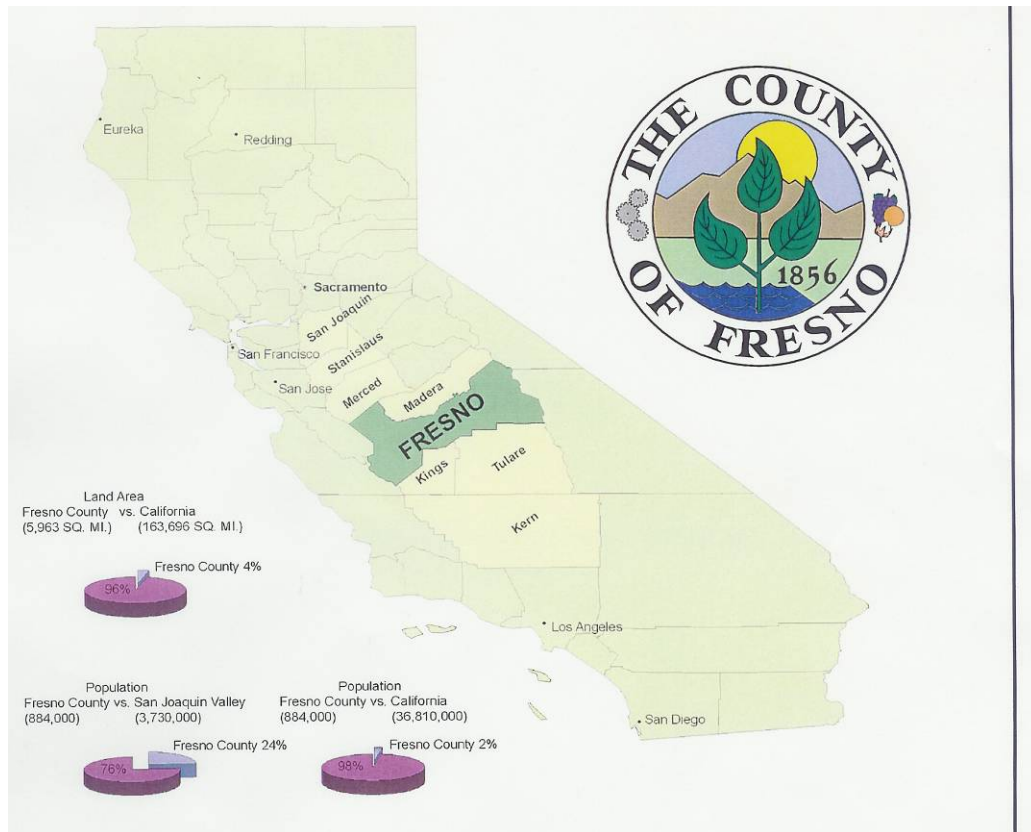


**US Department of Justice
National Institute of Corrections**



**JAIL
&
JUSTICE SYSTEM ASSESSMENT**



**BILLY WASSON
&
BILL CROUT
CONSULTANTS
NOVEMBER 6-10, 2006**

**US Department of Justice
National Institute of Corrections**



Disclaimer

This technical assistance activity was funded by the Jails Division of the National Institute of Corrections. The Institute is a Federal agency established to provide assistance to strengthen state and local correctional agencies by creating more effective, humane, safe and just correctional services.

The resource persons who provided the on site technical assistance did so through a cooperative agreement, at the request of the Fresno County, and through the coordination of the National Institute of Corrections. The direct onsite assistance and the subsequent report are intended to assist the agency in addressing issues outlined in the original request and in efforts to enhance the effectiveness of the agency.

The contents of this document reflect the views of Mr. Billy Wasson and Bill Crout, Consultants. The contents do not necessarily reflect the official views or policies of the National Institute of Corrections.

TABLE OF CONTENTS

<u>WHAT LED UP TO THIS TECHNICAL ASSISTANCE REQUEST?</u>	<u>4</u>
<u>THE ASSESSMENT PROCESS</u>	<u>4</u>
<u>FRESNO COUNTY</u>	<u>5</u>
<u>COUNTY JAIL FACILITIES</u>	<u>12</u>
<u>PRETRIAL PROGRAMS</u>	<u>23</u>
<u>COURTS</u>	<u>24</u>
<u>DISTRICT ATTORNEY</u>	<u>25</u>
<u>PUBLIC DEFENDER</u>	<u>25</u>
<u>PROBATION FRESNO COUNTY CASELOAD</u>	<u>25</u>
<u>EVIDENCE BASED PRACTICE</u>	<u>29</u>
<u>WHAT DOES WORK/WHAT DOESN'T WORK</u>	<u>29</u>
<u>REVIEWS ON RECIDIVISM</u>	<u>30</u>
<u>CRIMINAL SANCTIONS VS. TREATMENT</u>	<u>30</u>
<u>OBSERVATIONS</u>	<u>38</u>
<u>RECOMMENDATIONS</u>	<u>41</u>
<u>A SYSTEM WIDE STRATEGY TO MANAGE JAIL USE</u>	<u>44</u>
<u>CONTROLLING THE SYSTEM</u>	<u>46</u>
<u>UNDERSTANDING JAIL CROWDING</u>	<u>47</u>
<u>THOSE INTERVIEWED IN THIS PROJECT</u>	<u>50</u>
<u>OTHER RESOURCES FOR THE COUNTY TO CONSIDER</u>	<u>51</u>
<u>APPENDIX</u>	<u>52</u>

WHAT LED UP TO THE REQUEST FOR THIS ASSESSMENT?

Fresno is a rapidly growing county and has been releasing prisoners from its jail facilities per a Federal Court order when the population reaches 90% of its capacity. The county is faced with the prospect of expanding its jail system to meet the increasing demands. In an initial letter dated August 2006, the Board of Supervisors and County Administrative Officer requested a local system assessment to determine the county's short and long term needs and the factors that are driving the demand for jail space. In addition they requested assistance to identify the physical requirements of the jail that they would need.

A letter from the county dated September 20, 2006 to NIC was amended to include the signatures of the District Attorney, Presiding Judge, Sheriff, Chief Probation Officer, Public Defender, County Administrator and the Chair of the Board of Supervisors.

On October 10, 2006, after considerable discussion at formal Board of Supervisor sessions, the Board approved a significant increase in staffing to the District Attorney, Public Defender and Probation offices. The strategy approved was to increase positions in these agencies to lessen the processing delays at the pre-trial stage of the system and re-instate a pre-trial release/supervision program. All of these changes came after an analysis revealed that the jail population was made up of 75% pre-trial detainees.

ABOUT ASSESSMENT PROCESS

The Assessment process used by this consultant team, through the course of interviews (interview list at the end of this report) and publicly available data from the system and community, documents how the system is operating from a process referred to as "decision point analysis".

The criminal justice community and the National Institute of Corrections (NIC) over a period of years have learned that the criminal justice system workload is driven by at least the following seven decision points (outlined in more detail later in this report) in the system:

1. Decision to arrest;
2. Decision to detain pretrial;
3. Decision to release from pre-trial detention;
4. Decision to prosecute;
5. Adjudication outcome;
6. Sentencing decision; and
7. Sentence modification decisions

The consultants, based on the interviews and material gathered give an overview

of the system centered on these seven decisions and offer suggestions for what the officials and community might consider in changes intended to improve the efficiency and effectiveness of the system.

In addition the team has toured the county jail facilities and done an assessment of their condition and usable status as jailing resources for the county.

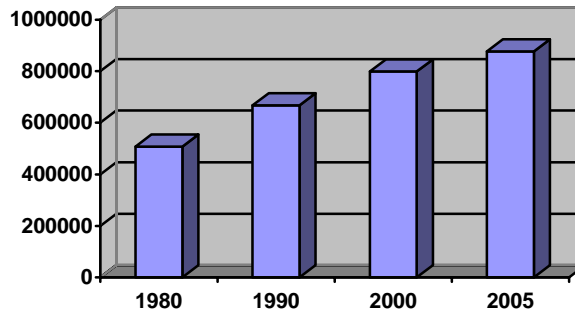
FRESNO COUNTY

Fresno County is located in the heart of the San Joaquin Valley, a rich agricultural area in the center of the state. About half of the county's pollution is from agricultural and industrial related activity. Agriculture, construction and manufacturing employ about 1/3 of all workers in the county.

POPULATION GROWTH

1980	1990	2000	2006
507,005	667,490	799,407	884,000

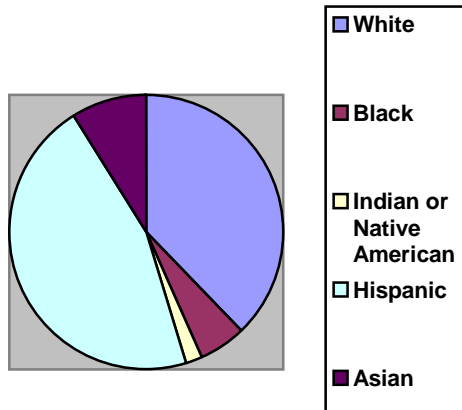
Source: U.S. Census quick facts 2000



FRESNO COUNTY ETHNIC MAKEUP

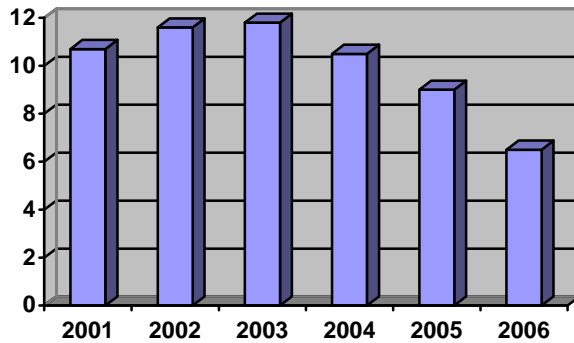
White	37.9%
Black	5.7%
Indian or Native American	1.9%
Hispanic	46.1%
Asian	8.9%

Source: U.S. Census 2000 quick facts



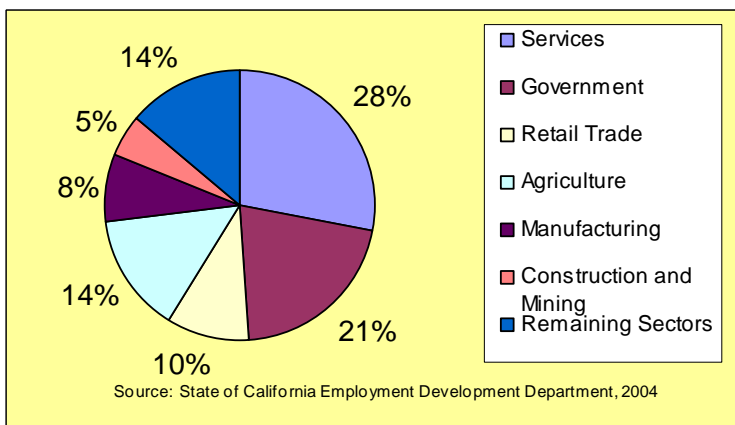
UNEMPLOYMENT RATES (%)					
2001	2002	2003	2004	2005	2006
10.7%	11.6%	11.8%	10.5%	9.0%	6.5%*

Source: California Employment Development Department, *Governor's press release 10/20/06



Almost a quarter (23%) of Fresno County's residents live below the poverty level; that's nearly double the rate of California (14%) and the U.S. (12%)

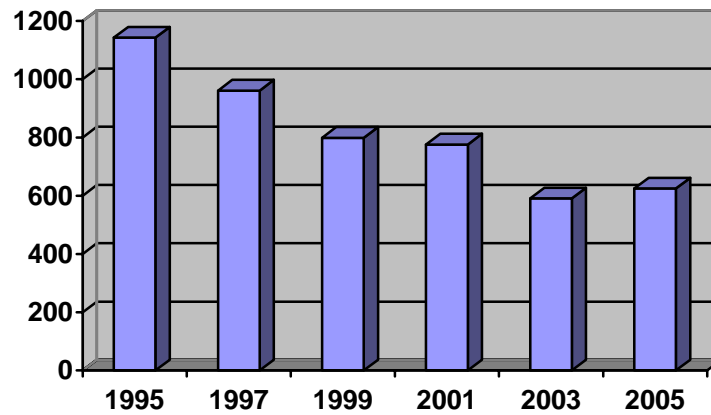
Source: 2000 U.S. Census



49% of the work force works in the services or government sectors of the economy.

