uses objective criteria (i.e. a validated risk assessment instrument), and d) provides more options than simple release or detention. Pretrial release services should also include conditional release, release to a third party, or release with conditions (such as car ignition breath analyzers for drunk drivers).

### **4. Develop a full continuum of pretrial release mechanisms as well as post sentence criminal sanctions.**

The County should develop a full continuum of criminal sanctions so that local judges have more choices available than simply jail or probation for offenders. A full range of sanctions is widely considered best practice, and also has been widely demonstrated to be the most cost effective approach in support of public safety. (Appendix D has an example of a model continuum of sanctions.)

### **5. Establish a booking fee or other economic rationing devices for the jail.**

The County should establish a booking fee in the jail such that the City has a rationale for not simply using the jail (with little thought to better alternatives) to enforce ordinances and misdemeanors.

### **6. Increase partnerships with community-based agencies.**

More partnerships are needed in the Sedgwick County criminal justice system. The justice system needs to actively review the services already provided by community-based agencies so as to better provide cost-effective programs and services as well as linkages to other programs and services for offenders.

## **7. Integrate City and County justice system components.**

The County should explore integrating components of the City and County criminal justice systems to reduce duplication of effort and to enhance the overall efficiency of justice. This will cut expenses and allow for options such as new programs. The City and County are strongly linked based on the population base within the County and the volume of cases originated from the City. Various law enforcement functions, pretrial services, probation, and information systems are the best examples of elements that could easily be combined. This model of government has been successful in many jurisdictions, including Indianapolis, Indiana; Lexington, Kentucky; and Omaha, Nebraska.

## **8. Hire a jail programmer for the jail who is not an architect.**

The County should engage an independent jail programmer to plan the pre-architectural specifications for facility space, staffing, and programming to accommodate the influx of inmates resulting from double bunking, and any possible future construction. As part of the analysis, the programmer should determine the type of expansion that may be needed in the future at the detention facility, and the staffing and operating costs involved.

In this manner, County government can give the voters real choices with regard to new construction and alternatives to achieving public safety objectives. Having a real choice, with actual construction and staffing costs, and the costs of the alternatives, will allow an alternative to the current bureaucratic constituency that supports agency growth without re-consideration of basic outcomes and directions of the system. The NIC PONI program is a free and excellent facility planning resource that would allow the non-justice system leaders of Sedgwick community to get involved in facility planning activities, plus provide badly needed support to the Sheriff regarding policies, programs, alternatives, and facilities. An independent study of the PONI program for the U.S. Congress demonstrated that it was enormously cost-effective in assisting local planning of jails.

Whoever is engaged as the programmer for remodeling, new construction, and related staffing and operations costs should be excluded from any design and construction effort, to ensure against any conflict of interest in decisions about construction and staffing costs

Hiring a jail programmer first will greatly reduce the overall architectural fees that might later occur with any remodeling and/or new construction. The result is a much less expensive project and often clearer and more cost explicit choices for voters.

## **9. Embrace leadership and change**

Sedgwick County is the largest county in the State of Kansas. The County should capitalize on its stature to become a leader in the State and region in criminal justice. It is well known that counties cannot wait for a state to lead. Recommendations in this report should not be discounted as requiring legislative changes (a long and arduous process) when local policies and procedures, as well as court rules and court order(s) can

easily provide the foundation and authority needed, and protection from fear of liability, for all the changes suggested herein.

### **A Note on Values**

Overall, Sedgwick County criminal justice policy decision makers need to distinguish between offenders whom the community is *angry* about, versus offenders who the community is *afraid* of. When this critical distinction is not made, the community will always support more jail use and construction, yet fail to understand the true choices. Those offenders the community is afraid of clearly should be in detention, and there should possibly be a program with custody behind it to enforce the program. Those offenders who simply arouse anger, on the other hand, should be treated in such a way as to avoid punishing the taxpayers, yet still sanction the behavior involved, while also providing an opportunity for improvement and rehabilitation. Mental health court is a good example of this philosophy and these values. Mental health courts typically handle offenders who are nuisances more than they are harmful, and the combination of custody and program yields an effective and cost-efficient approach to dealing with these types of cases.

Another example is a proposed policy that requires public defenders and private counsel to arrange treatment options prior to sentencing for defendants. When the offender is to be sentenced, the judge can see that the offender has been accepted into a program, giving the judge a viable option besides jail. The Public Defender could hire a treatment coordinator, funded through a grant or collected indigent fees, which could work with Probation and Pretrial to locate suitable treatment options for offenders. This is certainly the pattern for middle class and upper class offenders who have private attorneys, but it also represents a great potential for efficiency and more effectiveness in the justice system.

The County needs to make a philosophical change from favoring incarceration with no alternatives (or few) to the support of other parallel forms of community corrections. The new approach should be accompanied by support and funding for the Department of Corrections, which is now facing budget cuts and elimination of services at a time when it should be increasing its range and activities due to its cost effectiveness.

## **JAIL POPULATION STRATEGIES**

The jail is always the most expensive single sector of a county's criminal justice system owing to the fact that staffing costs are 24/7 and quickly exceed the construction costs of any new beds. Because jails have rated capacities that are difficult to exceed except for temporary overloads, increasing jail population leads to pressure to build a new facility or additions, at a capital project cost of upwards of \$100,000 per bed.<sup>1</sup> More importantly, over only a few decades, the construction cost for a jail is usually dwarfed by the life-cycle staffing costs. It must be emphasized that the staffing costs are the key issue.

For several reasons, including improvements in design, economies of scale, and the amount of time needed to plan and build, most counties will construct a large new facility rather than

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<sup>1</sup> Construction costs, cited in some comments to the draft, tend to mask overall "**project costs**" which include land, environmental, management and administrative costs, architectural fees, financing costs, etc.

making incremental additions to existing structures. Therefore, a new jail will have a substantial impact on a county's capital budget, and it will continue to have significant operating expenses throughout its lifetime of approximately 30 years. Capital costs are typically only 10-15% of total jail costs, with operations consuming the balance. Similar cost factors are involved in large new additions such as those being discussed in Sedgwick.

It is therefore of interest to the county's fiscal planners to have an estimate of future jail needs. Unfortunately, there is no way to predict accurately what the need will be ten or twenty years into the future, regardless of prior history and current trends. The amount of crime, the success of law enforcement in arresting the perpetrators, the laws of the state, and the actions of prosecution and the judiciary all have an effect, and depend upon the behavior of officials in the future who are not yet significant players in the system. Most significantly, the speed and efficiency of the justice system case flow will drive jail population, as demonstrated in this report, and as highlighted in the many recommendations aimed at making for more efficiency in case processing.

### **Crime, Arrests, and Population**

Sedgwick County is one of the few urban counties in Kansas, and as such, can be expected to have a higher crime rate than rural areas. Figure 3.A shows the crime rates for Sedgwick County and Figure 3.B shows the crime rates for Kansas as a whole (including Sedgwick).<sup>2</sup> The offenses shown are the numbers reported to law enforcement and represent the so-called "index crimes." The violent crimes include murder, rape, robbery, and felony assault, while the property crimes include vehicle theft, burglary, and other theft. Despite the fact that some offenses are clearly more serious than others, all are given equal weight in aggregating the statistics. The violent crime rate, typically much lower than property crime, has been multiplied by ten to put it on the same scale and make the graph more legible.

For the State, the crime rate has been decreasing slowly. Crime in Sedgwick County appears to be decreasing also, though the fluctuations make the trend less certain. Although the index crimes account for only a portion of the jail population, the data suggest the observed jail growth is not due to an increase in the amount of crime occurring in the County.

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<sup>2</sup> The crime rate is here defined as the number of offenses in a year per 100,000 residents of the jurisdiction under consideration. The figures were obtained from the Kansas Bureau of Investigation. No figures were available for 1999, and the data for 1995 covered the period January – June only. The latter were adjusted to give the equivalent yearly figures.

<sup>4</sup> This does not take into consideration the possibility that having a large elderly population might increase criminal activity somewhat if they are perceived as being easy victims.

Figure 3.A: Sedgwick County Crime Rates

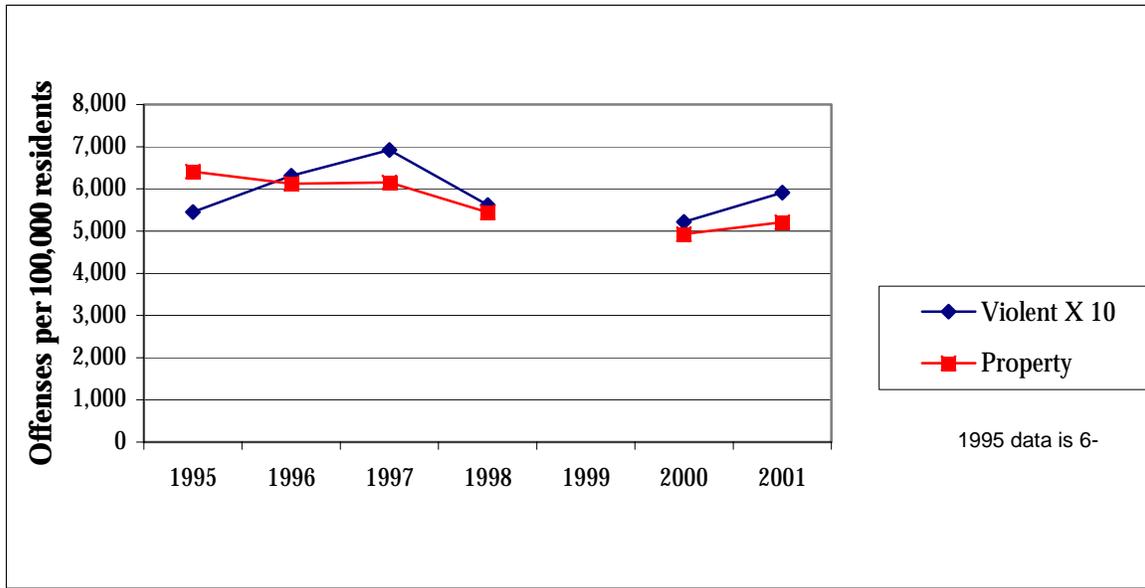
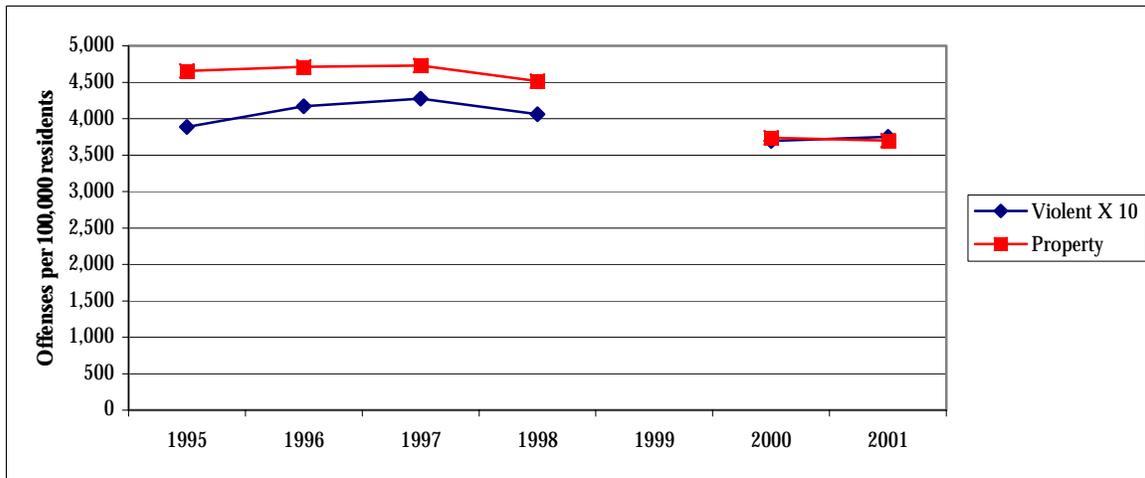


Figure 3.B: Kansas Crime Rates



It is reasonable to suppose that the demands on the justice system will increase as population increases. ILPP has used data from the U. S. Bureau of the Census to estimate County population up to 2025. The Bureau makes projections of state populations based on known demographic variables (birth and death rates and estimated net migration). The most recent estimates were made in 1997. The next data set was not ready in time for this report.

ILPP’s estimates involve a rather complex process of adjusting the 1997 state projections for the known population in 2000, and then applying the figures to the known population of the county in 1990 and 2000. It is not as accurate as a more complete demographic analysis would be and is intended only to produce a working set of figures.

The Census Bureau makes its estimates by age group. Importantly, the age profile of the population is the most significant part of the estimates for criminal justice purposes. It is well known that criminal activity is strongly dependent on age. For example, the arrest profile by age is shown in Figure 3.C (national figures for 1994, from the U.S. Bureau of Justice Statistics). Other years give very similar results. The arrest rate peaks for young adults and falls off gradually thereafter.

Figure 3.C: Arrests by Age

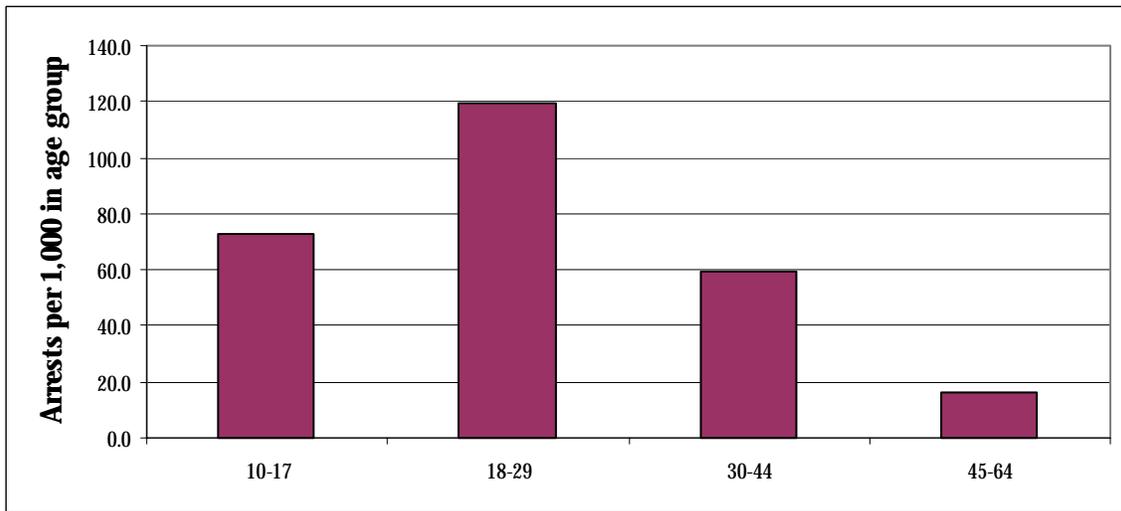
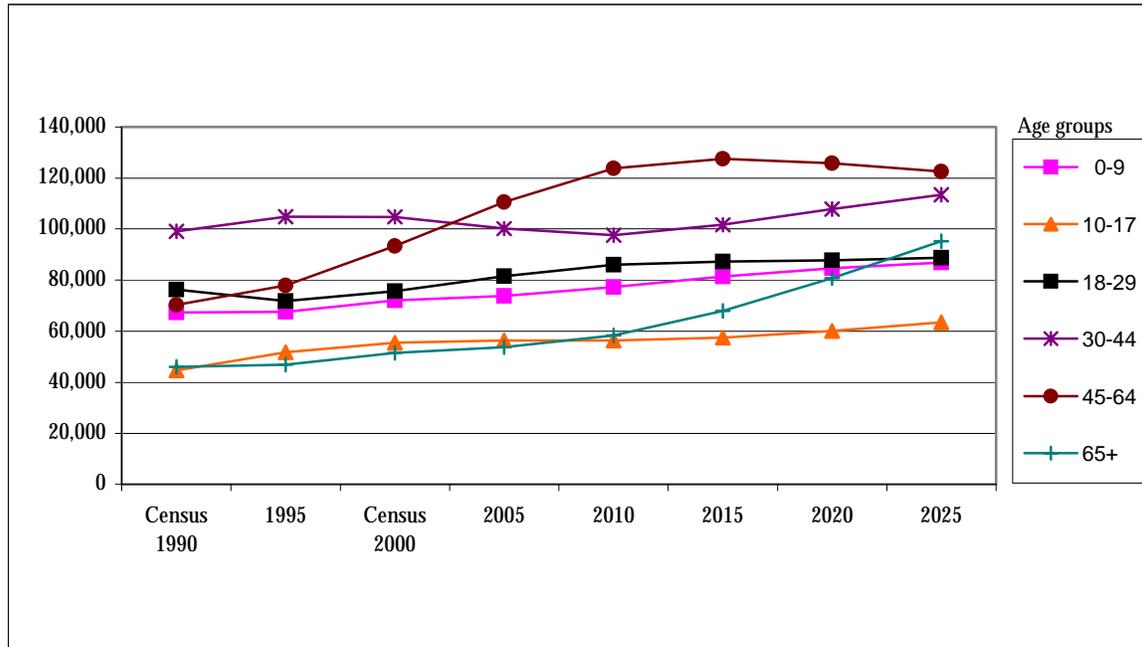


Figure 3.D shows the estimated population by age group for Sedgwick County. The most rapid growth for much of the period in question is in the 45-64 year old cohorts. Later on it is those 65 and older (the same people as the previous group, now grown older). The arrest rate, and presumably the crime rate, is very low for persons over 45 (Figure 3.C), and even lower, though not shown, for those over 65. Therefore, most of the predicted population growth in Sedgwick County will be among older adults, a group that is unlikely to be heavily involved in crime, statistically speaking. If the number of persons in the active age groups were the only determinant of the amount of crime, one would expect the total amount of crime to grow considerably less slowly than the population overall.<sup>4</sup>

Figure 3.D: Projected Population by Age Group

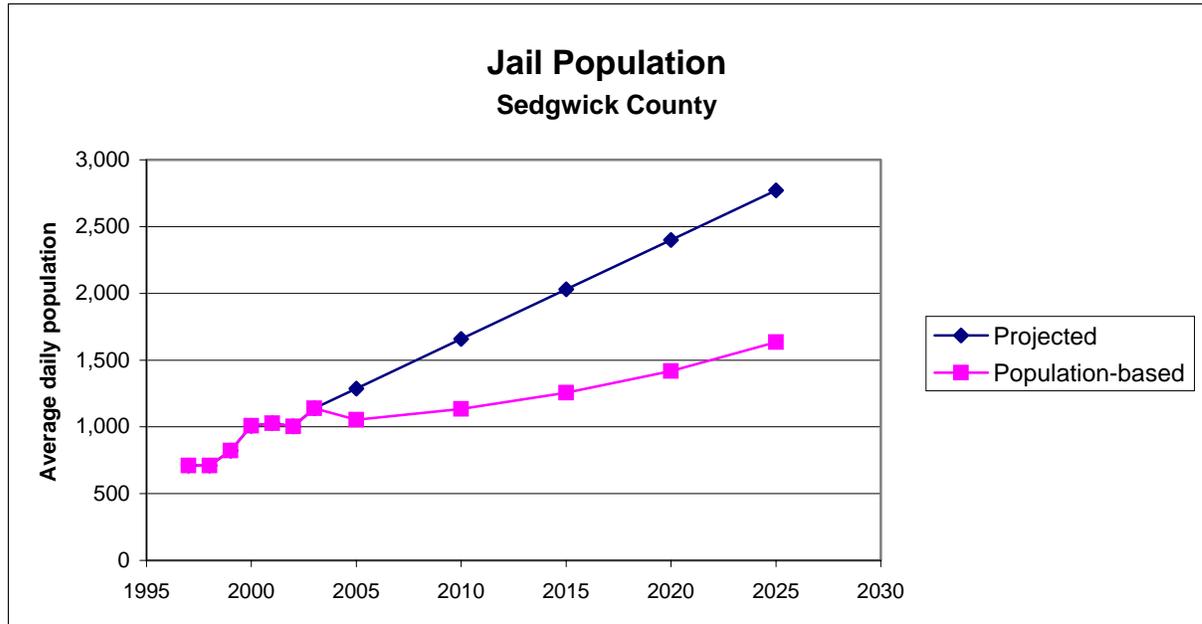


Applying the arrest rates as a function of age, one finds that population grows by 38% but expected adult arrests by only 15%. Of course population growth is not the only factor influencing the amount of criminal activity, but it certainly provides part of the explanation, and it is the one factor that can be predicted with moderate accuracy.

Continuing the assumption that criminal activity is a function primarily of the size of the active population, one can estimate future jail needs. An alternative is to postulate that jail population will continue to grow at the rate of the last several years, a theory often voiced by the Sheriff, (who must contend in the future with the results of any projections in the present). Figure 3.E shows jail population under those two scenarios.

At its present rate of growth, jail population will increase by 170% over the next 20 years. If jail population is controlled so that it reflects only the growth of the County, the increase will be about 60%, with most of that occurring in the final decade.

Figure 3.E: Projected Jail Population



### Strategies for Reducing the Jail Population

The jail population in Sedgwick County can be characterized as primarily low-risk inmates held on mostly non-violent charges (excluding the small number of Federal inmates). The profile study showed that nearly half of the inmates were being held in lieu of bond, and had been detained an average of 45 days. (By definition, therefore, jail use policy focuses primarily on the poor, thereby punishing the County's taxpayers further, through the costs of welfare, and other services that are triggered by the incarceration of family members). Furthermore, some 77% of the inmates were being held on charges of low to moderate severity: probation violation was the commonest, along with drugs, property, DUI, public order, traffic, and domestic violence. While some offenses in those categories are serious, such as some DUIs, a vast majority are not.

ILPP is suggesting strategies for reducing the number of low level inmates in custody. The recommendations are based on Sedgwick County's jail population studies. Although ILPP presents a straightforward estimate of their effect on the future jail population, it is important that comparable population studies be made periodically in order to better understand what factors have contributed most to the observed population. This is particularly the case for the changing jail classification system, and various procedures already in the planning stage, such as double bunking, which will significantly change the mix and type of inmates held.

ILPP's recommendations can be grouped into three broad categories:

1. Reduce the number of persons entering the jail.
2. Expand the opportunities for pretrial release, early screening, and diversion.
3. Manage the sentenced population with a broader range of sanctions.

All of the above can be implemented without a negative impact on public safety or community values, as demonstrated in a very large variety and number of similar counties around the country. Similar policy, procedure, and program changes have been made in the following counties, listed here as examples only, with little or no impact at all on public safety, but with major changes in the pattern of new construction and budgeting: **Pima County, Arizona; Prince George, Maryland; Yakima, Washington; King County, Washington; Clark County Washington; Montgomery County, Maryland; St. Louis, Missouri; Sacramento, California; Multnomah County, Oregon; Brevard County, Florida; Bernalillo County, New Mexico; Sonoma County, California; Douglas County, Nebraska; Boulder County, Colorado; and El Paso County, Colorado.**

### **Reduce Intake**

A principal suggestion for reducing the number of persons entering the jail is a policy of "cite and release" for minor offenders. As County policy, it would be accepted and implemented by the Sheriff and various city police departments, if ordered by the local District Court and/or codified, as it has been in nearly half the States by legislation. Also, if necessary, the jail could use its own personnel for citing and releasing at the booking counter, again by policy, court order and/or legislation, or could even refuse to accept low-level offenders based on crowding and establishment of a cap and a release matrix tied to classification. Importantly, a validated and objective risk assessment instrument always leads to more, not less, protection from liability for releasing inmates.

In Sedgwick County, a large number of those booked into the jail are brought in on charges that would be cited and released in many other jurisdictions. Some 73% of the booking charges are at the misdemeanor level. Traffic violations alone account for over a quarter of the bookings, a category rarely held in such numbers in most jails; DUI accounts for another 16%. About 80% of incoming misdemeanants were released on bond, with an ALOS of 14 hours. The 80% contribute a small amount to jail overcrowding (31 beds) and more significantly to the very costly staffing demands for human resources for booking and release processing. The 20% who do not bond out presumably remain in jail for at least the 2 ½ weeks generally required for a court-ordered release. That 20% accounts for 228 beds, and the figure will be higher if some of the misdemeanants are held until their cases are completely adjudicated.

All of those released on bond, and perhaps half of those who do not make bond, could be cited only, for a net savings of  $(31 + 114) = 145$  beds. However, the County will likely wish to retain the DUIs. About seven beds are occupied by that group of offenders, reducing the savings to 138 beds.

Probation violators are a particular problem as they are common and often stay a long time. Probation violations can be substantive (commission of a new offense) or technical. The latter category includes such relatively innocuous actions as missing an appointment with the probation officer or failing to notify the office of a change of address. ILPP suggests that the Court consider community-based sanctioning (e.g., community service, day reporting, and electronic monitoring) for the first technical violation rather than automatic return to jail.

Many probationers are substance abusers, and substance abusers are subject to occasional relapses. Repeated probation violations due to drug or alcohol use suggest that a more cost-effective approach would be diversion of those individuals to (mandatory) substance abuse programs. Mechanisms for implementing alternatives would include early screening of violators to determine their eligibility for alternative sanctions, and drug/alcohol and mental health courts.

Persons whose most serious charge was probation violation constitute 28% of jail inmates, according to ILPP's population study. Average length of stay (ALOS) for them is 55 days. The data do not indicate how many of the violators were arrested for their first violation, but one third of all inmates had a prior probation violation. If that ratio holds for this subset, first-time violators occupy about 187 beds. Diverting half of them, presumably to a supervised program, would lessen bed demand by 93 beds.

### **Pretrial Release, Early Screening, and Diversion**

In Sedgwick County, there appears to be virtually no rapid mode of pretrial release other than bonding, and bond levels are set very high for probation violators. There is modest use of own recognizance (OR) bonds, but they are generally applied to traffic offenses and misdemeanor DUI. ILPP suggests a more aggressive pretrial release program

A comprehensive pretrial release program requires the development of a continuum of supervision modes and pretrial release mechanisms, the latter to include diversionary programs as well as straight release. The program, of course, should be strictly monitored, (e.g., supervised and conditional release for the marginal candidates) to ensure that the objectives are attained and there are no unexpected adverse consequences. Components of the program could include:

- a) A review and perhaps relaxation of the requirements for release through own recognizance (OR), coupled with a proactive OR program;
- b) Review of the eligibility for release of all inmates held more than 6 hours; and early screening by the District Attorney's office of all detained cases, and faster release of those against whom the evidence is insufficient for prosecution;
- c) A pilot program (to be evaluated externally, by NIC or the Pretrial Resources Center or a similar agency) of screening and supervised release of almost all Municipal Court cases where the detainees are unable to make bond or are pending probation hearings, but otherwise meet release criteria; and,

- d) A formal program exclusively for the early screening of technical probation violations without an accompanying new offense, and prompt sanctioning or diversion.

As described above, nearly half of the inmates are being held in lieu of bond, and stay an average of 45 days. A conservative expectation is that a quarter of those now held in lieu of bond could be released in 15 days through an expanded OR program (either ordinary or supervised). That would result in a 6% reduction in population, or about 72 beds. The OR program would need to be monitored carefully to be sure that the return rate is high and the persons released do not commit new offenses.

In contrast with OR, early screening of inmates does no more than allow the earlier release of those who would be released anyway. Those who stay more than six hours will probably stay for a relatively long time unless they are able to make bond, which usually occurs within 24 hours. About 40% of those booked stay more than one day, and the average length of stay for those who are not released within 24 hours is 27 days. Screening for eligibility is not a release mode in itself; it merely allows releases to occur sooner.

The Kansas Judicial Branch annual report for FY 2001-2002 showed that about 10% of criminal cases (both felony and misdemeanor) were dismissed by the District Court. No information was presented for municipal court cases.) Early screening by the prosecutor can usually be accomplished within 48 hours. If dismissal is unrelated to the ability to bond out, then of the 31% of inmates staying longer than 48 hours, 10%, or 3.1% of all those booked, would be expected to have their cases dismissed. Supposing they could be more intensely and rigorously screened within 2 days and released within 3 days, there would be a savings of 87 beds.

The municipal courts presided over 58% of the offenders booked into the jail. Most misdemeanors bonded out quickly, but ALOS for probation violators was 55 days, most of them being unable to make the high bonds set. Probation violators occupy about 311 beds, so any reduction in their numbers would have a substantial impact on overall jail population.<sup>5</sup>

About a third of jail inmates had a prior probation violation. The data do not show what percentage of those being held on probation violations are first-timers, nor what percentage of the violations are technical rather than substantive. If all the violations are technical, and two out of every three violators have no prior violations, then about 200 inmates would qualify for the early screening and possible diversion.

While no data was gathered on substance abuse or mental health problems, justice systems across the nation find that a high proportion of their inmates are afflicted with one or both of these problems. DUI offenders alone account for about 100 of the jail beds, but the proportion of them with prior DUI was not recorded; presumably it is higher than the 34% of all inmates with prior DUIs.

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<sup>5</sup> There is a statistical difference between the profile and tracking studies; 311 beds is the mean value.

In any case, it appears that several hundred inmates are potentially eligible for diversion for technical probation violations or substance and mental health problems. Furthermore, well-run diversion programs, especially those with supported housing, have been demonstrated to be likely to lower recidivism than straight jail time, and thus are likely to improve the public safety impact of those offenders. Graduates of such programs would be expected to have a lower rate of future offending than those who had not received such treatment. These programs are costly, but only a fraction of the cost of jail (construction, operating costs and 24/7 staffing).

### **Population Management**

Some offenders will not be released before adjudication. Prison transfers and inmates detained for other jurisdictions, for example, are not usually seen as releasable (although many counties release holds, if not picked up within a short time period). For these inmates, the obvious strategy is to make the transfer as expeditiously as possible, and the Sedgwick County Jail puts forth a solid effort in accomplishing this task. Another segment of the population that is non-releasable is sentenced inmates. According to the profile study, approximately a third of the inmates in the detention facility are serving sentences.

ILPP recommends that the County adopt a population management plan. Under such a plan, a set of criteria is used to determine the actual time served by each inmate. A “release matrix” is a way to evaluate the inmate objectively, both to avoid any appearance of bias and to shield corrections staff from the repercussions of the occasional release that will inevitably result in a new offense. The number of days of early release for “good time” (cooperative behavior) is calculable from such an objective instrument.

Committed inmates occupy 357 beds and have an ALOS of 97 days (a little over 3 months). If their sentences are shortened by as little as 10% (10 days) there would be 36 beds freed up. Another advantage of population management, of course, is that it permits the release of lesser offenders in order to make room for new and more serious ones.

### **Summary of Bed Savings**

A summary of potential bed savings then would be:

- Cite and release – 138
- Diversion of probation violators – 93
- Expanded OR – 72
- Early screening – 87
- Early release from commitment – 36

The total bed savings would be 426, but there is an unknown amount of overlap among the categories. Some persons might be counted in more than one group. For example, an individual probation violator who is now serving out a commitment could be diverted or given early release, but not both. The total should be perhaps reduced by one third to approximately 280 beds, a very conservative estimate.

In addition, there are the municipal court cases and the substance abuse or mental health cases. The numbers are more difficult to estimate, but there should be at least 100 beds available after accounting for overlap. A very rough estimate gives 400 beds total if most of the major recommendations are followed.

For that to happen, there would need to be substantial changes in the existing criminal justice system. Data gathering and analysis would be implemented, policies modified, and new programs established. Transitional funding would need to be located also. For that reason, ILPP has produced a jail population projection that does not start for a year and then phases in the changes over a ten-year period, or 40 fewer beds each year between 2005 and 2015 significantly. The adjusted population projections for the jail, based on population growth and the demographic changes, incorporating the recommendations, show only about 250 more beds needed in 2025 than in 2000. This is less than the number of “new” beds readily expected from double bunking. Last, the price for failing to implement a population management program such as that recommended herein is that the jail’s cost, relative to the overall County budget, will likely rise from an already significant figure approaching 10% to over 30% in approximately 20 years. This growth requires attention.

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## 4. MANAGING THE RESOURCES

This chapter covers County budgeting and information systems that support criminal justice agencies. By considering these crucial topics in a system wide lens, ILPP seeks to stress the interrelatedness of all agencies, and the dire need for coordination in planning and system development as well as the changes herein recommended. The danger of agencies going off in their own direction, without coordination, is often seen in overcrowding and rapidly increasing budgets.

### COUNTY GOVERNMENT

County government is rarely seen as part of the criminal justice system, even though it ultimately controls financing for those portions covered by the General Fund. Because of County government's responsibility for facilities and fiscal matters, it can and should play an important role in the justice system.

The County Board of Commissioners in Sedgwick County has five Commissioners, who each have a keen interest in the current questions of jail crowding and serious budget problems. On the other hand, the Commissioners in the past not set major policy direction for the justice system, or perhaps seen real potential to effect policy improvements in public safety and cost control through budgeting. The system's operations have been for the most part funded with incremental growth.

The County Manager in Sedgwick County works for the Board of County Commissioners and administers the budget and departments. Traditionally, Sedgwick County Managers have been unwilling to attempt much management and budget control over justice agencies, especially the courts, prosecution and law enforcement.

### Findings

In Sedgwick County, budgeting for the criminal justice system has been incremental. Interviews suggest that budgeting changes by a small margin each year, but little or no effort is made to re-engineer justice functions or change underlying budget practice. There is as yet no consideration of an overall justice system budget, although such an approach offers great potential.

The County should move towards an overall justice system budget, and away from individual agencies "scraping" for resources without an overall policy and fiscal approach.

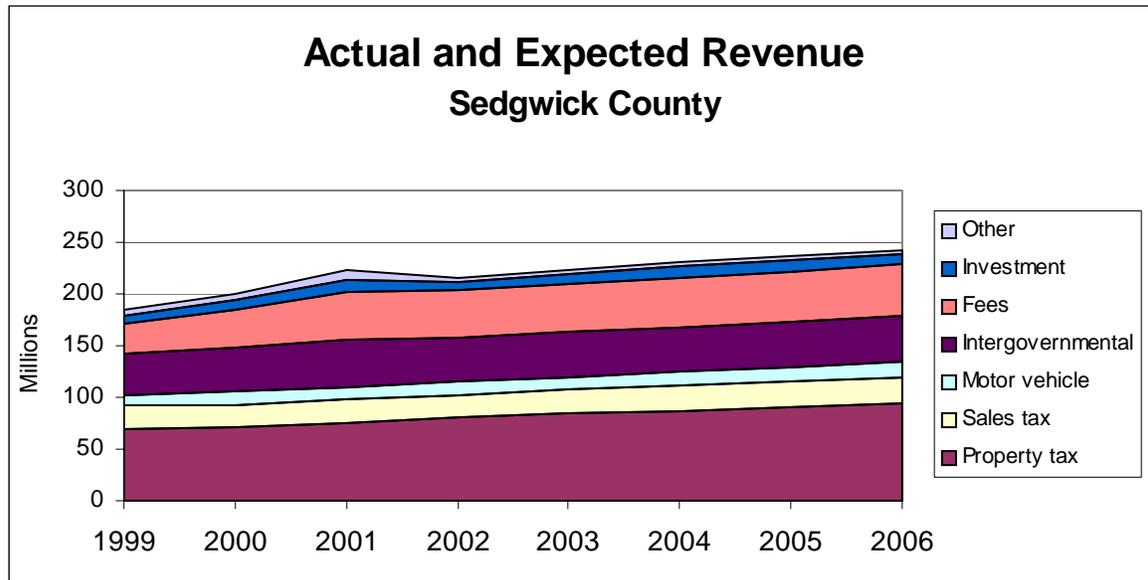
## FINANCES & BUDGETS

Sedgwick County, like virtually every other county in the USA, derives its operating funds from a variety of sources. Broadly speaking, there are three sources of funds: other units of government (principally the Federal and State governments), charges (fees) for service, and locally raised taxes (from counties and municipalities). Federal and state grants are usually restricted to specific activities, while service charges tend to be applied to the function through which they are generated (for example highways and public utilities). Local tax revenues are allocated primarily to the general fund, which allows, in principle, much more flexibility in the use of those funds. In practice, locally-derived revenues in most counties are mainly utilized for two types of essential functions: law and justice, and fiscal and administrative services.

The financial health of a county requires a dependable revenue stream and conscientious management of expenses. At the time of this writing (mid-2003), the financial outlook for Sedgwick County appears to be mixed. The local economy is heavily dependent on the aircraft manufacturing industry, accounting for about 15% of the County's labor force. There have been layoffs since 9/11/01 in aircraft, and a concomitant decrease in consumer confidence. A decrease in income and consumer confidence leads to a drop in purchasing and thus in sales tax revenues.

ILPP reviewed copies of the county budget for the years 1998 – 2003. In Sedgwick County, a little over a third of total county revenue and almost half of locally-derived revenue comes from the *ad valorem* (property) tax, followed by the sales tax. The property tax revenues are much more stable and predictable in times of economic uncertainty than sales taxes. Sedgwick County's property tax revenues are expected to increase steadily, though not rapidly. The sales tax leveled off in the period 1999-2002 and is projected by some to resume its growth in 2003.

The most serious problems lie with revenues from the State of Kansas, which is experiencing severe fiscal problems. Many state-funded programs have been cut back, among them Community Corrections and Juvenile Justice. Since costs are increasing faster than revenues, the county is being obliged to shave expenses wherever possible. Figure 4.A, on the next page, displays actual and expected revenues, by source, from 1999 to 2006. It is clear that most of the expected growth will come in property taxes and fees for services.

Figure 4.A: Revenues<sup>1</sup>

In analyzing expenditures, it is of interest to consider the portion of the budget devoted to the criminal justice system. However, the budget is not presented in quite that way. As an approximation, we take the following:

Justice system departments: Sheriff (including the jail); District Attorney; 18<sup>th</sup> Judicial District, less the Court Trustee<sup>2</sup>; Corrections (organizationally part of Human Services).

Partially dedicated to law and justice: Emergency Communications, Forensic Science Laboratory, Information and Operations.<sup>3</sup>

As a rough estimate, half of the Emergency Communications and the Forensic Laboratory are assumed to be used for justice purposes, and 21% of Information and Operations, that being justice's average share of total operating expenses.

