

A CALL FOR THE TRUTH: FINDINGS AND RECOMMENDATIONS ON ENDING THE JAIL CROWDING AND ENSUING LAWSUIT IN BERNALILLO COUNTY, NEW MEXICO

Report to The Commissioners of
Bernalillo County, and Interested Citizens

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I. EXECUTIVE SUMMARY

Bernalillo County faces budget shortfalls. A 20 year lawsuit over a crowded jail contributes to this budget condition. The litigation threatens to become a near permanent part of the local landscape.

The intent of this report is to provide the County with the best advice about how the citizens, political leaders, and the Commission can end this crowding and lawsuit, so that vital resources can be better utilized for other County functions, instead of being diverted to finance continuous lawsuit related damage control. Identifying and understanding the extent to which each County Commission member, government official and other justice system “players” are responsible for and contribute to the problem is a necessary step in finally resolving this lawsuit. This report is a call for a clearer, honest review of the very sorry facts.

Bernalillo County’s administration fails to manage the justice system, overall work and case flow, or discretion, yet it has chosen to supplement its budgets by \$12 million¹ plus the large agency budgets. This failure to manage results in what should be easily preventable Jail crowding. The current jail system population consists of mostly non-dangerous inmates. Case processing delay accompanied by failure to screen and properly assess inmates according to the risk they pose has dire and clear consequences. This condition runs rampant throughout the entire system, from arrest, through pretrial detention, to probation. So long as the justice system agencies remain uncoordinated and so long as the lawsuit case can be manipulated by those who benefit, so long will jail beds be overused, the lawsuit be stagnant, and scarce public funds depleted from better public safety uses.

The system is in a state of injustice. Self-interested County management, lawyers, and bondsmen alike hold enormous sway over the litigation. Too many incentives exist to keep the litigation from being resolved; too few incentives exist to permit resolution. Too many public officials ignore the widely available and valid public data that speak to the lack of risk assessment and of excessive court delay. It is up to the Commission to unify the County behind a real Criminal Justice Advisory Board to bring about system improvements and new initiatives that cannot easily be achieved by a single agency.

II. INTRODUCTION AND OVERVIEW

I am a national criminal justice expert in jail overcrowding and best practice work in over 400 counties. In past experience, I was an expert for the Department of Justice, Bureau of Prisons, and National Institute of Corrections as well as the State of New

¹ Rounded from \$11,907,307.87. Drug and Substance Abuse Program Statistics. McClendon.

Mexico, and I was appointed by a Federal Judge as Deputy Master over all 58 California prisons in their long-standing Federal crowding case. The County contracted with me in January 2013 on a short-term purchase order (8 months) to assist with the County's Jail crowding. Many prior client counties have recommended my expertise due to real success in reducing crowding and improving justice system coordination across the nation. (See attached resume² and letters of reference³).

I began work in Bernalillo in the late fall of 2012. I read the history of the jail, reviewed dozens of outside expert and organizations' reports, and virtually everything else available on the case. After several months of conducting wide-ranging interviews and seeking meaningful meetings and effective strategies to rally the parties and players to a common approach, I realized this cohesion would not be easy. What has worked everywhere else— what has become best practice— is to bring the parties to the table with data, organize them around assessing public safety risk and needs of arrested persons, implement appropriate assessment tools and practices, and then streamline the time it takes to process cases and people through the system. This will reduce jail crowding.

This strategy could not even begin in Bernalillo, as it surfaced that the Office of the Deputy County Manager over Public Safety had long been undermining such efforts. The Deputy County Manager would not meet with me meaningfully in spite of his County's contract with me and in spite of the Chief of Corrections' widely distributed recommendations. As such, the Chief of Corrections directed me to work directly with the two Federal Judges over the McClendon case, as the Chief of Corrections suggested that providing technical assistance and seeking to coordinate a settlement strategy with the Court would have the best chance.

