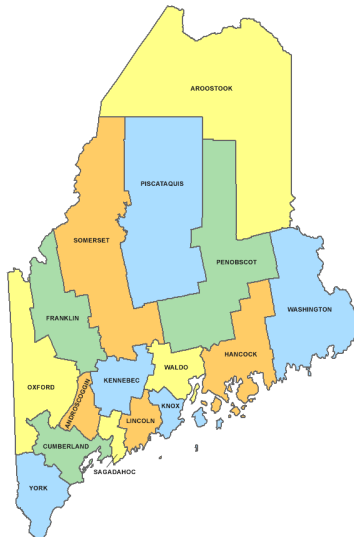


COOPERATIVE AGREEMENT WITH THE
NATIONAL INSTITUTE OF CORRECTIONS

STUDY OF MAINE'S PRETRIAL CASE PROCESSING



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PROPOSAL FOR THE STUDY OF
MAINE’S PRETRIAL CASE PROCESSING

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INTRODUCTION

The Corrections Alternatives Advisory Committee (CAAC) was created by the Maine Legislature in the spring of 2005 to improve the efficiency and effectiveness of the state's corrections system and to better manage costs. The objectives of the committee are to increase whole system efficiencies, enhance state and county coordination, and appropriately manage offenders risk and needs. A portion of the committee's responsibility is to examine the local criminal justice system which is considered the "front end" of the larger criminal justice system. An examination of the "front end" of the system, including arrest through case disposition and how cases are processed, is the focus of the current proposed study.

The study will examine and analyze court case processing at the local level and identify system efficiencies on both the local and state levels. Improvements in both efficiency and effectiveness will be identified and will include efforts requiring state and county coordination, state and local level policy changes, and opportunities to regionalize appropriate criminal justice functions or services. The study will also focus on how the risks and needs of pretrial defendants, both those incarcerated and those who are released into the community pending trial, are identified and managed while their cases are processed through the local criminal justice system. In addition, an analysis of the pretrial and locally sentenced populations in select jails will be completed.

Examining the risk and needs of these populations will allow for additional recommendations related to improved risk/needs management as well as system efficiency and effectiveness.

A local criminal justice system in Maine is made up of many different agencies including, but not limited to, the following: police and Sheriff's departments, county jails, bail commissioners, pretrial

services, district courts, defense and court appointed attorneys, district attorney's office, grand jury, superior courts, and the probation department. These agencies work together as a system to process a case from arrest to final disposition.

There are 16 counties in Maine. These counties have approximately 150 law enforcement agencies including the state police, county Sheriff's offices, and town, city, and university police departments. These law enforcement agencies initiate via citation or arrest court cases within their respective counties. There are 15 county jails, 16 justices assigned to 17 superior courts, and 33 judges assigned to 29 district courts as well as over 125 bail commissioners. In addition, all counties are served by a probation department, approximately 12 counties receive some level of pretrial services, and a variety of locally specific programs including, but not limited to, drug treatment courts, family drug treatment courts, domestic violence case coordination project, and shoplifting diversion. These various organizations work together to form the equivalent of 16 local criminal justice systems.

Maine local criminal justice systems process tens of thousands of cases annually. In 2004 there were 55,714 persons in Maine accused of a crime, arrested, and either released or detained pending trial [Crime in Maine 2004, State of Maine – Department of Public Safety, pg. 49]. There were 61,862 criminal case filings in the District Court, 12,015 criminal case filings in the Superior Court, and 138,673 traffic infractions filed with the Maine Judicial Branch Violations Bureau [2004 Maine Judicial Branch Annual Report].

In 2005 over 43,000 people were admitted into Maine county jails. The population of county jails had an average daily population of nearly 1,700 inmates which consisted of 60% pretrial defendants and 40% sentenced offenders. This reflects a 20% increase in the pretrial population over the past

20 years [Maine County Jail & DOC Inmate Population Data 1985 to 2004 PowerPoint Presentation]. According to a survey of Maine county jails conducted in October 2005, defendants spent an average of 65 days in jail awaiting trial. Finally, surveys completed in 2001 and 2005 both revealed that approximately 25% of Maine county jail populations are held for probation violations.

A comprehensive study is being proposed that will examine the way these local criminal justice systems, made up of many critical system players, currently process cases pending trial, how pretrial risk and need is determined, how bail decisions are made, and the resources available to manage pretrial risk and needs. The study will allow for the identification of system efficiencies, improved system effectiveness, and strategies to enhance state and county coordination and appropriately manage defendant risk and needs. The recommendations will be consistent with maintaining the integrity of our judicial system, protecting the presumption of innocence, and ensuring the highest level of protection of our communities.

