



Jail and Justice System Assessment

A National Institute of Corrections Technical Assistance
Report for Beaufort County, NC Sheriff's Office

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FINAL

Jail and Justice System Assessment



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 contract, at the request of the Beaufort County Sheriff's Office, and through the coordination of the National Institute of Corrections. The direct on-site 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 Ms. Cheryl Gallant and Ms. Karen Albert. The contents do not necessarily reflect the official views or policies of the National Institute of Corrections.

Table of Contents

Community Profile National Institute of Corrections.....	1
Section 1. Background.....	1
Request for Technical Assistance	1
Jail and Justice System Assessment (JJSA)	1
Preparations for the On-Site Visit.....	3
Purpose of the Report	4
Community Profile	5
Section 2. Community Profile	5
Overview of Beaufort County.....	5
Population Profile	6
Socioeconomic Profile	7
Community Resources.....	9
Criminal Justice System Profile	11
Section 3. Criminal Justice System Profile.....	11
Overview of Beaufort County Criminal Justice Agencies	11
Case Flow Mapping.....	16
Section 4. Jail Population Profile	17
Jail Population Profile	17
Inmate Profile	17
Historical Trends	19
Jail Assessment.....	21
Section 5. Facility Assessment.....	21
Building Soundness and Adaptability.....	23
Living Condition and Sanitation Levels.....	23
Fire and Life Safety	24
Safety and Security	24
Programs and Services.....	25
Inmate Classification and Housing.....	27

Jail and Justice System Assessment



Compliance with Standards	27
Layout.....	28
Capacity.....	28
Summary	29
Section 6. Town Hall Meeting.....	30
Introductions and Expectations.....	30
Overview of the National Institute of Corrections	30
Jail and Justice System Assessment Purpose and Process.....	31
Issues Prompting the Request for the JJSA	32
Preliminary Assessment Findings.....	33
Facility Development Process.....	33
Needs Assessment	35
Community Readiness	38
Next Steps	39
NIC Resources.....	39
Section 7. Conclusions and Recommendations	41
Recommendations	41
JJSA Town Hall Meeting Agenda.....	44
Appendix B – List of Town Hall Attendees.....	45
Appendix C - A Comprehensive Approach to Addressing Jail Overcrowding and Use of Alternatives	46
Structured Decision-making	52
Summary	52
Appendix D – Town Hall Meeting Slides	53

Jail and Justice System Assessment

Section 1. Background

Request for Technical Assistance

Sheriff Ernie Coleman, Beaufort County, NC, submitted a request for a Jail and Justice System Assessment (JJSA) from the National Institute of Corrections (NIC). Karen Albert and Cheryl Gallant were contracted by NIC to deliver the on-site technical assistance on May 10-12, 2016. Ms. Gallant and Ms. Albert coordinated arrangements for the visit and technical assistance activities with the Jail Administrator, Lieutenant Kathryn Bryan.

Jail and Justice System Assessment (JJSA)

JJSA Purpose and Goals

Jurisdictions frequently request the JJSA because the jail is “crowded,” and, as such, under some scrutiny. Jail officials are unable to control the flow of inmates in and out of the jail. Policy and practice in the individual justice system components (i.e., law enforcement, prosecution, courts) are the primary drivers of the inmate population. Although the jail possesses a wealth of information about how the rest of the system is operating, jail staff are often unaware that the information they have in the data they routinely collect will reflect the impact of those system policies and practices. In the meantime, the rest of the criminal justice system is sure it is managing their role in the system the best it can, and often feels taxed to the limit. Oftentimes, key criminal justice partners work well as individuals to respond to the growing crowding issues without fully understanding the potential impacts on the other system components, including changing their policies to implement measures that may negatively impact crowding.

National Institute of Corrections

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The National Institute of Corrections (NIC) is a small federal agency within the Department of Justice, Bureau of Prisons. NIC was established in the 1970's to be the primary federal source of assistance to state and local correctional agencies. The Jails Division of NIC helps local jails across the country by providing training, technical assistance, and information services.

Jail and Justice System Assessment



The purpose of the JJSA is to determine the need for improvements to the existing jail and its operations (including the potential need for new construction, expansion, and/or renovation) and to determine the need for improvements to enhance the effectiveness of the overall justice system. This is accomplished through an assessment of the jail against professional standards and accepted management practices, and an examination of the major components of the justice system including law enforcement, courts, prosecution, defense counsel, and community sanctioning options.

The JJSA demonstrates to the stakeholders that beyond their common purpose, they can negatively impact the overall criminal justice system by implementing measures to reduce the jail population. The jail benefits by better population management; the other components benefit by sharing information and minimizing redundancy; and all will be working smarter, not just harder.

The JJSA helps to assess how well the system is handling the demands it faces; determine if the existing services and programs are meeting their needs and are consistent with public safety (the community's) concerns; and make sure those programs are having the desired impact on the system, and more specifically, the jail population.

The ultimate goal of the JJSA is to provide the jurisdiction with a solid, unbiased assessment of the condition of the jail and what opportunities could exist in the long term, and what can be done in the interim period that will assist in making the jail safer and possibly a more efficient operation.

JJSA Activities

The JJSA process includes a brief assessment of the jail, a review of selected jail and system data, interviews with key criminal justice officials, and a community meeting -- all of which occur over a three-day period when the NIC technical resource providers (TRP) are present in the community. The community meeting provides an opportunity to:

- Educate the participants about the role of justice system policies and practices on the use of the jail and the size of the jail population;
- Provide participants with the technical resource providers' preliminary findings based on the jail assessment and interviews;
- Provide participants with some preliminary options to address jail and other criminal justice system needs; and
- Provide a forum for participants to share their concerns and ideas about the issues raised and initiate discussions about planning for change.

Preparations for the On-Site Visit

Prior to the on-site visit, Karen Albert contacted Jail Administrator Kathryn Bryan to get further detail on the County's expectations and desired outcomes for the JJSA. Lieutenant Bryan advised that the request for the JJSA was prompted by a need to address a fluctuating inmate population in the Beaufort County Detention Center (jail), lack of appropriate types of housing for inmates – especially females, and more violent and special needs inmates, and the need for strategies to educate the community to gain their support in addressing gaps in services and for potential funding to address these issues. Past initiatives to increase bed capacity have failed, due in part to the lack of community involvement in the program. The JJSA was requested as a way to continue the community discussion about these issues.

These discussions resulted in the following scope of work for the Jail and Justice System Assessment:

- Make necessary preparations for the onsite visit;
- Conduct an entrance meeting with key staff to gather additional background information, review the desired outcomes for the JJSA, and confirm the agenda for the three-day site visit;
- Conduct a brief tour of the Beaufort County Detention Center to get an overall perspective of issues and conditions;
- Interview key justice system officials including at a minimum the sheriff, prosecutor, public defender, judges, police, and probation;
- Facilitate a town hall meeting to present information about the local jail and the impact of system policies and practices on its use; present preliminary assessment findings, review jail and system data; present information about the facility development process, and discuss community readiness for planning;
- Conduct an exit meeting with key stakeholders to review the site visit activities and discuss next steps; and
- Prepare a technical assistance report outlining the findings and recommendations developed pursuant to the JJSA.

To prepare for the onsite visit the technical resource providers:

- Outlined the necessary on-site preparations for the local point of contact, including a draft of an onsite agenda and list of persons to be interviewed;
- Developed and forwarded structured interview questions for those justice officials scheduled for interviews;
- Requested selected jail trend and snapshot data;
- Reviewed the pre-JJSA survey completed or coordinated by Sheriff Coleman;
- Reviewed and conducted preliminary analysis of jail data provided by the sheriff's office;
- Prepared an agenda (Appendix A) and slides for the community meeting;
- Gathered available statistics on county population, arrests, and court filings; and
- Finalized and confirmed the overall agenda for the JJSA with the local point of contact.

Jail and Justice System Assessment



The following documents were reviewed during the course of this activity:

- JJSA technical resource materials;
- County jail population data;
- Various documents and reports providing information about criminal justice activity within Beaufort County.

The following persons were interviewed during the on-site visit:

- Alexis Felts, North Carolina Public Safety – Probation
- Carl Smith, North Carolina Public Safety – Probation
- Charlie Rose, Chief Deputy, Beaufort County Sheriff’s Office
- Danielle Junak, North Carolina Public Safety – Probation
- Ernie Coleman, Sheriff, Beaufort County Sheriff’s Office
- Frankie Waters, Beaufort County Commissioner
- Gary Brinn, Beaufort County Commissioner
- Hon. Michael Paul, Chief Judge, Beaufort County District Court
- Hon. Wayland Sermons, Jr., Senior Resident Judge, Beaufort County (District 2) Superior Court
- Hood Richardson, Beaufort County Commissioner
- Kathryn Bryan, Jail Administrator, Beaufort County Detention Center
- Michele Davis, Sergeant, Beaufort County Detention Center
- Quisha Latham, Sergeant, Beaufort County Detention Center
- Ron Buzzeo, Beaufort County Commissioner
- Scott Thompson, Chief Detention Officer, Beaufort County Detention Center
- Seth Edwards, District Attorney, NC Judicial District 2
- Sonja Midgette, Detention Officer, Beaufort County Detention Center
- Tom Aglim, Asst. District Attorney, Beaufort County, NC Judicial District 2
- Various other Beaufort County Detention Center staff
- Various inmates.

Several of the above-named, along with other officials, attended the Town Hall Meeting as well. A list of the planning meeting participants is included in Appendix B.

Purpose of the Report

The purpose of this report is to document:

- The technical resource providers’ (TRPs) impressions regarding the jail facilities and operations;
- The TRPs assessment of local criminal justice system practices and use of alternatives;
- A summary of the interviews conducted with key criminal justice officials;
- A summary of the Town Hall Meeting held during the JJSA in Beaufort County; and
- The technical resource providers’ recommendations regarding the planning process and the steps that should occur to develop a long range plan to meet the County’s correctional needs.

Section 2. Community Profile

Developing a Community Profile should include a review of county census information and projections, including population by age, income levels, level of education attainment, employment data and recent increases or decreases in the population. Data affecting population stability; i.e. number of people moving into/out of the county per year, employment rates, family ties to the area should also be reviewed.

Community resources such as health and social services, schools, employment services, etc. should also be surveyed and documented. These are services and resources that may assist the jail and related inmate programs in addressing needs and reducing recidivism.

Following is a brief presentation of the types of information that is representative of what might be included in a Community Profile.

Overview of Beaufort County

Beaufort County is located in eastern North Carolina. The county seat is located in **Washington, NC**. The county is 958 square miles, including 131 square miles of water. Beaufort is the fifth largest



county in North Carolina by total area. Beaufort County is bordered by Washington County to the northeast, Hyde County to the east, Pamlico County to the southeast, Craven County to the southwest, and Pitt County to the west.

The county population according to the 2010 U.S. Census was 47,759¹.

The County Board of Commissioners is the governing body of

Community Profile

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In order to accurately assess the historical growth in the inmate population, as well as to project that growth into the future, it is necessary to assess the factors external to the criminal justice system that impact the jail population. These include general population changes, economy, crime and other social factors, and changes in laws and/or enforcement priorities. For example, increases in the number of people in the population at-risk (younger, less affluent, less educated people, more transient) are assumed to adversely affect the jail population.

¹ Map and data retrieved from April 17, 2016, https://en.wikipedia.org/wiki/Beaufort_County,_North_Carolina



Beaufort County. Consisting of 7 elected officials, the County Board serves as the taxing authority, the contracting body, and the chief administrators of public funds. Among other duties, the County Board enacts laws, ensures compliance of laws, and secures professional services for the county.

