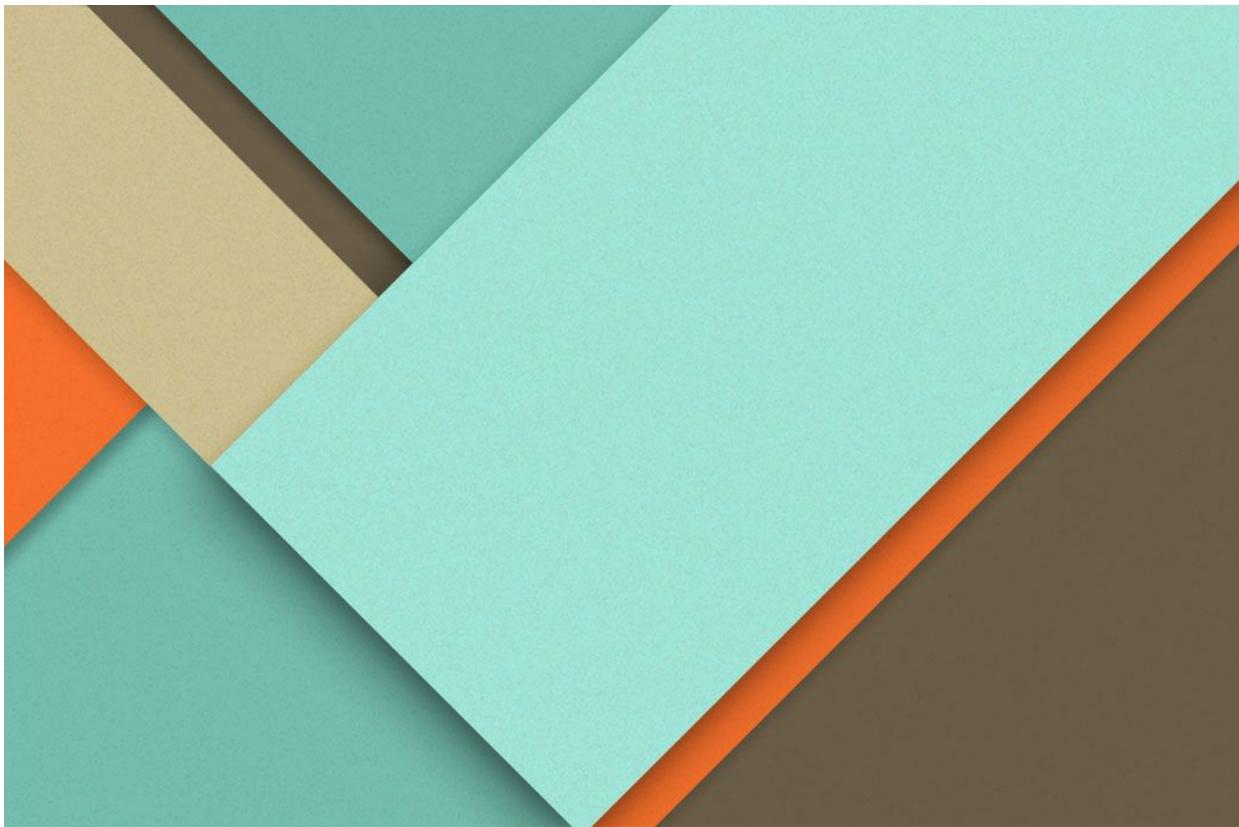




Study Proposal for Sustainable Incarceration Alternatives

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Charles E. Branson
District Attorney
111 East 11th Street
Lawrence, Kansas 66044

Overview

The following proposal is an invitation to explore possible sustainable alternatives to incarceration by closing gaps in rehabilitation and treatment services in Douglas County.

The proposal envisions cooperation between local government agencies and local service providers to enhance and expand current services available to the criminal justice system and to reduce the need for defendants to be incarcerated in jail. Necessary participants include the Douglas County Commission, Sheriff's Office, District Attorney's Office, District Court Criminal Justice Services and members of the treatment service providers community.

While steps have been taken to calculate various impacts and costs, this proposal is not complete and requires further study to determine the feasibility of each step.

Goals

1. Increase pre-trial diversion programs through the District Attorney's Office.¹
2. Develop a Drug Court program
3. Better utilization of pretrial release.
4. Build a new facility for re-entry programs.
5. Repurpose underutilized space at the juvenile detention center.
6. Plan for the building and programming of a new residential center.

