

**NCSC**  
National Center for State Courts

***JAIL AND  
CRIMINAL JUSTICE SYSTEM STUDY FOR  
OKALOOSA COUNTY, FLORIDA***

*Final Report  
July 2007*



**JCI**  
Justice Concepts Incorporated



*A Nonprofit Organization  
Improving Justice Through  
Leadership and Service to Courts*



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***JAIL AND  
CRIMINAL JUSTICE SYSTEM STUDY FOR  
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This document has been prepared under an agreement between the National Center for State Courts and the County of Okaloosa, Florida.. The points of view and opinions offered in this report are those of the project consultants and do not necessarily represent the official policies or position of the County Government Okaloosa County or the National Center for State Courts.

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## **Chapter 1**

### **Executive Summary**

#### **Section 1. Introduction**

In May 2006, a consulting team composed of Drs. Allen Beck and Nancy Insco of Justice Concepts Inc. (JCI) and Suzanne Tallarico of the National Center for State Courts (NCSC) made their first site-visit to perform a study of the County Jail and Criminal Justice System. The purpose of this study was to forecast jail growth and to find ways to control that growth. Almost immediately the team realized that the very sizable overcrowding of the Jail had to be quickly addressed. The Director of the Department of Corrections was facing an immediate need to deal with the several hundred inmates who were sleeping on floors – overcrowding was threatening the well-being of inmates and staff alike. Among those immediate remedies he had considered was the placing of tents in the parking lot. Such solutions, in the experience of Drs. Beck and Insco, were unnecessary and very problematic. Since they had experience in quickly reducing jail populations, they undertook additional activities not in the scope of the contract to immediately address overcrowding. For example, they worked at night to manually review the files of all misdemeanor inmates and developed lists of inmates who might be released through system improvements. This information was communicated to various members of the criminal justice system who quickly and effectively responded. As a result, the Jail population began to fall in August, which reached an all time high of 900 inmates, to a much lower level of less than 650 inmates.

The consultants also took a different approach to developing recommendations. Rather than limiting their activities to a few site-visits, conducting interviews, analyzing data, and writing a report, the consultants engaged members of the criminal justice system in discussions, phone calls, and round-robin circulation of working-documents that identified issues and developed strategies for resolving those problems.

The collaborative process in which recommendations were developed also carried another benefit—Some of the solutions were being immediately implemented. This is not typical of most criminal justice studies. Typically, improvements in operations are held in abeyance until a report is received from the consultants. The weakness of that “wait and see” approach is that involvement of justice system leaders is lower. This results in lower enthusiasm in implementing improvements, in delays in implementing improvements, and a lower rate of implementing changes.

The consultants played three roles in this project. First, they brought to the criminal justice community their knowledge of best practices and ways to improve operations. Second, they brought the manpower resources needed to conduct interviews and analyze information. Third, they served as mirrors by which to reflect existing conditions back to those leaders so they could move forward. The consultants, also, recognize that the leaders of the criminal justice system are talented people who contribute much experience to daily operations. Part of the role of the consultants was to help those leaders reconsider how to put their knowledge to use to solve various problems. As a result those leaders have been able to reduce the Jail population.

#### **Section 2. How the Study Was Performed**

The approach of the study involved the following activities:

- A series of on-site visits (13 visits, collectively, by the 3 team members)
- Review of the Jail facility and proposed expansion sites

- A special trip to view the Falkenburg Road Jail in Tampa, which is the model for the proposed Jail expansion.
- Surveys
- Flow chart meetings and round-robin follow-up refinement of issues
- Analyses of court data by the Clerk of Court's Office
- Downloading of data from the Jail's information system and analysis by JCI
- Single and multiple interviews of criminal justice system officials including
  - Director of Okaloosa County Department of Corrections, DOC
  - Assistant Director of DOC
  - Staff in the Jail Admissions, Classification, and Reception Unit
  - Various Jail Staff
  - Judges
  - Court Administrator
  - Staff in the Court Clerk's Office
  - Staff of Pretrial Services
  - Chief Assistant State Attorney for Okaloosa County
  - Chief Public Defender for Okaloosa County
  - Sheriff and Chief Deputy of Sheriff's Department
  - Police Chiefs of Ft. Walton Beach, Niceville, Crestview, and Valparaiso
- Single and multiple interviews of Okaloosa County officials including
  - County Administrator
  - Chairperson of the County Commission
  - Director of the County's Department of Growth Management
- Single and multiple interviews of Community Agencies
  - Bridgeway Center staff
  - Elgin Air Force Base Public Affairs Officer

### **Section 3. Questions and Answers About the Study**

In projects of this type, certain questions and issues arise repeatedly. For purposes of brevity and information summary, findings of this study are presented in the following "Questions and Answers" format.

#### **Can jail population growth be reduced or slowed?**

Both a further reduction of the Jail population and greater control over the growth rate are possible. As mentioned earlier, the Jail population has been reduced from a high point in August 2006, in which the population exceeded 900 inmates, to a much lower level of less than 650 inmates. This reduction occurred because leaders of the criminal justice system collaborated to resolve issues that were identified early in the course of this study. Given their willingness and capability, there is no reason to believe that they cannot be just as effective in moving ahead with new recommendations in this report that have not yet been addressed. Thus, the consultants feel that the jail population can be reduced to below the Jail's design capacity of 594. This, however, does not mean that the County should drop its plans to add jail capacity. What this drop in population means is that (a) the Jail is still full, (b) the Jail population will begin its upward growth again as the county population increases, and (c) the County will have time to construct new beds without being again in crisis mode while doing so, and (d) the new Jail addition will not be immediately filled after its opening. It is important to remember, that before the reduction in Jail population in August, all of the jail new beds the County can afford to build would have been immediately filled—that many inmates were sleeping on the floor due to overcrowding.

By implementing the recommendations in this report, jail growth rate can also be slowed. The County can still expect to have to build more beds in the future. However, the onward rush to build may be decelerated and the construction can be part of a larger, integrated strategic plan.

### **How many jail beds will be needed in 20 years?**

Nobody knows. Statistical equations and computer power cannot foretell the future. Given the recent developments in reducing the Jail population, the County would best be served by moving ahead with the recommendations in this report, undertaking the currently planned Jail expansion and reassessing jail growth several years after that.

Jail planning is not a one-time undertaking. Just as in planning for any type of County service, the path to the future must be constructed in increments.

### **How can jail growth be controlled?**

There are three ways to control jail growth: (1) By providing a broader range of effective alternatives to incarceration for pretrial defendants who, in the absence of those alternatives, would remain in jail until their cases are disposed. The rationale for developing alternatives to incarceration is based on the accepted legal premise that the purpose of detaining pretrial defendants is not punishment, but to ensure that they show up for trial and remain crime free in the duration. Thus, for some defendants there are less expensive alternatives to incarceration that can fulfill these two purposes. (2) By reducing the time required to process cases of inmates through the court system, and (3) By providing a broader range of effective intermediate sanctions for sentenced offenders than just jail. Intermediate sanctions are those types of punishment, supervision and treatment that fall on a continuum of options between Jail and release without supervision.

### **What are the challenges facing the Okaloosa criminal justice system?**

Among the challenges identified by the consultants are the following:

- Need for more jail beds that could require a very large expenditure of tax dollars.
- Declining tax revenues due to changes in State statutes.
- A need to control the growth of the Jail population and, thereby, reduce the impact on the County budget.
- Lack of an adequate range of alternatives to incarceration: Need to fill in the gaps resulting from programs and sanctions that are missing in the continuum of alternatives to incarceration.
- Delays in criminal case processing.
- Need to develop a strategy for dealing with the homeless.
- Need to improve capabilities for dealing with arrestees having mental health problems.
- High proportion of offenders having substance abuse problems (alcohol and hard drugs).

### **How many recommendations are made in this report?**

Thirty-nine (39) recommendations are contained in Chapters 2, 3, 5 and 7 of this report. The recommendations are diverse in that they span four categories:

- Criminal case processing.
- Alternatives to incarceration.
- Jail information system improvement needs.

- Improvement of decision-making infrastructure on jail-related issues.

The various observations and recommendations about the jail and criminal justice system contained in Chapters 2, 3, 5, and 7 are shown below:

**Observation 2.1. Arrest and Processing:** The use of alternatives to incarceration for persons arrested with mental health problems is inconsistent and the processing of their cases is sometimes delayed.

**Recommendation 2.1.** A “fast track” should be developed to quickly return cases to court of inmates who have returned from Florida State Hospital.

**Recommendation 2.2.** The improvement of crisis mental health intervention should be addressed by criminal justice system leaders.

**Observation 3.1. Overall Processing Time:** Many felony cases exceed the 180-day time goal established by the Florida Supreme Court.

**Recommendation 3.1.** Collaboratively work to solve delays in case processing.

**Observation 3.2. Paper Processing:** Warrants sometimes show up weeks after arrest.

**Recommendation 3.2.** A process for detecting the source of the warrants problem should be instituted.

**Observation 3.3. Arrest, Charging Stages, and Adjudication:** A possibility exists that a few inmates have their felony charges disposed before their misdemeanor charges. As a result the offender stays in jail awaiting disposition of the misdemeanor charge. This is an unconfirmed issue that needs further examination.

**Recommendation 3.3a.** Staff in the Admissions, Classification, and Release (ACR) unit of the Jail and in the Clerk of Court’s Office should collaborate to determine the magnitude of this concern.

**Recommendation 3.3b.** Improve the training of law enforcement officers in all agencies. The training of new law enforcement officers provided by the local college should include information about how to write-up felony arrests that include misdemeanor offenses.

**Observation 3.4. Bond Setting Stages at Booking and Bond Review:** The Jail, with participation of criminal justice system leaders, instituted in February 2007 a new bond schedule, which will be used at booking. Due to its newness, it is unknown if the new schedule is meeting the needs at all points in criminal caseload that involve bond setting.

**Recommendation 3.4.** The new bond schedule should be reviewed in two to three months to assess its effectiveness.

**Observation 3.5. Felony Plea Day:** Inmates are only allowed to enter a plea of not guilty at this event which occurs on about day 35 (“at least 21 days from arrest”). As a result, the first time a negotiated plea will be accepted is 100 days after arrest, at the Pretrial Conference stage.

**Recommendation 3.5.** The Felony Plea Day should be modified to allow acceptance of guilty pleas. This will require restructuring the Plea Day proceedings. Attorneys could also submit paperwork to the Clerk of Court’s Office in sufficient advance time so that all paperwork would be ready for signature by the judge and other parties, upon acceptance of the plea.

**Observation 3.6. Pretrial and Docket Conference Stages:** A high percentage of cases are continued.

**Recommendation 3.6.** (1) Each judge should consider how to establish a firmer policy on continuances of felony cases and to hold firm on the Pretrial Conference as the last day for accepting pleas, and (2) Attorneys should establish work patterns that are not dependent on continuances as a way of shuffling their workloads.

**Observation 3.7. Processing after Sentencing:** Processing of paperwork for commitment to State prison usually takes more than two weeks (17-20 days) after being sentenced.

**Recommendation 3.7.** A process should be implemented in which all committing paperwork for prison is prepared prior to sentencing date and signed by the judge at time of sentencing.

**Observation 3.8. Revocation Hearing Stage:** A large number of inmates are being held for violation of probation (VOP) hearings.

**Recommendation 3.8a.** The FDOC should be approached through political channels to alter its prohibition of providing decision-making information to judges.

**Recommendation 3.8b.** Options for VOP hearings should be studied and considered.

**Observation 3.9. Overall Processing Time:** Many misdemeanor cases exceed the 90-day time goal established by the Florida Supreme Court.

**Recommendation 3.9.** Collaboratively work to solve delays in misdemeanor case processing.

**Observation 3.10. First Appearance Stage:** First appearances are held daily but not at a consistent time.

**Recommendation 3.10.** First Appearances should be consistently set for early afternoon, such as at 1:00 or 2:00 P.M.

**Observation 3.11. Pretrial Conference & Trial Stages:** Motions are being made in late stages of case processing.

**Recommendation 3.11.** Motions should be made prior to the Pre-Trial Conference.

**Observation 3.12. Pretrial Conference Stage:** Single and multiple continuances are frequently granted.

**Recommendation 3.12.** (1) Each judge should consider how to establish a firmer policy on continuances of misdemeanor cases and to hold firm on the Pretrial Conference as the last day for accepting pleas in misdemeanor cases, and (2) Attorneys should establish work patterns that are not dependent on continuances as a way of shuffling their workloads.

**Observation 5.1. Need for Coordinated, Long Range Planning:** Okaloosa County lacks a strategic plan for coordinated development of alternatives to incarceration.

**Recommendation 5.1.** The County should develop and implement a long-range strategy for expanding correctional capacity. This plan would control the jail growth, while supporting needs of the criminal justice system.

**Observation 5.2. Missing Correctional Options:** The County lacks high priority alternatives to incarceration which could immediately reduce the jail population.

**Recommendation 5.2.a.** The PSCC should, as soon as possible, identify those components of the Expanded Correctional Capacity Plan which may be readily implemented.

**Recommendation 5.2.b.** The County should implement a Day Reporting Center (DRC).

**Observation 5.3. Insufficiently Staffed Pretrial Release Program:** The current Pretrial Services Unit is small, limited in scope, and, therefore, does not have the maximum impact on the Jail population that a fully resource-supported pretrial release program would have.

**Recommendation 5.3a.** The County and Court Administration Services Office should increase the capacity of the Court Services Office by expanding the existing Pretrial Services Unit to a full-service pretrial release program, with the potential for adding additional services which would address the supervision needs of post-sentenced misdemeanants.

**Recommendation 5.3.b.** At a minimum, three positions should be added to the Pretrial Services Unit.

**Recommendation 5.3.c.** Service for both pretrial and post-adjudicatory offenders should be considered.

**Recommendation 5.3.d.** Planning for Pretrial Release Program expansion should involve a process of internal re-assessment, exposure to other successful programs throughout the country, and alignment with best practices.

**Recommendation 5.3.e.** Pretrial Services staff should be cross trained in the areas of substance abuse assessment, testing, and treatment.

**Observation 5.4. Current Program Capacity:** The Speciality Courts may not be functioning at full-capacity.

**Recommendation 5.4.** The Speciality Courts should be reviewed and revised if needed to expand capacity.

**Observation 5.5. Under-Supported Initiative:** The initiative to address the homeless problem has an insufficient funding base.

**Recommendation 5.5.a.** The County and the Okaloosa Homeless Community Consortium should pursue external funding and assistance through federal agencies, foundations, and outside resources to support its initiative to reduce homelessness.

**Recommendation 5.5.b.** The County should reinstate efforts to attract nationally recognized, providers of services and shelters to the area through tax incentives or donation of property.

**Recommendation 5.5.c.** The Consortium should pursue the goal of constructing or locating a suitable building, preferably in south county, which would house and provide outreach services to the homeless and transients.

**Recommendation 5.5.d.** The Board of County Commissioners should publicly support all efforts to resolve this long-standing, escalating problem.

**Observation 7.1. Insufficient Infrastructure:** The current infrastructure for monitoring changes and identifying problems that affect the Jail population is insufficient to support aggressive, continued jail population growth management.

**Recommendation 7.1a.** A position Jail Population Control Manager should be established.

**Recommendation 7.1b.** The PSCC should modify its agenda to closely monitor system improvements and detect changes that will affect criminal case processing.

**Recommendation 7.1c.** The County governing body should appoint a person to monitor implementation of changes recommended in this report and provide feedback on progress.

**Recommendation 7.1d.** The Director and Assistant Director of the Okaloosa Department of Corrections should attend conferences of the American Correctional Association (ACA) and American Jail Association (AJA) so that they maintain a constant awareness of best practices that directly and indirectly affect the Jail.

**Observation 7.2. Deficit in Staffing:** Based on a walk-through observation of the Jail and interviews with correctional officers and Department of Corrections administrators, a deficit in Admissions, Classification and Release staffing was identified.

**Recommendation 7.2.** Two more correctional officers should be added to the ACR unit.

**Observation 7.3. Deficit in Staffing:** The transportation and supervision of inmates while out of jail is inadequately and inconsistently staffed. This condition unnecessarily increases risks to the safety of criminal justice staff, staff in various community facilities, and the public.

**Recommendation 7.3a.** A Court and Transportation Unit should be created and five additional (new) correctional officers should be hired to adequately staff the unit.

**Recommendation 7.3b.** Jail administrators and command staff should coordinate with court administrators and Sheriff's Court Security Deputies to review needs and devise security procedures.

**Observation 7.4. Concerns about Staffing Needs:** Concerns exist in the minds of funding decision-makers about how the staffing needs of the Jail have been verified.

**Recommendation 7.4.** A complete and objective assessment of Jail staffing should be performed.

**Observation 7.5. Irregularities in Jail Database:** Inconsistencies, irregularities, and missing data were encountered when attempting to analyze the Jail database.

**Recommendation 7.5.** The Jail should develop a code book containing accepted codes for free-form fields. Staff at the booking desk must be instructed to use those codes.

**Observation 7.6. Software Issue:** Jail staff does not have access to an easy-to-use software program that can perform basic analyses of jail data and no one in the Okaloosa Department

of Corrections (DOC) is adequately trained to use the existing report-generating software.

**Recommendation 7.6.** Data analysis capabilities should be developed that include a sufficiently skilled person, training, and statistical analysis software.

**Will it cost to make the improvements recommended in this report?**

No cost is involved in some of the recommendations. They involve modification of current practices. A second type of recommendations involve modest budgetary support for enhancing existing operations. A third type involves the creation of new programs, some of which defray the budget outlay by charging the offenders for the services. Each layer of improvements can save millions of dollars in future construction costs by reducing the demand for jail beds. The trade-off in costs will be exceptionally attractive to budget-minded citizens.

**Some of the recommendations involve alternatives to incarceration, are these safe?**

Safety is a priority in any alternative to incarceration. The alternatives are designed to address safety needs, as well as providing an alternative to incarceration. The recommended programs are being used successfully in hundreds of jurisdictions across the country. Many members of the public are unaware that alternatives to incarceration can range from little to very close supervision. In the absence of alternatives to incarceration, jail affords only one level of supervision and, thereby, is a mismatch for supervising for many defendants awaiting trial. Since jail represents the most costly form of supervision, the mismatch of supervision needs is an unnecessary waste of community taxes.

Many people in jail are there because they could not afford to bond out and have not yet been found guilty of a crime. Although it is likely that many of them will be found guilty, not all are. Thus, punishment is not an option for people awaiting trial. The purpose of pretrial detention is to ensure the defendant shows up for trial and remains crime free in the interim.

Sometimes people are held in jail because there is no alternative to supervise and treat them. For example, some people with demonstrable mental health problems that caused their aberrant behavior would have been placed in a special mental health facility if it had been available. The goal in this instance is to develop appropriate alternatives other than jail where they can be properly supervised and treated.

**Will changes in the criminal justice system result in a lower quality of justice?**

Such a question assumes that the current system is operating at optimal efficiency and effectiveness. The Okaloosa County criminal justice system, like all criminal justice systems can be improved. For example, improvements in the Jail's information system will help to identify if some cases of inmates have encountered unnecessary processing delays. Reduction of those delays not only improves the quality of justice, but, in some cases, reduces the number of days that the County has to pay for confining the person in jail. Other improvements in case processing can reduce redundancies in workload, thereby reducing costs not only in the jail but in other agencies.

There is a well-known saying in criminal justice, "Justice Delayed is Justice Denied." What this means is that the longer that cases take to dispose, the greater the likelihood that witnesses will move away, that memories of witnesses will become cloudy, etc.

**What are the consultants' impression of Okaloosa criminal justice system?**

Criminal justice systems are complex. Agencies are challenged by insufficiency in budgets which in turn affects personnel resources and technology needed to keep up with expanding workloads. The complexity of the system also keeps the public from understanding the need to support the

entire system. In these regards, Okaloosa County is no different than many other counties.

Okaloosa County is weakest in strategies and resources for controlling growth of the criminal justice system. However, this weakness is not due to refusal of the criminal justice system leaders to control growth. Some systems are hobbled by serious conflicts between agencies. However, this was not found to be the case in Okaloosa County. The attitude of criminal justice system leaders seems to be constructive. For example, they rallied to work together to lower the Jail population in the Summer and Fall of 2006. Overall, the consultants believe that the positive elements of collaboration exist that can result in greater control of jail growth while ensuring the safety of the community.

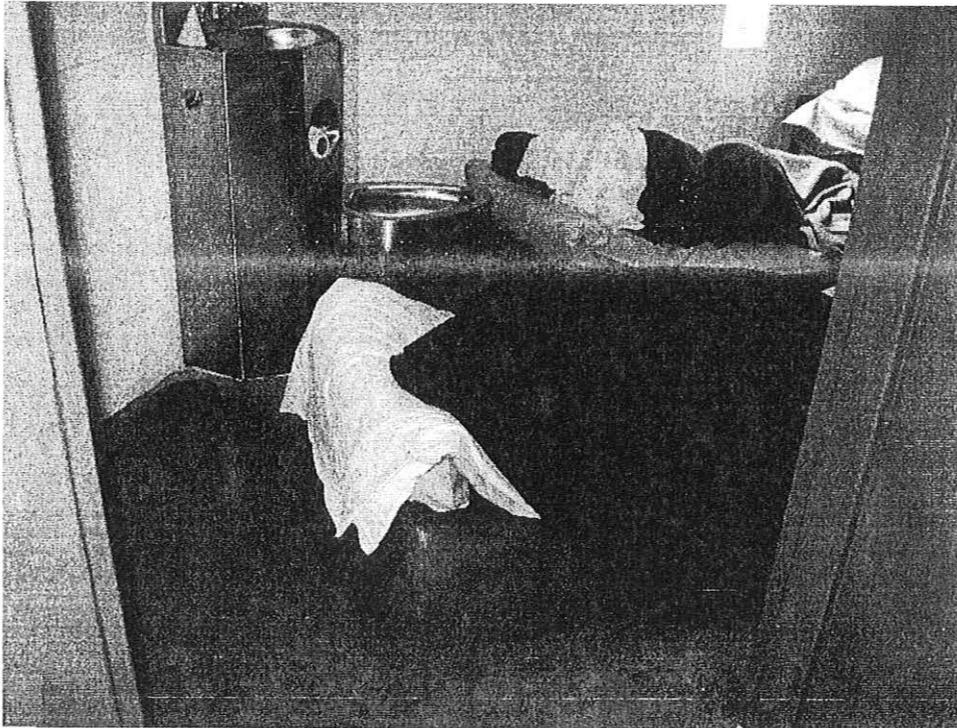
## Chapter 2 Examination of the Jail Population

### Section 1. Introduction

This chapter deals with information about inmate characteristics that will be useful in planning to control jail growth. This information will also provide insights into some of the considerations in the Jail Master Plan recently developed by the DLR Group (RE: *Okaloosa County Department of Corrections Needs Assessment/Master Plan Report*. Dec. 29, 2006).

There are a variety of different types of people in jail: males and females, healthy and sick, the mentally challenged, the burned-out alcoholic, the battered and the batterers, those who steal, and so on. And not least to be considered, is that there are too many of them to be accommodated appropriately in this facility.

#### Exhibit 2.1. Women Sleeping in a Crowded Medical Cell



Not shown in the picture is a sick woman sleeping on a metal-frame bed to the right. The two women immediately seen through the doorway are sleeping on mattresses on the floor. They have covered their heads to shut out light and disturbances. Notice the woman sleeping near the far wall has her bed nearly touching the toilet.

Two recommendations are made in this chapter:

**Recommendation 2.1.** A "fast track" should be developed to quickly return cases to court of inmates who have returned from Florida State Hospital.

**Recommendation 2.2.** The improvement of crisis mental health intervention should be addressed by criminal justice system leaders.

Section 2. Characteristics of the Jail Population

Gender

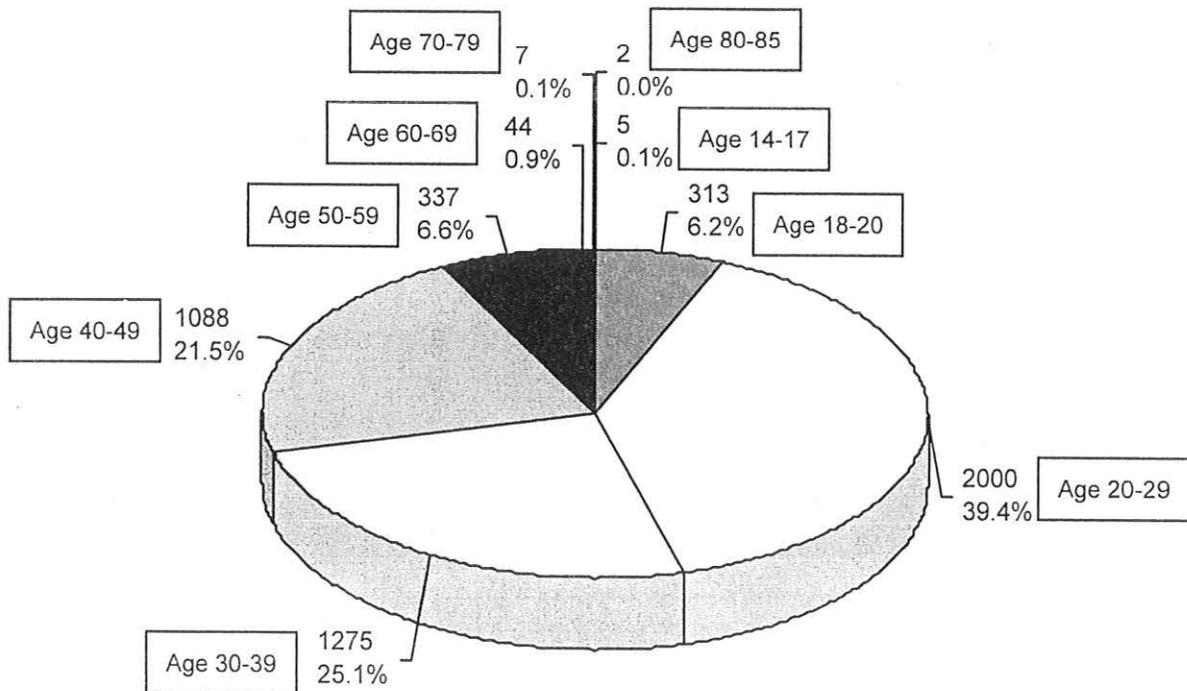
Of the approximately 5,071 inmates in jail during 2006, about 3/4ths (77.2%) was male and 22.8% was female. In planning facilities, the first consideration is the separate housing and medical treatment of males and females. Some of those issues will be addressed by developing a housing design that can accommodate either gender.

If Okaloosa County follows national trends, the percentage of female inmates will increase. This could affect the medical and mental health budgets. For example, recent studies indicate that female inmates more frequently report having medical problems and have a higher incidence of mental health problems.<sup>1</sup>

Age

Age becomes a management concern for younger and older inmates. Young inmates under 20 are more vulnerable to influence and being picked on by older inmates. In 2006, the jail held five (5) teenagers, age 14-17, who were charged with felonies. Usually, such young inmates are kept apart from other inmates. Older inmates, 60 and above, are more prone to medical problems. In 2006, 53 people age 60 and older were held. Nine (9) of those people were 70 and older.

**Figure 2.1. Age Composition of the 5,071 Inmates Held in 2006**



Source: Jail information system, October 2006. Analysis by Allen Beck.

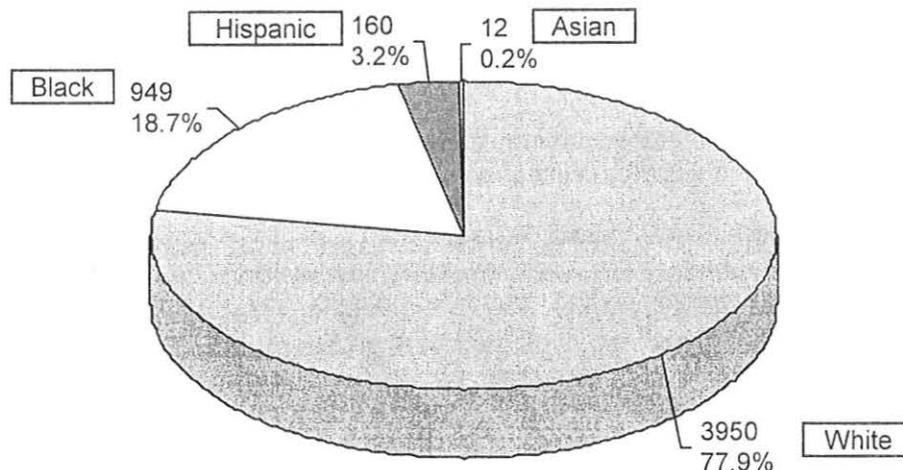
<sup>1</sup> Bureau of Justice Statistics. "Mental Health Problems of Prison and Jail Inmates." Washington, D.C. September 2006, p. 4. Also see "Medical Problems of Jail Inmates", November 2006.

In some jail and prison systems, inmates of 50 and older are included in the aging category. The reason for that inclusion is that a high percentage of offenders exhibit signs of aging found in older persons. This is the result of having abused drugs, not attending to medical and dental problems, not maintaining good hygiene, failure to eat well, and smoking. Even inmates in the 40-49 age range begin to show higher rates of medical problems than the normal population. Thus, as the inmate population grows, health and mental health costs will rise faster than in the free-world community.

#### Race and Ethnicity

Race and ethnicity have little bearing on management of the jail population, except in the instance of non-national (aliens) inmates.

Figure 2.2. Ages of the 5,071 Inmates Held in 2006



Source: Jail information system, October 2006. Analysis by Allen Beck.

In 2006, about 325 inmates were non-citizens. Many of these were aliens. This has become a problem in recent years as the result of Hispanic workers being hired by businesses to obtain cheap labor. When illegal immigrants are stopped for minor traffic offenses, they are usually taken to jail instead of receiving a traffic ticket because of no driver's license.

#### Health Problems

A high percentage of low income people who come to jail have medical problems. While in the free-world, many used Medicare to cover medical expenses.<sup>2</sup> Medicare, however, stops when entering jail.

Health costs of the Jail unnecessarily escalate when delays in case processing or lack of alternatives to incarceration unnecessarily extend an inmate's time in jail. Some of the medical

<sup>2</sup> The exception is the homeless, primarily men, who do not use Medicare.

problems housed in the Jail include the following:<sup>3</sup>

- Hemophilia inmates/patients require constant medication with a cost of \$20,000 per month per person. The Jail had one inmate in February who had returned many times.
- HIV inmates/patients cost \$1,100 per month. The jail population contains at least one HIV inmate all the time.
- Dialysis inmates/patients cost \$31,200 per month (12 hospital visits per month at \$2,600 per visit.) One inmate requiring dialysis was in Jail in February.
- Pregnant females who have abused drugs are often remanded to Jail through time of delivery. Most of those have not had prenatal care and would be at high risk of returning to drug use before delivery.

### Mental Health

Prison Health Services (PHS), which provides health and mental health services in the Okaloosa County Jail, screens each arriving inmate. This screening involves both observation and interview.

PHS statistics for February 2007 disclosed the following:

- 53 (7%) have serious mental health problems requiring medication with supervision by a psychiatrist.
- 185 (26%) have moderate problems that affect their adjustment and functioning. These persons are being seen by a licensed mental health counselor.

The problem of treating persons having mental health problems has been exacerbated by the closing of locked mental health facilities run by the State. In the 1960's the State had several such facilities but only one State facility remains, Florida State Hospital at Chattahoochee. Wait times to get an inmate into that facility is long, typically ranging from three to six months.

Inmates sent to the State hospital are often put on psychotropic medication to control their psychological maladies. However, after returning from the State hospital, many stop taking their medications. Since their date for returning to court may be several weeks away, they decompensate and become incompetent to participate in court proceedings. This results, again, in being remanded to Jail to await return to Florida State Hospital.

The Bridgeway Center provides local emergency intake resources in Ft. Walton Beach. However, their location may be perceived by some law enforcement officers in the northern region of the county as less accessible due to distance and driving time.

The mental health court addresses the needs of some offenders, mostly compliant mental health patients whose offenses do not require confinement. However, treatment of non-compliant persons requires more restrictive and/or inpatient services. As previously noted, local treatment providers generally do not have these capabilities.

Bridgeway Center provided 16-hours of training for law enforcement officers in Okaloosa and Walton Counties in December of 2002. In 2005, 8-hours of training was provided. The Fort Walton Police Department provided training in February of 2006. The two police academies bring their cadets to Bridgeway Center's Emergency Services, CSU and Detox units to view the units, learn how to admit to these units, and gain a better understanding of the Baker and Marchman Acts process. Bridgeway Center is currently seeking funding to provide training in the fall of 2007.

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<sup>3</sup> Source of information types and costs of health care in Okaloosa Jail: Prison Health Services, February 2007.

Judge Maney implemented a Mental Health Court Stakeholder Committee with Bridgeway Center, Inc. in 2002 with several meetings held with all LEO agencies, State Attorney, Mental Health Professionals, Jail officials, Public Defenders and private attorneys. These meetings continued periodically into 2005 with Robin Wright. In 2006 the communication narrowed down to Bridgeway probation staff and Jail representatives.

**Recommendation 2.1. A “fast track” should be developed to quickly return cases to court of inmates who have returned from Florida State Hospital.**

A fast track is an expedited process to move cases through criminal case disposition. In this instance a fast track would adjudicate the case of the mental health inmate before he or she decompensates.

**Recommendation 2.2. The improvement of crisis mental health intervention should be addressed by criminal justice system leaders.**

This is a topic appropriate for the Public Safety Coordinating Committee (PSCC). This Committee should establish a work group to examine the magnitude of the problem and possible solutions. Membership of this work group could include law enforcement representatives of Sheriff’s Department and major police departments, mental health resources, such as Bridgeway Center and PHS, Judiciary, State Attorney’s Office, Public Defender’s Office, Judiciary, and Jail Administration. At least three aspects should be considered:

**Consideration 2.2a.** The current adequacy of training law enforcement officers in dealing with persons having mental health problems should be considered. Questions about such aspects as who should provide the training, funding for training, and content should be addressed. Training topics that should be examined include how to intervene in situations involving aberrant behavior caused by mental health problems, use of the Baker Act for mental health holds, and alternatives to jail for arrests involving actions by persons having demonstrable mental health problems.

**Consideration 2.2b.** The current adequacy of mental health emergency services to support law enforcement officers should be assessed. This will require input of all law enforcement agencies in the County.

**Consideration 2.2c.** The development of an intensive program of pretrial supervision for defendants having mental health problems should be considered.

Such an approach would not only contribute to lowering the jail population, but would reduce some of the expensive psychiatric supervision and medication costs.

