



U. S. Department of Justice
National Institute of Corrections

**PROCEEDINGS
OF THE
LARGE JAIL NETWORK
MEETING**

January 1994

The comments in this document reflect the experiences and opinions of the participants of the symposium. The comments/contents do not necessarily reflect official NIC views or policies.

**Proceedings of the Large Jail Network
Meeting**

**January 23-25, 1994
Longmont, Colorado**

Sponsored by the National Institute of Corrections

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NATIONAL INSTITUTE OF CORRECTIONS
JAIL CENTER

LARGE JAIL NETWORK MEETING
JANUARY 23-25, 1994

The focus of this meeting of the Large Jail Network was the intergovernmental dimensions of the role of the jail in the criminal justice system. Administrators of large jails and jail systems were joined by representatives of major government and criminal justice professional associations in addressing this topic. A special guest at the meeting was Vivian Watts, Former Director, U.S. Department of Justice/U.S. Advisory Commission on Intergovernmental Relations Criminal Justice Study.

MEETING HIGHLIGHTS

Opening Address: National Public Policy and Intergovernmental Dimensions of the Role of Jails in the United States

Vivan Watts, Former Director of the U.S. Department of Justice/U.S. Advisory Commission on Intergovernmental Relations Criminal Justice Study, emphasized the need for top managers of jail systems to get involved in the criminal justice system.

She highlighted a number of recent criminal justice trends:

- 0 Changes in prosecution and sentencing account for more than 60 percent of the growth in prison admissions.
- 0 There has been a tremendous rise in mandatory sentences and an overall trend to take discretion out of the criminal justice system.
- 0 A result of this trend is an extreme increase in the number of parole and probation violators returned to prison.
- 0 "Tough on crime" political positions strain corrections resources several years later. Political rhetoric should be countered with accurate projections of the results of proposed policies.

Alternative Sanctions

One solution to the current crisis in the criminal justice system is to make greater use of alternative sanctions at all levels. A realistic goal would be for at least 10 percent of the present prison population to be considered for community sanctions. In implementing alternatives, however, it is important to address public safety issues and to promise no more than we can deliver. We must also be willing to spend money on these programs and to document their success.

What Jail Administrators Can Do

Ms. Watts emphasized the importance of getting funding sources to understand staffing needs and issues. She pointed to corrections' difficulty in competing with other public priorities for resources. Because policies upstream are what affect corrections, corrections leaders need to be active in networking with other parts of the criminal justice system. If they understand the mission of the jail and its part in the system, jail administrators can make a real difference.

Session 2: Governing the Non-System: The Criminal Justice System Challenge

Don Murray, Director of the National Association of Counties (NACO), noted corrections' importance within county government. In conjunction with other national groups, NACO has held a series of conferences on the jail crisis. NACO has recently turned its attention to the following issues related to jails: prevention programs, programs to prevent juvenile delinquency, and the National Health Plan, which, in its present form, would exclude inmates in county jails and juveniles in detention centers.

Tom Charron, representing the National District Attorneys Association, pointed to some commonly-shared perspectives of district attorneys:

- 0 The growing recidivist rate has had a major impact on jail populations and on the types of offenders in jail.**
- 0 The public is more interested than ever in getting tough on crime, and the public prosecutor is an elected official who must be in tune with the community.**
- 0 Prosecutors are skeptical about the value of alternative programs because there is little data on their success.**

Charron highlighted the importance of information-sharing and cooperation between the jail administrator and district attorney.

Donna Hunzeker, Criminal Justice Program Manager for the National Conference of State Legislatures (NCSL), made specific suggestions for ways in which states and localities can work more closely together to address criminal justice problems:

- 0 **Review and define your local jurisdiction's priorities and make sure your state's aid formulas support these priorities.**
- 0 **Conduct research and collect data on the success of alternative programs and present the results to state legislators.**
- 0 **Find ways to educate the public and policymakers about corrections' successes.**
- 0 **Stay apprised of federal initiatives and take advantage of opportunities to provide input.**
- 0 **Keep open lines of communication with state legislators and legislative staff.**

Session 3: How Do National Public Policy Decisions Influence the Role of Jails in the United States?

William Pedrini, San Mateo County, California, focused on the effect of federal immigration policy on local jails. Some states, including California, are spending enormous amounts on services to illegal immigrants--including incarceration. Further, illegal immigrants have an impact on the jail in terms of language, customs, and health care. There seems no solution on the horizon, no apparent way to counter the effect of national immigration policies on local jails.

Tom Allison, Orange County, Florida, highlighted the importance of crediting human beings with the ability to change. Jail administrators need to take responsibility for the product of the jail, the offender who goes out into the community. One way to do this is to find new ways of encouraging inmates to participate in programs designed to address their problems.

Vivian Watts pointed to the likelihood that current federal crime legislation will increase penalties for a number of crimes. She also noted that prosecution is shifting from state to federal courts, which means that offenders are likely to spend more time in local jails waiting for trial. Reiterating the importance of federal policy on local jurisdictions, she emphasized that jail administrators should have a voice in federal legislation so that the full range of criminal justice concerns--not just prosecutors and police--are represented.

Session 4: Moving Jails Into the Mainstream of Local Governmental Thinking and Planning

John Simonet, Denver County, Colorado, cited the following reasons for jail administrators to be part of the mainstream of local government: to get money; to get support for construction; to do work or education projects; to have input into decisions to privatize jail services; and to address collective bargaining issues. He emphasized the importance of the person in charge of the jail being the one who should become involved, and he pointed to specific qualities that can make that person most effective.

Luke Smith, Westchester County, New York, pointed to the most practical reason for becoming involved in local government: such involvement can provide additional resources. Interdisciplinary involvement in Westchester County enabled the jail to develop an array of alternatives to incarceration and secure funding for programming.

Michael O'Malley, Security Director of the Vermont Department of Corrections, described the efforts of Vermont's combined corrections system to completely restructure sentencing, classification, and programming.

Under the new structure, Vermont has two sentencing tracks: 1) reparation for low risk, low need offenders and 2) risk management for offenders who require some level of treatment for their criminogenic needs. The new policy is based on reducing offenders' risk of re-offending. All supervision in the treatment programs is based on relapse prevention.

Session 5: Jails: Developing Intergovernmental Approaches to Local Responsibility

Faced with the need for a new jail and no money to build it, *Peter Flynn*, Sheriff of Plymouth County, Massachusetts, formed a non-profit corporation, along with the Chairman of the County Commission and the County Treasurer. The corporation signed an interagency agreement with the U.S. Marshals Service and a Memorandum of Understanding with the Commonwealth of Massachusetts to hold federal and state inmates in the jail.

On the basis of these agreements, Flynn reported, the group sold \$110 million in Certificates of Participation to finance construction of the jail. As part of the financing package, the town received land for a police station and the state received land for a courthouse. The group persuaded the state legislature to pass enabling legislation for the project, and despite opposition from a small group, the community voted in support of the jail construction project.

Pepe Lucero, Bexar County, Texas, highlighted the importance of intragovernmental as well as intergovernmental issues. Jail administrators must get their own house in order, develop an effective team, and work well with budget people. Administrators must be in the front line of intergovernmental activity. They should also recognize the importance of tracking federal initiatives, especially those with the potential to affect the jail either positively or negatively. Local responsibility is both localized and personalized, Lucero emphasized.

Tim Allen, of Alameda County, California, has worked closely with other local agencies, initially in terms of automation issues, but now through a committee of department heads. The county's approach has been to contract with other agencies for inmates to perform services for which the agencies would otherwise have to expend additional resources. Public service work projects promote good relations with these agencies and with the community as a whole. They also provide revenues for the Sheriff's Department, which are used to offset jail expenditures, especially personnel costs.

Jack Terhune, Bergen County, New Jersey, called for jail administrators to speak out about the real impact of "tough on crime" policies advocated by politicians. He emphasized that it is time to hold politicians accountable by reminding the public about what happens to people who are the product of a tough law and order agenda and what it costs to keep those people locked up. Commenting that corrections is weak on accountability, he stressed the importance of measuring the success of programs.

Session 6: Professional Associations in Corrections: Their Influence on National Perspectives of the Role of Jails

Representatives of three national corrections associations--National Sheriffs' Association, American Jail Association, and American Correctional Association, spoke in this session. Each speaker summarized the services provided by their groups to corrections professionals. All three groups were active in supporting NIC funding.

Charles Meeks, Executive Director of the National Sheriffs' Association, outlined NSA's involvement in the national political scene and encouraged jail administrators to become involved in issues of importance to them.

Beverley Armstrong, Secretary of the American Jail Association, noted that AJA's designation as 501 3c organization prohibits it from doing extensive lobbying. However, board members work closely with other associations and contact legislators directly to promote issues they feel strongly about.

Jim Gondles, Executive Director of the American Correctional Association, gave a history of ACA, pointing out that it is one of fewer than 100 associations founded before 1900 still in operation. He emphasized that members of ACA should feel free to call him about any issue related to adult detention facilities.

The speakers all emphasized the ways in which their organization can help get the view of jail administrators to those who make decisions.

Session 7: Closing Session

Mike O'Toole, Chief of the NIC Jails Center, reminded participants to return their

completed Survey of Mental Health Services in Local Jails to COSMOS. He also reported that the Jails Division will be conducting an evaluation of Network meetings and the Large Jail Network Bulletin this Spring.

Richard Geather thanked participants for coming and discussed possible dates and topics for the next meeting, to be held in July 1994.

MEETING PROCEEDINGS

Opening Address: Vivian Watts, Former Director, U.S. Department of Justice and U.S. Advisory Commission on Intergovernmental Relations Criminal Justice Study

Note: Ms. Watts referred throughout this presentation to tables and figures from a document entitled "The Political Context of Major Metropolitan Jail Administration." References to the figures are provided in the following summary, and a copy of the document is attached as an Appendix to these Proceedings.

The theme of this presentation is that top managers of jail systems need to get involved in the criminal justice system. Traditionally, the criminal justice system is understood only in terms of the police and the courts; corrections has been ignored as a part of the system.

If you are going to make a difference, you need to understand that what corrections is going through today didn't start with the war on drugs. There has been unprecedented growth in the system over the past fifteen years; the annual growth rate was about 6 percent between 1974 and 1985 and then jumped to 8 percent. Recently, the increase has dropped to 7.2 percent (Figure 1-1).

For fifteen years, this country has been trying to deal with crime by locking up more and more people. That perspective lets us think about how successful we have been and about the ramifications of having so many people behind bars.

What Accounts for the Growth?

- 0 The U.S. population as a whole has grown about 18 percent over the past fifteen years; this increase accounts for about 7.7 percent of the growth in prison populations.
- 0 Increases in reported crimes accounted for 19 percent of the prison population growth, and increases in arrests accounted for another 5.3 percent.
- 0 Changes in prosecution and sentencing--which account for 60.9 percent of the growth--have been the driving force in the increase in prison admissions (Figure 1-2).

Other Trends

- 0 **Inadequate resources for probation and parole.** In most areas of criminal justice, a growth in personnel has followed the growth in the number of offenders. In probation and parole, however, there has been only a 50 percent growth in staff relative to the growth in the number of offenders under supervision. Operating

probation and parole without sufficient resources has resulted in inadequate supervision of offenders.

- o **Loss of discretion in the criminal justice system.** There has been a tremendous growth in mandatory sentences and a general trend to take discretion out of the system. Since 1977 there has been a major shift away from offenders being released from prison on discretionary parole to offenders being released on mandatory early release (Figure 2-3).
- o **Increase in the number of probation and parole violators.** One result of taking discretion out of the system is an extreme growth in the number of parole or probation violators returned to prison. In 1974 only 10% of prison admissions consisted of parole violators, but in 1989 the proportion was 28%--and even higher in some states (Figure 1-7).
- o **“Tough on crime” political positions.** These have had an important effect on the system. The person advocating an increase in the penalties for certain crimes does not have to worry about paying the bill. That bill comes due three or four years later, when the policymaker may have been succeeded by someone else. One good way to counter this pattern is to make real projections of the results of policy decisions. With such data, administrators can become part of the dialogue rather than allowing campaign rhetoric to triumph.

Use of Alternative Sanctions: A Solution

We must make greater use of alternative sanctions at all levels. It is important not to promise more than we can deliver, however. We must make real changes, not just put new labels on old programs. The real public safety issues need to be addressed, which means that we must document how programs work and not try to run alternatives cheaply.

We must spend money where it will do the most good, not where it will simply look successful. We must not choose easy populations for alternative programs, but must be willing to stand up for real change rather than net-widening.

Data show that 60% of new admissions are in prison for a current violent offense. Eighteen percent are incarcerated for a fourth or more non-violent offense (Figure 4-4). This suggests that it may be a realistic goal to consider at least 10 percent of the present population for community sanctions.

It is important to look closely at each jurisdiction. (See “Forms,” in the Appendix.) Some states have more latitude than others to reduce their prison populations through increasing the use of alternative sanctions. You need to look at such things as the current proportion of the population behind bars and the proportion of those arrested who are incarcerated.

Jail Programs

One-third of large jails still don't have education programs, a third don't have work release programs, and almost half don't offer drug or alcohol treatment.

Other Challenges

- 0 Data on arrests in the U.S. show a very significant increase in violent crime by juveniles. One indication of this is a 51.7% increase in robbery as opposed to a 2.7% decrease in burglary. (See "Arrests in the U.S., 1991," Appendix.) This means that a whole different kind of offender is moving into the adult corrections system.
- 0 The tremendous crime rate in our large cities (Figure 7-2) makes clear that we must deal with a number of socio-economic issues. The differences among economic levels have become extreme and, in some places, we have lost two generations of families.
- 0 A number of examples around the country show that you can make a significant difference in jail populations through good case management (Figure 3-4). If you reach out to judges, prosecutors, clerks of the court, you can make real progress through case management approaches. These include better pretrial screening early in the process so that offenders are not sitting in jail waiting for trial. You need to be sure that your facility has the statistical ability to track everyone in jail awaiting trial and that you are moving cases as rapidly as possible.

During my four years in Virginia, we had a 45 percent increase in the physical capacity of the corrections system. That experience taught me some useful lessons:

1. It is worth all the pain and suffering involved to get your funding source to understand staffing needs. They must sign off on your approach so that five or ten years down the line they don't take positions away from you.
2. If you are not already doing continuous recruitment, you should start. You must convince your budget people that it costs less to do continuous recruitment than it does to staff the facility on an overtime basis.
3. Design capacity and the number to be incarcerated are always on a divergent line. In this context, you need to make clear the need for enough officers to manage the facility safely. Programs are also important in this context, as they are the first thing to go in crowded institutions (Figure 5-2).
4. As most federal judges have been appointed in the last twelve years, the court's philosophy is not likely to change in the near future. There will be fewer court decrees, but county attorneys are still interested in avoiding liability. It is

important to point out your vulnerability if the jail doesn't meet standards.

Corrections In Competition for Resources

Correctional spending is the fastest area of growth in government; there has been a 230% increase in real dollars spent on corrections (Figure 1-9). It is difficult to get dollars from other priorities to fund corrections, especially as the public is apparently only concerned about police and arrests. You need to point to the consequences of those arrests and the need for money to support what you do. This problem is worse on the local scene than on the federal level; until recently, federal populations were not growing as fast as local corrections populations.

There is no such thing as national criminal justice policy in our country. Crime is a big-stakes poker game; we have an Anti-Crime Bill every two years that tends to put political pressure on the states to meet the toughness standard. But it is the state that pays the bill.

What Jail Administrators Can Do

Policies upstream are what affect corrections. You must reach out to the entire criminal justice system and your local community. You must define your jail's mission clearly and understand its part in the system. Judges and police recognize the importance of networking. Corrections leaders need to wake up to it, as well. You can make a difference. But if jail administrators don't do it, no one else will.

Discussion Highlights, Session 1:

- 0 Half the people in jail have not been convicted of a crime and many others are misdemeanants. Does the 10 percent figure you cited as eligible for alternatives to incarceration apply to jails?

Response: No. Through good pretrial release programs and solid information on the person charged, at least 20% could be released.

- 0 The average person in our jail has been convicted of eight prior crimes. Does it cost less in terms of lives or dollars to leave these people on the street? Is this best for society?

Response: The Rand Study looked at the cost of not incarcerating; it's important to treat career criminals differently than other offenders in order to protect the public. Ten percent of offenders are committing 80 percent of the crimes. Many studies look at averages, not at this breakdown. This is another example of why good information is important. Mandatory sentencing and guidelines undercut the ability to make decisions, to treat offenders differently based on their criminal

history.

- 0 I can't worry about anyone else in the criminal justice system because I have to fight for the jail itself.

Response: You need to be part of the local criminal justice system. You will find that you have more friends than you thought you did.

- 0 What does research say about the age of the population in the prison system? When will the geriatric set take over?

- 0 **Response:** Yes, this is happening now, and there are data showing how bad it can get. Eliminating parole and establishing sentencing guidelines create this problem. There ought to be discretion to release some in this group.

Session 2: Governing the Non-System: The Criminal Justice Challenge

Don Murray, Director, National Association of Counties

County government spends a larger proportion of its budget on criminal justice than any other level of government. In FY 1990, states and counties spent about \$30 billion on corrections; county expenditures were about \$8 billion of that. Eighty-five percent of this money was spent on operating and constructing institutions; only 11 percent was used for community corrections.