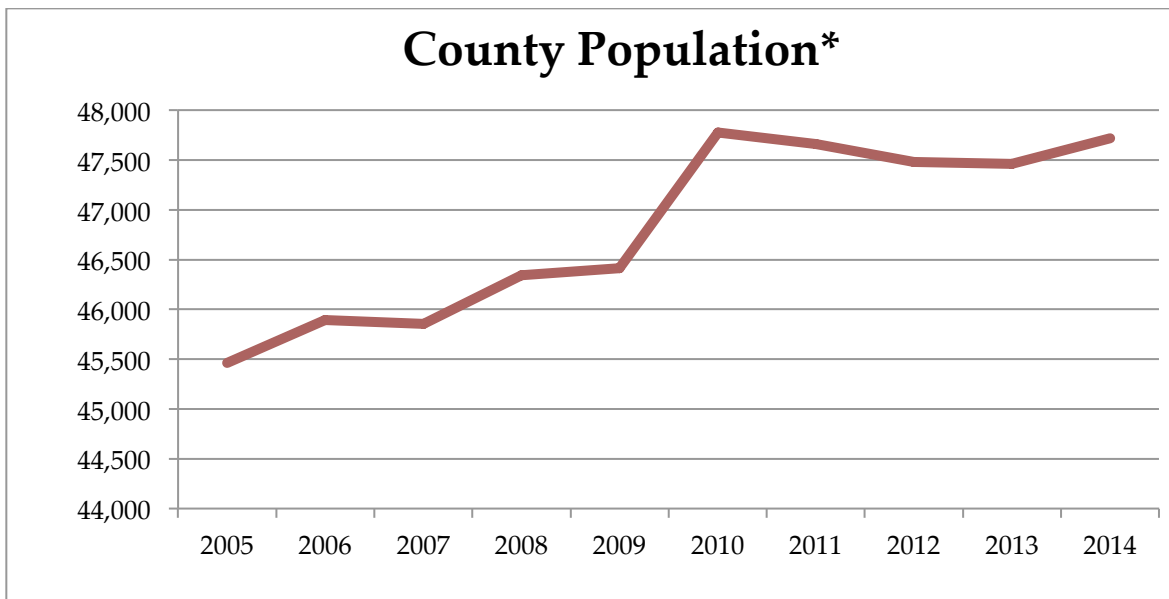
There are 13 communities in Beaufort County with the primary cities being Washington, Aurora, Chocowinity, and Belhaven. The city of Washington is the largest city in the County.

Population Profile

Historical Population Trends and Projections

The county population according to the 2010 U.S. Census was 47,759. The population has been relatively stable over the past four years.

Beaufort County Historical Population Trends



Components of Change

From 2009 to 2010 Beaufort County's population gained approximately 1,300 residents, although there has been a slight decline since 2010. It is useful to understand the components of population change because it offers insight into the causes of growth or decline and it helps highlight important areas of inquiry. For example, are people drawn by the geographic location, services available in the community, work opportunities, etc.?



Demographics²

The following tables provide a breakdown of the Beaufort County population by race and age groupings for the year 2014.

Population Estimates by Race (2014)		
Race	Population	Percent
White	31,512	66.2%
Black	12,092	25.4%
Hispanic or Latino	3,390	7.1%
Asian	47	0.1%
Am. Indian/Alaska Native	23	0.0%
Pacific Islander	1	0.0%
Other - single race	48	0.1%
Other - two or more races	474	1.0%

Population Estimates by Age (2014)		
Age Category	Population	Percent
< 5 years	2,636	5.5%
5-19 years	8,580	18.0%
20-34 years	7,419	15.6%
35-44 years	5,506	11.6%
44-54 years	6,489	13.6%
55-64 years	7,408	15.6%
65/> years	9,549	20.1%

The county population is mainly White (66.2%) according to U.S. Census Bureau 2014 population estimates. Individuals of Black ethnicity represent the next largest group at 25.4% of the county population. The county female population, at 52.1%, is comparable to the 51.3% rate for the State and 50.8% rate for the U.S. The median age of the county population is older than the state at 44.4 vs. 37.8 years. The demographics of the community are important to understand in order to identify the numbers and trends of at-risk age groups.

Socioeconomic Profile³

A number of indicators determine the economic health of a jurisdiction. No single indicator should be considered by itself. Rather, a range of indicators should be analyzed together to get a comprehensive view of the economy. Several indicators for Beaufort County, which are representative of the types of data essential to review when developing a Community Profile for Beaufort County, are presented below.

Income and Poverty

Beaufort County lags the state in both personal income and household income, and also has a higher poverty rate. The following table provides a breakdown of key county income and poverty data with comparisons to the state data. The personal income in Beaufort County in 2014 was 85.1% of statewide levels, and the median household income was 87.1% of the state median. The county poverty rate was 2.3% higher than the state rate.

² United States Census Bureau: American FactFinder. Retrieved from May 20, 2016, <http://factfinder.census.gov>

³ Ibid

Jail and Justice System Assessment



Income and Poverty (2014)		
	<i>Beaufort County</i>	<i>North Carolina</i>
Per Capita Income	\$21,789	\$25,608
Median Household Income	\$40,671	\$46,693
Poverty Rate	19.9%	17.6%

Income data can be an indicator of how well a county is faring in the current economic climate and how stressed individuals and families may be due to their economic condition. It would be helpful to understand the correlation between crime and the economy as it impacts both bed space needs for the jail and the ability of a county to pay the costs of incarceration and other public safety services.

Employment

The employment rate is another indicator of the economic condition of a county. The annual unemployment rate for Beaufort County (7.6%) was higher than the state rate in 2014 (6.5%). Consistent with the downward movement in the state unemployment rate (6.1%) between August 2014 and August 2015, Beaufort County's unemployment rate(7%) decreased 0.6% during the same period.⁴ The unemployment rate is the number of unemployed as a percent of the entire labor force. It is helpful to look at the rates over time to see if they are increasing or decreasing. Further investigation might provide insight into what may be driving the rates in either direction.

Education

Education is yet another factor that contributes to the overall community profile. Beaufort County compares favorably with the rest of North Carolina in its residents' high school graduation rate, some college, and associates degrees. County residents appear to lag behind the state average in attaining Bachelor's and advanced degrees. Lower educational attainment, along with economic stressors, are community risk factors that can impact public safety demands.

Educational Achievement for Residents, Age 25 & Over (2014)		
<i>Education Level</i>	<i>Beaufort County*</i>	<i>North Carolina**</i>
Less than 9th grade	6.5%	5.5%
9th to 12th grade, no diploma	12.1%	9.1%
High school graduate (incl. equiv.)	31.4%	26.9%
Some college, no degree	21.9%	21.9%
Associate's degree	10.3%	8.8%
Bachelor's degree	11.1%	18.2%
Graduate or professional degree	6.7%	9.5%

*Beaufort County N = 33,797

**North Carolina N = 6,495,047

⁴ Retrieved from May 23, 2016,

https://www.ncesc1.com/pmi/rates/PressReleases/County/NR_August2015CountyRate_M.pdf



Community Resources

All communities have programs and services that serve at-risk and justice-involved individuals. Some may be used extensively by the justice system, while others exist as hidden resources waiting to be discovered. A community profile should include an inventory of community assets and resources that could serve justice-involved persons both in the jail and in community alternatives. An example of a format for gathering information about the programs and services that may be available in the community is presented on the following page.

There was a general perception among the criminal justice stakeholders that there are not sufficient resources in the County to address the criminal justice need. This perception is described further throughout this report.

Jail and Justice System Assessment



Criminal Justice System Program/Services Inventory									
Program	Operator	Purpose(s) Offered	Eligibility Criteria	Exclusionary Criteria	Referral Sources	Functional Capacity	Length of Stay	Ave. Per Diem Cost	Funding Source
Example: Domestic Violence Program	County	To decrease the prevalence and incidents of domestic violence, to educate and provide awareness of Domestic violence, emergency shelter and services as available	Victim of Domestic Violence or Sexual Assault	None	Application/self-referral, referrals from other domestic violence programs	Emergency shelter holds up to 3 families at a time, other services are open	Up to 90 days with follow up as needed	N/A	Federal and State

Section 3. Criminal Justice System Profile

In developing the criminal justice system profile, information describing current criminal justice agency staffing, resources, and workload is gathered and reviewed. Historical law enforcement data, including information on reported crime, crime rates, offense types, and law enforcement policies and practices is collected and analyzed.

Historical court data including information on court structure and schedules, misdemeanor and felony filings, etc. is also collected and analyzed.

Key criminal justice policymakers including the judges, probation, prosecuting attorney, public defender, the sheriff, jail administrator, and other local law enforcement agency representatives are typically interviewed to get their input and perspective on the needs of the criminal justice system and the jail.

The results of this review are used to develop the Criminal Justice System Profile.

Overview of Beaufort County Criminal Justice Agencies

Law Enforcement

The primary local law enforcement agencies in Beaufort County include the Beaufort County Sheriff's Office (Sheriff's Office), and the local police departments of Washington, Aurora, Belhaven and Chocowinity as well as the NC State Highway Patrol.

With the exception of the Sheriff's Office, law enforcement representatives did not participate in the JJSA, and a survey was not completed. There is general agreement that there is a significant and growing population of persons with mental illness and/or substance abuse (i.e., opioids/heroin). Resources for persons with mental health issues are reportedly limited for pre-adjudicated arrestees.

Law enforcement generally has expressed concern with the lower bonds set by the courts and magistrates in response to the jail

Criminal Justice System Profile

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A justice system needs assessment should include a review of the overall functions and resources of the existing county criminal justice system with the intent of answering the following questions:

- How well is the current system working?
- Are existing services and programs used to their fullest extent and effectiveness?
- Are there apparent gaps in services and programs?
- Are cases processed through the system in a timely and efficient manner?
- How can the criminal justice system do a better job?

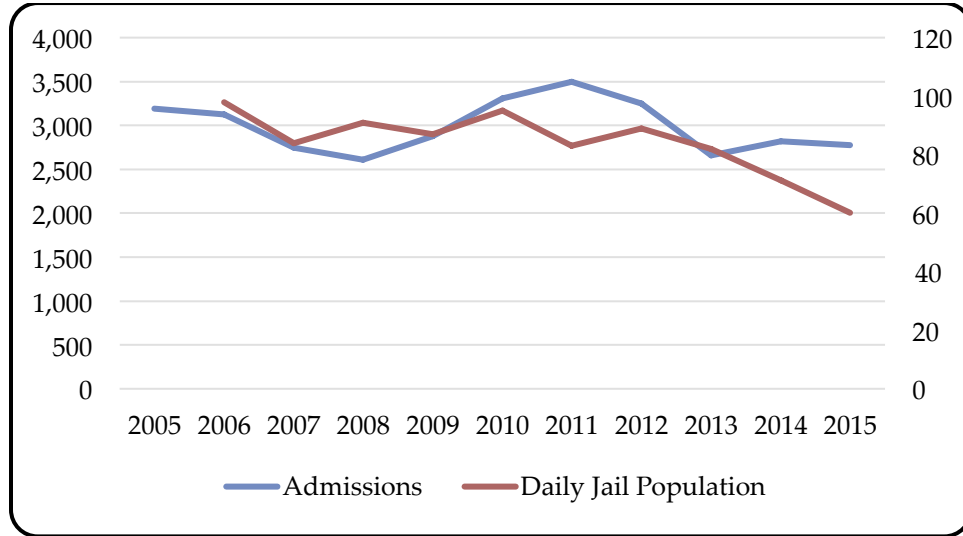
The results of this review are used to develop the Criminal Justice System Profile.



crowding. There was also general agreement that law enforcement practices (e.g., number of arrests) are not influenced by jail crowding. However, the availability of resources such as detox centers or 24-hour local access to mental health care could potentially reduce the number of arrests.

The figure below highlights the trend in arrests in Beaufort County as compared to the average daily jail population during the ten-year period of 2005 through 2015.

