

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



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***LOCAL SYSTEM ASSESSMENT***



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## WHAT LED UP TO THE REQUEST FOR THIS LSA?

Monterey County has been struggling with the overcrowding of its jail on a continual basis for some time. The current Sheriff is in his first term of office and has set out to correct the situation. He concluded that an outside set of eyes looking at the situation would help the county develop a plan of action. The Sheriff, in consultation with the other criminal justice partners, initiated the request.

Upon arrival the Sheriff indicated his biggest concerns to be:

1. Do we have enough staff to adequately run the jail, especially in light of the gang problems and increased violence of the inmates?
2. What do an outside set of eyes see in the Sheriff's operation that could be improved upon?
3. The need for a Court presence on the jail site to speed up court processing and eliminate the transport of nearly 125-150 inmates per day to court.
4. The need for a facilities master plan for the Jail campus facilities.

On the day before this consultant's arrival the 813 bed jail hit an all time high of 1269 inmates.

In the last two budget years the Sheriff reports that the agency has lost 44 positions of which 7 were from the Corrections Bureau.

## ABOUT THE LSA PROCESS

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

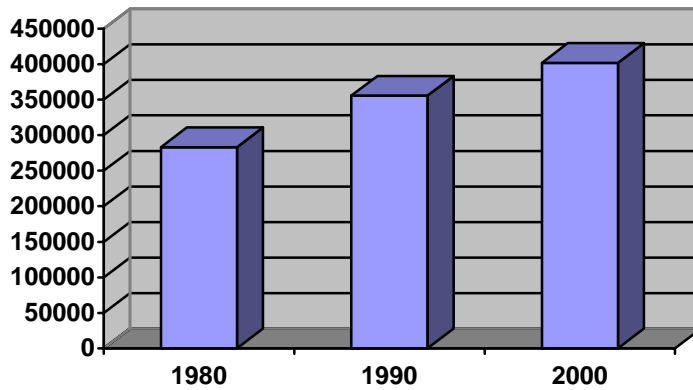
The criminal justice community and the National Institute of Corrections (NIC) over a period of years have learned that the criminal justice system workload is driven by at least the following seven decision points (outlined in more detail later in this report) in the system:

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

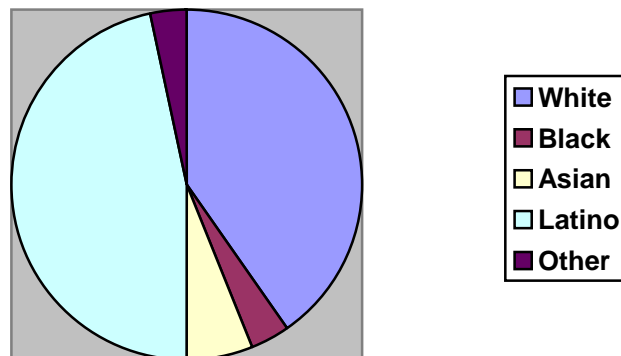
This consultant, based on the interviews and material gathered, would give an overview of the system centered on these seven decisions and offer suggestions for what the officials and community might consider in changes intended to improve the efficiency and effectiveness of the system.

**MONTEREY COUNTY**

The County of Monterey is located on the central coast of California 106 miles from San Francisco and 241 miles from Los Angeles. According to the 2000 census the county had a total of 401,762 residents. That is a 13% increase from the 1990 census. Growth in the county, according to California Department of Finance and regional planning associations is expected to occur in the range of 15 to 20 % per decade for the next 20 years.

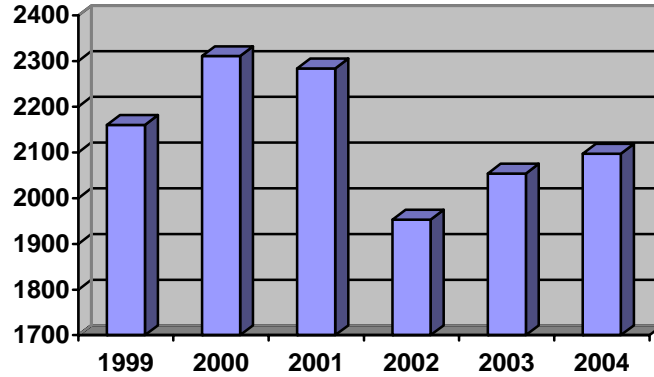


The county is diverse with a rapidly growing Hispanic/Latino community:



The FBI Uniform Part I crimes for Monterey County mirror the national trends with decreases in the 1990's and increases in early 21<sup>st</sup> Century.

**FBI Part I Crimes for  
Monterey County Violent Crimes**



Source: California Department of Justice, Justice Information Services

A preliminary report issued by the California Attorney General's office for the first six months of 2004 showed the following changes in reported crime for the Monterey County Sheriff's Office and Salinas Police Department:

