

COUNTY JAILS AT A CROSSROADS

AN EXAMINATION OF THE JAIL POPULATION
AND PRETRIAL RELEASE



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EXECUTIVE SUMMARY

County governments provide essential services to create healthy, safe, vibrant and economically resilient communities. Maintaining safe and secure communities is one of the most important functions of county governments. Most counties are involved in almost every aspect of law enforcement and crime prevention, including policing, judicial and legal services and corrections. Counties own 87 percent of all jails in the United States through which they provide supervision, detention and other correctional services to more than 700,000 persons in an effort to protect public safety and reduce recidivism.

Effective jail management along with fair justice system policies and practices results in strategic management of the jail population and prudent county spending on the corrections system. One way to effectively manage the jail population is to improve the pretrial release process. Pretrial policies and practices involve defendants awaiting resolution to their case. Using the results of a 2015 NACo survey of county jails, an examination of the pretrial population in jail and policies impacting pretrial release in county jails finds:

1 THE MAJORITY OF THE CONFINED COUNTY JAIL POPULATION IS PRETRIAL AND LOW RISK. Two-thirds of the confined population in county jails is pretrial and the proportion reaches three-quarters in almost half of county jails. This trend is more pronounced in jails located in small counties — with less than 50,000 residents — and medium-sized counties — with populations between 50,000 and 250,000 residents. Forty (40) percent of responding county jails use a validated risk assessment at booking. Most often, these jails identify a majority of their confined jail population as low risk. Because these tools are used at booking, when defendants are admitted to jail after arrest, jails are identifying most of their pretrial population as low risk.

Maintaining safe and secure communities is one of the most important functions of county governments.

**COUNTIES OWN
87% OF JAILS**

**67% OF THE CONFINED COUNTY
JAIL POPULATION IS PRETRIAL**

**40% OF COUNTY JAILS USE
A RISK ASSESSMENT**

**60% OF THE CONFINED POPULATION
IN COUNTY JAILS USING A RISK
ASSESSMENT IS LOW RISK**

For the full report and the companion case studies, see the County Jails at a Crossroads website at www.naco.org/CountyJails



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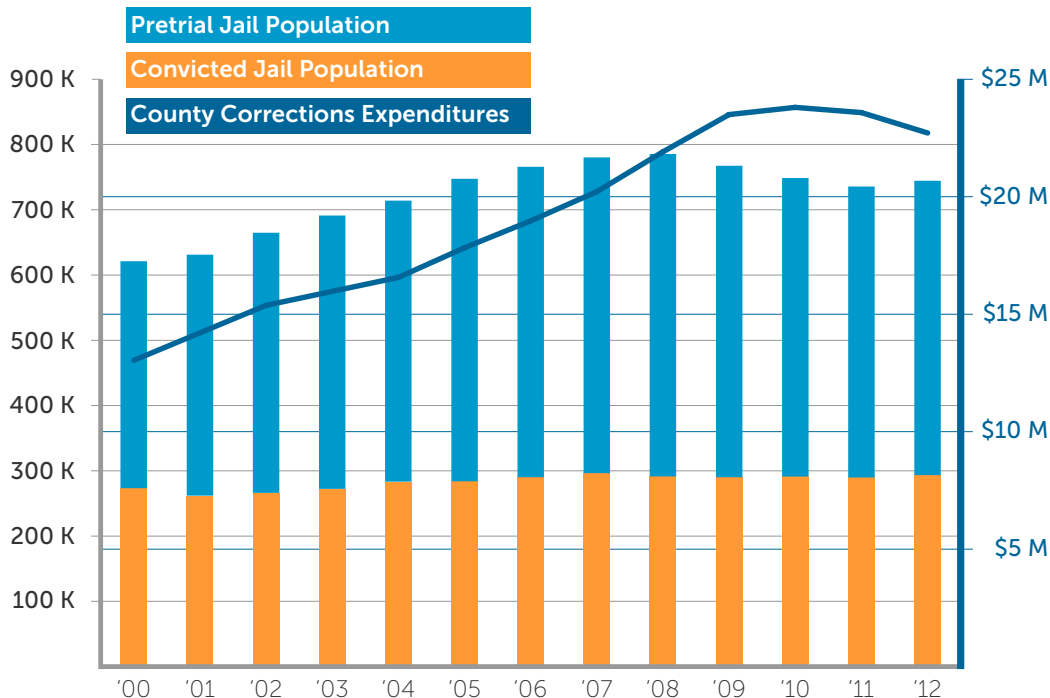


