

Section 6. Scott County Alternatives To Incarceration

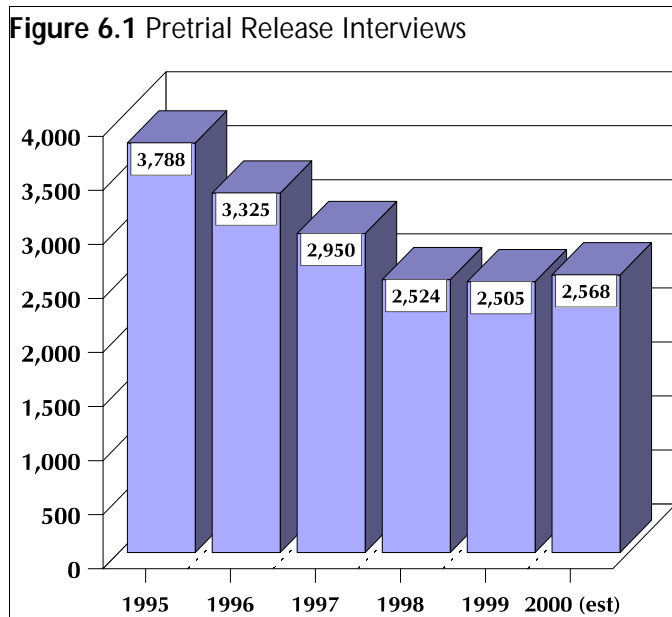
Introduction

Along with Section 7 which focuses on jail-based alternatives, this section provides information about the alternatives to incarceration available in Scott County. Correctional Services provides three alternative programs applicable to County Jail inmates: probation (including intensive supervision), pretrial release, and court compliance. Although a general discussion of alternatives available in Scott County is included, this section focuses on alternatives which were added since the 1996 study which resulted in:

1. The addition of a case expediter (officed in the County prosecutor's office) function to ensure that cases move through justice system efficiently,
2. The development/expansion of substance abuse programming provided through CADS,
3. The addition of electronic monitoring, and
4. The implementation of a court compliance program.

Pre-trial Alternatives to Incarceration

Pre-trial Release



The Pre-trial Release Program was well established in Scott County before the 1996 study which documented more than 12,500 releases on recognizance and supervision between 1991 and 1996. The prior study found that releases on recognizance had decreased from 1,992 in 1991 to 1,609 in 1996; releases on supervision had decreased from 229 to 195 during the same period.

Figure 6.1 shows the number of pretrial release interviews which were conducted between 1995 and 2000. This also shows a decline in the number of interviews done. There are a number of potential reasons for the decline. First, during this period, staff at pretrial release reported an increased use of citations by all police departments in the

county. This change in practice results in fewer potential interviews - particularly of simple misdemeanants. Second, pre-trial release does not provide 24 hour coverage seven days a week. While this shorter period of coverage has relatively little impact on the long-term jail population, it does impact booking operations. Since 1998, the number of interviews seems to be stable. Since 1998, pre-trial release staff have focused on interviewing people who are able to be released. As a result, they do not interview people with detainees, simple misdemeanants, and parole/probation violators although they do track these individuals.

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Figure 6.2 Average Supervised Release Caseload

