



Monroe County, Indiana 2020 Criminal Justice & Incarceration Study

*“Pathways to Sustainable Options & Opportunities for
meaningful criminal justice outcomes”*

Executive Summary
Key Findings & Recommendations
June 20, 2021





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Key Findings & Recommendations



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“Dedicated to public safety & community wellness”

*“True peace is not merely the absence of tension;
it is the presence of Justice.”*

Dr. Martin Luther King

EXECUTIVE SUMMARY KEY FINDINGS & RECOMMENDATIONS

A. INTRODUCTION

Justice, public safety, and community wellness are the desired and most valued outcomes of the Monroe County, IN Criminal Justice System. Courts, prosecution, defense, law enforcement, corrections, probation and parole are purposefully designed and function to produce these outcomes independently and with necessary inter-dependence. Each entity must, therefore, optimize its own effectiveness and efficiency as an independent contributor to justice while working with all other entities toward these purposes. Best Justice, public safety, and community wellness outcomes are produced from systems that collaboratively evaluate its effectiveness as a whole, and its contributing entities. The synergy produced by this collaborative evaluation process compels new vision, new ideas, best practices, and ultimately more just and safer communities within Monroe County.

In 2019, the Monroe County Board of Commissioners and County Council commissioned and funded this study of the Monroe County Detention Center and Criminal Justice System. Kenneth A. Ray Justice Services, LLC was retained to perform this work in partnership with Justice Concepts Inc.

The cornerstone-purpose of this study was twofold: 1) gain a clearer understanding of jail conditions and court related practices, and 2) obtain recommendations for improving incarceration and court-related practices that would improve their effectiveness on behalf of the community if implemented.

The ultimate mission for this study is to review and reform the Monroe County criminal justice system priorities and practices in order to positively affect the incarcerated and the community in ways that best reflect the values of Monroe County.

A major part of the work was performed in 2019. However, the arrival and global impact of COVID-19 significantly slowed the remaining work and completion of the study. This unfortunate event closed the court for several months and resulted in changing the manner in which cases were processed. The positive side of this delay was that the consultants were able to examine the application of videoconferencing in court operations and observe a reduction in jail bookings and the inmate population.

Key Critical Issues Adversely Impacting Incarceration in Monroe County

1. There is a distinct lack of easily available data to consistently measure and evaluate the effectiveness and efficiency of court and jail operations and practices. For existing data, there is no centralized database or data repository containing salient data from the courts, law enforcement, jail, prosecution, defense, and community corrections agencies to fully and accurately evaluate system practices and outcomes.
2. From 2003 to 2018, jail bookings decreased slightly while the number of unique persons booked more than once increase significantly. There were fewer new bookings and significantly more repeat

bookings for the same persons. Despite the slight decrease in annual bookings, female bookings increased almost 30% while male bookings decrease almost 10% during the same period.

3. People are staying in the jail for considerably longer time periods. The average length of stay in the jail increased 3.6 days overall, from 18.5 days in 2003 to 22.2. days in 2018. This increase was 4.3 more days for males and 3.6 more days for females. The number of bookings staying up to 24 hours decreased 53.3% while bookings staying over 24 hours increased more than 60%. Consequently, and despite a decrease in bookings, the average daily jail population increased from 251 in 2004 to 294 in 2019; the male average daily population increased 14.4% compared to females at almost 46%. Worse, the highest number of inmates per day increased almost 17% for males and almost 60% for females from 2012 through August 2019.
4. The jail facility is incapable of consistently ensuring and sustaining constitutional levels of inmate care and custody. The jail population has consistently exceeded its functional operating capacity since at least 2012 and its total capacity since 2017. The facility does not have near the bed capacity needed to safely accommodate the growing inmate population, increases in the number of female inmates, inmates with special needs, or to segregate inmates according to their needs and/or risks they pose to the staff and other inmates. Furthermore, the facility is ill designed to accommodate the array of health care treatment services required to meet constitutional levels of care or programs to prepare inmates for successful community reentry.
5. At 36 years old, the jail has far exceeded its structural and functional life cycle, despite all its renovations. Remediation of the real and potential risks posed by physical defects, inadequate architectural design, adverse impact on proper care and treatment, and security problems resulting from facility design and physical deterioration seem cost prohibitive at a provisional estimated cost exceeding 56 million dollars.
6. Court criminal case processing is significantly slower than the national model time standards developed from data on efficient court systems. This has contributed to increases in the jail population and the average length of time persons are incarcerated. The Criminal Courts do not have an effective or efficient method to measure and evaluate criminal case processing speed in comparison to time-efficient courts, or the impact that slow case processing adversely impacts the jail.
7. The number of criminal case continuances granted for felony and misdemeanor cases is extensive. The high number of case continuances directly contributes to slow case processing, increased jail population and longer incarceration.

