

SUMMARY OF PUBLIC POLICY FORUM RESEARCH ON 24-HOUR UNIVERSAL SCREENING AT THE MILWAUKEE COUNTY CRIMINAL JUSTICE FACILITY

July 14, 2008

Key Findings

- We were unable to find data from other jurisdictions in other states quantifying the fiscal and other benefits derived directly from 24-hour universal screening for all persons charged with a criminal offense. However, we were able to identify information quantifying significant positive outcomes resulting from implementation of pretrial services programs, the vast majority of which include comprehensive screening. **Attachment 1** summarizes our research on other jurisdictions and best practices.
- We were also able to determine that an essential component of any successful pretrial services program is a commitment to comprehensive screening. The American Bar Association (ABA) and the National Association of Pretrial Services Agencies recommend in their standards that all persons charged with a criminal offense be interviewed by pretrial services, and ABA standards stress that the investigation should be conducted prior to or contemporaneous with a defendant's first appearance. **Also, a Bureau of Justice Assistance survey of nearly 200 pretrial services programs shows that 75% of programs interview before first appearance; Milwaukee does not.**
- While the January 2008 National Institute of Corrections (NIC) report on the House of Correction (HOC) received considerable attention for its findings on security, staffing and management at the HOC, little attention has been paid to the extremely strong criticism levied at Milwaukee's failure to engage in coordinated jail population management activities, and to the NIC's strong call for "screening at the front end of the jail system" as a critical step in system-wide population management.
- It is possible that implementation of universal screening at intake could allow for elimination or reduction of existing screening/classification activities taking place in the Criminal Justice Facility (CJF) and HOC, thereby offsetting much of the cost of implementing the universal screening proposal drafted by the Criminal Court Coordinator. If the information requirements of the CJF and HOC could be

accommodated by the new screening tool, and a system developed whereby information collected by pretrial services screeners would be shared on a timely basis with the Sheriff and HOC, then approximately 23 positions possibly could be eliminated for an annual cost savings of approximately \$1.67 million.

- While it is not possible at this time to precisely quantify other potential savings that may accrue from implementation of comprehensive screening, we have identified a report prepared by Justice 2000 evaluating a similar screening program in Racine County. That report estimates that the average length of *pretrial* confinement decreased by 11 days per defendant after the program was implemented. We also extrapolated data from the first 16 months of the Treatment Alternatives and Diversion (TAD) program to roughly calculate annual potential savings in *post-sentencing* Jail/HOC incarceration days resulting from increased diversions and deferred prosecution agreements emanating from enhanced screening, and found that those savings could be in the range of 11,816 to 29,541 incarceration days annually in County facilities.

Background

On June 16, 2008, the Milwaukee Community Justice Council Jail & Huber Utilization Committee considered a proposal authored by Criminal Court Coordinator Holly Szablewski to implement 24/7 pretrial screening at the Milwaukee County Criminal Justice Facility. The Committee endorsed the proposal and forwarded it to the Council's executive committee with a recommendation for approval by the full Council.

At its meeting on June 18, 2008, the executive committee asked the Public Policy Forum to conduct additional research on the proposal. Specifically, the executive committee requested that the Forum 1) conduct research into the potential monetary savings that might result from the implementation of 24/7 screening in terms of reduced bed days at the CJF and HOC and reduced court, District Attorney and law enforcement costs resulting from fewer pretrial court appearances; and 2) determine potential offsetting savings in staff costs at the CJF and HOC based on the possible elimination of existing positions currently utilized to collect intake information from inmates.

The Case for Universal Screening

- In her June 12, 2008 memo, Holly Szablewski summarizes many of the potential benefits of universal pre-trial screening. Among other things, she cites the wide array of pretrial alternatives to incarceration funded by Milwaukee County, but notes that judicial officers do not have access to risk and need information that is required to make proper use of these alternatives; and the fact that the earlier a person is screened, the earlier diversion can occur, thus saving expensive bed days. Ms.

Szablewski also refers to a September 2006 technical assistance report from the NIC that recommends development of a “neutral” pretrial screening process “for all arrestees eligible for release under Wisconsin law”. This report, incidentally, also suggested that a Criminal Justice Coordinating Committee be formed in Milwaukee County and that this committee, among other things, be responsible for developing and implementing the new pretrial screening process.