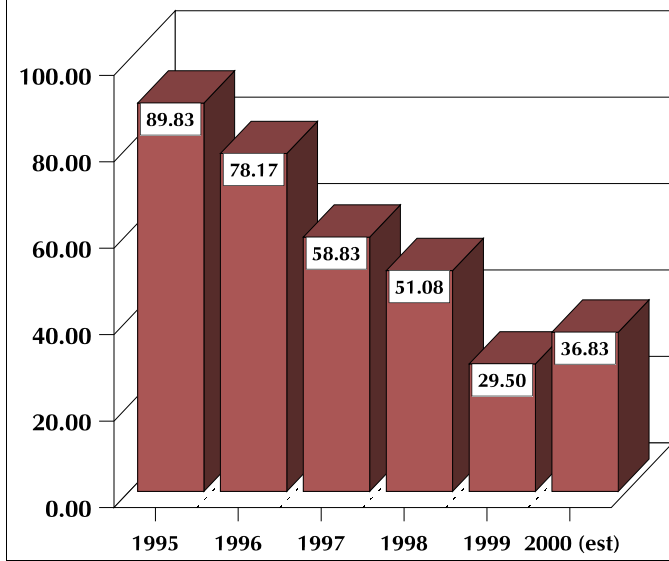
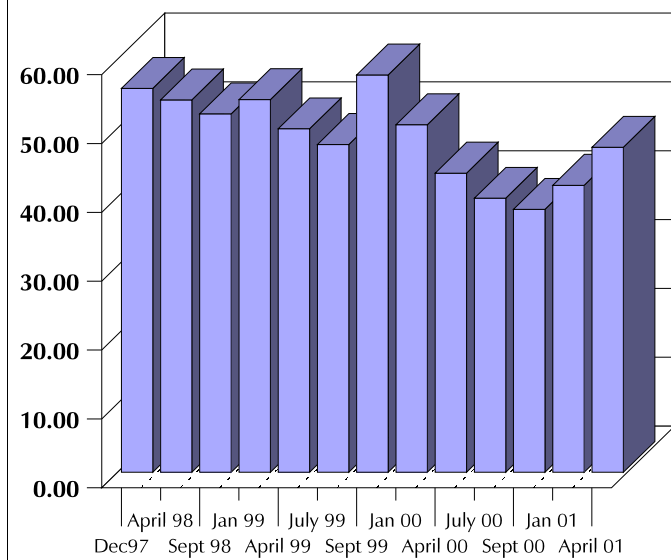


Figure 6.2 shows the continuation of a trend noted in the 1996 study - the decreasing number of individuals on supervised release. Supervised release is used primarily with pretrial felons and aggravated misdemeanants. This trend declined quite evenly from 1996 through 1998, before hitting a low of 29.5 people on supervised release in 1999. The number does show an increase in 2000. There are a number of potential explanations for this phenomenon. First, more individuals who used to get supervised release in the past now are released on their own recognizance. Second, it could be that changes in how supervised release is provided have changed the degree to which it is used. The more significant changes began in January 2000 when the supervision of pretrial inmates

moved from a centralized function to the two supervision teams. Court Services personnel believe that there are a number of reasons for this trend. First, because of the lack of available jail beds, people on supervised release are not revoked. As a result, when someone does not comply with the conditions of release beyond the requirement that they appear in court (such as substance abuse treatment), there is no sanction for non-compliance. Second, this practice is also a result of workload management for probation personnel.

Case Expediting

Figure 6.3 Average Length of Stay by Quarter



The case expediter function is housed in the County Attorney's Office. The job of the case expediter is to ensure that cases move through the system quickly and efficiently. By working with the courts to develop a "fast track," the average time from 1st appearance to arraignment has been reduced by 21 days for inmates who are in custody and the time between arraignments and pretrial conferences has also decreased. Following entry of a plea or a finding, pre-sentence investigations are completed within 21 days.

In Section 4, it was noted that the average length of stay in the facility had decreased. Figure 6.3 and Table 6.1 look at length of stay from a slightly different perspective by answering the question, "On the day that the Offender Tracking Report was run, how long

had the inmates in custody that day been in jail?" Theoretically, if the alternatives implemented in the

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last two years are working, the length of stay should be decreasing. Also theoretically, the proportion of individuals who have been in jail for less than a week should be larger now than prior to the implementation of these alternatives, and the proportion of inmates in custody for long periods (more than 120 days should be smaller.