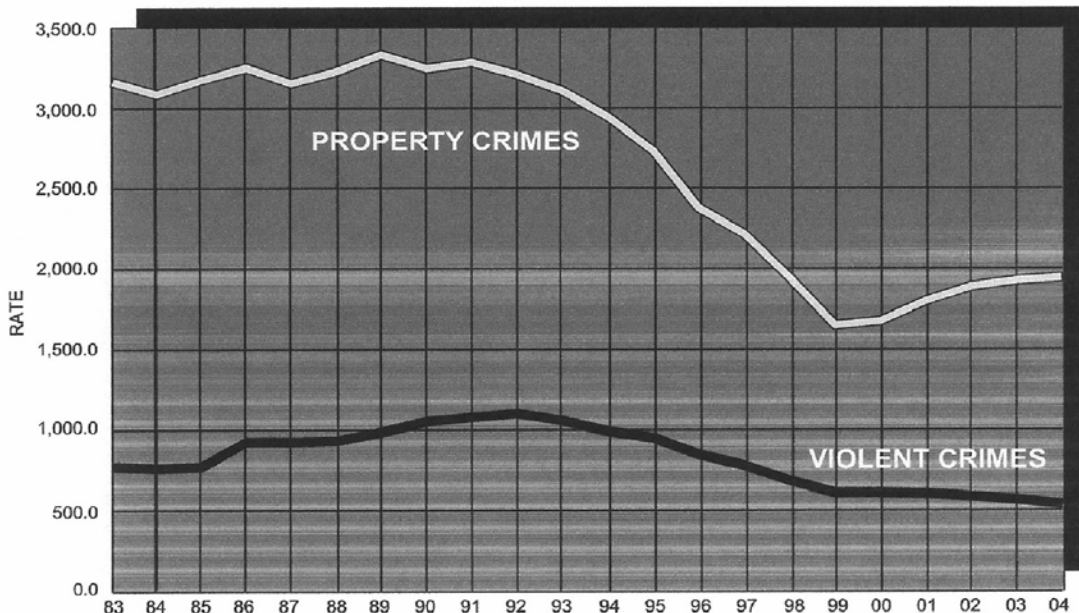
**Monterey S.O.**

- Violent crime up 16.7%
- Property Crime down 14.2%
- Theft down 10.4%

**Salinas P.D.**

- Up 1.3%
- Down 6.8%
- Down 11.9%

**CRIME IN CALIFORNIA, 1983-2004**  
By Category  
Rate per 100,000 Population



The long term picture for the state as a whole is taken from the above chart of crime in the last 20 years in California.

## COUNTY JAIL

The Jail is located on a large county parcel a few miles from the County Court house and County Administration building which is located in downtown Salinas. The former jail, located next to the Court house is vacant and the county is debating what to do with the structure. There is a faction wanting to declare the structure a “historic site” and preserve the building. The old jail was built in 1939 and closed in 1977.

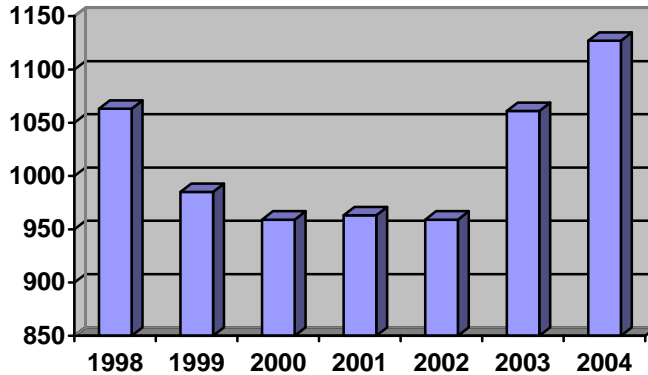
The current set of buildings operated as the jail (see diagram below) has the following history:

- Rehabilitation Facility built in 1970;
- Main Jail men’s and women’s sections built in 1977;
- K-Pod addition built in 1988
- New Kitchen and dormitory space in 1993
- Reception Center 1994

Facility drawing removed from report for security reasons.

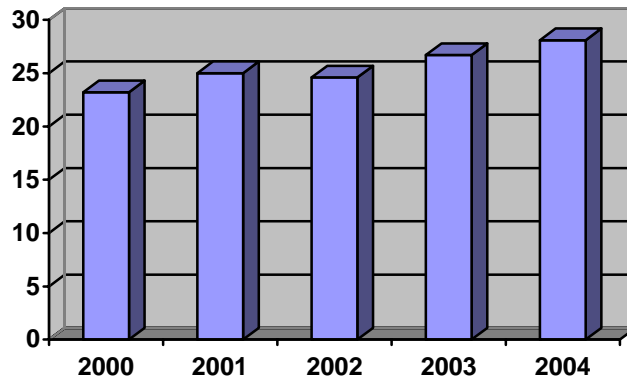
The facilities are rated by the California Department of Corrections for 813 inmates.

**Average Daily Population**  
**1998-2004**



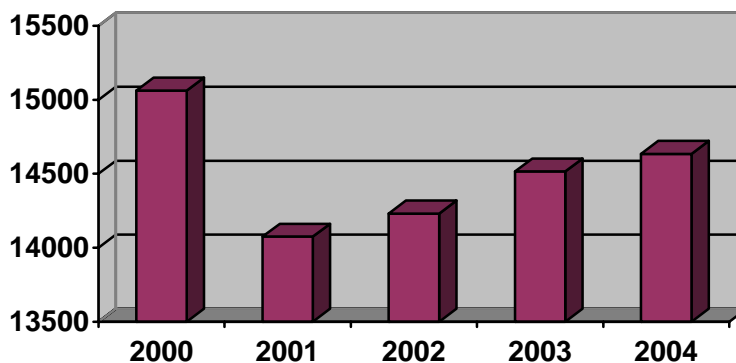
Clearly the jail has not been able to maintain the rated capacity in a very long time.