On any given day, about 1.2 million people are locked up--twice the population of Delaware. If we continue to jail at the current rate, by the year 2053, there will be more people in jail than on the outside. The sad thing in many jurisdictions is that we may be locking up the wrong people. Once locked up, offenders are usually not engaged in any meaningful activity.

NACO first convened a National Assembly on the jail crisis in 1977 in response to all the attention being paid to the prison crisis. No one was looking at the crisis in jails even though many more people were coming in and out of jails.

Community Corrections Acts

A 1972 federal government study recommended that all U.S. corrections should come under unified state administrations by 1982. NACO questioned the report because its attention to community corrections was coupled with a call for a state-run system. In response, NACO recommended the Minnesota model, in which the state turned all corrections except secure prisons over to counties and provided state subsidies. The Minnesota Community Corrections Act served as a model in twenty states.

These states have discovered, however, that a Community Corrections Act is not enough to solve the system's problems. If you simply add on community slots, the danger is that you will fill all jail beds and all community slots unless you control sentencing. Therefore, the major thrust of present NACO's plans is to couple Community Corrections Acts with sentencing guidelines.

NACO's Position on Jails

NACO has held a series of national assemblies on the jail crisis sponsored in conjunction with other national groups. The NACO committee has recently turned its attention to a number of issues that directly relate to jails:

- 0 Prevention--County government pays \$30 billion a year for health care, \$20 billion for human services, and another \$20 billion for corrections. Counties are in a unique position because they manage multiple systems to bring about change.
- 0 Juvenile Justice--Although the Juvenile Justice and Delinquency Prevention Act cites "delinquency prevention," very little attention has been paid to delinquency prevention. NACO got a new section in the act that creates local prevention boards at the county or city level. Research suggests the importance of a child bonding with a parent by age three. The message for county commissioners is that counties need to develop programs to support such bonding. Otherwise, jails, a yardstick for the breakdowns of society, will be affected at a later date.
- 0 National Health Plan--Clinton's health plan excludes illegal aliens, inmates in county jails, and juveniles in detention centers. Once a person is incarcerated, he/she will not be covered even if coverage was provided prior to that time. Given the number of inmates with serious diseases, NACO believes this policy is very short-sighted.

Tom Charron, National District Attorneys Association

We often assume that sheriffs and district attorneys are working from opposite perspectives, but this is not true. It is very important for them to work closely together. I am proud to have worked for eighteen years with an innovative sheriff, Bill Hutson, from Cobb County, Georgia. We have been successful in keeping open communications among the jail, the prosecutor's office, and the various courts.

When I first became president of the National District Attorneys Association, I was under the impression that all DAs thought alike, but there is actually great divergence among them, especially in their views on corrections and incarceration. For example, here in the West, environmental issues are a high priority and prosecutors believe they should be tough on those who pollute our streams or do other environmental damage. That was hard for me to believe. From the standpoint of corrections, I also had to adjust my views on crime and punishment because I realized that issues such as capital punishment were matters for great disagreement.

Prosecutors' Shared Views

However, prosecutors do share some views in common:

- 1. The growing recidivism rate has had a major impact on jail populations and on the types of offenders in jail. Many offenders have been incarcerated before. They know exactly, to the day, when they will be paroled, and they are well-institutionalized. We are spending a great deal of time and money resentencing recidivists.**
- 2. There is a strong community pressure to get tough on crime, probably greater than ever before. The public prosecutor is an elected official who must be in tune with the community. It is no mystery why prosecutors advocate a tough-on-crime position because crime is such a major concern for citizens.**
- 3. There are more violent offenders and they are getting younger. These violent, youthful offenders put pressure on your jail's population and on the state system as well.**
- 4. There is no hard data showing the success of alternative programs. Prosecutors have a "show me" approach. Such programs have value for certain offenders, but we can't solve our problems with alternative programs. They are only for a very select group of offenders. For example, Georgia had initial success with a 90-day shock incarceration program for non-violent, non-drug-related offenders aged 17-26. During the first two years, the program was very successful because prosecutors followed these guidelines. Then judges and prosecutors started bending the rules, sending drug-related or quasi-violent offenders to the programs, which are now becoming unmanageable because of the offenders in them. Offenders' recidivism rates almost match those who have been in prison.**

When you add these issues to crowded jail conditions and major health problems, special offenders, and the mentally ill, jail administrators have very few alternatives. One thing that does help, however, is to work closely with prosecutors. I encourage you to make an effort to do this.

I'd like to touch briefly on one Cobb County success. About five years ago we established a special intake program that tries to move marginal inmates out of jail as soon as possible. It targets inmates brought in on a minor offenses who might have a hold elsewhere or a term of probation or parole and whose bond can't be met. The inmates can talk to the prosecuting attorney at an early stage before indictment. A court-appointed defender is also located at the jail. Cases can be expedited quickly before final charges. Most cases are disposed of in less than thirty days, many in less than three weeks.

If the jail administrator and district attorney exchange information, it can make both jobs easier.

Donna Hunzeker, Criminal Justice Program Manager, National Conference of State Legislatures

NCSL's Criminal Justice Assembly meets several times a year. The Criminal Justice Program provides information to local and state corrections agencies and state legislators. We also provide expert testimony on criminal justice issues.

Criminal justice is a fragmented system in that it involves all levels and branches of government. In a sense, those who work with offenders provide the glue. Legislatures at the state level are full of conflicting political ideologies and pressures. There is no unified sense of the mission of criminal justice; legislators are pressed each year to address apparently contrary missions--prevention, punishment, public safety, rehabilitation, and the protection of both victims' and offenders' rights. Despite the frequent characterization of the system as a "non-system," however, some parts of that system are working together to find solutions.

Much of NCSL's work in criminal justice relates to criminal sentencing. I am always impressed with the states' broad-based, inter-governmental, collaborative approaches to producing sentencing guidelines. Even where such efforts haven't resulted in guidelines, they have provided better information about the system and have opened communications among policymakers at all levels.

There is, of course, a great concern in this country about crime and violence, and especially about juvenile offenders. In response, at least a dozen states have developed a task force or intergovernmental committee to work on the issue. Such efforts hold a great deal of promise.

Taking that collaborative approach more specifically to the question of how states and localities can work more closely together to solve criminal justice problems, I would like to introduce a few talking points that could frame state and local conversations in this area:

- 0 Review and define responsibilities and set priorities. Then make sure that state aid formulas support these priorities. For example, both your state and local jurisdiction may have a commitment to de-institutionalizing juvenile offenders, but you may be hampered by outdated aid formulas that work strictly on the basis of how many youths are institutionalized. Those kinds of gaps in the system cause fragmentation, and they can be addressed by reviewing state policies. An obvious point of contention is the number of state inmates backed up in local jails. The issue requires communication, not just paper agreements for reimbursement, so that you are allowed to establish priorities for getting state inmates out of your jails.**
- 0 States want to expand community corrections. Legislators know that from a fiscal standpoint we should deal with non-violent offenders in the community so that we can lock up serious, violent offenders. However, we don't really know what kinds of programs work for what kinds of offenders. The lack of real**

information on successes of various community approaches stands in the way of expanded community corrections.

0 A related issue is the public's misunderstanding of corrections; no area of state government is more misunderstood. Occasionally, boot camps are portrayed in a positive way, but there are hundreds of other ways corrections is doing a good job to protect public safety and provide good service. A Legislative Management Committee at NCSL has been working on blueprints for public education on legislatures. Education is also needed to help people see the good things about corrections rather than just the failures being attached to corrections for the increasing rates of crime and violence.

0 States and localities should be aware of federal initiatives that will affect how criminal justice services are provided. NCSL's Washington office is active right now with the Crime Bill in conference committee. States and localities also have the opportunity to provide input. Because local agencies are vulnerable to state initiatives, you need to be involved in those discussions.

0 Finally, it is important for jail administrators to have open lines of communications with state legislatures, directly or through county organizations. It is also helpful to get to know chairs of relevant subcommittees and legislative staff who specialize in corrections issues. In the large states which many of you represent there are good legislative staff who specialize in criminal justice issues, and they need your input. I would be happy to help identify people in your states with whom you should be working.

Group Discussion, Session 2:

0 **Public safety.** We need to let people know we are concerned not only about reducing prison populations but also about public safety.

0 **Sentencing guidelines.** We can prioritize who is in jail at the front end, at sentencing. Under Minnesota guidelines, the legislature approved a 2,000 decrease in the prison population. If judges stayed within the sentencing grid, the system theoretically would not be crowded. Capacity-based guidelines have expanded to other states. The approach counters the current emphasis on bricks and mortar. However, capacity-based guidelines failed in Georgia.

0 **Community sentences.** We have to sell community sentences by emphasizing that offenders will be supervised. There is actually more accountability when corrections takes place on the local level: we have to make clear that community corrections is tough on crime. Anything called "alternatives" has to be packaged carefully. The public needs to see inmates working and to be assured of safety.

We need to be able to show that programs work. Alternative programs in Bexar County, Texas, were so successful that county allocations for the state prison were cut. We need to show they are not going back into the system. We can't do community corrections cheaply, but we can do it without costing as much as

locking someone up.

0 **Boot camps.** There is current evidence that they don't work unless they are coupled with education, training, and health care and support services.

0 **Definitions of "what works."** It's hard to address the whole issue of "what works," especially for the public or someone who doesn't understand statistics. We must decide how we will define recidivism and learn to speak of success in terms of increments. We can make a difference; some offenders will recidivate, but fewer than in other situations. If we oversell programs, critics will inevitably point to failures. The answer has to be a combination of efforts.

Session 3: How do national public policy decisions influence the role of jail in the United States?

William Pedrini, San Mateo County, California

The local jail is the recipient of federal policy several years later. For example, federal policies on issues such as legal and illegal immigration, assault weapons, and drugs have had a substantial effect on jails. The current emphasis on "three strikes and you're out" will certainly affect the number and types of offenders who will be incarcerated. Recent foreign policy in the area of immigration has determined who we deal with on a local level. For example, jails are now dealing with Laotians, South East Asians, and Cuban Mariels. Federal drug policy has also had a major impact.

Immigration Policy's Effect on local Jails

One cornerstone of the California governor's budget proposal for 1994-95 is a report on the effect of illegal immigrants in the state. California is now home to more than 2 million immigrants, 52% of the U.S. total. There are 18,000 convicted illegal immigrants in the state prison system, five times more than in any other state.

The cost of educating illegal immigrant children is projected to be \$1.7 million. In Los Angeles County alone there are nearly three quarters of a million illegal immigrants. California projects it will spend more than \$375 million on incarcerating illegal immigrant felons in 1994-95 plus about \$18 million a year to house juvenile illegal immigrants.

Immigrants are taking resources away from the community. They also have an impact on the jail in terms of language, customs, and health care. They are a significant and growing problem, even in terms of the crimes they commit. There seems no solution on the horizon, no apparent way to counter the effect of national immigrant policies on local jails.

Tom Allison, Orange County, Florida

In criminal justice we consistently lose sight of the power of the human being. We need to develop a structure that will help us keep this in mind because we're going to be held accountable some day for the corrections debacle. The most powerful thing about our nation is our people. The public and policymakers want to know from us how to fix what is wrong with corrections.

Crime was first a major issue in 1964. Now it is a cheap way to get elected. The message for twenty-five years has been "don't tolerate drug use or alcohol." The average definition of "tough on crime" is to lock people up for many years, but how tough is this, really? Inmates spend their time eating, drinking, playing basketball, lifting weights, watching TV. Is this tough?

We need to change our expectations. The proportion of inmates who participate voluntarily in programs is usually 2-3 percent. In Orange County, 55 percent of inmates volunteer for programs. We don't use the available tools because we are afraid to look at our internal operation. We have no vision, no mission, that we agree on. We don't look from within.

The average mission statement in the local jail doesn't take responsibility for the product of the jail. This is what we need to emphasize.

Vivian Watts, Former Director, U.S. Department of Justice and U.S. Advisory Commission on Intergovernmental Relations Criminal Justice Study-

I happen to have with me a copy of a paper I did on the Congressional legislation that was deadlocked. Many of its provisions are still very alive, but there are also a few new wrinkles:

- 0 **The Republicans are attacking Clinton on crime. The administration is being pressed to be as tough on crime as the previous administration was. As a result, the following legislation is being proposed:**
 - **"Three strikes and you're out."**
 - **Using firearms in commission of a violent or drug-related crime--10 years mandatory for possession, 20 years for discharge, 30 years for use of a silencer or machine gun, and 20 years for a second offense.**
 - **Higher penalties for selling drugs at truck stops and for selling to minors.**
 - **Mandatory penalties for drunk driving on federal land--1 year if a child under 18 is in the car; 5 years if a child suffers serious bodily injury; 10 years if death to a child occurs.**
 - **The death penalty extended to more than fifty crimes. States that currently prohibit the death penalty are complaining that federal legislation is, in effect, overriding states' rights.**

Accompanying this legislation is a shift of prosecution from state to federal courts. In the process, an offender is likely to sit in the local jail longer before his/her case is heard. For example, there has been a 229 percent increase in the number of drug-related cases filed in federal district courts since 1980--compared to only a 56 percent increase in the number of criminal cases.

It has been interesting to note that efforts of the U.S. Conference of Mayors have been directed much more at federal than at state legislation. The reason is that, because of competition between core cities and rural areas, it is hard for large cities to get attention in a state legislature. Large cities are thus banding together to get attention at the federal level. However, federal legislation is not being accompanied by funds to support it at the state level. Moreover, almost all criminal justice funding to states is done on a population basis rather than targeted to locations where crime is the most serious.

One problem with adding local law enforcement officers on the street is that this usually means police. Local leaders should make sure that the language covers probation/parole supervision as well as new arrests. Jail administrators can have influence in this regard. Local prosecutors will certainly have a voice in federal legislation, but local jail administrators can make sure the full range of criminal justice concerns is represented.

The influence of federal legislation is due in part to the fact that it is what the news media covers. Given the public expectation that the new bill will "do something about crime" there will certainly be an effect on the local criminal justice system.

Discussion Highlights:

- o National public policy tends to focus on corrections as an answer to society's ills, but no one has the answer. We need to do a better job at collecting data and statistics to make the point from the perspective of the local level. It is important to educate the public, media, and policymakers.
- o Immigrants--The state of New York sued the federal government on the issue of holding illegal aliens in state prisons. The case is still in the courts. ACA has endorsed the repatriation of foreign nationals who are in U.S. prisons.
- o It is impossible for us to determine our mission because our constituency determines it. We know "tough on crime" policies won't solve the problem. Could a "national mission statement" be framed or do jails vary too much from jurisdiction to jurisdiction?
- o The military used to provide training for youth and lead to jobs. The decline in the military may be one reason for the increasing criminal behavior of young people.
- o Health care for inmates--California will pay for free medical services for anyone "medicaid-eligible." This policy is retroactive to July 1992, which means that some inmates could get reimbursements.

- 0 **Is the local jail responsible for what it returns to the community? Criminal behavior is a societal problem, not the jail's problem.**
- 0 **On the issue of "three strikes..." we will be left with an aging prison population. These people aren't dangerous and should not be occupying expensive prison cells.**
- 0 **Federal mandates--Unfunded mandates are a serious problem. We need to collaborate with the judiciary and also with the public. We can't lose sight of victims.**

Session 4: Moving Jails Into the Mainstream of local Governmental Thinking and Planning

John Simonet, Denver, Colorado

Why should we be part of the mainstream? There are several reasons:

- 0 ***The first is money.* We need to know who funds and be involved in the process.**
- 0 ***To get support for construction.* If you are going to build anything in your county, you need to find out who the power brokers in your county are and to be part of the system.**
- 0 ***To do work or education projects.* It's easier to work with other groups, such as the Board of Education, if you have a place in the community. While such groups often don't understand our work at all, if they learn who we are and what we do it will be easier to undertake cooperative endeavors.**
- To have input into the decision to privatize jail services.* If we aren't involved in the mainstream, we will have no opportunity to contribute to discussion about policies such as privatization, but will just have to live with the decision.**
- 0 ***Jo address collective bargaining.* Many employee groups are petitioning the public or the legislature to have collective bargaining. If we don't want management taken out of our hand, we need to become part of the process.**

Who Should Become Involved?

The elected sheriff, who has a constituency, or the DOC director should be responsible for becoming involved. The person in charge has the most clout and can therefore be most effective. Certain qualities can also facilitate your effectiveness:

- 0 **The person must have longevity. Directors need to stay in their jobs for a while.**
- 0 **Integrity.**
- 0 **Knowledge of the issues.**

- 0 **Past success.**
- 0 **Affiliation with the right party.**
- 0 **Coalition building, especially with those in charge of budgets.**
- 0 **Good press relations. Be forthright with the media.**

Jails are a necessary part of government. We are part of the system and can't withdraw from it--even though our facilities are usually located out of sight. One of our problems is that people don't think our job is challenging or interesting. We need to change the attitudes of people in government.

Luke Smith, Westchester County, New York

We in corrections have a rich tradition of being off by ourselves. We don't want to be involved because we're afraid of interference, of people telling us how to run our facilities. Although we are not inclined to be involved in local government, there are many advantages to such involvement. In Westchester County, it has helped us expand our resources because the county has been willing to support security, but not programs. We therefore looked to other agencies to try to convince them that there was a benefit to them in working with us.

In Westchester County, the interdisciplinary approach to managing our system began with NIC. In the middle '80s the county was going to build a new jail, and through the PONI program NIC encouraged interdisciplinary involvement, including elected officials and agency heads.

