



# Vigo County, Indiana Jail & Criminal Justice Assessment

## FINAL REPORT

Includes

Part I Indiana Public Law 1034-2018 Jail Feasibility Study, July 21, 2018

Part II Criminal Justice System Assessment & Facility Planning





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Vigo County, Indiana  
Jail and Criminal Justice System Assessment

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Part I: Indiana Public Law 1034-2018 Jail Feasibility Study, July 21, 2018  
Part II: Feasibility Study Update, Criminal Justice & Law Enforcement

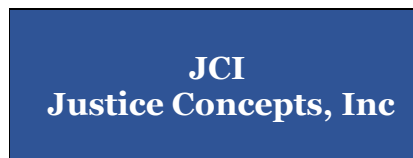
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*“A Vigo County Project Dedicated to Public Safety and Community Wellness”*



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*“To accomplish great things, we must not only act, but also dream; not only plan, but also believe.”*

Anatole France

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## GENERAL TABLE OF CONTENTS

### PART I: Indiana Public Law 1034-2018 Jail Feasibility Study

Section 1. Overview and Findings	6
Section 2. Introduction	9
Section 3. Purpose of this Assessment	10
Section 4. Scope of Work	11
Section 5. Reform Sustainability Concepts	13
Section 6. A Brief Review of Recent Jail and Criminal Justice System Assessments	15
Section 7. Legal Framework Regarding Jail Design and Operations	18
Section 8. Assessment of Current and Potential Alternatives to Incarceration (ATI)	29
Section 9. Feasibility of Housing Inmates in the County Jail of Another or in a Multi-County Regional Jail Established by Two Counties	38
Section 10. Projection Estimate of the Number and Characteristics of Future Inmates Relative to Current and Future Jail Capacity Needs	45
Section 11. Cost Estimates	72

### PART II: Criminal Justice System and Facility Planning and Construction

Section 1. Overview and Summary of Recommendations	98
Section 2. Introduction to the Assessment of Courts-Related Operations	100
Section 3. Assessment of Vigo County Courts	103
Section 4. Prosecutor's Office Operations	116
Section 5. Public Defender's Office Operations	121
Section 6. Assessment of Community Corrections Department Programs	123
Section 7. Assessment of Adult Probation Office	128
Section 8. Unification of Community Corrections & Probation	140
Section 9. Innovative Community Response for Helping People of Drug Addiction	145
Section 10. Community Input to the Assessment Process	156
Section 11. Jail Capacity and New Jail Design	159

### Appendix: Best Practices Literature Attached:

1. *The Court Administrator, Court Administration: A Guide to the Profession.* Publication of the National Association for Court Management. This publication is provided in an appendix of this report.
2. *Core Competency Curriculum: What Court Leaders Need to Know and Be Able to Do.* Publication of the National Association for Court Management.
3. *Steps to Reengineering: Fundamental Rethinking for High-performing Courts.* Publication of the National Association for Court Management.
4. Tarrant County, TX *Differentiated Felony Case Management.*



## TABLE OF CONTENTS - DESCRIPTIVE FIGURES

Figure #	Title
1	Jail Data for Adjacent Counties
2	Border County Travel Time Estimates
3	Mapped Border County Transportation Distance Travel Time
4	Reginal Jail Types
5	Daily Inmate Population and Jail Capacities
6	ADP Percent of Operating Total Capacity
7	ADP and Capacities Comparisons
8	ADP Percent of Operating Total Capacities
9	Population Peaks and Relative Percentages
10	Population Peaks and Capacity Comparisons
11	Inmate Population Peaks and Percentage of Operating and Total Capacities
12	ADP and Peaks Above Capacities
13	ADP and Peak Population Exceeding Operating Capacity
14	ADP and Peak Population Exceeding Total Capacity
15	Number of Bookings by Unique Individuals 2003-2017 (Aggregate)
16	Admissions Per Unique Individual
17	Admissions Per Unique Individual - Graph
18	Annual Percent of Unique Bookings
19	Percent Unique One-Time and Multiple Bookings
20	Per-Year Unique One-Time Percent Total Bookings
21	Per-Year Unique Readmissions Percent Total Bookings
22	Number of Admissions with Less Than One-Day Length of Stay (LOS)
23	Number of Admissions with Less Than One-Day Length of Stay (LOS) - Graph
24	Percent of Annual Admissions with Less Than One-Day LOS 2003-2017
25	Booking LOS Less and More Than One-Day
26	LOS Comparisons
27	Growth in Number of Individuals Staying One or More Days
28	ALOS All Bookings 2003-2016
29	Linear Regression of 2003-2016 Bookings ALOS
30	Linear Regression Trajectory for 2011-2016 ALOS
31	ALOS Bookings with LOS of One Day or More
32	Linear Regression ALOS Bookings w/ LOS of One or More Days
33	Linear Regression Trajectory for 2011-2016 LOS
34	Bookings by Gender
35	Bookings by Gender - Graph
36	Changes in Gender Percent of Bookings
37	Changes in Daily Jail Population
38	Number of Detainees by Gender
39	January 1, 2003 Gender Percent of Total Population
40	December 31, 2017 Gender Percent of Total Population
41	Daily Population by Gender
42	Gender Percent of Total Population
43	Jail Average Daily Population (ADP)
44	Gender ADP
45	Gender ADP - Graph
46	Female Percent of Total ADP
47	Male Percent of Total ADP



48	Peak Population Last 15 Years
49	Female Population Peaks
50	Male Population Peaks
51	Juvenile Delinquency and Status Cases
52	Vigo County CASA CHINS Trends
53	Vigo County Annual New CHINS Cases Filed
54	Vigo County Court Criminal Cases
55	Level 6 Felony Cases Increasing
56	Mental Health Petition Increasing
57	Current Jail Capacities
58	Jail Capacities and Average Daily Population
59	ADP Forecast with and without 2014-15 ADP Data
60	Jail Capacities and Daily Peak Population
61	Non-Combined and Gender Combined Peaks Linear Forecast
62	Jail Bed Capacity Needs Forecast Estimates to 2050
63	First Floor Plan, Current Jail, with Staff Posts Identified
64	Second Floor Plan, Current Jail, with Staff Posts Identified
65	Inmate Bathroom on Top Floor New Side (Classrooms, Indoor/Outdoor Recreation) – Photo
66	New Side Corridor, Note Windows that have been Boarded Up - Photo
67	Intake Processing Area, Old Side, First Floor
68	William Wilson's Staffing Position Table
69	Current Estimate of Staffing Shortfall, Annotated on Wilson' Staffing Table
70	Intermittent Activity Totals Monday through Sunday
71	Intermittent Activity Sunday and Monday
72	Intermittent Activities and Current Shift Start Times
73	Average Daily Admissions by Hour and Day of Week, Females. 2017
74	Average Daily Admissions by Hour and Day of Week, Males. 2017
75	Average Hourly Admissions by Gender and Day of the Week, 2017 (Cumulative)
76	Average Hourly Admissions by Gender, Day, and Hour 2017 (Not Cumulative)
77	Average Hourly Admits by Gender, Monday 2017
78	Cumulative Admissions by Gender and Hour, Thursday 2017
79	Total Weekly Admissions by Hour and Gender. 2017
80	Overall Plan, November 2016
81	Sheriff's Office
82	Intake/Release/Processing
83	Employee Area
84	Medical Area
85	Public Entrance
86	Housing Areas
87	Example of Standardized Summary Case Management Information Report
88	Example of a Summary Report Showing Overall Averages
89	Weekly Count of Felons and Misdemeanors in Work Release Program (01/07/2014 to 01/07/2018)
90	Calculation of Probation Officer Staffing Requirements.
91	Example of an Organizational Chart for Vigo County Correctional Services
92	Numbers of People Aged 12 or Older with a Past Year Substance Use Disorder: 2016
93	Estimated Number of Beds Needed by Year
94	Excerpt from 2015 Feasibility Study Report



- 95 Excerpt from the DLZ report, describing the scope of interviews that were conducted.
- 96 Diagram from 2015 Report, "The Interview Process".
- 97 Members of Dekalb County (IN) and Alpena County (MI) Jail Advisory Committees.
- 98 Illustration from Feasibility Study — "Probable Cost of Work, Increasing Value".
- 100 Feasibility Report Illustration of Findings from Interviews.
- 101 Indirect and Direct Supervision.
- 102 Lake County, IN Indirect Podular Addition.
- 103 Direct Supervision in a Medium Custody Housing Unit.
- 104 Indirect Supervision Housing Unit.
- 105 Linear Positioning of Housing Units.
- 106 A Large Dormitory Before Being Furnished.



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## PART I SECTION 1 OVERVIEW AND FINDINGS

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The primary purpose of Part I of this report is to support Vigo County in meeting its statutory requirements for jail expansion and/or new construction. Part 2, or final report, will incorporate contents in this report and expand into other topics of the assessment. The final report draft is scheduled for submission before or by the end of September.

Vigo County intends to meet the requirements of Indiana Public Law 184-2018 in its decision to construct, reconstruct, and/or operate the Vigo County Jail. Specifically, this report serves as one feasibility study to partially meet the requirements of this statute, focusing on: (1) Assess current and potential alternatives to incarceration, (2) Provide recommendations regarding the feasibility of housing inmates in the county jail of another or in a multicounty (regional) jail established by two or more counties, and (3) Provide a projection estimate of the number and characteristics of future inmates relative to estimated current and future jail and jail capacity needs.

### **A. Findings:**

#### **1) Assessment of Current and Potential Alternatives to Incarceration:**

In considering the scope and capacity of alternatives to incarceration, it is necessary to consider (1) Does the County operate a range of programs that would be considered representative of forward thinking governmental and criminal justice systems? (2) Do the programs need improvement? and (3) Can impact of the programs be specifically measured?

It is our opinion, based on experience in working with counties across the country, that Vigo County has implemented and continues to operate a wider array of programs than most counties of similar size. Also, we have found that the judiciary and other criminal justice system leaders have been self-starters in developing specialty courts and supporting development of programs that address the needs they have often experienced. The establishing, continuation, and ongoing refinement of these ATI programs is clear evidence that Vigo County did, in fact, implement important aspects of the 2005 NIC study, despite some public assertions to the contrary.

Secondly, it is the consultant's rule of thumb that all programs need improvement. Importantly, members of the Vigo County criminal justice system have been open about participating with the consultants to investigate improvement in program operations, improving linkages between criminal justice system-based programs and community resources, such as mental health resources. Importantly, the consideration of how to improve programming for persons with mental health and substance abuse problems is being incorporated into planning of the design of a new jail.

Thirdly, the impacts of programs are often difficult to separate out. When pretrial defendants and sentenced offenders receive a mixture of services, the individual impact of each program may not be specifically measurable. In those instances, the concern for best practices is often the guiding factor for adding more programs to the mix of services. For example, the provision of educational programs by Community Corrections is congruent with best practices. Although the effects of such programs may not be directly reflected in a specifiable reduction in a number of jail beds, they have collective contribution to reducing recidivism.



Unfortunately, the complexity of the criminal justice system makes it difficult for the public to grasp the interplay between criminal justice system resources necessary to implement new programs, budgetary constraints, state and local operational practices, and changing beliefs about how to deal with crime. In the past, many members of the public hold the opinion that crime is something to be “fought” by the government. This perspective obscures the need to develop various kinds of community support for people whose problems bring them into contact with the justice system. This is one of the reasons the consultants have supported the formation of a Criminal Justice Coordinating Committee, which includes representation of community members, and the recommendation that Indiana State University consider establishing a justice policy program or institute with the capability to assist in the evaluation of the county’s criminal justice programs.

Section 8, rather than display the past histories of the programs through graphs and tables of historical participation rates, the focus is on the current status those programs and the possible impact of those programs on the jail population. The weaknesses or gaps in capabilities, three or four or ten years ago is of little import in responding to current needs.

## **2) Recommendations Regarding the Feasibility Housing Inmates in the County Jail of Another or in a Multicounty (Regional) Jail Established by Two or more Counties:**

Section 9 discusses the complexity regarding a decision to regionalize a jail for multi-jurisdictional benefit. The decision is very complex due to the multitude of issues involved, and very arduous because the issues and interests involved are significant. Care and protection of the public, correctional staff, and inmates are crucial factors to consider. Regionalization involves significant issues and is typically the result of the high cost of jail construction and operations along with a desire to spread those costs over more than one jurisdiction.

A significant part of the research involved identifying, cataloging, and contacting other localities nationwide who are either currently engaged in the regional jail process, or those who began that process but ultimately decided against pursuing a regional jail.

The research identified regional jail projects in 12 states that were under consideration. Ten projects in eight states are known to have abandoned regional jail discussions since the year 2000. There are many more regional projects that have been considered but were eventually discarded. More detailed findings are available in the three feasibility study reports, which may be downloaded at: <http://tbf.me/a/EaUMc>.

Based on several factors discussed in this section of the report and limited timeframes in which to resolve extant and serious jail overcrowding, the regional jail option does not seem feasible for Vigo County.

## **3) Provide a Projection Estimate of the Number and Characteristics of Future Inmates Relative Estimated Current and Future Jail and Jail Capacity Needs:**

Section 10 provides a detailed descriptive analyses and discussion of jail and jail population data and information from 2003 thru 2017. Salient characteristics are examined to understand jail population patterns and trends in an effort to reasonably estimate current and future jail capacity needs to the year 2050.

Obviously, we concur that the capacity of the current jail is sorely insufficient to achieve and sustain adequate and constitutional levels of inmate care and custody. Based on our assessment of the jail, review of the DLZ study and this analysis, it does not seem economically or



operationally feasible or responsible to expand or renovate the existing jail. Construction of a new facility that would more efficiently and effectively achieve and sustain provision of constitution care and custody of inmates is recommended.

Finally, we believe that new jail construction consisting of an estimated total capacity of 527 beds is adequate to meet Vigo County's jail needs to at least the year 2050. We estimate that this capacity level will allow Vigo County to operate well within the facility's operating capacity and eliminate the need to obligate local tax dollars to house inmates in other county jails.



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## **PART I - SECTION 2. INTRODUCTION**

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- A. In January 2018, Vigo County Commissioners and Council sought to retain qualified professionals to assess the Vigo County Jail and Criminal Justice System and to assist Vigo County in resolving existing jail federal civil rights litigation pertaining to extant jail overcrowding and problematic conditions of prisoner confinement. The County Council approved funding for this assessment and the County Commissioners engaged a competitive selection process. RJS Justice Services was chosen to conduct this assessment and to help in resolving prisoner civil rights litigation.
- B. The RJS team possesses strong knowledge of all elements of the criminal justice system and extensive experience in the areas of criminal justice, corrections, and law enforcement. The team's experience specifically includes system and program planning, evidence-based practices relevant to collaborative and solution-focused planning and system reform.
- C. Onsite, Vigo County officials and RJS jointly established 13 foundational assumptions on which the assessment would move forward:
- 1) Fairness
  - 2) Inclusion and collaboration in decision-making
  - 3) Efficiency and Effectiveness
  - 4) Optimize application of evidence-based best practices
  - 5) Consistency and continuity of inmate care, custody, criminal justice processes and outcomes
  - 6) Timeliness in provision of justice and public safety
  - 7) Positive public perceptions, stakeholder and community involvement and support
  - 8) Respect for all
  - 9) Sustainable provision of constitutional levels of inmate care and custody
  - 10) Safe and secure jail environments
  - 11) Cost-effective and sustainable system reforms
  - 12) Flexibility
  - 13) Ongoing institutional and system review processes



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**PART 1 - SECTION 3.**  
**PURPOSE OF THIS ASSESSMENT**

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The County Commissioners, County Council, and the Vigo County Sheriff clearly articulated three fundamental purposes for this assessment before work began:

- A. To assist Vigo County, identify and choose best options for resolving extant issues involving:
  - 1. Criminal Justice System efficiencies and outcomes
  - 2. Community corrections, probation and parole practices and outcomes
  - 3. Jail population management and crowding practices and outcomes
  - 4. Jail facility structure and operational conditions of confinement
  - 5. Constitutional care and custody of persons confined at the Vigo County Jail
- B. To assist Vigo County in resolving federal class-action claims and litigation pertaining to Case 2:16-cv-00397-JMS-MJD.
- C. Assist Vigo County to comply with Indiana Public Law 184-2018 in its decision to construct, reconstruct, and/or operate the Vigo County Jail. Specifically, this assessment serves as one feasibility study to partially meet the requirements of this statute, focusing on:
  - 1) Assess current and potential alternatives to incarceration.
  - 2) Provide recommendations regarding the feasibility of housing inmates in the county jail of another or in a multicounty (regional) jail established by two or more counties.
  - 3) Provide a projection estimate of the number and characteristics of future inmates relative to estimated current and future jail and jail capacity needs.



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## **PART I - SECTION 4. SCOPE OF WORK**

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The agreed scope of work for this assessment is specifically designed to achieve the purposes of this work, while applying the assessment's fundamental assumptions. The scope of work involves 13 components:

**A. Evaluate criminal justice system elements impacting jail population numbers and profile:**

- 1) Criminal case processing: courts, prosecution, defense
- 2) Bail and bond practices
- 3) Specialty courts
- 4) Community corrections, probations and parole
- 5) Diversion
- 6) Pretrial release and alternatives to incarceration
- 7) Law Enforcement arrest, diversion in lieu of arrest, and case processing practices
- 8) Correctional admissions and release practices

**B. Evaluate Vigo County Jail facility structural and operational practices:**

- 1) Space utilization
- 2) Staffing and command structures
- 3) Overflow
- 4) Environmental health, life and fire safety
- 5) Budgets

**C. Jail Population Management:**

- 1) Intake, release, reentry
- 2) Population profile and salient characteristics
- 3) Risk and needs
- 4) Classification
- 5) Special / vulnerable populations
- 6) Average daily and peak population
- 7) Population forecasting

**D. Conduct onsite meetings and interviews of various stakeholders and officials to identify criminal justice system strengths, needs, and information to develop a data-driven and consensus-based action plan.**

**E. Conduct jail facility tours to assess current conditions of confinement and to identify options for resolving and/or mitigating problematic issues and conditions.**

**F. Obtain and review previously generated studies or reports - Review NIC Assessment Report, any other reports such as informal analyses, annual statistical reports, etc.**

**G. Review Inmate population profiles including number of inmates amenable to new sentencing alternatives.**



**H. Orient Oversight Committee and Subsequent Meetings:**

- 1) Discuss goals and strategies.
- 2) Discuss methodology and timeline.
- 3) Discuss insights about local operations and resources.

**I. Conduct Community Meetings:**

- 1) Discuss purpose of jails and insights not commonly known by community.
- 2) Listen to community concerns about the jail and criminal justice system.
- 3) Identify issues to examine.
- 4) Present overview of findings and action plans after project report is accepted by County Commission.

**J. Evaluate Factors that Influence Jail Population Growth:**

- 1) Examine Law Enforcement operations.
- 2) Examine Court-Related operations.
- 3) Examine Jail-Related operations.

**K. Assess Inmate Space Utilization:**

- 1) Assess peak and average inmate counts.
- 2) Assess numbers of inmates held in various areas for processing, treatment, and housing.

**L. Examine Jail Program Needs, Community Resources, and Alternative Sentencing Options (occurs concurrently with population analysis):**

- 1) Evaluate current program capacities in light of pretrial defendants' and sentenced offenders' characteristics such as medical and behavioral health needs.

**M. Forecast Future Jail Capacity Requirements based upon five factors:**

- 1) County population growth projections.
- 2) Historical Jail Population trends.
- 3) Factors influencing jail growth.
- 4) Changes or plans to make changes in Criminal Justice Legislation.
- 5) Options for reducing demand for beds.



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## SECTION 5. REFORM SUSTAINABILITY CONCEPTS

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- A. Assessing organizations, systems and/or practices for needed reforms involves comprehensive evaluation of strengths and needs. These findings will culminate into written and evidence-based best practice options and opportunities that are prescriptions for success. However, the best laid efforts and reform plans are destined to fail, or not fully achieve desired outcomes, unless reforms are sustainable over time. Time and economic resources are too often wasted unless reforms are determined to be sustainable before they are implemented. Reform sustainability is somewhat akin to accurately predicting the outcome of a horse race. Several salient indicators are combined and assessed: 1) history of achievement, and 2) technical indicators. Achievement alone is not a reliable indicator, absent specific contributing technical factors; predicting program sustainability via technical indicators alone is equally unreliable, absent achievement that demonstrates the efficacy of technical indicators. Combined, achievement and technical indicators can yield reliable and measurable conclusions for assessing and reasonably predicting reform sustainability. For the purposes of this project, the term Sustainability is defined as *“the ability [of Vigo County] to maintain reform achievements and outcomes (technical indicators) and its benefits (constitutional care and custody, facility safety and security, and community safety) over time”*.
- B. An evidence-based framework is overlaid onto assessment findings to determine the likelihood of reform plan sustainability.<sup>[1]</sup> This framework uses these eight (8) Sustainability Factors containing five (5) Key Sustainability Indicators to assess each factor:



### Key Sustainability Indicators for Criminal Justice Reform

<b>Sustainability Factors</b>	<b>Key Indicators / Questions</b>
<b>Environmental Support</b>	<ol style="list-style-type: none"> <li>1. Do champions exist who strongly support reforms and evidence-based best practices?</li> <li>2. Do reform efforts have strong champions with the ability to garner needed resources?</li> <li>3. Do reform efforts have support from the larger organization?</li> <li>4. Do reform efforts have strong and consistent internal leadership support?</li> <li>5. Do reform efforts have strong public support / community support?</li> </ol>
<b>Adequate Funding Stability</b>	<ol style="list-style-type: none"> <li>1. Do reform and reform efforts exist in a supportive economic climate?</li> <li>2. Are there policies specifically implemented to help ensure sustained funding?</li> <li>3. Are necessary reform and reform activities funded from stable and reasonably predictable funding sources?</li> <li>4. Is reform funding flexible to meet needs as they change?</li> <li>5. Is reform funding sustainable over time?</li> </ol>
<b>Partnerships</b>	<ol style="list-style-type: none"> <li>1. Are external and internal partners invested in reform plans, achievement and success?</li> <li>2. Are reform needs, challenges, and achievements effectively communicated with internal and external stakeholders?</li> <li>3. Are internal and external stakeholders committed to reform activities and desired outcomes?</li> <li>4. Are reform goals established in collaboration with internal and external partners/stakeholders?</li> <li>5. Are internal and external stakeholders actively engaged in reform implementation and desired results, per their respective roles and responsibilities?</li> </ol>
<b>Organizational Capacity</b>	<ol style="list-style-type: none"> <li>1. Are reforms well-integrated into the operations of the stakeholder organizations?</li> <li>2. Are organizational systems in place to support various structure, process, and results-oriented needs?</li> <li>3. Does leadership effectively articulate the reform vision to internal and external partners / stakeholders?</li> <li>4. Do leaders efficiently manage staff and other resources for reform achievement?</li> <li>5. Are critical reform needs adequately staffed to achieve consistent results?</li> </ol>
<b>Program Evaluation</b>	<ol style="list-style-type: none"> <li>1. Does the organization have the capacity and ability for quality reform evaluation?</li> <li>2. Does the reform program report short term and intermediate outcomes?</li> <li>3. Are evaluation results routinely used to inform reform program planning, implementation, and fine-tuning?</li> <li>4. Are reform evaluation results used to demonstrate achievement of planned outcomes to funding bodies, partners / stakeholders.</li> <li>5. Does strong evidence exist to report to partners / stakeholders that demonstrates reliable reform-outcomes efficacy?</li> </ol>
<b>Program Adaptation</b>	<ol style="list-style-type: none"> <li>1. Does the organization / oversight group periodically review the reforms' evidence base?</li> <li>2. Can reforms adapt to different / new strategies to gain / improve desired results?</li> <li>3. Can reforms adapt to new internal and external evidence and best practices relevant to program results?</li> <li>4. Does the organization proactively adapt reform practices according to changes in the internal and external environments?</li> <li>5. Does the organization critically self-assess and make appropriate decisions regarding reform components, methods, and practices that are ineffective and should cease?</li> </ol>
<b>Communications</b>	<ol style="list-style-type: none"> <li>1. Does the organization communicate reform plans and strategies to secure and maintain partner / stakeholder support?</li> <li>2. Do reform staff effectively communicate the need for the program in a timely manner to partners and stakeholders?</li> <li>3. Does the organization market propose and implement reforms to partners / stakeholders in a way that generates interest in its success?</li> <li>4. Is internal and external organizational awareness systematically increased?</li> <li>5. Can the organization effectively demonstrate value of reforms and outcomes to partners / stakeholders?</li> </ol>
<b>Strategic Planning</b>	<ol style="list-style-type: none"> <li>1. Does the organization plan for program future resource needs?</li> <li>2. Is there a long-term funding plan to maintain compliance achievements and outcomes?</li> <li>3. Does the organization have a written compliance sustainability plan?</li> <li>4. Do all partners / stakeholders clearly understand compliance program goals?</li> <li>5. Does the organization / program clearly outline roles and responsibilities for all stakeholders and program members?</li> </ol>



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## **SECTION 6.**

### **A BRIEF REVIEW OF RECENT JAIL & CRIMINAL JUSTICE SYSTEM ASSESSMENTS**

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This assessment considers information, findings, and recommendations contained within two recent studies involving the Vigo County Jail and criminal justice system: A) the 2005 Local System Assessment of the Vigo County Criminal Justice System provided by the United States Department of Justice National Institute of Corrections, and B) the 2015 Vigo County Jail Facility Assessment and Feasibility Study provided by DLZ Architecture, Engineering, Planning, and Construction.

We concur with the methodologies used in these two studies and our assessment generally affirms the findings and recommendations issued.

#### **A. 2005 Local System Assessment of the Vigo County Criminal Justice System provided by the United States Department of Justice National Institute of Corrections:**

The National Institute of Corrections (NIC) is an agency of the United States Department of Justice Federal Bureau of Prisons. NIC provides various forms of support to local jail and criminal justice systems to include short-term technical assistance. The primary purposes of this study were to assess the Vigo County criminal justice system in the context of extant jail overcrowding and to provide best-practice recommendations for overcoming jail overcrowding through the implementation of criminal justice system reform.

This study provides and describes six salient recommendations:

- 1) Establish a criminal justice policy planning or criminal justice coordinating committee (CJCC) to provide a structured, systematic, and planned approach to identify, implement, and evaluate reforms intended improve the effectiveness and efficiency of the criminal justice system.
- 2) Establish a jail population analysis capability to provide a clear and ongoing understanding of jail utilization and the jail population.
- 3) Create a coordinated system of sanctions and services to help local officials determine the capacity and use of its various criminal sanctions in order to maximize the effectiveness and efficiency of those sanctions.
- 4) Look for ideas in other jurisdictions to identify successful (and failed) methods and strategies used to address similar criminal justice issues and challenges.
- 5) Develop partnerships outside of the Vigo County criminal justice system to obtain assistance and gain local problem ownership by redefining current challenges as a “community problem” rather than problems that only jail, criminal justice, law enforcement, and/or local government officials can solve.
- 6) Decide on issues and methods for the local criminal justice coordinating committee that allow for the adoption of broad policy planning rather than single specific issues. This recommendation also endorses taking a broad systems approach, addressing issues or



problems and recommends that the CJCC have subcommittees assigned to specific issues or problems.

This study also issued eight valuable preliminary action steps intended to support the planning and implementation of these six recommendations:

- 1) Form a criminal justice coordinating committee
- 2) Enlist the key policy makers
- 3) Decide how to get organized
- 4) Hire staff to support the CJCC
- 5) Get the necessary data (data that matters)
- 6) Inform funding bodies
- 7) Create a public forum
- 8) Read the Local System Assessment Report

We find ample evidence demonstrating that Vigo County officials implemented several important components of the NIC assessment.

#### **B. 2015 Vigo County Jail Facility Assessment and Feasibility Study provided by DLZ Architecture, Engineering, Planning, and Construction:**

DLZ is a reputable professional architectural and engineering firm that specializes in criminal justice and jail facilities planning, design and construction. The purpose of this feasibility study was to assist Vigo County officials to determine current and future jail facility needs, and to partially meet the jail construction or reconstruction feasibility study requirements contained in Indiana Law 1263-2018.

This study is multidimensional and incorporates seven primary components, including:

- 1) Review of the 2015 NIC study
- 2) Onsite assessment of the Vigo County Jail
- 3) Interviews with various key stakeholders
- 4) Assessment of Vigo County demographics, the criminal justice system, inmate profile, and jail population
- 5) A 20-year jail bed needs forecast estimate
- 6) Development of preliminary facility design concepts
- 7) Probability cost estimates for jail expansion and new construction

The DLZ study provides meaningful assessment of jail layout (design), security sightlines, staff and prisoner movement areas and corridors, physical structures, electrical, control, and plumbing systems; inmate, staff, and storage spaces, issues pertaining to the Americans with Disabilities Act (ADA), heating and air conditioning, energy utilization, life and fire safety systems, and current and past bed capacity relative to prisoner admissions and daily populations, and provides jail bed projection estimates to the year 2035.

DLZ recommends that Vigo County consider expanding the jail bed capacity to 528 beds through new construction or expansion of the existing facility. This bed capacity estimate is primarily based on an examination of inmate criminal charges (2003-2013), annual bookings (2004-2014), the inmate average daily population and length of stay (ADP/LOS, 2003-2015), examination of felony and misdemeanor cases filed (2002-2013) and adds a 10% increase to the projection estimate to



compensate for potential incarceration increases caused by Indiana Criminal Code 1006 (IC1006).

We do not dispute the DLZ forecast methodology but we completed the required independent jail bed projection estimate to the year 2050 using similar data and additional indicators that are likely to result in incarceration increases. These indicators are discussed in the jail bed forecast section of this report.

In general, our interpretation of the DLZ study concurs that the Vigo County Jail facility is at the end of its life-cycle, and due to extant overcrowding, design, failing structures and systems, it is incapable of ensuring adequate or sustainable incarceration of prisoners. We would add that the Vigo County Jail is incapable of ensuring constitutional levels of prisoner care and custody due to the problems reported in the DLZ assessment.



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## SECTION 7. LEGAL FRAMEWORK REGARDING JAIL DESIGN AND OPERATIONS

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The following discussion lays out a brief legal foundation regarding a jail's obligation to provide adequate medical, dental and mental health care to inmates.

### A. The Civil Rights of Institutionalized Persons Act (CRIPA)<sup>1</sup>:

- 1) In an effort to stem the tide of prisoner section 1983 litigation and strike a balance between deference to state officials and the rights of the institutionalized, Congress enacted the Civil Rights of Institutionalized Persons Act ("CRIPA") in 1980. Prior to 1980, inmates who wanted to sue in court were not required to exhaust their administrative remedies. CRIPA applied only to section 1983 actions and contained the first exhaustion requirement for prisoner lawsuits. CRIPA did not require mandatory exhaustion, however, and gave judges the power to require plaintiffs to exhaust administrative remedies when "appropriate and in the interests of justice." A judge could continue a case for up to 180 days if he/she believed that the suit could be resolved using administrative remedies.
- 2) This discretionary exhaustion requirement offered [jail] officials the ability to resolve violations in administrative proceedings without involving the courts. The exhaustion provision of CRIPA further limited its own application by mandating that exhaustion could only be required where the administrative remedies had been certified by the Attorney General as meeting certain minimum standards. These standards required that inmates be afforded an advisory role in creating and applying a grievance procedure. The Supreme Court created a balancing test for determining when to require exhaustion under CRIPA; "federal courts must balance the interest of the individual in retaining prompt access to a federal judicial forum against countervailing institutional interests favoring exhaustion."
- 3) Beyond the exhaustion requirement, CRIPA also gave the Attorney General of the United States authority to sue state and local officials responsible for facilities exhibiting a pattern or practice of flagrant or egregious violations of constitutional rights. CRIPA also set forth guidelines for prison administrative procedures and required that states have their procedure certified by the Attorney General in order to require exhaustion of remedies. Even with this discretionary exhaustion requirement, CRIPA allowed inmates to participate in the formation of the grievance procedures and many states refrained from having their procedures certified because of this requirement. The states' refusal to adopt these provisions and alter their grievance procedures to accommodate inmates' civil rights had opposite of the intended effect and actually increased the number of prisoner suits filed, thus contributing to the burden on federal dockets as well as increasing the costs to prisons caused by defense of suits. In response, many legal scholars, politicians and judges supported a change in the system that would reduce the number of frivolous lawsuits.

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<sup>1</sup> Civil Rights of Prisoners: The Seventh Circuit and Exhaustion of Remedies Under the Prison Litigation Reform Act, Seventh Circuit Review, Volume 1, Issue 1, Spring 2006 ([www.kentlaw.edu/7cr/v1-1/mccomb.pdf](http://www.kentlaw.edu/7cr/v1-1/mccomb.pdf))



## **B. The Prison Litigation Reform Act of 1995:**

- 1) The civil rights of inmates were again the subject of Congressional legislation in 1996, with the passage of the aptly named amendment to CRIPA, the Prisoner Litigation Reform Act ("PLRA"). Though the legislative history is minimal, the PLRA was intended to stem the tide of purportedly frivolous prisoner lawsuits and reduce judicial oversight of correctional facilities. The PLRA represented a major change in prison litigation creating barriers such as requiring physical injury in tort claims, forcing even *in forma pauperis* prisoners to pay filing fees, and creating limits on attorney's fees. Most importantly, however, the PLRA drastically modified the CRIPA's exhaustion of administrative remedies provision.
- 2) Under the PLRA, inmates are required to exhaust all administrative remedies available, mandating, "No action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal Law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." The PLRA's exhaustion requirement was more restrictive and differed from CRIPA in five important ways: First, the PLRA applies to all state, local and federal prisoners in contrast to CRIPA, which did not apply to federal prisoners or juveniles. Second, the exhaustion requirement was broadened to include pretrial detainees as well as convicted prisoners. Third, the PLRA requires dismissal of cases in which administrative remedies were not exhausted. Before the PLRA, courts continued or stayed cases until prisoners had exhausted administrative remedies.
- 3) The PLRA lacks the discretionary application of the exhaustion requirement and removes the ability of judges to determine when requiring exhaustion is appropriate. Finally, before a court could require a prisoner to use a prison's administrative grievance process, the process had to meet certain requirements. The PLRA removed the requirements that exhaustion of administrative remedies must be "appropriate and in the interests of justice" or that the administrative remedies be "plain, speedy and effective." The PLRA also removed the five statutory standards for administrative remedies and required only that the remedies be "available." The impact of the PLRA on prisoner lawsuits for constitutional violations was immediate and substantial. In the last year under CRIPA, inmates filed 41,679 civil rights petitions.
- 4) In 2000, four years after the passage of the PLRA, the number of civil rights petitions dropped to 25,504 - a reduction of 39%. Specifically, the more comprehensive and automatic exhaustion requirement greatly increased the number of inmate lawsuits that were dismissed for failure to exhaust all available administrative remedies. The Supreme Court, in interpreting the new exhaustion requirement under the PLRA, held that inmates were required to exhaust all available administrative remedies regardless of whether the claims involved general circumstances of incarceration or particular incidents, thus ensuring that the PLRA will govern all prisoner lawsuits in every state.

## **C. Inmate Healthcare<sup>2</sup>:**

- 1) Jail inmates have the right to receive adequate health care. The Eighth Amendment of the US Constitution guarantees the right to be free from cruel and unusual punishment, which the Supreme Court has determined to include the right of prisoners to have access to

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<sup>2</sup> [http://www.washlaw.org/projects/dcprisoners\\_rights/medical\\_care.htm#objectiveStandard](http://www.washlaw.org/projects/dcprisoners_rights/medical_care.htm#objectiveStandard)



health care.<sup>3</sup> The denial of necessary medical care is a Constitutional violation only if prison officials are "deliberately indifferent" to a "substantial risk of serious harm."<sup>4</sup> Medical, dental and mental health care would fall within the scope of these legal expectations.

- 2) In order for an inmate to successfully claim that inadequate medical care violated his constitutional rights, he must prove two things<sup>5</sup>: (1) that the treatment or lack of treatment resulted in "sufficiently serious"<sup>6</sup> harm (the objective standard), and (2) that the jail officials responsible for the harm knew of that or the possibility of a risk, by act or omission, failed to eliminate the risk <sup>7</sup> (the subjective standard).
- 3) The Objective Standard of Care: Generally speaking, for an injury to be considered "sufficiently serious," the harm must significantly change the prisoner's quality of life. For example, harm would be considered "sufficiently serious" if it causes degeneration or extreme pain. Some examples of medical needs that the courts have considered "sufficiently serious":
  - a) degenerative, painful hip condition that hindered the inmate's ability to walk
  - b) painful, obviously broken arm
  - c) bleeding ulcer that caused abdominal pain
  - d) inflamed appendix
  - e) shoulder dislocation
  - f) painful blisters in mouth and throat caused by cancer treatment
  - g) pain, purulent draining infection, and 100 degrees or greater fever, caused by an infected cyst
  - h) cuts, severe muscular pain, and burning sensation in eyes and skin, caused by exposure to Mace
  - i) head injury caused by slip in shower
  - j) substantial back pain
  - k) painful fungal skin infection
  - l) broken jaw requiring jaw to be wired shut for months
  - m) severe chest pain caused by heart attacks
- 4) Some examples of medical needs that the courts have determined NOT to be "sufficiently serious":
  - a) sliver of glass in palm that did not require stitches or painkillers
  - b) pain experienced when doctor removed a partially torn-off toenail without using anesthetic
  - c) nausea, shakes, headache, and depressed appetite caused by family situational stress
  - d) "shaving bumps"
- 5) The Subjective Standard of Care: A jail official cannot be "deliberately indifferent" to a medical need if he is not aware of the medical problem. Thus, an inmate must make sure that jail officials know about his medical needs. If an inmate wants to see medical personnel, he must inform the corrections officers on his block. He must fill out sick call

<sup>3</sup> *Estelle v. Gamble*, 429 U.S. 97, 97 S. Ct. 285, 50 L. Ed. 2d 251 (1976).

<sup>4</sup> *Farmer v. Brennan*, 511 U.S. 825 (1994).

<sup>5</sup> Criteria summarized in A Jailhouse Lawyer's Manual (JLM), 5th edition. New York: Columbia Human Rights Law Review, 2000, p. 540.

<sup>6</sup> *Wilson v. Seiter*, 501 U.S. 294, 298, 115 L. Ed. 2d 271, 111 S. Ct. 2321 (1991).

<sup>7</sup> *Martinez v. Mancusi* 443 F.2d 921, 924 (1970). In: JLM, p. 542.



slips and, if these are not honored, he must file grievances. Once an inmate gets in to see a nurse or doctor, he should discuss symptoms and any relevant medical history.

While an inmate should do everything he or she can to make sure that medical personnel are aware of his medical problems, medical personnel can also be held responsible for knowing information in addition to what the inmate tells them. Specifically, medical personnel are responsible for information gained by examining the inmate, reviewing the inmate's medical records, and by talking to others familiar with the inmate (guards, other doctors, and family members, for example). If a jail official knows of an inmate's medical problem, he must do what is in his power to address that problem. If a jail official knows of an inmate's substantial medical need and disregards it, he can be held accountable for violating the inmate's constitutional rights. Listed below are some common situations in which courts have held that officials were deliberately indifferent to inmates' medical needs.

- 6) **Failure to Treat a Diagnosed Condition:** If a jail doctor diagnoses an inmate with a certain medical condition and then fails to provide that inmate with treatment for this condition, courts are likely to find that the doctor has been deliberately indifferent to inmate's medical needs. If an inmate suffers serious harm as a result of this lack of treatment, jail officials can be held liable for violating the inmate's rights. For example, if an inmate who is diagnosed with HIV receives no drugs to inhibit the virus and as a result develops full-blown AIDS more quickly than he should have, jail medical staff can be held liable.

Similarly, jail officials other than doctors can be held liable for infringing on an inmate's rights if the official prevents an inmate from receiving treatment recommended by a doctor. For example, the 2nd Circuit Court of Appeals held that prison officials were deliberately indifferent to an inmate's medical needs when they removed him from a hospital without permission from the doctors.<sup>8</sup> Jail officials without medical training do not have the right to second-guess the recommendations of doctors.

- 7) **Delay in Treatment or Delay in Access to Medical Attention:** Jail officials do not have to provide inmates with immediate access to non-emergent medical care. Generally speaking, jail officials can delay in providing medical care if they have a legitimate reason for doing so. For example, security concerns can justify delaying an inmate's access to medical care, as long as this delay does not make the medical problem significantly worse. On the other hand, unreasonable delays do violate the Constitution. A delay is considered to be unreasonable if it is medically unjustified and it is likely to make the medical problem worse or to result in permanent harm. For example, the 7th and 8th Circuit Courts of Appeals have ruled that 10-15-minute delays in responding to heart attacks constitute deliberate indifference.<sup>9</sup> Also, the 4th Circuit Court of Appeals held that prison officials were deliberately indifferent when they delayed 11 hours in examining an inmate's painfully swollen and obviously broken arm.<sup>10</sup>
- 8) **Denial of Access to Medical Personnel:** Jail officials cannot deny inmates access to health care personnel. If an inmate requests health care attention, non-healthcare staff may not decide whether or not to allow the inmate to see health care personnel. For example, in *Parrish v. Johnson*, the 6th Circuit Court of Appeals ruled that a guard who failed to relay

<sup>8</sup> *Martinez v. Mancusi*, 443 F.2d 921, 924 (1970). In: JLM, p. 542.

<sup>9</sup> *Lewis v. Wallenstein*, 769 F.2d 1173, 1183 (7th Cir. 1985) and *Tlamka v. Serrell*, 244 F.3d 628, 633-34 (8th Cir. 2001). In: Toone, p. 81

<sup>10</sup> *Loe v. Armistead*, 582 F.2d 1291, 1296 (4th Cir. 1978). In: Toone, p. 81



an inmate's request for health care was deliberately indifferent to the inmate's medical needs.<sup>11</sup> Similarly, the 11th Circuit Court of Appeals found a physician's assistant to be deliberately indifferent to an inmate's medical needs when the assistant refused to x-ray an inmate with a broken hip or to send him to a doctor for examination.<sup>12</sup>

- 9) Grossly Inadequate Care: Negligent medical care does not generally violate the Constitution. In jails, health care malpractice, generally speaking, does not constitute a violation of prisoners' rights. On the other hand, excessively bad medical care can violate a prisoner's 8<sup>th</sup> Amendment rights. For example, a jury could find that a jail official acted with deliberate indifference if he treats a patient with a serious risk of appendicitis by simply giving him aspirin and an enema.<sup>13</sup>
- 10) Inadequate staffing levels: Inadequate jail health care staffing has been determined by the United States Department of Justice to be a direct and indirect cause for Civil Rights violations. Insufficient staff levels create serious access-to-care barriers, resulting in medical neglect. Additionally, assigning unqualified staff to perform medical or mental health care functions outside their scope of licensure or practice can be cause for inadequate care violations as noted in a 2012 DOJ jail Investigation Findings Letter<sup>14</sup>:

*"Our investigation found reasonable cause to believe that the Jail is denying necessary medical and mental health care, and consequently places prisoners at an unreasonable risk of serious harm, in violation of the Constitution..."*

*Many of the lapses we identify below are directly related to [the jail's] inadequate medical staffing. There is too little onsite coverage by properly licensed staff members, forcing certified nursing assistants (CNAs) to practice and provide medical care beyond their training and licensure. The lack of sufficiently trained and available medical staff for the management and evaluation of serious medical conditions places prisoners at risk of unnecessary harm and is deliberately indifferent to prisoners' serious medical needs. Prison officials, including doctors, "violate the civil rights of inmates when they display 'deliberate indifference to serious medical needs.'" Gordon v. Kidd, 971 F.2d 1087, 1094 (4th Cir. 1992) (citing Estelle v. Gamble, 429 U.S. 97, 104 (1976)) ...*

*"Perhaps the most significant single concern we have with the provision of medical and mental health care at the Facility is that staff members routinely perform medical services beyond what they are trained and credentialed to do. A further concern involves "medical" security officers. We reviewed several incidents in which security staff were used to evaluate prisoner injuries and cleared the prisoners without any medical input or consultation. Any clinical support by corrections officers must be limited, must be overseen by the medical department, and must be guided by clear protocols. Corrections officials may, and, in fact, should respond to medical emergencies in acute, life-threatening situations and be properly trained to do so. They should never, however, evaluate prisoners for medical reasons, perform sick call, or provide any type of non-emergency care. There are no protocols in place at [the jail] to guide corrections officers in the very limited medical*

<sup>11</sup> 800 F.2d 600, 605 (1986). In: Toone, p. 80.

<sup>12</sup> *Mandel v. Doe*, 888 f.2d 783, 789-90 (1989). In: Toone, p. 80

<sup>13</sup> *Sherrod v. Linge*, 223 F.3d 605, 611-12 (7th Cir. 2000). In: Toone, p. 84.

<sup>14</sup> [http://www.justice.gov/crt/about/spl/documents/piedmont\\_findings\\_9-6-12.pdf](http://www.justice.gov/crt/about/spl/documents/piedmont_findings_9-6-12.pdf)



*tasks they may perform, and the current level of medical department oversight of officers is insufficient.”*

#### **D. Inmate Psychiatric Treatment and Mental Health Care:**

- 1) It is important that jail officials and local government leaders clearly recognize and acknowledge that adequate inmate psychiatric treatment and mental health care is a fundamental constitutional obligation of the jail and, therefore, a constitutional duty of local government. Such care should be looked at no differently than medical care in terms of providing constitutionally adequate care and custody of inmates. The courts have consistently applied the same constitutional standards for inmate medical care to psychiatric and mental health services. The standards generally consist of these six (6) elements:
  - a) Timely and appropriate assessment, treatment and monitoring of inmate mental illness.
  - b) Making appropriate provisions for an array of mental health services that are not limited to psychotropic medication only.
  - c) Ensuring that administrative segregation and observation is used appropriately.
  - d) Mental health records are accessible, complete and accurate.
  - e) There is proper and adequate response to medical and laboratory orders in a timely manner.
  - f) That adequate and ongoing quality assurance programs are in place.
- 2) The Fourteenth Amendment mandates that jails must provide pre-trial inmates “at least those constitutional rights... enjoyed by convicted prisoners,” including Eighth Amendment rights.<sup>15</sup> Under the Eighth Amendment, prison officials have an affirmative duty to ensure that inmates receive adequate food, clothing, shelter, and medical care.<sup>16</sup> The Constitution imposes a duty on jails to ensure an inmate’s safety and general well-being.<sup>17</sup> This duty includes the duty to prevent unreasonable risk of serious harm, even if such harm has not yet occurred.<sup>18</sup> Thus, jails must protect inmates not only from present and continuing harm, but also from future harm. This protection extends to the risk of suicide and self-harm.<sup>19</sup>
- 3) The Constitution also mandates that jails provide inmates adequate medical and mental health care, including psychological and psychiatric services.<sup>20</sup> Jail officials violate inmates’ constitutional rights when the officials exhibit deliberate indifference to inmates’ serious medical needs.<sup>21</sup>

<sup>15</sup> *Bell v. Wolfish*, 441 U.S. 520, 545 (1979).

<sup>16</sup> *Farmer v. Brennan*, 511 U.S. 825, 832 (1994).

<sup>17</sup> *County of Sacramento v. Lewis*, 523 U.S. 833, 851 (1998) (citing *DeShaney v. Winnebago County Dep’t of Soc. Servs.*, 489 U.S. 189, 199-200 (1989)).

<sup>18</sup> *Helling v. McKinney*, 509 U.S. 25, 33 (1993).

<sup>19</sup> *Matos v. O’Sullivan*, 335 F.3d 553, 557 (7th Cir. 2003); *Hall v. Ryan*, 957 F.2d 402, 406 (7th Cir. 1992) (noting that prisoners have a constitutional right “to be protected from self-destructive tendencies,” including suicide)

<sup>20</sup> See *Farmer*, 511 U.S. at 832

<sup>21</sup> *Estelle v. Gamble*, 429 U.S. 97, 102 (1976).



## **E. Jail Staffing and the Federal Courts<sup>22</sup>:**

- 1) Court decisions define important parameters for jail operations by establishing minimum levels of service, performance objectives, prohibited practices, and specific required practices. We explore federal court decisions in this appendix, but we note that state and local courts also play an active role in evaluating and guiding jail operations. Decisions handed down by federal courts have required jails to:
  - a) Protect inmates from themselves, other inmates, staff, and other threats.
  - b) Maintain communication with inmates and regularly visit occupied areas.
  - c) Respond to inmate calls for assistance.
  - d) Classify and separate inmates.
  - e) Ensure the safety of staff and inmates at all times.
  - f) Make special provisions for processing and supervising female inmates.
  - g) Deliver all required inmate activities, services, and programs (medical, exercise, visits, etc.).
  - h) Provide properly trained staff.
- 2) Federal court involvement with jails goes back more than 40 years. State and federal prisons were the focus of many landmark cases in this era, and local jails soon became targets, as well. Early federal decisions tackled fundamental constitutional issues in jails. Many of these pioneering decisions are still cited in current litigation.

## **F. Courts View Staffing Levels and Practices as Central to the Constitutional Duty to Protect:**

- 1) The United States Constitution imposes an extraordinary duty to protect on jails that have no counterpart in the public safety. While the jail's duty is less visible to the public, and likely less appreciated, it rises above the constitutional responsibilities of our public safety colleagues. Even probation does not approach the duty to protect that is imposed on jails. Probation officials are not held responsible for the behavior of offenders under their supervision, nor for what happens to the offenders when they are not actually with a probation officer.
- 2) Do citizens have a constitutional right to be protected from crime or to have a fire extinguished? Neither of these are services that government *chooses* to provide. Whether or not to provide these services and the level of service that are delivered are discretionary decisions from a constitutional perspective. To be sure, it is politically expedient to provide fire and police protection. Because such services are discretionary, officials may vary staffing levels in response to temporary or long-term staff shortages.
- 3) A jail's duty to protect is constant, beginning when an inmate is admitted and continuing until release. Case law clearly establishes the responsibility of jail officials to protect inmates from a "risk of serious harm" at all times, and from all types of harm-- from others, from themselves, from the jail setting, from disease, and more. Because the duty to protect is constant and mandated, jails do not have the legal or moral option to lower the level of care just because there is not enough staff. If a shift supervisor leaves a needed post

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<sup>22</sup> See: Excerpts from: Jail Staffing Analysis Third Edition, Jail Staffing and the Federal Courts Copyright 2009, Rod Miller, Dennis R. Liebert and John E. Wetzel. (An NIC project).



vacant because there are not enough employees to staff all posts, he/she increases risk and exposes the agency and government to higher levels of liability.

#### **G. Duty to Protect:**

- 1) In an early federal district court case in Pulaski County, Arkansas, the court described the fundamental expectations that detainees have while confined:

*...minimally, a detainee ought to have the reasonable expectation that he would survive his period of detainment with his life; that he would not be assaulted, abused or molested during his detainment; and that his physical and mental health would be reasonably protected during this period... Hamilton v. Love, 328 F.Supp. 1182 (D.Ark. 1971).*

- 2) In a Colorado case, the federal appeals court held that a prisoner has a right to be reasonably protected from constant threats of violence and sexual assaults from other inmates, and that failure to provide an adequate level of jail security staffing, which may significantly reduce the risk of such violence and assaults, constitutes deliberate indifference to the legitimate safety needs of prisoners.

#### **H. Staffing Levels:**

- 1) The first Pulaski County case produced continuing federal court involvement with jail operations. When the county was brought back to court by inmates in 1973, the county asked the court to consider their plans to build a new jail. But the judge held that, while the plans are promising, current conditions must be addressed:

*This Court can only deal with present realities.... The most serious and patent defects in the present operation result directly from inadequate staffing. Hamilton v. Love, 358 F.Supp. 338 (D.Ark. 1973). A federal district court judge linked Platte County (Missouri) Jail's duty to protect to staffing levels: There shall be adequate correctional staff on duty to protect against assaults of all types by detainees upon other detainees. Ahrens v. Thomas, 434 F.Supp. 873 (D.Mo. 1977).*

- 2) In New Jersey, the federal district court required county officials to obtain an independent, professional staffing analysis addressing security staffing and training, classification, and inmate activities. The court set expectations for the plan and ordered the county to implement the plan:

*The staffing analysis shall review current authorized staffing, vacancies, position descriptions, salaries, classification, and workload... [The county] must implement the plan... Essex County Jail Annex Inmates v. Treffinger, 18 F.Supp.2d 445 (D.N.J. 1998).*

#### **I. Liability:**

- 1) Officials may be found to be "deliberately indifferent" if they fail to address a known risk of serious harm, or even if they *should* have known of the risk. Ignorance is not a defense. Failure to protect inmates may result in liability. Usually court intervention takes the form of orders that restrict or direct jail practices. Sometimes the courts award compensatory damages to make reparations to the plaintiffs. In more extreme situations, defendant



agencies may be ordered to pay punitive damages. A U.S. Supreme Court decision held that punitive damages may even be assessed against individual defendants when indifference is demonstrated:

*A jury may be permitted to assess punitive damages in a § 1983 action when the defendant's conduct involves reckless or callous indifference to the plaintiff's federally protected rights. Smith v. Wade, 103 S.Ct. 1625 (1983)*

#### **J. Court Intervention:**

- 1) Most court decisions produce changes in jail conditions, including operations. Continuing court involvement might be prompted by a consent agreement between the parties, or by failure of the defendants to comply with court orders. The nature of court involvement may even include the review of facility plans. In a New Mexico case, the court renewed its involvement when plans to reduce staffing were challenged by the plaintiffs. The court prevented the state from reducing staffing levels at several correctional facilities:

*...defendants will be enjoined from...reducing the authorized or approved complement of security staff...unless the minimal staffing levels identified as being necessary to provide a constitutional level of safety and security for prisoners have been achieved. The Court also will enjoin defendants to fill existing vacancies and thus to employ at least the number of medical and mental health staff as well as the number of security staff authorized to be employed during fiscal Year... Duran v. Anaya, 642 F.Supp. 510 (D.N.M. 1986).*

#### **K. Connecting Staffing Practices to Other Conditions:**

- 1) In the New Mexico case, the court went on to draw links between staffing levels and other aspects of facility operations, ranging from overtime to inmate idleness:
  - a) Overtime: *"...security staff will be adversely affected by excessive overtime work as a result of the understaffing of the institutions subject to the Court's orders in this litigation"*
  - b) Out of Cell Opportunity: *"...In addition, prisoners will be required to remain in their housing units for longer periods of time, and inmate idleness will increase."*
  - c) Idleness: *"Prisoner idleness...will increase as a result of staff reductions..."*
  - d) Programs and Activities: *"There is a direct, inverse correlation between the incidence of acts and threats of violence by and between inmates, on the one hand, and the types and amounts of educational, recreational, work and other programs available to inmates, on the other--i.e., acts and threats of violence tend to decrease as program availability and activity increase."*
  - e) Training: *"Reduction in security staff positions will prevent...complying with staff training requirements of the Court's order..."*
- 2) The court noted concerns by a security expert that the *"security staff reductions that are contemplated will result in a 'scenario at this time...very similar to the scenario that occurred prior to the 1980 disturbance'"*, referring to the deadly inmate riot at the New



Mexico Penitentiary that claimed 33 inmate lives and injured more than 100 inmates and 7 officers.

#### **L. Lack of Funds is Not an Excuse:**

- 1) Federal courts have made it clear that lack of funds does not excuse violation of inmates' constitutional rights:

*Humane considerations and constitutional requirements are not, in this day, to be measured or limited by dollar considerations... Jackson v. Bishop, 404 F.2d 571 580 (8th Cir.1968)*

- 2) Courts may even restrict a jurisdiction's discretion with regard to where funds are found to make needed improvements. An appeals court held that it may restrict the sources from which monies are to be paid or transferred in order to protect the legal rights of those who have been victims of unconstitutional conduct. In a 1977 decision, Supreme Court Justice Powell observed:

*...a federal court's order that a State pay unappropriated funds to a locality would raise the gravest constitutional issues... But here, in a finding no longer subject to review, the State has been adjudged a participant in the constitutional violations, and the State therefore may be ordered to participate prospectively in a remedy otherwise appropriate.*

#### **M. Other Related Federal Cases Examples:**

Although the basic tenets of federal court involvement with jail staffing and operations were forged many years ago, the practice has not ended, as suggested in these more recent cases:

- 1) *Cavalieri v. Shepard*, 321 F.3d 616 (7th Cir. 2003). The court noted that the detainee's right to be free from deliberate indifference to the risk that he would attempt suicide was clearly established.
- 2) *Wever v. Lincoln County, Nebraska*, 388 F.3d 601 (8th Cir. 2004). The court held that the arrestee had a clearly established Fourteenth Amendment right to be protected from the known risks of suicide.
- 3) *Estate of Adbollahi v. County of Sacramento*, 405 F.Supp.2d 1194 (E.D.Cal.2005). The court held that summary judgment was precluded by material issues of fact as to whether the county knowingly established a policy of providing an inadequate number of cell inspections and of falsifying logs showing completion of cell inspections, creating a substantial risk of harm to suicide-prone cell occupants.
- 4) *Hearns v. Terhune*, 413 F.3d 1036 (9th Cir. 2005). The court held that the inmate's allegations stated a claim that prison officials failed to protect him from attacks by other inmates. The inmate alleged that an officer was not present when he was attacked, even though inmates were not allowed in the chapel without supervision.
- 5) *Velez v. Johnson*, 395 F.3d 732 (7th Cir. 2005). The court held that the detainee had a clearly established Fourteenth Amendment right to be free from the officer's deliberate indifference to an assault by another inmate.