2 COUNTY JAILS ARE CAUGHT BETWEEN COURTS' DECISION-MAKING AND INCREASES IN THE JAIL POPULATION AND JAIL COSTS. Pretrial release decision-making is a product of the court. Understanding the impact of courts' decision-making, especially during pretrial, on the jail population is important for counties with rapidly rising jail populations and costs. According to the U.S. Bureau of Justice Statistics, the jail population increased by 20 percent between 2000 and 2012 with the pretrial population comprising a rising share, while county corrections costs soared by 74 percent. Forty-four (44) percent of responding county jails to the 2015 NACo survey report that managing jail costs is one of their top challenges. Reducing the jail population — especially the number of people with mental illnesses — is a priority for almost three quarters of responding jails. More than 65 percent of county jails report that their county boards are willing to collaborate on reducing the jail population and jail costs. Counties can act as conveners, bringing together the court and jail to discuss and implement strategies that may effectively address the pretrial population in jail.

74% RISE IN COUNTY CORRECTIONS SPENDING BETWEEN 2000 AND 2012

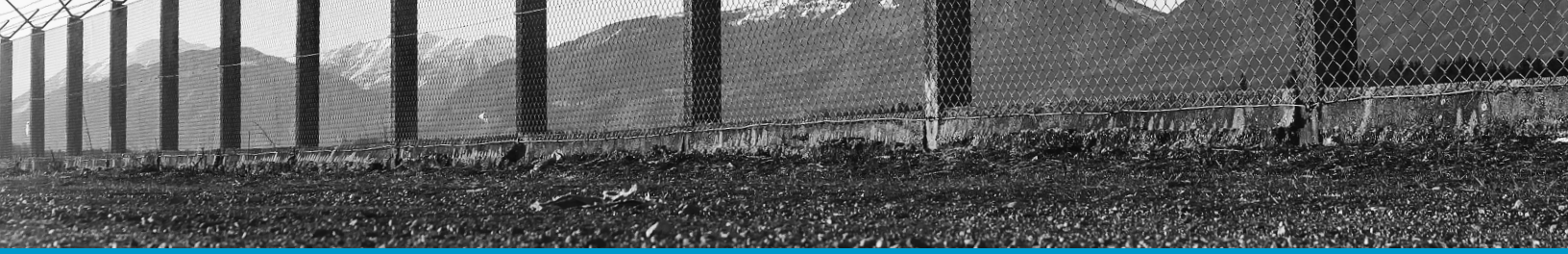
44% OF COUNTY JAILS REPORT REDUCING JAIL COSTS A SERIOUS ISSUE

JAIL POPULATION AND COUNTY CORRECTIONS EXPENDITURES, 2000-2012



Note: County level corrections expenditures were not available for 2001 and 2003.

Source: NACo analysis of Bureau of Justice Statistics data.

