

# Managing the System

*Justice System Assessments*

*Information Systems Planning*

*Facility Planning*

*Organizational Development*

*Audits and Investigations*

*Health Policy Planning*

ILPP

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# Institute for Law and Policy Planning

Founded in 1973, ILPP has grown from a small, community-based legal association into a nationally recognized, public, nonprofit planning agency. Alan Kalmanoff, Ph.D., has been ILPP's executive director since its inception. He has taught at U.C. Berkeley's Schools of Law, Public Policy, Criminology and Social Work. Alan Kalmanoff was appointed by the federal courts as a Special Master and is considered to be a national expert on public policy, having been featured on *60 Minutes* and often quoted in the *New York Times*. ILPP has a reputation for undertaking demanding assignments in law and policy planning and is dedicated to providing thorough and objective policy recommendations.

## How We Can Assist You

ILPP's team of public policy experts, attorneys, planners and architects conducts public policy research and consults to public agencies in the following areas:

### **Criminal Justice System Assessments**

- Jail Overcrowding Studies
- Court Planning
- Law Enforcement Reviews
- Jail Needs Assessments
- Juvenile Justice Assessments

### **Information Systems Planning**

- Automation Planning
- Database Integration Planning

### **Facilities Planning**

- County-wide Master Plans
- Space Use Policy Studies
- ADA Compliance

### **Health Policy Planning**

- Jail Medical Reviews

### **Organizational Development**

- Reorganization Studies
- Management Training
- Team Building/Development

### **Audits and Investigations**

- Procedural Reviews
- Program Compliance Audits
- Incident Investigations

The following are typical of the scenarios ILPP faces. (These are composite examples.)

**County A** is facing a severe budget crisis.

Seventy-three percent of the county's general fund is consumed by justice costs, which have been steadily rising. Several studies have been conducted by consultants in the past and are now sitting on the shelf, unimplemented.

Nevertheless, the CAO believes that what is needed is an independently produced *immediate action plan* aimed at improving efficiency among all justice agencies and cutting costs by 20-30 percent. An important component of this plan will be addressing inter-agency rivalries and developing support for implementing change.

**County B** contracts out all county health services to a larger, neighboring county. Halfway through a five-year contract, it is discovered that there are serious deficiencies in the quality of care being delivered to County B's patients. ILPP is called in to investigate the overall adequacy of current health care provision and County B's obligations and options in this situation.

# Public Safety: The Fiscal Policy Issue

## THE PUBLIC DEMAND FOR ACCOUNTABILITY

The public is demanding safer streets and tougher sanctions against violent criminals. At the same time, taxpayers are balking at the high costs of maintaining law and order. Taken together, these two trends require local jurisdictions be able to demonstrate the cost effectiveness of justice programs.

## MAKING THE TAXPAYERS' DOLLAR COUNT

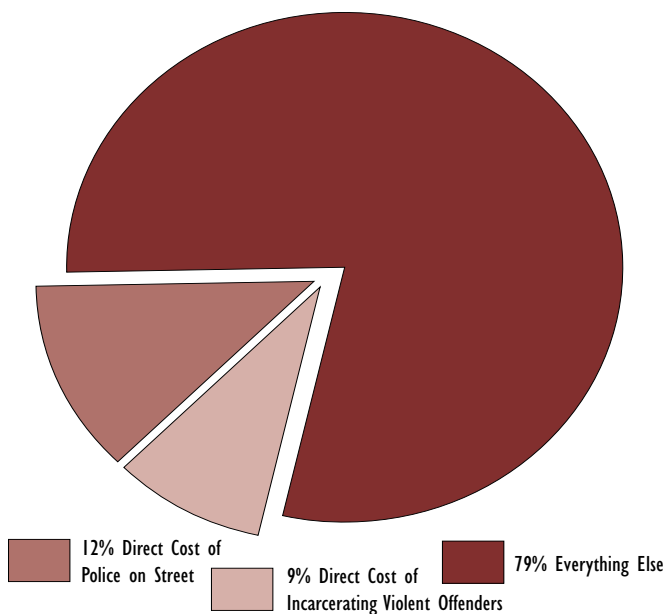
Just as taxpayers expect visible evidence that their roads are being fixed, they also want tangible public safety services.