I communicated with some of the County Commissioners and all the criminal justice agencies, and I spoke personally with many dozens of others, often with the Federal judges and at different times with individual justice system officials, (some openly, others in private). I spoke about how to end the financial hemorrhage of Bernalillo's jail crowding and ensuing litigation, using data and insight into the case's history.

The County Manager's office rebuffed my attempts to work with them. My work continued in spite of this pattern, however, for all but the final month of the eight-month purchase order at under \$7,000 per month including all expenses of travel, etc. My payments ended a month early due to a termination of the contract by the Assistant County Manger. I learned the County Manager also rebuffed other similar efforts: he dismissed the Pretrial Justice Institute of Washington, DC, an agency that has been successful in introducing real pre-trial reform and lowering crowding throughout the nation; he removed his own data collection expert, whose work showed the failures of efforts to add programs and caseworkers to the system

² Appendix E

³ Appendix F

rather than reduce the causes of crowding; and he refused to allow a final report from the National Center for State Courts, after their draft report demonstrated the tremendous court delay driving overcrowding and the means to remedy it. These are only a very few examples of how often the most recent Deputy County Manager found a means of keeping out those with real answers that could have changed the direction of this intractable lawsuit.

I write this final report with knowledge (but certainly not approval) of the above parties and the Federal Judges over this case. Despite my early termination by the Deputy County Manager, I continued for seven months on my own. I am too old and experienced to allow such a situation to gag me. And I believe I have an obligation to let the Commission and Bernalillo County citizens and taxpayers know that things are not as they ought to be. I aim to provide the County with the best advice about how the citizens, the political leaders, and the Commission can end this crowding and lawsuit and stop the advancing, enormous, and damaging drain on the County treasury and remaining fabric of a dilapidated criminal justice system.

The attached data⁴ and widely available reports cited through out this report support my advice and demonstrate exactly how and why jail crowding, the lawsuit and the political culture in Bernalillo County are chronic and how they feed on each other.

III. ANALYSIS

Bernalillo County greatly overuses its jail bed resource by failing to manage the justice system work and case flow. The source of jail crowding is not an increase in general or criminal population. It is not due to increases in crime, arrests, or bookings into the jail. Nor can it be traced to any factor related to public safety that has in the past and still crowds the jail. The decisions that are being made about people and cases as they move through the system are what are causing the crowding. It is the “system” of administration that crowds the jail: an ultimate failure of management, administration, and leadership to control what appears now to some to be deliberate malfeasance.⁵

Law enforcement brings too many to jail on minor charges; too many who hold no risk are held in pretrial detention and for far too long; too many filings result in dismissal, so that many are released without conviction after serving long periods of pretrial incarceration. The system has one of the worst records of delay in the

⁴ The data is the most recent data available to me, as the Deputy County Manager does not allow access to newer data.

⁵ This concept of the workload being largely determined by decision makers as cases and people flow through the system is best explained at: “Jail Crowding: Understanding Jail Population Dynamics, by Mark Cunniff, published by the National Institute of Corrections, U.S. Department of Justice, January 2002. NIC Accession Number 017209. This document can be accessed electronically at: <http://static.nicic.gov/Library/017209.pdf>

nation, and that is a primary cause of jail crowding. The lack of coordinated management of the workflow by all the justice system partners, and with the tacit and sometimes direct support or involvement of local government, grow the system instead of manage it.

The current population in the jail manifests these facts. The majority of the inmates are non-dangerous and a third are truly “light-weights” (low-risk in comparison to jurisdiction averages elsewhere). Un-rationed arrests for minor, non-dangerous crimes abound; primitive and ineffective pre-trial practices do not protect the public, but greatly crowd the jail; case processing delays produce a bloated workload; poor management of probation violations increases the jail population by hundreds.

The dysfunctional pre-trial approach feeds the bail bond industry, which, according to most accounts, seems totally involved with local politicians and judges, and thus creates the food chain that sustains the system of players.⁶ The pattern is too deep in the local fabric to simply label it “corruption”; it is the way of life, business, and livelihood for too many.