Table 6.1 Trend in Rate of Release and Length of Stay

	Dec 97	April 98	Sept 98	Jan 99	April 99	July 99	Sept 99	Jan 2000	April 2000	July 2000	Sept 2000	Jan 2001	April 2001
LOS Group	#	#	#	#	#	#	#	#	#	#	#	#	#
7 days or less	26	39	41	33	54	52	41	44	43	50	33	46	40
8-15 days	30	29	27	34	30	38	22	31	35	35	18	27	20
16-30 days	41	31	42	17	30	39	21	31	28	38	26	21	41
31-60 days	43	53	58	50	45	66	46	33	63	41	41	31	41
61-90 days	27	34	40	38	36	45	32	56	28	27	29	25	30
91-120 days	25	24	19	20	21	18	24	25	18	21	6	8	23
121-150 days	16	15	23	13	9	10	15	10	4	6	4	5	5
150 days +	12	9	8	8	12	8	12	6	7	4	1	9	7
Total	220	234	258	213	237	276	213	236	226	222	158	172	207
Average LOS	55.77	54.09	52.06	54.15	49.89	47.62	57.72	50.49	43.47	39.81	38.20	41.69	47.21
LOS Group	%	%	%	%	%	%	%	%	%	%	%	%	%
7 days or less	11.8%	16.7%	15.9%	15.5%	22.8%	18.8%	19.2%	18.6%	19.0%	22.5%	20.9%	26.7%	19.3%
8-15 days	13.6%	12.4%	10.5%	16.0%	12.7%	13.8%	10.3%	13.1%	15.5%	15.8%	11.4%	15.7%	9.7%
16-30 days	18.6%	13.2%	16.3%	8.0%	12.7%	14.1%	9.9%	13.1%	12.4%	17.1%	16.5%	12.2%	19.8%
31-60 days	19.5%	22.6%	22.5%	23.5%	19.0%	23.9%	21.6%	14.0%	27.9%	18.5%	25.9%	18.0%	19.8%
61-90 days	12.3%	14.5%	15.5%	17.8%	15.2%	16.3%	15.0%	23.7%	12.4%	12.2%	18.4%	14.5%	14.5%
91-120 days	11.4%	10.3%	7.4%	9.4%	8.9%	6.5%	11.3%	10.6%	8.0%	9.5%	3.8%	4.7%	11.1%
121-150 days	7.3%	6.4%	8.9%	6.1%	3.8%	3.6%	7.0%	4.2%	1.8%	2.7%	2.5%	2.9%	2.4%
150 days +	5.5%	3.8%	3.1%	3.8%	5.1%	2.9%	5.6%	2.5%	3.1%	1.8%	0.6%	5.2%	3.4%
Total	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%

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The average length of stay of people in custody on the dates reviewed decreased from 55.77 days in December of 1997 to a low of 38.2 days in September 2000. Since that time there has been an increase, particularly in April 2001. Table 6.1 shows that the proportion of inmates in custody less than 7 days was larger, beginning sometime in 1999, and the proportion of inmates in custody more than 121 days has decreased. While this change does not come exclusively from the case expediting process, it clearly illustrates the changes that have occurred in the justice system in the last two years.

Adult Diversion Programs

Scott County has an Adult Misdemeanor Diversion program for adults. There are two forms of this program:

1. **Deferred Prosecution.** An individual enters into a diversion program prior to initiation of prosecution. If the individual lives up to the terms or conditions of the diversion program, the case is not prosecuted. Individuals who complete this program do not have a criminal record. This program is used with individuals who are charged with a simple misdemeanor, such as a bad check charge.
2. **Deferred Sentencing.** An individual enters into a diversion program after a finding of fact or entry of plea but before sentencing. If the individual lives up to the terms or conditions of the diversion program, the judgment is stayed. This program is used with individuals who are charged with serious or indictable misdemeanors, such as a simple drug possession charge.

In 2000, there were less than 10 individuals charged with forgery or fraud who were held at the jail. There were 146 individuals charged with theft 5th. However, their length of stay was less than 2.5 days. As a result, this group is having a low impact on the jail. There were 134 individuals charged with simple possession of a controlled substance or possession of drug paraphernalia, and their length of stay was longer - an average of 9.9 days. At \$65 per day, this population cost the county about \$86,229 dollars and accounted for about 3.6 inmates per day. By itself, this group would be relatively low-impact on the jail, but it is a group which is very likely to be incarcerated multiple times. As a result, this group may be appropriate for some form of follow-up drug treatment.