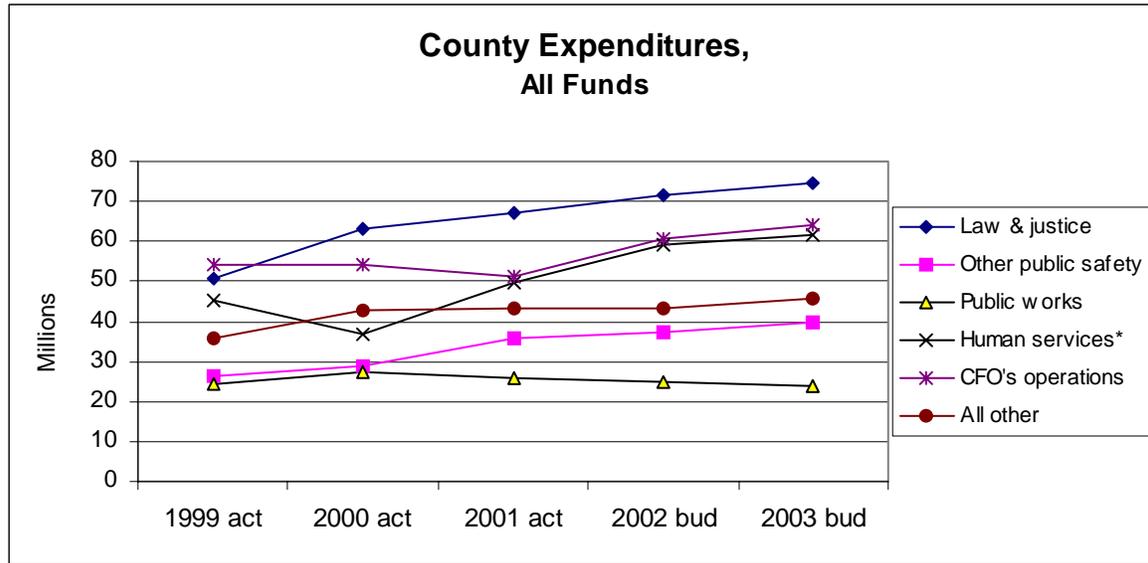
Figure 4.B shows total expenditures, by program area. Corrections, the 911 service, the Forensics Laboratory, and Information and Operations have been included in Law and Justice, as described. Also note that Corrections has been subtracted from Human Services.

<sup>1</sup> Source: Sedgwick County Annual Budget Publications.

<sup>2</sup> The Court Trustee is responsible for child support enforcement, which is not usually considered to be a criminal justice function. Also, there is not enough information to separate the costs of the criminal and civil functions of the court.

<sup>3</sup> A large part of the county's motor vehicle fleet is assigned to the Sheriff's department, but its costs are included in the Sheriff's overall budget.

Figure 4.B: Expenditures (All Funds)



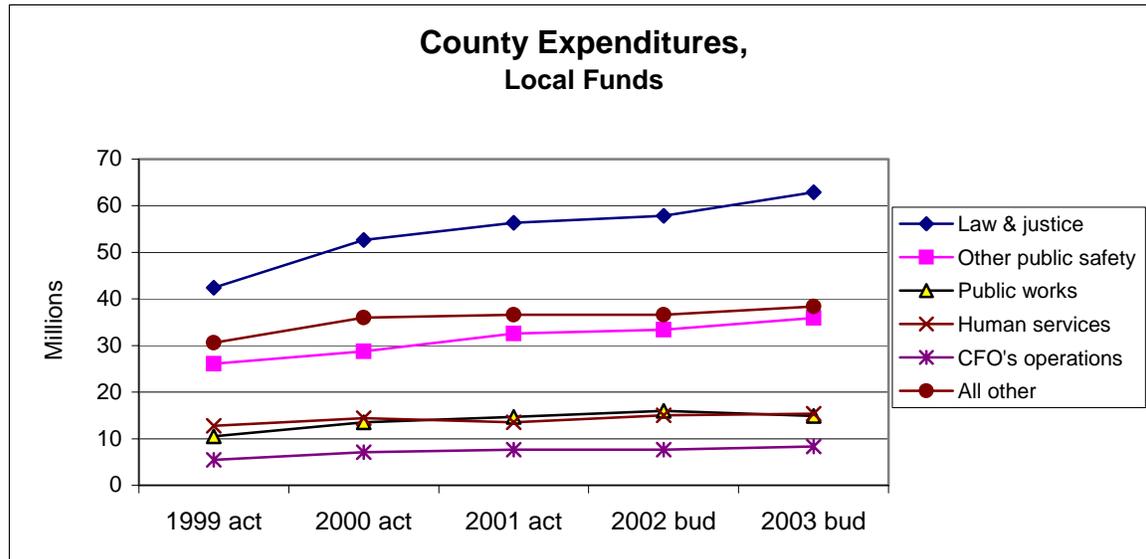
Law and Justice is the largest component, and it is growing more rapidly than the others. Over the period shown, it grew by 47% while the total budget grew by only 32.1%. The share of the Law and Justice component increased from 21.4% to 23.8%.

Of particular interest to Sedgwick County taxpayers will be the expenditures funded by local tax revenues. About 30% of the expenditures are funded by sources outside of the county, primarily the state and federal governments. State and local grants are generally designated for specific uses. The principal consumers are health and other human services and the highway fund. The law and justice component of the budget is funded primarily (84%) by local sources, but almost all of the non-local (16%) is allocated to the Department of Corrections. The following chart (Figure 4.C) shows the locally-derived budget only.

A further simplification eliminates the non-operating portion of the Chief Financial Officer's budget, comprising capital expenditures, transfers, and reserves. Removing those, we obtain the operating budget for locally-derived revenues (Figure 4.C).<sup>5</sup>

<sup>5</sup> Remaining in the CFO's operating budget are the CFO and staff, budgeting, accounting and purchasing, and the appraiser and treasurer-tax collector.

Figure 4.C: Expenditures (local funds)



Once again, law and justice is the largest component. It grew by 48.2% compared with 37.5% for the total budget, increasing its share from 33.2% to 35.8%.

If only the County general fund is considered, the law and justice share in the 2003 budget is 54.5%.<sup>6</sup>

By either measure, the proportion of the County budget demanded by the law and justice function is increasing. The County faces a period of economic uncertainty, and must control its expenses wherever possible. If the justice share continues to increase, there must be reductions elsewhere, perhaps in public access to services, recreation and culture, or routine maintenance.

The impact of the reduction in State funding could be substantial. Although the problem with State funding primarily affects the non-justice functions, there are planned reductions in juvenile justice and community corrections. That is particularly unfortunate, since the alternative is (County-funded) detention at a much higher cost. To the extent that reductions in health and welfare also drive certain individuals into the criminal justice system, there will be similar added costs.

<sup>6</sup> The budgets do not allow an easy derivation of the general fund percentage for the previous years.

## JUSTICE INFORMATION SYSTEMS

The efficiency of the criminal justice system can be greatly enhanced by a timely and coordinated flow of information among the agencies of the system. Conversely, barriers to information flow – whether technical or institutional – consume resources unnecessarily and delay case processing. All modern large jurisdictions, and most small ones, have found it essential to employ automated data processing for the required activities.

The requirement of accurate and timely case information means that data should be entered once, automatically checked whenever possible, and transmitted or at least made available to other agencies with a need for it. Duplicate entry of data wastes time, slows down information transfer, and introduces the possibility of inconsistency or error. For example, if a suspect's name is entered as "Johnson" at one point and "Johnston" at another, a manual check is required to confirm that they are the same person. In the worst case, the wrong person will be released. Within a single agency, in particular, it makes no sense to duplicate data entry.

Similarly, it is wasteful to print out data and send the paper file to another agency whose staff then re-enter it into another computer system. At the least, the second agency should have the ability to view and download data. Better still, in many cases, the information should be forwarded automatically. Of course the originating agency may have reason to release only selected information, or to protect some or all of its information from modification by others.

Information flow is not unidirectional. The prosecution and the courts need to be informed by law enforcement or detention of persons arrested and awaiting court action. When court action has been taken, some of that information should flow back to the jail and the police or sheriff. Likewise the information may flow in several directions at once, for example to the prosecution, defense, and perhaps parole or probation. In many situations the center of the information flow network is the clerk of the courts, since that office is the official repository of justice information.

Improved information flow results in improved case disposition times. The guilty are sent sooner to punishment, the innocent are exonerated sooner, and the jurisdiction realizes substantial cost savings at nearly every stage, most particularly in jail costs. Furthermore, more accurate information can improve the quality of justice by reducing errors in dispositioning or sentencing.

In Sedgwick County, each of the criminal justice agencies is in itself fairly well automated. All the agencies, persons, and cases are managed and tracked by database applications. All the information systems except for the District Court and Clerk, and Public Defenders are supported by and housed at a centralized County agency, the Information Systems (DIO). The District Court has its own computer services department.

The following is a brief description of the automated information systems for the major criminal justice agencies in Sedgwick County.

### **Division of Information & Operations (DIO)**

All County agencies' hardware and software servers are centralized, housed and maintained at the DIO. DIO provides hardware and software support, including installations and backups, to criminal justice agencies. These agencies include the Sheriff's Department (including Adult Detention Center), Community Corrections (including Adult and Juvenile Field Services and Juvenile Detention Center), and District Attorney.<sup>7</sup>

DIO has three business groups: Information Technology Services (IT group), Facility Project Services, and Operations. The IT group provides the following services to criminal justice agencies in Sedgwick County:

- Geographical Information Services (GIS)
- Technical Support (Wireless, Towers, Disaster Planning, Open Records, Systems Security, Records Management, Data Center and Printing Services, Mailroom)
- Customer Support (Helpdesk) and Training
- Database Administration
- Networking and Telecommunications
- Business Solutions (including Internet Services and Document Imaging)

The Business Solutions Group is in charge of planning, designing, and acquiring new record/case management systems for criminal justice agencies, and maintaining old systems. There are six project managers and twelve software programmers who are responsible for managing and acquisition of new system implementations, and code maintenance of existing systems.

The Database Administration Group is responsible for backup and DB administration of all criminal justice databases that are housed in the data center. The Customer Support Group provides PC and desktop software support for all agencies.

With the exception of the District Court and Clerk and the Public Defender, the database systems of most of the County criminal justice agencies are supported and maintained by the DIO. These agencies include Sheriff, Jail, Juvenile Detention, and the Prosecutor. DIO also provides all hardware and software needs for all the personal computers and peripherals in these agencies.

### **Sheriff and Jail**

The Sheriff and the Jail currently have the same system. Most of the software modules that manage inmates and cases are mainframe based and are all developed by the DIO with CICS/COBOL. The Sheriff's main system, called *Sheriff Main*, has several modules for different usage: *Judicial*, *Investigation*, *Work Release*, *Gang Intelligence*, and *Exploited and Missing Children* modules.

The jail system also has several modules: Jail Management, Medical, Property, Criminal Justice, Chaplain, and Commissary.

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<sup>7</sup> The Clerk of the Court, courtrooms, Probation and Juvenile Court are supported by the Computer Services at the 18<sup>th</sup> Judicial District Court; see District Court section for details.

The Sheriff and the jail use many non-mainframe systems which are running on Windows or Unix servers:<sup>8</sup>

- Web-based applications have been developed with FrontPage, Java/JSP, or ColdFusion. They include a Mug View system, Satisfaction survey, E-bulletin, Interwatch, and Most Wanted Felons. The DIO also provide support for the KCJIS web application from the State of Kansas.
- In-house systems include those built with Powerbuilder, MQ Series, and Excel. They include Mug View system, Livescan Tclock, Ofreport, Warrant Inquiry, and Personnel spreadsheet.
- Proprietary systems are been provided by several vendors. These systems are: Jail Imaging from OnBase, Crime mapping from ESRI, Identi-Kid, E\*POP, Interview room recording from Court Smart, Evidence Manager & Tracker from PERCS, Citizen contact, Veridian from Veritracks, WPD Records Management from TRW, Pharmacy/Clinic from CIPS, Computer Forensic, and EMCU software.

The jail has a mug shot system from OnBase and a fingerprint machine from Printrek. They are both interfaced to the jail mainframe system and the connections are working very well and do not require any duplicative data entry. The booking officer only has to type in the jail ID number (or the J-number) and all inmate information is pulled from the mainframe and populated automatically into these machines.

In addition to mainframe data flowing electronically to the mug and fingerprint machines, data also automatically flows in from the Court system to populate Sheriff Warrants and Sheriff Bond databases, and from the mainframe Sheriff Citation system back to the Court System. Yet another way that duplicative data entry is avoided is on the Booking screen itself, where booking officers can “pull over” data that has not changed from a previous booking.

The Sheriff is planning for a new record management system for the Sheriff’s Department and the jail, and is currently writing a request for proposals which will be released a few weeks after receiving the anticipated federal grant.

### **District Attorney**

The District Attorney (DA) has a main District Attorney module on the CICS mainframe system with access to two others: “Name/Alias Scan” and “Appeals.” It has read-only access to some screens from the jail and sheriff modules.

The DA also has several non-mainframe based software programs, some developed in-house and some from vendors, including web applications, client-server, and desktop applications. The client-server and desktop applications are: Diversion, Consumer Fraud, Juvenile Diversion, Case Folder Bar Coding, and Case Map software. The DA uses a document imaging software from OnBase for scanning case folders.

The DA has access to the City police database via e-Justice by TRW, and to NCIC for criminal history via KCJIS. The DA also has read access to the court imaging system called FileNet.

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<sup>8</sup> See appendix for a detailed spreadsheet.

The mainframe CICS system, which is quite old, is now getting very difficult to maintain and upgrade features. The DA is researching new systems and is in the process of writing a request for proposal together with the DIO.

### **Community Corrections**

Like other county justice systems, there is a module called Community Correction on the mainframe CICS/COBOL system. There are two more mainframe modules used by the Community Corrections, JRBR system and Youth Detention Facility module.

Adult Field Services (AFS): The AFS is required by the State DOC to use the Total Offender Activity Documentation System (TOADS) from the Kansas Department of Corrections. The Lotus Notes program is three years old and gradually improving. The TOADS cannot be accessed by other justice agencies yet, so agencies must call AFS for information. Kansas DOC has plans to connect to KCJIS, which is a statewide system.

AFS staff can look up information from the District Court via the new Full Court system. They also have limited access to Sheriff's database and City police and courts via e-Justice. AFS bought a pretrial case management system called ReportsNow from a vendor. It is a Microsoft Access based program with SQL and Visual Basic. The AFS staff has been modifying the application to fit its needs.

Juvenile Field Services (JFS): The JFS is using two case management systems currently, Juvenile Information System (which was developed locally), and CASIMS from Juvenile Justice Authority of Kansas. The staff is currently doing double data entry for all cases while they are transitioning to the CASIMS, which they started using early this year. The local system will be dropped once they have totally switched to CASIMS.

JFS permits the Juvenile Court, Juvenile Detention, Court Clerk, and District Attorney to have limited access to its database. JFS has limited access to Juvenile Court, adult criminal records KCJIS, Sheriff's database, City court criminal records, and regional school district database. JFS also sends out the list of juveniles under their management to Wichita Children's Home, Sheriff, Juvenile Detention Facility, and the school district.

### **District Courts and Clerk**

The District Court switched to a new case management system called Full Court in January 2003. It is an Oracle 9i based system from Justice System Inc (JSI). The court is keeping the old mainframe system to retrieve information regarding old cases. There is a long list of mainframe modules (see table in appendix) that the District Court has stopped using for new cases.

The Court uses a document imaging system called FileNet that scans and stores documents for all types of cases except traffic. District Attorney, Sheriff and Corrections have read access to FileNet, and there are terminals in the court building for public use.

The Court has its own computer services division to support PC's, software, and user training.

The Court gives limited access to Full Court to District Attorney, Sheriff, SRS, Child Support, Community Corrections (Adult and Juvenile), and Wichita City Police Department. Smaller city police departments call the clerk's office to get the court information. The

Court staff has access to KBI, Kansas patrol, and Kansas missing children database. The FullCourt software synchronizes with the KCJC database periodically.

The Court IT staff has a close relationship with the DIO, Sheriff, and DA. The Court is involved in the RFP process for the new systems for Sheriff and DA. All three agencies have plans to connect to each other and connectivity capability is among the top priority features for Sheriff and DA's new systems.

The E-filing project now on hold by the State and the Court is expected to eventually resume implementation of an e-file system. Currently public remote access to some limited court information is available via the accesskansas.org website. The Court is working on giving the public remote access to its imaging system.

Probation: Probation is one of the District Court departments, and all software and hardware support is provided by the Court Computer Services. Probation has a separate module in the Full Court program. Probation still uses the mainframe system to get information regarding old cases and to access sheriff's system and warrants.

### **Public Defenders**

Public Defenders (PD) have an eight-year old Paradox based case management system from the State Board of Indigents' Defense Services (SBIDS) that is working well for the Public Defender's Office. The program can be accessed from all twelve Public Defender Offices. The main servers are at SBIDS in Topeka.

Public defenders communicate with District Attorney, Sheriff, Police and jail via email and fax. They exchange paper documents with the DA using mailboxes in the court and an office runner delivers and picks up documents every day. The runner also goes to the jail to pick up client assignments and jail locator sheets.

PD has access to the Full Court program at the Court. When the Court was using the mainframe program, PD had access to the arrest charges, but since the court moved to the Full Court, PD's access has been limited to the information available to public terminals.

### **Findings**

The Sedgwick County government and all of its criminal justice agencies recognize that the justice system must move toward full automation and integration of the criminal justice system database and record/case management systems. The old mainframe systems have some level of integration as all components were developed in-house by the DIO and were compatible with each other. Now all justice agencies have moved out of the mainframe or are in the process of doing so. The District Court has already moved to a new system (although it is still using the old system to retrieve information concerning old cases). Two of the three largest divisions in Community Corrections have also moved out of the mainframe to their corresponding state adult and juvenile systems. The Sheriff and District Attorney are in the RFP process. In this transition period, there are many gaps and inefficiencies, including expensive duplication of data input, delays, errors, and lost opportunities for cooperation and collaboration. After the transition period, although the District Court, Sheriff and DA have plans to connect each other, they still face the danger of delays and technological/political hurdles to data integration. Departments from

Community Corrections will be farther away from the rest of the agencies than ever. To summarize:

1. All the criminal justice agencies are well automated within each agency. Each agency has at least one or more database applications.
2. Old mainframe systems which are/were used by all justice agencies have some limited inter-agency data integration. This integration is being disrupted while all agencies are moving out of the mainframe to more modernized applications (District Court, Sheriff, and District Attorney) and to mandatory state systems (adult and juvenile field services).
3. There are plans for integrating the District Court's Full Court system and the new systems of Sheriff and District Attorney.
4. There is no plan for integrating between TOADS (Adult Field Services) and CASIMS (Juvenile Field Services).
5. To get around the non-integrated systems, the owner agencies of these database applications give read-only access to other agencies.
6. Because of the lack of automated data integration, users have to look at one data screen to get information or print, only to switch to another to enter the same information. This causes duplicative data entry and sometimes even human data entry errors.
7. There are no regular meetings among database application users from different agencies. There are no formal meetings among top officials from different criminal justice agencies for planning data integration.

### **Recommendations**

The following recommendations relate to all the systems taken as a whole and data flow through the system.

**1. The County and municipal governments should adopt a common integration and data flow policy.**

Each agency should review its databases, and either replace or modify them if they are unable to produce and transmit information in standard ASCII or XML database formats.

**2. The County should acquire data integration software or develop software in-house that permits day-to-day operational information from each agency to be relayed to the next user downstream without duplicate entry of data.**

This should also allow the automatic addition of the new agency's data from its databases without the need for further human data entry. This system should utilize an open architecture under widely accepted standards for the exchange of data. It should permit secure transmission of data and should allow each agency to control the flow of data to others as permitted and required by law. Initially, to avoid conflicts among agencies, it should reflect the current movement of information. Later, an inter-agency

group should review the case flow to achieve efficiencies once the various users have become familiar with the capabilities of the new system.

- 3. The integration software and agency databases should be accessible to report writing software that can be utilized by a skilled agency employee.**

**Each information system must be able to export its data in a standard format that can be imported into future systems. Any manufacturer whose product cannot do this should be required to modify the product to add that capability, or the product should be replaced.**

**Database applications that need replacing should, if possible, be paralleled for a number of years by a new, more flexible data system that does not require double entry of data.**

If a manufacturer cannot or will not permit access to data in the old system, alternatives for automatic access to that information should be evaluated on a case-by-case basis. The goal should be to avoid the need for employees manually accessing old data in the old system in order to re-enter it in the new system.

Replacement databases that require a wide variety or larger number of data entry points should use a standard web browser for data entry rather than requiring expensive network client administration. Databases that have only a few data entry points can use client-based software or browser entry.

- 4. The justice information system should include the capability to interface with Municipal Court and the capability of “agency” identification. Currently the reports contained in the “jail system” include all prisoners and cannot be broken down by agency(ies). Additionally, it is recommended that capability to “electronically” forward commitment and release forms (farmcards), rather than dependence on faxing to one fax machine for both the Municipal Court and the District Court, be a part of the system. The system should also include electronic signature capability.**
- 5. The County DIO should organize a committee with at least two representatives (one top official and one database application user) from each criminal justice agency, and schedule regular weekly or monthly meetings to discuss IT problems and plan for integration. This committee should have a representative report to the recommended CJCC.**

## 5. MANAGING THE FLOW

### Overview

Law enforcement agencies provide the critical intake function for the criminal justice system, as virtually no one enters the system without police initiative. They occupy a position of enormous importance to any justice system population study designed to understand jail and system crowding.

In Sedgwick County the law enforcement function is primarily provided by two departments: the Wichita City Police and the Sedgwick County Sheriff (which also runs the detention facilities).<sup>1</sup> The major police department in the county is the Wichita Police Department, and it provides the lion's share of the intake into the County jail. The Sheriff's Department law enforcement activity, on the other hand, is primarily in the unincorporated areas not covered by relatively small city and town police departments. Other law enforcement agencies functioning in the County include University police, Federal authorities, Immigration authorities, Fish and Game, and etc.

### Sedgwick County Sheriff's Department

The mission of the Sedgwick County Sheriff is to protect and preserve the general safety and welfare of all individuals in the County through effective public service, while maintaining the highest levels of integrity, fairness, and compassion at all times.

The Sedgwick County Sheriff's Department consists of a Professional Standards Unit, an Executive Officer, a Reserve Unit, an Under-Sheriff, and three bureaus: (1) Operations (with Investigation and Patrol divisions); (2) Detention (with Support and Operations divisions), and (3) Support (with one Technical division). The Department is currently operating on a 2003 budget of \$37,212,855, partially funded by grant revenues of \$764,564 and general County revenues of \$36,448,292.<sup>2</sup> Approximately 72.2% of the 2003 budget is allotted for personnel and benefits, which supports 520 full-time employees in twelve departments, including Administration, Adult Detention Facility, Work Release Facility, Patrol, Investigations, Civil Process, Records, Training, Range, Technical Bureau, Exploited & Missing Children Unit (EMCU), and Internet Crimes against Children (ICAC).

### Wichita Police Department

The mission of the Wichita Police Department is to provide professional and ethical public safety services in partnership with citizens to identify, prevent, and solve the problems of crime, fear of crime, social disorder and neighborhood decay, thereby improving the quality of life in the community.

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<sup>1</sup> An assessment of the detention division is provided in chapter 7: Managing the Offender.

<sup>2</sup> Sedgwick County 2003 Adopted Budget

The Wichita Kansas Police Department is the largest law enforcement agency in the State, with 645 commissioned officers, 188 non-commissioned full-time employees, and four non-commissioned part-time employees.<sup>3</sup> The Department encompasses four Patrol Bureaus (North, South, East, and West), an Investigations and Special Investigation Unit, Emergency Assistance, Non-Emergency Assistance (including four police substations, North, South, East, West), Police Investigations, and Police Administration Divisions. It operates on a current 2003 budget of \$52,409,190, derived from the General Fund (\$52,243,080), Victims of Crime Assistance (\$72,760), and COPS in Schools (\$93,350) resources.

### Other Law Enforcement Agencies

Below is a list of all the law enforcement agencies in Sedgwick County:

Alcohol, Tobacco & Firearms (ATF)	Kansas Bureau of Investigations (KBI)
Andale Police Department	Kansas Highway Patrol (KHP) Troop F
Bel Aire Police Department	Kechi Police Department
Bureau of Citizenship & Immigration Services, Dept of Homeland Security	Maize Police Department
Cheney Police Department	Maize School District, USD 266 Police Department
Clearwater Police Department	Mid-Continent Airport
Colwich Police Department	Mount Hope Police Department
Derby Police Department	Mulvane Police Department
Drug Enforcement Administration (DEA)	Park City Police Department
Eastborough Police Department	Sedgwick Police Department
Federal Bureau of Investigation (FBI)	Sedgwick County Sheriff
Garden Plain Police Department	US Marshal's Service (USMS)
Goddard Police Department	US Postal Inspectors
Goddard School District USD 265 Police Department	US Secret Service
Haysville Police Department	Valley Center Police Department
Internal Revenue Service (IRS) Criminal Inv. Division (CID)	Wichita Board of Education Security
	Wichita Police Department
	Wichita State University Police Department

Because the County is large, and the population is centered in Wichita, the outlying agencies have a relatively minor impact on the jail.

<sup>3</sup> Wichita Police Department 2003-2004 Adopted Budget.

## **Dispatch and Emergency Services/911**

The Sedgwick County Communications Center, through special authorization of the Sheriff, furnishes 911 services for every telephone in both the City of Wichita and the rural areas within Sedgwick County. This is a 24 hours a day, 365 days a year service. All 911 dispatchers are trained to ask questions about the emergency that will help them determine what agency should respond, how much equipment should be sent, and how quickly response is needed.

The Sedgwick County Emergency Communications Center provides dispatch services for police and other emergency services (e.g. fire, EMS). This includes the Wichita Police Department, the Sheriff's Department, and outlying agencies such as Andale, Bel Air, Cheney, Clearwater, Colwich, Eastborough, Garden Plain, Goddard, Kechi, Maize, Mount Hope, and Park City Police Departments.

The mission of the Emergency Communication Center is to provide the people of Sedgwick County with vital communication links to emergency services that are required to maintain public safety; to maintain the status of emergency service, personnel, and equipment; and to join in the effort of government in bettering the quality of life and preserving of property for every person within Sedgwick County.

The "Com Center," as it is called, operates a CAD system to support its mission. In performing this function an enormous amount of data is collected. There are, however, very few management report programs that come from this data, and this is an opportunity lost. It is also a foundation for a series of significant problems that affect the intake function of the criminal justice system in the County.

A handful of changes would enable the programming of many vital management reports that are currently not available (e.g. a disposition code for "cited and released" could be added very easily in the CAD system). These reports have great potential to assist managers throughout the County in uncovering potential cost savings, as well as to assist local governments and citizens in policy decisions with regard to the jail and who is arrested.

For example, data on the number of minor misdemeanor offenders cited and released into the field (by far the single most important population in jail) is not even collected. As a result, this group cannot be monitored for efficiency, policy compliance, or public safety reasons. Simply requiring deputies and police officers to provide a disposition on each assignment, "cited and released," for instance, would provide accurate data on this alternative arrest option and allow monitoring and modification of this crucial policy element.

Approval by an advisory committee made up from the user group is only required for major changes, but for minor changes such as the example in the above paragraph, a simple request from the police/sheriff leadership would suffice. Changes in the CAD system requirements have in the past been very limited and it appears that the convenience of users has outweighed the benefits to the taxpaying public or public safety from modifications to the CAD information system.

Under best practice standards of more modern law enforcement agencies, the status of field officers is continuously recorded by CAD systems. Performance of individual officers as

well as field units should readily be available. "Performance reports" include response times for the various call-for-service priorities. Regular response time reports would enable management to judge progress in meeting response objectives and to point out areas for improving public safety service and cost control. Having such data would also have a major impact on debates regarding law enforcement staffing and taxes.

The need for well designed management CAD reports in Sedgwick County was demonstrated by interviews that articulated mutually opposed opinions on major production issues. A specific example concerned the use of cite and release options for minor offenders such as shoplifters, traffic violators, disturbance of the peace, etc. One top police official stated that the agency used the cite-and-release frequently; another manager in the same agency said the option was hardly ever employed. The truth is not known. Without knowing the extent of the usage, discretion of field officers predominates and the decisions of young police officers at the patrol level in the two major agencies in the county, literally define as much as any single factor the jail population in the County. Yet key information is not available to management in the form of data and management reports regarding the work. Such reports or data can be made available with minor enhancements to the existing system.

The option of citation in lieu of release, used judiciously under specified criteria, can increase the availability of beds in the county jail and improve public safety in many ways. An existing written cite-and-release protocol however was not located in any law enforcement agency in Sedgwick County.

Appendix B of this report is a written general order that has successfully functioned for over two decades in providing for citation in lieu of release sentences. It describes a presumption against booking very minor offenders and an objective set of criteria, including officer's discretion, for overcoming that presumption. Additional process details usually include a misdemeanor's thumbprint on the citation, arrangements with the court to temporarily remand all cited, convicted misdemeanor offenders to the county jail booking area for processing, and a subsequent release if not sentenced to county jail.

Discussions in the Wichita Police Department indicated that they have a new computer system that can sort by felony and misdemeanor, but it does not provide much breakdown data for review of policies and procedures. The City does not have a modern and cohesive set of policies on arrest practices, and has not claimed to use such policies to reduce jail population. Detectives do not often interview or participate in the paperwork of most misdemeanor arrests, which are the most important arrests from the point of view of budget and jail crowding in the County. Thus, no real supervisors beyond hardworking Sergeants are involved in screening most arrests of misdemeanants. Arresting officer paperwork goes to the jail. Officers can do notices to appear except in cases of battery, domestic violence, and weapon charges or failure to obey a lawful order, but interviews through the County suggest that this is infrequent, inconsistent, un-monitored, un-followed up, and without the clear guidance and review of high level policy makers, managers, and directors.

In the Sedgwick County Sheriff's Department, the Operations Division is staffed by a total of 80, with 35 in the Investigations Division. Watch Commanders were not aware of any policy limiting the discretion of patrol officers in the Department for making arrests and lodging arrestees in jail. Although there are policies providing some guidance with regard to

arrests on the Department's website, these policies are not distinct, nor are they clear. Additionally, Watch Commanders note that they do not believe officers were notified of the crowded conditions in the jail to influence their arrest practices. Officers arrest many people on City warrants.

Overall, what we see is a police agency in the City and a police agency for the County, who provide the bulk of the arrests that fill the county jail, operating without guidance with regard to the largest population of arrestees, misdemeanants.

### **Law Enforcement Policy and Practice in Sedgwick County**

The following discussions of law enforcement policy and practice in Sedgwick County suggest that enforcement falls short of best practice particularly in terms of the use of management data. This observation suggests major cost savings initiatives for evaluating response time and general performance and efficiency, as well as opportunities to consolidate to improve public safety and costs.

#### 1) Performance Measures and Efficiency Issues

A great deal of statistical analysis and rhetoric has been devoted to crediting downward trends in crime to police efficiency. Law enforcement work, in regard to crime suppression, is certainly the most visible aspect of the criminal justice system to the public.

Crime, however, is a social phenomenon that is influenced by a great variety of factors. Many experts agree that economic and social conditions directly influence the amount of crime recorded by the Uniform Crime Reporting (UCR) system. For this reason, there is a need to look at other kinds of management information to judge how well the police perform.

Arrest ratios for serious crimes are important indicators of efficiency, but the available arrest data did not lend itself to analysis of this factor.

Two other useful measures of police efficiency are analyses of response time performance and how personnel resources are deployed.

#### a) Response Time Analysis

At the personal level, a person calling for police assistance judges the quality of service on two outcomes. First, did the officer arrive **promptly** in response to the call for assistance, and secondly, did the officer appear **interested** in providing help. Demeanor and speed of response are critical elements in citizen satisfaction, and response time is easy to quantify, yet none of the Sedgwick agencies use their computer aided dispatch (CAD) systems to analyze response time performance.

What is response time? It is the time period between the receipt of a citizen's telephoned request for service and the arrival of a patrol unit at the assignment location.<sup>4</sup>

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<sup>4</sup> Travel time and queuing time (CFS waiting for available unit) are logically parts of total response time. These two elements, however, are manifestations of different kinds of problems and, for analytical purposes, should be measured and considered separately.

Why is response time important to police managers? Studies of rapid response, anecdotal accounts and common sense support a conclusion that a prompt response by the police to a call for service increases opportunities to apprehend offenders and reduce property losses and injury to victims. A prompt response also validates the “service with concern” objective of most police departments. Equally important to police managers, response time data can alert management to when there is a need for new, more efficient shift arrangements, a change in the geographical distribution of patrol units, or more patrol resources.

How should patrol response times be organized for a management analysis of patrol deployment efficiency? Response time analysis requires that an agency develop response time objectives based on the apparent seriousness of the CFS. A police agency should establish time-of-response objectives for at least three priorities. The highest priority should be applied to crimes-in-progress. A common response objective in urban areas is three minutes. The next highest priority ordinarily is assigned to situations in which the prospect of harm exists, either to person or property. The third priority includes relatively minor offenses, discovered long after the crime occurred. Taking a “cold” offense report does not require the use of a red light and siren and a three-minute response. There are, of course, many refinements to priority definitions and a variety of response time objectives based on the amount of crime and number of patrol officers in the jurisdiction. For the purpose of categorizing response performance, however, most departments limit call priority definitions to three or four main categories.

How difficult is it to generate management reports on a department’s response performance?<sup>5</sup> The answer to this is simple if the agency has a Computer Aided Dispatch (CAD) system. The two larger agencies in Sedgwick County are tied to CAD systems. CAD can capture response time data for law enforcement. Currently, a response report is prepared for the Sheriff’s Department at their request. Data is automatically transferred to WPD RMS once a call is closed. A number of reports can easily be made available upon request. CAD has the ability to pull data from established fields in incident histories. None of the agencies in Sedgwick, however, currently generates reports that show either unit or officer response time performance. The CAD systems either do not capture the necessary data elements or are not programmed to produce response time reports. This data is important to improve public safety by improving response time, and to show the costs of limited release on field or station-house citation.

#### b) Patrol Workload Analysis

There are two aspects of patrol officer deployment. One is geographical and the other temporal, that is the time of day officers are assigned to work. In general, the larger law enforcement agencies in Sedgwick County have divided the patrol areas into appropriate zones or beats.

There is a problem, however, in the concept of assigning officers to work hours on the basis of service demand. Over the last two decades, shift schedules providing extended periods of time-off by extending workday hours have become common. Most common is the 10-hour shift, which results in three or more days off each week. Some departments assign officers to 12-hour shifts, which gives them still longer time-off periods. Once in place, the

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<sup>5</sup> Response time data are most useful when calculated as averages over a period of time by time of day and day of week.

inefficient shift plans became a work benefit and what was once a management responsibility became a labor negotiation issue. The work shifts in some agencies do not conform to the most efficient patterns.

A practical factor should be noted in this discussion. Efficiency in the temporal deployment of uniformed officers is not critically important if the department can afford enough officers to assure the same prompt response to citizen generated service demand that is afforded by an efficient shift system. In this situation the workers' benefit may offset efficiency considerations. In more active or financially strapped jurisdictions that can't afford many patrol officers, the five-day work week made up of eight hour shifts remains the most efficient norm.

The cyclical nature of the daily demand for police services is a unique feature of the law enforcement task. In field patrol operations the ebb and flow of workload follows consistent patterns each day of the week. For example, in most jurisdictions, the volume of called-for-services (CFS) declines substantially in the A.M. hours. The P.M. hours, on the other hand, tend to steadily increase, except for a slight lapse over the dinner hours. Because the workload is not uniform, an extremely important aspect of police management is the scheduling of patrol shifts, and the proportion of officers assigned to each shift, so that they correspond to the CFS patterns.

It is a simple matter to count CFS and demonstrate their pattern in bar charts. The first step in developing a deployment plan on the basis of CFS is to prepare CFS bar charts for each hour of each weekday over a representative period, usually three months or longer. The result will be seven bar charts, one for each day of the week, which reflect the average number of CFS each hour of the day. On the basis of this information the pool of patrol officers can be assigned shifts and days off which are most closely correlated to the demand for service.<sup>6</sup>

## 2) Consolidation and Coordination Opportunities

There are improvements in law enforcement interagency coordination and the consolidation of other police functions that offer potential gains in efficiency and reductions in operating costs.

The focus of this discussion is limited to basic systems that are widely accepted by police professionals as critically important to police efficiency. Many of the following concepts are already in place nationally, or under consideration by department managers in smaller and medium agencies.

### a) Crime Analysis

Sedgwick County has most of its population concentrated near its geographical center. Two independent agencies furnish police service to the mostly urbanized area, and their jurisdictional boundaries abut one another. The mobility of criminals from one

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<sup>6</sup> Additional details on using the percentages of CFS to organize shifts that closely correspond to percentages of patrol officers on duty are available in the Patrol Workload Measurement Manual, a publication available from the California Commission on Peace Officer Standards and Training, 1601 Alhambra Blvd., Sacramento, CA 95816.

neighborhood to another clearly justifies the systematic exchange of crime information among the law enforcement jurisdictions.

In many felony and misdemeanor crimes, the police reports often contain useful information for both investigators and street officers. Such information should form the content of regular bulletins distributed to the agencies providing police service in the population center of Sedgwick County. Currently some crime information is occasionally exchanged informally between individual investigators, there appears to be no organized, area wide system for the exchange of crime details that would coordinate efforts to capture suspects and solve crimes.

It is critically important that the County police agencies actively pursue the development of a County-wide crime analysis system. Each agency should designate one or more employees to review the daily offense reports to glean information useful to all investigators and street officers working the six centrally located jurisdictions.

Either the SD or WPD should undertake the initial responsibility for organizing the information submitted by each department's analyst, then printing and updating regularly distributed crime analysts' bulletins. This responsibility could be periodically rotated among two agencies with resources for the coordinating tasks.

#### b) Record Keeping

A number of law enforcement managers have expressed interest in improved record keeping of offense and arrests, including paperless systems and consolidated systems. The following commentary is based on ILPP experience with "cutting edge" technological systems.

High tech systems come with a cost that many law enforcement and quasi-law enforcement agencies have not anticipated or been prepared to accept. Included in these costs are training and retraining requirements, interface problems, system breakdowns, system service and maintenance, performance that fails to meet promises, and applications that sound great, which are very expensive to maintain, but have modest or no practical value (e.g., car locators, geo-files, etc.). The very best consulting advice in this regard is to never buy into a technologically based system that has not been fully tested by another agency which unconditionally rates it as successful in every respect, including cost-effectiveness. Positive recommendations should be investigated and confirmed by a qualified systems expert who does not have a vested interest in the outcome.

Consolidated record keeping makes most sense in Sedgwick as there is a consolidated CAD based communications center acting as a control over numbering and record integrity. On the down side, the high costs of converting existing records of multiple agencies usually leave the consolidated entity with an archival storage and manual access problem.