The attached comparison of the statistical profile of the County to the profiles of other counties set out these facts.⁷ Additional information describes jail population measures for dangerousness and risk to public safety according to a best practice national standard risk assessment instrument. The Judges and other managers have been reluctant to implement this validated best practice of objective risk assessment, claiming that their subjective judgment about risk is “better” for public safety. This subjective approach is an untenable and indefensible position, especially in light of the national experience. Recently, the Chief of Corrections employed the Northpointe risk assessment, chosen based on national credentials and success in other settings of crowded jails. The system demonstrated that most of those in the jail were inappropriately incarcerated because of their lack of risk to public safety. In response, the Deputy County Manager, with help from others, undertook efforts to limit the impact of this new and best practice risk assessment system.

Attached are national comparisons of the inmate profile in a series of charts, tables, and spreadsheets.⁸ The objective data shows the large proportion of inmates with low risk to public safety and leads to strong conclusions about current, uncoordinated justice system policy and practice.

Each time the inevitable new wave of growth in jail crowding occurs, the McClendon litigation is “roused.” This repeated pattern, over nearly two decades, results in the

⁶ For general discussion of this condition, see : “Pretrial Criminal Justice Research”, Research Summary, which can be accessed on line at:
http://www.arnoldfoundation.org/sites/default/files/pdf/LJAF-Pretrial-CJ-Research-brief_FNL.pdf

⁷ Appendix A

⁸ Appendix B

County spending more millions to continue the system's failure to manage. The system bloats the population with the same pattern to accommodate, with more beds, more programs, more staff, and huge outlays, yet crowding is never really reduced.

The totality of these data and facts destroy the argument that the hundreds of non-dangerous persons currently in jail "should" be in jail at County expense. The data and national comparisons demonstrate that a great many non-dangerous people need not be detained for long pretrial periods and never convicted. The data in its national context confirms that the volume of cases and time it takes to process could readily be diminished. It reveals the lie that justice system agencies are independent of the County and cannot be required to manage together to focus the system's resources. These agencies (coordinated in a subtle way by the County Manager and allowed in an even less-subtle manner by the County Board) nonetheless continually call for (in an obviously coordinated manner) and obtain more County money to crowd the jail and fuel the lawsuit.

IV. THE RATIONALE

The lawsuit now has a life of its own; it has found a powerful niche in the local economy of the "courthouse gang" (the lawyers and especially the bondsmen), the public sector employees and private contractors, as well as the New Mexico culture of seeking government jobs as an employer for political supporters.

This institutionalizing of the lawsuit has developed to such a comprehensive degree that there is virtually no remaining constituency for ending the lawsuit. In fact, the Commission, the Chief of Corrections, and the Federal Judges are the only convincing figures on the horizon, who are clearly trying to put an end to crowding and the lawsuit. Sometimes, to a lesser degree, some Commission members join in. Still, the Commission has not acted decisively, the Chief of Corrections seems targeted, undermined, and limited by the Deputy County Manager, and the various experts involved in the settlement negotiations, seem at times "played" by the lawyers as an accompaniment to the lawsuit's music.

Almost everyone in the local circle of interests adjacent to the crowding issue directly or indirectly has an interest in holding on to substantial system inefficiencies to preserve their place in this order. Consequently, there is no one person who seems committed to ending the crowding and the lawsuit, except the Federal Judge.

For over 20 years, the jail has become more and more full, through two facilities, 90 lawyers, and 500-700 inmates who would for the most part never be in jail (or stay long in jail) almost anywhere else in the nation. The inmate classification and risk assessment tools risk have now been scientifically validated. It shows how the

pattern of jailing, mostly pre-trial, is unnecessary for public safety and fundamentally bad criminal justice and local government.

Public safety is worse the more this pattern grows, and it is growing. Misuse and crowding of the jail in this way is often said to cause crime by disrupting lives, breaking up families, leaving the incriminated jobless and homeless persons to turn to drugs or fall prey to mental illness, and promoting gangs rather than deterring criminality.