- Perhaps an even stronger case for screening is made in the January 9, 2008 technical assistance report developed by the NIC at the invitation of the HOC. Several of the report’s comments and recommendations pertain to this issue and are worth repeating:
 - “Milwaukee County has no Criminal Justice master plan. That is surprising in a county as large and well established as Milwaukee.”
 - “There is less communication between the various elements of the County Criminal Justice system in Milwaukee County than is typical in most large counties and inter-agency problems, and possibilities, often go unrecognized.”
 - “Milwaukee County has not engaged in system-wide jail population management. That is an expensive failure and one that has taken the county to the edge of a jail population crisis with few good answers.”
 - “Population management for jails is crucial because, in general, costs are a function of bed days...active, comprehensive population management can substantially reduce jail costs.”
 - “In addition to the financial arguments for population management, there are other, negative but well-recognized factors. When an individual is incarcerated on a relatively minor charge and is released pretrial, perhaps on ‘personal recognizance,’ that person may maintain his or her job. If the same person is held in jail six or eight days, he or she may lose their job.”

- “Population management in the Milwaukee County jail is, as one person there put it succinctly, a hodgepodge...*The most obvious problem is with screening at the front end of the jail system.*” (Italics added for emphasis)

- “Screening and identification must take place in order to find those offenders who are an appropriate fit for various diversion programs. That same work must be done whether it is done at the front end of the criminal process or later. If it is done at the front end, there is the possibility that some cases will be identified in which a difference can be made at the bail court or initial appearance.”

- “Even a few days of extra jail time that could have been avoided had the individual been identified earlier (for the same diversion or release program) can mean a substantial decrease in overall jail costs and less population pressure on the jail facilities.”

- “Recommendations for various release options, diversion programs, intermediate sanctions, etc., may be statistically more successful when the screening is at the front end of the process and results in a recommendation to a Court Commissioner or Judge than when the screening is later in the process and results in a recommendation to the District Attorney’s Office.”

- “If the County does not anticipate substantial reductions in jail populations through population management efforts, the county should in the short-term plan for additional jail facilities.”

Potential Costs and Offsets

Holly Szablewski has estimated that a total of 39 positions would be needed to implement universal 24/7 screening in Milwaukee County. This estimate is based on an assumption of an average of 127 bookings per day and 1.25 hours per screen. At an average cost of \$52,000 per position, this would create a total cost of \$2,028,000.

Ms. Szablewski notes in her June 12 memo that if funding continues for the TAD program, which already funds four screening positions and a team leader position, and if the county's pre-trial services program continues to support one full-time screening position, then the number of positions required would be reduced to 33. This would reduce the annual cost to approximately \$1,716,000. It is important to note that this estimate only includes staff costs and does not address any potential information technology hardware or software enhancements that may be required to collect and share data.

It is possible that there could be significant offsetting savings to these costs should Milwaukee County elect to pursue 24-hour universal screening. **Whether and to what extent such offsetting savings materialize would depend upon whether the same screening process that would be required for risk assessment and other jail population management activities also could include information gathering required for those about to be housed at the Jail and House of Correction.**

Currently, both the Sheriff and HOC employ similar assessment vehicles to gather information utilized for housing inmates and determining medical, mental health and similar needs. According to HOC officials, the State Department of Correction required the HOC to begin utilizing a screening process on January 1, 2008. The HOC employs a three-page assessment tool upon intake that collects data on special medical or mental health needs, behavioral problems, substance abuse issues, emotional stability, education and special management concerns. HOC officials say assessment data is utilized mainly for housing placement (e.g. to avoid placing inmates with others who may be part of rival gangs), as well as to assess suitability for performing jobs while housed at the HOC. Screening is conducted by 11 corrections officers staffing two posts.

The Jail has been doing screening for the past several years and utilizes a slightly more comprehensive assessment tool. Screening at the Jail is conducted by nine deputy sheriffs and three corrections officers that are funded in the 2008 budget. According to Sheriff Department officials, ideally this assessment would take place for all inmates at intake. However, due to the volume of individuals coming into the Criminal Justice Facility (CJF) on a daily basis and the elimination of an "intake pod" due to space limitations, immediate screening typically is limited to individuals who the department believes likely will be housed at the Jail for a considerable period of time. Those who are not screened at intake eventually do get screened, but often not for several days.