- 6) *Smith v. Brevard County*, 461 F.Supp.2d 1243 (M.D.Fla. 2006). Violation of the detainee's constitutional rights was the result of the sheriff's failure to provide adequate staffing and safe housing for suicidal inmates, and in light of the sheriff's knowledge that inmate suicide was a problem, his failure to address any policies that were causing suicides constituted deliberate indifference to the constitutional rights of inmates.



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## SECTION 8. ASSESSMENT OF CURRENT AND POTENTIAL ALTERNATIVES TO INCARCERATION (ATI)

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### A. Introduction:

- 1) In considering the scope and capacity of alternatives to incarceration, it is necessary to consider (1) Does the County operate a range of programs that would be considered representative of forward thinking governmental and criminal justice systems? (2) Do the programs need improvement? and (3) Can impact of the programs be specifically measured?
- 2) It is our opinion, based on experience in working with counties across the country, that Vigo County has implemented and continues to operate a wider array of programs than most counties of similar size. Also, we have found that the judiciary and other criminal justice system leaders have been self-starters in developing specialty courts and supporting development of programs that address the needs they have often experienced. The establishing, continuation, and ongoing refinement of these ATI programs is clear evidence that Vigo County did, in fact, implement important aspects of the 2005 NIC study, despite some public assertions to the contrary.
- 3) Secondly, it is the consultant's rule of thumb that all programs need improvement. Importantly, members of the Vigo County criminal justice system have been open about participating with the consultants to investigate improvement in program operations, improving linkages between criminal justice system-based programs and community resources, such as mental health resources. Importantly, the consideration of how to improve programming for persons with mental health and substance abuse problems is being incorporated into planning of the design of a new jail.
- 4) Thirdly, the impacts of programs are often difficult to separate out. When pretrial defendants and sentenced offenders receive a mixture of services, the individual impact of each program may not be specifically measurable. In those instances, the concern for best practices is often the guiding factor for adding more programs to the mix of services. For example, the provision of educational programs by Community Corrections is congruent with best practices. Although the effects of such programs may not be directly reflected in a specifiable reduction in a number of jail beds, they have collective contribution to reducing recidivism.
- 5) Unfortunately, the complexity of the criminal justice system makes it difficult for the public to grasp the interplay between criminal justice system resources necessary to implement new programs, budgetary constraints, state and local operational practices, and changing beliefs about how to deal with crime. In the past, many members of the public hold the opinion that crime is something to be "fought" by the government. This perspective obscures the need to develop various kinds of community support for people whose problems bring them into contact with the justice system. This is one of the reasons the consultants have supported the formation of a Criminal Justice Coordinating Committee, which includes representation of community members, and the recommendation that Indiana State University consider establishing a justice policy program or institute with the capability to assist in the evaluation of the county's criminal justice programs.



- 6) In the following sections, rather than display the past histories of the programs through graphs and tables of historical participation rates, the focus is on the current status those programs and the possible impact of those programs on the jail population. The weaknesses or gaps in capabilities, three or four or ten years ago is of little import in responding to current needs.

## **B. Current Programs and Potential Programs:**

- 1) **Pretrial Diversion.** The Pretrial Diversion program is established in the Prosecutor's Office pursuant to Indiana Code 33-39-1-8. The primary purpose of this program is to allow first time, nonviolent offenders to participate in a program that may require education, treatment and/or community service. In exchange, the defendant who successfully meets all requirements and pays all fees will have the charges dismissed. Participation in this program can be for up to one (1) year. This diversion program, because of the eligibility criteria, has very little impact on jail inmate numbers. The defendants who are appropriate for the program are not the inmates typically held in the Vigo County Jail beyond a first court appearance or are never booked into the jail at all.

***Impact: In 2017, 438 people participated in the Pretrial Diversion program. Nearly half of the way into 2018, 117 people have been placed on the program.***

- 2) **Misdemeanor PAIR Program.** In the late 1990s the county judges, prosecutor, public defenders and mental health community came together to address the concern that they were seeing many of the same people. As a result, a combined effort was instituted called the Psychiatric Assertive Identification and Referral Program (PAIR). The PAIR program is a non-certified problem-solving court. The primary program purpose is to divert misdemeanor defendants, who have mental health issues that contributed to their offense, into a positive regimen for dealing with those problems. PAIR brings together criminal justice system operatives and community resources into a program of case management, monthly court appearances, medication monitoring, treatment, and education. A motivational element in the program is the requirement for participation as a condition of diversion. Program participation can last up to one year.

***Impact: In 2017, 33 people were admitted to the PAIR program. Nearly half of the way into 2018, 48 people have been diverted into the program. Since inception, 731 defendants have participated. Because of the nature of recidivism for those with mental illness, this program has a significant impact on the jail.***

- 3) **Felony Adult Mental Health (AMH) Court.** In 2008, a program for felony defendants that is similar to the PAIR was established in Vigo Superior Court 6. The AMH court is a non-certified, problem solving court. The primary purpose of this program is to divert felony defendants, who have mental health problems (or co-occurring disorders) that contributed to their offense, into intensive supervision through collaboration of the courts, prosecutor, defense attorneys, mental health service providers, and life skills educators. This intensive supervision often involves monthly court appearances, meetings with treatment providers, meetings with medication providers, and in-home visits. Participation in this program can be for up to four (4) years.

***Impact: In 2017, 78 people were admitted to the AMHC program. Nearly half of the way into 2018, 26 people have been placed on the AMHC program. Since its inception, 371 defendants have participated in this program.***



- 4) Drug / OVWI Court.** The Vigo County Drug Court is a certified, problem-solving court. There are two primary tracks for this diversion program. The first is for those facing misdemeanor or felony charges of possession of controlled substances. Participation in this track is for up to 18 months. The second is for those facing a 3rd Operating While Intoxicated offense within ten (10) years that would cause a defendant to become a habitual traffic violator and receive a ten (10) year Operator's License Suspension from the Indiana Bureau of Motor Vehicles. Participation in this track is for up to two (2) years. The primary purpose of this program is to provide supervision and services to help defendants establish a clean and sober lifestyle through partnerships with area treatment providers, local sober living environments, and the criminal justice system. This program, as it continues to regrow, will continue to assist in keeping the jail population down by reducing recidivism in a group with a very high recidivism rate.

This program endeavors to have candidates referred, evaluated, and accepted into the program within 50 days of arrest. If the person is placed into the program, they are no longer going to be housed in the Vigo County Jail, resulting in a significant reduction in length of incarceration. Additional funding for this program will allow for increased staffing, resulting in an increased number of participants. Currently, the Vigo County Prosecutor's Office provides additional funding allowing for a case manager position within the program.

***Impact: During most of 2017, the program served 25 participants and was at its maximum capacity. In March of 2018, a case manager was hired who has now been trained. The goal is that by the end of 2018, up to 50 participants can be placed in the program.***

- 5) Veteran's Treatment Court.** The Vigo County Veteran's Treatment Court is a certified, problem-solving court. The mission of Vigo County Veterans Treatment Court is to create a collaborative, proactive effort between the court system and community organizations serving veterans, aimed at improving outcomes of veterans involved in the court system who have substance dependency and/or mental illness and increasing their opportunities for success after military service. This program involves the use of volunteer mentors that are also military veterans. In diverting defendants who are military veterans, the primary goals of this program are:

- a) Help veterans receive the services they need to reach their full potential as productive members of society.
- b) Help veterans navigate the court system, treatment system, and the VA system.
- c) Assess veterans needs and help them adjust back to civilian life.

This program endeavors to have candidates referred, evaluated, and accepted into the program within 50 days of arrest. If the person is placed into the program, they are no longer going to be housed in the Vigo County Jail, resulting in a significant reduction in length of incarceration. Additional funding for this program will allow for increased staffing, resulting in an increased number of participants. Currently, grant funding allows for the Court Coordinator. A recently received grant for FY2018 will allow the court to add a case manager and increase the number of participants.

***Impact: In 2017, 25 people were admitted to the Veteran's Treatment Court. Nearly half of the way into 2018, 24 people have been placed on the program.***



## 6) Community Corrections:

Vigo County Community Corrections uses fees paid by offenders (Project Income) to supplement funds awarded by the Indiana Department of Corrections. Vigo County Community Corrections interviews offenders prior to placement in the Vigo County Community Corrections Program to determine which component would be most effective for the offender. Upon sentencing to the Vigo County Community Corrections program, a risk-needs assessment (Indiana Risk Assessment System - IRAS) is used to determine the risk level, as well as the needs, that will be addressed during the sentence. A case plan is developed and discussed with the offender, addressing needs and programs that would be appropriate during sentence. The goals identified in the case plan are then used to determine the placement in programs and classes offered by Vigo County Community Corrections and other agencies. Offenders are reassessed every six months and at discharge to ensure all needs are being addressed and that all goals are documented as being achieved. The case plan is reviewed on a regular basis to assure that the offender is on track with the case plan and to identify any problems that may arise.

- a) **Community Resources Utilization.** Community Corrections utilizes several partnerships and collaborations with many local service providers. The Vigo County School Corporation provides Adult Education classes and testing in-house. Self-paced classes and instruction are provided to assist and educate the participants, so that they can pass the High School Equivalency Test. Indiana Work One (HIRE program) offers a job search class once per week in the facility. Hamilton Center provides mental health and substance abuse treatment. Hamilton Center is a Recovery Works provider; therefore, participants that qualify are referred for all mental health and substance abuse treatment. Choices Consulting Center provides life skills and alcohol and drug education classes, as well as other cognitive based classes to participants. IU Medical Health offers a one-time education group on AIDS and STD's, as well as testing to anyone volunteering to be tested. The Vigo County Health Department provides TB testing.

***Impact: During FY2017, 311 people were served in this program, including 134 on pretrial release.***

- b) **Work Release.** The Vigo County Community Corrections' Work Release program allows a person who is sufficiently trusted, or can be sufficiently monitored to leave confinement, to continue working at their current place of employment, returning after work to Community Corrections facility, which is separate from the jail.

The Work Release program serves both pretrial and convicted males and females. All participants receive an assessment and are supervised based on their risk and needs. People are placed in Work Release as deemed needed by the judges. Participants are required to turn in their paychecks each time they get paid unless they receive direct deposit. After the fees are addressed, a check is reissued to the participant.

***Impact: The Work Release program is able house 132 persons who might otherwise be in jail. In 2017, 331 persons in were assigned to Work Release, of which 134 were pretrial defendants and 177 were sentenced offenders. Not all of the program slots were filled and utilization was lower than the previous year.***

- c) **Home Detention.** As indicated by the program name, the participant lives at their home, usually under electronic monitoring, and may be monitored via drug screens and



alcohol sensors when so determined by their risk needs assessment. The program serves both pretrial and sentenced males and females. The sentenced participants (felons) may be the subject of split sentences and the Community Transition program.

All risk levels are served. Offenders are pre-assessed to determine eligibility for the program according to policy. After being sentenced to the program, an Intake assessment is performed using the IRAS. This assessment determines the person's needs and matches those needs with appropriate treatment programs and services. Program participation and progress is monitored by case managers and support staff to ensure the participants are following their treatment plans. The participant submits a weekly work schedule and attends programs as specified in their treatment plans. In addition, they are field-checked outside the facility according to their risk level and must report in person, weekly, to the Community Corrections facility.

***Impact: During FY2017, 453 people were served in this program, including 156 on pretrial release.***

- d) **Community Service Restitution.** The Community Service Restitution program serves both males and females who are pretrial defendants and sentenced felons and misdemeanants. As indicated in the program title, participants perform community service hours at a not-for-profit agency, as assigned by Vigo County Community Corrections, in lieu of detention in jail.

No grant funds are used to fund this program. This program is funded by user fees (Project Income) only. This is an administrative supervision program only. There are no services utilized in this level of supervision.

***Impact: During FY2017 1,254 offenders participated, including 134 felons, 1,108 misdemeanants and 12 on pretrial release.***

## **7) Vigo County Adult Probation:**

Vigo County Adult Probation supervises both pretrial defendants, by definition unsentenced persons, and offenders who are sentenced to probation.

- a) **Pretrial Supervision.** Pretrial Supervision is an alternative to jail that costs less than incarceration and gives offenders charged with crimes the opportunity to live with their families, hold jobs and to be productive members of society while awaiting judicial proceedings. This also assists in reducing the jail population. Probation officers enforce the Court's order to ensure those being monitored comply with the conditions of pretrial release and return to Court as ordered.

***Impact: The number of pretrial defendants under supervision usually ranges between 150-200 persons.***

- b) **Probation Supervision.** Probation Supervision allows offenders with suspended sentences to remain in the community under various levels of supervision based on their assessed risk and needs. This alternative to incarceration serves to protect the community by reducing risk that people on supervision commit crimes; provides resources for services to address needs that may be linked to their criminal behavior, including substance abuse or mental health treatment, medical care, training and



employment assistance. Utilization of evidence-based practices allows for incentives to reward good behavior and imposition of sanctions to gain compliance. Sanctions are utilized in an effort to prevent their return to jail, as well as referrals to treatment and other community resources, both with the goal of reducing recidivism. The use of probation has had an impact on both the county jail and prison system by diverting offenders to the community to serve a term of supervision instead of housing them in jail.

***Impact: In general, the caseload includes 1,600 felony offenders and 300 misdemeanor offenders on a continuous basis, minus the pretrial defendants.***

#### **8) Public Defender Mental Health & Addiction Services:**

- a) On January 1, 2017, the Vigo County Public Defender's Office implemented a program funded by a grant from the Edward Byrne Memorial Justice Assistance Grant Program and the Indiana Criminal Justice Institute. The program is staffed by a case manager who interviews clients (who are in custody and not in custody) and assists them in selecting a Recovery Works agency, which will provide treatment appropriate for their mental health and/or addiction problems. (The Recovery Works Program is a new service of the Indiana Mental Health and Addiction Division.)
- b) In addition to the initial interviews of clients, the case manager monitors the status of treatment participation of those who have been evaluated for treatment and follows up with clients who failed to appear for treatment evaluation. For those who missed their scheduled evaluation, the case manager assists with rescheduling the appointment. The Hamilton Center, a designated Recovery Works treatment provider, has set aside a day for such rescheduling of missed appointments.

The case manager also is developing a database of service providers for mental health, addiction, and wraparound services in the community.

***Impact: Through this program, the likelihood is increased that a higher proportion of indigent persons who come into contact with the criminal justice system will receive mental health and/or addiction treatment services.***

#### **9) Expanded Pretrial Release Programming (currently under development):**

- a) In September 2016, the Indiana Supreme Court adopted Criminal Rule 26 – Pretrial Release. CR26 encourages the release of arrestees, without bail, who do not present a substantial risk of flight or danger to self or others, subject to appropriate supervision, and not including defendants charged with murder, or those already on pre-trial release, probation or community corrections. CR26 also encourages courts to use evidenced-based risk assessments in determining whether an arrestee presents a substantial risk of flight or danger to self, others or the public. Statewide implementation of all CR26 requirements is mandatory in January 2020. Supporting this initiative is a state pretrial work group that has facilitated the development of a set of evidence-based policies and procedures (Pretrial Practices Manual) for use by Indiana jurisdictions as they develop and implement programs.
- b) Prior to the 2016 initiative, Vigo County was already operating pretrial release services through the Vigo County Adult Probation Department and Community Corrections.



Early in 2018, Vigo County Courts assembled a committee to pursue possible improvements in pretrial release practices, consistent with CR 26 and the recommendations in the Pretrial Practices Manual. The committee has representation from the Judiciary, Prosecutor's Office, the Public Defender's Office, Vigo County Adult Probation, Community Corrections, County Commissioners, County Council, Sheriff, and City Law Enforcement.

- c) On February 28, 2018, the Deputy Director of the Indiana Office of Court Services met with the committee to familiarize members with evidence-based decision-making concepts in pretrial release programming and to discuss various aspects of improved pretrial release programming. As a result of the meeting, the CR26 Committee made a formal request for Technical Assistance from the National Institute of Corrections (NIC). The request was approved and funded. On May 18, 2018, the committee met with Lori Eville from NIC. Additional meetings with the NIC are planned, as the committee works towards implementing and improving a more formal pretrial release program.

***Impact: At this stage, it is too early to forecast how the refinements will affect the size of the jail population. Additional resources are anticipated to fully implement this initiative and the full benefits relative to jail population impacts will not be actualized for 3-5 years post implementation.***

#### **10) Behavioral Health Diversion Facility (BHD):**

- a) Vigo County is seriously considering the implementation of a 16 to 30-bed Behavioral Health Diversion Facility to add to its regimen of alternatives to incarceration (ATI). We highly commend Vigo County officials and their community behavioral health partners for such forward thinking.
- b) BHD facilities are typically non-custodial facilities that have shown as an effective (and humane) alternative to incarceration throughout the United States, but their existence is very rare. Such facilities function as an alternative to incarceration for relatively low-level, non-violent offenses committed by people experiencing mental health crises, or who are in the midst of other serious behavioral health episodes. These facilities provide an array of professional behavioral health treatment services from crisis stabilization, medication assisted treatment (MAT), short-term residential care to outpatient mental health and addiction services, designed to help address behavioral health links to certain offending behaviors.
- c) BHD facilities provide local law enforcement an efficacious alternative to booking a person into jail, thereby reducing the number of jail bookings and daily inmate population. More importantly, BHD facilities effectively help to address timely access to mental health service problems – a common issue among mentally ill offenders and most community mental health delivery systems.
- d) Adding to the value of this potential ATI, Vigo County officials envision a BHD facility could improve jail and criminal justice system performance and outcomes in several other ways, for example:



1. Serve as a behavioral health step-down facility to further stabilize and prepare inmates being released from the jail.
  2. Serve as behavioral health step-up to jail (or other custodial sanction) facility for defendants and offenders who fail to comply with court-ordered BHD program requirements.
  3. Provide Community Corrections and County Probation agencies with another option to consider before making the determination to sanction an offender with incarceration.
  4. Give local courts, prosecution, and defense another non-custodial option when considering sanctions for noncompliance with other ATI programs, such as Felony Mental Health Court and PAIR, Veteran's Court, etc.
- e) A BHD facility could help to reduce the jail population in the long run. However, facility and operational planning, development, implementation could take up to two years, and its full impact on the jail population would likely not be realized for five to eight years after full implementation of the program. Nonetheless, a BHD facility can effectively support criminal justice reform sustainability if it is well planned, implemented, and operated according Key Sustainability Indicators for Criminal Justice Reform.

***Impact: Behavioral Health Diversion Facilities have demonstrated their effectiveness as a specialized alternative to incarceration throughout the United States over past several decades, but they are rare. Facility and operational planning requires considerable collaboration between government officials, community agencies, and the community. Funding mechanisms for sustainable facility construction and operations are not yet known to Vigo County but should be identified soon, so as to potentially incorporate this ATI strategy into the County's overall jail and criminal justice reform planning. Impact on jail capacity cannot be reliably determined at this time.***

#### **11) National Stepping-Up Initiative:**

- a) An estimated 2 million people with serious mental illnesses and other treatable behavioral health problems are admitted to jails across the nation. Approximately 75% also have drug and alcohol use and addiction problems. These individuals typically remain incarcerated longer than their counterparts and are at greater risk for reincarceration upon release. Vigo County is no exception, with an estimated 30%-60% of its jail population having serious mental illness and other diagnosable behavioral health disorders at the time of admission and during incarceration.
- b) Jails spend considerably more of their budgets on inmate behavioral health disorders. And yet upon release, the investment is much to no avail because public safety benefits are short term and/or not realized at all. As is with Vigo County, local jurisdictions and communities have invested tremendously to overcome this problem, but those efforts are too often derailed or impaired by serious political, organizational, financial and other resource challenges. Without sustainable change, many people with behavioral health problems will continue to cycle through local jails and criminal justice systems with often tragic outcomes of missed opportunities for needed treatment with public safety consequences.



- c) The Stepping-up Initiative is a nationwide effort to divert people with mental illness and other behavioral health problems from jails into appropriate treatment and aftercare services. This campaign is led by the National Alliance for Mental Illness, National Association of Counties, Council of State Governments Justice Center, American Psychiatric Foundation and many law enforcement associations and behavioral health organizations.
- d) The initiative challenges counties and their communities to collaborate in finding sustainable solutions to address community-specific needs. The campaign also supports local leaders by providing examples of demonstrated effective reforms and connections to other jurisdictions that have been successful in reducing incarceration of people with mental illness.
- e) Joining the campaign costs nothing but doing so can return tremendous dividends toward public safety and community wellness. Vigo County's, active participation in the National Stepping-Up Initiative would garner valuable resources and substantively support many jail and justice system reforms.
- f) County officials are encouraged to connect with Stepping-Up Initiative officials in Vandenburg County, IN and download the campaign resource toolkit at: <https://stepuptogether.org/toolkit>.

***Impact: Nationwide, jurisdictions involved in the Stepping-Up Initiative are experiencing improvement in the effectiveness and efficiency with jail and criminal justice system outcomes. The impact on the Vigo County Jail populations cannot be reliably determined at this time.***



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**SECTION 9.**  
**FEASIBILITY OF HOUSING INMATES IN THE COUNTY JAIL OF ANOTHER OR**  
**IN A MULTICOUNTY (REGIONAL) JAIL ESTABLISHED BY TWO COUNTIES**

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**A. Feasibility of Regional Partnerships:**

- 1) The decision to regionalize a jail for multi-jurisdictional benefit is complex, due to the multitude of issues involved, and very arduous because the issues and interests involved are significant. Care and protection of the public, correctional staff, and inmates are crucial factors to consider. Regionalization involves significant issues and is typically the result of the high cost of jail construction and operations along with a desire to spread those costs over more than one jurisdiction.<sup>23</sup> There are no viable regional alternatives available to Vigo County at this time.
- 2) Although Vigo and the four adjacent counties are overcrowded, according to their 2016 State Jail Inspection Reports, a regional solution would require the adjacent counties to transport some or all of their inmates to Vigo County as the logical hub. Figure 1 shows jail data for adjacent counties.

**Figure 1: Jail Data for Adjacent Counties.**

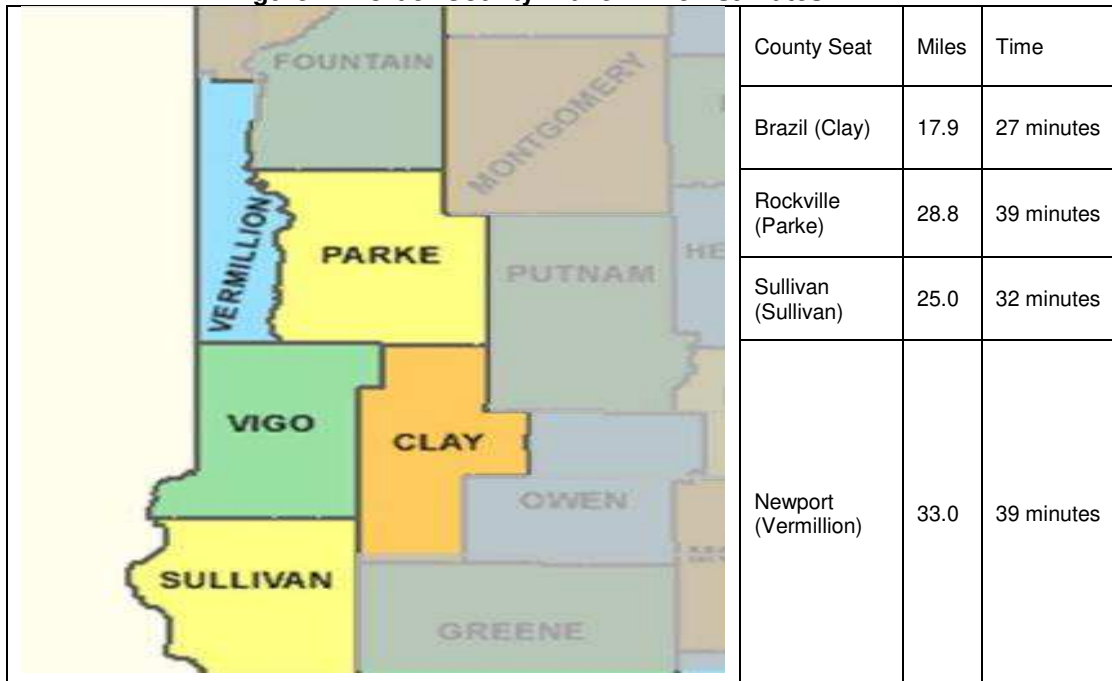
County	Inmate Pop.	Num. of Beds	Jail Rate of Utilization	Jail Over Capacity*	Num. of Inmates sentenced to serve county time	Num. of beds for DOC holding	Num. of inmates being held for DOC	Num. of sentenced inmates awaiting transfer to DOC	Num. of inmates for US marshal /ICE	Adequate Jail Staffing
Clay	162	170	95.3%	Yes	0	12	10	0	57	No
Parke	75	92	81.5%	Yes	3	30	0	0	0	No
Sullivan	72	56	128.6%	Yes	15	0	0	0	0	No
Vermillion	80	74	108.1%	Yes	12	30	3	0	0	Yes
Vigo	251	267	94.0%	Yes	0	0	0	3	0	No
State	17,833	21,050	84.7%		2,024	1,470	757	266	384	

<sup>23</sup> Ray, Kenneth A. and Kathy O'Meara Wyman. *Privatizing and Regionalizing Local Corrections: Some Issues for Local Jurisdictions to Consider*. Corrections Today, 62, no 6, (October 2000): Pages 116-128. Reference from: <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=185412>



- 3) Also, as the largest of the five jails, Vigo County would be the logical location of a regional facility, as depicted on the map and chart below showing location, distance and estimated travel time. Figure 2 shows bordering counties, distances and estimated travel times.

**Figure 2: Border County Travel Time Estimates.**





- 4) While the distance between Terre Haute and the four adjacent county seats is not formidable, it represents a substantial cost and logistical challenge for pretrial detainees who require in-person attendance at court proceedings, as shown in Figure 3 below.

**Figure 3: Map of Border County Transportation Distance Travel Time**



#### **B. A Regional Partnership Might Provide Some Benefits for Vigo County, such as:**

- 1) Lower per-inmate operating costs might be realized by consolidating all inmates into a single facility.
- 2) Lower per-bed construction costs might also be possible.
- 3) Ability to offer more diverse inmate programs in a larger facility.

But adding other partners to a new jail venture would also have many downsides:

- 1) The county would have to build a substantially larger facility, making site acquisition more difficult and likely triggering concerns of higher risks for county residents.
- 2) Sufficient qualified staff for a larger facility would be difficult to find and retain.
- 3) The other partners would need to contribute construction funds to build a facility outside of their county. This has proven to be a difficult concept to sell to officials and the public.
- 4) The parties would need to determine how the new facility would be organized and administered -possibly deciding to create an authority with decision-making shared between the counties.
- 5) Vigo County would assume liability for the expanded inmate population.



- 6) Planning a regional facility would increase the time needed to begin construction by *years*, while the partners determine the structure and logistics of the project and then secure funding for their shares.
- 7) Vigo County is under pressure to move decisively to solve deficiencies that have been become the subject of lawsuits, and it is likely that the plaintiffs would not be willing to wait any longer.

The consultants have implemented three of the four regional jail feasibility studies that have been completed in the United States in the past 10 years. Their work has included conducting a national survey of regional jails. At this time, under current conditions, a regional partnership is not in the best interest of Vigo County.

### **C. Regional Jails in the United States:**

- 1) Regional jails are *exceptional*. Less than 2% of all U.S. jails serve a region rather than a single jurisdiction. Of the approximately 80 regional jails operating today, only a handful were built without substantial state subsidies.
- 2) The most recent non-subsidized regional jail is the Burleigh Morton Detention Center in Bismarck, North Dakota. It opened in 2017. Before that, it had been 14 years since an unsubsidized regional jail was developed -- the Two Bridges Regional Jail in Maine, organized in 2003.
- 3) The Commonwealth of Virginia decided to promote regional jails over thirty years ago, and as a result it has 34 regional jails, more than one-third of all of the regional jails in the United States. Regional partnerships make sense in Virginia where both cities and counties operate jails and the distance between jurisdictions with jails is short. In addition to the regional jails, there are 15 city jails and 29 county jails in Virginia.

Many regional jails in the United States are having difficulties:

- 1) One Virginia regional jail has now closed its doors after 20 years, when the original partners paid off their construction debt and no longer had a need for the extra beds. Several other regional jails in Virginia are costing their partners substantially more than expected because the state prison population has declined, reducing the need to pay regional jails to house state prisoners.
- 2) Several regional jails in other states are encountering difficulties after their initial construction bonds have been paid. In Oregon, the revenue stream for a regional jail was insufficient and the partner counties asked voters to approve an increase. The measure passed in all but one county, which meant that none of the counties could increase their contributions.
- 3) The “regional jails” in Mississippi house state prisoners. Many have experienced difficulties in recent years as the state’s prison population has declined. In Ohio, two of the four regional jails built with a 50% state subsidy are experiencing financial problems.



#### **D. Feasibility Studies:**

Four major regional jail feasibility studies were conducted in the past 10 years:<sup>24</sup>

- 1) Regional Jail Feasibility Study, Allegan, Kalamazoo and Kent Counties, Michigan
- 2) Regional Jail Feasibility Study: Clay, Fentress, Overton and Pickett Counties, Tennessee
- 3) Regional Jail Feasibility and Facility Re-Use Study, 15 Counties in Michigan's Upper Peninsula
- 4) Burleigh/Morton Counties Study, North Dakota

The final reports for these four studies may be downloaded at: <http://tbf.me/a/EaUMc>

#### **E. Overview of Regional Jails:**

A national survey was conducted for the first Michigan study. Findings were updated in the subsequent two studies. Extensive research was conducted on the topic of regional jails in the United States. This research included:

- 1) A comprehensive literature review.
- 2) Consultation with national sources.
- 3) Review of news accounts of regional jail partnerships.
- 4) Analysis of laws in all 50 states.
- 5) An exhaustive internet search for information regarding regional jails.
- 6) Implementation of a comprehensive survey of existing regional jails and of regional development efforts that did not succeed.

Subsequent updates identified:

- 1) Regional jails operating in 21 states
- 2) 16 regional jail projects in 10 states under consideration.
- 3) 10 regional jail projects in 8 states that were recently abandoned.
- 4) Statutes authorizing or related to regional jails were in place in 20 states.

#### **F. Regional Jail Structures:**

The National Institute of Corrections (NIC) categorizes regional jails into seven different organizational structures:

- 1) Type I - A consortium of jurisdictions which agree to operate a regional facility for both pretrial and sentenced inmates, with shared control by a jail board drawn from the participating bodies, as well as joint pro rata funding. In this arrangement, there are no other jail facilities in the participating jurisdiction. (The most common form, and the structure authorized in Virginia)
- 2) Type II - The same arrangement as Type I, except that some jurisdictions in the consortium also maintain their own local facilities for pretrial inmates.

<sup>24</sup> The first three studies were implemented by CRS Inc., a non-profit organization ([www.correction.org](http://www.correction.org)). The SW Michigan study was completed in partnership with Luminosity (<http://www.luminosity-solutions.com/>). The Tennessee study included SRMT Inc. ([www.smrinc.com](http://www.smrinc.com)) and BPR LLC, Knoxville TN (<http://www.bprplanning.com/>). Kimme Associates implemented the North Dakota study.



- 3) Type III - A multi-jurisdictional facility exclusively for certain sentenced offenders; the participating jurisdictions also continue to operate their own jails for both pretrial and sentenced inmates.
- 4) Type IV - A multi-jurisdictional facility holding both pretrial and sentenced inmates; some jurisdictions in the consortium continue to operate their own jails.
- 5) Type V - A locally operated facility which accepts referrals from other participating jurisdictions and the state, generally for work release; all jurisdictions are charged a fee-for-service for all persons confined in the regional unit. (Vigo County' Community Corrections facility was intended to serve the region).
- 6) Type VI - A single jurisdiction accepts pretrial and/or sentenced inmates on a set fee-for-service basis, with total control remaining with the operating jurisdiction.
- 7) Type VII - Consolidated city-county jurisdiction. (No facilities)

The first four types are all variations of a structure in which two or more localities operate a regional jail with none, some, or all of the partners maintaining local jails. These types are recognized as more traditional regional jails while types V, VI, and VII generally are not. The chart below compares and contrasts the characteristics of the seven types of regional structures.

Nearly two-thirds of all regional jails characterize their facilities as Type I, serving two or more jurisdictions and operated by a representative board or authority, with no other jails being operated in the participating jurisdictions. Type IV is the second most common structure, a multi-jurisdictional facility holding both pretrial and sentenced inmates with some jurisdictions in the consortium continuing to operate their own jails. Four facilities reported being Type VI, two facilities as Type II, two as Type III and one facility as Type V. No Type VII arrangements were reported. Figure 4 below shows Regional Jail Types.

**Figure 4: Regional Jail Types.**

Type	Operated By	Maintain Local Jails?	Type of Inmates Housed		Accept Other Jurisdictions?	Number of Facilities
			Pretrial	Sentenced		
I	Consortium	None	Yes	Yes		27
II	Consortium	All	Yes	No		2
III	Consortium	All	No	Yes		2
IV	Consortium	Some	Yes	Yes		5
V	One County	NA	No	Yes	State	1
VI	One County	NA	Yes	Yes		4
VII	City/County	NA	Yes	Yes		0

## G. Notable Obstacles to the Regional Jail Development Process

The regional jails that responded to the survey provided detailed information regarding significant obstacles that needed to be overcome during the development process. Seven primary obstacles were described:

- 1) Citizen opposition to facility location – “not in my back yard”
- 2) Joint powers agreement – developing and securing buy-in from participating jurisdictions



- 3) Cooperation and agreement from participating jurisdictions – planning, financing, architectural design, construction, staffing, and operations
- 4) Sheriffs' resistance to a regional jail instead of expanding their own facilities
- 5) Site selection – zoning and agreement on location (transportation distances)
- 6) Financial – support for bond
- 7) Convincing localities of the advantages of a regional jail

## **H. Benefits:**

A study completed in Washington State<sup>25</sup> identified that regional jails are a viable alternative for the State of Washington, offering the following potential benefits:

- 1) Economies of scale
- 2) Construction cost savings
- 3) The possibility of operating expense savings
  - a. based on annual per prisoner costs
- 4) Improved jail housing conditions
- 5) Improved provision of inmate services
- 6) Provision of special offender services
- 7) Safer and more secure facilities
- 8) Enhanced public and officer safety

In spite of the encouragement offered by the Washington study, no new regional jails have been developed since the study was completed in 2001. The benefits identified in the Washington report are similar to those reported by regional jails in the national survey.

## **I. Many Try and Fail:**

- 1) A significant part of the research involved identifying, cataloging, and contacting other localities nationwide who are either currently engaged in the regional jail process, or those who began that process but ultimately decided against pursuing a regional jail.
- 2) The research identified regional jail projects in 12 states that were under consideration. Ten projects in eight states are known to have abandoned regional jail discussions since the year 2000. There are many more regional projects that have been considered but were eventually discarded. More detailed findings are available in the three feasibility study reports, which may be downloaded at: <http://tbf.me/a/EaUMc>.

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<sup>25</sup> "Regional Jails in the State of Washington: Regional Jail Study Final Report." Washington Association of Sheriffs and Police Chiefs. Olympia, Washington. 2001



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**SECTION 10.**  
**PROJECTION ESTIMATE OF THE NUMBER AND CHARACTERISTICS OF FUTURE**  
**INMATES RELATIVE TO CURRENT AND FUTURE JAIL CAPACITY NEEDS**

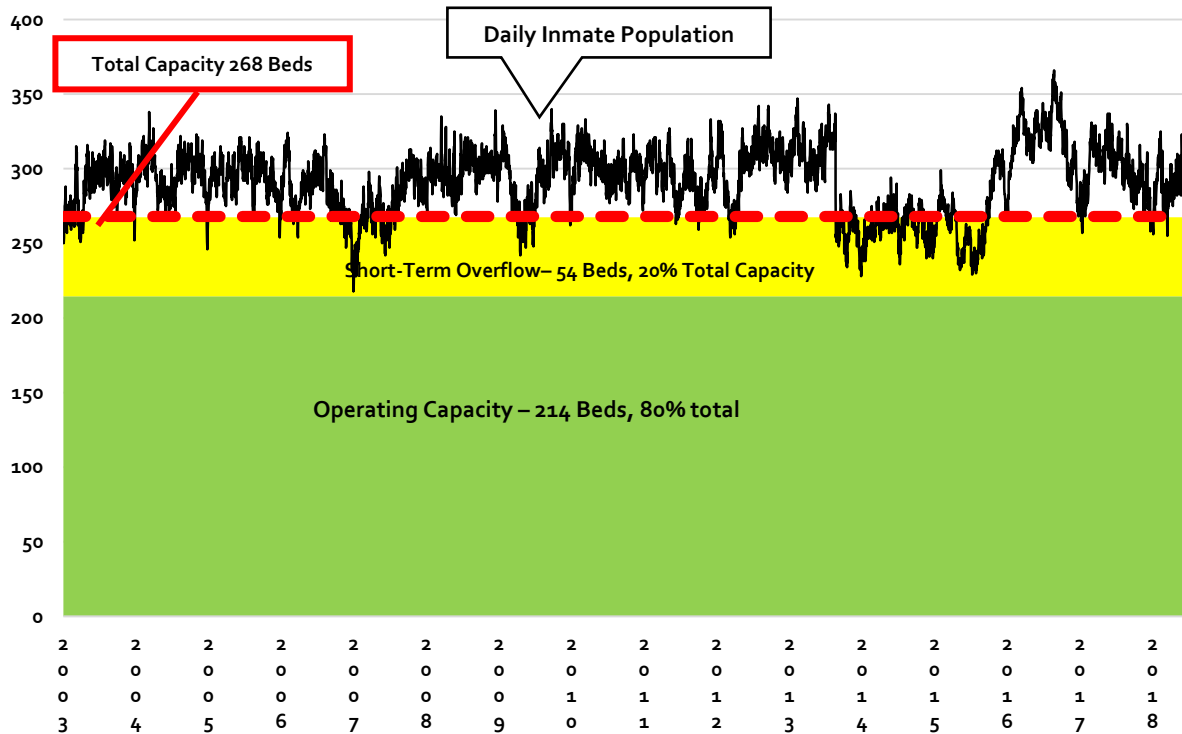
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**A. Jail Capacity:**

The Vigo County jail has an operating capacity of 214 beds (80% of total capacity) and a total capacity of 268 beds. Twenty percent (20%) of total capacity (54 beds) is intended for short-term population increases (overflow), classification and reclassification of prisoners according to inmate and facility risk and safety needs. A jail's operating capacity is considered the recommended maximum number of prisoners that should be held to ensure safe and manageable conditions of confinement. Exceeding a jail's operating capacity for short periods is considered normal, as long as the population does not exceed total capacity.

- 1) **Daily Inmate Population.** The Vigo County inmate population exceeded the jail's operating capacity every day between January 1, 2003 through May 30, 2018 (the data range for this assessment). Additionally, the jail has exceeded total capacity approximately 84% of days for more than the past 15 years. Figure 5 below show the jail's daily inmate population for that period compared to operating, short-term, and total capacities.

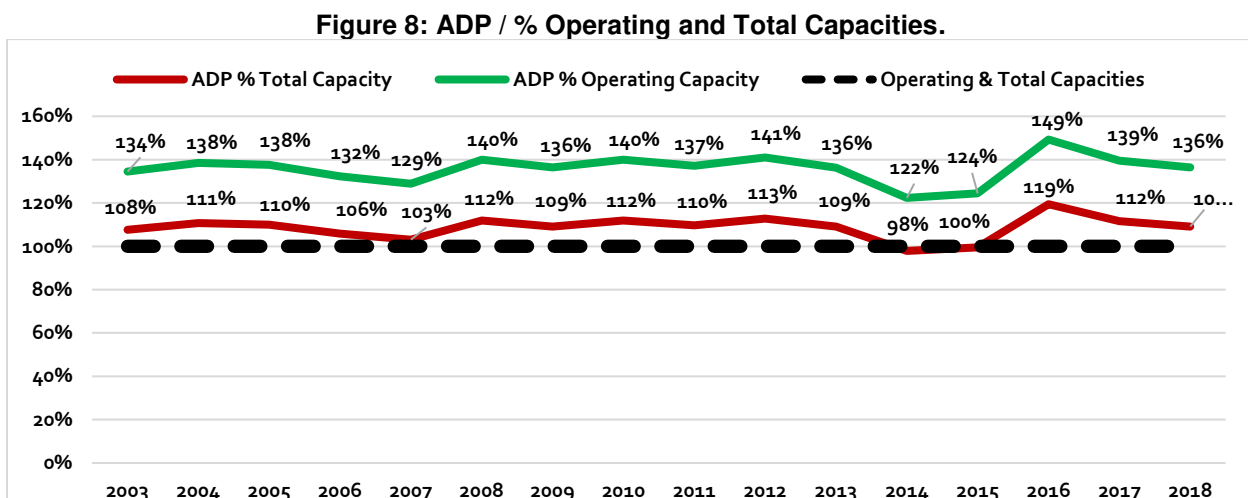
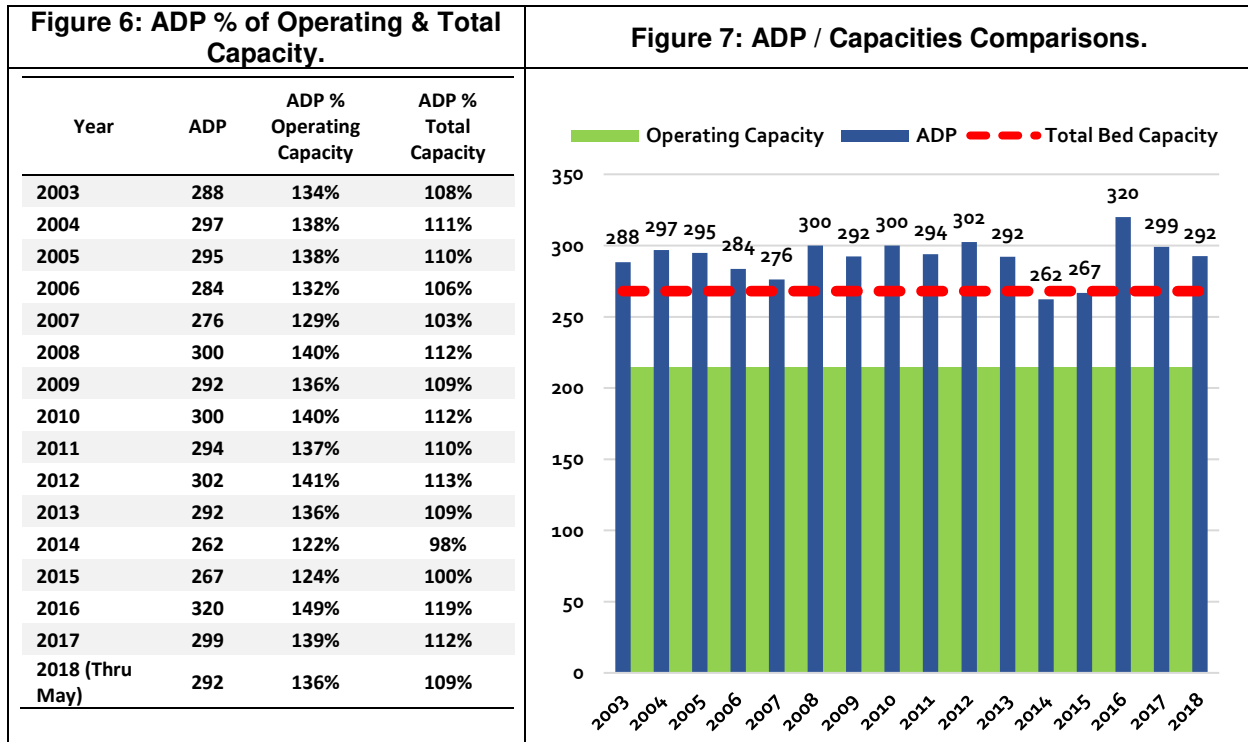
**Figure 5: Daily Inmate Population and Jail Capacities.**





- 2) **Average Daily Population (ADP).** The average daily inmate population (ADP) is the mean average of the daily population divided by the number of days in a given year. ADP is typically measured annually to assist in identifying population trends and patterns from year to year.

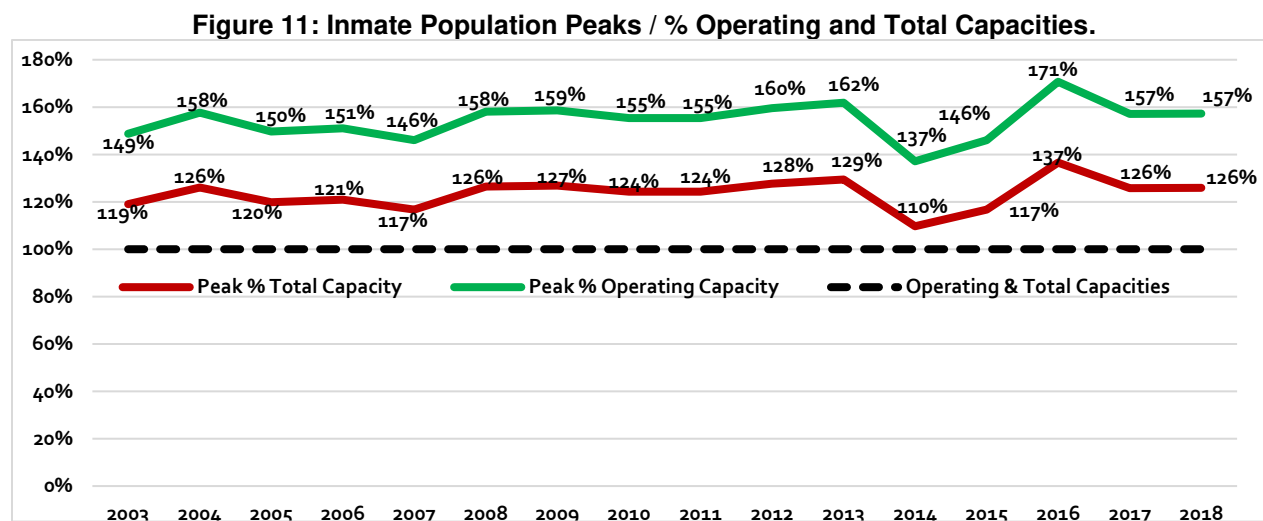
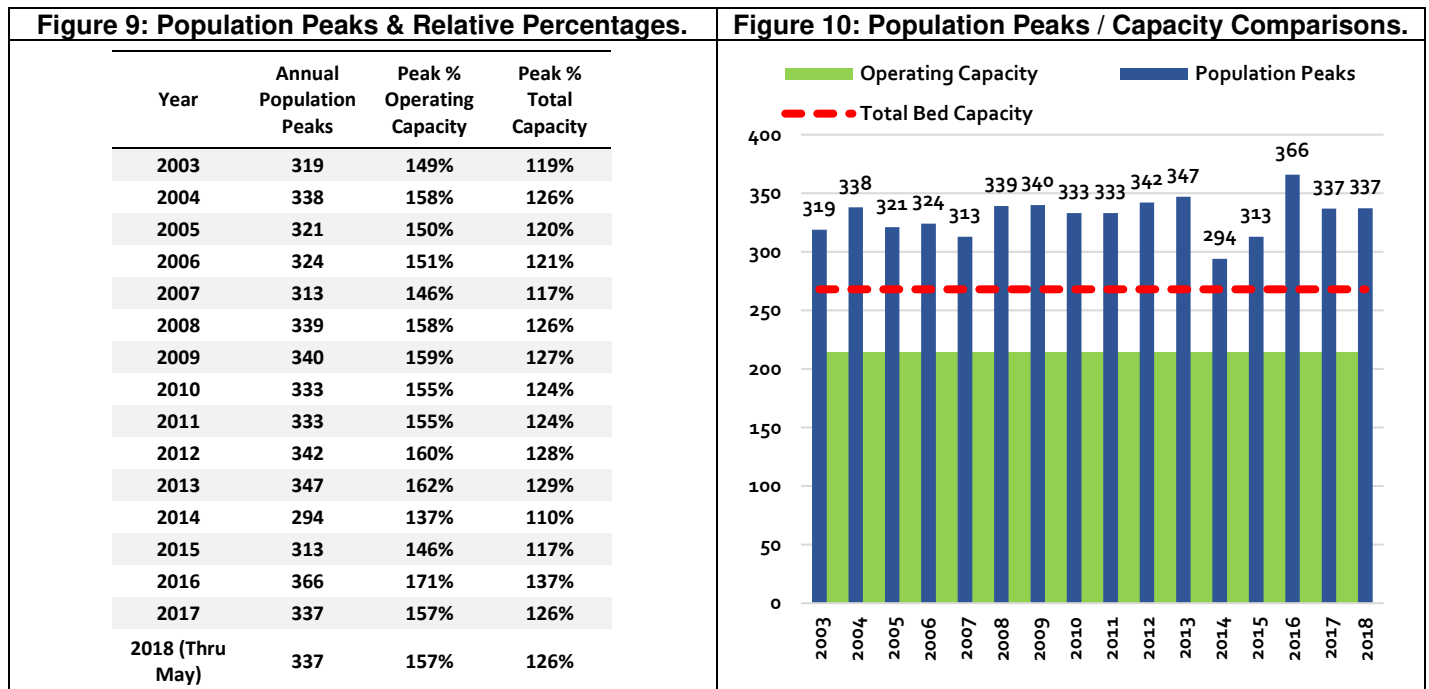
Similar to findings previously described about the daily inmate population, the County's annual ADP has exceeded the jail's operating capacity since at least 2003, and total capacity except in 2014, when the ADP reached 98% of total capacity. The ADP reached as high as 149% of operating capacity and 119% of total capacity in 2016. Figures 6,7 and 8 below show annual ADP statistics, relative percentages, and comparisons of ADP to operating and total capacities.





- 3) Inmate Population Peaks.** The highest number of inmates per day in a given period is considered the inmate population peak. This study uses annual inmate population peaks to understand their historical relationship with capacity. The 54-bed short-term overflow / classification capacity is the bed capacity between operating and total capacities. This capacity is intended for very short-term inmate population peaks for population overflow, classification and reclassification of prisoners according to inmate and facility risk and safety needs.

The population peaks reached as high as 171% of operating capacity and 137% of total capacity in 2016. Figures 9,10 and 11 below show annual population peak statistics, relative percentages, and comparisons of peaks to operating and total capacities.





#### 4) Displaced Prisoners:

**Figure 12: ADP/Peaks Above Capacities.**

a) Finally, we add to our descriptive assessment of jail capacity the body count – the number of County prisoners that either cannot be housed at the jail, or who are housed in overcrowded conditions, or both. This is simply measured by calculating the annual average daily and peak populations that exceeded the jail's operating and total capacities.

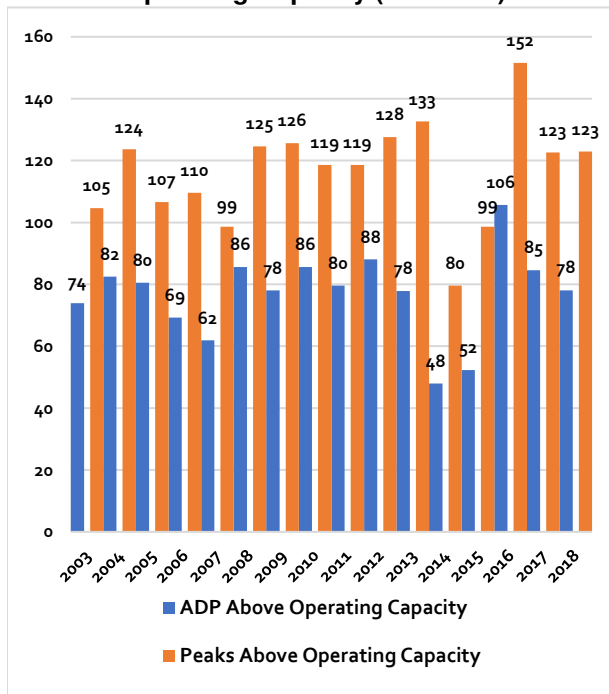
Year	ADP Above Operating Capacity	Peaks Above Operating Capacity	ADP Above Total Capacity	Peaks Above Total Capacity
2003	74	105	20	51
2004	82	124	29	70
2005	80	107	27	53
2006	69	110	16	56
2007	62	99	8	45
2008	86	125	32	71
2009	78	126	24	72
2010	86	119	32	65
2011	80	119	26	65
2012	88	128	34	74
2013	78	133	24	79
2014	48	80	-6	26
2015	52	99	-1	45
2016	106	152	52	98
2017	85	123	31	69
2018	78	123	24	69

b) Between 2003 and 2018, jail ADP and population peaks exceeded the jail operating capacity of 214 from 48 (2014) to 106 (2016) inmates. ADP exceeded the operating capacity by 80 or more inmates for eight of the last 15 years. Similarly, population peaks exceeded the operating capacity from 80 (2014) to 152 (2016) inmates.

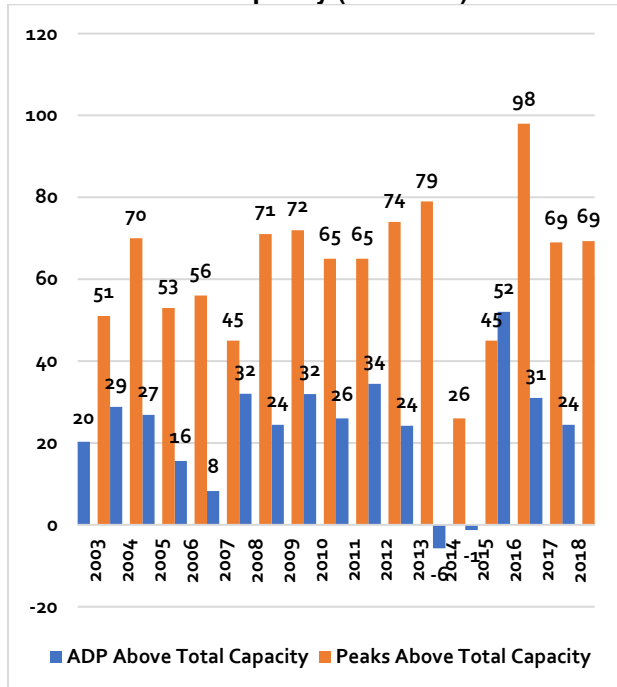
c) Population peaks exceeded the operating capacity in excess of 100 inmates for 13 of past 15 years. The ADP exceeded total capacity for all years assessed except in 2014 and 2015, but annual population peaks exceeded total capacity every year (Figure 12-14).



**Figure 13: ADP & Peak Population Exceeding Operating Capacity (214 beds).**



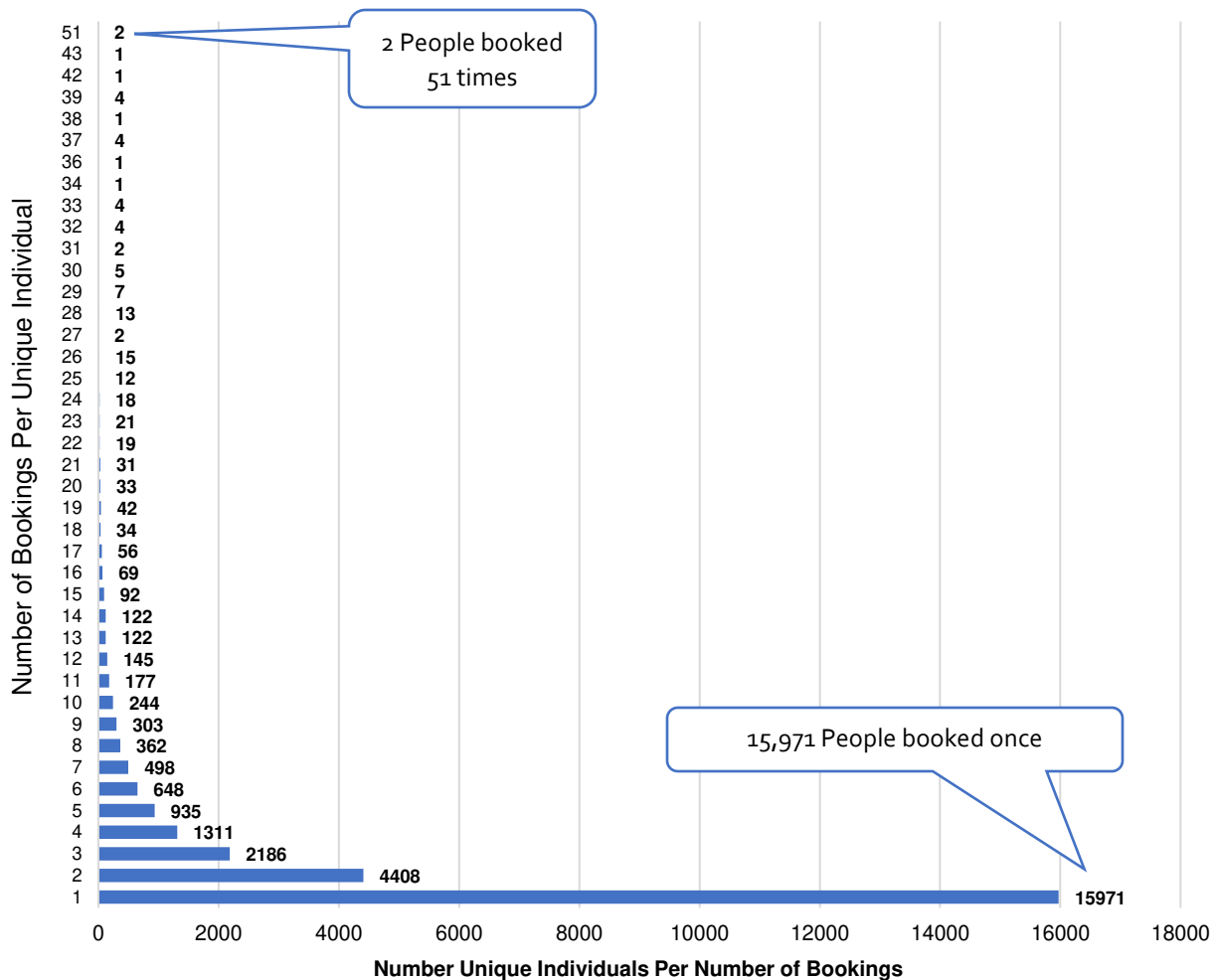
**Figure 14: ADP & Peak Population Exceeding Total Capacity (268 beds).**



## B. Jail Population Characteristics:

- 1) **Jail Readmissions are Increasing.** For the purposes of this assessment, “readmission” is defined as a unique individual being booked more than once in a single year or in multiple years. This definition includes individuals booked more than once in a specific year, booked only once in multiple years, and those booked multiple times per year and in multiple years. The 2003 through 2017 jail admissions data were examined to determine the number of times unique individuals were booked to estimate readmission rates.
  - a) In aggregate, approximately 27,926 unique individuals account for all 73,544 jail admissions from 2003 through 2017. Nearly 16,000 (15,917 / 52%) were booked only once and account for almost 22% of all bookings. The remaining 48% of unique individuals were booked more than once and account for about 88% of all jail admissions. Unique individuals were admitted from 2 to 4408 individuals) to 51 (2 individuals) times over the 15-year period as shown in Figure 15 below.