**Length of Stay**  
**Main Jail in Days per Inmate**

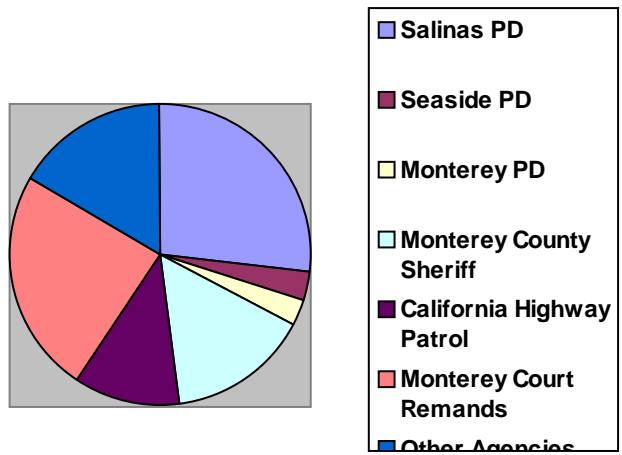


The length of stay per inmate is also increasing.

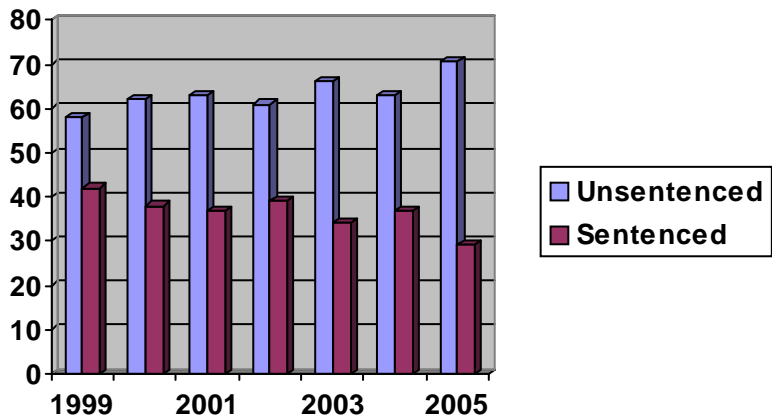
**Monterey County Jail Bookings**



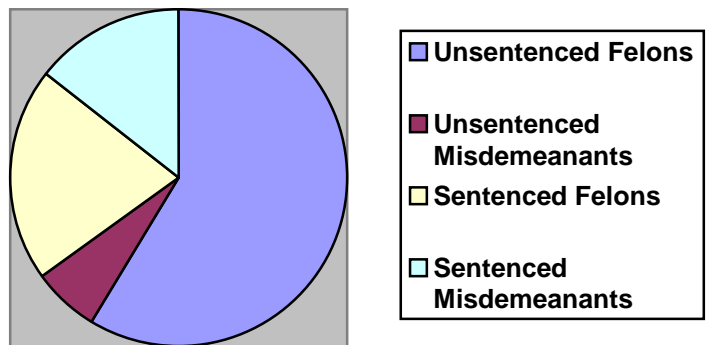
### Source of Jail Bookings



The intakes, other than a significant decrease from 2000 to 2001, have steadily increased each year.



As the above chart indicates the pre-trial population of the jail is growing and the sentenced population is decreasing over time.



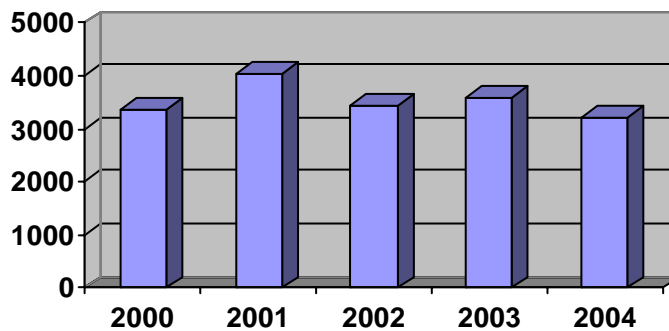
Clearly the unsentenced felons are the largest group of the population. Through an aggressive Own Recognizance (OR) Policy the jail, with the approval of the

other criminal justice partners, has been releasing misdemeanor and some felony pretrial cases.

Population	June 2005
Unsentenced Felons	58.7%
Unsentenced Misdemeanants	6.3%
Sentenced Felons	20.6%
Sentenced Misdemeanants	14.4%

For the misdemeanor sentenced inmates, the county has created its own “Work Alternative Program” (WAP). This is a program that allows the Sheriff to move inmates with 30 days or less sentences to the program. The program is a community service program and on any given day has 905 active cases.

**Monterey County WAP Bookings**



**Some concluding thoughts about the jail and WAP are:**

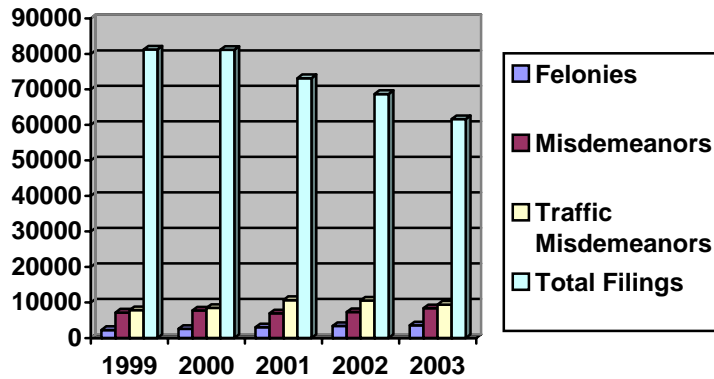
1. The facility, due to cut backs and attrition of staff, is under staffed and not able to supervise at adequate levels when the facility is running at 150% of certified capacity. The county should contract for a third party to do a staffing analysis to better understand the staffing of the jail (it was beyond the scope of this project to get that staffing analysis completed);
2. The current design and “patch work quilt” of additions is very poor leading to inefficiencies of operation that are beyond the control of the staff;
3. The facility is deficient in secure single cell housing for the violent and hard to control inmate;