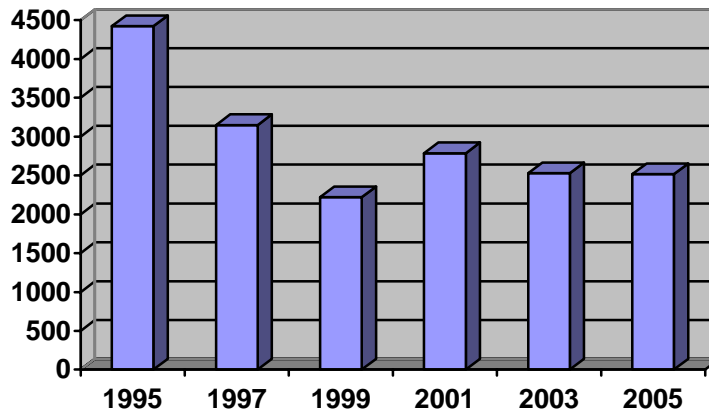
CRIME IN FRESNO COUNTY VIOLENT CRIMES						
Year	1995	1997	1999	2001	2003	2005
Crime Rate per 10,000	1142.7	961.2	798.8	775.9	590.7	624.7
Totals	8617	7485	6344	6378	5053	5574

Source: California Criminal Justice Statistics Center



CRIME IN FRESNO COUNTY PROPERTY CRIMES						
Year	1995	1997	1999	2001	2003	2005
Crime Rate per 10,000	4421.4	3147.2	2219.0	2783.9	2528.2	2516.1
Totals	33342	24507	17623	22884	21626	22452

Source: California Criminal Justice Statistics Center



Violent and property crime trends, similar to national trends, have gone down over the past 6 years. In our interview with the Fresno Police Department their data through November 8 for 2006 shows a 9.4% decrease in total crimes (12% decrease for violent and 9% decrease for property).

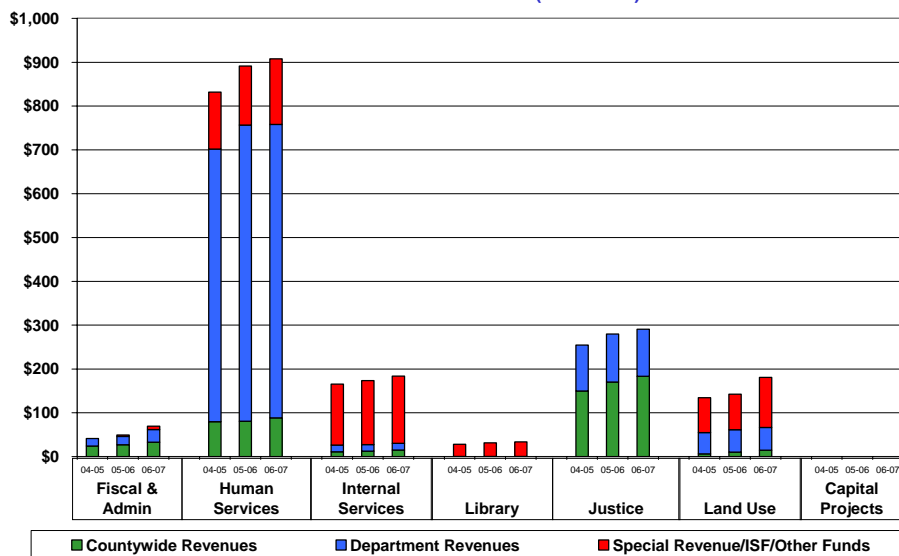
The Fresno Police Department 2005 annual report indicates that 2005 culminated a “34 year low in crime” for the City of Fresno.

COUNTY BUDGET OVERVIEW:

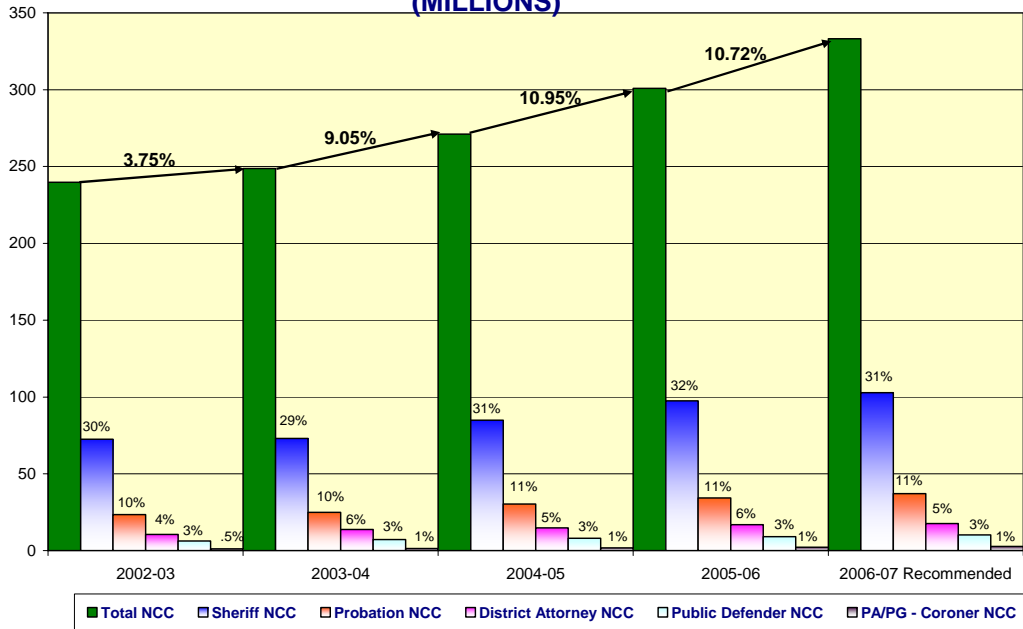
The following charts, taken from materials supplied by the County’s Budget Officer, give a multi-year picture of the total county budget and then a focus on the public safety share of that budget. Like most county governments the public safety costs are growing faster than other services in the county.

COUNTY BUDGET

ADOPTED 2004-07
SUMMARY BY SYSTEM (in millions)

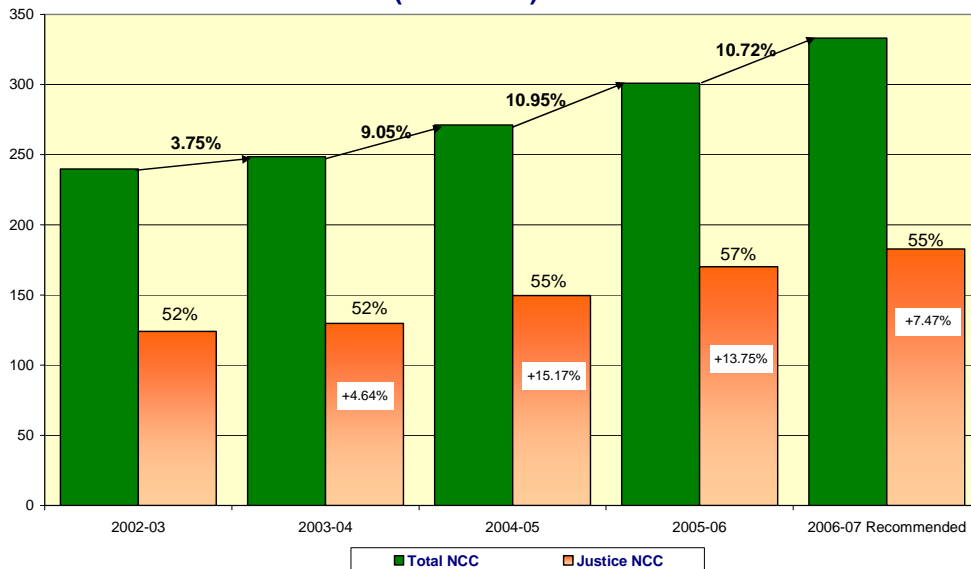


SHARE OF NET COUNTY COST (MILLIONS)



Source: County Administrator's office

JUSTICE SHARE OF NET COUNTY COST (MILLIONS)



Source: County Administrator's office

Fresno like other counties across the country is seeing an ever increasing portion of its discretionary funds going to the justice costs of the county. The above costs

do not include the supplemental increases to the District Attorney, Public Defender and Probation Department approved in October 2006.

Serious issues facing Fresno County According to One Voice 2006 Publication

RAPID POPULATION GROWTH

From 1980-2000 Fresno Counties's population grew by 56.4%, California by 43.1%, and the United States by 24.2%.

During the three decades, 2000-2030, the County's population is expected to increase by 75.4% compared to California's 42.0% and the nation's 29.2%.

Sources: *U.S. Bureau of the Census, State of California Department of Finance
Central California Futures Institute*

TRAFFIC CONGESTION

Large population growth in the County is expected to create traffic problems.

Average number of daily vehicle trips in the County:

2005	2.9 million
2025	4.4 million (a 52% increase from 2005)

Average daily commute time:

1990	19.1 minutes
2000	20.8 minutes (a 9% increase since 1990)

Drive alone commuters:

74.2%	Fresno County
71.8%	California
71.8%	United States

Sources: *Council of Fresno County Governments, 2000 U.S. Census*

Lack of transit rider-ship:

Only 1.7% of Fresno County workers use public transportation to get to their jobs. This compares to 5.1% of California workers and 4.7% of the nation's workers.

Source: *2000 U.S. Census*

UNHEALTHFUL AIR QUALITY

The U.S. Environmental Protection Agency data shows that the air quality in Fresno County ranks as among the worst in the nation. Since 1999, the San Joaquin Valley has led the nation in violations of the eight-hour health standard for ozone (smog). The County's weather and topography create an ideal setting for the formation and retention of pollutants. Smog is created during the County's many hot summer days. Then the pollutants are trapped between the surrounding mountain ranges with little opportunity to escape or dissipate due to our infrequent and low-speed winds.

Sources: U.S. Environmental Protection Agency, California Air Resources Board,

LANGUAGE: PROBLEMS OF CHILDREN

Of Fresno County's children aged 5-17 years, 6.2% speak English "not well" or "not at all." This compares to 5.8% of California's 5-17 year olds and the 2.5% of the nation's 5-17 year olds.

Source: 2000 U.S. Census

LACK OF EDUCATION

- In 2000, 18.3% of the County's population aged 25 years and older had less than a 9th grade education compared to California's 11.5% and the United States' 7.5%. Nearly a third, 32.5%, of the 25-year-and-older population did not graduate from high school or receive a GED compared to 23.2% for California and 19.6% for the nation.
- Four of Fresno County's cities rank among the five California cities with the highest percent of the adult population (aged 25 years and older) with no high school diploma or GED. In all of these cities, San Joaquin, Huron, Mendota, and Orange Cove, over 75% of the adult population did not complete high school.

Source: 2000 U.S. Census

HIGH UNEMPLOYMENT

- County unemployment rates have gradually increased from 9.0% in 1980, to 11.6% in 1990, to 14.3% in 2000. In comparison, California's rates have been 6.8%, 5.8%, and 4.9%, for the same years.
- Six of Fresno County's cities rank among the ten California cities with the highest unemployment rate (Mendota 32% unemployment, Huron 29%, San Joaquin 28%, Parlier 27%, Orange Cove 25%, Reedley 23%)

*Sources: State of California Employment Development Department
U.S. Bureau of the Census*

POVERTY

Year 2000 Overall Poverty levels:

Fresno County	22.9% was living below the poverty level
California	14.2%
United States	12.4%

Year 2000 Poverty levels for school age children (5-17 years)

Fresno County	31.3% was living below the poverty level
California	19.1%
United States	16.0%

Four of Fresno County's cities (San Joaquin, Mendota, Parlier, and Orange Cove) have the lowest per capita income of all of California's 474 cities.

Per Capita Income:

Fresno County	\$15,495
California	\$22,711
United States	\$21,587

Source: 2000 U.S. Census

COUNTY JAIL FACILITIES

The jailing system in Fresno County is comprised of four facilities, listed below.

COUNTY JAIL INVENTORY

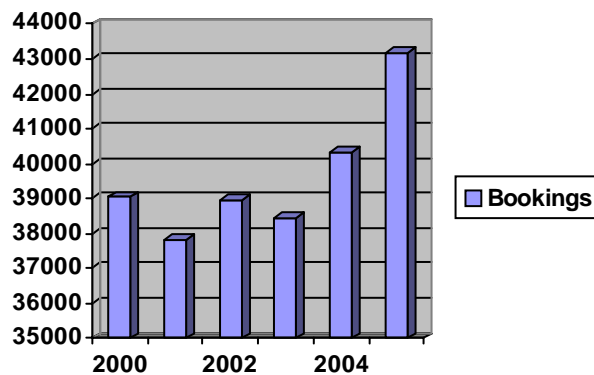
<u>Facility</u>	<u>Population Cap</u>	<u>2005 ADP</u>	<u>Age</u>
• Main Jail	1064	930	1989
• Satellite Jail	300	172	1986
• North Annex	1728	1248	1993*
• South Annex	686	581	1947

*the North Annex completed a 1296 bed expansion in 2002.