In terms of fiscal impact, according to the Department of Administrative Services, the cost of the 12 positions currently devoted to screening at the CJF (salary, Social Security and active fringe) is approximately \$943,000. Hence, if the universal 24-hour screening envisioned by the Szablewski proposal could be utilized to collect and share the information currently collected and required by the Sheriff Department, then those positions ostensibly could be eliminated for a budgetary savings of \$943,000. It is also possible, according to department officials, that a clerical position currently dedicated to the classification unit also could be eliminated, though that would depend on the process established to collect and disseminate screening data.

The fiscal situation for the House of Correction is more complicated. Because the Department of Correction directive was not issued until January, the two posts dedicated to screening were not budgeted in 2008, meaning corrections officers have been shifted from other functions and overtime has been utilized for the screening that has taken place to date. In order to address this situation, the HOC received approval to create five additional positions in the June 2008 County Board committee cycle, and would need an additional six positions in 2009. Consequently, any savings from eliminating those 11 positions would not be budgetary savings (as the positions were not budgeted in 2008), but instead would be savings from the amount that otherwise would need to be budgeted in 2009.

According to the HOC fiscal manager, the cost of the 11 positions (salary, Social Security and active fringe) is approximately \$728,000. If 24-hour universal screening allows for the elimination of these 11 positions, this would therefore represent a savings of that amount from the sum that otherwise would have to be budgeted in 2009. It also should be noted that the HOC's 2009 requested budget *assumes* that universal screening will be implemented, **so no funding has been budgeted for the five positions created this year, nor the additional six that would be required in 2009.** Failure to implement universal screening therefore would require that approximately \$728,000 be added to the HOC budget by the County Executive in his recommended budget. Finally, it is also possible that an existing HOC contract with Wisconsin Community Services (WCS) for job assessment could be eliminated if universal screening is implemented, which would add an additional \$58,400 in savings.

This analysis indicates, therefore, that implementation of a universal 24-hour screening process at intake – if designed also to obtain and share on a timely basis information currently required by the Sheriff and HOC to determine housing placement and for other needs – **could allow for the unfunding and/or elimination of 23 positions for a total estimated savings of \$1,671,000.** This would fall just short (approx. \$45,000) of

completely offsetting the estimated screening cost of \$1,716,000 if existing funding sources utilized for screening under the TAD program continue to be available, or approximately \$357,000 short of offsetting the amount needed should those funding sources be discontinued. Also, it is possible that additional offsetting savings could be realized from eliminating a contract at the HOC with WCS and/or from eliminating an additional clerical position in the Sheriff's budget.

Additional Considerations

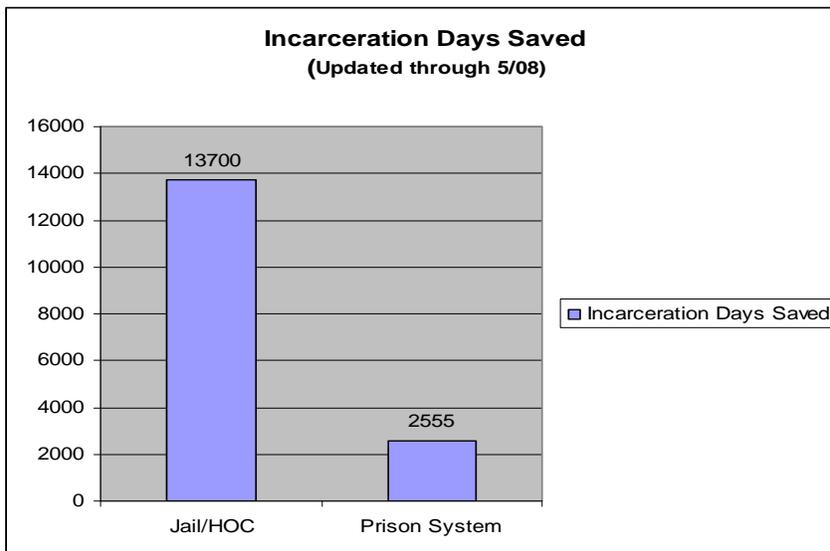
- 1) Both the universal screening cost developed by Ms. Szablewski and the potential offsetting savings discussed above are estimates that should be more thoroughly analyzed and developed should policymakers contemplate moving this initiative forward in the 2009 budget. For example, the cost estimate assumes salaries and benefits of \$52,000 per screener, but WCS—which performs screening in Waukesha County – has indicated that other jurisdictions have used student interns to conduct some screening in order to reduce costs. Whether that or other cost-saving options would be appropriate in Milwaukee would depend on the precise nature of the enhanced screening program.
- 2) It is possible that the needs of the Sheriff and/or HOC will not mesh completely with the proposed screening process, and that some independent assessment will need to occur by those entities. For example, in our discussions with individuals with knowledge of screening programs in other jurisdictions, we have been told that there may be liability issues regarding the proper identification of inmates with mental health issues that may require the Sheriff and/or HOC to play some independent role in classification. That could produce a scenario under which a portion of the staff positions cited above could be eliminated, still resulting in offsetting savings but in a lesser amount.
- 3) There are alternatives that fall in between the level of screening currently performed and 24-hour universal screening that could produce favorable outcomes and that could be pursued should funding or other concerns preclude consideration of 24-hour universal screening. For example, a WCS employee who did pretrial screening for several years in West Palm Beach, Florida, reports that screening occurs seven days per week in that jurisdiction, but not 24 hours per day. Also, universal screening potentially could be implemented on a phased basis, e.g. screen 16 hours per day