These critical issues, and other findings in this study, require urgent attention and remediation by all Monroe County government and criminal justice leaders working independently and interdependently. The jail facility is failing and cannot ensure consistent and sustainable provision of Constitutional Rights of incarcerated persons. The jail must be replaced with a facility that is designed prescriptively for sustainable cost-effectiveness, improved safety and security, and to accommodate the implementation of an array of best practices that improve inmate care and custody and reduce recidivism. Constant exposure to significant liability is assured otherwise. However, it would be a tragic mistake to build a jail with a “business as usual mindset. All components of the criminal justice system must adopt a shared, outcome-oriented, vision for justice, public safety, and community wellness. Each entity must engage a structured and systematic change process and implement necessary reforms to realize this vision. The

future of justice, public safety, and community wellness in Monroe County is ultimately determined by what and how its government and criminal justice officials decide to do going forward.

B. SUMMARY OF KEY FINDINGS AND RECOMMENDATIONS

Chapter II. Jail Bookings

FINDING 1: Total bookings from 2003 to 2018 decreased 2.3% (-113). Male bookings decreased 9.7% (-389) and decreased from 80.9% to 74.8% of total bookings. Female bookings increased 29.2% (+276) and increased from 19.1% to 25.2% of total Bookings.

FINDING 2: The number of unique persons booked from 2003 to 2018 decreased 15.5% (-610) while total bookings decreased only 2.3% (-113). First-time bookings decreased at a greater rather than did all bookings.

FINDING 3: The number of unique persons booked only once in a given year decreased 26.6% (-867) while unique persons booking more than once in a given year increased 37.9% (+257). The percent of total unique persons booked only once decreased 13.2% (82.8% to 71.9%) while the percent of unique persons to total unique persons increased 63.2% (17.2% to 28.1%). More of the same people are people booked more often.

FINDING 4.: The number of bookings for unique persons booking only once decreased 26.6% (-897, 3,254 to 2,387) while the number of bookings for unique persons booked more than once increased 44.5% (+754, 1696 to 2,450).

FINDING 5: The average and median age at booking increased from 28.8/25.0 to 33.8/32.0 respectively. Average and median male booking age increased from 28.7/20.0 to 34.0/32.0 years respectively. Average and median female booking age increased from 29.2/26.0 to 33.2/32.0 years respectively.

FINDING 6: Booking ages 15-19 and 20-24 are the only two groups in which total, male, and female bookings decreased from 2003 to 2018. Ages 15-19 bookings decreased 54.4% (-325); male booking decreased 51.6% (-243) and female bookings decreased 65.1% (82). Bookings for ages 20-24 decreased 49.8% (-868); male bookings decreased 52.9% (-763) and female bookings decreased 34.9% (-105).

Finding 7: Age group 50-85+ increased 133.3% (+292, 219 to 511). Male bookings increased 125.8% (+234, 186-420) and female bookings increased 175.8% (+58, 33 to 91).

RECOMMENDATION(s):

1. Monroe County should collaborate with justice system and community stakeholders to identify options and alternatives for safely reducing female bookings using expanded use of citation, pre-and-post detention diversion.
2. Reduce the number of repeat bookings for new low level non-violent charges and probation technical violations.
3. The jail booking area needs to better accommodate implementation of post booking diversion and release.

4. Ensure adequate jail bed capacity.
5. Ensure jail physical environment consistently accommodates and maintains constitutional levels of inmate care and custody.

Chapter III. Incarceration Length of Stay

FINDING 1. Inmates are staying considerably longer in the jail. Total average length of stay (ALOS) increased by 3.6 days per booking overall from 18.5 days in 2003 to 22.2 days per booking in 2018. Male ALOS increased by 4.3 days per booking from 20.0 days in 2003 to 24.3 days in 2018. Female ALOS increased 3.6 days per booking from 12.4 days in 2003 to 16.0 days in 2018.

FINDING 2. As female bookings increased and male bookings decreased from 2003 to 2018 (see Chapter 9), female ALOS grew at a greater rate than male ALOS. Female ALOS increased 29.2% while male ALOS increased 21.4%.

FINDING 3. The number of bookings released within 24-hours decreased 54.4% overall from 2003 to 2018. The number of male bookings in this LOS category decreased 58.3% and female bookings decreased 39.5%. The number of bookings released greater than 24-hours increased 56.5%. The number of male booking in this LOS category increased 42.5% and female booking increased 124.8%.

RECOMMENDATION(s): Increased length of stay is a primary cause for the average daily population despite the decrease in bookings.

1. Chapter nine RECOMMENDATIONS are applicable to these findings.
2. Consider implementing a Population Management Coordinator program. This program routinely monitors and tracks inmate lengths of stay, in collaboration with the courts, to expedite releases.
3. Implement case flow efficiency RECOMMENDATIONS found in Chapters related to Court case processing.