Post-trial Alternatives to Incarceration

Scott County has a number of post-trial alternatives to incarceration. The Department of Correctional Services provides probation and two residential facilities, the Work Release Center and the Residential Correctional Facility. Under contract to Scott County, the Safer Foundation provides a community service program. The Court Compliance Program provides assistance and supervision of individuals who have experienced difficulty paying fines while on unsupervised probation.

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Court Services

Probation

Table 6.2 Average Probation Caseload in Scott County

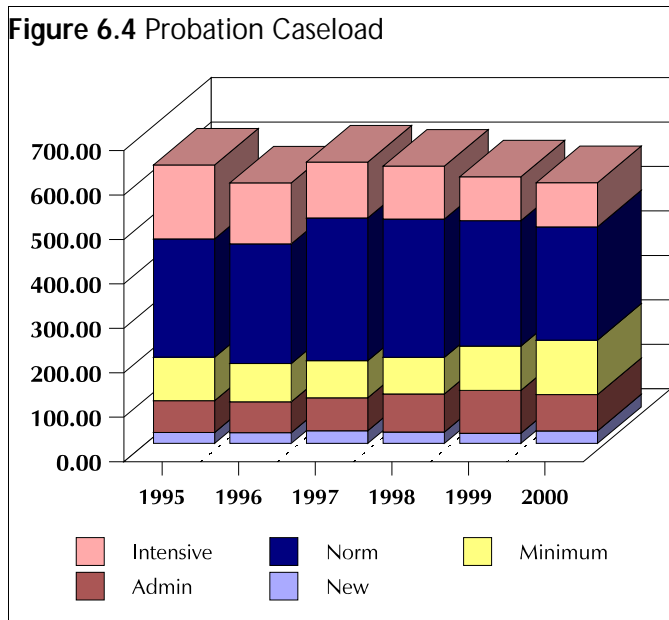
Year	New	Admin	Minimum	Norm	Intensive	Total
1995	24.92	71.25	97.92	266.17	166.33	597.75
1996	24.33	69.33	86.25	269.08	137.33	586.33
1997	28.75	73.92	83.75	321.00	126.00	633.42
1998	25.67	85.67	82.42	311.08	119.17	624.00
1999	23.09	96.36	99.64	282.27	98.73	600.09
2000	28.33	81.67	122.50	255.00	99.33	586.83

Data in this section comes from Correctional Services monthly case management reports of Scott County caseloads

Between 1995 and 2000, probation caseload varied from a low of 586.33 per month to a high of 633.42 per month. The proportion of administrative and minimum cases seems to be increasing, while the proportion of individuals on intensive supervision has decreased.

Work Release Center and Residential Correctional Facility

Figure 6.4 Probation Caseload



The WRC is a post-placement facility which was designed to serve up to 60 male and female inmates charged with either a felony or misdemeanor; current population levels at this facility are 81. This facility is used for offenders who are coming out of prison as well as those who are serving sentences for OWI. As of May 2001, this facility had a 70 person waiting list. The RCF was originally designed to accommodate 56 male and female felons or misdemeanants who are sentenced to the facility as a condition of probation. Its current population is 64. Both of these facilities have the ability to impact jail populations. If inmates at the WRC violate conditions of their release, they may be held at the jail on a WRC violation pending return to the prison system. Individuals at the RCF may also be held on the jail if they violate the

conditions of their probation. In 2000, there were:

1. 32 parole violators with an average length of stay of 24 days, resulting in an equivalent of 2.1 jail beds annually,
2. 94 probation violators with an average length of stay of 22 days (5.7 jail beds annually), and
3. 50 individuals who are supposed to be held for 72 hours for the RCF with an average length of stay of 12.5 days (1.7 jail beds annually).

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Correctional Services has been working with the County to find ways to expedite parole and probation violation hearings. These efforts include:

1. The Violator's program (DOC inmates who violate conditions are returned to the Department of Corrections if beds are available),
2. Enhanced efforts to move inmates who are going to be returned to the RCF from jail on a voluntary basis quickly,
3. Expedited hearings within 2 weeks, and
4. Increased availability of judges for hearings.