This dysfunctional system doesn't so much as "correct" as it reproduces the inmates— it punishes the poor local families and working taxpayers, each paying for the housing of non-convicted and non-dangerous persons, and suffering from the County's unjust use of resources; it punishes them with the breakup of their families rather than real rehabilitation service; it punishes them with the stigma of criminality without justice; and it punishes them by reinforcing their poverty.

V. THE ROLE OF THE ATTORNEYS

Some of the lawsuit's attorneys were with the City of Albuquerque two decades ago, at the start of the jail lawsuit. One of the attorneys, admittedly the best, is still in the litigation as a County Attorney. Various private firms have been involved. Most recently and importantly, the "Baker" firm, that is said to represent "the County's interests," and the "Cubra" firm, another lead firm on the plaintiffs' side that claims to represent the inmate's interests.

The lawyers representing the County maintain that they are protecting the County, although it is clear that the County has only "lost" from the onset of the litigation. The County has spent \$10 million in legal fees alone, \$20 million on a new, larger County jail without even escaping from the law suit's grasp, and millions upon millions more in increasing operations costs and also on programs, staff, experts, consultants, etc. All of these huge expenditures pale, of course, in comparison to the rapidly rising cost of running a very large jail and crowded system, regularly inflating the overall operations budget and now shipping inmates to nearby jails outside the County.

In addition, the plaintiffs' attorneys are always making the obvious point that the jail is overcrowded (which is hard to dismiss) and that the jail is dangerous (which, in comparison to other large urban jails, is far less clear). The jail, as most large metropolitan jails, is not an easy management challenge and is always beset by some violence and danger for inmates and staff, to a greater or lesser degree. This jail, however, has its professional operations interfered with on a regular basis by the highly political Deputy County Manager, according to various sources in and outside the jail. From the recent demise of the jail's honor program, to the undermining of the Chief of Corrections' position and his efforts at reform, the Deputy County Manager orchestrates the chaos necessary to keep the jail from

focusing on real control and safety and lowering the number of incidents. This chaos greatly fuels the lawsuit's apparent legitimacy, suggesting that the crowding is the cause of the danger to inmates, including disabled inmates.

From the view point of this writer (with forty years in the business of jail and prisons, including significant prior work in New Mexico), the jails are "average," not terribly dangerous, and not easily made safer without being left alone by County management and protected from the pressures of the lawsuit. The jail needs time and support to focus on problems of personnel and hiring, training and morale, and culture. All of these problems have long been impacted by past corruption, the County management's interference, and the lawsuit itself. The system and the cycle maintain levels of failure and indicators of violence/danger upon which so many interested parties can always stake their claims.

So, both groups of attorneys, all in the name of representing the "best interests" of their clients, have fallen upon a perpetual fee machine that shows no sign of abatement.

It is difficult, from a functional analysis, to see who the plaintiffs' lawyers really represent, and more so to believe that the jail is sufficiently crowded or dangerous today, such that when compared to when the suit was first brought, the jail would today be found to have unconstitutional conditions of confinement. From observation, the lawyers are all good lawyers and they are not trained to step out ahead of the County and make the County settle, or let the County settle. Individually they may well be committed to their clients, but as a whole, they are a powerful force for maintaining the status quo of the dilapidated system.

The only lawyers who truly have the right interests in seeing the suit settle is the senior Federal Judge in the case, and the Magistrate Judge. The rest of the lawyers hold on to arguments that maintain the suit and have no real interest in seeing the litigation come to an end, in spite of claims to the contrary.

Although the senior County Attorney is also clear on seeking an end, he is limited by his position and the irony of not being able to advise the County to stand up to the local justice agencies and refuse to take inmates into the jail over a reasonable level (A jail population "cap"). That is because the refusal of the County to take inmates sent by the Courts to the jail is contra local law, albeit the justice system agencies are acting in very extra-legal or unconstitutional ways as well, in the opinion of this expert.