## FINDINGS

### 1. Measurement of Workload and Response Performance

The law enforcement agencies in Sedgwick County do not routinely measure patrol workload in a format that is useful for analysis, or the response performance of their patrol units. As a consequence, the efficiency of staffing needs and shift arrangements cannot be analyzed.

### 2. Coordination and Consolidation of Functions

There is a positive planning climate for coordination and/or consolidation of the following law enforcement functions: crime analysis; records, radio communications and operating systems. Further consolidating these functions would provide more efficient and cost-effective services.

### 3. Policies and Procedures

None of the major law enforcement agencies in Sedgwick County has written orders outlining policy or procedures covering discretionary releases for minor offenders in the field by uniformed officers.

## RECOMMENDATIONS

### 1. The Sheriff's Department and Wichita Police Department should develop mechanisms to routinely measure patrol workload and response performance by using existing capabilities.

- Define in departmental procedures priority dispatch categories and response time objectives in each category.
- The agencies need to understand and use the full capability of the CAD as a management tool. If training on CAD capabilities is needed or desired data fields are not recorded, a request to emergency communications should be made.
- Prepare charts that compare the temporal deployment of patrol officers (shift periods) with the hour of day and day of week distribution of service demand (percentages of each, i.e. workload and number of officers available for assignment).

### 2. As future facility planning and opportunities for collaboration occur, the County and Wichita should seek to coordinate and consolidate and even co-locate law enforcement functions.

- Each law enforcement agency should appoint an employee to review offense reports on a daily basis for the purpose of abstracting the kinds of information described on earlier.
- A planning committee made up of crime analysts from each department should develop protocols for submitting reports of crime patterns and important descriptors, culled daily from offense reports, to a host agency.
- Either the Sheriff's Department or the Wichita Police Department should be considered candidates for the role of host agency, responsible for organizing and

- faxing crime analysis bulletins to all county law enforcement agencies on a regular basis.
- Police agencies with dispatch centers should develop written protocols requiring prompt notifications (“BOLO’s”, i.e. be on the lookout) to other nearby dispatch centers regarding wanted vehicles, suspects, crimes in progress and other emergency situations.
- 3. A field release policy should be adopted on a countywide basis. Written procedures should include supervisory review in the field of discretionary releases along with a listing of circumstances and offenses suitable for citation releases.**
- Practical procedures establishing a discretionary citation release program should be jointly developed by representatives of the courts, prosecutors and law enforcement agencies to limit the arresting of misdemeanants to offenders for whom certain defined characteristics require their custody. Most misdemeanors are either a good risk to appear and should not be brought to the jail, or can be released under conditions and/or follow-on notice and monitoring that will less expensively help insure their appearance. The procedures would also define circumstances including danger of a continuing offense or endangering another victim.
- 4. The County Communication Center management should receive the full support of operational administrators in developing a full range of management reports.**

## 6. MANAGING THE CASE

This section covers agencies involved in the adjudication of criminal cases and includes the 18th Judicial District Court, the Wichita Municipal Court, prosecution and defense. Presented first is a discussion of historical court filings.

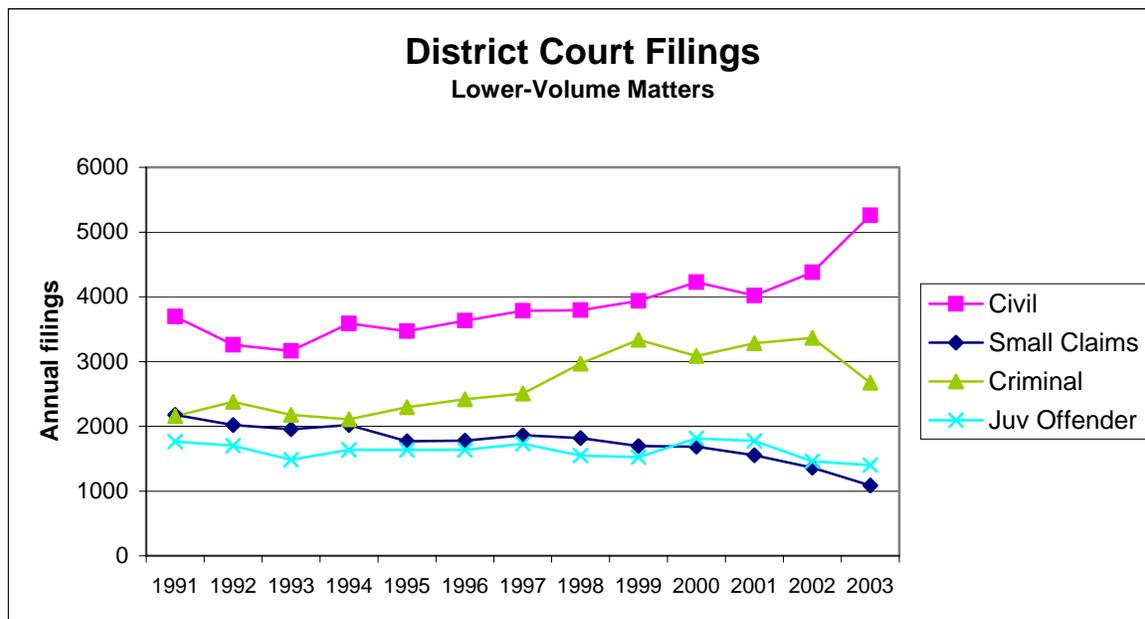
### COURT FILINGS

In Kansas, the courts of general jurisdiction at the county level are the District Courts. Sedgwick County is the 18<sup>th</sup> Judicial District of Kansas.

Statistics on court filings from 1995 to the present are available on the District's web page. The yearly totals are shown in Figures 6.A and 6.B.<sup>1</sup> (The term "Miscellaneous" in Figure 6.B refers to a collection of various types of cases not particularly relevant to a study of criminal justice: family law, fish and game violations, appeals etc.) What is shown is the actual number of filings without correction for population growth.

The majority of the cases filed in District Court are civil and not criminal matters. Civil filings have been steadily increasing over the past three years. The increasing volume of civil filings affects the criminal justice system primarily by the consumption of judicial resources.

Figure 6.A: District Court Filings, Lower-Volume Matters



<sup>1</sup> The annual filings for 2003 are estimated from the filings for the months January-May. The drop in criminal filings for 2003 may be an artifact of that process. In 2002 and 2001, filings occurred at a slightly higher rate in the second half of the year, but applying the average second-half growth rate was not enough to explain the steep decline in 2003.

Figure 6.B: District Court Filings, Higher-Volume Matters

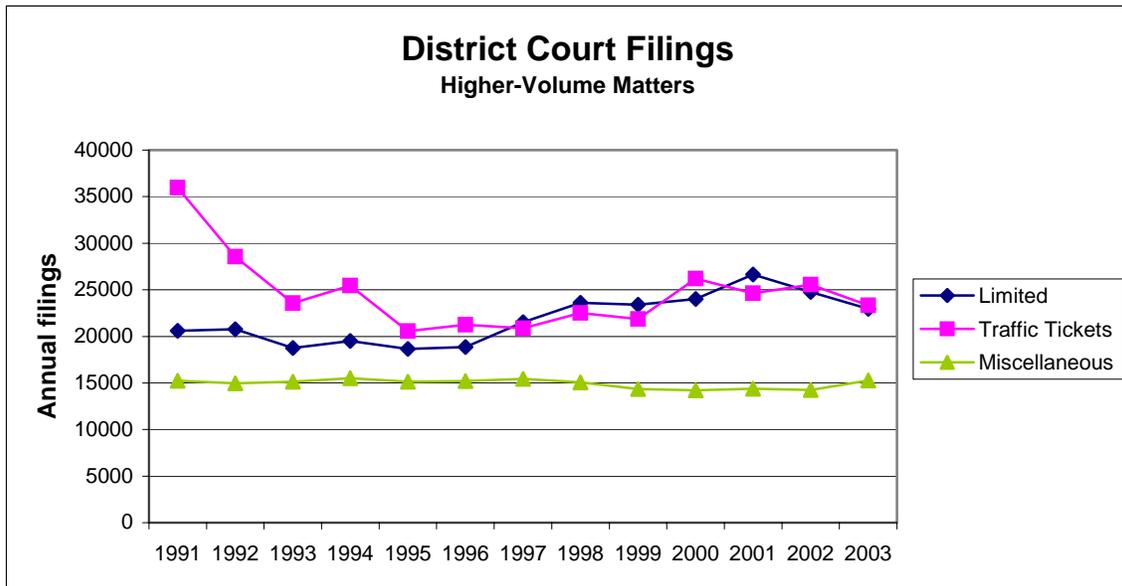
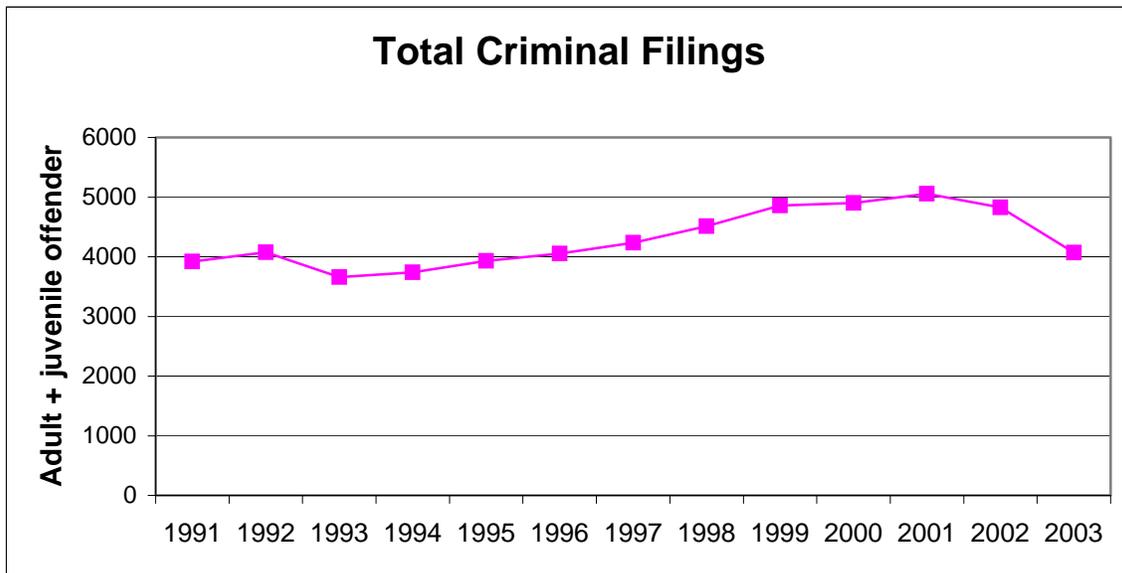


Figure 6.C: Total Criminal Filings



Criminal filings increased by 55% between 1991 and 2002. However, the County’s population increased by about 14% during the same period, so that real growth was 41%. The filings for juvenile offenses remained essentially constant until 2001, after which they fell by more than 20%.<sup>2</sup> (If adult and juvenile offender filings are combined, as in Figure 6.C, then the 25% growth between 1991 and 2001 is followed by a steep decline to the 1992 level.)

<sup>2</sup> Estimated; the measured increase was 12.2 % between 1990 and 2000.

For the period 1995-2001, for which crime data are also available, the following growth rates are found:

Violent crime	17%
Property crime	-12%
All crime	-10%
Adult criminal filings	43%
Juvenile offender filings	8%

Criminal filings have grown much faster than crime, implying that there has been more vigorous policing and/or prosecution. The number of juvenile filings has grown more slowly than adult filings.

It is interesting to compare the rate of total criminal filings with population growth rates. Between 1995 and 2000, the young adult population (18-44) grew by 2%, while the juvenile population (10-17) grew by 7%. The juvenile population grew faster than the young adult population, yet adult criminal filings rose faster than juvenile offender filings.<sup>3</sup> The available data do not show whether there has been an increase in the number of juvenile offenders whose cases are filed as adult.

## THE COURTS

The 18<sup>th</sup> Judicial District is funded by a combination of State appropriations for personnel and County appropriations for facilities and support services. Wichita Municipal Court is indirectly funded through City funds, indirectly by the fines collected from defendants and parties, and fees assessed. Although the budgets are distinct, most of those interviewed agreed with this reality. Both courts are centrally located, across the street from each other with convenient parking. The Juvenile Court is located two miles away and adjacent to the juvenile detention center.

### 18<sup>th</sup> Judicial District Court

Twenty-six judges are assigned to the District Court's four divisions. The Court staff is supervised by a Court Administrator and consists of more than 300 employees, including 100 deputy clerks. Over the past five years, the Court budget has gradually increased an average of 3% per year. The budget for FY2003 is \$5,651,953. In addition to the usual administrative functions of maintaining court records, filings, and support services, the District Court operates pretrial services and court probation services. Fifty-three court services officers prepare pre-sentence investigations, report to the Courts, conduct investigations and supervise offenders under court order and/or on probation.

<sup>3</sup> If the older adults (ages 45 – 64) are included, the adult population grew by 7.5%, slightly faster than juveniles. Adding those over 65 raises the growth rate to 7.9%. The filings data do not give the ages of the defendants, but it would be surprising to see a high incidence of criminal activity among the middle-aged and elderly.

Complaints charging misdemeanor offenses in the unincorporated areas of the 18<sup>th</sup> judicial districts and in cities other than Wichita are filed in the District Court. All felonies are filed in the District Court.

The Court operates ancillary programs, which have been entirely funded by the fees collected from the participants. The Court operates an Alcohol and Drug Safety Action Program funded by fees charged to clients in the diversion program and probationers that have been convicted of driving under the influence. Drug testing, provided through probation, is required on a random basis of all persons on probation when reporting to their probation officer. Probationers are required to pay for each test. Child support enforcement proceedings are conducted through the office of the Court Trustee (Title IVD of the Social Security Act and Rule 411 of the local rules of court for non IV-D child support orders). The Court Trustee collects a fee of 2.5% of the amount of child support ordered.

The 18<sup>th</sup> Judicial District operates no specialty courts, such as drug court, mental health court, or family court.

The District Court has established an independent computer network. The network provides case management support, document imaging, digital recording, e-mail, and internet access to all judicial and non-judicial employees. Expansion is planned to accommodate electronic case filing.

The Chief Judge of each county's District Court is appointed by the State Supreme Court for a term of two years and supervises 25 district court judges. Cases are assigned to judges randomly by the presiding criminal court judge and Chief Judge. Cases are neither assigned nor tracked in a way that allows any regular and systematic observation of judicial practices among the various judicial officers.

The District Court has not experienced a significant increase in caseload in recent years. The number of felony filings has ranged from 2,131 in 1996 to 2,299 as of June 30, 2002. In the lowest year (1998), 1,920 felonies were filed. The type of felony filings has changed significantly during these years. The seriousness of crimes has been declining slightly consistent with the national data, and property crimes, repeat offender filings and probation violations have been steadily increasing.

Felony criminal cases are filed in District Courts, not Municipal Court. District Court Judges conduct preliminary examinations and upon a holding order will arraign defendants, set bond, and assign a trial date. Under Kansas statutes, defendants who are being held in custody must be brought to trial no later than 90 days after arraignment and the limit is 180 days for those defendants not in custody. Continuances may be granted for specified reasons and appear to be limited.

## **Findings**

1. The District Court has not adopted a mandatory pretrial or settlement conference system that would encourage timely review of evidence by both prosecution and defense prior to trial. Defense counsel may request a pretrial for the purpose of resolving a case prior to trial. Judges are not involved unless the parties reach an agreement and are prepared to enter a plea requiring a waiver of Constitutional rights.

2. Although there is a reported high percentage of individuals charged with drug offenses, and/or who are substance abusers, the District Court has not established a drug court. Although Judges report knowing about the national drug court movement and the various drug court models, the perception that Sedgwick County lacks valid or effective drug treatment is given as the reason for their failure to establish a drug court. Over the past three years, in the face of budget restrictions, Sedgwick County officials cut back significantly on treatment beds as an alternative to closing the community corrections facility.
3. Despite the interconnectedness of the District Court function and the Municipal Court function, regular avenues for communication, sharing information, policy analysis, and joint problem solving have not been institutionalized. Individual connections exist within various departments and functions, but independent operation appears to be the norm.
4. The Sheriff operates a work release/furlough program that excludes persons convicted of felonies who might otherwise meet the criteria of the program. Judges must contact the Sheriff personally to request that an exception be made to the policy.

### **Recommendations**

1. **Establish one or more mandatory pretrial calendars supervised by one judge. Adopt local rules which require that both sides be prepared, that defendants appear, that all discovery be completed by the statutory time (no later than 20 days after arraignment), and that sanctions be imposed for failure to appear or failure to be prepared to discuss possible disposition.**
2. **Establish a pilot project drug court, closely supervised by a broad advisory committee that combines justice personnel with treatment providers, other public agencies (such as the Department of Labor) and local colleges. The committee would guide the establishment and operation of the court, identify needs, monitor progress, add resources and assess effectiveness. Identifying sources of funds from public and private sources could also be part of the committee's responsibilities.**
3. **Establish a combined Court committee that meets at least monthly, and represents all components of the two courts. Rotate the chairmanship between the two courts, appoint working committees composed of representatives from both courts, identify policies and procedures from each court which are in conflict or operate to contribute to problems impacting the entire county-wide justice system (e.g. delay, failure to share important information, and jail overcrowding).**
4. **A work release program, if one is justified, should be available for persons convicted of felonies as well as misdemeanors, who meet specified criteria.**

## Wichita Municipal Court

The Wichita Municipal Court is the highest volume court in Kansas, with 136,132 criminal and traffic complaints filed during FY 2002. Municipal Court Judges are employees of the City of Wichita, and not elected public officials.

The Municipal Court jurisdiction includes misdemeanors, City ordinance violations, environmental infractions, and domestic violence. The volume of these cases has remained relatively stable over the past five years. Court administrator data show criminal arrests are stable, and that there is a steady and slight increase in traffic tickets for driving with a suspended/revoked license. Judicial attitude toward FTA's on traffic citations has resulted in more custody orders and higher bails, according to Court data.

The Court is divided into five divisions. Division "1" has an entirely criminal calendar, including arraignments, appearances, motions and trials. "Division "2" is responsible for *pro se* appearances, traffic and DUI trials. This Division also provides "a walk in docket," which allows persons for whom a bench warrant has been issued for non appearance, to appear within 24 hours of their missed court date and have the warrant withdrawn. Division "3" is supervised by the presiding administrative judge and operates as the Drug Court. Division "4" has a traffic calendar and a domestic violence arraignment and appearance calendar. Division "5" has the capacity for video appearances and a morning docket for court ordered reviews of sentenced offenders (often after 30 days). All Judges, except one, have some time set aside on their calendars for video appearances for such reviews. Including a modification date, or date for a modification hearing, is a common practice when sentencing in Municipal Court.

Neither Kansas statute nor City ordinance provides for good time and/or work time. Fines can be worked off in jail at the rate of \$5 per hour. A jail coordinator communicates between the inmates and the Court by, among other forms of electronic communication, delivering "kites" to the Court daily.

Probation services are provided to the Municipal Court under the supervision of the Court Administrator. The probation unit consists of nine probation officers. Probation recently adopted a risk assessment tool that will be used to assess all probations according to an integrated risk and needs scale and to assign to corresponding levels of supervision. Those with higher scores will be given intensive supervision. The instrument has strong staff support.

In addition to a series of major structural and operational changes initiated by the current Court Administrator, a new data system and network will afford digital imaging capability throughout the court system within six to nine months.

Defendants accused of misdemeanor offenses have no right to a jury trial under Kansas statutes. Trials are set within 21 days for persons in custody and between 30-45 days for defendants who bailed or are otherwise out of custody. Municipal courts are a court of no record. In order to secure a jury, the defendant must enter a plea, and/or be convicted after trial, and then file an appeal to the District Court. This appeal entitles the defendant to a trial *de novo*, and a jury. The bond set in municipal court can be reinstated by the District Court Judge, or a different bond can be set at the time of trial setting. A sentence rendered

in the Municipal Court is automatically stayed by the filing of the appeal with the District Court.

Regarding domestic violence cases, it is reported that the City has a “no-drop” policy. This means that the victim or complaining witness cannot successfully seek a dismissal of the charges against the defendant(s) regardless of the circumstances, unless the prosecutor agrees that there is insufficient evidence to convict. The City Attorney’s Office has a victim/witness coordinator. There is no Violence against Woman Act (VAWA) money for City prosecutions of domestic violence cases. First time domestic violence offenders are offered a diversion program that requires completion of a 26-week batterers course. A Domestic Violence Task Force composed of court personnel, law enforcement, community groups and providers meets regularly to monitor how domestic violence cases are handled by law enforcement and the court.

The City contracts for indigent defense through an RFP process for an annual contract, with two one-year options to renew the contract. Under the current contract, two attorneys are assigned Monday-Thursday to represent all persons appearing for trial who have been accepted for indigent legal services. A total of six defense attorneys are available under the contract. Defense counsel are available three hours per week in their offices to meet with clients.

The Drug Court, established eight years ago, is the sole specialty court currently operated in the Wichita Municipal Court. On a monthly basis, an average of 280 persons are under supervision of the Drug Court. To be assessed for Drug Court, the defendant must be approved by the prosecutor, agree to waive time and stipulate to a set of facts. Drug Court is a one-year commitment; appearances are scheduled every 30 or 60 days. COMCARE performs the intake assessment and random urinalysis. The staffing team consists of the probation officer, prosecutor, judge, and treatment staff. Maintaining stability in the team has been a problem. Fees range from \$750-1000 and must be paid prior to graduation.

The DUI diversion calendar is called on Thursdays. Defendants must cooperate in the preparation of a pre-sentence report and indicate a willingness to comply with the terms of the diversion order, including testing, payment of fees and costs, and class attendance. The probation officer and prosecutor monitor compliance. The Court is only involved when placing the defendant into the program and in terminations, in the case of a program failure.

## **Findings**

1. Other than in the diversion eligible cases (DUI and some traffic) and domestic violence cases, cases are not assigned to a prosecutor until two weeks prior to trial. The City Attorney’s Office does not track arrests, charges, trials, dismissals, or verdicts with any system but relies on the data entered through the Court Administrator’s Office, except for diversion and deferred judgment programs.
2. Representatives of the Municipal Court describe the jail population as primarily persons with mental health problems (for whom few services are available), homeless, prostitutes, drunks and drug users. Demographics collected at the county jail confirm the Court’s opinion. Consistent with national demographics, the municipal court largely serves a “hard core” chronic offender population of persons who repeatedly get arrested for

conduct that is based on untreated mental health problems, drinking, homelessness, and/or poverty in general.

3. Although the Drug Court has been in operation for almost eight years, full utilization of the Court has been limited by a number of institutional constraints. Turnover among the City Attorney Prosecutors and with problems obtaining access to services continue to limit its effectiveness, in terms of numbers served and/or effective monitoring.
4. Although many Municipal Court Judges set modification hearing dates at the time of sentencing, the procedure is unreliable for communicating with the Sheriff's Department, particularly where out of County transportation may be required, and obtaining assessments which may be required prior to modification. The "farm card" system should be replaced by a system that accurately reflects and reports future court dates and all the orders made by the court at the time of sentencing, which may include assessments and other information.
5. Communication between the Courts and the Sheriffs Department is not always consistent or efficient on a system-wide level, although communications between these agencies, and their officials is excellent and frequent, on a case by case basis. There are some advantages, in good relations to communication that is not based on a system but rather relationships, but the lack of consistent coordination results in delays in transferring Court orders, including releases, discharges and dismissals, as well as inability to identify and solve mutual overall and system problems.
6. Defendants who reside out of County often serve more time in custody than persons who live in the County because inadequate transportation results in FTAs, bench warrants, and continuances. Increases in bond premiums due to warrants often result in longer custody stays before bail can be rearranged or until appearance.
7. Changes in domestic violence statutes to expand the definition of "household members" and mandatory detention have resulted in an increase in the number of women being arrested in domestic violence situations and an increase in the number of women who remain in custody after booking. The impact on families and children of the mothers and caretakers being arrested and detained cannot be easily taken into consideration in the presence of mandatory arrest statutes.
8. Programs inside the jail are limited and are characterized by long waiting lists. Sentenced offenders often cannot enter programs required by courts as a prerequisite for modification.
9. The practice among some bail bond companies of writing a bond for a small amount of the total premium for persons in custody and then "recommitting" defendants after failure to make additional payments as promised expands the court docket and adds to the jail population. Bonding companies are able to return a person to custody of the sheriff under such circumstances without filing any motion/declaration with the court and without court order. Recent amendments to the Kansas statutes which require the bondsman to sign an affidavit when recommitting a person accused of a felony do not apply to bonds on misdemeanor offenses.

## Recommendations

1. **Establish a model program, with a team of prosecutors, to screen all arrests (or selected arrests) on a daily basis, determine sufficiency, AND monitor and record dispositions, including continuances, dismissals, acquittals and convictions according to offense.**

Such a process would provide the City with more detailed information about how the current arrest driven system serves or fails to serve the interests of the efficient use of resources and increasing the safety of the public. Information gathered through this process could also be used to guide training, policy, allocation of resources, assignments, etc.

2. **Invest in a mental health court and supported housing programs and services. The model of a partnership with the private sector to provide housing and supportive services is being tested in many communities that have suffered similar devastation of the public mental health infrastructure.**
3. **Screening criteria for Drug Court participation should be created and revised jointly in consultation with a drug court advisory committee and/or the treatment team, rather than being within the exclusive discretion of the prosecutor. To insure full participation of all members, training in substance abuse, addiction, and different treatment modalities is essential.**
4. **Establish a system that notifies the Sheriff of any future appearance dates set by the Court at the time of sentencing. Submit to the court on a daily basis a list of persons in custody with their charges, court dates, release date, the sentence being served if applicable, and the name of the sentencing judge. Such a procedure would decrease the likelihood that persons who might be eligible for modification would not be readily identifiable. A monthly report to each judge on each offender awaiting a modification hearing, including release dates and average length of stay, could also become a vehicle for internal review of sentencing practices and calendar management.**
5. **Establish a schedule for regular meetings with the Sheriff's Department, Judges and the Court administration to monitor the jail population and solve problems (e.g. absence of community-based mental health services and a continuum of effective drug treatment services).**
6. **Use technology (e.g. an automated telephone reminder system), to supplement the citation form to remind persons who are out of custody on bail or their own recognizance of their court appearances. Amend the bond schedule to accommodate bench warrants for failure to appear in certain cases without automatic increases in the premium amount. Arrange for a bail enhancement for failure to appear which can be returned after the first appearance.**

- 7. Women detained for domestic violence should be carefully screened (with the SARA instrument) for alternatives to being arrested and taken into custody. Use of alternatives such as electronic monitoring house arrest, or day reporting should be explored as an option that is less costly and less likely to disrupt a family unnecessarily or cause children to be taken into custody.**
- 8. Jail programs for sentenced offenders should be expanded so that they may address issues of substance abuse, alcoholism, domestic violence, and unemployment while incarcerated. Volunteer resources could be utilized to supplement provider staff. (A volunteer anger management program with a long waiting list is inadequate.)**
- 9. Adopt by local court rule the requirement that bonding companies file an affidavit with the court prior to recommitting a defendant who has failed to pay the total premium. Review rules/practices on bail bond exoneration. Local rules could be adopted that would require a written motion to exonerate in certain circumstances. Creating special premiums for failure to appear, which could be exonerated upon compliance with court orders, could be explored as a way to impose a temporary and appropriate, non-custodial sanction, on persons who miss court appearance(s).**

## **PROSECUTION**

The prosecution of criminal offenses is the shared statutory responsibility of two separate and distinct jurisdictions in Sedgwick County. Criminal offenses punishable by a term in the Kansas Department of Corrections are within the exclusive jurisdiction of the Office of the District Attorney for the Eighteenth Judicial District. The District Attorney is an elected public official. Criminal offenses punishable by a term of one year or less, traffic offenses, and local ordinance infractions are prosecuted by the Wichita City Attorney's Office. Although Wichita is the largest city in Kansas and accounts for the vast majority of prosecutions in the Eighteenth Judicial District, there seems to be little communication or efforts at coordination between the two prosecuting agencies, historically.

### **Office of the District Attorney**

The District Attorney is an elected public official. The incumbent District Attorney was first elected in 1988 and is a well-established member of the justice community, with a national reputation. The mission of the Office is to vigorously, fairly, and efficiently prosecute those persons who are accused of felony offenses, to provide high quality advice and service to the citizens of Kansas, and to uphold the Constitution of the United States and the State of Kansas. The DA's Office also institutes proceedings to prosecute abuse and neglect of children, civil and criminal appeals, mental health commitments, and consumer fraud.

Despite changes in law, public policy and demographics of the Eighteenth Judicial District over tenure of the current DA, the office has remained relatively stable, with key positions in her office held by deputies with long tenures. The office has 38 Deputies (DDA) and/or Assistant District Attorneys. The 2003 budget was \$ 7,752,047.

DDAs review each felony arrest within 48 hours. By policy, probable cause that an offense was committed is insufficient to sustain a felony complaint; rather, the police report must present sufficient evidence to sustain a conviction, and that proof exists beyond a reasonable doubt of the defendant's guilt, "a guilt in fact determination." "If the prosecutor is satisfied there is a basis for a factually guilty finding, the prosecutor will assess the legal sufficiency of the admissible and available evidence." The District Attorney follows the *National Prosecution Standards* of the National District Attorneys Office.

Pursuant to Kansas statute, the DA implemented three diversion programs: diversion for persons who meet certain criteria, driving under the influence, and drug possession. Participation is explicitly characterized as a "privilege" and not a right, where the burden of persuasion rests with the defendant. In each program, application must be filed prior to the first Preliminary Hearing date or within thirty days of arraignment if the case is charged as a misdemeanor(s). A \$90.00 non-refundable application fee must accompany applications. If accepted, other fees and costs are assessed and must be paid prior to graduation. Factors used in evaluating each application include nature of the crime and circumstances, "previous criminal conduct," whether or not such conduct resulted in a formal charge or conviction, probability that defendant will cooperate and benefit, and appropriateness of diversion to meet the needs of the defendant and the community. Unfortunately, as is the predominant pattern county-wide, the District Attorney does not keep data on the program participation, graduations and/or terminations, and program impact.

Any defendant charged with a non-person felony, with the exception of offenses involving Class A & B felonies, drug crimes, weapons violations, sex offenses or sexually motivated obscenity crimes, may be eligible for diversion if they have no prior felony convictions and have never been placed on diversion, deferred prosecution, pretrial probation or deferred judgment for a criminal offense. The DUI diversion program is designed for first time offenders; it excludes anyone with a previous DUI diversion, cases that combine the DUI with additional criminal charges, cases involving personal injury, and cases where the defendant's drivers license was revoked, suspended or restricted at the time. Drug diversion is limited to persons accused of possession of a controlled substance since August 1, 2001, who are charged in a single case.

Sentencing in the Eighteenth Judicial District, as with all judicial districts in Kansas, is controlled by sentencing guidelines established in 1993. The sentencing guidelines are the subject of a state sentencing commission and are reviewed regularly. Amending the criminal statutes has been a regular part of the legislative agenda of the executive and legislative branch since the enactment of the guidelines. The guidelines are structured according to a matrix which calculates severity of offense and criminal history and generates a presumptive sentence, including term and probation eligibility. In recent years, the Kansas Legislature has enacted statutes regarding presumptive probation and county jail terms and has regularly increased the number of offenses for which probation/jail sentence is presumptive sentence rather than state prison terms, with the intention of stabilizing the state prison population and shifting the burden for incarcerating certain felony offenders to the counties. This practice is the opposite of what has been used in other states (e.g. probation subsidy, where the State provided financial incentives to local jurisdictions to maintain sentenced person in the county rather than commit them to the state prison system). In July, 2003 changes in the sentencing laws provided for mandatory county jail sentences for a list of offenses, including DUI'S with up to four priors and forgery (30-60 months).

These guidelines not only control sentencing and impact plea bargaining but also impact custody status, specifically the setting and amount of bond and the likelihood that defendants will elect to go to trial and remain incarcerated prior to trial and/or sentencing. The number of jury trials more than doubled from 1992 to 1998, from 99 to 213. Of the felony cases closed during FY2002, guilty pleas were entered in 1,806 out of 2,300 cases; of the 190 cases that went to trial, the vast majority resulted in conviction of one or all of the offenses charged.

## Findings

1. The roles and functions of many of the components of the criminal justice system in Sedgwick County directly impact the jail population. The volume and type of arrests, arrest practices, screening and prosecution charging policies have a tremendous impact on the number and type of persons likely to be held in custody. The District Attorney in Sedgwick County reviews felony arrests and probation violations within 48 hours of custody and declines to charge on approximately one-half of the cases.

According to the top DA staff, at least half of those cases in which the DA finds insufficient evidence to convict are cases which the arresting agency has categorized as a "hold for warrant." This category is used for cases in which the arresting agency either believes that a warrant is forthcoming based on other information or that one might issue upon review by the DA. Considered from a national perspective, the disagreement between DA and police on one of every two arrests demonstrates a conflicting view of the law, and a markedly different assessment of the weight of evidence and police over-charging.

2. Persons held for violating the terms of their probation represent another significant category within the jail population that has a direct impact on jail population. Sentencing guidelines currently provide for a maximum 60-day sentence on felony probation violations as the preferred sentence. Consequently, in the absence of new offenses, probation violators must be released to probation supervision or discharged within 60 days after arrest. Since the enactment of this component of the sentencing act, it has become the common practice in Sedgwick County to set probation violation hearings, 50-60 days after arrest, resulting in an average length of stay for felony probation violators of 55 days.
3. The expansion of the scope of domestic violence prosecutions has directly impacted jail population and the number and type of arrests that the District Attorney's Office must review. Defining household members beyond the husband and wife or boyfriend and girlfriend to include unrelated persons at the scene under mandatory arrest provisions requires the reporting agency to arrest and cause individuals to be detained who would not otherwise be involved.
5. Reclassification of offenses by the Legislature from felonies to misdemeanors with a minimum county jail sentence has significantly increased the size of the County jail population and the average length of stay. Likewise, the financial burden for the care and custody of increasing numbers has been shifted from the State to the County.

## Recommendations

- 1. In cooperation with all local police agencies, the experienced staff of the DA's Office should agree to conduct a comprehensive review of arrest practices, specifically including the "hold for warrant" practice. A review of such practices can result in collaboration in drafting of new policies and procedures, establishing shared priorities that will result in a more focused application of limited law enforcement resources on serious offenses, and training.**
- 2. Implement early screening of persons accused of probation violations without a new offense. Create a specific probation violation calendar with assigned public defenders and district attorneys. Require appearance within 72 hours of arrest, set a pretrial date for disposition, assign appropriate cases to Drug Court, and set hearings within 30 days.**
- 3. Work with domestic violence advocacy community and local legislators to refine domestic violence statutes, identify those categories of offenders and offenses that are appropriately charged as felonies, and enact a misdemeanor classification for lesser degrees of relationship and conduct. Establish a domestic violence calendar that conducts pretrials and trials for these cases that will insure specially trained DDA's and prompt adjudication.**
- 4. The 10-year history with the sentencing guidelines and regular amending of the criminal code to reflect and accommodate public concerns has resulted in a complex sentencing system. These developments have also worked to remove incentive for persons to take responsibility for their conduct. Greater efforts at public education about the impact of such legislative action are essential. Education efforts can be initiated by the judiciary to inform the public and legislators about the impact on county government of the unsupported expansion of local responsibilities. "Probation subsidy" type programs are vehicles for sharing the burden of incarceration between the state and local level, in a way that stresses the efficient use of resources and encourages developing resources.**

## Office of the Wichita City Attorney

The unit within the City Attorney's Office assigned to the Municipal Court has six full-time prosecutors and one supervising assistant city attorney. All the offices of the City Attorney are located adjacent to the Municipal Courts in the City Office Building.

In the Municipal Court, both number and type of prosecutions are driven by arrest reports. Other than in domestic violence cases, where the prosecutor reviews all arrest reports within 48 hours, prosecutors neither receive nor review criminal charges which originate from the arrest reports, until trial. The uniform crime report completed by the police officer at the time of arrest becomes the criminal complaint, which generates a trial date.

Prosecutors believe that the demographics of the population of persons regularly appearing in the municipal courts has gradually changed in recent years. A city prosecutor reported that their agency's biggest problem is the high percentage of mentally ill inmates in the jails. The significant reduction in, and elimination of, mental health services and available

resources have seriously impacted the municipal court, according to prosecutors. The inability of the courts to order behavioral health evaluations and the absence of adequate resources and/or placements for the mentally ill has compounded the problem. Defendant populations from previous years were described as predominantly drug and alcohol users.

As a “charge or complaint driven system,” Prosecutors originate the charges in domestic violence cases. Among their prosecutorial duties is the responsibility to conduct an annual review of police policies and procedures for all arresting agencies. Prosecutors provide ongoing formal and informal training to the police departments, basic and in service, including training in use of discretion. Community police review boards have been implemented as an external check and balance on arrest practices, but do not appear to directly impact arrest policy.

Only in the case of persons accused of domestic violence do prosecutors review the arrest reports prior to trial. Their policy indicates that such cases shall be reviewed within 24 hours of arrest. The number of arrests for domestic violence has gradually increased over the past five years. There were 4,320 domestic violence arrests in 2002.

The other significant source of criminal prosecutions is cases originally filed as a felony by the arresting officer and declined by the District Attorney. In these cases, often the arresting officer will re-file as a misdemeanor or multiple misdemeanors, with the predictable consequences of higher bond and longer pretrial incarceration.

The Municipal Court does not utilize a pretrial system or any other calendaring system that would encourage or facilitate pretrial review of cases and/or pretrial disposition on cases. The shared view among prosecutors is that pretrials are a “waste of time” due largely to the lack of interest on the part of the defense bar and their unwillingness to do the necessary preparation to make the pretrial meaningful. This view does not seem to be based on any prior experience in the Wichita Municipal Court or any discussion with the defense bar or the court. Another explanation for the disinterest in pretrials is the trial structure, which according to the Chief Prosecutor, requires that prosecutors be “in trial 8-5 daily,” and would result in attorneys having inadequate time to prepare for pretrials. Attorneys may add their cases on calendar prior to trial for disposition, but according to the prosecutors, few do this. Also, the “walk in calendar,” which is available M-F (3-5PM), is identified as a means to arrange early disposition of a case. A prosecutor is assigned to these calendars as well.

According to the Chief Prosecutor, the Municipal Court has tried a number of special dockets in the past, without significant impact. There was no specialized docket (e.g., mental health court or driver’s license court) that had been considered.