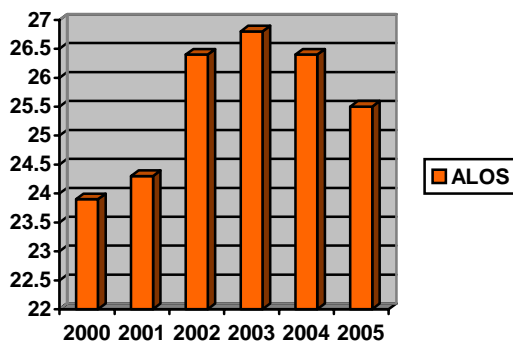
Each of the three main facilities (does not include the Satellite Jail that is 2 miles from the Main Jail) is connected through a basement tunnel providing access between facilities and to the Court House.

JAIL WORKLOAD SUMMARY						
Year	2000	2001	2002	2003	2004	2005
Bookings	39041	37838	38941	38432	40333	43175
ALOS	21.0	22.4	20.6	26.1	26.5	23.8
ADP Total	2249	2324	2196	2745	2925	2811
ADP Pre-trial	1778	1835	1833	2338	2267	2276
ADP Sentenced	471	489	363	407	658	535
ADP Females	225	239	216	305	350	331
Population Capacity	2382	2482	2482	3346	3346	3706

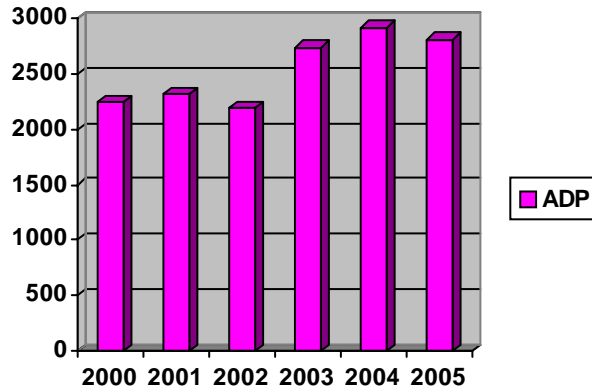
Source: California Standards Authority Jail Profile Survey
 ALOS: average length of stay of an inmate in days
 ADP: average daily population



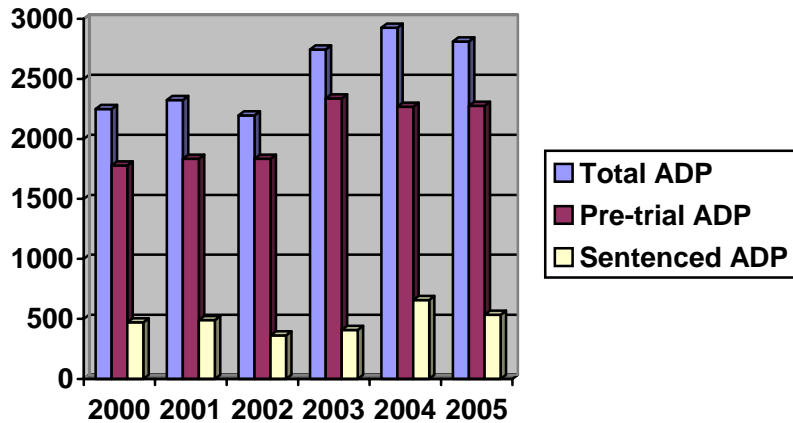
Bookings seem to be sky-rocking even though the crime rate is falling in most crime categories. The emphasis on special crime/gang teams, according to those interviewed is the cause of this increase.



The length of stay increase since 2002 is directly related to the increases in beds without a pre-trial release program and a bond schedule that, according to most people interviewed, is very high and does not realistically permit those arrested to get a bondsman or post cash bail.



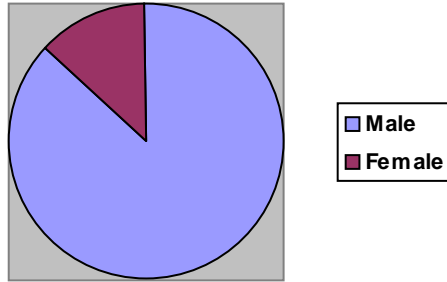
Steady growth in average daily population since the 2002 opening of the 1296 beds and the closure of the pre-trial release program.



Sentenced ADP has been relatively flat but the pre-trial continues to grow over the six years.

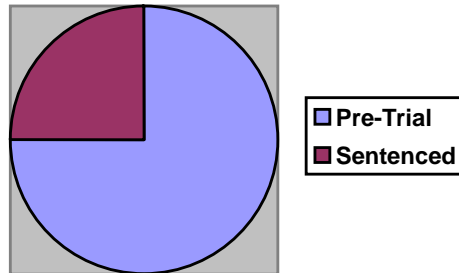
BOOKINGS BY GENDER-10/6/2006

- Male 3037 87%
- Female 455 13%
- Total 3492 100%



POPULATION BY DISPOSITION-10/6/2006

- Pre-Trial 2619 75%
- Sentenced 873 25%



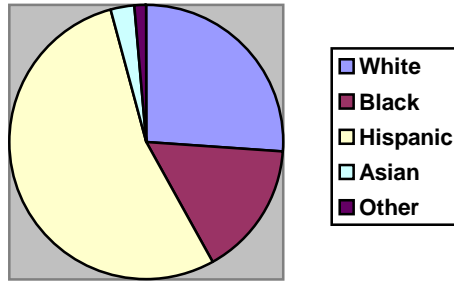
OVERALL JAIL STATUS-10/6/2006

- Jail Capacity 3778
- Available for occupancy 3776
- Inmate population count 3492
- Occupancy % 92.48%

BOOKING BY RACE - 2005

White	11274	26%
Black	6814	16%
Hispanic	23277	54%
Asian	1241	2.8%
Other	572	1.2%

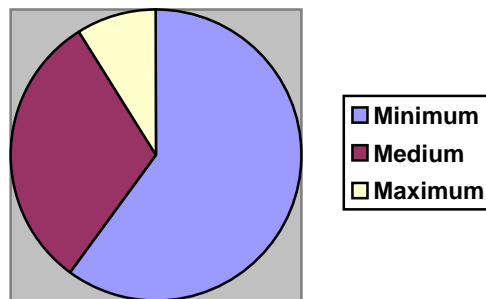
Source: Jail automated data base



Except for the disproportionate number of Black inmates (5.7% of the General Population vs. 16% of the Jail at Booking) the jail seems to mirror the overall general population of the county at this time.

The jail uses the NIC objective based classification model and in a snapshot of the population on November 7, 2006 the population looked as follows:

Gender	Minimum	Medium	Maximum	Total
Male	1247	735	213	2195
Female	306	70	8	384
Total	1553/60%	805/31%	221/9%	2579



**AGENCY ARREST COUNTS BY AGENCY: 2005
AT BOOKING**

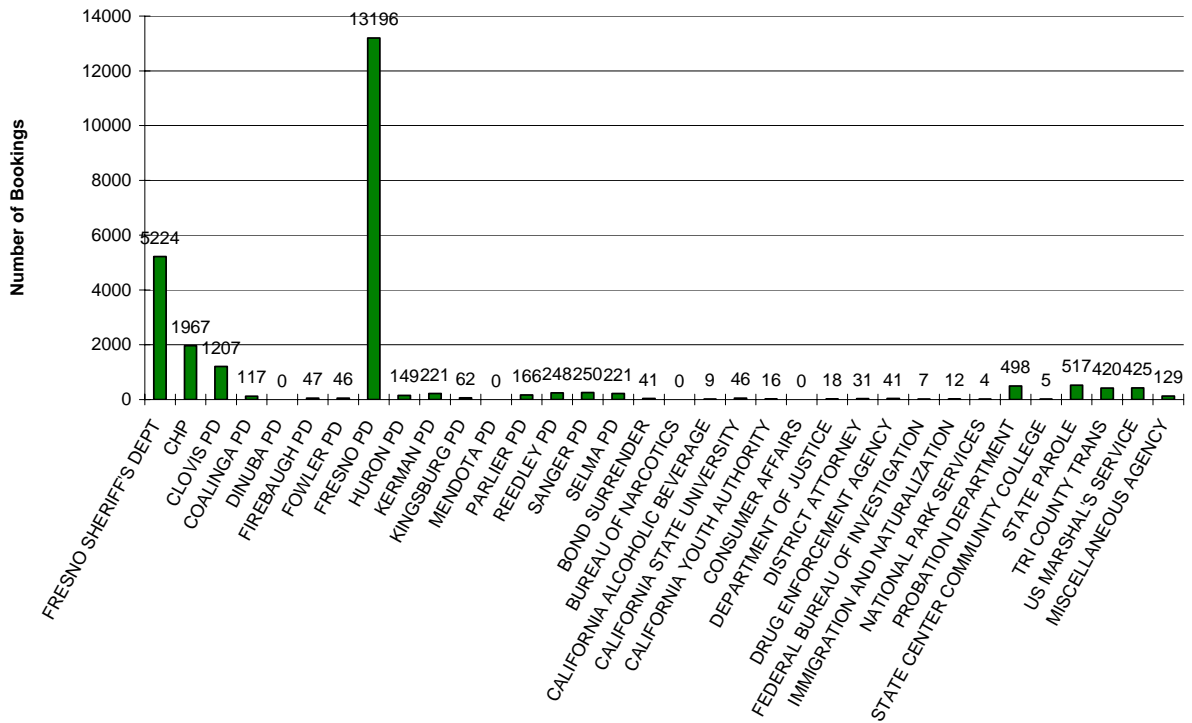
Agency	Number	% of Total
Fresno County Sheriff	11727	27%
Fresno P.D.	12960	30%
Clovis P.D.	1288	3%
Multi-Agency Gang Unit	321	
California Highway Patrol	2636	6%
U.S. Marshal	659	*
State Parole	771	1.7%
Sanger P.D.	273	*
Probation	905	2%
Parlier P.D.	222	*
Reedley P.D.	351	.8%
Selma P.D.	222	*
Tri-County Transport	547	1%
Huron P.D.	179	*
Bondsman	166	*
Others/Misc.	10521	24%
Total	43175	100%

Source: Jail automated data base

* all others 4.5%

As discussed in all the interviews, the Fresno Police Department, as the largest jurisdiction in the county, is the largest user of the booking unit. The City of Fresno, using 2000 Census Data, is 53% of the county population so to make up 30% of the bookings is not a disproportionate share of the incoming workload.

2006 Bookings



The chart above is for the first six months of 2006 and shows the impact of the largest jurisdiction, the City of Fresno, on all bookings.

The Greater Fresno Area Chamber of Commerce is currently facilitating a task force of City and County officials examining the feasibility of a joint prisoner processing unit (currently Fresno City does a redundant booking at their offices) with the County Jail. In addition, separate task forces are examining evidence and property storage, a joint dispatch center and governance issues.

In a May 10, 2006 report by the consulting firm Management Partners Inc., portions relevant to “Joint Prisoner Processing”, highlights some of the issues in the county:

Page 16 of the report states:

“...To effectively accomplish single prisoner processing in the future...a larger facility will be needed...any addition needs to be in close proximity to the jail...” This consultant team certainly agrees with that statement and feels strongly that the booking unit should be not just in the “proximity” of the jail but part and parcel of the jail itself. The design, in addition to single and group holding cells, should embrace a open booking format found in most new generation jails today. An “open booking” format can best be described when you visualize most large emergency rooms at hospitals that have a staging area for incoming patients to wait until they can be processed. That same concept works in jails as well; the

vast majority of prisoners are compliant and can be staged in a waiting area adjacent to telephone and a television viewing area awaiting bail review/booking. The few that are non-compliant (verbally or physically combative) are easily detected and are isolated from the rest of the area.

POPULATION BY PART I OFFENSE TYPE SNAPSHOT 11/06/2006				
Crime	Number	Percentage	Violent	Property
Homicide	47	6.2%		
Manslaughter	6			
Rape	23			
Robbery	124	16%		
Assault	171	23%	49%	
Burglary	219	29%		
Theft	2			
Auto Theft	165	22%		51%
Total	757	100%		

Source: Jail population data base

Of the most serious crimes, Part I offenses, the jail is evenly split between violent and property offenders.

COMPARISON OF FRESNO COUNTY TO SELECTED JURISDICTIONS IN CALIFORNIA					
--	--	--	--	--	--

County	Population	# of Beds*	Rate	ADP	Rate
San Bernardino	1,946,202	5,538	2.846	5442	2.797
Riverside	1,877,000	2,884	1.536	3357	1.788
Santa Clara	1,759,585	4,166	2.367	4606	2.617
Alameda	1,507,500	4,294	2.847	3988	2.644
Sacramento	1,369,855	4,125	3.011	4165	3.020
Contra Costa	1,020,898	1,987	1.949	1640	1.606
Fresno	883,537	2,792	3.213	3228	3.652
Ventura	813,052	1,810	2.226	1767	2.173
San Francisco	799,263	2,144	2.683	1820	2.278
Kern	753,070	2,698	3.583	2288	3.039
San Mateo	723,453	818	1.131	1098	1.519
San Joaquin	663,333	1,333	2.010	1435	2.164

* The number of beds used here come from the California Corrections Standards Authority and relate to "rated beds" versus the actual number of beds a county may have. In order to make a fair comparison the data from every county was used from this single source.

