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Meeting Highlights

Large Jail Network Meeting

January 9-11, 2000

Longmont, Colorado

These proceedings present highlights of a meeting of NIC's Large Jail Network held in Longmont, Colorado, on January 9-11, 2000. Approximately 55 administrators of the largest jails and jail systems in the country attended the meeting.

The meeting focused principally on topics related to the role of the jail in local criminal justice system. The final session on Tuesday the 11th was an update on legal issues affecting large jails.

- ◆ **Opening Address**--In his opening address, Robert Cushman, Justice Systems Specialist for the Center for Urban Analysis in Santa Clara County, California, provided an introduction and overview on how the jail fits into the entire justice system. Pointing to the importance of following a good planning model, he emphasized the value of local criminal justice planning groups.
- ◆ **Criminal Justice Coordination and Cooperation**--J. John Ashe, Superintendent, and Thomas Rovelli, Chief of Operations, Hampden County, Massachusetts, Sheriff's Office, presented a case study illustrating the importance of working with the entire criminal justice system and opening the jail to the community as a whole. Providing a history of the Sheriff's Office since the mid-'70s, they emphasized a commitment to providing productive activities in the jail and creating a continuum of programs that continue to serve inmates on their release into the community.
- ◆ **Re-defining the Jail's Mission**--Richard Cox, Superintendent of the Milwaukee House of Correction, and John Husz, Superintendent of the Milwaukee Secure Detention Facility, summarized the history of relations between Milwaukee County and Wisconsin Department of Corrections that has led to the development of a new state facility. The facility is the state's solution to a court decision that permitted Milwaukee County to refuse to take state probation and parole offenders. The new facility will hold 750 of these violators and will also have 210 beds for alcohol and drug abuse offenders.
- ◆ **Role of the Jail in Contributing the Efficiency of the Local Criminal Justice System**--Three speakers provided perspectives on the jail as part of the community and the criminal justice system. Michael O'Malley, Director of Security for the Vermont Department of Corrections, reported on the results of research on public

opinion about crime and corrections in that state. He emphasized the importance of presenting accurate data to the public and policymakers. John Dantis, Director of the Bernalillo County, New Mexico, Department of Corrections, did not attend but provided speaker's notes that summarized a number of initiatives involving cooperation with other agencies and the courts, which have enabled the Bernalillo County Detention Center to reduce its overcrowding. Tim Ryan, Chief of the Santa Clara, California, Department of Correction, reported on collaborative agency initiatives, including both front-end and back-end solutions, to that county's overcrowding problem.

- ◆ **Community Oriented Policing**--Delores Messick, Captain, El Paso County, Texas, Detention Facility, identified some programs in which jail officers are involved with the community. David Kurtze, Sgt, Fresno County, California, Sheriff's Office, described that county's approach to community oriented policing and problem solving (COPPS).
- ◆ **Legal Issues Update**--William Collins, Olympia, Washington, attorney, provided an update on the following legal issues: the Prison Litigation Reform Act, Americans with Disabilities Act, cross-gender supervision, mail reading and censorship, use of force, and a general summary of legal issues of concern to jail administrators. He also presented a critique of a case study on with mentally disturbed detainees, use of force, hog-tieing, and use of defense counsel.
- ◆ **Issues for Next Meeting**--Richard Geather, NIC Jails Division, led a discussion on potential topics for the next Large Jail Network meeting, to be held in July, 2000 in Longmont, Colorado. Topics to be addressed will be marketing the jail, strategies for budget preparation, and information on other sources of funding for jails.
- ◆ **Future Meeting Issues**—Richard Geather of the NIC Jails Center led a discussion of possible topics for the next Large Jail Network meeting. The topic selected was System Efficiencies, including a look at the role of the jail in the community as well as community-oriented policing and its relationship to the jail). There will also be a legal issues update.

Justice System Coordination and Cooperation: How the Jail Benefits and the System is Improved

Robert Cushman, Justice Systems Specialist, Center for Urban Analysis, Santa Clara County, California

Cushman's opening presentation for this meeting of the Large Jail Network focused on the jail as part of the criminal justice system and the need for coordination within that system. His remarks were thus intended to frame the meeting as a whole.

Attitudes the Key

Attitude change is a fundamental pillar for the discussions in this Large Jail Network meeting. Changing attitudes is at the heart of dealing with inmates, staff, and the public. Changes in attitude enable people to see the world differently. When officers come from patrol to a corrections facility, for example, you see their attitudes change as they begin to see offenders as people. When we speak of educating the public, we really mean that we want to change public attitudes toward corrections.

Jail Crowding the Result of Justice System Decisions

Jail crowding is a function of the number who come into the jail and how long they stay. Using the analogy of the water barrel (see page 42), Cushman noted that if the faucet at the top of the barrel is set to fill the barrel at 10 gallons a minute, and the outflow faucet is reduced to release only 8 gallons a minute, the barrel will fill up quickly. Jail crowding works the same way.

The jail has no control over the number of inmates coming in or the number going out. Controlling the intake numbers are police, judges, prosecutors, and legislators. The courts and legislators control the outflow. Therefore, crowding cannot be solved if it is seen solely as a jail problem. The jail gets attention when it is crowded, but the whole justice system is really overloaded.

Key justice system decisions are made by those outside the jail. Seven key justice decisions determine the workload, size, and cost of the justice system:

1. The decision to arrest;
2. The decision to detain an offender pre-trial;
3. The decision to release from pre-trial detention;
4. The decision to prosecute;
5. The adjudication outcome;
6. The sentencing decision; and
7. A sentence modification decision. (For a flow diagram of these decision points, see Figure 3, page 43.)

Collectively, however, those responsible for the justice system can do a better job of managing it *as a system*. If they work together, they can manage the size and flow of the inmate population going through the system. This is why criminal justice planning groups are so important to jails.