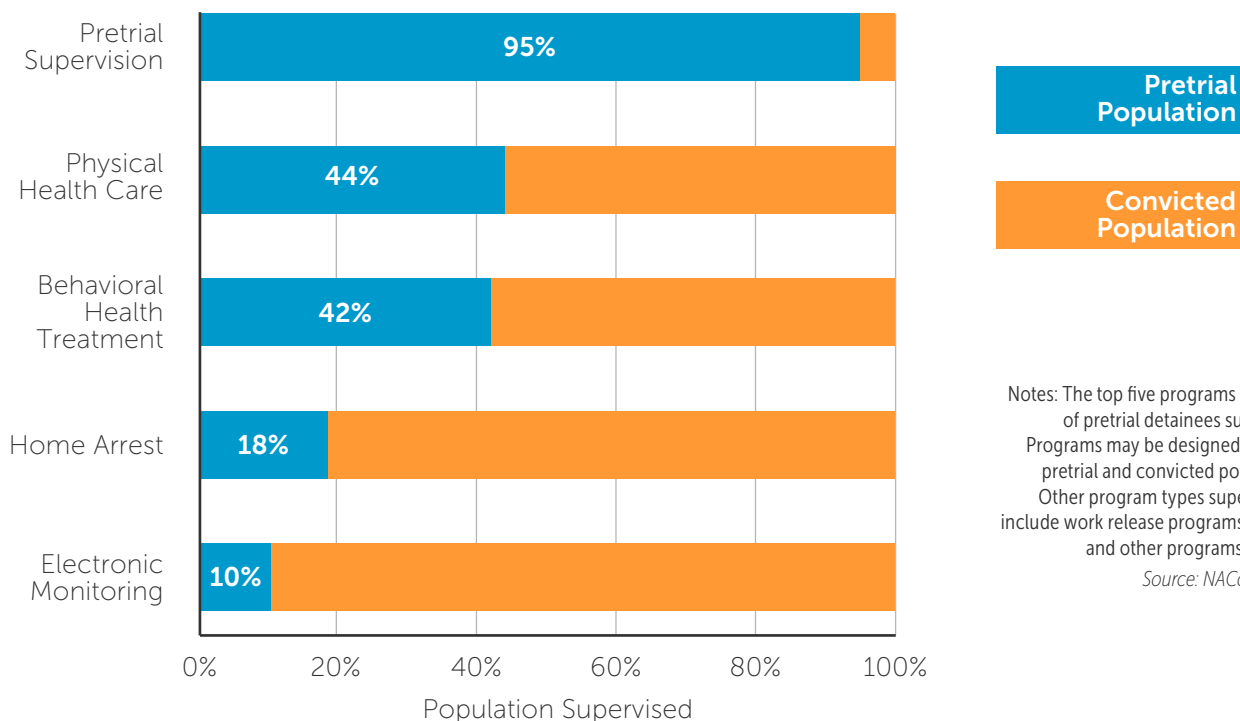


3 SOME COUNTY JAILS SUPERVISE PRETRIAL DETAINEES OUTSIDE OF CONFINEMENT. A third of responding county jails to the 2015 NACo survey release pretrial detainees from custody and supervise them in the community through different types of community based programs, depending on the needs of the detainees. These programs may be focused specifically on pretrial supervision — where the type of supervision used varies on a case-by-case basis — or deal with both pretrial and convicted populations through health treatment, electronic monitoring, home arrest and work release. Most county jails have more than one type of program. Pretrial supervision programs focus overwhelmingly on the pretrial population (95 percent of their population), followed by physical health care and behavioral health treatment programs in which close to half of the supervised population is pretrial. Overall, few pretrial detainees are placed in these programs. Only 28 percent of the detainees released by respondent jails in 2014 were pretrial. The county jail programs that supervise pretrial persons are just one part of the larger county pretrial system that includes formal pretrial services agencies that provide information on defendants to judges for the pretrial release decision; policies that force release pretrial detainees when the jail population reaches a certain capacity; and bond review practices.

32% OF RESPONDING COUNTY JAILS RELEASE AND SUPERVISE PRETRIAL DETAINEES

28% OF THE DETAINEES RELEASED BY RESPONDENT JAILS IN 2014 WERE PRETRIAL

THE TOP 5 COUNTY JAIL PROGRAMS USED FOR PRETRIAL SUPERVISION AND THEIR SUPERVISED POPULATIONS, 2014



Notes: The top five programs are ranked by percentage of pretrial detainees supervised by the program. Programs may be designed to provide supervision to pretrial and convicted populations simultaneously. Other program types supervising pretrial detainees include work release programs, day reporting programs and other programs not elsewhere classified.

Source: NACo survey, March-April 2015.