The two highest priorities:

- Police officer visibility on the streets and quick response time to emergency calls
- Locking up of violent offenders

What percentage of the justice budget goes *directly* to providing these services? And what costs are absorbing the rest? Most systems are not set up to provide information at this level. Implementing a program to track cost per unit of work enables managers to gain much control over budgets and to see which programs are most cost effective.

### Average Overall County Justice Budget



## THE HIGH PRICE OF INCARCERATION

The costs of arrest and detention are much higher than is commonly realized, and small decisions taken by one agency often produce enormous costs for another. For example, the policy of a law enforcement agency to book an individual at the county jail, rather than citing and releasing the person on-site, can cost an additional several hundred dollars.

### Estimated Average Costs Resulting from Law Enforcement Policies

Action	Range of Costs to Taxpayer	Overall Impact on Public Safety
Cite in field and release	\$15-30	Person removed from public circulation for half an hour, then freed
Transport to jail, book and release	\$100-300	Person removed from public circulation for three hours, then freed
Transport to jail, book and detain	\$130-260	Person removed from public circulation for one day, then freed
Detention for each additional 24 hours	\$60-150	Person removed from public circulation until pretrial release, acquittal, or if convicted and sentenced to jail, completion of sentence

## Controlling Your Justice Costs

The criminal justice proportion of most county general funds has been steadily increasing over the last decade, and many managers fear that justice-related costs are spiraling out of control. The good news is that there *are* ways of managing both the system and the costs.

### EXAMINING THE JUSTICE SYSTEM AS A SINGLE UNIT

Any justice system is comprised of numerous agencies: the three main ones being law enforcement, detention, and courts. These functions are funded by different jurisdictions, report to different supervising agencies, and often have little horizontal integration. This situation can result in huge inefficiencies. To make effective decisions, you need to understand not only how each individual agency is operating but how the system works as a whole.

## GETTING COOPERATION FROM AGENCY HEADS

Most common problems in county justice systems are caused by, and affect, the whole system. Jail overcrowding is a prime example, as inmates come in through law enforcement agencies and go out through the courts. The jail population is greatly affected by the decisions of non-detention agencies.

It is therefore essential—and often difficult—to get agencies to understand that they're all on the same team. Mutual recrimination must be replaced by mutual cooperation. If old rivalries make this transition difficult, CAOs can hire management consultants or other professionals to work with county staff on team building. (ILPP's staff is particularly effective at helping with this issue.)

## GETTING CONTROL OF DEPARTMENT BUDGETS

The County Administrator must review the budgets for all of the criminal justice agencies in the county—the Sheriff, the jail, the prosecutor and public defender, the courts, probation—without being able to exercise much control over the elected officials heading most of those agencies. In some jurisdictions they are not even county employees but are state officials.

In most counties each agency prepares its budget with no consideration of the other departments' budgets, yet all share a common workload. If the agencies can work together to process this workload more efficiently, the county will save overall.

## EXPEDITING CASE

### RESOLUTION TO REDUCE COURT COSTS

The longer it takes for each case to make its way through the courts system, the more expensive it is. If the defendant is held in custody, detention costs are added to court costs. Clear, early communication between court, prosecution and defense can result in speedier case resolutions.