The General Planning Process Model

The General Planning Process Model (see page 44) outlines a series of steps in the planning process:

1. Prepare for planning
2. Describe the present situation.
3. Develop projections.
4. Consider alternative futures.
5. Identify problems.
6. Set goals.
7. Identify alternative courses of action.
8. Select preferred alternatives.
9. Plan for implementation.
10. Implement plans.
11. Monitor and evaluate progress.

Most people are comfortable with steps 5-10, above, which focus on operational planning. However, it is crucial to start, instead, with a clear emphasis on understanding the problem itself.

Relationships Between Policy, Program, and Operational Planning

Another way to think about planning is to understand that it takes place at three levels. These are:

- Policy Planning, which establishes purposes and asks, "What should we do and why?"
- Program Planning, which selects courses of action and asks, "What can we do and how?"
- Operational Planning, which allocates resources and asks, "What will we do and when?"

Much of the planning that takes place tends to focus on operational planning. There is not enough planning at the policy or program planning levels. Too often, jails end up doing mostly reactive planning at the operational level. Without a clear focus, planning can get very far away from its real goal.

How Does the Jail Become Community-Based?

In some jurisdictions, the jail must get money in its budget to buy services from public schools, medical facilities, and mental health agencies. The more separate from the community the jail is, the more difficulty it will have in getting adequate support.

There is a clear trend toward the merging of probation and local jails. This blending of roles raises the question of who will run community programs--jails or field staff? It is important to keep a count of the number of people who are in the custody of the jail but not housed there. The growth in community corrections activities offers opportunities for support for the jail from the community.

Each community has its own local culture, which means that what succeeds in one jurisdiction may not work in another. As the jail is often hidden away, it is not adequately appreciated. You need to find a way to get the public to understand your operations better. It is also important to get decision makers to change their attitudes, as the more they understand, the more they will be willing to accommodate the needs of the jail.

For additional information, contact Robert Cushman, Center for Urban Analysis, County of Santa Clara, (408) 299-3285 x7114; bob@cua.co.sci.ca.us

Criminal Justice Coordination and Cooperation: How the Jail Benefits and the System is Improved: A Case Study

J. John Ashe, Superintendent, and Thomas C. Rovelli, Chief of Operations, Hampden County Sheriff's Office

Hampden County is a case example that illustrates the points made by Bob Cushman in his opening presentation.

The National Picture

From 1970 to 2000, the national inmate population increased from 200,000 to 1,983,084. Today, 5.5 million Americans are under correctional supervision. It is important to remember that 97% of the people in jail will be getting out; 10 million people are released from some form of custody every year. The average annual cost to keep someone in jail is \$25,000. Historically, each part of the criminal justice system has dumped its problems on the others; the jail has often been the victim of this practice.

Hampden County

Hampden County has a population of 466,000 people and includes 23 cities and towns. It is at a crossroads between Hartford, Boston, Albany, and New York City. Hampden County's inmate population grew from 646 in 1991 to 1750 in 1999, a 155% increase and an average growth of 20% a year.

Inmates serve up to 2 1/2 years. Three-quarters have been convicted of a felony. The inmate profile is probably typical of jails nationally:

- Average age 23
- Average reading level 5th grade
- Substance abuse problem 93%
- Hepatitis 25%
- Emotional problems 28%
- Drink alcohol daily 33%
- Female inmates with kids 84%
- Lifestyle HIV-risk (recent problem) 83%
- Gang involved (recent problem) 25%

A new jail was built in 1992 outside the city limits, while the old facility was very centrally located in the community. The facility is now a state facility, as county government in Massachusetts was eliminated several years ago.

Working with the Community

Even in 1975, when Ashe started at the jail, it was clear that all parts of the system were isolated from each other. There was very little cooperation or coordination. Jails are traditionally defensive about providing information to the public, but, from the beginning,

Sheriff Ashe and Director Ashe went on the offensive. As early as 1975, the sheriff opened the old facility to the community.

Providing Productive Activities

Inmates are all eventually released back into the community. The question is, "What do you want them to learn in jail?" From the beginning, Hampden County built a continuum with the community in programs of all kinds. The overall philosophy emphasized the importance of productive activities, which included:

- Substance abuse counseling
- Religious/spiritual programs
- Educational opportunities (G.E.D.)
- Making the hard to employ employable
- Alcoholics and Narcotics Anonymous
- Restitution labor

Additional programs that refine the same concept have recently been developed:

- Anger management
- Core curriculum
- Victim awareness
- Boot camp

The new philosophy became "Stopping future crime drives everything we do." A commitment to providing productive activities was at the center of this effort. From the beginning, the sheriff brought in the community to create a continuum that provided a program in the jail that was then continued in the community after the person was released. The attempt was to keep the offender in the "circle of treatment." In effect, Hampden County was doing aftercare in the '70s.

A History

The '70s--No collaboration; isolation

- The old jail had simply warehoused inmates. When Sheriff Ashe arrived, he began to make substantial changes. He held jail tours, invited legislators to visit the jail, and began to change the attitude of the public about the facility. The jail began to be on the public agenda, as the sheriff made it a priority to influence public opinion.
- In the early 1970's, when de-institutionalization was occurring, it had a great impact on jails. For example, advocating for the community integration of the mentally ill meant that if a mentally ill person committed a nuisance crime, the person had to be put in jail.

The '80s--Overcrowding

- Hampden County had the first Day Reporting Center in the U.S. in the mid-'80s.