IMPLEMENTATION STRATEGY AND PLAN

An examination of Maine's pretrial court case process in all 16 local criminal justice systems will be completed. The examination will include the observation of critical processes including jail booking and classification, bail commissioner bail determination, first appearance in district court, and arraignment in superior court. Interviews will be conducted with representatives/people including the police department, Sheriff's department, jail booking, bail commissioner, jail intake, district attorney's office, lawyer of the day, court appointed attorney, district court judge and clerk, superior court judge and clerk, pretrial services, probation, and any locally specific program.

Case Processing Flowcharts and Descriptions of System Operations

As stated previously there are approximately 150 law enforcement agencies, 29 district courts, and over 125 bail commissioners. It would be time and cost prohibitive to observe first appearances in all district courts and interview all law enforcement agencies, district court judges and clerks, and bail commissioners. For this reason, one District Court, two Bail Commissioners, and one arresting agency for each of the 16 counties will be selected and included in the study. The District Court will be identified based on the highest volume of criminal cases in each county and the bail commissioners will be identified by the Chief District Court Judge of the selected district court. The arresting agency selected will be the agency that has the highest volume of arrests in each county.

Observations of critical processes combined with interviews will be utilized to complete individual system case processing flowcharts from arrest through case disposition. The flowcharts will be accompanied by written descriptions of the local system operations. Flowcharting the stages of the

case process including the critical players and decision points combined with a description of system operations will provide a detailed understanding of local system practices and allow for the identification of system improvements in a variety of areas.

Pretrial and Locally Sentenced Jail Population Analysis

There are 15 county jails in Maine. Again, it would be time and cost prohibitive to extract and analyze data from all 15 local inmate management systems to determine the profile of pretrial defendants and locally sentenced offenders. For that reason it is recommended that data from five jails be used as a sample of the population in Maine county jails. The four largest local criminal justice systems can be found in Cumberland, York, Penobscot and Kennebec counties. These counties combined represent 56% of Maine's population, 69% of the jail capacity, 60% of all index crimes, 58% of all arrests, and 60% of the average daily population of the jails. Using these four counties will allow for a detailed analysis of approximately 60% of the states jail population. Additionally, a primarily rural county, tentatively Aroostook, will be analyzed in order to ensure that primarily urban, suburban, and rural counties are included in the sample.

The local inmate management systems will be reviewed and data elements desirable for analysis of the pretrial and locally sentenced populations will be requested from each local jail. Data elements requested will relate to current charge(s), criminal justice status at the time of the arrest (e.g. active probation, parole, pretrial services, bail, probation violation) prior criminal history, residence, employment, substance use, mental health, bail determination, sentence, length of stay, and jail classification. This data will be used to develop pretrial and locally sentenced jail population profiles. The profiles will provide descriptive data related to each population and is dependent upon the quantity and quality of data contained in each jail local inmate management system.

Upon completion of the population profile for the locally sentenced population two spreadsheets will be provided to the CAAC for additional analysis as deemed appropriate. One spreadsheet will contain all of the data while the second will contain only those inmates who were incarcerated for a probation violation. This spreadsheet will contain a unique identifier, such as the social security number, that could be linked in the future to data contained in the Department of Corrections case management system.

Data contained in the population profile for the pretrial population will be used to identify pretrial risk and needs. The most common predictors of pretrial risk and needs include the following:

- Current Charge(s)
- Outstanding Warrants at Time of Arrest
- Pending Charges at Time of Arrest
- Active Community Supervision at Time of Arrest (Pretrial, Probation, Parole, etc.)
- History of Criminal Convictions
- History of Failure to Appear
- History of Violence
- Residence Stability
- Employment Stability
- General Community Ties and Stability
- History of Substance Abuse
- Mental Health Problems

Most local inmate management systems capture the information noted above related to pretrial risk and needs, therefore, an analysis of pretrial risk and needs will be completed. It must be noted that the results are dependent upon the quantity and quality of data contained in each jail local inmate management system.

The population profiles and analysis of pretrial risk and needs will be used to determine the pretrial average length of stay, identify the portion of the population that have probation violations, and

identify any portion of the population that may be released safely into the community pending trial or upon sentencing if appropriate supervision and services were available.

Implementation

Case processing flowcharts and descriptions of system operations will be completed for all 16 counties. Five of the counties will be involved in a more detailed examination of the local criminal justice system including an analysis of the pretrial and locally sentenced jail populations. It is anticipated that approximately 6.5 days will be dedicated to each of the 11 counties receiving a comprehensive yet less detailed examination. These days include research and preparation [1.5 days], scheduling [.5 day], travel [1 day], onsite system observations and interviews [1.5 days], flowcharting [.5 day] and report writing [1.5 days]. It is also anticipated that 19.5 days will be dedicated to the 5 counties that will receive a more thorough examination and data analysis. These days include research and preparation [2 days], scheduling [1 day], travel [2 days], onsite system observations and interviews [3.5 days], data analysis [7 days], flow charting [1 day], report writing [2 days], and presentation development [1 day].