**Figure 15: Number of Bookings by Unique Individuals 2003-2017 (Aggregate)**

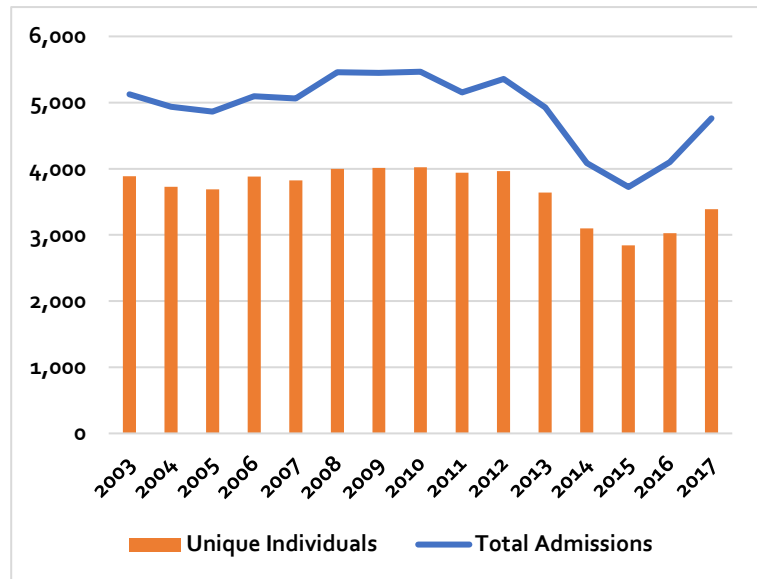
- b) The aggregate readmissions rate is the total number of bookings for each unique individual in 2003 through 2017. Approximately 27,926 unique individuals account for all 73,544 jail admissions from 2003 through 2017. Almost 16,000 (15,917 / 52%) were booked only once and account for almost 22% of all bookings during that period. The aggregate readmission rate is, therefore, approximately 48% (total unique individuals booked more than once). Therefore, the aggregate 48% of unique individuals booking from 2003 through 2017 account for 88% of total bookings.
- c) Nonaggregate readmissions results are somewhat different because it focuses on per year bookings per unique individual. Some individuals were booked more than once in a specific year, some booked only once in multiple years, and some individuals were booked multiple times per and in multiple years. The annual bookings per individual ranged from 1.31 to 1.41. Figures 16 and 17 below show per-year bookings and unique number of individuals admitted.<sup>26</sup>

<sup>26</sup> Per year unique individual total of 54,934 is higher than the aggregate of 27,926 because it is the total sum of unique individuals per year. Unique individuals booked in multiple years are (once or more) counted in each year as a separate unique individual.



**Figures: 16 and 17 Admissions Per Unique Individual.**

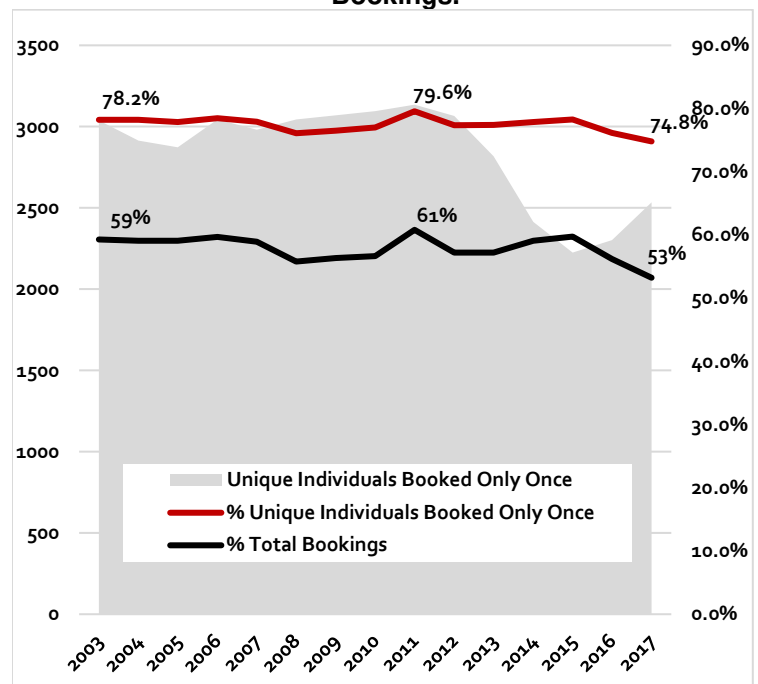
Year	Total Admissions	Unique Individuals	Per UI Admits
2003	5,123	3,885	1.32
2004	4,934	3,726	1.32
2005	4,862	3,690	1.32
2006	5,098	3,880	1.31
2007	5,060	3,825	1.32
2008	5,456	4,000	1.36
2009	5,448	4,012	1.36
2010	5,466	4,021	1.36
2011	5,155	3,940	1.31
2012	5,359	3,963	1.35
2013	4,925	3,639	1.35
2014	4,085	3,099	1.32
2015	3,724	2,841	1.31
2016	4,097	3,024	1.35
2017	4,762	3,389	1.41
Totals:	73,554	54,934	1.34



- d) The percent of unique individuals booked only once per year ranges from approximately 75% (2017) to almost 80% (2011). Per one-time admissions account for 53% to 61% of total annual bookings as shown in Figures 18 and 19 below.

**Figure 18: Annual Percent of Unique Bookings.**

Year	Total Bookings	Unique Individuals Booked Once	% Unique Individuals Booked Once	% Total Bookings
2003	5123	3038	78.2%	59%
2004	4934	2915	78.2%	59%
2005	4862	2873	77.9%	59%
2006	5098	3044	78.5%	60%
2007	5060	2981	77.9%	59%
2008	5456	3043	76.1%	56%
2009	5448	3069	76.5%	56%
2010	5466	3096	77.0%	57%
2011	5155	3135	79.6%	61%
2012	5359	3066	77.4%	57%
2013	4925	2817	77.4%	57%
2014	4085	2413	77.9%	59%
2015	3724	2224	78.3%	60%
2016	4097	2302	76.1%	56%
2017	4762	2535	74.8%	53%

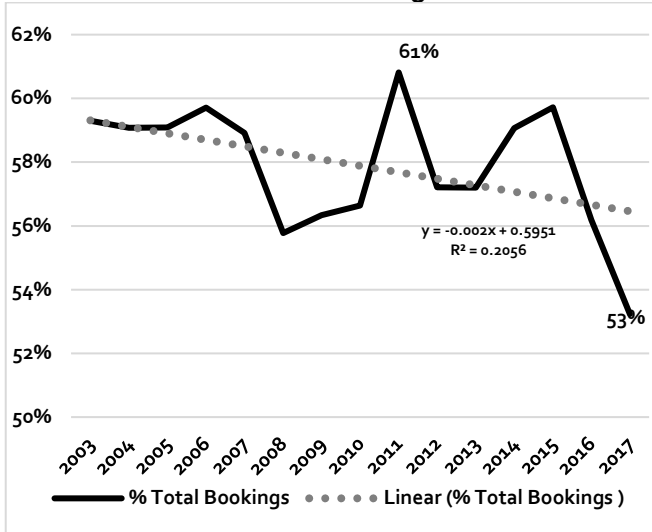
**Figure 19: Percent Unique One-Time and Multiple Bookings.**

- e) There is a downward trend in the percentage of unique individuals being booked only once, from a high of 61% (2011) to 53% (2017) total admissions. The percent of unique individuals being readmitted increased from approximately 39% (2011) to almost 47% (2017) of total bookings. This trend has many potentially serious public safety, jail capacity,

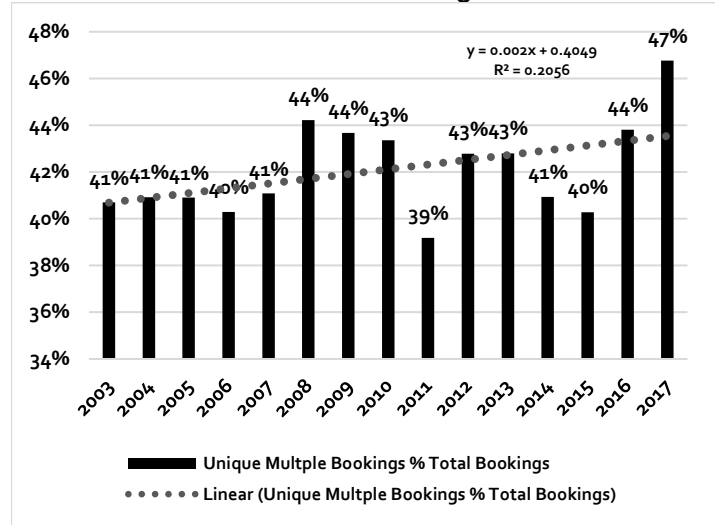


and budget implications and, thus should be carefully examined by Vigo County officials and the Criminal Justice Committee. See Figures 20 and 21 below.

**Figure 20: Per-Year Unique One-Time Bookings  
% Total Bookings.**



**Figure 21: Per Year Unique Readmissions  
% Total Bookings.**

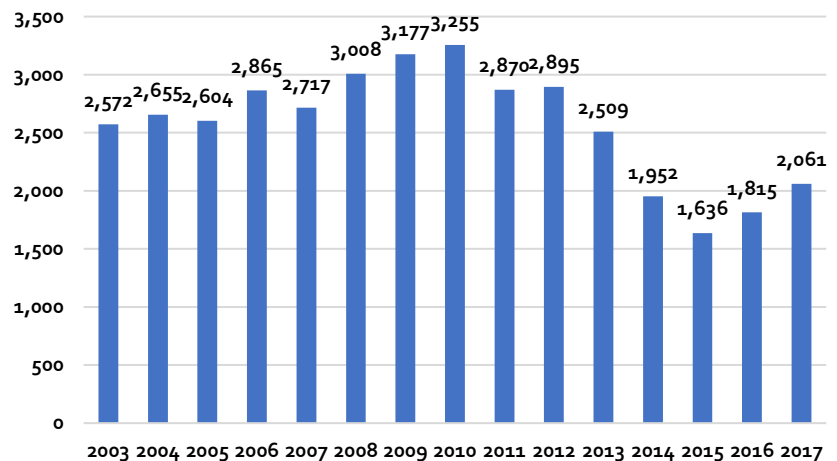


- 2) **Length of Stay (LOS) Is Growing.** Approximately 38,591 (53%) of 73,554 total jail admissions 2003-2017 remained in custody less than one day as shown in Figures 22 and 23 below.

**Figure 22: # Admissions w/Less Than One-Day Length of Stay.**

Year	Less Than One Day Length of Stay	Percent Total LOS
2003	2,572	50.2%
2004	2,655	53.8%
2005	2,604	53.6%
2006	2,865	56.2%
2007	2,717	53.7%
2008	3,008	55.1%
2009	3,177	58.3%
2010	3,255	59.5%
2011	2,870	55.7%
2012	2,895	54.0%
2013	2,509	50.9%
2014	1,952	47.8%
2015	1,636	43.9%
2016	1,815	44.4%
2017	2,061	44.3%
Total	38,591	52.5%

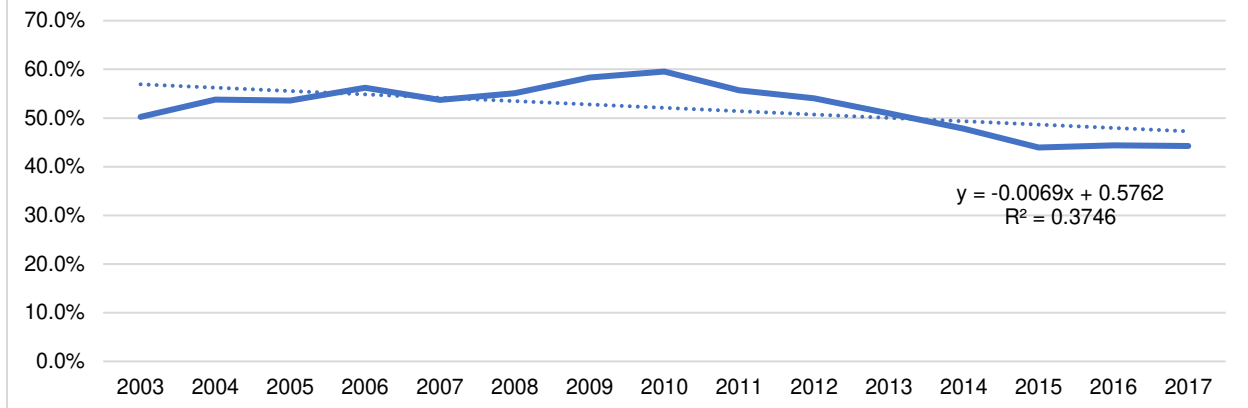
**Figure 23: Graphed.**



- a) The percentage of total annual bookings staying less than one day has decreased from a high of approximately 60% (2010) to its lowest of 44.3% in 2017. Figure 24 below shows this downward trend.



**Figure 24: % Annual Admissions w/Less Than One Day Length of Stay 2003-2017.**

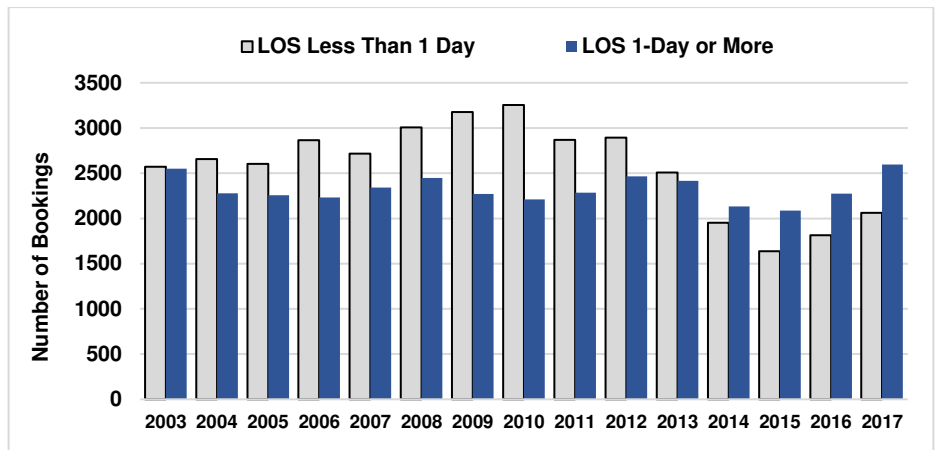


- b) Concomitantly, the number and percent of bookings remaining in custody one day or more is increasing as shown in Figures 25 and 26 below.

**Figure 25: Bookings LOS Less and More Than One Day.**

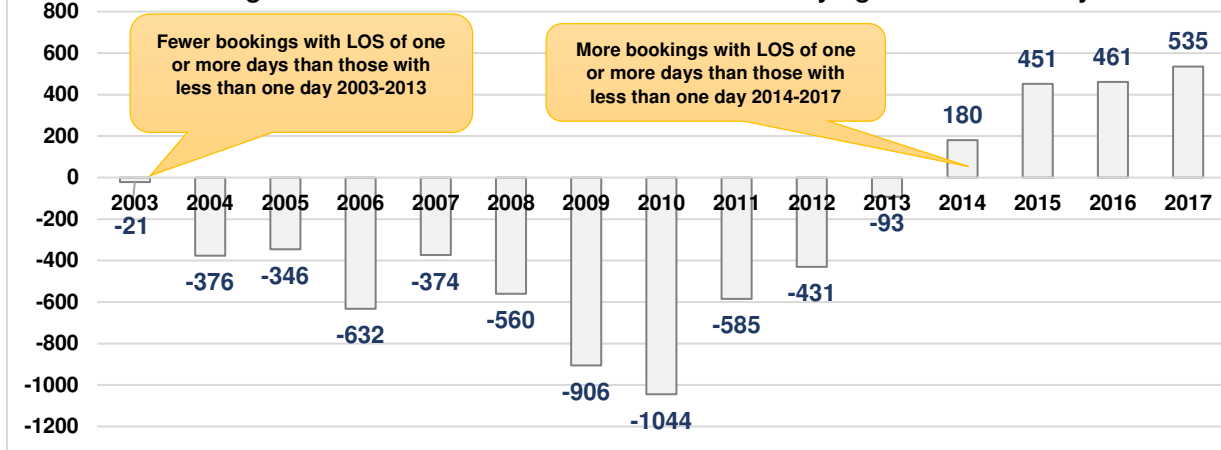
Year	LOS Less Than 1 Day	Percent Total LOS	LOS 1-Day or More	Percent Total LOS
2003	2572	50.2%	2551	49.8%
2004	2655	53.8%	2279	46.2%
2005	2604	53.6%	2258	46.4%
2006	2865	56.2%	2233	43.8%
2007	2717	53.7%	2343	46.3%
2008	3008	55.1%	2448	44.9%
2009	3177	58.3%	2271	41.7%
2010	3255	59.5%	2211	40.5%
2011	2870	55.7%	2285	44.3%
2012	2895	54.0%	2464	46.0%
2013	2509	50.9%	2416	49.1%
2014	1952	47.8%	2132	52.2%
2015	1636	43.9%	2087	56.1%
2016	1815	44.4%	2276	55.6%
2017	2061	44.3%	2596	55.7%
Total	38591	52.5%	34850	47.5%

**Figure 26: LOS Comparisons.**



- c) From 2003 through 2017, the number of bookings with a LOS of one or more days increased significantly compared to those with a LOS of less than one day. From 2003 through 2013, the number of individuals having a LOS of one or more days was 21 to 1,044 less than those in custody less than one day. Beginning in 2014, the number individuals booked who remained in custody one or more days was greater than those in custody less than one day. This trend continued and almost double from 180 individuals in 2014 to 535 2017, indicating an increase in the LOS for the number of individuals incarcerated one or more days. The decrease in less-than-one-day incarcerations, as a significant portion of the population, is a contributing factor to the increase in length of stay during the last several years. Figure 27 shows this dramatic change less and more than one day lengths of stay.



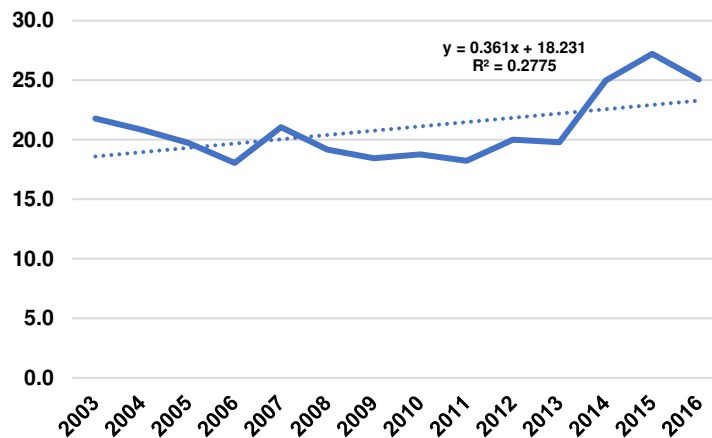
**Figure 27: Growth In Number of Individuals Staying One or More Days.**

### 1) Average Length of Stay (ALOS) Is Growing:

- a) All Bookings 2003-2017. As expected, the overall annual average length of stay (ALOS) for all bookings trends upward 15% from 2003 through 2017 and almost 38% from 18.2 days in 2011 to 25.1 in 2017, as shown in Figures 28 and 29.

**Figure 28:  
ALOS All Bookings 2003-2016.**

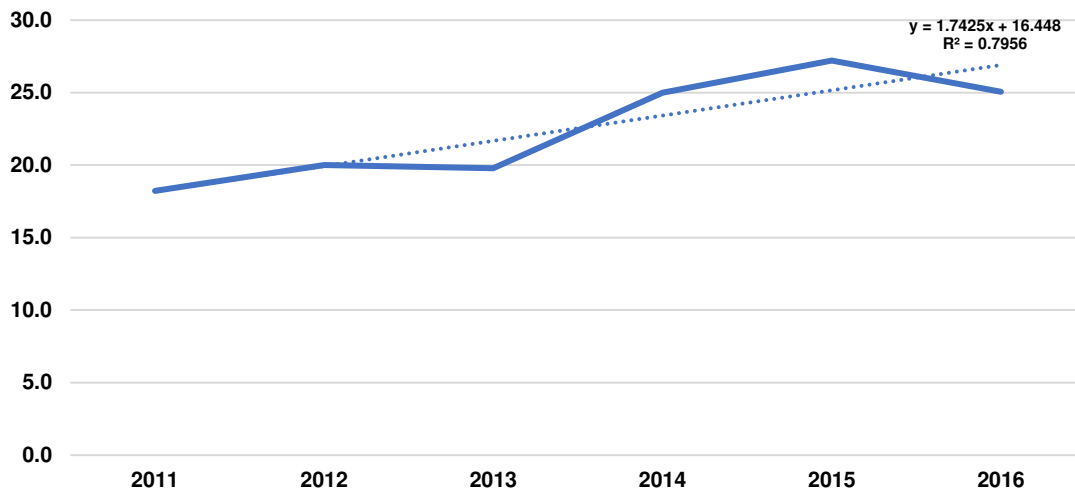
Booking Year	Total Bookings	Total Releases	ALOS
2003	5,123	4,864	21.8
2004	4,934	4,926	20.8
2005	4,862	4,869	19.7
2006	5,098	5,151	18.1
2007	5,060	5,002	21.1
2008	5,456	5,441	19.2
2009	5,448	5,468	18.4
2010	5,466	5,451	18.8
2011	5,155	5,143	18.2
2012	5,359	5,346	20.0
2013	4,925	4,996	19.8
2014	4,084	4,063	25.0
2015	3,723	3,708	27.2
2016	4,091	4,080	25.1
2017	4,657	4,786	15.7

**Figure 29: Linear Regression of 2003-2016  
Booking ALOS.**



The linear regression trajectory for 2011-2017 is greater than for All Bookings ALOS above, as shown in Figure 30 below.

**Figure 30: Linear Regression Trajectory for 2011-2016 ALOS.**

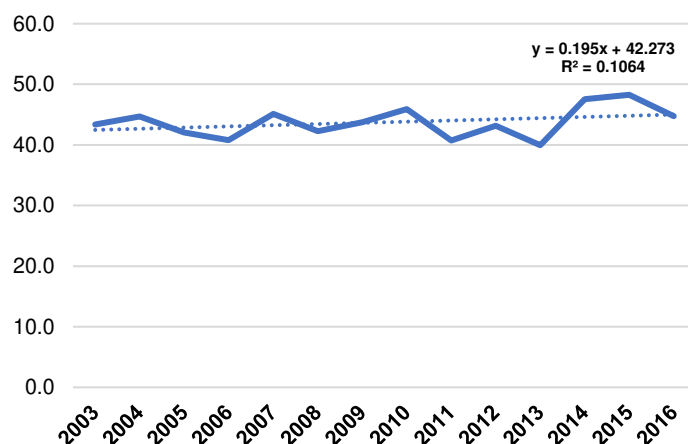


- b) **ALOS for Bookings with LOS of One or More Days.** ALOS for these bookings has trended upward approximately 3.2% from 43.3 days in 2003 to 44.8 days through 2017, and approximately 10% from 40.7 days in 2011 to 44.8 through 2017, as shown in Figures 31 and 32.

**Figure 31: ALOS Bookings w/ LOS of One or More Days.**

Booking Year	Total Bookings	Total Releases	ALOS
2003	2,551	4,864	43.3
2004	2,279	4,926	44.7
2005	2,258	4,869	42.1
2006	2,233	5,151	40.8
2007	2,343	5,002	45.1
2008	2,448	5,441	42.3
2009	2,271	5,468	43.8
2010	2,211	5,451	45.9
2011	2,285	5,143	40.7
2012	2,464	5,346	43.2
2013	2,416	4,996	40.0
2014	2,132	4,063	47.5
2015	2,087	3,708	48.3
2016	2,276	4,080	44.8
2017	2,596	4,786	27.9

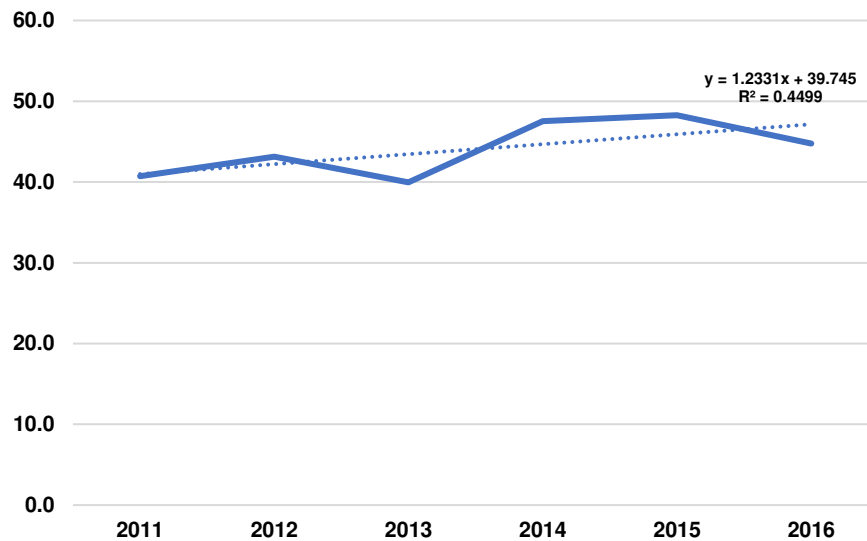
**Figure 32: Linear Regression ALOS Bookings w/ LOS of One or More Days.**





The linear regression trajectory for 2011-2017 is slightly greater than the ALOS above, as shown in Figure 33 below.

**Figure 33: Linear Regression Trajectory for 2011-2016 ALOS.**



- c) The LOS and ALOS findings are potential indicators that an increase in the County's jail population is forthcoming. This should be seriously considered in forecasting jail bed needs, and for stabilizing and expanding alternatives to incarceration where public safety is not adversely impacted.



### C. Gender:

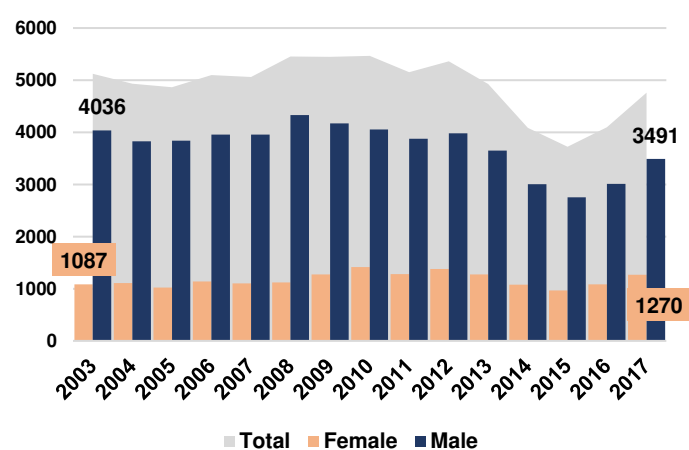
Interesting changes in jail population gender composition occurred from 2003 through 2017.

- 1) **Jail Bookings:** Total jail bookings decreased approximately 7% from 5,123 in 2013 to 4,762 (-361) in 2017. Female bookings increased while the male cohort decreased. Female bookings grew by approximately 17%, from 1,087 bookings in 2003 to 1,270 (+183) in 2017. Conversely, male bookings decreased approximately 14% during that time period from 4,036 to 3,491 (-545). Concomitantly, changes in gender percentage of total bookings changed as well. Bookings by gender are shown in Figures 34 and 35 below.

**Figure 34: Bookings by Gender.**

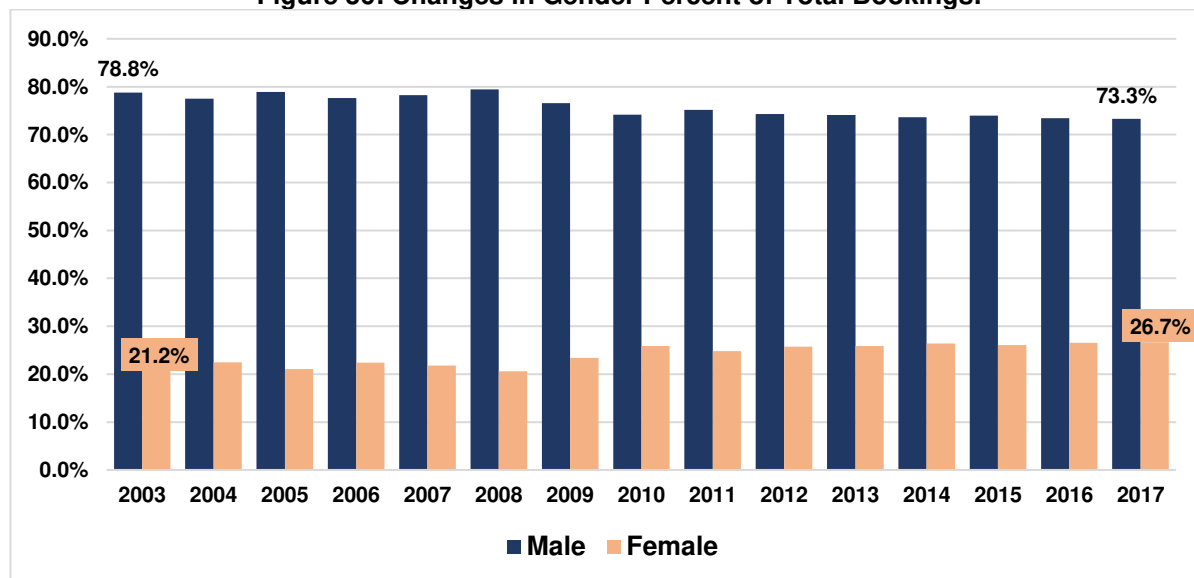
Booking Year	Male	Female	Other (Unk)	Total	Male	Female
2003	4036	1087	0	5123	78.8%	21.2%
2004	3825	1109	0	4934	77.5%	22.5%
2005	3838	1024	0	4862	78.9%	21.1%
2006	3957	1141	0	5098	77.6%	22.4%
2007	3958	1102	0	5060	78.2%	21.8%
2008	4333	1123	0	5456	79.4%	20.6%
2009	4172	1276	0	5448	76.6%	23.4%
2010	4053	1413	0	5466	74.1%	25.9%
2011	3875	1280	0	5155	75.2%	24.8%
2012	3980	1379	0	5359	74.3%	25.7%
2013	3650	1275	0	4925	74.1%	25.9%
2014	3007	1078	0	4085	73.6%	26.4%
2015	2754	970	0	3724	74.0%	26.0%
2016	3009	1087	1	4097	73.4%	26.5%
2017	3491	1270	1	4762	73.3%	26.7%
<b>Total</b>	<b>55938</b>	<b>17614</b>	<b>2</b>	<b>73554</b>	<b>76.1%</b>	<b>23.9%</b>
Increase / Decrease	-545	183	1	-361		
Percent +/-	-13.5%	16.8%		-7.0%		

**Figure 35: Bookings by Gender.**



- 2) In 2003, females accounted for approximately 21% of total bookings. In 2007, female bookings increased to 1,270, about 27%, of total bookings. Male bookings dropped almost 14% (-545) to 3,491. Figure 36 below changes in gender percentages in total annual bookings.

**Figure 36: Changes in Gender Percent of Total Bookings.**





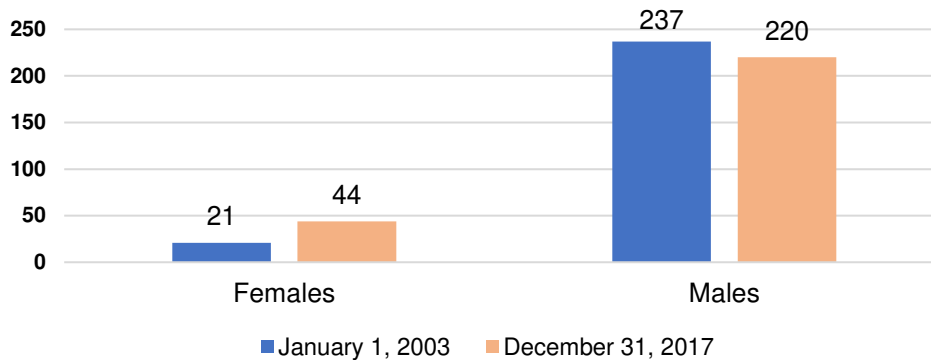
### 3) Daily, Average Daily (ADP), and Peak Population:

- a) **Daily Detainee Population.** Similar to gender and booking findings, changes occurred in gender composition of the jail's daily and average daily population (ADP) since 2003. On January 1, 2003, the jail population of approximately 258 detainees consisted of 21 females and 237 males. On that day, the female population was approximately 8% of total detainees. By December 31, 2017, the total population was 2.3% higher with 264 detainees. However, the female population more than doubled (209%) to 44 by this time and accounted for almost 17% of the jail's 264 total detainees. The male population decreased 7.2% to 220, and from almost 92% to 83% of the total detainee population. Figures 37 through 40 show changes in the daily gender population and percentage of total population.

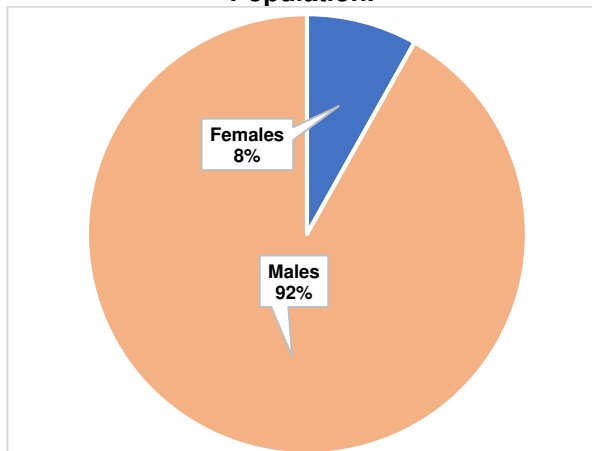
**Figure 37: Changes in Daily Jail Population**

Daily Detainee Population	January 1, 2003		December 31, 2017		Change in Daily Population	
	# Detainees	% Total Population	# Detainees	% Total Population	# Increase / Decrease	% Increase Decrease
Females	21	8.1%	44	16.7%	23	209.5%
Males	237	91.9%	220	83.3%	-17	-7.2%
Total Detainees	258	100.0%	264	100.0%	6	2.3%

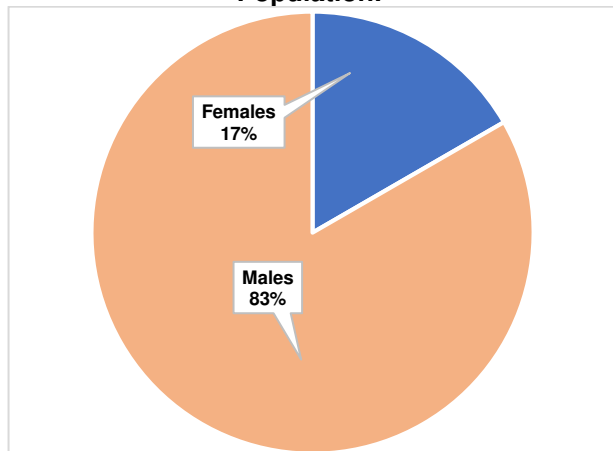
**Figure 38: Number Detainees by Gender.**



**Figure 39: Jan 1, 2003 Percent Total Population.**



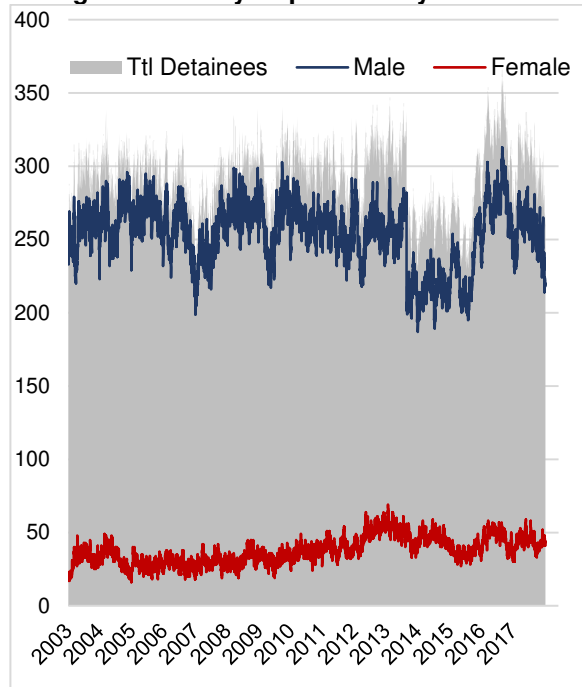
**Figure 40: Dec 31, 2017 Percent Total Population.**



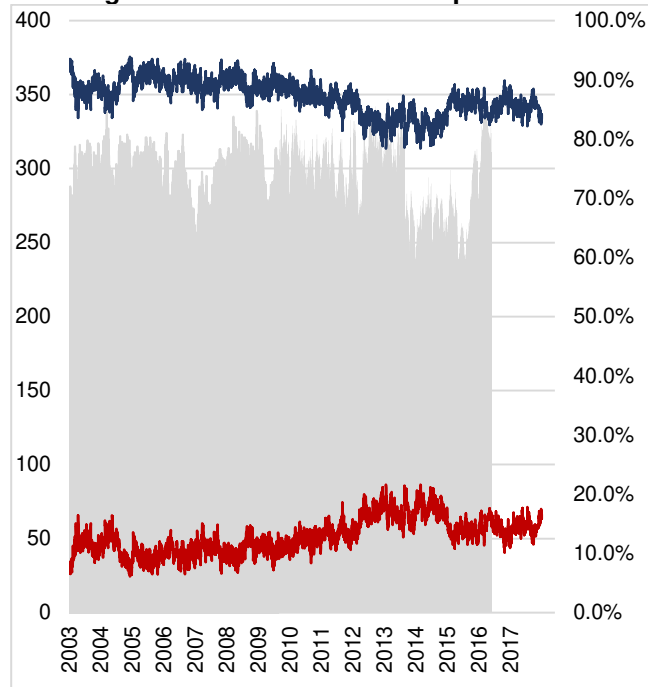


b) Figures 41 and 42 below are the daily detainee populations by gender and percentage of total populations from January 2, 2003 through December 31, 2017.

**Figure 41: Daily Population by Gender.**



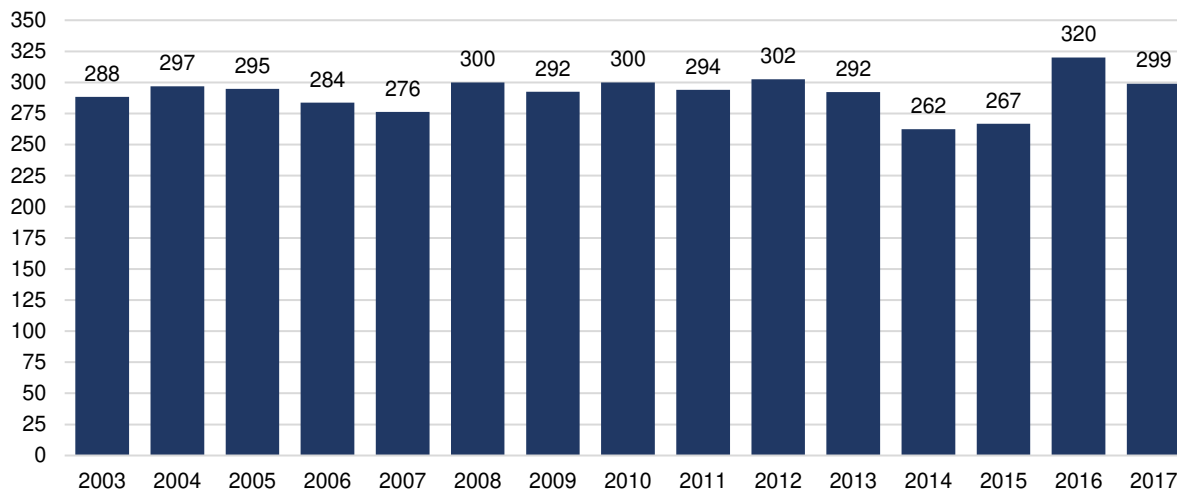
**Figure 42: Gender % Total Population.**



#### 4) Average Daily Population (ADP):

a) The jail average daily population increased approximately 4% from 288 in 2003 to almost 300 in 2017. Female ADP increased almost 27% from 32 to 44. In 2003, female detainees comprised 11% ADP and increased to 15% in 2017. Male ADP remained relatively constant during that time period, but total percent of ADP decreased 4.2% from 89% in 2003 to 85% in 2017. Figures 43 through 45 show gender ADP changes.

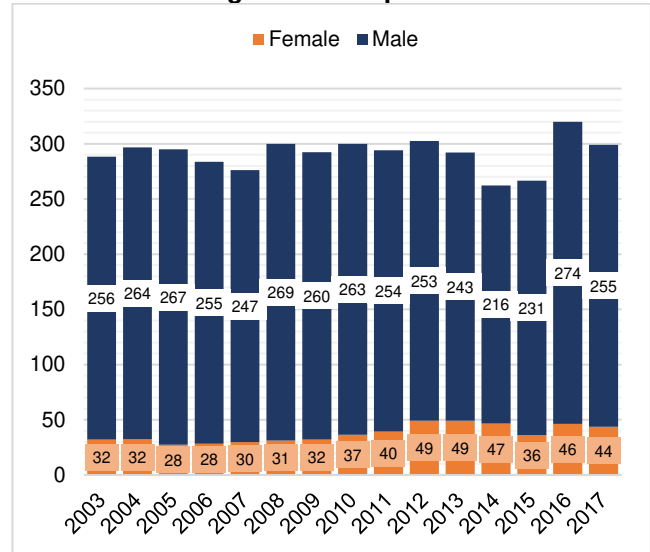
**Figure 43: Jail Average Daily Population.**



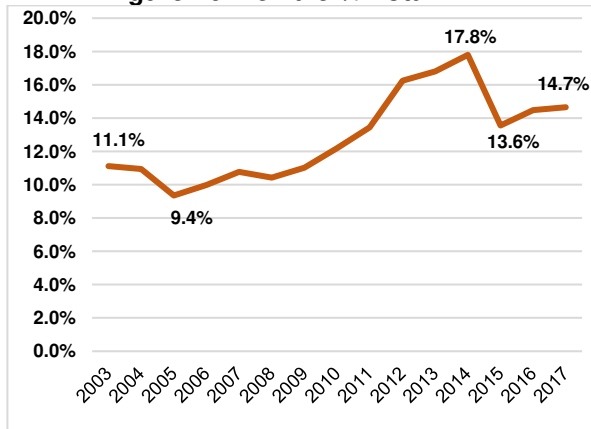
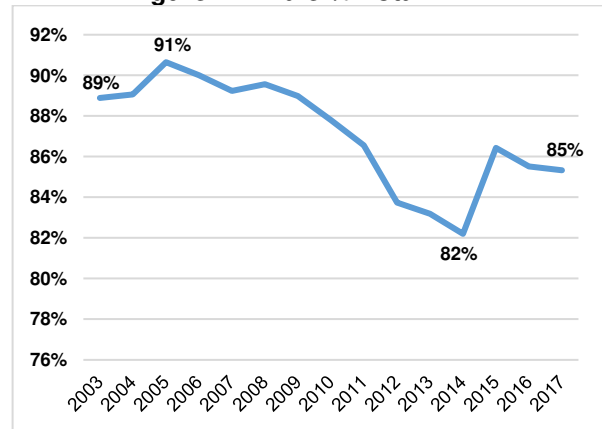


**Figure 44: Gender ADP.**

Year	ADP	Female	% Total ADP	Male	% Total ADP
2003	288	32	11.1%	256	89%
2004	297	32	10.9%	264	89%
2005	295	28	9.4%	267	91%
2006	284	28	10.0%	255	90%
2007	276	30	10.8%	247	89%
2008	300	31	10.4%	269	90%
2009	292	32	11.0%	260	89%
2010	300	37	12.2%	263	88%
2011	294	40	13.4%	254	87%
2012	302	49	16.3%	253	84%
2013	292	49	16.8%	243	83%
2014	267	47	17.8%	216	82%
2015	267	36	13.6%	231	86%
2016	320	46	14.5%	274	86%
2017	299	44	14.7%	255	85%
Change	11	12	0	-1	0
% Change	3.6%	26.9%	24.2%	0%	-4.2%

**Figure 45: Graphed.**

b) Figures 46 and 47 show gender percentage of total ADP 2003 through 2017.

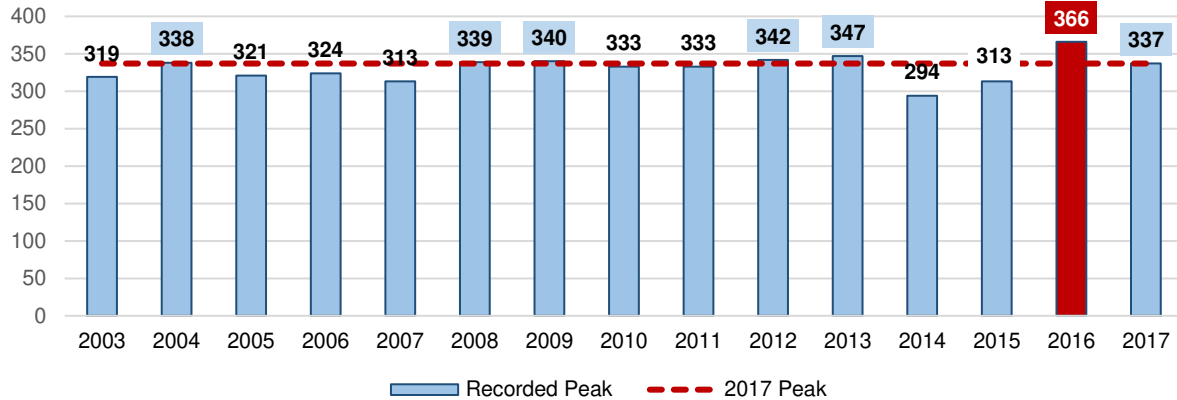
**Figure 46: Female % Total ADP.****Figure 47: Male % Total ADP.**



## 5) Population Peaks:

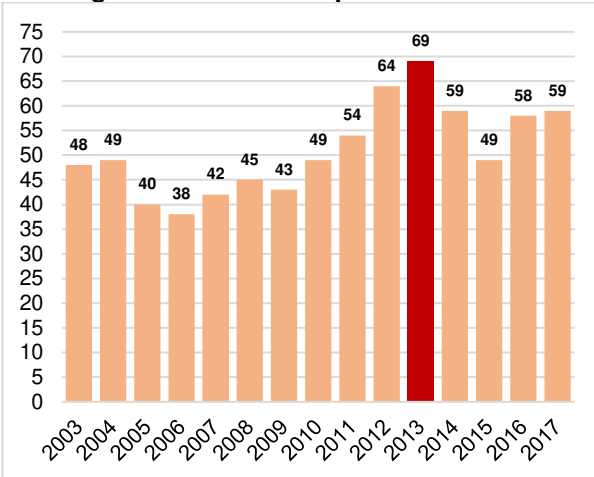
- a) The detainee population peak is the highest number of detainees per day in a given year. The population peak of 319 in 2003 increased approximately 6% to 337 in 2017. However, peaks higher than in 2017 occurred in 6 of the 15 years. The highest peak of 366 occurred in 2016. Figure 48 shows population peaks over the past 15 years.

**Figure 48: Population Peaks Last 15 Years.**

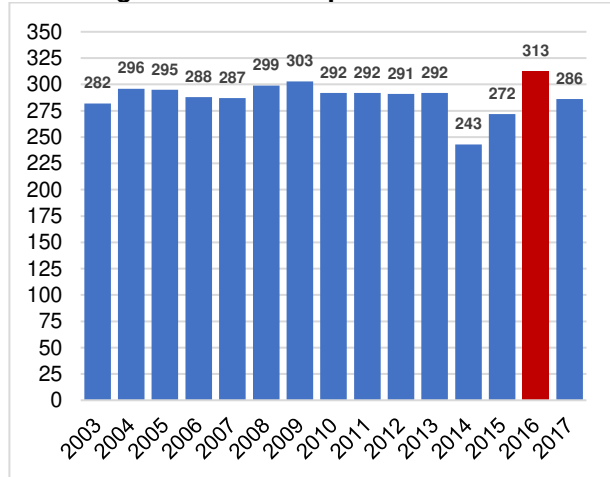


- b) Peaks for female detainees grew greater and more quickly than for males. Female peaks increased approximately 23% from 48 in 2003 to 59 in 2017. Highest female daily peaks began in 2011 with 54 and increased to 69 in 2013 before ending with 59 in 2017. Daily population peaks for males increased 1.4% between 2003 and 2017, 282 detainees to 313 respectively, with the highest peak since 2003 of 313 in 2016. Figures 49 and 50 show gender population peaks.

**Figure 49: Female Population Peaks.**



**Figure 50: Male Population Peaks.**





### C. Jail Bed Capacity Need Estimates:

- 1) The primary objective of this jail bed forecast is to estimate how many total jail beds (Total Capacity) that Vigo County will need in the year 2050 to accommodate its total inmate daily and average daily population within the jail's Operating Capacity.
- 2) Jail bed forecasting is more art than it is a science. Different forecast models can produce similar results just as using of similar forecasting models. All models are error prone and more so the farther out in time the forecast. In this project, we forecast jail bed capacity needs to the year 2050 per the request of Vigo County officials. There are solid arguments suggesting that long-term jail bed forecasting is inherently unpredictable and often incorrect:

*"Although municipal jails consume a significant amount of resources and the number of inmates housed in such facilities exploded in the 1990s, the literature on forecasting jail populations is sparse. Jail administrators have available discussions on jail crowding and its causes, but do not have ready access to applications of forecasting techniques or practical demonstrations of a jail inmate population forecast. ... [T]he underlying reason for this deficiency is the inherent unpredictability of local long-term correctional population levels. The driving forces behind correctional bed need render local jail population forecasts empirically valid only for a brief time frame. These inherent difficulties include the volatile nature of jail populations and their greater sensitivity when compared with prison populations to local conditions; the gap between the data needed for local correctional population forecasting and what is realistically available to forecasters; the lack of reliable lead variables for long-term local correctional population forecasts; the clash of the mathematics of forecasting and the substantive issues involved in the interpretation of forecast models; and the significant political and policy impacts of forecasts on local criminal justice systems and subsequent correctional population trends.*

*The differences between the accuracy of short-term versus long-term jail bed need forecasts means that forecasting local correctional bed need is empirically valid for, at best, one to two years. As the temporal cast is extended, longer-term forecasts quickly become error prone. Except for unique situations where jails exist in highly stable local political, social, and criminal justice environments, long-term forecasts of two years or greater are fatally flawed and have little empirical accuracy. Long-term forecasts of local jail bed needs are useful, though, as policy catalysts to encourage policymakers to consider possible long-term impacts of current decisions, but forecasts should be thought of and presented as one possible future scenario rather than a likely reality. Utilizing a demonstration of a local jail forecast based upon two common empirical forecasting approaches, ARIMA and autoregression, this article presents a case study of the inherent difficulties in the long-term forecasting of local jail bed need."<sup>27</sup>*

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<sup>27</sup> Surette, R., Applegate, B., McCarthy, B., & Jablonski, P. (2006). Self-destructing prophesies: Long-term forecasting of municipal bed need. *Journal of Criminal Justice*, 34, 57-72.



- 3) Using primarily linear regression models of actuarial data (jail bed utilization) and classification capacity factors of 25% to 30% for bed need forecast estimates, two initial very rough bed need estimates of 421 and 462. Both of these estimates were based on linear forecasting of historical jail annual daily peak populations for 2003-2017. Both estimates included classification capacity of approximately 25% to 30%, which is atypically high. The 421-bed estimate was calculated to the year 2035. In June 2018, county officials requested a forecast estimate to the year 2050 to accommodate a 30-year facility life-cycle. The 2050 forecast estimated a total bed capacity of 462. Both of these initial rough estimates were incomplete for two primary reasons. First, bed capacity forecasting typically excludes temporary intake / overflow capacity because those beds are not designed for long-term incarceration as are primary custody beds. County officials requested we add this capacity to our Total Capacity forecast for completed construction and operating cost estimating purposes. Secondly, the annual daily peak data provided are used by jails for managing overcrowding. Those numbers do not account for male and female peaks independently. Despite the likelihood that male and female peaks would occur on the same day is di minimis, the fact remains that jail capacity must accommodate peaks for both male and female populations independently to ensure adequate capacity for each gender independent of the other. Our Total Capacity now incorporates annual daily peaks for each gender by adding those peaks together for a combined annual daily peaking factor.
- 4) To achieve the primary objective of this forecast estimate that the jail Operating Capacity accommodate daily and average daily populations forecast estimates through the year 2050, the Total Capacity forecast estimate uses the following calculation model:
  - a) Combined daily annual peaks are used as the baseline for linear regression forecasting from 2003 to 2050. Linear regression equations are shown.
  - b) Adding a classification capacity of 20% to the combined daily annual peaks.
  - c) Considering an intake / overflow capacity factor of 46 temporary beds to the linear regression of the combined annual daily peaks with the 20% classification margin. Intake / overflow capacity combines highest peak annual bookings of 2003 through 2017 for males (29) and females (17), 46 temporary beds.
- 5) Additionally, capacity forecasting exclude data for 2014 and 2015. Compared to previous and subsequent years, the ADP, bookings, peaks, and case filings showed an unusually large decrease during these two years. According to county officials, it is our understanding that the Indiana State Police station closed in late 2013 or in 2014. This would account for most of the large drops the numbers for 2014-15. Excluding these data seemed appropriate to reduce the risk of an erroneous forecast estimate.<sup>28</sup>
- 6) County officials should be aware of at least six trends and issues that be cannot be reliably factored into this forecast estimate but could impact the veracity of any jail capacity forecast. These trends include: 1) increasing CHINS (Children in Need of Supervision) cases, 2) increasing Juvenile and Status Offenses, 3) increasing felony and misdemeanor criminal cases, 4) increasing level 6 felony cases, 5) increasing mental health petitions / cases, and 6) an estimated 2700-3000 outstanding (not served) felony and misdemeanor criminal warrants.

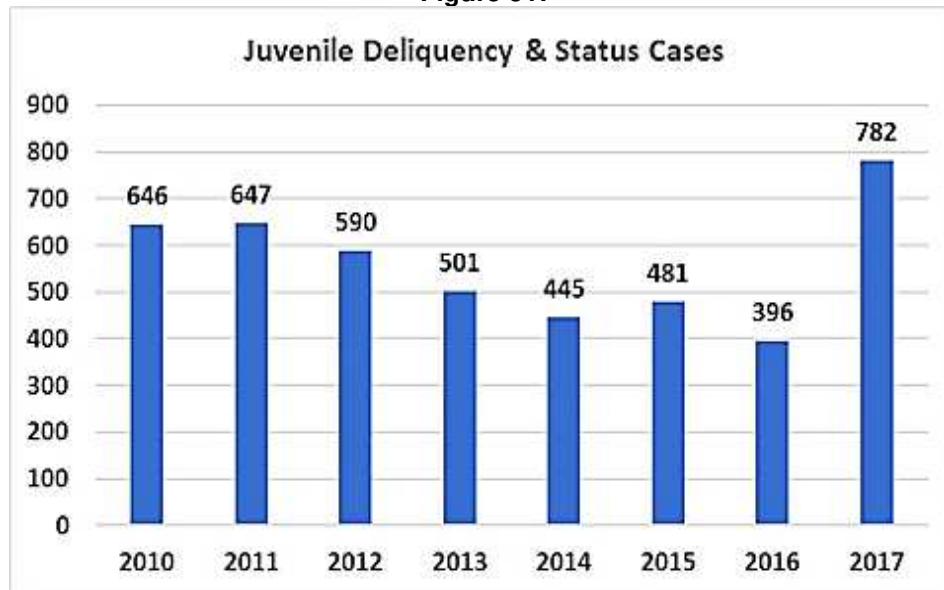
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<sup>28</sup> Data retrieved from Indiana State Administrative Office of the Courts at: <https://publicaccess.courts.in.gov/ICOR/>.



