

US Department of Justice
National Institute of Corrections



LOCAL SYSTEM ASSESSMENT
POTTAWATOMIE COUNTY
KANSAS

DRAFT

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DISCLAIMER

Re: NIC Technical Assistance #04J1139

This technical assistance activity was funded by the Jails Division of the National Institute of Corrections. The Institute is a Federal agency established to provide assistance to strengthen state and local correctional agencies by creating more effective, humane, safe and just correctional services.

The resource person who provided the on-site technical assistance did so through a cooperative agreement, at the request of the Pottawatomie County Sheriff's Office and through the coordination of the National Institute of Corrections. The direct on-site assistance and the subsequent report are intended to assist the Pottawatomie County Sheriff's Office in addressing issues outlined in the original request and in efforts to enhance the effectiveness of the agency.

The contents of this document reflect the official views of Billy Wasson. The contents do not necessarily reflect the official views or policies of the National Institute of Corrections.

OBSERVATIONS AND FINDINGS

- Those interviewed in this LSA were open and honest with their views about the local criminal justice system;
- The population growth for the county shows an increase over the last three census periods:

<u>1980</u>	<u>1990</u>	<u>2000</u>
14,787	16,128	18,209

Since 1980 this is an 8% growth in population.

- The county is financially stable, has a respectable cash balance and no debt.
- The primary revenue source for the county is property taxes; however 65% of this resource comes from one account, the Jeffery Energy Center. This reliance creates anxiety and a sense of vulnerability;
- The county board has decided to place a sales tax increase (\$.01) on the November 2004 ballot. The revenues are dedicated to public safety and emergency services. The revenue is intended to shift the burden of existing services from the property tax to the sales tax;
- Examining the crime data from the Kansas Bureau of Investigations (KBI) from 1996 through 2003 shows:
 - Total Crime index has declined from 22.9/1000 population to 16.5/1000 population in 2003;
 - Violent crime rate declined from 1.4/1000 to 0.9/1000 pop.
 - Property crime rate declined from 21.4 to 15.6/1000 pop.
- The court system for the county is part of the 2nd Judicial district, made up of Jackson, Jefferson, Wabaunsee and Pottawatomie counties;
- In 1993 Kansas adopted felony sentencing guidelines;
- The state, since the mid-1990's, has adopted a number of mandatory minimum requirements-especially in driving while under the influence (DWI) cases;
- According to those interviewed the net effect of the states' actions have been to push down to the local jurisdictions lesser offenders. The state prison system continues to be crowded and the state is renting beds out of state;
- Data from the state court system shows that roughly 37% of the 2nd judicial district workload comes from Pottawatomie county;

- In criminal case filings for the judicial district from 1994 through 2003:
 - Felonies grew from 246 to 337 37% increase
 - Misdemeanors grew from 460 to 723 57% increase
 - Grand total with traffic -21% decrease
 - Grand total without traffic 70% increase

- The county does have a state funded probation unit in the courthouse that consists of two court service officers. One officer does adult probation and the other juvenile and domestic violence cases. Both officers receive their day to day supervision from the District Judge. These two officers provide probation supervision for both Pottawatomie and Wabaunsee counties;

- The county receives community corrections services by contract from Shawnee County (Topeka). This consists of primarily intensive supervision (ISP) for more serious cases;

- The local probation caseload, for the first 8 months of 2004 had an average daily population of 67 adult cases. Felony cases make up 45% and misdemeanors are 55%. The agency uses a risk needs instrument to assess and assign supervision levels. The agency reports that its' risk scores on the current caseload is:
 - Maximum supervision 25%
 - Medium supervision 65%
 - Minimum supervision 10%

- The jail is located adjacent to the court house, the court house was built in the 1800's and the jail, built in the 1960's, had an addition added to it in 1981. The 1981 addition added 8 cells, bringing the facility to a design capacity of 17 beds;

- The jail basement has a water seepage problem, reports are that there is a spring under the building, and the tile on the basement floor have come up;