This interdisciplinary involvement became a tradition in Westchester and enabled the county to develop quite an array of alternatives to incarceration:

- 0 ***TASC Program-- Treatment Alternative to Street Crime.*** Community Mental Health runs the treatment program, which diverts people from county corrections system. It provides treatment for 105 people who used to be in the jail.
- 0 ***High Impact Incarceration Program.*** This cooperative effort among the county, the State Division of Parole, and Community Mental Health involves parole violators who used to be sent back to state prison. The state was reluctant to take them back, and many of these offenders simply completed the remainder of their sentence in the county jail. When an individual commits a technical violation, he is brought to the county jail for a 30-day intensive drug treatment program. At the end of 30 days, he is put back on the street and must report every day to the treatment program run by Community Mental Health. It has been highly successful. Of eighty offenders who have completed the program, only three have returned to jail.

One problem we had was that the Parole Board wanted to give people a second chance at the program. This speaks to the issue of "being tough." The county refused to change the nature of the program in this way, however, which is one reason it has been successful.

0 **County Information Systems.** With the proliferation of computers, there is a need for a new business in cleaning and refurbishing computers. We convinced the county that inmates could be trained to do this work. We are starting with our own computers and then will do the county information system's. We hope to present this program to other jurisdictions and to make money for the county. We are starting the program next month with about thirty inmates. The inmates will be paid and will be trained and develop marketable skills. If we can convince other jurisdictions to use this service, we hope to involve additional inmates.

0 **Educational Programs.** We currently have 250-300 inmates in education programs, mostly G.E.D. programs, although there are no teachers on my staff. We use teachers from the Board of Cooperative Educational Services, whose funding comes from other school districts.

These examples of intergovernmental cooperation illustrate the most practical reason for getting involved in local government: it can provide additional resources.

Michael O'Malley, Vermont Department of Corrections

I'd like to start with some disclaimers: Vermont is a small state, and the population is almost all white. We don't have some of the problems other places do. Vermont has a combined corrections system. Everyone arrested and detained in the state of Vermont goes to the Department of Corrections, which is also responsible for probation and parole.

In 1975 Vermont closed down its only prison and went to community corrections. So, when I talk about prisons and jails, you must understand that we deal with the full spectrum of offenders. In a sense, the DOC has a monopoly. The DOC writes PSIs, sets standards for PSIs, tells the court where we believe an offender should serve a sentence. We have an unusual measure of control on the front end. We also have an objective classification system, and if an offender doesn't make community custody based on our classification system, we won't recommend him/her for parole. That gives you a sense of where I come from.

What Does the Public Want?

We had focus groups around the state on criminal justice issues. We asked the public "What do you want?" The answers were:

- 0 ***Public Safety***
- 0 ***Offender Accountability***
- 0 ***Service to the Community***
- 0 ***Treatment to Assure Safe Release***
- 0 ***Truth in Sentencing***

This is what our customers were looking for. We also asked for general ratings of law enforcement-related agencies. The public rated corrections the lowest and indicated they thought we were doing a not-so-good job to a bad job.

Population Projection vs. Real Population

When we looked at our population projections in terms of actual populations, we found that the predictions were relatively accurate. The problem was that at that time we offered only two choices to judges--probation or incarceration. But that wasn't enough; we needed additional options.

Putting Truth Back in Sentencing

To put truth back into sentencing and gain public credibility for what we were doing, we chose to:

- 0 ***Eliminate early release.***
- 0 ***Add value back to the community.***
- 0 ***Create more non-institutional options***
- 0 ***Establish effective community-based treatment programs.***
- 0 ***Increased community involvement.***

New Intermediate Programs

As a result of this planning process, the state developed the following new programs:

- 0 **Intensive Substance Abuse Treatment in the community**
- 0 **Reparative Probation, a community service program**
- 0 **Youthful Offender Program**
- 0 **Domestic Violence Treatment Program**
- 0 **Sex Offenders**
- 0 **Violent Offenders Program, mandatory treatment program prior to release**
- 0 **Life Management**
- 0 **Service Camp, a work camp for low risk-need offenders**
- 0 **Electronic Monitoring**
- 0 **Community Restitution**
- 0 **House Arrest**

How Does It All Work? Re-Structuring the System

The state now has two different sanctioning tracks: reparation and risk management. Offenders in the reparation track are at low risk for re-offending and are not in need of treatment. Those in the risk management track require some level of treatment for their criminogenic needs. The table on page 23 shows the increasing levels of supervision for each:

Risk Management**Reparation**

Probation	Supervision, Counselling & Case Planning	Community Reparation
Supervised Community Sentence	Day Treatment & Surveillance	Reparative Services (supervised)
Pre-Approved Furlough	Day Treatment, Control, and Revocation	
Incarceration	Incapacitation & Treatment, Regional/Central	Community Service Camp

Offenders are classified as Risk Need or Risk Control. Risk control does nothing to change the offender but is directed toward public safety. We look at the offender in terms of his legal status and in terms of risk need. The level of risk management an offender is assigned to depends on the level and severity of risk. To save resources for high-risk offenders, 50 percent of those on probation just send in a postcard.

The next level, Community Service Sentence, involves day treatment and surveillance. The treatment is designed to help offenders deal with their criminogenic needs, the individual reasons why they ended up in the system. This is a supervised community sentence in which offenders are involved in treatment and work during the day and sent home at night.

A pre-approved furlough is not early release. The judge knows in advance that the offender will be put on furlough. The offender does not need to go back to court if they commit a violation. The DOC simply puts them back in jail.

Incarceration is the next step; in the reparation track, incarceration is a community service work camp.

Offender Treatment: Programs to Reduce Risk

Treatment programs were the key to selling our new structure. We must reduce offenders' risk of re-offending. The traditional approach is to lock them up, but this only deals with the symptoms, not the disease. If we don't start addressing the disease, the corrections crisis will continue. Corrections takes the largest chunk in state government, but all we are doing is perpetuating our jobs. We proposed a different approach.

Offender Treatment Programs

- 0 Day Treatment
- 0 Intensive Outpatient Programs for:
 - substance abuse
 - sex offenders
 - violent offenders
 - domestic violence
- 0 Adult Basic Education
- 0 Vocational Education
- 0 Employment and Skills Training
- 0 Life Management Training

All supervision in these programs is based on relapse prevention. The offender's specific precursors to re-offending are identified; when an officer notes that the process may be beginning, the offender is called in. Supervision is determined by on the individual problems of each offender.

Corrections Cost Comparisons

The average cost for an inmate in prison is \$22,000 a year; probation costs \$800; field supervision \$5,000 a year. This means that the shift to an emphasis on field supervision saved the state \$17,000 for each inmate.

We determined that although the restructured system would cost more for the first three years, by the fourth year, the state would save money. By the year 2000, it is estimated that the traditional system would cost \$41.2 million, while the re-structured system will cost only \$22 million.

Strategies:

- 0 Continuum to Control Risk--depending on who the inmate is
- 0 Continuum to Reduce Risk--treatment
- 0 Continuum for Reparation--to give something back to community
- 0 Continuum of Sanctions--to make offenders accountable
- 0 An infrastructure to support these efforts

The Infrastructure

- 0 Recruitment/Selection Program--Needed different staff for treatment than for supervision.
- 0 Training in Relapse Prevention--Developed a relapse prevention curriculum for supervision staff.

- 0 **A criminal justice system menu book for judges.**
- 0 **Automated Facility Custody Classification system.**
- 0 **State-wide Criminal Justice System Conferences--Invited all the stakeholders in the criminal justice system and presented this package.**
- 0 **Automated Program Schedule--A program schedule through which it is possible to track each offender by computer and know where he/she is supposed to be at any point in time.**
- 0 **A basic and advanced correctional training curriculum.**
- 0 **An annual report on results.**
- 0 **Accreditation of all local training.**

Discussion Highlights, Session 4:

- o ***Unified* DOCs--Other systems are not like Vermont; the restructuring that took place there is not realistic in many other environments. "Low risk offenders" in Vermont would not be in the corrections system in other jurisdictions. Unified state systems also have advantages that other agencies don't have in competing for dollars. However, administrators of large jails and jail systems ought to look at the whole county as a unified system rather than the whole state.**
- o ***Victims'* concerns--Vermont's PSIs include a Victim Impact Statement. The state has a victims' advocate office.**
- o ***PONI Program--NIC's* PONI program has helped several agencies overcome barriers among local government agencies.**
- o ***Criminal Justice Advisory Boards--Most* agencies participate in an inter-agency committee. Such groups can be a vehicle to improve the entire system. Because the jail has significant impact on the criminal justice system, it ought to have a major impact on these groups.**
- o ***Media--The* media have a tendency to keep things stirred up; reporters want to know when something is wrong, not when things are going well. It is important to maintain credibility with the media and also to promote positive program results. One way of dealing with the media is to hire someone who has been employed by the media to be your agency's public information officer.**
- o ***Sentencing--Judges* sometimes are the problem in that they refuse to sentence offenders to alternative programs, even where these programs exist.**

- o **Programming--**What classification of offenders should be eligible for specific programs and who should pay?. By targeting programs, we can expand them. However, while many jails can place pretrial offenders in alternative programs, this might be inappropriate in other jurisdictions. If an inmate is only in a facility for seven to fourteen days, what will he/she take away from programs? If not a skill, there may be side benefits, such as learning responsibility and understanding the work ethic.
- o ***Inmate Accountability*** -- There is often no incentive for inmates to be involved in programs. Administrators need to be innovative in terms of encouraging participation or of depriving inmates of rights for non-participation.
- o ***Proactivity*** -- Jail administrators are used to being reactive, but they need to become proactive and get involved in the mainstream of local government. This is especially critical when planning new facilities or new programs.
- o ***Additional comments:*** You need to have on your team the credibility of people who know the system and can speak authoritatively. You also need to assemble a good management team that includes expertise from outside. You need to emphasize management ability and professionalism through a team approach.

Session 5: Jails: Developing Intergovernmental Approaches to Local Responsibility.

Peter Flynn, Plymouth County, Massachusetts

Background

To develop a new jail, Plymouth County worked with all levels of government: the Executive Branch, the Legislative Branch, Plymouth County, the U.S. Marshals Service, and the Selectmen of the Town of Plymouth (the local governing body).

The inception of the project was no different than anywhere else. A study showed that the old jail needed to be replaced, there was no money available, and a bond authorization was unlikely. A conditions of confinement suit was likely to result in a court order to release inmates.

Non-Profit Corporation

As a result, the county had to look for an alternative way to fund construction of a jail. The Sheriff, Chairman of the County Commission, and the Plymouth County Treasurer formed a non-profit corporation. They signed an interagency agreement with the U.S. Marshals Service and a Memorandum of Understanding with the Commonwealth of Massachusetts to hold state inmates in the jail for a thirty-year period.

A team consisting of a designer, architect, construction group, a county representative,

and the sheriff worked a year and a half designing the jail. The group also relied on help from NIC, including the PONI and HONI programs and the opportunity to visit other jails. The county was able to save money on the basis of what was learned through these visits.

Project Financing

Based on the agreements with the U.S. Marshals Service and the Massachusetts DOC, the group got permission to sell bonds. The bonds were not governmental obligation bonds but Certificates of Participation, which are like bonds but are based on an individual project. If the project fails, there is no obligation on the part of a governmental entity to repay investors.

Standard and Poors rated the bonds at almost the same level as state bonds; \$110 million in Certificates of Participation were sold in one day. Based on this sale, the group built the jail. Construction was completed within two years and for 58% of what the state estimated it would cost them (\$116,000 per cell vs. \$56,000 per cell). Average operating costs are \$19,000 as opposed to \$28,000 average for other counties in the state; the average DOC operating cost is about \$30,000 per cell.

The U.S. Marshals Service and Massachusetts DOC paid not only per diem costs but also the capital costs of the bonds. The land was leased from the county, which was in a deficit position, for \$5 million for thirty years. The town gets \$400,000 as a direct grant each year from the jail. The town also received five acres to build a police station and the state eight acres for a courthouse. There was something for everyone in this project.

We worked hard to build community support. A group opposed to the plan got a question put on the local ballot, assuming that the community would vote it down. However, for the first time in the Commonwealth of Massachusetts, the community voted in favor of the facility.

In the thirteen years I have been Sheriff, we have built a very good relationship with the people in the state and the community. This project required us to have state legislation passed to exempt Plymouth County from statutes governing capital construction projects. The governor and the legislature had confidence in the Plymouth County Sheriffs Department and were willing to support this project through the enabling legislation.

Pepe Lucero, Bexar County, Texas

Before getting into intergovernmental relations, we must deal with intragovernmental issues. We have to get our own house in order, develop a team in the detention or sheriff's office, and work with the financial masters--in our case, the County Commission. Within that five-member body, the judge is Republican, one other commissioner is a Democrat, and three others are Democrats. The sheriff is a Democrat. The two people most interested in the jail in Bexar County happen to be the judge and the other Republican commissioner, which sometimes makes our lives difficult.

Corrections people must learn to work with budget people. Bexar County has a new budget officer, with whom we worked hard to get our staffing ratio, which was 5.23, down to 5.1. This was a victory for both of us.

In terms of working with the media, we open the jail to the media and the public. As long as it doesn't compromise our security, they can come in. We get good press as a result; they cover positive events such as GED graduations and family programs.

The role of the jail administrator is to be in the front line of intergovernmental exchanges. Even more than the sheriff, it is up to the jail administrator. I didn't initially have intergovernmental responsibility in my job, but I quickly found that it was to my advantage to deal with the county budget people and with the state legislature to be sure that appropriate language was included in a bill that created state jails. The person responsible for intergovernmental relations must know about jails; that person is likely to be you.

For Bexar County, intergovernmental also means international relations. We have a contract with the Mexican Consul, who monitors how many Mexican citizens are in our jail.

Jail administrators need to track federal initiatives, both funded and unfunded. For example, HUD now has a \$53 million crime bill that will have an impact on who comes to your jail. There is also a new JTPA program. I read the Federal Register to track education programs to see what kinds of adult literacy programs are being funded to see if education programs are available for our inmates. We need to integrate these people back into the community.

Local responsibility is both localized and very personalized. Nothing can save me or the sheriff from what happens in the jail. A suicide attempt or a riot is our responsibility. We must take the initiative and exert our influence and management skills both on the jail itself and on the larger criminal justice system.

Tim Allen, Alameda County, California

Alameda County, in Oakland, California, is about sixty square miles smaller than the state of Rhode Island and has about 300,000 more people. We have two large jails, one with a capacity of 3600, the other with a capacity of 600. We have a Work Furlough Center for 100, an electronic home surveillance program, and another 800-1200 on weekend programs.

Jail administrators tend, on the whole, to be reactive rather than proactive. The groups in our county, for example, came together to deal with the L.A. earthquake, the major Oakland fire, and the Rodney King problem. We work well together on these kinds of things, but we have difficulty in dealing with each other on an ongoing basis.

We know what needs to go into an intergovernmental, cooperative process. We need to identify and prioritize criminal justice problems, establish system-wide goals, establish

an inter-jurisdictional set of policies and procedures, and monitor the effectiveness of what is done. The process should be structured and multi-jurisdictional and should foster ongoing relationships. But how do we do that?

Almost twenty-five years ago agencies in Alameda County first came together in terms of automation. Jails and courts were brought together over warrant systems and the court system. What is important is to recognize what has grown out of it, which is a committee of department heads that comes together regularly to discuss computer applications.

California's fiscal crisis has forced everyone to fight over the same dollars. Our Board of Supervisors tends to respond to the squeaky wheel. They will listen to health care problems, but what we have had to do is help them save money in other areas.

Alameda County Sheriff's Department works with other agencies in the following ways:

- 0 **General Services Committee--**We have a contract to provide inmates to mow lawns, paint buildings, and so forth, which saved on expenditures for county employees to do this work.
- 0 **Public Works Department--**Inmates undertook work cleaning flood control ditches when the department ran out of money for contracting.
- 0 **Courts--**Courts have been the hardest group to work with, but we finally established a system for video arraignments, which saves a lot of money. The system has now been expanded so that public defenders can interview clients through the system instead of going to the jail.
- 0 **County Parole--**In combination with the probation department, we are paroling jail inmates to reduce the jail population. These inmates are put to work under supervision; there is citizen oversight for this program out of the court.
- 0 **Sheriff's Department, Court, Probation, Health Care Services, and Social Services--**The Community Re-entry Program--Sentenced individuals are reviewed for eligibility for this program. They start at the county jail but go to a Wellness Program at the Work Furlough Center, where they undergo physical training, life skills training, etc. We are looking at having the county receive their General Assistance Funds when these offenders are eligible for release and continuing to house them at the Work Furlough Center for three to four months in a re-entry program.
- 0 **Other--**We are also exploring a county-wide service program and county-wide laundry program. In addition, we are working with Meals on Wheels to provide meals to senior citizens.
- 0 **Oversight Committee--**Like many others of you, we have an oversight committee. Although I was not in favor of the oversight committee, it has been a strong

advocate of the Sheriff's Department because we get things done.