Chapter IV. Inmate Population & Jail Bed Capacity Utilization

FINDING 1: Over-utilization of MCJ demonstrates that the facility has been and remains unable to ensure consistent provision of adequate housing to its inmates due, in part, to insufficient jail bed capacity.

FINDING 2: The average daily inmate population has increased 17.3% and the Peak population has increased 12.2% from 2004 through 2019.

FINDING 3: The daily inmate population exceeded the jail's Functional Capacity on most days since 2004 and all days per year consecutively since 2015.

FINDING 4: The daily inmate population exceeded the jail's Total Capacity consecutively from 2016 to 2019. Additionally, the jail population also exceeded total capacity prior to the year 2016.

FINDING 5: The male ADP increased 18.6% and the Peak population increased 14.4% since 2012. The female ADP increased 46% and the Peak population increased 59.5% since 2012.

FINDING 6: The male percentage of the ADP has decrease while the female percentage of the ADP has increased since 2012.

FINDING 7: Male and female populations continue to exceed their respective bed capacities.

FINDING 8: The jail has not had adequate bed capacity to ensure consistently and adequate classification and housing of inmates since at least 2004. Presently, the facility does not have the accommodations necessary for multi gender, non-binary, transgender and disabled persons. Contemporary correctional facilities must be particularly designed to enable the facilitation of adequate care, custody, and services to these and other special needs populations.

FINDING 9: The jail cannot ensure consistent provision of Constitutional levels of inmate care and custody.

FINDING 10: A 30-year jail bed capacity estimate indicates that Monroe County needs 448 to 450 jail beds by the year 2049.

RECOMMENDATION(s):

1. Immediate steps are required to reduce the jail population to a level that is consistently within the jail's Functional Bed Capacity.
2. County official should complete a study that compares the capital, maintenance, and operating costs of renovating the existing facility to new construction. A primary focus of the study should be on creating a jail that produces outcomes that are consistent with criminal justice and community needs and values.

Chapter V. Facility Assessment

FINDING 1: At 36 years old, It is evident that the Monroe County Jail has exceeded is structural and functional life cycle, despite recent renovation. The facility does not have sufficient bed capacity or inmate housing areas to consistently ensure Constitutional levels of inmate care, custody, or services from intake to discharge. The facility is incapable of accommodating the delivery of the array of contemporary, evidence based best correctional practices that are well known to improve community wellness, reduce incarceration rates, improve conditions of confinement or reduce civil liability. The operational efficiency of facility design is non-detectable. Consequently, Monroe County taxpayers are burdened with a facility that is unreasonably expensive to maintain and operate. County officials are burdened with a correctional facility that should be considered high risk for liability due to the real and potential risk of harm to inmates, staff, and the public.

RECOMMENDATION(s):

1. Develop a strategic plan that systematically guides the timely implementation of a sustainable facility to ensure and maintain Constitutional levels of inmate care and custody and facility safety and security.

2. Monroe County officials should take immediate steps to study the feasibility of maintaining the current jail facility. At a minimum, this study should compare the capital, maintenance, and operational costs of an updated and repaired current facility to a much better designed facility that accommodates public safety and justice outcomes according to community needs and values.

FINDING 2. This assessment identified 53 problem areas related to safety and security, health, compliance with industry standards, structural and systems, operational effectiveness, inmate care and custody, and environmental conditions.

RECOMMENDATION(s): Monroe County officials and citizens must clarify and re-envision the fundamental purposes of incarceration. Humane and Constitutional care and custody of the incarcerated should be the lens from which clarification is focused. The jail facility should be replaced with one that consistently accommodates more cost effective operations while ensuring durable provision of a Constitutional care and custody of incarcerated persons and safety to staff and the community.

Chapter VII. Diversion

FINDING 1: The use of citations and summons has increased during COVID-19.

RECOMMENDATION: Law enforcement practices and jail bookings should be tracked to determine if any of the changes can be continued after COVID-19 subsides.

FINDING 2: The method for measuring impact of the Stride Center on the jail population has not been clearly developed.

RECOMMENDATION: Client intake forms should be periodically examined to numerically estimate the impact of the Stride Center on the jail.

FINDING 3: Although the Prosecutor cannot legally refuse to prosecute marijuana offenses, the Office processes about 80% of marijuana cases through pretrial diversion.

RECOMMENDATION: Continue the practice.

FINDING 4: The use of summons in lieu of arrest for some misdemeanors needs to be expanded by the State Legislature.

RECOMMENDATION: The County should communicate with relevant legislators about the need to expand the use of summons in lieu of arrest in the next legislative session.