Perhaps some of the individual County Commission members are invested in ending the crowding and lawsuit, but these individuals appear to be weakened by the powerhouse Deputy County Manager, or by the natural partisan infighting of a split Board, or perhaps by the fear of risk and change attributed to their political career.

The liability to the lawsuit is in its 20th year momentum, the County's mismanagement of continuously "trying" to comply, the enormous self-interest of all involved, and the law firms that somehow maintain hold over the litigation. There is a lack of a strong disinterested outsider, with some real interest in settling the suit. This is the kind of person who needs to be put in charge of so doing. Otherwise, the Commission will be continuously held hostage by local politics, local law firms, and a host of other political and economic interests, as well as the Deputy County Manager and the bondsmen who contribute to this overall litigation disaster.

VI. THE ROLE OF THE COUNTY COMMISSION

For as long as those many persons in and out of government who were interviewed can remember, the County Commission has delegated control over the jail and its crowding problems and the litigation to the County Manger's Office. For the past several years, this responsibility has been managed by the Deputy County Manager, who is also the Mayor of another City in the County and openly discusses seeking the Governor's Office. As such, when this Deputy County Manager works with the various criminal justice agencies, or with other nearby and far counties where rental beds might be sought for crowded County jail inmates, he does so with these political and economic interests in mind. Yet the Board placed him in that position and thus relied on him, which in many ways provides an explanation as to the longevity and enormous expenses of the jail crowding problems and court case.

The County has never exerted effective influence on the justice system partners. Instead, the County has accommodated by agreeing to expand the system rather than require better and more coordinated justice system agency management to control caseload growth. It has shown great support by approving far more than the minimal funds required to house the system agencies. For example, the County gives the Court \$3 million to \$4 million a year to deal with pre-trial release, but the outcome and product of that funding appears to be counterproductive, conveying a message to the Court and bondsmen that the resulting jail crowding is just business as usual. The Deputy County Manager seems more inclined to lobby to give more County funds to the Courts and other agencies than to threaten cuts if better management of the case flow is not instituted.

In feigned fear of releasing the inevitable minor offender, who might re-offend, the Courts will not acknowledge the widely available and valid public data that demonstrates enormous and unmatched court delay. The Courts will not admit that they are jailing persons who are not dangerous, who will not be convicted, and who do not belong in jail. The Courts are responsible for this dysfunctional administration in their effort to preserve their fiefdom and position of privilege and influence without accountability. They seem to love their privileged jobs more than justice. They also do not really promote any release efforts beyond jail and financial bond, although there are widely used programs elsewhere that ensure appearance with calls or postcards, etc. The Courts appear to be the captive of a very politically

powerful bail bond industry that has close connections to election campaigns and political fundraising, and this relationship appears to the outsider to have the total support of the Deputy County Manager, and thus, indirectly, the Commission.

Furthermore, the Prosecution will not readily consider the data that shows that the DA's office is not screening early and carefully enough to manage scarce public resources or jail resources. The DA seems unresponsive to published data, equally available to all, which shows an unusually high rate of dropped cases in the County. These cases were dropped long after incarceration, effectively demonstrating late and inadequate screening and a disregard for the constitutional niceties.

Lastly, the police will not readily change transporting persons to jail who should instead be cited in the field or diverted, because they pose risk of danger or failure to appear. They appear to transport arrestees to jail simply because it is easier for them to do so.

Overall, this County justice system has never stepped up to manage itself, individually, or its partner agencies. There are better and smarter ways to enforce the law for non-dangerous persons, which the vast majority of the nation's large counties have already recognized.

The only possible ending can come from those charged with the well being of the County and budget: the Commission. Once the Commission says no shipping, no new beds, and no more money to the agencies that refuse to cooperate and manage the case-flow, then and only then, can this extreme dysfunction end, and some reasonable justice system and normal jail population emerge. The time for that policy change is now.

VII. THE SOLUTION

The data supports the logical decision that the Commission must now take a stand in order to preserve the viability of local government, justice and the County treasury, or otherwise step towards fiscal collapse, a logical outcome of shipping inmates or waiting for a new harsh court order that requires both shipping and large fines.