National Growth in Incarceration Rate*

Year	#Held in Jail	Incarceration Rate*
2005	747529	2.52
2004	713990	2.43
2003	691301	2.38
2002	665475	2.31
2001	631240	2.22
2000	621149	2.20
1995	507044	1.93

*# of jail inmates per 1000 persons U.S. Bureau of Justice Statistics

According to the American Corrections Association directory for 2005-07 there are 3,751 locally operated jails in the United States.

Relative to other counties in California and the national incarceration rate, Fresno County has a high incarceration rate. Many of those interviewed were quick to point out that Fresno is the “birth place of the three strikes movement”.

RELEASES BY TYPE OF RELEASE 2005

Type of release	Number	% of Total
Bond	6602	17%
Probation release	5595	14%
Released en-route	7645	20%
No charges filed	3393*	9%
Hold dropped	2336*	6%
On Recognizance	4244	11%
Time Served	4308	11%
Case Dismissed	762*	2%
Past time for Probable Cause	280*	.7%
Past time to pick up	133	*
Past time to File	2043*	5%
Superior Court release	814	*
Sentence modified	24	*
Sentenced and released	445	1.1%
Overcrowding release	2	*
Booked and released	35	*
Cash bail	68	*
Wrong defendant	256	.7%

Escaped**	5	*
Hold dropped no signature	2*	*
Total	38,992	100%

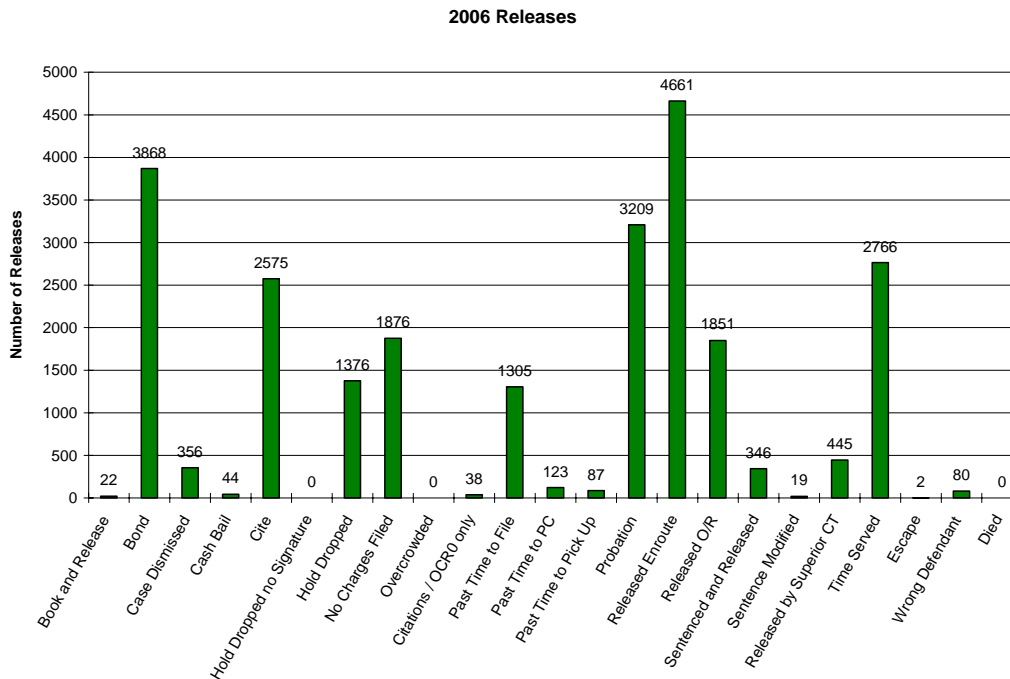
Source: Jail population data base

* all other releases total 2.5%

**these were “walk aways” from the Satellite Jail when inmates were on work details in the community.

The above data on releases shows some alarming dysfunction with the current legal system:

1. 23% (8816) of the releases, marked with a * above, were released because the Prosecutor failed to act on the case in some manner;
2. Only 6670 were able to Bond or make Cash Bail (17%) this is a reflection of a Bond Schedule that is too high.

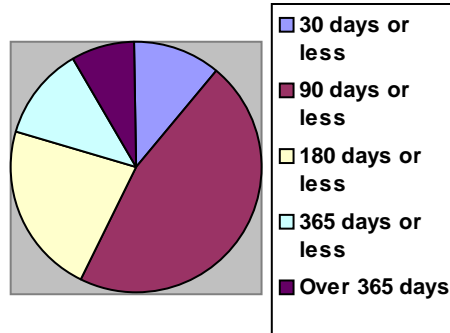


The above chart is for the first six months of 2006 and shows the percentage of releases by type. “Released enroute” reflects inmates released to a non-Fresno County custodial facility.

PRE-TRIAL SNAP-SHOT TIME SERVED TO DATE		
10/12/2006		
Days served to date	Number	Percent of Total
30 days or less	285	11%
90 days or less	1149	46%
180 days or less	567	23%

365 days or less	306	12%
Over 365 days	208	8%
Totals	2515	100%

Source: Jail automated data base



SENTENCED SNAP-SHOT SERVED TO DATE 10/12/2006		
Days served to date	Number	Percent of Total
30 days or less	23	3%
90 days or less	284	43%
180 days or less	351	53%
365 days or less	7	1%
Over 365 days	0	
Totals	665	100%

Source: Jail automated data base

Some conclusions from the time served to date data:

1. 43% of the Pre-trial population have been in custody longer than 180 days at the time of the snap-shot; this verifies the statements made to the Board of Supervisors that the pre-trial processing system of the local system is not working properly;
2. The Sentenced population numbers are relatively low; this combined with the high pre-trial and the release data showing credit for time served and release at the point of sentencing, it appears the defendants are paying their price as pre-trial defendants not as a sentenced inmate.
3. If it has not done so already, the jail or some other agency close to the process should assign staff to be "expeditors" of the cases and take the longest cases (time served to date) and work them on a daily basis to encourage the parties (Prosecution, Defense and Judge) to move the case.

Other observations about the jailing services in the county:

1. Using the financial information of the county, period ending 7/31/06, the jail cost center of the county is \$50,719,133. This equates to a per day

- prisoner cost for 2005 of \$49.43 per bed day. This cost does not include any amortization of physical structures or building improvement costs.
2. Currently the state reimburses the county \$47.29 for the housing of parole violators and the Parole agency uses an average daily population of 72 beds. When possible the county should renegotiate this rate upwards.
 3. There has been local debate about whether to reduce the housing of Federal inmates through the Federal Marshal Contract. The agreement requires for the current year that the county provide a minimum of 260 beds; the average daily use has been above 400 beds. The Marshal pays \$75/bed day for those beds. This consultant team does not recommend the reduction of the Federal Marshal use; the revenue can be used for alternative programs in the county.

PRETRIAL PROGRAMS

In July 2003 the Bureau of Justice Assistance published a report, "Pretrial Services Programming at the Start of the 21st Century" by John Clark and D. Alan Henry (<http://www.pretrial.org/pretrialsurvey.pdf>).

Here are some excerpts from that report that are relevant to Fresno County:

- There were 200 respondents to the survey: 34% of Pretrial programs are operated by Probation, 27% by Jails, 24% by Courts.
- The American Bar Association and Association of Pretrial Service Agencies have published standards for these programs that call for the use of an objective risk assessment of offenders. Fewer than 1 in 4 programs use such objective tools. 42% combine subjective and objective factors and 35% use subjective criteria only.
- 48% of the programs reported that they have never validated their objective risk assessment instrument.
- 71% of the programs do not calculate re-arrest rates for those released.
- **Programs that assess risk of pretrial misconduct in an exclusively subjective manner are more than twice as likely to have a jail population that exceeds its capacity than those that assess risk exclusively through an objective risk assessment.**

A comprehensive pretrial screening process can serve this purpose of triage and the investment is justified if the other system components (Prosecution, Defense, Adjudication and Probation Supervision) have confidence in pretrial screening and agree to utilize and build upon the assessment information in their discretionary decisions.

While on site this team supplied resource materials from Butte County, California and the State of Virginia on the development of a pre-trial screening tool and supervision program.

COURTS

The Superior Court operating in Fresno County has 45 Judicial Officers:

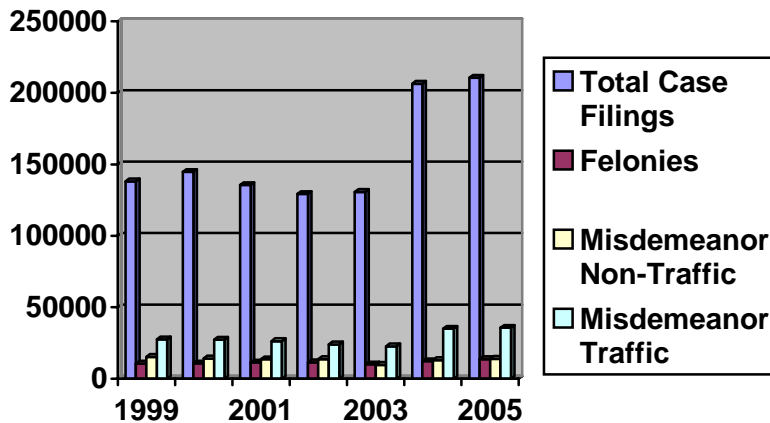
- Nine Commissioners
- 36 Judges, the state will add four new Judicial positions in 2007

The Court operates in two locations in downtown Fresno and five out lying courts. There are eleven trial courts in the total mix.

The Court spent the past year with a consultant to realign how it and where cases will be heard. Relative to the pre-trial crowding at the jail the court is going from two to five courts to do early processing of cases. This has been referred to as “vertical vs. horizontal” processing of the cases by prosecution and defense.

CRIMINAL TRIAL COURTS FRESNO COUNTY NEW CRIMINAL FILINGS							
Year	1999	2000	2001	2002	2003	2004	2005
Total Case Filings	138136	144725	135533	129201	130752	206394	210563
Felonies	10651	10717	11419	11481	10082	12268	13804
Misdemeanor Non-traffic	15378	14267	13643	13766	9755	13057	14009
Misdemeanor Traffic	27595	27300	26322	24036	22718	34957	35573

Source: Judicial Council of California



DISTRICT ATTORNEY

The District Attorney for Fresno County took office in 2003; the office has 115 attorneys plus the addition of 15 positions on October 10, 2006.

The office is resisting what it feels is the Los Angeles experience that is creeping up the valley where cases get settled “cheaper and cheaper”. The view is that the move by the courts to a vertical process vs. the horizontal case system of the past will speed up the handling of cases but it will be more staff intensive for their office.

PUBLIC DEFENDER

Indigent defense is assigned to a county department, Public Defender, and conflict cases are assigned to a contract legal service, Alternative Defense.

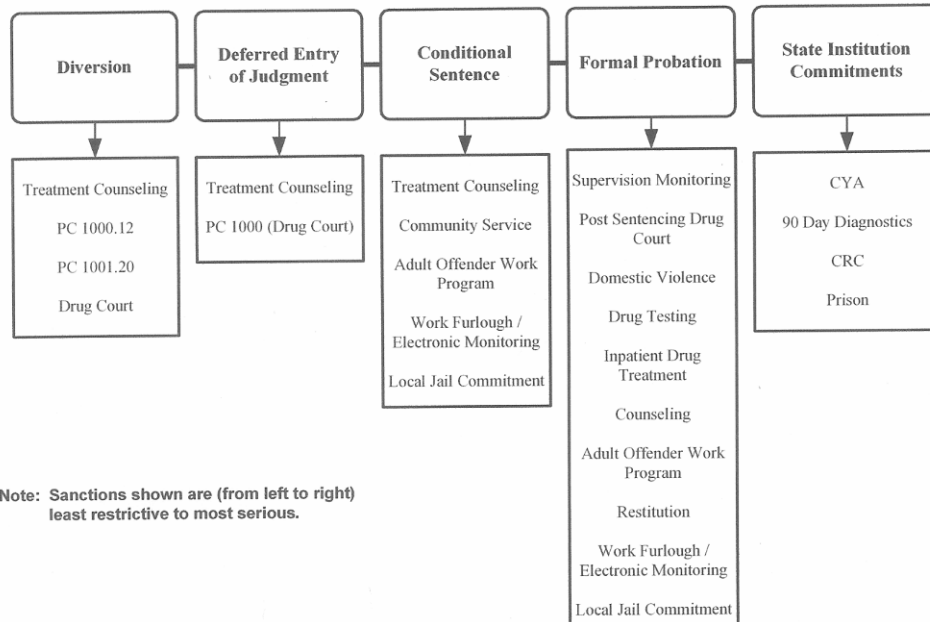
The Public Defender has a total of 135 staff positions in the office and 72 of those are attorneys. In the October 10, 2006 action by the County Board of Supervisors, they received an additional 11 attorney positions. They currently receive 6000 cases per year and the felony caseload is 400-650 cases per attorney. The staff increase will allow them to reduce the work load to approximately 320 cases per attorney.