## REDUCING DETENTION COSTS

### WHILE MAINTAINING PUBLIC SAFETY

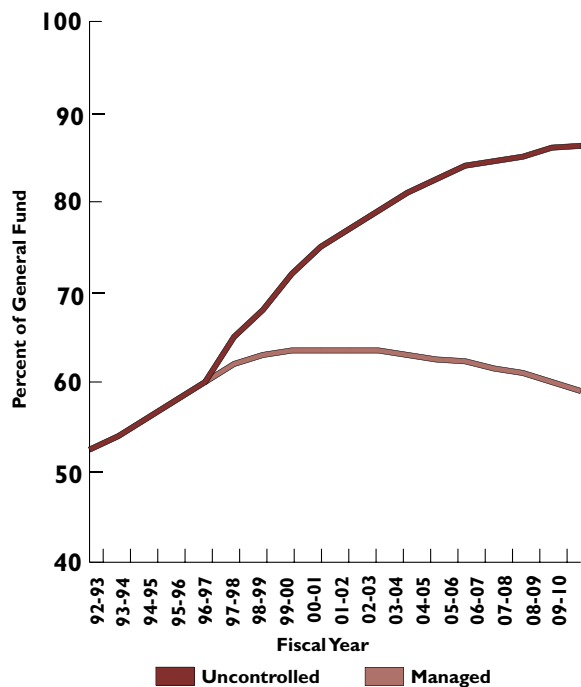
There are a number of issues that drive up detention costs, including inefficient building configurations that require higher staffing levels and high proportions of pretrial inmates. These individuals are often detained unnecessarily because jurisdictions have no standard protocol for releasing them, and therefore automatically detain *all* arrestees.

A public-safety-based release protocol requires exchange of information and cooperation between all the agencies

concerned: law enforcement, detention, defendant's attorney, prosecution and the court.

It is essential that jails detain all truly dangerous individuals. Unfortunately, indiscriminate detention can actually reduce public safety by eliminating the ability to screen and detain these individuals. Jails that operate under court-imposed caps are often forced to release inmates according to length of time in detention rather than severity of offense or other public safety criteria.

## Estimated Average Justice Share of County Budget



## CONTROLLING COSTS: A STEP-BY-STEP PROCESS

**I. Look at your justice system as a whole.** An overall management approach that views the system as a whole will note the bottlenecks, inefficiencies, and duplications of effort that cost counties millions of dollars annually. To make effective long-term decisions, you need basic information about your criminal justice system and not simply about the individual agencies that constitute it. Ask yourself the following questions:

- What real return on investment do you get for funds spent running your criminal justice system?
- Which parts of the system are operating efficiently and which are not?
- How long does it take to process an individual through the entire system?

- Where are the bottlenecks?
- What actions can eliminate those bottlenecks?
- Do the key individuals in each part understand clearly how their actions affect the system as a whole?

**2. Decide how you want it to work.** You need to have specific goals for the system as a whole. The configuration of the system, and objectives for each of its constituent parts, need to be designed to support your big-picture goals.

- In order for the system to work most efficiently, who needs to exchange information with whom?
- How will you evaluate the effectiveness of the system in meeting its goals?

**3. Examine your pretrial detention and release system.** Pretrial detention is one of the most expensive aspects of the entire criminal justice system. It is an important safeguard when charged individuals might pose a threat to public safety, and needs to be appropriately used in such cases. Many other persons who cannot be released in the first instance can exit after their charges have been reduced. To begin to understand the flow of pretrial inmates, investigate the following issues:

- Do all the jurisdictions in your county have standardized protocols for citation and release?
- What percentage of your inmates are pretrial?
- After inmates are booked into the county jail, how do they exit?
- How long until their release?

If you know the average length of stay by charge and release mode, you have the key data to start managing your system.

**4. Accelerate case processing.** It should be a priority to move pretrial inmates through the judicial system to disposition as quickly as possible, thereby reducing the number of pretrial custody days for which you pay.

- How long does it typically take from arrest to disposition?
- Do you have a system of quick review for all in-custody cases?

**5. Expand your range of sanctions.** The truth of the matter is that for many crimes, jail neither acts as a

deterrent nor reduces the chance of an individual repeating his or her offense. In these cases, it does not increase public safety (except for the short time the inmate is incarcerated) and punishes the taxpayers heavily. Home electronic monitoring, work release, and community service are examples of sanctions that are less expensive and can be more effective. In examining sanctions, answer the following questions:

- What are your measures of success for sanctions?
- Do you have sanctions aimed at reducing recidivism among specific populations of offenders?
- What percentage of your sentenced inmates are non-violent offenders?