- 7) **Juvenile Delinquency and Status Cases are Increasing.** Juvenile offense and status cases increased dramatically in 2017 following a stable decline between 2011 and 2016. We cannot accurately extrapolate the effects of this increase for jail bed forecasting purposes. Unfortunately, it is reasonable to anticipate that some of these youth will enter the adult criminal justice and jail system in the near future. Figure 51 shows annual juvenile delinquency and Status cases.

Figure 51:



- 8) **Children in Need of Supervision / Services is Increasing (CHINS).** Child in Need of (court/social services) Supervision (CHINs): This population includes abused, neglected, and at-risk children. Being at great risk for criminal justice system involvement is a disheartening and very unfortunate reality for these children. It is also an unfortunate reality to anticipate that a percentage of this population will enter the system and the literature indicates this population is disproportionately involved in adult criminal violence and other crimes compared to non-CHIN youth. CHINs cases increased 165% from 314 to 832, 2010 to 2017; 2779 new CHINs cases were filed from 2008 – 2017. This is a 296% increase. County CASA officials state that CASA has a waiting list of children in need of services due to inadequate resources. Total CHINs cases increased from 314 to 832, 2010 to 2017 for a 165% increase. Considering the dramatic increase in Vigo County CHINs cases, county officials should consider the real and potential impacts on jail capacity. Figures 52 and 53 show CHINS case trends.

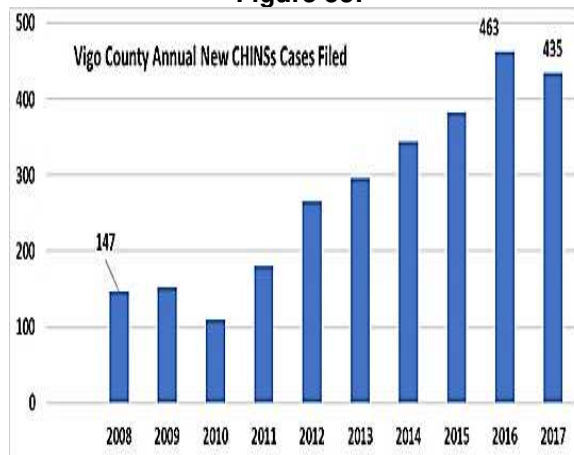


**Figure 52:**  
Vigo County CASA Trends  
2008-2017

New CHINS Cases Filed in Vigo County:

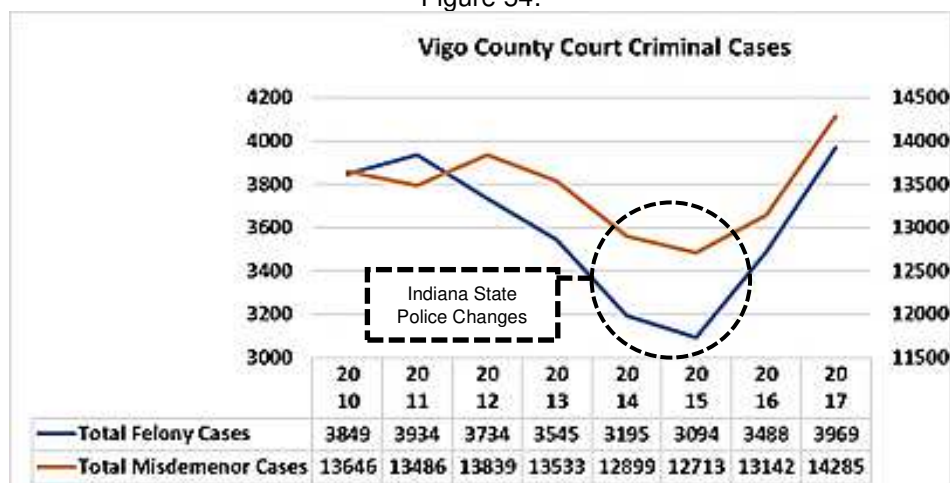
2008	147
2009	153
2010	110
2011	181
2012	266
2013	297
2014	344
2015	383
2016	463
2017	435

**Figure 53:**



- 9) **Increasing Felony and Misdemeanor Criminal Cases.** Felony and misdemeanor cases began trending upward in 2015 following a considerable decrease from 2010 to 2015. According to county officials, it is our understanding that the Indiana State Police station closed in 2014, which can account for some of the large drop in cases for 2014-15. Increasing criminal cases can have significant impacts jail capacity, criminal justice system resource capacity, and alternatives to confinement options and resources, and public safety. Figure 54 shows these trends.

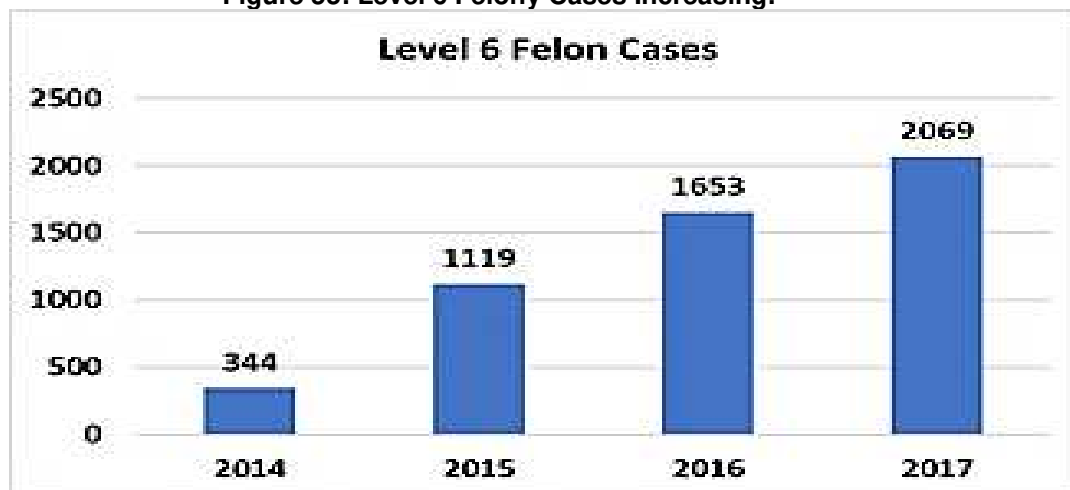
Figure 54:



- 10) **Increasing Felony Level 6 Cases.** The Indiana State Legislature in 2014 off-loaded legal and financial responsibility for incarceration of felony level 6 offenders. As a result, Vigo County is obligated to incarcerate this population even after conviction when doing so is indicated. Level 6 cases increased approximately 500%, from 344 to 2069 between 2014 and 2017 as shown in Figure 55. Additionally, felony level 6 cases percent of felonies and total criminal cases increased from 11% to 52%, 2% to 11% respectively in that time period.

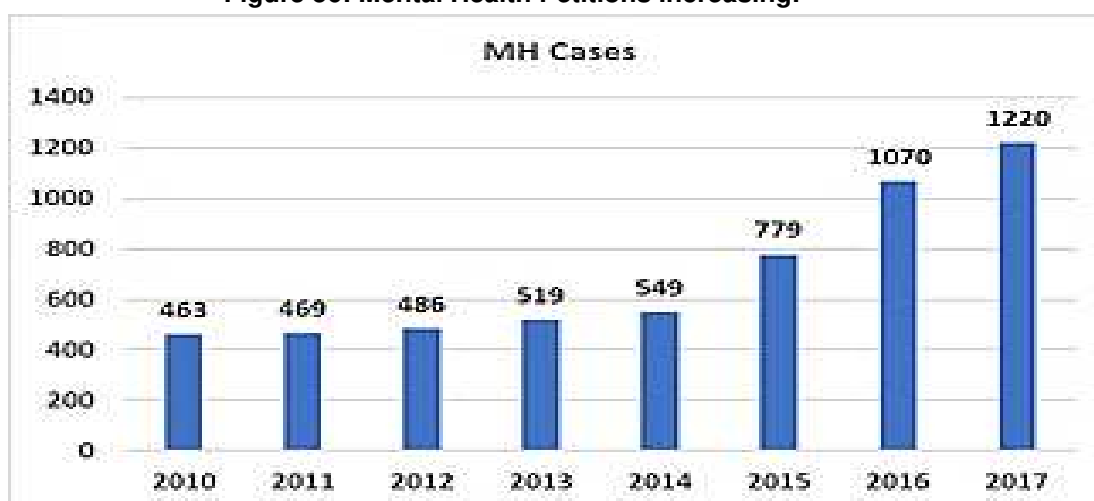


Figure 55: Level 6 Felony Cases Increasing.



- 11) **Civil Mental Health Petitions / Cases are Increasing.** There is a consistent upward trend in civil mental health petition cases. Cases increased 163% from 463 in 2010 to 1220 in 2017. Generally speaking, a civil mental health petitions tend seek help for a person with mental illness who is a real or potential risk of harming themselves or others. Petitions may include court intervention to hospitalization the person for evaluation and/or care, administer medications, or involuntarily commit the person to longer-term psychiatric treatment. People with mental illness are at high risk of becoming involved in the jail and criminal justice systems. National studies have found that the mentally ill are disproportionately represented in jail populations compared to community populations. They pose unique challenges and risks when incarcerated and the courts have been very vigilant to protect the civil rights of this inmate population. It is not unreasonable to infer that these large annual increases in petition cases could impact jail bed capacity. Discussions on construction and implementation of a Diversion Center as an alternative to incarceration should move toward action planning. Figure 56 below shows upward trend in these cases.

Figure 56: Mental Health Petitions Increasing.

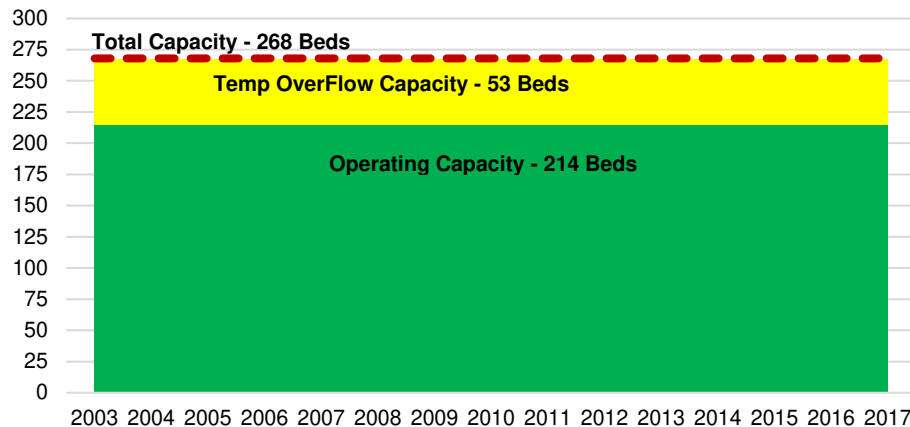




#### D. Let the Forecasting Begin:

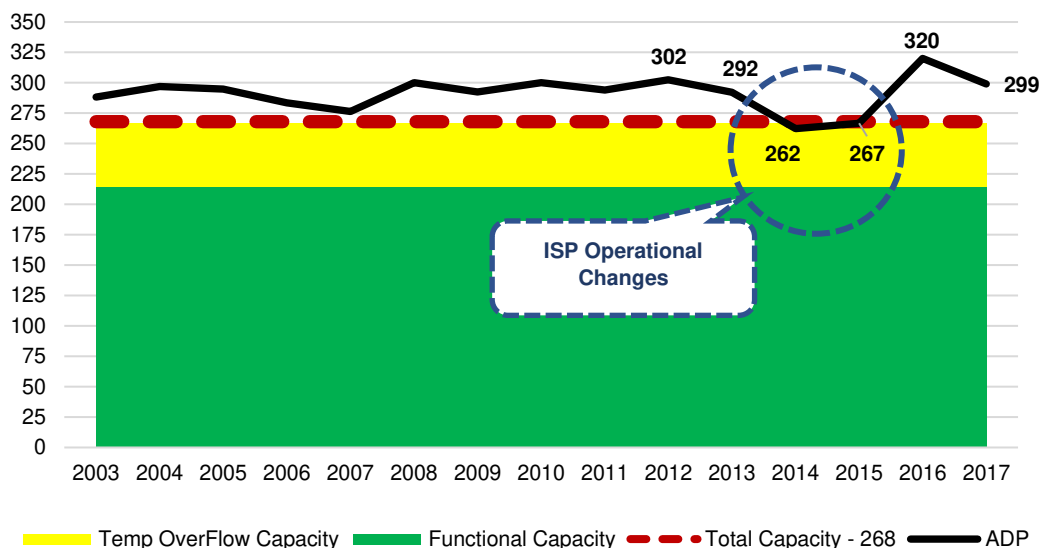
- 1) The Vigo County jail has approximately 268 total beds and an operating capacity of 214, which is 80% of total capacity. There should be approximately 53 beds temporary beds for booking and population overflow, but the facility was not designed as such and chronic overcrowding exacerbates that design flaw. The county's inmate population has continuously exceeded jail's total and operating capacities for several years as previously shown. Figure 57 illustrates current jail capacities.

**Figure 57: Current Jail Capacities>**



- 2) As shown in Figure 58 below, the County's average daily inmate population exceeded the jail's 268 bed total capacity since at least 2003 except in 2014 and 2015, and far exceeded the jail's operating capacity since at least 2003. According to county officials, it is our understanding that the Indiana State Police station closed in 2014, which would account for some of the large drop in ADP for 2014-15. However, the ADP rebounding in 2016 with a 20% increase – the greatest year-to-year increase since 2003 at 320 county inmates. Figure 58 below is a visual comparison of jail capacities and ADP.

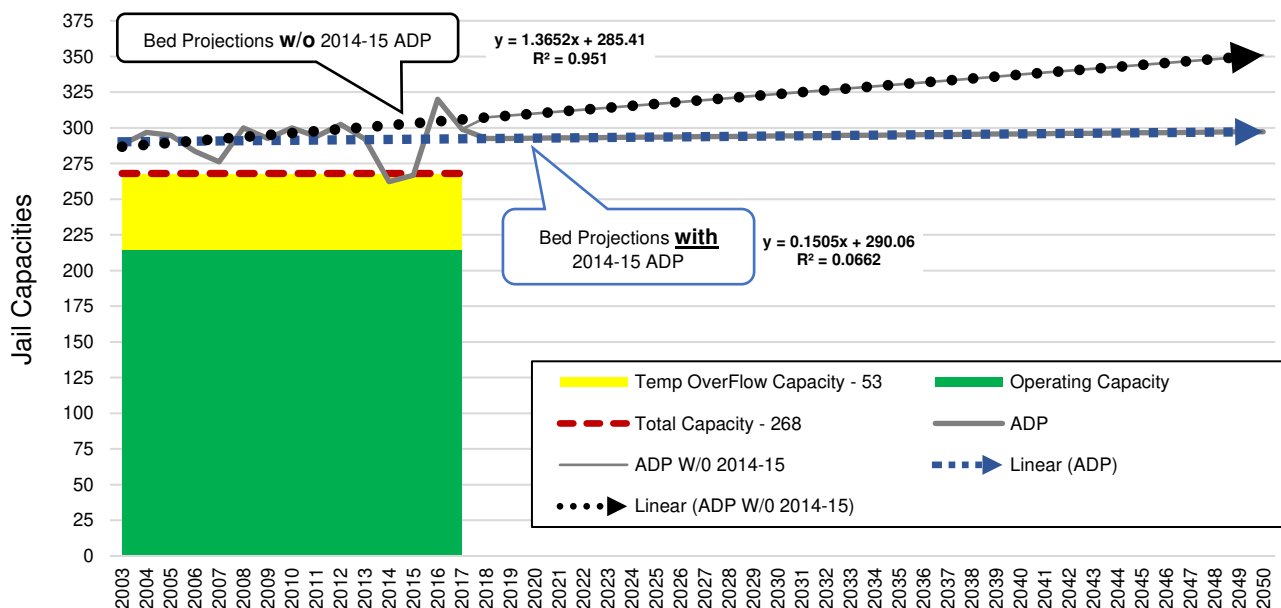
**Figure 58: Jail Capacities and Average Daily Population>**





- 3) ADP represents the average number of jail inmates per day. It is not best indicator for forecasting bed needs because there are days when the jail population surges will above the ADP. These high fluctuations in the inmate population are known as “peak” days. Jail bed capacity will always accommodate ADP if it can accommodate population peaks. This is the primary objective of this forecast estimate.
- 4) As shown in Figure 59 below, ADP forecasting to year 2050 is flawed for estimating jail bed needs, even when 2014-15 data are excluded. Linear forecasts indicate an ADP of approximately 300 when 2014-15 data are included and approximately 351 when excluded. Neither of these forecasts account for known peaks as high as 366 (2016) and attempting to include a reasonable and reliable classification factor 15% to 20% that far out is impossible. Adding as much as 20% to both ADP forecast yields a bed capacity of approximately 357 and 421 beds respectively. Neither forecasts accommodate historical population peaks or population peak trends. Forecasting of population peaks becomes the most plausible when a 20% maximum classification factor is used.

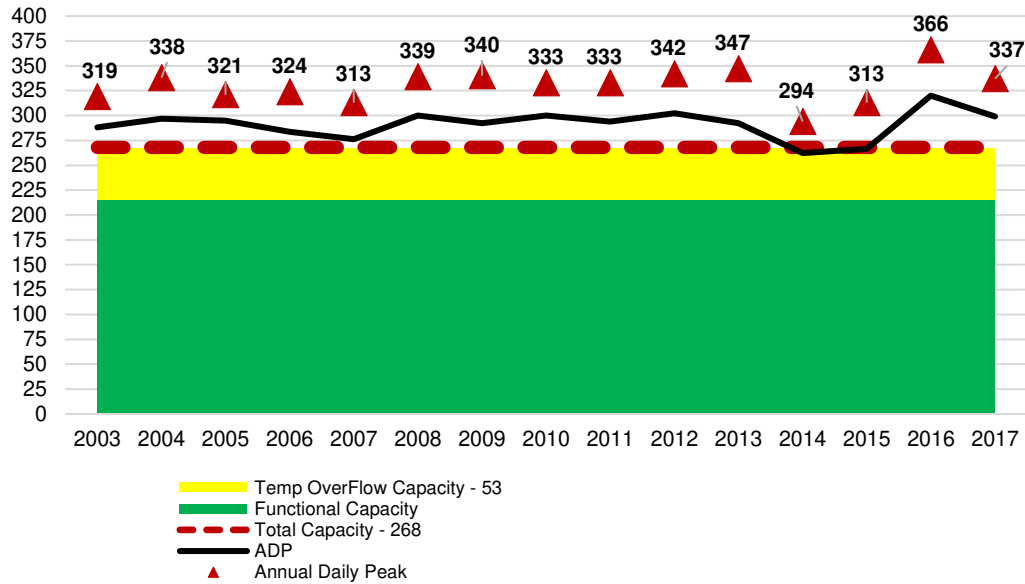
**Figure 59: ADP Forecast with and without 2014-15 ADP Data.**





- 5) A jail's operating capacity should accommodate spikes (peaks) in the inmate population to ensure provision of constitutionally adequate levels of confinement even when confinement is temporary or short-term. The peak population is the highest number of county inmates on a given day in a given year (annual daily peak). The Vigo County total (268) or operating (214) capacities have and remain unable to accommodate peak populations for at least the past 15 years as shown in Figure 60 below.

**Figure 60: Jail Capacities and Daily Peak Population.**



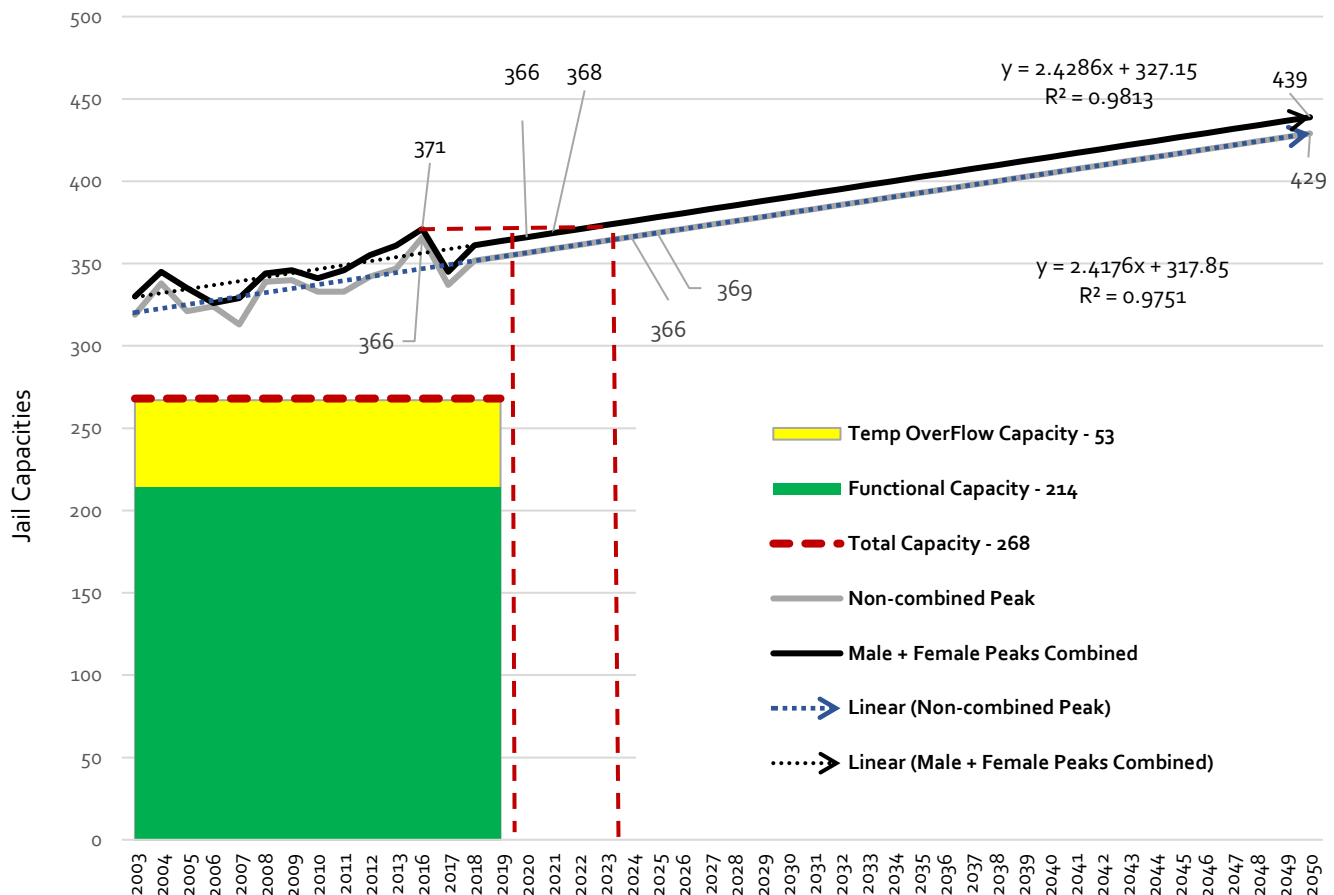
- 6) Three important factors are in play when using population peaks for forecasting bed needs. These include:
- Peak number (actual total number of inmates that comprise annual daily peaks). The peak number is useful for day-to-day population and bed capacity utilization management but is not helpful for knowing how many intake or classification beds are needed by gender, prisoner risk and/or need. It is not possible to understand how ADP influences peaks using peak numbers alone. Attempting to do so will result in misled and erroneous longer-term jail population management and resource utilization decision-making.
  - Percentage of population peak above ADP. The percentage of the Peak above the ADP considers the relationship between ADP and peaks. For example, the highest peak for the jail was recorded at 366 in 2016. That peak is 14% above that year's ADP of approximately 320 inmates. However, the highest percent of the annual daily peak population occurred in 2013 with a peak that was 19% higher than that year's ADP of 292. These percentages ranged from approximately 25% to 51% for females and 10% to 20% for males from 2003 to 2017. It is important to include ADP/Peak percentages to improve clarity in jail management decision-making and bed forecasting.
  - Gender peaks (actual peak numbers for male and female populations). Industry standards and constitutional requirements strictly prohibit cohabitation of male and female inmates in jails. Jails are specifically designed and bed capacities are uniquely



forecasted and established for this purpose in an effort to ensure gender-based provision of constitutional care and custody of all prisoners. Basing a jail bed needs forecast on peak populations without accounting for gender peaks individually is considered reckless and can invite serious inmate management and liability risks when bed capacities cannot reasonably accommodate both genders. Gender peak forecasting will always increase the needed number of beds. This is because annual daily peak population numbers for males and females are added together for a combined peak before a classification factor is included. As stated, this helps to ensure that jail capacity will likely accommodate peaks for both genders, regardless of whether those peaks occur on the same day, which is very rare.

- 7) Figure 61 below compares the jail's annual daily peaks and combined (male + female peaks) before a classification factor is added. This forecast excludes 2014-15 for consistency in forecasting. As shown, combined peaks are slightly higher than non-combined peaks but accommodate both genders. Forecasts to 2050 of 429 (non-combined peak) and 439 (gender combined peak) are both approximately 22% above the highest forecasted ADP of 351 previously discussed.

**Figure 61: Non-Combined & Gender Combined Peaks Linear Forecast.**



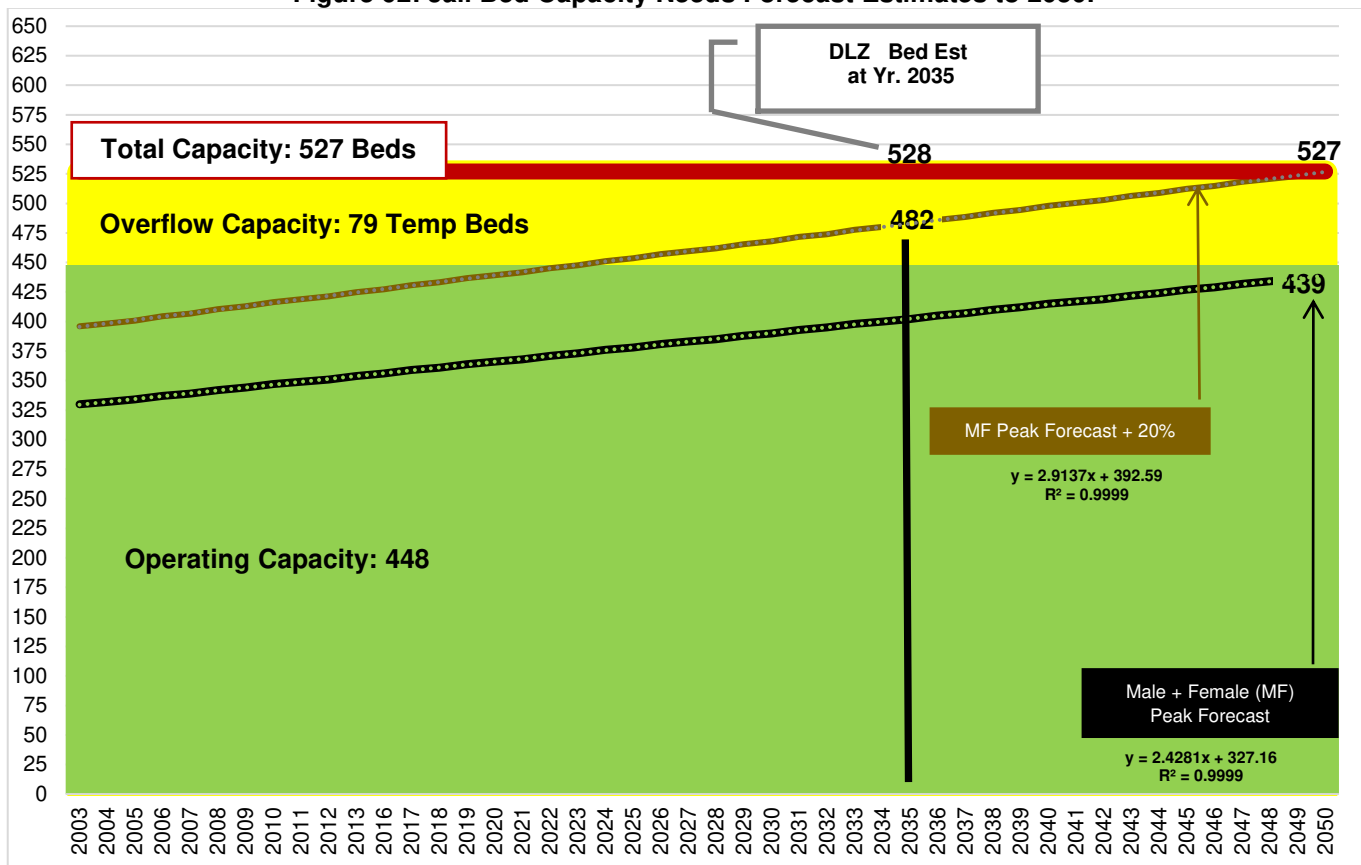
- 8) Gender-combined peaks are the best base from which to build the jail bed capacity needs forecast in order to achieve the primary objective work (jail operating capacity can



accommodate the jail population) and to address the gender-based incarceration issues discussed above.

- 9) A 20% classification factor is the standard used in Indiana according to court records, sheriff's officials, and state jail inspectors. There is no factual or legitimate basis to deviate from that classification factor in forecasting bed needs for Vigo County.
- 10) The combined peak forecast to 2050 is 429 as shown above. A 20% classification factor added to 439 yields an estimated bed capacity of 527 and appears to accommodate combined peak populations when the operating capacity is set at 448 or 85% of total capacity rather than 80%. An operating capacity of 85% seems realistic with a well and flexibly designed and efficient facility. Figure 62 shows bed needs forecast estimate to year 2050 and respective jail capacities.

**Figure 62: Jail Bed Capacity Needs Forecast Estimates to 2050.**



- 11) Obviously, we concur that the capacity of the current jail is sorely insufficient to achieve and sustain adequate and constitutional levels of inmate care and custody. Based on our assessment of the jail, review of the DLZ study and this analysis, it does not seem economically or operationally feasible or responsible to expand or renovate the existing jail. Construction of a new facility that would more efficiently and effectively achieve and sustain the provision of constitutional care and custody of inmates is recommended.
- 12) In the final analysis, we concur that new jail construction consisting of an estimated total capacity of 527 beds is adequate to meet Vigo County's jail needs to at least the year



2050. We estimate that this capacity level will allow Vigo County to operate well within the facility's operating capacity and eliminate the need to obligate local tax dollars to house inmates in other county jails.



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## SECTION 11. COST ESTIMATES

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DLZ estimates new construction and planning at approximately \$66,000,000 compared to the initial estimate of approximately \$60,000,000 for a 528-bed facility in 2016. We understand that continually escalating cost of construction is a nationwide event and may increase final costs accordingly. Facility construction cost estimating is not within the scope of this assessment.

It is too early to estimate the operating cost of a new jail. This is because operating costs are directly tied to facility design – the more efficient the design the more efficient it is to operate. Efficiencies can translate in to lower staffing and other specific operating costs. That said, staffing requirements for the existing jail and the most recent new jail design concept are provided below. Staffing requirements for the existing jail of 80 FTE appear realistic. Conversely, staffing requirements of 180 FTE for the most recent design concept are a very unrealistic and tied directly to inefficiencies in that design. A 528-bed facility with an estimated combined peak of 439 inmates should not require near 180 correctional FTEs. It is believed the a much more efficient design concept can greatly reduce staffing requirements without jeopardizing facility safety or security, or sustainable provision of constitutional care and custody of inmates.

Vigo County officials will develop and issue operational cost estimates.

### **A. Staffing Needs: Current and New Jail:**

- 1) Officials need accurate information about the staffing implications of any new jail design in order to make decisions that are informed by estimates of long-term operating costs. Staffing costs often comprise more than 60% of the total costs of building and operating a jail over a 30-year life cycle.
- 2) This report presents:
  - a) Review of current jail staffing implications and staffing shortfall
  - b) Analysis of “Intermittent Activities” that is needed to estimate staffing needs for a new jail
  - c) Analysis of inmate admissions by day, hour, and gender, to be used to estimate staffing needs for a new jail.
  - d) Estimated staffing needs for a new jail (using 2016 DLZ preliminary plan)

### **B. Current Jail Staffing Implications and Shortfall:**

- 1) In the past 10 years, staffing needs for the current jail complex have been evaluated by three entities:
  - a) State jail inspectors, who have consistently found the jail to be seriously understaffed in their annual inspections.
  - b) Robert Rardin, a corrections consultant, who calculated jail staffing needs in 2008
  - c) William Wilson, a jail consultant, who provided a staffing plan in (YEAR)
- 2) County officials have been advised of the need for additional staffing as early as 2003, when Sheriff Jon Marvel began his eight years of service. Now a county commissioner, he continues to voice concerns. Estimates of the degree of the staffing shortfall has varied

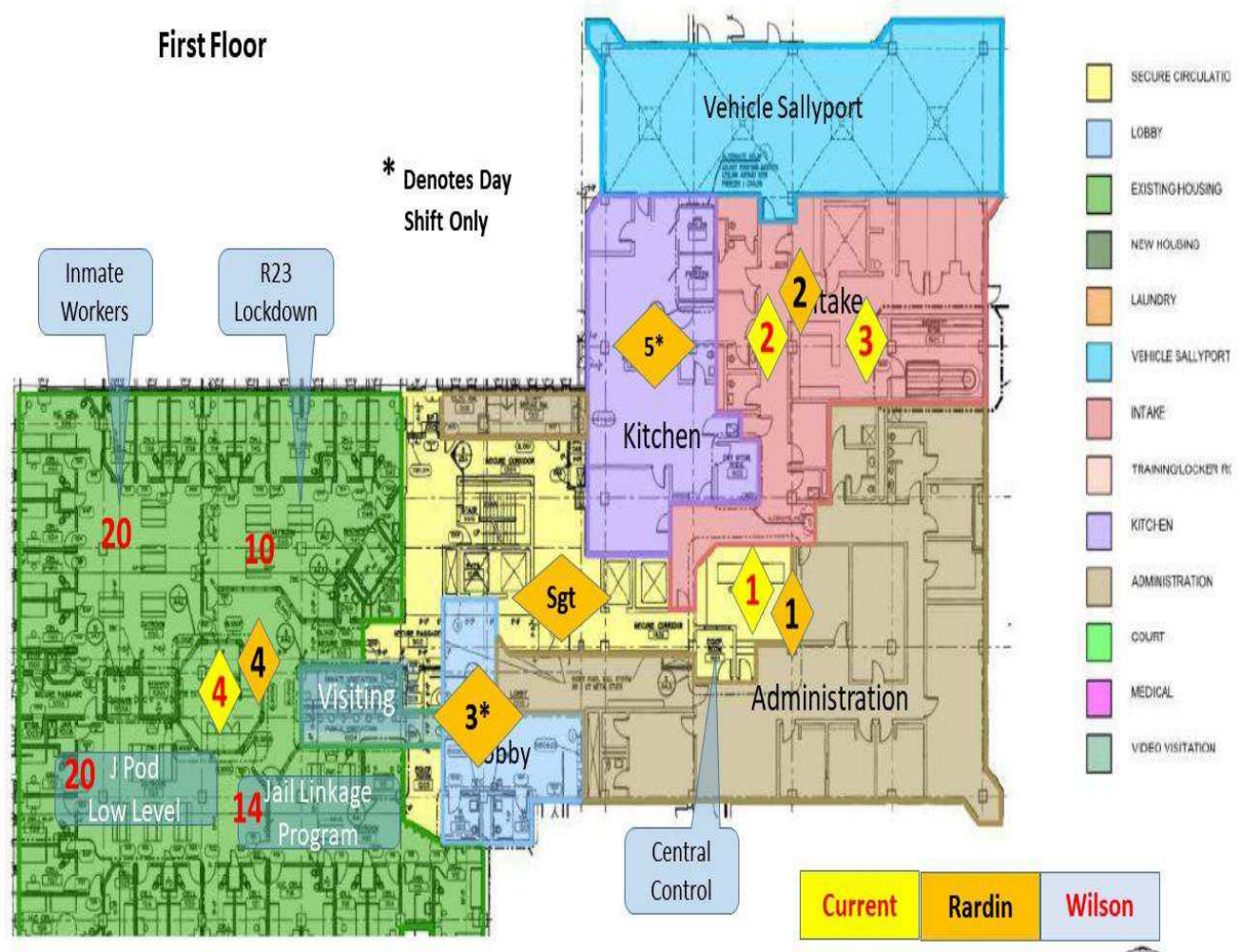


somewhat. These following pages summarize the findings of the most recent staffing review, using the methodology developed by the National Institute of Corrections (NIC), U.S. Department of Justice.<sup>29</sup>

### C. Jail Facility:

- 1) Figures 63 and 64 present detailed diagrams of the current jail complex. These were developed by DLZ, the architects who have been retained by the county to develop long-term jail solutions. These diagrams also identify current staff posts, and the recommended deployment of staff according to the Rardin and Wilson reviews.

**Figure 63:**  
**First Floor Plan, Current Jail, with Staff Posts Identified.**



<sup>29</sup> Miller, Rod, John Wetzel and James Hart. *Jail Staffing Analysis, Third Edition*. Funded by NIC through a contract with CRS Inc., Gettysburg PA.



**Figure 64: Second Floor Plan, Current Jail, with Staff Posts Identified.**

- 2) The current jail layout and condition poses serious staffing challenges. Inmates are housed on two levels of the “New Side” of the jail (left side of diagrams), and on the second floor of the “Old Side.” The first floor of the Old Side includes the vehicle sallyport, intake and release, master control, kitchen, and the Sheriff’s administrative offices.
- 3) Inmate recreation and two program rooms are located on the top level of the New Side. These areas are difficult to effectively supervise because they are remote from the two housing floors. The condition of the spaces shows a great deal of damage and abuse from inmates who were not adequately controlled.



**Figure 65:  
Inmate Bathroom on Top Floor New Side  
(Classrooms, Indoor/Outdoor Recreation).**



- 4) Circulation throughout the secure area of the jail is inefficient and poses many blind spots. The New Side housing units and control room have not been used as originally designed for many years, largely because the design was not considered to be effective.

**Figure 66: New Side Corridor,  
Note Windows that have been Boarded Up.**



- 5) The intake and release area of the Old Side are of antiquated design and are often crowded with inmates who are in various stages of intake or release.



**Figure 67:**  
**Intake Processing Area, Old Side, First Floor.**



- 6) A detailed physical evaluation of the jail complex is provided in a 2016 DLZ report. It cites many issues with the condition of the facility and its equipment.

**D. Previous Findings:**

- 1) The Rardin report (2008) found that current staffing for “direct supervision of inmates” was 39. Rardin recommended least seven more positions to adequately supervise inmates. It should be noted that Rardin did not attempt to address overall staffing needs, but rather focused on posts that were needed to directly supervise inmates.
- 2) In 2013, William Wilson issued a “Jail Staffing Analysis” report, conducted at the request of Sheriff Greg Ewing. Wilson conducted what is often called a “post analysis” that identified specific posts that are needed, and the number of shifts and days per week that each post should be staffed. Figure 68 presents his summary table.



**Figure 68:**  
**William Wilson's Staffing Position Table.**  
Vigo County Indiana Sheriff's Office Staffing Analysis

Staffing Position Table						
Position	Shift 1	Shift 2	Shift 3	Post Total	Relief Factor	Total Staff
Jail Commander	1	0	0	1	1	1
Admin. Comm.	1	0	0	1	1	1
Jail Nurse	1	0	0	1	1	1
Mental Health	.5	0	0	.5	1	.50
Court	7	0	0	7	1	7
Master Control	1	1	1	3	1.66	5
Pod Controls	2	2	2	6	1.66	10
Intake	2	2	2	6	1.66	10
Floor Rovers	7	4	4	15	1.66	25
Transport Staff	2	1	0	3	1.00	3
Recreation Staff	1	1	0	2	1.00	2
Required Staff						65.5
Current Staff						-39
Additional Staff						26.5

- 3) Wilson also reported that authorized staffing at the time of his review was a total of 39 officers, supervisors and other security personnel. He concluded that 65.5 full-time equivalent (FTE) positions were needed, leaving the jail 26.5 FTE' short in 2013.

#### **E. Current Estimate of Shortfall:**

- 1) After several meetings with jail staff, observation of operations, review of data and reports, and discussions with jail managers, the consultants have estimated the degree to which current staff allocations fall short. These are shown in Figure 69, which provides annotations on Wilson's staffing table. There are two types of additions described in the table:
  - a) Additional staff deployment that are needed (e.g. more posts, or more shifts for which posts are covered)
  - b) "NAWH" adjustment of the math that was previously used to convert relieved coverage hours into Full-Time-Equivalent (FTE) staffing needs. Wilson used a Shift Relief Factor (SRF) that understated the number of FTE's needed to fill a relieved post, based on current data.
- 2) This produces an estimated shortfall of 41 FTE employees, compared to Wilson's 26.5.



**Figure 69:  
Current Estimate of Staffing Shortfall,  
Annotated on Wilson' Staffing Table.**

Vigo County Indiana Sheriff's Office Staffing Analysis

Additional Staff  
Needs Identified

Staffing Position Table

Position	Shift 1	Shift 2	Shift 3	Post Total	Relief Factor	Total Staff	
Jail Commander	1	0	0	1	1	1	+1
Admin. Comm.	1	0	0	1	1	1	
Jail Nurse	1	0	0	1	1	1	
Mental Health	.5	0	0	.5	1	.50	+1 (medical
Court	7	0	0	7	1	7	+1
Master Control	1	1	1	3	1.66	5	
Pod Controls	2	2	2	6	1.66	10	
Intake	2	2	2	6	1.66	10	
Floor Rovers	7	4	4	15	1.66	25	+2
Transport Staff	2	1	0	3	1.00	3	+1
Recreation Staff	1	1	0	2	1.00	2	+2
Required Staff						65.5	+10 =75.5
Current Staff						-39	+ 4.5 NAWH
Additional Staff						26.5	= 80.0 FTE
+Classification (2)→							= 41 FTE short

**F. Summary:**

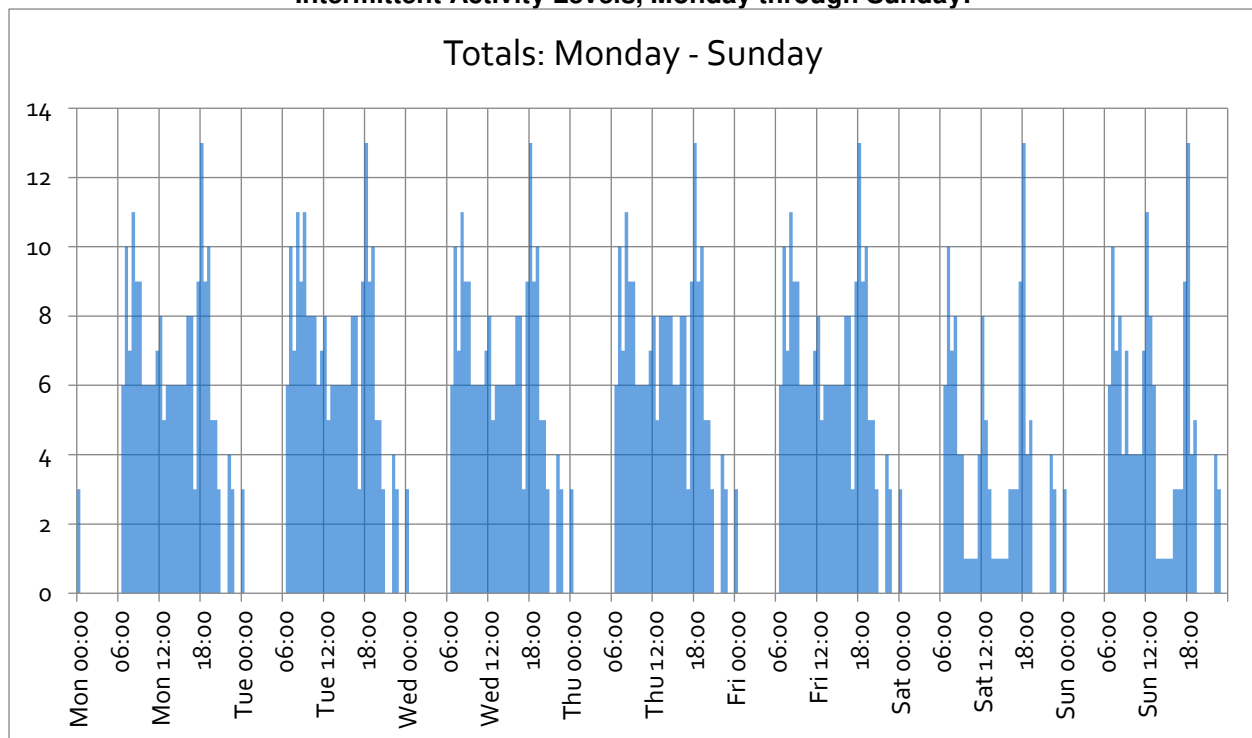
- 1) The current jail complex poses many staffing inefficiencies. In recent years these have been exacerbated by increased inmate occupancy, changes in the types of inmates housed that pose more demands on staff, and the declining condition of the building and its systems.
- 2) For purposes of comparison to a new jail facility, a figure of 80 FTE should be used to describe staffing needs for the current jail.



### G. Staffing the Most Recent Jail Design Concept – Not Feasible:

- 1) Identifying and Analyzing “Intermittent Jail Operational Activities”.
  - a) Intermittent activities occur at the same time(s) and day(s) at least once weekly. They include events and tasks such as:
    1. Meals
    2. Medications
    3. Sick Call
    4. Recreation
    5. Programs
    6. Commissary
    7. Attorney Visits
    8. Court
    9. Shift Change
    10. Perimeter Patrols
    11. Religious Services
    12. Laundry
- 2) Figure 70 illustrates the basic intermittent activity patterns that were produced for current jail operations, for a seven-day period that starts on Monday.

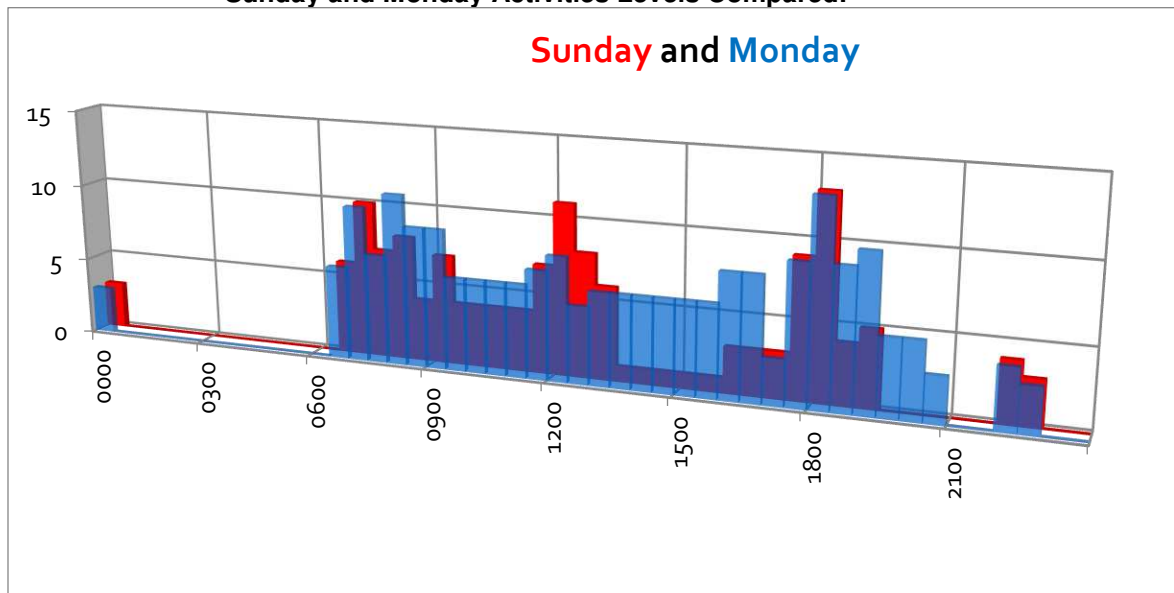
**Figure 70:**  
**Intermittent Activity Levels, Monday through Sunday.**





- 3) Weekend patterns and levels varied markedly from week days, as shown in Figure 71.

**Figure 71:  
Sunday and Monday Activities Levels Compared.**

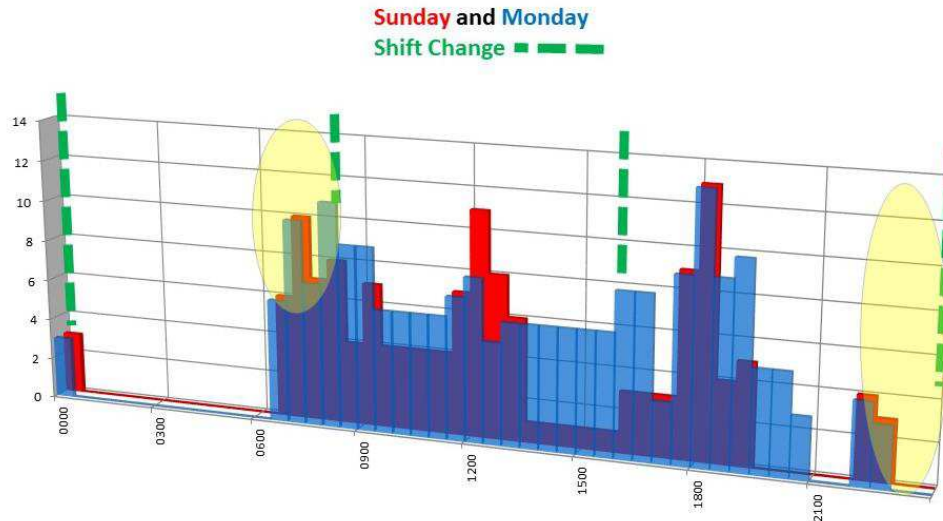


- 4) Figure 72 shows the timing of shift changes, and the lack of alignment between the morning shift change (0800) and the activities that begin prior to the start of the shift (highlighted in yellow), and the decline in activities two hours prior to the beginning of the Midnight Shift. Under the current scheduling configuration, the Day Shift starts approximately two hours after activity levels have increased on the Midnight Shift. The Midnight Shift starts more than two hours after activity levels have fallen off on the Afternoon Shift.<sup>30</sup>

<sup>30</sup> There is no need to change the underlying shift configuration (0000, 0800, 1600), but some of the current day and evening staff should be deployed two hours earlier to “ramp up” staffing levels to meet the increase in activities.



**Figure 72:  
Intermittent Activities and Current Shift Start Times.**



- 5) Although the majority of officer hours are generated by 24-hour posts, the intermittent activities operate “on top” of the base operational levels, and if additional staffing is not provided, the fundamental tasks and duties often suffer—starting with the quality and consistency of inmate supervision.
- 6) Although daily operational practices will change in a new facility, the preceding analysis provides a starting point for estimating intermittent staffing needs in a new design.
- 7) Inmate Admission Time and Day of the Week:
  - a) The intake and release area of the jail is difficult to staff because the timing of most admissions, and many releases, is not predictable. Analysis of admit/release data provides some guidance as to the peaks times of activity.
  - b) In addition to the timing of admits and releases, inmate gender must be considered because the admission process requires gender-restricted tasks, such as searches. This will not impact the number of staff needed, but it will identify the minimum gender requirements for deployment.
  - c) The following pages describe all admissions to the facility in 2017 in by gender, hour of day, and day of the week. There were almost 5,000 bookings at the jail in 2017.



**Figure 73: Average Daily Admissions by Hour and Day of Week, Females. 2017<sup>31</sup>.**

Hr.	F Mon	F Tues	F Wed	F Thur	F Fri	F Sat	F Sun
Hr1	0.3	0.4	0.6	0.5	0.8	0.4	0.6
Hr2	0.2	0.2	0.5	0.3	0.5	0.3	0.7
Hr3	0.3	0.2	0.3	0.2	0.2	0.4	0.3
Hr4	0.1	0.1	0.4	0.2	0.2	0.4	0.3
Hr5	0.1	0.2	0.2	0.2	0.2	0.3	0.3
Hr6	0.2	0.0	0.1	0.0	0.2	0.1	0.2
Hr7	0.1	0.1	0.1	0.1	0.0	0.0	0.0
Hr8	0.1	0.0	0.2	0.0	0.2	0.1	0.2
Hr9	0.3	0.3	0.1	0.0	0.3	0.2	0.1
Hr10	0.2	0.2	0.2	0.2	0.3	0.0	0.3
Hr11	0.0	0.3	0.2	0.5	0.3	0.1	0.2
Hr12	0.5	0.5	0.6	0.3	0.3	0.1	0.2
Hr13	0.4	0.4	0.5	0.4	0.2	0.1	0.1
Hr14	0.6	0.3	0.5	0.5	0.2	0.2	0.2
Hr15	0.1	0.7	0.3	0.2	0.2	0.1	0.3
Hr16	0.3	0.3	0.6	0.3	0.5	0.1	0.2
Hr17	0.1	0.5	0.6	0.5	0.4	0.4	0.1
Hr18	0.2	0.5	0.5	0.3	0.5	0.3	0.3
Hr19	0.3	0.1	0.4	0.2	0.5	0.4	0.1
Hr20	0.3	0.2	0.1	0.4	0.2	0.2	0.3
Hr21	0.3	0.3	0.3	0.6	0.4	0.2	0.2
Hr22	0.3	0.1	0.6	0.7	0.4	0.2	0.2
Hr23	0.3	0.2	0.2	0.5	0.4	0.4	0.1

<sup>31</sup> Highest level of admissions is highlighted in green.



**Figure 74:  
Average Daily Admissions by Hour and Day of Week,  
Males 2017.**

Hr.	M Mon	M Tues	M Wed	M Thur	M Fri	M Sat	M Sun
Hr1	1.0	1.3	1.4	1.2	0.9	1.2	1.4
Hr2	1.3	1.4	0.9	0.6	1.3	1.6	1.2
Hr3	0.4	1.0	0.8	1.0	1.2	1.5	1.2
Hr4	0.6	0.7	0.7	1.1	1.3	1.0	1.3
Hr5	0.5	0.4	1.0	0.7	0.8	1.0	0.6
Hr6	0.3	0.3	0.6	0.4	0.5	1.0	0.8
Hr7	0.5	0.3	0.2	0.1	0.1	0.4	0.5
Hr8	0.1	0.1	0.2	0.2	0.3	0.2	0.2
Hr9	0.3	0.3	0.3	0.2	0.4	0.2	0.2
Hr10	0.7	0.8	0.7	0.7	0.8	0.3	0.6
Hr11	1.1	0.8	1.1	1.0	0.6	0.3	0.4
Hr12	0.6	0.8	0.8	1.0	0.8	0.4	0.6
Hr13	0.8	0.8	0.8	1.2	0.7	0.6	0.3
Hr14	0.7	1.3	0.8	1.1	1.3	0.2	0.5
Hr15	1.2	1.2	1.0	0.7	1.0	0.3	0.4
Hr16	1.4	1.8	1.9	1.2	0.7	0.9	0.9
Hr17	0.9	1.8	1.6	1.2	1.3	0.6	0.4
Hr18	1.0	0.9	0.9	0.8	0.9	0.6	1.1
Hr19	0.8	1.4	1.2	1.0	0.6	0.8	0.7
Hr20	0.8	0.7	0.8	0.7	1.0	0.7	0.4
Hr21	1.3	1.3	0.7	0.9	1.1	1.0	0.8
Hr22	0.8	0.9	1.3	1.5	1.1	0.7	1.1
Hr23	0.5	0.8	0.8	1.3	0.9	0.8	0.8

The preceding tables are illustrated for a full week in Figure 75. In this first graph, male and female inmate admissions are “stacked” on top of each other (cumulative), to show the total number of inmates at a given hour.