- One of the biggest hurdles to overcome in the county was a tough district attorney. He believed only in incapacitation and undermined all the jail's efforts with the courts and the rest of the criminal justice system.
- In the '80s, a suit was filed related to crowding in the old facility. The sheriff and jail administrators then reached out to the courts and all other parts of the system from the police through probation. At the time, Governor Dukakis had an anti-crime council at the state level. It included representation from the courts, police, probation, parole, the state department of corrections. This was a great forum that led to many good things.
- A drunk driving law that passed in the '80s had an enormous population impact. It led to the development of a regional DUI facility, which opened in 1985. This facility, The Western Massachusetts Correctional Alcohol Center, was one of the state planning group's best ideas. Originally opened with 135 beds, it has since expanded to a 200-bed capacity. The emphasis of the facility is on treatment, and it has worked. The rate of rearrest of those released from the facility has been 5-10% rearrests within one year, a figure that has held for over 14 years. Its success has convinced judges of the value of treatment and has helped Hampden County in its other efforts, including its Day Reporting Center.
- The Federal court capped the facility's population at 200 pretrial detainees in 1988; at that time the facility held 300-350. The Day Reporting Center was used to control the cap on a daily basis. As a result, people were only serving 25% of their sentences. Fast-tracking was negating all programming efforts of the past.

The '90s--A New Facility

- In 1990, the sheriff took over the Armory in an attempt to get legislative support for a new facility. He brought in 30-40 inmates and set up shop. The move angered the governor, the attorney general, and the Pentagon, but, despite enormous pressure, the sheriff remained. After a number of months, they moved to another Armory.
- The new facility opened in 1992. Administrators had the opportunity to use their first 18 years of experience in designing the new jail. Every department head had a role in planning the direct supervision facility. Administrators used the opening of the new facility to emphasize the professional role and importance of correctional staff. Leadership was decentralized to empower staff.
- Standards are important. Four facilities and programs in the county are accredited. This has the effect of raising the esteem, and it creates a stronger position from which to deal with other agencies and people in the criminal justice system.
- Another priority was to work with other agencies. If jails let law enforcement use them as a warehouse, it will be impossible to lower the inmate count--or to do any "correcting."

Continued Efforts: Public Health Model (1993)

The lack of reintegration programs is a big problem nationally. When a person is released from jail, he/she goes back into the same neighborhood. There needs to be a continuum of care.

Four Community Health Clinics serve population centers that represent 90% of Hampden County's inmates. When medical screening diagnoses a problem, the inmate's zip code is identified. A health team comes to the jail from that neighborhood and serves the inmate. Upon release, the inmate is connected to the same doctor and health center that he saw at the jail. Funding for the program is from Public Health and grants from the Centers for Disease Control.

Criminal Justice Tie-Ins

We can accomplish more by cooperating with other law enforcement agencies and other players around a single issue. Cooperative activities include the following:

- Sharing of gang intelligence, participation in Gang Task Force, Drug Task Force, Apprehension Units;
- Giving other agencies access to restitution labor;
- Providing tours of the jail;
- Tying phone and computer systems to law enforcement;
- Supporting community policing by letting police know who is being released to their community; and
- Participating in a Memorandum of Agreement on information sharing.

Community-Based Crime Prevention Programs

These programs are based on the idea of correctional officers serving as role models. Their experience with offenders gives them credibility in the eyes of the community. Programs in the community include:

- In the schools--"GEAR" and "The Real Deal," which involve talking to youth about the realities of drugs, gangs, crime, and prison life. Minimum-security inmates also participate in these programs. "Gangs 101" teaches teachers how to identify gang problems.
- In the jail--"Scared-Straight" type programs are offered. Tours are provided for schools and social groups.
- In the community--Officers serve as mentors and support staff at public housing authorities and Boy's Clubs. Through the TRIAD program, jail resources are expended to help police educate senior citizens on crime prevention.

The Picture Today

There is a 'lock-em up" philosophy in Massachusetts today. While 60% of inmates used to be released on parole, now only 10% are paroled.

Hampden County continues to emphasize the fact of the return of the offender to the community. All programs are based on this understanding. The philosophy rests on a belief in community reintegration and a commitment to a humane policy. All efforts come from a belief that change is possible.

For additional information, contact J. John Ashe, Superintendent, or Thomas Rovelli, Chief of Operations, Hampden County Sheriff's Department, 627 Randall Road, Ludlow, MA 01045-1079; (413) 547-8000.

Issues in Defining and Re-defining the Jail's Mission

Richard Cox, Superintendent, Milwaukee County House of Correction

The jail is, in essence, a social service agency. It teaches life skills, provides job training, deals with mental health issues, and offers counseling. Crowding is the biggest obstacle to doing all these things well.

Background

For the past seven years, the Milwaukee County House of Correction, which is under the county commissioners, has been merging operations with the county jail, which is under the sheriff. During the late '80s and early '90s, there was terrible crowding in the facilities, principally because of the state's policy of placing probation and parole violators in the county jail.

The State Court of Appeals granted an injunction to the Department of Corrections to prevent the sheriff of Milwaukee County from refusing to accept probationers and parolees from the state. The sheriff challenged the ruling contending that state prisoners in the jail created crowded conditions that prevented the sheriff from maintaining a safe jail. A circuit court judge ruled in favor of the sheriff in June 1996, stating that the circumstances had changed since the original injunction, especially as a result of the crowded conditions. Therefore, the sheriff could refuse to accept state prisoners who were in violation of conditions of community supervision. The state appealed the decision, which was upheld by the Wisconsin Supreme Court in 1997.

The decision left the state department of corrections with a dilemma. The only leverage they had over offenders in the community was the threat of reincarceration, but the jail was no longer available to hold these offenders.

New State Facility for Probation and Parole Violators

In May, 1997, the Governor's Capitol Budget Recommendations to the state legislature proposed funding for the construction of an additional 1,600 beds to hold probation and parole offenders as well as to provide alcohol and drug abuse (AODA) programming. The state approved the request, which will result in a medium security probation and parole holds facility as well as a 210-bed AODA program. Milwaukee County and the State Department of Administration agreed to an exchange of properties in downtown Milwaukee. The facility will open in July 2001. Its cost will be \$60 million.