4. The jail automation system, although currently in a major upgrade, at the present time can not efficiently provide management information reports to the stake holders who rely on the jail for their function.
5. The Classification system is too subjective and the jail should integrate an objective based risk scale (see example in the appendix) into the intake and classification process to better identify and triage the inmates to proper housing assignments and program options;
6. Currently the WAP operates a 30 day program this should be expanded to 60 days;
7. The Jail Management staff should pursue training offered from NIC in all areas of operations. The current effort is to pursue the Inmate Behavior Management Course which this consultant strongly supports.

**COURTS**

Like all counties in California, the courts in Monterey County have been unified. The former municipal courts and county wide Superior Court now operate as a single Superior Court with geographic locations.

**Monterey County Superior Court**  
**Filings 1999-2003**



The work load of the court, as measured by filings, overall has gone down since 1999. Felony and misdemeanor criminal cases show a steady and continuing rise over this time.

The court has created a “specialty court” for Proposition 36, a drug court, and is in the process of designing a Mental Health Court and discussing a Domestic Violence Court.

The state courts have set goals for timeliness of case processing and according to their outcomes the Monterey Court is essentially meeting most time lines for cases. Many persons interviewed in this project were of the opinion that the court should take a firmer role with the Prosecution and Defense and reduce the granting of continuances to the litigants.

**Some concluding thoughts about the judicial system in Monterey County:**

1. The Judiciary in the county need to take a stronger leadership role in the review and approval of continuances in the system. Many people interviewed expressed the view that too many continuances are being given which backs up cases in the jail.
2. The Judiciary should pursue technical assistance from the Center for State Courts to examine the docketing and case processing of cases through the local system.
3. The automation conversion underway with the state has created serious work load and back up of inmates in the jail awaiting transfer to the State prison system. Leadership needs to exert as much pressure as possible to get this back log cleaned up.
4. Encourage and support the establishment of the “arraignment court” at the jail as soon as possible.

**PROSECUTION**

The District Attorney’s office of Monterey County provides the following functions:

- Legal advice to day to day operations of local police agencies;
- Instruction/training on law changes to local agencies;
- Legal advisor to the Grand Jury in its operations;
- Conducts narcotic commitment and sanity proceedings related to criminal cases;
- Handles conflict of interest criminal investigations for local police.

The agency has 120 staff, 48 of these are attorneys and 30 investigators. The 2004-05 cost of the office is \$12.5 million.

**INDIGENT DEFENSE**

Monterey County operates a Public Defender system. The agency has a total of 47 staff and 25 of those are attorneys.

**Some concluding thoughts about the Prosecution and Public Defender system in the county:**

1. Prosecution needs to make its plea offer earlier in the process;
2. Both parties need to reduce the request and needs for continuances in the case processing system;
3. Encourage and support the establishment of the arraignment court at the jail.

**COMMUNITY BASED CORRECTIONS**

**Probation:**

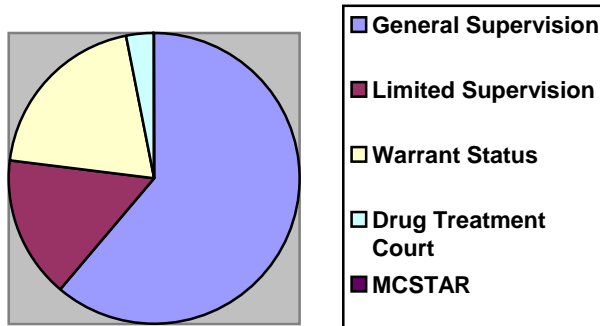
The county funds and operates a Probation department that serves both adults and juveniles. This report will concentrate on the adult division only.

The adult division is comprised of three divisions:

1. Court Services: Does investigations and prepares pre-sentence reports. The unit wrote 1,548 reports during the past fiscal year, 1411 of those were for felony crimes;
2. Field Services: 13 deputy probation officers supervise approximately 3100 offenders who are on formal probation; and
3. Special Services: this unit does supervised home confinement (electronic home detention); the Family Violence Program; Child Advocate Program; Proposition 36 program and the Drug Enforcement Unit of the county (MCSTAR).

The agency caseloads can be summarized as follows:

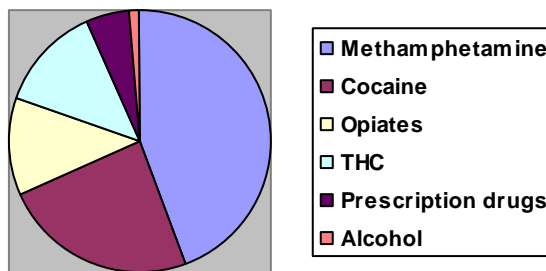
- |                        |     |
|------------------------|-----|
| • General Supervision  | 61% |
| • Limited Supervision  | 16% |
| • Warrant Status       | 20% |
| • Drug Treatment Court | 3%  |
| • MCSTAR               | 0%  |



The Drug Court was created to improve the intervention for drug use by Probationers. The testing results of the caseload indicate the following drugs of choice by those supervised:

**Drug Testing**  
**Positive Results**

- Methamphetamine 119
- Cocaine 65
- Opiates 33
- THC 35
- Prescription drugs 15
- Alcohol 3



During my visit to the agency the staff reported that they do not use an objective risk and needs assessment tool in classifying cases and that the Supervised Home Confinement Program was operating at roughly 50% of its capacity.