Prosecutors recognize the problems of jail overcrowding and identify a number of causes: defendants sentenced for multiple repeat offenses (predominantly property crimes) receive longer and longer sentences; domestic violence cases include a mandatory five days in custody on each probation violation; DUI laws have been amended over the past years to require mandatory detention of 48 hours, five days, etc.). Another feature of recent changes to the DUI statutes is that they permit a “lifetime look back” on DUI priors for setting bond and sentencing. Multiple thefts (3) are charged as a felony, but any sentence must be served in County jail. Also, different arrest policies impact the jail population. For example, the Wichita Police Department has a mandatory arrest policy determined by the Police Chief for specific criminal offenses.

## Recommendations

1. **Establish a model program, with a team of prosecutors, to screen all arrests (or selected arrests) on a daily basis, determine sufficiency, *and* monitor and record dispositions, including continuances, dismissals, acquittals and convictions according to offense.**

**Such a process would provide the City with more detailed information about how the current arrest driven system serves or fails to serve the interests of the efficient use of resources and increasing the safety of the public. Information gathered through this process could also be used to guide training, policy, allocation of resources, assignments, etc.**

**In addition to screening cases early, other changes should occur in the court structure. While there may be caution in the City Attorney's office in terms of adopting new policies and procedures, screening and trying cases in a more timely manner could result in a very significant change in the jail population.**

## PUBLIC DEFENDER

The Sedgwick County Public Defender plays a vital role in the efficient operation of the Sedgwick County Criminal Justice System. The attorneys and support staff provide essential, constitutionally required defense services to the vast majority of persons charged with felony offenses in the County.<sup>4</sup> Not only does the work of the Public Defender significantly impact individual lives for the better but also the community as a whole. Without a highly trained and motivated Office of the Public Defender, no criminal justice system can truly be said to operate with integrity. The Public Defender should be viewed and respected as an equal and valuable player in the Sedgwick County Criminal Justice System.

### The State Board of Indigents' Defense Services

Since 1984, indigent criminal defense services for Sedgwick County have been provided by the State Board of Indigents' Defense Services (SBIDS), an agency created by the legislature and a part of the executive branch of government. Previously, such services were provided by the Board to Aid Indigent Defendants, established in 1969. With the 1982 enactment, the legislature gave the Board greater authority to provide felony criminal defense for indigent persons as required by the Sixth Amendment to the U.S. Constitution in the most cost effective way possible.

The mission statement reflects the legislature's purpose: ". . .to provide, supervise and coordinate, in the most efficient and economical manner possible, the constitutionally required counsel and related services for each indigent person accused of a felony, and for such other indigent persons as prescribed by law."<sup>5</sup>

The Board consists of nine persons appointed by the Governor and subject to confirmation by the Senate. Members are appointed for terms of three years each; not more than five

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<sup>4</sup> Estimated by Chief Public Defender at 65-75% of total criminal cases, including conflict cases.

<sup>5</sup> SBIDS website, [www.ksbids.state.ks.us](http://www.ksbids.state.ks.us)

members of the Board may be lawyers. The Board appoints a State Director of Indigents' Defense Services, who is responsible for overall operation and administration of the agency, including the formulation and implementation of the policies of the Board, fiscal management, personnel supervision, inventory management, and program development. The agency's headquarters, located in Topeka, are staffed by the Executive Director, Administrative Counsel, Assistant Director and support staff.

In addition to providing felony indigent defense services, the Board provides representation in felony probation violation cases, habeas corpus cases arising out of extradition, mental health and involuntary commitments, motions attacking or modifying sentence, appeals from felony convictions and cases in which the death penalty is sought.<sup>6</sup>

The SBIDS annual budget for FY 2003 was \$16 million, with almost half devoted to salary and benefits (47.5%). The two primary systems for delivering the constitutionally required indigent defense services are the public defender system and a system known as appointed or assigned counsel. These are private attorneys who contract, individually or as a group, with SBIDS to provide primary services in rural counties and conflict services in more populous counties, including Sedgwick County.

### **Sedgwick County Public Defender**

The Sedgwick County Public Defender was established in 1984.<sup>7</sup> The Office currently employs 18 attorneys (including the Chief Public Defender and two Deputies), two investigators, three legal assistants, one social worker and five clerical staff. Each attorney carries a full caseload. The Office recently was granted an additional FTE attorney position, which will bring the total number of attorneys to 19. Interviews for that position and for two additional attorney vacancies are currently being conducted.<sup>8</sup>

The Chief Public Defender has been in his present position since 1998. His responsibilities include assignment of all cases, administrative and supervisory duties and handling of serious cases. He is assisted by two Deputies who, in addition to carrying full caseloads, have preliminary hearing and trial docket call responsibilities. The attorney staff meets twice weekly, on Monday and Thursday, as a group to discuss upcoming preliminary hearings and trials and determine the announcement for the court to be made in each case. The Deputies serve as docket coordinators and advise the court at the appropriate docket call. These docket call meetings often serve as informal staff meetings in which issues pertaining to the entire Office can be discussed. There are no regularly scheduled office-wide staff meetings.

The Office provides vertical representation, meaning that the same attorney represents a client from initial appointment through disposition (trial or plea and sentencing). The Office follows an informal policy of attorneys meeting with each new confined client within 48 hours of being assigned the case. Thereafter, attorney-client contact is on an "as needed" basis.

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<sup>6</sup> Kansas Administrative Regulations Pertaining to SBIDS, Article I, 105-1.

<sup>7</sup> Formerly known as the South Central Regional Public Defender, with primary defense responsibilities for both Sedgwick and Reno Counties. In the past year, Reno County has been designated as an independent office with its own Chief Public Defender.

<sup>8</sup> As of Sept. 24, 2003, according to Joy Garst, Administrative Specialist

The pay structure for attorneys does not provide for merit based increases or promotions and the rate of pay remains basically static for staff attorneys not in management positions. Attorney turnover has been somewhat stable over the past five years, although two attorneys have recently left the system. The most common reasons cited for leaving are “low pay” and “high caseload.”

Caseload growth has remained fairly static in recent years, as indicated in the table below.<sup>9</sup> The Office estimates that approximately 1/3 of its total caseload are comprised of probation revocation cases. The average attorney has an open caseload of 45-60 cases at a given time, including probation cases. The Sedgwick County Public Defender is the only office in the State that has not “shut down,” or declined to accept new appointments, over the past five years. Conflict cases, which primarily involve cases charging co-defendants or in which former clients are listed as state witnesses, are routinely sent to one of two contract providers of defense services. Conflict cases comprise approximately 10% of the total Public Defender caseload.

FISCAL YEAR	WORKLOAD/OFFICE	CASELOAD/ATTORNEY
2000	3,275 TOTAL CASES	191 PER ATTORNEY
2001	4,161 TOTAL CASES	235 PER ATTORNEY
2002	3,510 TOTAL CASES	198 PER ATTORNEY
2003	3,720 TOTAL CASES	207 PER ATTORNEY

## Findings

1. Regular attorney-client contact is fundamental to fulfillment of the defense attorney’s role and ethical obligations. Communication between attorney and client also fosters trust and rapport in the relationship, which in turn leads to more efficient and timely decision making on the part of the client and, ultimately, savings in terms of the cost of pretrial incarceration. The Public Defender has an informal policy of meeting personally with each new confined client within 48 hours of being assigned a new case and thereafter on an “as needed” basis until the case is resolved. However, there is no procedure in place to monitor attorney-client contact to ensure compliance and reasonable communication with clients on an ongoing basis. Problems in that area are addressed on an ad hoc basis when a client complains in writing to the Chief Public Defender.
2. At any given time, approximately ten clients with court dates within two weeks are being housed in out-of-county jails. For those clients, the only means of communication is by telephone or written correspondence. Formerly, the Public Defender had telephone access to clients housed in other counties. This is no longer the case. Moreover, the Public Defender has a policy of not accepting collect calls from clients and mileage for

<sup>9</sup> Data provided by the Sedgwick County Public Defender’s Office and reflects the number of cases closed per year.

travel to meet with such clients in person is not reimbursed by SBIDS. The majority of clients housed in out-of-county facilities are awaiting trial and thus need to be able to communicate with counsel on a regular basis.

3. The State Board of Indigent Defense Services (SBIDS) oversees operations and provides support services, including training, for each public defender office in the State. One of the responsibilities of the Board is to provide training and support services for attorneys.<sup>10</sup> However, opportunities for training are severely limited and need to be increased. Currently, SBIDS offers a single annual continuing legal education program for attorneys in Topeka and often calls upon the staff of the Sedgwick County office to serve as lecturers and presenters, in effect teaching themselves. In prior years, SBIDS has authorized and paid tuition for Kansas public defenders to attend the annual Trial Skills Workshop sponsored by the Missouri State Public Defender System, which provides intensive, hands on trial skills training. However, SBIDS no longer pays registration fees for attorneys to attend the Missouri workshop, nor will it reimburse for expenses incurred by those who seek to attend at their own cost. There is also no training offered in office management and supervision of personnel.
4. The Office has an unusually large number of trials per year, estimated to exceed 100, an average of 6 trials per year per attorney. Given the average caseload per attorney, this appears to be an inordinate number of trials, which can produce a backlog of clients in custody awaiting trial and detrimentally impacts the average length of stay in pretrial detention. In large part the high number of trials can be attributed to the mandatory Kansas Sentencing Guidelines in that the Guidelines are based primarily upon nature of the offense and prior criminal history, with little variance in range of punishment. The result, from a defendant's perspective, is that there is often little downside to "holding out" and taking a case to trial.<sup>11</sup> As a counter to this effect, there is a punishment "downside" to going to trial: If a defendant is found guilty he or she will often receive the high number from the sentencing grid and consecutive time, if appropriate, whereas a defendant who pleads guilty and avoids trial will often receive the low number from the grid and concurrent time. Moreover, the Guidelines provide no incentive for a defendant to accept responsibility and plead guilty before the State engages in the costly work of pretrial preparation, as exists in the Federal system.<sup>12</sup> This is an area that would require legislative change but the benefits in reducing length of stay in pretrial confinement could be considerable.
5. The discovery process can be slow and untimely, resulting in needless delays in court. Witnesses and exhibits are often endorsed on the eve of trial due to the failure of the police department or other investigative agency to provide all reports and evidence to the District Attorney's Office. The result is that many times last minute continuances

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<sup>10</sup> See SBIDS website, [www.ksbids.state.ks.us](http://www.ksbids.state.ks.us)

<sup>11</sup> For instance, for a Level 7 offense with one prior conviction of a "person" felony, the presumptive sentence is 24 months, with a maximum of 26 months and a minimum of 22 months. For the most serious of offenses, a Level 1 with at least three prior person felony convictions, the presumptive sentence is 620 months, with a maximum of 653 months, or less than a three year differential if the maximum is imposed.

<sup>12</sup> Section 3E1.1(a) of the United States Sentencing Guidelines provides for a downward adjustment for acceptance of responsibility, wherein the government is not required to file pretrial motions or engage in other costly trial preparation, of as much as two levels of the base offense level.

are requested by the defense in order to effectively prepare for trial. Such delays are avoidable and serve to increase the length of pretrial detention and the cost to taxpayers.

6. Discovery depositions are not authorized by statute and depositions are only allowed by the court in order to preserve testimony. Such deposition requests are rarely granted. The Public Defender must rely upon investigators and legal assistants to interview state's witnesses and potential defense witnesses. Since no grand jury is empanelled in Sedgwick County, all felony cases are scheduled for a preliminary examination, where the court hears evidence and must make a finding of probable cause to believe a crime was committed and that the defendant committed it before a defendant may be bound over for trial. The preliminary examination also provides an opportunity for defendants to discover the case to the extent allowable within the parameters of the hearing. However, those who choose not to waive the preliminary examination often find themselves facing additional charges or having the amount of bond increased following a finding of probable cause. Thus, very few defendants actually have preliminary hearings and they consequently lose the opportunity to conduct limited discovery of the state's case. This places additional burdens upon the scarce resources of the Public Defender investigative staff to investigate the state's case.
7. Plea offers are generally not made until the last minute, resulting in further delay in disposition of cases. In large part this is due to the practice of the District Attorney of not assigning cases to individual assistant district attorneys for trial until the week prior to trial.
8. The Public Defender's Office can only accept cases to which it is appointed by the Court, following a judicial determination of indigence. This determination is made by the Administrative Judge at the first appearance. Due to local court rules, the court will not entertain a request to reduce bond at the first appearance and all bonds are cash or surety bonds. Staff attorneys are not present at the initial appearance. However, a legal assistant is present who completes a "First Appearance" form containing information as to the charges, amount of bond, custody status, next court appearance, designation of sentencing judge and contact information for the client.
9. The Public Defender strives to utilize a second chair or co-counsel to assist lead counsel during jury trials. This practice affords inexperienced attorneys an excellent opportunity for hands on training. However, there is no formal policy in this area and such training opportunities occur on an ad hoc basis. The staff attorneys are not divided into trial teams nor do they have group leaders to serve as mentors, although this was previously the case.

## Recommendations

1. **The Public Defender should enhance client communication and, to further that goal, establish an 800 telephone number that clients held in custody in out-of-County jails can use to contact counsel during regularly scheduled time frames. Enhanced attorney-client communication will result in timelier disposition of cases and will ultimately save taxpayers money. The Public Defender should secure the cooperation of the Sedgwick County Sheriff and out-of-County detention facilities to achieve this goal.**

- 2. The Public Defender should propose the formation of a Joint Case Resolution Committee with the District Attorney's Office. Such a working committee, which could meet on a regular basis, could focus on resolving pending cases through negotiation and identifying cases that appear to be on a solid trial track, as well as identifying any discovery or disclosure problems well in advance of trial, without the necessity of court intervention. Establishing such a committee would also improve communication and dialogue between the offices and help foster a spirit of cooperative problem solving.**
- 3. The Public Defender should establish a formal policy of regular file review to ensure appropriate attorney-client contact, case preparation and documentation. Such a process would serve many purposes, including providing an opportunity for training and mentoring by senior attorney staff.**
- 4. The Chief Public Defender should enlist the cooperation of the District Court to actively influence the Board and senior management of SBIDS to allocate funds to additional training of attorneys and support staff. A highly trained and motivated staff is essential to performance of the necessary duties of the Office and will lead to less employee turnover. A more stable and experienced Public Defender staff will ultimately save the County money due to increased efficiencies in handling and disposing of cases, as opposed to an office that is constantly training new attorneys.**

## 7. MANAGING THE OFFENDER

This chapter addresses intake, bond, pretrial release, adult detention, probation, and alternatives to incarceration. The major theme in combining these aspects is to stress the need for objective classification and risk assessments to monitor and move offenders flowingly. The emphasis is to minimize the use of expensive, high-security beds in favor of fast movement with accurate placement, and reserving the jail for secure holding and punishment as the last resort on a continuum.

### INTAKE

#### Arrest

Current law enforcement policies and practices limit discretion used by officers and deputies to determine those individuals to be incarcerated at the time of arrest. As a result, a large number of offenders are brought into custody via the jail who should simply be issued a citation.

Law enforcement should establish better criteria for adequately controlling arrest standards and incarceration practices. Currently, the policies specify the discretion available to law enforcement as:<sup>1</sup>

#### Section 1.2.3(B)

A totality of the known circumstances should be considered by the deputy before using the authority to arrest. The totality of the known circumstances considers, among other things, the situation at hand, policy and procedure, and possible alternatives. Physical arrest is not always the answer.

#### Section 1.2.4(A)

Alternatives to arrest include citations, referrals to social service agencies, verbal warnings, as well as other informal solutions. Deputies are expected to use discretion in the selection of an appropriate alternative to an arrest situation and use alternatives to arrest when appropriate. Deputies should remember that an arrest may not always be the most appropriate solution.

#### Section 1.2.4(C)(2)

Therefore, when the situation warrants and the lawbreaker can be brought to justice, and the safety of all concerned reasonably guaranteed without incarceration, deputies are encouraged to select a suitable alternative(s).

In contrast, other jurisdictions have more specific policies and procedures. A general example of a well-defined policy is the following:

The officer may promptly release from custody a defendant who has been arrested without a warrant, rather than take the defendant before the issuing authority.”

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<sup>1</sup> Certain charges, such as domestic violence and repeat DUI, have mandatory arrest.

The conditions for release include that the individual: a) is charged with nothing greater than a second degree misdemeanor, b) is a resident of the State, c) is not a threat of physical harm to others or himself or herself, d) is deemed by the officer to be reliable to appear in court, and e) is not demanding to appear before a judge.

By instituting a more closed-ended arrest policy, substantial reductions in the number of low-grade offender incarcerations could be achieved. While this may create more work for the District Attorney's Office, who will be required to review all the complaints before issuing a summons, it may prove beneficial to the justice system overall. Besides alleviate jail congestion, the arrest citation/DA review process would likely result in less overcharging on cases and more prosecutorial diversion. (Citizens will also avoid false imprisonment should the DA's Office decide not to file or if the court finds them not guilty.)

On a related note, methods of monitoring arrest practices and reporting outcomes are needed. The current data systems do not sufficiently capture the numbers of offenders who are diverted from the jail through the use of citations and, as a result, changes to respond to public safety cannot be made. An overly conservative approach is being taken without foundation. Good data on release and appearance (and recidivism) should be the basis for modifying policies in the future.

The City of Wichita Police Department admits 61% of arrests booked at the jail, of which the vast majority are for misdemeanor level offenses, particularly traffic and DUI. This category of offense should provide a broad target group for potential release to other options. In many jurisdictions, persons cited for driving under the influence or driving under suspension are not incarcerated unless additional circumstances require booking. The County should identify opportunities to divert these populations from the jail. For example, Lancaster County (Lincoln, Nebraska) diverts nearly 100 percent of its drunk driving offenders to a alcohol treatment facility that is much less costly to operate and better serves the community. Only those prisoners who are combative are lodged at the jail.

### **Booking**

Due to crowding and administrative practices, offenders are currently subject to extended stays in the booking and intake area. Some inmates, in fact, may spend three to four days in intake cells waiting for a jail bed, and this leads to poor conditions for the detainees, the staff, and the overall environment. Any amount of time over four to six hours in the intake area should be considered excessive. Clearly, existing practices need to be modified and causes of crowding must be addressed.

Moving inmates out of the booking and intake area in a smooth manner leads to a more efficient and safer jail. The area houses persons at a critical decision making point, and a viable system flow is needed so as not to impede that decision process. If the booking and intake area is clogged and overwhelmed, then decisions (i.e., whether to keep or release the individual, where to appropriately house the individual, etc.) are less likely to be made in a timely and articulate way.

### **Classification and Risk Assessment**

The Sheriff's Office is currently in the process of making substantial improvements to its inmate classification system, with the assistance of the National Institute of Corrections. This progressive and bold move by the Sheriff should resolve troublesome issues with the

old classification system that relied primarily on the offender's current charges and the availability of beds in place of objective needs and risk factors. As part of this transition, every effort should be made to develop a dedicated and well-trained staff to handle the classification responsibilities. At the present time, officers working the property room are assigned this duty in addition to their other responsibilities.

Another aspect that must be included in the Sheriff's new classification system is criminal history obtained from national sources. The old approach of relying simply on local and State criminal history was a serious flaw that jeopardized safety inside the jail and contributed to misinformed bail decisions. Research has also shown that mixing inexperienced offenders with experienced offenders increases the likelihood of future criminality on the part of the inexperienced offenders.

The Sheriff's Office should employ the new classification system to accurately determine the least restrictive housing assignment needed for each offender. Based on this principle, minimum security inmates may be moved to alternative settings (such as house arrest, day reporting, the minimum security jail, and so forth), thereby creating bed openings for the most serious offenders in the justice system.

### **City Incentives for Controlling Jail Cost**

Currently, there are no incentives for the City to monitor and control the number (or type) of incarcerations brought into the jail. Officers, with little cost to the City, have full discretion to send arrestees to the jail, which results in uncontrolled crowding at the facility and significant expense to the County.

The Sheriff's Department has conducted a number of audits to monitor and evaluate the costs of incarceration. Secondary costs, however, are not fully included in the jail's computations. Costs associated with other divisions within the Sheriff's Department and other agencies within the County should be included as indirect cost elements. Building construction cost and utilities cost are values that must be recognized in computations of per diem rates. County Personnel Department, County Commissioners and County Attorney's time and costs associated with jail activities are often substantial and should be included in determining the cost of incarceration. Since the County has not established a per diem rate to charge to municipal authorities, it struggles to fund the jail's operations. Implementation of a per diem cost or a countywide mill levy to fund the jail would both be appropriate alternatives.

The County does not currently charge a booking fee to municipal agencies. This fee is a very common practice nationally and often tends to influence city incarceration practices at the rational end of the values involved. When cities share in the actual cost of incarceration, an appreciation of the expense and need for alternative methods is also realized. Without an informed participation in the problems of funding jail operations, the City has little ownership in monitoring and evaluating expenses. The County must sincerely develop real ownership on the part of City of Wichita and other municipalities as a common utility needed by all.

## Findings

1. Sedgwick County law enforcement agencies arrest many individuals who would simply be given a citation in most other jurisdictions around the country. The traditional policies and practices that lead to custody arrest also lead to congestion in the jail and justice system, and expensive unnecessary bookings.
2. Because of the high volume of arrests and a shortage of jail beds, arrested individuals spend a great deal of time in the booking area at the jail. The environment of the booking area limits the ability of the jail to make important decisions regarding release and housing.
3. The Sheriff's Department is in the last stages of implementing a vastly improved inmate classification system, soon to be completed with the assistance of NIC. The new classification system was critically needed, and should improve the jail's ability to manage the inmate population.
4. The current jail system does not adequately distribute the cost of incarceration to all users, particularly the municipalities. As a result, the cities use the jail with impunity at a great expense to the County. Furthermore, the cities tend to crowd the jail with low level offenders.

## Recommendations

1. **The County, through the newly implemented CJCC, should review arrest policies and practices and then identify methods for diverting some offenders from the jail at this early stage. A well-defined, County-wide police arrest and citation policy should emerge from the review.**
2. **The booking procedures at the jail need to be re-engineered to improve work flow and decision making. Efforts should be made to move offenders out of the booking area in six hours or less, whether the movement is to release or place in a cell block.**
3. **The jail should fully implement the NIC-supported classification system design. Criminal history and objective point scoring should be core components of the new system.**
4. **The Sheriff's Department should have trained, dedicated staff performing classification duties, not property room officers.**
5. **The County must pursue an equitable plan for funding the jail with the municipalities. A first step will be to confirm the true cost of incarceration and to understand the methodology used. Cost of incarceration should include indirect County fees and cost of buildings and utilities.**

**The County should compare and understand the total cost of housing and staffing in the various outside counties. The County commissioners should initiate a study to clearly and relatively define the cost of incarceration and the values used in making the determination. This is a simple study.**

**The County should establish and charge a booking fee or some fiscal arrangement to ration and fairly allocate the cost of incarceration. The number of admissions for minor offenses is high and experience in other jurisdictions suggests that through shared costing and identified variance from arrest standards the number of unnecessary admissions is likely to be substantially reduced.**

## **BOND**

A review of the bond schedules found that bond rates are high when compared to rates seen in similar jurisdictions. They also vary greatly between district and municipal court for misdemeanors. The data also suggest a high reliance on release by bond in lieu of other release practices, perhaps because they are ten times faster. The average length of stay at the jail is increased due to the high bonding patterns. When bond is not made within the first 24 hours, defendants tend to stay 12 days in jail on average.

### **Findings**

1. There is an over-reliance in the County on posting bonds to expedite release.
2. Many offenders cannot afford to bond out of jail and often remain there for long periods until their case is adjudicated, without apparent or demonstrated value to public safety.
3. The bond schedule, in comparison to those utilized in other jurisdictions, appears quite high. Although Sedgwick County has set a goal to review the schedule annually, this does not routinely occur. Additionally, no data is collected on how well the current schedule works (e.g. numbers who fail to appear by charge and release criteria).
4. When bond is not made within 24 hours, defendants tend to stay in jail an average of 12 days.
5. Own recognizance (OR) release, where no up front monies are required, is utilized by the jail staff to affect the release of very low-level arrestees. ILPP data indicated that 37% of defendants brought to jail by local law enforcement are released via OR. In other jurisdictions, many of these individuals would receive a citation and promise to appear notice by officers in the field and not be booked into jail. The processing is expensive in many ways.
6. Some bond companies accept partial payment for bonds from defendants. When the defendant does not make agreed upon payments, the bond agent re-books the defendant.

## Recommendations

- 1. Review the bond schedule with an emphasis on lowering bond rates overall. Establish an annual bond schedule review.**
- 2. Require an affidavit prior to re-booking any individual for failure to make any installment payment on a bond.**
- 3. Work with all local police agencies and increase the use of cite and release activities for lower risk defendants. The jail should seek a local court order that limits their having to accept low grade offenders, unless the offender meets one or more pre-defined criteria for arrest. Limiting intake in this manner commonly occurs in other jurisdictions, such as Salt Lake County, and is a typical outcome in Federal Court decrees. (Note: restrictions on arrest could be tied to jail population levels or a population cap.)**
- 4. Review the criteria used to determine eligibility for OR release with an emphasis on broadening criteria to include a greater number of defendants while still maintaining community safety and ensuring appearance at subsequent court hearings. (This is a task for the newly formed Criminal Justice Coordinating Committee.)**
- 5. Increase the scope of the pretrial release program to include a review of all defendants who have not been released within 6 hours.**

## PRETRIAL

In jurisdictions struggling with jail overcrowding, the criminal justice system must determine which individuals can be safely released pending trial and which should be placed in jail. The County Pretrial Services operated by the DOC assists judges with this responsibility for Sedgwick County District Court cases in both misdemeanor and felony matters. Eight staff members work a five day week (Monday–Friday) screening cases for release consideration and supervising those released by the court.

The staff also provides supervision for those who bail out on high bonds and are ordered by a judge to be supervised pending the adjudication of the case. No weekend or evening coverage is provided. This model is inconsistent with the volume of intake and the heavy hours of arrest. This staff does not provide services for Municipal Court.

As in many other jurisdictions, the Pretrial Services Unit is not managed by the Sheriff. Having it outside the Sheriff's Department has its pros and cons. Sheriffs often maintain that there is a great need to reduce the jail population and vigorously identify those inmates who could be released pending trial. For political reasons, pretrial services should be independent with clearly defined authority. System representatives are often reluctant to release defendants for fear of negative population reaction due to incidents that might occur, and the result of such an approach can be that the jail's population continues to grow. This same treatment is reversed for those who have bail funds, who are released, rather than held based on inadequate information and criteria consistent with best practice. In other words, for those kept due to an inability to pay, as well as for those released due to their ability to

pay, the release decision is not made according to best practice. Best practice holds that a financial basis is the least reliable release criterion, and what are called for instead are objective risk assessment instruments to support pretrial release decisions.

The pretrial screener considers an individual's previous criminal history, residence, ties to the community, and the nature of the offense. A point scale for assessing the probability of appearing at subsequent court hearings, which was utilized at one time, is not currently used. The target group for consideration consists of offenders who would be eligible for probation (probation presumptive) based on the current charge(s) and the sentencing guidelines. Prison presumptive cases are not reviewed by the pretrial staff and limitations on staff time do not permit a review should the initial charges be reduced and the individual becomes eligible for probation. Some judges have indicated a willingness to consider pretrial release on a case-by-case basis for those in jail awaiting supervision by the SCDOC staff, although these cases, given resource limitations, are not given priority.

Once pretrial staff concludes that an individual qualifies for release, their recommendation is presented to a judge who must approve every release decision. In violation of probation cases, the sentencing judge must approve any pretrial release. Staff estimated that it takes up to 24 hours to interview an individual, collect all data, verify information provided, and get a judge's approval for release. On weekends, it takes 48 hours to get approval for a release. Pretrial staff also expressed concern about the unreliability of the City warrant system, particularly with respect to traffic matters. Although these problems may be related to the implementation of a new computer system, bad data impacts the credibility of pretrial staff recommendations and ultimate release decisions.

Of those recommended for release in 2002, 3% failed to appear for a subsequent court hearing. In the second quarter of 2003, this increased to 6%. Of the pretrial release failures in 2003, 35 were rearrested on a new offense, 19 failed to appear without any subsequent violation, and 131 technical violations occurred. The average population for the pretrial group in 2003 is 162, an increase over the 147 ADA in 2002.

The ILPP profile study indicated a significant number of misdemeanor cases housed in the jail, and County managers also noted that the FTA rates for Municipal Court cases were very high. This use of expensive jail beds to house misdemeanants clearly impacts jail use in a negative manner; any action taken to lower FTA rates assists in managing the jail population and reduces court time dedicated to the continuous calendaring of these cases.

## **Findings**

1. The effectiveness of screening individuals for pretrial release can be greatly improved by adding a validated objective risk prediction tool.
2. Expanding pretrial screening to weekend periods as well as other high booking times, and having a judge available to approve release recommendations during these periods, could expedite pretrial releases. Weekend releases could be accomplished in 24 rather than 48 hours. Automatic release on certain risk assessment scores would further this approach.
3. Although there is some disagreement about whether Municipal Court cases (misdemeanant offenses) should be included in a pretrial program, the review by pretrial

staff of those individuals who do not make bond would likely result in additional releases. These cases would not tie up jail bed space if they were quickly released on own recognizance, were financially able to bond out, and appeared at subsequent court hearings. However, the ILPP interviews and profile data suggests that this is not the case.

4. The current focus is on felony inmates when the bulk of admissions are misdemeanors, resulting in misdirected efforts. The pretrial unit should focus on both felony and misdemeanor and review all admissions. The duties and responsibilities of the pretrial unit as they are currently defined are not consistent with the goals and objectives defined by the National Pretrial Resource Center, or most jurisdictions. Pretrial officers should interview each admission and should have a broad array of release options for controlling the jail population. Decisions should focus on an objective validated risk assessment instrument.
5. Introducing an automatic telephonic notification system to alert and remind Municipal Court defendants of upcoming court hearings should reduce FTAs. Although SCDOC uses a personal reminder system, some efficiency could be gained by using an automated system.
6. City warrant data, particularly with respect to traffic matters, impacts the credibility of decision making and slows the pretrial review process. ILPP notes that these problems may be related to the implementation of a new computer system and that staff are in the process of improving the accuracy of their data.

## **Recommendations**

- 1. Add an objective risk prediction instrument to improve pretrial assessment and decision making.**
- 2. Expand the pretrial staff by two people to cover high booking periods, including weekends, and provide for judicial review during these periods to expedite releases.**
- 3. On a pilot basis, include pretrial screening and release supervision on all Municipal Court cases where individuals were unable to make bond or are waiting in jail pending probation violation hearings but meet the probation presumptive criteria for pretrial release. Track release recommendations, pretrial releases, and FTAs (by reason) and, six months after program implementation, provide this data to a criminal justice oversight group for review. Fund house arrest/electronic monitoring for indigent defendants during this pilot period.**
- 4. To reduce FTA rates for Municipal Court cases, add two telephone reminders scheduled for one week and one day prior to all court hearings, using an automated telephone notification system. Until this system can be implemented, personal reminders by staff are needed. Student workers or other temporary staff could be utilized to reduce cost. Pretrial staff already does telephone reminders on existing cases. It is recommended that they join with the Municipal Courts to automate these calls since some efficiency will result. As their caseloads grow, this will be especially important.**

**5. Encourage the City of Wichita to conduct random quality assurance audits on their warrant system to increase reliability.**

## **ADULT DETENTION**

The Sedgwick County Sheriff's Office is responsible for running a full-service adult detention facility and a full-service work release facility. At the detention facility, programs include population control, inmate commissary, religious programming, work release, inmate coordinators and the trustee program. The facility has a 2003 operating budget of \$20,167,253 and is staffed with 286 FTE positions.

### **Key Findings**

1. In the late 1980s, the City of Wichita and Sedgwick County entered into an agreement to close the City jail and combined resources to consolidate services in the Sedgwick County Jail. Following an initial period when the city provided officers and a booking area to assist the intake process, City officers were removed from jail duty. Legislation authorized a 1-mill levy to collect funds for the operation of the jail, but the County has never implemented that funding source and currently the City does not contribute direct cost for jail operations. The City of Wichita uses the Sedgwick County Jail for violators of municipal ordinances only, but 58% of the cases that result in jail time are adjudicated in the city Municipal Court. It appears that the City may not be paying a fair share of jail costs, and moreover must play an instrumental role in solutions to the jail crowding problem.
2. The County detention system contains substantial numbers of medium and high security beds.<sup>2</sup> Current design features naturally emphasize the need for security. This factor is as asset given the rapid and continuing turnover in the inmate population. However, sufficient secure beds are available in the system. The work release center maintains a substantial level of security. In any future construction, the option of adding lower security beds for detention purposes should be strongly considered, rather than building any more high security beds.
3. The Sedgwick County jail system does not maintain a system-wide method for determining capacity. In the absence of a precise determination, the Sheriff's Department defines overcrowding as double bunking inmates. In the face of the present

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<sup>2</sup> The American Correction Association defines medium security as the level of security designated for inmates who pose less risk of escape or physical harm to other inmates and/or staff. Less controlled movement within the institution is generally provided and monitored. Secure perimeters vary among jurisdictions in their security electronic detection systems, although a double-fenced perimeter is typically used. With maximum security, the inmate population generally experiences restricted movement and the perimeter is designed to prevent escapes. Minimum security has freer movement within the institution and perimeters vary from none to double-fenced. Based on these definitions, the design of the Sedgwick County Jail incorporates primarily high security beds. The Sheriff notes that the structure was designed to provide flexibility for an evolving population and there was also a conscious decision to make the building as safe as possible for the community due to its location in a populated area.

level of crowding, the Sheriff transfers inmates outside the County rather than double bunk. This results in costly and time-consuming movement of inmates and the costs ripple throughout the system. The State of Kansas Department of Corrections contains a special committee to reduce the prison population when it reaches 90 percent capacity, but in order for this to be implemented in Sedgwick, the capacity has to first be established.<sup>3</sup>

The number of inmates admitted to the jail and incarcerated by the jurisdiction continues to grow beyond early projections, and the monitoring of incarceration practices and trends in the type of inmates held is not adequate to make policy decisions that will control future growth. Without adequate monitoring of inmate trends the County is destined to continue expansion projects to meet a never ending growth in jail population. There is an inadequate emphasis on controlling crowding and current data collection cannot provide sufficient information to target populations that could be sanctioned with alternative methods.

A group of County and criminal justice system representatives have come together to establish an analysis of the existing facility to determine a reasonable degree of crowding and clearly establish a capacity for each facility. Current living unit capacities are set at 48 and 52 beds. Nationally, direct supervision housing units contain between 50 and 65 with some living units at numbers up to 95, especially in settings where most inmates are minimum security.<sup>4</sup>

4. The existing detention system does not have adequate policies to coordinate, monitor and evaluate admissions to the jail. Consequently, the detention facility can become crowded quickly, especially with low level offenders. Even more likely, the jail can incur a quick spike in the number of female or mentally ill inmates, which creates logistical problems in managing beds and cell blocks. The jail, with the assistance and support of the recommended Criminal Justice Coordinating Council, should review existing practices and develop new approaches, such as a release matrix or good time system, to control the inmate population levels rather than having the inmate population level control the justice system. Key to this endeavor is the ability of the jail to generate accurate and reliable data on the prisoner population. The data, which should be produced frequently, should be used to empirically support decision making and evaluate outcomes.
5. The County is now housing 140-150 inmates in either other county jails in the State of Kansas. The Sheriff's Department, through great effort, contacts agencies throughout the State to identify available beds and contracts with other counties to hold Sedgwick County inmates. Inmates are identified through an in-house assessment to be moved until release or until a need arises for their return to court. The practice of housing inmates in other counties requires costly transportation efforts, creates difficulty for

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<sup>3</sup> The jail has 1,032 beds available for inmates, according to the Sheriff's Department. The Sheriff notes that NIC considers a jail full when it reaches 80% capacity due to inmates' special needs and classification. While this is true, it only serves as a very conservative guideline for population management and it should not be misconstrued as over crowding when the 80% mark is exceeded.

<sup>4</sup> The Sheriff notes that the current ratio of offenders to staff was established for the protection of the inmates and the jail staff. The Sheriff argues that higher ratios should not be considered as "best practices," but "acceptable practices."

attorneys in meeting with defendants to provide adequate defense, and impedes court appearances. The out of County detention practice reduces inmate contact with family and friends and impair the defendant's ability to reintegrate into the community. Enormous hidden economic costs result from transport, delay, and the unintended consequences on families, etc. As a direct result costs are then passed on to the County in welfare, foster care, health, etc.

Ironically, the cost to house inmates in other counties is approximately 50 percent of the daily cost for housing at the Sedgwick County Jail. If it were not for the other implications of out of County housing, the low cost of other county jails could be attractive. However, double bunked, those inmates would mean a far lower cost.

6. The Sheriff's Department is currently in the process of expanding the number of beds in the facility through double bunking of inmates. The Sheriff, as a result, should be able to increase capacity at some living units (especially lower level security units) by 25-45%. Some units will not be suitable for double bunking because they house inmates that are management problems or safety risks.

Double bunking may necessitate additional programming, such as medical care and religious services, and possibly require expansion of the infrastructure (kitchen, laundry, etc.). While these changes may or may not be necessary, economies of scale (and cost savings from returning out of County inmates) make double bunking a smart move by the Sheriff.

7. At any time there are a considerable number of inmates being held at the jail awaiting transfer to State facilities and to the local Sedgwick County Department of Corrections. It appears that there are a number of ways to expedite these prisoner transfers and to reduce the length of stay for that group.
8. The Sheriff has taken the initiative to assign two population control officers to monitor jail crowding. Unfortunately, these officers have no release authority and the system has not formalized their authority through locally established policies. The officers evaluate the numbers and types of inmates held at the jail, conduct research on targeted inmates, coordinate inmate transportation, and seek court approval for release or alternatives.

However, the data system, which is about to be replaced, is seriously flawed. It does not provide adequate information to identify inmates who might fit the criteria for release. Officers must use various time-consuming methods to research the in-house population for clues as to which inmates might fit their perception of release options. Review of the Population Officer positions is needed, including their authority to provide clear definition for their future work, particularly in light of impending changes in the data system. These positions need re-thinking.

9. The current data system is about to be replaced. The County will soon issue a RFP for vendor's proposals. The current system does not track trends in jail population. It does track individual offenders, and only provides acceptable data for review of each case, not adequate data for the Population Officers charged with reducing overcrowding.