**Figure 75:**  
**Average Hourly Admissions by Gender and Day of the Week,**  
**2017 (Cumulative).**

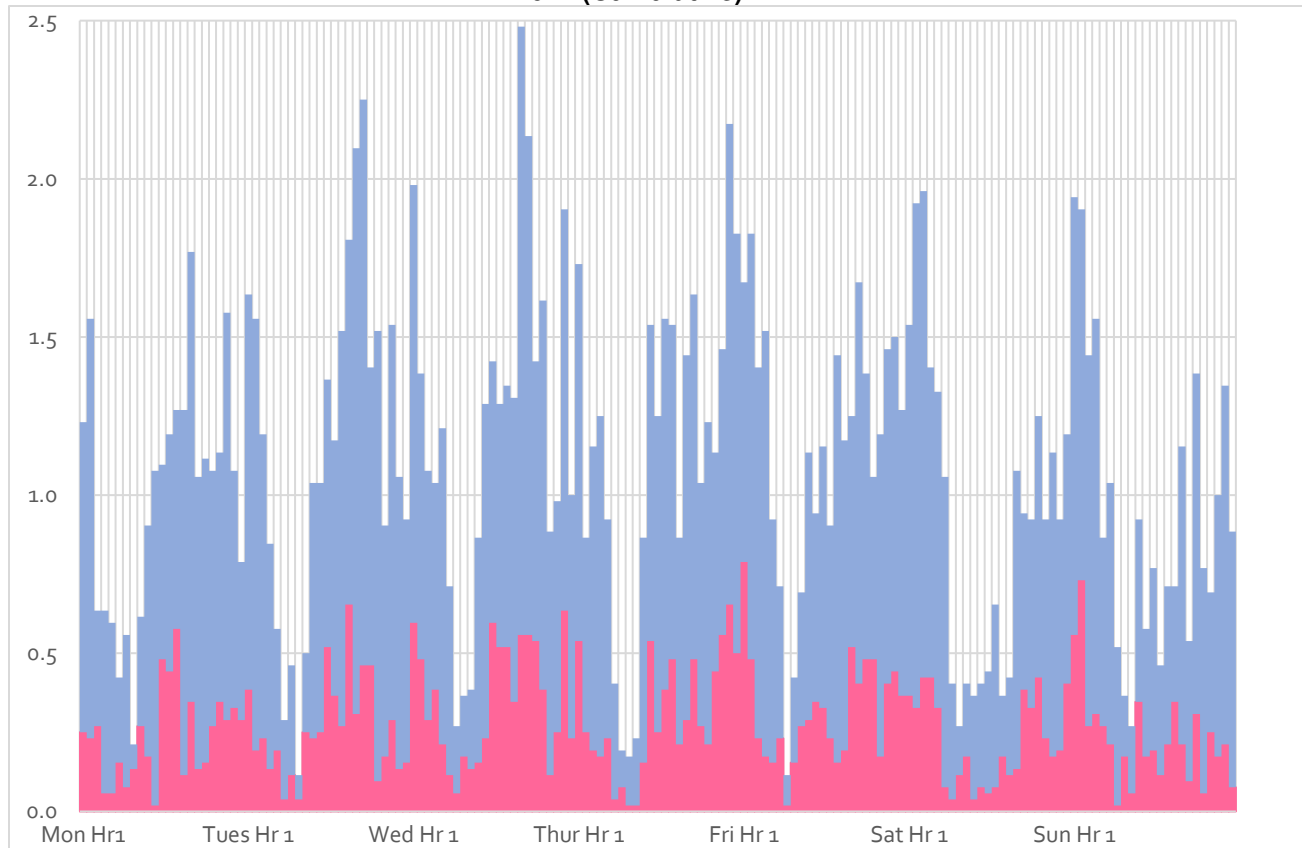


Figure 76 shows the same data, but rather than stacking male and female admits, the female admits are shown in front of the male admits. This provides a view of the male patterns independent of females.



**Figure 76:**  
**Average Hourly Admissions by Gender, Day, and Hour 2017**  
**(Not Cumulative).**

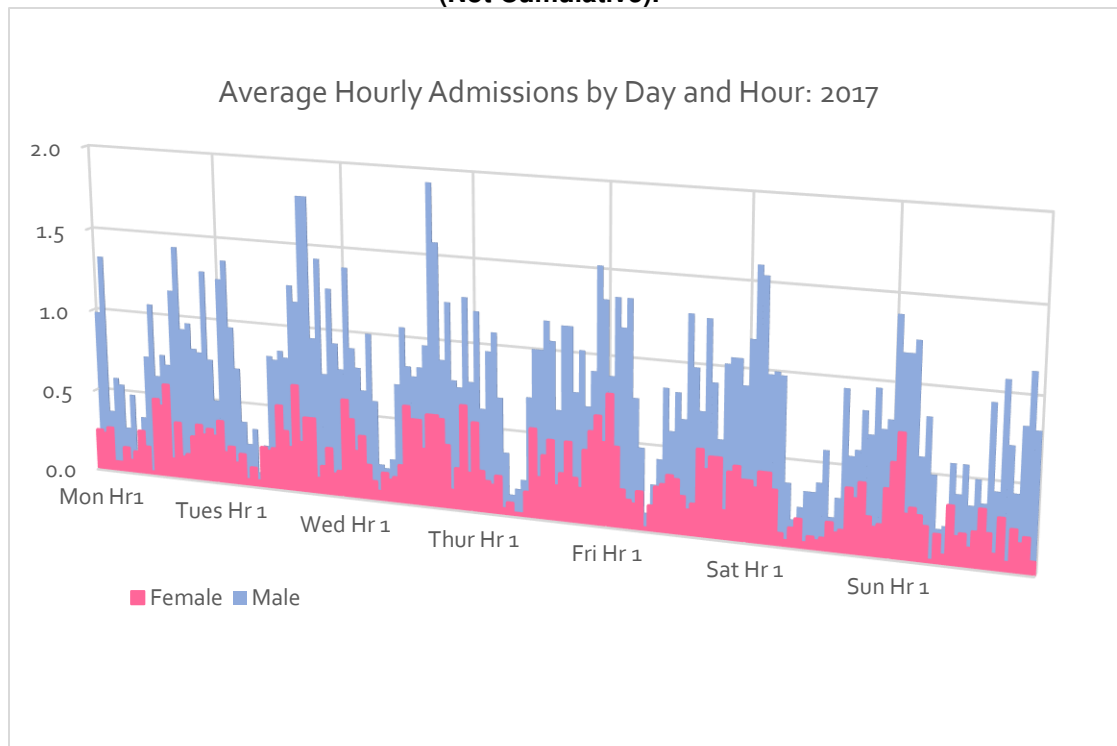


Figure 77 focuses on a single day (Monday) to provide a closeup of the variation in activity. Between 10 a.m. and 4 p.m. admissions increase. This is important to note because this coincides with staffing demands *in* the courts (see Intermittent Activities). By 4 p.m. when male admissions surge, the court security and inmate escort staffing demands have abated, making it easier to handle the surge.



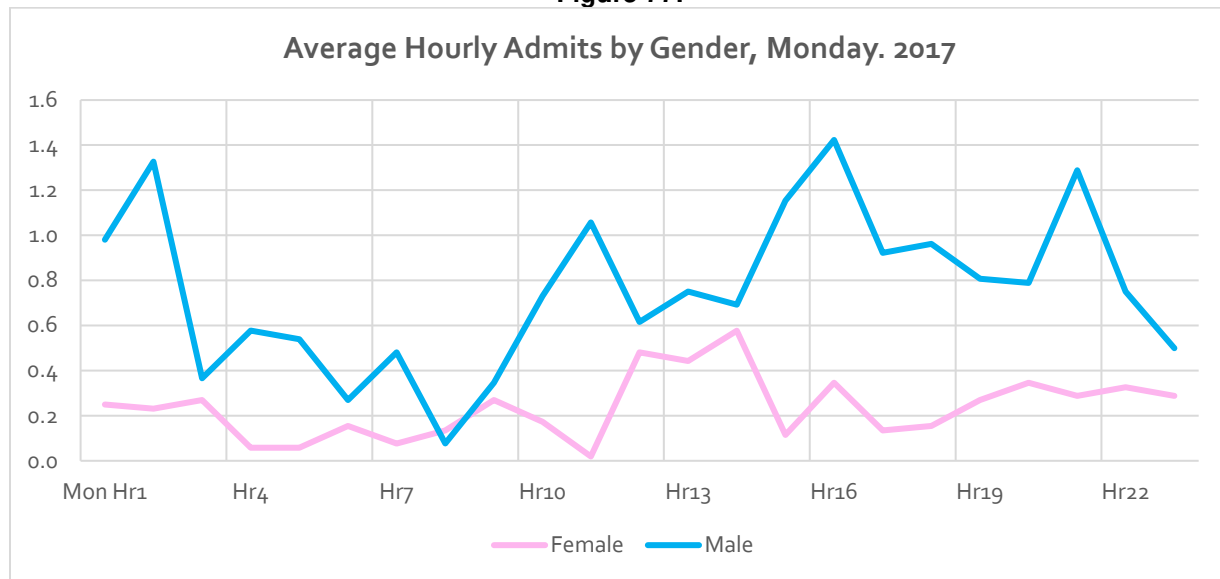
**Figure 77:**

Figure 78 provides a closeup for Thursday, revealing a different pattern in the late afternoon and evening.

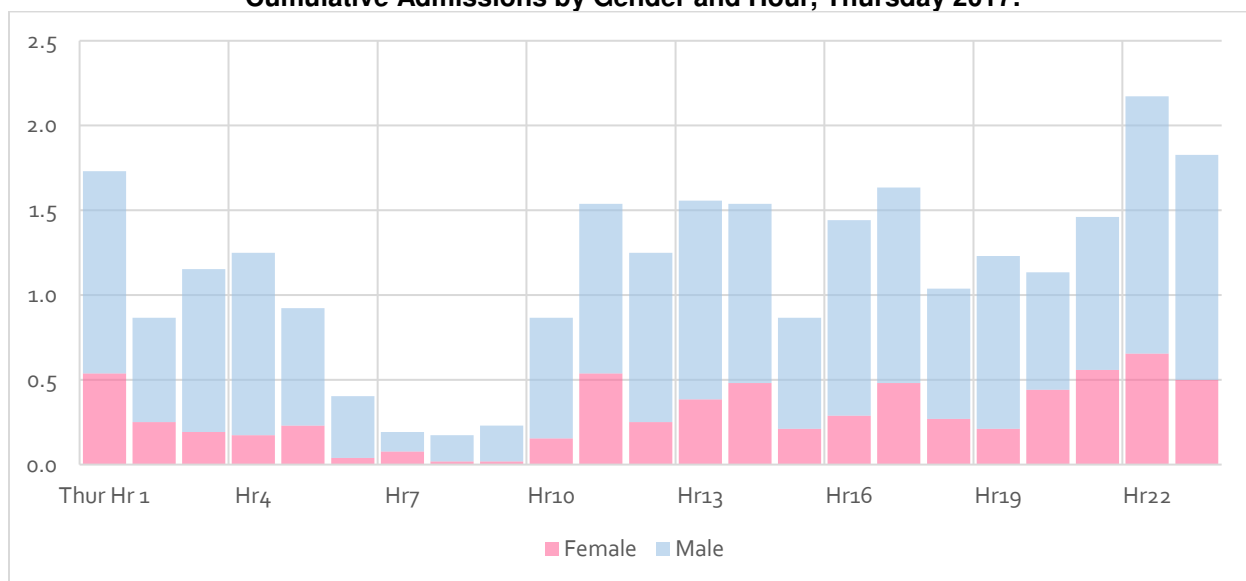
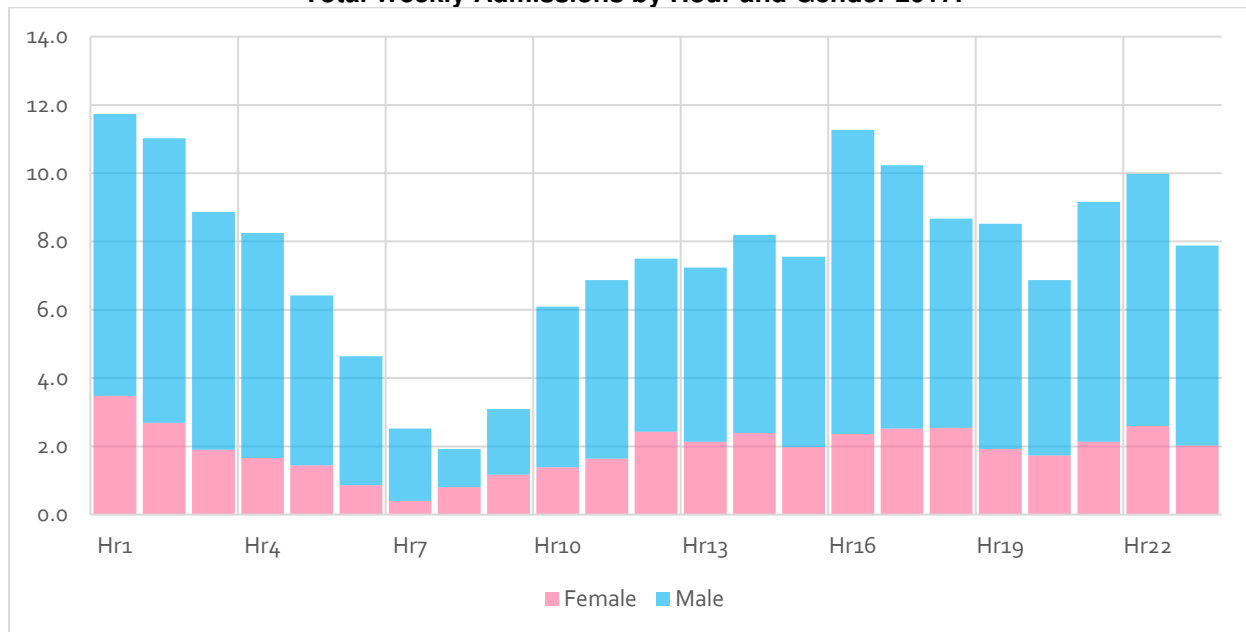
**Figure 78:****Cumulative Admissions by Gender and Hour, Thursday 2017.**

Figure 79 looks at total admissions by hour for an entire week to provide a comparison to the daily patterns. The high number of bookings in the early morning hours occur on the Midnight Shift, and staffing levels must respond to those demands.



**Figure 79:  
Total Weekly Admissions by Hour and Gender 2017.**



- 8) Release patterns are also analyzed, and when combined with admission practices to estimate the total workload for the intake and release area of the facility.



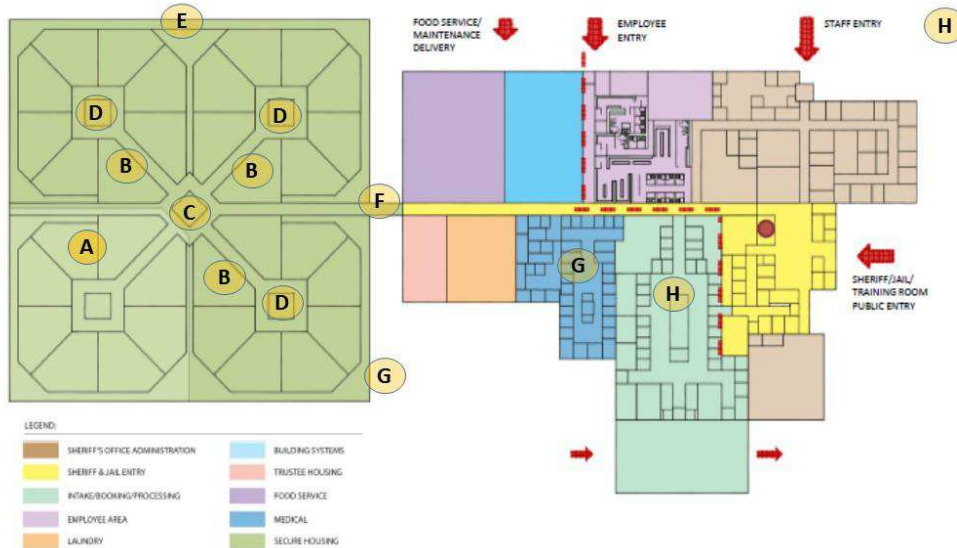
## H. Estimated Staffing Needs for the Most Recent Design Concept:

- 1) Staffing costs will comprise the largest component of overall jail costs. Over the first 30 years of a new jail's operation, staffing will represent 60% or more of the total costs, including construction and debt service.
- 2) In 2016 the county's architects, DLZ, worked with officials and staff to develop a detailed architectural program for a new jail and sheriff's office. DLZ also completed an in-depth analysis of the current jail facility, equipment, and technology.
- 3) After the architectural program had been completed, it was used to develop scaled diagrams of various solutions to future jail needs, including use of the current jail, and construction on a new site. The diagrams that were produced were preliminary in nature, and it was assumed that once the county officials decided on a solution, design would begin in earnest.
- 4) Preliminary Drawings:
  - a) The preliminary drawings developed in 2016 used what the architects recently called "a typical new Indiana jail design." This approach has been, and is being used in many counties in Indiana, and also in Michigan. It is based on several key assumptions and priorities:
    1. Creating housing units that encompass approximately 20 inmates or less, providing more opportunities to separate inmates as needed (and thereby precluding the use of "Direct Supervision" inmate management because it would be too costly in such small units).
    2. Use of angled walls for housing units will produce a layout that may be effectively observed by a fixed control post (with few blind spots).
    3. In some instances, providing an indoor/outdoor exercise area as one of the slices of pie in the radial plan.
    4. Use of prefabricated steel cells with all utilities in the back of the cell (plumbing, electrical, HVAC).
    5. Using the outer perimeter of a housing unit to provide maintenance access to the back of cells.
    6. Assigning a low priority to the provision of natural light through a vertical wall and delivering natural light exclusively through skylights in housing dayrooms.
    7. Supervising inmates in their housing units through intermittent rounds made by jail officers (under Indiana Jail Standards most inmates would be seen at least once per hour).
    8. In some cases, location the jail central control room in the center of the inmate housing area to provide views from control into housing dayrooms.
  - b) The preceding approaches have staffing implications that are factored into the following estimates.
- 5) Staffing Implications for 2016 Drawings:
  - a) The following narrative and diagrams highlight some of the key staffing considerations that are generated by the 2016 drawings. Operating assumptions are also identified



as needed. Figure 80 presents the overall plan that was developed for all-new construction in November 2016.

**Figure 80: Overall Plan, November 2016.**

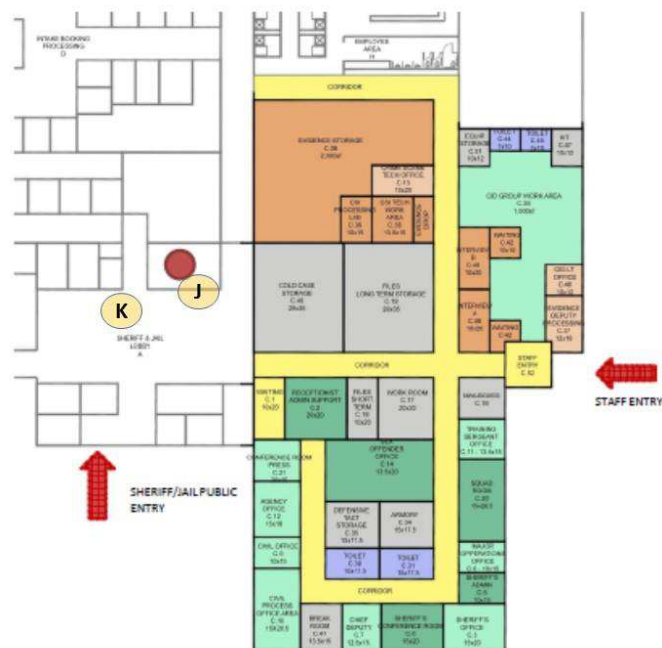


**Comments:**

- A. One of the four housing units will not initially be built. This will pose security issues for the designers and operators. An exterior wall will have to be built where eventually there might be an interior corridor.
- B. Layout of each of the major housing units requires long distance to be travelled in the main corridor before doubling back to the center of the unit.
- C. Control post located in center of the housing building.
- D. Sub-controls located in each of the units.
- E. Exterior mechanical access: (1) creates potential security weakness if outside wall is not fully secure; (2) if a perpetrator gains access to the maintenance chase, every cell is accessible, including large opening for HVAC (3) when repairs require access inside cells, maintenance person must travel a long distance and enter the perimeter, will consume time or require a second maintenance person inside the cell; (4) maintenance corridors will need to be monitored and possibly patrolled; (5) exterior access increases the overall size of the structure, more area to secure.
- F. Set-off between housing building and rest of facility creates additional perimeter wall, and a blind area on the exterior that will have to be monitored.
- G. Medical is located a long distance from housing, requiring time for medical staff to bring meds and services to the housing units, and requiring inmates to be escorted to medical for sick call and other reasons.
- H. Similar concerns about distance between intake/release and long-term housing. 60+% of all inmates will spend less than 72 hours in jail. Also inconvenient for court transports.
- I. Multiple entrances into the structure around three side of the site require monitoring and patrol.



**Figure 81: Sheriff's Office.**



- J. Staffing for public reception need to be answered.
- K. Long distance between this area and inmate housing, to be travelled by either the inmate or the visit/attorney/etc. Escort for inmates assumed. Possibly escort for public will be required.

**Figure 82: Intake/Release/Processing.**





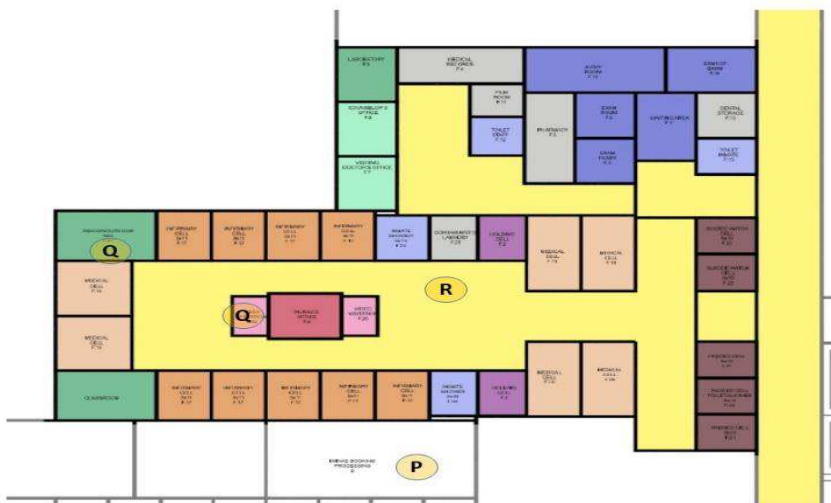
- L. 24 separate holding cells arrayed around a large interior perimeter- will any staff posts be located to directly observe any of the cells (booking counter is minimum of 20 feet from closest cell)? Assume every cell must be checked in person every 15 minutes.
- M. Open booking desk area means that entire space—all 24 cells- are acoustically linked together. Add bull pen seating and it will get very noisy (and hard to hear calls for help in cells).
- N. Inmate search and change-out appear to front directly on main corridor. Privacy and control issues.

**Figure 83: Employee Area.**



- O. Distance from staff break room to housing will inhibit response time and will require extra break time for staff in housing to travel to break room and back.

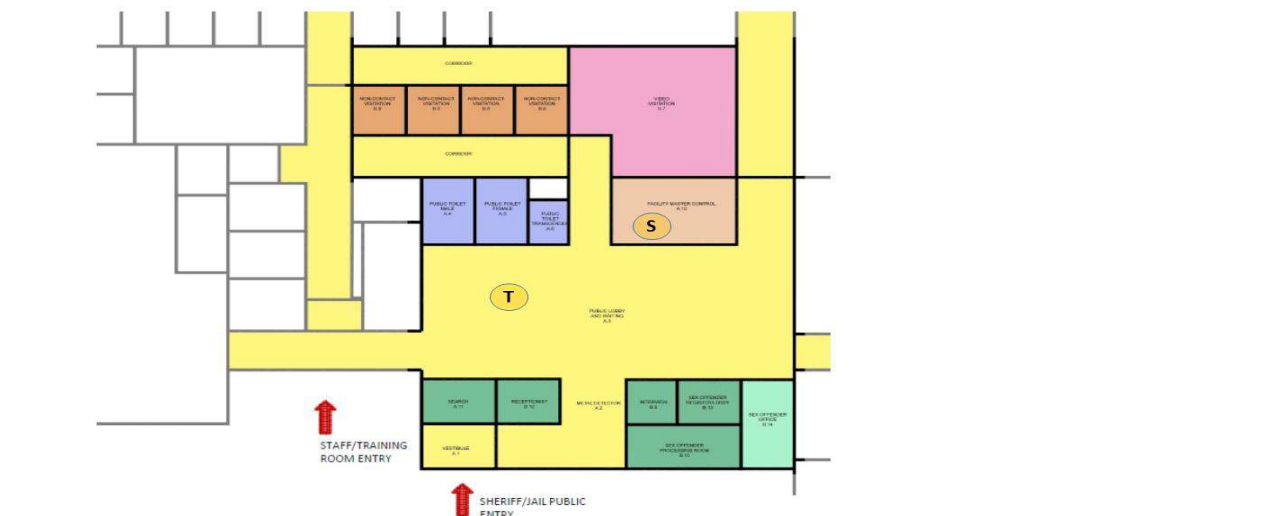
**Figure 84: Medical Area.**



- P. Adjacency to intake/release will be very helpful.
- Q. Self-contained (video visit, indoor/outdoor rec) will cut down on inmate movement.
- R. Assume there is always at least one inmate in residents in the area, staff post will be 24/7

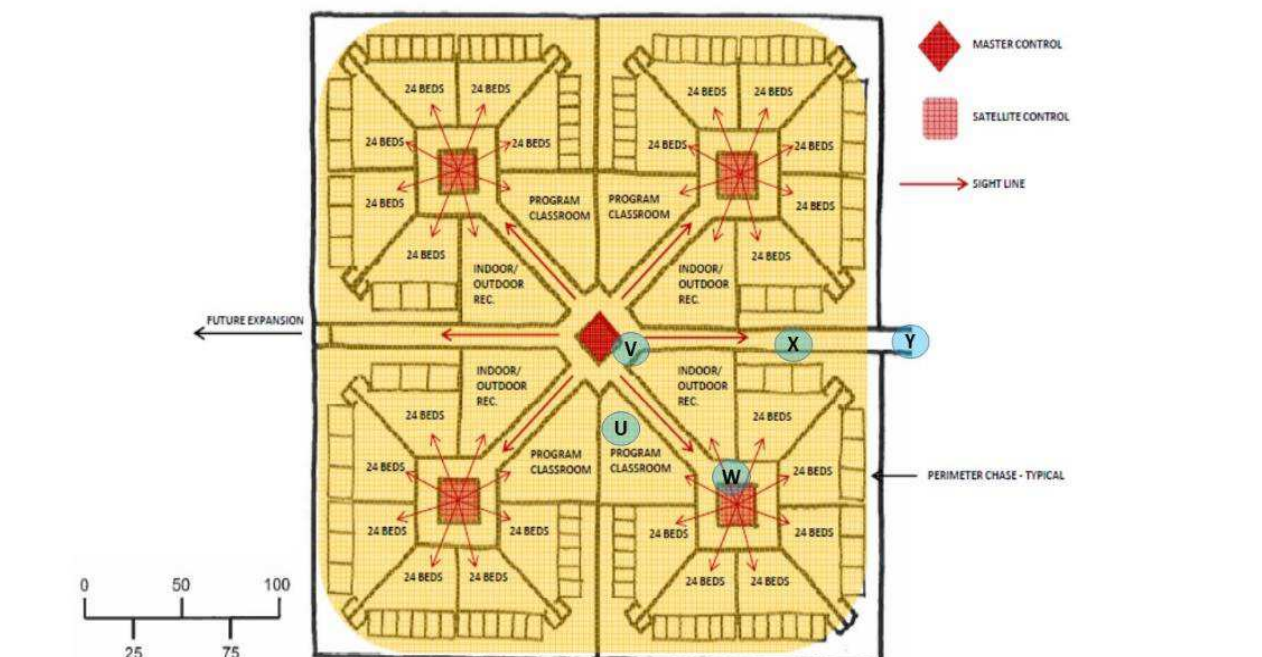


**Figure 85: Public Entrance.**



- S. Master control location provides no direct line of sight for major corridors or other elements inside perimeter, will have to rely completely on technology; will control have any functions with the public?
- T. Very long distance for public or professional visitors/volunteers to travel to meet with inmates. Assume escort will be required.

**Figure 86: Housing Areas.**



- U. Is “program/classroom” a single space or is it subdivided?
- V. Do not appear to be smaller rooms for interviews, tutoring, etc. Where would those be found and would inmates have to move to them?
- W. Assume sub-controls operated 24/7.



- X. Smaller housing units provided somewhere to increase ability to use higher proportion of beds?
- Y. Where will security gates be located between housing pod and main corridor, and along main corridor?



## I. Staffing Estimate:

Relieved Staffing: The following list describes specific *relieved* posts and assignments that operate 24/7 (8,760 coverage hours/year) or 16/7 (5,840 coverage hours/year).

Post #	Location	Post Name	Annual Cov. Hrs		Employee Classif
			8760	5840	
1	Hsg	Core Control	1		CO
2	Hsg	Unit 1 Control	1		CO
3	Hsg	Unit 2 Control	1		CO
4	Hsg	Unit 3 Control	1		CO
5	Hsg	Unit 1 Floor 1	1		CO
6	Hsg	Unit 1 Floor 2	1		CO
7	Hsg	Unit 2 Floor 1	1		CO
8	Hsg	Unit 2 Floor 2	1		CO
9	Hsg	Unit 3 Floor 1	1		CO
10	Hsg	Unit 2 Floor 2	1		CO
11	Hsg	Master Control 1	1		CO
12	Hsg	Hsg Core Rover	1		CO
13	Hsg	Housing Movement 1	1		CO
14	Hsg	Housing Movement 2	1		CO
15	Hsg	Housing Movement 3	1		CO
16	Hsg	Housing Movement 4		1	CO
17	Brks	Breaks to this Point	1		CO
18	Int	Booking Desk 1	1		CO
19	Int	Booking Desk 2	1		CO
20	Int	Receiving / VSP	1		CO
21	Int	Holding Cells	1		CO
22	Int	Intake Movement	1		CO
23	Med	Medical Housing	1		CO
24	Med	Medical Security	1		CO
25	Med	Medical Security		1	CO
26	Med	Medical Movement		1	CO
27	MC2	Master Control 2		1	CO
28	Mov	Main Corridor 1	1		CO
29	Mov	Main Corridor 2	1		CO
30	Per	Perimeter/ Sec Off	1		CO
31	Brks	Breaks to this Point	1		CO
32	SS1	Supervisor 1 Hsg	1		Sgt
33	SS2	Supervisor 2 Intake	1		Sgt
34	Comm	Shift Command	1		L
	FTEs	Cor Officer	137.7	13.6	151.3
		Sgt	10.2		10.2
		Lt	5.1		5.1
					166.6

CO relieved  
Sgt Relieved  
Lt Relieved  
Relieved FTEs



## Non Relieved

Jail Admin	1	NR	Civ
Admin Lt	1	NR	Lt
Court	8	NR	CO
Transport	4	NR	CO
<b>TOTAL NR</b>	<b>14</b>	<b>FTE</b>	

<b>Grand Total: 180.6 FTE</b> uniformed/security
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**Contractual:**

Medical

Mental Health



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## **PART II – SECTION 1**

### **OVERVIEW & SUMMARY OF RECOMMENDATIONS**

---

This is Part II of the Vigo County Jail and Criminal Justice Assessment. The primary purpose of Part II is to assist Vigo County improve the effectiveness and efficiency of criminal justice system practices. Additionally, further assessment of the jail planning and design process is provided with best-practice recommendations for final design of the facility. This assessment process involved individual and group meetings and interviews with criminal justice system officials, review of records and data to identify relevant primary recommendations. Best-practices literature follows each section where indicated.

#### **A. Summary of Recommendations:**

##### **1) The Court System Recommendations:**

- a) Conduct a one-day case management workshop for all judicial officers [DO FIRST].
- b) Hire an Executive Court Administrator.
- c) Formally establish a Case Processing Committee.
- d) Create Summary Case Management Information Reports.
- e) Create Case Disposition Goals/Case Processing Standards.
- f) Consider implementing Differentiated Case Management (DCM).
- g) Consider creating a criminal courtroom(s) - Pilot Project.

##### **2) Prosecutor's Office Recommendations:**

- a) Perform a comprehensive staffing study, consider creating a full-time office.
- b) Lead the effort to expedite plea negotiations.
- c) Assign two prosecutors to each criminal court (Divisions 1, 3, and 6).

##### **3) Public Defender.**

A Public Defender should be available in-person at first appearance.

##### **4) Community Corrections:**

- a) Explore with judges if Work Release participation can be appropriately expanded.
- b) Utilize a formal assessment to determine risk and appropriateness for Community Corrections programs.
- c) Explore eliminating pretrial release program fees.



- d) Establish the pretrial release program as a separate program. This recommendation also appears in the assessment of probation programs. Both Corrections and Probation supervise pretrial release defendants, but in different manners.

**5) Adult Probation:**

- a) A time study should be conducted to determine staffing needs.
- b) Additional probation officers should be hired.
- c) The Chief Probation Officer position should be that of a full-time supervisor.
- d) Include probation officers on all problem-solving courts treatment teams.
- e) Expand evidence-based programs and practices in the Vigo County Probation Office.
- f) The probation office space should be expanded to accommodate additional staff and for conducting programs.
- g) Establish the Pretrial Release Program separate from the Adult Probation Office.

**6) Other Recommendations:**

- a) Create a Jail Case Expediter Position.
- b) Unify Vigo County Corrections under a single organizational umbrella.
- c) Innovative community responses for helping people with drug addiction - A reference for discussion by the Criminal Justice Coordinating Committee and for groups of concerned citizens who want to contribute to the community.

**7) Jail Planning and Design Recommendations:**

- a) Officials should expeditiously revisit all earlier efforts, securing broader participation and taking the time to visit a variety of new jails in other counties and in other states.
- b) Principles and goals for the new facility, and for the broader criminal justice system, must be developed and used as a foundation for subsequent revisions to plans, design, and operational decisions.
- c) The full range of design and operational approaches should be considered at each step in the process.
- d) Vigo County should take the time to ensure that the new jail is “done right.”



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## PART II - SECTION 2

### INTRODUCTION TO THE ASSESSMENT OF COURTS-RELATED OPERATIONS

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The review of courts-related operations covers the Courts, Prosecutor's Office, Community Corrections, Adult Probation. In addition, the need for a Jail Case Expediter and Unified Correctional Services are addressed.

#### A. Two General Types of Improvements

- 1) There are two general types of improvements that affect the jail population: Quick Fixes and Organizational Improvement. Quick fixes are actions that do not involve major changes in organizational structure and operations. When most of the quick fixes have been accomplished, what remains are infrastructure operations; if refined, could further reduce or control growth of the jail population. Making those changes is complicated. In some instances, new positions will be needed, which is a challenge in the current Vigo County funding environment. Organizational changes also involve the principle that "you never do just one thing." For example, a change in a major operational procedure in the courts could affect multiple staff and one or more interconnected operations.
- 2) The reader must also keep in mind that a lag often exists between the time that a process or operation is improved to the time that a measurable impact can be detected. For example, improvement in the treatment of substance abusers may take at least a year before initial statistics are available to gauge the effectiveness of implementation and efficacy of the change. Often, achievement of an envisioned goal involves an iterative process of refinement.

#### B. Factors Affecting If and When Various Recommendations Will be Implemented

There are at least six factors that can affect if and when recommendations will be implemented:

- 1) **Funding:** Funding is a major issue in Vigo County. Some of the recommendations pertaining to courts-related operations involve new positions.
- 2) **Ease of Implementation:** Some recommendations can be implemented more easily than others. Complex recommendations have more points at which implementation can become stalled.
- 3) **Dependencies in Implementation:** Two types of dependencies exist: (1) Recommendations that depend on implementation of a preceding condition or recommendation and (2) Recommendations that depend on two agencies taking similar or supporting actions in order for the overarching improvement to occur.
- 4) **Differences in Implementation:** Some recommendations may not be implemented as specified due to funding, operational preferences, and internal restrictions. Thus, the outcomes/impacts may be less than anticipated.
- 5) **Preferences:** Some recommendations may not be selected for implementation due to preferences of the agency leaders.
- 6) **Changes in the Regulatory Environment:** The further out in time that implementation



occurs, the greater the possibility of changes in statutes and state agency requirements.

## **C. List of Recommendations Made About Courts-Related Agencies.**

### **1) Courts:**

- a) Conduct a one-day case management workshop for all judicial officers [DO FIRST].
- b) Hire an Executive Court Administrator.
- c) Formally establish a Case Processing Committee.
- d) Create Summary Case Management Information Reports.
- e) Create Case Disposition Goals/Case Processing Standards.
- f) Consider implementing Differentiated Case Management (DCM).
- g) Consider creating a criminal courtroom(s) - Pilot Project.

### **2) Prosecutor's Office:**

- a) Perform a comprehensive staffing study.
- b) Lead the effort to expedite plea negotiations.
- c) Assign two prosecutors to each criminal court (Divisions 1, 3, and 6).

### **3) Public Defender's Office:**

A Public Defender should be available in-person at first appearance.

### **5) Community Corrections:**

- a) Explore with judges if Work Release participation can be appropriately expanded.
- b) Utilize a formal assessment to determine risk and appropriateness for Community Corrections programs.
- c) Explore eliminating pretrial release program fees.
- d) Establish the pretrial release program as a separate program. This recommendation also appears in the assessment of probation programs. Both Corrections and Probation supervise pretrial release defendants, but in different manners.

### **6) Adult Probation:**

- h) A time study should be conducted to determine staffing needs.
- i) Additional probation officers should be hired.
- j) The Chief Probation Officer position should be that of a full-time supervisor.
- k) Include probation officers on all problem-solving courts treatment teams.
- l) Expand evidence-based programs and practices in the Vigo County Probation Office.
- m) The probation office space should be expanded to accommodate additional staff and for conducting programs.
- n) Establish the Pretrial Release Program separate from the Adult Probation Office.



**8) Other Recommendations:**

- d) Create a Jail Case Expediter Position.
- e) Unify Vigo County Corrections under a single organizational umbrella.
- f) Innovative community responses for helping people with drug addiction - A reference for discussion by the Criminal Justice Coordinating Committee and for groups of concerned citizens who want to contribute to the community.



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## PART II - SECTION 3

### ASSESSMENT OF VIGO COUNTY COURTS

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#### A. Introduction.

##### 1) The Status of the Vigo County Courts:

During the course of study of the criminal justice system, the consultants found the judges to be competent and committed to their work. Their ongoing pursuit of new programs, grant funding, and willingness to be innovative is commendable. Within organizations, there is almost always room for improvement. The Vigo County court system has grown beyond the status of a small court system. This is the largest area in need of improvement, but it is not due to a lack of commitment by judges to the duties of their office. Clearly, benefits will be realized from practices and structure better suited to their needs. Such improvement will affect both the timeliness of case processing and the length of time pretrial inmates are detained in jail.

##### 2) Lessons from Research on Caseflow Management:

Years of research and experience in courts across the country confirm that for caseflow management to work effectively in a court, it is essential that there be a solid management foundation that involves the following:

- a) A learning environment enabling the court to be flexible in the face of changing events.
- b) A shared vision of timely justice that is translated into action through proven case management techniques.
- c) The exercise of active management by setting goals, monitoring performance and enforcing accountability
- d) Communications within the court and with lawyers and other institutional participants in the case management process.
- e) Commitment to delay reduction.

Importantly, the commitment to delay reduction is echoed in the American Bar Association's standard relating to delay reduction:

*From the commencement of litigation to its resolution, whether by trial or settlement, any elapsed time other than reasonably required for pleadings, discovery, and court events is unacceptable and should be eliminated. (ABA Standard 2.50)*

##### 3) Putting Improvement Expectations in Perspective:

The recommendations in this report are not quick fixes nor will their impact be immediately felt. Their purpose is to modify an organizational structure that has been in place for years. The current judges, when they entered the court system as new judges, came into a system that was rooted in tradition and practices, complete with beliefs about "how we do business." The judges, for the most part, have identified and are addressing the quick fixes. The recommendations that follow represent the next evolutionary step in modifying the organizational structure that will enable continued improvement in case processing.



## **B. Priorities:**

There are many recommendations in this report that pertain to the courts. Partially, this is in recognition that the courts are the gatekeepers of the majority of the criminal justice system. The sphere of influence of the courts is wide and encompasses prosecuting attorneys, defense attorneys, probation, community corrections, and some operations of the jail and law enforcement. Thus, to help judges enhance their operations is to help, also, other members of the system to improve their operations.

All of the recommendations in this report will have an impact on the jail population. Several will produce measurable results in the short-range future and others will take longer to implement. Not all of the recommendations can or should be undertaken at the same time. For this reason, the consultants have identified four recommendations to initially pursue:

### **1) Conduct a one-day case management workshop for all judicial officers [DO FIRST]:**

Such a workshop conducted by an experienced judge (consultant) with a proven track record of case management improvement will provide new information for consideration and allow the judges to interact and ask questions. Given the innovative behavior exhibited in the past by the judges, this workshop will stimulate thinking about how to undertake the refinements in court structure and operations recommended in this document.

### **2) Hire an Executive Court Administrator:**

An important step in court organizational development must be the establishment of the role of a professional administrator who has the expertise to confront issues, deal with increased complexity, and address the necessity of change and innovation that characterize an evolving court system. Court administrators often are the ones that serve as innovators, "thinking outside the box", change agents, or even entrepreneurs and synchronize efforts with the Chief Judge.

**Implementing this recommendation will take time.**

### **3) Formally Establish a Case Processing Committee:**

Judges implicitly perform the role of system gatekeeper. The consultants are aware that the judges occasionally meet to discuss criminal case processing. This recommendation expands on those actions to provide greater specificity of when and how those meetings occur.

## **C. Description of Priority Recommendations:**

### **1) Conduct a one-day case management workshop for all judicial officers and staff:**

The workshop should be led by a judge who has a proven track record of case management system improvement. The workshop should include discussions on case management techniques from a judge's perspective, use of data in managing cases and resources, impact and reaction to implementing change with the bar and other stakeholders, why make changes, use of CourTools that relate to case management, benefits of system improvement both operationally and politically, explore different



scheduling and case assignment techniques available to judges with limited resources, explore the benefits of implementing a differentiated case management/intensive case management system, and conduct a pre-workshop self-assessment and discuss results during workshop. The final workshop curriculum should be guided by the Chief Judge.

If this recommendation is accepted, securing a faculty member at little or no cost to the court or Vigo County will be identified by the Justice Concepts Inc. consultants.

## **2) Hire an Executive Trial County Administrator:**

Currently, the Court has a person with the title of Court Administrator. However, the duties of that position would be more appropriately categorized as a combination of Chief Financial Officer and staff member to the Probate Courts. This person is overloaded with day-to-day operational issues and would be difficult to replace. In order to differentiate between the current position and the new position described in this recommendation, the reader should think of the new position as an "Executive" Court Administrator.

As will be seen in the document, *The Court Administrator: A Guide to the Profession*, which appears in the appendix, the role of a professional court administrator is very broad in scope. The court administrator's primary role (in this instance, the Executive Court Administrator) is to facilitate the administrative functions of the court under the general guidance of the Chief Judge. Given the rotational nature of serving as Chief Judge in the Vigo Court, the Court Administrator would serve as a constant operational resource over time. The Chief Judge and the Court Administrator would provide the Court with an executive leadership team capable of confronting issues, dealing with increased complexity, and addressing the necessity of change and innovation that characterize an evolving court system. Court administrators are often the ones that serve as innovators, "thinking outside the box", change agents, or even entrepreneurs and synchronize efforts with the Chief Judge.

### **a) Benefits of Hiring an Executive Court Administrator:**

The following list identifies specific expectations of the position and associated benefits of hiring a court administrator:

#### **1. Leadership:**

- ✓ Actively engage in and support the process for trial court strategic planning and the court's vision, mission and tasks.
- ✓ Oversee case management procedures and process, while assisting each judge with their needs in effective case processing.
- ✓ Generate and interpret case management system reports.
- ✓ Identify and prepare responses for the Chief Judge on sensitive administrative issues.
- ✓ Liaison with outside groups.



## 2. Administration:

- ✓ Serve as the subject matter expert in case processing of the trial court.
- ✓ Analyze data on case processing and perform impact studies in areas of the judicial system that are of interest to the Chief Judge and Court.
- ✓ Oversee the preparation and implementation of the annual budget and manage the process of fiscal administration of the court's budget.
- ✓ Prepare and conduct court orientation of new employees.
- ✓ Develop and oversee the emergency management plan and the trial court continuity of operations (COOP) plan.
- ✓ Oversee IT services provided to the trial court.
- ✓ Facilitate development of a Case Management Action Plan
- ✓ Ensure compliance with ADA requirements and requirements associated with language access.
- ✓ Review the purchasing program to enhance purchasing power and provide higher quality of items at reduced pricing.

## 3. Other:

- ✓ Develop alternate funding streams for the court to enhance current programs and develop new initiatives.
- ✓ Facilitate development of external resources, such as partnering with a Paralegal Studies program for intern/externs to assist on Probate Court work; partnering with the college to develop a robust intern program for Specialty Courts, Probation, and other areas of need within the judicial system.
- ✓ Develop procedural manuals in areas of need.
- ✓ Develop new programs/efforts and foster efforts that enhance the public's understanding of the courts system.
- ✓ Serve as the point of contact for needs of each of the judges in the jurisdiction.
- ✓ Develop a best practices reference resource center that supports the court's long-range plan, case management and the like.

### b) Qualifications of an Executive Court Administrator:

Ideally, the court administrator will combine the technical skills of a manager with the knowledge of public administration and an understanding of the duties and problems typical in the courts. Lastly, many of the most successful administrators exhibit the rare combination of having lots of confidence while removing personal ego from the equation.

Specifically, the court administrator should have completed considerable study in the areas of criminal justice, court administration, public and/or business administration or have practical experience in these fields. To this end, many courts require that a court administrator hold a degree in business, public or judicial administration and/or be a graduate of the Court Executive Development Program of the National Center for State Courts' Institute for Court Management or a similar program. If the selected person does not possess these qualifications, there should be a commitment by the Court to support the selectee to obtain such a certification.



c) The Selection Process:

A court administrator may be selected by a process that includes a majority vote of all the judges. The committee, chaired by the chief judge and a representative of the entire bench, can select and/or recommend to the entire bench the hiring of an administrator. Given that the position of Court Administrator is the most important administrative position in the court, each judge should participate in the hiring process, to the extent practical.

To ensure a diverse pool of qualified candidates, the court should launch a nationwide search. The National Center for State Courts, which provides secretarial services to selected professional organizations such as the National Association for Court Management and the Conference of State Court Administrators, lists job openings. Other recruitment avenues (search firm, job boards, job posting sites, recruiting sites) should also be considered to ensure broad outreach to qualified candidates. The process is time-consuming and there are benefits and weaknesses with each type of process and with each outreach resource used.

d) Operational Considerations in Hiring a Court Administrator:

There are a variety of aspects addressed in the process of hiring a court administrator. The following bullet points highlight areas that need to be developed prior to the start-date of a newly hired court administrator:

1. Buy-in of the entire bench needs to be achieved.
2. Buy-in by the funding authority.
  - ✓ Raising the staffing headcount of Court and County and securing the adequate funds is not an easy task.
  - ✓ It should be stressed that having a highly qualified court administrator will have a direct benefit not only to relieving the jail bed numbers, but also to the future of managing the changing complexity of the judicial system.
3. Classification and compensation for a court administrator needs to be determined and agreed upon with the funding authority.
4. A realistic timeline needs to be determined to recruit, interview, select and set a start date. This part of the process should take less than five months after receiving funding approval.
5. Other budget impacts that should be considered include:
  - ✓ Increase training funds (judges, staff and the administrator) that will promote better understanding and subsequently operational enhancement of the entire court organization. Increase contractual funds that will support outsourcing of some needed support services.



6. Adequate office space needs to be secured. Size is not the issue, although enough room should be allowed. Privacy and proximity to the Chief Judge is important. In addition, equipping the office should be included with the budget request.
7. The Chief Judge should be the leader of implementing this change. A staff meeting should be held to outline some of the global changes and transition issues that may occur with the hiring of a court administrator, and to reinforce the need for constant clear communications to ensure that all members of the court team are kept up to date on progress and issues that need to be addressed.

### **3) Formally Establish A Case Processing Committee:**

This recommendation is made with the knowledge that the judges occasionally meet to discuss criminal case processing. Recommendation 3 expands on those actions to provide greater specificity and to set expectations for cooperative work on issues affecting case processing.

Considerations:

- a) The judiciary should decide which judge will chair the meetings and how support will be provided.
- b) The meetings would be scheduled for a specific time each month, e.g., third Wednesday of the month at 3:30 PM.
- c) Membership of the Case Processing Committee would include the Chief Judge, Criminal Court Judges, Chief Prosecutor, Chief Public Defender, Community Corrections Administrator, Chief Probation Officer, Court Clerk, and Jail Case Expediter. The Court Administrator, Jail Administrator, and others can be invited to meetings based on the topic(s) that will be discussed.
- d) The meetings would be closed. Discussions would be private and not released to outsiders, unless all Committee members agree that releasing the information would benefit the issue/initiative/or position taken by the members.
- e) Initial topics of the Case Processing Committee could include for example:
  1. The Jail Case Expediter Position, which is recommended by the consultants: How it will be implemented and interact with members of the criminal justice system.
  2. The recommendation made by the consultants that the Prosecutor's Office should lead an effort to expedite plea negotiations. This discussion would include preparedness of attorneys when asked by judges in court about status of negotiations.
  3. A process for identifying issues and providing relevant statistics (when appropriate and possible) should be developed.
  4. Goals for case processing should be discussed and agreed upon.
  5. A method for assessing achievement of those goals should be discussed and



agreed upon.

6. A manner of assessing speed of case processing should be discussed. (See Recommendations Four and Five)
7. Consideration of creating a dedicated criminal courtroom as a pilot project

#### **Other Related Recommendations:**

The following recommendations were specifically developed to serve needs identified by the consultants. They are important but were not ranked as first order priorities. They should be placed in a queue for subsequent consideration and implementation.

#### **4) Summary Case Management Information Reports:**

- a) The Court should consider developing a summary management information report that standardizes and simplifies calendar management issues and is widely circulated among judicial officers and decision makers to create a shared understanding of the current caseload.
- b) Creating and distributing a summary report will not eliminate the need for other more detailed statistics. This standardized report should be used on a court-wide (macro) level. This report provides the big picture rather than individual reports. A sample of such a report follows on the next page (Figure 87). The Case Management Committee should work on finalizing such a report.
- c) If the recommendation is accepted, a request should be made to the information system managers at the state level. Any cost should be absorbed by the state.



Figure 87: Summary Case Management Information Report.

**FILINGS (new cases)**

Month	Year-to-date	Month (Previous year)	Year-to-date (Previous year)	YTD % change from previous year
<b>DISPOSITIONS (resolved cases)</b>				
Month	Year-to-date	Month (Previous year)	Year-to-date (Previous year)	YTD % change from previous year
<b>CLEARANCE RATE (dispositions compared to filings)</b>				
Month	Year-to-date	Month (Previous year)	Year-to-date (Previous year)	YTD % change from previous year
<b>TIME TO DISPOSITION</b>				
Month	Year-to-date	Month (Previous year)	Year-to-date (Previous year)	YTD % change from previous year
x-xx days =	x-xx days =	x-xx days =	x-xx days =	
xx-xxx days =	xx-xxx days =	xx-xxx days =	xx-xxx days =	
xxx-xxxx days =	xxx-xxxx days =	xxx-xxxx days =	xxx-xxxx days =	
<b>AGE OF ACTIVE PENDING CASELOAD</b>				
Month	Year-to-date	Month (Previous year)	Year-to-date (Previous year)	YTD % change from previous year
x-xx days =	x-xx days =	x-xx days =	x-xx days =	
xx-xxx days =	xx-xxx days =	xx-xxx days =	xx-xxx days =	
xxx-xxxx days =	xxx-xxxx days =	xxx-xxxx days =	xxx-xxxx days =	
<b>1NTY</b>				
<b>TRIAL DATE CERT A (# of times cases disposed by trial are scheduled for trial)</b>				
Month	Year-to-date	Month (Previous year)	Year-to-date (Previous year)	YTD % change from previous year
<b>CONTINUANCES</b>				
Month	Year-to-date	Month (Previous year)	Year-to-date (Previous year)	YTD % change from previous year
Requested by If	Requested by 1f	Requested by 1f	Requested by 1f	
Requested by A	Requested by A	Requested by A	Requested by A	
Joint Request	Joint Request	Joint Request	Joint Request	
Requested by Court	Requested by Court	Requested by Court	Requested by Court	
Total	Total	Total	Total	
<b>REASONS FOR CONTINUANCES</b>				
Month	Year-to-date	Month (Previous year)	Year-to-date (Previous year)	YTD % change from previous year
Reason 1	Reason 1	Reason 1	Reason 1	
Reason 2	Reason 2	Reason 2	Reason 2	
Reason 3	Reason 3	Reason 3	Reason 3	
Reason 4	Reason 4	Reason 4	Reason 4	
Other	Other	Other	Other	
<b>AVERAGE NUMBER OF APPEARANCES PER CASE</b>				
Month	Year-to-date	Month (Previous year)	Year-to-date (Previous year)	YTD % change from previous year



## d) KEY:

1. Clearance Rate: The number of outgoing cases as a percentage of the number of incoming cases. This is a tight measurement criterion that shows at a glance whether a court is keeping current with its caseload.
2. Time to Disposition: The percentage of cases disposed or otherwise resolved within established timeframes. This measurement criterion will show whether the court complies with disposition goals and standards.
3. Age of Active Pending: The average age of the active cases pending before the court, measured as the average number of days from filing until the time of measurement. It is critical to know how many cases are in a court's pending inventory of active cases and their age. This criterion can also indicate whether a backlog exists and its severity.
4. An additional Summary Report that should be considered displays the various stages by major case type (Figure 88). This report, shown below, identifies the overall averages for all cases in the identified case type. This report serves as a barometer of the pace of litigation and identifies if target goals are being achieved.

**Figure 88: Example of a Summary Report Showing Overall Averages.**

Major Case Type	Stage 1	Stage 2	Stage 3	Stage 4
Felony	Bond Court to Prelim Hearing	Prelim Hearing to Arraignment	Arraignment to Pretrial	Pretrial to Trial
Misdemeanor	Arraignment to Pretrial	Pretrial to Settlement Conference	Settlement Conference to Trial	N/A
Civil	Filing to 1 <sup>st</sup> Hearing	1 <sup>st</sup> Hearing to Motions	Motions to Pretrial	Pretrial to Trial
Family (Divorce)	Filing to 1 <sup>st</sup> Progress Call	Progress Call to Pretrial	Pretrial to Case Management Conference	Case Management Conference to Trial
Juvenile (Delinquency and Dependency)	Filing to Intake Hearing	Intake Hearing to Determination	Determination to Placement	N/A



5. Statistical measures should also be broken further into three categories:
  - ✓ Macro: Overall docket, begin pending, filing, disposition, and end pending.
  - ✓ Micro: Specific cases, time between events, cases nearing time standards.
  - ✓ Related Performance Goals: Number of continuances, cases over the standard, cases with no next event scheduled

**5) Create Case Disposition Goals / Case Processing Standards:**

1. A court needs to set case processing goals for itself, litigants, the Bar, and citizens so it can decide what needs to be done and within what sub-timeframes to achieve those overall goals. A court needs to manage according to where the case is going to be, not on the basis of where it is now (except when due process and achieving justice are at stake). Failure to do so may result in not meeting established objectives. Goals need to be reasonable and reflect the needs and special circumstances of each case type and sub-case type.
2. A Case Management Committee should be the architect of developing these goals in consultation with justice partners - Bar, Office of the Prosecutor, Office of the Public Defender and Jail Administration. While input is necessary, the final decision remains with the Court.
3. Once interim goals/standards are drafted, they need to be road tested via a pilot project involving one or two courts. Lessons learned should provide feedback to the committee, so adjustments can be made.

The following standards should serve as a starting point to begin the dialogue among the judges and justice partners. Only major case categories are in the table.



**Figure 89: Model Time Standards for State Trial Courts<sup>32</sup>.**

Criminal	Felony	75% within 90 days 90% within 180 days 98% within 365 days
	Misdemeanor	75% within 60 days 90% within 90 days 98% within 180 days
Civil	General Civil	75% within 180 days 90% within 365 days 98% within 540 days
Family	Dissolution, Divorce, Allocation of Parental Responsibility	75% within 120 days 90% within 180 days 98% within 365 days
	Order of Protection	90% within 10 days 98% within 30 days
Probate	Administration of Estates	75% within 360 days 90% within 540 days 98% within 720 days
	Guardianship/Conservator of Incapacitated Adults	98% with 90 days
	Civil Commitment	98% within 15 days

Since Indiana does not have published time standards and the Model Time Standards are ambitious for a court just starting down this path, many trial courts set more modest standards with the long-term goal of meeting the Model Time Standards in the future.

<sup>32</sup>Model time standards have existed for more than 40 years. The National Center for State Courts (NCSC), in conjunction with the Conference of State Court Administrators (COSCA) and Conference of Chief Justices (CCJ), revised previous standards using performance data from state courts. The revision, *Model Time Standards for State Trial Courts*, was approved by the CCJ, COSCA, the American Bar Association (ABA), and the National Association for Court Management (NACM).



## 6) Consider Implementing Differentiated Case Management (DCM):

With the increasing volume and diversity of criminal and civil dockets in most courts, and the broad range of case types and case processing requirements presented, the traditional first-in/first-out, one-size-fits-all approach to case management is no longer either feasible or desirable. Differentiated Case Management (DCM) is a technique courts can use to tailor the case management process to the requirements of individual cases. DCM provides a mechanism for processing each case in accordance with the time frame and judicial system resources required. Thus, each case can move as expeditiously as possible toward disposition, rather than waiting in line.

a) DCM offers three key features:

1. Development of multiple case processing tracks with different events and timeframes that reflect the range of case processing characteristics and requirements presented by the caseload—Shortly after a case is filed, it is assigned to the applicable track based on criteria developed by the local judicial system. Some courts have only three tracks—simple, standard, and complex; other courts have six or more tracks specific to that court and subtracks as needed.
2. Improved organization of court events to ensure that each scheduled event occurs at a time and in a manner that promotes case disposition—Court events such as preliminary hearings, motions, and evidentiary hearings are not automatically scheduled; instead, they are scheduled only for those tracks in which they are appropriate. For example, a predisposition conference would be scheduled for a major drug possession case assigned to a “complex” track, but would not be scheduled for a simple drug trafficking case assigned to a “simple” track. Only events that contribute to the case disposition process are scheduled, and each scheduled event is designed to promote case disposition. Thus, events that do not contribute to case resolution (such as pro forma calendar calls) are eliminated, and events that do contribute to case disposition (such as pretrial conferences) are scheduled at times when issues can be defined or disposition might reasonably be expected to occur.
3. Close case monitoring—Monitoring individual cases ensures that each case stays within track procedures and timeframes as well as identifies unanticipated problems that may warrant track reassignment.