**Parole:**

Parole services are operated by the California Department of Corrections. The agency operates from 4 regions in the state. The Monterey offices have a total of 20 case carrying officers with 75-80 cases per officer.

The agency uses a “point system” to classify cases into these areas:

- High Risk and Sex Offenders/Second Strikers
- High Control/Services
- Controlled Services
- Minimum Supervision

Parole’s primary jail impact is the use of the jail for parole violations (PV). I asked the jail to produce a list of those on PV and the result was a list of 128 offenders (seems like an excessive number, Probation for example on the same day had 17 PV in jail) on July 20 at 1050 hrs. This snap shot raises questions that the current data can not answer but that the jail in meeting with Parole authorities may want to pursue:

1. How many of the detainees are for new crimes vs. technical violations?
2. The state needs to improve its’ re-entry success, has it considered the model re-entry program by NIC that is underway in several states?
3. How can we speed up the PV hearing process by the state? Currently it is done by a hearings officer coming to the county; most other states have gone to a telephonic hearing process that speeds up the process.
4. If the County were to place a cap/not to exceed number of beds for Parole and then expect Parole to manage within that allocation would that work?

## THE IMPORTANCE OF DATA

Jail beds are a valuable resource; therefore the county should begin immediately an examination of the jail population. This is especially critical since the demand and use of jail has increased continually. The data should include the following population and system elements:

### **Population Measures:**

- Average daily population
- Jail days used
- Total bookings by arresting agency
- Net bookings and types of release used
- Breakdown of inmates by felony and misdemeanor status
- Gender breakdown
- Pretrial and sentenced breakdown
- Age and ethnic breakdown

### **Inmate Profiles:**

- Legal status
- Charge status
- Charges categorized
- Education level
- Substance abuse and/or mental illness history
- Location of residence
- Length of stay

**System Measures:**

- Use of citations to appear for other than traffic cases
- Traffic related cases that were detained in jail
- Alcohol related arrests for which the offender was detained in jail
- Bonding practices
- Failure to appear rate by type of court
- Length of time to appear in court and release from court rate

**A SYSTEM WIDE STRATEGY TO MANAGE JAIL USE**

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

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

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

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

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

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

**Decision to Arrest:**

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

**Decision to Detain Pretrial:**

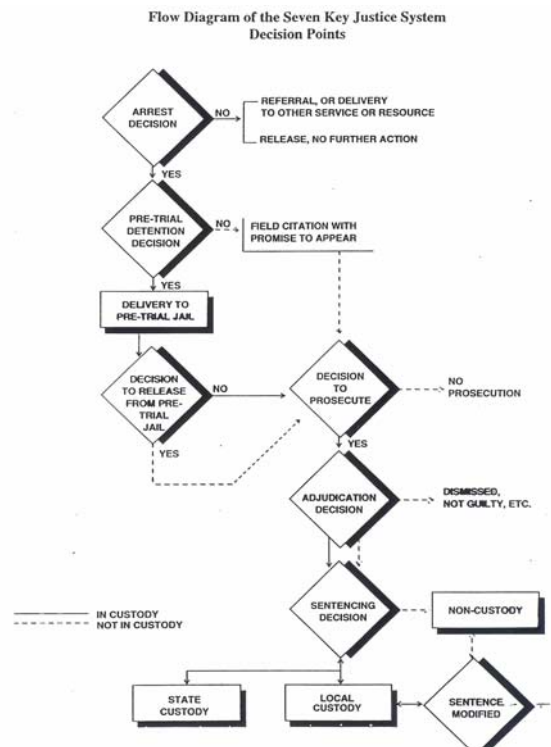
- Issue summons to appear at date and time certain
- Accept a promise to appear at a date and time certain and/or bail to be posted
- Divert the case to a pretrial release/supervisory authority
- Lodge into a pretrial detention facility

**Decision to Release from Pretrial Detention:**

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

**Decision to Prosecute:**

- Do not file charges and release from custody with no further action
- Divert to a community program and/or set of conditions
- Proceed to file formal charges at a lesser charging level and release to pretrial conditions and/or bail
- File formal charges at a greater or lesser level based on the facts available and hold in custody
- Hold bail hearing and/or initial appearance proceedings



- Plea bargain the case

**Adjudication Outcome:**

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

**Sentencing Decision:**

- Impose a sentence from available continuum of sanctions and services

**Sentence Modification Decisions:**

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

## CONTROLLING THE SYSTEM

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

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

## EVIDENCED BASED PRACTICE

**The Monterey County Chief Probation Officer recently attended training on Evidenced Based Practice (EBP) and is sponsoring a workshop in August with the presenter being Dr. Ed. Latessa, University of Cincinnati. In light of that direction I have included a summary of the EBP issue and encourage all the Criminal Justice Partners in Monterey County to attend and adopt this direction for their system.**