For additional information, contact Richard Cox, Superintendent, Milwaukee County House of Correction, 8885 S. 68th St., Milwaukee, WI 53132; (414) 427-4756. For copies of Circuit and Supreme Court decisions referred to in the summary, contact the NIC Information Center, (800) 877-1461.

John Husz, Superintendent, Milwaukee Secure Detention Facility

Without litigation, the new state-built, state-funded, state-run facility would never have been built. The Supreme Court's decision that Milwaukee County may refuse to take offenders resulted in this new facility. However, there is now a generally good relationship between the state Department of Corrections and Milwaukee County.

The New Facility

Of 65,000 offenders on probation or parole in Wisconsin, 20,000 are in Milwaukee. There are approximately 10,600 violations each year. Neither a prison nor a jail, the new facility is a hybrid, with a mixed population. It will house 1048 offenders:

- 19 cells for offender transportation. The transportation and holding area will be the entry point into the building for probation and parole staff who bring in offenders.
- 210 AODA (alcohol and drug abuse) beds. Judges can sentence directly into this program or can order participation as a condition of probation. The treatment unit will include four man dorms with approximately 24-28 beds. Each housing unit will contain centralized shower and toilet areas and program space to conduct AODA treatment.
- 50 bed segregation unit. The secure holding cells will be designed as maximum security and will be occupied by only one offender.
- 750 general population of felony probation and parole offenders who violate their conditions of supervision. A typical housing unit will resemble a standard podular design and contain a maximum of 100 offenders.

The facility is also being designed to hold revocation hearings in a secure hearing room. Separate facilities will be provided for witnesses, and the physical arrangements are designed to be victim-sensitive.

Increased Cooperation Between State and County

The greatest impact of the new facility is an increase in collaboration and cooperation between the state and county. For example, the jail will pilot the AODA program with 50 beds, which will eventually lead to the 210-bed program. There has been increased cooperation among the district attorney, Department of Correction, police, judges, labor leaders, and other groups. A group with wide representation has been meeting regularly, and meetings have led to the development of a mix of programming.

The swirling passions surrounding the issue of crime and justice today make it difficult to get things done. However, the more relevant players that are involved, the better the chance for being able to develop more programming. It is in the public's best interest to

address substance abuse, mental health, and work issues through the jail. This means that the jail can't be "out of sight, out of mind." It must be part of the community.

For additional information, contact John Husz, Assistant Division Administrator, 149 E. Wilson, Madison, WI 53707-7926; (414) 771-0609; JOHN.HUSZ@doc.STATE.WI.US

Role of the Jail in Contributing to the Efficiency of the Local Criminal Justice System

Michael O'Malley, Vermont Department of Correction

Background

Vermont has a population of one million; only 1400 people are in jails, detention, or prisons. As everyone in corrections works for the same agency, there is no such thing as "dumping" offenders from one system onto another.

Public Opinion Research

In 1994-95 and again in 1999, the state hired a research group to conduct research to gauge public opinion of the state's criminal justice system. The purpose of the surveys was, in part, to determine whether the state should build more facilities or develop alternative sanctions. The research, funded by the National Institute of Justice, involved telephone interviews with 600 randomly selected state citizens, focus group discussions, and in-depth interviews with victims, offenders, community board members, and those who work in the criminal justice system in the state.

The results indicated that the public wants:

- Safety from violent predators
- Accountability for violations of the law
- Reparation for damages done
- Treatment to ensure safe release
- Involvement of the community
- Assurance of quality and efficiency

The study was an update of a 1994 study of public opinion about crime and corrections in the state. The 1994 study found:

- Low public confidence in virtually the entire criminal justice system;
- A huge majority, 75%, in favor of "totally reviewing and changing the way Vermont deals with convicted criminals."
- An even larger majority, 92%, in favor of a concept that the DOC had on the drawing board, which would establish a statewide network of community-based reparative boards.
- Broad public willingness to use non-incarcerative sanctions with an array of non-violent offenders.

The 1999 update found three serious disconnects between what Vermont citizens believed about crime and its consequences and what was actually true:

1. *Vermonters believe that crime is at least as prevalent as it was five years ago.* Although the decline in crime has been well publicized, state citizens believe that crime is either as prevalent as it was five years ago or that it is on the increase. This means that, despite statistics and reality, Vermonters do not feel any safer today than they did five years ago.
2. *As was true in 1994, there is a gap between what Vermonters believe should happen to convicted violent offenders, including rapists, and what they think the state does.* For example, 95% of the public interviewed said that convicted rapist should almost always be incarcerated, but only 28% think this is actually what happens. Experts interviewed, however, indicated that a convicted rapist would definitely be incarcerated and would probably serve 15 years.
3. *Vermonters believe that because of prison overcrowding, many violent offenders are released early, before serving their complete sentence.* Nearly two-thirds (63%) said that prison overcrowding is so severe that "many" offenders who committed a crime using a gun or a knife are released before serving their complete sentence. Only 14% strongly disagreed.

Between 1994 and 1999, the state did manage to convince the public that the violent crime rate has declined. However, the strongest message of the study is that is *perceptions* not *reality* that matter. It is important to educate the public and policymakers on the truth.

Vermont's Criminal Justice System

Summary points:

- Vermont's incarceration rate per 100,000 population is very low in comparison with the rest of the Northeast and the country as a whole.
- Vermont spends approximately \$52/per citizen for corrections, which makes it about fourth lowest in the nation in corrections expenditures.
- Total bed capacity increased 49% in Vermont between 1990 and 1998; bed capacity increase for the U.S. a whole for the same period was 89%.
- The percentage of violent offenders who were incarcerated in 1996 was 71% in Vermont vs. 47% in the U.S. as a whole.
- In 1997, 62% of those convicted of felonies in Vermont were incarcerated; of those convicted of misdemeanors and motor vehicle offenses, 31% and 28%, respectively, were incarcerated.
- The results of restructuring corrections in the state included a larger number of non-violent offenders being diverted from jail.