- In June 2004 the jail was inspected by the State Fire Marshal with the following deficiencies documented:
 - No reliable means for inmates to notify staff of and emergency
 - No documentation that staff are trained in the proper use of the manual fire suppression systems
 - No keys that may be identified by "touch"
 - The emergency generator does not power enough lighting for all means of egress-no other emergency lighting provided
 - No automatic smoke detection system provided for the cell areas
 - Use of non-combustible trash containers in or near cell areas
 - Portable space heaters found through out the facility
 - Cluttered corridors that are impediments to emergency exit

- No records that the emergency generator is tested on a regular basis
 - No power indicator for the fire/smoke alarm systems
 - No documentation of fire alarms and smoke detector testing
 - No documentation of standpipe and hose testing
 - No documentation of monthly check of fire extinguishers
 - Exit signs not lighted
 - Basement door being help open by a kick down stop, this is a fire door that must remain closed
 - Prohibited storage found on lower level of the stairway
 - Stairs from basement have no illumination in emergency power mode
 - No "code foot print" or scaled drawing available
- Since this inspection several items have been addressed but others have not been addressed at the time of this LSA site visit;
 - The jail is a linear design and operated in a remote intermittent surveillance style;
 - Current jail and other sheriff's offices are inadequate to meet daily needs. The most glaring example is the lack of space for confidential interview/investigations to take place. Storage and training space are also glaring deficiencies.
 - In April of 2004 the county issued a request for proposals (RFP) for a firm to do a "Jail Needs Assessment". The county received seven proposals from firms to do this work. The county is waiting for the conclusions of this LSA before they decide to let the contract for this work;
 - On the day of tour of the facility the jail had 14 inmates in custody but the records show that it has been peaking at 30 inmates consistently over the past year, mostly on weekends. The current practice is to rent jail beds from neighboring counties to handle the excess capacity;
 - Analyzing the inmate census reports for the last several months the average daily population has been 29 inmates per day on weekends and the bookings average 62 per month. This means that the average length (ALOS) of stay is 14 days per inmate. The weekend prisoners average from 4-7 inmates, if the population is adjusted downward for these weekenders then the ADP is around 22-25 inmates and the ALOS is 11 days;
 - On the day of examination the jail had 50% sentenced inmates and 50% pretrial inmates in custody. Many of the "pretrial" inmates were system integrity violations (failure to appear and probation violations);
 - Those interviewed indicated that many of the probation revocations are financially driven- i.e. the offender has not paid the court ordered obligations;

- Currently the county does not credit a per diem against these financial obligations for each day served;
- There were 12 males and 2 females in custody on the date of this site visit;
- The jail automation system (copyright 1999-2004 Huber and Associates, Inc.) does have adequate data for jail management and planning but the county lacks the report software and/or the staff are not trained to generate the reports on an as needed basis (this software was placed in the jail 1.5 years ago);

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RECOMMENDATIONS

ISSUE #1:

The criminal justice system officials in Pottawatomie County are operating in their own “silo” of influence and are not sharing information with one another and not collectively coordinating their efforts. The situation has led to almost no communication and coordination of policy in the county related to the direction and effectiveness of the system. The relationship between the officials seems to be healthy even though they do not meet regularly as a group.

This is a common issue in a system in which it has been historically designed to disperse power in different branches of government and in different and separately elected officials.

To overcome this communication and policy coordination issue the national learning has evolved into the formation of “Criminal Justice Coordination Councils” in the county criminal justice system. NIC has a specific training/resource manual on this topic to assist the county.

Recommendation #1:

The County Commissioners in collaboration with the other elected officials in the criminal justice system develop a fully functioning Criminal Justice Coordination Council. The group should at a minimum include the elected: Judges, Prosecuting Attorney, Sheriff and a County Commissioner. Other officials that should be considered for membership are a Defense Counsel, a representative Police Chief from area law enforcement, a representative of the State Department of Corrections (Community Corrections). A set of draft bylaws are included in the appendix of this report for the county to consider.