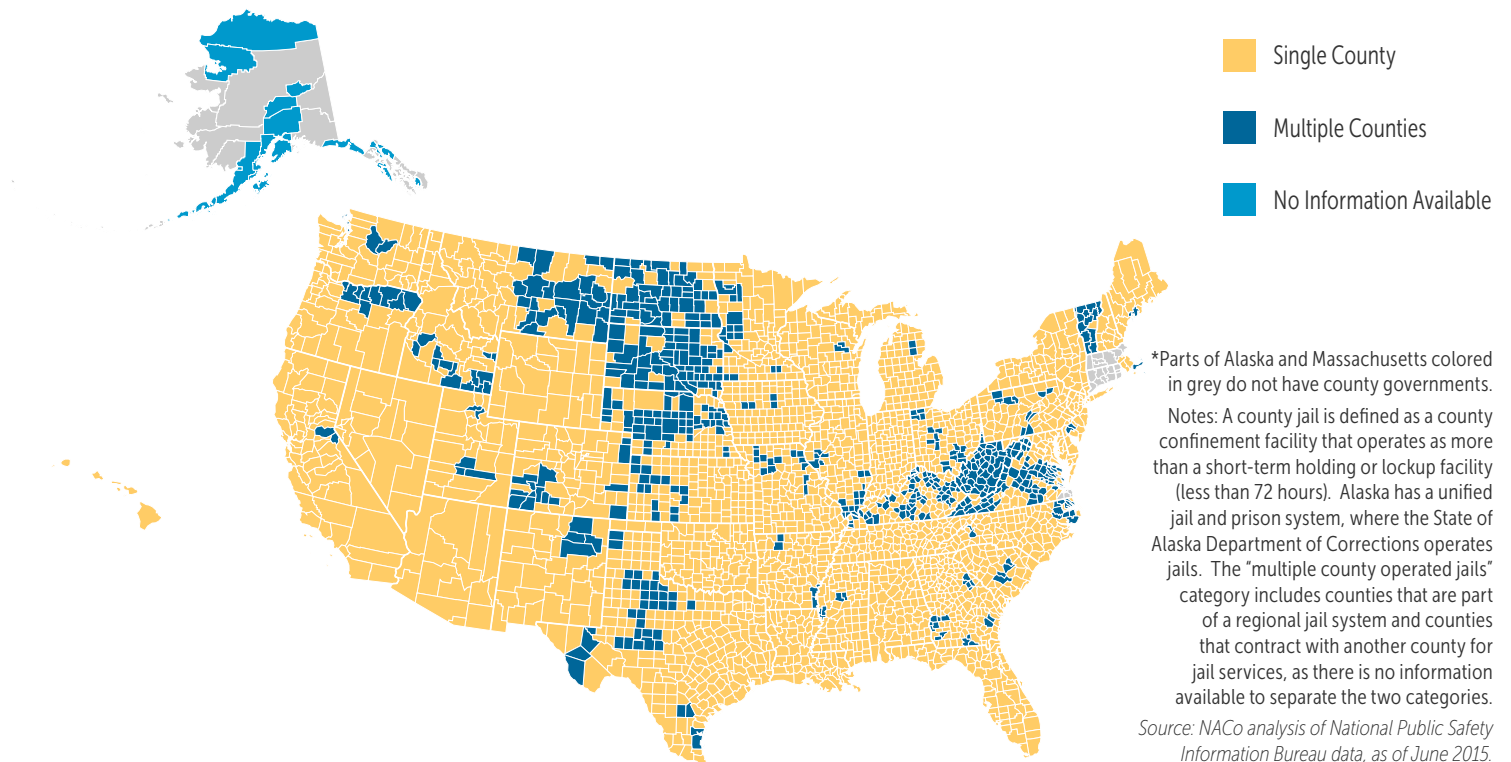
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AN EXAMINATION OF THE JAIL POPULATION AND PRETRIAL RELEASE



County jails are at a crossroads, confronting increasing pressure on their physical capacity and rising jail costs, while lacking the decision-making for pretrial release. The courts decide who is released pretrial, affecting the size of county jail population and, consequently, jail costs. Reducing the jail population and costs is a priority for jail administrators and county boards. Some counties fund programs that would release pretrial detainees from confinement and supervise them in the community, but the pretrial population accounts for a small share of who is released and supervised in the community. Through coordination and collaboration across the county justice system, counties are in a strong position to lead the way in pretrial release, developing strategies and leveraging resources that assist in managing the county jail population and safeguarding public safety.

COUNTY JAIL OPERATIONS IN THE UNITED STATES, AS OF JUNE 2015



FOR MORE INFORMATION, CONTACT:

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For the full report and the companion case studies, see the County Jails at a Crossroads website at www.naco.org/CountyJails



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