Conclusion

It is important to have real data to present to the public and policymakers. The public is willing to have non-violent offenders supervised in the community, if they are convinced by data that there is no loss of public safety. Conversations with policymakers also must be grounded in specific facts and figures in order to convince them of needed changes.

For additional information, contact Michael O'Malley, Director of Security, Vermont Dept. of Corrections, P.O. Box 175, Rutland, VT 05702; (802) 786-5805.

John Dantis, Bernalillo County, New Mexico, Department of Corrections

(Note: Mr. Dantis was unable to attend the Large Jail Network Meeting. Therefore, the following summary is based on his speaker's notes.)

Background

The Bernalillo County Detention Center (BCDC) is a 1500 bed facility. There are approximately 140 inmates per day on Community Custody status. BCDC has a \$28 million budget and is jointly funded by the County of Bernalillo and the City of Albuquerque. Through a Joint Powers Agreement established over 20 years ago, the City of Albuquerque oversees the administration of BCDC.

BCDC has been operating under a Federal Settlement Agreement since 1995, which requires the main and satellite facilities to stay within a specific population. In the past several years BCDC has struggled to stay within this population cap. As a result, a number of creative programs and activities have been initiated, some with more success than others. These are described below.

Apart from the federal lawsuit, BCDC has always recognized the importance of managing its population. Administrators strongly believe that you can never build your way out of an overcrowding problem. It is also critical to work with agencies outside the jail to develop efficiencies in processing inmates. As warehousing inmates does not solve any problems, inmate management also includes strong substance abuse, education, mental health, and other programs. These programs assist in reducing recidivism, which clearly impacts both the number coming in and their length of stay.

BCDC has worked hard over the past five years to stay ahead of its crowding problem. Despite these efforts, ground was recently broken on a new Metropolitan Detention Center that will initially house 2200 inmates and a build-out of 5000 beds. The MDC is scheduled for completion in the summer of 2001.

BCDC Initiatives to Reduce Overcrowding

BCDC has implemented the following programs to impact the number of inmates being booked and/or to reduce the average length of stay:

- Contracted with the District Court to provide a full-time psychologist to accelerate the competency evaluations on inmates with mental illness.
- Contracted with the Metropolitan Court to provide a pretrial program at BCDC 7days a week, beginning at 1500 hours and ending at 0700 hours during the week and 24 hours a day on weekends.
- Contracted with the Metropolitan Court for arraignment judges, clerks, security, etc., for weekend arraignments.
- Developed an accelerated Judgement and Sentencing Order (J&S) and procedure for a sentencing judge to use at the time of sentence. The J&S form is on the judge's

bench, completed by the judge, and signed by the district attorney and inmate's attorney immediately without having to be routed for signatures. The judge is advised by jail transport officers of any pre-sentence confinement time at the time of sentencing. This procedure allows an inmate to be sentenced and transported to the state DOC within 7 days.

- Implemented a community custody program called ASDP (Alternative to Secure Detention). This program has four components: Community Trackers (corrections officers working the community 24 hours a day monitoring offenders; Day Reporting; Day Detention; and Electronic Monitoring. An inmate can be in one, two, or all of the components depending on his risk to the community. BCDC modified the classification system, using a scoring system to rank inmates' risk to the community. No inmate is placed on the ASDP program without court approval.
- Requested and received expanded authority from the district court to consider category II warrants and up to 3rd degree nonviolent felons for ROR services.
- Developed a pre-bail form for inmates who have not been eligible for bail at the time of booking. If conditions at work, home, or community program change, the inmate can use this form to seek assistance from a local bonding company.
- In cooperation with the Metropolitan Court, developed a precursor to a Mental Health Court. The new system identifies inmates with mental health problems and works to fast track them through the system. BCDC has also helped obtain funding to train police officers to recognize signs of mental illness and divert the mentally ill from jail.
- Developed a system to call on judges (usually from Metropolitan Court) to come in on weekends to screen cases for release over which Pretrial did not have authority. The judge can usually dispose of many of the cases.
- Established a system in which BCDC caseworkers actively evaluate and assess an inmate's status to approach the court for sentence reconsideration. At the request of BCDC, a number of inmates are either given sentence credit or approved for ASDP.

In addition, BCDC works constantly with the court, district attorney, public defender, and community agencies to move inmates through the criminal justice system.

Metropolitan Criminal Justice Coordinating Council

About two years ago, Bernalillo County and the City of Albuquerque entered into a Joint Powers Agreement, establishing the Metropolitan Criminal Justice Coordinating Council (MCJCC). Funding to staff the MCJCC comes from a Law Enforcement Block Grant. MCJCC membership is made up of all major criminal justice policy and government officials in Bernalillo County. They also serve as the Advisory Board to BCDC. A major subcommittee is the Judicial Systems Efficiency Sub-Committee. The Director of BCDC is a member of both the MCJCC and the Systems Efficiency Sub-Committee.

For additional information, contact John Dantis, Director, Bernalillo County Dept. of Corrections, 415 Roma Northwest, Albuquerque, NM 87102; (505) 764-3502.

Tim Ryan, Santa Clara, California, Department of Correction

Background

The Santa Clara County Department of Correction had an average daily population of 4468 in 1999. Ten percent of inmates are women. About 70,000 people are booked into the county jail each year. There are 1,111 staff positions. The jail has the largest mental health hospital in the county. Santa Clara County is the largest of three independent Departments of Correction in California.

About a year ago, someone discovered that the judges played golf on Friday afternoons. The local press published a picture of the judges on the golf course and posted their scores on the front page. This created an interesting phenomenon that indicated how change is sometimes achieved, as efficiencies within the courts have since dramatically improved. One lesson from this is the need for jail administrators to embrace the local press.