Court Compliance

The Court Compliance program was designed to address issues associated with individuals who were placed on unsupervised probation and subsequently failed to comply with the conditions of probation, primarily payment of fines. The program received its first cases in April 2000 and as of one year had resolved 976 cases. 51% (508 cases) had either completed or been terminated from the program, and 49% were still involved with the program.

Court Compliance Outcomes

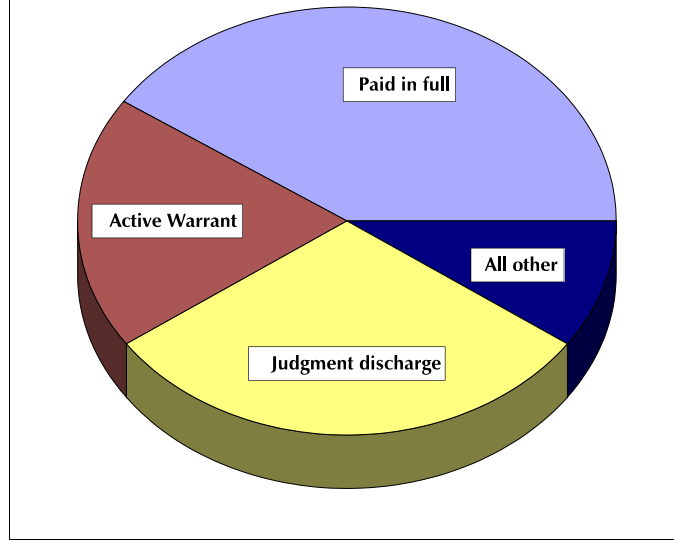
About 40% of people in the program had paid in full and were discharged. About 30% had been judgment discharged (jailed and revoked), and about 19% had active warrants.

Table 6.3 Court Compliance Outcomes

How Completed	#	%
Paid in full, discharged	205	40.4%
Paid in full, but not discharged	8	1.6%
Converted to community service	9	1.8%
Paid in full and discharged w/additional requirement not done	2	0.4%
Discharged (unspecified)w/\$0 balance due	27	5.3%
Warrant issued (still active)	97	19.1%
Judgment discharged	156	30.7%
Discharged w/conditions	1	0.2%
Death	2	0.4%
Closed, interest of justice	1	0.2%
Total	508	100.0%
Fine Information	Paid in full	All other
Average	\$880.47	\$1,023.66
Median	\$680.00	\$750.00
Minimum	\$15.00	\$0.00
Maximum	\$4,575.76	\$8,985.00

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Figure 6.5 Court Compliance Outcomes



The average amount of the fine on each completed case was \$1,023.66; the average amount of the fine of the not yet completed cases in the program is \$1,148.51. The amount of the fine is one difference between successful completions and cases which have not been resolved successfully. The average fine on cases which paid in full was \$880.47, while the average fine of all other cases was \$1,023.66.

203 of cases in the program (20%) had a warrant issued at some point while they were involved with the program. However, a number of these did make payment or were otherwise discharged from the program following an arrest.

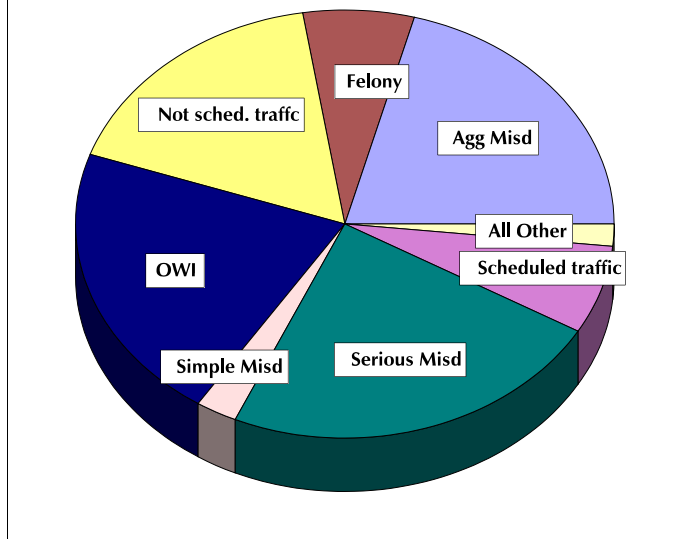
Offense

Aggravated misdemeanors, serious misdemeanors, or OWIs each account for just over 20% of cases. Together, the two traffic categories account for about 25% of all cases in this program. A list of the specific offenses is provided in