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

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

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

### WHAT DOESN'T WORK

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

### WHAT DOES WORK

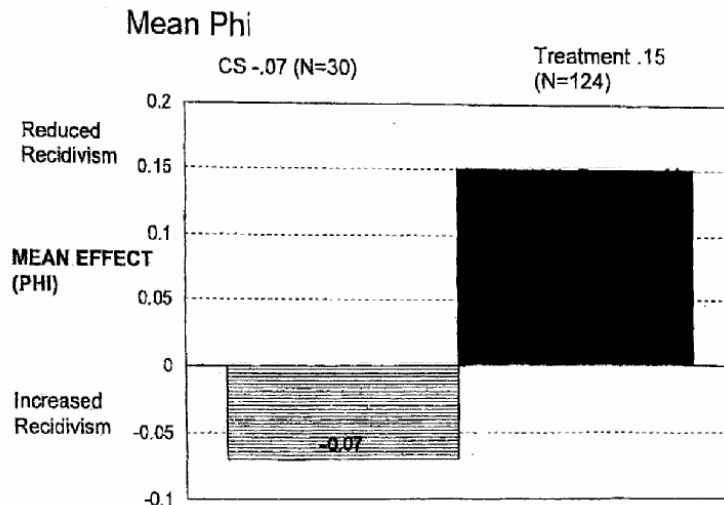
- Target criminogenic risk and need
- Cognitive/behavioral in nature
- Incorporate social-learning practices
- Balanced integrated approach to sanctions and interventions

- Incorporate the principle of responsivity
- Therapeutic integrity

## REVIEWS ON RECIDIVISM

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

## CRIMINAL SANCTIONS VS. TREATMENT



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

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

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

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

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

## **Eight Evidence-Based Principles for Effective Interventions**

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

### **1) Assess Actuarial Risk/Needs**

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

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

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

**Questions to ask:**

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

**2) Enhance Intrinsic Motivation**

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

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

**Questions to Ask:**

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

**3) Target Interventions**

**a. Risk Principle:** Prioritize supervision and treatment resources for higher risk offenders.

**b. Need Principle:** Target interventions to criminogenic needs.

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

### **3a) Risk Principle**

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

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

### **3b) Criminogenic Need Principle**

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

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

### **3c) Responsivity Principle**

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

The principle of responsivity also requires that offenders be provided with treatment that is proven effective with the offender population. Certain

treatment strategies, such as cognitive-behavioral methodologies, have consistently produced reductions in recidivism with offenders under rigorous research conditions.

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

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

(Miller & Rollnick, 1991; Gordon, 1970)

### **3d) Dosage**

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

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

### **3e) Treatment Principle**

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

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

### **Questions to Ask:**

- ❖ How do we manage offenders assessed as low risk to reoffend?
- ❖ Does our assessment tool assess for criminogenic need?
- ❖ How is criminogenic risk and need information incorporated into offender case plans?
- ❖ How are offenders matched to treatment resources?

- ❖ How structured are our case plans for offenders, especially during the three to nine month period in the community after leaving an institution?
- ❖ How staff is held accountable for using assessment information to develop a case plan and then subsequently using that case plan to manage an offender?

#### **4) Provide skills training using cognitive-behavioral treatment methods**

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

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

#### **Questions to Ask:**

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

#### **5) Increase Positive Reinforcement.**

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

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

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

### **Questions to Ask**

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

## **6) Engage On-going Support in Natural Communities**

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

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

### **Questions to Ask:**

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

## **7) Measure Relevant Processes/Practices**

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

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

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

**Questions to Ask:**

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

**8) Provide Measurement Feedback**

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

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

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

**Questions to Ask:**

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

**Summary**

Aligning these evidence-based principles with the operations of a system is difficult, but will largely determine the impact the system has on sustained reductions in recidivism. In order to accomplish this shift to an outcome orientation, practitioners must be prepared to dedicate themselves to a mission that focuses on achieving sustained reductions in recidivism. The scientific principles presented in this document are unlikely to produce a mandate for redirecting and rebuilding an agency's mission by themselves. Leadership in organizational change and collaboration for systemic change are also necessary.

Source: - Lore Joplin, Brad Bogue, Nancy Campbell, Mark Carey, Elyse Clawson, Dot Faust, Kate Florio, Billy Wasson, and William Woodward NIC/CJI Project 2004

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

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

**Assess**  
**Intervene**  
**Measure**

How is Monterey County doing in relation to EBP?

1. The assessment tools, process and training of staff is deficient;
2. The interventions used are not evidenced based;
3. There is no organized and consistent way to track outcomes by the efforts currently in place;
4. The efforts of the State and County are not coordinated.

## **OBSERVATIONS AND FINDINGS**

- Monterey County has experienced significant population growth over the past three census periods and is projected to grow by 15-20% per decade into the future;
- The county has gone through a difficult financial period (caused in large part by reductions in state funding) in which it took steps to reduce the work force (seven positions were reduced from the Corrections Bureau of the Sheriff’s Office). It now appears stable and able to add back some services. Although the County Hospital, which required increased appropriations to deal with growing debt, is not profitable and will be a continuing management challenge;
- The county does not have a capital improvement plan at this time but has created a subcommittee of the Board of Supervisors to address this issue;
- In the Criminal Justice System the county has had a group of “Criminal Justice Partners” made up of Judges, Sheriff, Prosecutor and Public Defender but its meetings have been sporadic and driven by crisis not a commitment to a collaborative partnership and system planning;
- Looking at the jail data several conclusions can be drawn:
  - The jail is made up primarily felony charged inmates and most of these are pretrial;
  - Lengths of stay overall have been increasing;
  - Jail intakes have been increasing