An example of a DCM planning document developed by Tarrant County, Texas is provided in the appendix of this report.



## **7) Consider Creating A Criminal Courtroom(s) – Pilot Project:**

Currently each Division handles criminal and civil cases and other matters. As a result of the consultants' review of statistical reports provided by the Court, considering the forthcoming implementation of a pretrial release program and learning of the multiple case management techniques used by each court during the interviews of judges and staff, it is recommended that one (1) or two (2) courts be created which would deal only with criminal cases.

### **Benefits:**

- a) Facilitates a consistent outline of daily activity to accommodate all facets of managing a criminal caseload and eliminates distractions involved in blending time among other of case types.
- b) Facilitates easier planning with the offices of the Prosecutor and Public Defender to reshape staffing needs to full-time criminal court(s).
- c) Better predictability and consistency of outcomes dealing with pleas, sentencing and the like when dealing with one or two judges rather than five.
- d) The various majority of serious criminal cases (98%) are never tried; rather they are resolved through negotiated pleas. The recommended changes will facilitate attorneys being prepared more often than not, resulting in closing the case. Collapsing criminal matters into one or two courtrooms will enhance the Court to set meaningful court dates that are consistent between the two courtrooms.
- e) Barriers will be easier to address when only dealing with two courtrooms, resulting in more efficient caseload and quicker outcomes.
- f) Best and final offers will be easier to achieve with a team of prosecutors and public defenders and defense bar dealing with two judges, due to predictability of the outcome by the judges.
- g) More of a team approach between the two judges, set prosecutors and public defenders, the more they will begin to develop a higher level of collegiality and will focus on the common goal of moving and disposing of cases and keeping the jail population in check.
- h) Promotes consolidation of support staff and allows functions to be better controlled by those assigned to assist only with criminal cases.



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## PART II – SECTION 4

### PROSECUTOR'S OFFICE OPERATIONS

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#### A. Background:

- 4) Surveys of state courts by the Bureau of Justice Assistance indicate that about two-thirds of felony defendants are eventually convicted and more than 95% of these convictions were the result of plea bargains.<sup>33,34</sup> Similar statistics would likely apply to felony case processing in Vigo County.
- 5) The Criminal Division of the Prosecutor's Office is responsible for the prosecution of all criminal offenses and infraction violations that occur in Vigo County. The Office does not handle ordinance violations (violations of municipal code).
- 3) The Office decides which felony charges to file and, subsequently, presents the initial plea offer to the defendant's attorney. If prosecuting attorneys are slow in making initial offers, the time to case adjudication will obviously take longer. When a plea offer is made to the defendant through his or her defense attorney, the defense attorney must consult with the defendant about whether to take the offer, make a counter offer or go to trial. If the penalty in the initial offer is very severe, a round robin series of back-and-forth negotiations may occur until an agreement is reached. In interviews of judges and attorneys, the manner of making plea offers was discussed. The general consensus was that the way to construct plea offers is to present the best offer first, rather than starting high (as tends to happen in civil cases). This strategy usually reduces the number of round robin negotiations.

#### B. Vigo County Prosecutor Office Staffing:

- 1) The Vigo County's Prosecutor's Office is organized according to two types of functions: Case Preparation and Case Prosecution. The case preparation function is divided into specialty areas according to type of crime. The case prosecution function is performed by attorneys who negotiate pleas and try cases in court.
- 2) The current staffing of the office includes:
  - a) 1 Prosecutor (part-time)
  - b) 1 Chief Deputy Prosecutor (full-time)
  - c) 9 full-time Deputy Prosecuting Attorneys - Criminal Cases
  - d) 7 part-time Deputy Prosecuting Attorneys - Criminal Cases
  - e) 1 Deputy Prosecuting Attorney - Juvenile delinquency proceedings.
  - f) 2 Investigators
  - g) 7 Support staff

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<sup>33</sup> "Summary findings" from State Court Processing Statistics. Bureau of Justice Statistics. Downloaded on September 22, 2018. Available at: <https://www.bjs.gov/index.cfm?ty=tp&tid=23>

<sup>34</sup> "In a general sense, plea agreements are a bilateral contract whereby the defendant promised to plead guilty and, in exchange, the State promised to dismiss or reduce charges and/or recommend a certain sentence. Since the sentencing court is not a party to a plea agreement, the Court is not bound by its terms. When a plea of guilty is tendered or received as a result of a prior plea agreement, the trial judge may give the agreement consideration but is not bound by its terms and can reach an independent decision on whether to approve a negotiated charge or sentence concessions." SOURCE: McNett, D. "A Practical Guide to Plea Agreements in Kansas." *The Kansas Prosecutor*, Fall 2007, Page 19.



- 3) In interviews of administrators of the Prosecutor's Office, the concern was raised that the office is understaffed and, therefore, unable to provide additional manpower needed to participate in additional activities that would expedite plea bargaining. The question of how many staff are needed cannot be answered without a comprehensive staffing analysis, which is recommended in the next section. Two factors preclude the application of a simple formula to calculate the number of needed attorneys per number of cases: (1) case processing is segmented by function and (2) some attorneys are part-time. Although the standards of the American Bar Association (ABA) recommend that staff should be full-time, at this point in time it is unknown if that strategy would reduce the need for more staff.<sup>35,36</sup>
- 4) Recently, the Prosecutor's Office submitted a request to the County Attorney to change the Juvenile Deputy Prosecutor from a part-time position to a full-time position that would also take on Criminal Case responsibilities. The request proposed that the change be funded with non-tax dollars available to the Prosecutor. The request was assigned to a committee on October 9, 2018, and if passed by the committee, will be heard by the full County Council at the November meeting.

### **C. Recommendations:**

#### **1) Complete a Comprehensive Staffing Study:**

The prosecutor's office should complete a comprehensive staffing study to assess the appropriate number of personnel (both legal and non-legal staff) to perform the functions necessary to fulfill its mission, enable adequate supervision and satisfy the requirement of expeditious case processing of all criminal matters brought before the courts of Vigo County.

- a) The complexity of this study would require obtaining the services of a vendor having experience in such analyses. Very likely this study would take several months.
- b) A quality staffing study would provide an evidence-based review of the various functions of the prosecutor's office, as well as some relevant support functions and investigation staff resources.
- c) The study should identify the number of work units (workload requirements) to determine (1) how many full-time staff positions would be needed and (2) if such conversion is viable under the current budget allocation.
- d) The conclusions should be based on data provided by the prosecutor's office and verified by the selected vendor. If the data are insufficient to complete an accurate analysis, a plan and format for job analyses and data collection should be developed by the selected vendor.
- e) The study should assess the functional structure of non-attorney job assignments and ascertain how their structure affects performance of the agency, and if an alternative structure or additional resources could enhance efficiency, e.g., adding investigators or paralegal staff.

<sup>35</sup> In Indiana statute (IC33-39-6) provides that the chief prosecutor can election to serve as full- or part-time.

<sup>36</sup> *ABA Standards: Prosecution Function*, Standard 3-2.3(b). Available at [https://www.americanbar.org/publications/criminal\\_justice\\_section\\_archive/crimjust\\_standards\\_pfunc\\_blk.html#2.3](https://www.americanbar.org/publications/criminal_justice_section_archive/crimjust_standards_pfunc_blk.html#2.3)



- f) As a result of the study, changes that are implemented should be continually evaluated.
- g) The study should consider Recommendations 2 and 3, which follow.
- h) Consideration: A 2002 report by the American Prosecutors Research Institute (APRI), "How Many Cases Should a Prosecutor Handle" concluded that national prosecutorial caseload standards cannot be determined.<sup>37</sup> The U.S. Department of Justice, Bureau of Justice Assistance funded APRI to conduct weighted caseload studies in 56 prosecutors' offices across the nation to determine if national prosecutor caseload standards could be derived. APRI concluded that, "it is not feasible to develop national caseload and workload standards."<sup>38</sup>

## 2) Lead an Effort for Plea Negotiations:

This recommendation draws on a model for expediting plea negotiations that was developed in a Texas county.<sup>39</sup> The model should be modified through collaboration with the Judges and Public Defender to fit into Vigo County court case processing.

- a) Basic Concept: Two mornings a week would be provided for prosecution and defense attorneys to meet to negotiate pleas. This would allow time for attorneys to communicate with clients and finalize the negotiations on the second day. The two-day window would also raise the likelihood that a defense attorney would be able to attend at least one of the two days.
- b) Considerations: This would be tried on a pilot basis with one or two courts. The judge(s) would volunteer to have their court(s) participate.
  1. Cases suitable for this process would be relatively low in complexity.
  2. Experienced judges and attorneys generally know which types of cases would be amenable to this process. An example of how to specifically articulate the categorization of cases is shown in the appendix (*Tarrant County Differentiated Felony Case Management: Expedited and Basic Tracks*).
  3. Thursday and Friday from 9:00 to noon is suggested.
  4. On those days and times ensure an available meeting space, such as a vacant jury room, is not in use.
  5. Court would not be held on those two mornings.
  6. There would be no schedule requirements for these two times/days. Prosecution attorneys would bring their relevant case files to the designated room and meet with defense attorneys who show up. This would accommodate defense attorneys

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<sup>37</sup> The American Bar Association (ABA) does not have national standards for prosecution caseloads as was claimed in 2015 South Carolina Study on prosecution caseloads performed by the South Carolina Commission on Prosecution Coordination.

<sup>38</sup> Carroll, D. *ABA Clarifies Caseload Standards for South Carolina Prosecutors*. Sixth Amendment Center, December 18, 2014. Available at <http://sixthamendment.org/aba-clarifies-caseload-standards-for-south-carolina-prosecutors/#>

<sup>39</sup> Source of information: Blake Glover, Prosecuting attorney in Collin County, Texas and currently defense attorney on a panel of defense attorneys serving Douglas County, Kansas. Thus, he has an appreciation of the concept from his experience as both the prosecuting and defense attorneys. Mr. Glover worked with Dr. Beck in describing the process for expediting plea negotiations



who may be engaged in court in another courtroom.

- Under the current court scheduling, there are instances in which an attorney may not be available at a particular time or on a particular day.
  - By providing open periods of 9:00 to noon on two days, the likelihood is raised that an attorney could meet on one of the two days, thereby, requiring fewer continuances.
  - The open sessions would allow time for defense attorneys to communicate about the plea offer and return either later in the morning or the next day to finalize the plea.
7. The judge(s) would not need to sit on the bench during this time. They would be free to work on other court-related issues in their chambers.
  8. When a plea is finalized, the judge could briefly return to the bench to hear the plea. Options would be to identify a judge who could take pleas or set up a plea docket time.
  9. In the instance that a continuance is needed to meet with a client, the case could be continued to the next week's open session on Thursday or Friday.

c) Benefits:

1. Judges would not have to call attorneys to court events in which plea negotiations have not finalized.
2. The need to assemble the parties in a case only to result in a continuance would be greatly reduced.
3. The judge's need to second-guess court event scheduling would be reduced, thus saving costs, reducing possible security issues, and the like.
4. The result of the meeting of attorneys would identify, with greater likelihood, those cases which would not be settled with a plea and thereby enable the judge to schedule a trial with greater certainty.

**3) Assign Two Prosecutors to Each Criminal Court:**

a) Currently the prosecuting attorney assignments are a hybrid mixture. One full-time attorney is assigned to each of court divisions 1, 3, and 6 (these courts have the largest numbers of felony criminal cases). Specialty attorneys, such as those prosecuting sex crimes, are brought in on an as-needed basis.

b) Details of the Recommendation:

1. A second full-time prosecuting attorney would be added. The role of specialty attorneys would not be affected. One of the two full-time attorneys would deal with complex cases and the other with less complex cases. Discussion with the Public Defender suggests that similar staffing may be possible to arrange.
2. Not all criminal cases take the same length of time from arrest to disposition. Obviously, the more complex the case, the longer expected time to disposition. One



manner of differentiating between complexity of cases is by offense levels: levels 1 to 4 (complex) and levels 5 and 6 (less complex).

3. Another option for differentiating complexity of cases is to employ a version of Differentiated Felony Case Management (DFCM), such as that developed by Tarrant County, Texas. This model considers the amount of evidence, witnesses, etc. A copy of their method of differentiation is attached in the appendix of the document on assessment of the court.



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## PART II – SECTION 5 PUBLIC DEFENDER’S OFFICE

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### A. Introduction

- 1) The Vigo County Public Defender’s Office is staffed with part-time (80% time) attorneys. The State reimburses the County for a percentage of their salaries and operating expenses. The attorneys also receive employment benefits under this arrangement. Reportedly, there are times when the attorneys may need to draw on their private support staff when unusually demanding public defense cases are involved.
- 2) The staffing of the Public Defender’s Office is not comparable to the Prosecutor’s Office with regard to case assignments. The Public Defender’s Office has three public defenders assigned to Superior Courts 1 and four public defenders assigned to Superior Courts 3 and 6. There is a capability of appointing the lower level cases to one of the public defenders in each of the courts, while the other public defenders are appointed the higher felonies without necessitating a full-time position.

### B. Providing Counsel at First Appearance:

- 1) In Indiana, the right to counsel attaches at the time of arrest (Taylor v. State, 1997). Indiana’s right provides greater protection than earlier cases, such as Rothgery v. Gillespie County. In Rothgery v. Gillespie County (2008), the Supreme Court held that the right to counsel attaches at “a criminal defendant’s initial appearance before a judicial officer, where he learns the charge against him and his liberty is subject to restriction.”
- 2) Initial Appearance is a critical stage in a criminal proceeding. The court determines at this point whether to incarcerate or release an individual and what, if any, terms, conditions or bond might be appropriate.
- 3) In instances in which a case involves co-defendants, more than one Public Defender attorney will be required.

### C. Recommendation: A Public Defender should be available in-person at first appearance.<sup>40</sup> (ABA Standard 4-2.3) (National Legal Aid & Defender Association Standard 13.1).

#### 1) Staffing Needs:

The Public Defender’s Office needs at least two part-time attorneys (new positions) to be present when newly arrested individuals are brought before one of the County’s six criminal courts. These new positions could be classified as administrative positions and would be available for maximum state reimbursement. To be free of conflicts in their availability, the new attorneys would not carry ongoing criminal caseloads.

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<sup>40</sup>“First Appearance” and “Initial Appearance” occur interchangeably in the literature. In this document these terms refer to the case processing event at which the defendant first appears before a judicial officer.



## 2) Operational Considerations:

### a) Assessment of Indigency:

Representation by a public defender necessitates assessment of indigent status at the earliest possible time after booking. The jail booking officer should present the necessary paperwork to newly arrested persons at time of booking. The completed form can be transmitted via fax or by scanning the document for electronic transmittal via email to the public defender's office.

### b) Strategies for Providing Representation:

Strategies employed by other jurisdictions to prepare the Public Defender attorney for adequate representation at first appearance include the following:

1. A Public Defender Investigator comes into the jail early in the morning to read the arrest report and interview the defendant. The Vigo County Chief Public Defender may have to assign one or more of the contract defense attorneys in both roles as an "Investigator" and designated counsel at first appearance.
2. In the instance that a defendant(s) has not completed the assessment of indigency at time of booking, the Investigator interviews the person(s). If an adequate system of assessing indigency at the time of booking cannot be established, the Investigator may have to interview all newly booked inmates.

### c) Other Considerations:

A defense attorney is not only necessary to provide the accused with advice prior to initial appearance, but also to timely initiate the defense investigation and to preserve exculpatory evidence. In the absence of immediate mental health screening, these attorneys may be able to initially detect serious mental health problems and facilitate timely intervention of mental health care providers. Thus, the provision of early contact by defense attorneys would result not only in quicker and more just case resolutions, but also promote a more humane problem-solving approach to dealing with mentally ill defendants.



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**PART II – SECTION 6  
ASSESSMENT OF PROGRAMS IN THE VIGO COUNTY  
DEPARTMENT OF COMMUNITY CORRECTIONS**

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**A. Introduction:**

**1) How the Assessment was Performed:**

The assessment of programs in the Vigo County Community Corrections Department involved the inspection of the community corrections facility; interview with the Executive Director, William Watson; examination of program information and data; and follow-up conversations for clarification of information.

**2) Recommendations from the Analysis in this Document:**

- a) Explore with judges if Work Release participation can be appropriately expanded.
- b) Utilize a formal assessment to determine risk and appropriateness for Community Corrections programs.
- c) Explore eliminating pretrial release program fees.
- d) Establish the pretrial release program as a separate program. This recommendation also appears in the assessment of probation programs. Both Corrections and Probation supervise pretrial release defendants but in different manners.

**3) Enabling Legislation and Structure of the Community Corrections Department:**

The Community Corrections Act was enacted in Indiana in 1979 for the purpose of diverting certain offense categories of offenders from prison. Vigo County implemented its Community Corrections programs in 1990. Currently, the Community Corrections Department operates a facility containing programs for both sentenced and pretrial release defendants. The Courts can sentence offenders to Work Release and/or Community Restitution. The Work Release Program has a capacity of 130 persons, but has been consistently underutilized by the court. Pretrial defendants may be assigned by the Courts to Home Detention/Electronic Monitoring or Work Release as a condition of their pretrial release while awaiting adjudication of their cases.

**B. Community Corrections Program Components:**

- 1) **Home Detention:** Home detention may be ordered by the Court for defendants on pretrial release and sentenced offenders in lieu of prison. Participants are placed on Global Positioning System (GPS) tracking and allowed to reside in their residences, to go to work, and go to special appointments such as for medical and other treatment. The program is operated under the concept of self-pay. The initial program fee is \$315, which includes the cost for hook-up and for the first 13 days in the program. Thereafter, the fee is \$15 per day.



- 2) **Residential Work Release:** The Community Corrections facility contains dormitories for housing work release participants. Meal service is provided by the jail. Both sentenced offenders and pretrial defendants can be ordered into the program by the court. Program participants are allowed to leave for work. Unemployed participants are helped by staff to obtain employment.

Persons assigned to the program have a percentage of their checks, up to \$91 per week, to pay for participation in the program. According to the director, indigent placements have been historically less successful in the work release program and have a high percentage of absconders from this program.

- 3) **Community Service Program:** Participants in the community service program are ordered by the court to complete a specified number of hours as a condition of their probation/community corrections sentence to give back to the community in reparation for their crimes. Generally, participants are assigned to a designated non-profit, state, or government agency to perform work. Community Corrections staff monitor their progress and assure they complete all hours ordered. In addition to reparation, two goals of community service work are for participants to learn new skills and work ethics and at the same time gain insight into their criminal behavior and its impact it on the community.
- 4) **Vivitrol Opioid Treatment Program:** Recently, a (MAT) Medically Assisted Treatment, Vivitrol Opioid Program has been implemented.

- a) Vivitrol is one of the brand names for naltrexone, and it is unique because of its route of administration and duration of action. Rather than being taken orally in pill form every 1-3 days, it is an extended-release injection, often referred to as 'the Vivitrol shot'. This shot is an intramuscular injection that is given into alternating buttocks each month by a health care professional. The main benefit of the drug is that it only needs to be administered once every four (4) weeks, which helps to increase compliance with treatment and, as a result, substance abstinence. Vivitrol is an effective part of medication-assisted treatment, which is a method of addressing addiction that combines therapy with medication. Vivitrol helps to both reduce cravings and lower the risk of relapse.<sup>41</sup>
- b) Vigo County's Vivitrol MAT program is a collaboration between Community Corrections, the Vigo County Sheriff's Department, and the Hamilton Center. While in jail, pretrial defendants are screened. Those who qualify can voluntarily choose to enter to program. Case management and Vivitrol treatment is provided by the Hamilton Center. The Community Corrections facility provides secure housing and meals. The program is 90-days in length and funded by a \$380,000 treatment grant from the Indiana Department of Corrections. Those who qualify for the program may enter the program as a condition of a plea agreement. Successful completion of the program may merit a favorable sentence recommendation from the prosecutor. Currently, the first potential participants are being evaluated for placement in the program. Program capacity is thirty-five persons.

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<sup>41</sup> Patterson, E. *Vivitrol Use in Drug Addiction Treatment*. Available at <https://drugabuse.com/library/vivitrol>



5) **Ancillary Programming:** In addition to the programs listed above, other programs are available to residents at the facility, including:

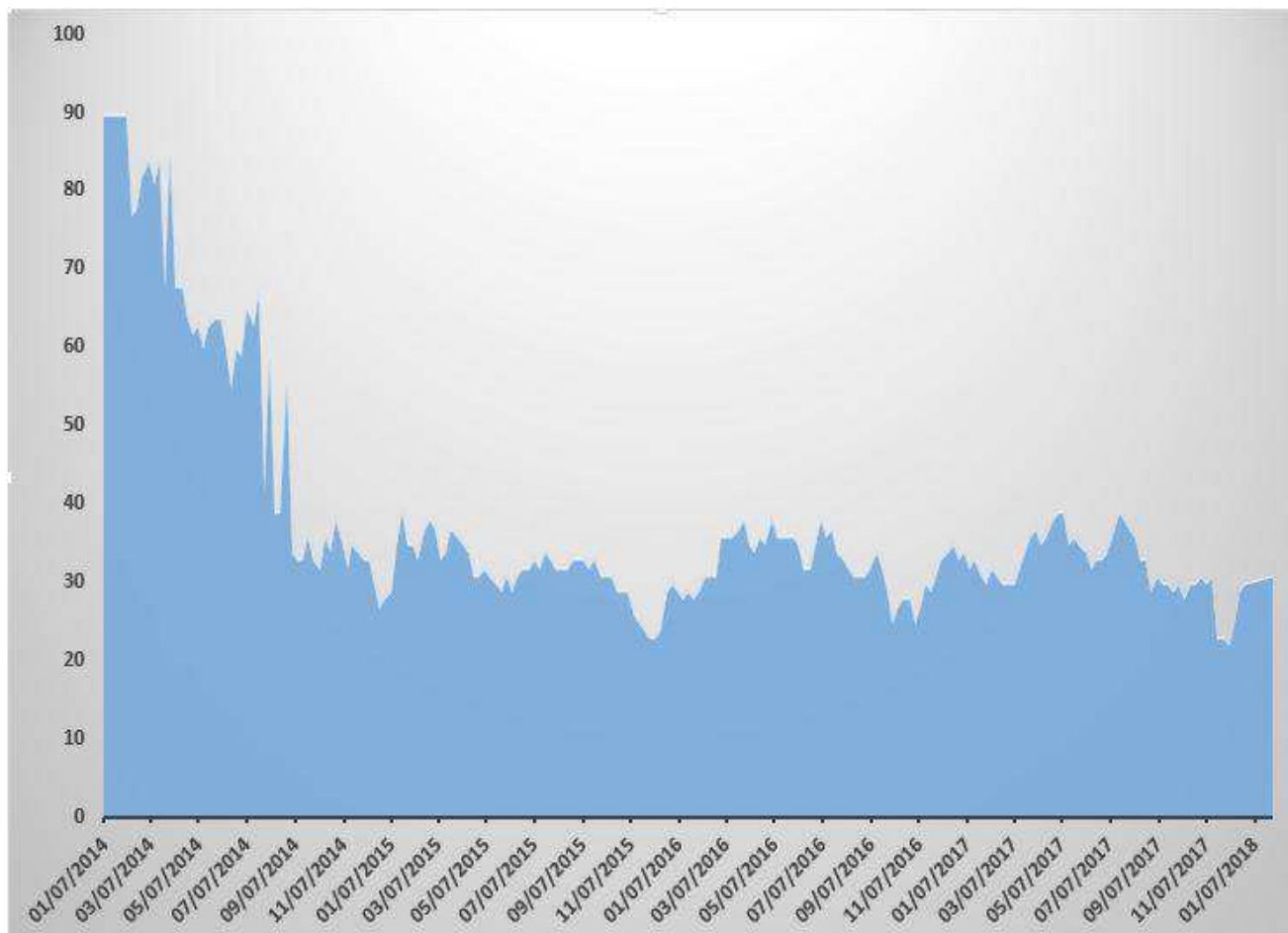
- a) Adult Literacy
- b) Cognitive Restructuring-True Thoughts
- c) Motivational Interviewing
- d) Substance Abuse Matrix Program
- e) Employment Assistance

### C. Recommendations:

#### 1) Explore with judges if Work Release participation can be appropriately expanded:

- a) Statistical data in Figure 89. below indicate that the usage of Work Release dropped from about 90 program participants at the beginning of 2014 to about 30 at the beginning of 2018.

**Figure 89. Weekly Count of Felons and Misdemeanors in Work Release Program.**  
(01/07/2014 to 01/07/2018)





- b) The graph demonstrates that empty Work Release beds exist while the jail is full and excess inmates are being shipped to other counties. The reasons for decline in Work Release usage should be explored with the judges to ascertain if the vacant beds can be appropriately filled. Possibly, the decline in usage was the result of development of more appropriate sentencing and pretrial release options.

## **2) Utilize a Formal Assessment to Determine Risk and Appropriateness for Community Corrections Programs:**

Potential participants for community corrections programs are assessed, while in custody, to determine their appropriateness either for PTR or post-conviction community corrections programs. During the interviews, which are conducted by a case manager from community corrections, the inmates are asked a series of questions to determine if they meet specific program criteria. However, no assessment instrument is used to ascertain their risk level associated with release. When judges, prosecutors and defense attorneys are making decisions regarding sentencing, it is always advantageous to have as much information as possible about the defendant. The IRAS (Indiana Risk Assessment System) contains a pretrial component which should be used in concert with the informal interview to determine risk and appropriateness for release to programs. Although, this will take more time to complete the assessment, it will provide critical decision-making information about risk to the community and how to match supervision strategies to deal with that release.

## **3) Explore How to Eliminate Pretrial Release Program Fees:**

Pretrial defendants who are assigned to community corrections programs are assessed fees, either for work release or home detention. The County has implemented a process to pay the fees for indigent defendants, but not for others. Unfortunately, the County has not fully funded the pretrial release program, which means that the program must resort to charging fees. Although the concept of “offender self-pay” has been often applied to programs for sentenced offenders, it is not a sound rationale for funding pretrial release programs.

### **a) Considerations:**

The imposition of pretrial release (PTR) program monitoring fees are problematic for two reasons:

1. Monitoring fees can amount to imposing financial penalties on defendants for judicial delays that are beyond their control.
  - ✓ A major downside of charging a pretrial defendant for electronic monitoring is that it can be a significant cost burden, i.e., the longer the courts take to adjudicate a defendant’s case the more the defendant must pay. This condition is one of the major criticisms of programs that operate on daily self-pay basis - defendants are paying for inefficiencies in the speed of case processing.



2. Monitoring fees are problematic because the defendant is charged non-refundable fees.
  - ✓ Defendants who are released on unsecured bail pay no such fees. Furthermore, a fundamental principle of our justice system is that pretrial defendants should be assumed to be innocent. If a defendant in the pretrial release program has their charges dropped or is found not guilty, the fees are rarely refunded.
  - ✓ The short-term solution to eliminating PTR program fees would be to find state grants. In the long run, the County will have to budget sufficient pretrial release program funds.

#### **4) Establish the Pretrial Release Program as a Separate Program:**

- a. Note that this recommendation also appears in the report section on probation programs. Both Community Corrections and Probation supervise pretrial release defendants but in different manners. The text of this recommendation is somewhat different because of differences in focus of the two organizations.
- b. Judges in Vigo County are currently releasing defendants from the jail on pretrial release with "supervision" being provided by the Adult Probation Office or Community Corrections. The downside of the current practice of supervising PTR defendants by probation and community corrections is that the "offender supervision mindset" carries over into working with PTR defendants.
- c. Pretrial defendants should be "monitored" to ensure that they (1) refrain from additional criminal activities and (2) appear at all scheduled court dates, nothing more. Indiana has specified that PTR programs should use the IRAS to identify the risks of committing new offenses and failure to appear in court. This report resulting from the assessment process should inform judges of the risk and relevant monitoring conditions to deal with the assessed risk.
- d. Indiana is in the process of establishing a statewide pretrial program that is being piloted in five counties at this time. The consultants understand when new programs are rolled out it takes time to gather information and statistics on what works and what needs improvement. The judges are in the process of working with the state to establish a pretrial program in Vigo County. The exact configuration of the program has not been established at this time.



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**PART II – SECTION 7**  
**ASSESSMENT OF THE VIGO COUNTY ADULT PROBATION OFFICE**

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**A. Introduction:**

**1) How the Assessment was Performed:**

a) The assessment of the Vigo County Probation Department involved onsite visits of Vigo county Probation Offices, interviews, examination of probation data, travel to visit other probation offices in Indiana, and follow-up calls. The purpose of contacting other counties was to ascertain how Indiana policies and procedures affect local probation operations and to compare their programs and functions with those of Vigo County.

b) Persons Interviewed:

1. Chief Adult Probation Officer, Diane Frazier
2. Assistant Chief Probation Officer, Kathy Minger
3. Chief Adult Probation Officer, Linda Brady, in Monroe County
4. Chief Adult Probation Officer, Cindy McCoy, in Grant County.

**2) Recommendations from the Analysis in This Document:**

- a) A time study should be conducted to determine staffing needs.
- b) Additional probation officers should be hired.
- c) The Chief Probation Officer position should be that of a full-time supervisor.
- d) Include probation officers on all problem-solving courts treatment teams.
- e) Expand evidence-based programs and practices in the Vigo County Probation Office.
- f) The probation office space should be expanded to accommodate additional staff and for conducting programs.
- g) Establish the Pretrial Release Program separate from the Adult Probation Office.

**B. Probation Office Staffing:**

**1) Overview of Vigo County Probation Staffing and Caseloads:**

- a) The importance of caseload size to the effectiveness of probation supervision cannot be overstated. Offender supervision is a human capital-intensive activity. Caseloads must be of a size that provides officers with enough time to devote to each offender in order to achieve supervision objectives. Probation officers with overly large caseloads can do little more than monitor the offenders and return the non-compliant ones to court.
- b) Studies of probation caseload size have shown that large caseloads are associated with higher recidivism and more frequent technical violations (failure to abide by



- probation conditions). For example, a study that involved the reduction of caseloads by adding staff (approximately 54 medium to high-risk probationers per officer who were trained in evidence-based practices) found that smaller caseload size reduced the rate of recidivism by roughly 30% and technical violations by 4%.<sup>42</sup>
- c) The Vigo County Probation Office has nine probation officers, including the two supervisors, who supervise approximately 200 cases each. This includes felony and misdemeanor probationers and pretrial defendants. In addition, a tenth probation officer is dedicated solely to completing Presentence Investigations (PSIs). Preparation of a presentence report requires an average of eight (8) hours to complete, i.e., one day's time.<sup>43</sup> In 2017, the office prepared 322 reports which equates to 322 work days. Given that there is an average of 260 work days for government employees per year, more than one full-time PSI position is required to complete all of the PSIs ordered by the courts. Because the PSI officer often has more presentence reports to write than can be accomplished, probation officers who supervise caseloads are called upon to assist.
  - d) Annual probation statistics indicate that the number of Vigo County offenders under supervision has increased every year since 2011. In the first quarter of 2011, 1,033 persons were being supervised. By September 2018, the number of persons under supervision had increased to 1,799 persons, including 124 pretrial defendants. Pretrial defendants are supervised by probation officers in the same manner as sentenced offenders.

## 2) General Manner of Determining Number of Probation Officers:

- a) Staff are generally allocated to the probation office based on the number of offenders under supervision and their level of supervision; however, there are other aspects involved with determining work units and how many staff are required to complete all required tasks. A comprehensive time study and work analysis is essential to determine how long it takes to accomplish each required task during the supervision of an offender. A time study was conducted by the state in 1992, which set Workload Measurement guidelines. Another study was conducted in 2012, Indiana Workload Evaluation: A Multi-Methods Investigation of Probation Supervision. Over the years a number of factors have changed the amount of time it takes to supervise an offender. Changes in technology require probation officers to track more data and to perform more comprehensive assessments of risks and needs. Officers are also involved more in specialized treatment courts and community initiatives than in the past.
- b) In 2017, Grant County established new work unit measures based on current tasks required by probation officers. Those measures were used to establish how many additional staff would be necessary in the Vigo County office.

<sup>42</sup> Sarah Kuck Jalbert & William Rhodes (2012) "Reduced caseloads improve probation outcomes," *Journal of Crime and Justice*, 35:2, 221-238, Mar 20, 2012. Available online at <https://www.tandfonline.com/doi/abs/10.1080/0735648X.2012.679875?src=recsys&journalCode=rjcj20>

<sup>43</sup> This is a collective estimate of time because the tasks involved in a presentence investigation cannot be accomplished in a single, continuous undertaking.



### C. Recommendations:

#### 1) A Time Study Should Be Conducted to Establish Staffing Needs:

- a) A time study is needed to establish the standard to complete each task, e.g., supervision, home visits, presentence investigations. Once the time standards are established they can be used to determine how many cases each officer should be assigned based on risk level. This will serve as a basis for determining how many additional staff are needed.
- b) Effective case management is critical to supervising offenders and requires adequate time to identify risks and needs and address criminogenic needs.<sup>44</sup> Supervision levels of probation are categorized by risk level, low, medium and high. Probation Officers use the Indiana Risk Assessment System (IRAS)<sup>45</sup> to determine the offender's risk/needs level and determines at what level they will be supervised. The addition of more probation officer positions will allow officers to spend the time necessary to effectively supervise the offenders on their caseloads. The ability to perform all required duties to effectively supervise offenders will ultimately lead to lower recidivism and promote public safety. When caseloads are too high officers are unable to spend time working with offenders face-to-face to address criminogenic needs and make appropriate referrals to treatment. They also must have time to investigate violations and complete reports for the Court.
- c) Calculation of Staffing Requirements (Work Units as of September 2018):
  1. The Vigo County Probation Office currently consists of a Chief Adult Probation Officer, Assistant Chief Probation Officer, eight probation officers and three support staff.
  2. Total of 1,799 probation cases, including 124 pretrial cases, PSI's (322 completed in 2017).
  3. The following breakdown of Vigo County probation officer caseloads is based on work unit measures developed in Grant County in 2017. Previous workload numbers used by the Vigo County Probation Office were developed in 1992, and numerous changes to workload requirements have taken place since then. The caseloads breakdown is shown in Table 1 on the next two pages. Note that the analysis is based on a 150-hour work month.

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<sup>44</sup> When trying to determine causes of criminal behavior, part of that analysis examines the criminogenic needs of the offender. An assessment examines such implicit questions as 'If the offender had this (something the offender clearly needs and is lacking), would he have still committed this crime?' Criminogenic needs are characteristics, traits, problems, or issues of an individual that directly relate to the individual's likelihood to reoffend and commit another crime.

<sup>45</sup> The Indiana Risk Assessment System (IRAS) was adopted by the state in 2010 from the Ohio Risk Assessment System which was developed by the University of Cincinnati, Center for Criminal Justice Research. It has since been adopted by a number of states. The tool is a dynamic risk/needs assessment system used with adult offenders.



**Figure 90. Calculation of Probation Officer Staffing Requirements.**

Person 1	DF (Chief Probation Officer) - SHOULD NOT HAVE A CASELOAD							
		Minutes	(Clients)	Minutes	Hrs	Monthly	Workload	Caseload
	<u>Case Type</u>	<u>Time/Case</u>	<u>Caseload</u>	<u>Per Mo</u>	<u>Per Mo</u>	<u>Avail Hrs</u>	<u>Measure</u>	<u>Overage</u>
	High	155	30	4,650	78	150	0.5	
	Medium	90	27	2,430	41	150	0.3	
	Low	20	49	980	16	150	0.1	
	Admin	15	1	15	0	150	0.0	
				8,075	134.6		0.9	1
Person 2	KM (Asst Chief Probation Officer) - SHOULD HAVE ONE-HALF CASELOAD							
		Minutes	(Clients)	Minutes	Hrs	Monthly	Workload	
	<u>Case Type</u>	<u>Time/Case</u>	<u>Caseload</u>	<u>Per Mo</u>	<u>Per Mo</u>	<u>Avail Hrs</u>	<u>Measure</u>	
	High	155	48	7,440	124	150	0.8	
	Medium	90	56	5,040	84	150	0.6	
	Low	20	97	1,940	32	150	0.2	
	Admin	15	3	45	1	150	0.0	
				14,465	241.1		1.6	1.1
Person 3	AL							
		Minutes	(Clients)	Minutes	Hrs	Monthly	Workload	
	<u>Case Type</u>	<u>Time/Case</u>	<u>Caseload</u>	<u>Per Mo</u>	<u>Per Mo</u>	<u>Avail Hrs</u>	<u>Measure</u>	
	High	155	64	9,920	165	150	1.1	
	Medium	90	78	7,020	117	150	0.8	
	Low	20	104	2,080	35	150	0.2	
	Admin	15	2	30	1	150	0.0	
				19,050	317.5		2.1	1.1
Person 4	JP							
		Minutes	(Clients)	Minutes	Hrs	Monthly	Workload	
	<u>Case Type</u>	<u>Time/Case</u>	<u>Caseload</u>	<u>Per Mo</u>	<u>Per Mo</u>	<u>Avail Hrs</u>	<u>Measure</u>	
	High	155	67	10,385	173	150	1.2	
	Medium	90	67	6,030	101	150	0.7	
	Low	20	92	1,840	31	150	0.2	
	Admin	15	20	300	5	150	0.0	
				18,555	309.3		2.1	1.1
Person 5	KH							
		Minutes	(Clients)	Minutes	Hrs	Monthly	Workload	
	<u>Case Type</u>	<u>Time/Case</u>	<u>Caseload</u>	<u>Per Mo</u>	<u>Per Mo</u>	<u>Avail Hrs</u>	<u>Measure</u>	
	High	155	76	11,780	196	150	1.3	
	Medium	90	73	6,570	110	150	0.7	
	Low	20	71	1,420	24	150	0.2	
	Admin	15	7	105	2	150	0.0	
				19,875	331.3		2.2	1.2



Person 6	AH							
		Minutes	(Clients)	Minutes	Hrs	Monthly	Workload	
	<u>Case Type</u>	<u>Time/Case</u>	<u>Caseload</u>	<u>Per Mo</u>	<u>Per Mo</u>	<u>Avail Hrs</u>	<u>Measure</u>	
	High	155	30	4,650	78	150	0.5	
	Medium	90	58	5,220	87	150	0.6	
	Low	20	62	1,240	21	150	0.1	
	Admin	15	38	570	10	150	0.1	
				11,680	194.7		1.3	0.3
Person 7	AZ							
		Minutes	(Clients)	Minutes	Hrs	Monthly	Workload	
	<u>Case Type</u>	<u>Time/Case</u>	<u>Caseload</u>	<u>Per Mo</u>	<u>Per Mo</u>	<u>Avail Hrs</u>	<u>Measure</u>	
	High	155	38	5,890	98	150	0.7	
	Medium	90	50	4,500	75	150	0.5	
	Low	20	129	2,580	43	150	0.3	
	Admin	15	10	150	3	150	0.0	
				13,120	218.7		1.5	0.5
Person 8	WW							
		Minutes	(Clients)	Minutes	Hrs	Monthly	Workload	
	<u>Case Type</u>	<u>Time/Case</u>	<u>Caseload</u>	<u>Per Mo</u>	<u>Per Mo</u>	<u>Avail Hrs</u>	<u>Measure</u>	
	High	155	26	4,030	67	150	0.4	
	Medium	90	20	1,800	30	150	0.2	
	Low	20	228	4,560	76	150	0.5	
	Admin	15	6	90	2	150	0.0	
				10,480	174.7		1.2	0.2
Person 9	TP (New officer - not yet assigned full caseload)							
		Minutes	(Clients)	Minutes	Hrs	Monthly	Workload	
	<u>Case Type</u>	<u>Time/Case</u>	<u>Caseload</u>	<u>Per Mo</u>	<u>Per Mo</u>	<u>Avail Hrs</u>	<u>Measure</u>	
	High	155	15	2,325	39	150	0.3	
	Medium	90	17	1,530	26	150	0.2	
	Low	20	0	0	0	150	0.0	
	Admin	15	10	150	3	150	0.0	
				4,005	66.8		0.4	-0.6
<b>NUMBER OF ADDITIONAL OFFICERS NEEDED</b>								5.9
<b>NOTES:</b>								
Transfer caseload of Chief Probation Officer								
Transfer 1/2 caseload of Assistant Chief Probation Officer								
Not included: Reduction in caseload time available if Drug Court becomes fully functional program.								



## **2) Additional Probation Officers Should Be Hired:**

Based on the work units for the current caseloads in the probation office, it would suggest that at least six additional officers are needed to level out the caseloads closer to 100%. It should be noted these numbers are current as of September 9, 2018, and do not include the additional work unit hours to complete presentence investigations. As noted above, all officers, with the exception of one new officer, are currently supervising more cases than they should and three have twice the caseload they should. With this shortage of staff, the Chief Adult Probation Officer is supervising a full caseload, leaving her little time to attend to her own duties as an administrator. The Assistant Chief Probation Officer also carries a caseload in addition to supervising staff.

## **3) The Chief Adult Probation Officer Position Should Be That of a Full-Time Supervisor:**

The Chief Adult Probation Officer is currently supervising an entire caseload in addition to her expected activities. Spending time on these activities instead of the duties of a Chief Probation Officer, she is unable to make changes to the office including improvements to policy and procedures, coaching, training and evaluation of staff and data collection that will advance the performance of the office and improve outcomes.

## **4) Include Probation Officers on All Problem-Solving Courts Treatment Teams:**

Specialty Courts continue to expand in Vigo County, and with the recent award of funding more people can be assigned to these innovative court programs. One critical aspect of these courts is the treatment team, which commonly consists of the judge, prosecutor, defense attorney (Public Defender), treatment court coordinator, treatment provider and probation officer. In Vigo County there currently exists a Drug Court, Mental Health Court and Veteran's Treatment Court. Although probation officers do participate on the Drug Court and Veteran's Court team, they seemingly only participate on a part-time basis or peripheral level. They should be fully engaged in the team, as they supervise many of the offenders in the program. Specialty Court officers should have exclusive caseloads with no more than 25 to 30 cases at a time, as they are considered highly intensive cases. This, of course, would necessitate the addition of more staff to the probation office.

## **5) Expand Evidence-Based Programs and Practices in the Vigo County Probation Office:**

Indiana has instituted Evidence-Based Practices (EBP) throughout the state and requires that all probation offices fully adopt those practices. Evidence-based policy and practice is focused on reducing offender risk, which in turn reduces new crime and improves public safety. Of the many available approaches to community supervision, a few core principles stand out as proven risk-reduction strategies. Though not all of the principles are supported by the same weight of evidence, each has been proven to influence positive behavior change.

One area of note in the last DOC audit in November 2017 of the Adult Probation Office was the need to increase the number of evidence-based policies and practices. At this point, many Evidence-Based Practices have been integrated into the probation office by means of Motivational Interviewing and Cognitive Restructuring but are not yet fully implemented. Many conditions are necessary to implement EBP and take time and consistency. With the lack of adequate staff to fully invest and implement, ongoing practices may be difficult. They have



been introduced to the principles of EBP and some policies have been modified to include EBP strategies. Studies have shown if EBPs are not fully implemented, they will have little to no effect on supervision outcomes.<sup>46</sup>

**6) The Probation Office Space Should Be Expanded to Accommodate Additional Staff and for Conducting Programs:**

The Vigo County Probation Office is located at 104 South 1st Street and shares the building with Community Corrections, (1st floor), Indiana Parole Office and a private treatment provider. The office is very small. Every room is in use and the conference room is utilized as storage and does not provide for adequate space to conduct staff meetings or groups. If more officers are added there would be no space to house them. The addition of extra space would also allow staff to conduct groups like employment or cognitive restructuring, which are important when addressing criminogenic needs.

**7) Establish the Pretrial Release Program Separate from the Probation Office:**

- a) Note that this recommendation also appears in the assessment of Community Corrections programs. Both Community Corrections and Probation supervise pretrial release defendants but in different manners. The text of this recommendation is somewhat different because of the focus of the two organizations.
- b) The Vigo County Probation Office currently supervises 124 pretrial defendants (Sept 2018) in addition to people on probation supervision. There is a difference between pretrial and post-conviction supervision and the two have separate focuses. While both are types of conditional release, because probation is a correctional sentence, it has fundamentally different purposes from those allowed when considering pretrial release. Thus, conditions at probation may be set with a focus on public safety and rehabilitation as well as other relevant goals. When working within pretrial release, there are only two constitutionally valid purposes for limiting pretrial freedom: (1) public safety and (2) court appearance during the pretrial period. There is no focus on rehabilitation, and indeed, even articulating a purpose normally associated with punishment, such as deterrence, retribution, or incapacitation would likely be considered an unconstitutionally improper purpose.<sup>47</sup> When the two are supervised in the same setting, pretrial release defendants who have not yet been adjudicated receive similar services as those having already been adjudicated. This may not be a conscious effort on the part of the probation officers supervising their cases but an unintentional result of the fact that they tend treat all people who report to their office the same. The establishment of a separate pretrial office will alleviate that issue and at the same time reduce the number of people being supervised in the probation office.

<sup>46</sup> Jalbert, S., et. al. *A Multi-Site Evaluation of Reduced Probation Caseload Size in an Evidence-Based Practice Setting*. Abt Associates Inc. June 2011. Available at <https://www.ncjrs.gov/pdffiles1/nij/grants/234596.pdf>

<sup>47</sup> Schnacke, T. *Pretrial Release and Probation: What is the Same and What is Different?* National Association of Pretrial Services Agencies. August, 2018, p. 16. Available at <https://napsa.org/eweb/DynamicPage.aspx?Site=NAPSA&WebCode=Pubs>



**8) Create A Jail Expediter Position:**

- a) During the consultants' interviews with judges and the Public Defender, the need for an expeditor was raised. For example, the courts rely on the Public Defender's Office to create lists of defendants in jail because information provided by the jail is sometimes incorrect. While this task is necessary, it is a function that should be performed by an expeditor rather than adding to the Public Defender's clerical staff workload. The Public Defender previously raised the need for an expeditor to County Administration, but no action was taken.
- b) The need for a Jail Case Expediter was also raised in interviews with court staff. The following example was provided to illustrate the need: A judge signed a release order in the morning. The release paperwork was shortly, thereafter, transmitted to the jail. However, the individual was not released until the next day. Although, this is an example of just a day's delay, the resulting delay in acting resulted in unnecessary bed occupancy. A major function of an expeditor would be to detect and resolve various types of delays which, collectively, would free up a significant number of beds.
- c) Nature of the Position:
  - 1. A Jail Case Expediter is also referred to as a Jail Population Control Manager or simply, Jail Population Manager. Many criminal justice systems have such a dedicated staff position that is recognized as a best practice. An expeditor is an individual who tracks the status of cases as they move through the system and ensures that they do not fall through the cracks or become delayed in processing. The expeditor may also work to resolve unique problems that affect timely processing of defendants and sentenced offenders.
  - 2. The establishment of an expeditor position will have the secondary impact of raising the awareness of system officials about errors and delays. An added benefit is that expeditors often serve as a hub for communication by judges, court staff, attorneys, and the jail for identification and resolution of case processing problems.
  - 3. An employee assigned to this classification would be responsible for monitoring inmate flows, identifying and analyzing problems resulting from processing delays within the jail and in other agencies in the criminal case processing system, determining best practice methodology, and interacting with various administrators and staff of criminal justice agencies and treatment service providers. This person would develop, implement and coordinate processes to monitor inmates admitted from all stages of the system to steer the most expeditious means of release. A sample job description is provided on the next page.
  - 4. Manner of Establishing the Position: County Administration should create and fund a position of Jail Expediter. The most appropriate location of this position is the Jail, although it could be placed elsewhere if express permission is obtained to work with jail staff.



## Job Description Jail Expediter

### GENERAL DESCRIPTION OF DUTIES

An employee assigned to this classification is responsible for monitoring inmate flows, identifying and analyzing problems resulting from processing delays within the jail and in other agencies of the criminal case processing system, determining best practice methodology, and interacting with various administrators and staff of criminal justice agencies and treatment service providers. This employee will develop, implement and coordinate processes to monitor inmates admitted from all stages of the system to steer to most expeditious means of release.

Work is performed under direction of a higher-level supervisor and is reviewed through examination of written work products, such as reports on problem analyses and inmate caseflow, through conferences, observation of interaction in problem-solving meetings, and observation of results.

### DUTIES

#### Problem Analysis

1. Identifies problems in processing and/or moving inmates (transferring or releasing) jail inmates. This is accomplished by interacting with criminal justice system officials, including the Administrative Judge, courts staff involved in relaying court orders related to release or transfer of pretrial defendants and sentenced offenders, Prosecutor, Public Defender, Pretrial Release Program staff, Court Administrator, Court Clerk, Department of Corrections, local law enforcement agencies, and treatment service providers about problems in processing and/or moving inmates.
2. Identifies types of inmates who are often delayed in criminal case processing and establishes procedures to track the inmates and requisite data collection forms, if not available in the Jail information system.
3. Develops a list of inmates whose processing should be expedited due to special needs not provided in the jail.
4. Verifies that the system of daily counting of inmates is accurate, particularly with regard to their legal status.
5. Monitors the speed of case processing of all other groups/types of inmates.
6. Prepares jail population reports used in decision-making meetings on such aspects as:
  - a. Monthly average length of time from booking to disposition for various categories of detained defendants. This will include individual graphs of these times.
  - b. Description of the impact, supported by data, of changes made by various criminal justice agencies and treatment providers to improve the speed of case processing and inmate movement out of the facility.
7. Prepares brief reports describing how various criminal justice system processing



problems affect the size of the jail population. These reports are not meant to cross into the decision-making prerogatives of administrators of the various criminal justice agencies but to provide supportive information that will help clarify problems and propose solutions.

### Evaluation

8. Tracks the number of inmates released from jail by each type of program in order to explicitly identify impacts of the programs in reducing the jail population.
9. Evaluates jail programs that have a goal of reducing recidivism.

### Planning

10. Responds to requests by the Criminal Justice Coordinating Committee or other criminal justice agency planning groups to gather data and information to aid in decision-making.
11. Analyzes the jail population to support planning of new and enhanced alternatives to incarceration. This would involve sorting inmates according to hypothesized eligibility criteria, thereby providing estimates of the number of eligible inmates. Such information is important in assessing the need (and caseload size) for new and enhanced programs.
12. Interacts with current and potential treatment service providers to identify how to expand and/or create ways to serve more detained offenders, thereby reducing the jail population.
13. Develops a plan for the assembly of information on practices used in other jurisdictions and in other states for the control of jail growth and jail population reduction. This plan should also examine the types of data collected and analyses used to support such practices. The results of this effort will be provided on an ongoing basis to the interagency work group.
14. Makes presentations on jail population management problems, issues, and needs when requested.

### Other Functions

15. Interacts with various sections within the Jail in performance of duties.
16. Participates in department staff meetings and development of department goals and policies.
17. Attends national conferences, such the annual American Correctional Association and American Jail Association, meetings to learn about new developments, alternatives to incarceration, and best practices in reducing managing and reducing jail population growth.
18. Participates in skill building courses (see section on supplemental training)



## **KNOWLEDGE, SKILLS AND ABILITIES**

- a. Must have working skills in use of computer-based spreadsheets.
- b. Must be proficient in analysis of computerized data using statistical software.
- c. Must be knowledgeable in operation of the criminal justice system.
- d. Must have good interpersonal skills.
- e. Must have good report writing skills.
- f. Must be willing to learn techniques of program evaluation through training, seminars, and self-education.

## **SUPPLEMENTAL TRAINING**

Just as new law enforcement officers must attend a training program to learn specific skills related to the job, the position of Jail Expediter requires special knowledge not generally taught in college or in traditional law enforcement training.

Two courses are essential to this position. Both of these courses are available through the Institute for Court Management (ICM). The concepts in these courses will help the Population Control Manager learn tools for analyzing case processing as it relates to the jail population and how improvements in criminal caseflow processing can reduce the size of the jail population. The information in these courses will also provide an important base of understanding needed to interact with the Court Clerk, Administrative Judge, Prosecutor, Public Defender, and private attorneys in a problem-solving manner.

- (1) Course Title: Research and Evaluation Methods
  - This course will help develop knowledge about research-based approaches to problem solving; knowledge and skills in the various methodological components of the research process; and appreciation of the need for research to improve caseflow processes.
- (2) Course Title: Fundamental Issues in Caseflow Management
  - This course teaches how to assess timeliness of case processing and strategies to create or enhance caseflow management. An emphasis of the course is on reducing delay in processing.

## **PHYSICAL DEMANDS**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the employee is regularly required to talk and hear, and use hands to finger, handle and feel. Dexterity in using a computer keyboard is essential. The employee will be required walk through all areas of the jail and to go to meetings in a wide variety of buildings and locations.

Specific vision abilities required by this job include close and distance vision.



## **MINIMUM QUALIFICATIONS**

- Bachelor's degree in Criminal Justice, Business, Public Administration or related field.
- Four years progressively responsible experience in criminal justice.
- Master's Degree in related field or Juris Doctorate may be substituted for two years of experience or a Court Executive Development Program Fellow of the Institute for Court Management.
- Must satisfactorily complete local, state and national criminal history and fingerprint checks.
- Applicants within six months of meeting the education/experience requirement may be considered for trainee status.



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## **PART II – SECTION 8**

### **UNIFICATION OF VIGO COUNTY CORRECTIONS - RECOMMENDATION**

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#### **A. Introduction:**

This section describes a recommendation to unify the services of community corrections, probation, and new pretrial release program under a single administrative umbrella. To unify correctional services in Vigo County would obviously be a big undertaking that will take time to plan, to integrate the various operations, and to secure necessary funding. Since both Community Corrections and Probation are already funded, the addition of a new Pretrial Release Program will require the largest initial infusion of funding.

#### **B. How the Assessment Was Performed:**

As part of the assessment of correctional services operations in Vigo County, the consultants reviewed unified correctional departments in Grant and Monroe Counties. This assessment provided insights into the reasons for unifying departments under a single administrative umbrella, the benefits, organizational structure, and how they approached implementation. Grant County Correctional Services is administered by Cindy McCoy and Monroe County Circuit Court Probation Department is administered by Linda Brady. Both departments are structured differently to meet the needs of their respective counties.

#### **C. Current Structure of Probation Services and Community Services in Vigo County:**

When government entities, whether local, county, state or federal agencies focus on their own mandates, they often lose sight of how their operations impact the "system" as a whole. Some departments work as if they are in different silos instead of collaborating as one unified system. In Indiana, the legislature has taken steps to unify the courts and much progress has occurred.

In Vigo County, probation and community corrections seem to be operating in their own silos even though they are working with the same client population. As a result, mutual problem solving, efficiencies in programming, and sharing of resources go unrealized.

#### **D. Benefits of a Unified System:**

Four benefits of unifying correctional services include the following:

- 1) A departmental structure having improved administrative capabilities for interacting with the courts, dealing with issues affecting more than one of the programs, planning and continued development.
- 2) Shared mission, vision and values.
- 3) Coordinated services which to maximize treatment resources that can be shared.
- 4) Shared case management database.

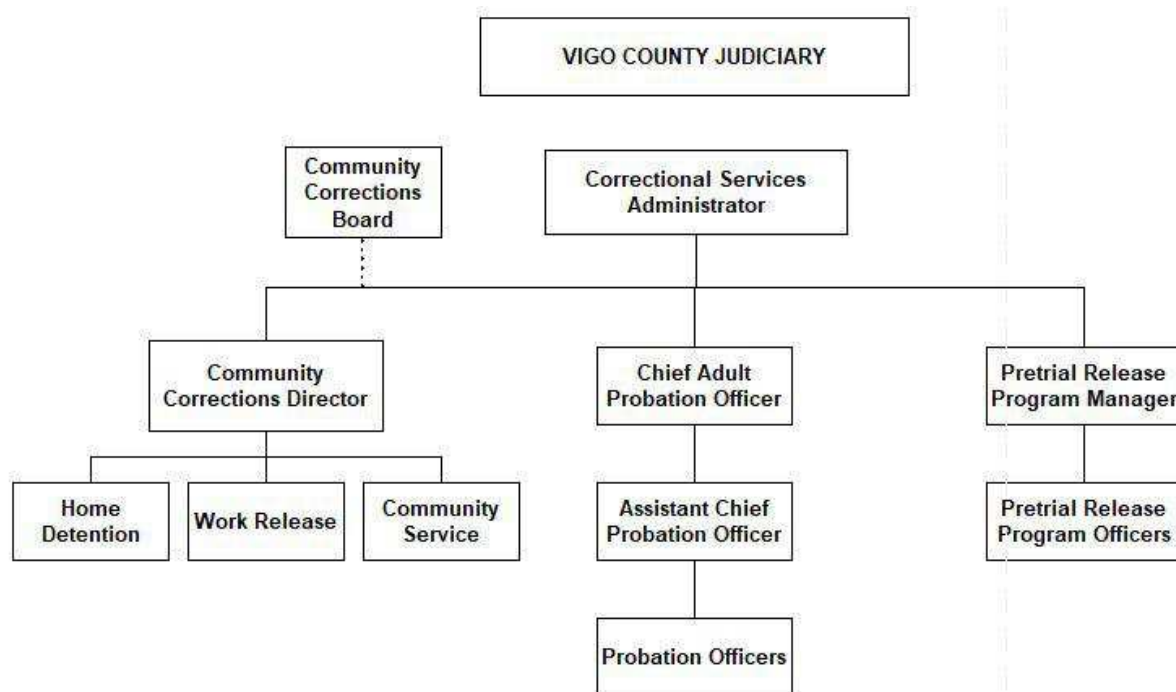
#### **E. Configuration of a Unified System:**

- 1) The structure of any department must be logical and function with a common purpose. Figure 91, which follows, provides an example of a Unified Structure which would include Probation, Community Corrections, and the new Pretrial Release Program. This structure



will require the creation of a new position to serve as the administrator. The position would be responsible for the day-to-day operations and would work closely with the Courts to maximize the use of the programs and be accountable for the outcomes.