JCI has identified a model program that provides seven (7) levels of supervision for non-violent, pretrial felony defendants having an Axis 1 or dual diagnosis-related mental health disorder.<sup>4</sup> This program, the North Care Day Reporting Center, is located in Oklahoma City. It has 60 slots, a supervision duration of about 95 days, which is the length of pretrial processing, and about a 75% success rate. An element of the program’s intense supervision is the assignment of a sheriff’s deputy, who accompanies staff in making home visits. The manual for this program, which describes the organization, levels of supervision, and other

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<sup>4</sup> An Axis 1 diagnosis includes schizophrenia, depression, anxiety disorders, and bipolar disorder. A dual diagnosis, in this instance, would include substance abuse as an accompanying malady.

aspects, is provided in an appendix of this report.<sup>5</sup> An overview of the most frequent types of diversion of persons arrested with mental health problems is also provided in an appendix as a reference in the consideration process.

### Substance Abuse

Okaloosa County has only one 8-bed unit for emergency detoxification, the Bridgeway Center for Detoxification Unit and local hospitals have very limited resources to serve the arrestees brought to them by law enforcement. At the Bridgeway Center Detoxification Unit, arrestees who are seriously intoxicated are rarely turned away, except those with histories of violence. Since, alcohol intoxication is often associated with inability to control behavior, many of the intoxicated arrestees either are belligerent or have a history of arrests involving aggressive behavior. Thus, the Jail becomes the crisis detoxification facility for many inmates.

Location of the Bridgeway unit, also, tends to be seen by some law enforcement officers in the northern region of the County as inconvenient to access because of driving time. Thus, there are instances in which intoxicated arrestees are brought to jail rather than taking time to drive for 20-30 minutes to the Bridgeway unit, wait for paperwork to be processed, and then drive back.

The majority of jail inmates have abused drugs in some manner. Some are hardened addicts while others are occasional abusers. This abuse includes alcohol and/or the "hard" drugs. Although specific data is not available on the prevalence of substance abuse in the Okaloosa County Jail, national surveys of jails indicate that 75% to 85% of inmates abuse drugs in some manner. The most pervasive drug of abuse is alcohol. Alcohol is commonly involved in domestic violence arrests, assault, and in alcohol specific offenses, such as DUI.

The three most frequently abused illegal drugs by inmates coming into the Okaloosa County Jail are cocaine, marijuana, and, possibly, methamphetamines (meth).<sup>6</sup> The incidence of meth is difficult to assess because specific records on substance abuse are not maintained by the Jail. The State's best source of information on substance abuse, the reports of Florida's medical examiners, indicates that in deceased persons who test positive for drugs, meth is not often detected.<sup>7</sup>

As the jail grows larger, more program space needs to be provided for in-house treatment and for community treatment providers to link up with inmates so that treatment can be continued after release. Also, the planning for alternatives to incarceration should place a high priority on including substance abuse treatment as a part of in-house or referral services.

Studies of substance abuse treatment programs indicate that the most effective manner of dealing with substance abuse is through treatment and drug use monitoring. If insufficient monies are available for both, the next most effective single modality is monitoring. Monitoring by itself is more effective in keeping a person from using drugs than treatment by itself.<sup>8</sup>

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<sup>5</sup> Contact information for the North Care Day Reporting Center: The Director is Eddie Porter, Phone: 405-272-0660.

<sup>6</sup> This estimate of drug use frequency was provided by the Bridgeway Center, which provides substance abuse treatment to offenders in Okaloosa County.

<sup>7</sup> The four most frequently found drugs in decedents during January to June 2006 were alcohol (29%), Benzodiazepines—"bennies", (15.5%), Cocaine (15.3%) and Cannabinoids—marijuana (7.8%). Methaylated amphetamines—meth was detected in only 1.5% of decedents. (Source: Florida Department of Law Enforcement, "Drugs Identified in Deceased Persons by Florida Medical Examiners: 2006 Interim Report", November 2006.)

<sup>8</sup> The Washington D.C. Pretrial Services Agency in the early 1990's conducted studies of the most effective modalities of controlling substance abuse in pretrial release populations.

Homeless Inmates

The County currently has no homeless shelter and there is a major concern about homeless people sleeping in parks, in abandoned cars and vacant lots, and about their behavior, such as "pan-handling." In an environment of little resources, law enforcement agencies usually become the default service of choice. As a result, the community addresses the homeless problem only by attention to illegal behavior. When arrests occur they usually involve low level (misdemeanor) charges, such as criminal trespass and minor theft for taking food, etc.

As might be expected, homeless people also have a high incidence of health, mental health, and co-occurring (mental health and substance abuse) problems. Thus, the Jail becomes a short-term residence and health care provider for the homeless.

At \$42 a day, plus medical expenses, the Jail is a very expensive way of dealing with the homeless problem. Moreover, when the additional costs incurred in their cycling through multiple contacts with emergency rooms, law enforcement, and jail are taken into account, the overall cost to the public becomes quite large.<sup>9</sup>

Currently there is a coalition group discussing strategies for dealing with the homeless. Also, awareness is being stimulated through community meetings.<sup>10</sup> Hopefully, these efforts will result in development of ways to divert some of the homeless from jail and to provide for their aftercare support for those who have been arrested.

Inmates Who are in the Military

In 2005, only 139 of the 5,714 arrestees (2.4%) were identified as working in some manner for the military. A sample of military-employer designations in the Jail database includes the following:

- 16<sup>th</sup>EMS Hulbert Field
- Duke Field
- Eglin AFB
- Eglin Bowling Alley
- Eglin Field Credit Union
- Eglin Golf Course
- Hulbert Field Commissary
- Hulbert Field Dining
- Marines
- U.S. Air Force
- U.S. Navy
- USAF Reserves<sup>11</sup>

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<sup>9</sup> A study starting in 1998, by the University of California/San Diego Medical Center tracked 15 homeless persons who were serial inebriates (chronic alcohol abusers) as they entered local emergency rooms and interacted with law enforcement many times over the course of a year. The taxpayer bill for these services amounted to over \$3 million annually. (Interagency Council on Homelessness. "Innovative Initiatives: Collaboration: SIP Saves Lives and Public Funds." Retrieved January 30, 2007 from <http://www.ich.gov/innovations/index.html#SIP>.)

<sup>10</sup> Victora, W. "Community Addresses Homelessness," Northwest Florida Daily News, December 5, 2006.

<sup>11</sup> Source: Okaloosa County Department of Corrections Jail database. The data file did not contain a full year's data for 2006, thus 2005 was used. This list of 10 employer names is only a sample of the 77 identifiers of military employment in the Jail database.

The Jail database was not sufficiently specific to distinguish between civilians and regular military personnel.

**Section 3. Legal Status of Inmates in Jail**

Most members of the public are unaware of who is in jail. There is a nebulous, general perception that all inmates are guilty and being held for punishment.

The following analysis presents, first, the male inmate population and then the female inmate population. Each population is shown at the highest month in 2006, August, and then at a low month, 6 months later.<sup>12</sup> This comparison shows a before and after snapshot of what has occurred after criminal justice system leaders implemented improvements in criminal case processing. (Re: Chapter 3 of this report.)

The information in these charts is the kind that should be tracked in monitoring general improvements in criminal case processing and the impact of adding new and enhancing existing alternatives to incarceration. Detailed breakouts of the categories would allow the tracking of impacts on specific target groups. These types of information would be tracked on a monthly and annual basis.

Composition of the Male Inmate Population

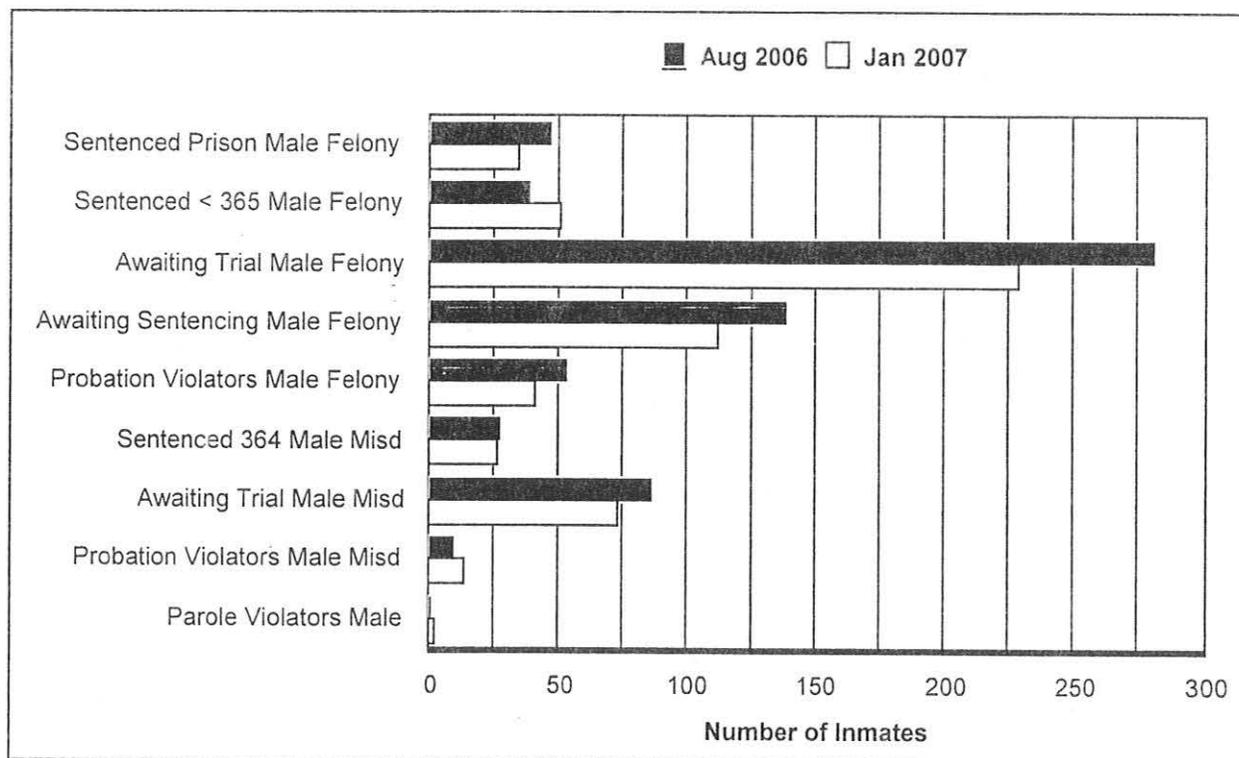
There are two general offense categories of inmates: felony and misdemeanor.<sup>13</sup> About 80% are felony inmates and 20% are misdemeanor inmates. In Figure 2.3 (on the next page) two types of sentences for felony inmates appear, sentenced to prison and sentenced to less than 365 days. Those sentenced to less than 365 days will serve their time in Jail.

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<sup>12</sup> Source: Okaloosa County Jail, County Detention Centers Daily Population Report. The numbers show the population on the last days of August 2006 and January 2007.

<sup>13</sup> Misdemeanor offenses are less serious than felony offenses and are usually punishable by a fine or less than one year in jail, e.g., shoplifting, bad check, trespassing, and disorderly conduct.

**Figure 2.3. Composition of the Male Inmate Population During High and Low Months**  
 High Month: Aug. 2006 (700 male inmates) - Low Month: Jan. 2007 (594 male inmates)



Source: Okaloosa County Jail, County Detention Center Daily Population Report.

As can be seen above, more inmates (combined felony and misdemeanor defendants) are awaiting trial than any other category. Thus, the popular perception of the public about who is in jail is incorrect. The outcomes for the awaiting trial and awaiting sentencing groups include the following:

- Most will be placed on probation.
- Some will be sentenced to jail or prison.
- Some will receive “time served” because their time in jail in pretrial status was longer than the sentence they would have received.
- Some will bond out before trial.
- A small number will have their cases dropped.

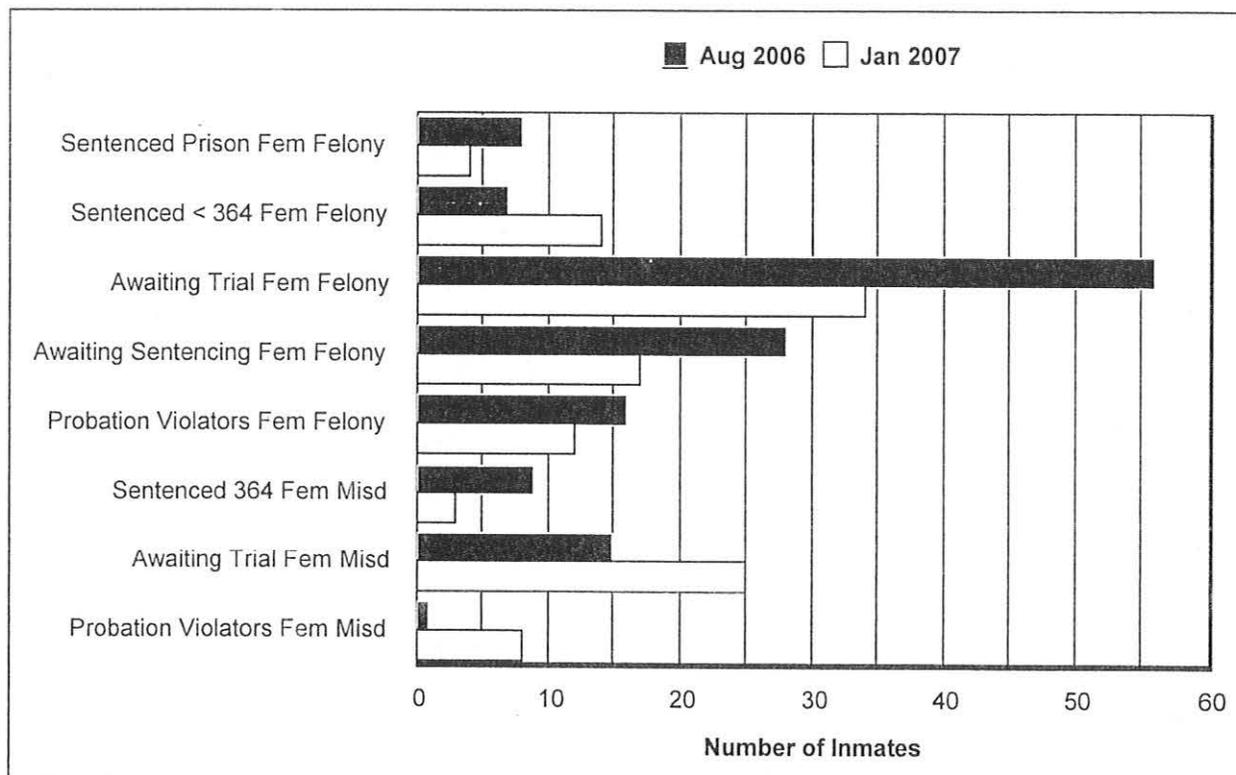
As will be explained in Chapter 4, the number of Awaiting Trial inmates (also called pretrial inmates) is due not only to the number arrested, but to their length of time required to process their cases, and the availability of pretrial alternatives to jail.

The general difference between the jail population in August and January is that there are more inmates in each category. The exceptions are that the number of felony inmates sentenced to less than 365 days was reversed in January, as was the number of misdemeanor probation violators.

Composition of the Female Inmate Population

The male inmates outnumber the females by about five to one--in August there were 700 males and 140 females.

**Figure 2.4. Composition of the Female Inmate Population During High and Low Months**  
 High Month: Aug. 2006 (140 female inmates) - Low Month: Jan. 2007 (140 female inmates)



Source: Okaloosa County Jail, County Detention Center Daily Population Report

The primary difference between the male and female charts is that the patterns of “awaiting trial misd” are different. More male misdemeanor defendants awaited trial in August than in January. But the opposite is found for the female misdemeanor defendants, more awaited trial in January than in August. The reason for this reversal is unknown, but it could be just a random fluctuation in case processing.

Classification of Inmates

In many jails, inmates are classified into three or more custody categories, such as maximum, medium, and minimum. However, the Jail administration has decided to adopt the Hillsborough County model for facility planning. That model includes only two custody classification categories: “general population” and “confinement. Ninety percent (90%) of the bed space is designed as general population dormitories. Ten percent (10%) of the bed space is designed as confinement cells. These cells house special management inmates, e.g., disciplinary confinement, administrative confinement (serious mental health issues, very serious sex offenders, etc.), and protective custody. A description of the Hillsborough County system is presented in an appendix of this report.

Because of this administrative decision to change models of classification, there is no particular need to go into great detail about custody characteristics of the inmate population. The consulting team concurs that a 90-10% division of the inmate population is feasible.

#### **Section 4. Conclusion**

The characteristics of the jail population affect both inmate management and the jail budget. For example, the homeless and aging inmates cost more to house because of higher incidence of medical problems.

Various other characteristics are important in planning for in-house treatment and treatment in the community. For example, jail inmates have a high incidence of substance abuse. Future facility planning should consider the need for substance abuse treatment and for allowing outside treatment providers to come into the facility to establish a transitional linkage from the jail to community treatment.

The speed of case processing also affects size of various segments of the jail population. For this reason, various groups within the jail should be tracked as to their length of stay and reasons for delays in processing so that problems can be identified and feedback provided when changes are made.



## Chapter 3 Criminal Justice System Analysis

### Section 1. Introduction

During the interviews of criminal justice system leaders, several of them related that **criminal case processing was much faster in the past**. However, as judges and attorneys changed, new preferences and work habits came into play that reduced the speed of case processing. Some of that may have been due to changes in workload, however, experience in working on delay reduction indicates that problem-solving attitudes can find ways to improve the speed of case processing and significantly reduce jail populations. Thus, some of the findings in this chapter are not new to many criminal justice system leaders. They already know some of the solutions. Also, the ideas are not alien to Florida court systems as some courts have already successfully resolved issues identified in this chapter.

This chapter contains the following observations and recommendations:

**Observation 3.1. Overall Processing Time:** Many felony cases exceed the 180-day time goal established by the Florida Supreme Court.

**Recommendation 3.1.** Collaboratively work to solve delays in case processing.

**Observation 3.2. Paper Processing:** Warrants sometimes show up weeks after arrest.

**Recommendation 3.2.** A process for detecting the source of the warrants problem should be instituted.

**Observation 3.3. Arrest, Charging Stages, and Adjudication:** A possibility exists that a few inmates have their felony charges disposed before their misdemeanor charges. As a result the offender stays in jail awaiting disposition of the misdemeanor charge. This is an unconfirmed issue that needs further examination.

**Recommendation 3.3a.** Staff in the Admissions, Classification, and Release (ACR) unit of the Jail and in the Clerk of Court's Office should collaborate to determine the magnitude of this concern.

**Recommendation 3.3b.** Improve the training of law enforcement officers in all agencies. The training of new law enforcement officers provided by the local college should include information about how to write-up felony arrests that include misdemeanor offenses.

**Observation 3.4. Bond Setting Stages at Booking and Bond Review:** The Jail, with participation of criminal justice system leaders, instituted in February 2007 a new bond schedule, which will be used at booking. Due to its newness, it is unknown if the new schedule is meeting the needs at all points in criminal caseflow that involve bond setting.

**Recommendation 3.4.** The new bond schedule should be reviewed in two to three months to assess its effectiveness.

**Observation 3.5. Felony Plea Day:** Inmates are only allowed to enter a plea of not guilty at this event which occurs on about day 35 ("at least 21 days from arrest"). As a result, the first time a negotiated plea will be accepted is 100 days after arrest, at the Pretrial Conference stage.

**Recommendation 3.5.** The Felony Plea Day should be modified to allow acceptance of guilty pleas. This will require restructuring the Plea Day proceedings. Attorneys could also submit paperwork to the Clerk of Court's Office in sufficient advance time so that all paperwork would be ready for signature by the judge and other parties, upon acceptance of the plea.

**Observation 3.6. Pretrial and Docket Conference Stages:** A high percentage of cases are continued.

**Recommendation 3.6.** (1) Each judge should consider how to establish a firmer policy on continuances of felony cases and to hold firm on the Pretrial Conference as the last day for

accepting pleas, and (2) Attorneys should establish work patterns that are not dependent on continuances as a way of shuffling their workloads.

**Observation 3.7. Processing after Sentencing:** Processing of paperwork for commitment to State prison usually takes more than two weeks (17-20 days) after being sentenced.

**Recommendation 3.7.** A process should be implemented in which all committing paperwork for prison is prepared prior to sentencing date and signed by the judge at time of sentencing.

**Observation 3.8. Revocation Hearing Stage:** A large number of inmates are being held for violation of probation (VOP) hearings.

**Recommendation 3.8a.** The FDOC should be approached through political channels to alter its prohibition of providing decision-making information to judges.

**Recommendation 3.8b.** Options for VOP hearings should be studied and considered.

**Observation 3.9. Overall Processing Time:** Many misdemeanor cases exceed the 90-day time goal established by the Florida Supreme Court.

**Recommendation 3.9.** Collaboratively work to solve delays in misdemeanor case processing.

**Observation 3.10. First Appearance Stage:** First appearances are held daily but not at a consistent time.

**Recommendation 3.10.** First Appearances should be consistently set for early afternoon, such as at 1:00 or 2:00 P.M.

**Observation 3.11. Pretrial Conference & Trial Stages:** Motions are being made in late stages of case processing.

**Recommendation 3.11.** Motions should be made prior to the Pre-Trial Conference.

**Observation 3.12. Pretrial Conference Stage:** Single and multiple continuances are frequently granted.

**Recommendation 3.12.** (1) Each judge should consider how to establish a firmer policy on continuances of misdemeanor cases and to hold firm on the Pretrial Conference as the last day for accepting pleas in misdemeanor cases, and (2) Attorneys should establish work patterns that are not dependent on continuances as a way of shuffling their workloads.

In addition to reducing delay in case processing, the second major way of reducing the jail population is to implement enhanced and new alternatives to incarceration for both pretrial and sentenced inmates. How to do that is addressed in a subsequent chapter.

The analyses in this chapter involved a variety of tasks including:

- Interviewing staff in the Judiciary, State Attorney's Office; Public Defender's Office; Clerk of Court Office; Okaloosa Department of Corrections; Pretrial Services; Sheriff's Department; Police Departments of Ft. Walton Beach, Niceville, and Valaparaiso.
- Holding multiple follow-up meetings with many staff who were interviewed. Some of these meetings were in person and some were conducted via telephone.
- A survey was conducted about needs and changes in the criminal justice system.
- A special meeting was conducted to examine the flows of felony and misdemeanor cases. Present in this meeting were representatives of the State Attorney's Office, Public Defender's Office.
- A series of round-robin reviews of case processing flow were performed by the consultants with the participation of the State Attorney's Office, Public Defender's Office, Clerk of Court's Office, Jail staff, and Judiciary.
- Jail data were analyzed by the consultants.
- A sample of case aging data was analyzed by the clerk's office at the request of the consultants.
- Jail processing data was collected by the Admissions, Classification, and Release (ACR) unit of the Jail.

- Case files of all misdemeanors in jail were analyzed by hand by the consultants.
- Additional data analyses were conducted by jail staff at the request of the consultants.

## Section 2. Results of Immediate Intervention

### Description of the Intervention

Rather than wait until their report was written to begin reducing the jail population, the consultants began working with criminal justice leaders during the study to make changes. In July the consultants analyzed all case files of misdemeanants being held in jail.<sup>1</sup> This analysis identified certain types of pretrial misdemeanants whose cases could be processed more quickly. These findings were discussed with Pretrial Services, the State Attorney's Office, Public Defender's Office, and a judge.<sup>2</sup> As a result the State Attorney and Public Defender pursued ways to reduce delay in case processing of certain types of detained, pretrial misdemeanor defendants.<sup>3</sup> This produced an immediate reduction in the jail population, as seen in Figure 3-A on the next page.

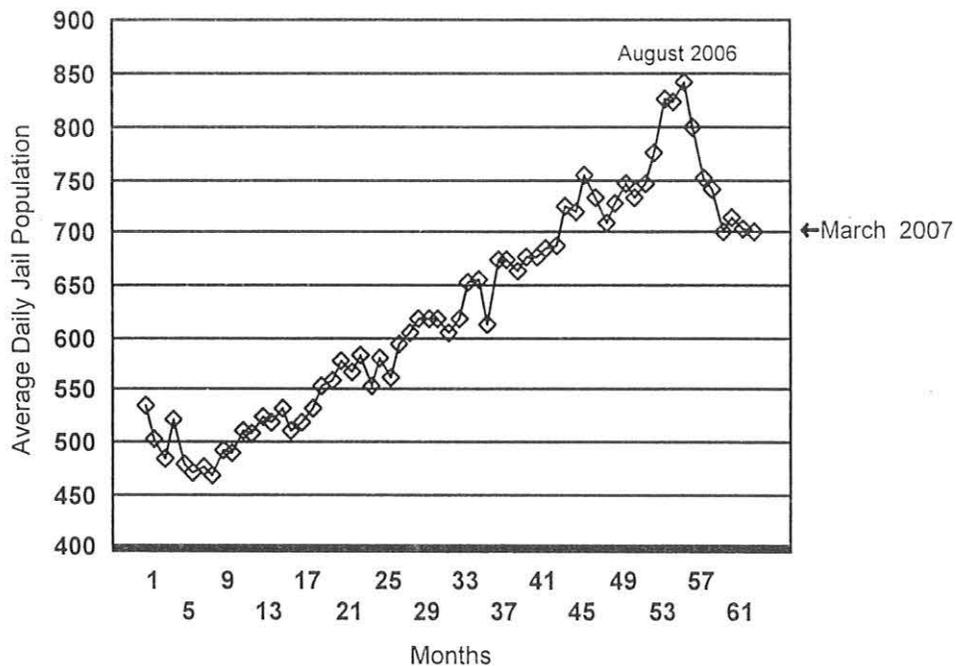
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<sup>1</sup> Misdemeanor offenses are less serious than felony offenses and are usually punishable by a fine or less than one year in jail, e.g., shoplifting, bad check, trespassing, and disorderly conduct.

<sup>2</sup> The State Attorney's Office in Okaloosa County is administered by a Chief Assistant State Attorney, a highly qualified attorney with experience, also as a public defender. His counterpart in the Public Defender's Office is also a highly qualified attorney who has experience as an attorney in the State Attorney's Office. All references in this document which talk about the State Attorney and Public Defender, refer to these two people.

<sup>3</sup> As will be discussed elsewhere in this report, the majority of jail inmates are pretrial inmates, that is defendants, many of whom could not make bail and therefore must wait in jail until their case is decided.

Figure 3-A. Average Daily Jail Population per Month  
January 2001 Through March 2007 (63 Months)<sup>4</sup>



Source of Data: Okaloosa County Department of Corrections

As can be seen in Figure 3-A, the jail population shows a progressively upward pattern of growth, with only slight dips until peaking in August 2006. After the intervention by the State Attorney Office and Public Defender, the pattern turns sharply downward and continues downward longer than in any previous period. (Not shown is that one of the highest jail populations of all time, of over 900 inmates, occurred on August 6, 2006.)

In addition to the problem-solving actions of the State Attorney and Public Defender in August, the Judiciary moved to implement daily first appearances for misdemeanor cases at which pleas could be taken. Starting on January 1, 2007 first appearance is now attended by representatives of State’s Attorney’s Office, Public Defender’s Office, and Court Clerk’s Office. Prior to January 1, these representatives were not present nor were there informational procedures in place to support plea negotiation.

The impact of the new format for first appearances is likely to be modest until the system players become comfortable with the process. If the State Attorney responds in the positive problem-solving manner demonstrated in August, the number of misdemeanor cases plead at first appearance should be much larger. However, at this point insufficient time has elapsed to gage the full impact of this change.

Implications of the Intervention

The finding in Figure 3-A shows what can happen when criminal justice system leaders take a problem-solving approach to reducing the jail population. By no means were the purposes of

<sup>4</sup> The average daily jail population is calculated by adding the number of inmates in jail for a month and then dividing by the number of days in that month.

criminal justice diminished. What happened was the reduction of delay in the processing of cases, which improves the quality of justice. The common axiom of criminal case processing, which has been the subject of many studies and programs, such as those offered by the National Center for State Courts, is that justice delayed is justice denied.

Other changes were made during this study. Those changes are noted in Chapter 8.

### **Section 3. Reducing Delay in Processing Cases of Felony Inmates**

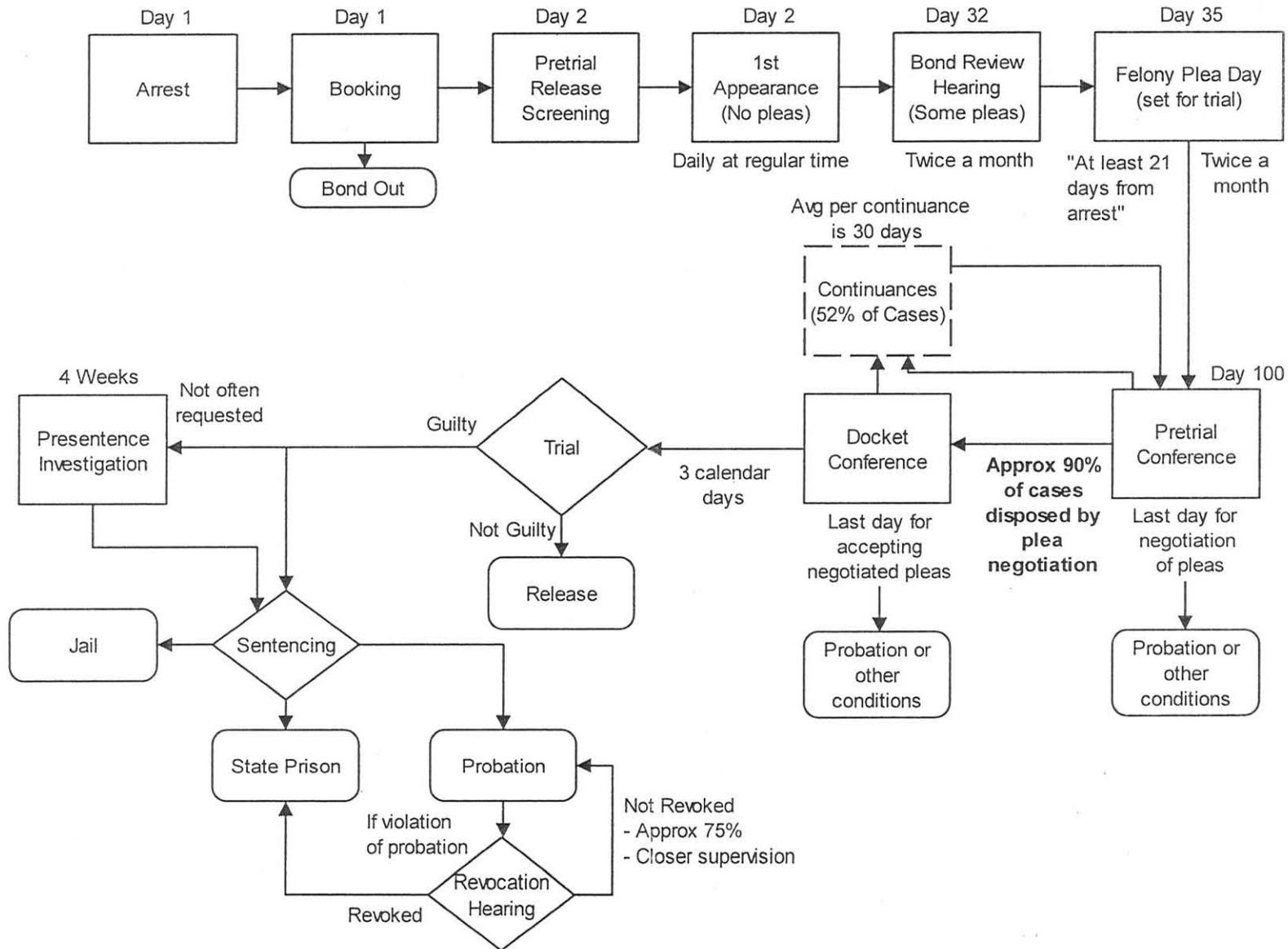
The danger of making the changes described in Section 2 is that members of the criminal justice system will prematurely conclude that they have accomplished their goal and that no further refinements are needed. Premature acceptance of success is akin to putting grease on one wheel of a car and not the other three. As will be shown in this and the following section, much more refinement is possible that could also reduce workload and costs of operations, as well as reduce the demand for jail beds.

#### Assessment of Case Processing of Detained Felony Inmates

The case processing flow of detained felony inmates is shown in Figure 3-B. One of the keys to understanding the flow chart is the recognition that only a small portion of the cases set for trial actually go to trial. About 90% of those cases are disposed by plea negotiation. In the latter part of the flow chart, the processing of offenders who violate probation is important, because delays in this stage will also inflate the jail population.

Missing from the flow charts is that charges may be dropped. This tends to happen most often before the felony plea day on day 35. That is why statements in the following paragraphs talk about disposition of cases that have been set for trial, which occurs at felony plea day. Otherwise, the statistics on case processing would be artificially inflated by the cases disposed as a result of dropped charges. Also missing from the flow charts is that bonding out of jail is an ongoing process. Some defendants bond out at booking, some after several days have elapsed, others after the bond review hearing and bonds have been reduced, and a few bond out later. Another aspect not shown in the flow charts is the release of defendants as part of the Pretrial Release program.

Figure 3-B. Criminal Case Processing of Detained Felony Inmates



The following observations and recommendations were identified during the study of the various steps in case processing:

**Observation 3.1. Overall Processing Time: Many felony cases exceed the 180-day time goal established by the Florida Supreme Court.**

A sample of pending felony cases in January 2007 disclosed that 49.2% of cases exceeded the 180-day goal for processing felony cases established by the Florida Supreme Court.<sup>5</sup>

**Discussion:** The Florida Supreme Court has recommended standards which should serve as reasonable time targets:

(e) **Time Standards.** The following time standards are hereby established as a presumptively reasonable time period for the completion of cases in the trial and appellate courts of this state. It is recognized that there are cases that, because of their complexity, present problems that cause reasonable delays. However, most cases should be completed within the following time periods:

(1) **Trial Court Time Standards.**

(A) Criminal.

Felony — 180 days (arrest to final disposition)

Misdemeanor — 90 days (arrest to final disposition)<sup>6</sup>

The Florida time standards do not specify a target percentage of cases that should meet these time standards, rather indicates that “most cases” should be completed within the standards. The interpretation of “most” is somewhat open to debate. However, it is reasonable to expect that most would mean more than 70% of the cases. For example, the American Bar Association (ABA) in its *Standards Relating to Trial Courts* advocates the following standards:

1. Felony—90% of all felony cases should be adjudicated or otherwise concluded within 120 days from the date of arrest, 98% within 180 days, and 100% within one year.
2. Misdemeanor—90% of all misdemeanors, infractions, and other nonfelony cases should be adjudicated or otherwise concluded within 30 days from the date of arrest or citation and 100% within 90 days.<sup>7</sup>

The ABA 180-day standard could be viewed as a future goal. An interim target would be to strive for 80-85%. Studies of efficient courts suggest that such efficiency is possible.