Average Annual Arrests Compared to Average Daily Jail Population



Despite the stability of the overall county population, the number of arrests declined from 2011 through 2013, and has remained relatively stable since that time. Identifying the reason(s) for this decline as well as for the population increases in 2010 and 2011 can assist decision-makers in determining future bed needs. Two factors that could influence the decline are the implementation of reduced bonds and the implementation and increased usage of the Sheriff’s Office’s electronic monitoring program.

Courts

The role of the courts in managing the county criminal justice system cannot be overstated. Case processing, judicial decisions, and an understanding of the role of the jail can influence the number of inmates housed in the county jail.

Under the North Carolina Constitution, the Judicial Department was established as a co-equal branch of state government with the Legislative and Executive branches. North Carolina’s court system, called the General Court of Justice, is a unified statewide and state-operated system. The General Court of Justice consists of three divisions: the appellate division, the superior court division, and the district court division. The Superior Court and District Court divisions are commonly referred to as the North Carolina Trial Courts.



NC counties are grouped into superior court districts, which in turn are grouped into eight divisions. Beaufort County is part of the First Judicial Division's District 2, which also includes Hyde, Martin, Tyrell, and Washington counties. There is one resident judge assigned to District 2.⁵ As to criminal jurisdiction, the Superior Court has original jurisdiction in all felony cases and in some misdemeanor cases.

The District Court is divided into district court districts. Beaufort County along with Hyde, Martin, Tyrell, and Washington counties comprises District Court District 2. There are four judges assigned to District Court District 2.⁶ By statute (G.S. 7A-133), there are a minimum of four magistrates serving Beaufort County. The criminal jurisdiction of the District Court division includes preliminary "probable cause" hearings in felony cases, and virtually all misdemeanor and infraction cases. The District Court also has jurisdiction to accept guilty pleas in certain felony cases. Trials in criminal and infraction cases are by district court judges; no trial by jury is available for such cases. Appeals are to the superior court for trial de novo before a jury. Additionally, Magistrates are also judicial officers of the District Court division. In criminal cases, magistrates issue arrest and search warrants, conduct initial appearances, and determine conditions of pretrial release. For some relatively minor offenses they may accept guilty pleas, impose punishment and conduct trials.

Pretrial programming, other than the Sheriff's Office's electronic monitoring program, has not been explored in the County, although many of the criminal justice partners (i.e., judges, district attorney, probation staff, etc.) appear to be amenable to exploring the benefits of such programs.

Although the court is collocated with the jail, video technology for conducting arraignments is being pursued. Implementation of video arraignment could reduce the number of escorts into the courtroom, thereby improving overall courthouse security, but also make access to the courts more efficient for inmates housed outside of Beaufort County due to classification and crowding issues.

Aside from commitment to either prison or jail, sentencing options are limited to deferred sentencing and probation. Although the judge can require a treatment program as a condition of sentence, there are limited treatment program options available in the County, and supervision options are limited to those provided through probation and parole. There is a desire for more sentencing options, if evidence of their success can be provided. Moreover, there is an interest in exploring residential treatment programming.

Prosecutor

In NC, district attorneys are the elected representatives of the state in all criminal and some juvenile matters. The primary responsibility of the district attorney, with his or her assistants, is to prosecute all

⁵ Retrieved from May 25, 2016, <http://www.nccourts.org/County/Beaufort/Staff/Superior.asp>

⁶ Retrieved from May 25, 2016, <http://www.nccourts.org/County/Beaufort/Staff/District.asp>



criminal cases filed in the superior and district courts. District attorneys also advise local law enforcement and prepare the criminal trial docket. Each district has at least four full-time assistant district attorneys. The district attorney and the assistant district attorneys are paid by the state and are not allowed to have their own private practice of law.

The Prosecutor's Office serving Beaufort County is part of prosecutorial judicial district 2, which mirrors Beaufort County's districts for the superior and district courts. In addition to the district attorney, there are eight assistant district attorneys who are responsible for prosecuting criminal cases. Based on court activity and caseloads, there are – at any given time – up to four assistant district attorneys assigned in Beaufort County.⁷

Public Defender

In August 2000, the North Carolina General Assembly passed the Indigent Defense Services Act of 2000, which created the Office of Indigent Defense Services (IDS) having responsibility for: 1) overseeing the provision of legal representation to indigent defendants and others entitled to counsel under North Carolina law; 2) developing training, qualification, and performance standards to govern the provision of legal services to indigent persons; 3) determining the most appropriate methods of delivering legal services to indigent persons in each judicial district; and 4) providing services in the most cost-effective manner possible.

Public Defenders are full-time, state-paid attorneys whose function is to represent indigent criminal defendants and indigent respondents in civil cases in which there is a right to counsel. If a defendant cannot afford an attorney and is accused of a crime that could result in imprisonment, the defendant is eligible for the services of a lawyer at state expense. If the defendant is found guilty, he or she must pay back the money spent on his or her defense. Seventeen districts in the state encompassing 31 counties have Public Defender offices.

The Public Defender Office in Beaufort County has 5 full-time staff attorneys plus 24 attorneys available on a contract basis,⁸ to support legal representation for indigent defendants. Although the public defender is a state function, Beaufort County provides office space and supplies to support the public defender.

The public defender's office did not participate in the survey, interviews, or town hall meeting.

Parole and Probation

Parole and Probation (Community Corrections) – a division of Adult Correction of the Department of Public Safety (a state agency) – is responsible for supervising offenders released from the Department of Corrections with a condition of parole, and county felony inmates sentenced to a period of

⁷ Source: Ruth Spruill, Administrative Assistant, District Attorney's Office – Beaufort County

⁸ Source: Melissa Winn, Legal Assistant, Beaufort County Public Defender Office



probation. Community Corrections is divided into four divisions that are aligned with the districts of the state's court system. Beaufort County is part of the Community Correction's First Judicial Division.⁹ There is no county-level probation equivalent in the County.

As a general practice, pre-sentence investigations are not conducted. However, upon request of the court, probation officers are responsible for completing pre-sentence investigations, which are typically conducted within six weeks of a felony conviction, for use in a sentencing hearing.

Probation, considered a community or intermediate punishment, can be imposed as a condition of sentence consistent with Article 81B. Structured Sentencing of Persons Convicted of Crimes.¹⁰ By statute (G.S. 15A-1343.2), there are multiple conditions of probation that may be imposed with the intent to hold offenders accountable for making restitution, to ensure compliance with the court's judgment, to effectively rehabilitate offenders by directing them to specialized treatment or education programs, and to protect the public safety. Statute further delegates conditional authority to the probation officer, which – among other things – empowers him/her to require a probationer sentenced to either community or intermediate punishment to submit to two-day or three-day periods of confinement in a local jail. These brief periods of incarceration are referred locally as 'quick dips.'

Quick dips are oftentimes served on weekends, thereby potentially contributing to crowded conditions in the jail. Probation staff noted that the availability of jail beds is not generally a consideration in making the determination whether a probationer will be ordered to serve a quick dip.

Probation, when used as a deferred sentencing option, affords the offender the opportunity to participate in needed programming without actually serving a period of confinement. Unfortunately, the access to resources limits the ability of offenders to complete their program requirements. In particular, availability of services outside of Washington (i.e., Belhaven and Aurora) are limited or nonexistent. Reportedly, a number of probationers are subject to violation because they are unable to fulfill their programming requirements due to lack of transportation options.

Probation staff reported reasonable access to their probationers in the jail; however, meeting space is severely lacking. Staff most often meet with their clients in a small multipurpose/interview room. This space includes a small desk and two chairs and does not provide for acceptable personal space – especially in circumstances that may be adversarial.

⁹ Retrieved from May 24, 2016, <https://ncdps.s3.amazonaws.com/s3fs-public/documents/files/Community%20Corrections%20District%20Map.pdf>

¹⁰ Retrieved from May 25, 2016, http://www.ncga.state.nc.us/EnactedLegislation/Statutes/PDF/ByArticle/Chapter_15A/Article_81B.pdf



Case Flow Mapping

Although it is beyond the scope of the JJSA, a criminal justice profile should include an assessment of the process by which cases move through the justice system. Case flow maps describe each of the steps and key decision points in the justice process, and include such information as the policies and practices of agencies/officials involved at each stage, workload, policy and program options that may be available at each stage, average timelines, and any gaps or inefficiencies in the process.

Recommendations resulting from this case flow review may include changes in policies and practices, improvements in communication and coordination, and implementation of alternative programs and/or services. The goal is to identify opportunities for maximizing the efficiency and overall effectiveness of the justice system. See Appendix C for more information about the key decision points in the case flow process and the program and process options that may improve the functioning of the justice system and potentially reduce crowding in the jail.

Section 4. Jail Population Profile

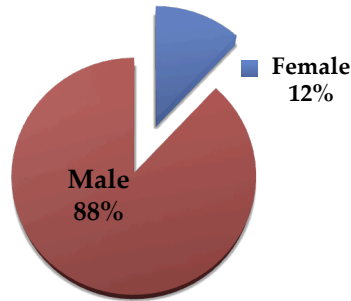
Inmate Profile

The technical resource providers requested select jail data prior to the on-site visit. This section of the report provides a summary of the technical resource providers' preliminary analysis of the data provided. The data included a sampling of a one-day snapshot.

Below are several figures highlighting some of the key characteristics of the inmate population drawn from the data provided. The figures are representative of the types of profile information which should be collected and analyzed, but are based on a very limited amount of data.

Inmate Profile - Gender

The female population in the 2015 sample accounted for 12% of the total held – lower than the 14% national average for females in jail in 2013.¹¹ Often these females are housed outside of the County due to lack of separation space and jail crowding. In FY15, Beaufort County spent approximately \$4,500 boarding female inmates at other facilities.¹²



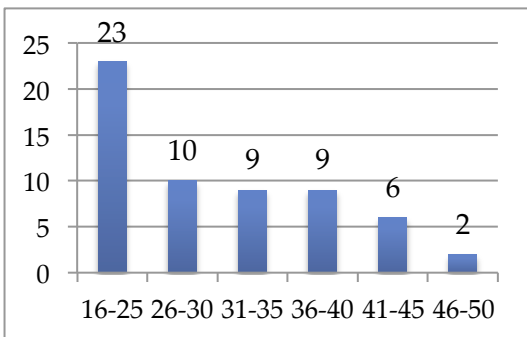
Jail Population Profile

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Data on the current jail population is collected and analyzed to develop a profile of its criminal, adjudication, behavioral, social, and demographic characteristics.

The profile is useful in several ways:

- Developing forecasts of space needs and specifications for detention and alternative programs;
- Identifying classifications of inmates based upon risk and offenses;
- Determining specific programs and services required to address inmate needs; and
- Developing strategies for managing inmates through a continuum of community sanctions and programs.



Inmate Profile - Age

The inmate population in 2015 ranged from 16 to 78 years of age, with 49% of the population being 16 to 30 years of age.

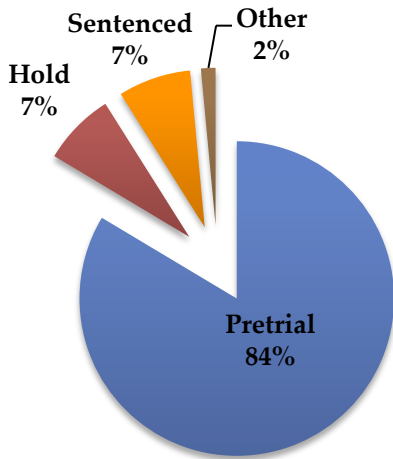
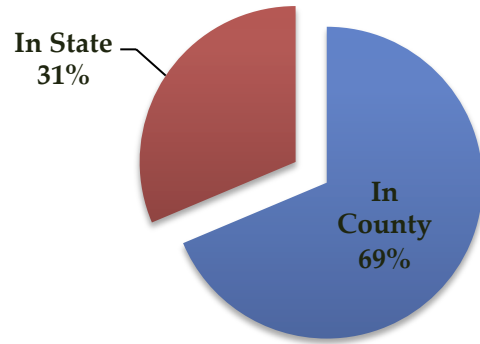
¹¹ Statistics on Women Offenders-2015. Correctional Population in the United States, 2013-Bureau of Justice Statistics published December 19, 2014.