Time for project planning and coordination will also be required. One and one half days [1.5 days] of general preparation and scheduling will precede onsite meetings with all 5 counties receiving a detailed analysis will be completed to ensure the availability and accessibility of jail data as well as key stakeholder participation [12 days – two staff onsite for 1 week plus travel]. In addition, individual follow-up onsite visits with each of the five sites to present and discuss findings will be completed as well as a presentation of all findings made to the CAAC (with invitations extended to all counties) [12 days].

PROJECT TEAM

A project team consisting of Luminosity consultants and Maine criminal justice professionals will be required to ensure the successful completion of this project. The project team will work together throughout the project and will be responsible to the Corrections Alternatives Advisory Committee. The project team will provide bimonthly briefings of project progress to the CAAC as well as respond to requests for information made by members of the Committee.

Luminosity

The Luminosity team for this project will be led by Dr. Marie VanNostrand with staff support from Dr. Patrick Jablonski, Gena Keebler, and Brian Kays. Dr. VanNostrand will serve as the leader and primary contact for the project, conduct the majority of the onsite interviewing, observation of system operations, and project briefings to the CAAC. Dr. Jablonski will serve as the research statistician and will complete the majority of the data analysis. Gena Keebler will provide project management and coordination, research, and be responsible for compiling the final report. Brian Kays will provide general project support including assistance in flowcharting and report writing.

Dr. VanNostrand is a Senior Consultant with Luminosity, Inc. and is a nationally recognized expert in pretrial services, risk assessment, and jail population management with an emphasis on the pretrial population. Marie serves as a consultant for the National Institute of Corrections and National Institute of Justice and has successfully completed similar projects in Virginia, Ohio, Florida, and Illinois. Dr. VanNostrand has presented her work at dozens of national and international conferences. Prior to entering the consulting business Marie worked in the criminal justice system at the state and local levels for over 10 years including work in pretrial services, probation and parole, and alcohol safety probation.

Gena Keebler is the President of Luminosity, Inc. and works in the capacity of project manager and coordinator for all large Luminosity projects. Gena has over 15 years of consulting and project management experience. She has successfully managed projects similar in scope, size, and cost including, but not limited to, the following: Virginia's 13-month pretrial risk assessment statewide implementation; Summit County Ohio's one year system assessment, system re-engineering, and jail crowding reduction project; and a pretrial re-engineering and risk assessment implementation project in Illinois.

Dr. Patrick Jablonski is a nationally recognized criminal justice research statistician and is an established jail population analyst and population projections forecaster. Dr. Jablonski has provided consulting services to criminal justice agencies, governmental entities, and private firms in his areas of expertise, including: jail crowding, case processing efficiency, and population projections. Dr. Jablonski is a subcontractor to Luminosity.

Brian Kays provides expert support and report writing services to the Luminosity consultant team. Brian has nearly 15 years of criminal justice experience with a focus on the pretrial population. In addition to his extensive criminal justice experience Brian is an expert end-user of all Microsoft products including Visio (flowcharting software) and Word as well as the Statistical Package for the Social Sciences (SPSS). Mr. Kays is a subcontractor to Luminosity.

Maine

Project team members located in Maine who are knowledgeable about the operations of Maine's local criminal justice systems and the CAAC will be required. The members of the project team will be selected by the CAAC and should include a Maine project manager assigned to work with the Luminosity project leader. Members of the project team will be required to assist with onsite

scheduling and coordination, obtaining relevant information/data from state officials, and general project management and coordination. The involvement of team members located in Maine with a strong knowledge of system players at the local and state levels will be critical to the successful completion of this project.

PROJECT DELIVERABLES, TIMELINE AND COST

Deliverables

The primary deliverable for this project is a written report that will include the following:

1. Case processing flowcharts and descriptions of system operations for all 16 local criminal justice systems based on their respective County as described in the implementation strategy and plan section of this report.
 2. An analysis of the pretrial and locally sentenced populations in 5 county jails including the development of pretrial and locally sentenced jail population profiles, identification of pretrial risks and needs, and the determination of the pretrial average length of stay and the portion of the population that have probation violations.
 3. A description and summary of Maine's current pretrial case process, how pretrial risk and need is determined, how bail decisions are made, and the resources available to manage pretrial risk and needs.
 4. The identification of system efficiencies, improved system effectiveness, and strategies to enhance state and county coordination and appropriately manage defendant risk and needs.
- The recommendations will be consistent with maintaining the integrity of our judicial system, protecting the presumption of innocence, and ensuring the highest level of protection of our communities.

In addition to the written report, individual onsite presentations will be made to each of the five (5) sites that received a more detailed examination including analysis of the jail population. The project team will provide bimonthly briefings of project progress to the CAAC as well as a final presentation to the CAAC and all interested parties from the state and local governments across Maine.

Timeline

It is estimated that the project can be successfully completed in 24 weeks. An April 1, 2006 project start date is proposed with a completion date of on or about September 15, 2006.