The cost of delay, in terms of impact on the jail, can be shocking to a county’s budget. For example, the Detroit Records Court (felony court) implemented procedures to reduce case processing times and found that, after 17 months, the jail population had been reduced from

<sup>5</sup> The pending caseloads for all three felony court divisions were examined for the month of January 2007. As expected variation was found between divisions (judges). However, the purpose of the analysis is not to single out individual judges, but to obtain a general estimate case processing speed.

<sup>6</sup> Florida Rule of Judicial Administration, 2.085 Time Standards, Amended Nov. 18, 2004

<sup>7</sup> American Bar Association. *Standards Relating to Trial Courts*. Section 2.52. Chicago: American Bar Association, 1992, pp. 86-87.

1,226 inmates to 580—more than half. This was accomplished without addition of judges.<sup>8</sup> Another instance of how delay reduction drastically dropped the jail population was demonstrated in Tarrant County, Texas (Ft. Worth). A methodology for improving the speed of court case processing not only reduced the very overcrowded jail, but resulted in closing of two of the jail's housing wings. Needless to say, the concern for building a new jail was eliminated.<sup>9</sup>

These findings are not unique, as study after study shows that dramatic reductions in jail populations can be obtained by improving the speed of cases moving through the criminal justice system. Contrary to what some criminal justice administrators in slow systems might say, reducing delay does not detract from the quality of justice – just the opposite, it improves it. A key phrase to keep in mind is that justice delayed is justice denied.<sup>10</sup> For example, the longer cases are delayed, the more likely changes will occur in the witnesses, such as forgetting details, moving away, or failing to appear. However, the weak side of this argument is that up to 90% of all criminal cases that are set for trial end up being plea bargained. In these instances there are no witnesses whose memories fade or who fail to appear. Yet, a dark side of delay exists in that slow processing serves as a punishment of unconvicted defendants. In some instances those defendants, when convicted, will be placed on probation and released. In other instances, some are given “time served” and released because the time spent in jail is greater than the length of sentence they would have received if convicted sooner. And, of course, there are instances in which defendants are found not guilty or have their cases dropped after spending and extended time in jail.

A cautionary note is appropriate here. A commentary section in the *ABA Standards Relating to Trial Courts* asserts that a reliable court delay program cannot be achieved without “purposeful commitment,” otherwise “segments of the court will work at cross-purposes, and institutional inaction will lead to a reversion back to inefficient and unproductive practices.”<sup>11</sup>

### **Recommendation 3.1. Collaboratively work to solve delays in case processing.**

By invoking the same spirit of cooperation that helped to reduce the jail population described in Section 2, the Judiciary, State Attorney, Public Defender and leaders in other criminal justice agencies should be able to make major strides in reducing case processing delay. Some suggestions for specific delay reduction actions are described in the following recommendations.

An excellent resource that will stimulate additional ideas about improving the efficiency of case processing is David Steelman's work offered through the National Center for State Courts,

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<sup>8</sup> Gish, George. “Detroit Recorder's Court Program Results.” A case study used in the Institute for Court Management seminar on Special Issues in Criminal Caseflow Management, April 17, 1990.

<sup>9</sup> Information obtained from Mary Sammon, National Center for State Courts consultant who worked on the Tarrant County project in 2004.

<sup>10</sup> “Justice delayed is justice denied. Delay devalues judgments, creates anxiety in litigants, and results in loss or deterioration of the evidence upon which rights are determined. Accumulated delay produces backlogs that waste court resources, needlessly increase lawyer fees, and create confusion and conflict in allocating judges' time.” ABA National Conference of State Trial Judges. *Standards Relating to Court Delay Reduction*. (Commentary to Sec. 2.50.) Chicago: American Bar Association, 1984, p. 5.

<sup>11</sup> ABA, p. 92.

"Caseflow Management: The Heart of Court Management in the New Millennium."<sup>12</sup> Even if most of the ideas are already known to judges and attorneys, this can serve as a starting place for building a consensus on additional ways to improve caseflow management.

**Observation 3.2. Paper Processing: Warrants sometimes show up weeks after arrest.**

Sometimes, Pretrial Release will have screened a detained defendant and be ready to recommend release only to find that late paperwork contains warrants. This also happens to attorneys working on plea agreements and when the Jail is preparing to release an inmate.

The Jail checks for warrants through NCIC at time of booking.<sup>13</sup> In addition, the Jail faxes an alphabetical listing of inmates each day to the Sheriff's Department, which is the primary County law enforcement agency dealing with warrants. The Department has a well-structured system for managing warrants. Currently there are about 7,000 outstanding warrants, which is a significant reduction from 15,000 when the Department took over warrants management for the County. One of the challenges is that the process of sharing information on inmate names and identifiers, on a daily basis, is the lack of computer automation linking the Sheriff's Department and Jail. With more than 700 jail inmates to constantly review and 7,000 warrants on hand, with more being added daily, the task is complicated.

**Recommendation 3.2. A process for detecting the source of the warrants problem should be instituted.**

Several discussions have been held to determine the source of this problem. Initial review suggests that the problem does not occur at time of booking but later. A process has been identified by which the Jail will notify the Sheriff's Office about each warrant that is found after time of booking. In this way the two agencies can track back through the process of how the warrants were received by the Sheriff's Department and by what agency, etc.

**Observation 3.3. Arrest, Charging Stages, and Adjudication: A possibility exists that a few inmates have their felony charges disposed before their misdemeanor charges. As a result the offender stays in jail awaiting disposition of the misdemeanor charge.<sup>14</sup> This is an unconfirmed issue that needs further examination.<sup>15</sup>**

Questioning of various persons in criminal justice agencies did not identify if this is a problem or just a characteristic of offender cases. Felony and misdemeanor offenses are usually processed together when they are part of the same offense event. For example, if a person is arrested for burglary and has a small amount of marijuana in his possession, he will be charged with a felony and misdemeanor. Both of those charges would be tried at the same time before the same judge. However, there are instances in which felony and misdemeanor

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<sup>12</sup> David C. Steeman, John A. Goerdt, & James E. McMillan. *Caseflow Management: The Heart of Court Management in the New Millennium*. National Center for State Courts, Revised 2004. This publication is available through the bookstore on the Center's website: <http://www.ncsconline.org/>

<sup>13</sup> NCIC (National Crime Information Center) is a computerized index of criminal justice information (i.e.- criminal record history information, fugitives, stolen properties, missing persons). It is available to Federal, state, and local law enforcement and other criminal justice agencies and is operational 24 hours a day, 365 days a year.

<sup>14</sup> In terms of case processing analysis, this is known as "sentenced-open cases."

<sup>15</sup> The consultants and Captain Stanley performed an initial examination of this issue, but found that more time would be required to identify and back track on cases.

charges are not processed together. For example, if a person is arrested on a low level felony charge, brought to jail, and released (on bond, ROR, or through the Pretrial Release Program) and, subsequently, commits a misdemeanor offense before his felony case is disposed, he will have two unrelated cases that cannot be processed as part of the same offense event.

A manner in which felony and misdemeanor charges for the same offense event are occasionally split apart, occurs when inexperienced/new law enforcement officers write separate arrest reports for each type of offense. The States Attorney's Office is aware of the problem and has sent letters to law enforcement agencies in the past about the need to inform new officers of the proper arrest report writing procedure.<sup>16</sup>

Another possibility exists that glitches in the criminal case processing system inadvertently split apart felony and misdemeanor charges that are related to the same offense event. It is to the benefit of the of the defense attorneys and their clients to have felony charges disposed before misdemeanor charges. This keeps the points on the sentencing score sheet lower when the misdemeanor charges are not included. A lower score may keep the offender from going to prison. The impact of this process is an inflation of the jail population because (a) the offender might have gone to prison, but did not, and (b) release on probation, if that were an option, is delayed until the misdemeanor case is disposed.

The problem of having inmates with closed felony cases and open misdemeanor cases was reduced, somewhat, last Fall, by a change in how bonds are set. Rather than setting one large bond that encompasses all charges, bonds are set on each charge. As a result, when the felony charge is disposed, the inmate may be able to post bond on the misdemeanor charge, which has a lower bail amount. However, this has not reduced the problem to the point that it is inconsequential.

**Recommendation 3.3a. Staff in the Admissions, Classification, and Release (ACR) unit of the Jail and in the Clerk of Court's Office should collaborate to determine the magnitude of this concern.**

A suggested manner of performing this analysis is to back track to examine the open misdemeanor cases on a sample of inmates whose felony cases have been disposed. There are essentially two questions to answer for each inmate in this situation: (1) Do the felony and misdemeanor charges pertain to the same offense event? and (2) If they do, what happened to break the charges into separate cases? Depending on the magnitude of the findings, the next step would be to undertake problem solving with the involved criminal justice parties.

**Recommendation 3.3b. Improve the training of law enforcement officers in all agencies.**

The training of new law enforcement officers provided by the local college should include information about how to write-up felony arrests that include misdemeanor offenses.

**Observation 3.4. Bond Setting Stages at Booking and Bond Review: The Jail, with participation of criminal justice system leaders, instituted in February 2007 a new bond schedule, which will be used at booking. Due to its newness, it is unknown if the new schedule is meeting the needs at all points in criminal caseflow that involve bond setting.**

The development of a new bond schedule helps to reduce delays while defendants waited to learn of their bond amount. The schedule allows the Jail to set bonds for certain types of offenses at time of booking. By immediately learning of their bond amount, many inmates are able to post bond, thus do not stay days waiting to learn of the bond amount.

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<sup>16</sup> This example does not include traffic arrests. Traffic tickets do not have a place for recording non-traffic offenses that may be involved.

The new bond schedule was developed through participation of the Jail, State Attorney, Public Defender, Sheriff's Department, and Judiciary.

**Recommendation 3.4. The new bond schedule should be reviewed in two to three months to assess its effectiveness.**

Given the newness of the bond schedule, the schedule should be reviewed to assess its utility for bond setting in the Jail and bond review hearings, consistency of application, need for subsequent refinements, and impact on the Jail population and judiciary.

**Observation 3.5. Felony Plea Day: Inmates are only allowed to enter a plea of not guilty at this event which occurs on about day 35 ("at least 21 days from arrest"). As a result, the first time a negotiated plea will be accepted is 100 days after arrest, at the Pretrial Conference stage.**

**Recommendation 3.5. The Felony Plea Day should be modified to allow acceptance of guilty pleas. This will require restructuring the Plea Day proceedings. Attorneys could also submit paperwork to the Clerk of Court's Office in sufficient advance time so that all paperwork would be ready for signature by the judge and other parties, upon acceptance of the plea.**

This manner of handling pleas is common in court systems that have reduced delay in criminal case processing. Thus, the Plea Day becomes a functional event of taking pleas rather than passing all defendants to the next stage (Pretrial Conference).

Impact of this change:

- The downstream impact of this modification would be the reduction of workload at the Pretrial Conference and Docket Conference stages.
- An estimation of 25% to 40% of the inmates awaiting trial could be affected. This could amount to a savings of over 100 beds.<sup>17</sup>

**Observation 3.6. Pretrial and Docket Conference Stages: A high percentage of cases are continued.**

To gauge the magnitude of continuances, one felony court's trial docket for January 2007 was examined. This court is generally representative of other courts. The docket contained 137 cases.

- 71 of the 137 cases (52%) were continued.
- At the Pretrial Conference stage, 29 cases were continued for one month or more.
- At the Docket Conference stage, 41 additional cases had one or more continuances.
- At the Trial stage, 1 more case was continued.
- Of the 71 continuances, 25 cases had two (2) or more previous continuances
- Out of the 137 cases, none went to trial in January – 66 were disposed by plea or dropped charges.

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<sup>17</sup> Estimation of number of beds saved by accepting pleas at Felony Plea Day: In January 2007 there were 264 male and female felony inmates awaiting trial. Assuming that one-half had been in jail more than 35 days, then 132 could have been eligible to make a plea. If 25% of the 132 had entered a plea (33 inmates) and 50% of those were released, then 16 persons might have been removed from jail. The impact of this on bed savings would be very large. For example, under current procedures, the earliest an inmate can plead out is 100 days. Inmates released on day 100 would occupy a bed for about 3 months. That bed could be filled 4 times a year. However, if the inmate's stay were reduced to 35 days (about 1 month) then that bed could be filled 12 times a year. Thus, shortening the time to exit from jail would result in 8 more inmates being kept in that bed (the same as adding 8 beds). The bed savings would be:  $16 \times 8 = 128$  beds saved.

- The remaining cases are still open.

The exact percentage of continuances attributable to the State Attorney, Public Defender, and private defense attorneys could not be determined. However, 62% of the continued cases had a Public Defender attorney and 38% had private counsel.

**Discussion:**

This is a crucial stage of case processing. As was pointed out earlier, about 90% of all cases set for trial are disposed through plea negotiation.

The Florida Supreme Court has set forth what would appear to be a rational approach for the management of case continuances:

**(d) Continuances.** All judges shall apply a firm continuance policy. Continuances should be few, good cause should be required, and all requests should be heard and resolved by a judge. All motions for continuance shall be in writing unless made at a trial and, except for good cause shown, shall be signed by the party requesting the continuance. All motions for continuance in priority cases shall clearly identify such priority status and explain what effect the motion will have on the progress of the case.<sup>18</sup>

The **economic impact** of continuances in criminal cases is estimated to be about \$200 per incident. Richard Van Duizend and John Matthias developed this estimate based on findings of a 1979 study by Conti, et al.<sup>19</sup> The Conti study examined continuances in criminal cases in the general jurisdiction in Allegheny County, (Pittsburgh). The Conti researchers examined the impact on facilities, equipment, time, and fringe benefits of judges and their staff, the clerk of court, the court administration staff, and the sheriff. The study estimated the cost of each continuance at \$79.<sup>20</sup> Van Duizend and Mathias then applied the increase in the consumer cost index from 1979 to 2006 (a 250% increase) to arrive at an estimate of about \$200 per continuance.

Some continuances are necessary, such as those needed to prepare for murder cases and those involving evidence analysis. Murder cases are recognized in commentaries on time standards as requiring a longer preparation time. The turn-around time for evidence analysis by state crime labs is out of control of local courts, thus is another recognized reason for continuances.

However, unnecessary continuances inflate workload rather than helping the busy attorney deal with his or her caseload. If an attorney has "x" number of cases, that number has to be disposed, regardless of whether the cases are processed without continuances or with continuances. Adding unnecessary continuances only inflates the workload, which now contains "x" plus the continuances. At some point the stacking effect of multiple continuances on old cases and continuances on new cases creates an unnecessary mountain of work.

The **workload benefits** of controlling continuances could be significant.

- Judges' workload could be reduced. For example, eliminating unnecessary continuances would reduce time on the bench spent hearing motions that should

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<sup>18</sup> Florida Rule of Judicial Administration, 2.085 Time Standards, Amended Nov. 18, 2004.

<sup>19</sup> Richard Van Duizend and John Matthias are consultants for the National Center for State Courts.

<sup>20</sup> (S. Conti, W. Popp, D. Hardenburgh, Finances and Operational Costs in Pennsylvania's Court of Common Pleas. Williamsburg, VA: NCSC, 1979).

have been addressed earlier by attorneys. If plea agreements were negotiated no later than at the pretrial conference, the workload of additional hearings would be dramatically reduced and reserved only for special situations.

- Multiple handling of paperwork could be reduced in the Clerk's Office.
- Costs associated with inmate transportation, month after month, to multiple court appearances would be reduced.
- Security risks would be lowered by the less frequent movement of inmates within the courthouse.

**Recommendation 3.6. (1) Each judge should consider how to establish a firmer policy on continuances of felony cases and to hold firm on the Pretrial Conference as the last day for accepting pleas, and (2) Attorneys should establish work patterns that are not dependent on continuances as a way of shuffling their workloads.**

The lack of support resources should not be used as justification to refuse undertaking an effort to reduce continuances. Lack of resources, mainly additional attorneys, is not usually the cause of unnecessary continuances.

**Observation 3.7. Processing after Sentencing. Processing of paperwork for commitment to State prison usually takes more than two weeks (17-20 days) after being sentenced.**

A three-month sample of inmates sentenced to prison in 2006 is shown in Table 3-A.

**Table 3-A. Monthly Number of Inmates Sentenced to Prison and Their Average Wait**

Month	# Sentenced to Prison & Awaiting Paperwork	Avg Wait for Paperwork (Days)	Avg Wait for Prison Transport (Days)
July 2006	41	20.2	11.8
Aug 2006	54	19.2	9.4
Sep 2006	59	17.6	13.3

Source of Data: Okaloosa County Department of Corrections

The average wait for paperwork has varied between 17.6 and 20.2 days. If this wait were eliminated, about 30 more inmates a month could be moved out of Jail.<sup>21</sup>

After an inmate is sentenced, transportation to prison is supposed to occur in the next week on Wednesday. This delay is due to scheduling requirements of the Florida Department of Corrections (FDOC) for arranging bus space. However, the data show that the wait for prison transport is longer than the longest expected time of 9 days.<sup>22</sup> Part of this is due to needing to notify FDOC early on Friday morning, which occurs before all paperwork has been received for the week.

<sup>21</sup> The number of inmates removed by faster paperwork processing was calculated in the following manner:  
 Step 1: Divide the length of average wait in September by the number of days in month:  $17.6 \div 30 = 58.6\%$ .  
 Step 2. Multiply the percentage times the number of inmates:  $58.6\% \times 59 = 34.5$  inmates.

<sup>22</sup> The longest wait would be from Monday of week one to the Wednesday of a week later, which is 9 days.

**Recommendation 3.7.** A process should be implemented in which all committing paperwork for prison is prepared prior to sentencing date and signed by the judge at time of sentencing.

Most cases are determined by plea agreement prior to sentencing date. For this reason, information on the agreement could be forwarded to the Court Clerk, who would in turn request certification of jail time served be prepared by the jail. The sentencing score sheet could be presented to the Clerk of Court at the time the plea agreement is presented. The Court Clerk could then prepare the prison commitment papers for signing by the Judge at sentencing. Immediately thereafter, the sentenced offender could be escorted to the Court Security for fingerprinting.

**Observation 3.8. Revocation Hearing Stage: A large number of inmates are being held for violation of probation (VOP) hearings.**

VOP hearings are held only for offenders accused of technically violating the terms of probation. New offenses committed while on probation are usually processed as new cases.

The Florida Department of Corrections (FDOC) has instituted a zero-tolerance for technical probation violations. Minor violations that used to be handled by probation officers, now require detention while awaiting a revocation hearing. Technical violations often involve such things as being late (one time) for a curfew (regardless of the reason), not being on time or missing an appointment with the probation officer, and missing a payment of a fine or fee. The legal intent of VOP detention is not punishment, but to ensure the inmate is available for review of his or her case. If punishment were the official intent, judicial proceedings would formally document the imposition of jail time as pre-hearing punishment.

The FDOC change in policy also stopped supporting local judges, who must make bond decisions on the violators. Prior to the zero-tolerance policy, probation officers were allowed to make bond recommendations to judges, which appeared on the VOP form transmitted to the judge. Since the probation officer knows the probationer better than the judge and any other local official, the prohibition against providing information unnecessarily inhibits judicial decision-making. The provision of information to assist judges by probation officers is a common practice in most states.

According to jail records, there are generally between 75 and 90 VOP inmates waiting for hearings.<sup>23</sup> A common perception is that only two revocation court hearings are held each month. This perception was identified in interviews with attorneys and jail staff. However, information from the Clerk's Office shows those perceptions to be incorrect: Two of the three felony divisions have a minimum of three VOP hearing dockets a month and one felony division has one VOP hearing docket a month. In the misdemeanor divisions, two of the three divisions have a minimum of four VOP hearings a month and one has a minimum of three VOP dockets per month.

An examination of Felony Minute Sheets for one of the felony divisions in January (shown on the next page) disclosed that of the probationers who went to hearing, 20 were inmates. None of these cases involved new charges, only technical violations.

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<sup>23</sup> On August 31, there were 84 technical violators of probation waiting for a hearing (71 felony VOP inmates and 13 misdemeanor VOP inmates) and 77 in January were waiting.

Table 3-B. Case Processing Information on 20 Jail Inmates  
 on One Felony VOP Hearing Docket in January 2007.

Disposition Category	# Inmates	# Days Waiting	Notes
1. Probation reinstated - conditions added	3	21 31 ?	- Not clear on number of days in jail on this case
2. Probation reinstated with time added	2	24 29	
3. Revoked - To serve jail time	6	13 21 27 27 27 61	
4. Revoked to Prison	3	28 36 44	
5. Cases Continued	4	13 21 21 39	Still in jail as of 2/16/07 at time of examination of data. So, the wait-time will be longer when finally disposed.
6. Case processed - Has hold for another county	2	26 31	

Inmates who were returned to probation and were revoked to serve jail time, spent between 21 and 31 days waiting for a hearing. One inmate waited less time, 13 days. This inmate happened to coming into jail closer to the hearing date than the others. Continuances will increase the number of days awaiting disposition. Very likely the inmate who spent 61 days, involved a case that had been continued.

As seen in the disposition of cases in 13 days, quicker resolution is possible. If two weeks could be cut from the entire VOP population, (average 80 inmates who wait an average of 28 days), that would cut the population nearly in half – A savings of 35-40 beds.

The major weaknesses of this analysis is in its sampling methodology. The example in Table 3-B is just one of three divisions. It is assumed all six divisions (3 felony and 3 misdemeanor divisions) have the same wait time. For that reason, this examination of VOP processing times must be regarded as an informed starting point considering the speed of VOP processing for jail inmates.

**Recommendation 3.8a. The FDOC should be approached through political channels to alter its prohibition of providing decision-making information to judges.**

At the minimum, the FDOC should provide case information in a clear and succinct manner that allows a judge to evaluate the violator's risk of flight and potential threat to the community. If properly formatted, the information would allow the judge to quickly make a determination of bond amount.

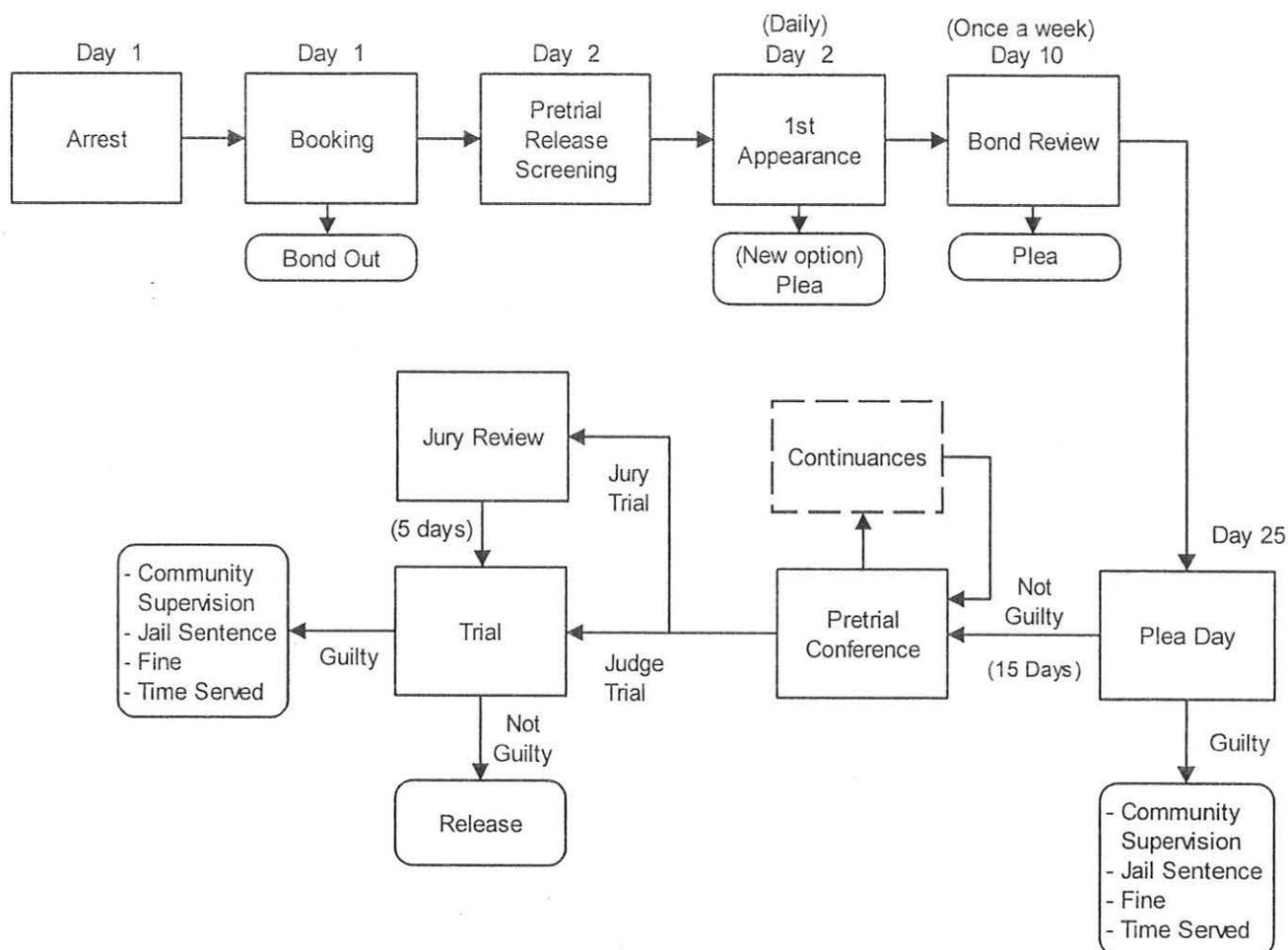
**Recommendation 3.9b. Options for VOP hearings should be studied and considered.**

The courts should examine such options as (1) Schedule more frequent hearings, at least once a week. This would require the participation of Probation, the State Attorney, and Judges in the weekly review of VOP cases. (2) Establish procedures that allow selected offenders to be released to the community with more strict supervision, such as electronic monitoring, until they go to a hearing, (3) Take written pleas on some VOPS at first appearance, (4) Develop a clear agreement among judges on how to deal with VOPs. Currently there is an informal agreement not to sign VOPs on another Judge's case. However, this is not always followed because in instances in which the probation officer says it is a last minute issue, a different judge will frequently sign.

<p style="text-align: center;"><b>Section 4. Additional Ways to Reduce Delay in Processing Cases of Misdemeanor Inmates</b></p>
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Figure 3-C, on the next page, shows the flow of cases through the misdemeanor case processing system. In comparison to felony processing in Figure 3-B, the misdemeanor flow in Figure 3-C is more compressed, time-wise.

Figure 3-C. Criminal Case Processing of Detained Misdemeanor Inmates



**Assessment of Case Processing of Detained Misdemeanor Inmates**

**Observation 3.9. Overall Processing Time:** Many misdemeanor cases exceed the 90-day time goal established by the Florida Supreme Court.

An examination of pending misdemeanor cases in January 1, 2006 to February 2007 disclosed that of 837 cases, 368 (44%) exceeded the recommended time goal for misdemeanor cases (90 days).<sup>24</sup>

**Discussion:** Just as in the instance of felony case processing, the Florida Supreme Court has recommended that misdemeanor cases be disposed within 90 days from time of arrest.

**Recommendation 3.9. Collaboratively work to solve delays in misdemeanor case processing.**

This is similar to the recommendation for reducing delay in felony cases (Re: Recommendation 3.1). This recommendation is repeated here to point out the positive

<sup>24</sup> Source: Okaloosa Clerk of Courts Office, February 2007.

progress already made by the Administrative Judge, State Attorney, Public Defender and others in reducing delay in misdemeanor case processing and to suggest that their experience and capabilities can effectively address other delays.

**Observation 3.10. First Appearance Stage: First appearances are held daily but not with high consistency.**

The purpose of a first appearance is to determine whether probable cause exists to charge the defendant with a crime and, if there is, to ascertain how the defendant wishes to plea.<sup>25</sup> By having a State's Attorney, defense attorney, and court clerk present at this hearing, the possibility arises of resolving many cases on the spot. A defendant enters a plea or the attorneys reach a plea agreement. When that happens, needs are eliminated for additional and costly hearings and unnecessary pretrial incarceration.

A new schedule for daily first appearances was implemented on January 1, 2007 to occur at 11:00 A.M., unless under exigent circumstances the judge sets some other time. State's Attorneys, Public Defenders, and a Court Clerk are present. Prior to that time, only the judge was present and pleas were not accepted.

The new format for first appearances is resulting in pleas being taken, which is having a positive affect on both the Jail and workloads of judges, State's Attorneys and Public Defenders. However, some scheduling difficulties seem to exist. Short-notice rescheduling on the day of the hearing or the day before, is occurring.

Inconsistency of court times reduces the likelihood that defense and prosecuting attorneys can immediately change their schedules to be present or that they can avoid protracted, unproductive waiting for a judge to arrive. Given that caseloads are heavy for all parties (Judges, State's Attorneys, and Public Defenders), wasted time is a complicating and unnecessary burden. The impact on the Jail is also significant because of its need to function on a set schedule for such activities as meals, medical operations, recreation, transports, and inmate programs. The irregularity of first appearance means that staff must stand-by and wait for first appearance. This keeps them from performing other duties. Given that the Jail is understaffed, this is a significant issue. Also inmates must be held apart from the normal Jail population. At times this has affected their scheduling for such things as medical services.

**Recommendation 3.10. Court scheduling for First Appearances should be refined.**

As in many new programs, there is a period of refinement. In this instance first appearance court scheduling should be reexamined. The goal should be to establish standard practices in which minimal rescheduling occurs. Given the demonstrated positive attitude of the parties in other tasks reflected in this report, a modest reevaluation by those parties of scheduling practices should reduce the frequency of rescheduled first appearances.

**Observation 3.11. Pretrial Conference & Trial Stages: Motions are being made in late stages of case processing.**

Motions are often heard at Pretrial Conference and Trial stages. This causes delay in resolution of cases, delays in jury panels, and daily court time-schedules are missed.

**Recommendation 3.11. Motions should be made prior to the Pre-Trial Conference.**

One option, among others that might be feasible, is for the Court to consider establishing more hearing days, similar to those in felony case processing.

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<sup>25</sup> Both felony and misdemeanor defendants appear at a first appearance hearing.

**Observation 3.12. Pretrial Conference Stage:** Single and multiple continuances are frequently granted.

The effect of these continuances, as suggested in Figure 3-C, previous page, is that cases become caught in a continual loop from month to month.

**Recommendation 3.12. (1)** Each judge should consider how to establish a firmer policy on continuances of misdemeanor cases and to hold firm on the Pretrial Conference as the last day for accepting pleas in misdemeanor cases, and **(2)** Attorneys should establish work patterns that are not dependent on continuances as a way of shuffling their workloads.

## Section 4. Conclusion

The perception of potential for change can best be described by paraphrasing one of the Okaloosa County criminal justice officials who said, "There have been a lot of improvements in the technology in how we handle cases. Some of our current habits of how we deal with things are based on our old capabilities. This process of examining our operations is helping us to collectively identify where the slack is and how we can modify old practices."

The recommendations associated with the thirteen observations provide ways of improving the processing cases of inmates. They were developed from information collected during interviews, from analyses of data, and many follow-up phone calls. Many of the recommendations are based on best practices and have been implemented in other criminal justice systems.

Rather than seeing the recommendations as a list or a menu from which to select one or two, all should be fully considered for implementation. Some recommendations will need to be prioritized for implementation, although some can /be concurrently implemented as they involve different agencies and/or different facets of criminal case processing.

The issue of staff resources is often brought into discussions about improving case processing. That issue, however, obscures the fact that inefficient processes and, practices such as unnecessary continuances, are not solutions but conditions which complicate and magnify workloads.



## Chapter 4 Trends and Events That Have Affected Jail Growth

### Section 1. Introduction

The point of studying the past is to gain insights into what has caused the jail population to grow. Some of these insights will be useful in the next chapter when envisioning future jail needs. As will be pointed out, growth of the County's population does not account for all of the increase in the jail population.

This chapter has three sections and a number of subsections:

- The growth of crime and arrests and their impact on the Jail
  - Is the rate of serious crime increasing or decreasing?
  - Is the arrest rate increasing faster than the rate of reported crime?
- Events and conditions that have affected the jail
  - Elevating conditions
  - Suppressing conditions
- Conclusions

### Section 2. The Growth of Crime and Arrests and Impact on the Jail

Is crime increasing or decreasing? Few members of the public really know. The manner in which crime news is reported makes it difficult to develop an accurate perception. The media, i.e., television and newspapers, report crime events on a daily basis. However, overall trends are rarely discussed. Thus, the public gets a steady diet of awful events.<sup>1</sup>

In order to make sense of crime data and the manner that they are collected and compiled by the Florida Department of Law Enforcement, this section will present the analysis in a series of questions and answers. Explanations of the answers are also provided. Hopefully, this approach will keep the reader from becoming entangled in data.

#### **Question #1. Is the Rate of Serious Crime Increasing or Decreasing?**

**Answer:** The rate of serious crime is relatively stable in Okaloosa County but seems to be decreasing across the state. However, we do not know as much about lesser crimes that are inconsistently reported to law enforcement.

**Discussion:** The term "crime rate" means the number of crimes per 100,000 residents. By examining the rate per 100,000 people, we can compare large and small communities. The rate

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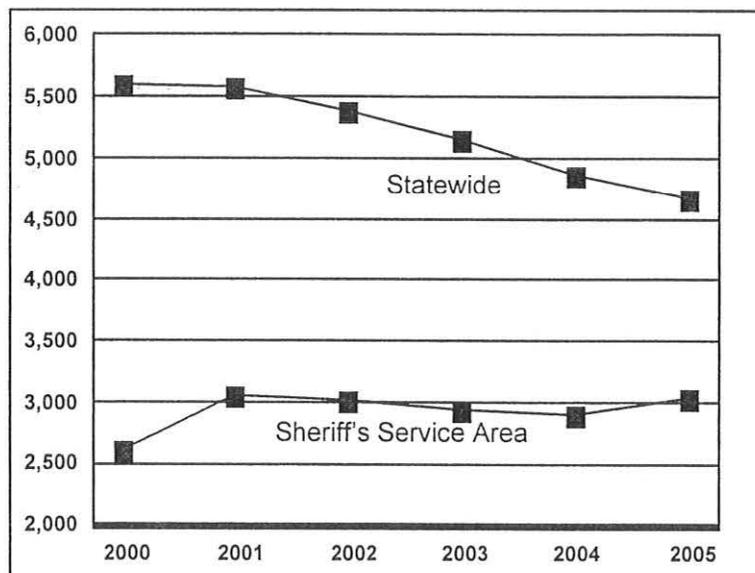
<sup>1</sup> This excerpt from a 1998 report by Florida State University on the fear of crime still seems relevant: "In Florida, citizens may be suffering from an abnormal fear of crime in their communities, thanks largely to nightly barrages of crime reporting that too often reflect a willingness by broadcasters to go to any lengths necessary to find sensational acts of violence and lawlessness to put on the air. Findings by FSU criminologist Dr. Ted Chiricos, a nationally-recognized expert on the fear of crime, support his conclusion that Floridians are worrying more about crime even though the state's crime rate is on the decline and has been for years... There's an apparent disconnect between actual trends in crime and public perceptions of it." (Jim Bleyer, "Fear in Paradise: Film at 11", Florida State University Research in Review, Spring-Summer 1998 Issues, Available online at <http://www.rinr.fsu.edu/springsummer98/features/fear.html>.)

also allows us to sort of gauge if a community that is growing is experiencing more crime. For example, what does it mean if the Sheriff's service area of 128,127 residents has 59 reported robberies and Ft. Walton Beach, a city of 20,619 has 20 reported robberies? Which one has a higher rate of burglaries? The answer is, Ft. Walton Beach. If it had the same rate as in the Sheriff's service area, it would have had only 10 robberies.