In a joint interview with the Public Defender representative and the Alternative Defense attorneys, they indicated that when a conflict case is determined it will mean another two week stay in jail because of the way in which the case is assigned by the court. The current process requires the court to officially remove the assigned attorney and appoint the new attorney and that will take an average of two weeks time to get that procedure approved. In a follow-up meeting with the county and Court the Court agreed to sign a resolution allowing for an expedited appointment of Alternative Council thus eliminating the two week delay.

PROBATION FRESNO COUNTY CASELOAD

Probation in California is a county operated system and in Fresno the 2005 annual report shows a continuum of sanctions:

Continuum of Sentencing Sanctions Adult Offenders

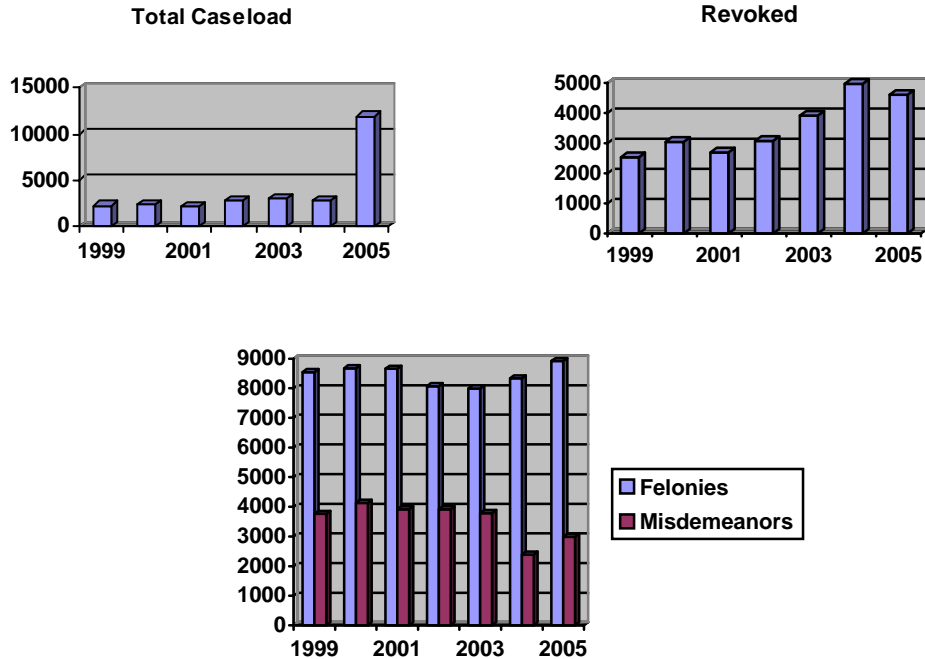


The Probation Department in Fresno County is funded and supervised by the county but receives programmatic direction from the Superior Court. The agency is an adult and juvenile agency and recently opened a new juvenile detention complex a few miles from the downtown court house.

In the adult field unit there are 14 probation officers at this time and the October actions by the Board of Supervisors will add 6 officers to that unit. In addition there are 4 probation techs (work in the data entry in the banked caseloads). The agency has 4 banked caseload of 600-650 cases each; each of these caseloads has a probation officer and tech assigned to it.

ADULT PROBATION CASELOAD AND ACTIONS							
Year	1999	2000	2001	2002	2003	2004	2005
Caseload	12305	12806	12548	11987	11777	10725	11906
Felonies/%	8544/69	8672/68	8658/69	8072/67	7992/68	8336/78	8918/75
Misdemeanors	3761	4134	3915	3915	3785	2389	2988
Revoked	2539	3046	2696	3080	3915	4973	4602

Source: California Department of Justice statistical profile



The agency currently does not use any risk/needs classification tools although historically it did use the Wisconsin risk and needs system at one time but abandoned it in the process of budget cutting a number of years ago.

The recent funding increases will allow the agency to take the following actions:

1. Increase the Honor Release Program (Pre-Trial Release) from a two staff program to a five staff operation by February of 2007. The target will be to reduce the pretrial population of the jail by 375 inmates. The program has been approved for electronic monitoring/home detention as well. The program is currently structured to make recommendations to the Court and the Court decides;
2. Divide the current sex offender caseload of 400 cases into two caseloads of 200 cases per officer;
3. Divide the gang caseload of 400 into two caseload of approximately 200 cases per officer;
4. Create a "youthful offender" caseload and in addition form a mental health caseload;
5. Divide the auto theft caseload.

The agency is aware and several interviews indicated that the probation department workload is excessive and because of that the program is not viewed as a credible program in the eyes of many.

This consultant team certainly agrees with the conclusion but the agency solution(s) can be improved in our view. The agency should pursue an

Evidenced Based Practice approach to redesigning the agency approach and workload.

While on site we were given a November 6, 2006 Draft memo from the Sheriff's Association and the Chief Probation Officers Association addressed to Jim Tilton Secretary of the California Department of Corrections and Rehabilitation. The memo was a draft of a comprehensive state-wide strategy to deal with crowding in prisons and jails.

The memo states:

"...It is anticipated that overcrowding and early release of convicted felons would be eliminated by:

1. Treating mentally ill offenders instead of just housing them;
2. Treating inmates who are substance abusers instead of just housing them;
3. Rehabilitating inmates to help them succeed once released and reduce the rates of re-offending;
4. Providing better medical care;
5. Providing state-of-the-art facilities that will improve inmate and staff safety."

The memo goes on to propose a state funding plan and suggest it be modeled after the successful Juvenile Justice Crime Prevention Act. I will quote from segments of the plan in the memo relevant to the Probation Department in Fresno County:

- "...The plan would require a department to identify the implementation of a validated risk and needs assessment tool (RNA) will assist the probation officer in determining the safety concerns the offenders present and the services they need to change behavior. The tool will assist in the appropriate use of banked caseloads.
- The plan would require a department to use services and programs to address drug treatment, mental health treatment, cognitive behavior skills and educational/vocational needs...."

"Proper assessment and supervision of offenders will enhance public safety, improve the repair of victims and hold offenders and officers more accountable. Additionally, proper supervision and support of the offender's efforts to change will increase their social and emotional competency while increasing the cost effectiveness of services...."

With all of this in mind, this consultant team strongly recommends that the County and Court start now to realign the Probation department around an evidenced based strategy with objective risk based assessment being the foundation for both the pre-trial and post trial population. Since the Court is using the Level of Service Inventory-Revised (LSI-R) tool for the Drug Court this should

probably be the tool adopted for the probation population. If it were me I would realign the resources in the Investigations section of the agency to include assessment with the LSI-R. Recent data indicates it takes 35-45 minutes to administer the LSI-R (2004 Topics in Community Corrections research article by Lowenkamp and Holsinger).

EVIDENCED BASED PRACTICE (EBP)

The California Chief Probation Officer Association in conjunction with the National Institute of Corrections (NIC) recently sponsored training on Evidenced Based Practice (EBP) with the presenter being Dr. Ed. Latessa, University of Cincinnati. In light of that direction I have included a summary of the EBP strategy.

Recent research efforts, based on meta-analysis, have provided the criminal justice field with much needed information about how to better reduce offender recidivism (repeat criminal conduct). This research indicates that certain programs and intervention strategies, when applied to a variety of offender populations, reliably produce sustained reductions in recidivism. Unfortunately, few criminal justice agencies are using these effective interventions and their related concepts/principles.

The conventional approach to supervision in this country emphasizes individual accountability from offenders and their supervising officers without consistently providing either with the skills, tools, or resources that science indicates are necessary for risk and recidivism reduction. Despite the evidence that indicates otherwise, officers continue to be trained and expected to meet minimal contact standards which emphasize rates of contacts. These standards largely ignore the opportunities these contacts provide for reinforcing behavioral change.

The research has indicated a “Works” and “Not Works” list of programs currently in use in the country:

WHAT DOESN'T WORK

- Direct deterrence efforts
- Physical challenge programs
- Military models of discipline and physical fitness (Boot Camps)
- Intensive supervision without treatment
- Non-action oriented group counseling
- Client-centered, non-directive therapy
- Approaches of non-skill education

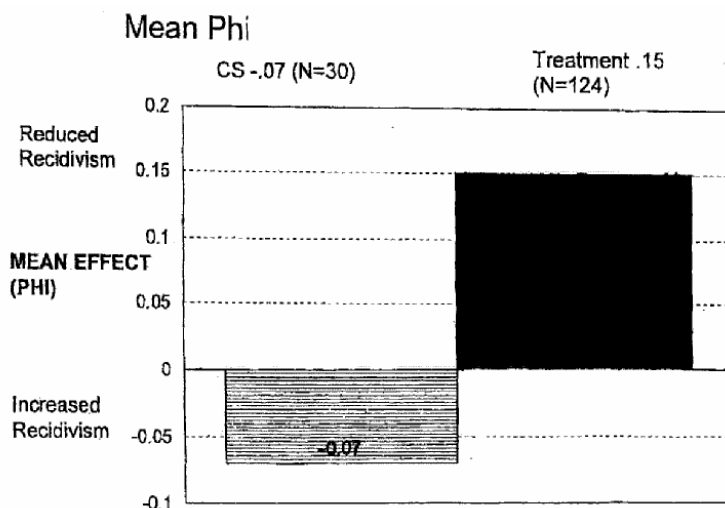
WHAT DOES WORK

- Target criminogenic risk and need
- Cognitive/behavioral in nature
- Boot Camps that incorporate evidenced based programming as a part of the curriculum, such as cognitive behavioral programming like the Fresno model
- Incorporate social-learning practices
- Balanced integrated approach to sanctions and interventions
- Incorporate the principle of responsivity
- Therapeutic integrity

REVIEWS ON RECIDIVISM

- Not a single reviewer of studies of the effects of official punishment (custody, mandatory arrests, probation, increased surveillance, etc.) has found consistent evidence of reduced recidivism.
- At least 40% and up to 60% of the studies of correctional treatment services reported reduced recidivism rates relative to various comparison conditions in every published review.

CRIMINAL SANCTIONS VS. TREATMENT



The above research summaries (source: Dr. Ed Latessa, University of Cincinnati) state pretty clearly that sanctions/punishment do not reduce recidivism and, in fact for low risk offenders, increase recidivism.

The biggest challenge in adopting these evidence-based practices is to change existing systems to appropriately support the new innovations. Identifying interventions with good research support and realigning the necessary organizational infrastructure are both fundamental to evidence-based practice.

Evidence-based practice is a significant trend throughout all human service fields that emphasize outcomes. Interventions within corrections are considered effective when they reduce offender risk and subsequent recidivism and therefore make a positive long-term contribution to public safety.

The evidence-based principles component of the integrated model highlights eight principles for effective offender interventions. The organization or system that is most successful in initiating and maintaining offender interventions and supervision practices consistent with these principles will achieve the greatest recidivism reductions.

The following framework of principles is listed in developmental order and they are all highly interdependent. For example, offender assessments must consider both risk to reoffend and criminogenic needs, in that order. Research indicates that resources are used more effectively when they are focused on higher-risk rather than lower-risk offenders, therefore considering offender's risk to reoffend prior to addressing criminogenic needs allows agencies to target resources on higher-risk offenders.

Eight Evidence-Based Principles for Effective Interventions

1. Assess Actuarial Risk/Needs.
2. Enhance Intrinsic Motivation.
3. Target Interventions.
 - a. *Risk Principle*: Prioritize supervision and treatment resources for higher risk offenders.
 - b. *Need Principle*: Target interventions to criminogenic needs.
 - c. *Responsivity Principle*: Be responsive to temperament, learning style, motivation, culture, and gender when assigning programs.
 - d. *Dosage*: Structure 40-70% of high-risk offenders' time for 3-9 months.
4. Skill Train with Directed Practice (use Cognitive Behavioral treatment methods).
5. Increase Positive Reinforcement.
6. Engage Ongoing Support in Natural Communities.
7. Measure Relevant Processes/Practices.
8. Provide Measurement Feedback.

1) Assess Actuarial Risk/Needs

Develop and maintain a complete system of ongoing offender risk screening / triage and needs assessments. Assessing offenders in a reliable and valid

manner is a prerequisite for the effective management (i.e., supervision and treatment) of offenders. Timely, relevant measures of offender risk and need at the individual and aggregate levels are essential for the implementation of numerous principles of best practice in corrections, (e.g., risk, need, and responsivity). Offender assessments are most reliable and valid when staff is formally trained to administer tools. Screening and assessment tools that focus on dynamic and static risk factors, profile criminogenic needs, and have been validated on similar populations are preferred. They should also be supported by sufficiently detailed and accurately written procedures.