Inter-governmental Applications

- 0 The Chiefs and Sheriffs Association enables law enforcement agencies to talk to each other. This has been particularly interesting in terms of getting law enforcement to understand the logic of the booking fees we charge.
- 0 At the state level, the California Corrections Executive Council has evolved over the past ten years. It includes the state DOC, the youth authority, probation heads in large counties, and sheriffs' representatives.
- 0 Special applications: Many of us are looking at alternative revenue services. Alameda County has contracts with INS and the U.S. Marshals Services to house inmates. We have the space, although perhaps not the staff for long. We are also housing inmates for San Francisco. We have twenty-two different contracts with local entities for inmates to work.
- 0 We have federal prisoners from Hawaii. They had been flying the inmates back and forth every Thursday, but we have suggested that they use our video-conferencing capability instead. The result is that we have saved costs for them; in addition, we get extra revenue because the inmates continue to be housed in the jail while the video facilities are used.

Jack Terhune, Bergen County, New Jersey

Background

To set the stage: Bergen County has 88 square miles and 825,000 people. New Jersey has roughly 20,000 state inmates in fourteen state facilities. The twenty-one counties hold approximately 18,000 inmates, 4,000 of which are state inmates held in a variety of back-up capacities.

As I'm sure is true in most states, New Jersey has a constitutional provision that allows the governor to declare a state of emergency in the event of a natural disaster. In 1981, our governor decided to invoke this power to give the DOC the right to declare a state of emergency. That emergency apparently still exists in 1994 because the DOC puts any number of state inmates in county facilities. In 1992, three county facilities, including Bergen, successfully sued the state for this practice. The court agreed that the governor couldn't invoke the natural disaster act for the Department of Corrections.

The court realized that it takes time to build enough facilities to house 4-5,000 inmates, so it required the DOC to raise the per diem reimbursement from \$45 a day to \$58.40 a day. However, the state legislature didn't fund the increase. Last week, the new governor signed an Executive Order. The case is scheduled in April for a final ruling on whether the state has complied.

A Common Sense Perspective

What I want to talk about today is what is important not only from an inter- or intragovernmental perspective, but from the perspective of common sense. We only have one pie to slice up, and we all scramble every year to get the largest possible slice for our constituency. What is happening is that many elected officials are quick to take credit for being tough on law and order but they are unwilling to take responsibility. We are acting as though “credit” and “responsibility” are synonyms. For example, we have been lulled to sleep by the hue and cry on drug control legislation. Our state jail association passed a resolution in favor of tougher gun control legislation. I would have voted against it, not because I’m against gun control but because the politicians have convinced the public that tougher gun control will make it safer in the streets. This is not true. It will not make it safer nor will it decrease the number of inmates in our institutions.

Most people believe that when a suspect is arrested, he/she just disappears, never to be seen again. They think that when the criminal justice process begins, they are safe, that they don’t have to worry any longer about that individual. We know that is not the case.

I’m troubled by the recent announcement that the federal government wants to fund another 100,000 police officers but is providing no money for any of the ancillary services. I am reminded of how often we re-invent the wheel. Back in the ‘60s, LEAA provided money for police officers--but not those in corrections--to get a higher education. We felt behind.

The Challenge to Corrections

It is time for us to accept the challenge that has been laid at our doorstep by the media and by politicians. They are all taking credit for being tough on crime, and many politicians are being elected because of that platform. But it is time to hold them accountable, time to remind the public about what happens to those people who are the product of that tough law and order agenda and what it costs to keep these people in jail.

We need to develop programs that measure accountability and then show the public that we can manage that segment of society in jail. Corrections is very weak on accountability. Although we all know that building more jails is not the answer, all we can say is, “We will build more beds.” In a sense, we are as guilty as those who make false promises to the public.

We know that we don’t keep people in jail long enough or deal with the causes of crime that brought them there. If the federal government would put resources into solving some of the socioeconomic problems, we would be better off in fifteen years. The problem is that our society is very impatient.

Discussion Highlights, Session 5:

- o **Plymouth County Project--Selling the community on the project started about twelve years ago. The Sheriff knew then that they were going to need a jail and worked for twelve years at being good neighbors, e.g., by keeping people informed, providing community work programs, publishing a newspaper highlighting positive image.**

Because of laws prohibiting preferential treatment in hiring, those who lived in town could not be guaranteed jobs, but those responsible for the project made an effort to hire local people. Ninety percent of the construction workers were from Massachusetts, half from Plymouth County, and about 130 permanent jobs were created.

The bonds were sold at a fraction of a percent above government-backed bonds, at about 7 percent. The bonds associated with federal inmates were taxable at about 10 percent, but these bonds are now being refinanced and will end up with about \$6 million to use for other things.

- o ***Revenue-generating programs--Revenues* from contracts with other agencies in Alameda are used to offset jail expenditures, especially personnel. Jail administrators need to become aware of revenue-generating possibilities. They are also a selling point with county commissioners at budget hearings.**
- o ***Public service work projects by inmates--These* promote good community relations. However, be sure that the right inmates are put on such assignments. You must pay attention to inmates' criminal history and be sure of the security procedures to be followed with work crews. It is also important to address liability and workmen's camp issues.**
- o ***Jails can't work in a vacuum--Jail administrators* must develop good relationships with other agencies, especially those that can provide services to the jail population. Some local agencies have a mandate to serve certain categories of the population, such as low income people. These are the people who are in our jails, and agencies are eager to provide services to them.**
- o ***Communications and proactive involvement--Communications* help to ward off knee-jerk reactions from those who don't understand corrections; a unified county information system helps corrections work effectively with other agencies.**
- o ***Specialized and alternative programming--Needs* to be used only for certain offenders. Inappropriate use of alternatives sometimes results from pressure from the courts.**

Session 6: Professional Associations in Corrections: Their Influence on National Perspectives of the Role of Jails

Charles Meeks, Executive Director, National Sheriffs' Association

NSA 's Services

The National Sheriffs' Association (NSA) was formed in 1940. It is one of two law enforcement associations in Washington, D.C.; the other is the International Chiefs of Police. NSA, a networking organization, has thirty employees. Services include: a bi-monthly publication; training and information on risk management; and training for first- and second-line supervisors and correctional officers.

NSA also works directly with jails to address their problems. One of NSA's functions is to do a survey of a jail and call attention to deficiencies. NSA is politically active and has been involved in the Crime Bill, selection of Supreme Court justices, and endorsement of political appointees, including the Drug Enforcement Association director. NSA representatives have also expressed their opinions on issues such as the merger of the DEA and the FBI.

The federal government is controlling localities and dictating to the states. A classic example was the Brady Bill, which NSA supported. Twenty-seven states that already had a waiting period are not affected, but states that do have to implement it haven't been given the funds to do so. The new Crime Bill also requires local action but does not provide funding. Jail administrators need to get involved in supporting issues of importance to them. For example, NSA contacted the Office of Management and Budget when NIC was deleted from the budget.

Corrections a Marketplace for Defense and New Technologies

NSA's view is that the criminal justice system is a marketplace for defense weapons. Some of the technologies NSA is looking into include: sticky foam, for non-lethal use of force; a gun affecting the retina of the eyes and increasing body temperature; a gun causing temporary epileptic seizures; a microwave impulse that hits the computer system in car being pursued; a bio-degradable ceramic bullet; a computer database making it possible to identify a bullet recovered from a crime scene.

Other technologies likely to be used in criminal justice include implants for pedophiles; a drug that will eliminate the desire for heroin and cocaine; use of hair samples to determine drug use; and a drug to modify behavior of those with a genetic propensity for violence.

Terminology Important

In terms of intergovernmental relations, it is important to use the term, "sheriff's office" rather than "sheriff's department" because "department" suggests you are responsible to county commissioners rather than to the people.

Beverley Armstrong, Secretary, American Jail Association

AJA's Services

The American Jail Association (AJA) is in Hagerstown, Maryland. AJA association has 7,000 members and provides the following services:

- 0 Annual Training Program, this year in Indianapolis in May;
- 0 Regional Training--upcoming topics include fees for medical services, training for trainers, conflict resolution, legal issues, related to jails;
- 0 Joint training with ACA;
- 0 Videos for jail operators on a range of topics;
- 0 A monthly magazine, American Jails, which publishes articles from members on local to international topics;
- 0 Annual directory of services and vendors;
- 0 Who's Who in Jail Management Directory;
- 0 Jail Manager Bulletins;

The AJA Board of Directors has twenty members and has passed resolutions on issues such as: ACA accreditation; a code of ethics for correctional officers; recognition of Correctional Officers Week; handgun control; juvenile, DUI, and literacy issues; parity for correctional officers; and opposition to privatization.

AJA is a 501 3c organization, a non-profit organization. This means that the association cannot do extensive lobbying without losing its tax-exempt status. However, AJA was heavily involved in supporting NIC funding; its resolution was forwarded to the President of the United States and the Speaker of the House. Representatives also went to Washington to back the funding. Although AJA does not employ a lobbyist, board members take it upon themselves to promote legislation they feel strongly about by contacting senators and representatives and by working closely with NSA and ACA.

AJA's designation as a 501 3c organization does not mean that AJA cannot make a profit. The association pays taxes on the annual conference and makes a profit on some activities, but not on membership dues.

AJA's Executive Director fields many calls from the media, many of them asking what AJA's position is on certain issues. The press also calls AJA, wanting to discuss specific incidents in jails.

Recently, AJA has been contacted by a group that wants to produce a TV series on jails called "Inside Jails" or "Behind Bars." This would be the corrections side of "Cops." The board has had many heated debates about this. We have concerns about what the new program might be and whether AJA would have the right to edit. This is still in the hands of the attorneys. I would like to have your feedback on this issue.

AJA has formed a committee to explore the possibility of having a jail administrator's certification program and is also looking into developing some correspondence courses.

Jim Gondles, Executive Director, American Correctional Association

Overview:

ACA was founded in 1870 and is among the 100 associations founded before 1900 that is still in operation. The Founding President of ACA was Rutherford B. Hayes. His wife was active in the United Methodist Church and got him interested in the plight of prisoners and what were then called “prisoner guards.” ACA was called the American Prison Association until about 1920.

ACA has two conferences, one in January, and one in August; the winter meeting has about thirty-five programs, and the summer meeting has about seventy. ACA has a staff of 99, plus an Executive Director.

Services:

- 0 **Corrections Magazine**, published eight times a year; the October issue was on jails and Mike O’Toole was the theme coordinator;
- 0 Membership in ACA is 19,780;
- 0 **Adult Detention Directory**, published every two years
- 0 Books on a variety of issues. Bestseller is probably **Understanding Jails and Prisons**. Other topics include: new generation jails, the mentally ill in jails, and an overview of jails in America;
- 0 Correspondence courses--Series 1 and 2, and courses on specific issues such as suicide prevention and report writing;
- 0 Video training, including a new one on jail supervision; others on ADA Regulations and sexual harassment;
- 0 ACA Grants:
 - Cultural Diversity in the Workforce (with the Police Foundation);
 - Non-Lethal Weapons (NIJ);
 - Jail Sketch Book (NIJ)--how to design to meet standards;
 - \$250,000 grant from BJA to develop boot camp standards;

ACA is what its members make it; if you are a member of ACA, feel free to call me about any issue related to adult detention facilities.

Discussion Highlights, Session 6:

- 0 **NSA’s Law Enforcement Liability Policy**--The policy defends for liability up to \$3 million. Each sheriff gets a \$10,000 accidental death benefit and each officer gets a \$2,500 death benefit. This year benefits may be increased to \$50,000 and \$3,000 respectively.
- 0 **Poke Officers’ Bill of Rights**--If your state does not have one, you must pass one within three years or accept the Federal governments’ version, which is very

restrictive.

0 NSA may have more political clout than the other associations because its members are elected officials. Sheriffs and police chiefs may, in general, also have more influence than those in corrections. In addition, although NSA endorses political appointees, ACA and AJA do not.

0 *National Deputy Sheriff's Association*--Administrators need to be aware that this is actually a rip-off organization, interested in soliciting membership but providing no real services. It represents itself as being in Washington, D.C., but there is only a mail drop box.

0 NSA, AJA, and ACA can help get the views of jail administrators to those who make decisions. One way this happens is through joint resolutions that define specific positions on issues. It is also important to remember the power of individuals to express their points of view to their own representatives.

Wrap-Up

Michael O'Toole, Chief, NIC Jails Division

0 *Survey of Mental Health Services in Local Jails*--COSMOS had hoped for a 100 percent return rate on its survey from this group. So far, however, the response rate has not been good. Attendees are urged to return the survey.

0 *Evaluation*--The Jails Division will be evaluating Network meetings and the Large Jail Network Bulletin this Spring.

Richard Geather, Correctional Program Specialist, NIC Jail Division

0 *Topics for next time*--Suggested topics for the July meeting included a discussion of the Americans with Disabilities Act and revenue-generating programs. Decisions about that meeting will be based on surveys turned in at the end of this meeting.

0 Mr. Geather thanked participants and staff for their contributions to a productive meeting.

APPENDIX I

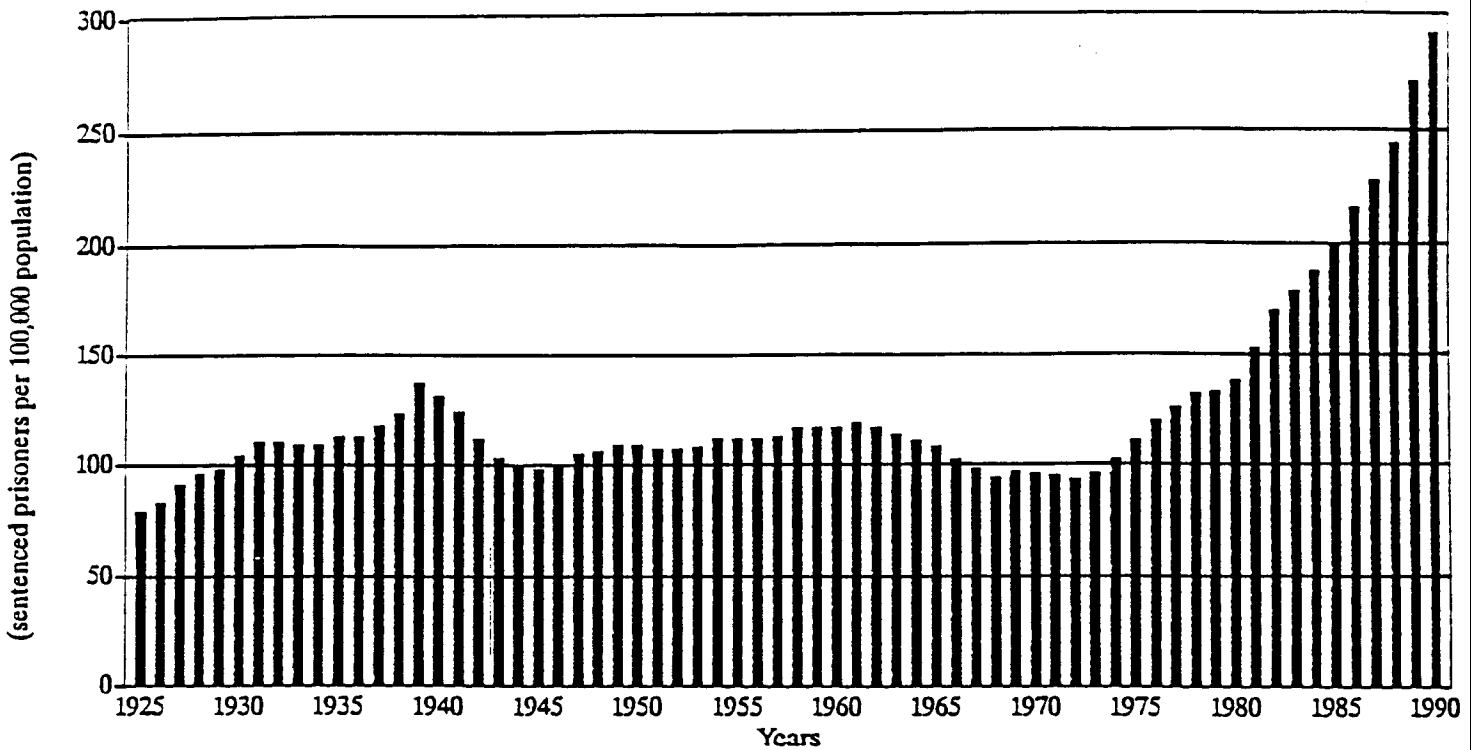
**THE POLITICAL CONTEXT
OF
MAJOR METROPOLITAN
JAIL ADMINISTRATION**

VIVIAN E. WATTS

January 23, 1994

Author of The Role of General Government Elected Officials in Criminal Justice and Guide to the Criminal Justice system for General Government Elected Officials (available from ACIR Publications, 800 K Street, NW, South Building, Suite 450, Washington, D.C. 20575) and former Secretary of Public Safety for the Commonwealth of Virginia. Phone: 703/978-2989 FAX: 703/978-5762

Figure 1-1
Sentenced Prisoners in State and Federal Institutions, 1925-1990



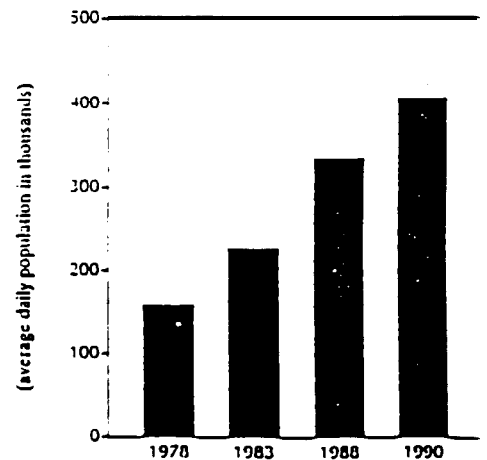
Source: U.S. Department of Justice. Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics*, 1990.