¹² Beaufort County fiscal year runs July 1 – June 30. Source: Lt. Kathryn Bryan, Beaufort County Jail Administrator



One-Day Snapshot – Residence

Most of the inmates in the one-day sample were County residents (69%). It is suspected that the majority of the out-of-county inmates are located in surrounding counties. No inmates carried an out-of-state residence.



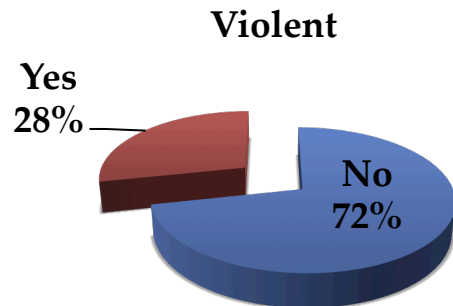
One-Day Snapshot – Custody Status

More than three-quarters (84%) of the inmates represented in the one-day snapshot were listed as being pretrial inmates. Those who were listed as sentenced – generally – have sentences of 90 days or less. Inmates with misdemeanor sentences of more than 90 days are housed in other jurisdictions under the Statewide Misdemeanant Confinement Program or in the state prison system. The "holds," although representing on 7% of the population are typically probation holds. These holds can be for short sentences such as a "quick dip" whereby the

probation officer can confine a probationer for violation of probation conditions for up to 3 days at a time. These "quick dips" are often served on the weekends, which results in operational burdens on detention officers both in terms of receiving and releasing inmates, but also in finding appropriate housing. Weekend sentences are also used by the judiciary so that inmates can retain employment.

One-Day Snapshot – Charge Type

An important consideration in managing the inmate population is determining whether the inmates are charged with violent or nonviolent crimes. Clearly managing a population of alleged violent inmates will be different than a population of nonviolent inmates. This data also informs the criminal justice partners of the potential to determine the types of beds necessary to manage the population as well as determining if some nonviolent inmate could be managed successfully in the community. The data collected for the one-day snapshot indicates that only one-quarter of the inmates are incarcerated for a violent crime.





Implications for Planning

Inmate profile data provides a picture of who is in jail and their characteristics. This information is helpful in providing a breakdown of future housing needs by size, classification and custody level. It also provides information about the types of risks and needs inmates present that the facility must be prepared to address.

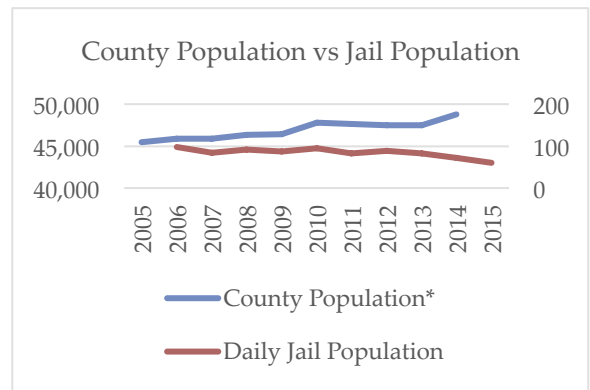
Historical Trends

The following table shows the annual historical trends and rates of change on several factors that influence the size of the jail population. The figure that follows shows the cumulative rates of change for these factors.

Historical Trends

Year	County Population	Jail Admissions	Average Daily Jail Population ¹³	Average Length of Stay
2005	45,463	3,194	31.3	N/A
2006	45,891	3,124	98	9
2007	45,853	2,748	84	8
2008	46,343	2,610	91	10
2009	46,414	2,880	87	9
2010	47,779	3,310	95	8
2011	47,664	3,496	83	6
2012	47,483	3,248	89	8
2013	47,464	2,660	82	10
2014	47,717	2,819	71	8
2015	N/A	2,776	60	6.4

Several population drivers – county population, average daily population, admissions, length of stay – were considered on a cursory level to determine if there were any correlations. As noted earlier in the report, the county population has remained stable since a significant increase in 2010. Despite the increase, the average daily population (daily jail population) has remained stable and has gradually declined since 2012, likely due in part

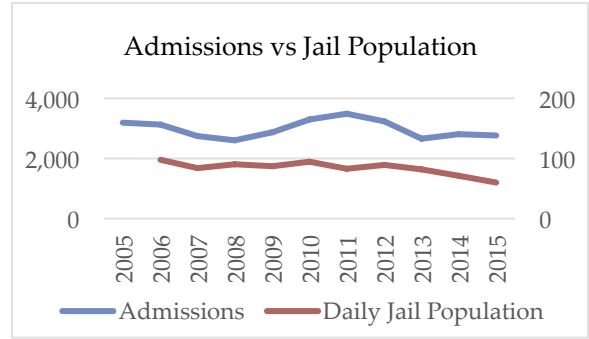


¹³ Population includes Beaufort County-responsible inmates whether housed in the jail or boarded at another facility

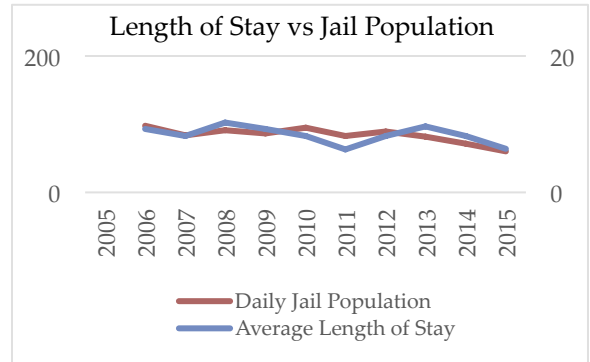


to the lowering of bonds and "quick dips."

Another population driver is the number of admissions to the jail. As noted in the adjacent figure, there appears to be no correlation between the number of admissions and the average daily population. Indeed, when the number of admissions increased in 2011, the average daily population decreased.



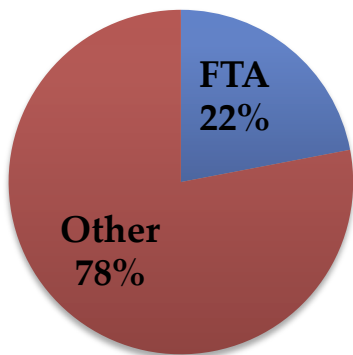
There appears to be a potential correlation between the average length of stay and the daily jail population, and the average length of stay drivers, e.g., time to process cases, sentence length, time held pretrial should be monitored. This is a common occurrence with jail populations.



A responsive criminal justice system is fluid in its decision making to maximize sustainable jail population

management. One of the difficulties with such a responsive approach is the outcome impacts of these decisions. For example, the TRPs looked at charges and noted that 22% of the inmates were being held in jail on a charge of failure to appear (FTA). This seems to be a relatively high figure for FTAs, and it appeared that it was not something that had been studied in the past. A formal risk assessment is not conducted as part of the bond decision; however, a criminal history is conducted and provided to the

Charges



judge at first appearance. Bond decisions are typically made based on (a) the likelihood the individual will appear in court, and (b) safety of the community.¹⁴ Data regarding bond amounts, appearance rates, and new arrests can help inform the criminal justice partners to avoid incarcerating people who merely do not have the ability to pay, and to confine those who present a risk to the community. A validated risk and needs assessment can support bail and bond decisions in Beaufort County.

¹⁴ It is assumed that community safety includes preventing the arrestee from influencing or intimidating witnesses.

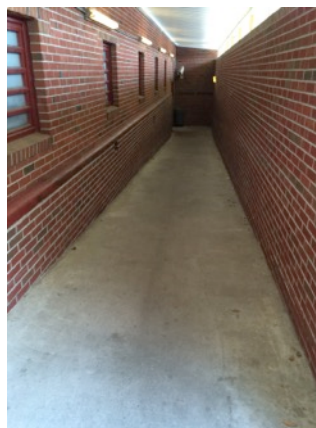
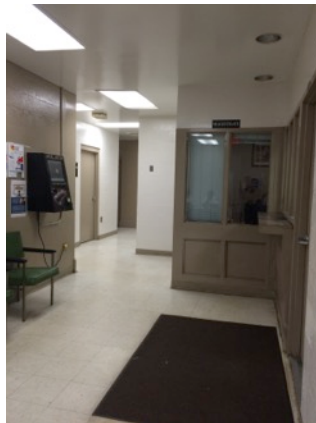
Section 5. Facility Assessment

The Beaufort County Detention Center was opened in 1971 with a capacity of 35 inmates. The facility is located in the basement of the courthouse and in close proximity to the office of the Sheriff, who is responsible for operating the jail. The jail was expanded in 1985 to allow for a rated capacity of 85. The expansion was accommodated by relocating functions in the basement level to other areas, and expanding further into the basement.

The average daily population for 2015 was 60 inmates however this figure has increased to 64 in 2016 (year-to-date through April 2016). Some female inmates are housed outside of Beaufort County due to space limitations and the inability to separate females based on their classification and custody levels.

Access to the facility for new arrests is unsecure and occurs by walking arrestees directly from the street into the public lobby of the magistrate's office. Once the magistrate has issued a commitment order, the inmate is then taken into the secure perimeter of the facility. It is important to note that jail staff do not have the opportunity to observe the arrestee prior to commitment in order to determine if there are significant medical or mental health issues that should be addressed prior to admission. The lack of 24-hour health care coverage increases the safety risks and potential for liability to the Sheriff's Office. Moreover, the jail operation is not staffed to accommodate an unscheduled transport to the local hospital (and the associated staffing costs) for medical care.

Inmates undergoing transport or being released will typically be escorted from a second sallyport to a ramp that leads to the



Transport Sallyport / Visitor Waiting

Jail Assessment

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A primary goal of a Jail Assessment is to compare and evaluate the performance of existing facilities with current and future needs. Building soundness and adaptability, living conditions and sanitation levels, fire and life safety, safety and security, programs and services, inmate classification and housing, compliance with standards, layout, and capacity are all considerations in conducting an assessment.

The assessment provides information for the jurisdiction to determine the need for facility improvements or the development of new facilities.



public officials' parking lot. Criminal justice officials and the public awaiting visiting use both the public officials' parking lot and the transport sallyport. Prior to, and during visiting, inmates' families will form a line in the ramp area. When a transport arrives, the officer will escort the inmate down this same ramp to the booking/intake area. The potential for acting out is considerable given the appearance of being on public display.

Once inside the facility, the arrestee undergoes intake processing. The booking area includes enclosed spaces for central control, computer booking, staff bathroom, and one group holding cell. In the center of the booking lobby area are two entrances (one just described – transport pedestrian vestibule, and one entry from the magistrate's public lobby) as well as the automated fingerprint machine. Limited space is available to process an arrestee and conduct necessary reporting requirements. The arresting officer processing space is located beyond the security gate that separates the booking function from the inmate housing.



Arresting Officer Work Area

Once booked, the inmate will typically be placed in the intake holding cell. Due to lack of appropriate housing, these spaces are also used for special needs and special management inmates (i.e., suicide watch, administrative segregation, medical, etc.)

The housing is linear and includes a range of single and double-occupancy cells ranging from 2 to 17 cells. The majority of the cellblocks are comprised of cells, with several being double-occupancy with stacked bunks, and one cellblock that is a dormitory. The findings of approximately three-quarters of the inmates being charged with nonviolent crimes would suggest that many inmates could be successfully managed in dormitory housing – a much less expensive option for inmate management. Given the population, it would also suggest that inmates are being over classified. The linear design of the facility significantly restricts the ability for staff to effectively observe and actively supervise inmates.