- The jail has a rated capacity of 813 by the state and on the day of my tour the count was 1246. The average daily population for the last few years has continually gone up
- Alternative programs to jail housing are primarily an electronic monitoring (home confinement) by Probation and Work Alternative Program (community service) by the Sheriff's office. The pretrial release program consists of an On Recognizance Policy that essentially blocks most misdemeanor offenders from penetrating a jail bed;
- The jail facility itself is essentially a 1970's structure that is a combination of linear and podular housing. The current door control system is outdated and in need of upgrading. The facility is poorly designed and the quality of materials used in the initial construction was not of a standard that would be used today.
  - 1987 K-Pod was added to the jail. It was designed with four housing units of 16 beds each they have been expanded to 30 beds each;
  - 1993 a new kitchen and four dorms of 48 beds were added;
  - 1995 a new reception center plus a 24 bed dorm plus some isolation cells were added
- At the moment there is no plans to build or add on to the jail; however there are sections of the 1990's plan that were never implemented;
- On the day of my jail tour, the jail was in need of general maintenance in almost all areas, the common spaces of hallways and multipurpose areas were clean but the inmate housing areas were dirty;
- The inmate classification system is driven by the need to keep rival gangs separated in the jail;
- There is no federal court actions pending on the jail at this time;
- The Sheriff's office has put in a "bid" to move a modular unit to the jail and convert it into an arraignment court. There appears to be growing support for the concept. The hope is to eliminate the transport of up to 125 inmates per day to the court house that is in the core area of Salinas. The jail is on a county site a few miles from the core area;
- There is no video processing in place for early stage appearances in court between the jail and the Monterey County Courts. They do operate a video appearance system for the King City site across the county;

- The state is in the process of taking over the court system in Monterey County and a county building is under remodel to house added Court, Prosecution and Public Defender functions. Currently the Prosecutor and Public Defender are in the modular buildings adjacent to the court house. When they move, these modulars will be allocated for other county agencies;

## RECOMMENDATIONS

### **LONG TERM:**

#### **ISSUE #1:**

Historically criminal justice systems have operated in their own “silo” of influence and have not shared information with one another and not collectively coordinating their efforts. The situation has led to almost no communication and coordination of policy in the county related to the direction and effectiveness of the system.

Monterey County has been working hard to overcome this condition for a number of years as documented in the NIC technical assistance report by Alan Henry and Howard Messing in January of 2000.

These are common and difficult issues in a system in which power has been dispersed in different branches of government and separately elected officials.

The national learning around this issue has evolved into the formation of “Criminal Justice Coordination Councils” in the county criminal justice system. NIC has a specific training/resource manual on this topic to assist the county.

To further assist Monterey County in its progress in this area this consultant makes the following recommendations.

- 1. Form and operate a Criminal Justice Coordinating Council**
  - a. Establish communication links among agencies**
  - b. Develop a clear and system wide purpose of correctional services for jail and community based corrections in the county;**

#### **ISSUE #2:**

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

Monterey County is going through a major redesign of the criminal justice information systems at this time.

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

- 2. Create an Information Systems Resource Position to staff and provide support for the Coordination Council and champion the development of management information reports usable for policy formation by the Council;**

### **ISSUE #3:**

The jail design and current level of crowding indicates that a master plan for the expansion and/or replacement of facilities is needed. Form follows function so it is crucial that the criminal justice system and the community determine what outcomes it wants from this expensive segment of government.

The Probation Department sponsored a workshop in August on the national research on “What works” to reduce offender recidivism. I encourage the system and county officials to use this workshop as a stepping stone to a redefinition of purpose for the Monterey County system.

In this consultant’s opinion there is no collaborative Vision or Mission for adult corrections services in Monterey County. This is crucial to develop before another brick is placed for jail expansion.

- 3. Develop and carryout a strategic planning process that engages the criminal justice system and the community to determine the direction and focus of the system to protect the community.**
- 4. The officials in Monterey County should participate in the Planning of New Institutions (PONI) training offered by NIC and use that resource to develop a master plan for the jail and other justice facilities development in the county.**

### **Issue # 4:**

#### **Pretrial Programs:**

In July 2003 the Bureau of Justice Assistance published a report, “Pretrial Services Programming at the Start of the 21<sup>st</sup> Century” by John Clark and D. Alan Henry. Here are some excerpts from that report that are relevant to Monterey County:

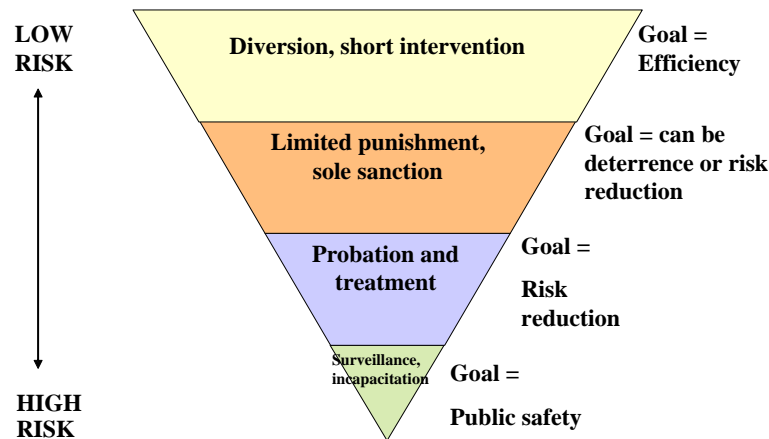
- There were 200 respondents to the survey: 34% of Pretrial programs are operated by Probation, 27% by Jails, 24% by Courts.
- The American Bar Association and Association of Pretrial Service Agencies have published standards for these programs that call for the use of an objective risk assessment of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

The improvement and operation of the county's Own Recognizance Program needs leadership and added resources to be effective. The current program operating without a clear and objective offender screening process is not cost justified. Clearly there is a need for the triage of offenders that are entering the system into at least groupings of those that the community is "afraid of and those that the community is just mad at" (as stated by one of the persons interviewed in this project).