Figure 4-1 shows the rate of serious crime across the state and in the area served by the Sheriff's Office. The Sheriff's service area was selected for several reasons, as explained in footnote 1, below.<sup>2</sup>

The crimes selected for examination in the graph are the "index offenses". Those are the most consistently reported crimes to law enforcement. Excluded are those offenses that are inconsistently reported, such as DUI, and only become known upon arrest. The index offenses include: murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft.<sup>3</sup>

**Figure 4-1. Index Crime Rates Across the State and in the Okaloosa Sheriff's Department Service Area**  
(Offenses reported per 100,000 population)



Data Source: Florida Statistical Analysis Center, Tallahassee, Fla. – 2006 data not yet available

<sup>2</sup> The area served by the Okaloosa County Sheriff's Department was selected for two reasons: (1) The Sheriff's Department serves a population is more than six times that of the next largest police department. The Sheriff's Department served 129,583 residents in 2005 and Ft. Walton Beach Police Department served 20,735 residents. (2) One of the police departments did not report data in 2000 and another had data accuracy problems in 2005. Thus, data from municipal police departments was not usable for the period of 200-2005.

<sup>3</sup> The FBI and Florida Department of Law Enforcement assess trends in the volume of violent and property crimes by monitoring offenses that are consistently reported by law enforcement agencies and are pervasive in all geographical areas of the country. These crimes are called "index crimes." The total crime index in Florida is composed of four violent crimes and three property crimes: murder and nonnegligent manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny, and motor vehicle theft.

The indicators suggest that the incidence of serious crime per 100,000 residents has been falling statewide but not in the Sheriff's service area. Two things might account for the crime rate in the Sheriff's service area. One is that the area is experiencing a growth in a population segment that has a higher incidence of crime, such as lower socio-economic residents. The second is that an increased presence of a law enforcement agency that has the respect of the public, increases the willingness of some residents to report crime. For example, larceny (the most frequent index crime) and aggravated assault (the third most frequent) are subject to such influence.

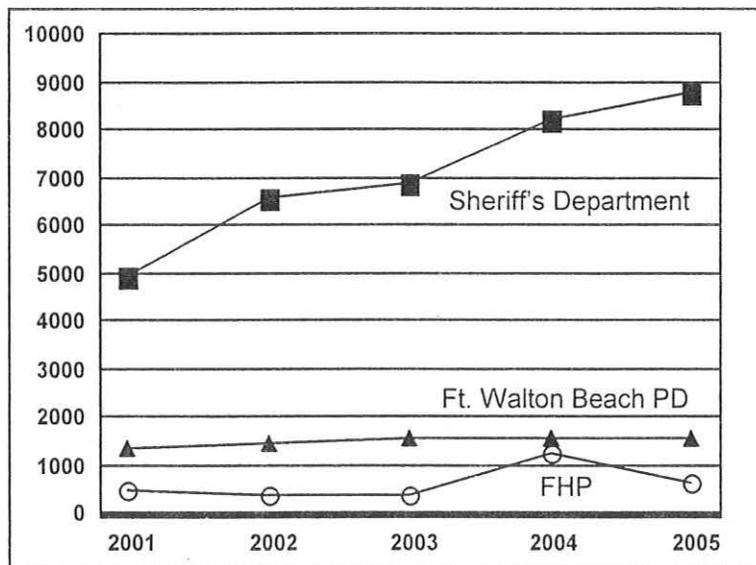
Although, data for the entire 2006 year will not be available until mid-2007, the mid-year report for 2006 (January through June 2006) show that statewide index offenses continue to fall (0.03% decline from 2005).

**Question #2. Are arrests increasing faster than reported crime?**

**Answer:** The Sheriff's Department is making arrests at a faster pace than the growth in reported serious crime. This is different than in other law enforcement agencies in the County. Since, those other agencies are much smaller, their impact on the jail is much less.

**Discussion:** In 2005 the Sheriff's Department made 5-1/2 times more adult arrests (8,800) than the next law enforcement agency, the Ft. Walton Beach Police Department (1,573). Also, the Ft. Walton Beach Police Department, and other law enforcement agencies are not showing the same growth in arrests as the Sheriff's Department.<sup>4</sup>

**Figure 4-2. Number of Arrests by the Sheriff's Department, Ft. Walton Police Department, and Florida Highway Patrol-Crestview (FHP)**

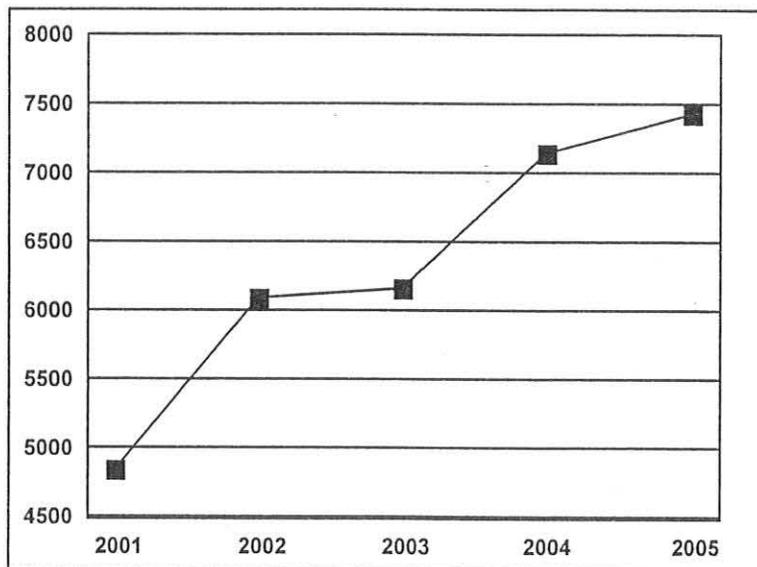


Data Source: Florida Statistical Analysis Center, Tallahassee, Fla. – 2006 data not yet available

<sup>4</sup> The agency making the third largest volume of arrests is probably the Crestview Police Department. However, that agency has had difficulty in accurately reporting its crime statistics to the Florida Department of Law Enforcement. For this reason the Florida Highway Patrol in Crestview, the next agency making the most arrests was selected for this graph. The other police departments made fewer arrests and are therefore not shown.

The growth of adult arrests in the Sheriff's Department is also exceeding the rate of growth of the Sheriff's service area. This is shown below in Figure 4-3.

**Figure 4-3. Sheriff's Department Annual Arrest Rates per 100,000 Residents**  
(Adult and Juvenile Arrests)



Data Source: Florida Statistical Analysis Center, Tallahassee, Fla. – 2006 data not yet available

The graph of the Sheriff's Department annual arrest rates, that is the number of arrests per 100,000 population, indicates that the Department is increasing the number of arrests much faster than the growth in number of service area residents. If the arrest and population growth rates were the same, the graph line would be flat (zero growth rate). Instead, the arrest rate in 2005 is 1-1/2 times that in 2001.

Very likely a major portion of this increasing arrest rate can be attributed to the funding for more Sheriff's patrol deputies. Although, improvements in operational efficiency will affect the volume of arrests, those improvements are unlikely to account for this large of an increase.

### **Question #3. What can be Concluded from these Analyses?**

**Answer:** If the County decides to fund more Sheriff's patrol deputies, it should also be prepared to accommodate more arrests from the Sheriff. As pointed out in other chapters, there are a number of ways to reduce the current demand for jail beds. However, at some point the increasing volume of arrests will outrun options to control jail growth.

An important aspect to keep in mind is what is called "suboptimizing." This comes into play when one agency is funded to increase its performance but the others are not. For example, the Sheriff's Department has received County funding to add significant numbers of staff over the last ten years. As a result, arrests have dramatically increased. However, the other criminal justice agencies (Courts, State Attorney, Public Defender, and Clerk of Courts) have not kept pace with the addition of staff that they need to handle the increasing volume of cases. Most of their staffing formulas are based on size of the County population or other aspects, but not on increases in caseload. This situation reinforces the need to improve the efficiency of case processing and, thereby reducing workload (Re: Chapter 3).

### Section 3. Events and Conditions That Have Affected the Jail

During the study, events affecting growth of the jail population were examined in interviews and a survey of law enforcement agencies and treatment providers. Questions about changes in agency operations, community changes, and crime were asked. The responses to these questions provide insight into forces driving the jail population and, in the section subsection, forces suppressing or lowering the jail population.

#### Events and Conditions That Have Elevated the Jail Population in the Last Ten Years

##### 1. Growth in the County Population

The growth of County population increases the number of targets of opportunity, number of potential offenders within the population, and attractiveness to non-resident criminals to come to the county. Okaloosa County has been growing at a rapid rate and is one of the fastest growing communities in Florida. In 1990 the County population was 143,777 and it grew to 182,172 in 2005, an increase of nearly 27%.<sup>5</sup>

##### 2. Changes in the Criminal Justice System

###### a. Criminal Case Processing

During interviews it was related that the speed of case processing was much faster in the past (assuming that this meant prior to 2000). Generally, the feeling was that agency leaders involved in criminal case processing fell out of the habit of pressing for faster movement of cases.

###### b. Changes in Sheriff's Department

- Many new patrol officer positions have been funded in the last ten years.
- Patrol has been increased in areas having higher crime rates than others. This involved the following strategies:
  - Community policing was implemented in 1999 in a variety of areas that were experiencing an increase in person-related crimes (robbery, battery, and assault).
  - Two certified analysts were trained in 2004 to assist patrol, investigations, and specialized units to better use crime analysis to identify potential crime locations and perpetrator characteristics.
  - Regional crime information sharing also has helped to improve the apprehension of offenders.
- Created a problem-oriented policing unit (implemented in 2004) attached to the drug task force. This unit uses tactical crime analysis to anticipate crime patterns, to target high frequency crime areas, to guide surveillance, and identify perpetrators who may be responsible for a series of similar crimes.

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<sup>5</sup> The actual calculated increase is 26.7%. (Source of Information: Economic Development Council of Okaloosa County, Florida, January 31, 2007: <http://www.florida-edc.org/documents/Demographics>)

3. Changes in State Statutes

- State statutes on multiple incidents of DUI, driving with suspended license (DWSL), and battery were changed from misdemeanor to felony offenses.<sup>6</sup>
- State statutes have been passed that take a harsher stance on child sex offenses and fewer bond options as a result of the Jessica Lunsford Act.
- More minimum mandatory sentences are required for gun offenses (terms of 10-20 years and life).
- Requirements have been increased for the incarceration of habitual offenders and offenders recently released from prison who commit new offenses.

4. Changes in Crime Patterns

- An increase in immigrants has resulted in more domestic violence arrests, DUI's, and DWSL. The initial increase began in 1995 and continued steadily after each significant hurricane. Immigrants have been welcomed into the community by some business because they provide labor at a cheaper rate.
- Methamphetamine use may be increasing, however, the rate of increase is difficult to gauge by the project team. For example, the incidence of methamphetamine in deceased persons, statewide, during the period of January-June 2006, was only 1.5%. In comparison, alcohol was detected in 29.0% of deceased persons, benzodiazepines (bennies) in 15.6%, cocaine in 15.3% and Cannabinoids (marijuana) in 7.8%.<sup>7</sup>

5. Changes in State Probation

- In January 2006, the Florida Dept of Corrections implemented a policy of zero tolerance for probation violators. As a result, very minor violations that were previously handled by probation officers, are now cause for arrest, example, being several minutes late for a curfew due to automobile problem. This has dramatically increased the number of probation violators being held in jail.
- State Probation officers are no longer allowed to make recommendations on bond amount for persons arrested for technical probation violation. This is sometimes problematic because the probation officer is the best source of information for judges when deciding bond amounts.

5. Changes in Mental Health Resources

- Important local mental health services have closed.

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<sup>6</sup> DUI: Any person convicted of a third DUI within 10 years or a fourth or subsequent DUI commits a Third Degree Felony, not more than \$5,000 fine and/or 5 years imprisonment. (Re: s. 316.193, F.S.)

DWSL: Any person whose driver license/privilege is suspended for Driving with an Unlawful Alcohol Level, or revoked for DUI, DUI Manslaughter or Vehicular Homicide, or for any other offense ordered by the court and who causes death or serious bodily injury to another person by operating a motor vehicle in a careless or negligent manner is guilty of a 3rd degree felony, punishable by both imprisonment of not more than 5 years, a fine not to exceed \$5,000, or both. (Re: s. 322.34, F.S.)

BATTERY: A person who has one prior conviction for battery, aggravated battery, or felony battery and who commits any second or subsequent battery commits a felony of the third degree. (Re: s.775.082, F.S.)

<sup>7</sup> Information Source: Florida Department of Law Enforcement, "Drugs Detected in Deceased Persons by Florida Medical Examiners: 2006 Interim Report," November 2006.

- The Bridgeway Center's Inpatient Treatment program closed about 10 years ago due to lack of funding. This was the only inpatient program for indigent clients. Another community facility currently exists but its program costs are beyond that affordable by persons who are typically brought to jail.

- The length of wait for inmates ordered to state mental hospital has increased from 15 days to up to 6 months.

#### 6. Changes in Services to High Risk Populations

The homeless shelter run by the Waterfront Rescue Mission in Ft. Walton Beach was closed in 2006. Although it did not have many beds, it represented an important effort to provide a resource.

### **Events and Conditions That Have Reduced the Rate of Jail Population Growth**

The survey and interviews identified a few events and conditions that have likely reduced the jail population growth rate.

#### 1. Development of alternatives to incarceration

- Okaloosa Pretrial Services Department
- Drug Court (a long standing program)
- Mental Health Court (a recent program)
- Bridgeway Center's case supervision and treatment services for offenders including:
  - Case management of misdemeanants on probation<sup>8</sup>
  - Batterer's intervention treatment program
  - Sexual Offender's relapse prevention treatment
  - Anger management treatment

#### 2. Suppression Effects on Crime

The Sheriff's Department has noticed that some criminal activity has probably been suppressed by the Safe Neighborhood Initiatives, Crime Watch, and Crimestoppers.

## **Section 4. Conclusion**

Jail population growth is the result of two things: The number of people brought to jail and their length of stay. The availability of more resources to make arrests, i.e., law enforcement officers, leads the list of probable factors that have pressed the jail population upwards. As shown in the analyses in Section 2, arrests in the Sheriff's service area have outpaced the rate of population growth. This is not an undesirable situation, just one that needs to be offset with more funding for the jail and alternatives to incarceration.

The length of stay has been collectively extended by a number of factors. Some of the factors affect only portions of the population, such as lengthening of the wait to transport mentally

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<sup>8</sup> The Bridgeway Center has implemented a number of offender supervision services that help to reduce the jail population: 1984: Probation supervision services; 1990: Worthless Check Diversion Program; 1997: Domestic Violence Court Services; 2002: House Arrest Services; 2003: Misdemeanor Diversion.

disturbed persons to the State mental health facility. Other factors, such as the decline in case processing speed affects a larger portion of the jail population.

Some of these increasing forces have been partially offset by decisions to fund and develop alternative to incarceration programs. These programs not only reduce some of the jail bed space demand, but more adequately serve the treatment and supervision needs of defendants and sentenced offenders.

As is evident in this chapter, policy decisions often have unexpected and unintended consequences. For that reason, local criminal justice policies and related considerations, such as funding allocations, being considered by local government should be assessed as to how they will affect interrelated agencies before being approved. In instances in which decisions will have "downstream" effects, offsetting policies and allocations should be concurrently approved.

## Chapter 5 Community-Based Alternatives for Controlling Jail Growth

### Section 1. Introduction

Public safety and quality of life remain the foremost priorities of both elected officials and their constituents. Crime prevention and control involving the apprehension and incapacitation of lawbreakers are among the most complex and costly challenges of government. Despite decades of crime reduction efforts, the rates of arrest and incarceration continue to escalate. Almost every county in the United States today has, or is likely to, experience jail overcrowding.

Traditional responses to overcrowding have resulted in the building of new jail beds, a response sometimes driven by the threat of federal court action as well as the perception of pending crises. However, such an approach is challenging because jail construction is a lengthy process involving exorbitant costs which are becoming less tolerable to the public. In numerous jurisdictions throughout the country, taxpayers are defeating bond bills and/or referendums for new jails.

This Chapter addresses the need for alternatives to incarceration for defendants and sentenced inmates who can be safely supervised through a variety of options. These options appear as a continuum of sanctions which span the gap from post-arrest to serving time in jail or prison. As will be pointed out, these alternatives should be properly selected through screening and risk/need assessment which occur at various points in processing inmates from arrest through jail intake and pretrial release interview.

Several recommendations in this chapter support the broader concept of **Expanded Correctional Capacity**, a strategy for reducing jail overcrowding<sup>1</sup>. This strategy provides a number of benefits including significant cost-savings, safeguarding the community against predators, increasing offender accountability, enhancing staff accountability, implementing best correctional practices, and judicious use of jail beds as precious commodities. This is an aggressive strategy which offers flexibility, extends current correctional resources, and promotes innovative development of future resources.

Five observations and accompanying recommendations are contained in this chapter. The first observation and recommendation are important because they will help the County develop a coordinated strategy for future development. The following four observations and accompanying recommendations pertain to issues that the consultants identified as needing immediate attention.

**Observation 5.1. Need for Coordinated, Long Range Planning:** Okaloosa County lacks a strategic plan for coordinated development of alternatives to incarceration.

**Recommendation 5.1.** The County should develop and implement a long-range strategy for expanding correctional capacity. This plan would control the jail growth, while supporting needs of the criminal justice system.

**Observation 5.2. Missing Correctional Options:** The County lacks high priority alternatives to incarceration which could immediately reduce the jail population.

**Recommendation 5.2.a.** The PSCC should, as soon as possible, identify those components of the Expanded Correctional Capacity Plan which may be readily implemented.

**Recommendation 5.2.b.** The County should implement a Day Reporting Center (DRC).

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<sup>1</sup> This term refers to a strategy developed by Dr. Nancy Insko in 2000. This concept joins philosophy and practice to control the growth of criminal justice populations through the balance of custody and community supervision, emphasizing the use of structured intermediate sanctions at various stages of post arrest, pretrial, pre-sentencing, and post sentencing. The appeal of ECC for Sheriffs and Correctional professionals is its enforcement orientation.

**Observation 5.3. Insufficiently Staffed Pretrial Release Program:** The current Pretrial Services Unit is small, limited in scope, and, therefore, does not have the maximum impact on the Jail population that a fully resource-supported pretrial release program would have.

**Recommendation 5.3.a.** The County and Court Administration Services Office should increase the capacity of the Court Services Office by expanding the existing Pretrial Services Unit to a full-service pretrial release program, with the potential for adding additional services which would address the supervision needs of post-sentenced misdemeanants.

**Recommendation 5.3.b.** At a minimum, three positions should be added to the Pretrial Services Unit.

**Recommendation 5.3.c.** Service for both pretrial and post-adjudicatory offenders should be considered.

**Recommendation 5.3.d.** Planning for Pretrial Release Program expansion should involve a process of internal re-assessment, exposure to other successful programs throughout the country, and alignment with best practices.

**Recommendation 5.3.e.** Pretrial Services staff should be cross trained in the areas of substance abuse assessment, testing, and treatment.

**Observation 5.4. Current Program Capacity:** The Speciality Courts may not be functioning at full-capacity.

**Recommendation 5.4.** The Speciality Courts should be reviewed and revised if needed to expand capacity.

**Observation 5.5. Under-Supported Initiative:** The initiative to address the homeless problem has an insufficient funding base.

**Recommendation 5.5.a.** The County and the Okaloosa Homeless Community Consortium should pursue external funding and assistance through federal agencies, foundations, and outside resources to support its initiative to reduce homelessness.

**Recommendation 5.5.b.** The County should reinstate efforts to attract nationally recognized, providers of services and shelters to the area through tax incentives or donation of property.

**Recommendation 5.5.c.** The Consortium should pursue the goal of constructing or locating a suitable building, preferably in south county, which would house and provide outreach services to the homeless and transients.

**Recommendation 5.5.d.** The Board of County Commissioners should publicly support all efforts to resolve this long-standing, escalating problem.

## **Section 2. Background and Development Considerations**

In order for Okaloosa County to manage its criminal justice population in both the immediate and long-range futures, a broader range of correctional options and a strengthening of the system's infrastructure must be pursued. Those options should have interchangeability of sanctions and restrictions, ensure accountability, and protect the public.

Early diversion, sometimes called "front-end diversion", is perhaps the most beneficial option for certain pretrial defendants and the criminal justice system. Early diversion increases the likelihood that an offender will be averted from deeper penetration into the criminal justice system. Deeper penetration into the system often does not mean that any greater purpose of justice is served. It does, however, carry with it a number of problems that impact the individual and community, such as loss of employment and inability to maintain economic support for a family.

Diversion is more than just release from jail; it typically involves a variety of restrictions and programs. A secondary, but very important benefit of diversion is that it provides a forum in which the individual can demonstrate his or her willingness to follow prescribed courses of treatment and their ability to modify their behavior. As a result of successful completion of a diversion program,

charges are sometimes reduced or dismissed. Also, research has shown that defendants who successfully adhere to conditions of Pretrial Release (PTR) are less likely to be sentenced to jail. Judges tend to feel more comfortable about continuing them in community-based supervision, such as county probation.

The economic and workload benefit of diversion is important. Not only is workload reduced for State's Attorneys, Public Defenders, and Judges, but jail beds are saved. The savings in jail beds translates into having more space available for detaining chronic and more-violent offenders. In this manner, bed space is treated as a precious resource that is too costly to be inappropriately used.

Importantly, the community must be educated about various front-end alternatives to incarceration and their benefits, such as increased likelihood of reducing recidivism, prevention of financial drain on tax dollars to support families of defendants, and improved efficiency in use of scarce bed space for the incarceration of chronic and violent offenders. This perspective is echoed in the writings of one the nation's foremost thinkers in criminal justice, Norval Morris<sup>2</sup>:

Throughout the country, the public views punishment as jail and prison, solely. It is the "norm," by which any other sanctions are measured. Digression from this paradigm is uncomfortable for elected and appointed government officials as well as the public. In fact, unless citizens experience direct interface with the criminal justice process, their frame of reference is usually founded upon the notion that arrest equals jail which equals incapacitation, or "off the street." Accordingly, the practice of "corrections" is not limited to incarceration, nor should punishment rest upon confinement only. In fact, custody supervision is a component which has been overused, most costly, and, perhaps, least effective in modifying criminal behaviors. Most assuredly, as substantiated in national and state recidivism rates, the threat of incarceration has little deterrent effect...Offender supervision and treatment should be considered as a continuum of interventions which span a wide range of correctional options. The concept of "interchangeability" of sanctions dictates that multiple responses to criminal behavior are more effective and less costly.

This chapter advocates an approach that is congruent with the insights of Norval Morris and other correctional researchers and with best practices. This approach involves multiple options, rather than the "either-or" solution of "to jail or release without supervision."

Over the past twenty years county criminal justice decision-makers and governmental officials have come to recognize several realities:

1. The continual construction is not feasible because of the tremendous costs and difficulties of locating them in communities. In addition, there are long-term operational costs associated with new construction. Counties are realizing that they cannot afford to try to build their way out of correctional problems. In addition, voters are growing weary of supporting ballot issues for constructing new facilities.<sup>3</sup>

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<sup>2</sup> Morris, Norval, and Michael Tonry. 1990. *Between Prison and Probation*. New York. Oxford University Press.

<sup>3</sup> Academia, politicians, and practitioners alike concur that the "spend and build" frenzy of the 1980s could no longer be supported by flush state and local budgets, which were quickly diminishing by 1990. Taxpayers were soundly rejecting ballot questions, refusing to approve the ever escalating taxes to construct and/or operate new jails and prisons. As a result, corrections officials and other key decision-makers embraced the notion that supervision could be stringent, accountable, and reparative through the application of a broad range of community-based interventions. Such methodology may be designed to insure offender compliance and law-abiding behavior. Integral too, in the event of non-compliance with conditions of such community-based supervision, is the presence of sufficient jail/prison space to provide swift physical confinement when "just" and/or other means have been exhausted. (Harland, Alan T, "Defining a Continuum of Sanctions: Some

2. Expenditures associated with effective community corrections generally range from one-tenth to one-fourth of the per diem costs of incarceration.
3. Successful correctional supervision involves a balance of both institutional and community-based interventions which offer safety of the community while controlling escalating construction and staffing costs.
4. "Secure beds" must be treated as an extremely precious resource to be used selectively and appropriately on defendants who should not be released for a long time.
5. The threat of incarceration is not a deterrent to criminal behavior.
6. Without effective alternatives to incarceration for pretrial defendants and sentenced offenders, jails will suffer overcrowding.
7. Public-private partnerships are essential in providing services to the offender population. This reduces the burden on government to hire staff, develop and continually improve programs, and maintain facilities.
8. Staff and offender accountability in community-based corrections are usually much more rigorous than simply housing inmates in jail.

An effective range of "sanctions" involves the use of "coercive measures" balanced with a therapeutic purpose which, if violated, will result in harsher, more restrictive intervention along the continuum.<sup>4</sup> Jail, then becomes the ultimate recourse for noncompliance, rather than the default first-choice.

The development of a carefully articulated range of alternatives to incarceration involves more than participating in one or two meetings in which personal preferences are rehashed and pet projects are promoted. In order to avoid haphazard development and faddish adoption of "new" alternatives, county criminal justice officials should be guided by a set of principles and standards. (See for example the work of Alan Harland in "Defining a Continuum of Sanctions: Some Research and Policy Development Implications"<sup>5</sup>). The development process must be rigorous and multifaceted in its breadth of considerations. A cornerstone of the process is a needs assessment of the offender population that is considered in light of the threshold of public tolerance, the political climate, and concerns of justice system stakeholders and practitioners.

A model of a comprehensive continuum of alternatives to incarceration with sanctions and programmatic elements is shown in Figure 5-1. (For the sake of brevity in this chapter, "alternatives to incarceration" will be used to denote both alternatives to incarceration and intermediate sanctions.)

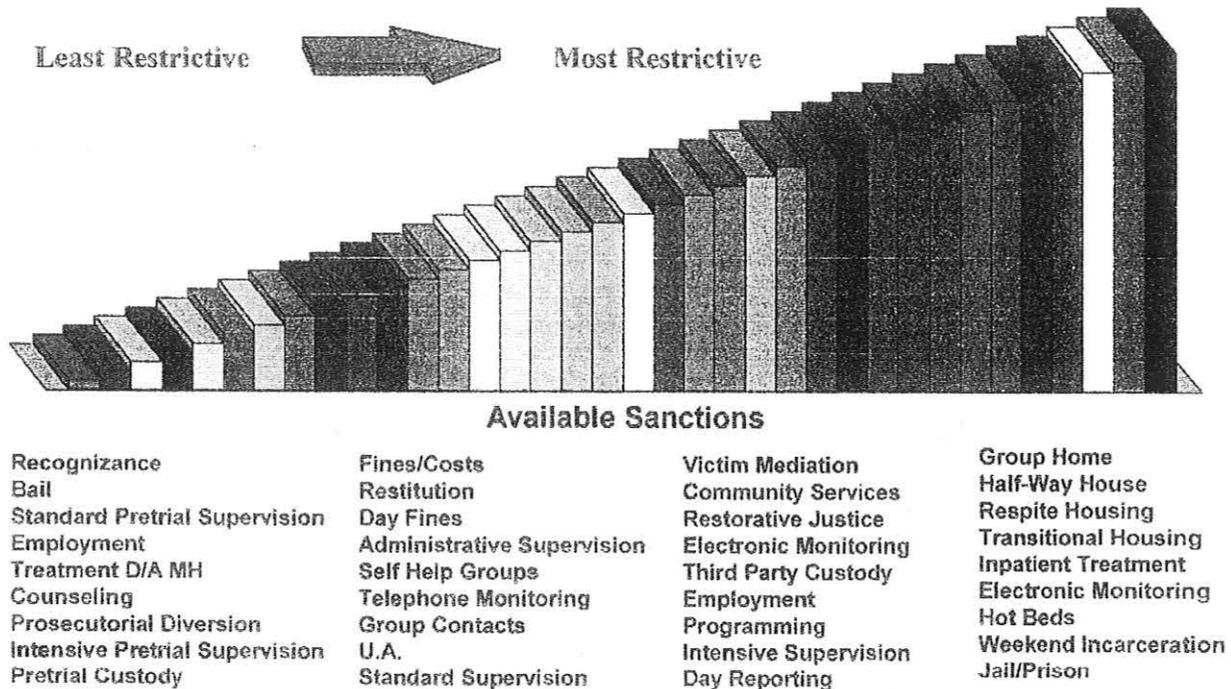
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Research and Policy Development Implications," in *The Intermediate Sanctions Handbook*, ed. Peggy Mc Garry and Madeleine Carter, Center for Effective Public Policy, Washington D.C., 1993)

<sup>4</sup> Harland, Alan T, "Sanctions vs. Punishments", 1993, in *The Intermediate Sanctions Handbook*, ed. Peggy Mc Garry and Madeleine Carter, Center for Effective Public Policy, Washington D.C., 1993

<sup>5</sup> *Ibid.*

Figure 5-1. Continuum of Supervision for Pretrial Defendants and Sentenced Offenders



The continuum in Figure 5-1 is a “staircase” of programs and requirements that, in many instances, can be easily linked and can be combined. Selection of a sanction/intervention should be assessment-based and based on a consideration of both risk and needs.<sup>6</sup>

If alternatives to incarceration are to be successful in managing offenders and safeguarding public safety, they must be embraced by justice system leaders, the judiciary, and elected and appointed public officials. Furthermore, this collective group must face the scrutiny of the community which is accustomed to viewing the justice system in a very simplistic manner and relies on incapacitation as the measure for defining public safety. The success and long term use of a sanctioning scheme depends on having a uniform commitment to change that is rooted in an information-driven process of planned change rather than relying on an intermittent, crisis-oriented, band-aid approach.

**Section 3. Recommendations for Developing Alternatives to Jail**

As an overarching recommendation for controlling jail growth, the following will integrate all recommendations in this chapter:

**Observation 5.1. Okaloosa County lacks a strategic plan for coordinated development of alternatives to incarceration.**

Community-based correctional programs for county offenders and pretrial defendants have

<sup>6</sup> Harland, Alan T, “Defining a Continuum of Sanctions: Some Research and Policy Development Implications”, 1993.

been developed in a piecemeal fashion without fully exploring how the alternatives fit into a continuum. As a result, three conditions exist: (1) There is no roadmap for future development of correctional programs that are oriented to reducing the demand for jail beds, (2) Gaps in correctional programming exist and available resources are not fully utilized, and (3) Outside resources, i.e., money, personnel, facilities, and programming from federal and state agencies and foundations have not been adequately explored as supplemental means to resolve community problems that increase the demand for jail beds.

The Okaloosa Public Safety Coordinating Council (PSCC) has been an effective forum for the gathering of agency representatives. This Council, although mandated by state statute, has remained dormant in the majority of Florida's counties. Okaloosa County, on the other hand, has committed its principals to meet every other month, chaired by the Presiding County Commissioner. Despite the frequency and magnitude of issues, i.e., jail overcrowding, mental health issues, general health care problems, drug/alcohol problems, homelessness, etc., the group has not developed an integrated approach for controlling jail growth.

**Recommendation 5.1. The County should develop and implement a long-range strategy for expanding correctional capacity. This plan would control the jail growth, while supporting needs of the criminal justice system.**

If an *Expanded Correctional Capacity* plan were to be fully implemented and applied, Okaloosa County would receive major benefits, including:

- Avoidance of tax increases required to support expensive jail expansion;
- Avoidance of locating and constructing additional jail beds;
- Significant reduction or elimination of jail overcrowding and the attendant liabilities and dangers, therein;
- Operating programs designed to address reoffending;
- Budgetary cost savings through reduction of the incarcerated population; and
- Implementing a seamless continuum of supervision and treatment from arrest through post-disposition release into the community.

An *Expanded Correctional Capacity* plan will have to be comprehensive and rigorous if it is to manage offender growth during the next 10 to 15 years. The plan will require constant attention and participation by every Okaloosa County criminal justice agency.

The plan should be developed and implemented in phases for the sake of affordability, efficiency, effectiveness, and practicality. New programs added to augment the continuum must be consistent in their purpose and structure with the philosophy and policies of the *Expanded Correctional Capacity Plan*.

All programs in the continuum will need to be periodically evaluated and adjusted in order to (1) accommodate changes in the offender population, (2) maintain responsiveness to changes within criminal justice agencies and community, (3) accommodate and adjust for changes in other programs, i.e., dealing with the ripple effect that occurs when a change in one program affects others.

The plan will require that someone, preferably the new Jail Population Control Coordinator, be responsible for tracking the implementation activities within the plan. That person will also need the approval of participating criminal justice entities to interact with them in resolving delays and problems. Issues that cannot be resolved through that interaction, should be brought to the PSCC.

**Step 1. The PSCC should research existing programs, further assess local correctional population needs, create guiding principles, and establish priorities.**

The PSCC should be tasked with conducting research that will guide development of new alternatives to incarceration and refinement of existing programs. The PSCC can either

undertake this process on its own or bring in a facilitator who is knowledgeable of alternatives to incarceration.

Products of this task should include, but not be limited to, the following:

- Establishment of a visible and essential role of the Jail Population Control Coordinator;
- Development of a written compendium of alternatives to incarceration and immediate sanctions that are under consideration or implemented within the State of Florida and in other jurisdictions throughout the country;
  - The description of programs should include an identification of characteristics of the jail population that they serve.
- Identification of costs, impacts, and public satisfaction associated with the alternatives to incarceration;
- Distinguishing between interventions which are more appropriate at the front end as diversionary, and those which better serve as sentencing alternatives;
- Identification and assessment of current community resources and the level of use and/or coordination;
- Identification of characteristics of the local jail population that are not currently being served;
- Development of tentative selection criteria for program referral;
- Identification of action steps and requirements for better coordination of interrelated program activities and sharing of programmatic resources; and
- Identification of issues and challenges that need to be addressed and resolved.

The following issues should also be addressed during Step 1:

- Perceived definition of "seamless continuum of care and supervision";
- Prevailing bail setting and sentencing philosophies, particularly those of Judiciary and State's Attorney;
- Scalability of the selected sanctions (initial size and expandability);
- Interchangeability of sanctions and punishments;
- Single and multiple purposes of the alternatives and intermediate sanctions: retribution, restoration, or prevention;
- Fiscal considerations including cost-savings, cost-avoidance, revenue, and expenditures and;
- Methods of increasing and maintaining community acceptance (Education will facilitate this and surveys and focus groups can monitor shifting opinions).
  - Public confidence will earn the support of elected officials and the County administration.