Need for additional space for Criminal Justice Services

As laid out in the recent space study conducted by the county, the Judicial and Law Enforcement building's current space is insufficient to meet the needs of the court system and District Attorney's Office, among others. A unique opportunity has presented itself with the City of Lawrence vacating the property located at 1006 New Hampshire. The New Hampshire Street property has served for over a decade as the municipal court. The space as is, if leased by the county, could serve as a ready-made expansion of district court and provide office spaces for additional programming as laid out below.²

¹ More information on current pre-trial diversion services currently offered by the Douglas County District Attorney may be found here:

<https://www.douglascountyks.org/depts/district-attorney/pre-trial-diversion-services-0>

² Rental rate \$10766.66 per month for 3 year term. Option to extend the terms for a period of three additional years for the option rate of \$11412.66 per month. Additional expenses: security upgrades

If the space is not used as a courtroom and supporting offices, other tenants of the Judicial and Law Enforcement (JLE) Center could be relocated to 1006 New Hampshire, freeing up much needed space in the JLE for other programming and court activities.

Enhanced Diversion Programing

The District Attorney's Office has offered diversion since the 1970's. Diversion is a statutorily approved method of case resolution that provides for the dismissal of charges against an offender who completes contractual obligations to the district attorney. Until recently diversion has been reserved for those offenders with little to no criminal history who have committed minor offenses. The program is operated as a self-directed unsupervised program. Offenders entering into a diversion contract with the District Attorney's Office are expected to pay certain fines and costs, perform community service work and participate in treatment programs offered by community service providers. The District Attorney's Office performs no active supervision of diversion participants. Participants are expected to provide proof of completion of the contractual obligations by certain due dates as defined in the diversion contract.

Currently the diversion program is limited by the District Attorney's inability to supervise diversion agreements. Thus, the District Attorney is limited in the types of cases in which diversion can be offered. With the additional space provided by the leasing of the New Hampshire Street property the District Attorney could hire a diversion coordinator and adult diversion supervision officer. The addition of these staff positions would allow the District Attorney to offer diversion in more complex cases where supervision is necessary, reducing the number of cases on the district court docket and defendants in jail. An alternative would be to contract supervision services with Adult Criminal Justice Services.

Enhanced supervision could include random urinalysis of participants, curfew checks, employment and school verification, and active monitoring of treatment goals. .

Establish a New Drug Court

Drug Courts are specialized court programs targeting defendants charged with drug related crimes. Drug Courts are usually composed of a multidisciplinary team including

including \$5000 metal detector and \$15000 x-ray baggage scanner; two deputies to staff metal detector. Salary estimate for Sheriff Deputy estimated using 2019 pay grade minimum. Benefits estimated with 2018 percentages. Sheriff Deputy \$44387.20. FICA \$3395.74, Health Insurance \$12,837.00, KPERS \$4288.29, Unemployment \$976.19, and Work Comp \$1056.24. \$66940.66 Total salary with benefits per deputy.

judges, case managers, treatment providers, prosecutors and defense attorneys. Drug courts have been shown to be highly effective in reducing recidivism and lower costs.³

One proposal would be that the county hire an additional district court judge pro tem to be housed at the New Hampshire Street property for the purpose of running a drug court. In addition to running the drug court, the new pro tem judge would be able to run the currently operating Behavioral Health Court (BHC)⁴. The moving of BHC would free at least one full day of court time for the district court judge currently administering BHC. The new court may also be able handle additional hearings such as protection from abuse and stalking cases. Additionally, drug courts have the effect of decreasing re-arrests thereby reducing the jail population.

For drug court to be effective, a substantial investment would have to be made to increase substance abuse treatment services in the community. Research shows investments in drug courts save money with the largest monetary benefit being less days spent in jail.

Costs associated with hiring a judge pro tem, staff and treatment services have not been fully calculated at the time of this writing.⁵

There are logistical concerns with moving a court into the New Hampshire Street property and inmate movement. See footnote 2. Safe and secure transport of inmates to the New Hampshire Street property could add considerable costs to the proposal.

An alternate proposal would be to use the New Hampshire Street space for probationary services or court trustee services, or a combination thereof, to free space in the JLE for the creation of new court space to implement the drug court program. In either event, costs of renovations to New Hampshire Street and JLE would need to be calculated.