Jail administrators tend not to be extroverts. Our inclination is to hide behind the walls and fences. This stance makes it easy for others to point their fingers at us as the problem if the jail is overcrowded. We must counter by fighting back and making clear that problems are in the system as a whole rather than in the jail. We need to market ourselves in a different way.

The Santa Clara Department of Correction was created about 10 years ago as one of three Departments of Correction in the 58 counties in California. The impetus was multiple: to run the jail like a business and to reduce costs and recidivism. About two years ago, the inmate count was 4900, and we were talking about the need for additional resources simply to deal with day to day operations. We had to find a way to deal with the growing inmate population. We have been successful in bringing the count down 700 to 4200. Following is a summary of some initiatives developed by Santa Clara to accomplish this population reduction.

Initiatives

The first effort was designed to increase collaboration. The County Board of Supervisors put together a Public Safety and Justice Committee modeled on the King County approach. It brought together all players in the criminal justice system and said, "We have a big problem. What should we do about it?" Answers were both front-end and back-end solutions.

Front-End Solutions

Out of the original committee, two subcommittees were formed: the Court-Related Subcommittee and the Jail-Related Subcommittee. Members came together once a month. Each participating agency had to bring in a potential solution for the others to talk about. Among the front-end solutions agreed on were the following:

- Agreement on a county-wide citation policy. The police chiefs agreed on criteria to be met before someone would be taken to jail.
- Creation of a Sobering Center. This Center is county-funded, was initially a city agency, and is now a state agency. It is a partnership but is not located in the jail.
- Development of a Mental Health Crisis Team. The mental health agencies and the city police departments work together as a team. They also pay for the Mental Health Crisis Team. When there is a mental health situation, rather than taking the offender to jail, the Crisis Team is called.
- Improvement of the Jail-Public Health Relationship. Public health workers identify up front any offenders who are ill and they work with them immediately.
- Cooperation with Law Enforcement. Fingerprint information should be fed back to the local police. In addition, if you monitor inmate phone calls, information gathered should go back to law enforcement. Although Santa Clara has been monitoring phones, the local chapter of ACLU has now sued us for this practice.

Back-End Solutions

All inmates will eventually return to the community. If we can do anything to make them better, we need to do so. Then, we need to sell to the community what we are doing. The public tends to have the image of jails as simply holding offenders and doesn't have a good concept of the dozens of programs we provide. We need to promote our activities in the community. Santa Clara's programs are all paid for from the Inmate Welfare Fund, so the community is not paying for them. They need to know that.

- Department of Correction Foundation--Being in Silicon Valley has given the Santa Clara Department of Correction an unusual opportunity to work with the high technology business community. A non-profit organization specifically designed to do this is now in place. One thing the Foundation will do is help place inmates in jobs. Hewlett-Packard gave \$100,000 to the Foundation, and George Zimmer of Men's Wearhouse is interested in donating suits. Another intriguing result of this has been a request from the head of the county union. The union is under a lawsuit to hire women truck drivers, and the jail is responding to this need. The lesson is that it is important to make connections with everyone possible.
- Regimented Corrections Program--This boot camp program is for both men and women with substance abuse problems.
- Video visiting--Santa Clara will try using a trailer in downtown San Jose to conduct visiting. Families can go there and talk to their loved ones in jail.
- Can recycling--The Department of Correction makes \$700 a day by recycling cans.

- Solving crimes--Recently two 20-year-old crimes were solved on the basis of DNA analysis of blood and saliva extracted by the jail. We need to remind detectives and the public that it is the jail doing such work, as we don't normally get credit for it.

In short, we need to think in terms of a business perspective and to sell what we do.

For additional information, contact Timothy Ryan, Chief, Santa Clara County Dept. of Correction, 180 W. Hedding St., San Jose CA 95110-1772; (408) 299-4005

Community Oriented Policing: Defining the Concept and Its Application and Relevance to the Local Jail

Delores Messick, El Paso County Detention Facility, El Paso, Texas

El Paso County has a number of programs in which officers are involved with the community. The jail is actually located outside the community. There are 219 staff in the jail, but 136 of them have less than a year in the department.

Programs in the Community

Programs in which officers are involved with the community include the following:

- Sports team sponsorship. The detention facility sponsors several sports teams in the community, including T-ball, Little League, and basketball.
- Mentoring programs in the schools. Officers also go into local elementary schools and read to students.
- Tours of the facility. Opening the facility to the community makes them feel that the jail is theirs. Meetings are held in the jail, and the road around the facility is used for jogging both by the public and officers.

It is important to create ties to the community, and it is clear that working with children can help prevent crime.

For additional information, contact Delores Messick, Captain, El Paso County Detention Facility, P.O. Box 125, El Paso, TX 79940; (915) 856-4800.

David Kurtze, Fresno County Sheriff's Office, Fresno, California

Background

In February 1999, Richard Pierce, Sheriff of Fresno County, sent a letter to all Sheriff's Department staff outlining the emphasis of the Department for the millenium. He noted that "the next step in our departmental evolution will be to bring al the pieces currently in place together under the umbrella of **Community Oriented Policing and Problem Solving (COPPS)**." In addition, he changed the structure of the organization to open up the chain of command in corrections ranks and to give line personnel additional responsibilities and authority. The Department moved from four Divisions to eight Bureaus. A deputy was placed in every county school, with the idea that every school neighborhood would form a beat.

Training

The department selected 10 trainers to attend a 40-hour course in COPPS. The program did not specifically address corrections, so materials had to be modified. Following this, initial training was held for all staff. Management staff received 16 hours of training and supervisory staff, 16 hours. These two groups were trained first, so that they could help other staff through the process. Line staff received 16 hours of training, and civilian/support staff received from 4 to 16 hours.