Five essential features of an *Expanded Correctional Capacity Plan* include the following:

- (1) Setting Priorities: Interventions should be selected that will continually reduce the Jail population, while providing the greatest cost-effectiveness. Therefore, it is essential that the selected programs meet the most common needs of the offender population.
  - Two types of priorities for program development should be established: (a) Programs that can or should be immediately implemented and (b) Programs that should be implemented in subsequent years.
  - By developing priorities, individual programs can be developed in phases rather than all at once. This apportions the work across several years rather than requiring that all of the program plans be developed immediately. This approach also avoids developing a program plan slated for implementation several years away and then having to revise it because conditions have changed.

- The priorities should be established with time frames for program development and implementation. These time frames should be articulated for specific years.
- (2) Ensuring Accountability: Application of the alternatives to detention must uphold public safety and enhance the quality of life in the County. The operation of highly accountable community-based supervision which immediately responds to noncompliance is far more attainable under a well-coordinated *Expanded Correctional Capacity Plan* than under the traditional paradigm of a non-supervised or cash bond.
- (3) Developing Agreements: Formal and informal agreements should be developed in instances in which agencies must collaborate on programs, use some element of a program service that is managed by another agency, or assign inmates or pretrial defendants to the program.
- (4) A Workbook Format for the Plan: The details of the plan should be written in a document that is divided into separate sections. This will allow sections to be easily updated and modified. The overview section of the plan should contain the continuum of alternatives to incarceration that has been designed for Okaloosa County. Individual programs that comprise the continuum should be presented in individual units/sections. Each unit should include, but not be limited to the following:
  - (a) Program's purpose
  - (b) General operational concept
  - (c) Initial concept of the program's selection criteria
  - (d) Description of the target population (characteristics and number of jail inmates that might be eligible)
  - (e) Initial planning steps for developing the program
  - (f) Overall implementation time frame
  - (g) Responsibilities for planning and implementation
  - (h) Initial/rough budget estimate.
  - (i) Alternative funding sources, if any.The compendium of programs that was developed as part of the research process should be presented in an appendix of the plan.
- (5) Adoption of the Plan After the plan is completed, it should be submitted for adoption by the County Administrator and County Commission. A benefit of having a County Commissioner as a PSCC member is the opening of a channel of communication with the County Commission and having the benefit of counsel of the County Commissioner about viability of program funding for various elements of the plan.

**Step 2. Individual criminal justice agencies should develop budgets for the new, refined, or expanded programs for submission to the County Commission.**

In a few instances, improved coordination of resources and implementation of a new program(s) may be possible with existing resources. Those refinements could be implemented early in the implementation calendar. However, the benefit of making those refinements should be assessed. A refinement that has low impact on the jail should not be considered as representing a significant achievement of an objective in the *Expanded Correctional Capacity Plan*.

The agency managing a new program should, of course, be responsible for developing an implementation plan, budget, and evaluation strategy. Those budgets will have to be submitted to the County Commission for approval.

**Step 3. Ongoing and Periodic Review of the Plan.**

This includes the following activities:

- (1) Annual Updating of the Plan. After the initial strategic plan, the *Expanded Correctional Capacity Plan*, has been developed, a monitoring process should be instituted. As

indicated earlier, the Jail Population Control Coordinator, is recommended to be the monitor. Written updates to the plan should be provided that document accomplishments and changes to the plan. All changes to the plan should be approved by the PSCC and the County Board.

- (2) Periodic Reporting on Progress. The PSCC should establish, as a formal agenda item, a review of progress in plan implementation, including review of adherence to time lines.
- (3) Annual Reviews of the Plan by Agency Administrators. With the passage of time, memory of planning documents fades and administrators may change. For those reasons, the PSCC should request that agency administrators annually review the *Correctional Capacity Plan* and either sign off on the plan or discuss the points in which they differ. The objective is to keep the plan alive and to avoid its becoming an unused document that is forgotten or pushed out of active consideration.
- (4) Major Review of the Plan. The plan should be subjected to a major review at least every three years. This review would call for a re-analysis of the jail population and statewide and national research on what is new in alternatives to incarceration.<sup>7</sup> This information would be used in three ways: (a) To update the compendium of programs which are documented in the appendix of the Plan, (b) To reassess priorities in light of new information on the Jail population, changes in local programs, and new information on alternatives to incarceration in other jurisdictions, (c) To modify or refine concepts about individual programs that are slated for future development.

**Observation 5.2. The County lacks high priority alternatives to incarceration which could immediately reduce the jail population.**

The County lacks the ability to supervise and treat offenders appropriate for correctional interventions that fall between pretrial supervision and county probation. Instead, these defendants and sentenced offenders are incarcerated, many for long periods of time, when they might be safely managed through a structured community-based option.<sup>8</sup>

**Recommendation 5.2.a. The PSCC should, as soon as possible, identify those components of the Expanded Correctional Capacity Plan which may be readily implemented.**

Some of the gaps in the continuum of alternatives to incarceration are easier to identify than others. Some of these alternatives to incarceration could be partially or even totally funded by offender self-pay.

**Recommendation 5.2.b. The County should implement a Day Reporting Center (DRC).**

A highly effective alternative to incarceration that can be implemented quickly is a day reporting center (DRC). A DRC could serve those pretrial inmates and sentenced offenders who need stronger supervision and treatment than provided by pretrial release and county probation but less than incarceration in jail. Characteristically, such programs include various types of supervision tools, such as electronic/GPS monitoring, and substance abuse testing plus intense treatment programming.

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<sup>7</sup> One or more representatives of the PSCC, including the Jail Population Control Manager, should regularly attend one or more annual conferences of the following organizations: American Correctional Association, American Probation and Parole Association, National Association of Pretrial Services Agencies, and the International Community Corrections Association.

<sup>8</sup> References to other various correctional options not implemented are mentioned in several chapters and sections of the report.

A DRC could be developed either through use of county resources or by contracting with a private vendor. An example of a DRC is provided in the below.

Description of the Wichita Day Reporting Center

In 2005, facing serious overcrowding and the impending need to build additional and costly bed space, the Sedgwick County Sheriff's Department in Wichita, Kansas contracted with a private vendor, Behavioral Interventions Incorporated (BI), to operate a 200-person capacity DRC. The State of Kansas also contracts for space for 100 parolees in the program. Although the county and state programs are separate and distinct, both are operated at the same site, which provides cost savings for both groups.

In the county program, the Sheriff is responsible for determining DRC eligibility criteria in collaboration with the local Judiciary, District Attorney, Probation Department, and other stakeholders. Once an inmate is determined to be a potential candidate by custody staff, the inmate is referred to the contractor, who assesses each inmate and determines the appropriate level of programming. The security level and type of programming is also evaluated at this time and a recommendation is then forwarded to the Sheriff's Department for approval. In some cases, the person is placed on the GPS program, with 24-hour monitoring. The program is such that it can be individualized for each person. For example, in some cases, the person may be allowed to leave home to report to the center only. Should the person deviate, the GPS system will alert the contractor, who can follow up with phone calls or with a law enforcement response if needed. The GPS can also be programmed to allow the person to go to other, specified areas, for example, to a work site. In cases where the person is arrested for Domestic Violence or other assault charges, the system can be set to alert the contractor when the participant enters certain off-limit zones. Not all participants coming from the Sedgwick Sheriff's Department are on the GPS system, although persons on parole participate.

The number of times a person reports in person at the DRC each week is based on the initial assessment and on progress in the program. Each time a participant reports to the DRC, he/she must submit to a Breathalyzer test. Random urinalysis testing is also conducted.

DRC clients must also participate in programs specific to his/her needs. The programs include community service, employment readiness, parenting classes, anger management classes, problem resolution classes, stress management classes, GED referral and computer-based learning, job-readiness and employment assistance, life skills and cognitive restructuring, mental health assessments, family counseling & family services, relapse prevention, group education, and counseling. The DRC also links appropriate candidates to community resources, such as mental health services and employment.

The components of the program are as follows:

- 1) Screening and selection
- 2) Pre-Orientation
- 3) Arrival
- 4) Assessment
- 5) Supervision tracks appropriate to the supervision and treatment needs of the client.
  - a) **Track 1: Intensive Level:** Progress determined by behavior change and assessment of client's risk, requirements include reporting at DRC six days per week, breath alcohol testing daily, random urinalysis weekly, curfew monitoring, electronic monitoring, GPS monitoring, remote alcohol monitoring, and program participation. [minimum of three times a week]
  - b) **Track 2: Intermediate Level:** Progress determined by behavioral change, requirements include: report to DRC five days per week, breath alcohol testing upon check-in, random urinalysis bi-monthly, curfew and remote alcohol monitoring based on client risk, and program participation. [minimum of three times a week]

- c) **Track 3: Regular Level:** Progress determined by behavioral change, requirements include: report to DRC three times per week, breath alcohol testing upon check-in, random urinalysis monthly, group participation. [minimum of three times a week].
  - d) **DRC Aftercare:** Report to DRC one day per week, breath alcohol test upon reporting, urinalysis on random basis, case management and life skills. [monthly] Entry into DRC Aftercare is based on the client successfully meeting expectations in Track 3.
- 7) Failure of any portion of the program results in sanctions, which may range from additional community service time, increase in level of programming, or return to custody.

The cost of the program is dependant on the number of persons in the program (cost decreases with increased enrollment), and type/quantity of programs and services selected. Some of the costs are deferred by offender self-pay.

**Observation 5.3 The current Pretrial Services Unit is small, limited in scope, and, therefore, does not have the maximum impact on the Jail population that a fully resource-supported pretrial release program would have.**

Although the Pretrial Services Unit operates many of the nationally accepted supervision methodologies, the scant staffing is simply unable to meet the requisite demands related to managing a larger caseload. Better staffing would enable the unit to support both a larger program capacity and broader range of services that could bring about the quick release of many more inmates. For example, Montgomery County, Maryland ascribes its success in reducing its demand for jail beds and avoiding costly construction to its full-service pretrial release program. Other counties have also experienced major reductions in bedspace demand by implemented full-service PTR programs.

Description of Full-Service Pretrial Release Programs (PTRs)

The purposes of a pretrial release program (PTR) are to (a) ensure that defendants show up for trial and (b) remain crime-free in the meantime. A full-service PTR program contains two program components.<sup>9</sup> Currently the Okaloosa County Pretrial Release Program has only parts of the first component.

**PTR Component 1. Information Gathering and Assessment**

Elements of this component include the following:

- Interviewing: Interviewing newly arrested persons who are brought to jail.
- Checking Records: Checks are made of both in- and out-of-county criminal records, including arrests and dispositions and checking current criminal justice status and history of failure to appear.
- Verifying information: Such as employment and community ties. This includes contacting references, and when discrepancies arise, reinterviewing defendants. If a defendant is not released because of unverified information, the program continues verification efforts until pertinent information is verified. The court is immediately notified when such verification occurs.
- Assessing Risk: The program uses a risk assessment scheme in a consistent and equitable fashion that evaluates the defendant's risk of failing to appear and risk to community safety. The instrument used in the assessment is objective in that it

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<sup>9</sup> "Pretrial Services Operating at the Optimum: A Self-Assessment Guide". Pretrial Services Resource Center, March, 2000. <http://www.pretrial.org>.

is based on research. The assessment scheme also identifies any condition or combination of conditions that will address the identified risks. A graduated range of options, from least to most restrictive, is available to carry out the conditions.

- Report Submission: PTR staff prepare and submit a report, before initial appearance, to the court and provide defense counsel and the State's Attorney with access to the report. A PTR staff member is also in court or readily available to the court during the release/detention hearing.

### **PTR Component 2. Monitoring and Follow-Up**

Elements of this component include the following:

- Supervision of Release Conditions and Referral to or Provision of Services: Compliance of defendants in supervision is monitored. Supervision is individualized and based on the scheme of graduated contacts. The level of supervision is on the imposed conditions. If adjudicated guilty, a final report on the defendant's compliance with release conditions is prepared to assist in the compilation of pre-sentence investigation report. Referral services provided by community providers are also monitored regularly by program staff.
- Court Date Notification System: The PTR program also carries out or supplements court date reminders to PTR program participants.
- Location and Return of Defendants Who Fail to Appear: The program has procedures for attempting to locate and return defendants to court to preclude issuance of a failure to appear warrant as well as procedures for resolving the warrant if issued.
- Review of the Pretrial Custody Population: Program staff review cases of pretrial detainees at least weekly to determine if factors associated with the initial detention decision still apply and reports new findings to the court.

The supervision levels of a full-scope PTR program typically are similar to the following:

- Low Level: The defendant checks in by phone once a week.
- Medium Level: The defendant checks in by phone several times a week and comes in for one face-to-face visit per week.
- High Level: House arrest and 24-hour per day electronic monitoring are required.
- Additions to the supervision requirements may include the following, based on the needs of the individual:
  - Substance abuse testing for medium and high level defendants if alcohol or other drug abuse is identified during the screening process. The low level does not contain persons who have substance abuse problems.
  - Random field checks in person by staff.
  - Curfews.
  - Maintaining employment.
  - Attending treatment programs.
  - Electronic monitoring.

Montgomery County, Maryland has a model PTR program with which the consultants are familiar (Dr. Beck performed the initial study which led to its creation in 1990 and Dr. Insko assisted in the design of the program, seeking start-up funding from the Maryland Legislature

in 1991).<sup>10</sup> Although Montgomery County is about four times larger than Okaloosa County, its performance is worth noting. First among the noteworthy observations is its tremendous impact on reducing the demand for jail beds – On an average day, about 2,000 persons under pretrial supervision with an average monthly intake of 200 defendants. Secondly, its monthly FTA rate ranges between 2% to 4%. Thirdly, its monthly rearrest rate for persons under supervision ranges between 0.09% and 2.5%.<sup>11</sup> Staffing of the Montgomery program includes the following:

- Caseworkers who perform the interviews, assess risk, check records, assess risk, and prepare a report for initial appearance
- Caseworkers who supervise defendants
- A GPS and electronic monitoring (EM) specialist
- A mental health aide
- A tracking specialist
- Clerical support
- A PTR supervisor

Since Okaloosa County is about one-fourth the size of Montgomery County, some of the staff functions would have to be combined. For example the GPS, EM, and tracking functions could be performed by one staff member. Also, some of the health and mental health screening could be performed by PHS and Bridgeway, thus eliminating the need for a mental health aide.

The PTR target population should include both misdemeanor and felony defendants. Austin, Texas, for example, has about 80% of misdemeanor and 20% of felony defendants under pretrial supervision. The trap to avoid in designing an expanded PTR program is that of selecting only the lowest-level defendants--a strategy that fails to include all of the pretrial inmates who could effectively function in the program.

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**Recommendation 5.3.a. The County and Court Administration Services Office should increase the capacity of the Court Services Office by expanding the existing Pretrial Services Unit to a full-service pretrial release program, with the potential for adding additional services which would address the supervision needs of post-sentenced misdemeanants.**

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<sup>14</sup> Monthly statistics provided by Montgomery County for July 2006 to February 2007.

**Recommendation 5.3.b. At a minimum, three positions should be added to the Pretrial Services Unit.**

Considerations of this expansion include the following:

- Augmenting the current complement of Pretrial Services Officers in the Court Services Division will allow staff to expedite bail/bond reviews and re-considerations from the present seven (7) days to 72 hours.
- One officer should be dedicated to manage Electronic Monitoring (EM) and Global Positioning System (GPS) programs.
- Coordination should be increased with the various screening and assessment mechanisms of PHS and Bridgeway Center. The goal would be to identify and divert detainees, at the earliest possible stage, into substance abuse and mental health treatment.
- Expediting the screening process could be accomplished by changing practices to include the following:
  - Having a PTR screener at the Jail booking desk during medium and high intake times.
  - Using an abbreviated screening form that quickly identifies (a) low-level misdemeanor defendants and (b) misdemeanor defendants who would require low level supervision.
  - Allow the booking officer to select certain persons, based on their PTR risk ratings, to be released immediately under ROR with the requirement that they report within 24 hours to the PTR office.
- The total caseload could be greatly expanded.

**Recommendation 5.3.c. Service for both pretrial and post-adjudicatory offenders should be considered.**

Staff should explore the design and implementation of interventions which may be appropriate for both pretrial defendants and post adjudicatory offenders. Such programs should include, but not be limited to day reporting, community service, day fines, and a newly structured work release.

By extending the target population, the PTR program, could also function as a Phased Pre-release and Reentry Program for locally sentenced offenders. This expansion could be accomplished with only a few modifications of the program structure. In this manner the program would function as a way to reduce the risk of reoffending by providing transitional support and monitoring from jail to community living.

This added program capability would also provide judges with an option of sentencing offenders to jail for one-fourth to one-half of their sentence with the remainder under supervision of the Pre-Release and Reentry Program. This strategy would raise the likelihood that sentenced offenders would get jobs, participate in substance abuse treatment, be monitored for substance abuse and participate in important behavior-change programs, such as anger management. This step-down approach to pre-release and reentry is widely recognized as important in reducing recidivism. Although pre-release programs are somewhat similar to probation, they are usually established as an extension of jail custody rather than probation.

**Recommendation 5.3.d. Planning for Pretrial Release Program expansion should involve a process of internal re-assessment, exposure to other successful programs throughout the country, and alignment with best practices.**

The development of greater program capacity should include serving a broader range of pretrial and sentenced inmates, which will entail providing additional types of supervision and treatment. By reviewing programs in other areas of the country that have expanded their target populations, best practices and options can be identified for adoption. Given a

broader scope of services, including mental health screening and assessment, Court Services may wish to be unified under one title for all personnel.

**Recommendation 5.3.e. Pretrial Services staff should be cross trained in the areas of substance abuse assessment, testing, and treatment.**

Cross training is important in small organizations because of the need for staff members can fill-in for other members during absences. Such training also increases the awareness of staff about various aspects of case processing and supervision and improves interaction in case problem solving.

**Observation 5.4. The Speciality Courts may not be functioning at full-capacity.**

Okaloosa County hosts three distinct court proceedings which are dedicated to special needs offenders: Drug Court, Mental Health Court, and Domestic Violence Court. These programs are staffed with seasoned professionals who are committed to the these purposes and the clientele. Program outcomes reflect low-recidivism and positive change by participants. These programs stand as excellent models for other jurisdictions to emulate.

At this juncture, all "Speciality Courts" continue to accept only defendants who have been charged with misdemeanors, without a history of violent behavior.<sup>15</sup> The Speciality Courts may offer a greater impact upon the jail population if the "catchment" area were expanded to include additional criteria.

During one of the on-site visits the consultants sat in on a drug court case review session and viewed the subsequent conduct of an evening drug court. The consultants were very positive about what they observed. Also, during their many interviews and follow-up calls with various officials and program staff in the criminal justice system, the consultants discussed the drug and mental health courts. Although thorough reviews of the programs were not undertaken, the interview information suggested that expansion of the programs should be considered. This observation is supported by national research on speciality courts which found differences between first and second generation courts. For example, second generation mental health courts tend to accept pretrial defendants having more serious offenses.<sup>16</sup>

**Recommendation 5.4. The Speciality Courts should be reviewed and revised if needed to expand capacity.**

Periodic review of criminal justice programs is an important means of ensuring that practices and decision-making do not become so habituated that they fail to consider possibilities for program enhancement and capacity expansion. Such reviews should consider, but not be limited to, the following evaluation questions:

1. How effective are the selection criteria used by the courts? For example, do courts in other parts of the country have broader selection criteria?
2. What would be the impacts of modifying program criteria? For example, would a change in selection criteria affect court resources, including judicial availability, treatment and support staff, and budgeting?
3. What is the current case management capacity of the courts?

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<sup>15</sup> With perhaps the exception to mentally ill defendants who, due to their diagnosis, may have episodes of rage similar to violent outbreaks.

<sup>16</sup> Steadman, H.J. & Redlich, A.D. *An Evaluation of the Bureau of Justice Mental Health Court Initiative*. Delmar, New York: Policy Research Associates, December 12, 2005. (available through the National Criminal Justice Reference Service: [www.ncjrs.gov](http://www.ncjrs.gov))

4. How many more inmates might be removed from Jail if the selection criteria were modified?
5. What gaps in court resources exist? Are there weaknesses in resources that should be strengthened?

These program reviews would best be conducted by an outside source(s) who would assist in a collaborative manner. If funds are not available to hire a consultant(s), the criminal justice department of Florida State University could be approached to see if they could provide assistance at no or low cost.

**Observation 5.5. The initiative to address the homeless problem has an insufficient funding base.**

The problem of homeless inmates is a concern. During review of the files of Okaloosa County Jail inmates, the consultants found many instances in which homeless persons had been sleeping in cars and living in city parks. Some became nuisances because of trespassing and others because of their panhandling. Most of their offenses were relatively minor. (See Chapter 2 for a description of the problem).

Many inmates incarcerated in Okaloosa County Jail have no permanent or definitive residence. Initiatives to address the homeless problem have experienced wavering interest from government officials and the public. Further impaired by an insufficient funding base, efforts had been deferred until recently, when a resurgence occurred which was spurred by stronger leadership and an organized, volunteer advisory council.

The Okaloosa Homeless Community Consortium is the current major effort to address the homeless problem. In the past, there have been efforts by not-for-profit organizations to provide small shelters. However, those shelters provided inadequate solutions and were closed. One of the essential needs is for funding for shelters and program development. Without this, progress is likely to be slow and minimal.

Broward County, for example, pursued an integrated plan that resulted in the Broward County Homeless Initiative Partnership Administration (HIP). Their plan includes, but is not limited to the following:

- A continuum of care that addresses a wide range of aspects of homelessness
- Prevention
- Outreach
- Emergency shelters
- Three regional Homeless Assistance Centers;
- Homeless medical respite facility
- Transitional and permanent affordable housing
- Supportive services
- Crisis hotline for persons in need of shelter

A significant amount of Broward County's progress was the result of Federal funding. Dr. Insko of JCI has contacted not-for-profit social agencies that provide services for the homeless and has talked to administrators in several foundations that support development of social programs in local communities. These contacts indicate that a strong possibility exists that funding and, possibly services, might be available to support the objectives of the Okaloosa Homeless Community Consortium.

**Recommendation 5.5.a.** The County and the Consortium should pursue external funding and assistance through federal agencies, foundations, and outside resources to support its initiative to reduce homelessness.

Successful pursuit of grants from federal agencies and foundations involves more than merely finding grant announcements and writing proposals. Highly successful grant-seekers have developed effective strategies for establishing relationships with federal agencies that includes helping agency staff to craft funding strategies. Sometimes this includes working with congressional staffers to develop support for grant requests. Similarly, the successful grant seeker establishes rapport with foundation staff and may even help to develop specialized proposals for an individual county. For these reasons, the County should provide the assistance of its internal grants person or obtain the assistance of a skilled grants consultant.

**Recommendation 5.5.b.** The County should reinstate efforts to attract nationally recognized, providers of services and shelters to the area through tax incentives or donation of property.

The pursuit of assistance includes seeking help of large not-for-profit agencies that already serve the homeless or portions of the homeless population. It might be possible to bring in program resources into Okaloosa County. This would require the development of a well-thought out strategy by the Okaloosa Homeless Community Consortium and County government for cooperative support for the not-for-profit service provider.

**Recommendation 5.5.c.** The Consortium should pursue the goal of constructing or locating a suitable building, preferably in south county, which would house and provide outreach services to the homeless and transients.

Homelessness will not go away, so providing viable shelter for the homeless and transient population in Okaloosa County should go hand-in-hand with the strategy to address the homeless problem. The shelter should be located where the greatest problem exists and should be easily accessible to those needing services. In many cases, if homeless or transient persons can access short-term services, their needs can be addressed without involvement in the criminal justice system.

**Recommendation 5.5.d.** The Board of County Commissioners should publicly support all efforts to resolve this long-standing, escalating problem.

The Board should validate that homelessness is a problem that impacts quality of life and public safety in Okaloosa County. For example, they should appoint a coordinator to interact with the Consortium to monitor the activities undertaken to manage this problem and to promote the issues in other forums. The coordinator should submit monthly reports to the County Administrator.

## **Section 4. Conclusion**

Given the strong possibility that the County's tax base could be eroded, the County must find ways to deal with the demand for jail beds. This demand could escalate uncontrollably in the future unless ways are found to manage that growth. The vision of spending many millions of dollars for new jail construction and operation is not one that will be savored by the public.

The County should strive to avoid a sporadic, "what's popular locally now" approach to development of programs to reduce the demand for jail beds. A comprehensive, yet "doable", strategy for development of a continuum of alternatives is needed. This undertaking will require

work on the part of the PSCC and of the new Jail Population Control Manager. The product of this strategy will be an *Expanded Correctional Capacity Plan*. This plan would be strategic in nature in that it will set priorities and time frames for correctional program development. Importantly, the Plan will help to avoid developing new programs that compete for the same target group of offenders.

An immediate option that can be implemented that could significantly reduce the jail population is a Day Reporting Center (DRC). This program would fill an important gap in the continuum of alternatives to incarceration.

As soon as possible, the County should expand and refine the existing Pretrial Services Unit. The current program is very narrow in scope and, thereby, fails to achieve its greater potential for reducing the jail population. Fortunately, the immediate cost of program expansion is not large.

The County should also provide greater support to the Okaloosa Homeless Community Consortium by providing someone to assist in finding funds from federal government sources and not-for-profit foundations. It may also be possible to find a not-for-profit organization that might be willing to bring in program services. Contacts made by Dr. Insco of JCI indicate that a strong possibility exists that funding and/or programmatic assistance could be obtained.

## Chapter 6 Forecast: How Improved Growth Management Could Affect the Jail

### Section 1. Introduction

The future of jail growth is not predictable. Regardless of the sophistication of the computer program that creates the forecast or the supposed expertise of the forecaster, there will be surprise events that occur and decisions that can be made to alter the course of a forecast.

The most common method of forecasting jail population growth is to calculate a projection. A projection is a forecast composed of three basic elements: (1) An extension of past trends. Typically, this involves analyzing the rate of jail growth in past years and using that rate to project the future. (2) Judgements about how the future might be altered by anticipated environmental changes, such as the growth of military personnel in Okaloosa County, and (3) Judgements about the impact of decisions of elected County officials and criminal justice leaders to control jail growth. These three elements are inherent in all projections, regardless of whether they are discussed or not. When only past trends are considered, this is called a "business as usual forecast." It assumes no new changes in the environment or differences in decision-making to control jail growth.

As described earlier in Chapter 3, during the course of this study, the consultants and leaders of the criminal justice system worked to implement several changes that significantly reduced the Jail population. This is one of the reasons that the consulting team believes it is possible to envision a future in which the Jail population can be further reduced. In this light, the forecast in this chapter would not be called a "business as usual forecast."

### Section 2. Two Major Considerations

There are two major considerations that will govern how many jail beds will be constructed. Regardless of the hypothetical numbers that might be forecast, the first consideration may set the boundaries on what is possible. The second consideration may enable the County to live within those boundaries.

#### **Consideration 1. An aggressive plan to add jail capacity may be difficult to economically support, regardless of bed-space projections.**

At this time the County cannot afford more than 256 inmate beds and support space. In addition, the local tax base for future County construction projects could be eroded if the State legislative proposal to eliminate homeowner's property taxes is passed.

The master plan recently developed by DLR states that "the total anticipated budget for the entire 20-year master plan is estimated to be \$155,725,780 based on a 6% inmate population annual growth rate.<sup>1</sup> This projection of 6% growth rate assumes a "business as usual" scenario in which no major changes will occur in the criminal justice system that reduce the inmate population or slow its growth. Moreover, the \$155M figure does include the many new Jail staff that will be required and the costs of care and housing many more inmates.

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<sup>1</sup> DLR Group. *Okaloosa County Department of Corrections Needs Assessment/Master Plan Report*. Dec. 29, 2006.

**Consideration 2. Collaborative problem-solving could reduce the jail population to its rated capacity of 594 beds within the next 12 to 24 months and slow the rate of growth in future years.**

Leaders of the criminal justice system have already demonstrated that they can significantly reduce the jail population when they turned their attention to just one facet of the criminal case processing system. Given the amount of improvement that has been identified in this study, it is possible that continued collaboration could further reduce the jail population. This effort, in combination, with new alternatives to incarceration and enhancements of existing alternatives could result in a major reduction in the inmate population.

However, this should not slow the planning and construction of the next phase of jail expansion. The reduction in jail population to its rated capacity would still mean that it is full. The fact that inmates have had to sleep on the floor in the past should not be accepted as the way of conducting future Jail operations. That practice is unacceptable from safety and legal standpoints. Overcrowding opens the County to possible legal problems that could arise in the event that an inmate or staff member is injured or killed as a result of conditions relating to overcrowding.

### **Section 3. Anticipated Changes That Could Affect Jail Growth**

This section draws on information obtained during interviews and from a survey of law enforcement agencies and treatment providers.

#### **Events and Conditions That May Increase the Jail Population**

##### **1. Changes in Law Enforcement**

- Increase in number of Sheriff's deputies as a result of budget approvals by the County commission (significant effect on number of arrests).
- Some of the increase in Sheriff's deputies will be the result of providing better coverage for the northern region of the county, which will likely see a growth in housing.
- Increase in community awareness and trust in law enforcement response may increase the calls for service. (small impact on jail)

##### **2. Changes in Laws**

- a. "Anti-Murder Act" (SB 146 Anti-Murder Act/Violent Offenders), which was signed into law on March 12, 2007, provides that if a certain type of offender ("Violent Felony Offenders of Special Concern") violates his or her probation, they would be held without bail until the completion of their court hearing.<sup>2</sup> This allows a judge to review the case and determine

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<sup>2</sup> Anti-Murder Act/Violent Felony Offenders prohibits bail or other pretrial release until time of a court hearing for specified Violent Felony Offenders of Special Concern if they are alleged to have violated the terms of probation or community control, unless the violation charge or arrest is based solely on failure to pay costs, fines, or restitution payments. The Act also revises the Criminal Punishment Code worksheet computations to provide additional community sanction violation points for certain community sanction violations committed by these persons. Under this act, for example, an offender deemed guilty of failing a drug test could face the prospect of returning to prison for a longer term.

SB 146 enumerates the qualifying offenses for "Violent Felony Offenders of Special Concern", which include kidnapping, murder, aggravated battery and sexual battery.

whether the offender is a risk for future violent crimes. Given that a zero-tolerance policy already results in the holding of most violent offenders in jail and that judges tend to deny bond and deal harshly with violent felons who violate probation, there may not be much impact on the Okaloosa County Jail. The impact would likely be greatest on the Florida Department of Corrections, which might see up to 1,352 more inmates being imprisoned over the next three years.<sup>3</sup>

This recent change in law is an example of an event that should be closely monitored for its impact on the speed of VOP case processing and growth of the inmate population. Any substantial impact would reinforce the need, identified in recommendation 3.9b., that options for VOP hearings should be studied and considered.

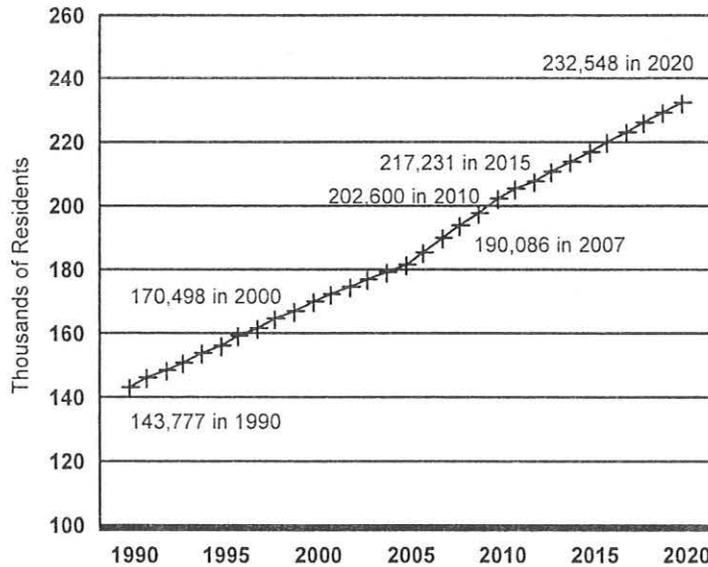
- b. More strict punishment for certain classes of misdemeanor offenses could be set in future legislative sessions. Getting tough on crime is a popular legislative topic.

### 3. Changes in County Population

#### a. General Population Growth

The County's population is expected to grow by about 22% from 1970 to 2020.

Figure 6-A. Historical and Projected County Population



Source: 5- and 10-year data increments for 1990 to 2020 were obtained from the Economic Development Council of Okaloosa County website. In-between years were estimated by Justice Concepts Inc.

This growth does not automatically mean that the jail population will increase concurrently. As seen in Table 6-A, on the next page, the rate of jail growth from year to year during the period of 1990 to 2006 was very uneven.

<sup>3</sup> St. Petersburg Times, "Crist Wants His Anti-Murder Act Passed and \$28.1M to Start It." Jan. 30, 2007. Downloaded from [http://www.sptimes.com/2007/01/30/State/Crist\\_wants\\_his\\_Anti\\_.shtml](http://www.sptimes.com/2007/01/30/State/Crist_wants_his_Anti_.shtml).

Table 6-A. Growth (Percent Change) of Jail's Average Daily Population  
 from Year to Year During the Period of 1990 to 2006

Year	% Change over previous year
1990	4.21%
1991	3.68%
1992	3.55%
1993	3.42%
1994	2.98%
1995	7.40%
1996	2.40%
1997	11.70%
1998	0.52%
1999	9.11%
2000	7.40%
2001	11.78%
2002	-0.40%
2003	5.39%
2004	13.83%
2005	12.81%
2006	13.27%

Source: Okaloosa County Jail Annual ADP with analysis by Justice Concepts Inc.

**A constant increase in Jail population should not be assumed.** Although County population grew steadily from 1990 to 2006, the jail population grew in a very irregular manner. Some years experience very small growth, and in 2002 the inmate population declined in size.

The rate of change from 2004 to 2006 increased by over 10% per year. However, those years were preceded by two years (2002 and 2003) that had much lower rates of growth. For this reason, there is no justification to automatically assume that jail growth will continue at a high rate after the changes recommended in this report have been implemented.

**b. Increase in Military Personnel in Okaloosa County**

An estimate of the impact of increase in military personnel is provided in this section. The analysis considers three aspects: (1) Number of military, (2) Types of personnel, and (3) Number of military personnel that have been arrested and taken to jail in recent years. The estimated impact of Base Realignment and Closure (BRAC) indicates the following:<sup>4</sup>

- Estimated total military-related personnel in Okaloosa County: 46,381
- Gain of 12,000 at Eglin Air Force Base
- Loss of 2,000 at Hurlbert Field (as estimated by Okaloosa County Defense Support Initiative)
- Total Estimated Gain: Increase of approximately 10,000 military and military-related persons (21.5%) by 2011

The military personnel being moved to the base are middle and higher grade personnel, as opposed to new recruits. Thus, the risk of their engagement in unlawful behavior is expected to be low.