**Figure 91: Example of an Organizational Chart for Vigo County Correctional Services.**



- 2) Two more examples of organizational design of unified correctional services in Monroe and Grant Counties follow as an appendix at the end of this section. The Monroe County organizational structure is much more detailed than that of Grant County's and reflects differences in administrative linkages. Although the Grant County chart is not as legible, it does reflect the key point that the organization is more horizontal (less vertical) in structure than Monroe County's.
- 3) Importantly, Vigo County criminal justice officials must decide what type of structure works best for their unique needs.

## **F. Characteristics of a Unified Organization:**

### **1) Shared Mission, Vision and Values:**

Staff should have one shared mission, vision and values. A clear vision and shared values are the key elements of high-performing organizations and teams. They inspire and motivate employees to bring their best to the organization by providing the picture of future success, the operating focus for the present and the guideposts for how the organization will work together for success.<sup>48</sup>

After Adult Probation and Community Corrections have established their missions and visions,

<sup>48</sup> *Shared Vision, Mission and Values*. Insight Leadership (website). Available at <http://www.insightleadership.net/organizational-development/individual-team-accountability/>



it will be necessary to integrate their shared mission, vision and values into a collaborative document.

## **2) Coordinate Services to Maximize Resources:**

- a) Both Adult Probation and Community Corrections offer services to offenders and pretrial defendants. While their programs are different, they have a shared goal, i.e., supervise offenders and protect the community. Community Corrections is able to offer more in-house programming than probation, primarily due to having more available space. With the addition of a new pretrial release program, the scope of coordinated services would extend from time of detention after arrest through post-adjudication programming. In addition, Indiana has opted to implement one assessment tool, the Indiana Risk Assessment system (IRAS), for pretrial release and correctional programs.<sup>49</sup> This will further add to the ability of staff to consistently assess and manage the risk at each stage of "supervision."
- b) By coordinating program services under a unified organizational umbrella, the Pretrial Release, Community Corrections, and Adult Program will be able to maximize often-scarce resources, such as treatment programming, contracted services, and funds and to more effectively "hand-off" supervision of individuals as they move through the criminal justice system.

## **3) Maintain a Shared Case Management Database System:**

- a) Community Corrections and Adult Probation currently use the Odyssey Case Management System, a statewide system.<sup>50</sup> A new feature for probation is the ability to enter and track the following: drug screens and medications, reports on case activity, sanctions and administrative hearings, referrals, contract management, and the ability to add documents to the case such as presentence and predisposition reports. However, Vigo County Adult Probation is exploring changing to a different system, the Supervised Release System (SRS). Such a move could splinter the effort to improve coordination of services, which would be possible under a unified correctional service structure.
- b) Having a shared system will allow for easy access to information and the integration of reports from pretrial through disposition and post-disposition programming. This would allow for a uniform and collaborative effort by the entire department.

## **G. Considerations in the Planning of a Unified Program:**

If the recommendation for developing a unified organization is undertaken as an active consideration, the consultant suggests that the following aspects be included in planning:

<sup>49</sup> Indiana Risk Assessment System (IRAS) was adopted by the state in 2010 from the Ohio Risk Assessment System which was developed by the University of Cincinnati, Center for Criminal Justice Research. It has since been adopted by a number of states. The tool is a dynamic risk/needs assessment system that contains five separate instruments for use at specific stages of case processing in order to identify an offender's risk of reoffending and his/her criminogenic needs.

<sup>50</sup> The Odyssey Case Management System is a web-based, integrated system which interfaces with other agencies and systems allowing staff to access criminal cases in other Indiana counties. Further information is available at: <https://www.in.gov/judiciary/admin/2666.htm>



- 1) Work with the Vigo Criminal Court Judges, County Commissioners, and Community Corrections Board to ascertain their level of consensus about moving ahead with unification.
- 2) A team or single individual should be appointed to lead the exploratory planning.
- 3) The exploratory team should study and visit counties where unification has been implemented.
- 4) Additional funding streams should be explored to assist with any expenses that could be incurred during the process, i.e., office space, additional staff, equipment.
- 5) An initial plan for implementation should be developed and submitted to the Vigo County Judiciary. This plan would consider phased implementation of unification.



## **ATTACHMENTS**

### **Exhibit A. Organization Chart of Monroe County Correctional Services**

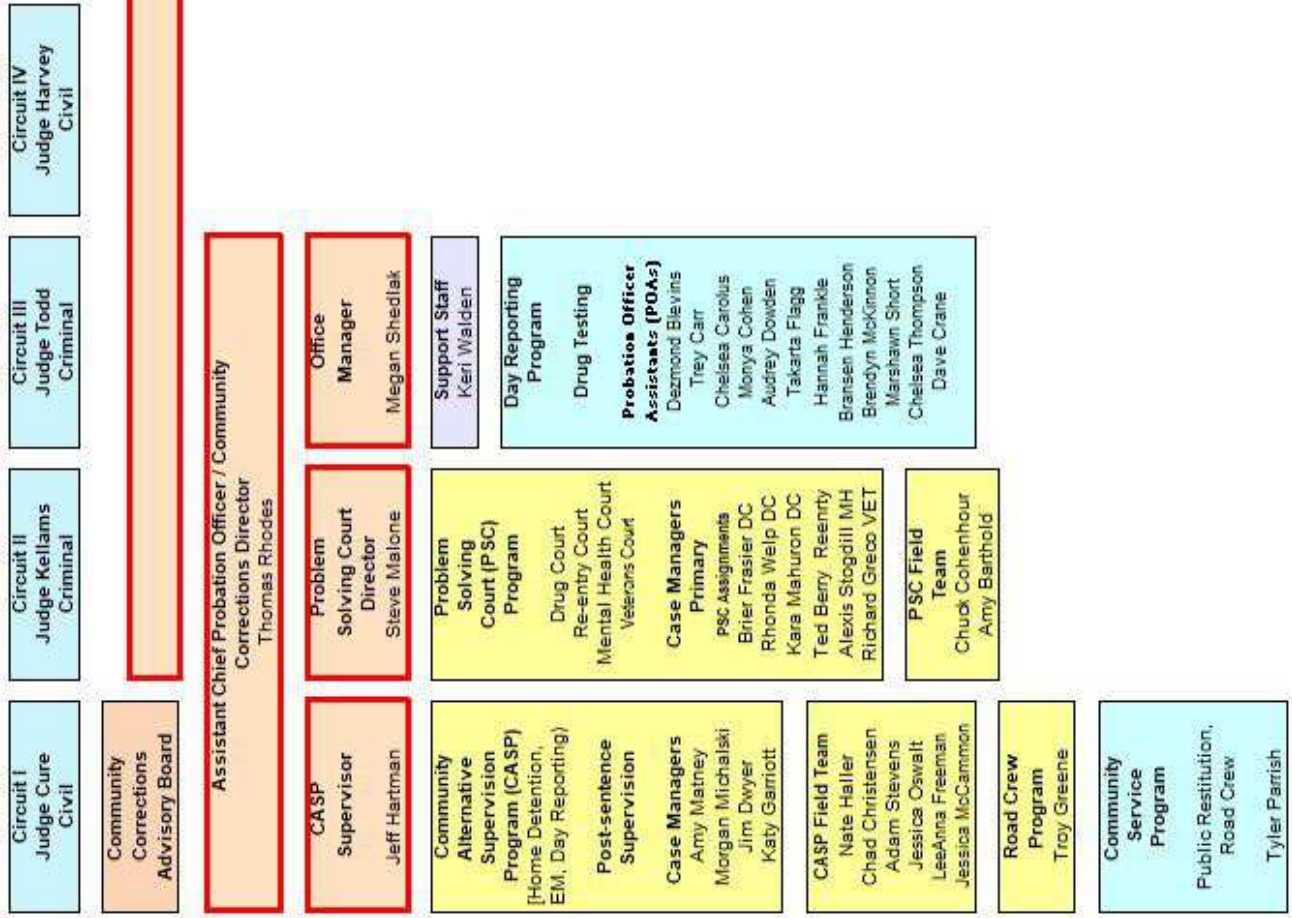
- This chart is too large to display on a single page and, therefore, is divided on two pages.

### **Exhibit B. Organizational Chart of Grant County Correctional Services**

- This chart was provided in a format that could not be modified to make it legible.
- The intent of showing this chart is to display the horizontal organizational structure.



# EXHIBIT A. Monroe County Correctional Services - (Left Half of Organizational Chart)

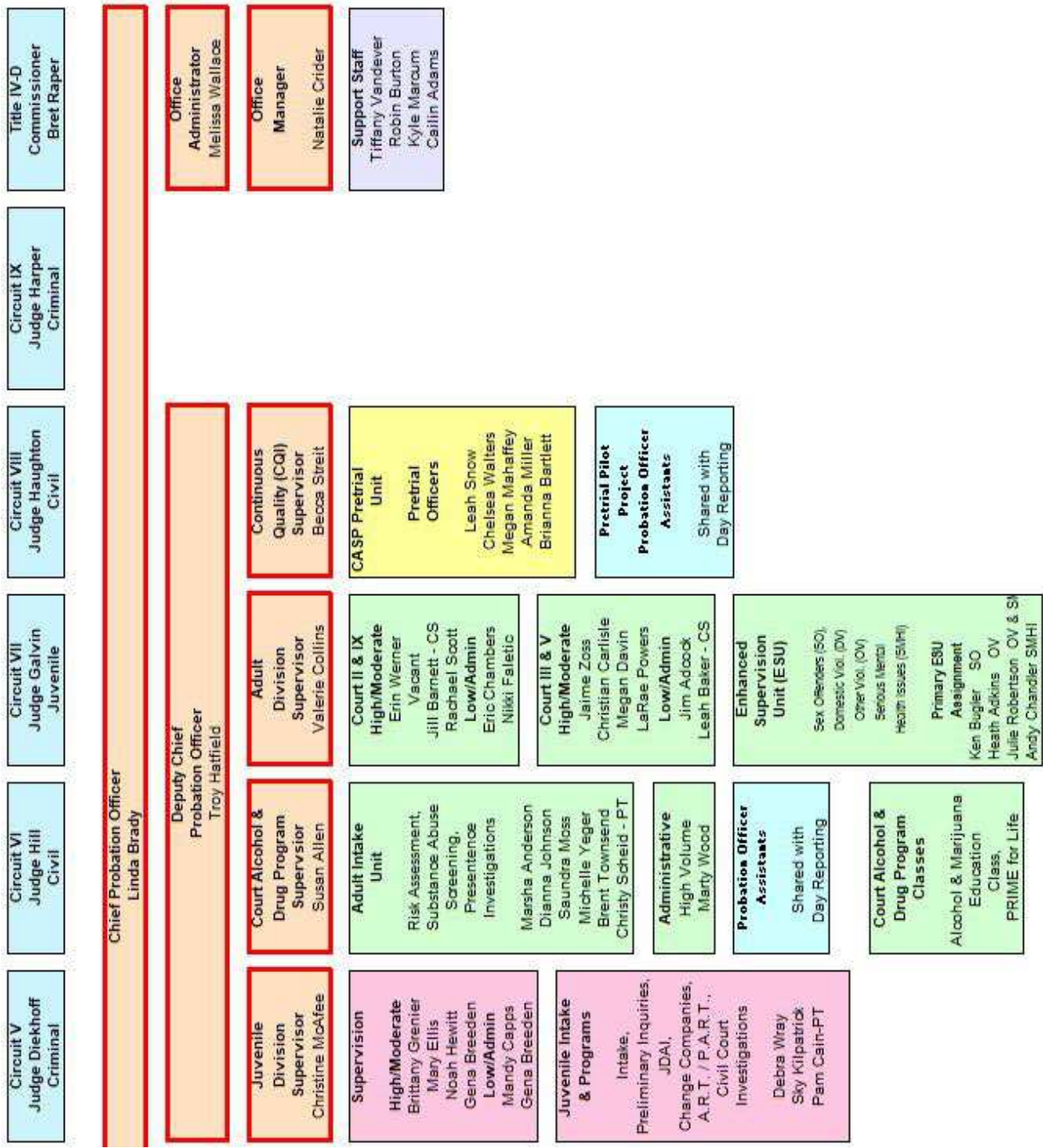


## KEY

EM= Electronic Monitoring	Management Team
JDAI = Juv. Detention Alternatives Initiative	Community Corrections
CQI = Continuous Quality Improvement	Adult Probation
ART = Aggression Replacement Training	Juvenile Probation
CS = Child Support	Support Staff
TL = Team Leader	Part Time POAs
CASP = Community Alternative Supervision Program	
	As of 3-27-18
Full time = 71 54 FT POs 9 Supervisory/45 Line 17 non-PO Part-time = 12 (incl. 1 PT PO) TOTAL = 83	

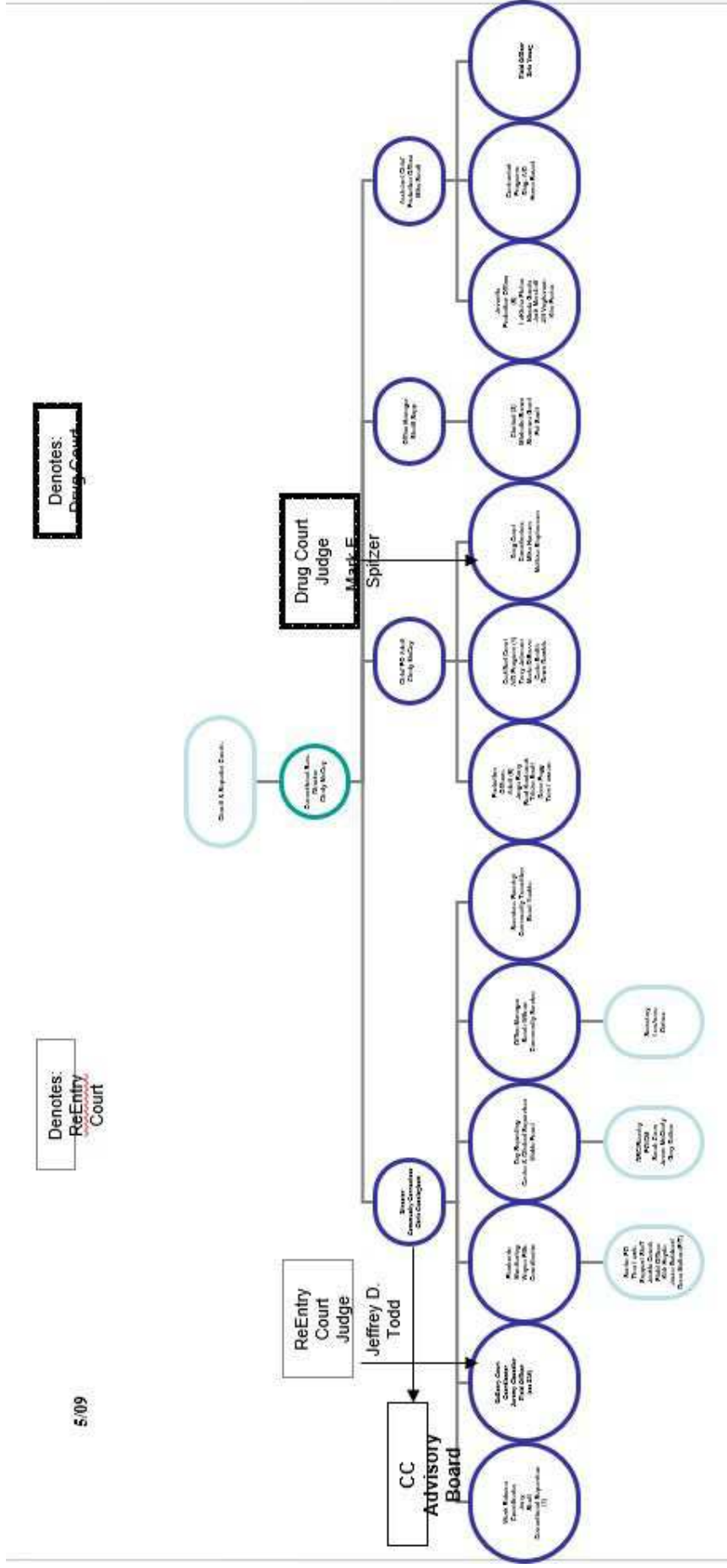


# Exhibit A. Monroe County Correctional Services - (Right Half of Organizational Chart)





## Exhibit B. Grant County Correctional Services



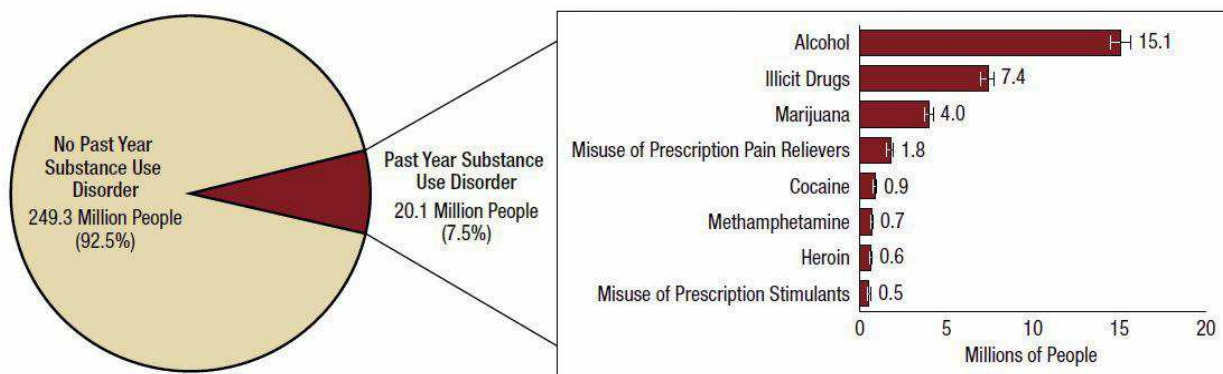


## PART II – SECTION 9 INNOVATIVE COMMUNITY RESPONSES FOR HELPING PEOPLE WITH DRUG ADDICTION

### A. Introduction:

- 1) The information in this chapter addresses the issue of how to deal with the problem of substance abuse. If some members of the community only obtain their information about substance abuse by watching television, they may be of the opinion that dealing with substance abuse is the responsibility of the government. This opinion fosters the belief that substance abuse is a law and order and government-funded treatment issue – Failure to reduce substance abuse is therefore a failure of government. This system of belief also tends to hide the prevalence of substance use disorders (SUDs) in the local community. Very likely, nearly every person in the community has a family member or friend who has a drug problem. A national survey of people (age 12 and older) in 2016 disclosed that about one in thirteen (1 in 13) persons has a substance use disorder (SUD) of some kind.<sup>51</sup>
- 2) The types of substances designated as falling in the SUD category are shown below.

**Figure 92. Numbers of People Aged 12 or Older with a Past Year Substance Use Disorder: 2016** <sup>52</sup>.



Source: Ahrensbrak, R., et. al. *Key Substance Use and Mental Health Indicators in the United States: Results from the 2016 National Survey on Drug Use and Health*, Substance Abuse and Mental Health Services Administration (SAMHSA), September 2017.

- 3) The 2017 SAMHSA document from which Figure 1 is taken uses 2016 data that may slightly underestimate the incidence of illicit drug use, prescription use disorder, and heroin use disorder. The utility of the information in this discussion is that of helping to provide insights into the likelihood that local community members will have personal knowledge of someone within their sphere of family and friends who has a serious drug use problem.

<sup>51</sup> The estimate of 1 in 13 was calculated by the consultant using data in Figure 1.

<sup>52</sup> The estimated number of people refer to people aged 12 or older in the civilian, noninstitutionalized population. The numbers also do not include people with no fixed household address, such as people in the military or the homeless. Also, the estimated numbers of people with substance use disorders are not mutually exclusive because people could have use disorders for more than one substance.



- 4) Given this information, community members cannot afford to hand off all responsibility for addressing the drug problem to the government. People who have serious drug problems are all around us. They should not be the “unmentioned” members of the community that we do not like to talk about. This is a more personal issue that the community should address through discussions, through advertisements, handouts in public places, by joining in and supporting individual and group initiatives, as well as supporting discussions and planning by members of the criminal justice system.
- 5) This document provides a resource to stimulate thinking and action. It is not exhaustive. At the least, it is a starting point for discussion of ideas that are based on the efforts of community members in other states.

## **B. Recommendations:**

- 1) The Criminal Justice Coordinating Committee (CJCC) should discuss the concepts in this chapter and explore ways of pursuing relevant program development within the criminal justice system and city and county agencies.
- 2) The CJCC should explore ways of mobilizing greater community involvement and support, perhaps through community forums and discussing concepts with existing community organizations.

## **C. Housing Options That Promote Recovery:**

Several of the options in this section provide not only a place to live, but recovery support such as a sponsor and vocational experience.

- 1) **Renovation of Old Building for Use as a Substance Abuse Recovery Center:** Adams County PA is renovating a building that was used to care for wounded during the Battle of Gettysburg. The former Mercy House in downtown Gettysburg will include a drop-in center with offices for individual and group counseling and four apartments for six recovering addicts. The county hopes to have the center operating in 2019, and expects it to be sustained through state funding and rental income. (Source: Gettysburg Times)
- 2) **Place to Stay, a Job, and Sponsor:** Allegheny Serenity Houses: Gus DiRenna, a former heroin user and drug dealer, offers a simple formula for recovery: a private room, an honest job and a sponsor. He believes he's found a sustainable model that does it all. He houses people in recovery, charging them reasonable rents for single rooms. He connects them to others with more experience in recovery. Also, he employs some of them in the hard work of converting other properties into shelters for persons with similar problems. (Source: Pittsburgh Post-Gazette)
- 3) **Recovery and Transitional Housing:** Genesis House is a transitional home in Fayette County that provides a room for parolees and ex-offenders who have completed their sentences. About a dozen men in different stages of addiction recovery currently live in the house. Genesis also operates a construction business made up of house members who learn and apply trade skills while generating money to keep the house open. (Source: Herald-Standard)



- 4) **Oxford House, Inc., Recovery Housing:** The Oxford House Organization has homes across the U.S. for those in recovery. Oxford House is a concept in recovery from drug and alcohol addiction. In its simplest form, an Oxford House is a democratically run, self-supporting and drug free home. Oxford House™ is a nonprofit, 501(c)3 corporation that is an umbrella organization for a network of more than 2,200 individual Oxford Houses. All Oxford Houses are rented as ordinary single-family houses in good neighborhoods. There are Oxford Houses for men and Oxford Houses for women, but no co-ed houses. The average number of residents per house nationally is about eight (8), with a range per house of six (6) to 16. Oxford House is listed as a best practice on the National Registry of Evidence-based Programs and Practices (NREPP) and was singled out as an effective tool for long-term recovery in the U.S. Surgeon General's report: "Facing Addiction in America: The Surgeon General's Report on Alcohol, Drugs, and Health, 2016. More information on Oxford House is available at [www.oxfordhouse.org](http://www.oxfordhouse.org)
- 5) **Recovery Apartment Community:** Liberty Way offers quality, affordable housing in a safe, secured, supportive, sober environment. Apartments are either one- or two-bedroom units which come fully furnished. Other amenities include washer/dryer in unit, dishwasher, central heat and air, secured entrance, and utilities are included in rent. Also, there are no credit checks. The Recovery Apartment Community is based on a hybridized Oxford House model. <https://www.facebook.com/LibertyWayWichita>

#### D. Initiatives that Facilitate Treatment:

- 1) **Elizabeth Loranzo iCare Foundation, A Local Initiative by a Survivor to Help Others:** Wendy Loranzo's commitment to help others is an example of how a single individual in a community can positively make a difference in raising public awareness and support of community organizations and government agencies. On March 19, 2017 Wendy's daughter, Elizabeth Loranzo, died of an accidental overdose from taking heroin laced with fentanyl. In response, Wendy created the Elizabeth Loranzo iCare Foundation, a nonprofit organization that provides support, financial and otherwise, to people who are battling addiction, depression, anxiety, domestic abuse and alcoholism. As a side note, Elizabeth's fiancé, Kyle, hasn't used heroin since the day Elizabeth died. Further stimulating ideas about Wendy's work can be found on her Facebook page: [https://www.facebook.com/pg/ICarePA/posts/?ref=page\\_internal](https://www.facebook.com/pg/ICarePA/posts/?ref=page_internal) and by doing a web search on the foundation name.
- 2) **Moms of Cherished Angels: A Local Initiative by a Survivor to Help Others:** A Luzerne County woman founded the support group, Moms of Cherished Angels, after her 22-year-old son died in August 2017 from an accidental overdose. A few weeks into their meetings, the women decided talking wasn't enough. They decided to fill backpacks with toiletries and donate them to those entering rehabilitation centers. They wanted to do something to both keep their children's memories alive and help others who are suffering. Personal notes of encouragement are included in the packages of toothpaste, shampoo, and notebooks. (Source: Hazelton Standard-Speaker)
- 3) **Warm Hand-Off:** The Armstrong-Indiana-Clarion Drug and Alcohol Commission has tried a variety of commonly used tools to combat the overdose death epidemic, including participation in the "Warm Hand-Off Program." This program provides consultation and resources from certified recovery specialists to help get addicts into treatment — sometimes directly from hospital emergency rooms following an overdose. (Source:



Leader-Times).

- 4) Groups to Provide Family Support and Keep Hope Alive:** There are several support groups for families and partners of addicted mates. Drug addiction affects the entire family, from parents to children, brothers and sisters, and sometimes even close friends. While substance abuse affects each family differently, there are many common adversities among families facing drug addiction, including financial difficulties, legal difficulties, emotional distress, and domestic violence. In addition to serving as a vital resource for families, they also help to keep hope alive that people with substance use disorders can recover. Recovery takes good treatment, hard work, ongoing support and keeping hope alive. People with addictions do get on the path to recovery – but it is difficult to predict when it will happen. For some it is early, even after one or two rehabilitation programs. For others it may take five, 10 or 20 rehab programs, and the pain and suffering of many relapses. Persons affected, their families and clinical providers need to sustain hope that recovery can happen during what can be a protracted and very dark time. The darkest moments, the deadliest in terms of suicide risk, are when hope evaporates, and when there is exile from family, friends and communities. Community organizations, such as churches, hospitals, and members of the criminal justice community can promote local support organizations. Examples of support groups that can be supported and/or developed in a community include the following:

- a) Al-Anon Family Groups
- b) Nar-Anon Family Groups
- c) Families Anonymous (a 12-step program)
- d) Learn to Cope (a peer support group)
- e) SMART Recovery Family and Friends (a science-based, secular alternative to programs like Al-Anon.
- f) GRASP: Grief Recovery After a Substance Passing.

Further information about these programs can be found at ProjectKnow (an American Addiction Centers Resource), <https://www.projectknow.com/research/support-groups-families-drug-addicts/>.

- 5) Recovery Groups and Mentors:** Club Serenity (Narcotics Anonymous) in Charleroi, PA, has more members than it initially envisioned and continues to grow. The Club's mission is to provide peer support and mentoring for those battling addictions. The Club has a 24-hour addiction help line to speak with a placement specialist. Their 12-step meetings often attract as many as a staggering 500 people. (Source: Herald-Standard and Club website at <http://www.drugstrategies.org/NA-Meetings/Pennsylvania/Charleroi/Club-Serenity> - 1877).
- 6) Faith-Based Help:** Local churches, the Salvation Army and other faith-based organizations are on the front lines in the battle against opioid and other drug addiction in Erie County, P.A. The Salvation Army nationwide operates more free residential treatment programs than any other addiction rehabilitation service. In Erie, its downtown center can house as many as 50 men. While the therapy is faith based, everyone is welcome. (Source: Erie Times-News).



- 7) **Christian Ministry Reentry Program:** Working Men of Christ offers housing and mentoring to those coming out of incarceration to help them become productive and healthy members of the community and positive family members. Program members believe that a healing approach to all those affected by crime and incarceration can contribute to healthy, prosperous communities. ([www.workingmenofchrist.org](http://www.workingmenofchrist.org)).

#### E. Helping Children of Addicted Parents / Caretakers:

- 1) **Connecting with Children Who Observed an Overdose in the Home:** Children and Youth staff in Harrisburg, PA have become more proactive in the midst of the drug abuse crisis. They have been dispatching a staffer to the scene of any overdose where children are present. Officials have ramped up pill-collection drives in an attempt to clear homes of drugs that could be abused by senior citizens as well as younger family members who live in the home. Also, organizations such as Hope for Broken Hearts offer an ear and strength in numbers for those who have lost loved ones to the epidemic. (Source: PennLive/Patriot News).
- 2) **Supporting Children:** An intervention effort led by the Tioga County Opioid Coalition has dramatically improved coordination between agencies and schools dealing with families affected by opioids. Quick responses by children and youth caseworkers are working as a form of much needed early intervention. Their ability to get into homes allows staff to reach more people, because not everyone who overdoses ends up hospitalized. (Source: PennLive/Patriot News).
- 3) **Neonatal Care:** The tiniest victims of the opioid epidemic — babies with neonatal abstinence syndrome — have found passionate advocates in Indiana County, PA. Josh and Stephanie Rosenberger speak from experience as they counsel other local couples deciding whether to become foster parents for addicted babies. The need for foster homes is great and the Rosenbergers want to see the formation of a mentorship program. (Source: Indiana Gazette).

#### F. Assistance for Obtaining Employment:

Helping a recovering addict obtain employment is an important step in improving the sense of resiliency and staying drug-free. Initiatives by individuals and community members can help to promote employment by local companies and to expand employment options.

- 1) **Community-Based Pilot Program:** Fulton Behavioral Health in McConnellsburg, PA is developing a pilot program that will help patients find meaningful work. (Source: PennLive/Patriot News)



- 2) **Willingness of Individual Employers to Provide Employment Opportunities:** Individuals in a wide spectrum of areas have offered jobs to ex-offenders and recovering addicts. The information below can be used as an informal resource for community organizations that are considering helping in finding jobs.

- a) A county commissioner (Fiscal Court member)
- b) A Florida judge who pays to have his property mowed and various aspects of maintenance performed
- c) Farmers
- d) Trucking companies (many offer Second Chance jobs)
- e) Restaurants
- f) Hospitality Jobs

A website created by Eric Mayo, *Companies that Hire Ex-Offenders and Felons*, contains an extremely long list of companies that hire ex-offenders, a video, and name of the author's book: *From Jail to a Job: Get the Edge and Get Hired!* (Nov 20, 2017), which is available in Kindle version on Amazon for \$2.99. (<http://www.jailtojob.com/companies-hire-felons.html>) This website is also a good resource for ex-offenders to use for employment ideas.

## **F. Community Coalition Building:**

### **1) Building Coalitions:**

- a) On Sept. 14, 2016, the formation of the Cambria County Drug Coalition was announced as an effort to combat illegal drug use and alcohol abuse in the community. The Coalition will work to reduce and ultimately eliminate overdose deaths, reduce illegal drug use, expand prevention efforts, address treatment options for those who are addicted, and reduce crime.
- b) "There are already several entities working on the problem of drug abuse in our region," said Kelly Callihan, district attorney for Cambria County. "The Coalition will allow us to coordinate and expand their efforts as we work to address this growing problem through prevention, law enforcement and treatment."
- c) The Coalition was created after the 1889 Foundation and the United Way of the Laurel Highlands coordinated several meetings to lay the groundwork for a collaborative working relationship among several organizations within the county. Stakeholders involved in the meetings included the district attorney; the vice president for business development and government affairs for Conemaugh Health System; the president county commissioner; the chief of police; president of the 1889 Foundation; and president of the United Way of the Laurel Highlands.
- d) Input was sought from the former president commissioner of Somerset County, and the former human services coordinator for Somerset County, to gain insight into Somerset County's experience with Drug Free Communities, a similar coalition.  
(SOURCE: <http://www.cambriacountydrugcoalition.org/about/>)



Information about the Substance Abuse and Mental Health Services Administration (SAMHSA) Drug-Free Communities Support Program can be found at <https://www.samhsa.gov/grants/grant-announcements/sp-18-002>.

## **2) Volunteer Coalition – Focus on Adults and Youth:**

The Coalition for a Brighter Greene was formed as an outcome of a 2015 Greene County Town Hall Meeting on substance abuse. It is an all-volunteer organization working with community leaders, schools, churches, public organizations and citizens to alleviate the drug abuse problem in the county. Since its founding, the Coalition has sponsored the March for Greene, twenty-two Drug Awareness Movie Nights, four quarterly Coalition Update meetings, four Neighborhood Watch/Greene Zone start-up meetings, and instituted the Botvin Life Skills Substance Abuse Prevention Curriculum in all five Greene County School Districts, serving 2,750 students, Grades 3-9. The group is also working on a host of new initiatives, including a help line and truancy mediation.

(<http://www.coalitionforabrightergreene.org/about>)

## **3) Task Force of Community Leaders:**

Community leaders in Carbon County meet each month with the goal of eliminating overdose deaths. The group is striving to understand how the opioid epidemic is impacting the county and what they can do to make a difference. (Source: Standard Speaker)

## **4) Community Action - Not One More:**

Communities across Pennsylvania are embracing the need to focus on prevention and treatment in addressing the drug crisis. In Crawford County, the local chapter of the advocacy group “Not One More” says it has seen growing community support for getting help for those battling addiction. (Source: Meadville Tribune)

Information about the “Not One More” national initiative can be found at: [notonemore.net](http://notonemore.net)

## **5) Roundtable of Stakeholders:**

In Sykesville, PA a town hall meeting worked to educate the community on aspects of the drug problem. People on the front lines of the fight against drug abuse shared insights during a roundtable. Many in the audience were searching for information on drug rehabilitation and ways family members can encourage friends or coworkers to seek help. (Source: The Punxsutawney Spirit)

## **6) Personal Outreach Through Pharmacies:**

People who pick up opioid prescriptions and syringe packages from pharmacies do not get any information about where to find immediate and long-term help for addiction. Michael Arcangeletti, a recovering addict clean for almost a decade and graduate student studying social work, is changing that. He printed 1,000 information cards and is working with pharmacies to have the cards included with prescriptions. The cards contain phone numbers, addresses and website for medical providers and organizations that offer addiction help. (Source: The Times-Tribune).



## 7) Coalition of Community Planning:

Community organizations, government agencies, business and health systems held a quarterly session that brought welcome news: Overdose deaths in the county dropped from 47 in January through March 2017 to 36 in the same period in 2018. Beyond the meetings, the coalition has conducted an extensive needs analysis, produced a strategic plan, and started a public awareness campaign. (Source: LNP News.)

## G. Criminal Justice System Responses:

1) **Timing of intervention:** Pathways to Treatment — Time is very important when someone asks for help in recovering from drug addiction. Bucks County, PA justice system representatives are meeting to explore innovative ways of providing treatment and support for substance involved individuals in a timely manner.

2) **Creating a Greater Sense of Community for Those Who Have Completed Programs:** Courting Sobriety – A new drug treatment program, built on a deep commitment by the Berks County, PA, court system, is seeing strong results. A team of judges, probation officers, public defenders and assistant district attorneys meets monthly to brainstorm ideas. They've already begun new programs, including exercise groups, a book club and garden club. Their aim is to create a greater sense of community for those who have completed the programs. (Source: Reading Eagle)

3) **New Forms of Drug Courts:** Cumberland County's opioid intervention court is the first in Pennsylvania and the second in the country to address the connection of opioid overdose victims and their relationship with the criminal justice system. The program looks to help, including medication assistance, in a strict format as offenders work their way through the system, often on non-drug-related charges, such as theft. (Source: The Sentinel)

Lawrence County Drug Court has morphed into a treatment court. A mental health component has been added to help people through the emotional part of the journey back from addiction, and help them cope with other problems in their lives while they are going through the renaissance. More than 100 people have gotten help through treatment court to break free from illegal pursuits and start living normal, balanced and productive lives. (Source: New Castle News)

4) **Community Reentry Mentoring Panel for High Risk Offenders:** This strategy draws upon both community members and criminal justice system representatives. The strategy is relevant to high risk substance abusers and jail inmates reentering the community, particularly those who have violence in their backgrounds, as well as substance abuse. The concept is a variant of "Community Panels" implemented in Kansas City, Missouri to provide support for high risk offenders reentering the community from prison. There are three elements of the program:

- a) Identification of high-risk offenders sentenced to jail. This could be accomplished by jail program staff.
- b) Contact with inmate while still in jail by a volunteer. The purpose would be to interact and become familiar with the person and, subsequently, to explore the inmate's post-release goals.
- c) Referral to a contact person for the panel.



d) Monthly meetings of the panel and the offender.

Missouri developed “Community Panels” which provided mentors to offenders returning to the community after incarceration. The panels were composed of community members, local law enforcement, clergy, and probation officers. During the meetings, panel members helped the individuals focus on their goals, offer suggestions and identified resources that could help the individual meet their goals. The meetings were held monthly to provide support and to promote accountability for reaching goals. This form of mentoring was designed for serious and violent offenders, many of whom have substance use problems.

## H. Law Enforcement and NGO Responses:

**1) Program Initiated by Law Enforcement to Help Addicts:** Angel Program - The Angel program allows an individual struggling with drug addiction to walk into a police department during regular business hours and ask for assistance. If accepted into the Angel Program, the individual will be guided through a professional substance abuse assessment and intake process to ensure proper treatment placement. An “Angel” volunteer, who is a member of the local community, will be present to support the individual during the process, and to provide transportation to the identified treatment facility. The program has been implemented in multiple states.

- A good description of the Angel Program can be found at [https://www.michigan.gov/msp/0,4643,7-123-72297\\_34040\\_77095-394452--,00.html](https://www.michigan.gov/msp/0,4643,7-123-72297_34040_77095-394452--,00.html).

**2) Stimulating Innovative Law Enforcement Perspectives on Community Drug Programs:** Law enforcement officers and recovering addicts once had a strictly adversarial relationship. In York County, PA, when the two groups sat down for a conversation, it helped change perspectives on relapse and drug treatment held by law enforcement members. The meet-up was organized by the York area chapter of Not One More, a national support group that works to raise awareness and prevent drug abuse on the local level through education and community partnerships. (Source: York Daily Record)

**3) Inmate Relapse Prevention - Cognitive Behavior Therapy Approach:** Inmate relapse prevention-Wait time is an enemy of addiction recovery and, too often, a delay of days or weeks between leaving jail and landing an open spot in a rehabilitation program is enough to facilitate a relapse. Union County launched a relapse prevention education program at its jail aimed toward helping inmates stay sober upon release before beginning therapy. Up to eight inmates attend 90-minute sessions more than eight weeks with a drug and alcohol counselor from White Deer Run in Lewisburg. Inmates undergo cognitive behavioral therapy, studying stages of change — from the initial stage of not recognizing one's addiction exists to the final stage of maintaining sobriety. (Source: The Daily Item)

**4) Inmate Relapse Prevention - Vivitrol Assisted Preparation for Release:** Vivitrol was approved for opioid treatment in 2010. Today, it is used in jail and prison programs in 28 states. But Vivitrol is no wonder drug. A study published in the New England Journal of Medicine showed the effects of Vivitrol tend to wane after treatment stops, which is why maintaining care is important.

a) In Barnstable, MA, Sheriff Peter Koutoujian leads a similar drug abuse program at



Middlesex County Jail, which has also partnered with the University of Massachusetts. One of his main concerns is helping inmates with health insurance. "Before I became sheriff," Koutoujian says, "we'd hand them a packet so they could sign up for their own Medicaid," a long and complicated process.

- b) Koutoujian's Vivitrol program assigns social workers to help in the transition out of jail, making sure the largely poor, drug-addicted inmates can continue treatment at low or no cost to them. Of the 64 people who finished the program, 56 were enrolled in the state's Medicaid program, called MassHealth. The results are positive. At both Barnstable and Middlesex County jails, recidivism rates have dropped significantly. (SOURCE: <http://www.wbur.org/hereandnow/2017/03/30/opioid-addicted-inmates-vivitrol>)

**5) Medication Access:** Medication assisted treatment is among the most promising solutions to the opioid epidemic. Studies show people trying to recover from addiction using one of three potent anti-addiction drugs are 50% less likely to die of an overdose than those who try to recover without it. They also stay in treatment longer, and are more likely to return to treatment if they relapse.

**6) Clinics at hospitals:** One of the newest treatments to combat the opioid crisis in Luzerne County is the Medication-Assisted Treatment Addiction Clinic at Geisinger South Wilkes-Barre hospital. The clinic is similar to a methadone clinic but uses buprenorphine (Suboxone) or naltrexone (Vivitrol) to help suppress withdrawal symptoms and cravings for opioids. Unlike methadone, those drugs can be administered in an office setting or prescribed to take home. The opening of the new clinic came during a year when Luzerne County experienced a record number of 151 drug overdoses, most of them tied to opioids like heroin and fentanyl. (Source: The Citizens' Voice)

**7) Naloxone Overdose Prevention:** Bradford County, PA, Coroner Tom Carman has seen the number of drug deaths triple compared to this time last year, but says there's a lot that's making a difference at the local level. This includes first-responders and schools arming themselves with Naloxone. (Source: The Daily Review)

**8) Post Overdose Follow-up:** Two or three days after a person suffers an overdose, Lehigh County police officers and addiction recovery specialists visit that person's home to encourage them to seek treatment. Before the launch in February of the Blue Guardian program, officers were frustrated they couldn't do anything after reviving someone, especially because that person will likely return to their addiction. (Source: The Morning Call).

## I. Links to Additional Resources

- 1) Source of newspaper articles noted in parentheses: Associated Press Study of Pennsylvania Response to opioid Crisis: <http://www.mcall.com/news/opioids/mc-nws-state-of-emergency-county-capsules-20180626-story.html>
- 2) National Re-entry Resource Center, <https://csgjusticecenter.org/nrrc/media-clips/re-entry-week-programs-for-formerly-incarcerated/>
- 3) Volunteers of America - Re-entry Programs-[www.voa.org/correctional-re-entry-services](http://www.voa.org/correctional-re-entry-services)



- 4) National Registry of Evidence-based Programs and Practices (NREPP).  
<https://www.samhsa.gov/nrepp>
- 5) Website that provides employment tips and an extensive list of employers that hire ex-felons: <http://www.jailtojob.com/companies-hire-felons.html>
- 6) Information about the Substance Abuse and Mental Health Services Administration (SAMHSA) Drug-Free Communities Support Program can be found at <https://www.samhsa.gov/grants/grant-announcements/sp-18-002>.

List of Reentry Programs by State: <https://helpforfelons.org/reentry-programs-ex-offenders-state/>



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**PART II – SECTION 10**  
**COMMUNITY INPUT INTO THE ASSESSMENT PROCESS**

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**A. Meeting with Citizens for Better Government on February 21, 2018.**

**1) Introduction:**

- a) The Consultants participated in several dinner meetings with members of the Citizens for Better Government. The purpose of these meetings was to identify their concerns about the jail study and related criminal justice system operations.
- b) A method was employed to document concerns of the meeting participants. Three-by-five notecards were passed out and the participants were asked to record up to five of their concerns on the cards. After that, Dr. Beck did a serial take-up, verbally, from the participants of the concerns that he or she had written on their cards. In this process the first person read all five of their items. The second person read items on their card that had not been read by the first person. As the process moved from person to person, the number of items read decreased until there were no more new items to be read. The cards were then collected and later compiled in the consultants' office. The method of compiling the information involved categorizing the responses and identifying the number of times a particular issue was mentioned. This information was shared with other project team members as considerations to be kept in mind during the study process.

**2) Concerns and Issues Raised During the Meeting:**

The issues are categorized below. If an item was mentioned more than once, the frequency is identified in brackets following the text of the item.

- a) **Alternatives to incarceration or access to services which will keep people out of jail :**
  - a. Mental health services in community
  - b. The jail is looked at in isolation, without consideration of mental health alternatives
  - c. Drug abuse and corrections
  - d. Use of other public services for mental health, drug abuse, and corrections
  - e. Are other higher education institutions adequately providing quality grade for mental health services, drug abuse, and corrections?
  - f. There is little or no data analysis (that we are aware of) that supports solutions other than just putting people in jail.
  - g. How can we add programs and services that help people and prevent their being incarcerated?
  - h. No real rehabilitative effort
  - i. We need more home detention.
  - j. We need alternatives to incarceration [3]
  - k. Effectiveness: Is jail best option for treatment?
  - l. Community corrections- not filled to capacity



**b) Lack of or insufficient jail programs:**

1. Limited medical services in jail
2. Limited mental health programming in jail

**c) Inefficient and/or Ineffective criminal justice system operations :**

1. No collaboration between county agencies
2. Our city/county system is based on patronage and cronyism, which contributes to the status quo, lack of interest in improvement
3. Criminal justice advisory commission has 3 judges and 3 commissions, not representative of the community
4. We have so many police. Are they arresting just because they are bored?
5. Our units do not talk to each other.
6. "This is how we always do it"
7. Waste of resources, such as trial deputies that don't do trials
8. Getting bad representation
9. We need to treat people humanely when they do offend
10. Significant amount of lying
11. Lack of process
12. Lots of turf issues: How can we work together and get over turf?
13. Main concern/observation throughout the county/city is a group of status-quo politicians/contractors/families profiting off the (something) without actually serving our needs.
14. Elected officers reject fact and logic
15. The attitude that we already are doing all we can

**d) Too many poor and black people in jail/minor offenses/long jail times before trials:**

1. People are locked up for minor offenses
2. Prisoners are kept in jail for long periods of time before their trials
3. I fear that our local economic status opportunities will make improvement and change difficult (people don't have a lot of options)
4. "Debtor's prison"
5. We have a pauper's jail
6. Why do I see bookings for small claims court?
7. Too many cases are delayed
8. Prosecutor office not pushing cases – bad pleas
9. Jail is full of the poor and African Americans at a disproportionate rate to the county population
10. We need bail bond reform
11. Equality: County courts rely on cash bonds with fee schedules based on the charges. Several courts routinely refuse to allow 10% or reduced bonds, further keeping the jail full of poorer folks.

**e) Too punitive/punishment does not fit the crime:**

1. When clearly the national environment shows the hope of change, our county leadership strongly prefers to continue incarcerating as many as possible
2. Solutions are proposed without actually thought to actual cause



3. A criminal justice system whose main purpose is to profit off the system and increase patronage
4. Fellow citizens being denied civil rights and poorly served.
5. Attitude that punishment is the answer
6. Attitude that arrest is best
7. Disdain for concern about causation

**f) Budget:**

1. Jail construction is not looked at without consideration of other big-ticket projects in the county
2. Building a bigger jail without justification
3. We need to pay for lots of things in our county. We have to be smart using our resources.
4. Economies: Will the community be able to fund a big jail and still afford other necessary services?
5. Sucking resources from other needed reform

**g) Transparency:**

1. No transparency of government or due process
2. Transparency: Closed process. How can we help make sure recommendations have impact?
3. Reform: Transparency where the community is informed – back room deals
4. Community is misinformed.
5. No one asks the question, “What do we want to do about the criminal justice system?”

**h) Issues about a possible new jail:**

Leaving design and size up to builder/architect (not involving experienced and expertise in design efficiencies and for support best-outcomes).



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## PART 2 – SECTION 11

### JAIL CAPACITY & NEW JAIL DESIGN

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#### A. Jail Capacity – Clarification of Part 1 Findings:

In Section 10 of Part 1, a detailed descriptive analyses and discussion of jail and jail population data and information from 2003 thru 2017. Salient characteristics are examined in that section to understand jail population patterns and trends in an effort to reasonably estimate current and future jail capacity needs to the year 2050, as requested by county officials. That forecast determined that new jail construction consisting of an estimated total capacity of 527 beds is adequate to meet Vigo County's jail needs to at least the year 2050. We estimated that this capacity level will allow Vigo County to operate well within the facility's operating capacity and eliminate the need to obligate local tax dollars to house inmates in other county jails.

On August 8, 2018, Vigo County Commissioners and Council requested an opinion from Dr. Kenneth Ray regarding options for new jail construction bed capacity. This request was made by Vigo County Commissioner's attorney, Mr. Michael Wright. Specifically, the Commissioners and Council asked Dr. Ray, *“Can the new facility start with fewer beds while alternatives are optimized to determine how alternatives will impact jail capacity?”*

In answering this question, Dr. Ray stated that to answer this question meaningfully, it is important to first correct possible misinterpretations and inaccurate conclusions being made from the recently submitted report titled, Part 1: Indiana Public Law 1034-2018 Jail Feasibility Study:

1. The jail bed capacity estimate of 527 is forecasted for 30 years. The report does not state that Vigo County “must” build that capacity initially.
2. The forecast estimate intends to help ensure that overcrowding does not again occur through 2050 and that the Vigo County jail population seldom, if ever, exceeds the jail's operating capacity over the 30-year forecast. The report does not state, nor infer, that an initial construction of fewer beds jeopardizes Vigo County's ability to operate the jail within the operating capacity over the next several years.
3. The report encourages Vigo County officials (and the community) to... *“be aware of at least six trends and issues that be cannot be reliably factored into this forecast estimate, but could impact the veracity of any jail capacity forecast. These trends include: 1) increasing CHINS (Children in Need of Supervision) cases, 2) increasing Juvenile and Status Offenses, 3) increasing felony and misdemeanor criminal cases, 4) increasing level 6 felony cases, 5) increasing mental health petitions / cases, and 6) an estimated 2700-3000 outstanding (not served) felony and misdemeanor criminal warrants.”* The report provides salient official data intended to demonstrate the size and seriousness of these issues relative to determining potential future bed capacity needs. The report does not state or infer that these issues should prevent Vigo County from initially building fewer beds for the reason given.
4. As discussed and reported, Vigo County has a wide array of very effective alternatives to incarceration that have had significant positive impacts on reducing the jail population over the years. It is important to stabilize those programs and maximize their effectiveness, regardless of whether a facility is constructed. Nothing in the report states or infers that these programs have been fully optimized or that a Diversion Center will have no impact



on further reducing the daily jail census. To the contrary, we believe that full optimization of current alternatives and the implementation of a well-planned and managed Diversion Center can have positive impact on the jail population.

The Question: *“Can the new facility start with fewer beds while alternatives are optimized to determine how alternatives will impact jail capacity?”*

Dr. Ray then advised Vigo County they can and should seriously consider initial new jail construction of fewer beds while stabilizing and improving current alternatives to confinement strategies and court processes. This is a common strategy in the planning and new construction, but it does “roll the dice” somewhat. If Vigo County finds it needs more beds after maximizing alternatives, the cost for additional construction may be higher than if all beds were built at onset. Notwithstanding that concern, building fewer beds while concurrently “tuning up” alternatives and court processes may very well reduce the need for additional construction for several years.

There are basically two options: 1) build the total 2050 estimate or 527 beds, or 2) strategically build fewer beds depending on months/years required to fully implement improvements in criminal justice system processes, alternatives to confinement, and jail population management strategies. Assuming the new jail construction process begins in 2019 and can be completed in 36 months (by year-end 2021), figure 93 below shows estimated jail beds needed from the forecast according to the number of months/years expected to realize substantive improvements in criminal justice system and alternatives to confinement practices. For example, it is estimated that new construction of approximately 466 beds is needed if 10 years from 2019 is required to improve/implement various jail population management practices and programs.

**Figure 93: Estimated Number of Beds Needed by Year.**

Year Ending	Est Beds Needed	Months from 2019 Construction Start	Years	Jail Operating Capacity	2034	480	192	16	408
2021	442	36	3	375	2035	482	204	17	410
2022	445	48	4	378	2036	486	216	18	413
2023	448	60	5	380	2037	488	228	19	415
2024	451	72	6	384	2038	492	240	20	418
2025	454	84	7	386	2039	494	252	21	420
2026	457	96	8	389	2040	498	264	22	423
2027	460	108	9	391	2041	500	276	23	425
2028	462	120	10	393	2042	503	288	24	427
2029	466	132	11	396	2043	506	300	25	430
2030	468	144	12	398	2044	509	312	26	432
2031	472	156	13	401	2045	512	324	27	436
2032	474	168	14	403	2046	515	336	28	438
2033	478	180	15	406	2047	518	348	29	441
					2048	521	360	30	443
					2049	523	372	31	445
					2050	527	384	32	448



**B. New Jail Design Findings and Recommendations:**

... conditions at the Jail violate both the Eighth and Fourteenth Amendments to the United States Constitution, the Court finds that it is appropriate and necessary to enter permanent injunctive relief...

All parties – and the Court – agree that building a new jail is the only way to alleviate the violation of Plaintiffs’ constitutional rights in the long term....

The below enumerated injunctive relief is predicated on Defendants abiding by their expressed statements that they will be building a new jail.

Hon. Jane Magnis-Stinson, Chief Judge,  
U.S. District Court for the Southern District of Indiana  
October 10, 2018

**1) Summary of Findings:**

- a) The latest proposed design for a new Vigo County Jail, if constructed, will pose many of the problems that are encountered in the *current* jail:
  - 1. Providing effective *inmate supervision* will be difficult and costly.
  - 2. *Conditions of confinement* and staff working conditions will fall short of prevailing advanced practices.
  - 3. *Program* delivery will be constrained.
- b) The latest design fails to provide a setting that takes advantage of many *opportunities* to create a progressive and productive jail setting, including:
  - 1. Opportunities to motivate inmates to follow rules
  - 2. Opportunities to provide incentives for inmates to engage in productive activities
- c) Properly staffing the proposed design will prove difficult, if not impossible:
  - 1. Current staffing levels would have to increase four-fold (from 45 to 180).
  - 2. Even if Vigo County could fund for the additional staff, it is unlikely that enough qualified employees could be hired and retained.

**2) Recommendations:**

- e) Officials should expeditiously revisit all earlier efforts, securing broader participation and taking the time to visit a variety of new jails in other counties and in other states.
- f) Principles and goals for the new facility, and for the broader criminal justice system, must be developed and used as a foundation for subsequent revisions to plans, design, and operational decisions.
- g) The full range of design and operational approaches should be considered at each step in the process.



h) Vigo County should take the time to ensure that the new jail is “done right.”

### 3) Learn from the Experience of Lucas County, Ohio:

- a) Lucas County, Ohio, opened a new jail in 1976, in response to a federal civil rights lawsuit that found constitutional violations in the old jail. After the new jail opened, the federal judge assigned to the case lamented:

*“In and of itself, the construction of a new \$12,000,000 jail has remedied only very few of the problems which led to the original order in this case; indeed, in a number of important respects the new facility has compounded these problems.”*

Hon. Don J. Young, Judge  
U. S. District Court, Northern District of Ohio  
July 29, 1977

- b) Lucas County commissioned a comprehensive staffing analysis of all elements of the Sheriff’s Office in 2012.<sup>53</sup> The analysis identified many elements of the jail’s design that diminished the efficiency of staffing efforts. The study found that sufficient staff were provided, but deployment practices should be revised in light of current conditions.

- c) Lucas County officials asked the consultant to estimate how many more jail beds could be operated in a new jail, without increasing current staffing levels. According to the report:

*“The existing jail facility is poorly designed. Compared to other jail designs, the Lucas County jail requires more staff for basic operations. For example, a 450-bed jail in Indiana, recently evaluated by the National Institute of Corrections (NIC), requires 42% fewer staff for basic inmate supervision and facility security. Compared to the Indiana facility, Lucas County spends \$2.9 million more [annually] for a comparable inmate population because of its inefficient design.”*

- d) The findings prompted the County to begin the process of planning a new jail. The county vowed to “do it right” this time and they are making good on that promise. The County has participated in several training and technical assistance events provided by the NIC, teams have toured jails throughout the United States, and the breadth of participation in the process has proven effective.