## A Criminal Justice System Assessment

### WHAT IT DOES AND HOW IT CAN HELP

A criminal justice system assessment looks at a jurisdiction's system as a single entity, each component of which affects the others. Thus, it not only examines how a department operates in itself, but how its policies and procedures contribute to the efficiency of the entire system. The system may include county, city, state, and private agencies.

The bottom-line questions:

- What are your goals for this system?
- Which of these goals are and are not being met?
- What needs to change in order to allow the system to meet its goals?

The criminal justice system assessment produces a cohesive picture of the agencies involved, their relationships to each other and the impact of those relationships on the system as a whole. A good assessment must include an analysis of the cost-effectiveness of current structure and practices. Such a view offers decision makers the opportunity to see where resources might be used more effectively.

The assessment must also present the jurisdiction with information on those incarcerated, and long-term, cost-effective solutions to jail overcrowding, evaluating the impact on detention of *all* justice agencies.

## CONQUER THE SYSTEM BEFORE IT CONQUERS YOU

The most important result of an assessment is the understanding that any criminal justice system *can be managed*. A system may seem out of control and entirely self-propelling, but it is possible to establish structures and practices that bring it back under the control of its managers. Ultimately, there must be specific management goals and individuals responsible for reaching those goals. It is only through such accountability that a criminal justice system can meet the needs of those it is designed to serve.

Signs that Your Justice System Needs Assistance:

- Overcrowded Jail
- Poor Information Management
- Lawsuits
- Escalating Costs
- Changes in Population
- Court Delays
- Reductions in Funding

A Criminal Justice System Assessment includes a *Population Evaluation and Forecast, System Assessment and Evaluation, and Space Use Evaluation*.

## POPULATION EVALUATION AND FORECAST

- Profile, Classification and Tracking
- Population Forecasting

## SYSTEM ASSESSMENT AND EVALUATION

- Law Enforcement/Sheriff
- Probation/Pretrial Services
- Prosecution
- Defense
- Courts and Related Agencies
- Jail Administration and Operations
- Management Information Systems
- Substance Abuse Agencies
- Alternatives to Incarceration
- System Coordination

## SPACE USE EVALUATION

- On-site Review of Facilities
- Staff Interviews
- Operations and Fiscal Evaluation
- Development of Facilities Options

## The Courts

### HOW THE COURTS CAN HELP REDUCE OVERALL JUSTICE COSTS

**Over 60% of all county justice costs are incurred before case disposition, and most of these costs are controlled by the courts.** Efficient disposition of cases reduces both court expenses and the high costs of pretrial detention. Specific strategies for improving court efficiency include:

#### **Calendaring for quicker case disposition.**

Calendaring can be used as a proactive tool for pushing cases along, for example, by automatically scheduling an early pretrial motion conference. Courts scheduling early pretrial conferences require necessary motions, such as suppression of evidence or discovery, be set for certain date and heard on that date. Adherence to these court requirements has led to early identification of cases that must be tried and those that will plead, thereby considerably reducing the court's case load.

**Efficient sharing of case information.** The judicial system can only work efficiently if the primary parties—the court, the prosecution/plaintiffs, and the defense—have full and immediate access to all relevant case information. This requires developing a shared on-line infrastructure.

**Early review of all in-custody cases.** Since pretrial detention is one of the courts' single largest costs, moving in-custody cases through to disposition as quickly as possible should be a very high priority.

**Establishing fast tracking for certain types of cases.** Certain straightforward and high-volume case types (e.g. worthless checks) should be dealt with under a "fast-track" system that hastens final adjudication. In this system, the prosecutor has set criteria by which cases are designated as fast-

track on filing the charges. The Clerk will then schedule them for arraignment and the judge will set the cases for disposition within 50 days after arraignment.