Offender assessment is as much an ongoing function as it is a formal event. Case information that is gathered informally through routine interactions and observations with offenders is just as important as formal assessment guided by instruments. Formal and informal offender assessments should reinforce one another. They should combine to enhance formal reassessments, case decisions, and working relations between practitioners and offenders throughout the jurisdiction of supervision.

(Andrews, et al, 1990; Andrews & Bonta, 1998; Gendreau, et al, 1996; Kropp, et al, 1995; Clements, 1996)

Questions to ask:

- ❖ Does the assessment tool we're using measure for criminogenic risk and need?
- ❖ How are officers trained to conduct the assessment interview?
- ❖ What quality assurance is in place to ensure that assessments are conducted appropriately?
- ❖ How is the assessment information captured and used in the development of case plans?

2) Enhance Intrinsic Motivation

Staff should relate to offenders in interpersonally sensitive and constructive ways to enhance intrinsic motivation in offenders. Behavioral change is an *inside job*; for lasting change to occur, a level of intrinsic motivation is needed. Motivation to change is dynamic and the probability that change may occur is strongly influenced by interpersonal interactions, such as those with probation officers, treatment providers, and institution staff. Feelings of ambivalence that usually accompany change can be explored through motivational interviewing, a style and method of communication used to help people overcome their ambivalence regarding behavior changes. Research strongly suggests that motivational interviewing techniques, rather than persuasion tactics, effectively enhance motivation for initiating and maintaining behavior changes.

(Miller & Rollnick, 2002; Miller & Mount, 2001; Harper & Hardy, 2000; Ryan & Deci, 2000)

Questions to Ask:

- ❖ Are officers and program staff trained in motivational interviewing techniques?

- ❖ What quality assurance is in place?
- ❖ Is staff held accountable for using motivational interviewing techniques in their day-to-day interactions with offenders?

3) Target Interventions

- a. **Risk Principle:** Prioritize supervision and treatment resources for higher risk offenders.
- b. **Need Principle:** Target interventions to criminogenic needs.
- c. **Responsivity Principle:** Be responsive to temperament, learning style, motivation, gender, and culture when assigning to programs.
- d. **Dosage:** Structure 40-70% of high-risk offenders' time for 3-9 months.
- e. **Treatment Principle:** Integrate treatment into the full sentence/sanction requirements.

3a) Risk Principle

Prioritize primary supervision and treatment resources for offenders who are at higher risk to re-offend. Research indicates that supervision and treatment resources that are focused on lower-risk offenders tend to produce little if any net positive effect on recidivism rates. Shifting these resources to higher risk offenders promotes harm-reduction and public safety because these offenders have greater need for pro-social skills and thinking, and are more likely to be frequent offenders. Reducing the recidivism rates of these higher risk offenders reaps a much larger *bang-for-the-buck*.

Successfully addressing this population requires smaller caseloads, the application of well developed case plans, and the placement of offenders into sufficiently intense cognitive-behavioral interventions that target their specific criminogenic needs.

3b) Criminogenic Need Principle

Address offender's greatest criminogenic needs. Offenders have a variety of needs, some of which are directly linked to criminal behavior. These criminogenic needs are dynamic risk factors that, when addressed or changed, affect the offender's risk for recidivism. Examples of criminogenic needs are: criminal personality; antisocial attitudes, values, and beliefs; low self control; criminal peers; substance abuse; and dysfunctional family. Based on an assessment of the offender, these criminogenic needs can be prioritized so that services are focused on the greatest criminogenic needs.

(Andrews & Bonta, 1998; Lipton, et al, 2000; Elliott, 2001; Harland, 1996)

3c) Responsivity Principle

Responsivity requires that we consider individual characteristics when matching offenders to services. These characteristics include, but are not limited to: culture, gender, motivational stages, developmental stages, and learning styles. These factors influence an offender's responsiveness to different types of treatment.

The principle of responsivity also requires that offenders be provided with treatment that is proven effective with the offender population. Certain treatment strategies, such as cognitive-behavioral methodologies, have consistently produced reductions in recidivism with offenders under rigorous research conditions.

Providing appropriate responsivity to offenders involves selecting services in accordance with these factors, including:

- a) Matching treatment type to offender; and
- b) Matching style and methods of communication with offender's stage of change readiness.

(Miller & Rollnick, 1991; Gordon, 1970)

3d) Dosage

Providing appropriate doses of services, pro-social structure, and supervision is a strategic application of resources. Higher risk offenders require significantly more initial structure and services than lower risk offenders. During the initial 3-9 months post-release, 40-70% of their free time should be clearly occupied with a delineated routine and appropriate services, (e.g., outpatient treatment, employment assistance, education, etc.). Certain offender subpopulations (e.g., severely mentally ill, chronic dual diagnosed, etc.) commonly require strategic, extensive, and extended services. However, too often individuals within these sub-populations are neither explicitly identified nor provided a coordinated package of supervision/services. The evidence indicates that incomplete or uncoordinated approaches can have negative effects, often wasting resources.

(Palmer, 1995; Gendreau & Goggin, 1995; Steadman, 1995)

3e) Treatment Principle

Treatment, particularly cognitive-behavioral types, should be applied as an integral part of the sentence/sanction process. A proactive and strategic approach to supervision and case planning that delivers targeted and timely treatment interventions will provide the greatest long-term benefit to the community, the victim, and the offender. This does not necessarily apply to lower risk offenders, who should be diverted from the criminal justice and corrections systems whenever possible.

(Palmer, 1995; Clear, 1981; Taxman & Byrne, 2001; Currie, 1998; Petersilia, 1997, 2002, Andrews & Bonta, 1998)

Questions to Ask:

- ❖ How do we manage offenders assessed as low risk to reoffend?
- ❖ Does our assessment tool assess for criminogenic need?
- ❖ How is criminogenic risk and need information incorporated into offender case plans?
- ❖ How are offenders matched to treatment resources?
- ❖ How structured are our case plans for offenders, especially during the three to nine month period in the community after leaving an institution?
- ❖ How staff is held accountable for using assessment information to develop a case plan and then subsequently using that case plan to manage an offender?

4) Provide skills training using cognitive-behavioral treatment methods

Provide evidence-based programming that emphasizes cognitive-behavioral strategies and is delivered by well trained staff. To successfully deliver this treatment to offenders, staff must understand antisocial thinking, social learning, and appropriate communication techniques. Skills are not just taught to the offender, but are practiced or role-played and the resulting pro-social attitudes and behaviors are positively reinforced by staff. Correctional agencies should prioritize, plan, and budget to predominantly implement programs that have been scientifically proven to reduce recidivism.

(Mihalic, et al, 2001; Miller & Rollnick, 2002; Lipton, et al, 2000; Lipsey, 1993; McGuire, 2001, 2002)

Questions to Ask:

- ❖ How are social learning techniques incorporated into the programs we deliver?
- ❖ How do we ensure that our contracted service providers are delivering services in alignment with social learning theory?
- ❖ Are the programs we deliver and contract for based on scientific evidence of recidivism reduction?

5) Increase Positive Reinforcement.

When learning new skills and making behavioral changes, individuals respond better and maintain learned behaviors for longer periods of time when approached with *carrots* rather than *sticks*. Sustained behavioral change is better achieved when an individual receives a higher ratio of positive to negative reinforcements. Research indicates that a ratio of four positive to every one negative reinforcement is optimal for promoting behavior changes. These rewards do not have to be applied consistently to be effective (as negative reinforcement does) but can be applied randomly.

Increasing positive reinforcement should not be done at the expense of or interfere with the administration of swift, certain, and real responses for negative and unacceptable behavior. Offenders having problems with responsible self-regulation generally respond positively to reasonable and reliable additional structure and boundaries. Offenders may initially overreact to new demands for accountability, seek to evade detection or consequences, and fail to recognize any personal responsibility. However, with exposure to clear rules that are consistently (and swiftly) enforced with appropriate and graduated consequences, offenders will tend to comply in the direction of the most rewards and least punishments. This type of extrinsic motivation can often be useful for beginning the process of behavior change.

(Gendreau & Goggin, 1995; Meyers & Smith, 1995; Higgins & Silverman, 1999; Azrin, 1980; Bandura et al, 1963; Bandura, 1996)

Questions to Ask

- ❖ Do we model positive reinforcement techniques in our day-to-day interactions with our co-workers?
- ❖ Does our staff understand and use the four-to-one theory in their interactions with offenders?

6) Engage On-going Support in Natural Communities

Realign and actively engage pro-social supports for offenders in their communities. Research indicates that many successful interventions with high risk populations (e.g., inner city substance abusers, homeless, dual diagnosed) actively recruit and use family members, spouses, and supportive others in the offender's immediate environment to positively reinforce desired new behaviors. This Community Reinforcement Approach (CRA) has been found effective for a variety of behaviors (e.g., unemployment, alcoholism, substance abuse, and marital conflicts); and research also indicates the efficacy of twelve step programs, religious activities, and restorative justice initiatives geared towards improving bonds and ties to pro-social community members.

(Azrin, & Besalel, 1980; Emrick et al, 1993; Higgins & Silverman, 1999; Meyers & Smith, 1997; Bonta et al, 2002; O'Connor & Perryclear, 2003; Meyers et al, 2002)

Questions to Ask:

- ❖ Do we engage community supports for offenders as a regular part of case planning?
- ❖ How do we measure our community network contacts as they relate to an offender?

7) Measure Relevant Processes/Practices

Accurate and detailed documentation of case information, along with a formal and valid mechanism for measuring outcomes, is the foundation of evidence-based practice. Agencies must routinely assess changes in offenders' cognitive and skill development, and recidivism, if services are to remain effective.

In addition to routinely measuring and documenting offender changes, staff performance should also be regularly assessed. Staffs that are periodically evaluated for performance achieve greater fidelity to program design, service delivery principles, and outcomes. Staff whose performance is not consistently monitored, measured, and subsequently reinforced work less cohesively, more frequently at cross-purposes and provides less support to the agency mission.

(Henggeler et al, 1997; Milhalic & Irwin, 2003; Miller, 1988; Meyers et al, 1995; Azrin, 1982; Meyers, 2002; Hanson & Harris, 1998; Waltz et al, 1993; Hogue et al, 1998; Miller & Mount, 2001; Gendreau et al, 1996; Dilulio, 1993)

Questions to Ask:

- ❖ What data do we collect regarding offender assessment and case management?
- ❖ How do we measure incremental offender change while they are under supervision?
- ❖ What are our outcome measures and how do we track them?
- ❖ How do we measure staff performance? What data do we use? How is that data collected?

8) Provide Measurement Feedback

Once a method for measuring relevant processes/practices is in place (principle seven), this information must be used to monitor process and change. Providing feedback to offenders regarding their progress builds accountability, and is associated with enhanced motivation for change, lower treatment attrition, and improved outcomes (e.g., reduced drink/drug days, treatment engagement, and goal achievement).

The same is true within an organization. Monitoring delivery of services and fidelity to procedures helps build accountability and maintain integrity to the agency's mission. Regular performance audits and case reviews with an eye toward improved outcomes, keep staff focused on the ultimate goal of reduced recidivism through the use of evidence-based principles.

(Miller, 1988; Agostinelli et al, 1995; Alvero et al, 2001; Baer et al, 1992; Decker, 1983; Luderman, 1991; Zemke, 2001; Elliott, 1980)

Questions to Ask:

- ❖ How is information regarding offender change and outcomes shared with officers? With offenders?
- ❖ With whom do we share information regarding outcome measures?
- ❖ How is staff performance data used in the performance evaluation process?