Estimated Increase in Jail Population as a Result of BRAC

Examination of the number of military personnel who were arrested and taken to the Okaloosa County Jail in 2005 indicates only 2.4% were military.<sup>5</sup> If a 21.5% increase in the number of people associated with the military bases occurs by 2011, then about 53 more military-related persons would enter the jail in 2011.<sup>6</sup>

Breakout of Estimated Gains and Losses in Military Population

(1) Elgin Air Force Base: Largest Military Installation in the Department of Defense

Base-related Population: 43,000 (as of FY05)

- 11,000 Active Duty
- 13,000 Civilian
- 19,000 Dependents

Base Realignment and Closure (BRAC) between FY07 and FY15 (as foreseen in planning, Nov. 2005)

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<sup>4</sup> Economic Development Council of Okaloosa County, Florida. Documents on BRAC. Downloaded Feb. 15, 2007: <http://www.florida-edc.org/defense.htm#Vision%202015> and subsequent pages.

<sup>5</sup> Samples of bookings for both 2005 and 2006 were examined. The data file for 2006 was incomplete. In addition, the identification of employers in 2005 was more consistently recorded than in 2006.

<sup>6</sup> A sample of 5,714 inmates booked in 2005 was analyzed, which is equivalent to 56% of the bookings. The analysis disclosed that 139 persons (2.4%) were employed by the military in some capacity. This included persons in active military duty and those working in military base-related jobs, such as commissary and golf course. Extending the percentage in the sample to the total number of bookings in 2005 (10,269) reveals there would have been about 246 military-related persons booked into jail in 2005. For the year 2011, the estimate of the number of military persons booked would be thus calculated: 246 military bookings in 2005 X 21.5% increase in the number of military-related personnel at the military bases = 53 more military persons booked.

Anticipated Impact: Increase of base population by 12,000 (28%) by 2011

- 5,000 additional military personnel
  - 12% Officers
  - 87% Enlisted
- 120 additional civilians
- 7,000 dependents

(2) Hurlburt Field - Headquarters of Air Force Special Operations Command

Base-related Population: 18,881 (as of FY06)

- 7,812 Active Duty
- 1,069 Civilian
- 10,000 Dependents

Base Realignment and Closure

Anticipated Impact:

- (1) Loss of approximately 1,000 personnel by 2008 (Military estimate)
- (2) Loss of approximately 2,000, including military, contractors, and civil service (Estimated by Okaloosa County Defense Support Initiative<sup>7</sup>)

(3) Duke Field - Home of the 919<sup>th</sup> Special Operations Wing in the Air Force Reserve

Base-related Population: 1,500 personnel

- 1,200 Reservists
- 300 Civil Service, full-time

Base Realignment and Closure

Anticipated Impact: None specified, although the BRAC Commission noted that Duke Field is the preferred site for Incoming Special Forces personnel to locate.

## Section 4. Envisioning the Future

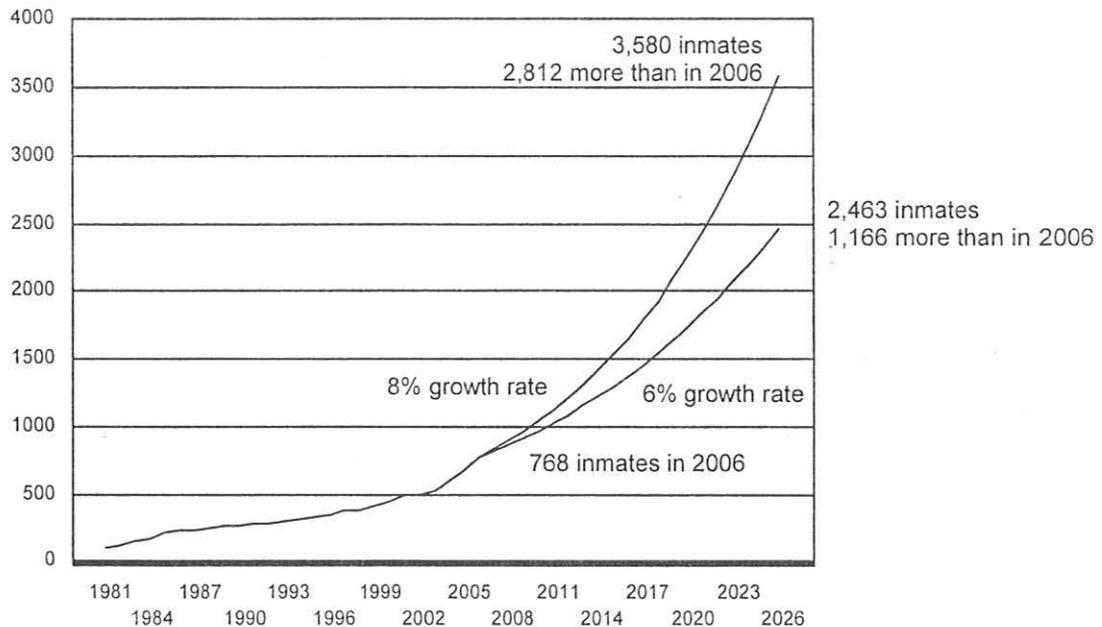
Since the future is something that we control, at least in part, we should not be held captive to visions based only on the past. That is what occurs when projections of future jail populations are based on past data. For example, shown below are two projections: (1) A 6% growth projection used in the Jail Master Plan, and (2) An 8% growth rate sometimes informally discussed by Jail officials.<sup>8</sup>

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<sup>7</sup> Okaloosa County Defense Support Initiative, "46<sup>th</sup> Test Wing Briefing Package for Representative Miller," April 10, 2006. Downloaded Feb.15, 2007. From <http://www.florida-edc.org/DSI/46th%20Test%20Wing%20Miller%20Briefing%20Package.pdf>

<sup>8</sup> DLR Group, p. Ibid. *Okaloosa County Department of Corrections Needs Assessment/Master Plan Report*, p. 3.4.

**Figure 6-B. Projections of Average Daily Jail Population (ADP) at 6% and 8% Annual Growth Rates<sup>9</sup>**  
 (Historical data from 1981 to 2006 with projections beginning at 2007)



Source: Historical data provided by Okaloosa DOC and projections by Justice Concepts Inc.

The 8% growth rate results in a future jail population that is 4.7 times its current size (768 in 2006). At the 6% rate, the jail would be 3.2 times its current size. Both projections represent very large increases in the size of the Jail and its budget.

**Not shown in Figure 6-B is that nearly 400 more beds** will be added to the construction requirement for 2026, bringing the 2,463 planning number up to 2,832. This extra space is needed for management of the jail population and to accommodate peak days when the inmate count rises beyond the average daily population.<sup>10</sup> The DLR Master Plan calls for a 15% increment be added to the ADP.

**What Might Happen if Jail Growth is More Effectively Managed?**

Analysis in previous chapters of this report indicate that the jail population declined significantly after members of the criminal justice system implemented several changes. For example, the Jail population had an ADP of 842 in August 2006 and declined to 700 in December. Additional reductions can be achieved, some can be immediately implemented and others would require time to develop implementation steps. Two examples, drawn from the many recommendations of this report, demonstrate how additional reductions could be achieved.

<sup>9</sup> These projections will differ slightly from the DLR projection in the Master Plan. This occurs because the DLR report was presented before end of 2006 and did not include 2006 ADP. The projection in Figure 6-B includes 2006 ADP.

<sup>10</sup> A jail must necessarily have extra beds. For example, if a female housing area has vacancies, it cannot be filled with males. A facility must be built to accommodate the need to move around inmates and to house peak population. The DLR Master Plan calls this a “combined peaking and classification factor.”

Exhibit 6-A. Examples of How to Reduce the Jail Population

**Example 1. Accepting guilty pleas on Felony Plea Day could reduce the Jail population.**

Observation 3.6 identified that inmates are only allowed to enter a plea of not guilty on Felony Plea Day. By modifying this event (Plea Day), 65 days could be cut off of many inmates stay in Jail.

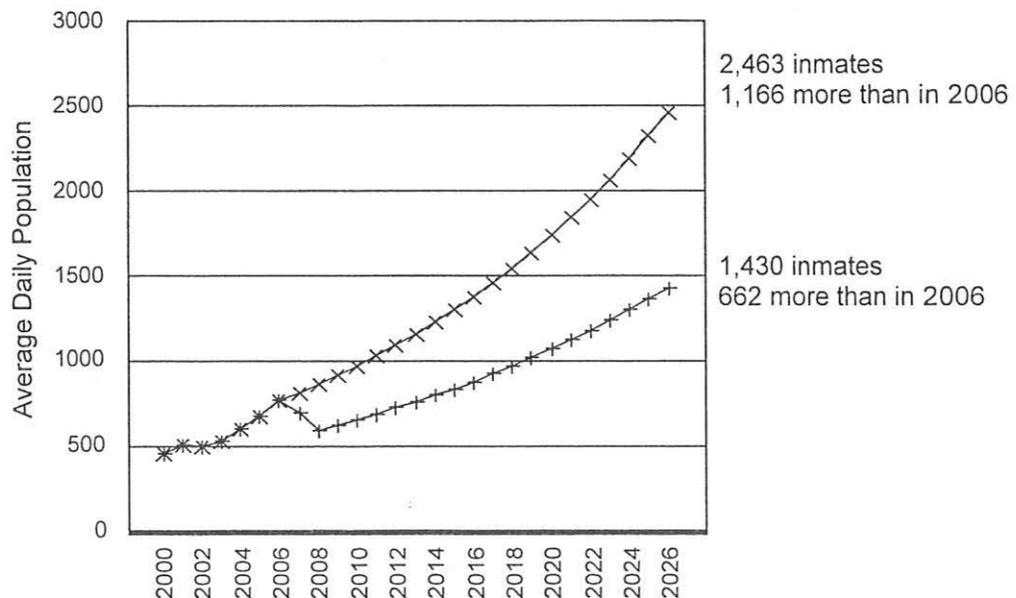
**Example 2. Cutting time in processing prison commitment paperwork might remove up to 30 more inmates each month.**

Observation 3.8 identified that after being sentenced to prison, inmates wait between 17 and 20 days for their committing paperwork to be completed. If this delay was drastically reduced, up to 30 more inmates might be moved out of Jail each month.

The examples, above, pertained to case processing. The implementation of new alternatives to incarceration and enhancement of existing alternatives, will further reduce the Jail population.

**Conclusion:** The consulting team judges that it is possible to reduce the Jail population within the next two years to the Jail's rated capacity of 594 and that a 5% annual growth rate could be maintained in subsequent years. This would result in the following forecast of annual ADP growth.

**Figure 6-C. Possible Futures**  
 (Comparison of Projections Based on 6% Growth Rate in Jail Master Plan and 5% Rate of After Implementation of System Improvements)



As can be seen the difference in projections in Figure 6-C is very large. By changing from "business-as-usual" to a well-managed plan for jail growth the leaders of the criminal justice system could save the County 1,000 beds in 20 years and many millions of dollars. Of course, this will not

be easy or without costs. The County will have to fund new alternatives to incarceration, provide needed staffing support, where possible, in the criminal justice system, and seek to promote a continued spirit of cooperation between the criminal justice agencies.

The biggest threat to positive change after it occurs, is that system leaders slip back into old habits. The criminal justice system is not like a business. Businesses have competitors to keep them alert of the need to maintain efficiencies and to avoid becoming narrowly focused on just a segment of operations, such as law enforcement.

Elected officials of the County will also need to maintain an awareness of how alternatives to incarceration operate and how those alternatives are structured to protect the public safety. Unfortunately, some members of the public believe that anything except jail, is unsafe. Those perceptions should not be allowed to overshadow the real nature of new programs.

## **Section 5. Conclusion**

Much of the future growth of the Jail population is under the control of criminal justice leaders and the County Commission. Choices, whether of action or inaction, will be the deciding factor as to how many millions of dollars County tax payers will have to spend to house jail inmates.

The forecast in this chapter shows a dramatic savings that could be realized. That possibility is not unrealistic, as other communities have accomplished such results.



## Chapter 7 Infrastructure, Resources, and Modifications

### Section 1. Introduction

This chapter examines four aspects: (1) Current infrastructure of the County as it pertains to decision-making about Jail population control, (2) Staffing needs of the jail that were obvious to the consultants, (3) Improving the Jail's information system to support Jail population management, and (4) Changes that have occurred during the course of the study. The observations and recommendations presented in this chapter include the following:

**Observation 7.1.** The current infrastructure for monitoring changes and identifying problems that affect the Jail population is insufficient to support aggressive, continued jail population growth management.

**Recommendation 7.1a.** A position for a Jail Population Control Manager should be established.

**Recommendation 7.1b.** The PSCC should modify its agenda to closely monitor system improvements and detect changes that will affect criminal case processing.

**Recommendation 7.1c.** The County governing body should appoint a person to monitor implementation of changes recommended in this report and provide feedback on progress.

**Recommendation 7.1d.** The Director and Assistant Director of the Okaloosa Department of Corrections should attend conferences and training sessions of the American Correctional Association (ACA) and American Jail Association (AJA) so that they maintain a constant awareness of best practices that directly and indirectly affect the Jail.

**Recommendation 7.1e.** The County Commission should annually conduct a facility inspection that includes a walk-through of the jail and a briefing about operations, security and treatment needs of inmates, short-comings in facility functioning and design, plans for improvement, and improvements that have been made.

**Observation 7.2.** Based on a walkthrough observation of the Jail and interviews with correctional officers and Department of Corrections administrators, a deficit in Admissions, Classification and Release staffing was identified.

**Recommendation 7.2.** Two more correctional officers should be added to the ACR unit.

**Observation 7.3.** The transportation and supervision of inmates while out of jail is inadequately and inconsistently staffed. This condition unnecessarily increases risks to the safety of criminal justice staff, staff in various community facilities, and the public.

**Recommendation 7.3a.** A Court and Transportation Unit should be created and five additional (new) correctional officers should be hired to adequately staff the unit.

**Recommendation 7.3b.** Jail administrators and command staff should coordinate with court administrators and Sheriff's Court Security Deputies to review needs and devise security procedures.

**Observation 7.4.** Concerns exist in the minds of funding decision-makers about how the staffing needs of the Jail have been verified.

**Recommendation 7.4.** A complete and objective assessment of Jail staffing should be performed.

**Observation 7.5.** Inconsistencies, irregularities, and missing data were encountered when attempting to analyze the Jail database.

**Recommendation 7.5.** The Jail should develop a code book containing accepted codes for free-form fields. Staff at the booking desk must be instructed to use those codes.

**Observation 7.6.** Jail staff does not have access to an easy-to-use software program that can perform basic analyses of jail data and no one in the Okaloosa Department of Corrections (DOC) is adequately trained to use the existing report-generating software.

**Recommendation 7.6.** Data analysis capabilities should be developed that include a sufficiently skilled person, training, and statistical analysis software.

This chapter also points out that at least nine changes were implemented during the course of this project, some of which have already contributed to the reduction in the Jail population.

## Section 2. Infrastructure

In order to aggressively explore additional ways of reducing and controlling the Jail population, there must be adequate resources. The lessons of the past indicate that local governments have been able to save millions of dollars by enhancing decision-making capabilities and improving decision-support tools, such as information systems.

This section addresses the question, "Can Okaloosa County achieve the goals of Jail population reduction and jail growth management with its current decision-support and decision-making infrastructure?"

**Observation 7.1. The current infrastructure for monitoring changes and identifying problems that affect the Jail population is insufficient to support aggressive, continued jail population growth management.**

An aggressive program of Jail population growth management should contain four elements: (1) Providing more support for the Public Safety Coordinating Committee (PSCC) and for strengthening individual agency problem-solving, (2) Creating a way of identifying and communicating issues that need to be resolved, (3) Monitoring the external environment, i.e., the community, and internal environment, i.e., changes within the criminal justice system, (4) Monitoring progress of changes for the County administration, i.e., County Administrator and Board of Commissioners.

**Recommendation 7.1a. A position for a Jail Population Control Manager should be established.**

This position is essential in propelling the forward momentum of jail population control. The Jail Population Control Manager should build upon the work of the consultant team, continuing with the analysis, monitoring the environment for changes, identifying inefficiencies, analyzing data, identifying methods to reduce delays within the Jail that slow the processing of inmates, and collaborating with other members of the criminal justice system to identify ways of resolving problems and inefficiencies. On a daily basis, efforts must be aggressive and continual to access the spectrum of alternative correctional controls established by local and state agencies. The role of the Jail Population Control Manager is, without question, the key to reducing and controlling the jail population. The position would also be a major staff-support resource for the PSCC that can provide information and data on problems and the impacts of system improvements. A description of the proposed position is provided in an appendix of this report.

**Recommendation 7.1b. The PSCC should modify its agenda to closely monitor system improvements and detect changes that will affect criminal case processing.**

The County has established a PSCC as required by statute. The Committee has convened consistently and in accord with the authorizing legislation. Unfortunately, work of the Committee has been hampered in the past by a lack of staff support for information analysis. The new

position of Jail Population Control Manager should greatly improve support for information analysis.

The Consultants noted that the meeting agendas of the PSCC have remained relatively unchanged over the past several years. In addition, there has not been a comprehensive study of system-wide resource needs in recent years. If these two conditions were modified, the PSCC would enhance its capability to detect and address system performance issues in a timely manner, thereby averting major and costly problems.

Members of the PSCC, individually and in small groups, have demonstrated their willingness to collaborate in reducing the jail population and making system improvements. Moreover, Okaloosa County should be commended for its active adherence to the state statutory requirement that mandates the formation and operation PSCCs in Florida counties. With this in mind, the following recommendations should not be construed as a negative criticisms of the intent of the PSCC members.

The regular meeting agenda of the PSCC should be modified to include the following:

- The progress of implementing recommendations in this report should be monitored. Reasons for delays should be addressed and resolution steps identified, when appropriate, through discussion or examined between meetings and brought back to the body at its next meeting. Such monitoring takes into account that many recommendations of comprehensive studies are frequently not implemented as envisioned and that sometimes recommendations are forgotten due to lack of attention and passage of time. This monitoring should also take into account that some recommendations may need to be revised as conditions change. Such conditions should be actively addressed and kept in the awareness of the members. A suggested manner of monitoring progress is to ask members, at each meeting, to report on progress on various recommendations that pertain to their agency and/or concern.
- The impact of success of implemented changes should be monitored to provide feedback on achievements. Quantification of impacts should be provided unless data cannot be collected. Recognition of achievement is important to maintaining positive progress.
- Each agency should be queried at each meeting about changes in their operations that will affect other criminal justice agencies. Such monitoring will help to avoid unnecessary surprises that affect workload, case processing, and the Jail population.
- Responsibilities for monitoring forthcoming changes in the criminal justice system should be accepted on a voluntary basis by the Committee member(s) most likely to be affected. For example, proposed changes in statutes should be monitored and discussed so that needed system adjustments can be anticipated.
- All concerns, thought to be problems, should be addressed through analysis. Experience has shown that highly productive committees avoid becoming distracted by prolonged discussions which lack needed substance for problem-solving. By clearly defining the nature of problems, strategies can be more readily identified. The Committee should consider examining suspected problems in light of the following considerations:
  - Magnitude of the problem, i.e., is it large or small, how frequent is it?
  - Rate of change of the problem, i.e., is it growing, remaining steady, or declining?
  - Seriousness (negative impacts on the agency, Jail, community, and costs),
  - Time characteristics of the problem, i.e., when it occurs.

- Location of the problem, i.e., is a problem restricted to one area of the County?
- Who's involved in the problem, i.e., what agencies, offenders, public members?
- Previous responses to the problem, if they occurred, and their results.

**Recommendation 7.1c. The County governing body should appoint a person to monitor implementation of changes recommended in this report and provide feedback on progress.**

Improvements in the criminal justice community need to be brought to the attention of the County Board of Commissioners and County Administrator. There are many instances in which the Commissioners and Administrator need more than just a general understanding of problems. The criminal justice system tends to be regarded in a negative light by the public. As a result popular criminal justice issues will receive more public support for funding. For example, the Okaloosa County Sheriff, Charlie Morris, has recognized the public's interest in personal safety and has been very successful in conducting community outreach to explain his agency's needs.

Less popular criminal justice needs, however, tend to be minimized in importance and not well understood. That lack of understanding, unfortunately, often goes unrecognized until community members raise questions based on their misperceptions. For example, improvements in alternatives to incarceration that reduce the demand for new jail beds are often misperceived as being soft on crime. The public does not understand that such alternatives demand greater accountability of the offender to maintain lawful behavior, to remain drug free, and to hold a job and pay restitution – all of which help to reduce recidivism.

Thus, County officials should be cognizant of needed criminal justice system improvements and the justification thereof. They should establish a strategy for issuing press releases and should plan various activities to educate the community about positive criminal justice initiatives and achievements. In addition, when necessary, they should support and urge agency leaders and community agencies to pursue collaborative efforts.

**Recommendation 7.1d. The Director and Assistant Director of the Okaloosa Department of Corrections should attend conferences and training sessions of the American Correctional Association (ACA) and American Jail Association (AJA) so that they maintain a constant awareness of best practices that directly and indirectly affect the Jail.**

The Director and Assistant Director of the Okaloosa DOC have demonstrated their willingness to investigate new ideas, such as the Falkenburg Road Jail in Hillsborough County, which will save the County millions in dollars through lower-cost jail construction. However, their budget should be supported to provide for their participation at annual and semiannual ACA and AJA conferences and training. Such conferences will provide valuable information pertinent to their concern for continued improvement of the Jail and related programs and processes.

**Recommendation 7.1e. The County Commission should annually conduct a facility inspection that includes a walk-through of the jail and a briefing about operations, security and treatment needs of inmates, short-comings in facility functioning and design, plans for improvement, and improvements that have been made.**

Since the Jail represents the biggest budget expenditure, in terms of operations and facility construction, an informed and first-hand awareness of Jail operations is essential. The importance of such awareness is further reinforced by the fact that a jail is one of the greatest magnets of litigation that has derailed budget goals in many counties.

The Consultants recommend that the County Commission conduct a facility inspection as soon as possible, and preferably prior to, the public presentation of the findings of this report.

### Section 3. Staffing Needs

During the study, the consultants became aware of a two-pronged issue: an apparent understaffing of some areas of the Jail and the need for an objective, empirically-based assessment of staffing to support a staffing request. This section will address both of those concerns.

**Observation 7.2. Based on a walkthrough observation of the Jail and interviews with correctional officers and Department of Corrections administrators, a deficit in Admissions, Classification and Release staffing was identified.**

During the analysis of an information system problem, described in Section 4 of this chapter, the arrestee/defendant booking process was examined. One conclusion of this review suggests that short-staffing of the Jail has affected the ability to consistently train correctional officers for the ACR, specifically the booking desk. Training is simply the only method to ensure:

- Sufficient skill development and proficiency on one or more posts;
- Understanding the correctional environment;
- Mentoring and probationary oversight;
- Problem-solving and reliable judgement in difficult and life-threatening situations;
- Compliance with mandates, policies and procedures;
- Adherence and demonstration of accepted and best practices; and
- Okaloosa County DOC does not jeopardize its accreditation by State and National organizations.

Among the many duties that an officer assigned to the booking desk includes, but is not limited to, the following:

- Checking, transferring, and documenting inmate property when a person enters the jail.
- Issuing County checks for return of money to inmates upon their release.
- Processing legal documents concerning the remand of people to jail, including:
  - Bond forms
  - Arrest forms
  - Orders and judgements involving revocation of bonds
- Writing cash and surety bonds.
- Using the National Crime Information System (NCIC) to check criminal histories and search for warrants. An officer must have specific training and be certified for this.
- Using the Automated Fingerprint Information System (AFIS) which sends prints to the FBI.
- Taking photos using the Mug Search software.
- Responding to phone calls from judges, attorneys, probation officers, and other agencies.
- Scheduling pickups for transportation of inmates from other counties and jurisdictions.
- And many more activities.

When unexpected events occur, such as sickness, there is insufficient "back-up" in staffing to support the booking desk. Recently, officers have had to work 14-hour shifts, rather than the designated 10 hours, to provide proper booking desk coverage. While preliminary plans have been formulated to move correctional officers from other posts to provide coverage, the resultant voids will create security risks throughout the entire Jail.

**Recommendation 7.2. Two more correctional officers should be added to the ACR unit.**

Currently the unit consists of 10 persons. An estimated twelve (12) are needed to perform the duties of booking and classification.

**Observation 7.3. The transportation and supervision of inmates while out of jail is inadequately and inconsistently staffed. This condition unnecessarily increases risks to the safety of criminal justice staff, staff in various community facilities, and the public.**

The current staffing challenges in the Jail result in instances in which transportation and out of Jail supervision cannot be consistently covered by the same officers. Officers, are often not available due to shortages. As a result, officers having less experience must frequently substitute. This is a concern because of the need to ensure the safety of correctional staff, other criminal justice staff, such as judges, and the public at the receiving sites, such as the courthouse.

Transportation is required to take inmates to court, state prison, health facilities, and mental health facilities. Sometimes, multiple transports must occur at the same time by different teams of officers.

The activities involved in the transportation and supervision of inmates in the courthouse, for example, include the following:

- Preparation for movement of the inmates, i.e., assembly of the inmates in the exit area of the jail to be searched and for fitting of restraints.
- Movement of the inmates to the transport vehicle.
- Supervision during drive to courthouse.
- Supervision of the inmates in movement from the vehicle and within the courthouse premises.
- Supervision of the inmates in the courtrooms.
  - There is a lack of holding rooms in the courthouse and no special accommodations exist in the courtrooms exist for holding inmates. Thus, the inmates must be supervised in non-secure public areas while awaiting their appearance before a judge.

**Recommendation 7.3a. A Court and Transportation Unit should be created and five additional (new) correctional officers should be hired to adequately staff the unit.**

This complement includes four primary staff and back-up relief factor. A relief factor takes into account sick days, training days, vacation, etc. When not transporting inmates or providing court supervision, the correctional officers can provide support to other jail operations i.e., ACR and roving functions, thereby, alleviating some of the manpower problems in those operations.

The "Court and Transportation" team would deliver inmates to the appropriate courthouse, while adding to the complement of security for the protection of the Judges and public. This need is further heightened because the Crestview Courthouse continues to increase activity with the scheduling of more felony trials resulting from the recent full-time assignment of Judge Stone.

**Recommendation 7.3b. Jail administrators and command staff should coordinate with court administrators and Sheriff's Court Security Deputies to review needs and to devise security procedures.**

In anticipation of a new Okaloosa County Courthouse, security issues germane to the Crestview and Shalimar Courthouses have been deferred. The construction and subsequent opening of this judicial center remain in the unknown future. In the interim, much concern has been expressed by the user agencies regarding the absence of security hardware and

personnel at both sites. Such concern is well founded. The nature of the inmate transfer function is inherently risky. Moreover, open public access should be considered as a security breach. An avoidable, yet egregious situation could occur as a result. This recommendation should be among the first to be resolved.

**Observation 7.4. Concerns exist in the minds of funding decision-makers about how the staffing needs of the Jail have been verified.**

Although the Department of Corrections administration has prepared a staffing request, there are varying views regarding the urgency of adding positions and/or filling vacancies. Integral to these concerns, is the lack of an empirically validated analysis which substantiates that need.

The Jail, albeit short-staffed, has demonstrated the past ability to operate with short staffing. Nevertheless, such operation is risky, placing staff and inmates as well as the community in jeopardy.

The Consultants have a continuing concern about the adequacy of jail staffing. For example, based on their experience of operating correctional facilities and conducting staffing analyses, the Consultants noticed during their walk-through of the Jail and discussion with staff that the number of command staff seems inadequate to meet the needs of a facility having the size, activity pattern, and design of the Okaloosa County Jail.

**Recommendation 7.4. A complete and objective assessment of Jail staffing should be performed.**

Such a study should be consistent with the methodology suggested by the National Institute of Corrections (NIC). The JCI methodology, for example, incorporates the NIC analysis tasks and adds several more considerations based on the experience of JCI staff in planning and actually operating correctional facilities.

Just as important as the methodology is the manner of explaining the results to decision-makers who are unfamiliar with jail operations. They must be able to clearly understand and be able to justify to their constituents their decisions for improving Jail staffing, if warranted.

JCI has found, in performing staffing studies, that a report formatted in the following manner helps to achieve the objective of clearly explaining staffing needs to decision-makers:

Suggested Staffing Report Sections:

Section 1. Summary of staffing needs

Section 2. Factors involved in the calculation of staffing needs

- This section would explain the various factors that must be taken into account in affecting jail staffing, such as the number of hours of operation of a post and relief factor.

Section 3. Narrated Staffing Table

- This section succinctly identifies the positions and shows the number of current and needed staff.

Section 4. Illustrated Post Descriptions

- This is a very important section that is often left out of staffing studies. However, it is an essential component because it allows the reader to examine any post and to gain an understanding of how the post operates and reasons that changes are recommended. If properly formatted, this illustrated section provides a visual walk-through of the jail that is easily understood.

- Each post would be explained in the following manner:

- A picture of the post so the reader can readily visualize the post
- A description of what the post performs.
- A description of how inmate movement affects the post.

- Identification of operational aspects that affect the post:
    - Offender management strategy, such as the need to have inmates escorted when moving outside of a pod.
    - Physical constraints of the post, such as stairways that must be traversed to get to an inmate's cell.
    - Lines of sight and vision that affect the post, for example, occluded lines of sight sometimes increase the number of staff required to visually monitor an area.
  - Rationale for modifying the post, if a change is recommended.
- Section 5. Opening of a new wing: Transition to the New 256 Bed Addition

- This section will examine the training needs of the Jail administration, civilian staff, and correctional officers to the intended direct supervision model. Recommendations should be developed from the experience of Hillsborough County, which is the first Florida county to construct and successfully operate a facility that uses specially designed dormitories to house 90% of its detainees.

#### Section 4. Improving the Jail Information System

During the project, the consultants became familiar with the Jail's information system as a result of downloading and analyzing data. A number of problems were identified that seriously detract from the information system's use as a tool to assist in identifying problems that could reduce the Jail population. These problems are not the result the vendor-supplied software but due to other weaknesses, which are addressed as follows:

#### **Observation 7.5. Inconsistencies, irregularities, and missing data were encountered when attempting to analyze the Jail database.**

##### Lack of Standardization of Data Codes in Free-Form Fields

The Jail information system has both "set" and free-form fields. The set fields have a "look-up" or legend screen that shows the correct data entry code. An intent of free-form fields is for the recording of special notes. However, when free-form fields are used to record frequently cited identifiers, such as employers and employer types, they should be standardized. For example, the data element for an inmate's place to work contained many duplicated and misspelled codes. There should be only one identifier for Hurlbert Field. However, 12 different codes, some of which were misspelled, were found in the 2005 data entered as the employer identifier:

- HULBERT FIELD
- HURLBERT FIELD
- HURLEBERT FIELD
- HURLBULT AIRFORCE BASE
- HURLBURT FIELD USAF
- HURLBURT FLD
- UNITED STATE AIR FORCE HURLBURT FIELD
- US AIR FORCE/HURLBERT FIELD
- USAF HURLBURT
- USAF HURLBURT FIELD
- USAF HURLBURT FIELD AFB
- USAF/HURLBURT FLD

Some of the inconsistency problems described above were the result of having to fill-in the booking desk with inadequately trained officers when unexpected shortages occurred in the assigned and back-up staff.

#### Mixing of Data Codes

Data codes were sometimes found to be mixed. This unnecessarily complicates data analysis.

The standard for designing a software database is to restrict a data category (called a "variable") to one characteristic. For example, the sentence status category contains both sentence status and gender, even though gender is entered elsewhere in the database.

<u>Code</u>	<u>What the code stands for</u>
NSM	Non-sentenced Misdemeanor
NSFM	Non-sentenced Female Misdemeanor
NSF	Non-sentenced Felony
NSFF	Non-sentenced Female Felony
SF	Sentenced Felony
SFF	Sentenced Female Felony

Such practices of mixing codes are often found in information systems that lack the capability to analyze two separate categories at a time, such as gender and sentence status. Thus, staff create "make-shift" categories containing more than one category/variable. This make-shift adaptation works, but it is awkward and burdensome when proper analysis is attempted.

#### Missing Data

Some of the data that is important to the identification of case processing problems is missing. The category exists but data have not been entered.

For example, it is helpful to know if an inmate served out a sentence in jail ("time served") or was given a "bench ordered release" at the sentencing hearing for time spent in jail awaiting trial. A bench ordered release means that the inmate was held awaiting disposition of his/her case as long or longer than would have been served if he/she had been sentenced. This information would be useful in analyzing delays in case processing of inmates. For example, an increase in the number of bench ordered releases might be a signal that the speed of case processing is slowing. Currently, the Jail calls both types of releases "time served."

Also, during the study, analyses of a variety of inmate characteristics were thwarted because of missing data. For example, 55% of the inmates released in the highest population month in 2006, August, did not have their type of release identified – nothing was entered.

#### Improperly Formatted Data

Offense data is not formatted in a manner that facilitates data analysis. Many jail information systems can readily identify the most serious charge. This is usually accomplished in one of two ways: (1) By reserving the first field of the charges section for the most serious charge or (2) By having an information system that automatically identified the most serious offense. This is accomplished by a program component (a subroutine) that contains a table in which offense codes are ranked. When the booking officer enters the offense codes, the subroutine sorts through them and identifies the most serious. That offense is then entered into the "primary" offense field.

Currently, neither capability is used in the Jail information system and as a result offenses are not entered in any order of priority. Since the majority of persons arrested have multiple charges, this means there is no way that an analysis program can create an offense profile of

the inmate population or compare subgroups of the inmate population on their most serious charges. Thus, the utility of the information system, as it pertains to charges, allows a Jail staff member to look up a single individual's charges on a computer instead of having to pull a file-folder out of a drawer.

**Recommendation 7.5. The Jail should develop a code book containing accepted codes for free-form fields. Staff at the booking desk must be instructed to use those codes.**

The process of creating a code book is straightforward. A three-ring binder, dividers, and pages of codes in plastic sheet-protectors are the only materials required. The process of specifying the codes will require the time of a knowledgeable staff member to go through the data entry screens and indicate the correct code for each data category, write up the lists of codes, make copies and insert them into the binders. The process of identifying the codes will also require the development of a ranking of offenses.

**Observation 7.6. Jail staff does not have access to an easy-to-use software program that can perform basic analyses of jail data and no one in the Okaloosa Department of Corrections (DOC) is adequately trained to use the existing report-generating software.**

The Jail's database, the *Criminal Justice Management System (CJMS)*, is a basic electronic file system that supports entry of data on inmates. It is a licensed product that is managed by Archonix Systems, LLC. Currently, CJMS does not readily support development of custom data reports and simple statistical analysis of data. Archonix has indicated that it is planning to update the CJMS to support Windows-based capabilities. Hopefully, this update will increase the "user friendliness" of the software and provide capabilities to generate ad hoc reports.