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<sup>53</sup> Sheriff’s Office Staffing Analysis and Operational Review, Lucas County, Ohio. Sept. 2012. CRS Incorporated, Gettysburg PA



#### 4) Review of Jail Design Activities and Documentation:

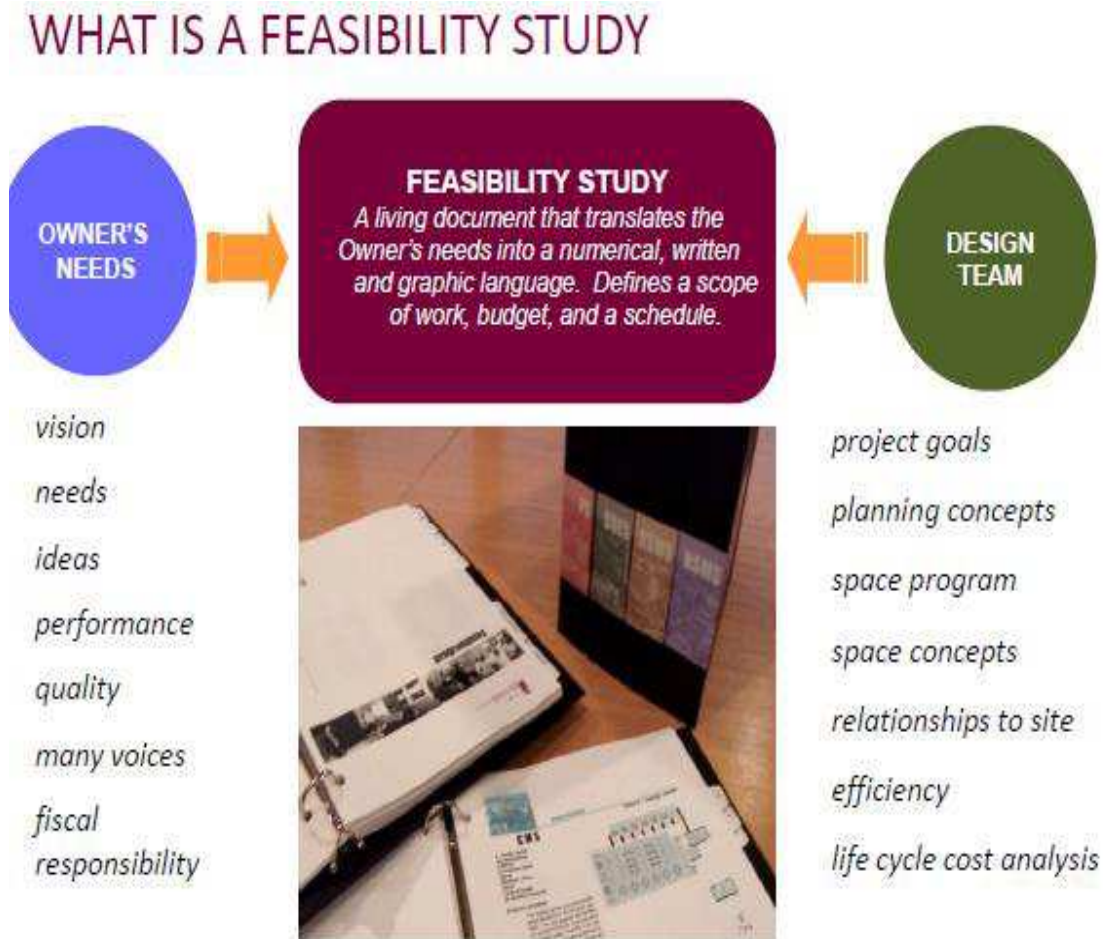
- a) The following pages review work that has been completed on the planning and design of a new Vigo County jail. The consultants offer their opinions where appropriate. Guidance for “next steps” is also provided, as well as identification of resources that will aid county officials and their design team as they move forward.
- b) During the final months of this project, Rod Miller offered to work with the County and its’ design team to revisit the work that had been completed to date, without success. He continues to extend the offer of assistance, *without fees*, following the submission of this report.
- c) Planning and Design Efforts to Date (does not include any recent design activities of which these consultants have not been apprised):

##### 1. 2015 Facility Assessment and Feasibility Study

- ✓ This project started in 2015, when an architectural firm (DLZ) was retained to complete an initial needs assessment. DLZ submitted the “Jail Facility Assessment and Feasibility Study” in April 2015. The 120-page report:
  - Examined the current jail facility and its condition (pages 29-72)
  - Projected the *number* of jail beds that might be needed in the future (pages 73 – 97)
  - Described the *types* of jail beds needed (pages 98 – 100)
  - Reviewed the advisability for renovating and expanding the current facility (page 101)
  - Offered “conceptual solutions” to provide needed beds, including-
    - Renovation and expansion of current jail (pages 102 – 110)
    - New jail (pages 111 – 113)
  - Estimated probable construction costs for –
    - Renovation/expansion (\$20 – 23 million in “hard” construction costs)
    - New jail (\$28.5 – 32.5 million hard construction costs)
  - Predicted a project schedule following submission of the feasibility study (page 119)
- ✓ The scope of the DLZ study was defined by county officials. Several key elements not included in that process that are usually included in such studies, are described in the following narrative.



Figure 94: Excerpt from 2015 Feasibility Study Report.



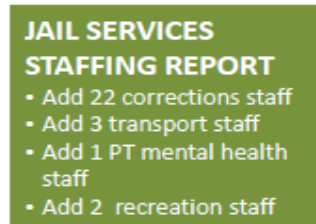
- d) While the preceding diagram accurately identifies many elements of a feasibility study, the subsequent work did not implement all elements (or if it did, the work is not described in the work products.) Some of the missing pieces include:
1. A statement values what a jail is expected to accomplish, and how it is designed and operated
  2. A broader definition of the criminal justice system's needs, beyond just beds
  3. Identification of the full range of approaches that should be considered
  4. Performance criteria for the criminal justice system and the jail solution
  5. Outcomes that could be measured to provide evidence of the effectiveness of the jail
  6. Participation- hearing from "many voices" in the critical early stages of the process, and during subsequent work
- e) Figure 95 provides an excerpt from the DLZ report, describing the scope of interviews that were conducted. Figure 96: Diagram from 2015 Report, "The Interview Process" (arrow added).



**Figure 96: Diagram from 2015 Report, “The Interview Process”.**

## THE INTERVIEW PROCESS

- Jail has been overcrowded for 20+ years – *last addition of rated beds was full within just a few months*
- Pending ACLU lawsuit
- High count was nearly 330 (268 rated beds)
- Judges meet regularly to control Jail numbers
- Have an ‘unofficial’ bond schedule
- Mixed results with use of video arraignment – *not all Judges use it*
- Intake area is very small



- f) The list of persons interviewed is missing many key criminal justice stakeholders, as well as county policymakers, such as:
1. Court administrator
  2. Bail/bond providers
  3. Defense bar
  4. Law enforcement officials
  5. Indiana Department of Corrections
  6. County Council (fiscal authority)
  7. County Commissioners (administrative authority)
  8. Inmate advocates, such as Indiana Civil Liberties Union
  9. Community members
- g) The National Institute of Corrections (NIC) has promoted “Total Systems Planning” methods for more than 30 years. This approach was described to county officials and stakeholders in 2005 during the technical assistance event that provided a “local systems assessment.” NIC has developed many resources to inform the planning process. These are identified at the end of this section of the report. Resource TSP, PONI, What Officials Need...
- h) Many counties throughout the United States have followed the NIC process, usually creating a broad-based advisory committee that provided input throughout the planning process. This has not happened in Vigo County, in 2015 or at any time since then. However, the County is developing a Criminal Justice Coordinating Council that will providing ongoing coordination and innovation. Figure 97 identifies the varied participants in the Dekalb County (Indiana) jail feasibility study.



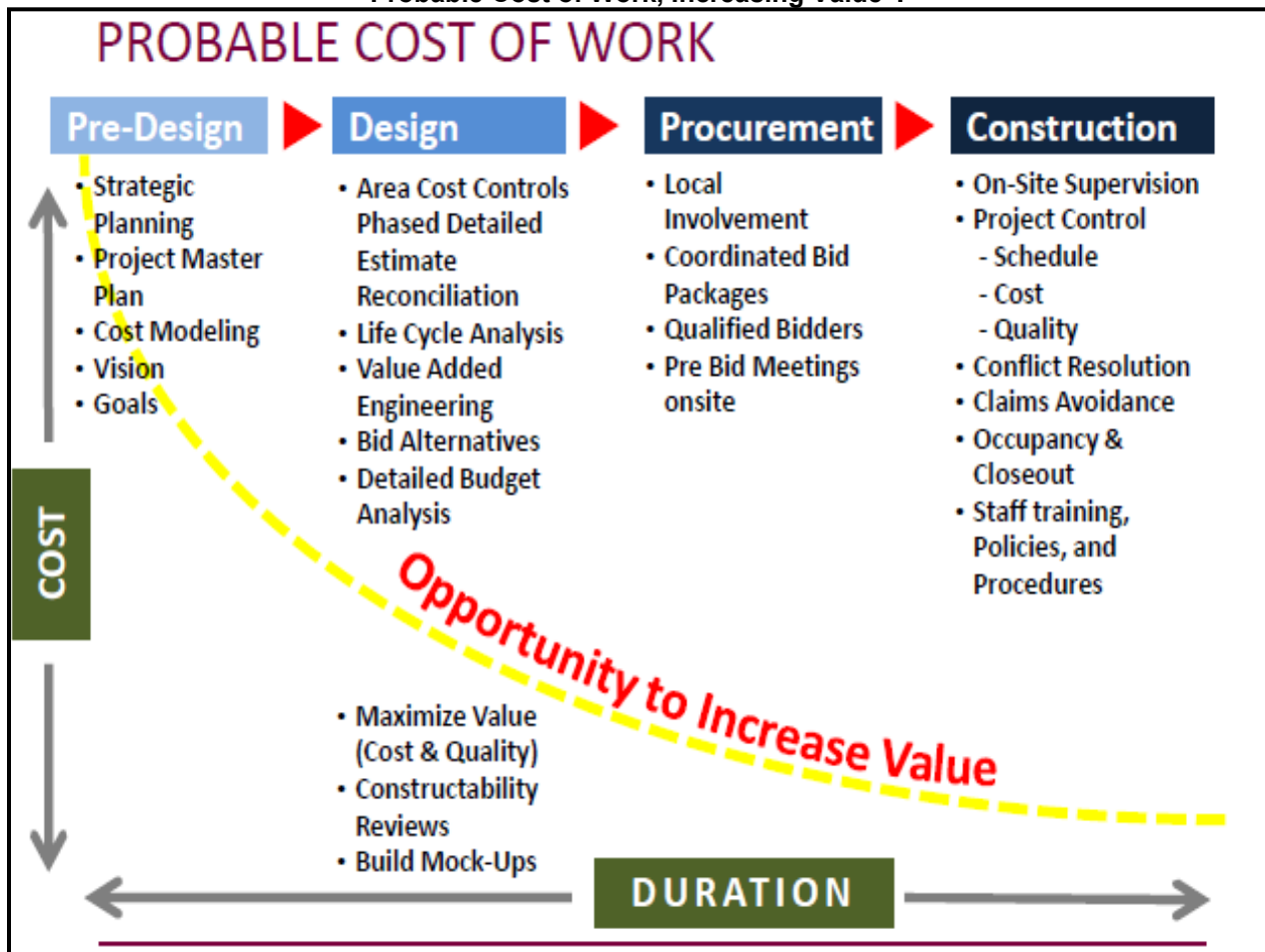
**Figure 97: Members of DeKalb County (IN) and Alpena County (MI) Jail Advisory Committees.**

<b>DeKalb County, Indiana</b>	<b>Additional members in Alpena County, Michigan (2017)</b>
Chief Deputy	Chamber of Commerce
Community Corrections Staff, Board Members	City Planner
Community representatives	Community Foundation
County Commissioner(s)	Council of Churches
County Council	County Clerk
Department of Homeland Security	Higher Education
Health Department	Human Services
Indiana State Police	Jail Officer
Jail Commander and Assistant Jail Commander	Jail Sergeant
Jail Maintenance Staff	Mayor
Judge(s)	Mental Health Services
Police Chief	Public Schools
Probation	Regional Education Agency
Prosecutor	State legislator
Public Defender	Substance Abuse Treatment
Sheriff	Town Council
	Township Supervisor

- i) The consultants discussed involving the community in the process with county officials, and the initial reaction was positive. Later, one official said “I don’t want the community *telling* me what to do!” Done right, involving the community generates suggestions, not imperatives, and all parties—and the project—are enriched by the process. In NIC’s programs they tell officials that “people support what they help to create.”
- j) Although the County did not invite the community into the planning process, it is clear that there was a great deal of interest in the process and the outcomes. It was the community that posed many questions after the needs assessment and design package were completed, eventually bringing the process to a halt and inspiring county officials to go back and complete missing steps. This study is the result of the community’s intervention. Figure 98, also from the feasibility study, illustrates declining opportunities to impact costs as the planning, design, and construction phases of work move forward.



Figure 98: Illustration from Feasibility Study  
 “Probable Cost of Work, Increasing Value”.



k) Figure 98 (above) applies to more than just the *value* of jail project measured as *costs*. It also applies to the sharply decreasing opportunities to impact other elements of the project as the process moves forward, including:

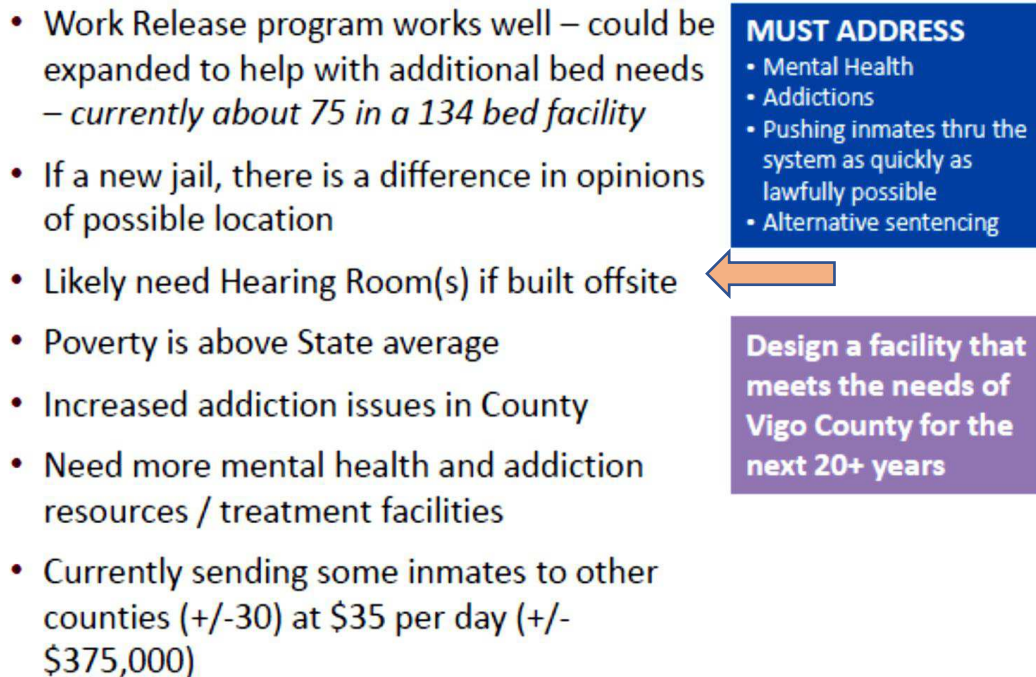
1. Opportunities to identify and fill gaps in the criminal justice system, often reducing the demand for future jail beds—a criminal justice master plan, not just a project master plan
2. Opportunities to articulate a true vision for the project, elevating discussions and looking beyond bricks and mortar into the needs and values of the community
3. Opportunities to establish meaningful vision and goals for the project that include desired outcomes, not just processes to be implemented
4. Meaningful participation by Vigo County residents, officials, and personnel that would bring new ideas to the table, and would generate meaningful support for the broader initiative



- l) Figure 100 presents a diagram from the Needs Assessment, highlighting the *findings* from the interviews that were conducted.

**Figure 100: Feasibility Report Illustration of Findings from Interviews.**

## THE INTERVIEW PROCESS



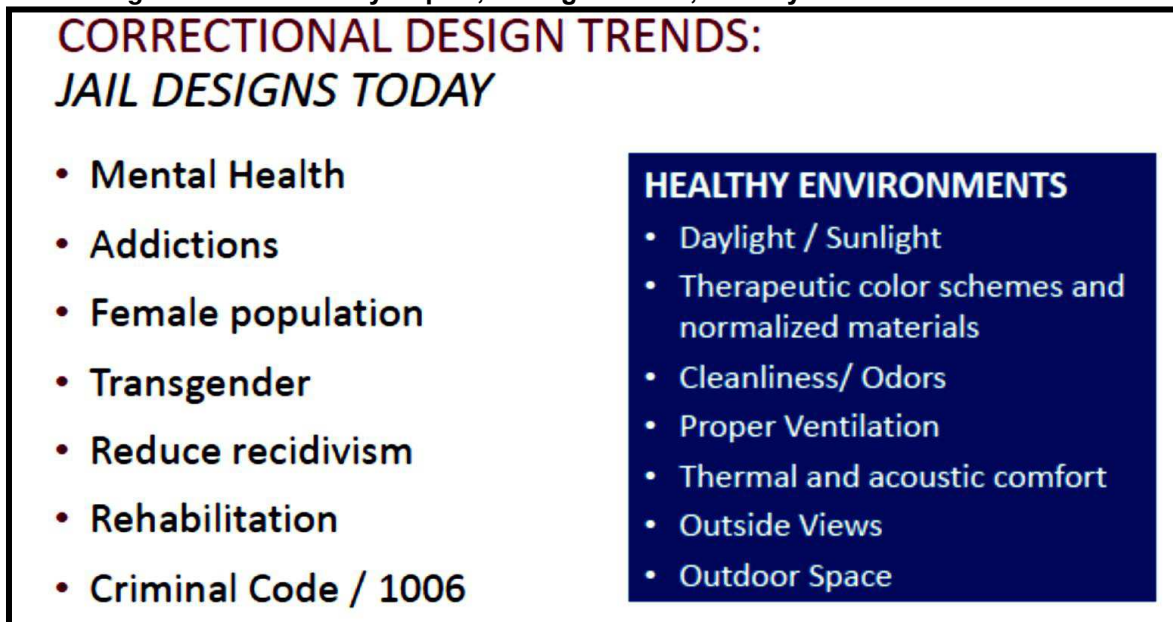
- m) The diagram is a mix of findings, design implications (hearing room), and imperatives (must address). The “must address” list should be reflected in subsequent planning and design efforts, but some elements were not carried forward. Some examples of how the design could respond include:

1. Mental Health- conditions of confinement should be designed to –
  - ✓ Reduce stress (for staff and prisoners)
  - ✓ Increase privacy (cells not dorms, single or double cells)
  - ✓ Provide inmates with some control (such as light switches)
  - ✓ Provide a variety of housing unit sizes to allow separation as indicated by classification and screening
  - ✓ Facilitate screening at intake and thereafter
  - ✓ Provide rooms that can be used for interviews, testing, and case management (preferably near housing)



2. Addiction:
    - ✓ Providing housing that promotes a sense of community and facilitates treatment activities in or near the housing unit.
    - ✓ Facilitate screening and assessment at intake.
    - ✓ Provide short-term holding areas that may be used while newly-admitted inmates are sobering up.
    - ✓ Provide 72-hour housing, in or near the intake area, to allow inmates time to be assessed and prepared for housing in the general population.
  3. “Pushing” inmates through the system:
    - ✓ Provide for efficient intake screening and assessment.
    - ✓ Provide communication with family and the community to plan for release.
    - ✓ Use video visitation and video court to connect newly-admitted inmates with the community and the courts.
  4. Provide 72-hour housing to keep some inmates near intake until their release is finalized, rather than having to process them into the general population.
- n) The design team informed county officials about *some* of the trends in jail design, as shown in Figure 101.

Figure 101: Feasibility Report, “Design Trends, Healthy Environments”.



- o) But the jail design does not appear to respond to some of these imperatives:
- ✓ “Daylight/Sunlight” in the housing areas is limited because inmate cells are placed against a wall that is used as access to cell utilities and equipment, leaving only the use of skylights to bring natural light into the housing units

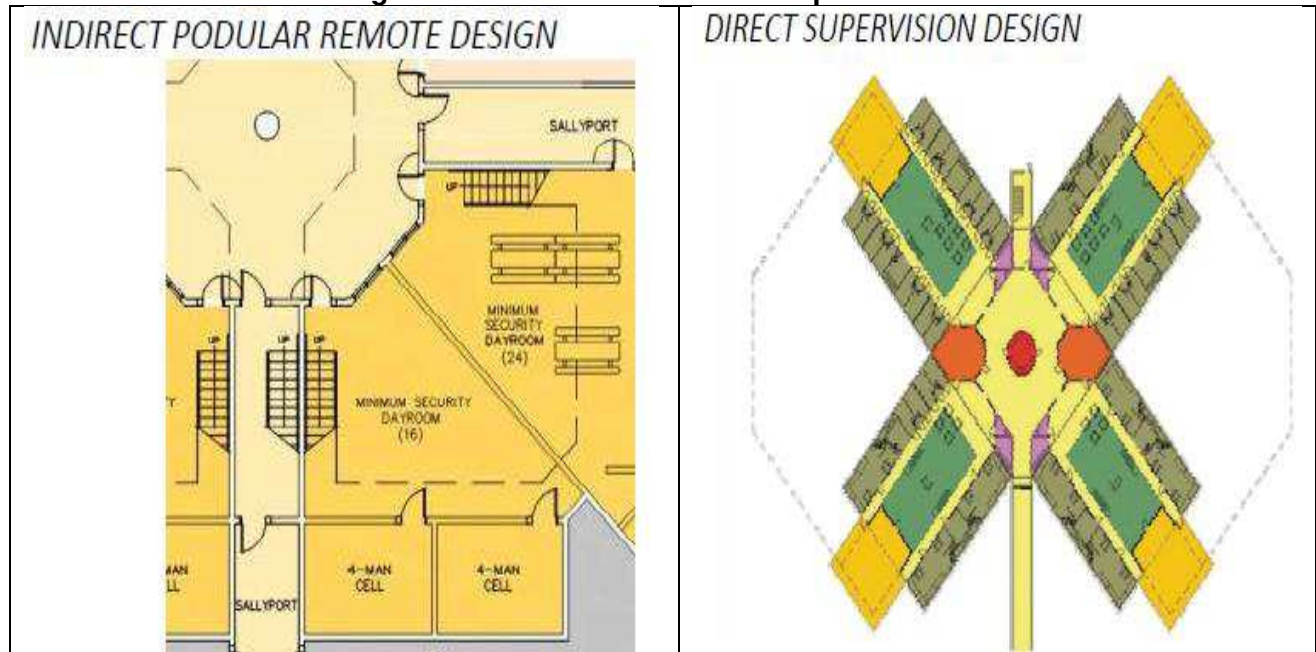


- ✓ “Outside Views” are precluded by the utility corridors that are between housing and the outside walls

p) Inmate Supervision

The current plan provides for “indirect” (podular remote) inmate supervision. The diagrams in Figure 101 is from the feasibility study report, and attempt to illustrated the two primary modes of inmate supervisions.

**Figure 101: Indirect and Direct Supervision.**





q) The following definitions more accurately describe inmate supervision options.

1. **Intermittent Surveillance** (usually used in linear designs)<sup>54</sup>: Intermittent surveillance approaches, such as those used in linear jails, do not assume that staff will observe housing units constantly and therefore place no special requirements on grouping the various units around a constantly staffed post. The use of intermittent surveillance allows housing clusters to be dispersed for physical, sight, or sound separation. However, intermittently monitored facilities tend to have greater operational problems dealing with assaults, suicides, escape attempts, and vandalism. Consequently, if this approach is adopted in lieu of constant surveillance or supervision, the separation of inmates should be more discriminating to ensure minimal density in each housing area and physical separation of inmates who pose security or management risks. However, physical separation cannot fully compensate for a lack of staff presence. It is recommended that facilities using intermittent surveillance design the building with higher security construction.
2. **Remote Surveillance** (“Second Generation”): Design that allows the constant view of inmates by staff in remote surveillance settings (commonly referred to as “podular remote” or “podular indirect” design) helps mitigate some differences in classification that call for separation of certain groups. However, although superior to intermittent surveillance in terms of reduced operational problems, remote surveillance poses a challenge to attaining necessary physical, sight, and sound separation between the different housing units under the supervision of the staff post. The presence of staff behind a barrier tends to minimize the effect of such separation problems, but it does not mitigate the fact that staff sitting in a control post or making periodic rounds through a housing unit find it difficult to manage the behavior of inmates or to take a proactive role in managing the pod.
3. **Direct supervision** (“New Generation”): Direct supervision is a very effective approach for managing the behavior of inmates. It allows staff to be in total control of all spaces and activities within the jail. Inmates are under constant staff supervision. The principal effect of direct supervision on inmate classification is positive because it allows for the merging of some populations that otherwise might not be housed together. For example, there may not be a need to create a medium security group and to separate it from a minimum-security group. In addition, with direct supervision, there is less concern about slight variations in the makeup of the population as it changes over time.

r) In a recent meeting with the design team and county officials, the commissioners’ corrections advisor asserted that the County “...can’t afford Direct Supervision.” We contend that the County can’t afford to *ignore* Direct Supervision and other developments that have proven effective. One member of the design team spoke highly of the new addition to the Kent County Jail in Grand Rapids, Michigan. It is based on Direct Supervision management, and brings large amounts of natural light with views into housing areas via the dayrooms. There are other new jails in the region that show designs that are markedly different than the Vigo County Jail design. As one of the design team

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<sup>54</sup> Kimme, Dennis, Gary Bowker, Robert Deichman. *Jail Design Guide, 3<sup>rd</sup> Edition*. U.S. Dept. of Justice, Washington D.C. 2011.

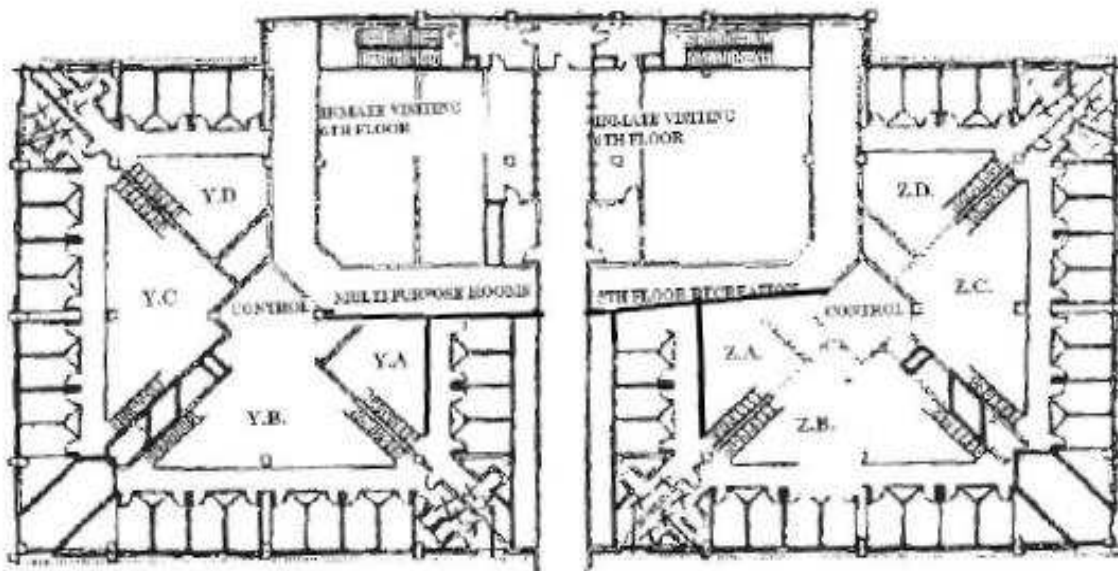


members put it in a meeting, referring to the current design: “This is how we build jails in Indiana.”

s) Lake County, Indiana- A Case Study:

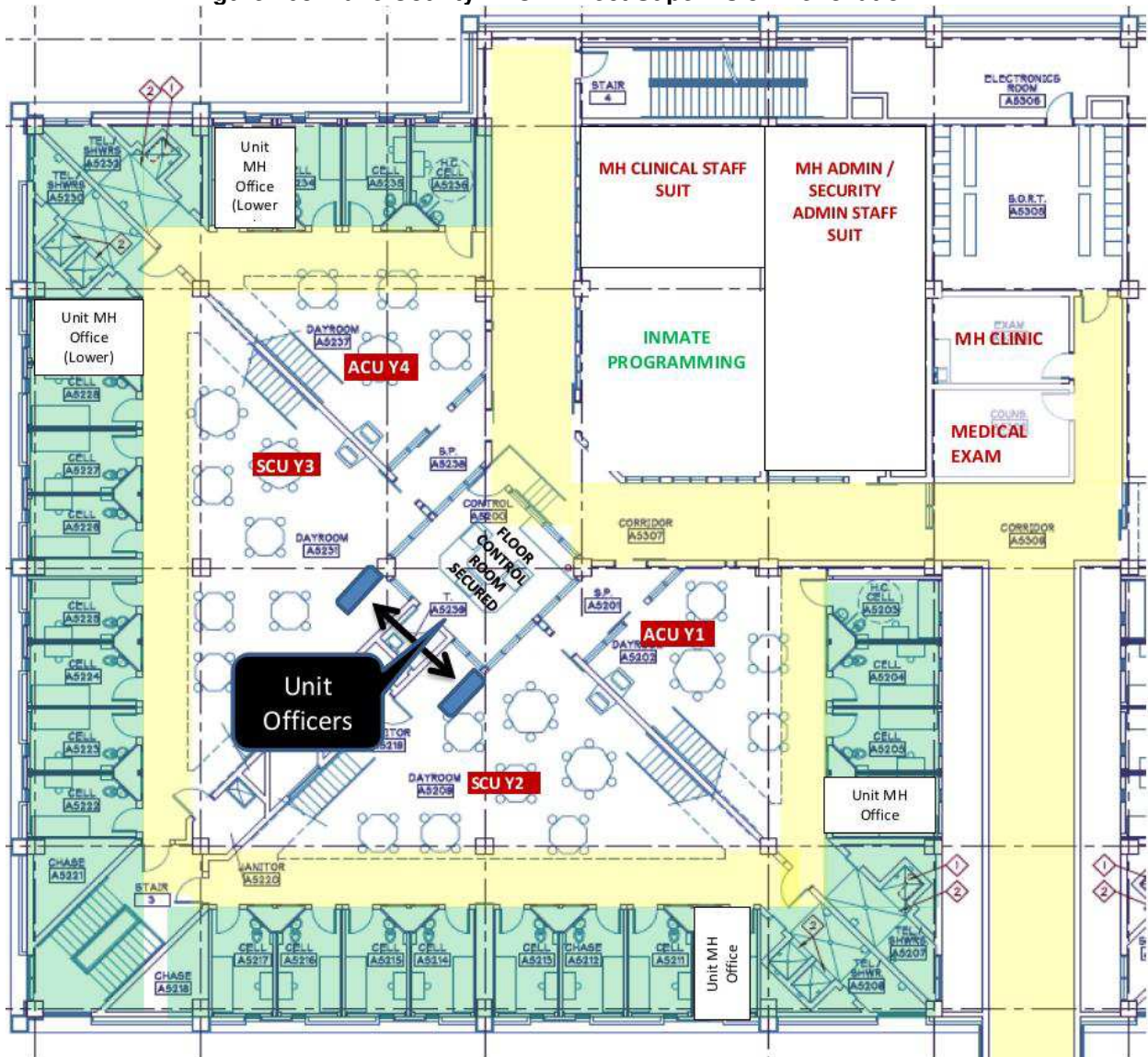
Lake County constructed an indirect (podular) addition to their jail. But when they opened it, they found that the staffing levels predicted by the designers were not sufficient. The County was sued by the U.S. Department of Justice in 2010 and entered into a wide-ranging consent agreement that is still being implemented. The county commissioned a comprehensive staffing analysis that found that an additional 65 full-time positions were needed, an increase of 36.3%. The designers’ staffing plan did not provide for effective supervision of inmates in their housing units, only remote observation in fixed posts, behind glass.

**Figure 102: Lake County Addition, Indirect (Podular).**



The situation in Lake County is similar to those encountered in many other jurisdictions that have built podular/indirect jails—observation is not the same as *supervision*. However, in an effort to meet mental health requirements of their federal consent order, Lake County officials leveraged the proven benefits of direct supervision and renovated the Y Pod (above left) into a direct supervision integrated behavioral health unit for male and female inmates suffering from acute and chronic mental illness and suicide risk (Figure 103).



**Figure 103: Lake County YPOD Direct Supervision Renovation.**

- t) Dona Ana County, New Mexico (Las Cruces) had to add staff because their original approach provided remote observation but no effective supervision. As a result, inmates were in control of housing units which resulted in violence and inmate deaths.
- u) Allegan County, Michigan built a jail that was very similar in design to the proposed new Vigo County Jail. Designers predicted staffing needs, but an independent study prior to finalizing the design found that substantially more staff would be needed. The County followed the designers' advice. The Michigan Department of Corrections recently reduced the authorized capacity of the facility due to staff shortages.
- v) Marion County, Indiana, added more than 60 staff as a result of a staffing analysis because staff had not been entering housing units.



- w) It is now well-established that inmate *supervision* requires barrier-free interaction between staff and inmates. Whether this is intermittent or continuous, staff must enter housing units and interact with inmates.
- x) The Lake County, Allegan County, and Dona Ana County studies were conducted by Rod Miller, principal author of NIC's staffing analysis texts and tools, and co-author of this report. His estimate of 180 full-time employees to operate the proposed new jail is based on the same methodology as previous studies.
- y) Preliminary Design Package, December 2016:
  - ✓ In mid-2016 the design team was asked to pursue preliminary designs for a new jail and to provide cost estimates. The team implemented an accelerated process that centered around a series of six work sessions over a period of two months. An extraordinary amount of work was accomplished in a short time, but resulted in truncating the critical early segments of the design process. The compression of the process also limited the number and types of participants who were directly involved.
  - ✓ In July 2018, detailed staffing plans for the current and proposed jails were submitted as part of the Phase One report.
  - ✓ The review of the proposed new jail provides detailed insights into the design elements that poses challenges to effective inmate supervision and efficient staffing. Annotated drawings were provided. These will be helpful when the new jail design is revisited in the near future.



### C. Deciding New Jail Design and Functionality:

#### 1) New Jail Design – Shifting Away from 200 Years of Ineffective Designs:

1983 was a milepost that signaled a departure from nearly 200 years of jail design philosophy. In that year the concept of direct supervision was formally recognized by the National Institute of Corrections, NIC. Subsequently, the concept and its design implications were endorsed by the American Jail Association (AJA), American Correctional Association (ACA), and the Committee on Architecture for Justice of the American Institute of Architects. Even though "new generation" jail concepts have gained wide acceptance among informed professionals, there are many law enforcement, jail, and county officials who have not had the benefit of being in the communication channel on reforms in jail planning, design, construction, activation, and operations.

Unfortunately, jail design becomes easily entangled in moral debates which push the issues of staff safety and rights of the confined to the background. As will be pointed out in this article, new generation jails are much safer than old style jails. In addition, decision makers must hold in mind that their jails will house un-convicted as well as convicted persons. About 60% of most jail populations consists of un-convicted defendants, many of whom are held on relatively low bonds and would be out on bail if they had the money.

Planning about the design of a new jail may be difficult for county commissioners because of the unfamiliarity of concepts about jail design and inmate supervision. The path to selecting a jail design is filled with the risk of embracing mistakes that will affect liability, safety of staff and inmates, efficiency in daily operations, and effectiveness in functioning. Long after the dollar savings obtained by selecting a less expensive, flawed design have been forgotten, the problems of a bad design will remain as painful and costly reminders of the shortsightedness of county officials' decisions. Counties with such a sore memory are plenty.

This article will investigate three strategies for inmate supervision and their impact on jail design. Graphically, jail designs will be displayed, how these designs are employed will be discussed, and various considerations in decision making about selecting designs will be examined.

#### 2) The Guiding Principles of Jail Design:

##### a) Jail design should be based on direct or indirect supervision of inmates. Linear design should be absolutely avoided:

As will be explained in this article, this principle acknowledges that one of the basic tenets of new generation jail design is the need for continuous observation of inmates. The Standards of the American Correctional Association, ACA, for example, are very specific in this regard:

*Written policy and procedure should require that all living areas be constructed to facilitate continuous staff observation, excluding electronic surveillance, of cell or detention room fronts and areas such as dayrooms and recreation spaces.*

*Continuous observation of inmate living areas is a fundamental requirement for maintaining safe, secure custody and control. The physical plant should facilitate*



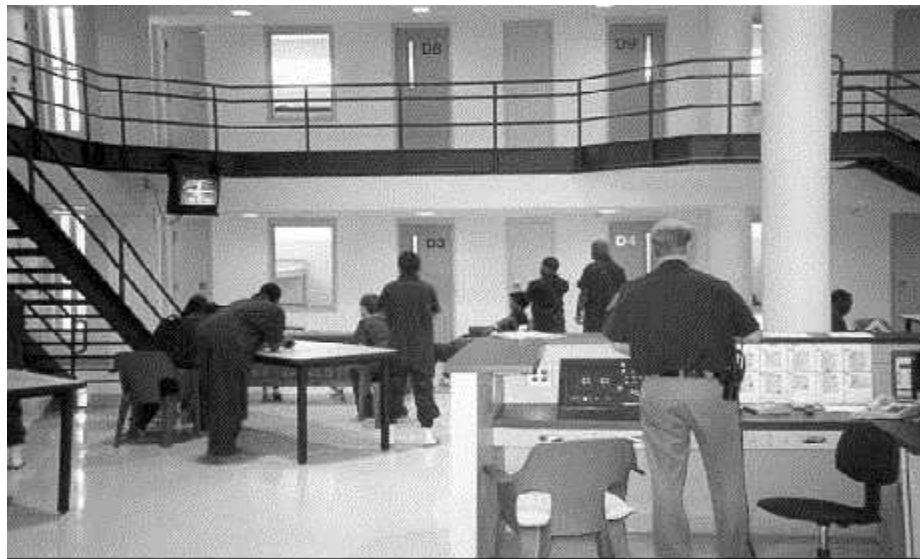
*the performance of this operational function.*<sup>55</sup>

The reader should be aware that the ACA is not just a small interest group, but the largest organization of correctional professionals in the United States. Standards of this organization are based on substantial study by special ACA committees. Adherence to ACA standards is one of the best ways to insulate against legal challenges about jail conditions.

### **1. Direct Supervision Design:**

Continuous observation is provided in two types of design, direct and indirect supervision. Direct supervision places the correctional officer's station within the inmate living area, or "pod" as it is often called. This is shown in figure 103.

**Figure 103: Direct Supervision in a Medium Custody Housing Unit.**



In this picture the officer is shown standing before an in-pod control station. By placing the officer in the pod, he or she has immediate visual observation of inmates and unrestrained ability to receive information from and speak to inmates. During the day, inmates stay in the open area (dayroom) and are not usually permitted to go into their rooms except with permission and must quickly return. The officer controls door locks to cells from the control panel. Functions of this panel can be switched to a panel at a remote location, usually known as "central control," when the officer leaves the station for an extended time. The officer also is wearing a small radio on his shirt-front that permits immediate communication with the jail's central control center if the need should arise. In addition, the dayroom area is covered by a video camera that is also monitored in the central control room.

By placing the officer in the pod, there is an increased awareness of the

<sup>55</sup> 1. American Correctional Association, *Standards for Adult Local Detention Facilities*, 3rd Edition. Lanham, MD. 1991, Standard 3-ALDF-2B-03, p. 32.



behaviors and needs of the inmates. This results in creating a safer environment for both staff and inmates. Since interaction between inmates is constantly and closely monitored, dissension can be quickly detected before it escalates. Inmates who show signs of becoming unruly also can be quickly identified and removed to a more secure living unit/pod. In addition, maintenance costs are lower in direct supervision pods because the close supervision reduces misuse and harm to equipment, furnishings, and walls. This style of inmate supervision performed by well-trained officers creates a more positive environment than other types of supervision methods. The stress on officers and inmates alike is greatly reduced. From a liability standpoint, the jail and county's liability will be reduced as a result of less litigation arising from unobserved behavior, e.g., suicide, fights, sexual assaults, accidents, and unexpected medical emergencies.

In summary, direct supervision involves three important aspects. First, the inmates are aware that they are being constantly supervised. Second, they are aware that if they create problems they will be quickly removed to a higher custody pod having fewer privileges, such as ability to come out of their cells. Third, they are aware that the officer is backed up by a personal radio alarm system and video monitoring.

Direct supervision design is most relevant to the housing of medium and minimum supervision inmates. These are inmates who are not considered to be violent or disruptive in the jail environment. This design is not usually employed for the supervision of maximum custody inmates.

## **2. Indirect Supervision Design:**

Indirect supervision, sometimes called "remote surveillance," also provides continuous observation of inmates. The layout of the inmate living area is similar to that of direct supervision. The design is "indirect" in that the officer's station is separated from the inmate living area.



**Figure 104: Indirect Supervision Housing Unit.**

The officer's station is inside a secure room. Observation is enabled through protective windows in front of the console/desk. A microphone, long black tube, is visible in front of the right portion of the console. Microphones and speakers inside the living unit permit the officer to hear and communicate with inmates.

An indirect supervision pod, when used for medium and minimum custody inmates, is similar in design and size to direct supervision pods. However, indirect supervision in a maximum supervision pod shown above usually involves a smaller housing area. In a maximum pod, inmates are not permitted to congregate in an open dayroom, but must spend most of their time in their cells and are let out individually to exercise. For this reason, maximum cells are usually larger and require more durable hardware, doors, and fixtures.

Sometimes the indirect design is arranged so that an officer can observe and control two or more adjacent pods. The adjacent pods are configured so that the officer can see into them but the inmates have no visual or auditory access between pods.

In indirect supervision, as in direct supervision, the officer does not leave his/her post and has an uninterrupted view of inmates at all times. As might be expected, the indirect design does not foster the same immediate capability of controlling inmates that is achieved through direct supervision.

### **3. Linear Design:**

Linear design, also known as "intermittent surveillance design," does not provide continuous observation. The design is similar in concept to that of a hospital in which long rows of rooms are placed along a corridor. A common variation is to



situate housing units, instead of individual cells, along the corridor. Figure 105 shows such a linear design found in an older jail.

**Figure 105: Linear Positioning of Housing Units.**



The jail officer, barely visible at the back of the corridor, must patrol the hall and look through windows to observe each housing unit. A set of narrow observation windows for one of the housing units has been labeled with a "1" and the entry door, also containing a window, is marked with a "2." While walking the corridor the officer may look into a unit or enter as part of the surveillance. Sounds from within the units are muffled by the closed doors and are not readily heard in the hallway.

This design introduces an element of high risk into the management of inmates because interpersonal problems between inmates is most likely to occur when staff are not present. Thus, inmate problems cannot be detected early and prevented from escalating. Video surveillance cannot make up for the problems arising from this type of design. Due to the intermittent nature of staff supervision, inmates are essentially in control of the living area. Studies show that the linear design is associated with an increased frequency of contraband, coercion of inmates by other inmates, assault, rape, suicide, and even homicide.<sup>56</sup> A drawback of this design is that, in practice, the jail officer may not patrol constantly, perhaps only every 20 to 30 minutes and sometimes longer. As a

<sup>56</sup> A critique of linear design is found in the *Small Jail Design Guide*, Washington, D.C.: National Institute of Corrections, U.S. Department of Justice, March 1988, pp. 3-37 to 3-42.



result, officers may become involved in other activities such as escorting inmates, supervising cleanup in another area of the jail, and assisting in booking. Such involvement turns their attention from supervision of inmates and extends the times between surveillance patrols of cell areas.

Electronic surveillance has been used to attempt to compensate for the weakness of the linear design. Experience with video surveillance cameras indicates that the officers monitoring banks of video screens are often unable to maintain effective constant watchfulness due to fatigue, preoccupation with other activities, and too many cameras to view. Furthermore, the effectiveness of video surveillance is compromised when inmates determine what is and is not being monitored. When this happens, trouble makers move their illicit activities to off-camera areas. The use of video surveillance in lieu of the presence of jail officers is commonly associated with efforts of decision makers to drastically reduce staffing costs. Such efforts often contribute to serious security problems because when problems arise, as they more often do in this type of jail, there may be an insufficient number of officers available to effectively respond.

Well-informed jail administrators and officials know to avoid the linear design. Architects who advocate the linear design claim that it is less expensive to build and staff than direct or indirect designs. However, the same argument could be used for other problematic designs, such as tents.

#### **4. How the Design of Housing Units Is Properly Used:**

The cornerstone of effective jail security lies in the classification of inmates according to their supervision needs. The most obvious classification-driven housing assignment is that of separating inmates according to gender. Similarly, hostile inmates should be separated from non-hostile inmates. The identification of who will be difficult to control is achieved through a system of jail classification that includes ongoing observation and reevaluation. Under such a system, classification screening begins when an inmate enters the jail. After the initial classification decision is made using an objective, i.e., written and validated, assessment instrument, the inmate is constantly observed so that staff can quickly remove him/her to a different, usually more restrictive, pod if disruptive behaviors are exhibited. In this manner, housing units (living areas) of a jail designed as minimum, medium, and maximum supervision can be filled with appropriately matched inmates. Without this system, the supervision of inmates will be marked by inconsistent and poorly justified inmate management practices.

#### **5. The Interplay Between Jail Design and Staff and Inmate Behavior:**

Within the inmate population will be persons having varying levels of social maturity and, thereby, differing abilities to control their behavior. Immaturity of social behavior has parallels in both adults and children. For example, placing ten small children in a room in which there is no parent or other adult, will usually result in the outbreak of problems. Even sporadic monitoring by an adult who occasionally opens the door is not as effective as a constant presence. This does not mean that all children are bad, but that the dynamics of interaction can be influenced by the whims and antisocial behavior of one or two persons. Similarly, groups of inmates often contain one or more socially immature individuals, who



because of their physical size or manipulative capabilities, will contribute to dissension within the group if there is not a supervising staff member present. The presence of a jail officer combined with the ability to remove inmates to other housing areas, is much more effective in controlling fights and assaults on correctional officers than sporadic monitoring. Thus, direct supervision in combination with classification provides a safer environment for both staff and inmates. A safer jail is not only beneficial in light of reduced legal liability but contributes to a better work environment and lower staff absenteeism.

Indirect supervision does not afford the same level of control over inmate behavior as direct supervision. The correctional officer loses much of the immediate sensitivity about communication within the inmate group by being separated in a control room. Such separation, of course, is appropriate in the design of maximum custody housing units. To compensate for separation of the correctional officer, a "rover" should be used. A rover moves in and out of several housing units in order to temporarily make personal contact with the inmates. This arrangement improves the performance of indirect supervision, but is still not equivalent to direct supervision in inmate management effectiveness.

## 6. Which Design Approach to Choose?

Making the choice between direct and indirect supervision should be based upon several considerations. Of course, selecting a linear design is not an option considered by the astute decision maker.

**Consideration One: Staff Preference** -- For several reasons, staff preference should not be the deciding factor in selecting a jail design. First, experience has shown that administrators and staff who have worked only in old style linear jails, are usually unfamiliar with other designs and are unaware of how to supervise inmates in new generation jails. Generally, biases against direct and indirect supervision are based on minimal knowledge. Jail administrators who have been exposed to well-run direct and indirect supervision jails or have been through training/familiarization with those types of facilities will relinquish preference for linear design. Second, the experience of working in a linear design jail often results in the development of a "negative correctional culture" that is marked by self-created fictions about how inmates should be treated and managed. Since fights among inmates and verbal and physical assaults on officers are more frequent in linear design jails, jail staff tend to develop a negative, fearful, and more punitive attitude about inmate management. In turn, this negative attitude is often expressed in ways that reinforce hostility among the inmates. Thus, ineffective behavior management often creates some of its own problems. Among trainers of jail staff, this phenomenon has come to be recognized as the negative culture of linear jails. This culture, once established, is difficult to change, even when a new direct or indirect supervision jail is constructed. Not only will training be required to alter this culture, but staff changes may also be required.

**Consideration Two: Size** -- Size of the jail will affect the relevancy of direct and indirect designs. As the size of a jail's capacity moves beyond 180 to 200 inmates the applicability of indirect design diminishes. In a small jail, indirect supervision pods are often designed to house 8 to 16 inmates. In larger jails it is more practical to expand the capacity of pods to house about 40 to 50 inmates than it is



to build more of the small pods. From an architectural standpoint, small pods are more readily configured around an enclosed observation station than are large pods. Also, from an inmate management standpoint, small groups are easier to control from an external officer's station than larger groups. As a rule of thumb, as the size of a jail's capacity increases, the relevancy of direct supervision design increases. For this reason, direct supervision pods generally range from about 24 to 50 beds.

**Consideration Three: Cost** -- Given the ability of indirect supervision to manage several small living units, it is not generally considered to be cost-effective to use direct supervision in small jails. However, the cost advantage diminishes as jail size increases.

## 7. Dormitories:

A dormitory is different from the designs described previously. New jails will usually have fewer dormitories than medium and maximum pods. Cost-wise, dormitories are much less expensive to build. However, their applicability is limited to the housing of minimum custody inmates, such as trustees and persons on work release.

The term "dormitory" usually implies a different style of housing than a pod. As might be expected, a dormitory is a large room into which a number of single or bunk beds are placed. However, instances can be found in which the term "dormitory" is applied to rooms in a podular-design housing unit that have been configured to accommodate four to eight beds. Figure 106 shows a new, unfurnished dormitory that will contain 24 beds.

**Figure 106: A Large Dormitory Before Being Furnished.**



Management of inmates in a dormitory can be accomplished by either direct or indirect supervision. In the dormitory shown above, the layout is a modified direct-indirect supervision design. Two dorms are situated across a hallway from each other. Observation into the dorms is through a window shown at the right rear of



the picture. Next to the window is a doorway. An open officer's station (not enclosed as in an indirect supervision pod) is placed so that an officer can view both dorms and have immediate access through the doorways. In this particular layout the officer's station is located at the end of the hall so that no one will be approaching from the back of the station. This design is feasible because the lower custody level of inmates reduces the need to place an officer in the living area or to enclose the external observation station.

In a small jail, a small dormitory could be arranged around an indirect supervision station along with one or more medium and maximum custody pods. Although many old-style jails use intermittent surveillance for dormitories, the same concerns about adequacy of supervision, previously discussed, would apply.

## **8. Be Guided by Best Practices:**

The design should abide by ACA's Standards for Adult Local Detention Facilities.<sup>57</sup> These standards provide important guides for both minimum design features and operational practices in jails. Such standards are particularly important because a local detention facility must provide for the custody and care of persons accused but not convicted of a crime, as well as those who are sentenced. The standards are respected not only by correctional professionals but by the courts as well. The easy to read format of the standards will help county decision makers, as well as jail administrators, understand what should be included in a jail design, such as:

- ✓ Occupancy and space requirements for inmate sleeping areas
- ✓ Space requirements for dayrooms
- ✓ Furnishings
- ✓ Special management housing
- ✓ Housing for the handicapped
- ✓ Light levels (natural and artificial)
- ✓ Noise levels
- ✓ Indoor air quality
- ✓ Law library
- ✓ Food service

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<sup>57</sup> American Correctional Association, *Standards for Adult Local Detention Facilities*. 3rd Edition. Lanham, MD. 1991. Updates of the 3rd Edition are contained in the *Standards Supplements* for 1994 and 1998 which are companion publications. To obtain these publications call ACA at (800) 222-5646, ask for the Publications Department.



Using the standards as guidelines for investigation, a jail committee and/or county commission should challenge architects both during the selection process and during the process of designing their new jail. The committee should request that the architect(s) explain how the proposed design concepts will respond to ACA standards. By making a simple checklist of the standards, county decision makers can intelligently pursue this investigation.<sup>58 59</sup>Such steps are merited because, most likely, the county will be party to a suit in instances of legal problems fostered by poor design.

### **Evidence-Based Design & Correctional Architecture: By Richard Wener, PhD**

In putting together the chapters for my book on psychology and correctional design (*"The Environmental Psychology of Prisons and Jails: Creating Humane Spaces in Secure Settings,"* Cambridge University Press, August, 2012) I reviewed all the research I could find on ways that design affects the behavior, perceptions and attitudes of those inside – inmates and staff. I won't try to distill hundreds of pages of text in these few, but there are several basic principles that may be useful to point out.

First, is the notion of "Evidence-Based Design" – a term that first took hold in the context of health care settings (Ulrich, et al., 2008). The concept is very simple – where good evidence on the impacts of design on behavior is available, those findings should be taken into account in program and design decisions. I would argue that this in no way limits the creative ability of the architect. To the contrary, by making needs and requirements even more clear and explicit, it may have a freeing effect, allowing designers to do what they do best while knowing the limits and parameters within which they must work.

There is a considerable body of evidence from environment-behavior research that is important for the design of jail and prison facilities. In this brief space I'm going to pass over some of the most discussed and well-known studies that help provide some of this evidence base, such as research on the effectiveness of direct supervision designs, or on the effects of crowding and isolation, which take up multiple chapters in the book. Rather, I want to mention findings related to areas that all architects know from their experience are critical yet are consistently problematic in jails and prisons - noise, lighting, and access to nature.

Many who work in prisons and jails attest to the fact that noise is pervasive, disruptive and disturbing (Carter, 2004; Rostad, Meister, & Wener, 1996). Meeting ACA Standards may not be any guarantee of having a good acoustic space since these standards don't directly address intelligibility or the likelihood that noise will be bothersome and disruptive (Rostad & Christoff, 2006). Many facilities combine cavernous spaces with hard surfaces resulting in extraordinarily high reverberation times and uncomfortable acoustic conditions.

Noise can directly affect operations. It is hard to communicate well when your words compete with a constant din of machine and human sounds. Work requiring concentration, group meetings, studying, or counseling sessions all become harder in poor acoustic environments.

The indirect effects of noise can also be significant and these effects are worse when the noise is variable and uncontrollable – as is commonly true in jails and prisons. Noise has been shown to inhibit the ability to learn (children's reading scores in noisy settings are measurably lower), increase stress (undoubtedly true for both inmates and staff members), reduce prosocial

<sup>58</sup> For detention facilities of 50 beds or less, ACA's *Standards for Small Jail Facilities* should be used.

<sup>59</sup> Some counties have opted to hire a special project manager to ensure their concerns about ACA and other construction standards are followed.



behavior, and increase the potential for conflict and aggressive behavior (see Luxon & Prasher, 2007).

Good lighting, as any designer knows, is a critical part of environmental design, yet jails and prisons commonly have poor lighting, both in quantity and quality. Without exposure to high intensity light during the day (sunlight or its equivalent) inmate body clocks (circadian rhythms) may go out of sync. Good sleep depends on both enough light during the day and enough dark at night – both difficult conditions in many facilities. Along with noise, these conditions can lead to sleep deprivation which has considerable negative impacts on health, mood, irritability, cognitive performance, and the likelihood of accidents and injury. Good lighting makes a difference for staff in their ability to complete work and conduct surveillance, as well as in their ability to adjust to the difficulties of shiftwork (Lockley, Brainard & Czeisler, 2003).

Sufficient outdoor window space is one way to help provide good lighting. Research in health care settings shows significant benefits of natural light for health (Walch, 2005). Windows, of course, provide views out as well as light in, and there is also a solid and growing body of evidence on the benefits of physical or visual access to nature – grass, trees, plants, animals – and the negative effects of deprivation of these (Ulrich, 2006). Few human settings are as deprived of nature views as are many jails and prisons – and some staff spaces (look at almost any central control room!) are among the most shut off from the outside.

While many people have long believed that natural environments are among the most restorative of settings, their actual power is being revealed in recent research. Nature access or views have been shown to be important in helping people cope with stress and recover from mentally fatiguing experiences (Kaplan, 1995). Problem solving is poorer and verbal and physical aggression higher when people are deprived of nature. Inmates in cells with nature views have fewer sick calls (Moore, 1980; West, 1986) and one study we conducted in a jail showed that the simple modification of adding large nature murals to a busy intake area resulted in measurably reduced physiological indices of stress for officers who worked in that space (Farbstein, Farling & Wener, 2009).

Some may correctly note that none of the above points – that noise is unpleasant, lighting is important, or nature is good - are startling. What is new, though, is an evidence base that says that these are not merely annoyances of the “no one ever said that prison was a day at the beach” variety. These conditions affect the lives of those who live and work there as well as issues that are critical to institution managers, such as the likelihood of stress, tension and aggression, the health of inmates and staff, and utilization of services. A greater focus on these issues is needed by all concerned – researchers, designers, administrators – and by those who set standards.

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*NOTE: Cambridge University Press Cambridge University Press (CUP) is publishing "The Environmental Psychology of Prisons and Jails: Creating Humane Spaces in Secure Settings," (2012) and anticipates the book will be available for purchase in August 2012. Available in hardcover for \$90, you can purchase through Amazon, the CUP Website, or, you can order through any bookstore. A paperback is expected 12-18 months after initial release*

#### About the Author:

*Dr. Richard Wener is an Associate Professor of Psychology at the Polytechnic Institute of NYU. Professor Wener's research and consulting have focused on the way correctional architecture affects facility operations and the perceptions and behavior of staff and inmates. This work began in 1975 with evaluations of the then new federal Metropolitan Correctional Centers in Chicago and New York. He has since conducted evaluations of dozens of prisons and jails and several large nationwide surveys of correctional facilities. He has consulted in the area of facility design and planning for adult and juvenile detention and corrections facilities. Prof. Wener's writings have largely dealt with identifying design and management features which serve to reduce violence, vandalism and stress in correctional settings by understanding the lessons of successful direct supervision facilities. He has studied the impacts of crowding and noise in jails and led a team that conducted a social impact assessment of a proposed detention facility. Prof. Wener was a team member that studied the impact of nature views on staff stress reduction in a jail intake area – funded by the National Institute of Corrections and was co-principal investigator for a National Institute of Corrections funded study to examine best policies and practices used by direct supervision jails in dealing with overcrowding. He served as consultant to "Cost and Design Implications for Third Edition Conditions of Confinement Standards." This effort, funded by the National Institute of Justice, resulted in a manual used in implementing changes to the American Correctional Association Standards for Adult Correctional Institutions. He was a co-developer for*



*a Standardized Environmental Evaluation System for Correctional Environments for the National Institute of Corrections and the National Institute of Justice.*



**Appendix: Best Practices Literature Attached:**

1. *The Court Administrator, Court Administration: A Guide to the Profession.* Publication of the National Association for Court Management. This publication is provided in an appendix of this report.
2. *Core Competency Curriculum: What Court Leaders Need to Know and Be Able to Do.* Publication of the National Association for Court Management.
3. *Steps to Reengineering: Fundamental Rethinking for High-performing Courts.* Publication of the National Association for Court Management.
4. Tarrant County, TX *Differentiated Felony Case Management.*