Despite the crowded conditions, jail staff reports minimal incidents, although they have noted a rise in incidents between inmates. It should be noted that the inmates observed and interviewed during the site visit were compliant, respectful, and answered questions candidly and honestly – a credit to the jail staff who informed the inmates of the activities that were to occur during that time period.

It is important to note that jail operations must meet the requirements of most other institutions and businesses, including environmental codes, fire codes, safety codes, building codes, clean air and smoke free requirements, accessibility requirements (ADA), food service sanitation codes, employee rights, laws and rules, and worker training and certification. In addition, however, jails are also

responsible for complying with inmate rights, including the provisions of the Prison Rape Elimination Act (PREA).¹⁵

Building Soundness and Adaptability

Given the age of the building, the technical resource providers noted that the physical plant has been well maintained and noted no significant structural problems. Beaufort County staff noted that the location of the jail in the basement of the courthouse has resulted in some flooding due to lack of drainage at the bottom of outside steps or ramps. The flooding has entered cells, yet, to-date, has not been pervasive.

The County's maintenance staff have provided ongoing maintenance to the jail in a manner that has likely prolonged the viability of the jail beyond its anticipated life cycle. Given the age of the jail and its continuous use (i.e., 24 hours per day; 365 days per year), the jail is the equivalent to 189 years when compared to the typical use of a school or typical office building¹⁶.

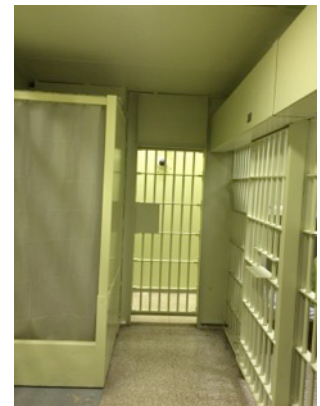
Living Condition and Sanitation Levels



Generally, the facility is clean and orderly. The HVAC system seemed to be functioning properly. The facility was basically clean due in part to the conscientiousness of the staff. One workforce inmate is assigned to facility housekeeping functions. The lack of appropriate storage is a concern – both in terms of volume of storage and the types of items stored together. It is very difficult to keep vermin at bay when there is insufficient storage capacity in

appropriate locations.

There is no outer drying area to the shower; inmates must exit the shower, obtain their towel and clothing, and dress in their cell, thereby raising potential privacy and PREA issues. Neither the showers nor the toilet areas have access to grab bars for persons who require these ADA compliant measures.



¹⁵ The Prison Rape Elimination Act, 42 U. S. C. 15602-15609 (2003) provides for standards for the prevention, detection, response and monitoring of sexual abuse in adult prisons and jails.

Retrieved from http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ079.108.pdf

¹⁶ A building operating 24 hours per day, 365 days per year is the equivalent of 4.2 years for each year of operation. The existing jail is 45 years old.



The Sheriff's Office continues to improve the security and safety of the jail including installation of intercoms in the cellblocks so that inmates may contact central control when needed. Currently, inmates must wave a towel from their cell to get the attention of the control room officer. The safest and most secure option for wiring the intercoms, similar to the telephones in the cellblocks, will be adjacent to the toilet area. Not only does this raise hygiene issues, it also has the potential to create problems between inmates in terms of telephone use and use of the toilet.

Fire and Life Safety

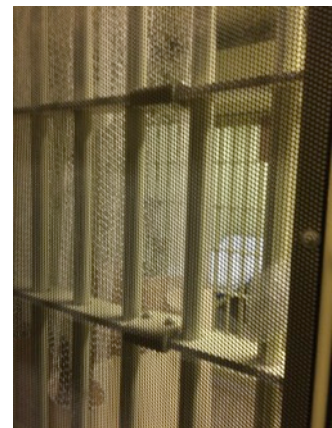
Evacuation of the facility requires inmates to exit the secure perimeter, into an unsecured parking lot. Past evacuations have resulted in law enforcement (both city and county) forming a human perimeter to prevent the inmates from escaping. Inmates are limited to what they can keep at their bunk area or cell to limit combustibles. There is limited monitoring of the property inmates maintain due to present staffing practices.

As noted earlier in the report, there are several concerns with the lack of storage, particularly since chemicals are stored in telephone and computer landing rooms, etc. Additionally, the clerk's storage in the basement adjacent to the jail is used for storage historical court documents. Although staff are in this area almost daily, there is considerable concern about the volumes of paper and documents stored in this area could easily combust.



Safety and Security

The jail is staffed by three officers who are responsible for monitoring cameras at the jail, conducting security rounds that are recorded using an electronic watchman device, and managing the inmate population. Officers view the cellblocks from cell fronts that have been covered with a screen, due to concerns of inmates throwing liquids and other material through the bars or to inmates in another cellblock. The unintended consequence of the screening is it limits visibility into the dayrooms/cellblocks. The alternative to the lack of visibility is having the detention officer enter the dayrooms during each round. Rounds in the dayrooms would improve observation, and ultimately supervision; however, the additional time required makes it a difficult



balance. There are two primary cellblocks that, because they face each other, may require the screening.



The central control room has visibility of the booking area; all other areas are monitored via camera. The control room has recently been modified to allow space for staff to convene prior to their shift, provide storage for personal items, and a small break area so that staff do not need to leave the secure perimeter. The difficulty with this space is that staff must pass through the central control room to obtain access, thereby creating a distraction to the control room officer. Moreover, the central control room does not monitor many areas and does not have visibility into all of the visiting areas, which is essential because the public is within the secure perimeter.

There are two additional concerns with security.

First, each perimeter opening should have sallyported doors to prevent inmates from overtaking staff in an attempt to escape. There are two areas where a sallyport is absent. One area is access to the medical/laundry/storage area. Access is provided through a janitor closet area from a facility corridor. Although the door is screened and is virtually never used, it can be a source of contraband.

The second area is the secondary means of egress from one of the cellblocks – a perimeter door that

opens into the magistrate's public lobby. The door has been padlocked from the outside to prevent tampering, but it may be difficult to obtain the key in the event of an emergency.

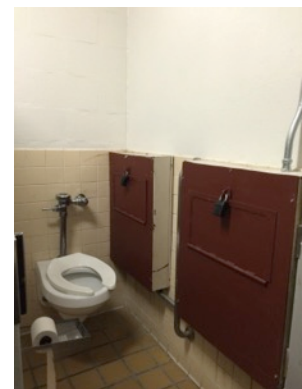
One additional security concern is the plumbing access to the high security/segregation cellblock. The plumbing access is located in the public restroom accessed from the magistrate's public lobby. The opportunities for transferring contraband is apparent. Moreover, the public can readily communicate with inmates in these cells.

Programs and Services

Services such as food, communication to the outside, and laundry are provided in the facility.



Passage from facility corridor to medical/laundry/storage.



Jail and Justice System Assessment



The availability of programs for recreation, education, religion, substance abuse, mental health services, and others is limited due to the lack of appropriate space for programs. There is no formal reentry programming from the jail back into the community. Current programs are mostly limited to providing the inmates with leisure reading materials and television.



Inmates currently have no access to indoor or outdoor recreation space, and the dayroom space is not sufficiently sized to accommodate meaningful physical exercise. A multipurpose room located outside of the secure perimeter was converted into a jail program space. Inmates are shackled during their program participation, which does not support effective treatment programming.

Food service is prepared from an off-site kitchen, plated in Styrofoam trays, and transported 40 miles to the jail. The breakfast and dinner meals are served hot, and the lunch meal is served cold. Although there were no complaints expressed, it is highly unlikely that the meals are served at the required temperatures. Staff serve meals to the inmates who eat in their cellblocks.

Visiting is available Saturday and Sunday for a two-hour period; inmate visits are permitted for 15 minutes each, once a week. The visiting areas are standing height stations with metal speak-throughs. Visitors are brought into the secure perimeter to conduct visits. The visiting areas are cramped and, as reflected in the adjacent photographs of the public side of visitation, equipment must be moved to accommodate



Public Side of Visitation

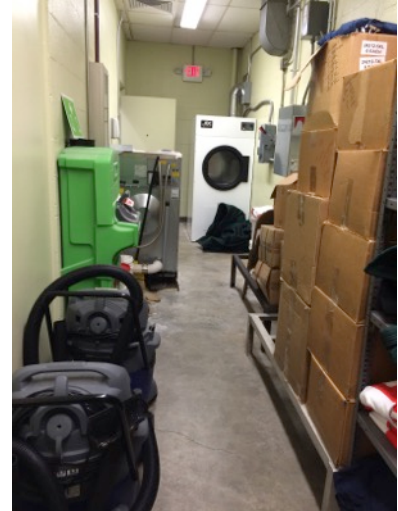


visits. The visiting areas are small and do not provide for private conversations. Moreover, neither the inmate side of visitation or the visitor side are ADA accessible.

Facility health care is provided by a contract nurse who is at the facility five days per week for 40 hours, and is available outside regularly scheduled hours on an on-call basis. The physician is available twice monthly. The medical examination room is located in a remote location of the facility that does not provide for the security and safety of the health care staff. Inmate medicine is bubble packed and secured in a locked cabinet in the staff breakroom. Medicine is distributed by security staff. Adjacent counties typically will not accept inmates with health care issues and the Beaufort County Detention Center is not equipped to hold inmates with medical issues.



Inmates' personal laundry is washed and dried in bulk by a workforce inmate using a commercial washer and dryer. Sheets and towels are washed by a contracted service on a weekly basis. It is likely that the capacity of the washer and dryer could accommodate the linens as well as the personal items. The location of the laundry operation is not conducive to facility security, as inmates travel to the medical area through the laundry area and there are main electrical shut offs in this area.



Inmate Classification and Housing

Inmate classification assessment tools allow jail operations to assess and then appropriately house incoming inmates. Typically the booking officer makes an initial assessment as to whether the condition of the inmate is suitable for commitment. In Beaufort County, inmates are first seen by the magistrate who issues a commitment order prior to the inmate being seen by jail staff. Once the booking process is completed, booking officers would then determine if the inmate can be housed in intake housing or whether specialized housing (e.g., medical, mental health, special management, etc.) is necessary. Once assigned to intake housing, a trained officer would complete a more formal classification whereby the inmate is assessed in terms of risk to the facility or any needs that must be addressed while in the facility.

The Beaufort County Detention Center does not currently use an objective and validated classification system or instrument to classify its inmate population. Inmates are informally classified based on their gender, charges, court status and behavior while in booking. The current crowding situation in the facility limits the ability of the jail staff to separate inmates according to the most appropriate classification. In some cases, inmates are housed in areas more secure than appropriate for their classification and vice versa.

Many female inmates are held in neighboring jurisdictions due to lack of appropriate housing to accommodate classification and separation requirements. This practice has the potential to delay court hearings for the female population as well as hinder access to their legal representatives.

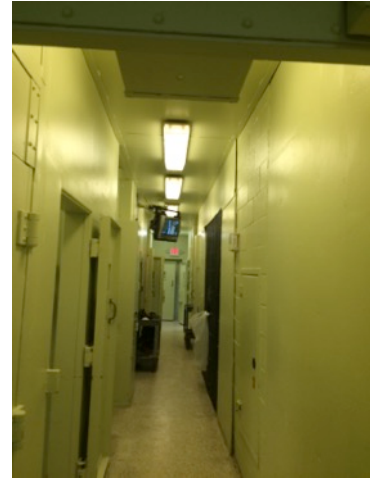
Compliance with Standards

Although this assessment was not an audit of compliance with applicable jail standards, the consultants did observe operations, interview staff and inmates, and observed virtually all areas of the facility. There was no indication of significant standards-compliance issues outside the physical limitations of the facility noted in this report. The State inspector, who completed an inspection of the facility in December 2015, found the jail in compliance with most standards with the exception of two reporting requirements, which have reportedly been rectified, and the absence of natural light



associated with several housing areas. Many of the areas providing natural light were covered apparently due to the public’s ability to view into the jail and communicate with the inmates. The facility is working towards compliance with the standard, but in a manner that potentially meets with the letter of the standard but not the spirit of the standard.