in 2009 and 24 hours in 2010, or it could be initiated at first only for specific categories of offenders.

Potential Additional Savings

As noted above, our preliminary research has yielded no examples from other jurisdictions in which the monetary savings associated with the screening component of a pretrial services program has been identified and/or quantified. We did find a report prepared by Justice 2000 regarding the Risk Evaluation Project in Racine County that compared lengths of pretrial confinement before and after a front-end screening process was implemented in that county in 2006. That comparison found that “the average length of pretrial confinement decreased by 11 days between the two time periods examined” for defendants booked into the jail, and added that “a decline in the lengths of pretrial confinement directly translates into fewer total pretrial jail days for a constant number of defendants.”

We also examined data available from the TAD program that provides some perspective on some of the potential post-trial savings in bed days at the Jail and HOC that could result from increased numbers of diversions and deferred prosecutions resulting from an enhanced screening program. According to data provided by Justice 2000, during the first 16 months of the TAD program (March 5, 2007 through July 9, 2008), there have been 468 closed deferred prosecution outcomes or diversions (another 309 are pending). Incarceration days saved total 13,700 for the Jail and HOC and 2,555 for the State prison system (see Justice 2000 chart below). According to Justice 2000 staff, incarceration days saved is calculated by determining from the DA’s office what the recommended length of the sentence would be should a client be unsuccessful in the program. This calculation fails to capture, therefore, any savings associated with shortening the pretrial stay in the Jail or HOC.



We also know that as of earlier this month, TAD screenings had been conducted for approximately 8% of those booked at the CJF (3,826 out of approximately 48,000). If screening 8% of those booked yielded savings of 13,700 incarceration days at the Jail/HOC in 16 months, then one might be tempted to conclude that screening 100% of those booked could have yielded a savings of 171,250 incarceration days (13,700 divided by .08) during the same period. However, it would be highly inaccurate to argue that the same degree of savings would be derived from screening the remaining 92% of individuals booked, as TAD specifically focuses on those determined to be potentially suitable for diversion or deferred prosecution.

For the sake of perspective, we decided to calculate what the savings would be under two scenarios: screening for the remaining 92% produces an additional savings in incarceration days that is 25% of the savings experienced for the population screened under TAD, and screening the remaining 92% yields a savings that is 10% of that experienced under TAD. The calculation would therefore be as follows:

- Scenario 1 (25%):** Screening 100% of those booked yields a savings of 157,550 additional incarceration days (171,250 minus 13,700). Multiplying by the .25 discount results in 39,387 total incarceration days saved. Because that number covers a 16-month period, multiplying by .75 produces an annual savings of 29,541 incarceration days at the Jail/HOC.

- **Scenario 2 (10%):** Screening 100% of those booked yields a savings of 157,550 additional incarceration days (171,250 minus 13,700). Multiplying by the .10 discount results in 15,755 total incarceration days saved. Because that number covers a 16-month period, multiplying by .75 produces an annual savings of 11,816 incarceration days at the Jail/HOC.

Percent screened pre-trial	Total additional annual incarceration days saved	Discount rate	Discounted annual incarceration days saved
100%	118,163	25%	29,541
100%	118,163	10%	11,816

It is important to recognize that this is an extremely rudimentary calculation that is only offered to provide perspective. In addition, this calculation – even if it were accurate – does not take into account savings to the State prison system, potential savings from shorter stays in the Jail or HOC prior to trial/sentencing, or potential savings in district attorney, courts and law enforcement staff time due to reduced court appearances.