For 50 years, from 1925 through 1974, the average annual increase in the proportion of the U.S. population in prison was only 0.5 percent. This suddenly increased to an average annual growth of 6.2 percent from 1974 through 1985, escalating further from 1986 through 1990 to 7.9 percent per year. For 1990, the growth dropped to 7.7 percent.³ These unparalleled rates of growth have resulted in the United States having a higher percentage of its population behind bars than any other nation in the world.⁴

Further, because the graph is based on the number of inmates per 100,000 population, these rates understate actual growth. The total number of prison inmates has climbed even more steeply, 238.2 percent from 1973 through 1990, even though the incarceration rate increased only 186.3 percent.⁵

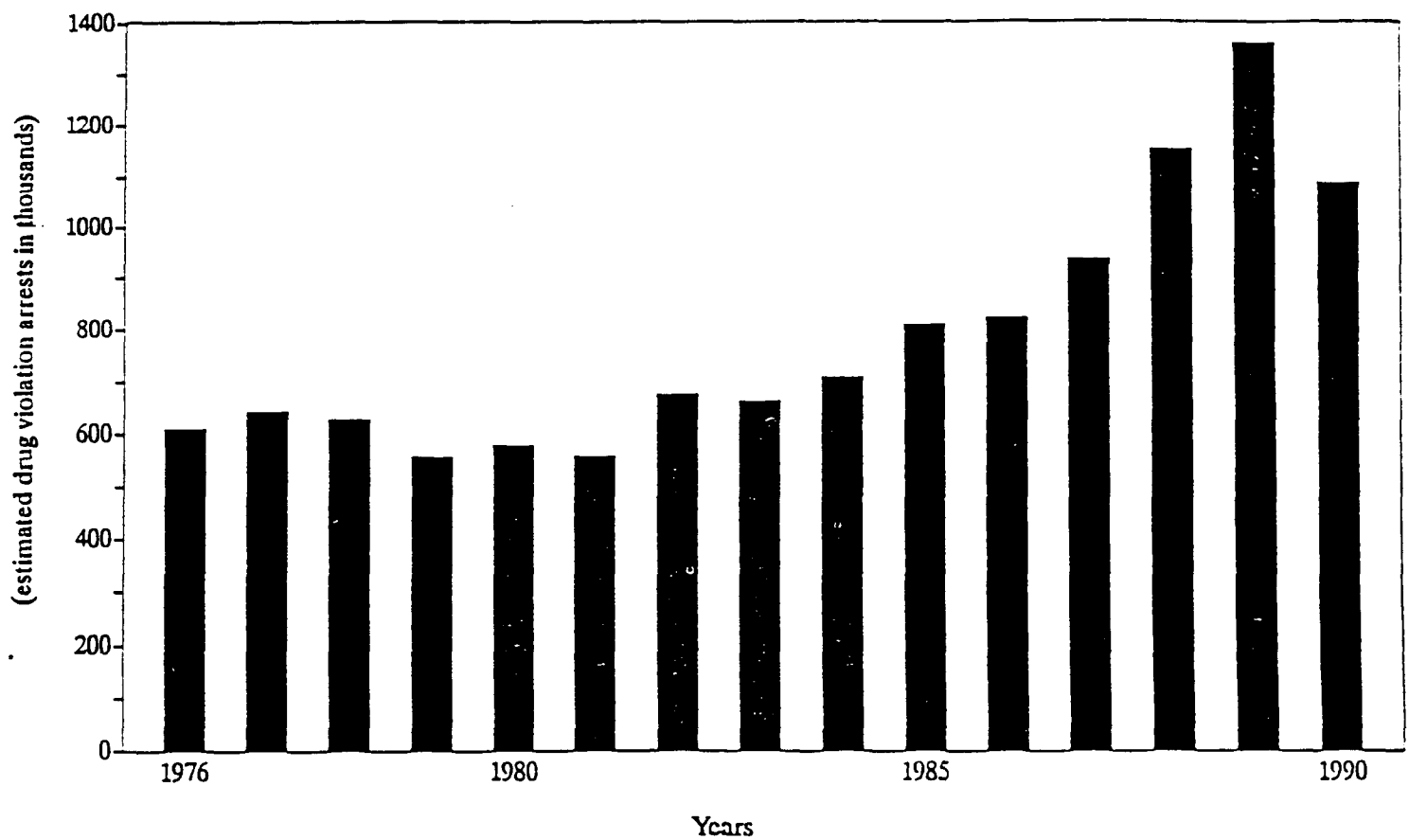
While the extraordinary rates of growth apply to both state and federal prison populations, the predominant increases have been in the state systems because criminal justice is primarily a state responsibility. State prisons hold 93 percent of all sentenced felons⁶ Since 1973, state prison populations have grown more than 50 percent faster than federal prison populations, mostly because federal crimes are largely “white collar,” in contrast to the “street crimes” handled by the states. In recent years, however, growth rates in the federal system have been similar to those in the states.⁷

Figure 1-3
Average Daily Population of Jail Inmates. Selected Years, 1978-1990



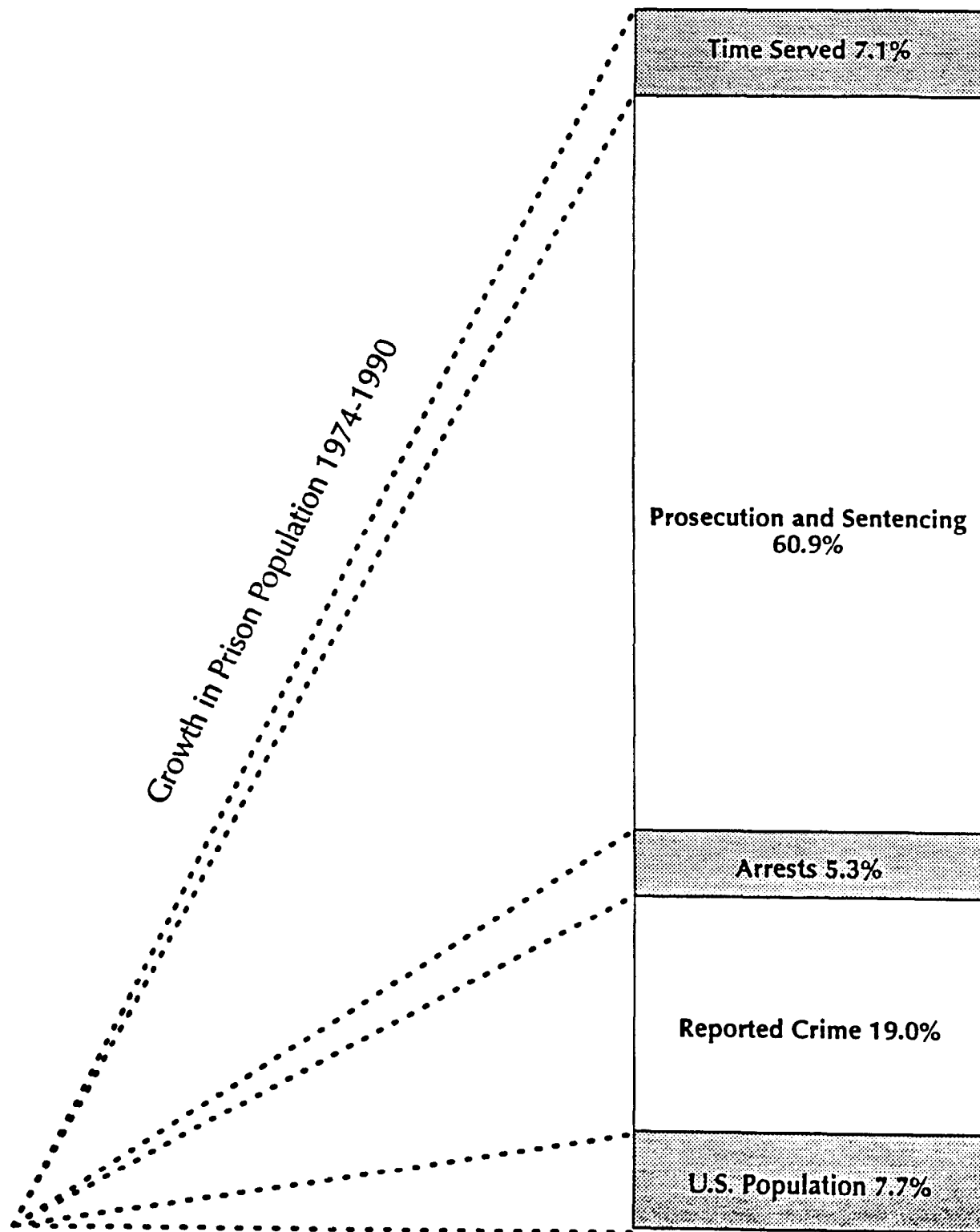
Source: U.S. Department of Justice. Bureau of Justice Statistics. “Jail Inmates, 1990.” *BJS Bulletin*, June 1991.

Figure 1-11
Total Estimated Arrests for Drug Violations, 1976-1990



Source: U.S. Department of Justice. Federal Bureau of Investigation. *Uniform Crime Reports, 1976-90.*

Figure 1-2
Factors Contributing to Criminal Justice Growth, 1974-1990



Source: ACIR.

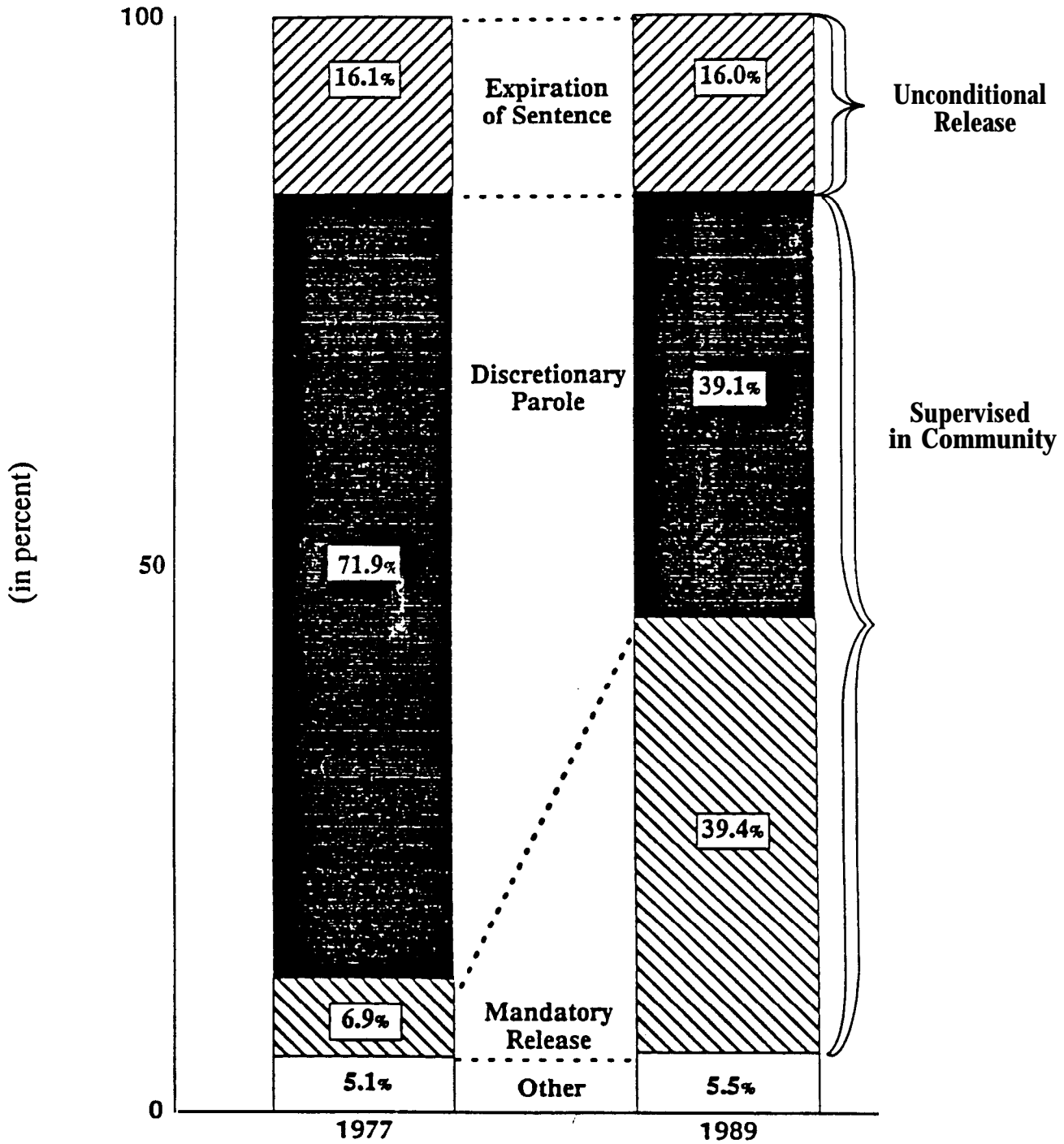
Table 1-3
Status of Adults under Correctional Control, 1990

	1990
Supervised in the Community	73.6%
Probation	61.4
Parole	12.2
Incarcerated	26.4%
Jail	9.3
Prison	17.1

Table 1-4
**Probation, Jail, Prison, and Parole, Average Annual Percentage Increase,
 1983-1978 and 1987-1990**

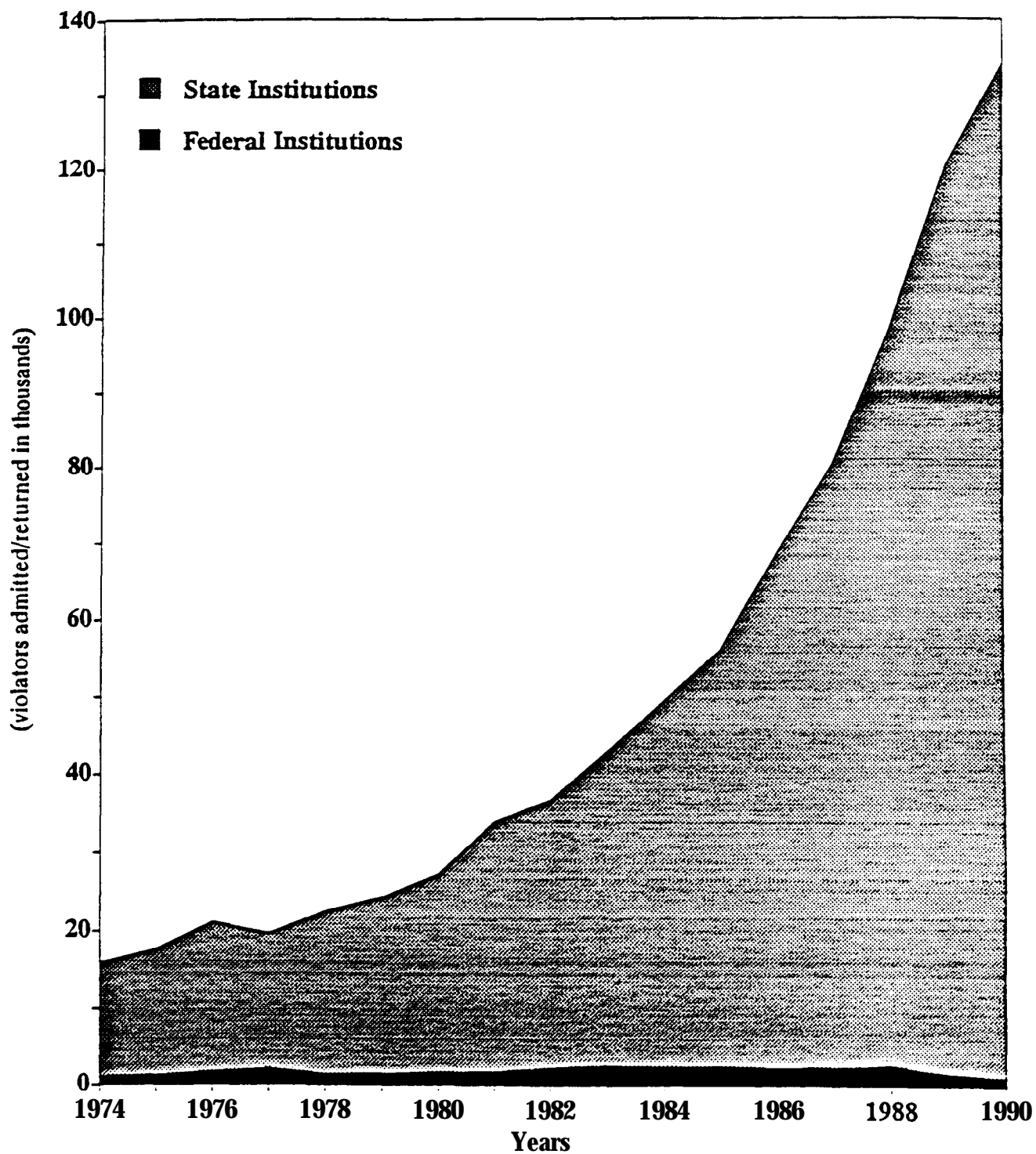
	Average Annual Increase 1983-1987	Average Annual Increase 1987-1990
Probation	9.2%	5.9%
Jail	7.4	11.4
Prison	7.4	9.8
Parole	10.1	14.4