The linear layout of the jail, which limits the staffs’ ability to actively supervise inmates, is a significant deterrent in meeting PREA standards. The assessment team also noted several areas where there is a lack of ADA compliance.



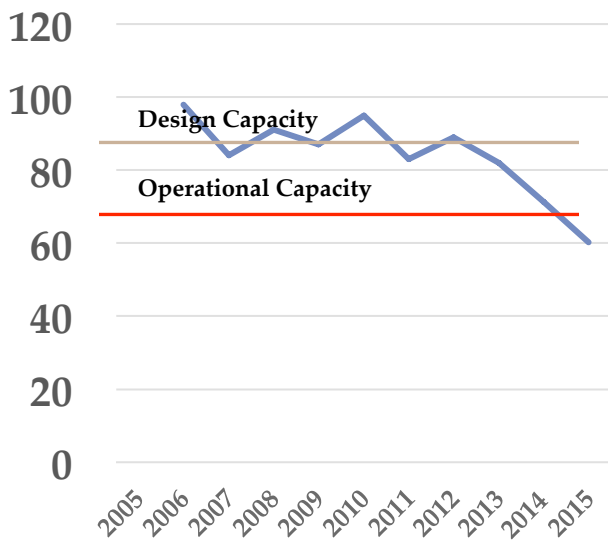
Layout

The facility is a compact layout with a linear design. The compact layout allows two staff to make rounds in the jail every thirty minutes, but the linear design limits the ability for staff to truly monitor inmate activities in the cellblocks.

Capacity

Based on the most recent jail population statistics, the 85 existing beds would seem sufficient to meet the current number of inmates committed to the jail. Up until 2015, the population often exceeded the design capacity and always exceeded the operational capacity.

Population Compared to Capacity



Operational capacity accounts for peaking (unusually high arrest rates due to drug arrests, and other city or county events, etc.) and classification factors (allowing space for inmates to be housed according to their classification – gender, security, special needs). Operational capacity is expressed as a percentage of design capacity – commonly 80% of the design capacity.¹⁷ This percentage, which accommodates the peaking and classification factors, will vary from one facility to another, based on factors such as the types of inmates held, housing unit design, and proximity of staff.

The adjacent figure compares the average daily

¹⁷ Sources: Martin, M. D., & Rosazza, T. A. (2004). *Resource Guide for Jail Administrators*. Washington, DC (320 First St., NW, Washington 20534): U.S. Dept. of Justice, National Institute of Corrections; *Beyond the Myths* (U.S. Justice Department) retrieved from June 3, 2016, <https://www.youtube.com/watch?v=XylgTmdUR9M>



population using a 20% peaking and classification factor (80% operational capacity – the true bed availability to meet need) and the design capacity. The jail has not meet its bed needs for many years. It is important to note that the average daily population in 2016 (year-to-date through April 2016) has increased to 64 inmates.

Summary

In summary, the existing jail facility has a number of issues that include:

- Lack of sufficient operational capacity;
- Inefficient layout and design – the linear design of the facility and staffing levels prevent the staff from observing all areas of each cellblock without physically entering the unit and observing each cell;
- Inadequate support services space, including medical exam areas, video arraignment, visiting, program space, and indoor and outdoor recreation;
- Inadequate meeting spaces for law enforcement, probation and parole, and other official visitors;
- Inadequate storage space;
- Inadequate space in intake and booking, which requires committing officers to move arrestees through public areas to access the secure jail.

The technical resource providers noted that the staff of the facility seems committed to providing a safe and secure facility, and the facility was noted as clean, well-maintained and orderly. The TRP's were able to enter each of the cellblocks and interact with the inmates in the units. While the facility has limitations due to age, capacity, and layout, the jail staff appears to be using sound correctional principles to manage the inmate population.

Section 6. Town Hall Meeting

Introductions and Expectations

The town hall meeting was opened with a welcome and introductions of the technical resource providers and the attendees. A list of participants attending the meeting is provided in Appendix B. The following expectations for the meeting were offered by attendees:

- Most attendees indicated that they attended to listen
- Inform the public
- Obtain direction
- Identify / understand options.
- Identify potential civil liability
- Identify funding issues
- Identify next steps
- Improve working conditions for staff
- Community corrections representation
- Educate the community
- Understand the conditions of the jail
- Identify public perception

Overview of the National Institute of Corrections

The technical resource providers provided a brief overview of the National Institute of Corrections.

The National Institute of Corrections is an agency within the U.S. Department of Justice that was established to provide leadership, training, and technical assistance to the field of corrections. NIC provides technical assistance to individual jurisdictions. The technical assistance is usually an on-site evaluation of a specific problem the agency is trying to solve. It is followed up with a written report that contains recommendations for addressing the issue.

The NIC Information Center, based in Aurora, CO, is a clearinghouse for a variety of corrections-related information. The Information Center contains videotapes, publications, sample manuals, training plans, etc. on a variety of jail topics. Some of the materials are provided at no charge, others may be borrowed, and still others may be viewed at the Information Center.

NIC has a website that is an excellent resource for everyone in corrections. Visitors can download a variety of documents from the publications section. The website also includes descriptions of

programs and services, training schedules, and links to other useful websites. NIC also supports several online communities for correctional professionals.

Jail and Justice System Assessment Purpose and Process

The technical resource providers briefly described the JJSA purpose and process.

The purpose of the JJSA is to assist communities in beginning the process of determining the need for improvements to the existing jail and its operations (including the potential need for new construction and/or renovation) and/or the need for improvements to enhance the effectiveness and efficiency of the overall justice system.

The process typically includes four main steps:

1. Jail assessment. The technical resource providers conduct a brief assessment of the jail including the physical plant and operations, to identify potential life, health, safety, and liability issues that may be important for the community to address both in the short term and in the long term.
2. Review jail and justice system data. This includes inmate profile data (typically one-day snapshot) to describe who is in jail, inmates profile characteristics, and the levels of risk and need they may present in the community. It may also include trend data on jail use that show the use of the jail over time and includes such indicators as number of admissions, average daily population, average length of stay, and rate of release. It may also include other justice system data that may indicate the impact of the system on the use of the jail. Such data typically includes arrests, court filings, dispositions, etc. Historic and projected population changes are also key data to review.
3. Interviews with key justice system officials. Discussions with justice system officials help bring a common understanding of the policies and practices of the agencies that comprise the local justice system. This helps the County understand how the system works and why it is important to provide an opportunity to address inefficiencies and/or incongruence in policy and practices that adversely affect the jail. The interviews also provide an opportunity to get the impressions of key policy makers on the "jail issue" and the role they can play in helping solve problems.
4. Town hall meeting. The JJSA typically culminates with a town hall meeting which brings together justice system officials with funding authority representatives and community members. The purposes of the community meeting are to:
 - Educate the participants about the influence of justice system policies and practices on the use of the jail and the size of the jail population.

Jail and Justice System Assessment



- Provide participants with the technical resource providers' preliminary findings based on the jail assessment and interviews.
- Provide participants with some preliminary options to address detention and other criminal justice system needs.
- Provide a forum for participants to share their concerns and ideas about the issues raised and initiate discussions about planning for change.

Issues Prompting the Request for the JJSA

The Beaufort County's Sheriff Coleman requested technical assistance from NIC to provide the County with resources and education as to how to go about planning for, and meeting, its current and future incarceration needs. The jail exceeded its operational capacity and efforts to get approval for further expansion have not been successful. The Sheriff's Office is currently housing inmates out-of-county in other facilities at considerable expense. Technical assistance from NIC in the form of a Jail and Justice System Assessment was requested as a step to finding a solution to the crowding issue.

Preliminary Assessment Findings

The technical resource providers reviewed their preliminary assessment findings with the participants.

Current Jail Conditions and Concerns

- Lack of sufficient operational capacity;
- Lack of sufficient classification system and appropriate housing to manage different custody levels, and separate high risk and special needs inmates;
- Inefficient layout and design;
- Lack of staff posts in or near housing allowing for active supervision of inmates;
- Inadequate support services space (laundry, housekeeping, medical, etc.);
- Inadequate storage space;
- Lack of adequate space to provide inmate programs; and
- Lack of indoor or outdoor recreation.

Local Justice System Policy and Practice Issues

The TRPs noted the degree to which most of the criminal justice partners demonstrated effective communication with and deference for the other partners. While this suggests that the criminal justice system is working well, there are also results of this collaboration and cooperation that do not result in the preferred outcomes of community safety and ensuring defendants appear in court and are held accountable for their actions.

The technical resource providers identified the following justice system policy and practice issues based on interviews with justice system officials:

- Lack of a pretrial services program;
- Lack of sufficient access to alternatives to incarceration, including day reporting whereby persons under court supervision would be required to participate in programs, seek employment, and/or improve their education while being supervised;
- Insufficient mental health and substance abuse services in the jail and community generally;
- Fee-based services may have the result of excluding people who require services but are unable to pay; and
- Need for better understanding the drivers of the average length of stay.

Facility Development Process

The technical resource providers provided a brief overview of the facility development process.



The facility planning process starts with determining if building a new jail is the best and most appropriate option to consider. It is likely to result in system-wide improvements that enhance the efficiency and effectiveness of the justice system and may, or may not, result in the construction of facilities.

- Phase 1: Project recognition - This phase includes a problem definition, an assessment of the current facilities, programs, liabilities, and resources. This is the point where the justice agencies need to work together to identify the key issues they are facing, develop work groups to focus on specific processes, and consider how to proceed.
- Phase 2: Needs Assessment - Phase 2 includes information gathering, identifying options (facility, alternatives, and policy changes), and continuing the evaluation of facilities, operations, and programs. This phase is discussed in greater detail later.
- Phase 3: Pre-architectural Program Development - This next phase includes activities that take place when there is a decision to build. These activities include functional and space programming, scenarios, planning for future operations, and operational efficiencies that may be realized. Projected staffing must also be addressed.
- Phase 4: Project Definition and Implementation Plan - Phase 4 includes an analysis of all options to meet the program, economic feasibility, life cycle evaluation of the options, and conceptual design drawings. In addition, the jurisdiction should be developing support for the preferred and alternative options, and working to move to the next stage in planning.

In this phase, the burning questions about a new jail project are addressed. These include:

1. Who would be in the jail? (*Are there more alternatives available that will keep offenders out of jail, classifications, types of beds?*)
2. How big would the jail be? (*Directly related to decisions about alternatives, arrest and sentencing practices, number of beds.*)
3. How would it operate? (*Type of inmate supervision, centralized or decentralized services, visiting method, etc.*)
4. What would it look like? (*Not actual design, but instead a study of the stacking and organization of the building: 1 story, 2 story, how the building positions on the site.*)
5. What site may be selected and where is it? (*Evaluation of potential sites, test fitting the program and parking requirements on the site, environmental studies, etc.*)

Jail and Justice System Assessment



6. When will it be ready to use? (*Schedule for funding, design, construction, transition, and opening of new facility.*)
 7. How much does it cost? (*Preliminary cost estimates*)
 8. What happens to the old jail? (*Demolish, refurbish for another purpose, etc.*)
- Phase 5: Design Phases - Phase 5 includes schematic design where the building layout and appearance begin to take shape, design development where the drawings are refined and systems and materials are selected, and construction documents that are final and used for bidding the project.
 - Phase 6: Bidding - The bidding phase includes advertising the bid, determining bidder qualifications, selection of the successful bidder, and contract negotiations.
 - Phase 7: Construction - This phase includes permitting, construction monitoring and supervision, contract administration, and materials testing. Construction completion also includes punch listing the building, commissioning, testing the systems, warranties, as-built drawings, etc. The facility transition planning process should begin at this phase.
 - Phase 8: Occupancy - Phase 8 includes all of the activities needed to accept the building and get it ready for occupancy. This includes activities such as installation of owner supplied furnishings and equipment, opening ceremonies/activities, begin the maintenance cycle, occupancy permits, and moving in.
 - Phase 9: Post-Occupancy - Phase 9 includes fine-tuning the facility, policies and procedures. After 6 months, conducting a post-occupancy evaluation of how the facility works—both operationally and the physical plant.