*Crystal Reports* is a software program that was acquired by the County to access the CJMS database and create custom reports.<sup>1</sup> One of the expectations for *Crystal Reports* was that it would allow the Jail to easily develop custom reports. For example, the Admissions, Classification, and Reception (ACR) unit was assured several years ago that the ability to tally and produce the monthly Florida Department of Corrections report (the County Detention Center Daily Population Report) would be possible through *Crystal Reports*. However, the consultants found that this capability has yet to materialize. Also, no one in the Jail is adequately trained to use the software.

An assessment of *Crystal Reports* software by the consultants suggests that on a scale of 1 to 10 (10 being a level at which experienced programmers create software programs in computer language), the software is at least a level 6 to 7 in difficulty.<sup>2</sup> A *Crystal Reports* user will have to have a background of using complex software programs, some knowledge of formulas, and substantial training. Such requirements are not something that would be expected to be found in the relatively small administrative staff of the Okaloosa Department of Corrections. Thus, for all intents and purposes the *Crystal Reports* software has little utility as a tool for DOC staff to create custom reports when a need arises.

During the course of the current study, the consultants (Dr. Allen Beck) obtained database downloads from Archonix Systems. The downloaded files were in a format that could be read

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<sup>1</sup> Crystal Reports is a product developed by *Business Objects*.

<sup>2</sup> The Crystal Report software was evaluated by Dr. Allen Beck, a member of the consulting team. Dr. Beck was an owner of a small software development company and has had experience in designing and using various types of statistical and database software programs. He has also taught research and statistics at the graduate college level. The process of evaluation involved talking to sales and technical representatives at Business Objects, examining demonstration information, and downloading a trial version of the software.

by statistical software and analyzed.<sup>3</sup> By using statistical software, many categories/variables in the inmate database were analyzed fairly quickly. The level of difficulty of using statistical software is about a "5" on the 1 to 10 rating scale previously discussed. Familiarity with basic statistics (calculation of mean, median, mode and plotting of trends) would be required. Learning of the software is not as complicated as Crystal Reports.

Conclusion: The Okaloosa DOC does not currently have the capability to: (1) Readily develop new types of reports for tracking inmate flows, (2) Analyze growth trends in various inmate subgroups, (3) Easily analyze inmate records to identify case processing problems. Although technical support by the County IT department has been sought in the past, this support will be insufficient to allow rapid and impromptu exploration of inmate data to detect and analyze problems. This type of analysis requires quick access and would be greatly restricted by having to put data analysis requests into a queue for handling by the County IT department.

**Recommendation 7.6. Data analysis capabilities should be developed that include a sufficiently skilled person, training, and statistical analysis software.**

If the recommendations for hiring a competent Population Control Manager are followed, the DOC may have an in-house resource who has sufficient skills and ability to learn *Crystal Reports* and to use statistical software. Caution, though, would have to be exercised to avoid turning that person into an informal IT support person. He or she will need to maintain a focus on the many tasks involved in managing jail population growth.

Training to use *Crystal Reports* will cost up to \$2,500 and travel expenses, depending on the levels of training needed.<sup>4</sup> The main training site for the Southeast is located in Atlanta, although training is sometimes offered in Florida.

## Section 5. Changes Made During the Course of This Study

Almost immediately after beginning the study, the consultants realized that the severe overcrowding of the Jail had to be quickly addressed. The Director of the Department of Corrections was facing an immediate need to deal with the several hundred inmates who were sleeping on floors – overcrowding was threatening the well-being of inmates and staff alike. Among those immediate remedies he had considered was the placing of tents in the parking lot. Such solutions, in the experience of Drs. Beck and Insko, were unnecessary, albeit very problematic. Drawing upon a reservoir of experience in the reduction of jail populations, they undertook additional activities to immediately address overcrowding. For example, they worked for several nights in July and August, 2006 to manually review the files of all misdemeanor inmates and developed lists of inmates who might be released through system improvements. This information was communicated to various members of the criminal justice system who quickly and effectively responded. As a result, the Jail population incrementally dropped in August from an average daily

<sup>3</sup> The statistical program was created by StatPac. The program is much lower in cost, about \$1,000 and is much easier to use than the more expensive SPSS (Statistical Package for the Social Sciences) which is frequently mentioned as used by criminal justice researchers.

<sup>4</sup> Training costs provided by *Business Objects* indicate the following: Part 1 of the training (Report Design I: Fundamentals of Report Design - 2 day program) has a cost \$1,000, Part 2 (Report Design II: Business Reporting Solutions - 2 day program) has a cost of \$1,000, Part 3 (Report Design III: Report Processing Strategies - 1 day program) has a cost of \$500. Initial review by the consultants (Dr. Beck) indicates that Parts 1 and 2 would be most relevant to Okaloosa DOC needs. However, a final decision on training should seek input of the County's IT person who is skilled in using Crystal Reports.

population of 842 inmates to a much lower level in December 2006 of 700, and continues to fall, as of this writing. Efforts to address cases from the point of intake is becoming a daily priority; hence, the reduced population has been sustained for more than six months.

The consultants also took a different approach to developing recommendations. Rather than limiting their activities to a few site visits, conducting interviews, analyzing data, and writing a report, the consultants engaged members of the criminal justice system in discussions and round-robin circulation of observations and findings and many phone calls, in addition to many site visits. This approach of actively engaging criminal justice system leaders resulted in clarification of issues and development of better recommendations that benefitted from the insights of those who oversaw daily operations of the various criminal justice agencies.

The collaborative process in which recommendations were being developed also produced the immediate result of expedient implementation. This is not typical of most criminal justice studies in which improvements in operations are held in abeyance until receipt of a report -- a "wait and see" approach to system improvement. Often, such reports "collect dust on the shelf" and are poorly used for their intended purposes.

The changes implemented during the project include the following:

1. Development and implementation of a revised bond schedule, last modified several years ago. The new schedule is now being used regularly and is judged to be very helpful. In addition, use of the schedule by ACR staff is being monitored to assess its impact and utility. Revision of the bond schedule was the result of leadership of Jail staff and participation of the State Attorney's Office, Public Defender's Office, Sheriff's Department, and Court Services.
2. Closing of the Work Release Program in the Jail which had very few participants and was difficult to operate because of staffing problems and facility design. The work release officer was reassigned to pretrial supervision, thereby expanding the capacity of Court Services to provide field supervision for pretrial defendants.
3. Scheduling of consistent times for the first appearances, Monday through Friday, with active participation of the Assistant State's Attorney and Assistant Public Defender
4. Restructuring of Mental Health Court under the aegis of Court Services. Funding for two positions was facilitated by Dr. Paul Rollings, Department of Family Services. This renewed interest and reconfiguration is now expediting the identification, referral, release, and transfer of mental health cases among the misdemeanor population. Expansion to felony cases is under consideration.
5. Reduction of time delays in the processing of felony and misdemeanor cases. Through a lengthy session with the State Attorney's Office, Public Defender's Office, Department of Corrections, and Court Services, numerous delays in the movement of cases were identified which had resulted in extended lengths of stay for Jail inmates.
6. Review and reconsideration of bail/bond status by Court Services and County Judges. Optimally, this review should occur every 72 hours from date of intake. Currently, weekly review appears to be occurring.
7. Attention to misdemeanor arrests/cases which are weak with respect to evidence, probable cause, and/or overcharging.
8. Completion of the contract with Protech, Inc. to expand supervision of persons charged with domestic battery as well as other more serious cases. Training and execution of the contract, however, has yet to be accomplished.
9. Widespread awareness by Judiciary, County Officials, and criminal justice agencies that overcrowding at the Jail is everyone's responsibility. All decision-making actions in the continuum from arrest through disposition impact the jail and its population. The consultants attribute this sensitivity and awareness as critical elements in the last six months of diminishing Jail population.

## **Section 6. Conclusion**

Okaloosa County still enjoys the numerous benefits of a small jurisdiction in which interagency familiarity with key agency personnel and managers is rooted in longstanding friendly relationships. The nature of these relations should ensure that “business” is accomplished quickly, and easily to resolve problems. Nevertheless, the consultants discovered some “professional reticence” to confront dysfunctions. This is a phenomenon which, over time, has supported practices and habits to emerge and continue which are detrimental to the fluidity of case processing. This reluctance, though, appears to emanate from misperceptions regarding agency “turf.” Such views must be reversed if the County is to overcome many of the obstacles that inhibit criminal justice system functioning and cause unnecessary swelling of the Jail population.

The PSCC is an important forum that can support the evolution of a more efficient criminal justice system. In this regard, the County is to be lauded for its adherence to the State statute mandating the establishment of this important body. However, to support the collaborative problem-solving needs suggested in various recommendations of this report, the PSCC should undergo some modification in its functioning and approach to problem-solving. For example, improved communication and information should be provided to elected officials, administrators, planners, and criminal justice decision-makers. This will require reorientation of the PSCC, and the Okaloosa DOC administration and support functions. Also, consistent and open dialog with the Judiciary is essential.

Importantly, the County Commission must be educated on the functioning of the criminal justice processes, systemic needs, the cause and effect of resource distribution disparities, and characteristics of inmate population management. An annual public safety retreat and jail tour are necessary for both the PSCC and the County Commission. Key operatives from all law enforcement and other appropriate organizations and departments should participate.

The changes identified in this chapter reflect that a positive attitude of participation is generally held among the various criminal justice official. However, support, enlightenment, and influence of the County Commission will provide an important stimulus to maintain an emphasis on improvement.



## **Appendix A**

### **North Care Day Reporting Operations Manual**

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***Program Overview***  
**North Care Day Reporting Center - Mental Health**

**Location:** North Care Center (AKA: Community Counseling Center)  
1140 N Hudson Ave, Oklahoma City, OK 73103

1. 60 slots - pretrial felony defendants - mental health
  - Have dual diagnosis clients also
  - No violence
  - Axis 1 diagnosis
2. Started program in March 2005
3. Seven (7) levels of supervision/contact frequency; Re: Page 4 of Center's Operations Manual
4. Have a sheriff's deputy permanently assigned to center – assists in making daily site visits
5. About 75% success rate
6. Program duration about 95 days – during pretrial case processing
7. Provide bus tickets and they make site visits when client cannot get transportation

## North Care Day Reporting Operations Manual

The mission of the North Care Center is to be the leader in providing community-based, high quality, sensitive behavioral health services to individuals, families and communities. In keeping with this mission the North Care Day Reporting Program became operation in March, 2004 following an intense assessment identifying potential persons incarcerated in the Oklahoma County Detention Center who potentially could be released without posing a serious risk to the community. Potential offenders at that time as well as today must meet specific mental health guidelines as well as court mandates in order to qualify for the program.

The joint effort to provide correctional services as well as mental health services took on a new meaning when for the first time in the State of Oklahoma the Oklahoma County Commissioners, State Department of Mental Health, Oklahoma County Sheriff's office and the North Care Community Mental Health Center struck out to provide the following services in anticipation of meeting the needs of the community:

1. Provide supervision of offenders
2. Develop and Monitor a daily schedule developed for offenders
3. Provide any necessary mental health and/or social services for which the offender may be eligible
4. Provide for staff to be assigned to the day reporting center including a program director, intake specialist, case manager, reporting technician and reporting officers
5. Provide for the training of staff assigned to the reporting center
6. Provide aggregate outcome data to the Oklahoma County Sheriff's Department and Oklahoma County Commissioners for the period covering the periods of service.

The objectives of the joint venture are as follows:

1. Reduce the number of persons detained in the Oklahoma County Detention Center who have a mental health diagnosis
2. Reduce the costs of incarceration and care to the Oklahoma County Sheriff's office
3. Provide effective and meaningful mental health services to those persons identified in the detention center who are released into the program
4. Provide supervision to offenders while released and who are awaiting a court disposition;
5. Reduce recidivism of persons from entering back into the county jail while engaged in the program
6. Reduce hospitalization admissions for persons with mental health needs and who previously had been hospitalized.

### Services

The following services are provided and/or available as deemed appropriate or as court ordered by the following agency or governmental entity:

1. Screening and assessment, intake and referral; (North Care)
2. Daily activity schedule detailing activities and services to be delivered; (North Care)

3. Assessment and services as deemed appropriate; (North Care)
4. Daily Supervision as provided by Reporting Officers; (Sheriff's Department)
5. Outpatient mental health and substance abuse services as deemed appropriate; (North Care)
6. Weekly staffing to review client progress. (North Care and Reporting Officer(s);
7. Parenting classes as deemed appropriate; (North Care)
8. Basic Life Skills as deemed appropriate; (North Care)
9. Adult Basic Education as deemed appropriate; (North Care)
10. Psychiatric evaluation and medication clinic as deemed appropriate; (North Care)
11. Community Service as deemed appropriate or court ordered; (North care)
12. Job Readiness, Vocational Rehabilitation, and Job Placement as deemed appropriate; (North Care)
13. Restitution as deemed appropriate or as court ordered; (North Care)
14. Administering of LSI-R. (North Care)
15. Electronic tether services. (Provided by County Sheriff's Department)

### **Offender Eligibility Requirements**

Staff assigned by North Care, or by Oklahoma County targets the population referred to the center for eligibility. Eligible population are those persons incarcerated at the Oklahoma County Detention Center who are on pre-trial status, non-violent offenders as defined by Oklahoma Statute, Title 57, Chapter 8A, Section 571, persons who do not have serious outstanding warrants, restraining orders or significant criminal records. However, all persons ordered by the court is admitted. All persons accepted into the program has an Axis I mental health diagnosis. All persons eligible for admission into the day reporting center agrees to abide by the conditions and rules of the program and are approved by a Judge of the Oklahoma County Court. Persons not agreeing to abide by the regulations and rules of the center are denied admission into the program.

Prior to admission the offender must read, understand the rules and expectations, and agree to comply with all requirements of the program. Acceptance into the program is contingent upon the offender signing the client handbook acceptance document stating he/she agrees to comply with program requirements. Offenders unable to read has the handbook read and explained to them. Offenders requiring language assistance has all necessary documents explained in their native language.

### **Referral Process**

The Day Reporting Program receives a referral face sheet from the Oklahoma County Sheriff's Department when available. The referral information includes the name of the offender being considered for the program, age, date of birth, race, known disabilities, name of spouse or significant other, telephone number and address, address of residence upon discharge, reason for incarceration, any known medical history, prescribed medications, mental health status, attending medical physician, attending psychiatrist, future court appearances, court number, name of attorney, judge assigned to the case and district attorney assigned to the case, special requirements to be addressed while assigned to the day reporting center and any known violent episodes by the offender. This information is provided in full or partially when the agency has any or all of the information requested. Referrals to the day reporting center do not receive treatment services until such time as the day reporting screening specialist has met with the offender being referred and has had the

opportunity to review information outlined on the face sheet from the referring party. Information reviewed includes a review of current charges for which the person is incarcerated, medical records including prescribed medications, mental health evaluations, social information, employment information, etc. and court documents including court dates, dispositions, fines, restitution orders, etc. The information requested is provided to the North Care Day Reporting Center staff shortly following the offender being considered for the program. The screening specialist or other qualified staff meets with the sheriff's department or other referring agency staff to review information on hand and meets face-to-face with the offender as deemed appropriate while continuing to be incarcerated.

Following release from the Oklahoma County Detention Center the offender is immediately or as soon as possible makes face-to-face contact with the intake specialist assigned to the day reporting center to identify potential services, which will enhance the potential for success in the community. The offender meets with day reporting staff on the day of release from the Oklahoma County Detention Center prior to going to their place of residence unless the offender is released during off duty hours, weekends, or holidays recognized by North Care.

#### Staff assigned by North Care

1. Conducts an individual assessment and makes an assignment of level of risk for each offender. (Initially all offenders admitted to the program are placed on intensive supervision, unless there is a compelling reason not to do so). Intake staff administers the LSI-R (Level of Service Inventory-Revised) in order to assess additional information pertaining to the offender,
2. The intake specialist or other North Care staff simultaneously develops a 24 hour daily schedule covering a seven day week. The daily schedule includes required curfews and an individualized daily schedule that details activities, destinations and purposes.
3. An assessment is completed to determine the mental health needs of the offender and if required a referral to North Care Mental Health Specialist is made to schedule an appointment and to begin the delivery of mental health services.
4. Referrals are made for other appropriate services such as substance abuse or others services as identified during the intake process. All persons are considered for case management services.

Staff assigned by North Care refers all eligible offenders assigned to the program to an intake specialist employed by North Care who assesses each person for mental health services, medical services and all other services which will assist in meeting compliance requirements as established by the Oklahoma County Courts and/or Oklahoma County Sheriff's Department. North Care provides direct services when the agency has the capability to provide such services. In the event the agency does not have the necessary resources to provide specialized services a referral is made to other existing agencies for the purpose of providing services that best meets the individualized needs of the client.

## Daily Schedule

The daily schedule is provided to the offender and a copy is placed in the individual case file, which is secured in the day reporting center. Upon completion of the daily schedule the offender meets with program staff to review the schedule and to discuss consequences of not meeting compliance of the schedule. Examples of not meeting compliance include but are not limited to the offender being in a location that is not specified by the daily schedule. Additionally, day reporting staff and the offender reviews the levels of supervision which may be offered while in the program.

### **Levels of Supervision:**

The program has various levels of supervision, these levels include:

1. **Intensive** (Denotes three or more contacts per day.) One contact is a face-to-face contact, except on weekends or holidays where contacts may be by telephone unless otherwise indicated. Other contacts may include telephone contacts or face-to-face contacts, or a combination of telephone and face-to-face contact.
2. **Normal** (Denotes at minimum two contacts per day.) These contacts may be face-to-face, by telephone or a combination of the two. Weekend contacts are made by telephone but when circumstances dictate may be face-to-face.
3. **Minimum** (Denotes one contact per day.) This contact may be a face-to-face contact or one telephone contact.) Weekend contact may be by telephone or when circumstances indicate will be by face-to-face.
4. **Level 4:** (Denotes two contacts per week). This level reduces the number of contacts to two times per week, which may be face-to-face, or by telephone, or a combination. This level is used to begin a process of giving the offender more flexibility in order to measure their ability to problem solve and rely on resources while at the same time measure their ability to adjust to less supervision.
5. **Level 5:** (Denotes one contact per week). This level reduces the number of contacts to one time per week, which may be face-to-face, or by telephone. This level is primarily used following the offender having been on Level 4 and having achieved success at level 4. Level 5 continues the process of measuring their success.
6. **Level 6:** (Denotes one contact every two weeks). This level requires one contact every two weeks and may be face-to-face or by telephone. This level is primarily used when the offender is assigned to the program for long term care and the agency is attempting to measure the ability of the offender to succeed successfully with reduced supervision, this level may only be granted following the offender having successfully completed levels 4 and 5.
7. **Level 7:** Denotes a combination that is not described above, i.e., one telephone contact per day and a pre-determined number of face-to-face contacts per week.

In the event the offender is granted permission not to report for a face-to-face contact due to circumstances beyond their control or due to other factors such as having employment and the employer not being flexible, a lack of transportation, etc., the offender is required to make an additional telephone contact with the center on the day(s) missed when deemed appropriate by staff. Further, the offender will be given a random drug test to assure they remain in compliance with program policy regarding prohibition against drug usage unless there is good reason not to do so, i.e., the offender is in the hospital or there is no history of drug usage.

All offenders assigned to the program are initially placed on the "Intensive" Supervision level, except when circumstances dictate this not being practical, ie, lack of a telephone, lack of transportation, etc. Prior to adjusting the supervision level to a less intense level than what was initially assigned, a staffing is to occur between the program director and appropriate day reporting staff. The case staffing is to assess the compliance level of the offender regarding their daily schedule, assessment of compliance with assigned social services or mental health services, and a review of court mandates. Once the staffing occurs all day reporting staff are notified of the decision as well as the offender. Documentation is provided in the computer base system.

The day reporting center maintains a secure data base system which records the contacts made per offender and additionally records pertinent information including but not limited to results from drug testing, LSI scores, days detained in the Oklahoma County Detention Center prior to admission, education levels, address and telephone number of the offender, emergency contact numbers and any other information deemed necessary. This information along with any other information obtained by staff of the day reporting center is used to assess the compliance level of the offender assigned to the reporting center and to assist to identify the individual needs of each offender. The center establishes and maintains a paper file for each offender assigned to the program. This file include the daily schedule, court reports, intake data, and any other pertinent information deemed as necessary to assure the agency has information, which can assist with effectively managing the case.

Following the case staffing the offender may be assigned to a lower level of supervision or be upgraded to a higher level once they have been in the program and demonstrated compliance with the assigned supervision level. Consequences for failure to comply are imposed when deemed appropriate. Revising the level of supervision may be imposed as well. In the event agreement cannot be reached during the case staffing regarding the level of supervision to impose, consequences to administer, or what specific action(s) to take, the program director has final authority to make the decision regarding supervision, sanctions to be imposed, and adjusting the daily schedule to include additional requirements for the offender.

Reporting Officer(s) provides the accountability portion of the program also known as the "Supervision Component" under the direction and supervision of the North Care Day Reporting Center Director.

Reporting Officer(s) are employees of Oklahoma County who are housed at the reporting center. North Care provides office space for the reporting officer(s) and any necessary office supplies and/or equipment on-site at the facility.

### Sanctions

Potential consequences by offenders for not complying with day reporting center rules, regulations or with court requirements include the following:

1. Reported as being AWOL; (Reported by Reporting Officer(s) or North Care Staff)
2. Adjusting the level of supervision; (Completed by North Care)
3. Electronic tether services; (Provided by the County)
4. Community service; (Community Service prospects to be identified by North Care and monitored by Reporting Officer(s) will monitor according to the daily schedule.)
5. Extension of time to be in the day reporting program; (Joint Decision by the court and North Care)
6. Random drug and or alcohol testing as determined by North Care staff; (Provided by North Care)
7. Assign and supervise restitution projects; (North Care identifies potential projects. Reporting Officer(s) monitor according to the daily schedule.)
8. Referral to the Court and District Attorney for consideration of revocation of bond. (Completed by North Care)
9. Immediate expulsion from the Day Reporting Center. (Joint decision between North Care and the Oklahoma County Courts.)
10. Advise the assigned judge of failure to comply as directed by the district judge assigned to the case.

### Discharge

Recommendations for discharge from the center is based upon compliance while in the program, re-arrest information, and compliance with mental health/social services information including attendance and comprehension of services provided. Prior to the recommendation for discharge from the center a staffing occurs between the reporting officer, appropriate day reporting staff, other North Care Treatment staff as appropriate, and program director. The staffing assesses compliance with program requirements, court requirements, and all other information, which might impact successful reintegration efforts to remain in the community crime-free. The day reporting director following a staffing makes the final decision whether an offender will remain in the program or is discharged due to non-compliance in conjunction with the court.

Offenders may be discharged from the program in three specific ways:

1. Successful discharge: The offender completed the program requirements; or the offender was released from the program by the court, or the offender was taken back into custody but the program was willing to continue to provide services to the offender/ court and had not recommended discharge from the program.
2. By order of the court.
3. Unsuccessful completion. Examples may include going AWOL from the program, failure to comply with treatment objectives such as failing to attend required mental health services, social services, or court directives. Unsuccessful completion is purely defined by

the program as, "The North Care Day Reporting Program recommends either verbally or in writing to the district court the offender be discharged from the program."

Prior to discharge the program director staffs the case to assure program requirements are not being met, a pattern of behavior is demonstrated that program requirements likely will not be met, and, treatment staff has been consulted regarding the offender's compliance with treatment goals and objectives.

### **Additional Reasons to Consider Discharge**

Offenders who are found to be intoxicated from alcohol or drugs, found to be in possession of a firearm, who are suspected of having committed a felony or misdemeanor while in the program, who has committed a child abuse offense or who is involved in a domestic violence incident following their placement into the program are reported immediately to the assigned court judge followed by reporting to the facility program director. Other agencies may also require notification. Examples include all suspected child abuse is to be reported to the Oklahoma Department of Human Services Child Abuse Hot Line 1-800-522-3511, Oklahoma County District Attorney's office, Oklahoma County Sheriff's Department and city police department if in the jurisdiction of the city. All suspected violations of state law are to be reported to the assigned court judge and in certain instances to the Oklahoma County Sheriff's Department and/or city municipal police department. Violations of probation or parole conditions are to be reported to the Oklahoma Department of Corrections when under supervision of the Oklahoma Department of Corrections as well as to the Oklahoma County Sheriff's Department. Each entity of government will follow protocol as developed by their respective departments.

### **General Requirements**

1. Reporting officer(s) attend staffings in conjunction with the North Care Day Reporting Program Director and other North Care staff to assess the level of compliance of the offender;
2. Reporting officer(s) notifies the reporting technicians following compliance checks in order to maintain an accurate record of the offenders compliance with program rules;
3. Reporting officer(s) monitors the whereabouts of offenders assigned to the program as often as necessary in order to assure the offender is complying with program requirements. Reporting officers have the capability to check on the whereabouts of individuals on a twenty-four basis, seven days a week at random periods of time(s) and day(s);
4. All decisions to impose consequences for non-compliance is that of the Day Reporting Program Director following a staffing with appropriate staff;
5. Decisions to temporarily adjust the level of supervision to a more intensive level may be made by the reporting officer or reporting technicians when deemed necessary without seeking approval of the program director, however the following work day all adjustments to the supervision level of an offender is to be staffed with the program director;

6. A case staffing with the Reporting Officer and other day reporting staff is to occur by no later than the next working day to assess the need to adjust the supervision level following the temporary adjustment made by the reporting officer or reporting technicians;
7. Decisions to adjust the level of supervision to a less intensive level is made by the program director in conjunction with staff;
8. Decisions to recommend an offender for the program is made by the day reporting director following consultation when deemed appropriate with other staff assigned to the program;

9. All staff assigned to the North Care Day Reporting Center are to attend all planned training sessions. Training occurs on scheduled work days and during normal working hours.
10. Reporting Technician(s) input mental health/social services information, daily schedule activities and monitoring compliance levels into the offender case file and data base system daily;
11. Screening Specialist(s) or other qualified staff meets with Oklahoma County Detention Center staff as soon as possible upon having received a referral for consideration into the program;
12. Critical incidents is defined as injury to day reporting staff or offenders, death of day reporting staff or offenders, or the destruction of personal or private property owned by North Care is to be reported to the Program Director within 4 hours of discovery by staff assigned to the reporting center.



## **Appendix B**

### **Types of Jail Diversion Programs for Individuals with Mental Illness or Co-Occurring Disorders**



## *Types of Jail Diversion Programs for Individuals with Mental Illness or Co-Occurring Disorders*

**NOTE:** This information is provided by the GAINS Center, which was established by the U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration. Further information can be found at <http://gainscenter.samhsa.gov>.

There are two general categories of jail diversion programs defined by the point in criminal justice processing where diversion occurs (Steadman et al., 1995):

**Pre-booking diversion:** Individuals with mental illness and/or co-occurring disorders may be identified for diversion by police, before formal charges are brought. Pre-booking diversion occurs at the point of contact with law enforcement officers and relies heavily on effective interactions between police and community mental health and substance abuse services. Most pre-booking programs are characterized by specialized training for police officers and a 24-hour crisis drop-off center with a no-refusal policy for persons brought in by the police. The most recognized program model is the Crisis Intervention Team (CIT) developed in Memphis, TN. Other models of pre-booking diversion involve collaboration between police and specially-trained mental health service providers who co-respond to calls involving a potential mental health crisis. The Technical Assistance and Policy Analysis (TAPA) Center for Jail Diversion publication, *A Guide to Implementing Police-Based Diversion Programs for People with Mental Illness* describes the experiences of many communities seeking to implement or improve CIT and other pre-booking diversion programs.

**Post-booking diversion** is the most prevalent type of diversion program in the United States. These programs identify and divert individuals with mental illness after they have been arrested. The TAPA Center publication, *Non-Specialty First Appearance Court Models for Diverting Persons with Mental Illness: Alternatives to Mental Health Courts*, discusses diversion models that occur very early in the criminal justice process. In some cases, individuals are diverted later in the process, including at disposition or sentencing.

Points at which individuals may be diverted, post-booking, include:

- At or immediately after booking into jail, before the formal filing of charges
- Release from pretrial detention, with the condition of participation in treatment
- Prior to disposition, for example, upon the prosecutor's offer of deferred prosecution
- At disposition or sentencing; this may include deferred sentencing or release on probation with conditions which include participation in treatment
- When at risk of, or following, a violation of probation related to a prior conviction

Specialty courts, such as mental health courts, are an increasingly visible form of post-booking diversion program, in which all cases involving people with mental illness are handled through a special docket. The Department of Justice's Mental Health Courts Program provides a great deal of information on the design, implementation and operation of mental health courts.

Diversion program staff work with prosecutors, public defenders, community-based mental health and substance abuse providers and the courts to develop and implement a plan for diversion and linkage to an appropriate array of community-based services. Nearly all post-booking diversion programs include some type of monitoring of compliance with treatment, though the level of supervision and the active involvement of the court vary from jurisdiction to jurisdiction. Charges are often reduced or dropped upon the individual's successful program completion. In the alternative, the individual diverted may receive less time or no time in jail at sentencing as a result

of participating in the jail diversion program.

It is important to distinguish jail diversion from discharge or transition planning. Discharge planning activities should be part of usual criminal justice processing and occur only when the detainee would ordinarily leave the jail. By contrast, jail diversion is a special, targeted program to short circuit usual criminal court processing to the benefit of the detainee, the correctional staff and the community.

### **Differing Perceptions of Diversion**

To properly understand the policy debates around diversion, it is important to recognize that the term "diversion" is often used differently by criminal justice and mental health professionals. These differing definitions often complicate cross-systems collaboration.

For many criminal justice professionals diversion usually means either not filing or dropping charges in exchange for voluntary agreement to participate in some type of community-based programs. Under this arrangement, there is no continuing criminal justice supervision while the person completes the program as the prosecutor and the criminal court rescind any control over the case. A notable exception is specialty courts (e.g. drug courts and mental health courts where continuous judicial supervision is a key program element).

For mental health professionals, diversion is used to include any alternative to incarceration that involves community-based treatment. The alternatives may be voluntary or involuntary, that is, they may involve continuing criminal justice supervision while criminal charges or sentence are continued or held in abeyance for a specified period during which the client must meet the terms and conditions of treatment. Accordingly, options for diversion would include: (1) treatment as a condition of bail; (2) deferred prosecution; (3) deferred sentencing; and (4) pleading guilty with treatment as a condition of probation. With the broader concept of diversion, there is often much more willingness by prosecutors and the courts because they retain jurisdiction and help insure that the treatment expected is actually received.

## **Appendix C**

### **Description of Falkenburg Road Jail**



## Appendix C Description of the Falkenburg Road Jail

### Introduction

Although not widely discussed, direct supervision jails vary in organizational culture, design, and construction costs. The Falkenburg Road Jail takes the concept of direct supervision to the next level of functioning. Although the Falkenburg Jail shares many common elements with other direct supervision jails, it has a number of important differences. First, it involves a positive culture of staff and inmate management that is more highly refined. Second, the assignment of inmates is not based on the traditional maximum, medium, minimum custody classification schemes found in the majority of the nation's jails. Third, its facilities are more refined architecturally to support direct supervision. Fourth, the facilities cost much less to construct.

The Falkenburg Road Jail is part of the Hillsborough County, Florida jail system. The system is operated by the Hillsborough County Sheriff's Office of which David Gee is the Sheriff. The Detention Services Commander is Colonel David Parrish. Colonel Parrish is past President of the American Jail Association (AJA), past Board Member and Treasurer of the American Correctional Association (ACA), and current member of the National Institute of Corrections (NIC) Advisory Board appointed by Attorney General Ashcroft. The Hillsborough County jail system is accredited by ACA, Florida Corrections Accreditation Commission (FCAC), and National Commission on Correctional Health Care (NCCHC).

The jail system consists of two jails (Orient Road Jail and Falkenburg Road Jail) and a work release center. In 2005, the average daily population of the jail system was 4,637. Overpopulation of the jail system has necessitated planning for expansion of the Falkenburg site.

### Overview of the Falkenburg Road Confinement System

The Falkenburg Road Jail is different from other direct supervision jails in California and other states. These differences include the following:

- The basic configuration of the Falkenburg Road site is a nine to one ratio of housing units:
  - Nine units containing four 64-bed dormitories (256 beds per unit) for a total of 2,304 beds.
  - One unit (called a "confinement unit"), containing 256 beds divided into separate pods similar to one-person per cell direct supervision pods which restrict the amount of out-of-cell time.
- Ninety percent (90%) of the inmates are housed in dormitories. These dormitories are different from traditional dormitories in that they have been refined in design and operation through staff input and experience over several phases of construction. The nuances of the design are important and should not be discounted without an understanding of how the designs are integrated into the system of inmate management.
- Cost of the dormitories is a fraction of the traditional one- and two-person direct supervision housing pods that counties, such as Santa Barbara County are considering.
- What makes the Falkenburg Road Jail work is the organizational culture and relationship of facility design to support inmate management. Staff culture is different than in traditional direct supervision jails. Refinement of the organizational culture involves an extensive attention to development of constructive habits, attitudes, beliefs, and expectations in

managerial staff and line staff. Training is extensive, staff communication is markedly different, approaches to interacting with inmates is constructive and infused with positive expectations, staff supervision reinforces the role of the correctional officer as a behavioral manager, and policies are supportive. As a result, staff motivation is more intrinsic than extrinsic.<sup>1</sup> Also, staff retention is better than in most jails.

- The Falkenburg Road Jail establishes expectations for good behavior in the newly arrived inmate beginning at the point of intake into jail. Both the design of the facility and ways that inmates are treated reinforce high expectations for good behavior. Those expectations are reinforced throughout the inmate's stay in a number of ways, such as the way information about concerns important to inmates is communicated, how visitation is arranged, how the routine in the dormitory is established, and how staff immediately respond to unacceptable behavior.

### **Evolution of the Falkenburg Road Jail - How the Design Developed**

When the Orient Road Jail opened in 1990, with a capacity of 1,711, it was the largest direct-supervision, podular jail in the country. The facility was modeled after the Contra Costa direct supervision jail. The facility complex contains both general population housing and confinement units. Each general housing unit is designed with two tiers and a rated capacity of 64 inmates. There two confinement (lock-down) units employ a single-cell, high-security podular configuration. The units have a rated a capacity of 56 inmates each.

In 1993 the first iteration of the Falkenburg Road Jail opened using modular housing units/trailers. These units were joined and the interior walls removed to create direct supervision dormitories of 64 beds each. The modular units were taken out of service in 2003 during the second addition of permanent dormitories to the Falkenburg site.