Summary

Aligning these evidence-based principles with the operations of a system is difficult, but will largely determine the impact the system has on sustained

reductions in recidivism. In order to accomplish this shift to an outcome orientation, practitioners must be prepared to dedicate themselves to a mission that focuses on achieving sustained reductions in recidivism. The scientific principles presented in this document are unlikely to produce a mandate for redirecting and rebuilding an agency's mission by themselves. Leadership in organizational change and collaboration for systemic change are also necessary. Source: - Lore Joplin, Brad Bogue, Nancy Campbell, Mark Carey, Elyse Clawson, Dot Faust, Kate Florio, Billy Wasson, and William Woodward NIC/CJI Project 2004

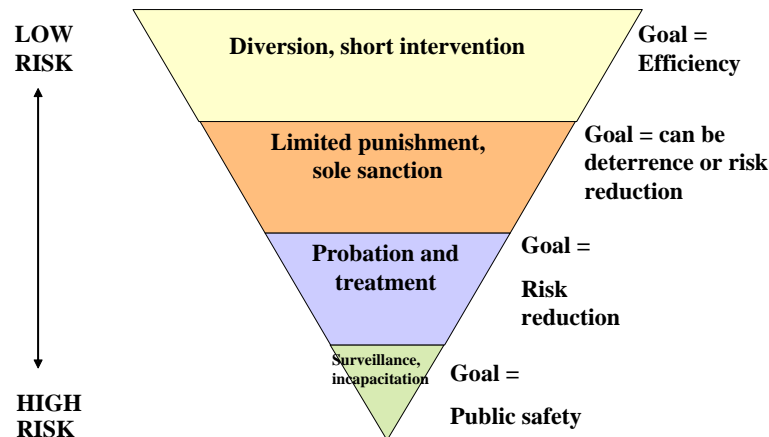
<http://www.nicic.org/Library/019341>

This consultant many times summarizes this Evidenced Based Practice approach by suggesting that jurisdictions: “Take A.I.M. at Criminal Re-Offense” The AIM represents:

Assess
Intervene
Measure

Programming Principle

Different objectives lead to different approaches
 which leads to different results



OBSERVATIONS

1. This consultant team received excellent staff support from the County Administrator's and Sheriff's office and open and honest information from those interviewed. Many of those interviewed encouraged this consultant team to be "brutally frank", as one person put it, with the county with our assessment. It is in the spirit of this request that this is written;
2. Even though the population of the county has had steady growth the crime rate for both violent and property crime has declined or remained stable through 2004 with some slight increases in 2005;
3. The county history/reputation, born out by the data, is conservative in the handling of adult offenders. The community is the reportedly home of the "three strikes" movement and has one of the highest incarceration rates in the nation. The officials interviewed report that they are not convinced that the community will support any serious efforts at "treatment" programs for adult offenders and the community wants them "jailed" and certainly not forced released from the jail;
4. The City of Fresno population dominates the county demographics and the policies/resources of the Fresno Police Department drive to great extent the county criminal justice workload (this is not a new issue and was formally studied in 1993 for example). The current Fresno Police Chief took office in 2001, in the three years ending in 2004 the agency added 92 officers to its staff bringing the agency total staff up to a today authorized force of 836 sworn/1251 total agency employees (on any given day 35 of the sworn positions are vacant/in the process of recruitment). In 2002 the jail brought on line the last major expansion of beds, 1296 expansion from the 1999 master plan. During these same years the other parts of the adult criminal justice system, especially the probation function were in budget decline. Fresno P. D. focus in this expansion has been on targeted enforcement of gangs, drugs, traffic (from 22 motor-cycle officers to over 75 in this time period) and parole violators.
5. Jail bookings and court filings seem to mirror each other with significant increases in the last two years. These spikes over the last two years are tied to the increases in enforcement and the policies of targeted enforcement in the above areas primarily by the Fresno Police Department. The other components of the system, in order to deal with the increased workload in the face of a delay in increased resources have taken the following steps: prosecution failing to file on up to 32% of the felony cases coming to it from Fresno and very few of the misdemeanor cases at all, a probation and parole staff that are "case banking" the

- majority of the cases (i.e. no real community based supervision taking place and the staff are turned into running from one brush fire to another) and a jail system that has been rapidly turned into a pre-trial holding facility and as the following paragraph outlines by necessity uses its cap mechanism of the Federal Court to regulate its ultimate workload level ;
6. The jail system of the county has been governed under a Federal Court Consent Decree since 1994 and the county has periodically had need to follow the directives of the order to keep the facilities in compliance with the order. The most recent actions to initiate the population releases brought about action to increase resources to the prosecution, defense and probation functions of the county and initiate this third party review of the situation;
 7. Clearly, 75% based on most recent jail data, most of the jail population is held pre-trial in the jailing system. Those pre-trial offenders appear to have long lengths of stay with the overall length of stay of inmates exceeding comparable counties rates;
 - 8. The county's actions to add resources as a strategy to impact length of stay of pre-trial inmates is the right strategy based on the data available;**
 9. On any given day in the county there are 3400 inmates in custody; 11,000 offenders on probation and another 5000 offenders on parole in the county. All told there are on any given day over 18,000 adult offenders under government supervision and the vast majority of this population is under supervision for a felony offense;
 10. With the exception of the jail classification system, the other segments of the adult correctional system (probation, parole and pre-trial services) do not risk classify their caseloads or use any other objective based tools to organize/prioritize the cases/workload;
 11. There is a lot of usable data from the criminal justice segments of the Fresno criminal justice system but there are few examples where this data has been converted into usable management reports:
 12. Most importantly, in the view of this consultant team, is that in the face of this overwhelmingly endless flow of cases/workload there is no clearly understood mission and vision for the adult corrections system in Fresno County. There is a clear view by most of those interviewed that the current system and methods of handling the repeat offenders (and there are many) is not working. The question unanswered in this small assessment project is whether the community and its' elected officials operating the adult criminal justice system can accept change based upon evidenced

based practice to reduce repeat criminal conduct in the face of a history that has had such a foundation of punishment as the core value of the process. The first step is to see if the criminal justice stake-holders and executive branch leaders that fund the system can reach consensus on a vision and mission of the adult corrections system of the county, currently no such policy statement exists that has consensual support of the parties.

RECOMMENDATIONS

ISSUE #1:

The criminal justice system officials in Fresno County are operating in their own “silo” of influence and are not sharing information with one another and not collectively coordinating their efforts.

The situation has led to almost no communication and coordination of policy in the county related to the direction and effectiveness of the system.

This is a common issue in a system in which it has been historically designed to disperse power in different branches of government and in different and separately elected officials.

The national learning around this issue has evolved into the formation of “Criminal Justice Coordination Councils” in the county criminal justice system. NIC has a specific training/resource manual on this topic to assist the county (<http://www.nicic.org/pubs/2002/017232.pdf>).

- 1. Form and operate a Criminal Justice Coordinating Council**
 - a. Establish improved communication links among agencies;**
 - b. Develop a clear and system wide purpose (Vision and Mission) of correctional services for jail and community based corrections. It is important to engage the community and create opportunities for input and ownership in this Vision and Mission setting process;**
 - c. Develop a master plan for the implementation of these purposes.**

ISSUE #2:

The data in the various “silos” of the criminal justice operation is not usable as information for policy change or assessment of existing practices. The experience of this assessment project demonstrates that this management information does not currently exist. The data being collected seems adequate but there does not appear to be the report writing software and/or the expertise to put it in operation in the county.

This is a critical issue in this age of information and change based on documented facts, not anecdotal sense of the policy makers.

2. Create an Information Systems Resource support to staff the Coordination Council;

ISSUE #3:

The current process with the jail and other officials is to place too much importance on the crime of the moment with the offender. The national learning is to develop a risk and need based process (EBP) based upon many other factors, including the immediate charged offense, to guide in decision-making. These tools can be validated for pretrial as well as post trial cases. Their value is to bring consistency and fairness to the process and provide a justification for decisions made in the event they are challenged by the inevitable case gone badly.

3. Implement an early risk assessment of arrestees with information sharing to make detention, bond setting, and pre-trial release and charging decisions. NIC may be able to assist with the process by the development and delivery of a workshop for the criminal justice stakeholders on Evidenced Based Practice (EBP), we recommend the county pursue this opportunity with NIC.

ISSUE #4:

The 1947 “Old Jail” needs to be replaced; the design and maintenance issues make it no longer serviceable as a detention facility in today’s corrections environment. The design being linear and with additions over the 59 years there are many blind spots where staff can not supervise, in an efficient manner, the inmates. One official interviewed summed up the old jail very succinctly: “the old jail is a shame and disgrace”.

NIC has a Planning of a New Institution (PONI) program that the county should apply for that will assist the county with design and construction planning issues. NIC also has a workshop on How To Open a New Institution (HONI) that the county may also want to participate in at the appropriate time.

In the design of the new facility it is feasible to generate a new facility that can generate more inmate beds with the same staffing pattern as the current poorly designed facility. It should also be pointed out the inventory of beds the county currently has at its disposal is deficient of medium and maximum security beds to meet the rising classification needs of the inmate population.

The scope of this assessment does not allow for a full need assessment of the

counties jailing services and the county does need to pursue a separate analysis of jailing needs. When this occurs the analysis should include the financial ability of the county, it is only realistic that the projection of jailing services be done in the context of other county services and the financial ability of the county to operate those services.

In the replacement here are some other recommendations that are related:

- 4. Replace the old 1947 jail with a podular direct supervision new generation jail that includes:**
 - a. Centralized booking for all police agencies in the county with digital printing and digital photos integrated into the automated record system;**
 - b. Upgraded automated information system to have a report generation feature to provide management information reports to the management staff in a user friendly manner.**

Discussion: This consulting team is aware that the concept of “Direct Supervision” has been rejected in Fresno County on the basis that it is too expensive for the county to consider. There is conflicting evidence on this topic and in the appendix of this report we have included a section of an evaluation of that subject that was done by an independent assessment that determined that in both construction and operations direct supervision facilities were less expensive to the jurisdiction. The issue can not be truly resolved until there is a schematic design on the table for Fresno County and a staffing analysis can be done of the design. The issue is important because in every respect in the jailing community and every measure that has been tested direct supervision as an inmate management strategy is superior to in-direct supervision. It has however met with serious staff resistance where ever it has been implemented.

On the topic of “Centralized Booking” this consultant team was made aware of the work group with the City of Fresno and the efforts to combine some services. It is not our intent to interfere or suggest that that collaboration is not desirable it certainly is. The difference with booking over the other topics is the need to transport prisoners that brings with it cost and increased security issues. It is our experience that from a cost and security stand point the fewer times an inmate has to be moved (i.e. bring all services to the inmate in their housing unit) the better off the county will be from a cost and public safety stand point. We therefore took the stance that the booking unit should be planned and designed with the pre-trial holding facility.

ISSUE # 5:

Even if the county were to begin building immediately it will take 3-5 years for those beds to be available for occupancy. So the county needs a strategy on how it is going to manage the jail population on an on-going basis. The Federal Court has already set the upper limit and capped the facilities with a number not to exceed and the State Jail Inspection process reinforces this with annual inspections. In other words the county is regulated by outside parties to keep it within acceptable boundaries from a total number of inmates stand point.

Clearly the county and the community response to “forced releases” where the inmate is release pursuant to the Federal Court order has not been popular and has raised fear and concern for those involved. This consultant team suggests that the county develop a “Population Management Plan” that lays out from a policy stand point the steps the parties (Sheriff, District Attorney, Courts, Probation and Public Defender) will take to collectively move offenders into alternative sanctions and services in lieu of force releasing them to the community. The parties can regulate intake and length of stay and make choices to move inmates to other options such as: pre-trial supervision or probation re-instatement for example.

The concept is to make a policy choice not to use the forced release option of the Federal Court order but at the same time recognize that you must adhere to the cap placed on your facilities.

5. That the County approve a Population Management Plan in conjunction with the District Attorney, Superior Court, Sheriff, Public Defender and Probation departments.

A SYSTEM WIDE STRATEGY TO MANAGE JAIL USE

A survey by the National Institute of Justice of 1,400 criminal justice officials from all parts of the country identified jail and prison crowding as the most serious problem facing the criminal justice system. Crowded jails may compromise public safety when lack of space and the cost of the space denies a bed to a serious offender or takes away resources from other aspects of the governing body. The results of crowding and an ever-rising use of the jail system have been documented as follows:

- Increased victimization and fear
- Decreased public confidence in the public safety system
- Lawsuits, the former county jail had a Federal Court cap placed on it
- Federal court imposed limits on population and other required programs
- Significant tension and strain on correctional and general fund budgets
- Delays in case processing due to cumbersome access to prisoners
- Lack of hope and stress by those working in the system

Virtually every decision maker in the local system exercises discretion that can impact the jail population. Jurisdictions that use a SYSTEM WIDE approach to the management of jail use can reduce some of these conditions and represent proudly to their constituency that they are managing the situation rather than letting it manage them.

There are Seven Key Justice System Decisions that determine the workload, size and cost of any justice system:

1. Decision to arrest.
2. Decision to detain pretrial.
3. Decision to release from pretrial detention.
4. Decision to prosecute.
5. Adjudication outcome.
6. Sentencing decision.
7. Sentence modification decision.