Several of these phases may overlap during the facility development process, but none should be omitted unless there is a determination to suspend the process.

Needs Assessment

Phase I - project recognition – was initiated during the JJSA process. The criminal justice partners have determined the need for some action to be taken with respect to the jail crowding.

After project recognition, the next step is to conduct a thorough needs assessment – Phase 2. The technical resource providers reviewed the needs assessment process, providing feedback on their initial impressions of facility needs and data provided by the jail.

The components of a good, thorough needs assessment include:

1. Interviews with/information collection from all Criminal Justice System (CJS) partners, including:
 - a. What are the current policies/practices for each CJS component?
 - b. What issues (e.g., booking fees; workloads; changes in laws) must be considered?
 - c. Are the policies/practices mandated or elective?
2. Design a data collection instrument to quantify system processing (courts, sentencing options, etc.) of accused and convicted offenders, collect and analyze the data. This data collection is broader than a jail data collection. This type of data would be collected when assessing the justice system as a whole. Data collected must include:
 - a. Volume/type of contacts/arrests;
 - b. Decisions - street (to arrest, summons, etc.) and jail;
 - c. Types of releases and lengths of stay.
3. Describe current policies, issues considered, and the workloads being experienced.
4. Design a data collection instrument to take a snapshot of who is in jail, collect and analyze the data. The data collected must include a number of elements, including but not limited to:
 - a. Gender
 - b. Race
 - c. Ethnicity
 - d. Residence
 - e. Charge Status
 - f. Charge Type
 - g. Date and time booked into jail and date and time of release
 - h. Release type
5. Evaluate alternatives to incarceration.
 - a. Inventory the available alternatives;



- b. Determine level of alternatives usage and coordination; and
 - c. Discuss possible additional alternatives and/or different/expanded use of existing programs.
6. Population Projections and Capacity Recommendations
- a. Examine jail data (admissions, length of stay, average daily population), and
 - b. Correlate the CJS data collected above and develop different forecast scenarios.
7. Conduct an evaluation of the facilities used to hold individuals who are sent for diversion, alternatives, and jail. The evaluation should include an assessment of the facility conditions, compliance with building codes and operational standards (i.e., determine the standards they are accountable to). It should also include an analysis of the current facility location and whether or not the location continues to be effective (e.g., is public transportation available to the site).
8. Jails have a tendency to become crowded before the population growth is identified if it is not continually monitored, so it is important to effectively and regularly monitor the jail population. A series of recommendations should result from a complete needs assessment and should include alternatives to incarceration, changes to the justice system and/or case processing, and, if supported by data, construction of new facilities (jail or alternatives).

Community Readiness

Throughout the systems planning process, a determination of readiness must be assessed. Local officials must ensure that the planning process will provide the maximum benefit. Planning takes time, coordination, expertise, objectivity and preparation. By making sure that justice system officials and community leaders are ready to invest these resources in the process, it is more likely the planning effort will have a positive outcome. Additionally, if justice system officials are not ready to plan, strategies can be developed to get their “buy-in” before proceeding with the planning process.

Assessing readiness can help identify:

1. Issues/obstacles that may impede the process;
2. Opportunities for strengthening the process; and
3. Potential allies or supporters who will help move the planning process forward.

Some tips for assessing readiness to proceed with the system planning process are:

1. Identify criminal justice system partners and/or stakeholders who will drive the overall project. These are people who are well respected and committed to seeing the project to its conclusion. They have the enthusiasm to motivate participants and are committed to being inclusive.
2. Find out what the needs are of those who are slow to come on board and use those needs as a “jump-start” for their involvement. The process should be of benefit to individual agencies (e.g., human services, etc.) as well as the system as a whole.
3. Develop a work plan to structure the process and help planning team members understand their role, responsibilities, and time commitments.

There are a number of challenges to effective systems planning. As the planning process begins, some of the challenges not addressed by the previous suggestions may include:

1. Lack of understanding of the purpose and benefits of planning;
2. Lack of leadership “buy-in” to the process;
3. Lack of participation -- “It’s not my job;”;
4. Lack of commitment – “It’s OK if someone else is willing to do it;”
5. Denial – “If it ain’t broke, don’t fix it;”



6. Competing demands for time;
7. Failure to commit adequate resources to the process;
8. Getting the right players to the table;
9. Getting the right consultants/advisors/architects.

It will be important to consider each of these challenges and develop a way to address them as the planning process begins.

Next Steps

The technical resource providers and attendees discussed the following next steps (in the next 3-6 months) necessary to continue moving forward to addressing the jail issue.

- Establish a formal Criminal Justice Coordinating Council (CJCC) to provide a forum to address system issues impacting the jail and to improve functioning of the system.
- Reach out to NIC Jails Division to determine if technical assistance can be provided to facilitate the implementation of the CJCC and presenting the JJSA information to the County Board.
- Initiate a comprehensive systems planning process to determine gaps in systems services and strategies to address the gaps.

NIC Resources

NIC jail planning training programs and technical assistance are available at each phase of planning:

Planning of New Institutions (PONI): Appropriate when entering or just beginning needs assessment. The team should be comprised of the operating agency CEO (sheriff, director of corrections), the jail administrator, a commissioner, and a fourth team member who may be another commissioner, the finance manager, a judge, etc. All team members must be policy-level decision-makers. This training is held National Academy of Corrections in Aurora, CO and all travel, lodging, and meal costs are reimbursed by NIC.

Managing Jail Design and Construction (MJDC): Appropriate when the needs assessment is complete or nearly complete and a decision to proceed has been made. This training is provided on-site as technical assistance. The team must include the project manager, the jail administrator, staff selected to work on the project. Because this is taught on-site, more team members are

Jail and Justice System Assessment



encouraged to attend so there is an overall understanding of the design and construction processes. Others who may attend include commissioners, operating agency staff, etc.

How to Open a New Institution (HONI): This should be requested at least 18 months in advance of opening. It is recommended that the transition team be formed earlier than this and receive the training during design. This helps them to be more effective during both design and construction. This is an on-site program for the transition team.

Section 7. Conclusions and Recommendations

1. The population of Beaufort County has been relatively stable over the past ten years. Although it does not appear to be a significant driver of the jail population, the correlation between the county population and jail population should continue to be monitored.
2. The driver of the inmate population appears to be the increase in the number of days inmates are held in the jail. The average daily population and the average length of stay indicate a correlation, more than any other population driver – county population, admissions. Any increases in the average length of stay should be explored further to determine the cause – case processing time, sentence length, time spent pretrial.
3. The sheriff has employed alternatives to crowding the jail by housing inmates out-of-county or releasing inmates on electronic monitoring.
4. The facility is generally in sound physical condition. It has been well-maintained with a focus on cleanliness and organization.
5. The design limits opportunities for active supervision of the inmate population. The cellblocks are relatively small for adaptation to direct supervision without substantial increases in staffing or modification to units to allow staff to manage more than one unit at a time.
6. There is no program space that supports addressing inmate criminogenic needs (e.g., substance abuse, education, etc.) necessary for successful community reentry.
7. There is no recreation space for inmates to exercise. Outdoor recreation, indoor recreation and even space in the dayrooms for recreation activities is essential to effective behavior management and sustained good physical health.
8. The physical design of the facility inhibits staffs' ability to actively and effectively supervise inmates.

Recommendations

The technical resource providers offer the following action steps to move forward in assessing and addressing jail needs and in developing systemic strategies to better manage the use of the jail.

1. The County should establish a criminal justice coordinating council to provide a forum to address criminal justice system issues. The Second Judicial District Council, that meets quarterly, includes many of the key criminal justice stakeholders, but the other stakeholders, such as human services (i.e., veterans, mental health, etc.) and education, must also be included.

Jail and Justice System Assessment



2. The County and local justice system should support continued development of community supervision and sanctioning options through probation and pretrial programming.
3. Key officials of the Beaufort County justice system and County government should continue discussions to determine the need for new jail construction and/or repurposing the existing facility to address current and future incarceration needs.
4. The criminal justice coordinating council should consider opportunities to streamline and combine service delivery to: (a) community residents, (b) the population in the criminal justice system (e.g., probation and parole), and (c) persons who are incarcerated in the Beaufort County Detention Center.
5. At a point when construction of a new jail facility appears necessary, a county board member, the sheriff and either the jail administrator or other criminal justice stakeholder should attend the NIC PONI Program and take advantage of any follow-up assistance which might be available.
6. Visit other new facilities to get a sense of what is required in contemporary jail facilities and operations.
7. Conduct a staffing analysis of the existing jail with a focus on increasing active supervision of the inmate population.

The action steps outlined above are excellent first steps. They should place the County in a good position to determine their jail needs and make needed improvements to the overall justice system.

The technical resource providers wish to commend Sheriff Coleman, Chief Deputy Rose, Lt. Bryan, Sheriff's Office staff, and local county officials for their hard work and time in preparing for the JJSA and supporting the technical resource providers while on-site. Their efforts were instrumental to a successful effort.

Appendix A - Beaufort County Jail and Justice System Assessment 3-Day Agenda

Day One – May 10, 2016

- 9:00 AM– 10:00 AM Entrance Meeting with Sheriff, Jail Administrator, and other key officials to clarify the purpose of the JJSA, gather additional background information, review the desired outcomes for the technical assistance activity, and confirm the agenda for the three-day site visit
- 10:15 AM – 11:15 AM Interview with Sheriff and command staff (RE: jail and law enforcement)
- 11:15 AM – 4:00 PM Tour and brief assessment of the jail
- 4:00 PM – 5:00 PM Unscheduled (Technical Resource Providers meet to review jail impressions)

Day Two – May 11, 2016

- 8:15 AM - 9:15 AM Interview: Carl Smith, Probation and Parole
- 9:30 AM - 10:30 AM Interview: Commissioners Langly and Richardson
- 10:45 AM – 11:45 AM Interview: Commissioners
- LUNCH (11:45 AM 1:00 PM)
- 1:00 PM - 2:00 PM Interview: Judge Paul / Magistrate Sadler
- 2:15 PM - 3:30 PM Interview: DAs Edwards and Anglim
- 3:30 PM – 5:00 PM Unscheduled (Technical Resource Providers meet to review jail impressions and preparation for Community Meeting)

Day Three – May 12, 2016

- 8:00 AM – 11:30 AM Community Meeting
- 11:30 AM - Noon Closeout meeting and discussion of next steps

Unscheduled interviews: participating law enforcement agencies.

Public Defenders' Office

JJSA Town Hall Meeting Agenda

May 12, 2016 – 08:00 AM – 12:00 noon

- I. Welcome and introductions; JJSA overview
 - What is NIC?
 - NIC Resources and Services
 - Attendee introductions and expectations
 - What is a JJSA?
- II. Presentation of jail observations and impressions, jail data indications
- III. Review of the inventory of existing and potential alternatives or processes that could impact jail population
- IV. Facility development process overview with special emphasis on Needs Assessment as a starting point in the planning process
- V. Readiness assessment planning
- VI. Next steps
- VII. Adjourn

Appendix B – List of Town Hall Attendees

Frankie Waters, Commissioner

Ron Buzzeo, Commissioner

Ed Booth, Commissioner

Brian Alligood, County Manager

Danielle Junak, NC Department of Public Safety

Alexandria Felts, NC Department of Public Safety

Frankie Waters, Commission

Ron Buzzoo, Commissioner

Michael A. Paul, Chief District Court Judge

Seth H. Edwards, District Attorney

Wayland J. Sermons, Jr., Senior Resident Superior Court Judge

Marty Paramore,

Clerk of Superior Court

Thomas D. Anglim, Assistant District Attorney

Michael Buzzeo

Al Whitney, Sr.