The system does not provide the kind of summary or cumulative trend data that is important for policymaking. The Criminal Justice Coordinating Council, the Commissioners, and the Sheriff will struggle with inadequate information until a new

system is implemented. Querying the existing system is difficult and data entry is not uniform, making analysis of criminal justice system practices difficult.

The information the data system provides to the courts needs to be improved in order to expedite processing and increase the courts' ability to make informed decisions.

10. The work-release center is remote from the main jail and the courts. The facility was recently expanded from 100 to 142 beds. The operation could be classified as medium security even though offenders are released daily.

The Sheriff's policy restricts admission to the work-release program to misdemeanants and thereby forces low-level felony offenders to remain at the jail. Revising the policy to allow work release for felony offenders could have a positive impact on crowding at the main jail.

Other jurisdictions use out of custody work programs, home detention and day reporting in lieu of work-release programs.<sup>5</sup> Some have obtained such success with alternatives as to eliminate work release. The work-release program should fit into a broad spectrum of program sanctions and the Sheriff's Department staff should have sufficient authority to move offenders between supervision levels and programs given successes and failures.<sup>6</sup> A powerful argument can be made that offenders who are released during the day and return for supervision during the evening could be held in a less restrictive environment, freeing up medium security space for another level within the classification system.

Out of custody work programs could increase the number of inmates moved from the main jail to a less secure housing module and benefit the community, as demonstrated in other jurisdictions where the program options have been successful. Offenders are sentenced to work programs where they can be either intensely supervised or intermittently contacted. Such programs can help the County avoid expansion of security housing while still offering sanctioning for offenders.<sup>7</sup>

System representatives suggested that an expanded work-release center could reduce the population at the county jail.

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<sup>5</sup> Out of custody programs generally have offenders on electronic monitoring, with some form of additional supervision by a probation officer. During the daytime hours, the offenders participate in work programs very similar to community service. The offenders report to designated locations for work that is strictly supervised by corrections staff. (The location may be the jail or other central location and then offenders may be transported to work sites by staff. The offenders may not know where they will be working).

<sup>6</sup> The Sheriff should be permitted the flexibility to manage the inmate population as best as possible. The Sheriff should be permitted to move offenders to and from programs with impunity if the inmate is a non-violent, low-level offender. Should the Courts desire for an inmate to remain in the jail, they should specify the "jail only" in the commit order.

<sup>7</sup> The Sheriff does not administer an out of custody work program. Such a program would both decrease expenses and relieve jail crowding. Many jurisdictions operate out of custody and in custody work programs that generate revenue to sustain the cost of operation. Work programs contract with nonprofit agencies for an offender work group to pay expenses and generate revenue. Work programs serve as a diversion from the jail and reduce crowding while serving as a function in the continuum of sanctions.

11. The jail now receives weekend sentences that tend to clog the jail during busy hours when courts are not in session. Weekend sentences tend to arrive at the jail during the same hours that booking and intake are the busiest. A scheduling option, at a minimum, should be provided for the jail's staff. The offenders could schedule their dates for incarceration and could appear during the week, when they could be housed in less expensive style. The problem is that when the number of inmates on weekend sentences exceeds the jail's capacity, then the County is forced to contract with other jurisdictions to hold the overflow, which increases the expense of holding them.
12. The recommended Criminal Justice Coordinating Council should determine the array of sanctions available to the Courts, Sheriff, and Department of Corrections. In many jurisdictions, the continuum of sanctions improves inmate behavior by giving inmates an incentive to move to a different level based on their success at a previous level. Each level provides varying degrees of control and supervision for the offender population. This is best for public safety, best for budget, and therefore "best practice."

The Sheriff's Department and the Department of Corrections should be able to move successful sentenced offenders to less onerous sanctions.

13. A commonly held belief within the criminal justice system in Sedgwick County is that treatment services have been reduced to a dangerously low level. There is a high incidence of mentally ill offenders and substance abusers coming into the jail. Anecdotal estimates suggest that 7-10 mentally ill inmates are booked daily, with many repeat bookings. This population maintains a long length of stay.

The justice system leadership should discuss the value of incarcerating offenders in strong need of services, particularly for the population who may need treatment for substance abuse and/or mental illness. Jail, as a means of changing behavior for these individuals, is often futile. As system representatives have indicated, there is a great need for treatment services and resources that are consistent with the needs of offenders.

14. Video visitation has not been used and/or contemplated. Professional visits require movement to a central location and compete with family and friends' visits.

The system might consider future video visitation to reduce the staff costs for managing the high number of visitors. The use of video visitation reduces prisoner movement and a remote site could minimize pedestrian traffic at the jail. The placement of video units in each living unit eliminates the movement of inmates to central visiting. Central visiting could be reallocated for new purposes or revised visiting options. Video visitation could increase visiting availability and offer inmate videoconferences for attorneys from their offices. Increasing inmates' contact with defense attorneys tends to increase release practices to help speed cases and reduce the jail population.

15. Nationally, jails utilize credit for good time for sentenced offenders. Good time provides incentives for good behavior by allowing a set number of days of early release based on the inmate's accumulation of time for good behavior and education achieved during their stay. Earning good time allows inmates to reduce their sentences and in turn reduces jail crowding. Some facilities allow double earning of good time through work and education events. The practice is consistent with proving worth to return to society.

In Sedgwick County, either through practice or legislative intent, inmates do not receive credit for good time. This is a serious detriment to the agency in seeking cooperation from inmates. The Sheriff's Department should have the ability to reward and sanction inmates through the administration of good time programs.

## **Recommendations**

### **1. Revisit the Mission of the Jail.**

The County's first effort should be to revisit the purpose for the jail. The recommended Criminal Justice Coordinating Council (CJCC) should establish a clear understanding and statement of the jail's mission. Community expectations should factor into this dialogue.

Without a commonly defined mission statement, the criminal justice system is not likely to agree on alternative sanctions to control the jail's population. This seems to be a simple process; however experience indicates that within a criminal justice system, there is often little agreement on the purpose and mission of the jail. Without a clear understanding of the purpose and mission, the justice system leadership is not likely to agree on alternatives or defining important aspects of improvement. Few systems can adequately work through the difficult process of defining a common belief that guides the mission statement without outside assistance.

### **2. Implement Population Management Plan.**

The county should develop an objective to research and develop an effective criminal justice system population management plan.

A high priority should be given to this task, with the County Commissioners assuming a major responsibility to ensure implementation and coordination. The Commissioners should play an active role in the establishment of the CJCC that must identify those measures that will control the inmate population.

The County Commissioners should appoint a person responsible for the development, implementation, and monitoring of the plan. The assigned person should report to the County Commissioners directly. The recommended CJCC should then develop policies for criminal justice agencies with recommendations from agency heads, and consider and develop agreement on new programs to be implemented. Policy choices and objectives should guide future funding decisions and budget requests.

There should be minimal cost in terms of staff time for the development of the new CJCC. The County may assign staff to the council to prepare minutes and conduct independent studies.

The alternative to implementing a population management plan is to construct additional detention beds. Recommended changes are not likely to be accomplished without implementation of this task.

The recommended Criminal Justice Coordinating Council (CJCC) should establish a monitoring and enforcement methodology to insure that population management control is effective.

Population management must rely on an improved pretrial release program that includes misdemeanors and operates 20 hours per day, seven days a week.

Members of the criminal justice system must support implementation of alternatives to incarceration, and involvement in discussions to plan the implementation can ensure success. The County should consider the use of a facilitator to begin the process.

The Sheriff is fully committed to implementing this recommendation, and should be commended for his willingness to work in collaboration with others to reach a solution to this important issue.

### **3. Establish a Release Matrix.**

The release matrix documents a ranking for each offender at the jail as to seriousness for the purpose of selecting the offenders who should be released to achieve capacity limitations.

To stay within their required population caps, some jurisdictions have followed a plan similar to that developed by Multnomah County (Portland), Oregon, and Salt Lake County, Utah, using an objective scoring system that takes the lowest scoring inmates and simply releases them into the community. The CJCC should research these and similar plans to establish a ranking of serious and minor crimes and establish community risk factors for the matrix. Courts should then review the release plan and approve or modify it.

This process eliminates or reduces potential litigation and defense cost for jail conditions and helps handle peaks.

Agreement on conditions and elements is difficult to achieve in systems that lack sufficient coordination and planning skills. With a completed plan, the jail capacity can be maintained at reasonable levels.

### **4. Avoid Construction Until System Improves Internal Assessment.**

The ILPP assessment concluded that sufficient system improvements are possible to avoid construction given an aggressive “tuning” of the criminal justice system to more accurately charge risk assessment of pretrial offenders, expedite case processing, and more objectively select those misdemeanor inmates to be incarcerated.

Construction is only avoidable, however, if the key recommendations in this report are aggressively implemented. As the Sheriff notes, construction is a multi-year solution that requires long term planning, and any delays will only exacerbate problems.

### **5. Determine Jail Capacity.**

Establish a definition of crowding and define the amount of capacity that is acceptable. The County Commissioners should take a lead role in the establishment of a small working committee to establish a capacity that County and criminal justice officials agree is the maximum number of inmates that can be held at each facility without creating a dangerous environment. This task should be a high priority.

Representatives from the County Commissioners, Courts, County Attorney's Office, Sheriff, and Director of Corrections can review existing conditions and consider the degree of crowding that is acceptable for this jurisdiction.

Such a committee should review and fully understand the facility resources to identify acceptable crowding. Considering conditions in like facilities, the County could safely increase the capacity by 25 to 35 percent, or more. Such a committee could prioritize the types of inmates to be held at the jail by carefully assessing the data.

The County should establish a hard number that defines the maximum population of inmates to be held in each jail facility. The County should then consider a plan to cope with new arrests after the capacity is reached.

The recommended CJCC should develop and implement a matrix release system as a screening release mechanism. Several jurisdictions have carefully assessed the risk of releasing offenders based on a matrix established considering the jurisdiction's unique requirements.

The County could eliminate out of County holding. Cost for out of County inmates will surely increase if the County continues to house excess numbers of inmates in other counties. The out of County housing dramatizes the need for addressing the crowding problem. Other jurisdictions have found that attempting to build their way out of the crowding problem actually leads to additional future construction if the population does not level off but keeps increasing.

## **6. Hire a programmer to assist in the Sheriff's double bunking initiative.**

With the Sheriff implementing double bunking in the jail to help maximize the County's resources, consideration must be given to programming. The influx of additional inmates will impact services offered at the jail, such as visitation, medical care, clothing, and feeding. A profession programmer, who is not an architect, should be hired to determine acceptable beds per square foot, staffing ratios, and programming.

Programming the jail now will save the County money in the future. First, it will help determine the most efficient and effective way to house inmates, given the new double bunking. Second, it will answer questions regarding appropriate staffing levels at the overall facility. Third, programming will provide the groundwork for any future expansion of the jail, including the number and type of beds to build, thus reducing architectural fees.

Also, on the issue of double bunking, staff should be better trained to work with the changes in the inmate population. While concerns have been stated by some in the County that high inmate to staff ratios leads to greater employee turnover, this has simply not been proven elsewhere.<sup>8</sup> Jail research has shown that turnover is greatly influenced by salary/benefits, work schedules, training, respect from management, and then safety. Training staff will increase their knowledge of conflict resolution and problem solving, plus enhance feelings of self worth.

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<sup>8</sup> Jails that report high turnover rates that double bunk generally had high turnover rates prior to double bunking. (The turnover rate in the Sedgwick County Jail is already high, in fact, suggesting that new approaches are needed to motivate and engage the jail's work force.)

## **7. Expand Authority for the Department of Corrections and Sheriff.**

The Sheriff's Department and the Sedgwick County Department of Corrections should have a sufficient degree of authority to move inmates within and between programs using agreed upon criteria. Allowing the movement of inmates will help alleviate crowding when it occurs and maximize the use of available resources. Furthermore, it will permit officials to move offenders up and down the continuum of sanctions depending on an offender's success or failure in the rehabilitative process. For instance, a successful inmate could be moved from jail to treatment-oriented programming offered by SCDOC to home detention with electronic monitoring, to home detention without electronics, to community service, and then to supervised release.

With support from the Bench and the Sheriff, broad criteria for moving offenders should be drafted through the CJCC. The goal is not to have SCDOC making autonomous decisions, but rather to increase the Department's ability to manage the jail population through the transfer of offenders into less restrictive programs after success in more restricted ones.

## **8. Provide Criminal History Profiles to Judges.**

The Sheriff's Department and Pretrial Services must take an active role in providing complete criminal histories to Judges during the arraignment process. Criminal history is critical information to the Courts in setting appropriate bond amounts.

## **9. Fund Alternatives to Incarceration.**

Alternatives to incarceration must be properly funded to succeed in alleviating the jail's population. The development of out-of-custody work programs, pretrial services, expanded home detention programs, and so forth require an investment that will pay dividends quickly through reduced jail demand. In the long run, if properly carried out, the alternatives will curb the need for major facility construction and expanded staffing.

## **10. Reduce Population to Return Out of County Inmates.**

The recommendations provided by ILPP provide a broad array of system changes that can reduce the jail population to the point where out of County inmates can be returned. The money spent on out of County inmates should then be used to support alternatives to incarceration and Sheriff's programming.

## **11. Expedite Jail Computer Improvements.**

In every component of this study, ILPP has determined that the existing shortage of data inhibits decision-making and prevents careful evaluation, monitoring and improvement of incarceration practices.

The County should take every effort to expedite improvements to the computer data systems and to maximize integration of data to avoid redundant data entry that cause excessive staff requirements and errors of data.

## **12. Establish Methodology to Use Good Time.**

The CJCC should immediately address the use of good time in order to increase the Department's ability to provide incentives for good behavior and sanction bad behavior. This has potential for improving the safety of the inmate population, managing the population, and reducing jail crowding.

## **13. Conduct a Sheriff's Department Staffing Study.**

The County Commission should contract for a staffing study for the Sheriff's operations. It may well be that more staff will be needed as the County turns to double-bunking and changes the mix of inmates to a higher level of security both directions recommended in this report. Or, it may be that savings can be made in staffing, as requirements change. Court security merits a review because of staffing concerns and costs elsewhere, and the changing nature of Homeland Security requirements. Such a study should be accomplished by an independent staffing expert who can work effectively with shift relief factors, the significant staff turnover problems, proposed changes in classification, and changes in policies and procedures associated with best practice in direct supervision. The National Institute of Corrections is the best source for such a study, or recommendations for consultants to conduct it.

## **ALTERNATIVES TO INCARCERATION**

The array and effectiveness of correctional programming has a significant impact on overall community safety as well as jail utilization. In its review of community correctional programs, ILPP reviewed adult supervision efforts as well as the availability, type and structure of local programs for offenders. Several correctional leaders shared their frustration in attempts to provide effective mental health and drug/alcohol treatment for the chronic mentally ill and drug dependent/addicted offender group. They identified this as a system failure that has contributed significantly to jail overcrowding. For this reason, special attention was given to this area.

### **Probation Supervision for Adults**

ILPP consultants interviewed staff from Sedgwick County Department of Corrections (SCDOC), District Court Services (Probation) and Wichita Municipal Court Probation. All provide services to adults released under field supervision by the courts. All use a similar array of referral services and, effective in October 2003, all will use the State of Kansas risk/need offender assessment tool. District Court will be the last agency to implement this tool. There are approximately 41 State certified drug/alcohol treatment agencies used for referral. However, little on site quality assurance monitoring is done and the effectiveness of programs varies by agency and staff on board at any one time. All departments were concerned about the lack of long term residential treatment beds for offenders who fail in less intense treatment programs. Only a few 7 day residential treatment beds are available in the community for the offender population at this time. Even more significant concerns were expressed about the lack of viable treatment for the chronic mentally ill offenders. The costs of treatment and assessment were too high for most offenders and resources for

housing were extremely limited. Most staff expressed the opinion that the mentally ill and drug/alcohol offenders continually recycled through jail primarily as a result of unfunded and under-funded treatment options.

For one year, the State Department of Corrections funded a program that targeted the chronically mentally ill incarcerated inmate with co-occurring substance abuse problems. The purpose of the program was to conduct assessments, provide for treatment and medications on release, and maintain liaison with staff from SCDOC who would assume responsibility for the offender on release. SCDOC and the Sheriff's staff all felt the program was quite beneficial. Unfortunately, with the loss of funding the program was disbanded. The program budget was \$100,000. Actual expenditures were estimated at approximately \$70,000.

### **County Department of Corrections**

Community Corrections is a State funded program that provides community based intermediate sanctions to high risk felony probationers as alternatives to incarceration in prison. Two programs are provided in Sedgwick County, an adult residential program that began in 1983 and an adult supervision program which began in 1986. SCDOC also operates a county funded adult pretrial program as an alternative to waiting in jail for court hearings. SCDOC serves adult felons assigned by the District Court.

The SCDOC residential center is housed in two recently remodeled buildings with a capacity to serve 170 adults with community corrections residential programming and/or work release. The buildings currently house a 20 bed youth residential program for older juvenile offenders and the 75 bed community corrections adult residential program. Space is available in dormitory style housing for 59 adults in a work release program. The adult residential program has a long waiting list for admission with an average of 45 waiting in jail. If the youth program were relocated, there is space for 170 adults. Staff report that numerous offers have been extended to the State and County to expand the center but neither has opted to provide the operating funds necessary for expansion.

At any one time, approximate 800 offenders are supervised in the community by SCDOC. Staff carries caseloads of 40-45 (50 to 55 if "inactive" offenders are included). When technical violations occur, an impressive array of graduated sanctions is available including: more intensive supervision, curfew, increased treatment, surveillance (evenings and weekends), increased home visits, electronic surveillance under a private contract, community service, written reports prepared by offenders on specified topics, residential confinement in the SCDOC center, and jail. In a few cases, the State DOC day reporting center can be utilized.

However, as is the case with all probation operations that ILPP reviewed, the use of graduated sanctions by supervising staff in lieu of immediately returning offenders to court is often prohibited by the sentencing judge. Each judge has his/her specific requirements when technical violations occur. Several require a warrant and immediate arrest on the first positive urinalysis test. When these technical violations occur, staff must review the judge's specific requirements and take action accordingly. The elimination of discretion by staff especially on the first positive urinalysis escalates jail overcrowding and adds significant cost to the criminal justice system. ILPP tracking data found that probation violators spend approximately 55 days in jail.

SCDOC handles 90 violation warrants per month (60 community corrections and 30 pretrial). The typical sanctions for violating probation are prison commitment or a 60-day jail commitment followed by placement at the community residential center. Since beds are not immediately available at the residential center (there is a 45-day wait), these probation violators contribute significantly to jail overcrowding.

Offenders must pay approximately 20% of the cost of treatment, \$7.50 per day for electronic surveillance, and \$1.50 per urinalysis test. Additionally, offenders pay \$150 on a one time basis for the cost of supervision. If they are terminated and are re-referred on another case, they must pay this fee again. There is no ongoing monthly fee for supervision. A sliding scale is used in assessing fees, and fees for indigents can be waived.

As is true of all the probation agencies reviewed, SCDOC does not use specialty caseloads, where one or more officers handle a single type of offender (e.g. domestic violence, DUI or sex offenders). Staff instead supervise all types of offenders, classified at different risk levels. Staff indicated that unemployment rates in the county have increased significantly and are now at approximately 16%. This presents real challenges in reintegrating offenders into the community.

SCDOC employs four part time grant funded staff who work as surveillance officers and make field contacts. They work some evenings and weekend days. As a result of funding reductions, the State no longer requires field visits. SCDOC deserves credit for recognizing the critical nature of field activity and finding a vehicle for funding these efforts. In addition to these grant funded staff, SCDOC requires all other officers to conduct routine field visits.

### **District Court Probation**

The District Court Probation group supervises approximately 1250 offenders at any one time. Their clients have been convicted of both felonies and misdemeanors. Caseloads are 120-130 per officer. At one time, District Court had a maximum supervision specialty caseload (DUI), but it got too high to adequately handle and there were concerns about “dangerous” field contacts. This caseload has been disbanded and there appeared to be no current interest in either specialty caseloads or field visits. Field visits are not conducted unless ordered by a Judge. Staff estimates that only 2-3 field visits occurred last year. Effective supervision requires focused and meaningful field activity at least for higher risk offenders.

District Court probation focuses exclusively on assuring compliance with the Court’s order. No attention appears to be given to addressing criminogenic needs, other than referral to treatment. This approach to supervision is not research based. Staff are preparing to implement the State of Kansas adult assessment tool. This should enable them to make some educated decisions about increasing caseload size for those supervising lower risk offenders and lowering caseloads somewhat for those supervising higher risk offenders. There will be workload savings generated from the implementation of SB123 that should permit District Court staff to focus resources on addressing criminogenic needs and risks.

District Court Probation staff report that probation violations, including technical violations, almost always all go to arrest warrant with offenders being booked into jail. Initial probation revocation bonds are typically quite high, although a few judges reduce the bond significantly at the first appearance hearing. Although some judges do use a notice to appear in lieu of

issuing an arrest warrant, there is some question about whether the probation staff actually has a process for issuing/requesting a notice to appear order even in lower risk cases. Staff report that the Court hears revocation matters within 30 days, but they statutorily have 60 days to do so. District Court Services staff indicate that the typical sentence for violation of probation cases is either a reinstatement with the same terms and conditions or transfer to SCDOC ISP.

Staff report that many judges restrict an officer's discretion in handling probation violations and require revocation and/or notification of every violation including a single positive drug test. Other judges permit discretion. When discretion is permitted, officers can use a broad array of sanctioning options to assist the offender. When these interventions occur, considerable cost savings result from avoiding re-arrest, court costs and jail time.

As with SCDOC, the polygraph is used with sex offenders only when ordered specifically by the court. Domestic Violence perpetrators treatment is 16 weeks in duration. Some national "best in class" programs require a 52 week treatment program that focuses on cognitive behavioral intervention.

District Court does use the Wichita Intervention Program (WIC) operated by the Wichita Municipal Court in lieu of a 48 hour County jail sentence for first time DUI offenders. Staff, however, report that the majority of first time DUIs prefer to do the jail time because they either cannot afford the cost of the WIC program or prefer not to spend the money to attend it (\$250). In contrast, Wichita Municipal Court requires the WIC program and does not give offenders a choice. An indigent slot is provided for Municipal Court cases at each WIC session.

Probation supervision costs are paid on a one time basis at a rate of \$54 for felons and \$25 for misdemeanants. No ongoing monthly fee is assessed.

District Court also prepares pre-sentence reports for the court, using a State mandated format that includes a description of the offense, the offender's version of the offense, victim impact, restitution issues, prior criminal history, the officer's assessment of conditions of probation, and placement recommendations. State law does not stipulate a mandatory time to complete and submit the report. This is set by the judge making the referral, and varies from several days to about 2 weeks. Staff must depend on the Sheriff to run local and federal criminal histories because they do not have a secure area to house a computer with access to this information. The Sheriff does provide this data quickly (typically within 24 hours), and staff reported that they had no late reports. Management, however, does not formally track the number of late reports or requests made by their staff for continuances to complete investigations. This is important management data.

The total budget for staff training is \$6,000 and few staff are exposed to any ongoing formal or informal training.

### **Wichita Municipal Court Probation**

Seven Probation Officers working for the Wichita Municipal Court supervise approximately 2500 offenders at any one time. These primarily include traffic cases, misdemeanor domestic violence perpetrators, and petty theft offenders. Caseload size is 300-350 offenders per officer.

When probation violations occur, the Probation Officer prepares a report for the judge describing the violation and requests that a notice to appear for a show cause hearing be issued. The judge reviews the report and typically follows the recommendation. In special circumstances, an immediate warrant will be requested. These situations would include but are limited to: escape from custody, leaving an in-patient treatment program, and failure to report for a jail commit. This process of serving a notice to appear in specified cases in lieu of an immediate arrest warrant is commendable and helps in managing the jail population.

Municipal Court operates a deferred entry of judgment Drug Court for first time offenders. Drug Court partners include Probation, Prosecuting Attorney and COMCARE. Approximately 280 offenders now participate in drug court. Assessment is done and offenders are assigned to programs based on need. The Court also operates a speeding diversion program, a domestic violence deferred entry of judgment program, and a petty larceny deferred entry program.

The focus of Wichita Municipal Court Probation is on assisting offenders to succeed. Staff are beginning to utilize the risk/need offender assessment tool to concentrate services on the higher risk offender and address criminogenic needs. It will take some time to fully integrate this approach.

This Court operates a very innovative program (Wichita Intervention Program - WIP) for first time DUIs. As an alternative to spending 48 hours in the County jail, offenders can check into a designated hotel for 48 hours and complete a drunk driver curriculum. They must pay a fee of \$250 and cannot leave the hotel at any time during the weekend. Two guards are posted to make certain offenders do not leave the area. The program satisfies the minimum requirements of incarceration and education for first time DUIs. Fees cover the entire cost of the program. Sessions are held 3 weekends each month with approximately 30 participating at each session. The District Court also utilizes this program. Municipal staff indicate that District Court referrals make up 50% of the participant population. Diversion participants are also given this option, but their participation is not considered a custody period.

A one time fee of \$25 is charged for the cost of Municipal Court supervision. No ongoing monthly rate is assessed.

Municipal Court staff also complete pre-sentence investigations on diversion and misdemeanor cases. DUI investigations on English speaking defendants are done under a private contract. Although a previous management study recommended the discontinuance of this practice, the Court is satisfied with these reports and they are submitted in a timely manner.

### **Senate Bill 123**

This statute becomes effective in November 2003. It has no retroactive impact. Therefore, the population for this program will increase gradually and likely take a year to 18 months to reach full capacity. The target population for SB 123 includes non-violent adult felony drug offenders convicted of drug possession under K.S.A. 65-4160 or K.S.A. 65-4162. Treatment for these offenders must include a continuum of options including detoxification, rehabilitation, continuing care, and after care, in addition to relapse prevention. The term of treatment is limited to 18 months. Per statute, "If the defendant fails to participate in or has

a pattern of intentional conduct that demonstrates the offender's refusal to comply with or participate in the treatment program, as established by judicial finding, the defendant shall be subject to revocation of probation and the defendant shall serve the underlying prison sentence..."

Each violation of an imposed condition is subject to some form of non-prison sanction that may include, but is not limited to, County jail time, community service, intensified treatment, house arrest, and electronic surveillance. The LSI-R, SASSI III and ASI assessment tools will be utilized to assess defendants and place them in appropriate levels of treatment. These are all excellent tools. A research based cognitive behavioral approach to treatment will be used and a data collection and analysis process is required.

Current projections indicate that the population of this program will grow to over 250. Staff have estimated that prior to SB 123 the majority of these defendants would have initially been District Court probation cases. Beginning in November, these will be SCDOC cases.

SCDOC has developed a thorough implementation plan that permits adjustment as staff learns from experience with this complex statute. Funding is available for both supervision staff (\$223,690) and a continuum of treatment services (\$569,998) including residential treatment as well as day treatment aimed at the dually diagnosed defendant. SCDOC intends to monitor this carefully. Other states with similar initiatives have found that initially as the population grows, funding is quite adequate. However as the population nears capacity, there is insufficient funding to meet all requirements.

### **Jail Programs**

Although ILPP recognizes that the purpose of jail incarceration is community protection and punishment, effective jail programming can assist in reducing recidivism and, ultimately, enhancing community safety. At present, the jail provides Alcoholics Anonymous sessions, religious programming, anger management, health awareness, and GED classes. No work program other than a trustee workforce is provided. Jail officials are quick to point out the critical need for in-custody services and transition planning for mentally ill offenders. ILPP concurs. Investing in this area will reduce the recycling of mentally ill offenders through the jail.

Although jail space constraints may prevent significant expansion of in-custody programs, they would not impact the expansion of work release type programs.

## Findings

1. Insufficient resources for both drug/alcohol and mental health services drive offender recidivism and jail bed use. Resource deficits include traditional community based treatment, day treatment, detoxification beds, long and short term residential treatment, and housing. Community corrections programs have seen a dramatic increase in the number of individuals with mental and physical disabilities.
2. Insufficient revenue exists to immediately pay for service enhancement. New revenue sources and savings from system efficiencies must be found.
3. There is a lack of input from criminal justice leaders on how local drug/alcohol and mental health funds should be spent on the offender population.
4. Although drug/alcohol treatment agencies are certified by the State and must use a research based cognitive behavioral approach, quality on site monitoring is lacking. Assuring that treatment agencies know about and utilize “best practices” is essential to achieving effective outcomes.

A research based cognitive behavioral drug/alcohol treatment program is needed for jail inmates.

5. The use of a warrant of arrest in lieu of a notice to appear to show cause on those offenders who test positive on a single UA and those coming before the court on initial technical violations creates significant system expense (jail bed cost, attorney fees, and court time).
6. Limiting a Court Services and ISP officer’s discretion in handling initial positive UAs and other technical violations creates significant system costs. ILPP data indicates that the average length of stay in jail for a probation violator is 55 days. Alternative “best practice” strategies for dealing with offenders and handling violations can improve outcomes and can be more effective, in the long term, than the short periods of incarceration now used.

A wide range of programs used in other jurisdictions as alternatives to incarceration (electronic monitoring/electronic surveillance, house arrest, community service, enhanced treatment) exist in Sedgwick County. However, these programs are not typically used by probation/corrections staff as sanctions for probation violations. They are, instead, used by judges in initial sentencing as additional conditions of probation.

7. The implementation of SB 123 will divert approximately 250 cases at any one time from District Court probation to SCDOC. This will provide District Court with an opportunity to re-engineer their supervision efforts.
8. The District Court Probation operation, in particular, needs to re-focus its efforts toward research based practices. The current focus is limited to reviewing compliance with the court order and does not address criminogenic needs. Routine field visits even for higher risk offenders are not made. The overall effectiveness of the existing effort is highly questionable. While ILPP recognizes staff concerns about officer safety in the field, these issues can be addressed. One approach is to request an NIC consultation

(free of charge to the County) to review field safety matters with staff and assist in developing policies and guidelines for conducting field visits.

9. Mentally ill incarcerated offenders are poorly prepared for release. This contributes to the re-cycling of these offenders back through the jail on new offenses. Retaining the mentally ill offender in the community permits social service agencies to access federal funds to offset costs (Medicaid, SSI), reduces recidivism, and assists in better utilizing jail bed space.

The number of offenders incarcerated who are in need of mental health and substance abuse treatment creates significant management problems. The current system does little to provide treatment for this segment of the offender population.

The goal should be to reduce the offender population by modifying offenders' ability to successfully reside in the community. The County should develop contracts with community resources to provide services for an offender population.

This special population contributes heavily to the jail's population, resulting in high cost to system resources. The mental health problem in the jail continues to grow with few resources to cope. Jail serves little use in "solving" the problem. No hard data has been collected on this population in the past as the jail just "copes" with the uniqueness of the population.

The substance abuse population is comparably large in the Sedgwick system. Representatives from each agency try to cope with the difficult cases of dual diagnosis, those people who suffer from both mental health issues and substance abuse. The cases present problems that seem insurmountable. When there are few resources to cope with either mental health or substance abuse issues, the problems become more difficult when they are combined, and so addressing both is imperative.

10. The failure to utilize all beds at the SCDOC creates a backlog of offenders waiting for transfer at the jail and, ultimately adds costs to the system. ILPP recognizes that alternative funding sources are needed to add these beds to the system.

## **Recommendations**

### **1. Enhance offender fees to fund additional treatment options.**

Modify the County Resolution on cost of supervision fees paid by SCDOC ISP offenders from a \$150 one time fee to approximately \$54/month (full cost rate). Most jurisdictions across the nation at the State and local level charge a monthly rate based on full cost for supervision. Sliding scales are sometimes used and all provide some waiver for indigent offenders. This change will generate additional revenue.

A similar approach should be taken in District Court. However, cost of supervision fees are apparently set by the Legislature. For this reason, a County supported legislative change would need to be initiated. Again, this new revenue could be substantial and should help fund critically needed treatment options.

**2. Review the feasibility of pursuing Administrative Claiming via Medicaid for Probation/Corrections case management activities that target offender rehabilitation efforts.**

This has been successfully done in other states including California, but the claiming process is labor intensive and needs to be carefully evaluated. COMCARE is currently evaluating this option for treatment activities, and may be of assistance to correctional staff.

**3. Fund a continuum of research based drug/alcohol programs including long term residential treatment (30-60 days).**

In this report, ILPP has identified some new revenue options and cost savings recommendations. As these come on line, a new Criminal Justice Coordinating Council will need to prioritize where this money will be spent. ILPP recognizes that the full continuum cannot immediately be funded and that Sedgwick County will need to continue to work on this issue for some time. Investing in ineffective treatment programs is a waste of taxpayer money. For this reason, good quality assurance audits must be built into all publicly funded programs.

**4. Continue to emphasize the assignment of offenders into treatment programs based on an alcohol/drug assessment tool (SASSI/ASI) to ensure that lower risk offenders are not assigned to high cost treatment options.**

The Correctional Program Assessment Inventory (CPAI) is used to assess programs against criteria identified in the research as most effective in dealing with the offender population. ILPP recommends that correctional/probation managers review some of these studies to learn from what has been done in other jurisdictions and apply these findings to local drug and alcohol programs. This information can be found on the University of Cincinnati Criminal Justice web site ([www.UC.Edu/criminaljustice](http://www.UC.Edu/criminaljustice)). Another option is to seek funding from the National Institute of Corrections to conduct a CPAI on a local drug/alcohol program.

**5. One initial task for the newly formed Sedgwick County Criminal Justice Coordinating Council (CJCC) should be the development of a sophisticated drug/alcohol intervention plan.**

As part of the development process, CJCC will need to educate itself on “best practices” for dealing with the substance abusing offender by consulting with the leading researchers in this country and Canada. Once a County plan for addressing this population is developed, the CJCC will need to prioritize local expenditures for program enhancement. ILPP recognizes that COMCARE has the responsibility for securing and allocating funds to meet local needs. ILPP also recognizes that there are restrictions on how some funds can be spent. Nevertheless, COMCARE needs to educate the CJCC on these issues, the current expenditure plan, and, to the extent possible, follow the CJCC plan once it is developed. COMCARE should be a member of the CJCC and should be a helpful partner in developing this research based plan.

## **6. Implement a Drug Court in District Court.**

ILPP believes that this should be a priority spending option as savings are generated. Even if a new drug court cannot fund a full array of treatment services, coordinating treatment through a single drug court is advantageous. Prior to establishing this court, a review of drug court literature as well as CPAI data should be undertaken. COMCARE should be a partner, but a single treatment provider should be used rather than broad based referral to many independent agencies. On site quality assurance audits of the treatment process should also be required, and co-location of probation staff with the provider should be considered. Again, successful outcomes are contingent on providing effective treatment. Successful drug courts also use a full array of graduated sanctions other than jail for initial positive UAs not associated with new offenses. Relapse as offenders move toward long term sobriety and stabilization does occur and can, in most instances, be effectively addressed through any number of sanctions short of jail. District Court Drug Court is seen as a first important step in addressing the recycling of offenders through the jail as they continue to use drugs and alcohol and commit new offenses. An effective Drug Court can begin to stop this cycle.

## **7. Expand the Wichita Municipal Drug Court participant criteria to include any misdemeanor offender convicted of a drug offense or with underlying drug/alcohol problems that contribute significantly to the criminal behavior.**

This group should be limited to those needing a structured day treatment type intervention as determined by the SASSI and or ASI. Eliminate from the drug court altogether any offender who, based on SASSI/ASI assessments, does not need intensive drug/alcohol program intervention.

## **8. Consider increasing the number of community based detoxification beds available for use by offenders and by defendants picked up by the police for public inebriate type offenses.**

County staff report that only 7 beds for offenders now exist for this purpose.

## **9. Institute a research based cognitive behavioral drug/alcohol treatment program for jail inmates.**

Idle time in jail can be put to productive use in beginning the rehabilitation process.

## **10. Reinstate the DOC/COMCARE jail transition program for the chronically mentally ill inmate.**

Prior to moving forward, it is recommended that COMCARE meet with SCDOC and jail staff to review the outcomes from the previous program and seek input on target population. Estimated cost is approximately \$100,000. Once implemented, this program should be reviewed periodically by the Criminal Justice Coordinating Counsel. Jail bed days saved and funding accessed as a result of treating these individuals in the community should be tracked. ILPP recognizes that this program will impact only a small percentage of those mentally ill offenders who need services. Nevertheless, this group continually recycles through the jail and successful intervention will reduce jail bed use. Sedgwick County staff has been successful in seeking grant funding for program

expansion in the past. They are knowledgeable about funding sources and will need to continue their efforts to augment existing funding.

### **11. Redirect District Court Probation efforts toward research based approaches.**

Promising probation programs utilize valid actuarial risk/need predictive instruments to target services toward moderate and higher risk offenders and develop case plans that focus on criminogenic issues<sup>9</sup>. Leading criminal justice researchers have identified the following characteristics of programs that reduce recidivism. These are summarized in Matthews, *et al.* as follows:

- a. “Effective programs are behavioral in nature. A well designed behavioral program combines a system of reinforcement with modeling to teach and motivate offenders to perform pro-social behaviors...
- b. Levels of service should be matched to the risk level of offenders. Intensive services are necessary for a significant reduction of recidivism among high risk offenders, but when applied to low risk offenders, intensive services produce minimal or negative results...
- c. Offenders should be matched to services designated to improve their specific criminogenic needs such as antisocial attitudes, substance abuse, family communication, and peer associates. Improvement in these areas will contribute to reduced recidivism...
- d. Treatment approaches and service providers [should be] matched to the learning style or personality of the offender. For example, high anxiety offenders do not generally respond well to confrontation...
- e. Services to high risk offenders should be intensive, occupying 40% to 70% of the offender’s time over a 3 to 9 month period...
- f. Programs [should be] highly structured, and contingencies [should be] enforced in a firm but fair way...
- g. Staff members [should] monitor offender change on intermediate targets of treatment...
- h. Relapse prevention and aftercare services [should be] employed in the community to monitor and anticipate problem situations and to train offenders to rehearse alternative behaviors...”

The University of Cincinnati Criminal Justice website and the National Institute of Corrections data base contain helpful information on the “what works” research and can guide practitioners as they improve their probation efforts. ILPP has also attached research references and a complete list of helpful web sites.

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<sup>9</sup> Corbett, R. and Harris, M.K. (2001) Up to Speed: A Review of Research for Practitioners. Federal Probation, Volume 65 Number 1. June 2001.

Nationally, significant resources are wasted on ineffective programming for offenders. Research now provides an excellent roadmap for reengineering supervision efforts and promoting continuous quality improvement. Employing this roadmap would result in lower recidivism rates, enhanced public safety, and improved accountability in making good decisions on the allocation of limited funds.