FINDING 5. Current specifications in the Indiana Criminal Code on Driving While Suspended, ~~OWI~~, create barriers to expedient problem resolution.

RECOMMENDATION: The County should communicate with relevant legislators about the need to reduce the use of punitive license suspensions for infractions and criminal convictions. The penalty provisions contained in Indiana Code 9-30-16 should be simplified.

Chapter VIII. Improvement of the Pretrial Release Program (PreTR)

FINDING 1: Monroe County requires the payment of PreTR Supervision Fees. Although a defendant in a pretrial release program is presumed to be innocent, there is no provision for treating that person as innocent in situations in which fees are involved. For example, a person who has his or her case dismissed or is found not guilty, does not receive a refund of pretrial release supervision fees.

RECOMMENDATION: The County should consider reduction or elimination of the fees.

FINDING 2: The Court allows arrestees to bond out immediately upon booking if they have the financial means. They do not have to wait for an initial hearing or a finding of probable cause to bond out. A bond schedule is used to set money and non-monetary bonds on evenings, weekends and holidays when the court is not in session to hold initial appearances which draw on risk assessments through the IRAS-PAT.

RECOMMENDATION: A release matrix should be developed.

FINDING 3: The jail has an insufficient number of interview rooms to accommodate attorneys, other necessary officials and pretrial staff.

RECOMMENDATION: Unless a new jail is constructed, the use of video should continue.

FINDING 4: The office space for housing the Probation Pretrial Release Unit is too small.

RECOMMENDATION: The need for Pre Trial space should be considered when conducting the facility study.

FINDING 5: Unnecessary differences in the length of stay in jail exist between detainees having various pretrial release risk levels.

RECOMMENDATION: The Judiciary with input of the Prosecutor, Public Defender, and Pretrial Release Program Administrator should refine the decision-making guidelines for pretrial release.

FINDING 6: The current pretrial release program staffing pattern is not configured to support pretrial release screening on the weekends and holidays.

RECOMMENDATION: Reconfigure existing pretrial release resources to increase the number of detainees released on the weekends and holidays.

FINDING 7: Arrestees brought into the jail PrTR screenings on weekdays and are unable to post bond have to wait to the following weekday for pretrial release screening.

RECOMMENDATION: The County should consider weekend staffing.

Chapter IX. Timeliness of Criminal Case Processing

FINDING 1. The speed of case processing in Monroe County is significantly slower than model time standards developed from data on efficient courts.

RECOMMENDATION: Ways of improving the timeliness of case processing are described in the next chapter.

FINDING 2. The Criminal Court does not have an effective way of evaluating the speed of criminal case processing in comparison to time-efficient courts.

RECOMMENDATION(s):

1. The Court should explore how to implement a software capability to monitor elapsed time from filing to disposition using the CourTool, Time to Disposition, as demonstrated in this chapter.
2. The criminal court judges should use periodic analysis of timeliness as a baseline by which to gauge case processing improvements.

Chapter X. Improving Timeliness of Criminal Case Processing

FINDING 1: A study of continuances disclosed that the number of continuances granted in felony and misdemeanor cases is extensive.

RECOMMENDATION: The Criminal Court should undertake a four-step process to analyze reasons for continuances and implement methods to control them.

FINDING 2: There is no uniform expectation of a timed progression of case settings. Case settings are left to the discretion of each judge. As a result, the speed of case management varies between judges.

RECOMMENDATION: The criminal court judges should undertake a process to develop a system of differentiated case management.

Chapter XI. Other Court Issues

Issue 1. Is there an extraordinary number of probation revocations?

FINDING: A small percentage of offenders who receive a petition to revoke are actually revoked. Probation officers use a variety of strategies, other than revocations, for most probation violations.

RECOMMENDATION: Continue practices that minimize revocations without jeopardizing public safety or the effectiveness of the criminal justice system as a whole.

Issue 2. What can be done to increase the impact of problem-solving courts on the jail population?

FINDING: The problem-solving courts appear to be functioning in accordance with state standards and national models. The best practice is to have a candidate engaged in treatment court within 30 days. Interviews by the consultants suggest that this goal is frequently not met.

RECOMMENDATION: The prosecutor's office and the Court should evaluate admission standards for barriers and examine the various facets of decision making to identify how to expedite specialty court referrals.

Issue 3. Has court unification affected criminal court performance?

FINDING: Unification, by itself, does not mean that all judges will work with a synchronized, single-processing focus that guarantees the time-efficiency of case processing.

RECOMMENDATION: The Board of Judges should adopt the strategies in Chapter Five to (1) implement a process to control continuances and (2) implement a system of differentiated case management (DCM). This action could greatly improve the coordination of case management practices in the Judiciary and in the Public Defender's and Prosecutor's Offices, as well.