Figure 2-3
 Change in "Type of Release from State Prisons, 1977-1989



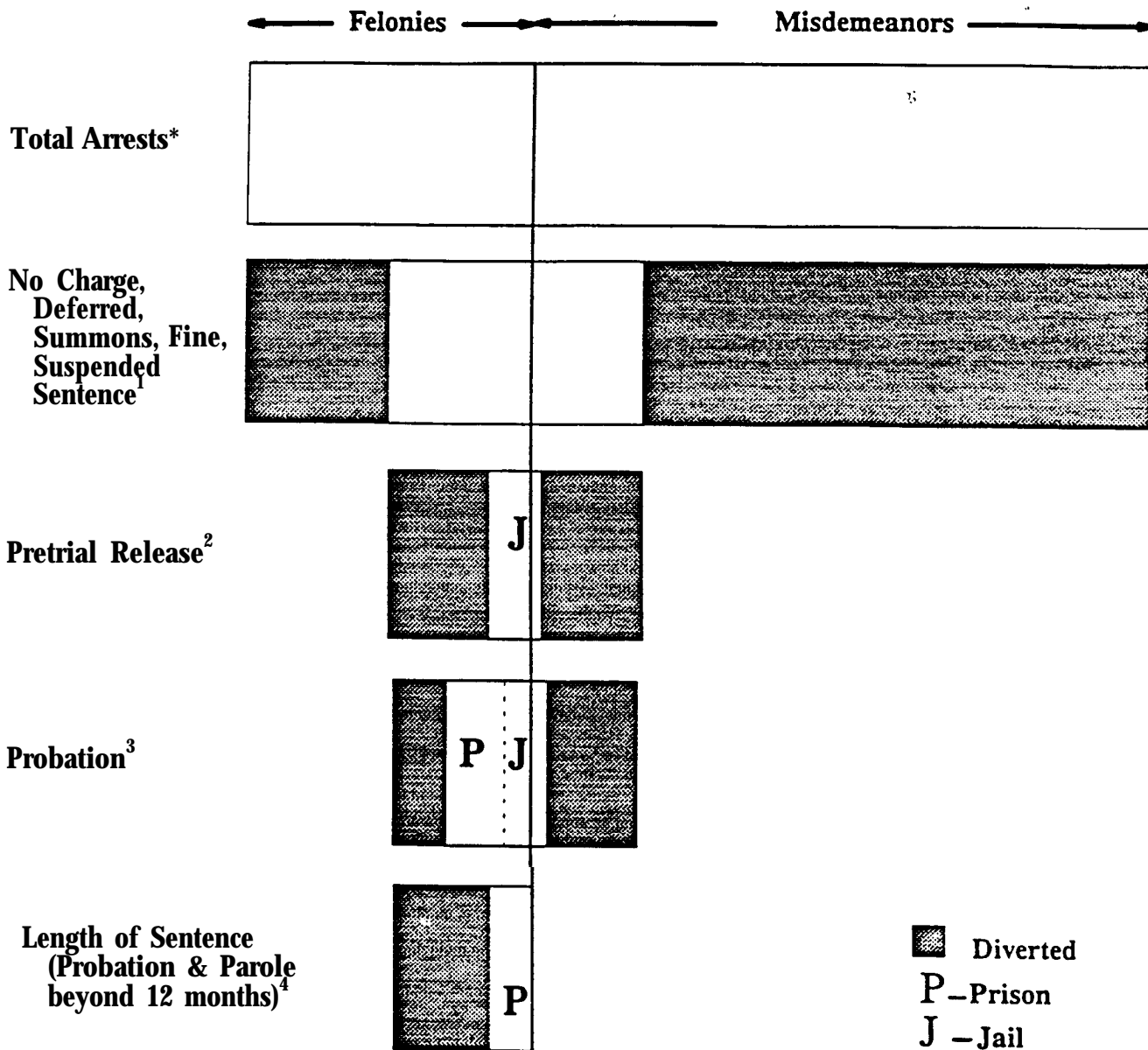
Source: Derived from U.S. Department of Justice, Bureau of Justice Statistics, *Probation and Parole* 1989.

Figure 1-7
Parole, Probation, or Other Conditional Release Violators
Admitted/Returned to Prison, 1974-1990



Source: U.S. Department of Justice, Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics, 1991*.

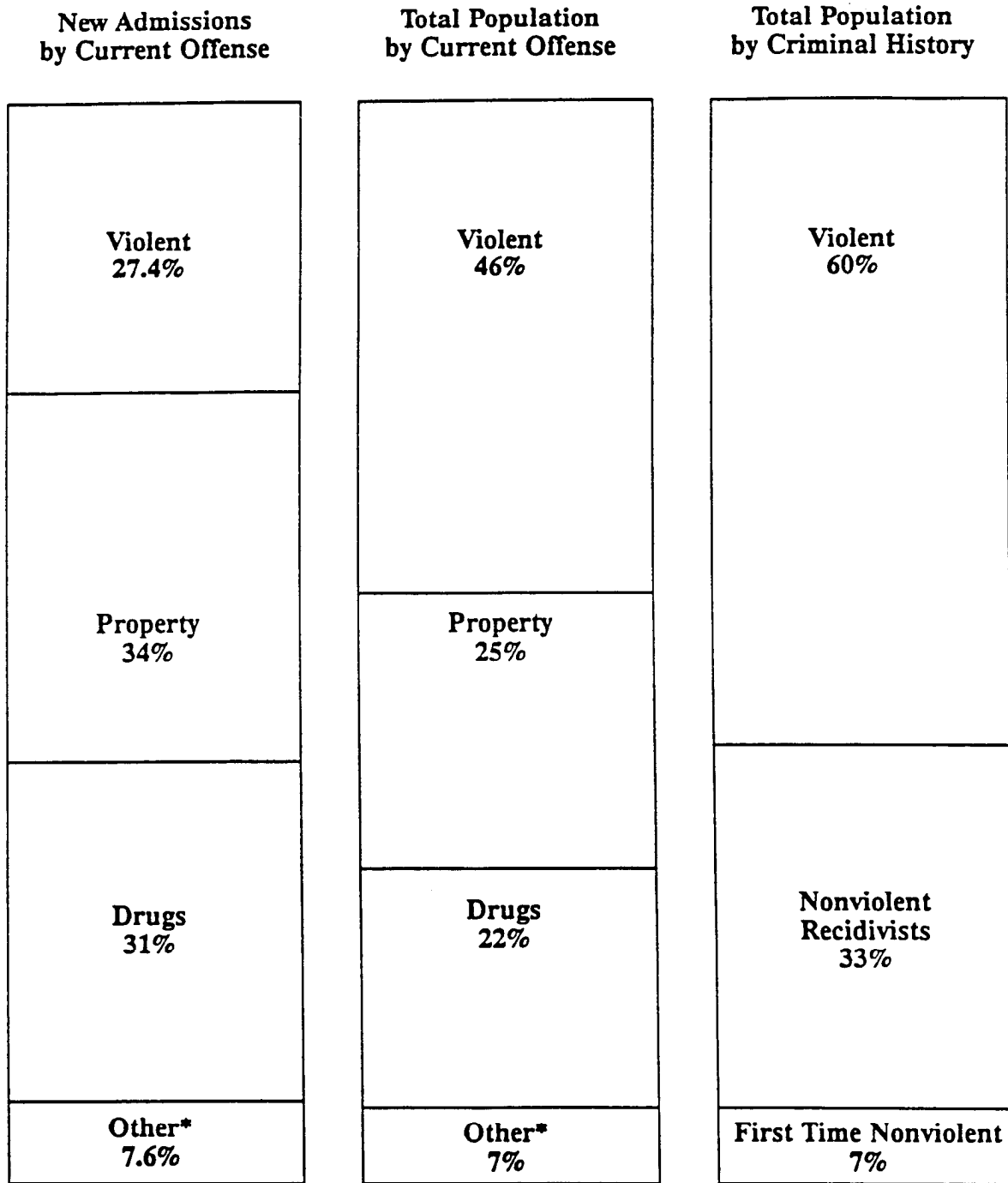
Figure 3-2
Proportion of Arrestees Diverted from Jail or Prison through Criminal Justice Options



*Excluding non-DUI traffic offenses.

Source: ACIR computations from: ¹FBI 1990 UCR arrest estimate; "The Prosecution of Felony Arrests, 1988," *BJS Bulletin*, February 1992; "Recidivism of Felons on Probation, 1986-89"; "Probation and Parole 1990." ²BJS, "Profile of Jail Inmates, 1989," *BJS Special Report* (Washington, DC, April 1991), and "Pretrial Release of Felony Defendants, 1988," *BJS Bulletin*, February 1991. ³"Felony Sentences in State Courts, 1988," *BJS Bulletin*, December 1990, and "Profile of Jail Inmates, 1989." ⁴U.S. Department of Justice, *Correctional Populations in the United States, 1990* (Washington, DC, July 1992).

Figure 4-4
1991 State Prison Populations



Source: ACIR computation from U.S. Department of Justice, Bureau of Justice Statistics, *Prisons and Prisoners in the United States*, April 1992

Focus

Differences in the Potential for Increased Use of Alternative Sanctions in States

If there are agreed-on public policy reasons to do so, all states can reduce their prison populations by increasing the use of alternative sanctions, but for some states there is more latitude for change than for others.

Increased use of alternatives could be particularly productive in states that rank high in the proportion of their population imprisoned and that make little use of alternatives. These states include:

State	Rank Per Population	Prisoners Per Arrests	Total Control Per Arrests
Nevada	1	13	36
Virginia	16	17	37
Alabama	8	7	22
South Carolina	4	4	17
Oklahoma	9	14	25

Three other states also have a high proportion of their population in prison and make relatively little use of alternatives, but each of these states has a high rate of reported crime and arrests. Therefore, increased use of alternatives will have less effect on the proportion of their population serving time in prison:

State	Rank Per Population	Prisoners Per Arrests	Total Control Per Arrests
Florida	12	29	22
Arizona	7	30	42
California	17	35	32

Other states have a high proportion of prisoners relative to their population and make high use of alternatives. They also make high use of imprisonment, which drives up their prison populations. Only two of these states rank high in reported crime, Michigan (10) and Alaska (11). Therefore, for these states, it would be particularly useful to look at why prisoners spend so much time in prison:

State	Rank Per Population	Prisoners Per Arrests	Total Control Per Arrests
Alaska	2	11	3
Georgia	10	11	2
Louisiana	5	3	10
Delaware	3	5	11
Michigan	15	16	12
Mississippi	13	2	14
North Carolina	11	15	16

Only two states having a high percentage of their population in prison stand out as making substantially more use of alternatives than of imprisonment:

State	Rank Per Population	Prisoners Per Arrests	Total Control Per Arrests
Texas	14	26	7
Maryland	6	20	9

It is significant that of the 12 states that have the highest rates of reported crime (Florida, Arizona, Colorado, Oregon, Nevada, Texas, Washington, California, New Mexico, Michigan, Alaska, and New York), five of them are not listed above because, despite their high rates of reported crime, they do not have high rates of imprisonment. To the degree that these states also make relatively little use of alternatives relative to arrests, they

could be termed the least punitive in dealing with criminal activity. Development of alternative sanctions in these states may be more strongly affected by a public safety desire to add gradients of control than to lessen the growth of prison populations:

State	Rank Per Population	Prisoners Per Arrests	Total Control Per Arrests
Colorado	42	48	48
Oregon	27	45	38
Washington	33	40	13
New Mexico	25	34	45
New York	20	24	28

Several states, because of their low crime rates, do not appear to be punitive when measured by the proportion of their population in prison, but stand out as punitive in their high use of both imprisonment and alternatives relative to arrests. These states have relatively more latitude to approach programs that will divert offenders from the criminal justice system at the earliest possible stage:

State	Rank Per Population	Prisoners Per Arrests	Total Control Per Arrests
Vermont	39	9	1
Tennessee	32	10	4
Indiana	26	8	5
Illinois	30	12	6
Ohio	22	6	8

Finally, four states with low rates of reported crime make significantly higher use of alternatives than they do of imprisonment. Response to a criminal justice crisis in these states—whether it is jail or prison overcrowding or a breach of public safety—can probably be dealt with more satisfactorily by focused changes, dealing with the problem at hand, than the need to make major changes elsewhere in the criminal justice system:

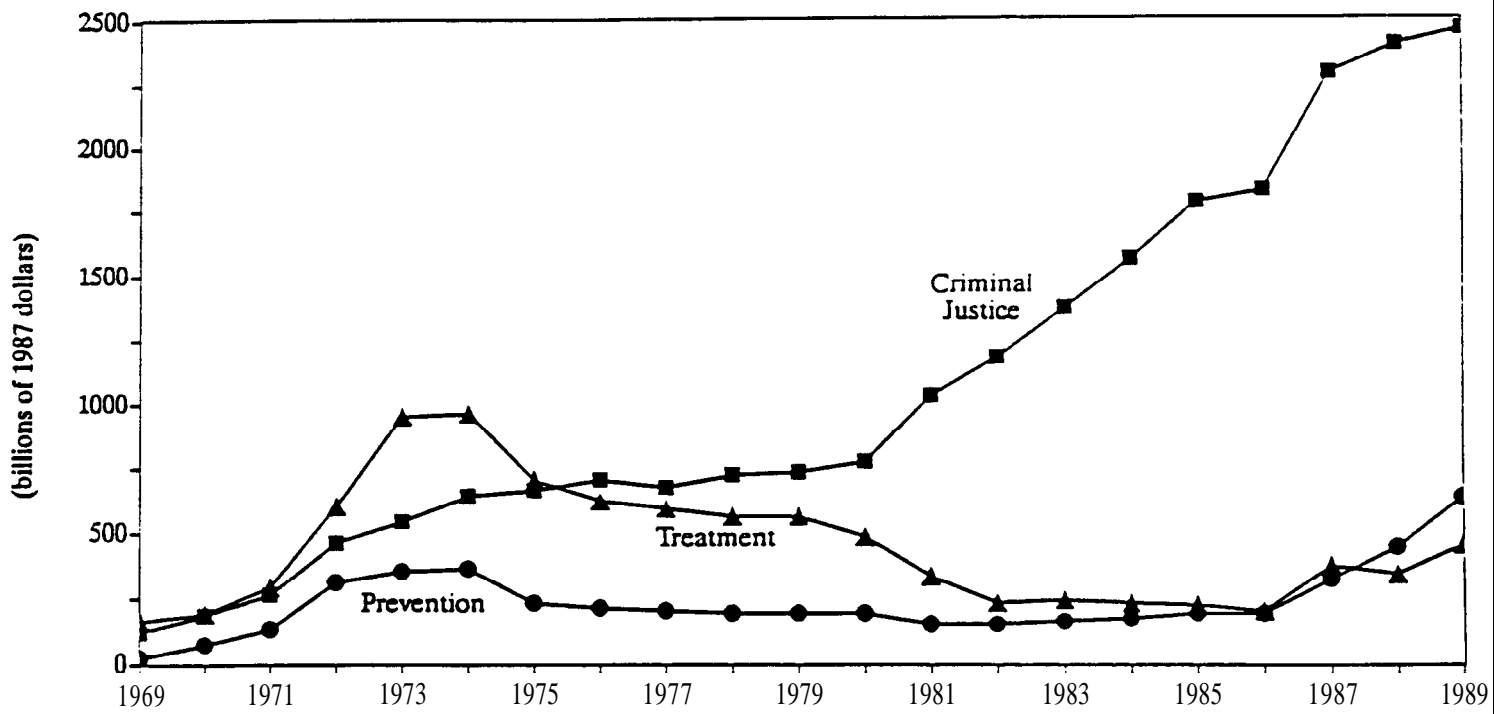
State	Rank Per Population	Prisoners Per Arrests	Total Control Per Arrests
Massachusetts	45	28	15
Minnesota	50	50	27
Pennsylvania	38	32	18
Rhode Island	36	33	19

The remaining states also do not have high rates of reported crime. They can be grouped into two categories based on their use of imprisonment and alternatives. The first group ranks in the middle-range in their use of alternatives and imprisonment relative to arrests. In order of their relative use of alternatives, they are: Kentucky, Connecticut, Kansas, Nebraska, Hawaii, Missouri, New Jersey, Arkansas, Wyoming, and South Dakota.

The final group of states is in the bottom third in their use of both imprisonment and alternatives in relation to arrests. Again in order of their relative use of alternatives, they are: New Hampshire, Iowa, Montana, Wisconsin, West Virginia, Idaho, Maine, North Dakota, and Utah.

Not surprisingly, with the exception of Kansas, all of the states in the first group have more people behind bars relative to their population than the states in the second group. Of the low-crime states, the second group is the least punitive in dealing with those arrested.

Figure 4-7
 Federal Anti-Drug Abuse Expenditures for Treatment, Prevention, and Criminal Justice



Source: Dean R. Gerstein and Henrick J. Hawood. eds., *Treating Drug Problems* (Washington, DC: National Academy Press, 1990), p. 216.

ARRESTS IN THE U.S.