This council should be charged with:

- Developing a set of purposes for all adult corrections sanctions and services;
- Review and recommend alternatives to the use of jail. For example the use of electronic supervision for weekenders and work release inmates would reduce the jail population substantially;
- Assist one another with policy development to collectively lead the system and manage its' work load;

ISSUE # 2:

The existing jail is of an old design and has a number of deficiencies. It is time the county entered into a serious planning effort to replace the jail. The county has already had responses to an RFP for a jail needs analysis.

Replacing the jail in a county is a major commitment and the community should be engaged in defining the purposes it wants achieved and insuring that it will continue to support the change overtime.

Recommendation #2:

Develop a master plan for criminal justice facilities that includes the plans to upgrade the courthouse, improved and larger space for the sheriff's office and replacement of the aging jail.

Replace the existing jail with a facility of modern design and professional standards of operation.

The design and implementation of a new jail should be done in a way that engages the community in defining what outcomes it wants in this investment. There are a number of strategic planning processes for the county to consider and is encouraged to do so for both the community at large and the more immediate users of the jail itself.

ISSUE #3:

Improving the management and leadership of the jail and community corrections/probation programs needs to be a priority.

There are two major barriers to this happening:

1. No clear leadership definition of the purpose and focus of the jail and community supervision programs. The cultural norm is that punishment/accountability of offenders will protect the community. The evidence in the field today states very strongly that punishment of the wrong offenders with the wrong duration will actually put the community at a higher risk from these offenders once they return to the community.
2. Leadership commitment to training as an essential part of daily operations. A good place to start would be to take advantage of the no cost leadership and supervisory training available from the NIC Academy program.

Recommendation #3:

Take immediate steps to train the Jail Administrator. Quality staff will evolve from quality first line supervision. The NIC academy has a training program for administrators of small jails that are available at no cost to the county.

ISSUE #4:

The data in the various “silos” of the criminal justice operation is not usable as information for policy change or assessment of existing practices. The experience of this LSA project demonstrates that this management information does not currently exist. The data being collected seems adequate but there does not appear to be the report writing software and/or the expertise to put it in operation in the county.

This is a critical issue in this age of information and change based on documented facts not anecdotal sense of the policy makers.

Recommendation #4:

Seek assistance to analyze this issue further and develop the reporting necessary to feed system wide policy decisions of the Coordination Council. The current plans to contract for a “needs analysis” of the jail could be amended to focus on this issue and provide a learning experience for local staff to continue on with management information support of the council.

ISSUE #5:

There are a number of immediate deficiencies in the existing jail that need to be corrected as soon as possible. The most important items for the county to consider are (not an all inclusive list):

1. The State Fire Marshal items previously cited in the June inspection;
2. Finish the Jail Policy and Procedures Manual and train the staff on its content and staff responsibilities;
3. Establish an objective based intake and assessment process for all arrestees entering the jail. NIC has a national model and training available to the county at no cost.
4. The current jail staffing is at best minimal and during times of court and prisoner transport it leaves the jail with one staff member on the floor. This is a major security and safety issue in that the officer is alone with inmates without a secure perimeter of the facility

Recommendation #5:

That the Sheriff and Board of Commissioners take the necessary steps to correct these deficiencies as soon as possible.

NEXT STEPS

Here are some suggested next steps for the county to consider.

1. **Distribute this LSA report broadly and hold information sessions and jail tours for those interested in the system and community to see and hear for them selves what the conditions are.**
2. **Meet with the criminal justice system elected officials and work toward consensus of forming a Criminal Justice Coordination Council. Mutually (Board of Commissioners and these independently elected officials) establish some bylaws or general ground rules of operation for the Council.**
3. **Identify some staff support (from a neutral place in the county structure or from a university setting to assist with the conduct and preparatory materials for Council meetings.**
4. **Agree (County and Council) to a strategic planning process for improvement of the local criminal justice system as well as replacement of the jail.**