Table 6.4 Offense Type

Case Number Type	#	%
Aggravated Misdemeanor	210	21.3%
Felony	65	6.6%
Not Scheduled Traffic	171	17.3%
OWI	211	21.4%
Simple Misdemeanor	26	2.6%
Serious Misdemeanor	220	22.3%
Scheduled Traffic	69	7.0%
All Other	14	1.4%
Total	986	100.0%

Figure 6.6 Offense Type



Appendix H. The most common offense was OWI (22% of all cases), but there were a significant number of cases of driving under suspension (16%) and driving while barred (11%)

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Figure 6.7 Charge Category

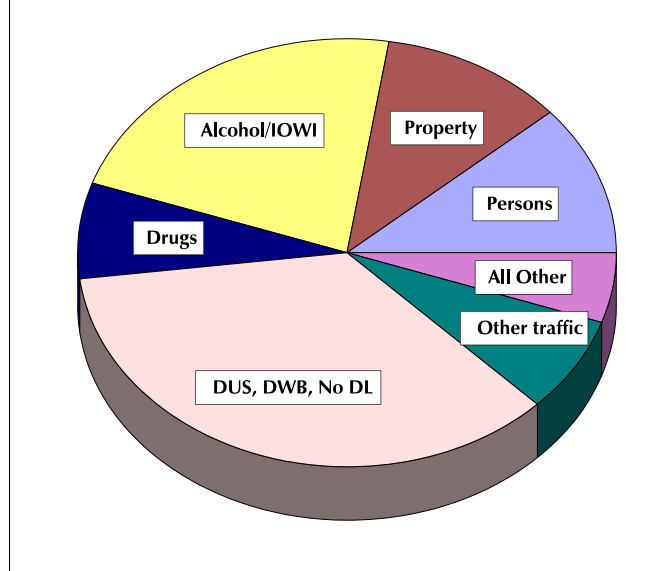


Table 6.6 Charge Category

Category	#	%
Persons	113	11.6%
Property	109	11.2%
Forgery/fraud	12	1.2%
Alcohol, OWI	216	22.1%
Drug	69	7.1%
DWB, DUS, No DL, Regis	347	35.6%
Moving Traffic	65	6.7%
Standing Traffic	7	0.7%
All Other	38	3.9%

More than one-third of all cases in the program were of individuals convicted of driving while barred, suspended, without a driver's license or registration. 22% were OWI or alcohol offenses.

Non-financial Requirements

Table 6.7 Non-financial Requirements

Alcohol Treatment	#	%
Date Entered	74	7.6%
CADS	17	1.7%
Co Oaks	3	0.3%
Doing or done	81	8.3%
GARC	9	0.9%
New Life	9	0.9%
not applicable	736	75.4%
In patient	1	0.1%
Out patient	4	0.4%
Other/Unknown	42	4.3%
Total	976	100.0%

About 75% of cases had no program requirements regarding substance abuse. 8% were currently involved in a treatment program. 18% of cases in the program were ordered to complete an alcohol evaluation, and 9% were participating in or had requirements for alcohol treatment. CJAAC members report that these individuals may also be required to attend batterer's education.