**Specialized case handling.** Courts for specific types of charges, such as traffic and drug courts, can help a jurisdiction operate efficiently by centralizing the resources needed to deal with specific case types.

**Improve collection of fines.** When fines go uncollected, individuals end up sentenced to jail time at the taxpayers' expense. Increasing the capacity to collect fines reduces detention costs and results in a net increase in revenue. (One California county's collection agency brings in \$15 for every \$1 it costs to run!)

**Delegating to court staff.** Courtroom time is often taken up with administrative matters that can be disposed of by court order or simply delegated to the Clerk or other court staff.

## Information Systems Planning

Information systems planning focuses on enhancing the capacity for collecting, analyzing and disseminating information for both the justice system and its component agencies: a business analysis of inter- and intra- departmental workflow and procedures; inventory and evaluation of the overall automated environment; development of options based on the emerging technology and findings; and identification of alternatives and costs for each.

Features of an Information Systems Study:

- Evaluation of current information flow and business processes as well as current systems' long-term viability
- Formulation of strategies for more efficient business processes.
- Identification of replacement technologies where needed.
- Creation of options for integration, future growth, multi-year systems acquisition and implementation plan.

More information on this work is available upon request.

## Sanctions

### PUBLIC EXPECTATIONS AND COSTS

Sanctions must be evaluated in terms of a jurisdiction's goals in imposing them. The three most common goals are:

**Punishment/revenge:** Make the offender suffer a substantial penalty, such as loss of freedom (incarceration), loss of money (through fines), or loss of free time (through forced activities).

**Improve public safety:** Remove the offender from public access (through incarceration or electronic home monitoring) or "rehabilitate" the offender (through programs aimed at academic education, vocational training, drug rehab, violence management, etc.).

**Restitution:** Compensation of the victim or of society as a whole, often by financial payment or by providing community service.

Jurisdictions often do not articulate to the public their specific goals in imposing sanctions. Given their high cost, it is essential to know what benefit you hope to get for the money you spend.

### Estimated Average Cost of Various Sanctions

Sanction	Average Cost to Taxpayer	Overall Impact on Public Safety
Jail time—few/no programs	\$50-175 per day	Individual poses no threat to public during incarceration. Individual is likely to commit new crimes on release.
Jail time—active rehabilitation programs	\$60-190 per day	Likelihood of new crimes is reduced, but not eliminated.
Home Monitoring	\$10-15 per day	Individual can remain productive. Cost savings to county over incarceration; some risk of new crimes.
Parole with rehabilitation programs	\$15-25 per day	Individual can remain productive and risk of new crimes is reduced.

# Violent Juveniles: Your System's Response

The rise in violent crime by juveniles is attracting public attention and increasing demand for services. Much of the planning being done in fact exacerbates existing problems. Below is a list of some major considerations that an effective system evaluation needs to address.

## OVERALL SYSTEM

- What are the goals of the system?
- Is the system meeting its goals? How is this measured?
- How do the interactions between the different elements of the system affect its overall function?
- How much does the system cost to operate?
- Where are there inefficiencies in the system that can be eliminated?

## DETENTION

- Who *really* needs to be locked up?
- What are the goals and criteria for detention?
- How can those goals be met most cost effectively?
- How wide is the range of alternatives to detention?
- What kinds of programs and facilities do you need to meet these goals?

## PROGRAMS

- What specific populations could benefit from programs?
- Are there populations whose needs are not being met by current programs?
- Are there programs for kids at each stage in the juvenile justice system — from diversion programs for 10-year-old shoplifters to in-custody programs for older felons?
- Are programs interrelated in a way that provides effective services for the multi-problem kid and his/her family?
- What level of community support does the program provide to kids?
- Are programs culturally appropriate?
- What is the goal of each program?

- What does it cost to implement?
- What are its current and potential funding sources?
- How do you measure its success?