Core Components of Community Policing

Community policing is an organization-wide philosophy and management approach that promotes community, government, and police partnerships; proactive problem-solving and community engagement to address the causes of crime, fear of crime, and other community issues. The two core components are:

- **Community partnerships** are joint efforts between law enforcement agencies and their communities to address significant crime and quality of life issues.
- **Problem solving** is a process for analyzing a problem from several perspectives in order to seek the most thoughtful approach possible, which should also be the solution most likely to succeed.

Ten Principles of Community Policing

- Change--Change is a constant that drives the organizational culture.
- Leadership--Leaders must reinforce community policing's vision, values, and mission. Everyone must exhibit leadership within the limits of their role to educate others about community policing.
- Vision--The picture of the ideal should provide the inspiration to achieve goals.
- Partnership--The development of equal partnerships among all community groups is supported as a means of promoting collaboration and consensus.

- Problem Solving--Solving problems involves an analytic process for identifying specific community situations and their causes, so that tailor-made responses may be designed.
- Equity--All citizens will receive effective, respectful service. Service should reflect need.
- Trust--A community policing organization must demonstrate integrity and a commitment to follow through on its promises to the community.
- Empowerment--A shift in the organization gives greater autonomy to line personnel and creates community.
- Service--There must be a commitment to provide decentralized and personalized service to neighborhoods.
- Accountability--There is mutual accountability, as the community holds the department accountable for its actions, and the department holds the community accountable for taking its share of responsibility in maintaining public safety.

What Community Policing is Not

- A tactic, technique, or program--It is not a limited effort to be tried, but a new philosophy of service to the community.
- Public relations--Improved relations are a by-product, not the primary goal.
- Community harassment--It requires working with the community as equal partners.
- Anti-technology--New technologies should enhance interactions with the community.
- "Soft on crime"--Arrests are seen as an important tool in solving problems, but not as the primary yardstick of success or failure.
- Flamboyant--Community policing tackles chronic problems that require long-term community building and community-based problem solving.
- Paternalistic--The role of law enforcement shifts from "expert" to "partner."
- Cosmetic--It deals with real problems, including serious crime, illicit drugs, and fear of crime.
- A top-down approach--It shifts more power and responsibility to line officers.
- Just another name for social work--Community policing formalizes and promotes the problem solving that has always been part of law enforcement.
- Just about results--It is about both means and ends.
- Elitist--Law enforcement is part of the community and requires support from all.
- Aimed at any one social class--Equity requires spending resources where they are most needed.
- "Safe"--It allows for mistakes and for failure.
- A quick-fix solution or a panacea--Although it can yield quick successes, community policing can take years to see results.

- Just another name for business as usual--If there is no substantive change, it is not community oriented policing.

Why Community-Oriented Policing for Corrections?

The jail population mirrors that in the community, so if community-oriented policing works on the outside, it should work inside the facility as well. It can improve inmate disciplinary problems and population management. Interactions with the community in a variety of ways can counter negative visions of corrections. Cooperating on projects can also improve the relations of law enforcement and corrections.

Benefits to the officer include self-satisfaction achieved through solving problems, an opportunity to be creative and innovative, and a chance to make a real difference. Officers have the opportunity to be valued for their real worth and not just their rank.

SARA Problem Solving Model

COPPS places an emphasis on problem solving based on non-traditional thinking and thinking outside the box. The SARA problem solving model has four interconnected steps. These steps are as follows:

- Scanning--identifying the problem
- Analysis--understanding the conditions that caused the problem to occur
- Response--developing and implementing solutions
- Assessment--determining the impact of the implementation.

The usual inclination when faced with a problem is to jump to a response. This model emphasizes the importance of pulling back to do scanning and analysis first. (For more detail on the model, see the handout on page 45.)

Negotiating the Community Policing Minefield

There a number of possible obstacles to successfully implementing community oriented policing. Among these are the following:

- Calling Community Oriented Policing efforts a "program"
- Making Community Oriented Policing the job of a specific individual or unit
- Allowing anyone to expect a quick fix
- Doing it without the support top management
- Having only a few planners design the transition plan
- Keeping the politicians out of the process
- Doing too little training too soon
- Not having managers present during training
- Providing only classroom training
- Not measuring the effectiveness of Community Oriented Policing and Problem Solving efforts
- Not reviewing Value and Mission statements to ensure they complement COPPS

Obstacles to Implementing COPPS

- Lack of information specific to corrections
- Resistance to change
- Understanding and implementing SARA problem solving model
- Staffing problems
- Budget

Practical Applications of COPPS

- Direct supervision--Fresno has "modified" direct supervision. Staff are encouraged to be involved appropriately with the inmates.
- Sheriff's Inmate Labor Crew --Forty inmates work on county clean-up projects.
- Problem Solving--This is the key to the whole process, but it could be done better.
- Inmate intervention and education programs--The organizational philosophy is crime prevention through intervention and education. Programs include those addressing job interview skills, domestic violence, and working with the faith community.
- Mental health services--Ten percent of inmates have some mental illness. The department partners with local community mental health agencies.
- Community involvement by correctional staff--The Department partnered with the Toys for Tots program.
- Customer service orientation--This is a key and involves simple courtesies to develop a strong relationship with the community

Future COPPS Issues

1. Training--Staff need to be retrained and updated on COPPS.
2. Human resource management--Hiring and recruiting are affected by the COPPS philosophy.
3. Building partnerships with the community--We need to do more in this area.
4. Implementing restorative justice--Victims must be included in the process. A Victim Offender Reconciliation Program is being considered for the jail.
5. Community oriented government--In the future, we want to bring in other agencies with the same philosophy.

Federal Involvement

Federal dollars helped develop the initial program, including placement of officers in the schools. If there is continued buy-in from the community, they should continue to support it. COPPS allows your department to be seen as protecting, rather than oppressing, the community. Fresno has made a long-term commitment in this direction.