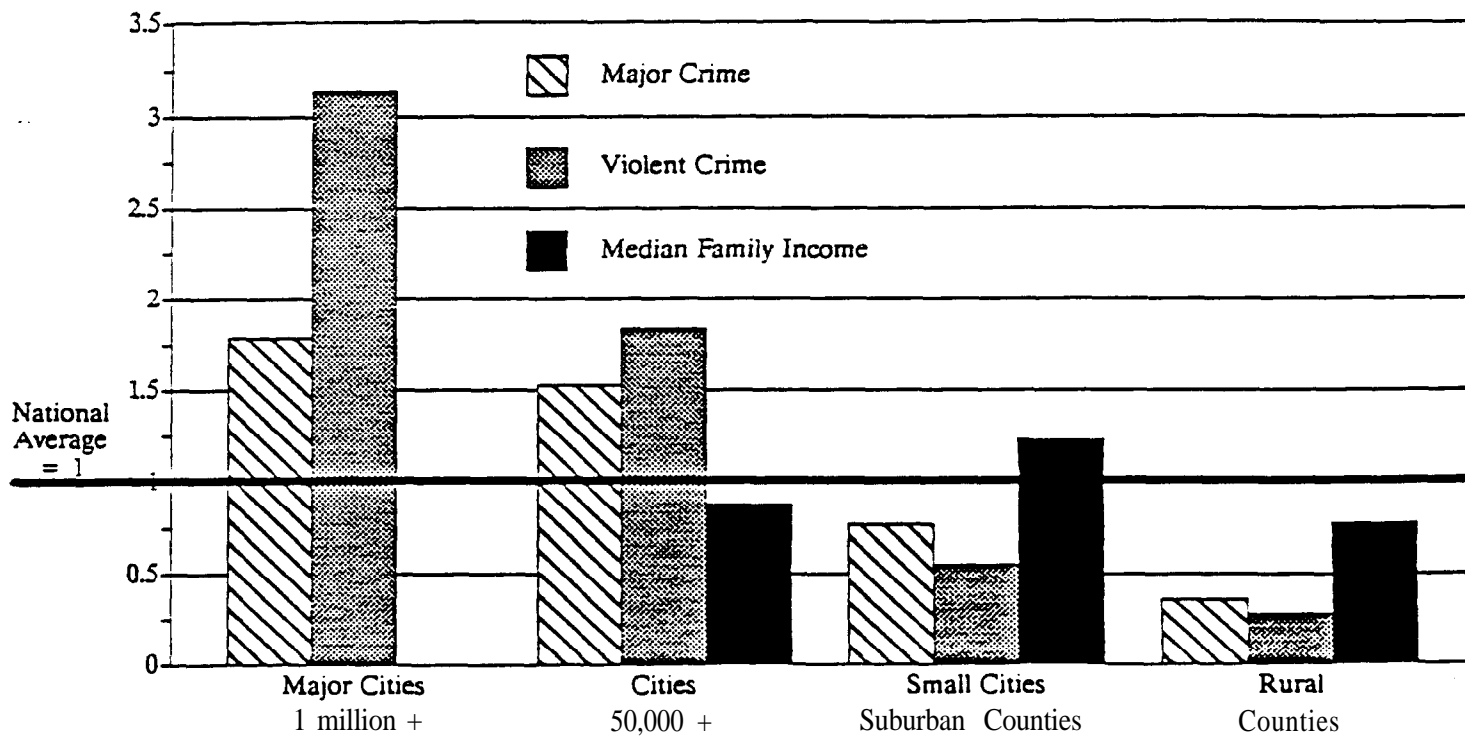
1991

	Increase over 1987	Increase over 1982
MURDER		
% under age 18	85.3%	92.7%
over age 18	21.4%	10.5%
ROBBERY		
% under age 18	51.7%	12.1%
over age 18	20.4%	15.7%
BUGLARY		
% under age 18	-2.7%	-29.4%
over age 18	1.3%	-6.6%

Source: FBI "1991 Uniform Crime Report"

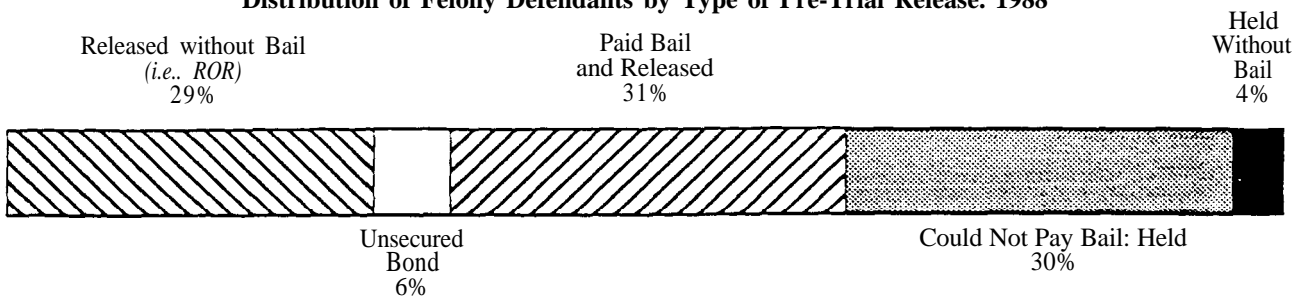
Figure 7-2

Comparisons of Reported Major (UCR) Crimes, Violent Crime Index, and Median Family Income Relative to National Averages for Major Cities, Suburban Counties and Small Cities, and Rural Counties, 1989



Source: ACIR compilation from U.S. Department of Justice, Federal Bureau of Investigation. *Uniform Crime Reports, 1976-90*; and U.S. Department of Commerce, Bureau of the Census. *Money Income of Households, 1988 and 1989*.

Figure 3-4
Distribution of Felony Defendants by Type of Pre-Trial Release. 1988



Source: U.S. Department of Justice. Bureau of Justice Statistics. "Pretrial Release of Felony Defendants, 1988," *BJS Bulletin*, 1991.

defendants would appear for trial if they knew they would get their money back. However, the 1988 survey did not bear this out. The failure to appear was 27 percent for those whose deposit would be returned by the court, while only 20 percent of those who had paid a bail bond failed to appear. The final category of bail, full cash bond, was associated with a 26 percent failure to appear and, as noted earlier, resulted in the highest percentage still fugitive after one year.²⁸

The critical time period to be examined for the effect of bail policies and procedures on jail overcrowding is the first days of detention. For example, if the averages for the 75 largest counties in Table 3-1²⁹ were a profile of one jail, local officials should expect answers as to why those making a deposit with the court cannot be handled as fast as

those using a bail bondsman and why the decision for ROR cannot be made as quickly as an unsecured bond decision. Such oversight questions are in addition to the perennial question: Why should anyone's release depend on ability to pay money?

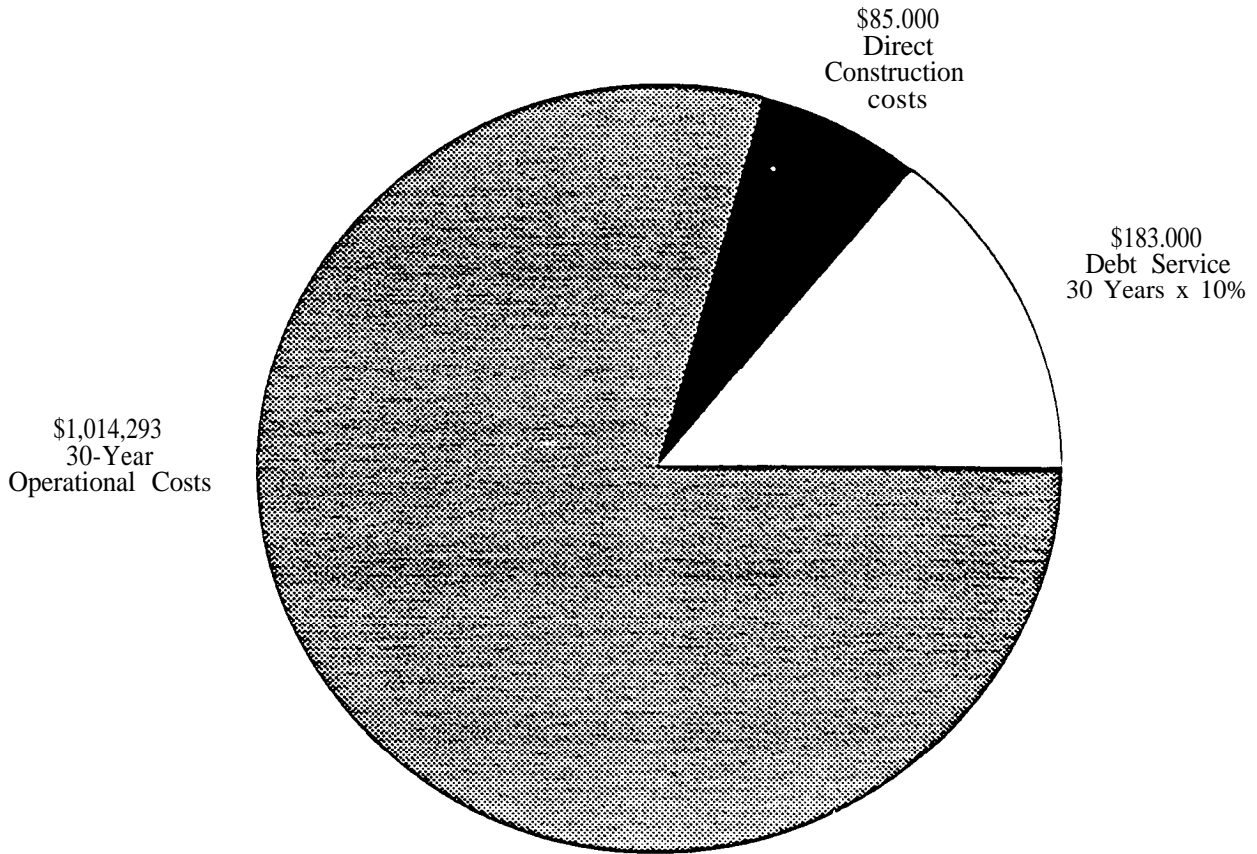
For example, a 1988 study indicated that almost half of the Baltimore City jail population had a bail of \$1,000 or less, meaning that paying \$100 would effect release. When the Offender Aid and Restoration Program put up the money out of private and government funding for the release of approximately 1,500 inmates in FY 1990, this resulted in a net saving of over \$2 million in jail costs. However, it still cost the jail \$367,500 for the seven days the offenders were held before their release could be arranged, leading the Bar to observe that:

Table 3-1
Time from Arrest to Release for Felony Defendants Released before Case Disposition, by Type of Release and the Most Serious Arrest Charge, 1988

Type of Release and Most Serious Arrest Charge	Number of Defendants	Percentage of Felony Defendants in the 75 Largest Counties Who Were Released before Case Disposition within:						
		Same Day	1 Day	2 Days	1 Week	1 Month	6 Months	1 Year
All Release Defendants	28,346	22.5%	45.5%	56.7%	78.2%	91.5%	99.4%	100%
Type of Release								
Surety Bond	6,783	23.1	50.3	59.0	75.5	91.7	99.3	100
Full Cash Bond	3,213	7.5	20.5	32.0	67.1	85.2	99.4	100
Deposit Bond	2,540	27.2	38.1	49.5	72.3	91.0	99.1	100
Unsecured Bond	2,571	52.7	72.0	78.5	86.8	92.9	99.4	100
Recognizance/ Citation Release	12,765	18.7	45.3	63.2	82.4	93.4	99.6	100
Most Serious Arrest Charge								
Violent Offense	5,374	15.6	33.1	41.3	70.2	86.3	98.7	100
Property Offense	9,659	28.8	53.1	64.1	80.0	93.0	99.8	100
Drug Offense	10,852	20.0	43.6	58.5	80.6	93.5	99.5	100
Public Order Offense	2,461	24.0	50.8	62.7	77.8	88.3	99.1	100

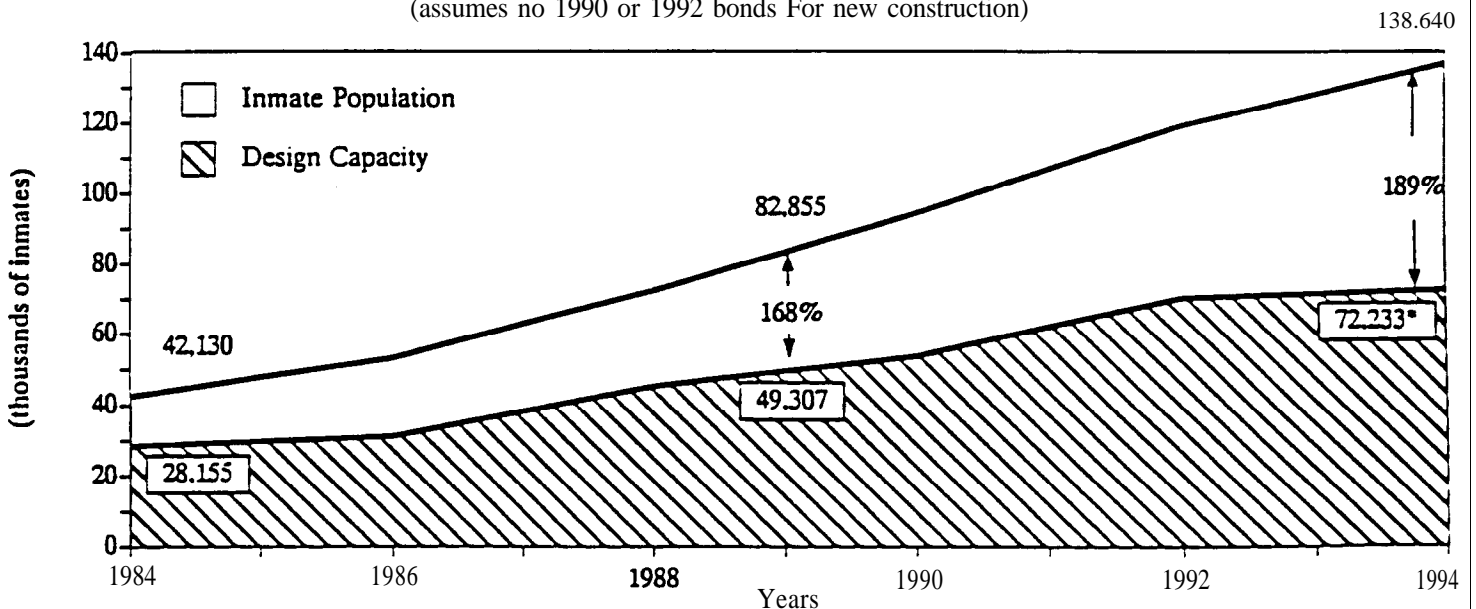
Source: U.S. Department of Justice Bureau of Justice Statistics. "Pretrial Release of Felony Defendants, 1988," *BJS Bulletin*, 1991, Table 9.

Figure 5-1
The Million-Dollar Prison Cell: \$1,282,293



Source: National Council on Crime and Delinquency. *85 Years of Justice Reform*. 1991

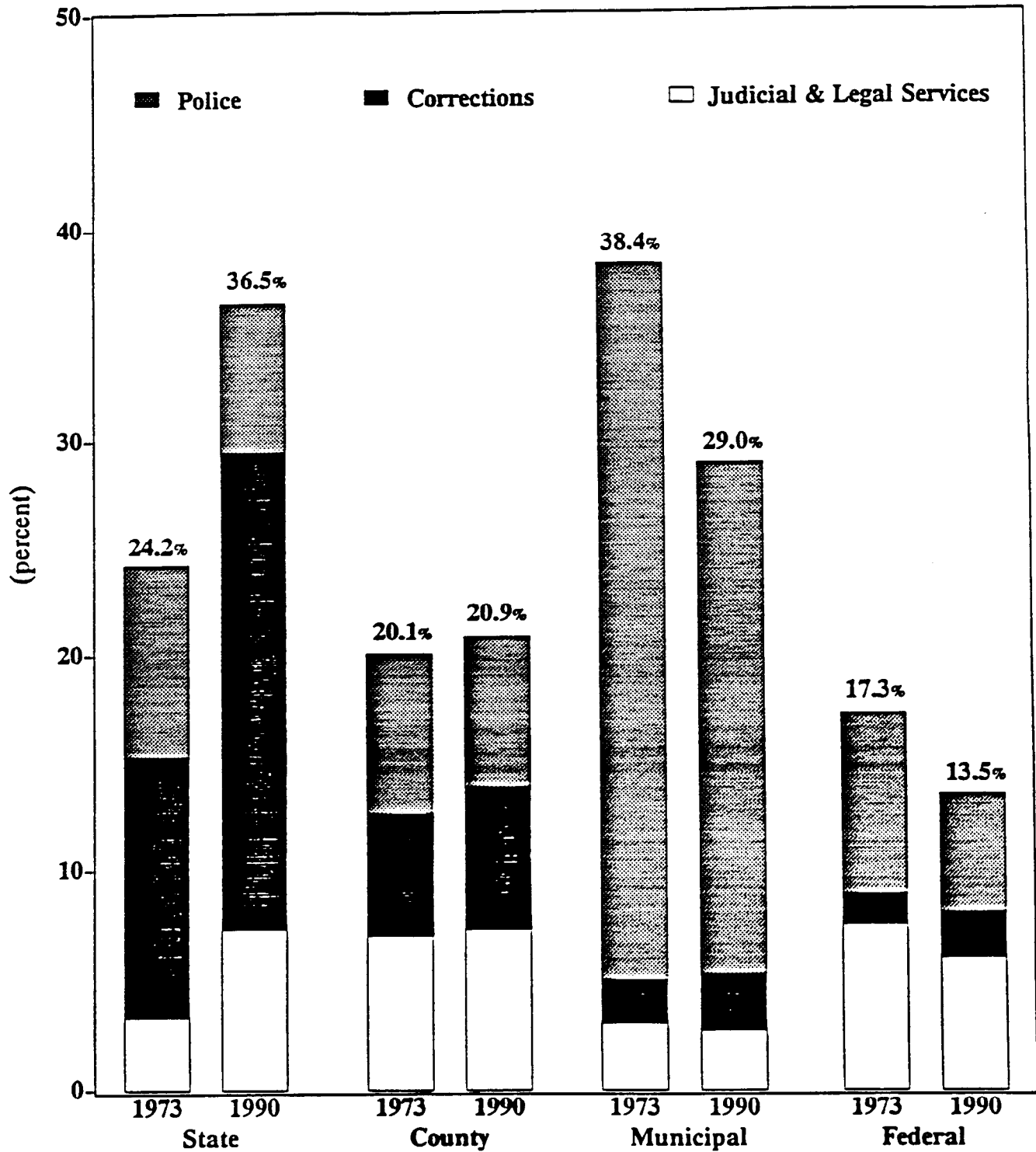
Figure 5-2
California Department of Corrections Population Projection versus Design Capacity
 (assumes no 1990 or 1992 bonds For new construction)



*Includes 8,030 community beds.