It also must be recognized that this calculation does not take into consideration the availability of drug/alcohol, mental health and other programming that would impact the system’s ability to divert. However, on the flip side of that argument, the TAD program has yielded more than 100 deferred prosecution agreements thus far for individuals who were screened but found ineligible for TAD. This suggests that screening identifies some percentage of individuals who are good candidates for deferred prosecution but who may not require treatment programming in the community.

Conclusion

At this time, we were not able to determine the precise savings that could result from implementing universal screening in the Milwaukee County criminal justice system. Nevertheless, there are several strong reasons why the executive committee of the Community Justice Council should consider an immediate expansion of existing screening efforts, including the strong recommendation to do so by the National Institute of Corrections, and the potential for offsetting savings discussed above. An appropriate next step could be the immediate formation of a work group involving Courts and law enforcement personnel and individuals in the community who have

knowledge and experience with pretrial screening to determine a series of policy options for consideration as part of 2009 budget deliberations.

ATTACHMENT 1

SUMMARY OF RESEARCH ON PRETRIAL SERVICES PROGRAMS AND SCREENING

Survey of Pretrial Services Programs

The Bureau of Justice Assistance's (BJA's) 2001 survey of pretrial services programs featured roughly 200 participating programs across the country. The two Wisconsin respondents were the Kenosha Pretrial Program and Wisconsin Correctional Services.

The American Bar Association (ABA) and the National Association of Pretrial Services Agencies recommend in their standards that all persons charged with a criminal offense be interviewed by pretrial services, and ABA standards stress that the investigation should be conducted prior to or contemporaneous with a defendant's first appearance. **The BJA survey shows that 75% of programs interview before first appearance; Milwaukee does not.** The BJA's past surveys showed higher rates of conducting the first interview prior to the initial appearance: in 1979, 92% of programs did so.

Seventy-five percent of pretrial programs provide a written report to the court at initial appearance; less than half provide written reports to the prosecutor and defense. Many programs also provide oral reports. **Milwaukee's pretrial services do not provide reports to the court.** Eighty percent of pretrial programs report the following information about the defendant to the court at the initial appearance: residence, employment, prior convictions, pending cases, probation/parole status, and prior Failure to Appear history. Over half (55%) of the programs report always being present at the initial appearance, and 21% are present when requested by the court.

The BJA report's authors note, "The standards are very clear that pretrial programs should make recommendations regarding the most appropriate release decisions." Seventy-eight percent of respondents did so in all or most cases. Ten percent did so only when asked by the court, and 12% did not make recommendations.

Interestingly, the survey showed that the more rigorous pretrial programs were associated with jails that were under-capacity, and, likewise, less-rigorous programs were associated with more over-crowded jails. There could be many reasons for this association, including the possibility that rigorous pretrial programs ease overcrowding by moving people through the system faster and diverting nonviolent offenders. Another possibility is that overcrowded jails may be more likely to be under budget strain, which could leave less funds for intensive pretrial services.

- Programs that assess risks of pretrial misconduct in an exclusively subjective manner (a practice discouraged by standards) are twice as likely to have a jail population that exceeds its capacity than those programs that assess risk exclusively through an objective risk assessment instrument (56% compared to 27%).
- Pretrial services programs with more hours of operation were more likely to be under-capacity, and, likewise, fewer hours were associated with over-capacity jails (Table 1).

Table 1. Jail crowding in jurisdictions served by pretrial services programs, by hours of operation.

Jail Population	Percentage of programs, by hours of operation			
	M-F Regular Hours (N=66)	M-F Extended Hours (N=5)	Weekdays and Weekends Regular Hours (N=17)	Weekdays and Weekends Extended Hours (N=26)
Over capacity	49	60	41	34
Under capacity	42	40	53	58
At capacity	9	0	6	8

Source: Clark, J. & Henry, D.A. (2003). *Pretrial Services Programming at the Start of the 21st Century: A survey of Pretrial Services Programs*. Bureau of Justice Assistance, NCJ 199773.

- The timing of the initial interview was also somewhat related to jail crowding. Standards recommend interviews prior to the first court appearance; programs that did so were slightly less likely to be associated with over-capacity jails (Table 2).

Table 2. Jail crowding in jurisdictions served by pretrial services programs, by timing of initial interview.