For additional information, contact Sgt. David Kurtze, Fresno County Sheriff's Office, 2200 Fresno St., Fresno, CA 93721; (559) 488-1902.

Roundtable Discussion

Meeting participants discussed the implications for large jails of the presentations made at this meeting. The following points were reported as central to the conclusions of each small discussion group:

- Jail administrators cannot live in their own world. They must open up and work cooperatively with others in the community.
- Openness rather than confrontation should characterize interactions with the community.
- Problem solving needs to be recognized as a crucial tool.
- The future of corrections depends on how we address our audiences. Although some jurisdictions may seem more receptive to a jail's message than others, positive reactions can be fostered in surprising places.
- It is important to involve as many stakeholders as possible in addressing crowding. Include police, probation, parole, district attorneys, and judges in regular meetings to solve the problem.
- Now is the time to open the doors and let the community in; jail administrators have much to be proud of.
- It is important to give staff the power to make decisions.
- Better education of the public and decision-makers about jail operations can have a positive impact on the criminal justice system as a whole.
- Although jail leaders can define the jail's mission, in part, external forces are also crucial. Recognizing that the jail must operate within others' parameters helps administrators define directions.
- Victims need to be included among the important stakeholders in the system as a whole.
- The principles of community oriented policing can be implemented in correctional facilities. There is a need to look at incorporating its philosophy into facility operations.
- NIC's role in facilitating the Large Jail Network and in conducting and disseminating research is appreciated.

Legal Issues Update

William C. Collins, Attorney at Law, Olympia, Washington

Issues Covered

Bill Collins, Olympia, Washington attorney, provided updated information on the following legal issues:

- Prison Litigation Reform Act
- Americans with Disabilities Act
- Cross-Gender Supervision
- Mail Reading and Censorship
- Use of Force: Restraint Chairs, Stun Guns, A Case Study
- A List of Legal Issues of Concern to the Jail Administrator

Collins' written summary, highlighting case law on each of these issues, follows, beginning on page 47. The following points summarize Collins' additional comments made at the meeting.

- **Prison Litigation Reform Act (PLRA)**--The PLRA has resulted in a huge decline in the number of inmate cases being filed. In general, the courts have upheld significant aspects of PLRA. The statute was intended to: 1) make it harder for an inmate to get to court and 2) restrict the court's remedial powers. Its most significant provisions make it harder to impose population caps on institutions and easier to terminate both new and existing orders.

For the jail administrator, it is important to consider whether the jail's grievance system and other administrative remedies are broad enough. Some grievance systems are rigid, while others are flexible. The question: what is the purpose of the grievance system--to make the inmate go through hoops or to discover real problems. Collins suggested that administrators survey inmates on what they think of the grievance system. Do they see it as effective or as a waste of time? On the question of applying time limits in the grievance process, he suggested that, where is good reason, the system may be flexible with specified time limits. However, it is difficult to argue "exhaustion" if time limits are not followed.

- **Americans with Disabilities Act (ADA)**--Collins noted that there is the *possibility* that the ADA will be found not to apply to state or local government. However, administrators should not assume this to be true.

When identifying possible accommodations for an employee, it is important to list possibilities and work through them. Reassignment to a different job is a possibility--

although perhaps a last choice--but the alternative assignment may be at a lower level.

It is important to clearly identify "essential parts" of various positions, including correctional officer. For example, if all employees are specifically expected to work every shift, this might be considered an essential part of the job. Defining the essential parts of jobs is a crucial issue in the context of the ADA.

- **Cross-Gender Supervision**--In general, administrators should assume that the courts will recognize greater privacy rights for female inmates than for male inmates. This is currently being litigated by the New York State Department of Correctional Services, but, until the case is settled, it is important to be conscious of the distinction between privacy rights of male and female inmates.

In a recent King County, Washington, case, male inmates created a sexually charged atmosphere by calling female officers by sexual terms. Male officers began to pick up the same terms. In response, the jail system was inconsistent in its treatment of the offensive behavior and language, and the problem turned into a form of sexual harassment. The case has been settled, with a payment of \$500,000 to nine female officers, plus attorneys' fees and operational changes. To address similar issues, administrators must make clear that such behavior will not be tolerated. The issue also relates to the general importance of inmates' respect for officers.

- **First Amendment and Mail**--In evaluating a request from the District Attorney's office to open mail to or from a defendant inmate and to copy it and send it to the DA, it might be a good idea to first request a legal opinion from the DA validating the request.

- **Use of Force: Stun Belts and Restraint Chairs**

In addition to the summaries on Use of Force cases provided in the handout, "Large Jail Network Legal Issues Update - 2000," Collins distributed a written "Legal Issues Critique," (see page 67.)

The "Legal Issues Critique" summarizes the opinion in *Swans v. City of Lansing*, highlights important portions of it, and offers comments on significant aspects for the case for jail administrators. In his comments to meeting participants, Collins noted in the context of the case the value of videotaping all incidents involving use of force in the jail.

For additional information, contact William Collins, Attorney at Law, P.O. Box 4923, Olympia, WA 98504; (360) 754-9205; billclr@aol.com

Future Meeting Issues

Richard Geather, NIC Jails Division

Richard Geather led a discussion of meeting participants on topics suggested for as the focus for the next meeting of the Large Jail Network, to be held in July 2000. Proposed topics included:

- Marketing the jail
- Budget preparation strategies
- Other sources of funding for jails
- Public vs. private vendors for services and programs
- Programs in ethics and integrity
- New community collaborative agencies
- Restorative justice implementation
- Auditing operations, especially intake
- Update on the public health/jails meeting in Chicago
- Best practices in recruiting and hiring

The group determined that the topics to be addressed next time include marketing the jail, strategies for budget preparation (including a discussion of performance measures), and information on other sources of funding for jails.