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Financial Data

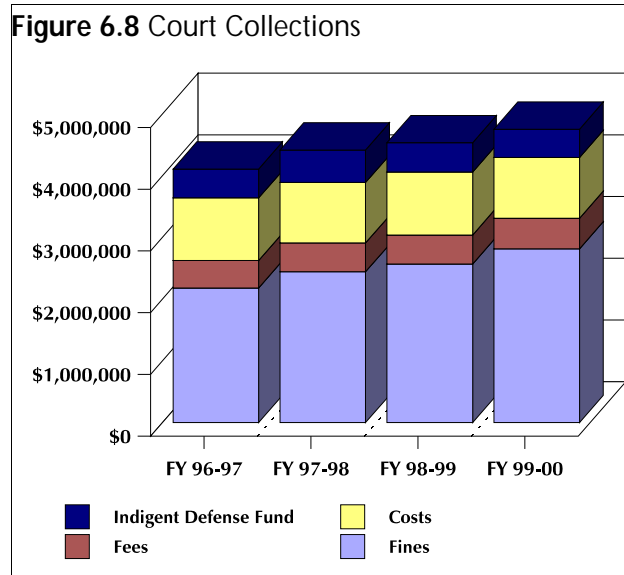
Table 6.8 Financial Data

Financials	
Total Levied	\$1,027,995.64
Total Number of Cases	976
Average Levied per Case	\$1,053.27
Minimum Fine (Case)	\$0.00
Maximum Fine (Case)	\$2,045.00
Total Number of People	580
Average Levied per Person	\$1,798.89
Minimum Levied Per Person	\$0.00
Maximum Levied per Person	\$11,846.80
Total Balance Remaining	\$689,750.68
Amount Recovered	\$338,244.96

The 976 cases had a total of \$1,027,995.64 levied in fines. This does not include restitution or repayment of the jail for time spent in custody while charged with an FTA. The average fine levied per case was \$1,053.27, with a range from a low of \$0 (non-financial requirements only) to a high of \$2,045. However, the 976 cases in which court compliance was acting involved only 580 people, an average of 1.68 cases per individual. The average fine levied per person was \$1,798.89, with a range from \$0 to a high of \$11,846.80. The program has recovered a total of \$338,244.96 while \$689,750.68 remains to be collected.

Court Collections

Figure 6.8 Court Collections



Fines are commonly levied in most cases in which the court imposes a non-institutional sanction. In addition, the court charges a variety of fees and costs paid by the defendant. The amount of fines collected has increased 29% from FY 96-97 - FY 99-2000. Fees have increased 11% during this period; court costs have decreased 3%. Collections for the Indigent Defense Fund increased to a high of \$523,876 in FY 97-98 and have decreased since that time.

Table 6.9 Court Collections

Collection	FY 96-97	FY 97-98	FY 98-99	FY 99-00
Fines	\$2,180,327	\$2,443,215	\$2,567,828	\$2,814,409
Fees	\$445,626	\$466,702	\$471,582	\$495,829
Costs	\$1,014,025	\$980,675	\$1,020,285	\$983,900
Total	\$3,639,978	\$3,890,592	\$4,059,695	\$4,294,138
Indigent Defense Fund	\$467,192	\$523,876	\$473,881	\$458,118
Total	\$4,107,170	\$4,414,468	\$4,533,576	\$4,752,256

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Table 6.10 Evolution of a Fine

Element	Amount	Amount	Comment
Base Fine	\$350	\$1,000	
30% Surcharge	\$105	\$300	
Flat Fee Surcharge	\$130	\$130	Recently added
Court Costs	\$30	\$30	
Court Appointed Attorney	\$250	\$250	5 hours @\$50/hour
Pretrial Jail Days	\$150	\$150	\$10/day, an average of 15 days
Total	\$865	\$1,860	

Table 6.10 shows how fines can multiply. While the base amount of the fine is relatively low (\$350, a typical fine for a simple misdemeanor), the surcharges and additional costs can easily double or triple the amount of the fine. When seen in the context of multiple charges and multiple cases, it is easy to see how relatively small fines can turn into the amounts seen in the court compliance caseload.

Community Service

Table 6.11 Community Service Statistics

Measure	99-00	00-01
Demand		
Sentencing Referrals	639	631
Secondary referrals	181	189
Total Referrals	820	820
Hours ordered	94,413	68,814
Workload		
CS Sentence completed	495	436
Hours performed	63,136	48,350
Withdrawn sentences	296	72
Completed sentences	78%	69%

Community service is routinely offered as an alternative to fines. In the Court Compliance program, the program offers and finally determines if the fine should be converted to community service. The community service program is operated under a contract with Scott County. According to Rosemary Baker, Director of the program, there are about 375 open cases each month. The number of referrals has decreased since individuals who are charged with DUS are now managed by the State rather than the County. In the past, clients averaged 115 hours of required community service; the Director estimates that is less now because the program is serving a greater proportion of minor offenses. The number of hours of community service ordered has decreased in the last year as have the number of hours performed. The proportion of completed sentences is also lower in FY 00-01 than in the

previous year. The program continues to receive individuals charged with Driving while Barred and OWI. Typical hours of community service required for these offenses would be 150-175 hours.