## ILPP'S APPROACH TO EVALUATION

As ILPP evaluates counties' juvenile justice systems, these are the steps we take:

**The first step** is to collect comprehensive data on the juvenile population to identify who is in the juvenile justice system, how long they stay, and how they exit.

**The second step** is for ILPP's team to complete an assessment of all programs and services to seek out potential obstacles to overall effectiveness.

**The third step** is the development of long-term facilities options—in light of projected future demand—for the juvenile probation department. This step relies on the conclusions of the first two: Based on the size and needs of the juvenile population and an understanding of how the in the system could maximize efficiency, what will be needed to physically accommodate this system?

**The final product** is a report which describes the findings and recommendations from each project phase and concludes with an overall program plan, system management plan, and facilities plan.

## Facility Planning

Many jurisdictions have difficulties in creating cost efficient long-term plans for space use and capital improvements financing. Ideally, an effective plan will address the following issues:

- Maximum space utilization by all departments.
- Cost-effective financing solutions.
- Maintenance schedule.
- ADA compliance.
- A detailed strategy to meet long-term needs.

ILPP's facility planning team can help you develop such a plan, based on your unique growth patterns and space requirements. We will consider the issues relevant to your jurisdiction: policy issues, past growth trends and potential changes, current facilities, and special problems with current facilities.

Our study will answer the questions essential to making expensive building decisions:

- How will the demand for services grow, and what are the fastest growing areas?
- What is the most effective way to meet increased demands for space?
- How can the existing sites and spaces be used most effectively?
- What financing alternatives are available to meet these needs?
- What is required to comply with the Americans with Disabilities Act?
- What are the best uses for existing buildings and property?
- Which departments should relocate or consolidate?
- How do adjacency and client needs affect current and future locations?

Answers to these questions are generated after extensive data collection and analysis. We consider the experts in your jurisdiction, including the people who use the buildings, an important resource. Questionnaires, building surveys, analysis of existing reports and data and interviews all provide essential information to creating a plan that leads you forward to meeting future building needs.

## The Health of Your Jail's Medical Services

### TYPICAL PROBLEMS

Most counties' jail health systems are costly and are not working as efficiently as their managers would like. ILPP's audits have remedied these problems. The most pressing issues generally are:

- Continuing lawsuits
- Rising levels of infections and diseases such as TB
- Rising costs of private providers

### APPROACHING A SOLUTION

ILPP has developed a system for managing such situations effectively. First, ILPP conducts a policy and procedure performance review of a jurisdiction's correctional medical services guided by the following questions:

- **Is service delivery appropriate?** For example, if there is a high incidence of mental illness in the jail system, are there appropriate programs? Areas of review include intake screening, sick call, pharmacy services, infirmary services and hospital and emergency room use.
- **How can you contain costs and provide better care?** These two goals often seem mutually exclusive but, in fact, they go hand-in-hand. The bottom line: get the patients as directly as possible to the right provider to receive the correct treatment. This requires effective triaging from the moment of presentation.
- **How is the system managed?** Look at the internal review mechanism and how it is used. Ensure that your county is getting the best rates for hospital and provider service.

### RECOMMENDATIONS

Then ILPP provides the client with a set of concrete recommendations tailored to the particular system. Previous projects have saved correctional systems millions of dollars while improving the quality of service.

Examples of ILPP's recommendations and approaches:

- Maximize use of nonmedical personnel (i.e., health trained correctional officers) and nurse practitioners to perform routine services.
- Simplify the process of inmate sick call by instituting a screening process that minimizes use of expensive high level staff.
- Emphasize inexpensive screening tests at intake to create a preventive health care system at a lower cost.
- Provide test results and contact information to community health agencies for follow-up care once inmates are released.

ILPP was the recipient of a one-year grant from the Robert Wood Johnson Foundation to study the integration of health care services provided by American counties, focusing on tuberculosis. ILPP has analyzed medical services provided by two parallel systems—county jails and county health departments—to one population: individuals who are or have been in jail. This study has already had a national impact on how counties organize their health care resources.