Increased Utilization of Pretrial Services

The usage of pretrial release in Douglas County has grown dramatically in the last two years. However, even with the large growth the current program remains underutilized. In a recent study covering one year 184 proposed pretrial release

³ Michael W. Finigan, Ph.D. ; Shannon M. Carey, Ph.D. ; Anton Cox, B.A. (2007) Impact of a Mature Drug Court Over 10 Years of Operation: Recidivism and Costs (Final Report)

⁴ Details on Douglas County Behavioral Health Court may be found here:

<https://www.douglascountyks.org/depts/district-attorney/behavioral-health-court-information>

⁵ Salary estimates taken from 2018. Judge Pro Tem \$69,635.00 salary. FICA \$5,327.27, Health Insurance \$12,837.00, KPERs \$6,727.50, Unemployment \$1,531.45, and Work Comp \$1,657.04. \$97,715.26 Total salary with benefits. Administrative Assistant \$32,055.00. FICA \$2,452.30, Health Insurance \$12,837.00, KPERs \$3,096.86, Unemployment \$704.97, and Work Comp \$762.78. \$51,908.92 Total salary with benefits. \$149,624.17 combined salaries and benefits. Salary would likely have to be adjust up to attract a qualified and experienced canddiate. Equipment/supplies (e.g. computer, software, desk, chair) \$5,000/ea or \$10,000. Estimated costs for treatment services unknown at this time. Voice Products/IQ (court reporting) estimated at a cost of \$4,429.00, plus 5 years general maintenance agreement at a cost of \$3,290 for a total cost of \$7,719.00



candidates were denied release by the court after hearing additional comments at first appearance by prosecutors. In reviewing those cases, it appears that revising prosecutor guidelines for pretrial comments could expand the use of pretrial release for a portion of the 184 that were previously denied. For example, review of data provided by Criminal Justice Services indicates that 71 denials were in misdemeanor cases. Revising guidelines for comments regarding detention in misdemeanor cases could result in the majority of those previously denied misdemeanor cases being granted pretrial release.

The District Attorney is in the process of reviewing its internal guidelines.

Commence with the Construction of a re-entry facility

Current jail overcrowding has severely hampered the jail re-entry program. The programs and proposals above should help lower the current jail population. However, without additional space the re-entry program cannot function in the way it was intended. Under a current proposal by the Douglas County Sheriff a new reentry facility housing 14 female and 28 male inmates would be built for projected cost of \$2.1 million. The addition of these beds along with the other proposals in this document could significantly contribute to the reduction of the jail population, creating relief for current overcrowding.

Repurpose underutilized space at the juvenile detention center

Douglas County operates a regional juvenile detention center (JDC) serving 13 counties. The detention center is licensed for 18 juveniles. The detention center is a secure facility for youth awaiting court action and serving sanctions. With recent legislative changes aimed at juvenile justice reform, the number and types of juvenile offenders that can be held in a detention facility has dramatically decreased. The facility now houses on average fewer than 5 juveniles.

Alternatives need to be explored for housing of the low number of juveniles currently being detained. If the space at the JDC can be repurposed, the facility may be able to hold up to 28 adults in a double bunked situation.

There are competing interests for this space that have to be taken into consideration. First, juveniles no longer housed at the detention center would have to be housed somewhere. The likely alternative would be housing outside the county. Additionally, the JDC serves as the home of the Detention Day School, a collaboration between USD497, Douglas County and the District Court. The county provides for the supervision of students in the Day Detention School. The school district provides teaching staff. Alternative locations for the Day Detention School should be explored with the school district.

JDC also serves as the location for intake services for juveniles that are alleged offenders or children in need of care. Alternative location of this service would have to be considered.

Plan for the building and programming of an Adult Residential Detention Center

The potential costs savings of the programs and proposals defined above could be directed to the construction of an adult residential detention center. Johnson County Kansas has maintained an adult residential detention center for a number of years. The Johnson County facility not only houses felony offenders as a condition of probation but also inmates transitioning back into the community in work release programs. The Johnson County facility also maintains a therapeutic community providing a six month drug treatment program designed for offenders who have extensive drug abuse and criminal histories.⁶

Among other programming, the center provides:

- On-site Mental Health Programs
- AA/NA meetings
- Resource Development - Employment Assistance
- Voluntary Religious Services
- Substance Abuse Education and Counseling
- Relapse Prevention
- Pre-Employment Training
- Intensive orientation program for new residents
- G.E.D. and other educational opportunities

Construction of such a facility in Douglas County would provide for an opportunity to consolidate over time some of the programs and services defined above into one cost effective and efficient location.

Conclusion

As a local government we have undertaken a host of projects to address the concerns and needs of our criminal justice system. We have established a Behavior Health Court. We have created programs to address pretrial release, bond supervision and house

⁶ More information on the Johnson County Therapeutic Community can be found at: <https://www.jocogov.org/dept/corrections/adult-services/therapeutic-community>



arrest. We have created new diversion programs and planned construction of new facilities. Douglas County should be commended for its efforts so far. Now is the time to build on that good work and focus these individual efforts into a comprehensive plan or a new criminal justice model in Douglas County.