Under the court compliance program, clients have the potential to convert their fines to community service hours. About 2% of the cases in the court compliance program are resolved in this manner. This is one probable source of secondary referrals.

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Restitution

Table 6.11 Court Ordered Restitution (FY 2000-2001)

Restitution to	Ordered	Paid	Balance
Victim	\$1,268,489	\$434,404	\$834,085
Juvenile	\$72,244	\$52,644	\$29,600
Crime/Victim	\$113,094	\$31,566	\$82,528
Total	\$1,453,827	\$518,614	\$946,213

Restitution is collected by the Clerk of Courts when ordered by the Court. Restitution is over and above the amount of fines and costs. In FY 2000-2001, more than \$1.4 million dollars in restitution was ordered. As of August 7, 2001, \$518,614 (36%) had been paid.

Conclusions

1. Scott County has a broad range of alternatives to incarceration on its continuum of sanctions. These include both residential and non-residential alternatives.
2. Pretrial alternatives include a wide variety of bonds and bail as well as pretrial release (supervised and unsupervised).
 - a. While pre-trial release does not interview all people who are jailed, they interview those who are most likely to be eligible for pretrial release. This process ensures that their resources are used wisely.
 - b. Pretrial release will track individuals who remain in custody to determine if they become eligible for pretrial services after an initial interview.
 - c. Supervised release has been used less in the last two years. This may stem from a variety of sources.
 - i. In some cases, individuals who were previously released on supervised release are now released through the normal pretrial program.
 - ii. Supervised release may have become less of a priority for the two Scott County probation teams than it was for the centralized pretrial unit.
 - iii. Supervised release has the potential to be a "mixed blessing" in terms of population management; the closer the level of supervision, the greater the potential to discover violations.
3. While individuals may remain in custody, the case expediter helps to ensure that cases are moved expeditiously through the justice system. This alternative (along with others) has had an impact on the system, systematically reducing length of stay.
4. Non-residential alternatives include probation (including intensive supervision), fines, the court compliance program, restitution, and community service.
 - a. Probation caseloads have declined since 1998.
 - b. Fewer individuals are on intensive supervision and administrative probation. There seems to be a move toward the more "middle of the road" forms of supervised probation.
 - c. Given State funding constraints, Correctional Services has consistently been asked to do more with less; this has the potential to result in crowding in its residential alternatives and a movement away from higher levels of supervision in probation.
5. After a little more than a year of operation, court compliance successful completions are at 40% of individuals referred.
 - a. There is some evidence that individuals with lower fines have a better completion record - with fewer warrants - than those with higher fines.

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- b. This program has collected about one-third of all of the fines levied against its clients.
 - c. Individuals in this program have an average of 1.68 cases and an average total levied against them of \$1,798.89.
 - d. Some of these fines are very significant; the highest fine found in the program was \$11,846.80. This does not include restitution or jail time repayment.
- 6. Because of the surcharges and other costs, fines rapidly multiply. A \$350 fine can easily cost \$865, and a \$1,000 fine easily amounts to \$1,860.
 - 7. While the community service program, operated under contract by Safer Foundation, has been in existence for many years, it is a voluntary program. At present, it appears somewhat under-utilized.
 - 8. The court clearly uses restitution - a corner stone of restorative justice - to compensate crime victims and as a sanction.
 - 9. There appears to be an institutionalized predisposition toward the use of financial sanctions. This seems to be inherent given State funding strategies. It does, however, begin to raise issues for the local system - particularly when seen in the context of the average offender's "ability to pay."
 - 10. Residential alternatives include placement at the WRC and RCF.