Source: CDC Offender Information Services.

Figure 1-9
**Own-Source Funding, by Government,
as a Percentage of Total Criminal Justice Spending, 1973 and 1990**



Source: ACIR computation from U.S. Department of Justice, Bureau of Justice Statistics, *Justice Expenditure and Employment in the U.S., 1990*.

APPENDIX II

Additional comments from Vivian Watts related to the discussion of

“Governing the Non-System: The Criminal Justice Challenge”

Tom Charron of the National District Attorney’s Association made this critical observation in his presentation, “When you bend the selection process, you gut alternative programs.” A ‘gutted’ program is not effective in changing behavior and/or is not cost-effective. The program then loses or fails to gain the commitment of the persons running it and the policymakers funding it.

An extensive National Academy of Sciences study released in 1980 of programs run during the previous two decades cited the following reasons--which are equally true today--as to why criminal rehabilitation programs are ineffective:

1. Programs inadequately screen participants.
This will be true if
 - 0 inadequate resources are spent on developing accurate sources of information on offenders; and/or
 - 0 programs are sold through soft-pedaling the types of offenders for whom they will be used. Ultimately, the cost of the program cannot be justified for offenders who will perform just as well in a less costly option.
2. Programs are usually single-faceted (e.g., vocational training), while concurrent factors are contributing to continued criminal activity.
Offenders need to be evaluated for their most debilitating needs and be placed in multiple programs simultaneously or sequentially--e.g., drug treatment, job training, and job placement.
3. It is difficult to maintain the integrity of the original model program as it is adapted to local conditions, personnel, and funding restrictions.
There are no model programs, only model administrators.
4. Too often, the programs themselves are inherently weak.
As the NAS report observed, “Why would one expect that one hour per week of group therapy with a poorly trained leader and unwilling participants would produce a major behavior change.”

As noted in the comment period, gutting programs often starts because there has been over-emphasis on cost savings without realistic consideration of public safety. Governmental budget decisions in the 1980s, which were made to cut costs elsewhere in corrections in order to absorb the growth in prison and jail populations, resulted in very significant underfunding of probation and parole. These “gutted” the deterrent effect of probation/parole and contributed to even greater use of prisons and jails, as documented below:

Between 1977 and 1985, state governments raised the proportion of total correctional spending for institutions from 76% to 84% percent; county governments raised spending for institutions from 70% to 80%. Specifically,, while personnel growth for prisons, jails, and court functions during the 1980s was in line with the growth in offenders, the growth in total state-local probation, pardon, and parole personnel increased at only half the rate of the number of offenders placed on probation or parole.

By the end of the 1980s, trying to get by too cheap through underfunding community release alternatives--which can only be lower cost alternatives to incarceration, not no cost--resulted in a falling off in the use of probation:

	<u>Average Annual Increase</u>	<u>Average Annual Increase</u>
	1983-87	1987-90
Probation	9.2%	5.9%
Jail	7.4%	11.4%
Prison	7.4%	9.8%
Parole	10.1%	14.4%

Heavy use of probation during most of the 1980s without general government funding for commensurate increases for staffing appears to have contributed to many offenders continuing their criminal activity. As the offender's record grows, at some point the court is forced to sentence to prison--93% of state prison inmates are either repeat offenders or convicted violent offenders. Judges and prosecutors also may have become disillusioned with the efficacy of probation, thus leading to the reduction in its use beginning in 1987.

Attempts to increase funding for probation/parole programs must address concerns about repeat offenders. Specifically, correctional officials need to map a careful strategy to keep the debate on reducing recidivism and avoid being discredited by the undisputable fact--which can be whipped into demagoguery--that "nothing works" 100% of the time. Net-widening with its waste of resources also can be avoided by focusing on reducing recidivism associated with defined offender populations, rather than insisting all programs meet an arbitrary recidivism measures.

Additionally, advocates for any program whose aim is to correct criminal behavior must, at a minimum, be prepared to engage in a public dialogue on

1. How recidivism is to be measured

Will it be an arrest of any kind, including traffic, or just a new felony conviction? Will technical violations of the conditions of probation/parole be

- included? What time frame will be used?
2. The historic rate of recidivism for the offender group.

The discussion of recidivism in The Role of General Government Officials in Criminal Justice (page 88) offers the following perspective on determining appropriate measures to determine whether a program reduces recidivism:

How many will fail is usually reported with qualifications, since the success rate for any given program is heavily influenced by who is selected to participate, how failure is defined, and/or the time period being tracked since the offender completed the program. The public commonly does not trust such “statistical excuses,” however, and simply wants to know “How many prisoners will never commit another crime after they’re released?” The answer is about one-third. If the question, instead, is framed “How many convicted felons will never commit another felony?” the answer is about one-half. Results in Canada have been essentially the same.

The difference in these two answers lies in the fact that the second group includes all felons, not just those sent to prison. Felons sentenced to probation rather than prison have committed less serious crimes and/or do not have long criminal histories, and for this reason rather than the nature of the punishment, they are less apt to commit any future crimes. For example, in a three year follow-up of felony probationers, only 43 percent had been arrested for another felony. Even among offenders whose crimes drew the more serious sanction of a prison term, the likelihood of rearrest within three years for first time offenders is only 38 percent compared to an average of 63 percent for all persons released. In study after study, the predictive factor is the person being punished not the punishment.

Finally, if a program is to be held accountable, funding must be included for assessment, given the following descriptions (page 89) of how officials and criminals typically respond:

...It is not uncommon for reported recidivism rates to simply be based on whether the felon completed probation or parole without being arrested for another crime. This is not a conscious attempt to make the “success” rate look better than it is, as much as it is a pragmatic result of the fact that no one in the criminal justice system keeps track of individuals after they have completed the official period of supervision.

Burglars and other non-violent felons are more apt to be arrested for a new crime sooner than violent offenders. The average in a 1986 Virginia study was less than 18 months. Interestingly, this study also seemed to indicate that the more “professional” the criminal, the longer he/she may go before being rearrested. Arrests for armed robbery occurred within 16 months if the offender’s previous convictions had been for less serious crimes, compared to 32 months if the person had committed armed robbery before.

For murderers and rapists, the average time before a new arrest ranged from 21 months for murder, if the person had already committed a violent crime, to 58 months for a sexual offense committed against a child. Almost 75 percent of the felons had completed the period of probation or parole before they were re-arrested.

Additional comments from Vivian Watts related to the discussion Of

“How do national public policy decisions influence the role of jails in the United States?”

Although there was a 345% increase in federal criminal justice expenditures between 1973 and 1990, this was only half the increase in state expenditures. Therefore, the federal share of all criminal justice expenditures dropped from 17.3% to only 12.6%. This relative drop in federal expenditures was due to cuts in federal intergovernmental assistance as well as extreme growth in state prison and local jail populations. Intergovernmental assistance fell from 27.0% of federal criminal justice expenditures in 1973 to only 7.2% in 1990.

There is little chance that these federal funding trends will be reversed and local jails will again receive significant federal funding assistance, given that the federal government now has significant spending pressures of its own. Although federal prison growth had lagged significantly behind state prison and local jail growth, by the mid 1980s, growth in the number of crimes being tried as federal offenses and federal sentencing reform resulted in a 1985-1990 growth in direct expenditures in the federal system almost equal to the continued growth in direct state expenditures.

The perception that the federal government can fight crime better than states or localities can...or are...began with Prohibition, gained credence with white collar financial crimes, and has been spurred by sophisticated drug operations. Of at least equal significance, starting with the 1964 presidential campaign this perception is fostered politically. These factors produced 5 anti-crime bills that were passed by Congress in the 1980s, over 3,000 federal crimes that have been defined, and 37 federal agencies that have law enforcement authority.

It is very significant, however, that new federal laws dealing with “street crimes” are seldom enforced through the federal criminal justice system and little impact is felt on the federal budget. The federal criminal justice system actually handles only 6% of felony prosecutions. Instead, states and localities have had to increase their criminal justice expenditures to meet federally heightened public expectations.

In addition, federal action pressures local and state officials to enact equally tough measures because federal debates are covered in the popular media and the solutions espoused are apt to be echoed by the local official’s own constituency. Therefore, in an area where there are few if any standards of reasonable policy, local elected officials are often measured by the federal political agenda.

Finally, if a state’s laws are deemed to be too weak, an attempt may be made to take the case to federal court. Such court shopping has significantly increased and not only solidifies arguments for tougher state laws but in the shortterm may add to the time spent in pretrial detention.

Additional comments from Vivian Watts related to the discussion of

“Moving jails into the mainstream of local governmental thinking and planning.”

Large jails have the opportunity to build a management team that will give them credibility and access into the general governmental network. It can be particularly advantageous to actively recruit budget and data systems personnel from other agencies within the local government.

While the expertise of a professional hired from outside the locality will carry some weight, especially if this degree of professional training has not previously been represented on the jail staff, other local professionals may still be slow to accept the expertise of someone they don't know. Furthermore, professionals who have had experience with other local agencies bring a knowledge of what has been done and been accepted that can counter any tendency of local government officials to apply a double standard...or, equally important, of the jail administration to operate as if there were a double standard.

Additional comments from Vivian Watts related to the discussion of

“Jails: Developing intergovernmental approaches to local responsibility,”

To assure credibility in seeking intergovernmental assistance, it is important to first establish a cooperative approach locally. This will avoid end runs by other officials that may be counter to the jail’s interests and will prove that everything possible has been done locally to meet the jail’s needs.

It has been common, unfortunately, for independent criminal justice officials to resist efforts at fostering cooperation. The observation by Donna Hunzeker of the National Conference of State Legislatures during the first panel that “the criminal justice system is a fragmented system, but not a non-system” is an important concept to use in cutting through traditional excuses for not participating in system improvements.

Under the checks and balances of the American system of criminal justice, each official has the responsibility to treat each offender with independent judgment related to his or her guilt or innocence. Independence in regard to individuals, however, does not preclude collaboration and cooperation in improving the functioning of each system of criminal justice as it functions locally.

Funding is at the core of any debate on intergovernmental responsibility. Many existing formulas for local assistance were influenced more by the politics of general revenue sharing compromises rather than by recognition of the need to assist localities with the most serious criminal justice problems. The following summary from The Role of General Government Elected Officials in Criminal Justice (page 177-179) provides an outline for debating appropriate funding mechanisms:

- **Population Distribution** -- Distribution by total population creates a general revenue sharing approach designed to improve criminal justice services in all recipient jurisdictions without regard to the degree of need. It is common for federal law enforcement block grant funds to be allocated among the 50 states on the basis of population, although state/local split within the state reflects the VPT proportion.
- **Criminal Justice Expenditures** -- Distribution reflects some measure of criminal justice activity, but it makes no distinction between those localities who have ample resources to apply to modest crime problems and those who have limited resources to apply to overwhelming crime problems. As a basis of federal funding, it also does not distinguish between states that incarcerate high numbers per capita, even though they have low crime rates.
- **Crime Prone Population** -- Distribution based on the population percentage in the prime crime age reflects some measure of need, but it makes no distinction between the tendency to commit crime reflected in the different crime rates of rural, suburban, and intercity populations. The age range selected is crucial depending on the program thrust of the funding. For example, GAO found that an anti-drug distribution formula based on number

of 18- to 24-year-olds was a better reflection of the incidence of drug use in urban areas than total urban population. Distributions for juvenile programs, policing, or prison literacy are necessarily different.

- **Per capita income** -- Distribution inversely related to income is a good reflection of incidence of crime between suburban and core city populations, without the degree of reporting errors encountered in using the crime rate itself. However, it does not provide a good surrogate for the incidence of crime occurring in rural areas compared to suburban/urban populations, because crime rates are low in rural areas but so is reported income. For example, in 1989, the median household income for cities over 50,000 was almost one-third lower than for suburban households and households in smaller cities and it was almost 15 percent higher than for rural households. However, the violent crime rate of 1,208.3 per 100,000 population in cities over 50,000 was over three times higher than in smaller cities and suburban counties and six-and-a-half times higher than in rural counties. (The comparative differences for total major crimes reported were 8,653.7, 4,358.1, and 2,030.8 respectively.) Even more dramatic comparisons could be made by breaking out just those cities with populations over one million, which had crime rates of 2,057.9 for violent crime and 10,149.6 for all major crimes reported in 1989.

Finally, the preceding discussion of per capita income provides an important perspective on the state and federal legislative challenge facing large jails: representatives from large urban core jurisdictions do not represent a **majority** of the votes. Suburban and rural representatives out-number them and will tend to vote for “fighting crime” wherever it occurs (translation: more funds for their district) rather than targeting funds to where crime is the worst in urban cores. Voting interests in the U.S. Congress are even more skewed away from addressing urban core needs due to the fact that the Senate has equal representation for every state.

Additional comments from Vivian Watts related to the discussion Of

“professional Associations in Corrections; their influence on national perspectives of the role of jails.”

Professional associations can be very effective in watch-dogging specific legislative and budget language to achieve maximum results. However, their ability to prevail in the face of public controversy or to forward new initiatives is strongly related to how active their membership is. Legislators and chief executives are used to being lobbied and most have reason to be wary of any career lobbyist they perceive is not backed by broad or significant support back in their home district that will defend them if they get into controversy for his/her vote.

Core cities may not have the votes to outweigh suburban and rural interests, but they are still important to the status of most states. Therefore, the sheriff or administrator of a large jail should regard all of the state and federal legislators representing the broad metropolitan region--or federal representatives of the state if there is no equally large and significant core city elsewhere--as people with whom he should communicate. Written updates, informal meetings in the district, tours of the jail and community corrections programs, and timely telephone calls all should be used.

Most important, the sheriff and his chief staff person need to visit the state and federal legislators who are on the judicial and budget committees in their capitol hill offices. A key reason for this venue is to start a relationship between the respective senior staffers. It is this relationship that will become the best way to convey information. Ideally, it will grow into the chief jail staff person subsequently being introduced to and being a source of information and comment for committee staffers.

If the jurisdiction is without an equal in the state, the same one-to-one approach is essential with the Governor. On the other hand, if there are similar core cities, then it is better to establish an inclusive delegation. This should demonstrate that the Governor can depend upon ongoing collaboration so that he/she need not worry about being caught in a crossfire. For this reason, the delegation will be more effective and get a faster response than if each approached the Governor separately.

Finally, in the case of the key legislators, by going to their office, the sheriff/jail administrator also conveys the important message that he respects the individual and the authority of his/her office. This may be a crucial, much-needed message to counter the fact many elected officials report that they perceive a common tactic of criminal justice officials is to try to intimidate them.

APPENDIX III

LARGE JAIL NETWORK MEETING

MONDAY, JANUARY 24, 1994 (cont.)

10:00 AM BREAK

10:15 AM **How do national public policy decisions influence the role of jails in the United States?**

- Art Wallenstein, King Co., WA
- William Pedrini, San Mateo, CA
- Tom Allison, Orange Co., FL

Group Discussion

12:00 AM LUNCH

1:00 PM **Moving jails into the mainstream of local governmental thinking and planning.**

- John Simonet, Denver, CO
- Luke Smith, Westchester Co., NY
- Michael O'Malley, DOC, Vermont

Group Discussion

3:15 PM BREAK

3:30 PM **Jails: Developing intergovernmental approaches to local responsibility.**

- Peter Flynn, Plymouth Co., MA
- Pepe Lucero, Bexar Co., TX
- Tim Ryan, Alameda Co., CA
- Jack Terhune, Bergen Co., NJ

Group Discussion

5:00 PM ADJOURN

6:00 pm DINNER

LARGE JAIL NETWORK MEETING

TUESDAY, JANUARY 25, 1994

7:30 AM BREAKFAST

8:30 AM **Professional Associations in Corrections; their influence on national perspectives of the role of jails.**

- ▶ *National Sheriffs' Association*
Charles Meeks, Executive Director

- ▶ *American Jail Association*
Beverly Armstrong, Secretary

- ▶ *American Correctional Association*
Jim Gondles, Executive Director

Group Discussion

10:00 AM BREAK

10:15 AM **Evaluation Concept** Michael O'Toole

10:45 AM **Presentation of Future Meeting Issues**

11:00 AM RECAP AND CLOSEOUT Richard Geaither

**NATIONAL INSTITUTE OF CORRECTIONS
JAILS DIVISION**

LARGE JAIL NETWORK MEETING

Raintree Plaza
Longmont, Colorado

January 23 - 25, 1994

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