**12. On first positive urinalysis and initial technical violations, the Court could consider permitting the Probation Officer to utilize sanctioning in lieu of immediate return to court and/or jail.**

These sanctions could include moving offenders to more intensive treatment, house arrest or electronic monitoring, and/or community service. Some jurisdictions permit this by including “if” conditions in the initial probation order. For example: Defendant will complete 16 hours of community service IF ordered by the Probation Officer; Defendant will complete up to 30 days of electronic monitoring and/or house arrest IF ordered by the Probation Officer. The Court could monitor the imposition of these sanctions by requiring a simple check list type report whenever an officer took this action. The impact of this recommendation would be to significantly reduce jail bed use by those offenders who initially violate the conditions of their probation. Jail incarceration is an important sanction. However, other options like working on anti litter crews carry a strong punishment message and have the added benefit of assisting the community. Immediate jail incarceration remains an essential option for those offenders who commit new offenses, threaten others, abscond, or who leave residential treatment programs.

**13. Consider the implementation of specialty caseloads for higher risk felons including sex offenders, domestic violence perpetrators and drug dependant/addicted offenders.**

Such concentration enables staff to improve skills and knowledge about specific offender types and, ultimately, improves supervision efforts. With limited training funds, this approach has the added benefit of connecting staff to numerous web sites that provide research briefs, best practice advice, and other material. Keeping in touch with researchers and trainers in each of these fields (e.g. sex, domestic violence, and addiction offenses) will ensure continuous program improvement. ILPP has provided an attachment identifying some of these sites.

**14. Consider seeking a sex offender planning grant (\$50,000) through the National Center for Sex Offender Management (CSOM).**

These funds are intended to bring together criminal justice leaders (State parole, local probation, Courts, defense and prosecuting attorneys, Sheriff, police departments, treatment staff, polygraphist and victims) to review how the system responds to sex offenders and develop a plan to improve and coordinate services and community response. These grants provide for training from national experts and permit staff to travel to best in class sites and learn from fellow practitioners. Funding availability may be limited. See the CSOM web site at [www.CSOM.org](http://www.CSOM.org).

**15. In District Court, consider limiting first time DUI sentencing to the Wichita Intervention Program (WIP) only. Provide funding for those who are indigent and cannot pay the \$250 fee.**

If the District Court indigent numbers compare with those of the Wichita Municipal Court, there would be about 1 indigent slot per WIP session. Paying for these indigent slots would cost the County about \$750 per month (one indigent per session times 3 sessions per month). This would reduce jail bed use and improve outcomes. Although the WIP option may not appear as “punitive” as jail, it will have more impact and, like jail incarceration, it removes the DUI offender from the community for 48 hours as is required under the law.

**16. Establish a single County offender work program.**

Consider establishing a single county offender work program. This is an excellent sanction for probation violators and those who need to work off fines. Unlike jail incarceration, it requires offenders to work on behalf of the community to give something back. This is a powerful punishment option. The offender can be charged administrative fees for enrollment using a sliding scale to help off-set costs. Additionally, contracts with other government agencies can be negotiated to pay the costs of providing work crews to these jurisdictions. Since the Wichita Municipal Court already operates a work program for defendants owing a fine of \$35, they may be an appropriate lead agency for an expanded program. In many jurisdictions the Sheriff operates community work programs for counties, which is also an option. At this point, every jurisdiction operates its own program, resulting in a labor intensive process that likely contributes to the underutilization of community work as a sanction.

**17. Use a portion of the Local Law Enforcement Block Grant funds (LLEBG) to pay down the SCDOC mortgage.**

If permissible, consider using a portion of the Local Law Enforcement Block Grant funds (LLEBG) to pay down the SCDOC residential center mortgage (\$197,000) and free up offender revenues to pay for additional beds. Another option is to utilize LLEBG funds to add 59 beds to the SCDOC residential center.

## 8. JUSTICE SYSTEM ACTION PLAN

A concrete action plan for Sedgwick County is needed to further develop and manage a cost-effective and efficient justice system, leading to a balanced and flexible system to meet the County's needs.

Individually, every recommendation may not result in substantial savings in money or crowding, but the cumulative effect of the action plan will be a far reaching financial impact in terms of both savings and cost avoidance. Consequently the plan must be considered as a whole series of actions to be undertaken, some immediately and others later, by different officials, in concert. Recommendations will need modification as circumstances change.

The recommendations presented in this action plan are drawn from the overall system assessment and from the individual agency assessments. They are marked here to indicate which chapter contains a more complete iteration and discussion of the issues. In addition, there are many other recommendations of "medium" import, and still others of "lesser" import that occur throughout the report that have not been included in the action plan. The action plan includes several recommendations that have been consolidated for treatment. The most important recommendations, which were the ones used to derive the "low" population projections in this study, are those in the *Primary Recommendations* table on the following page. Most of these primary recommendations have been developed with some analysis herein. Later in this chapter there is a complete chart of all but the least important recommendations, although some are high and early priority.

Generally each recommendation provides all or most of the following information:

<b>Recommendation</b>	A brief statement of the recommendation.
<b>Objective</b>	Supporting principle: e.g. cost savings, improved public safety, or both.
<b>Lead Agency</b>	Agency or agencies with statutory and or administrative responsibility.
<b>Logistics</b>	Implementation issues and goals.
<b>Cost</b>	Estimated costs, cost savings, or cost considerations.
<b>Pros/Cons</b>	Policy benefits and disadvantages of the proposal.
<b>Savings</b>	Estimated bed savings or approximate impact, sometimes formulated conceptually.
<b>Time Frame</b>	Recommended timing (Stage 1, 2, 3, or 4). <b>Stage 1:</b> Implement immediately (early 2004). These policy-oriented or fundamental changes and recommendations are critical to the criminal justice system's efficiency and should happen now. <b>Stage 2:</b> Implement within this fiscal year (2004). These recommendations are more technical and in some cases require planning and/or regular funding. <b>Stage 3:</b> Implement when additional review is completed and/or as soon as funding is available. These are middle-range to long-range options.

**Priority** **Stage 4:** Implement after further review.  
Recommended level of importance, (A = critical, B = important, and C = very helpful and needed).

## METHODOLOGY FOR COSTS AND SAVINGS

The costs and savings that would result from each of these recommended actions is difficult to project with any certainty. Moreover, even looking at detailed information such as staffing salaries, benefits, exact square footage of buildings required, and similar information, all costs are necessarily rough.

In the discussion of costs and savings, the following general terms are used:

1. “Minimal” cost: No new staff or buildings are needed; might involve reassignment of staff time to new duties.
2. “Indirect” or “Contingent” savings: These savings result from the actions of the group, coordinator, etc., not from the mere establishment of the position or group. Also, some savings are dependent on the outcome of future findings, so they cannot be quantified better than “major,” meaning millions; “substantial,” meaning hundreds of thousands, or “moderate,” meaning \$10K to \$100K.
3. “Minor” costs are usually under \$10K. Probation-type savings are also indirect, resulting from decreased recidivism (jail beds are only one small component).

## PRIMARY RECOMMENDATIONS

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
Create a Criminal Justice Coordinating Council (CJCC).	•			•			
Expand pretrial release system and services.	•			•			
Develop a continuum of sanctions.	•			•			
Establish a booking fee or other economic rationing devices for the jail.	•			•			
Hire a jail programmer who is not an architect.		•		•			
Adopt a county-wide field release policy for law enforcement that clearly defines circumstances and offenses suitable for citations.		•		•			
Invest in a mental health court and supported housing programs and services.		•			•		
Implement early screening of persons accused of probation violations, without a new offense. Create a specific probation violation calendar with assigned public defenders and district attorneys. Require appearance within 72 hours of arrest, setting a pretrial date for disposition, assigning appropriate cases to drug court, and setting hearings within 30 days.	•			•			

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
On a pilot basis, include pretrial screening and release supervision on all Municipal Court cases where individuals were unable to make bond or are waiting in jail pending probation violation hearings, but they meet the probation presumptive criteria for pretrial release.		•		•			
Work with all local police agencies and increase the use of cite and release activities for lower risk defendants. The jail should consider establishing a policy of not accepting some of these lower risk defendants.		•		•			
Review the criteria used to determine eligibility for OR release with an emphasis on broadening those criteria to include a greater number of defendants while still maintaining community safety and ensuring appearance at subsequent court hearings.		•			•		
Increase the scope of the pretrial release program to include a review of all defendants who have not been released within 6 hours.	•			•			
Implement Population Management Plan.	•			•			
Establish a Release Matrix.		•			•		
Establish a double bunking policy.	•			•			
Establish Methodology to Use Good Time.		•			•		
Fund a continuum of research based drug/alcohol programs including long term residential treatment (30-60 days).		•				•	
On first positive urinalysis and initial technical violations, the Court could consider permitting the Probation Officer to utilize sanctioning in lieu of immediate return to court and/or jail.			•			•	
In District Court, consider limiting first time DUI sentencing to the Wichita Intervention Program (WIP) only. Provide funding for those who are indigent and cannot pay the \$250 fee.			•			•	

## SYSTEM ASSESSMENT CHAPTER

### **Principal Policy: The County's criminal justice system should be managed by a policy group whose decisions are data-based.**

Objective: Employ ILPP's data, and generate quarterly data to duplicate the population studies.

Lead Agency: County Manager, through the Public Safety Director.

Logistics: Sample, code, run on SPSS, analyze, and write up briefing report.

Cost: \$5,000 each quarter.

Pros: Makes all development decisions rational rather than based on ideas without foundation.

Cons: None.

Savings: Impossible to estimate due to macro level impacts over time.

Time Frame: Start immediately; Stage 1.

Priority: A

### **Recommendation: Create a Criminal Justice Coordinating Council to effectuate above principle.**

Objective: To provide oversight, direction and management for the criminal justice system as a whole.

Lead Agency: The newly created Criminal Justice Coordinating Committee (CJCC), by the Commission's appointments.

Logistics: Meetings, data and studies, and implementation.

Cost: Minimal.

Pros: Allows the management of the criminal justice agencies as a system and will lead to profound overall system efficiencies and improved system effectiveness; helps prevent the use of court orders to force change.

Cons: Requires unprecedented cooperation and commitment from each criminal justice agency. However, this should not be a serious obstacle because there is already some amount of cooperation between the agencies and a growing interest in improving the criminal justice system.

Savings: Actual savings in dollar amounts are difficult to quantify but are very large, and inherent in the efficiencies that will be implemented and the resulting improved system effectiveness.

Time Frame: Stage 1.

Priority: A.

**Recommendation: Expand pretrial release system and services.**

Objective: Reduce jail crowding.

Lead Agency: The Courts and Sheriff.

Logistics: Change policies and procedures, fund and implement change, consider employing the Pretrial Services Resource Center for technical assistance.

Cost: None.

Pros: Results in major jail bed savings by effecting more releases earlier in the judicial process and reducing the incarceration of minimal risk offenders.

Cons: Although major change may result in resistance, implementation will later result in strong support.

Savings: Significant.

Time Frame: 1.

Priority: A.

Administrative Location: The following are possible organizational settings for this new agency, in ILPP's order of preference, with pros and cons:

1. The Courts.

Pros: Monopoly on release authority/bottom line.

Cons: No surplus administrative capacity.

2. The Jail.

Pros: Already classifying inmates and will improve; close to setting.

Cons: Possible conflict in philosophy.

3. The CJCC.

Pros: Emphasizes system-wide impact of policy and program.

Cons: Possible divisive issue.

4. The County Commission.

Pros: Has biggest investment in policy and program.

Cons: Might fare poorly, politically, now and later.

**Recommendation: Develop a continuum of sanctions and pretrial release mechanisms.**

Objective: Expand the choices available to all agencies and decision-makers, instead of relying primarily on custody.

Lead Agency: All justice agencies are involved, but County Manager must take the lead, through the Public Safety Director.

Logistics: Request technical assistance from the National Institute for Corrections, Community Corrections Center in D.C.

Cost: Overall, perhaps \$1,500,000, after full development has occurred; but overlaps and replaces many other budget items.

Pros: Best practice, and full range of choices; rationalizes punishment and resources throughout the system.

Cons: Requires a change from the traditional model.

Savings: Savings will be upwards of 20% of the County's budget over twenty years, as an alternative to current construction to meet crowding policies.

Time Frame: Stage 1.

Priority: A

## MANAGING THE FLOW CHAPTER

**Recommendation:** Starting at the beginning of the system, the law enforcement function would be greatly improved by adding a citation in lieu of arrest policy or an arrest policy covering only those offenders for whom certain characteristics require their custody; [an arrest policy that specifies the criteria that require an offender to be taken into custody] for example a danger of a continuing offense or endangering another victim would serve as a basis for incarcerating a misdemeanor [and also allows for offenders to be taken into custody at the officer's discretion]. Work with all local police agencies and increase the use of cite and release activities for lower risk defendants. The jail should consider establishing a policy of not accepting some lower risk defendants.

Objective: Reduce jail crowding.

Lead Agency: WPD, Sheriff's Office.

Logistics: Increase communication and cooperation between the WPD and Sedgwick County Sheriff's office and other agencies.

Cost: None.

Pros: Results in jail bed savings by effecting releases earlier in the judicial process and reducing the incarceration of minimal risk offenders.

Cons: Although major change may result in resistance, implementation should later result in strong support.

Savings: Significant.

Time Frame: Stage 1.

Priority: A.

## MANAGING THE CASE CHAPTER

**Recommendation:** Establish a pilot project drug court, closely supervised by a broad advisory committee that combines justice personnel with treatment providers, other public agencies (such as the Department of Labor) and local colleges. The committee would guide the establishment and operation of the court, identify needs, monitor progress, add resources, and assess effectiveness. Identifying sources of funds from public and private sources could also be part of the committee's responsibilities. Invest in a mental health court and supported housing programs and services. The model of a partnership with the private sector to provide housing and supportive services is being tested in many communities that have suffered similar devastation of the public mental health infrastructure.

Objective: More efficient case management.

Lead Agency: 18<sup>th</sup> Judicial District, Department of Corrections, Probation agencies.

Logistics: Mandated treatment is a necessary action to reduce drug and alcohol dependent offenders.

Cost: None.

Pros: An effective treatment can result in ultimately reducing jail crowding and savings throughout the judicial system.

Cons: Some resistance from changing system norms.

Savings: Significant.

Time Frame: Stage 2.

Priority: B.

**Recommendation:** Establish a model program, with a team of prosecutors, to screen all arrests (or selected arrests) on a daily basis, determine sufficiency, and monitor and record dispositions, including continuances, dismissals, acquittals and convictions according to offense. Such a process would provide the City with more detailed information about how the current arrest driven system serves or fails to serve the interests of the efficient use of resources and increasing the safety of the public. Information gathered through this process could also be used to guide training, policy, allocation of resources, assignments, etc.

Objective: Reduce caseload and speed up processing pending cases.

Lead Agency: Office of the District Attorney.

Logistics: Selecting team of senior attorneys who can scrutinize individual cases prior to going to trial.

Cost: None.

Pros: The Office of the District Attorney can more aggressively move the caseload.

Cons: Requires reorganization of current system, and possible use of a charging manual, (under consideration). Will encounter resistance from legal culture.

Savings: Significant.

Time Frame: Stage 2.

Priority: A.

**Recommendation: Implement early screening of persons accused of probation violations without a new offense. Create a specific probation violation calendar with assigned public defenders and district attorneys. Require appearance within 72 hours of arrest, set a pretrial date for disposition, assign appropriate cases to drug court, and set hearings within 30 days.**

Objective: Reduce recidivism, jail crowding and court caseloads.

Lead Agency: Courts.

Logistics: Develop new guidelines and implement.

Cost: None.

Pros: Savings will result by decreasing the number of probation revocation hearings needed.

Cons: None.

Savings: Significant.

Time Frame: Stage 1.

Priority: A.

## **MANAGING THE OFFENDER CHAPTER**

**Recommendation: On a pilot basis, include pretrial screening and release supervision on all Municipal Court cases where individuals were unable to make bond or are waiting in jail pending probation violation hearings but meet the probation presumptive criteria for pretrial release. Track release recommendations, pretrial releases and FTAs (by reason) and, 6 months after program implementation, provide this data to a criminal justice oversight group for review.**

Objective: Reduce jail crowding by more thoroughly and carefully screening and seeking release, and inform programs to modify criteria based on outcome.

Lead Agency: Pretrial Services Program, through the County's Public Safety Director and the Wichita Municipal Courts.

Logistics: New policies and procedures.

Cost: Minimal, shifting; screening with an instrument might add \$4-5 per case.

Pros: Best practice procedure to limit overuse of incarceration for good risk misdemeanors.

Cons: Resistance is likely from established agencies.

Savings: One-quarter of those now held in lieu of bond could be released in 15 days through an expanded OR.

Time Frame: Stage 1.

Priority: A

**Recommendation: Implement Population Management Plan.**

Objective: The County needs to translate ILPP's study and this action plan into a series of steps to be taken, based on a population cap and various levels of crowding, such that decisions about policies, practices and programs, and eventually facilities, are planned system-wide, in advance.

Lead Agency: Sheriff's Office Detention Bureau, Public Safety Director, and Commission

Logistics: Develop a series of steps tied to population levels and classification criteria, as well as costs and savings. Employ objective and validated risk criteria.

Cost: Minimal.

Pros: Removes the onus for diversion, release, and alternatives from law enforcement agencies and places it in a system wide framework. Improves budgeting and long term planning.

Cons: Any plan to provide for those now incarcerated, without newly constructed beds, will meet with some resistance from the stakeholders for the current strategy, as well as citizens of various persuasions.

Savings: This general recommendation stands in the place of a series of large construction projects that could well triple the jail's share of the County budget.

Time Frame: Stage 1.

Priority: A

**Recommendation: Establish a Release Matrix.**

Objective: Develop a stratified list, from least serious to most dangerous, of all offender categories in custody, for an orderly release under Court order when the jail population goes above an established cap.

Lead Agency: Public Safety Director, District Court, and Sheriff's Office Detention Bureau

Logistics: Using a validated and objective point-based risk assessment instrument, such as that planned for classification improvements, develop an orderly release list to prevent jail crowding beyond a stated cap.

Cost: Minimal.

Pros: Provides a rational system for managing peak crowding, and prevents the misallocation of responsibility for the inevitable releases that go bad.

Cons: Resistance will occur from those invested in keeping all inmates under custody, regardless of the seriousness of their risk to the community or crowding and costs.

Savings: Savings are relative to the impetus for new construction, discussed elsewhere, but also include limiting jail liability from crowding.

Time Frame: Stage 1.

Priority: A

**Recommendation: Establish a double bunking policy.**

Objective: Develop a pre-architectural program to safely double bunk all main jail beds, and a plan to employ the second bunks in stages, as needed, beginning with the return of all out-of-county inmates in rental beds.

Lead Agency: County Manager, General Services, and Sheriff's Office Detention Bureau.

Logistics: A pre-architectural program is needed, although not to begin double-bunking; the program defines the support spaces required, as well as staffing needed, to safely double bunk the main jail's population, defining as well the requirements for single bed cells to be double-housed only in emergencies.

Cost: About the same amount currently spent on renting out of county beds.

Pros: Saves tremendous invisible overall justice system processing costs; improves family visiting and lowers the chances of recidivism. Has the recent support and leadership of the Sheriff.

Cons: Has traditionally been resisted.

Savings: Without double-bunking, new construction will be needed.

Time Frame: Stage 1.

Priority: A

**Recommendation: Establish Methodology to Use Good Time.**

Objective: The Sedgwick jail should develop a formula that will effectuate best practice nationally, and allow a certain number of days towards early release of inmates based on good behavior.

Lead Agency: Sheriff's Office Detention Bureau

Logistics: A formula, and written order.

Cost: Minimal.

Pros: Reduces crowding, improves inmate behavior and morale, and fits the community's values.

Cons: None.

Savings: Approximately 10% of the costs of jailed inmates.

Time Frame: Stage 2.

Priority: B

**Recommendation: Fund a continuum of research-based drug/alcohol programs including long term residential treatment (30-60 days). On first positive urinalysis and initial technical violations, the Court could consider permitting the Probation Officer to utilize sanctioning in lieu of immediate return to court and/or jail.**

Objective: More efficient jail population management and lower recidivism should result from following the national trend towards treatment for substance abuse, enforced by the courts and custody, where required.

Lead Agency: County Manager, Commission, Public Safety Director, District and Municipal Courts

Logistics: Develop a planned grouping of programs, seek grant and general fund financing, and evaluate the effectiveness of implementing research based treatment efforts.

Cost: Contingent on the treatment programs selected, but substantial; less than jail alone, but not as inexpensive as probation; approximately \$15/day per inmate.

Pros: An effective treatment can result in ultimately reducing jail crowding and savings throughout the judicial system; strengthens alternatives to incarceration.

Cons: None, other than some resistance.

Savings: Significant.

Time Frame: Stage 2.

Priority: B.

**OTHER RECOMMENDATIONS:**

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
<b>System Assessment Chapter</b>							
Hire a criminal justice planner for the CJCC.	•			•			
Increase partnerships with community-based agencies.		•			•		
Integrate City and County justice system components.			•			•	
Embrace leadership and change.	•			•			
<b>Managing the Resources Chapter</b>							
Create an overall criminal justice system budget (advisory).			•			•	
Adopt a common integration and data flow policy for both County and City criminal justice information systems.		•		•			
Acquire data integration software that permits information from each agency to be relayed to the next without duplicate entry of data.		•			•		
Make databases accessible for report writing software. Each information system must be able to export its data in a standard format that can be imported into other systems.		•		•			
Form a committee to discuss IT problems and plan for integration. This committee should report to the CJCC.		•		•			
<b>Managing the Flow Chapter</b>							
Develop mechanisms to routinely measure patrol workload and response performance.		•			•		
Seek to coordinate and consolidate and even co-locate law enforcement functions.			•				•
Support the County Communications Center in developing a full range of management reports.			•		•		
<b>Managing the Case Chapter</b>							
Establish mandatory pretrial calendar(s) supervised by one judge. Adopt local rules which require that both sides be prepared, that defendants appear, that all discovery be completed by the statutory time, and that sanctions be imposed for failure to appear.		•			•		
Establish a combined Court committee that meets at least monthly, and represents all components of the two courts.			•	•			
Open the work release program to persons convicted of felonies who meet specific criteria.			•	•			

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
<b>Managing the Case Chapter (cont'd)</b>							
Establish a model program, with a team of prosecutors, to screen all arrests (or selected arrests) on a daily basis, determine sufficiency, AND monitor and record dispositions, including continuances, dismissals, acquittals and convictions according to offense.		•			•		
Invest in a mental health court and supported housing programs and services.		•			•		
Screening criteria for drug court participation should be created and revised jointly in consultation with a drug court advisory committee and/or the treatment team, rather than being within the exclusive discretion of the prosecutor.			•			•	
Establish a system that notifies the Sheriff of any future appearance dates set by the court at the time of sentencing. Submit to the court on a daily basis a list of persons in custody with their charges, court dates, release date, and the sentence being served.			•	•			
Establish a schedule for regular meetings with the Sheriff's Department, judges and court administration to monitor the jail population and solve problems.		•		•			
Use technology to supplement the citation form to remind persons who are out of custody on bail or their own recognizance of their court appearances. Amend the bond schedule to accommodate bench warrants for failure to appear in certain cases without automatic increases in the premium amount.		•		•			
Screen women detained for domestic violence carefully for alternatives to being arrested and taken into custody. Use of alternatives such as electronic monitoring, house arrest, or day reporting should be explored.		•			•		
Expand jail programs to afford more opportunities for sentenced offenders to work on the issues of substance abuse, alcoholism, domestic violence, and employment.			•		•		
Adopt by local court rule the requirement that bonding companies file an affidavit with the court prior to recommitting a defendant who has failed to pay the total premium.		•			•		
Conduct a comprehensive review of arrest practices, specifically including the "hold for warrant" practice, with experienced DA's leading the project.			•		•		

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
<b>Managing the Case Chapter (cont'd)</b>							
Work with domestic violence advocacy community and local legislators to refine domestic violence statutes, identify those categories of offenders and offenses that are appropriately charged as felonies, and enact a misdemeanor classification for lesser degrees of relationship and conduct.		•				•	
Establish an 800 telephone number that clients held in custody in out county jails can use to contact Public Defenders during regularly scheduled time frames.			•			•	
The Public Defender should propose the formation of a Joint Case Resolution Committee with the District Attorney's Office to focus on resolving pending cases through negotiation and identifying cases that appear to be on a solid trial track, as well as identifying any discovery or disclosure problems well in advance of trial, without the necessity of court intervention.			•		•		
The Public Defender should establish a formal policy of regular file review to ensure appropriate attorney-client contact, case preparation and documentation.			•		•		
The Chief Public Defender should enlist the cooperation of the District Court to actively influence the Board and senior management of SBIDS to allocate funds to additional training of attorneys and support staff.			•		•		
<b>Managing the Offender Chapter</b>							
Implement City sharing in problem of jail cost.		•			•		
Add a risk prediction instrument to improve pretrial assessment and decision-making.		•			•		
Expand the pretrial staff by two people to cover high booking periods, including weekends, and provide for judicial review during these periods to expedite releases.		•			•		
To reduce FTA rates for Municipal Court cases, add two telephone reminders scheduled for one week and one day prior to all court hearings, using an automated telephone notification system. Until this system can be implemented, personal reminders by staff.		•		•			

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
<b>Managing the Offender Chapter (cont'd)</b>							
Encourage the City to conduct random quality assurance audits on their warrant system to increase reliability.			•			•	
Review the bond schedule with an emphasis on lowering bond rates overall. Establish an annual bond schedule review.		•			•		
Revisit the mission of the Jail.	•			•			
Avoid construction until system improves internal assessment.			•				•
Determine jail capacity.			•			•	
Expand authority for the Department of Corrections.			•			•	
Provide criminal history profiles to judges.			•	•			
Fund alternatives to incarceration.		•		•			
Reduce population to return out of County inmates.	•			•			
Expedite jail computer improvements.			•		•		
Conduct a Sheriff's Department staffing study.			•		•		
Enhance offender fees to fund additional treatment options.		•			•		
Review the feasibility of claiming Targeted Case Management administrative costs via Medicaid for probation/corrections case management activities that target offender rehabilitation efforts.		•			•		
The Sedgwick County Criminal Justice Coordinating Council (CJCC) should develop a sophisticated drug/alcohol intervention plan.		•			•		
Implement a drug court in District Court.			•			•	
Expand the Wichita Municipal Drug Court participant criteria to include any misdemeanor offender convicted of a drug offense or with underlying drug/alcohol problems that contribute significantly to the criminal behavior.			•			•	
Consider increasing the number of community-based detoxification beds available for use by offenders and those defendants picked up by the police for public inebriate type offenses.		•				•	

Recommendation	Priority			Implementation Time Frame*			
	A	B	C	Stage 1	Stage 2	Stage 3	Stage 4
<b>Managing the Offender Chapter (cont'd)</b>							
Reinstate the COMCARE jail transition program for the chronically mentally ill inmate.		•			•		
Redirect District Court Probation efforts toward research-based approaches.		•			•		
Consider the implementation of specialty caseloads for higher risk felons including sex offenders, domestic violence perpetrators and drug dependant/addicted offenders.			•			•	
Consider seeking a sex offender planning grant through the National Center for Sex Offender Management (CSOM).		•				•	
Establish a single County offender work program.		•			•		
If permissible, use a portion of the Local Law Enforcement Block Grant funds (LLEBG) to pay down the SCDOC mortgage or to add beds to the SCDOC residential center.		•				•	

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## **APPENDIX**

## APPENDIX A: JUSTICE INFORMATION SYSTEMS IN SEDGWICK COUNTY

Department	Location	Support	Software System	Software Environment	Vendor/Author	Description of Major/Minor
Corrections	Mainframe	Full	Community Corrections	CICS/COBOL		Community Corrections
Corrections	Mainframe	Full	JRBR System	CICS/COBOL		
Corrections	Open System	Full	Case Tracking	Clipper (DBASE)		
Corrections	Open System	Full	Juvenile Mug			
Corrections	Open System	Full	Juvenile Information Sharing System			
Corrections	Open System	Infrastructure	Adult Residential client tracking	Vendor Application		
Corrections	Open System	Infrastructure	Staff/resident time clock	Vendor Application		
Corrections	Open System	Infrastructure	TOADS		State of Kansas	
Corrections	Open System	Interface	JAC			
Corrections	Open System	Interface	CASIM		State of Kansas	
Corrections	Mainframe	Minimal	Youth Detention Facility	CICS/COBOL/ EZTRIEVE		YRH - Youth Services
18th Judicial District	Open System	Full	Recording system		Dictaphone?	
18th Judicial District	Open System	Interface	KICS			
18th Judicial District	Mainframe	Minimal	Bookkeeping	CICS/COBOL/ EZTRIEVE		Bookkeeping
18th Judicial District	Mainframe	Minimal	Bondsman	CICS/COBOL		Bondsman - Criminal
18th Judicial District	Mainframe	Minimal	Bookkeeping/Accounting	GENER-OL/ EZTRIEVE/COBOL		Bookkeeping/Accounting
18th Judicial District	Mainframe	Minimal	Criminal	CICS/COBOL/DB2/ EZTRIEVE		Criminal
18th Judicial District	Mainframe	Minimal	Adult Probation/Misc.	CICS/COBOL/ EZTRIEVE		Criminal - Menu #2

**Information Systems Table Continued:**

<b>Department</b>	<b>Location</b>	<b>Support</b>	<b>Software System</b>	<b>Software Environment</b>	<b>Vendor/ Author</b>	<b>Description of Major/Minor</b>
18th Judicial District	Mainframe	Minimal	Civil	CICS/COBOL/ EZTRIEVE		Civil
18th Judicial District	Mainframe	Minimal	Civil Discovery Conf	GENER-OL/ EZTRIEVE		Civil - Menu #2
18th Judicial District	Mainframe	Minimal	Domestic	CICS/COBOL/ EZTRIEVE		Family Law/AKA Domestic
18th Judicial District	Mainframe	Minimal	Domestic Accounting	GENER-OL/ EZTRIEVE		Accounting - Family Law/Aka Domestic
18th Judicial District	Mainframe	Minimal	Civil In Re	GENER-OL/ EZTRIEVE		In Re - Civil
18th Judicial District	Mainframe	Minimal	Juvenile Accounting	GENER-OL/ EZTRIEVE		Accounting - Juvenile
18th Judicial District	Mainframe	Minimal	Jury	CICS/COBOL		Jury Management
18th Judicial District	Mainframe	Minimal	Juvenile	GENER-OL/ EZTRIEVE		Case Management - Juvenile
18th Judicial District	Mainframe	Minimal	Judicial Administration	GENER-OL/ EZTRIEVE		Judicial Administration
18th Judicial District	Mainframe	Minimal	Marriage Licenses	CICS/COBOL		Marriage Licenses - Probate
18th Judicial District	Mainframe	Minimal	Probate, Adoption, Care & Treatment	CICS/COBOL		Probate
18th Judicial District	Mainframe	Minimal	Miscellaneous Court Programs	CICS/COBOL/ EZTRIEVE		
18th Judicial District	Mainframe	Minimal	Child Support	CICS/COBOL/ EZTRIEVE		Court Trustee
18th Judicial District	Mainframe	Minimal	Traffic	CICS/COBOL/DB2 / EZTRIEVE		Traffic
18th Judicial District	Mainframe	Minimal	Traffic Accounting	GENER-OL/ EZTRIEVE		Traffic - Accounting
18th Judicial District	Mainframe	Minimal	Cross Reference All Cases	CICS/COBOL		
18th Judicial District	Open System	Minimal	Case imaging	Document Imaging	Filenet	
18th Judicial District			CINC Case management		Paul ?	
18th Judicial District			Child Support Interest Calculator			
District Attorney	Mainframe	Full	District Attorney Menu	CICS/GENER-OL/COBOL/ EZTRIEVE		District Attorney

**Information Systems Table Continued:**

<b>Department</b>	<b>Location</b>	<b>Support</b>	<b>Software System</b>	<b>Software Environment</b>	<b>Vendor/Author</b>	<b>Description of Major/Minor</b>
District Attorney	Mainframe	Full	Name/Alias Scan Window	CICS/COBOL		
District Attorney	Open System	Full	Diversions	PowerBuilder		
District Attorney	Open System	Full	Consumer Fraud	PowerBuilder		
District Attorney	Open System	Full	Victim Statement Form	Java/JSP/HTML		
District Attorney	Open System	Full	Restitution Form	Java/JSP/HTML		
District Attorney	Open System	Full	Juvenile Diversions	.Net		
District Attorney	Open System	Full	Case Folder imaging	Document Imaging	OnBase	
District Attorney	Open System	Infrastructure	Case Folder bar coding	Vendor Application		
District Attorney	Open System	Infrastructure	CaseMap software	Vendor Application		
District Attorney	Mainframe	None	Appeals	CICS/COBOL		
Emergency Communications	Mainframe	Full	CAD (Computer-Aided Dispatch)	Vendor Application	PRC	
Emergency Communications	Open System	Full	Phone Call Capture	BASIC	Kendall Grier	
Emergency Communications	Open System	Full	CAD mapping module	Vendor Application	GDI/PRC	
Emergency Communications	Proprietary	Full	Recording system			
Emergency Communications	Proprietary	Full	Phone system			
Emergency Communications	Proprietary	Full	Radio system			
Sheriff's Department	Mainframe	Full	Chaplain	Gener-ol		Chaplain - Jail
Sheriff's Department	Mainframe	Full	Commissary	Generol/CICS/COBOL/ EZTRIEVE		Commissary - Jail
Sheriff's Department	Mainframe	Full	Exploited and Missing Children	CICS		Exploiting and Missing Children
Sheriff's Department	Mainframe	Full	Gang Intelligence	Gener-ol		Gang Intelligence - Sheriff
Sheriff's Department	Mainframe	Full	Jail Management	Gener-ol/COBOL/ EZTRIEVE		Inventory - Jail Detention

**Information Systems Table Continued:**

<b>Department</b>	<b>Location</b>	<b>Support</b>	<b>Software System</b>	<b>Software Environment</b>	<b>Vendor/Author</b>	<b>Description of Major/Minor</b>
Sheriff's Department	Mainframe	Full	Jail Medical	Gener-ol/COBOL/EZTRIEVE		Medical - Jail
Sheriff's Department	Mainframe	Full	Jail Property	Gener-ol		Property - Jail
Sheriff's Department	Mainframe	Full	Sheriff Main	CICS/COBOL/EZTRIEVE		Sheriff
Sheriff's Department	Mainframe	Full	Judicial	CICS/COBOL/EZTRIEVE		Sheriff - Judicial
Sheriff's Department	Mainframe	Full	Investigations	CICS/Gener-ol		Sheriff - Investigations and Property
Sheriff's Department	Mainframe	Full	Work Release	Gener-ol		Sheriff - Work Release
Sheriff's Department	Mainframe	Full	Criminal Justice	CICS/COBOL/EZTRIEVE		Criminal Justice
Sheriff's Department	Mainframe	Full	Multi-Agency Name Inquiry	CICS/COBOL		
Sheriff's Department	Open System	Full	Mug view software on Internet			
Sheriff's Department	Open System	Full	Satisfaction survey			
Sheriff's Department	Open System	Full	e-bulletin			
Sheriff's Department	Open System	Full	MugView System	PowerBuilder		
Sheriff's Department	Open System	Full	Livescan	PowerBuilder		
Sheriff's Department	Open System	Full	Tclock	PowerBuilder		
Sheriff's Department	Open System	Full	Ofreport	PowerBuilder		
Sheriff's Department	Open System	Full	Warrant Inquiry	MQSeries		
Sheriff's Department	Open System	Full	Interwatch	FrontPage/SharePoint		
Sheriff's Department	Open System	Full	Most Wanted Felons	ColdFusion/Java/JSP/HTML		
Sheriff's Department	Open System	Full	Jail Imaging	Document Imaging	OnBase	
Sheriff's Department	Open System	Full	Sheriff's Survey	Java/JSP/HTML		
Sheriff's Department	Open System	Full	Crime mapping	Arc View	ESRI	

**Information Systems Table Continued:**

<b>Department</b>	<b>Location</b>	<b>Support</b>	<b>Software System</b>	<b>Software Environment</b>	<b>Vendor/Author</b>	<b>Description of Major/Minor</b>
Sheriff's Department	Open System	Infrastructure	Identi-Kid	Vendor Application		
Sheriff's Department	Open System	Infrastructure	E*POP or other IM software	Vendor Application		
Sheriff's Department	Open System	Infrastructure	Personnel Spreadsheet	Excel	Terry Parham	
Sheriff's Department	Open System	Infrastructure	Policies and Procedures	HTML		
Sheriff's Department	Open System	Infrastructure	Interview room recording	Vendor Application	Court Smart	
Sheriff's Department	Open System	Infrastructure	Evidence Manager & Evidence Tracker	Vendor Application	PERCS, Inc	
Sheriff's Department	Open System	Infrastructure	KCJIS	Web	State of Kansas	
Sheriff's Department	Open System	Infrastructure	Professional Standards	FileMaker Pro		
Sheriff's Department	Open System	Infrastructure	Citizen contact	Vendor Application		
Sheriff's Department	Open System	Infrastructure		Vendor Application	Orbis	
Sheriff's Department	Open System	Infrastructure	Veridian	Vendor Application	Veritracks	
Sheriff's Department	Open System	Infrastructure	WPD Records Management	Vendor Application	TRW	
Sheriff's Department	Open System	Interface	Pharmacy / Clinic	Vendor Application	CIPS	
Sheriff's Department	Mainframe	Minimal	Applicant Tracking	CICS(DB2)/General/COBOL		Sheriff - Administration
Sheriff's Department	Open System	None	Computer Forensic	Vendor Application		
Sheriff's Department			EMCU software			

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## APPENDIX B: MODEL PATROL PROCEDURES AND CITATIONS FOR ADULT MISDEMEANORS

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### Patrol Procedure #B7-1 CITE AND RELEASE PER 827.1 & 853.6 PC Santa Clara County, California

Adopted: 12-01-00  
Replaces: B-53

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**POLICY** The release of arrestees by means other than incarceration, when managed through the use of sound discretion and in accordance with established procedures, results in substantial savings of county resources. Sheriff's Office policy will also include the use of non-arrest alternatives, which will include the issuing of citations to appear (City-Release) in lieu of physical arrest and incarceration.