Jail Population	Percentage of programs, by timing of initial interview	
	Prior to First Court Appearance (N=90)	After First Court Appearance (N=27)
Over capacity	43	52
Under capacity	47	48
At capacity	10	0

Source: Clark, J. & Henry, D.A. (2003). *Pretrial Services Programming at the Start of the 21st Century: A survey of Pretrial Services Programs*. Bureau of Justice Assistance, NCJ 199773.

Summit County undertook a re-engineering of their pretrial services, with most changes requiring no new resources. They aimed to achieve faster transfers to state prison, and increased use of program transfers. The county combined a number of small case processing improvements.

At the project's start in May 2005, their jail had 741 inmates despite a rated jail capacity of 671. One year later, following interventions, the jail population was 654. This represents an 11.7% decrease in the population despite a 6% increase in bookings during that time. The average length of stay decreased from 19.6 days prior to the project to 16.6 days in June 2006.

The annualized cost savings in inmate consumables was \$232,000 in the project's first year. Cost avoidance in construction costs was estimated in excess of \$2 million (figure does not account for increased operational costs).

Orange County, Florida

- Made over two dozen case processing changes
- Many changes did not require new resources
- Jail population reduced 25% in six months despite an increase in bookings

Hillsborough County, Florida

- Borrowed parts of the Orange County Model
- 20% population reduction in four months

Colorado

Colorado's Improving Supervised Pretrial Release (CISPR) Project started this year and will continue throughout 2009. The project focuses on how pretrial supervision agencies can match defendants' risk profiles to specific interventions in order to minimize defendants' new arrests and failures to appear while they are out on bond. The project seeks to remedy the following three shortcomings of the current system:

- Defendants who could be supervised effectively in the community often remain in jail unnecessarily because they are unable to post bond.
- Higher-risk defendants who can post bail are often returned to the community unsupervised.
- Many who do not need pretrial supervision are ordered to do it as a condition of release.

The project features the following two components:

- Development of a validated pretrial risk assessment instrument, and

- Development of research-based pretrial release supervision protocols that match individual elements of a defender's risk profile to specific supervisory techniques.

CISPR will enable pretrial agencies to make research-based recommendations about conditions of bond to the judges and magistrates who set these conditions.

Allegheny County, Pennsylvania

Allegheny County is notable for consolidating its pretrial services with the aim of complying further with national pretrial standards of the American Bar Association and the National Association of Pretrial Service Agencies. In 2007, the Allegheny Pretrial Services Department (ACPTS) was created through the combination of the following four departments: The Allegheny County Bail Agency, the Allegheny County Behavior Clinic, the offender diversion program, and the Allegheny County Alcohol Highway Safety Program.

The pretrial services are every day, round-the-clock, and use new validated risk assessment criteria that are entered into a newly created pretrial services database. Personal interviews are conducted with all defendants brought in on new charges and/or bench warrants. The program aims for the new tools to improve information assessment used in bail/release recommendations, resulting in fewer failure-to-appear and increased public safety.

In 2007, the pretrial services' Bail Unit performed 20,643 new investigations, presented 3,506 bond forfeitures and warrant recommendations in court, and advocated 615 bond modifications and revocations. Pretrial Electronic Monitoring eliminated \$24,969 days of incarceration, saving the county over a million dollars in 2007.

Shelby County, Tennessee

Due to a variety of factors, between 1993 and 2003, Tennessee's total state felon population increased by 72.6%. The jail population increased 19% between 1998 and 2003. In 2000, the federal court pursued a lawsuit against Shelby County officials regarding conditions in the overcrowded Shelby County Jail. The settlement agreement instructed Shelby County to pursue a number of improvements.

Among other efforts, Shelby County engaged the FedEx Center for Supply Chain Management from the University of Memphis as consultants to help the jail to focus on efficiency and draw together a fragmented system. The Supply Chain Management team issued recommendations, including that district attorneys be involved in pretrial screening to reduce or eliminate the jail time between intake and sentencing. Shelby County also began staffing judicial administrators around the clock and on weekends,

to move offenders through the system more quickly and ease overcrowding. Prior to this initiative, there was almost no system-wide oversight or system-wide performance measurement.

The Pretrial Services Release Section operates 24 hours per day to investigate offenders' backgrounds and make recommendations to the judges who set bail. If a nonviolent defendant has strong ties to the community, he or she may be placed on a supervised release program operated by Pretrial Services. The office screens about 40,000 cases per year.