Harold Smith

Dick Adams

Bernie Dougherty

Al Klemm

Ed Henry

Gerald Seighman

Nicole Ford (media)

Delma Blinson (media)

Sheriff Ernie Coleman

Chief Deputy Charlie Rose

Lt. Kathryn Bryan

Captain Jeremy Hewitt

Lt. Kelly Cox

First Sergeant Leonard Hudson

NIC technical resource providers Karen Albert and Cheryl Gallant

Appendix C - A Comprehensive Approach to Addressing Jail Overcrowding and Use of Alternatives

This appendix includes information for the local jurisdiction to consider in developing a systemic approach to addressing jail overcrowding.¹⁸ It expands on the discussion of decision points in the criminal justice case flow process presented in the Town Hall Meeting.

In developing a comprehensive approach, it is helpful to integrate policies, practices and programs within the context of the case flow process for the jurisdiction. Case processing is basically a series of stages or decision points that occur as the case of a person accused of a crime moves from arrest through final disposition. Day-to-day decisions and agency policies of key criminal justice system policy-makers impact outcomes and use of limited resources. Functions overlap and there is interdependence among all justice system components -- changes in one area may have positive or negative impact on other areas. Policies and practices can be modified at each stage to achieve optimal use of the jail and other alternative programs available to the system. There is joint responsibility among key actors for management and use of resources and for achieving desired results.

The types of improvements that can be made to improve the efficiency of the system to manage jail overcrowding include both process and policy changes:

Process changes include changes in practice or policy intended to improve efficiency of the case handling process. Results of process changes may include:

- Reduce delays in case processing;
- Reduce need for costly programs;
- Reduce length of confinement in detention.

Program changes involve implementation of interventions for specific offender populations intended to improve effectiveness of system. They may be designed to:

- Address a specific social problem;
- Improve offender competencies and skills to reduce recidivism;
- Help hold offenders accountable;
- Provide less restrictive and less costly options.

¹⁸ The content in this section is excerpted from the "Project Guide – Alternatives to Incarceration for Offenders", a publication authored by Mark Martin for the DOJ Native American and Alaskan Technical Assistance Project (2005).



A number of policy, practice and program options appropriate to each key decision point are outlined below.

DECISION POINT #1 – Decision to Arrest

Following a report or observation of an offense, law enforcement has several options in dealing with the alleged perpetrator. The officer may elect to:

- Warn and release;
- Issue a citation;
- Divert or refer the alleged perpetrator to other services; or
- Arrest and transport to jail

The system goals at this point are to stop the offending behavior, report the behavior to the prosecutor for the possible filing of charges, and to assure the alleged perpetrator's appearance in court. Many situations can be resolved informally at this stage by law enforcement officers possessing good problem assessment and resolution skills and discretion to divert alleged perpetrators to alternative services. Policy and practice options that should be in place at this stage include:

- Agency policy authorizing citation in lieu of arrest for specified offenses;
- Agency policy authorizing diversion in lieu of arrest for specified offenses;
- Court policy authorizing summons in lieu of arrest for persons with active warrants; and
- Mental health crisis intervention training for law enforcement officers.

Alternative programs and strategies to consider for use at this stage of the process include:

- Detoxification services;
- Emergency mental health services;
- Mobile crisis intervention services; and
- Law enforcement diversion programs.

DECISION POINT # 2 –Decision to Detain Pretrial

Once the alleged perpetrator is taken into custody, a decision regarding the need for pretrial detention is made. This decision is typically based upon the severity of the charges, the alleged offender's level of stability in the community, and his or her behavior at the time of arrest. The availability of resources in the community to mitigate the risk of further offending is also often a factor. The judge may delegate release authority to the jail or other criminal justice officials for certain offenses based upon some preset criteria. Some jurisdictions have established pretrial release programs to conduct pretrial release screening and supervision. Pretrial screening programs are able to conduct more in-depth background assessments and often use risk assessment instruments to measure and predict risk of re-offending of offenders who may be released. Pretrial programs may also screen individuals who may be appropriate for diversion from formal processing.



The goals of the system at this stage are to prevent further offending and to assure availability of the accused for appearance in court. Policy and practice options that improve decision-making and outcomes at this stage include:

- Court delegated release authority;
- Court established bail schedule and procedures;
- Use of validated risk instruments;
- Pretrial release and diversion screening.

Alternative programs and strategies to consider at this stage include:

- Pretrial services program with release conditions;
- Community supervision;
- Electronic monitoring;
- Day reporting;
- House arrest;
- Urinalysis;
- Access to mental health and substance abuse services.

DECISION POINT #3 – Decision to Prosecute

When a case is presented for prosecution, the prosecutor reviews the arrest report or citation and decides how to proceed. The prosecutor may proceed with the original charge, amend the charge based upon the facts of the case, or decline prosecution. The prosecutor may also elect to defer prosecution while providing the accused the option of participating in a diversion program if such is available.

The prosecutor is the gatekeeper of the system. He or she or she decides what cases get filed and at what level of charges. The prosecutor also influences how quickly cases get processed through the system. A number of policy and program options are appropriate at this stage to improve the efficiency of the system and assure appropriate use of program resources. Policy and practice options include:

- Early case screening;
- Accelerated calendar for jail cases;
- Use of diversion.

Alternative programs and strategies to consider at this stage include:

- Diversion programs;
- Dispute resolution and mediation programs;
- Access to mental health and substance abuse services;
- Community service and competency development programs.

DECISION POINT #4 – Decision to Release from Pretrial Detention

If an individual is initially detained upon arrest, he or she has the right to a detention hearing before a judge. The judge may elect to release the accused from detention with or without conditions. The goal of the system at this stage is to provide the level of supervision and structure necessary to prevent further offending and to assure the availability of the accused for court. Information about the alleged crime, the individual's background and home situation, and risk of re-offending are helpful to the judge in making the pretrial release decision.

Policy and practice options that improve decision-making and outcomes at this stage include:

- Prompt bail settings;
- Realistic bail schedules;
- Timely bond review hearings;
- Range of non-bail release options:
 - Release on Recognizance (ROR) (unsupervised)
 - ROR (supervised)
 - Third party release
 - Conditional release
- Range of bail release options:
 - Unsecured bail
 - Deposit bail
 - Property bail
 - Surety bail
 - Full cash bail
- Access to counsel or advocate at initial hearing.

Alternative programs and strategies to consider at this stage include:

- Pretrial release screening programs;
- Community supervision;
- Electronic monitoring;
- Day reporting;
- House arrest;
- Urinalysis;
- Access to treatment and support services as needed.



DECISION POINT # 5 -- Decision of Guilt or Innocence

As the case proceeds, there may be several hearings including a preliminary hearing, arraignment, trial, etc. The goal of the system is to make a determination of guilt or innocence. The timeliness and efficiency of the trial process has a significant impact on use of the jail and other resources.

There are a number of policy and program options that serve to reduce the amount of time accused offenders spend in jail awaiting the outcome of their case. Policy and practice options include:

- Effective calendaring of cases;
- Docket priority for in-custody cases;
- Adoption of case progression standards;
- Periodic bond review by jail staff, prosecutor, public defender and court administrator.

Alternative programs and strategies that support efficient functioning of the system at this stage include:

- Expediter program;
- Community supervision;
- Electronic monitoring;
- Day reporting;
- House arrest;
- Urinalysis;
- Access to services.

DECISION POINT # 6 –Sentencing Decision

If the offender has been found guilty at trial, the court has several options. It may order a pre-sentence investigation, impose a sanction immediately, or defer sentencing pending successful completion of specified conditions. The timeliness and efficiency of the pre-sentence investigation process is a factor at this stage. Time delays between the finding of guilt and imposition of sentence impact detention usage. Having a range of sentencing options available at this stage provides the court the flexibility to impose sanctions and conditions that may be more effective in addressing the offending behavior.

The goals of the system at this stage are to protect the community, hold the offender accountable, and to prevent future offending through rehabilitative programming. Policy and practice options that may improve decision-making and outcomes at this stage include:

- Timely preparation of Pre-Sentence Investigations;
- Enhanced case advocacy at sentencing;
- Criteria for use of alternative sanctions;
- Use of risk assessment tools to decide level of supervision.



Alternative programs and strategies to be considered to provide a range of sanctioning options include:

- Fines and restitution;
- Community service;
- Day fines;
- Community supervision and case management;
- Intensive community supervision;
- Electronic monitoring;
- Day reporting;
- Drug testing;
- Alternative education programs;
- Job training and placement services;
- Mediation and Victim reconciliation programs;
- Counseling;
- Substance abuse treatment;
- Family Support Services;
- Work programs;
- Residential programs (halfway houses, residential treatment).

DECISION POINT #7 – Sentence Modification Decision

After conviction, the sentences offenders receive may be modified under certain circumstances. For some, good behavior and compliance with the provisions of their sentences can lead to early release or discharge. More often, sentence modifications occur as a result of a violation of a condition of probation or parole. When a probation or parole violation is alleged, the offender is often placed into jail pending a hearing on the matter. When limited options are available to respond to such violations, revocation often results in additional jail time for offenders. Many communities discover a sizable portion of their jail population to be comprised of probation and parole violators. A number of policy and program options may be considered to manage the use of detention for this population while holding them accountable for their behavior on community supervision. Policy and practice options to consider include the following:

- Use of graduated sanctions in lieu of detention for probation and parole violations;
- Time sensitive policies regarding detainers and revocations;
- Use of good time;
- Use of incentives including early release for good behavior and program progress and completion.

Program options include many of those listed in the previous decision point as sanctioning options. The goal is to think strategically in the use of these sanctions in level of intensity and in combinations that allow a “ratcheting up” in response to misbehavior and a “ratcheting down” as offenders demonstrate positive behavior and compliance with conditions of community supervision.

Structured Decision-making

A comprehensive justice system model utilizing an array of alternative programs and strategies requires policies and tools that structure decision-making within the case process. That is, decision-makers use objective criteria and risk assessment instruments to match offenders with the appropriate levels of supervision and programs based upon an assessment of their risks and needs. *Risk instruments*¹⁹ are typically used within the criminal justice system to guide pretrial release decisions and placement decisions after disposition. These instruments generally measure the probability that an offender will re-offend within a particular time frame if placed in community supervision.

Before developing or adapting an existing risk instrument, the justice system needs to decide what it wants to accomplish with the risk instrument. In a pretrial context, it may be to decrease failure to appear rates and further criminal actions by defendants awaiting trial, while releasing the maximum number of defendants under the least restrictive conditions. Research into different risk instrument models helps to answer questions about what characteristics to measure, how this is accomplished, what interventions are most effective, what client populations are most positively impacted, and how community safety can be taken into consideration.

Summary

The development of an effective system of local alternatives and sanctions is largely dependent upon the ability of the jurisdiction to bring key criminal justice decision makers together as a “policy team” or “criminal justice coordinating committee”. Typically no single agency or person has the authority, or ability, to bring about changes in “system” policies that impact every agency that has a stake in how the local criminal justice system functions. If the highest authority sanctions a policy team, effective leadership is established and the membership represents all major system players, and is charged with a definitive mission with clear goals and objectives, the opportunity to implement lasting, effective and efficient change is substantial. In order for alternatives to traditional detention placement to have lasting system wide impact, the effort must be well organized, with thoughtful input, consistent participation and on-going support.

¹⁹ It is important to note that a pretrial risk assessment looks at factors in terms of public safety and likelihood of court appearance. Separate and different risk assessment instruments are also used to determine how inmates should be managed while in the jail.



Appendix D – Town Hall Meeting Slides

Town Hall Meeting PowerPoint slides will be forwarded under a separate email.