**REFERENCE:** Penal code Sections 821, 822, 827.1, 853.6

#### I. PROCEDURE

- A. Eligibility for Cite-Release: Those arrested under any of the following circumstances may be eligible for release on citation:
1. Any person arrested for any misdemeanor offences (except those specified in Sec. 1.B) includes:
    - a. Citizen's arrest.
    - b. 647(f) PC, provided the release, at the time of citation, is a sober, responsible adult and the cause of impairment is **not** suspected to be drug related and you have good identification.
    - c. Arrests for any misdemeanor in-county arrest warrant, where the bail is less than \$5,001. Cumulative bail amount is irrelevant.
    - d. Out of county warrants may be cited and released in the field if the issuing agency agrees and provides a court date and location.
      1. If the out of county warrant is less than \$5,001, a citation may be issued regardless of the issuing agency's instructions to the contrary, as long as the person meets the criteria for cite-release.
- B. Ineligibility for cite-release. Persons arrested for any of the following circumstances will **not** be eligible for release on a citation:
1. The section cited in the warrant involves **any** of the following conditions:
    - a. Violence.
    - b. Firearms.
    - c. Resisting arrest.
    - d. Giving false information to a peace officer.

- e. The arrestee is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics.
- f. The arrestee requires a medical examination or medical care or is unable to care for his/her own safety.
- g. The arrestee has other charges pending against him/her that would make him/her ineligible for citation.
- h. There is reasonable likelihood that the offense(s) would continue/resume, or that the safety of persons/property would be immediately endangered by the release of the person.
- i. The person refuses to sign the notice to appear.
- j. The arrestee cannot provide satisfactory evidence of personal identification or refuses to give thumbprints.
- k. The arrest warrant states the arrestee is not eligible to be released on citation.
- l. Other exceptions to field release include
  1. Where the arrestees identity is in doubt.
  2. When circumstances required additional investigation.
  3. Any instance in which the arresting Deputy, with supervisor's approval, deems necessary the full fingerprinting and/or photographing of the arrestee. The Supervisor must review the circumstances prior to approval for booking.

### C. Citation-release procedures

#### 1. Field release

- a. Arrestees who qualify for cite-release may be released in the field.
  1. Any person arrested for 647(f) PC, may be released on citation only, into the custody of a responsible, sober adult.
  2. To track time spend in custody in non-warrant cite-release cases, the time of arrest and the time of release shall be included at the end of the Incident Report, which will be submitted with citation.
  3. In cases of multiple arrests, the times of arrest and release must be detailed accordingly.
- b. Warrant arrest release requirements.
  1. It is the policy of the Sheriff's Office to release on a Notice to Appear (pursuant to 853.6 PC) form (749.01 shall include the taking of both thumbprints on the back of all copies in the spaces provided. Form 749.01 will be used only for warrant(s) cite-releases, where applicable. Criminal and vehicle code cite releases will continue to be done on the "R" cite forms.
  2. Warrant arrestees shall be booked if:
    - aa. The warrant is marked "NO SCIT". Book agency code 4300 rather than city code, if applicable
    - ab.. The warrants are out of county, and do not meet the criteria in A.1.d above.
    - ac. The warrants are in county and bail on any one warrant is \$5001 or greater, including no bail.

- c. When an arrestee is released on a promise to appear (form 749.01) the arresting Deputy shall complete the document, including the appropriate appearance date for the judicial district holding the warrant, as provided by Sheriff's Records.
- d. If there are multiple "non-bookable" in county warrants from various jurisdictions, a separate cite (form 749.01) **MUST** be prepared for each warrant from each judicial district.
- e. If these are multiple warrants from a single jurisdiction, a separate cite (form 749.01) **MUST** be prepared for each warrant.
- f. If there are a combination of warrants, some of which don't meet cite-release criteria, book the arrestee into jail.
- g. Radio will generate an event number for the warrant cite. This number goes in the "case number" box in the upper right corner.
  1. Only one event number is needed, per arrestee, even if several cite-release are used.
- h. Give the arrestee his copy of the cite, put the court & office copies in the Warrant Cite Release tray at the office.
- i. When the arrestee meets the requirements for cite release on an out of county warrant, he/she must be advised of his rights per 821/822 PC.
  1. In this case, it is the issuing Deputy's responsibility to complete a "Notification of Charges" (form 594R) indicating the charge, warrant number, misd. Or felony, court of issuance, bail amount, and whether or not the arrestee wants to appear before a magistrate in the county. Arrestees shall then be required to sign the form, acknowledging receipt of the above information.
    - aa. This form indicates that the arrestee has received a copy of the warrant or warrant abstract; as this is impractical in the filed, tell the arrestee a copy of the warrant may be picked up at Sheriff's Records, at no cost, by showing a copy of the cite-release.
  2. If the arrestee refuses to sign the "Notification of Charges" or demands to see a magistrate, book the arrestee into jail.



## DEPARTMENTAL GENERAL ORDER M-7, Rev. 25 Oct 96

Index as:

Citations for Adult Misdemeanors  
Field Citations for Adult Misdemeanors  
Jail Citations for Adult Misdemeanors  
Misdemeanor Citations for Adults

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## CITATIONS FOR ADULT MISDEMEANORS Oakland, California

The purpose of this order is to set forth circumstances under which arresting and booking officers may issue or deny citations for adult misdemeanor offense.

### I. DEFINITIONS

- A. **Misdemeanor**, as used in this order, shall mean any offense punishable by fine or imprisonment in a county jail for not more than six months and/or by fine not exceeding \$1,000 (Penal Code Section 19). Those offenses that are punishable as either a misdemeanor or a felony shall be handled as felonies.
- B. **Arrest**, as used in this order, shall mean taking a person into temporary custody in the field either by the actual restraint or by the person's submission to detention.
- C. **Physical Arrest**, as used in this order, shall mean taking a person into custody and transporting him/her to the jail.
- D. A **citation** is a Notice to Appear (836-001), which releases an arrested person and directs him/her to appear in court on a particular day to respond to the arrest charge. Citations may be issued after either an arrest or a physical arrest; that is they may be issued in the field or at the jail.
- E. An **adult** is a person 18 years of age or older.

### II. GENERAL POLICY

- A. It shall be Departmental policy to issue citations for misdemeanor offenses or following a citizen's arrest for a misdemeanor offense unless one or more of the criteria set forth in Part III of this order exists.
- B. Persons arrested for infractions shall be cited pursuant to Penal Code Section 853.5 unless they refuse to sign the citation or fail to present satisfactory personal identification.
- C. Misdemeanor offenders shall not be detained in the jail merely upon the request of an arresting officer. Jail Section supervisory personnel shall base a decision to detain or release an offender on the Department criteria set forth in Part III of this order.

DEPARTMENTAL GENERAL ORDER  
OAKLAND POLICE DEPARTMENT

M-7

Rev.  
25 Oct 96

### III. CRITERIA FOR PHYSICAL ARREST/GROUNDS FOR DENYING FIELD AND JAIL CITATION.

	<u>Circumstances for Physical Arrest</u>	<u>Authority for Denying Citation</u>	<u>Misdemeanor Warrants</u>
A.	The person is a danger to him/herself or others due to intoxication or being under the influence of drugs or narcotics.  (VC 23152/3 violations – refer to General Order P-2 for chemical testing and Admin Per Se license suspension procedures)	853.6i (1)	827.1(e)
B.	The person requires medical examination or medical care or is otherwise unable to care for his/her own safety (including H&S 11550, PC 647(f))	853.6i (2)	827.1(f)
C.	The person cannot provide satisfactory evidence of personal identification	853.6i (5) VC 40302(a)	827.1(j)
D.	The person refuses to sign the citation (VC 40302b) or demands to be taken before a magistrate (VC 40302c); and any circumstance(s) listed under VC 40303	853.6i (3) 853.6i (8)	827.1(i)
E.	The prosecution of the offense(s) for which the person is arrested, or the prosecution of any other offense(s) would be jeopardized by immediate release of the person arrested	853.6i (6)	
F.	The person is wanted for parole and/or probation violations.	Department Policy	
G.	There is reason to believe that the person will fail to appear in court if released on citation. The basis for this determination shall be specifically stated on the offense report.	853.6i (9)	

DEPARTMENTAL GENERAL ORDER  
OAKLAND POLICE DEPARTMENT

M-7

Rev.  
25 Oct 96

<u>Circumstances for Physical Arrest</u>	<u>Authority for Denying Citation</u>	<u>Misdemeanor Warrants</u>
<p>H. There is reasonable likelihood that the offense would continue or resume or that the safety of person or property would be immediately endangered by the release of the person. Offenses which the Department determines to be continuous include but are not limited to:</p> <ol style="list-style-type: none"> <li>1. Prostitution, PC 647(b)</li> <li>2. Soliciting/engaging in lewd act, PC 647(a)</li> <li>3. Indecent exposure, PC 314.1</li> <li>4. Encouraging to commit indecent Exposure, PC 314.2</li> <li>5. Keeping/residing in house of ill Fame, PC 315</li> <li>6. Keeping a disorderly house, PC 316</li> <li>7. Prevailing upon one to visit a place of prostitution, PC 318.</li> <li>8. An addict or habitual shoplifter</li> <li>9. Violating a protective court order involving domestic violence, PC 853.6(a)</li> <li>10. Panhandling</li> </ol>	853.6i (7)	827.1(h)
<p>I. The warrant of arrest indicates that the person is not eligible to be released on a citation</p>		827.1(k)
<p>J. The misdemeanor cited in the warrant Involves violence (Refer to General Order E-4, DOMESTIC VIOLENCE, Regarding criteria for making misdemeanor arrest and citation release in domestic violence/dispute cases)</p>		827.1(a)

DEPARTMENTAL GENERAL ORDER  
OAKLAND POLICE DEPARTMENT

M-7

Rev.  
25 Oct 96

	<u>Circumstances for Physical Arrest</u>	<u>Authority for Denying Citation</u>	<u>Misdemeanor Warrants</u>
K.	The misdemeanor cited in the warrant Involves a firearm		827.1(b)
L.	The misdemeanor cited in the warrant involves giving false information to a peace officer.		827.1(d)
M.	The misdemeanor cited in the warrant involves resisting arrest.		827.1(c)
N.	The person designated in the warrant has other ineligible charges against him/her.		827.1(g)

#### IV. PROCEDURES FOR ISSUING FIELD CITATIONS

- A. A warrant check shall be made before the member determines whether the detained person is eligible to be cited.
- B. Offender's Eligibility to Receive Citation.
  1. Persons who meet any of the criteria set forth in Part III are ineligible for a field citation.
  2. In the event that a person is ineligible to be cited, the member shall state the reason for the physical arrest in the narrative portion of the Arrest Report (536-252).
  3. If there are multiple charges, a person must be eligible for citation release on each charge. IF the person is taken into custody, additional citable offense, if any, shall be noted on the Arrest Report.
  4. The above instructions do not apply to juveniles or to diplomatic and consular officials. Departmental General Order O-3, PROCESSING JUVENILE OFFENDERS, addresses juvenile citations and Training Bulletin III-O discusses Diplomatic Immunity.

DEPARTMENTAL GENERAL ORDER  
OAKLAND POLICE DEPARTMENT

M-7

Rev.  
25 Oct 96

- C. Issuing Field Citations on Misdemeanor Warrants
1. Whenever a warrant check reveals that a detained person is wanted on a misdemeanor warrant, the detaining member shall determine whether the offender is eligible to be cited based upon the conditions set forth in Part IV, B, of this order. If the offender is not cited, the member shall document the reason on an Arrest Report.
  2. If the offender is eligible for a citation release, the member shall telephone or radio the Fugitive/Warrants Unit for warrant confirmation and obtain the following information:
    - a) Whether the warrant states that the person is eligible to be cited,
    - b) If the person is eligible to be cited, the:
      - (1) Court name and location.
      - (2) Date and time the offender is to appear. (If more than one person is charged with the commission of a misdemeanor in connection with the same incident, those who are cited shall be assigned the same court date, if possible. Court information for local warrants is printed on the daily "Hot Sheet.")
      - (3) Docket number.
- D. Completing and Depositing Citations
1. Misdemeanor Offense – the member shall complete and deposit the citation form (836-001) and any other required offense reports according to Report Writing Manual Insert N-1, Notice to Appear-Misdemeanor Citation.
  2. Traffic Violations – the member shall complete and deposit the citation form (836-001) and any other required offense reports according to Report Writing Manual Insert N-2, Notice to Appear-Traffic Citation.
  3. If the offender is ineligible to be cited and is physically arrested, the member shall complete an offense report and an Arrest Report (536-252).
  4. Do not complete an Arrest Report if a citation is issued.

## V. PROCEDURES FOR ISSUING FIELD CITATIONS

- A. Individuals who are cited and released in the field shall be given the pink copy of the citation.
- B. The citing officer shall attach the original and yellow copy of the citation to the offense report, if any, and deposit it in the basement report

receptacle. The original and yellow copy of citations resulting from warrant arrests shall also be deposited in the basement report receptacle.

1. Erroneously completed filed citations for non-traffic offenses shall be voided and deposited in the basement report receptacle with documentation explaining the reason for voiding the citation. The word “void” shall be stamped or written across the face of each copy of the citation. The Bureau of Field Operations commander shall designate a supervisory officer to review all voided non-traffic citations for control purposes.
2. All copies of erroneously completed traffic citations shall be attached to a written report or interoffice letter setting forth the circumstances and delivered directly to the Traffic Operations Section. The word “void” **shall not** be written across any copy of the citation.

## VI. JAIL CITATIONS

- A. Persons who are physically arrested on misdemeanor offenses/warrants shall be reevaluated for eligibility for citation release according to the criteria set forth in Part III.
- B. All misdemeanor offenders who are physically arrested shall be booked before they are released, except as follows:
  1. Persons arrested for no more than two minor traffic warrants who post bail or arrange for bail within three hours following their arrests (VC 40304.5). If the person has funds to cover the bail, the arresting or transporting officer shall escort the person to the Jail Section administrative office or Records Section and stand by until bails is posted.
  2. Persons released under the authority of Penal Code Section 849(b) prior to booking.
- C. If a Jail Section sergeant decides to cite the offender, he/she shall:
  1. Write the require court information on the jail citation before giving the offender the copy.
  2. If there is a warrant, mail a copy of the citation and the abstract or original warrant to the proper jurisdiction.

By order of

Joseph Samuels, Jr.  
Chief of Police

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## APPENDIX C: RESOURCE WEBSITES

### **Criminal Justice Web Sites:**

Office of Justice Programs

[www.ojp.usdoj.gov](http://www.ojp.usdoj.gov)

Bureau of Justice Assistance

[www.ojp.usdoj.gov/bja](http://www.ojp.usdoj.gov/bja)

Bureau of Justice Statistics

[www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs)

National Institute of Justice

[www.ojp.usdoj.gov/nij](http://www.ojp.usdoj.gov/nij)

Office for Victims of Crime

[www.ojp.usdoj.gov/ovc](http://www.ojp.usdoj.gov/ovc)

University of Cincinnati Criminal Justice Resource and Research Data

[www.edu/criminaljustice](http://www.edu/criminaljustice)

Office of Juvenile Justice and Delinquency Prevention

[www.ojjdp.ncjrs.org](http://www.ojjdp.ncjrs.org)

National Institute of Corrections

[www.nicic.org](http://www.nicic.org)

Office of Community Oriented Policing Services

[www.cops.usdoj.gov](http://www.cops.usdoj.gov)

National Criminal Justice Reference Service

[www.ncjrs.org](http://www.ncjrs.org)

American Probation and Parole Association

[www.appa-net.org](http://www.appa-net.org)

Violence Against Women Office, U.S. Department of Justice

[www.vawo.usdoj.gov](http://www.vawo.usdoj.gov)

Safer Places, USA – Community Crime Prevention

[www.weprevent.org](http://www.weprevent.org)

National Crime Prevention Council Resource Center

[www.ncpc.org](http://www.ncpc.org)

Center for Sex Offender Management

[www.csom.org](http://www.csom.org)

Vera Institute of Justice

[www.vera.org](http://www.vera.org)

Correctional Service of Canada Research Site

[www.csc-scc.gc.ca/](http://www.csc-scc.gc.ca/)

Minnesota Association of Community Corrections Act Counties

[www.maccac.org](http://www.maccac.org)

Justice Technology Information Network (JUSNET)

[www.nlectc.org](http://www.nlectc.org)

National Council on Crime and Delinquency

[www.nccd.com](http://www.nccd.com)

National Council on Juvenile and Family Court Judges

[www.ncfcj.org](http://www.ncfcj.org)

American Jail Association

[www.corrections.com/aja](http://www.corrections.com/aja)

American Correctional Association

[www.corrections.com/aca](http://www.corrections.com/aca)

Pretrial Resource Center

[www.pretrial.org](http://www.pretrial.org)

National Association of Pretrial Services Agencies

[www.napsa.org](http://www.napsa.org)

### Drug Court and Drug Program Web Sites:

Office of National Drug Control Policy

[www.whitehousedrugpolicy.gov](http://www.whitehousedrugpolicy.gov)

National Clearinghouse on Alcohol and Drug Information

[www.health.org](http://www.health.org)

National Institute on Drug Abuse (NIDA)

[www.samhsa.gov](http://www.samhsa.gov)

National Center on Addiction and Substance Abuse (CASA) at Columbia University

[www.casacolumbia.org](http://www.casacolumbia.org)

U.S. Department of Labor Substance Abuse Information Database (SAID)

[www.dol.gov/dol/asp/publicprograms/drugs](http://www.dol.gov/dol/asp/publicprograms/drugs)

Community Anti-Drug Coalitions of America

[www.cadca.org](http://www.cadca.org)

American Council for Drug Education

[www.acde.org](http://www.acde.org)

National Council on Alcoholism and Drug Dependency

[www.ncadd.org](http://www.ncadd.org)

Join Together Drug and Alcohol Resource and Reference Site

[www.jointogether.org](http://www.jointogether.org)

Partnership for a Drug Free America

[www.drugfreeamerica.org](http://www.drugfreeamerica.org)

American Society of Addiction Medicine

[www.asam.org](http://www.asam.org)

National Association of State Alcohol and Drug Abuse Directors

[www.nasadad.org](http://www.nasadad.org)

Drug Watch International

[www.drugwatch.org](http://www.drugwatch.org)

Mothers Against Drunk Driving

[www.madd.org](http://www.madd.org)

National Association of Alcoholism and Drug Abuse Counselors

[www.naadac.org](http://www.naadac.org)

UCSD Addiction Technology Transfer Center

[www.attc.ucsd.edu](http://www.attc.ucsd.edu)

National Council for Community Behavioral Health

[www.nccbh.org](http://www.nccbh.org)

Hazelton Foundation

[www.hazelton.org](http://www.hazelton.org)

Anti-Methamphetamine Campaign

[www.antimeth.com](http://www.antimeth.com)

## **Grants and Funds**

Federal Register

[www.access.gpo.gov](http://www.access.gpo.gov)

Foundation Center

[www.foundationcenter.org](http://www.foundationcenter.org)

Hands Net

[www.handsnet.org](http://www.handsnet.org)

Grant Proposal Preparation Information

[www.charitychannel.com/](http://www.charitychannel.com/)

Grantsmanship Center  
[www.tgci.com](http://www.tgci.com)

Federal Register Sponsored Programs Information Network (SPIN)  
[www.infoed.org](http://www.infoed.org)

### **Mental Health Information:**

Internet Mental Health Information  
[www.mentalhealth.com](http://www.mentalhealth.com)

SAMHSA National Mental Health Information Center  
[www.mentalhealth.org](http://www.mentalhealth.org)

National Council for Community Behavioral Health  
[www.nccbh.org](http://www.nccbh.org)

National Institute of Mental Health  
[www.nimh.nih.gov](http://www.nimh.nih.gov)

### **Domestic Violence Web Sites:**

Communities Against Violence Network  
[www.cavnet.org](http://www.cavnet.org)

Stop Violence Web Site –Information and Training Resources  
[www.stopdv.com](http://www.stopdv.com)

National Coalition Against Domestic Violence  
[www.ncadv.org](http://www.ncadv.org)

Stalking Information  
[www.stalkingvictims.com](http://www.stalkingvictims.com)

## APPENDIX D: CONTINUUM OF SANCTIONS

The continuum of sanctions represents a menu of correction options available to the criminal courts for sentencing offenders and contains a range of retributive, restorative, rehabilitative, and incapacitative measures. The continuum is designed to provide a ranking of penalties which coincide with the offender's crime and personal characteristics. The purpose of ranking sanctions is threefold. First, rating penalties assures that comparable levels of punishment are inflicted on offenders committing similar offenses. Second, grading of sanctions provides intermediate levels of punishment. By creating dimensions of punishment, sanctions can "fit" the crime more appropriately and allow for upward movement of penalties at the community level for recidivists and probation violators. Third, ranking the available sanctions reveals areas that need to be expanded or created to enhance the sequence of sanctions.

Presented in this appendix is a review of the typical options available to a justice system. After a brief description of sentence philosophies and policies, the continuum of sanctions is outlined. The appendix concludes with a narrative regarding how offenders move within the continuum.

### Sentencing Philosophy

In determining a sentence, judges take into consideration numerous factors regarding the nature of the crime, the offender's social and criminal history, and the consequences the act had on the victim and society. It is the judges' responsibility to match and appropriate sanction(s) to these elements of the case. In general, the goal of sentencing is one or more of the following:

- *Retribution*: offenders are held accountable for their actions and must pay a negative consequence (i.e., punishment or "just desert").
- *Rehabilitation*: offenders are offered treatment as a means of lessening the probability that they will commit additional criminal acts.
- *Incapacitation*: offenders are removed from society for a period of time so they will not be able to repeat their criminal behavior.
- *Restoration*: the sanction(s) levied against the offender succors the victim(s) and society which were affected by the criminal act.
- *Deterrence*: by imposing a sentence on the convicted criminal, the court hopes to prevent the offender and others from committing similar crimes.

The overall sentencing philosophy should be based upon equitable and utilitarian principles. First time, nonviolent upper level misdemeanors and felony offenders customarily receive probation and/or a short period of confinement (e.g., house arrest, jail). Repeat nonviolent offenders receive longer periods of probation and confinement with increased community sanctions (e.g., community service, curfew). Violent misdemeanor offenders are generally sentenced to lengthy terms in the county jail compared to nonviolent offenders, and often have some form of anger management counseling as a condition of probation. Violent felons, on the other hand, are presumed to receive a prison sentence. However, a violent felony offender may remain in the community for sanctioning depending on the circumstances surrounding the crime.

## Sentencing Options: The Continuum of Sanctions

The following table lists the sanctions generally available to court systems and the sanctions are tiered by the penalty's restrictiveness (i.e., "cost") to the offender.

### Continuum of Sanctions

Sanction	Sentence	Description
Warning Measures	Admonishment	Individuals are warned by a judge of future penalties that could occur if the law violating behavior continues.
	Suspended jail	The court refrains from enforcing a jail sentence, and instead allows the offender to remain in the community to obtain treatment or rehabilitative services.
Monitoring/ Compliance Measures	Community monitoring/probation	Conditional release of an offender into the community under the supervision of a court officer and subject to certain conditions for a specified time. Methods of monitoring include: <ul style="list-style-type: none"> <li>- Mail reporting*</li> <li>-Face to face reporting*</li> <li>-Telephone reporting*</li> <li>-Criminal records check*</li> <li>-Third party checks*</li> <li>-Direct surveillance*</li> </ul>
	Intensive supervision	Intensive Probation (ISP) is similar to regular probation except the level of supervision is magnified. Used for high risk and/or needs probationers.
	Drug testing	Offenders on probation are required to randomly submit urine samples for analysis to determine if illegal drugs are being used.
Injunctive Measures	Travel	Offenders are prohibited by the court from leaving a specified jurisdiction. Often used in conjunction with probation.
	Association	Offenders are prohibited from consorting with individuals on probation or with co-defendants. Often used in conjunction with probation.
	Driving suspension	An offender's driving privileges are revoked for a set period of time. Generally used in conjunction with probation.
	No contact with victim	Offenders are instructed by the court to have no written, verbal or physical contact with the crime victim.

<b>Sanction</b>	<b>Sentence</b>	<b>Description</b>
Injunctive (continued)	Use of alcohol	Offenders are prohibited from consuming alcoholic beverages. Often used in conjunction with probation.
	Professional activity	Offenders are barred from certain occupations due to their criminal behavior (e.g., lawyers, doctors, teachers).
Economic Measures	Restitution	Offenders are required to reimburse victims for damages caused by their criminal act.
	Fees	Defendants are ordered by the court to pay fees for services rendered (e.g., community monitoring supervision*, legal representation*, jail processing).
	Costs	Defendants are obligated to pay courts costs for the processing of their law violation.
	Forfeiture	Offenders are forced to relinquish personal property (e.g., car*, house*) to the state as penalty for their crime(s).
	Support payments	Offenders with arrears for child support or alimony are ordered by the court to honor the outstanding balance.
	Fines (standard, day)	Law violators are sanctioned by the court to pay a financial penalty for their act(s).
Education Related Measures	Academic training	Offenders are required by the court to complete some level of education (e.g., GED*, college*). Generally used in conjunction with probation.
	Vocational training	Individuals convicted of an offense are directed to complete a career enhancing education program (e.g., construction, beautician). Often used as a condition of probation.
	Life skills	Offenders are required to receive training in personal health care, financial management, and/or parenting skills, typically used in conjunction with probation.

Sanctions	Sentence	Description
Work Related Measures	Community service	By order of the court, law violators are instructed to perform a set number of volunteer labor hours at a nonprofit organization or community location. Typically a condition of probation.
	Requirement of employment	Offenders are ordered by the judge to obtain and/or maintain employment in a lawful occupation. Common requirement of probation.
	Work Readiness Training	Misdemeanants and felons are placed in a program designed to teach offenders how to locate and maintain jobs. The program should have the ability to connect offenders with employers.
Mental Health Treatment Measures	Treatment in lieu of conviction	In lieu of conviction, individuals accused of a crime enter a chemical dependency program approved by the court. Used in conjunction with probation.
	Chemical (e.g., methadone)	Under controlled conditions, dependent offenders receive a synthetic drug which promotes addiction recovery.
	Psychological counseling	Offenders are required to attend outpatient mental health serviced for treatment or counseling.
	Anger management classes*	Ten to twelve week group therapy program which addresses issues surrounding an offender's anger/aggressiveness problem.
Physical Confinement Measures: Intermittent at Local Level	Work release	Offenders confined at the jail are permitted to leave for employment. Granted by the court so that persons may maintain their jobs and support their families.
	Weekend detention	Offenders are incarcerated in the county jail for a three day period. Typically used for DUI cases.
	Home curfew	Offenders are restricted to their homes during hours set by the court. Generally a condition of probation. Not used in conjunction with electronic monitoring.
	Halfway house	Transitional setting between an institute (e.g., inpatient drug treatment facility) and the community for chemically dependent offenders.

Sanction	Sentence	Description
Intermittent Confinement (continued)	Drug treatment	Law violators with substance abuse problems are referred to a chemical abuse counselor/group treatment program by the judge. Program may be in- or out patient.
	Day treatment	Program where holistic rehabilitative services (e.g., counseling, GED classes, A.A. meetings, community service) are offered to probationers.
Physical Confinement Measures: Continuous at Local Level	House arrests/electronic monitoring	Low risk offenders are placed under home confinement where an electronic device monitors their presence at the residence. Supervised by probation officer and house arrest service provider.
	C.B.C.F.-Community Based Correctional Facility	Facility operated by the state where chemically dependent offenders are ordered by the court to receive intensive drug and alcohol treatment in a secure environment. Mental health, job attainment skills, and other rehabilitative services are also provided.
	Adult detention facility*	Local jail facility used by the courts to confine offenders serving sentences of one year or less.
	Minimum security facility	Detention facility that holds low-risk felony and misdemeanor inmates. Inmates will be "releasable" for work, community service, or treatment purposes.
	Jail Treatment Program	Alcohol and drug treatment program for chemically dependent offenders serving a sentence at the county jail. Participants are court-ordered into the program.
Physical Confinement Measures: Continuous at State Level	Prison	State correctional institution for incarceration of felony offenders for terms of six months or more.
	Judicial release	A short prison stay imposed by the court to impress the offender with the pains of imprisonment before he or she begins a probation sentence.
	Boot camp	A state correction facility designed after the military physical training camps. Reserved for low grade felons as an alternative to prison.

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## APPENDIX E: COUNTY COMPARISON DATA

Looking outside a county can broaden perspectives and serve as a source for fresh ideas. Based on the County's Request for Proposal, ILPP conducted a study of the practices and characteristics of seven counties nominated by Sedgwick County as a useful basis of comparison. The following six counties were listed as those of interest and all were contacted:

Johnson County, Kansas  
Douglas County, Kansas  
Shawnee County, Kansas  
Jackson County, Missouri  
Douglas County, Nebraska  
Tulsa County, Oklahoma

In addition to the counties listed above, ILPP included Summit County, Ohio, a county of similar size where ILPP did a prior study and had strong access to data.

Some of the following information was obtained through interviews with staff in the Sheriff's Office, Department of Corrections, and/or county budget offices. The resulting information is a mixture of quantitative and qualitative data.

Counties collect differing types of data with differing levels of accuracy that reflect diverse values and administrative practices, making direct comparisons between counties frequently difficult and often impossible. Consequently, this discussion is limited to only those factors that are most directly comparable.<sup>1</sup>

### County Population and Jail Characteristics

There are a variety of county population sizes represented in the sample. Douglas County, Kansas was the smallest county surveyed with a population of only 99,962, and Jackson County, Missouri was the largest with a population of 654,880. In terms of population, Sedgwick County is closest in size to Johnson County, Kansas, with both near one-half million.

The table below outlines some general characteristics of each county's jail. Three counties besides Sedgwick operate their jail through the Sheriff's department and three counties have established a separate Department of Corrections for this purpose. Only one county, Tulsa, employs a private company to manage their jail.

The age of the jails vary widely and range from relatively new, at four years, to as much as twenty-four years old. As Sedgwick County did in 1998, four other counties have made additions or are in the process of making additions to their jail facilities.

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<sup>1</sup> In attempting to compare something as simple as the average length of stay (ALS) of inmates, it was found that the other chosen counties do not calculate their ALS in the same manner as Sedgwick. Jackson County, Missouri, for example, calculates separate ALS figures based on inmates held for under two weeks and inmates held for more than two weeks. There were similar definition conflicts in other areas.

	Sedgwick, KS	Johnson, KS	Douglas, KS	Shawnee, KS	Jackson, MO	Douglas, NE	Tulsa, OK	Summit, OH
County Population	452,869	451,086	99,962	169,871	654,880	463,585	563,299	537,856
Jail Operator	Sheriff	Sheriff	Sheriff	DOC	DOC	DOC	Private	Sheriff
Age of Jail	12	15, 3	4	16	18	24	4	13
Jail Additions	one in 1998	none	none	one in 1998	one in 1999	1986, and the next in progress***	none	one in 1995
Total Number of Beds	1,199*	750**	196	557	756	876 <sup>†</sup>	1,714	608 <sup>‡</sup>
ADP	1,199	750	114	450	791	950	1,330	650
Percent of Capacity	100%	100%	58%	81%	105%	108%	78%	107%
Double Bunking?	no	no	no	yes	yes	yes (and triple)	yes	yes
Supervision Type	direct & indirect	direct	direct	direct	direct & indirect	direct	direct	direct & indirect

\*This figure includes a 139-bed work release facility as well as 140 beds rented from outlying counties.

\*\*This figure includes 216 beds rented from outlying counties.

\*\*\* The current addition is due for completion in 2004 and is expected to be filled soon thereafter

<sup>†</sup>This figure includes a “temporary annex” with 76 beds as well as 50 beds rented from outlying counties.

<sup>‡</sup>Summit County has a noticeably low number of beds in its jail due to a high number of jail alternatives.

Of the counties surveyed, the number of beds in the jails varied widely from 114 to 1,714. Sedgwick County is slightly above average in that range with 1,199 beds. Because counties consider inmates housed in beds rented from outlying counties “their” inmates, any rented beds were included in the Total Number of Beds figure. Five of the seven counties, including Sedgwick, have reached capacity or are beyond rated capacity.

Five of the seven counties double-bunk the beds in their jail and Douglas County, Nebraska, utilizes some triple bunks. Two counties besides Sedgwick are not double-bunking at this time. All counties surveyed utilize direct supervision and some counties use indirect as well.

### Jail Financing

None of the counties surveyed rent jail beds from their facility *to* other counties. However, four counties, including Sedgwick, rent beds *from* outlying counties to hold their inmates. Sedgwick and Johnson counties pay relatively similar rates for renting these beds at \$30 and \$35, respectively. Summit County, Ohio pays a much higher rate of \$65 per day.

Three of the counties surveyed are moving towards or have already established a booking fee charged to city police departments for booking city inmates. At the national level, it is relatively common for counties to charge cities for city inmates charged with municipal offenses and sometimes felonies.

	Sedgwick, KS	Johnson, KS	Douglas, KS	Shawnee, KS	Jackson, MO	Douglas, NE	Tulsa, OK	Summit, OH
<b>Rent Beds Out</b>	no	no	no	no	no	no	no	no
<b>Rent From Others</b>	yes	yes	no	no	no	yes	no	yes
Rate Paid	\$30.00	\$35.00	n/a	n/a	n/a	\$45 - \$60	n/a	\$65.00
<b>Booking Fee</b>	no	soon	no	yes	no	soon	no	no
Amount	n/a	n/a	n/a	\$5	n/a	n/a	n/a	n/a
<b>City Pay?</b>	no	yes	yes	yes	no*	yes	no	no
Amount	n/a	\$35.00	\$45.00	\$2.83/hour or \$67.85/day	n/a	\$60.00	n/a	n/a

\*There is no charge to the city because Kansas City, Missouri has its own jail.

In four of the eight counties surveyed, the local city pays a fee for inmates brought in by the local police department. Of the four counties that do not charge their cities, one (Jackson County) does not charge because the city has its own jail. In the counties that do charge, the fee ranges widely from Johnson County's \$35 per day fee to Shawnee County's \$67.85 per day fee. It should also be noted that Shawnee County, Kansas retains the option of charging the city an hourly rate of \$2.83.

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## APPENDIX F: JAIL REDUCTION STRATEGIES

The following strategies are drawn from programs and policies that ILPP has encountered in other jurisdictions across the country and from publications produced by the National Institute of Justice. The topic areas covered are: a) jail population limits and matrix systems, b) *pro tem* judgeship, c) revolving bail fund, d) enhanced pretrial release services, and e) probation violation matrix systems. In addition, several miscellaneous approaches are also described briefly.

### a) Jail Population Limits and Matrix Systems

Many jails across the country have implemented a jail population capacity limit (i.e., “jail cap”). Capacity limits are typically the result of a Federal Court decree or a self-imposed management plan to prevent a Federal Court decree. Jail population caps are extremely effective at keeping inmate populations at or below a fixed level to avoid over crowding conditions and fiscal dilemmas (including building or expanding jail facilities). The most significant issue with jail population caps is that once the maximum level is reached, selected inmates will automatically be released from the facility into the community. Ideally, when this occurs the offenders are placed in some form of supervision (e.g., probation or electronic monitoring) to alleviate concerns for public safety.

Salt Lake County, Utah, operated under a jail population cap for several years due to a Federal Court order. In 2000, the County opened a state-of-the art facility with 35% more beds than the previous antiquated jail. Three years later, the jail surpassed capacity and, as a result, re-instituted the jail population cap to control the burgeoning inmate levels. The cap, which is rather simplistic, has four levels and is integrated with new booking procedures. As the jail reaches certain population plateaus, corresponding release mechanisms take effect. The levels and mechanisms are as follows:

<i>Pre-Implementation Level: (85% Capacity)</i>	Good-time is maximized, three day limit for out-of-county warrants, limit U.S. Marshall’s Office to contracted number of beds, expand pretrial releases, and prohibit warrant bookings unless there are a maximum of three outstanding warrants, bail on any single warrant exceeds \$1,500, or the suspect is wanted by an out-of-state jurisdiction.
<i>Level 1: (89% Capacity)</i>	Restrict bookings for summary and low level misdemeanor offenses, except domestic violence and DUI.
<i>Level 2: (93% Capacity)</i>	Restrict bookings for all misdemeanor new charges and warrants.

<p><i>Level 3:</i> (97% capacity)</p>	<p>Restrict bookings for all misdemeanor new charges and warrants. Accept only pretrial detainees with “cash only” and/or “no bonding company” requirements. Release pretrial prisoners based on jail scoring system that prioritizes release of prisoners charged with crimes against property or public order over prisoners charged with crimes against persons. Prohibit civil process and commitments, except contempt of court orders. Authorize release of inmates awaiting external program beds after 30 days notice to program. Grant statutory good-time, even when not specified by court order.</p>
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Misdemeanor bookings are restricted, as described above, unless compelling reasons exist. Acceptable reasons include: 1) state law mandates jail booking, 2) the suspect cannot be identified, 3) the offense is a crime against persons or involves the use of a weapon, or there is specified reason to believe the suspect poses imminent threat, 4) further investigation is necessary and the suspect may flee, conceal or destroy evidence, 5) the offense may develop into a felony, and 6) the suspect is a threat to himself or others and other options to place the individual are not available. When one of the exemptions is cited by an arresting officer, he or she is requested to articulate the reason in writing to a supervisor.

A more intricate jail release system is employed in Multnomah County (Portland, Oregon). Here, the jail relies on a release level matrix to objectively determine which inmates should be detained once the detention facility exceeds capacity.<sup>1</sup> The matrix process begins at booking when a ranked score for an inmate’s criminal charge is assigned (scores range from 9-300 points). For example, robbery has a score of 185 points, while theft has a score of 14 points. Additional points are added to the inmate’s score for offense level, criminal history, case status, security level, bail amount, percent of sentence completed, and negative behavior while in jail. An illustration of the scoring is as follows:<sup>2</sup>

<p><i>Companion Charges:</i></p>	<p>1 point- each non violent misdemeanor 2 points- each non-violent felony 3 points- each violent misdemeanor 5 points- each violent felony</p>
<p><i>Criminal History:</i></p>	<p>1 point- each misdemeanor arrest 2 points- each felony arrest 3 points- each misdemeanor conviction 5 points- each felony conviction 3 points- each probation/parole violation</p>

<sup>1</sup> State law in Oregon requires all counties to establish a jail population cap to avoid overcrowding.

<sup>2</sup> Multnomah County uses a computer program to calculate an inmate’s matrix score. Booking officers and a dedicated matrix officer are responsible for entering, modifying, and interpreting the information

<i>Type of Housing Required:</i>	1 point- minimum security 3 points- medium security 5 points- maximum security 10 points- administrative segregation 50 points- disciplinary housing
<i>Length of Sentence:</i>	1 point- each day sentenced 1 point- each percentage point of the remaining sentence  (Subtract each day sentence from each percentage point to calculate sentence score. Example: 30 day sentence with 50% of the sentence remaining equals score of 65 points).