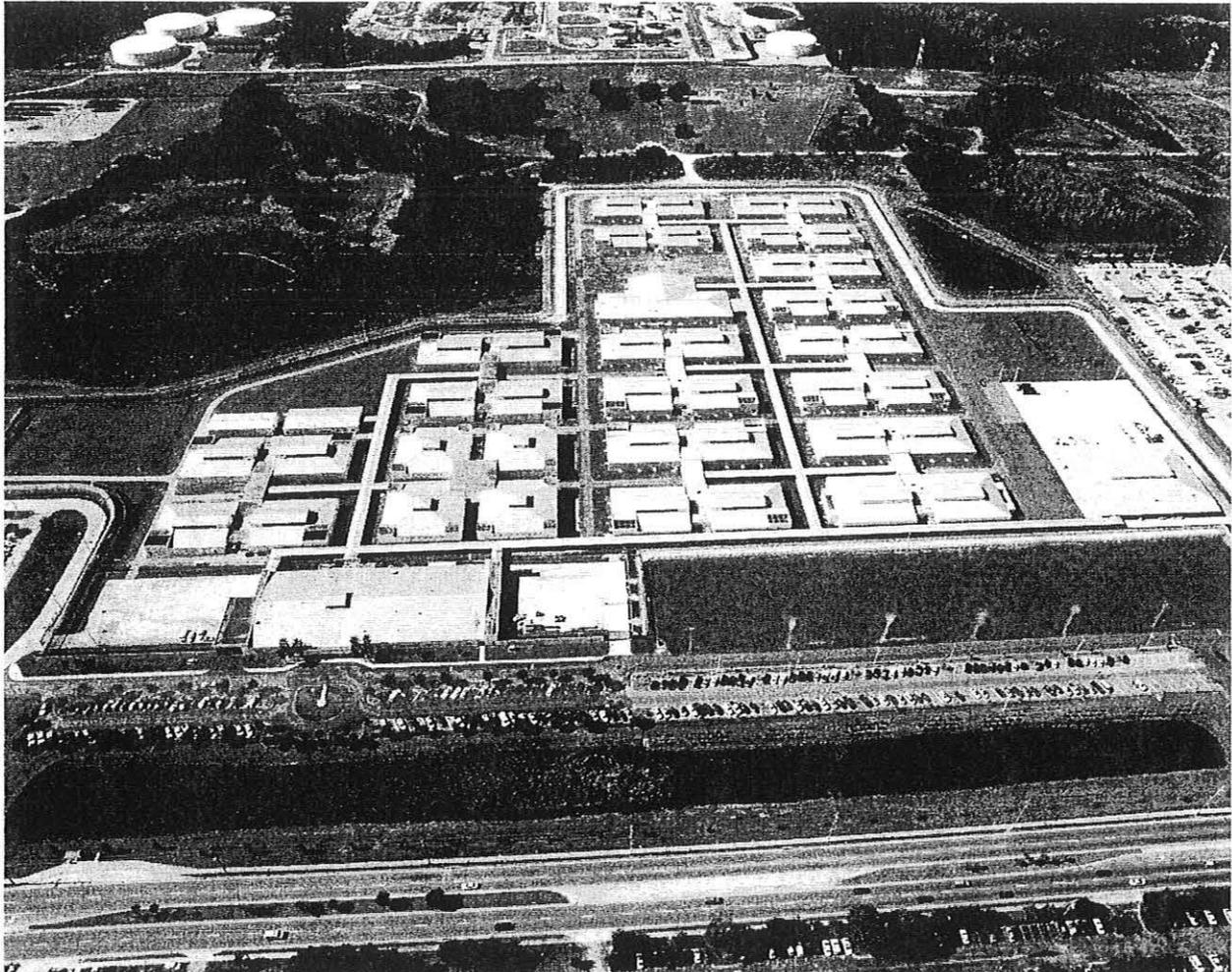
The first permanent dormitories opened at the Falkenburg site in 1998. Their design was based on the experience of operating the Orient Road Jail and the modular housing units. The design team, which included detention staff and an architect visited several jails to examine dormitories. In addition, detention deputies who worked in both the Orient Road Jail and the modular units were queried to obtain their ideas about how various design concepts and furnishings would work.

In 2003, the Falkenburg site was expanded. During the design of the new dormitories, staff were again queried so as to benefit from the lessons learned in operating the dormitories opened in 1998. Although no major design changes occurred, there were refinements. The general appearance of the site is shown in Exhibit C-1.

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<sup>1</sup> Intrinsic motivation involves positive appreciation/identification with the job, whereas extrinsic motivation involves behavior that is propelled by the carrot and stick. Of the two approaches to staff performance, extrinsic motivation produces higher levels of output, work quality, and job satisfaction. (Alfie Kohn, *Punished by Rewards*. New York: Houghton Mifflin Company, 1999)

Exhibit C-1. Aerial View of the Falkenburg Road Site



The Falkenburg Road site is composed of eight general population housing units, each with four 64-bed dormitories and four 64-bed, single-cell confinement units. The site also has two 50-bed infirmaries, inmate programs building, administration building, and storage areas. All custody levels of pretrial and sentenced inmates are housed at the facility.

During the evolutionary expansion of the Falkenburg Road Jail, a number of design principles emerged, including the following:

- 1. The two-tiered configuration layout used in the Orient Road Jail was dropped.**  
Experience indicated that this configuration created a sight-lines barrier that diminished the ability of detention deputies to maintain close, direct supervision.
- 2. A time-out room is provided in each dormitory.**  
The time-out room is about the size of a small cell that has a concrete bench and windowed door. The detention officer can place an inmate in time-out as a management tool for dealing with disruptive inmates for a period of up to two hours, but cannot be used for housing.

**3. Confinement cells (single-cell lock-down) units are provided as management tools.**

Ten percent (10%) of the bed space is designed as confinement cells. These cells house special management inmates, e.g., disciplinary confinement, administrative confinement (serious mental health issues, very serious sex offenders, etc.), and protective custody. The confinement cells are located in a central building that is conveniently accessible from the dormitories.

**4. Each dormitory has three video visitation stations.**

Outside visitors enter an administration building located on the jail site and are directed to a video visitation room located immediately behind the reception desk. The room is situated with microcomputer (PC) based video cameras and monitors (inexpensive off-the-shelf variety) that are contained in visitation carrels (similar to study carrels in university libraries). The video cameras are linked to cameras and monitors in the dormitories.

Exhibit C-2 shows the openness of the dormitory and ease of observation within the unit.

**Exhibit C-2. View of a Dormitory Looking Toward the Entry Door**



The two vertical metal fixtures attached to the poles are phone stations. This is part of the dayroom area in middle of the dormitory. The officer's work station, located at the right, is used intermittently during the day and evening.

Exhibit C-3 shows a different view of the dormitory. The exercise area is behind and to the right of the detention officer. At the right in the photograph is the exercise area which the officer can open at various times of the day. Access to the privileges of recreation, telephone, and television

are controlled by the detention officer and used as management tools. For example, access is granted when the dormitory is clean and orderly.

**Exhibit C-3. View of the Dormitory Looking Towards the Exercise Area and Beds**



The inmates, in orange uniforms, are sitting on their beds, which are situated around the walls. The beds are placed in clusters of four and separated from the adjoining cluster by a short wall. These walls are sufficiently tall to provide separation, but not so tall that observation is obscured.

A design element apparent in these pictures that reduces construction costs is the high ceilings which incorporate standing-seam metal roof with exposed insulation. This feature reduces noise without need for more expensive sound-deadening materials.

**A Culture of Positive Management**

The heart of the Falkenburg Road Jail is a culture of management that is more refined than the traditional direct supervision management regimen. Some of the unique features of this culture include the following:

- 1. Principle: The detention officer is the gatekeeper for all communication within the dormitory.**

**Features:** Inmates only communicate with the detention officer assigned to the dormitory. They are not invited or encouraged to communicate with the officer's immediate superiors. Jail policy and practices, also, have established an expectation that the detention officer's supervisors are not expect to communicate with inmates unless there is a specific purpose.

The communication is than made with knowledge and coordination of the detention officer.

Rationale: The underlying key to managing behavior in the dormitory is the ability to control communication between inmates and staff and the control of access to behavioral options. Close engagement of the detention officer through interaction and observation establishes the officer's position at top of the social control pyramid, rather than allowing inmates to create their own social hierarchies. Any barriers that interfere with the officer's ability to maintain close engagement, weakens his/her social control position.<sup>2</sup>

Close communication also provides greater opportunity for inmates to readily and informally communicate about issues of living in the dormitory.<sup>3</sup> This sets up an expectation for positive communication that humanizes the dormitory environment. Such humanizing reduces interpersonal distance, and thereby, lowers the potential for hostility between inmates and detention officers.

The perception of social isolation is further reduced by the placement of a video camera in the unit, which provides continuous monitoring of the unit by staff at a remote location. The detention officer also has a hand-held radio which provides an immediate voice link to the central monitoring unit.

Although the concept may not seem important to the casual observer, the emphasis in dormitory supervision is on management, rather than stern, authoritarian control.<sup>4</sup> This is more than a philosophical difference. Social research has found that authoritarian control creates social distance and raises the tendency for hostility and passive aggressive behavior to arise in normal business environments. If that can occur in normal business environments, then the effects of stern authoritarian control is likely to be magnified in the in the jail environment. This is not to say that the detention officer should relinquish authority, rather it implies that his/her role should be that of a manager who interacts, controls communication, and sees that inmates receive the options appropriate to their behavioral choices. For example, if an inmate decides to openly express anger, the detention officer can request that the inmate cool off in the time-out room or be removed to a confinement cell.

The differences between authoritarian control and inmate management are often subtle. For example, placing the officer's work desk on a raised platform, visually conveys an air of authoritarianism, whereas leaving the desk on the floor avoids that perception. Similarly, sitting or standing behind the officer's desk for long periods creates a barrier associated with authoritarian behavior.

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<sup>2</sup> The use of cells in the traditional direct supervision pod reduces the ability to closely monitor inmate interaction. For example, inmates are usually sent to their cells to take head-counts. Often the practice evolves into sending them to cells for other purposes and/or of leaving them in the cells for longer than needed to take counts.

<sup>3</sup> The detention deputies are trained not to become personally involved in the lives of the inmates and their families.

<sup>4</sup> The Code of Ethics for Detention Deputies, emphasizes such aspects as maintaining "A positive demeanor when confronted with stressful situations...and supervising inmates in an evenhanded and courteous manner." (Hillsborough Sheriff's Department Field Training Program, p.5).

**2. Principle: Training should establish a culture of direct supervision.**

Features: In the late 1980's, prior to setting up the Orient Road and Falkenburg Road jail facilities, the National Institute of Corrections (NIC) technical assistance services provided training in direct supervision methods to detention deputies, their supervisors and higher level jail managers. Later, as part of the initial training at the Falkenburg Road facility, all supervisors (sergeants and corporals) were assigned to manage a 48-bed dormitory in the temporary modular (trailer) jail 60 days. About 100 staff were trained by cycling the them through the dormitories. After the initial training, rotation of supervisors was unnecessary because new supervisors were drawn from the pool of trained detention deputies.

Other features of the training included:

- Revision of academy training curriculum to include more intensive training on the nine (then eight) principles of direct supervision.
- Shadow training in which a new officer follows a experienced detention officer for five (5) weeks.
- Field Training Program of eight (8) weeks duration.
- Support staff and civilian employees were also familiarized in special training sessions with the concepts and practices of direct supervision.

Rationale: The training of supervisors helped them develop an appreciation for the nuances of managing inmate behavior in dormitories. An inherent teaching point is that the position of the detention officer in managing inmates is affected by how his or her supervisor supports the officer and avoids breaking the communication link between the inmate and detention officer.

In order to thoroughly establish effective habits, attitudes, and beliefs that are supportive of effective inmate management, an extended exposure to principles, positive attitudes, and practices is necessary. The duration and nature of this training is not usually found in other direct supervision jails. Such training is required to offset the conventional, "free-world" beliefs and expectations that new hires bring into the correctional environment about such aspects as behavior management, anger control, punishment, and offenders. Because habits, attitudes, beliefs and expectations are involved, the training must do more than teach concepts and mechanics of enforcing rules.

The familiarization of support staff and civilians conveys the message that direct supervision requires the support of all staff by their words and actions. In this manner the attitudes, beliefs, and expectations (i.e., the organizational culture) were oriented as a way of life in the Falkenburg Road Jail.<sup>5</sup>

As in most organizations that strive to develop a new culture, a few staff "self-selected themselves out" – they resigned or sought other positions in the Sheriff's Department. This should be expected and is desirable when a jail is seeking to change its philosophy and ways of managing inmates.

**3. Principle: The philosophy of operation must be integrated through all levels of the organization**

Features: All levels of staff are expected to exhibit positive management practices when dealing with other staff, as well as with inmates. The philosophy of positive management is also reflected in formal and informal personnel policies for staff, as well as in guidelines and rules for inmates. Input for change is also accepted from all levels of the organization.

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<sup>5</sup> Training is the same at both the Orient Road Jail and Falkenburg Road Jail, only the facility design differs.

Rationale: One of the key tenets of developing a constructive organizational culture is that the behavior of top management affects performance at all organizational levels. Culture change cannot be maintained if top managers demonstrate behaviors that are contradictory to the behaviors expected of middle- and line-level staff. For example, a detention facility administrator cannot act in an authoritarian-arbitrary-coercive manner and expect lower level staff to behave differently. That is why commitment begins at the top of the organization and works its way down. Hollow messages of “do as I say, not as I do” will quickly be detected by subordinates. Commitment in the Hillsborough jail system is also demonstrated through integration of the management philosophy in the organization’s code of ethics, written policies and procedures, and training.

### **A Different Approach to Inmate Classification**

The development of the Objective Jail Classification (OJC) system by the National Institute of Corrections represented an important step forward in the evolution of inmate management.<sup>6</sup> However, the system contains several flaws that reduce its effectiveness and utility.

#### **1. The OJC fails to take into account the jail environment.**

Since violence in the committing offense is given major weight in the OJC, many jail administrators assume that the instrument predicts dangerousness in all jails. What users of the instrument fail to recognize is that situational factors within a jail may have as much or more effect on inmate behavior than items in the OJC rating scale, such as violence in the arresting offense. In a 1991 study of prison violence, the researcher found that

“there were significant situational predictors of each type of aggression. Violence toward staff was most likely to occur in areas where inmates were engaged in unstructured activities; inmates were more likely to be alone when acting aggressively toward staff. Violence directed at other inmates occurred wherever inmates were allowed to congregate...”<sup>7</sup>

The Falkenburg dormitories control for these situational factors. Inmates are not left in unstructured, unobserved situations that would allow social and communication distances to develop. The dormitory design reduces those distances even further by eliminating the single and multiple-bunk cells that comprise the sleeping areas in traditional indirect supervision jails.<sup>8</sup>

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<sup>6</sup> The author, Dr. Allen Beck, worked for one of the two consulting groups that developed the Objective Jail Classification model for NIC. He, also, was director of the diagnostic program for the Georgia Department of Corrections. During his tenure in that position he obtained grant funds to establish a computer-based diagnostic program that identified custody and treatment needs of prison inmates.

<sup>7</sup> Steinke, P. *Using Situational Factors To Predict Prison Violence*. Journal of Offender Rehabilitation, Vol. 17, Issue 1/2, 1991, pp. 119-132.

<sup>8</sup> In the traditional indirect supervision design, inmates sleep in cells, which are open during the day. Depending on the preferences of the jail administrator and architect, the cells may be designed with one to six beds. The placement of inmates in cells reduces the ability to closely monitor inmate interaction. For example, inmates are usually sent to their cells to take head-counts. Often the practice evolves into sending

**2. There is a lack of uniformity in definitions of custody levels between jails.**

The concepts of Maximum, Medium, and Minimum Custody are not uniformly operationalized between different jails. The treatment of a maximum custody inmate in one jail is often not the same as in another. For example, maximum custody, has been interpreted to require that maximum custody inmates be escorted by two officers and be placed in restraints when being moved within the jail perimeter. However, this interpretation has not been applied consistently across jails.

Another major difference is found in the operational definition of medium custody. The traditional design of a medium custody housing unit involves a day room with 32 to 64 multiple occupancy (2 to 6 beds) cells arranged around the back and one or more sides of the room. Some medium custody units have the officer's post within the day room (direct supervision). In other jails the officer is placed in a secure control room outside of the medium custody housing unit. In this "indirect supervision" design, the officer may be looking into several housing units which are arranged around the control room. In both situations, the same OJC classification instrument has been used to assign inmates to medium custody. However, the behavioral outcomes are often very different. In the direct supervision pod the officer more closely controls the social environment. In the indirect supervision unit, the officer serves as more of an umpire to move inmates when problems occur. The indirect supervision unit is "cheaper" to staff but it controls less of the jail environment and, thereby, creates more situational opportunities for problems to develop. Thus, it can be argued that behavior control for most inmates is not as much a function of the OJC, as it is the result of the design of the housing area and involvement of the officer.<sup>9</sup>

**3. The OJC leads the user to anticipate high levels of predictability.**

The title "Objective Jail Classification" is misleading. In practice, the instrument is assumed by many jail administrators to be predictive. However, ability to predict misconduct is very low. For example, the Tactical Action Control Team (TACT) which is designed to respond to major disturbances has never been called out in six (6) years in the Falkenburg Road Jail. If the OJC were applied to this population, many of the inmates would have been classified as maximum and medium custody inmates. As it is, about 90% of the Falkenburg jail population is housed in dormitories. (This population does not differ from the population housed in the other Hillsborough County direct supervision facility, the Orient Road Jail.)

The perception of accuracy is distorted by the vigorous and self-fulfilling manners in which the OJC is traditionally applied. During the intake process, inmates have their criminal histories examined, they are interviewed, and are assign an initial classification. Several weeks later, they are reclassified. One of the weaknesses of this two-step process is that inmates classified as maximum and medium custodies will not be given an opportunity to demonstrate that they can function in a dormitory. Only inmates who score as minimum custody in the initial classification will be placed in dormitories. Thus, the effects of overclassification are not readily detected and the jail administration assumes that the OJC operates effectively. This process of reclassification also tends to breed classification systems with multiple levels within a classification category, so that

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them to cells for other purposes and/or of leaving them in the cells for longer than needed to take counts.

<sup>9</sup> Old linear-design jails have housing units aligned down hallways. This configuration has been found to create dangerous environments for both inmates and officers who must occasionally enter the units. There is not much debate about the impact of linear design on inmate behavior.

reclassification can step-down/reduce an inmate within a single range. For example, a medium custody inmate may be stepped-down from high medium to low medium custody.

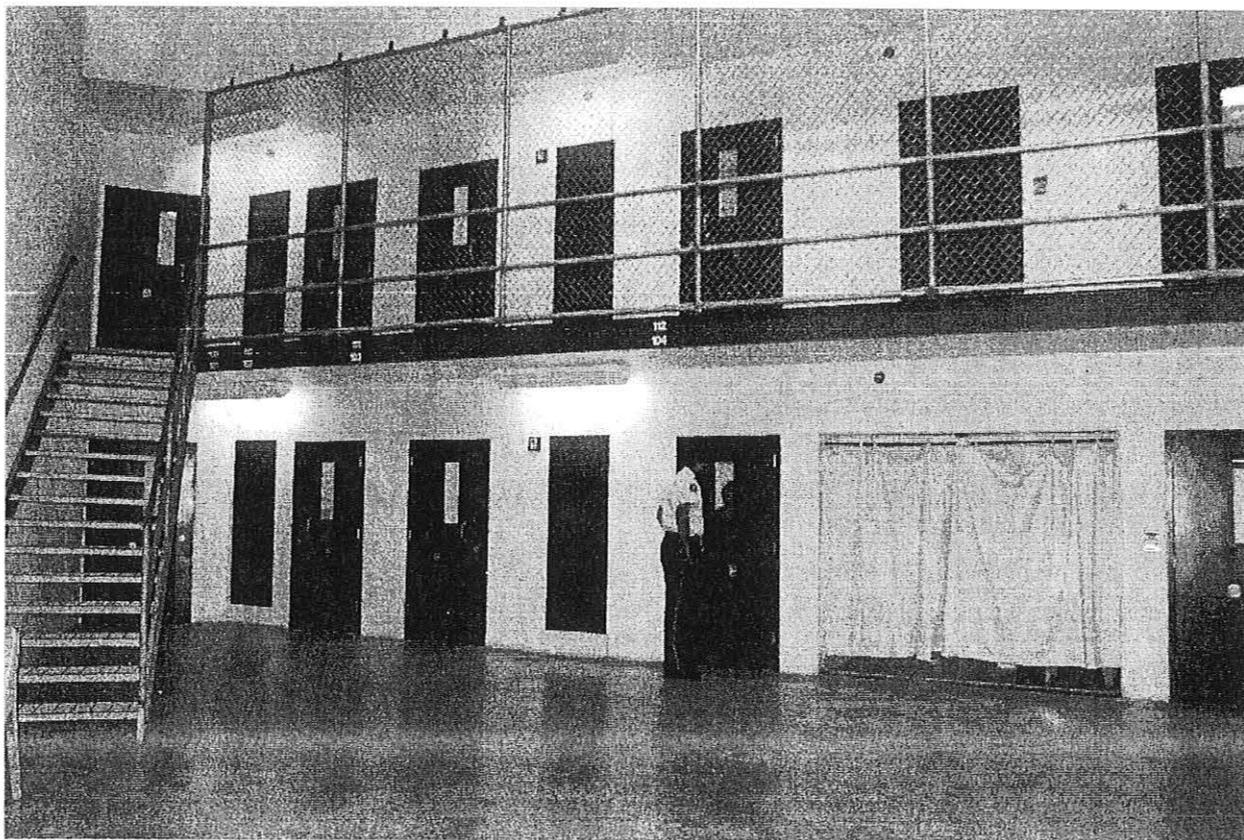
The ability of any instrument(s) to predict inmate behavior in different types of jail environments is "fair" at best.<sup>10</sup> Dependence on the OJC is part of the correctional culture that reflects the axiom that "people tend to act and behave in accord with the truth as they believe it to be, not as it is in reality." If jail administrators believe that the OJC is accurate, they will influence architects to build jails that contain a certain percentage of maximum, medium and minimum custody beds (based on study of the composition of those classifications in their existing jail populations). This rationality, then, becomes circular: "Because we have spent so much money building expensive beds, we must have been justified in doing so—The OJC indicated that we should do that."

The Falkenburg Road Jail has two levels of custody classification: "general population" and "confinement." These terms are purposefully used to differentiate this classification philosophy from the OJC. The general population, which composes about 90% of the inmates, are housed in dormitories. The remaining 10% are housed in traditional, single-cell maximum security housing. Exhibit C-4, shows one of the confinement units in the Falkenburg Road Jail.

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<sup>10</sup> The customary rationale for using a classification instrument is "does it perform better than judgement alone?" This does not mean, "Is it highly accurate?" This rationale also fails to take into consideration, "Does the instrument predict consistently across all jail designs and with different kinds of inmate supervision (jail environments)?"

Exhibit C-4. View of a Security Pod



Confinement inmates include those who known to be major gang members, persons who need protection from others, persons having serious psychiatric problems that are not controlled by medication, and inmates who have demonstrated serious acting-out behaviors in the dormitory. Unlike the OJC rating system, Falkenburg classification decisions do not automatically give heavy weights to current or past arrests for violent offenses; rather those decisions rely heavily on institutional behavior.

This classification system encompasses the infirmary as well. The infirmary contains dormitory-style general population beds and a few security beds.

Exhibit C-5. The Falkenburg Road Jail Infirmary



The design of the infirmary provides an open room partitioned with four-foot high walls. Down the right wall of the infirmary, partially visible in this picture, are ten single-bed rooms having negative air-flow for inmates with contagious, air-borne diseases. There are also ten single-bed rooms along the left side of the unit for other classification considerations.

**Facility Construction Costs**

A few of the cost saving features of the Falkenburg Road Jail include the following:

**1. Dormitory-style direct supervision eliminates the cost of separate cells.**

Since dormitories do not include cells, the need for floor to ceiling walls, sliding or heavy metal doors, separate lavatories and toilets, are eliminated. The Falkenburg dormitories centralize toilets, lavatories, and showers. These fixtures are not detention-grade, i.e., heavy-duty stainless steel, but are standard grade, i.e., porcelain sinks and toilets. The use of "detention-grade" fixtures symbolizes an expectation that inmates will mistreat the jail. This is not the case in the Falkenburg Road Jail.

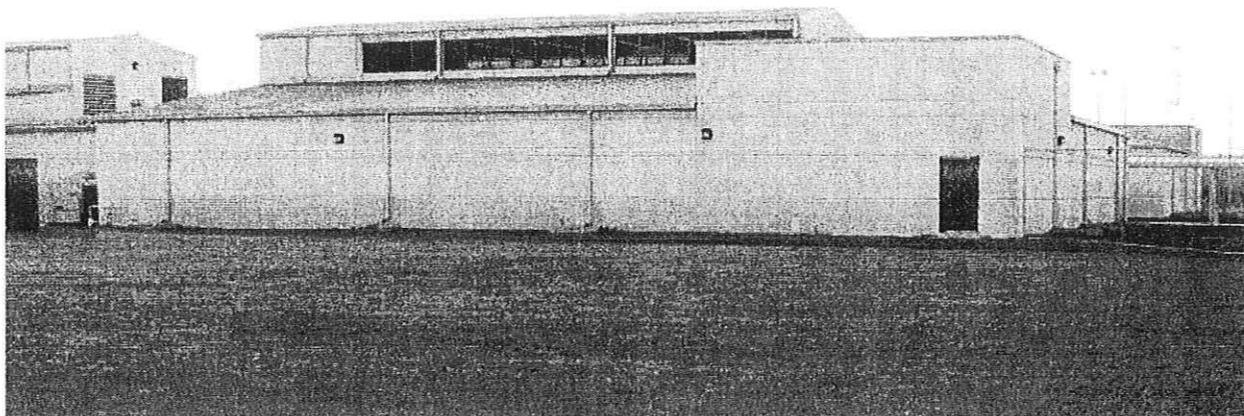
**2. Low-cost, durable furniture is used in dormitories.**

Traditional non-direct-supervision housing design typically requires heavy-duty detention furniture. Also, many new direct supervision jails have been designed with heavy-duty stainless steel furniture (tables and attached stools, etc.). This conveys the feeling of a hardened living area in which misbehavior is implicitly expected. The Falkenburg dormitories contain low-cost furniture, suitable for high volume use, that avoids the environmentally cold feeling of stainless steel.

**3. Pre-cast construction of walls is employed.**

Construction costs are reduced by using precast walls. The initial Falkenburg Road dormitories had walls that were cast on-site. However, quality control could not be uniformly maintained and some bubbling of exterior surfaces was found. Now the walls are cast off-site under more rigidly controlled conditions and trucked-in. This form of construction is also faster. The outside appearance of a dormitory is shown below.

**Exhibit C-6. Exterior View of a Dormitory Unit**



In 2003, an expansion of the Falkenburg Road Facility was completed. This expansion included 1,536 dormitory beds, 100 medical beds, and several other structures. Table C-1, on a following page, shows the various costs of expansion. The table shows only 1,024 dormitory beds, however, the County later exercised an option for an additional 512 dormitory beds. The third column of the table shows only construction costs. Since site development and other costs, such as general contracting fees, and contingency costs, are more likely to vary from county to county, the third column provides the most useful information.

This table shows that the cost per dormitory bed was \$13,080. Not shown in the table is that confinement units, which were built in an earlier expansion, are about three times the cost of dormitory beds. (Note in the table that the abbreviation, G.C., stands for General Conditions, which is a general category that covers aspects of project work not covered in design and construction costs. Examples of G.C. include permitting and construction site set-up, such as temporary power to site—also known as mobilization.)

Table C-1. Falkenburg Road Jail Expansion Costs (2003 Costs)

(1) Item	(2) Sq. Ft.	(3) Contract Amount * Shows only construction cost for buildings	(4) Cost per Sq. Ft. of Construction	(5) Total Cost (with G.C., Site & Contingency)	(6) Total Cost (with G.C., Site & Contingency /Sq.Ft)
Design fees & cost		\$1,300,000			
Bonds & insurance		\$677,220			
Indemnification		\$50			
Contractors fees & cost		\$987,214			
General Conditions		\$1,325,513			
Contingency		\$2,150,000			
Site Work		\$5,016,488			
4 Dormitory Buildings (1,024 beds)	153,114	\$13,393,540 *	\$87	\$19,838,093	\$130
Medical Services Bldg (100 beds)	52,516	\$4,503,851 *	\$86	\$6,714,244	\$128
Programs Building	29,848	\$2,225,602 *	\$75	\$3,481,901	\$117
Services Building	30,531	\$1,880,315 *	\$62	\$3,165,362	\$104
Total	266,009	\$33,459,793	\$77	\$33,199,600	\$119
<b>Dormitories cost/bed (1,024 beds)</b>		<b>\$13,080</b>		<b>\$19,373</b>	
<b>Medical Building cost/bed (100 beds)</b>		<b>\$45,039</b>		<b>\$67,142</b>	
<b>Dormitories &amp; Medical Building cost/bed</b>		<b>\$58,118</b>		<b>\$86,516</b>	

**Conclusion**

The Falkenburg Road Jail is more than a low-cost facility. It represents an evolutionary step in jail philosophy and practices. In order for the system to work, a jail must develop a positive culture of management that reflects commitment. This commitment begins at the top and is integrated through all levels. All staff, whether administrators, staff supervisors, detention deputies, support staff, or civilians are trained. The code of ethics, policies and procedures, and informal practices have been oriented to support the concepts of positive management of staff and inmates. The inmate management system also takes into account that traditional methods of inmate classification usually assign higher custody levels than required in well-managed dormitories. The design of facilities has evolved to more highly support the positive management of inmates by removing barriers to observation and interaction and providing behavioral tools. Collectively, the elements of this positive culture have supported the development of jail facilities that are much less costly, high in safety for inmates and staff, and more pleasant to work in.



## **Appendix D**

### **Recommended Job Description Jail Population Control Manager**



## **Recommended Job Description Jail Population Control Manager**

### **GENERAL DESCRIPTION OF DUTIES**

This is responsible work developing, implementing and coordinating a jail population management system.

An employee assigned to this classification is responsible for monitoring inmate flows, identifying and analyzing problems resulting from processing delays within the jail and in other agencies of the criminal case processing system, determining best practice methodology, and interacting with various administrators and staff of criminal justice agencies and treatment service providers. This employee will develop, implement and coordinate processes to monitor inmates admitted from all stages of the system to steer to most expeditious means of release.

Work is performed under direction of a higher level supervisor and is reviewed through examination of written work products, such as reports on problem analyses and inmate caseflow, through conferences, observation of interaction in problem-solving meetings, and observation of results.

### **DUTIES**

1. Identifies types of inmates who are often delayed in criminal case processing and establishes procedures to track the inmates and requisite data collection forms, if not available in the Jail information system.
2. Develops a list of inmates whose processing should be expedited due to special needs not provided in the jail.
3. Monitors the speed of case processing of all other groups/types of inmates.
4. Interacts with the Administrative Judge, State Attorney, Public Defender, Pretrial Release, Court Administrator, Court Clerk, Florida Department of Corrections, local law enforcement agencies, and treatment service providers about problems in processing and/or moving inmates.
5. Prepares jail population reports used in decision-making meetings on such aspects as:
  - a. Monthly average length of time from booking to disposition for various categories of detained defendants. This will include individual graphs of these times.
  - b. Description of the impact, supported by data, of changes made by various criminal justice agencies and treatment providers to improve the speed of case processing and inmate movement out of the facility.
6. Prepares brief reports describing how various criminal justice system processing problems affect the size of the jail population. These reports are not meant to cross into the decision-making prerogatives of administrators of the various criminal justice agencies but to provide supportive information that will help clarify problems.

7. Interacts with interagency group of stakeholders and supports establishment of priorities and consensus on policy changes needed to facilitate processing of inmates. May respond to requests by this group to gather data and information to aid in decision-making.
8. Interacts with interagency group to establish guidelines of how he or she will interact with various criminal justice agencies in obtaining information and data that help to clarify the nature of delays in processing cases of inmates in jail.
9. Interacts with current and potential treatment service providers to identify how to expand and/or create ways to serve more detained offenders, thereby reducing the jail population.
10. Develops a plan for the assembly of information on practices used in other Florida jurisdictions and in other states for the control of jail growth and jail population reduction. This plan should also examine the types of data collected and analyses used to support such practices. The results of this effort will be provided on an ongoing basis to the interagency work group.
11. Evaluates jail programs that have the goal of reducing the jail population and/or recidivism.
12. Makes presentations on jail population management problems, issues, and needs when requested.
13. Interacts with various sections within the Jail in performance of duties.
14. Participates in department staff meetings and development of department goals and policies.
15. Attends national conferences, such the annual American Correctional Association and American Jail Association, meetings to learn about new developments, alternatives to incarceration, and best practices in reducing managing and reducing jail population growth.
16. Attends skill building courses (see section on supplemental training)

#### **KNOWLEDGE, SKILLS AND ABILITIES**

- a. Must have working skills in use of computer-based spreadsheets.
- b. Must be proficient in analysis of computerized data using statistical software.
- c. Must be knowledgeable in operation of the criminal justice system.
- d. Must have good interpersonal skills.
- e. Must have good report writing skills.
- f. Must be willing to learn techniques of program evaluation through training, seminars, and self-education.

#### **SUPPLEMENTAL TRAINING**

Just as new law enforcement officers must attend a training program to learn specific skills related to the job, the position of Jail Population Control Manager requires special knowledge not generally taught in college or in traditional law enforcement training.

Two courses are essential to this position. Both of these courses are available through the Institute for Court Management (ICM). The concepts in these courses will help the Population Control Manager learn tools for analyzing case processing as it relates to the jail population and how improvements in criminal caseflow processing can reduce the size of the jail population. The information in these courses will also provide an important base of understanding needed to interact with the Court Clerk, Administrative Judge, Prosecutor, Public Defender, and private attorneys in a problem solving manner.

- (1) Course Title: Research and Evaluation Methods
  - This course will help develop knowledge about research-based approaches to problem solving; knowledge and skills in the various methodological components of the research process; and appreciation of the need for research to improve caseflow processes.
- (2) Course Title: Fundamental Issues in Caseflow Management
  - This course teaches how to assess timeliness of case processing and strategies to create or enhance caseflow management. An emphasis of the course is on reducing delay in processing.

### **PHYSICAL DEMANDS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to talk and hear, and use hands to finger, handle and feel. Dexterity in using a computer keyboard is essential. The employee will be required walk through all areas of the jail and to go to meetings in a wide variety of buildings and locations.

Specific vision abilities required by this job include close and distance vision.

### **MINIMUM QUALIFICATIONS**

- Bachelor's degree in Criminal Justice, Business, Public Administration or related field.
- Four years progressively responsible experience in criminal justice.
- Master's Degree in related field or Juris Doctorate may be substituted for two years experience or an Court Executive Development Program Fellow of the Institute for Court Management.
- Must satisfactorily complete local, state and national criminal history and fingerprint checks.
- Applicants within six months of meeting the education/experience requirement may be considered for trainee status.