Let's examine in more detail each decision point and the options (discretion) available at each point:

Decision to Arrest

- Citation to appear in court on a date and time certain
- On the spot counseling with no further intervention
- Submit information to the Prosecutor for review and action to request a warrant of arrest
- Take into custody and transport to a processing center

Decision to Detain Pretrial

- Issue summons to appear at date and time certain
- Accept a promise to appear at a date and time certain and/or bail to be posted
- Divert the case to a pretrial release/supervisory authority
- Lodge into a pretrial detention facility

Decision to Release from Pretrial Detention

- At anytime after detention, the pretrial authority and/or court may issue a summons to appear based on a promise, bail and/or conditions of community release

Decision to Prosecute (District Attorney)

- Do not file charges and release from custody with no further action
- Divert to a community program and/or set of conditions
- Proceed to file formal charges at a lesser charging level and release to pretrial conditions and/or bail

- File formal charges at a greater or lesser level based on the facts available and hold in custody
- Hold bail hearing and/or initial appearance proceedings
- Plea bargain the case

Adjudication Outcome:

- Accept the plea bargain agreement and impose sentence
- Hold trial with or without jury
- Order and receive a pre-sentence investigation to guide the courts actions
- Dismissal or not guilty finding

Sentencing Decision:

- Impose a sentence from available continuum of sanctions and services

Sentence Modification Decisions

- Appeal the outcome to a higher court
- Release by shortening the length of stay based on a capacity management plan
- Classification system movement of the offender to a lesser intrusive sanction and/or service

CONTROLLING THE SYSTEM

Can these decisions be monitored and controlled? Many experts believe that they can but it takes quality information about the system and a willingness to cooperate in ways not previously believed possible. Managing the justice system more effectively will require new ways of organizing, and new ways of thinking. The appropriate policy mechanism would be **collegial** and it would emphasize **coordination, cooperation, and communication** as principle ways of operating. The policy makers need to be organized into a group and have regular meetings in an atmosphere where the separation of powers and the authority of each entity are respected. There may be breakdowns from time to time but on the whole the decision makers would acknowledge that each of their individual decisions do impact the others workload and that they are in the system together.

Managing these decision points properly requires timely and quality information. Fresno County does not have this information available in a usable form at this time but has the capacity to do so in the near future.

Available from the Bureau of Justice Assistance is a publication: [A Second Look at Alleviating Jail Crowding, A Systems Perspective](#) that discusses in detail the system decision points and what a jurisdiction might do to better regulate its own work load. This publication is also available from the NIC Information Center

(www.nicic.org) at no charge.

UNDERSTANDING JAIL CROWDING

Preventing and/or managing crowding requires a basic understanding of the jail population dynamics that determine how many people are in a jail. This understanding comes from examination of a basic formula:

THE JAIL POPULATION ANALYSIS FORMULA:

The admission rate and inmate length of stay determines the number of people in jail. This can be expressed as (number of admissions x average length of stay = number of jail bed days required) divided by 365 days per year = average daily jail population.

Changes to either portion of this equation (number of admissions or length of stay) will change the number of people in jail on any given day.

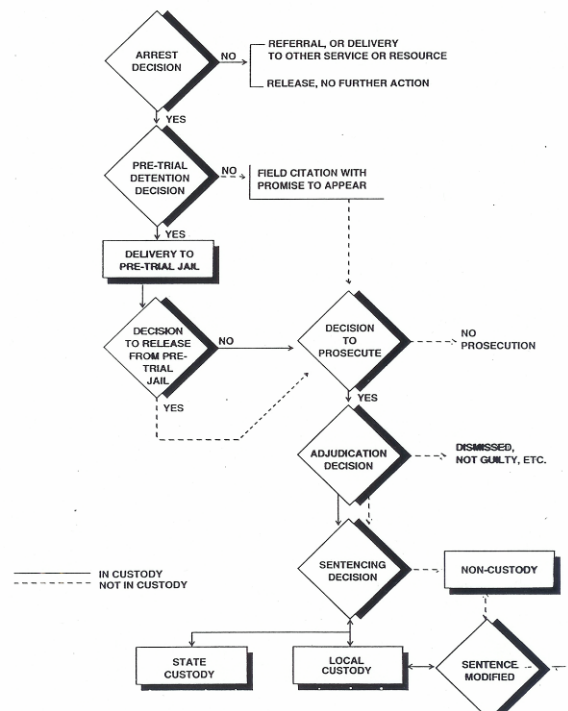
The length of inmate stay is a very important but under-appreciated, and perhaps, less understood determinant of the number of people in any jail. Many jail administrators can quickly produce detailed information about their number of admissions, often with additional detail about arresting agency, charges, and so forth. Yet, it is much harder to find jail administrators who can produce length of stay information for these same classes of prisoners.

The seven-decision point flow diagram (at right) may be helpful in conceptualizing these data elements (Table 1). The key data elements monitor and reflect any changes in policy and practice by the justice system officials and their staff.

It is precisely in these times of crisis that the jail administrator is expected to answer what lay people believed are pretty simple questions:

- Who is in jail?
- Why has the jail population been increasing?
- Why is the jail crowded?
- What can be done about this crowding?

Flow Diagram of the Seven Key Justice System Decision Points



- How much will these changes cost?

Typically, the people responsible for answering these questions do not do a very good job. This is because they simply do not have sufficient information to do so. This difficulty in answering even simple questions can undermine public confidence in the ability of the jail administrator to understand and manage the situation.

Usually, it's not that the jail administrator isn't trying. The interaction of these variables can be complicated. These are not easy interactions to understand. Many computerized jail information systems seem unable to create the kinds of reports that are needed. And, if done manually, it takes time to pull the booking jackets, collect the data by hand, analyze it, and prepare a report. Even then, the report may not contain information sufficient to answer some of the questions that will be asked. For example, it may not contain information that will confirm or discredit some of the hypotheses (guesses) others will set forth to explain changes in jail population levels. Thus, the analysts must return to the data, do additional analysis, and repeat the process.

By the time a written report can be presented, additional changes in admission and release rates may be taking place. The situation keeps changing. Analysts are always shooting at a moving target. It is difficult to create a clear picture of the situation. Rather, the process seems to go in circles. There is erosion in confidence in the department's ability to analyze the situation. As a consequence, there is little enthusiasm for proposed courses of action because too many people are unsure that these are the appropriate remedies. The result is inaction.

Table 1: Jail Population Analysis System Data Elements

Essential Data Elements	Description
Person identifier	Number unique to the person
Booking event number	Number to identify the jail admission
Sex	Identify gender
Booking date	Date inmate was admitted to the jail
Booking time	Military time inmate was admitted
Release date	Date inmate was released from jail
Release time	Military time inmate was released
Release Type	Bail, ROR, acquittal, escape, etc.
Other critical data elements	
Arresting agency	Agency making arrest (not transport)
Sentence status	Sentenced all charges; partial; none
Offense level	Felony, Misdemeanor, Infraction, etc.
Court jurisdiction	Court of jurisdiction

These data should be collected on every person in the jail at a specific date and time, and thereafter for anyone who enters or leaves the jail. The data for each

inmate would appear as a row on a spreadsheet or in a database. Conceptually, it is like creating a checkbook where the checkbook balance represents the daily population count, deposits represent admissions and checks written represent releases -- It's a crude equivalent of a "Quicken" for Corrections.

Fresno Counties' conversion to the Motorola automation system in the upcoming year should improve the current data management situation for Fresno and make the data much more manageable. The system will go from the current main frame environment to a distributed model with much improved user friendly software choices for the jail management staff to use.

MODELING JAIL POPULATION MANAGEMENT OPTIONS

Once the basic jail population analysis capability is established it can be used to begin modeling the results of hypothetical or actual changes in admissions or lengths of stay. Hypothetical changes may be labeled "defensive," as in the case of a crowded jail that seeks to find ways to reduce the size of the inmate population. But other changes may be labeled "proactive." For example, officials may seek to make more effective use of jail bed space by deliberately changing the composition of the jail population so as to keep some people longer and move lesser offenders to other corrections options in the community.

CONCLUSION

The key to preventing crowding, and to managing the jail population, is to continuously collect, monitor and analyze admission and length of stay information, then share the results with other justice officials and officials in leadership positions in general government.

Their cooperation will be essential. They, collectively, control the policies and practices that determine jail admissions and length of stay. As noted earlier, with only a few minor exceptions, these levers and mechanisms lie outside the control of the jail administrator and/or the Sheriff.

For this reason, the County and the jail administrator have a stake in forming a justice system wide Criminal Justice Coordination Council (CJCC), or in strengthening an existing CJCC that is not operating well. This is a forum where the County can change the perception that potential crowding is a "jail problem." The data and ensuing dialogue will allow the County to portray potential or actual jail crowding as a justice system dysfunction. That change in perception makes it "our problem" instead of "the Jail's problem."

These officials have a big stake in making sure the jail bed resource is best used to maximize public protection. When they are presented with clear and convincing, empirical evidence, they will do what they can to modify their policies and practices. A jail administrator can exert a great deal of influence on the decision making of these other agencies. But they can only do so if they have the

facts, if they can competently answer questions about how the jail population is changing, and if they can clearly demonstrate how changes in admission rates or lengths of stay can improve the administration of justice.

Primary source for this document comes from Understanding Jail Crowding by Bob Cushman, an NIC Publication

THOSE INTERVIEWED IN THIS PROJECT

- Bart Bohn, County Administrative Officer
- Sheriff Richard Pierce
- Brandi Orth, Administrative Analyst
- Jeanette Ishii, Assistant County Administrative Officer
- Judge Gary Hoff, Superior Court
- Judge Hilary Chittick, Superior Court
- Sandra Silva, Associate Executive Officer, Superior Court
- Sheran Morton, Director of Court Operations
- Judge Edward Sarkisian, Presiding Judge
- Tom Gatti, Assistant Sheriff
- Steve Forker, Administrative Services Director, Sheriff's Office
- Paul LeDuc, IT Manager, Sheriff's Office
- Kalyana Nissankarao, IT Analyst, Sheriff's Office
- Danny Negrete, State Department of Parole
- Richard Ciummo, Alternative Defense
- Mark Broughton, Alternative Defense
- Charlotte Tilkes, Offender Programs Manager, Sheriff's Office
- Paul Hinkly, Deputy Public Defender
- Joy Thompson, Probation Services Manager
- Tom Charnock, Probation Manager Adult Division
- Phil Larson, Chair, Board of Supervisors
- Henry Perea, Supervisor
- Kathleen Donawa, Budget Analyst
- Wes Merritt, County Legal Counsel
- Dennis Marshall, County Legal Counsel
- Bob Waterston, Supervisor
- Judy Case, Supervisor
- Susan Anderson, Supervisor
- Russell York, U.S. Marshal Office
- Chief Doug Johnson, Reedley Police Department
- Chief Tom Whiteside, Selma Police Department
- Helen Dunkel, Alcohol Tobacco and Firearms
- Chief Jerry Dyer, Fresno Police Department
- Ron Bertrand, State Jail Inspector
- Bob Ellis, Chief Assistant District Attorney
- Cal Minor, Candidate for Sheriff

- Margaret Mims, Candidate for Sheriff
- Tom Abshere, SEIU
- Anna Casey, Corrections Officer, Union Officer
- Josie Ruiz, Corrections Officer, Union Officer
- Ed Moreno, Community Health Department
- Jose Flores, Fresno Co. S.O.
- Kathleen Grassi, Community Health
- Bud Laird, Jail Medical Services
- Chris Markus, Community Health
- Dennis Koch, Behavior Health, Substance Abuse
- Curt Thornton, Fresno County Mental Health Board
- Giang Nguyen, Behavioral Health
- Ali Umar, Chaplain, Fresno Co. S.O.

OTHER RESOURCES FOR THE COUNTY TO CONSIDER

1. "Guidelines for Developing a Criminal Justice Coordinating Committee", U.S. Department of Justice, National Institute of Corrections. January 2000. NIC Accession number 017232.
2. "Jail Crowding, Understanding Jail Population Dynamics", U.S. Department of Justice, National Institute of Corrections. January 2002, NIC Accession number 017209.
3. "Jail Resource Issues, What Every Funding Authority Needs to Know", U.S. Department of Justice, National Institute of Corrections. February 2002, NIC Accession number 017372.
4. "Preventing Jail Crowding, a Practical Guide" Second Edition, U.S. Department of Justice, National Institute of Corrections. May 2002, NIC Accession number 016720.
5. "A Second Look at Alleviating Jail Crowding, A Systems Perspective", U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. October 2000, NCJ 182507.
6. "Jail Design Guide, A resource for Small to Medium Sized Jails", U.S. Department of Justice, National Institute of Corrections. November 1998.
7. "Objective Jail Classification Systems: A Guide for Jail Administrators", U.S. Department of Justice, National Institute of Corrections. February 1998.

8. National Center for State Courts, www.ncsconline.org/, phone 888-450-0391x1864.
9. National Institute of Corrections, Evidenced Based Practices Project
<http://www.nicic.org/pubs/2004/019341.pdf>
10. Evaluation of Direct Versus Indirect Supervision Correctional Facilities, NIC 1989. <http://www.nicic.org/pubs/pre/007807.pdf>

Items 1-7 and 9 and 10 are available from NIC at no cost to the jurisdiction.

APPENDIX

- Jail Assessment Report
- Community Meeting attendance list
- A Comparison of “Direct” and “Indirect” Supervision Correctional Facilities, June 1, 1989, NIC, Conclusions section.