Scores for each inmate are tallied using a computerized population management system. When the population approaches capacity (90% of the total capacity), inmates with the lowest scores are released to community supervision. Certain types of inmates, such as sex offenders and gang members, are excluded from the matrix scoring system.

The release matrix provides an orderly method to control inmate population and prevent overcrowding. Through the weighted scoring system, it produces a logical hierarchy for the release of inmates and, thus, ensures that the most dangerous offenders remain incarcerated.

#### b) *Pro Tem* Judgeship

Rather than relying on a scoring system, Bernalillo County (Albuquerque, New Mexico) enlisted a *pro tem* judge to make immediate decisions regarding inmates. The *pro tem* judge was given authority to 1) alter misdemeanor bond amounts and conditions, 2) review and modify sentences of non-violent misdemeanants, 3) review and modify conditions of release, including the transfer of inmates to community-based programs, 4) process probation violations, 5) preside over cases involving warrants for failure to appear in court or pay fines, and 6) issue orders to transport inmates to and from court and state correctional facilities. In addition, the *pro tem* judge is extremely active in diverting physically and mentally ill inmates to more appropriate settings.

Initially, the Bench was strongly opposed to having their decisions reviewed by a peer, but over time the benefit to the jail *and* the judges became overwhelmingly apparent. By monitoring the inmate population, the *pro tem* judge ensures that the jail never exceeds capacity level and safeguards that the most serious offenders remain incarcerated. The other judges, in turn, found that the *pro tem* judge cleared their docket of many time consuming procedural tasks, which created needed time for the more complex cases.

The success of the *pro tem* judge is based upon the “permission” given by the other judges to intervene in their cases as necessary. The *pro tem* judge remains in constant communication with the assigned judge, especially when there is any doubt about a case or offender, and seeks guidance before taking action. Furthermore, the *pro tem* judge works closely with the

prosecutor's office (and even provides *nolle prosequi* screening), defense counsel, law enforcement, jail administrators, pretrial services, probation, and treatment providers to proactively manage the jail population.

### c) Revolving Bail Fund

A revolving bail fund provides money for low level bond amounts imposed on accused indigent offenders. A bail fund is usually created through an endowment by a community organization or money from county government. In most cases, the small fee associated with the bail fund regenerates the account and produces a surplus that enables the original contributor(s) to be repaid.

As an experiment, a revolving bail fund program was created by a non-profit agency, the Benedict Center, and Milwaukee County (Milwaukee, Wisconsin) in the 1990's. The fund was only available for non-violent misdemeanor charges and a handful of felonies. Each offender was screened by the bail agency and he or she had to accept terms of community supervision. The defendant's family also had to provide at least half of the bond amount, which could not be greater than one thousand dollars. Marilyn Walczak, former Director of the Revolving Bail Fund Program, described the program as extremely successful in getting indigent pretrial detainees out of incarceration. Often, these individuals had bond amounts of just a couple hundred dollars, but they were unable to secure bail.

After several years of operation, the program was discontinued in Milwaukee due to budget cuts and "politics." A key stakeholder in county government felt it was contradictory for the county to jail an offender and then turn around and give him or her bail money to be released. Many judges were in disagreement with this position, especially since the bail fund was provided by the Benedict Center, yet the program was still eliminated.

### d) Enhanced Pretrial Services

Pretrial services place an emphasis on the "front-end" of jail population management by expediting case processing and shortening the length of custody for inmates, usually in favor of rehabilitative programming. As such, pretrial programs often play a critical role in the effective administration of justice when they achieve their full potential. Key elements of highly successful pretrial programs include pretrial reports with verified information, objective bond recommendations/scoring, court date notification, bail review, pretrial supervision, and an absconders unit.<sup>3</sup> The Allegheny County Bail Agency provides several of these services. Two program features not available are objective pretrial release scoring and court date notification.

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<sup>3</sup> Mahoney, Barry and et al. 2001. Pretrial Services Programs: Responsibilities and Potentials. National Institute of Justice. Washington, D.C.

## 1) Objective Pretrial Release Scoring

Pretrial detention often causes jail congestion as law enforcement, pretrial staff, prosecutors, and judges are reluctant to release individuals into the community after they are accused of committing a crime. The basis for their concern is twofold: 1) releasing the offender may endanger the safety of the public, and 2) releasing the offender may result in the offender absconding from prosecution. To reduce the possibility of predicting incorrectly one or both of these scenarios, many jurisdictions have adopted an objective pretrial release scoring system. The scoring system is used to assess a defendant's risk level and provides the basis for the pretrial agency's bond recommendation.

The criteria for scoring systems are fairly consistent from jurisdiction to jurisdiction and are generally based upon a model developed by the Vera Institute during the 1960's. Points are assigned based on the defendant's charge, criminal record, residence, employment status, treatment needs, and family situation (these variables are also known as "risk factors"). Most scoring systems also allow for the interviewer to make discretionary adjustments to the total points. A brief example of a point scoring system from the State of Kentucky is presented in Exhibit 1. Here, defendants who score above ten points on the risk factors are recommended for release on recognizance (ROR). Scores from 0 to 10 require a recommendation for a reasonable cash bond, while negative scores require recommendations that may include cash bonds and/or conditions of release (e.g., travel restrictions, treatment placement, community pretrial supervision, and etc.).<sup>4</sup>

The Philadelphia Municipal Court and Court of Common Pleas employs a much more sophisticated risk assessment scoring system. Many of the variables found in the Kentucky model are present, but there is greater emphasis on the charge(s) filed against the defendant. Furthermore, results from the scoring system correspond to a matrix guideline that specifically structures presumptive options, or range of options, concerning release conditions. A portion of the matrix is highlighted in Exhibit 2. Risk factors, which are tallied on a separate sheet, are broken down into four levels ranging from low to high risk. The seriousness of the charge is then categorized from 1 ("least serious") to 10 ("most serious"). The values for risk and charge seriousness then correlate with a cell in the matrix that contains defined bail guidelines. For instance, a defendant with moderate risk (level 1) and a non-violent charge (level 5) will receive an ROR bond with standard conditions based on the matrix.

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<sup>4</sup> The entire State of Kentucky uses the same point scoring form. However, different jurisdictions may alter the values assigned to the point scale. For example, a county may require a ROR bond for scores of +5 or higher. Most jurisdictions also adjust their point scales on a regular basis to reflect changes that occur in the justice system and the community.

**Exhibit 1: State of Kentucky Pretrial Point Scoring**

*Circle only one number for each category of criteria except Miscellaneous and Previous Criminal Record*

<p><b>RESIDENCE</b></p> <p>+5 Has been a resident of the Commonwealth for more than one year.</p> <p>+3 Has been a resident of the Commonwealth for less than one year but more than three months.</p> <p><b>PERSONAL TIES</b></p> <p>+4 Lives with spouse, grandparents, children, parents, and/or guardian.</p> <p>+3 Lives with other relatives.</p> <p>+2 Lives with non-related roommates.</p> <p><b>ECONOMIC TIES</b> (Double length of employment of part-time)</p> <p>+5 Has held present job for more than one year OR is a full-time student.</p> <p>+4 Has held present job for less than one year but more than three months.</p> <p>+3 Is dependent on spouse, parents, other relatives, or legal guardian, unemployment, disability, retirement, or welfare compensation.</p> <p>+2 Has held present job for less than three months.</p>	<p><b>MISCELLANEOUS</b></p> <p>+3 Owns property in the Commonwealth.</p> <p>+1 Has a telephone.</p> <p>+1 Expects someone at arraignment.</p> <p><b>PREVIOUS CRIMINAL RECORD (+)</b></p> <p>+3 No convictions on record (excluding traffic violations) in last two years.</p> <p>(A) _____ TOTAL POSITIVE POINTS</p> <p><b>PREVIOUS CRIMINAL RECORD (-)</b> (FTA must be verified by court records).</p> <p>-3 AWOL on record (current military personnel only).</p> <p>-5 Probated or paroled after felony conviction in last two years.</p> <p>-5 FTA on traffic citation in last two years.</p> <p>-10 FTA on misdemeanor charge in last five years.</p> <p>-15 FTA on felony charge at any time.</p> <p>-15 Violation Conditional Release while case is pending and active.</p> <p>(B) _____ TOTAL NEGATIVE POINTS</p> <p>(C) _____ TOTAL ADDENDUM POINTS</p> <p>_____ TOTAL PRETRIAL RELEASE POINTS ("A" minus "B" minus "C")</p>
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**Exhibit 2: Philadelphia Pretrial Release Matrix**

		PRETRIAL RELEASE GUIDELINES										<input type="checkbox"/> Bench warrant only <input type="checkbox"/> New charges only <input type="checkbox"/> BW and new charges <input type="checkbox"/> If open case, conditions	
		Philadelphia Municipal Court and Court of Common Pleas											
		Charge Seriousness Level											
		Least Serious					Most Serious					C/C/P	
		1	2	3	4	5	6	7	8	9	10	11	12
RISK	1	ROR/Standard Conditions V 1	ROR/Standard Conditions V 3	ROR/Standard Conditions V 9	ROR/Standard Conditions V 11	ROR/Standard Conditions 17 HD	ROR/Standard Conditions 21	ROR/Standard Conditions 25	\$ 1,000 - \$ 3,000	\$ 1,500 - \$ 4,500	\$ 2,000 - \$ 8,000	Hold Without Bail	
	2	ROR/Standard Conditions V 2	ROR/Standard Conditions 4 HD	ROR/Standard Conditions 10 HD	ROR/Standard Conditions 14 HD	ROR/Standard Conditions 18	Release on Special Conditions Type I 22	Release on Special Conditions Type I 26 HD	\$ 2,000 - \$ 4,500	\$ 2,500 - \$ 5,500	\$ 2,500 - \$ 8,000	Hold Without Bail	
RISK	3	ROR/Standard Conditions 3	Release on Special Conditions Type I 7	Release on Special Conditions Type I 11 HD	Release on Special Conditions Type I 15	Release on Special Conditions Type II 19	Release on Special Conditions Type II 23	Release on Special Conditions Type II 27	\$ 2,000 - \$ 5,000	\$ 3,000 - \$ 6,500	\$ 4,500 - \$ 15,000	Hold Without Bail	
	4	Release on Special Conditions Type I 6	Release on Special Conditions Type I 8	Release on Special Conditions Type I 12	Release on Special Conditions Type II 16	Release on Special Conditions Type II 20	Release on Special Conditions Type II 24	\$ 2,500 - \$ 4,500	\$ 3,000 - \$ 5,000	\$ 3,000 - \$ 8,000	\$ 6,000 - \$ 50,000	Hold Without Bail	

Utilizing a pretrial release scoring system offers numerous advantages. First, it provides the court with sound information on a defendant's risk level based on empirically proven factors. Second, it presents a standardized, and equitable, method for determining bail conditions. Third, it emphasizes efficient use of jail beds as only high risk inmates are detained during pretrial. Fourth, it encourages the use of release conditions that otherwise may not be imposed, such as treatment participation. Finally, a pretrial release scoring system reduces the likelihood of public backlash against judges and court personnel for releasing defendants into the community.

## 2) Court Date Notification Program

Frequently, defendants fail to appear because they may have lost their paperwork or forgotten when or where they are supposed to attend court. Other defendants do not understand what they are supposed to do or fully comprehend the seriousness of the charges against them and the penalties for missing court.<sup>5</sup> Court date notification programs seek to improve the level of communication between the courts and defendants. These programs, similar to doctors' offices, contact defendants by mail and/or telephone to remind them of upcoming court dates and to answer basic questions. As a result, they increase the likelihood that defendants will appear for court, which means fewer disruptions to the court's schedule, inconveniences to victims and witnesses, and bench warrants.

The District of Columbia operates a nationally recognized court date notification program through their pretrial services. Notifications are generated through a computer mainframe and mailed 5 to 7 days before the court hearing. A phone number appears at the bottom of the letter that the defendant is required to call upon receiving the notice. If a defendant does not respond, then a pretrial services employee will contact the defendant by telephone to remind him or her of the court date. Also included in the notification letter are directions to court, answers to frequently asked questions, and, if requested, a bus pass. Because of the program, the District of Columbia has decreased incidents of failure to appear in court significantly. Similar notification programs in San Francisco, San Mateo, and Cincinnati have produced comparable results.

Some jurisdictions place limits to those notified. San Mateo, for example, only contacts those defendants released on an ROR bond. Pima County (Tucson, Arizona), on the other hand, provides court date notification only to defendants placed on pretrial supervision. Additionally, in some larger jurisdictions, like the District of Columbia, the entire notification process is automated, including the production of the letters and the phone reminders.

## e) Probation Violation Matrix

Probation and parole revocations are a driving force for jail overcrowding in many jurisdictions. Jailed violators, according to the National Institute of Corrections, typically

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<sup>5</sup> Mahoney, Barry and et al. 2001. Pretrial Services Programs: Responsibilities and Potentials. National Institute of Justice. Washington, D.C.

represent 10-20% of a detention facility’s population.<sup>6</sup> In response to this issue, jurisdictions have begun adopting violation response matrices. Violation matrices emphasizes non-jail alternatives to technical and new charge violations. At the same time, they encourage swift, certain, and consistent responses to incidents of misconduct.

**Exhibit 3: Macomb County, Michigan Violation Matrix\***

Violation Severity	Serving on Assaultive Offense?	Offender’s Risk	Court Procedure	Staffing With Supervisor Required?	Response Range
Minor Violations	Yes	High	Warrant	Yes	4
		Medium	Warrant	Yes	4
		Low	Warrant/show cause	Yes	3
	No	High	Warrant	Yes	4
		Medium	Warrant/show cause	Yes	3
		Low	Warrant/show cause	Yes	3
Major Violations	Yes	High	Warrant/show cause	Yes	3
		Medium	Show cause/informal	No	2
		Low	Show cause/informal	No	2
	No	High	Show cause/informal	No	2
		Medium	Show cause/informal	No	1
		Low	Show cause/informal	No	1

Response Range 4	Response Range 3	Response Range 2	Response Range 1
Any response or combination of responses in ranges 1–3 And/or: • Electronic monitoring up to 1 year • Jail up to 1 year • Prison	Any response or combination of responses in ranges 1–2 And/or: • Day reporting up to 90 days • Electronic monitoring up to 180 days • Probation residential center placement • Detention center placement • Jail term up to 180 days • Boot camp	Any response or combination of responses in range 1 And/or: • Day reporting center up to 30 days • Residential substance abuse or mental health treatment • Electronic monitoring up to 90 days • Jail up to 3 days	• Verbal warning or counseling • Add special conditions • Drug/alcohol testing • Outpatient counseling • Community service • Extend term of probation • Increase level of supervision • Day reporting center up to 7 days • Jail 5 days or less • 24-hour home confinement (electronic monitoring system offenders)

\* Source: National Institute of Corrections

<sup>6</sup> Carter, Madeline. 2001. Responding to Probation and Parole Violations. National Institute of Corrections. Washington D.C.

Central elements of a violation matrix include an assessment of the offender’s risk, a measure of the violation’s severity, and a response options list (which resembles a continuum of sanctions ranging from reprimand to imprisonment). Exhibits 3 and 4 provide examples of two matrices. The model from Macomb County, Michigan, breaks down the violation severity into two categories, minor and major, and distinguishes between assaultive and non-assaultive probationers. The offender’s risk level is then taken into account to produce a set of responses to the violation. The Utah Department of Corrections Violation Matrix (Exhibit 4), in contrast, relies on a point scale to determine recommended responses. The points are based on historical factors, current supervision compliance status, and the nature of the violation.

**Exhibit 4: Utah Department of Corrections Violation Matrix\***

CATEGORY		
Criminal History <i>Juvenile and Adult Arrests</i>	No felony or assaultive arrests=1 pt. Non-assaultive felonies=2 pts. Assaultive offenses=3 pts.	
Supervision History <i>Juvenile and Adult Supervision</i>	None=0 pts. Prior supervision=2 pts. Prior revocation or has absconded=3 pts.	
Current Supervision	Compliant/no other known violations=0 pts. Agent intervention has been necessary=2 pts. Major non-compliance=3 pts.	
Relationship of Violation to Convicted Offense	None=0 pts. Indirect=2 pts. Direct=3 pts.	
Severity of Violation	Non-criminal or non-adjudicated misdemeanor violation=1 pt. Misdemeanor=2 pts. Felony/assaultive/Federal/absconded=3 pts.	
LEVEL	(1-7 pts.=Minimum) (8-12 pts.=Medium) (13 pts.=Maximum)	SCORE:
RECOMMENDED RESPONSES		
Minimum	Medium <i>(may include appropriate minimum responses)</i>	Maximum <i>(may use appropriate min./med. responses)</i>
<input type="checkbox"/> Outpatient treatment <input type="checkbox"/> Community service <input type="checkbox"/> Structured work search <input type="checkbox"/> Vocational/educational program <input type="checkbox"/> Psychoeducational classes: _____ <input type="checkbox"/> Cornerstone <input type="checkbox"/> Payment schedule <input type="checkbox"/> Financial counseling <input type="checkbox"/> Antabuse <input type="checkbox"/> UA's/breathalyzer <input type="checkbox"/> Curfew (initiate or modify) <input type="checkbox"/> Limit contacts/associations <input type="checkbox"/> Modify special conditions <input type="checkbox"/> Increase supervision standards <input type="checkbox"/> Hold violation in abeyance <input type="checkbox"/> Other: _____	<input type="checkbox"/> Inpatient treatment <input type="checkbox"/> Diversion program <input type="checkbox"/> Electronic monitoring <input type="checkbox"/> Restart EM <input type="checkbox"/> Home confinement w/o EM <input type="checkbox"/> Home confinement with EM <input type="checkbox"/> Intensive supervision <input type="checkbox"/> Restart ISP <input type="checkbox"/> Intensive drug supervision <input type="checkbox"/> Referral to CCC <input type="checkbox"/> Day reporting center <input type="checkbox"/> Restart probation/parole <input type="checkbox"/> Jail time <input type="checkbox"/> Other: _____	<input type="checkbox"/> Commitment to jail <input type="checkbox"/> Commitment to prison

\* Source: National Institute of Corrections

As shown in both examples, the utilization of incarceration is saved for high risk probationers and serious violations. Alternative sanctions are utilized to their fullest extent, thus producing significant savings in jail bed space. In addition, responses found in the matrices provide an administrative course of action that the probation department may pursue rather than taking these cases to court. Eliminating the need to take cases to court saves valuable time for the probation officer, prosecutor, court personnel, and judges.

#### f) Miscellaneous Strategies

- 1) Detoxification center- individuals who would have normally been booked into jail for misdemeanors such as public intoxication or public nuisance are diverted to a center where they will remain until sober.
- 2) Universal sentencing form- a fill-in-the-blank court order form used at sentencing that is signed by all parties before the inmate leaves the courtroom. The form is then taken directly to jail to eliminate delays in the jail getting the sentencing order.
- 3) Day reporting center/day jail- minimum risk inmates report to a center each day for rehabilitative programming (GED classes, job training, counseling, and etc.), drug testing, and/or community service in lieu of secure custody.
- 4) “Rocket Docket”- cases that are easily disposed should be fast tracked by the courts and prosecutor, especially if the defendant is detained during pretrial. An accelerated calendar is also used for all jail cases and sets a time standard quicker than state guidelines.
- 5) Specialty courts- courts designed to adjudicate cases involving offenses or defendants requiring rehabilitation-driven sanctioning such as treatment and education programs. Examples include mental health court, DUI court, and domestic violence court. (Some counties have even created specialty courts that deal only with misdemeanor and low-level felony charges.)
- 6) Citation programs- police departments are required to issue citations in lieu of arrest for misdemeanor non-violent offenses (unless the offender presents a present danger or flight risk and/or are unable to prove identity).
- 8) Non-book release- offenders arrested and brought to jail on misdemeanors are identified and screened by intake or pretrial staff. They are then released with a formal statement of charges that also indicates the time of the required court appearance.
- 9) Pretrial screening- early screening by pretrial services identifies defendants whose special needs make them appropriate candidates for diversion, services, and programming. For example, identification of chemically dependent defendants during the pretrial stage will enable the court to consider the defendant’s placement in an in-patient program faster.
- 10) Violation waivers- when a probationer admits to violating the technical terms of his or her supervision, he or she signs a waiver agreeing to accept a community-based sanction. The sanctions are pre-defined through a violation matrix. The waiver, if accepted by the sentencing judge, will then avoid a warrant (and jail time) for the violation.

# APPENDIX G: SAMPLE CJCC BYLAWS

## Bylaws of the Allegheny County Criminal Justice Policy Board

<p><u>Article I: Name</u> .....2</p> <p><u>Article II: Authority</u> .....2</p> <p><u>Article III: Purpose</u> .....2</p> <p style="padding-left: 20px;">Section A: Principal Mission.....2</p> <p style="padding-left: 20px;">Section B: Guiding Principal .....2</p> <p style="padding-left: 20px;">Section C: Recommendations.....2</p> <p><u>Article IV: Members</u> .....2</p> <p><u>Article V: Meetings</u> .....2</p> <p style="padding-left: 20px;">Section A: Regular Meetings.....2</p> <p style="padding-left: 20px;">Section B: Designees.....2</p> <p style="padding-left: 20px;">Section C: Quorum .....3</p> <p style="padding-left: 20px;">Section D: Special Meetings.....3</p> <p><u>Article VI: Officers</u> .....3</p> <p style="padding-left: 20px;">Section A: Co-Chairs .....3</p> <p style="padding-left: 20px;">Section B: Vice-Chair.....3</p> <p><u>Article VII: Voting</u> .....3</p> <p><u>Article VIII: Protocol</u> .....3</p> <p><u>Article IX: Confidentiality</u>.....3</p> <p><u>Article X: Conflict of Interest</u> .....3</p> <p><u>Article XI: Political Advocacy</u>.....4</p> <p><u>Article XII: Compensation</u> .....4</p> <p><u>Article XIII: Executive Committee</u> .....4</p> <p style="padding-left: 20px;">Membership .....4</p> <p style="padding-left: 20px;">Meetings.....4</p> <p><u>Article XIV: Standing Committees</u>.....4</p> <p style="padding-left: 20px;">Section A: Operating Committee...4</p> <p style="padding-left: 40px;">Membership.....5</p> <p style="padding-left: 40px;">Meetings.....5</p>	<p style="padding-left: 40px;">Section B: Jail Oversight..... 5</p> <p style="padding-left: 80px;">Membership..... 5</p> <p style="padding-left: 80px;">Meetings ..... 5</p> <p style="padding-left: 40px;">Section C: Grant Oversight..... 5</p> <p style="padding-left: 80px;">Membership..... 6</p> <p style="padding-left: 80px;">Meetings ..... 6</p> <p style="padding-left: 40px;">Section D: Information Systems ... 6</p> <p style="padding-left: 80px;">Membership..... 6</p> <p style="padding-left: 80px;">Meetings ..... 6</p> <p><u>Article XV: Task Committees</u>..... 6</p> <p style="padding-left: 20px;">Section A: Purpose ..... 6</p> <p style="padding-left: 20px;">Section B: Members ..... 7</p> <p style="padding-left: 20px;">Section C: Meetings..... 7</p> <p><u>Article XVI: Records</u> ..... 7</p> <p><u>Article XVII: Amendment of Bylaws..</u> 7</p> <p><u>Article XVIII: Signatures</u>..... 7</p> <p><u>Appendix A: Organizational Chart</u> ..... 8</p>
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## **Article I: Name**

The name of this Board is the Allegheny County Criminal Justice Policy Board, and it will be referred to as the Board in the following bylaws.

## **Article II: Authority**

The County Executive and the President Judge established the Board in December 2002.

## **Article III: Purpose**

### ***Section A: Principal Mission***

The principal mission of the Board 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 Allegheny County criminal justice system. The Board 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 Board is committed to serve as the planning body for the criminal justice system in Allegheny County.

### ***Section C: Recommendations***

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

## **Article IV: Members**

There are twenty-one voting members on the Board who are members due to the position they hold. These twenty-one members serve on the Board as long as they occupy the position:

- County Executive (Co-Chair)
- President Judge (Co-Chair)
- Administrative Judge, Criminal
- Representative, Juvenile Court Judge
- District Attorney
- County Council Public Safety Chair
- Sheriff
- County Clerk of Courts
- County Manager
- District Court Administrator
- Public Defender
- Jail Warden
- Director, Health Department
- Director, Emergency Management
- Mayor of Pittsburgh
- Pittsburgh Chief of Police
- Representative, District Justices
- President, Chief of Police Association
- Representative, State Government
- Representative, Crime Victims
- Representative, Private Sector

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

### ***Section B: Designees***

Board members may designate one chief of staff person to represent them and vote

at Board meetings. Any member wishing to appoint a designee is to identify the designee in written correspondence addressed to the Co-Chairs of the Board. 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 voting and by not less than a majority of the quorum.

### ***Section D: Special Meetings***

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

### ***Section B: Vice-Chair***

The Vice-Chairperson, who is selected by the Board, 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 Board 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**

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

## **Article IX: Confidentiality**

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

## **Article X: Conflict of Interest**

Members of the Board, 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 Board. Such member(s) will abstain from voting when appropriate.

### **Article XI: Political Advocacy**

The Board, 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 Board, 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 Board. It ensures that the Board and its related committees maintain their systemic goals and objectives. Any policy or program initiatives developed by the Board 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 Board.
- Prioritizing issues that the criminal justice system and the Board 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 Board.

### **Meetings**

The Executive Committee meets on the fourth Tuesday of those months where a Board 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 Board. 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 Board.
- Designating existing structures or creating new structures for the achievement of Board goals.
- Monitoring the implementation of Executive Committee directives and their outcomes.

- Administering the business of the Board on matters coming before it, including the planning of the agenda for Board 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 Board 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 1 of the Courthouse. The meetings begin at 3:00 p.m.

### ***Section B: Jail Oversight***

The Jail Oversight Board duties include the operation and maintenance of the jail, the safekeeping of inmates, and the employment of a warden. It also ensures:

- Living conditions within the jail are healthful and otherwise adequate.
- The jail is being operated in accordance with its regulations, the laws and regulations of the Commonwealth and of the United States.

- All prescribed responsibilities assigned to the Jail Oversight Board, per the Act of December 10, 1980 (P.L. 1152, N0. 208), are performed as required.

### **Membership**

The Jail Oversight Board consists of nine members. It is composed of the County Executive, three judges from the Court of Common Pleas, one of whom shall be the President Judge or his/her designee, the county sheriff, the county controller, the mayor of a city within the County, and three private citizen members.

The common pleas judges are to be selected by the President Judge. Private citizen members are appointed by the County Executive for terms no longer than three years in duration.

### **Meetings**

The Jail Oversight Board meets on the second Thursday of the month at Conference Room 1 of the Courthouse. 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 Board'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 Court of Common Pleas, the Sheriff, the Public Defender, the County Jail, Emergency Management, County Police, and the City of Pittsburgh. 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 1 of the Courthouse. 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 Court of Common Pleas, the Sheriff, the Public Defender, the County Jail, Emergency Management, County Police, and the City of Pittsburgh. 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 Board 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 Board for consideration. Task committees also assist in the implementation and evaluation of approved plans.

Bylaws of the Allegheny County Criminal Justice Policy Board, as in effect on this day of \_\_\_\_\_, 2003.

\_\_\_\_\_  
Co-Chair

\_\_\_\_\_  
Co-Chair

***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 Board 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 Board at a regularly scheduled meeting for approval. Any action in response to the proposed change in the bylaws taken by the Board becomes effective immediately.

**Article XVIII: Signatures**

We hereby certify that the foregoing is true, correct, and complete copy of the

**Appendix A: Organizational Chart**



## BIBLIOGRAPHY

- Charter Ordinance Numbers 122 and 123
- COMCARE Connections with Community Corrections: The Detention Facility and Law Enforcement
- COMCARE: County Annual Report 2001
- COMCARE: County Annual Report 2002
- COMCARE: Crisis Intervention Services, brochure
- COMCARE: Helping People Help Themselves, brochure
- COMCARE: Jail Diversion Program Summary, submitted by Judy Addison, July 25, 2003
- COMCARE: Organizational Chart 2002
- COMCARE: Year in Review 2002
- County Administration Production Control System Statistics, Job Description Listing
- Department of Corrections Agency Summary of Programmatic Changes and Significant Events in Fiscal Year 2000
- Department of Corrections: Executive Summary, Fiscal Year 2004
- Department of Corrections: Mission Statement and Program Outline
- Department of Corrections: Pretrial Services Program Versus Detention Facility
- Department of Corrections: Sedgwick County Community Corrections Adult Intensive Supervision Program Key Facts
- Department of Corrections: Sedgwick County Community Corrections Adult Residential Center Key Facts
- Department of Corrections: Staffing Summary and Organizational Charts
- Department of Corrections: Strategic Plan 2003 - 2005
- Detention Bureau Statistics: 2000 - 2002
- Detention Bureau: Outline of Programs
- District Court Analysis of Civil, Criminal and Traffic Caseload Activity, By County and District, 1994 - 2002
- District Court Appearance Bond Guidelines
- District Court Schedule, updated January 27, 2003
- District Court: Staffing Outline
- Division of Finance Request for Proposal: Sheriff Management System/ Jail Management System, September 24, 2003
- Email: From Captain Hinshaw to Dave Voorhis re: unions, September 2, 2003
- Email: From Ed Randals to George Mason, forwarded to ILPP by Captain Hinshaw re: Use of Notices to Appear, August 6, 2003
- Email: From Jennifer Dombaugh to Tom Eberly re: information on the District Court pertaining to court facilities, information systems, filings, and structure, August 7, 2003

Email: To Cheryl Cannefax from Tim Kaufman re: number of COMCARE staff, July 25, 2003

Judicial Administrative Order Regarding Bonds, August 28, 2002

Kansas Administrative Regulations Pertaining to the State Board of Indigents' Defense Service (SBIDS)

Kansas Average Caseload per Judge Comparisons 2001 - 2002

Kansas Board of Indigent Defense Annual Report for Fiscal Year 2000

Monthly Caseload Statistics for Adult Probation 1999 - 2003

Municipal Court Bond Schedule

Municipal Court of Wichita Court Schedule, updated January 27, 2003

Memo: From Joy Garst, Administrative Specialist, dated August 5, 2003

Office of the District Attorney: Guidelines for the Presentation and Charging of Juvenile Offender Cases, April 1, 1997

Office of the District Attorney: Pretrial Diversion at the Sedgwick County Courthouse

Office of the District Attorney: Guidelines for the Presentation and Charging of Domestic Violence Cases, November 1, 1997

Office of the District Attorney: Guidelines for the Presentation and Charging of Sexual Assault and Child Abuse Cases, November 1997

Office of the District Attorney: Guidelines for the Presentation and Charging of Arson Cases, April 1, 1997

Office of the District Attorney: Guidelines for the Presentation and Charging of Vehicular Death Cases, April 1, 1997

Office of the District Attorney: Adult Diversion Programs pamphlet

Office of the District Attorney: An Informational Guide for Crime Victims and Witnesses

Office of the District Attorney: Application for Traffic Diversion Program

Office of the District Attorney: Case Counts by Divisions/Years, 1995 - 2002

Office of the District Attorney: Departmental Organizational Chart, Class Titles, July 28, 2003

Office of the District Attorney: Guidelines for the Follow-up, Presentation. And Charging of Drug Cases, November 1, 1997

Probation: Court Ordered Supervision Reports 2001 - 2003

Public Defender Caseload Statistics for Fiscal Years 2000 - 2003

Sedgwick County Budget Reports 1998 - 2003

Sedgwick County Community Corrections Annual Plan, Fiscal Year 2003

Sedgwick County Community Corrections Annual Plan, Fiscal Year 2004

Sedgwick County Detention Needs Assessment, KIMME & Associates, Inc. and Institute for Law and Justice, 1993

Sedgwick County Sheriff General Order, Law Enforcement Role and Authority, July 1, 2000

Sedgwick County Sheriff General Order, Legal Process, December 12, 2002

Sedgwick County Sheriff: Annual Reports 1997 - 2002

Sedgwick County Sheriff: Driving While Suspended Statistics 1999 - 2003

Sedgwick County Sheriff: Offenses Reported 2000 - 2002  
Sedgwick County Sheriff: Organizational Chart  
Sedgwick County Sheriff: Patrol Statistics 1999 - 2002  
Sedgwick County Sheriff: Traffic Citations Statistics 1990 - 1999  
Sedgwick County Sheriff: Technical Division Statistics 1999 - 2002  
Sedgwick County Sheriff's Department Core Values and Department Mission Course Outline, 2001  
Sedgwick County Sheriff's Department Core Values and Mission Statement, Student Handout  
Sedgwick County Sheriff's Department General Order: Admission Standards, July 1, 2001  
Sedgwick County Sheriff's Department General Order: Admissions Booking Procedures, September 1, 2002  
Sedgwick County Sheriff's Department General Order: Classification, July 1, 2001  
Sedgwick County Sheriff's Department General Order: Housing Pod Assignments Work Release, July 1, 2001  
Sedgwick County Sheriff's Department General Order: Intake Processing & Orientation, January 1, 1999  
Sedgwick County Sheriff's Department General Order: Philosophy, Goals & Objectives, September 1, 2002  
Sedgwick County Sheriff's Department General Order: Release Procedures, July 1, 2001  
Sedgwick County Sheriff's Department: Annual Report 1997 - 1999  
Sedgwick County Sheriff's Department: Special Order 02-11, December 31, 2002  
Sedgwick County Sheriff's Per Diem Costs 1998 - 2002  
State of Kansas Annual Report, Fiscal Year 2000  
State of Kansas Sentencing Guidelines Act, K.S.A. 21-4701, et. seq.  
Summary of District Court Civil and Criminal Caseload for the State, 1994 - 2002  
Wichita Police Department Count of Arrests by Charge Codes From January 1, 1998 through August 31, 2003  
Wichita Police Department Count of Citations Issued By Citation Type from January 1, 1998 through July 31, 2003  
Wichita Police Department Organizational Chart  
Wichita Police Department Policy Manual, Policy 307, UCC/NTA Procedures/Mandatory Booking  
Wichita Police Department: Arrest Citation Summary Data, August 26, 2003

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## INTERVIEWS

Betty Anderson, Wichita Municipal Court Supervisor  
Sherry Anderson, Sheriff's Department  
The Honorable Richard T. Ballinger, Chief Judge, District Court  
Major Danny Bardezbain, Jail Commander  
Larry Barker, Work Release Director, Sheriff's Department  
Donna Billiones, District Court Services Officer III  
William P. Buchanan, County Manager  
Major Cartright, Sheriff's Department, Johnson County, Kansas  
Chris Cherches, City Manager  
Jeanette Clary, Chief Administrator, District Attorney's Office  
Diana L. Collins, District Court Services Officer II  
Amy Cullom, Court Services Administrative Office  
Marilyn Cook, Executive Director of COMCARE  
Greg Cox, District Court Technology Director  
Amy Cullom, Chief Court Services Officer  
Jennifer Dombaugh, Management Analyst, District Court  
Nola Tedesco Foulston, District Attorney  
Diana Gage, Director, Emergency Communications  
Kay Gales, Municipal Court Administrator  
Joy Garst, Administrative Specialist, Public Defender's Office  
Ted Gibson, Population Control Corporal, Sheriff's Department  
Betsy Gillespie, Department of Corrections, Shawnee County, Kansas  
Donna Hajjar, Department of Corrections  
Roland Hamann, Department of Corrections, Douglas County, Nebraska  
Michael Hauschild, Police Chief, City of Derby  
Robert Hinshaw, Captain, Sheriff's Department, Detention Bureau  
Sergeant Brad Hoch, Sheriff's Department Judicial Division  
Ellen House, District Court Administrator  
Chris Howard, Corrections Corporation of America, Tulsa County, Oklahoma  
Marty Hughes, Revenue Manager, County Division of Finance  
The Honorable Judge Jennifer L. Jones, Administrative Judge, Wichita Municipal Court  
Bill Kenny, Bondsman, Greenfeather Bonding  
Stephanie Knebel, Manager of Facility Project Services  
Crystal Krier, First Deputy, Public Defender's Office  
Captain Lynn Kruise, Sheriff's Department  
Glen Kurtz, Captain, Sheriff's Department, Detention Bureau  
Robert J. Lamkey, Public Safety Director, County Manager's Office  
Michael Lolladay, Corrections Coordinator, Department of Corrections  
Mark Masterson, Director, Department of Corrections  
Carlos Mayans, Mayor of Wichita  
Mary McDonald, Chief Prosecuting Attorney, Municipal Court  
Commissioner Carolyn McGinn, Sedgwick County Commission  
Major McGovern, Sheriff's Department, Douglas County, Kansas  
Julie McManus-Palmer, District Court Services Officer

David Miller, Budget Analyst  
Jayma Mitchell, Second Deputy, South Central Regional Public Defender  
Bob Morey, Bondsman, Morey's Bonding Company  
Billie Morris, Sheriff's Department  
Tammy Nevils, District Court Computer Services  
Commissioner Tim Norton, Sedgwick County Commission  
Steve Osburn, Chief Public Defender  
The Honorable Judge Clark V. Owens, District Court, 18th Judicial District  
Kerrie Platt, Administrator, Adult Field Services, Department of Corrections  
Captain Dale Poe, City of Wichita Police  
Gary Rebenstorf, Director of Law & Wichita City Attorney  
Deputy Chief Robertson, City of Wichita Police  
Steve Ruger, County Management Intern  
Bob Scofield, Bondsman, Affordable Bail Bonds  
Laura Scott, Department of Corrections, Jackson County, Missouri  
Captain Greg Schauner, Sheriff's Department Judicial Division  
Satin Siroky, Wichita Police Department Computer Analyst  
Gary Steed, Sedgwick County Sheriff  
Margie Studemine, Wichita Municipal Court Supervisor for Probation  
Robert Tillman, District Court Services Officer II  
Commissioner Dave Unruh, Sedgwick County Commission  
Richard Vogt, Chief Technology Officer  
The Honorable Judge Gregory Waller, Presiding Criminal Judge, District Court  
Chief Norman Williams, Wichita Police Department  
Peggy Wilson, Division of Information and Operations  
Commissioner Tom Winters, Sedgwick County Commission  
Lieutenant Wimpy, Sheriff's Department, Douglas County, Kansas  
Captain James Wood, Sheriff's Department Operations Division