Before the initiative, the jail population was about 3,000; in 2004 it was down to 2,000. Today, the jail population is again approaching 3,000, leaving the county to consider building a new \$480 million jail as well as plans to cut inmate population through devoting \$2 million to jail alternatives such as treatment.

Maine

Over the last ten years, the jail population in Maine has doubled. The Maine legislature created the Corrections Alternatives Advisory Committee (CAAC) in 2005. CAAC found that a pretrial defendant's average length of stay (est. 65 days) along with probation revocations were driving costs and the use of jail bed space. The group commissioned Luminosity, Inc. to conduct a study of pretrial case processing in Maine.

In Maine, little criminal history information was available at the pretrial stage. Initial assessments of pretrial risk were completed, for the most part, by the Bail Commissioner. It did not use a validated risk assessment tool, and rarely included substance use and mental or physical health information. All of the Maine counties that Luminosity representatives visited reported pretrial services to be severely understaffed and underfunded. Luminosity notes that under-funded pretrial services result in fewer releases pretrial and longer pretrial detention.

After 17 months of study, CAAC concluded that the rising number of inmates was driven by policies and practices within the criminal justice system. Sixty-seven percent of those incarcerated in Maine's jails were awaiting trial, and were not convicted offenders serving sentences.

Luminosity's recommendation to Maine: "Recommendation Twenty-One. All existing Pretrial Services are encouraged to revise their practices in accordance with national standards related to pretrial release and pretrial services programs. All 16 counties are encouraged to fund pretrial services at the level necessary to provide screening, investigation, and supervision services to all eligible defendants. This would include screening of all in-custody defendants prior to initial appearance, provision of pretrial investigations for all in-custody defendants at initial appearance (if a consideration of

bail is likely to occur), and supervision for all eligible defendants. It must be noted that the implementation of this recommendation will require significant increases in funding of Pretrial Services programs" (p. 152).

Luminosity, Inc. (2006). *Pretrial Case Processing in Maine: A Study of System Efficiency and Effectiveness*. Submitted to Maine's Corrections Alternatives Advisory Committee. <http://luminosity-solutions.com/PretrialCaseProcessinginMaineFinalReport.pdf>

CAAC's recommendations to the legislature include:

- Reform the bail system
- Improve pretrial case processing efficiency
- Integrate risk and needs assessments into criminal justice processing: Use a validated risk assessment tool and tie the sentence and services to the level of risk.

Mears quote

"Screening and assessment should happen at the earliest point in the criminal justice system because it can help guide the decision-making process, including deciding whether a diversionary program, such as a drug court or probation with intermediate treatment sanctions, is appropriate" (p. 6).

Mears, D., Winterfield, L., Hunsaker, J., Moore, G., and White, R. (2003). *Drug Treatment in the Criminal Justice System: The Current State of Knowledge*. Urban Institute Justice Policy Center.

Patchin quote

"A comprehensive risk- and needs-assessment must be conducted on all offenders brought into the system" (p. 11).

Patchin, J. and Keveles, G. (2004). *Alternatives to Incarceration: An Evidence-Based Research Review*. Northwest Wisconsin Criminal Justice Management Conference, Lakewoods Resort, Cable, Wisconsin.

Pretrial Services Self-Assessment Guide

<http://www.napsa.org/publications/opatoptimum.pdf>

A Pretrial Services Self-Assessment Guide was developed by the Pretrial Services Resource Center for the Bureau of Justice Assistance, and can be accessed at the above link. The tool's standards detail the operational procedure that pretrial programs should apply. Using the charts provided, program administrators can rate their program's effectiveness at carrying out each practice listed by giving it a score from one to five.

The first standard listed states, "The pretrial services program interviews prior to the initial appearance before a judicial officer everyone arrested or charged with an offense over which the court that it serves has jurisdiction." The text explains, "The optimal pretrial program conducts a full investigation in all cases where a bail decision is made. . . . Because pretrial misconduct is not directly correlated to the seriousness of the offense, relying exclusively on type of charge to assess risk would be a mistake."

The fifth standard listed states, "The pretrial program uses a risk assessment scheme that . . . assesses the defendant's risks of failing to appear at future court hearings or posing a risk to community safety. . . . The assessment should place the defendant in a risk level and should identify any condition or combination of conditions designed to address the identified risks."

The sixth standard states, "The program submits a report to the court and provides defense counsel and prosecution access to the report. Pretrial staff are either present in court or are readily available to the court during the release/detention hearing."