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

# Programming Principle

Different objectives lead to different approaches  
which leads to different results



From the Evidenced Based Practice literature the above diagram summarizes the challenge of “triage” for the adult criminal offender population. The challenge is to determine the methodology the county will use to sort the offenders into at least low, medium and high risk populations.

## **Recommendation # 5:**

Monterey County needs to develop a Pre-trial release and supervision program. This consultant believes that the Jail staff should do the screening and the Probation staff should do the supervision (including Electronic Home Confinement where justified).

## **SHORT TERM APPROACHES TO THE JAIL CROWDING:**

1. Eliminate backlog (currently three weeks behind) of prison transfer packets so prison-bound inmates can be moved as soon as possible. These inmates should be ready to move within 24 hours of sentence.
2. Develop a pretrial release program (see #5 above) that has as its primary decision tool an objective screening tool at jail intake. The Probation Department should be engaged to do the community supervision of these cases and utilize the unused capacity of the Electronic Home Detention program for pretrial cases.

3. Develop a person(s) to be an advocate for the movement of cases through the court system. The large and growing pretrial program and the growing length of stay indicate that something (beyond the scope of this project to determine) is wrong with the current process. Judicial leadership should be exercised to regulate and reduce the number of continuances granted at this time.
4. The Criminal Justice Partners along with the County Board of Supervisors may want to consider placing a cap on the jail with a population not to exceed. This will require the adoption of a population management plan for maintaining the cap.

## THOSE INTERVIEWED IN THIS LSA

- Bert Liebersbach, Chief Deputy
- Nancy Cuffney, Undersheriff
- Mike Kanalakis, Sheriff-Coroner
- Manuel Real, Chief Probation Officer
- Marsha Parsons, Assistant Chief Probation Officer
- Todd Keating, Director Adult Division, Probation Department
- Lisa Galdos, Court Executive Officer
- Rosalinda Chavez, Deputy Court Executive Officer
- Minnie Monarque, Deputy Court Executive Officer
- Russell Scott, Superior Court Judge
- Terry Spitz, Chief Assistant District Attorney
- Ed Hazel, Managing Deputy District Attorney
- Chuck Olvis, Assistant District Attorney, Gang Unit
- Wes Ellison, Unit Supervisor, Parole Agent III
- Bill Laughton, Unit Supervisor, Parole Agent III
- Julia Gross, County Information Technology
- Pat Hunton, Commander, Monterey S.O.
- Kathy Moon, Monterey County S.O.
- Bill Napper, Sgt.
- Allen Bidwell, County Counsel
- Mike Lawrence, Public Defender
- Rosie Pando, Assistant Chief Administrative Officer

- Jerry Smith, Board of Supervisors (telephonic interview)

### **MATERIALS REVIEWED IN THE PREPARATION OF THIS REPORT**

- History of the Monterey County Jail
- Monterey County Website
- Monterey County Sheriff's Office Annual Report for FY 2004-05
- Monterey County Probation Department Annual Report for FY 2003-04
- Grand Jury Reports for 1993-2003
- County of Monterey Recommended Budget for FY ending June 30, 2006
- Facilities Assessment and Verification Report for Monterey Court Facilities, draft report December 19, 2002 by Jacobs Facilities
- Demographic Analysis and Staffing Projections for Superior Court of Monterey, Jacobs December 2002
- Operational Requirements Report, Superior Court of Monterey, Jacobs December 2002
- Monterey County Economic Report. Monterey County Business Council, Spring 2005.
- California Attorney General's Press release on Crime Rates in California for 2004

### **OTHER RESOURCES FOR THE COUNTY TO CONSIDER**

1. "Guidelines for Developing a Criminal Justice Coordinating Committee", U.S. Department of Justice, National Institute of Corrections. January 2000. NIC Accession number 017232.
2. "Jail Crowding, Understanding Jail Population Dynamics", U.S. Department of Justice, National Institute of Corrections. January 2002, NIC Accession number 017209.
3. "Jail Resource Issues, What Every Funding Authority Needs to Know", U.S. Department of Justice, National Institute of Corrections. February 2002, NIC Accession number 017372.

4. "Preventing Jail Crowding, A Practical Guide" Second Edition, U.S. Department of Justice, National Institute of Corrections. May 2002, NIC Accession number 016720.
5. "A Second Look at Alleviating Jail Crowding, A Systems Perspective", U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. October 2000, NCJ 182507.
6. "Jail Design Guide, A resource for Small to Medium Sized Jails", U.S. Department of Justice, National Institute of Corrections. November 1998.
7. "Objective Jail Classification Systems: A Guide for Jail Administrators", U.S. Department of Justice, National Institute of Corrections. February 1998.
8. National Center for State Courts, [www.ncsconline.org/](http://www.ncsconline.org/), phone 888-450-0391x1864.
9. National Institute of Corrections, Evidenced Based Practices Project <http://www.nicic.org/pubs/2004/019341.pdf>

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

## **APPENDIX**

- The Virginia Pretrial Risk Assessment Instrument