The alternative is to unify behind a court-approved settlement and support the new order with the recently legislated but reconstituted Criminal Justice Advisory Board (CJAB). The goal of the CJAB is to get the gatekeepers around a table with the same data, to manage crowding and satisfy the lawsuit. That has worked almost everywhere.⁹

⁹ See: "Guidelines for Establishing a Criminal Justice Coordinating Committee" by Robert Cushman, published by the National Institute of Corrections, U.S. Department of Justice, 2002, accession # 017232. Access an online copy of this publication at: <http://nicic.gov/library/017232>

The Deputy County Manager's recent visit to legislature to pass a deliberately flawed CJAB bill explains the CJAB's useless performance thus far.

The County Commissioners should require the new CJAB management and a jail population cap, driven by risk assessment instruments, to manage the crowding. If these fundamental and widely employed means are not instituted, then the Commission should seek to settle the lawsuit in any event "ordering" those initiatives, putting forth and agreeing to a cap and requesting the release matrix, and not worry about about the legal challenges. The Commission can let the self-interested defenders of maintaining this law suit and shipping inmates to other counties appeal and try to stop them— which, in this expert's opinion, they cannot and will not be able to accomplish, as the next or current lawsuit would include those who tried to block these means.

VIII. RECOMMENDATIONS

1. Cap the jail at 2236, and do not ship any inmates, regardless.
2. Use the Northpointe risk assessment system, administered by the Jail, to manage the cap with a release matrix. In this way, the least dangerous, most ready to be released inmate is released when a new one arrives over the cap. Stick with the Northpointe system as it's been used and do not allow manipulation of "cut points" and risk scales.
3. Employ the two already agreed-upon experts to monitor and report on progress towards a more constitutional jail operation, which should occur easily under the existing Chief of Corrections, if only the manager, administrative and legal distractions and instability of crowding and the lawsuit ends.
4. Use the County's budget as tool for compliance, withdrawing from or providing funds to law enforcement, prosecution, probation, courts and related agencies to comply with this overall approach. The courts need to release pre-trial inmates on OR via a validated risk assessment instrument, as most other courts do; probation needs the same assessments to be accountable to the need for jail beds for serious offenders; the prosecution should benefit from staffing and resources to screen tighter and earlier, down-charging and diverting based on the same kind of risk assessment; and police field citations for arrests, rather than custody, should be required based on the law and a reasonable risk assessment of existing options for diversion, or the County should seek booking fees.

Additional resources can be viewed at the Criminal Justice Management Institute, at:
<http://www.jmijustice.org/current-projects/criminal-justice-coordinating-councils>

5. Support the new CJAB with County Commission (not Manager) staff to manage this settlement and all the changes; provide strong outside Facilitator support to operate the CJAB, and avoid any more buildings, space, programs or new staffing. The outside Facilitator, with “no dog in the fight,” is necessary to make CJAB work, especially at the onset. The idea of a Supreme Court Judge to play this role is only a fair idea, as the Facilitator should represent a “sea change” and have no political or financial interest in any aspect of any issue before CJAB, and thus be a Facilitator that has done the CJAB job elsewhere; there are many to chose amongst.
6. If the partner agencies cannot work together with a revised structure for the recently established CJAB, to manage their system, and they refuse to comply with the settlement you authorize per the above points, then hold fast, let them sue for your refusal to fund the justice agencies beyond their budget, as now occurs, and cut the \$12 million you currently provide, and fight the adverse results as far as you can. That will be a much cheaper battle and you will win.
7. The Court should establish and enforce a Continuance Policy that strongly disfavors motions or requests to continue court events with the exception of unusual circumstances. Any continuance motion or request must be in writing and filed no later than 48 hours before the court event for which rescheduling is requested. The Court should grant a continuance only for good cause shown. Refer to Principal Court Management Consultant for the NCSC David C. Steelman’s Model Continuance Policy.
8. The Court should establish and enforce a Plea Cut-Off Policy whereby the court would establish a date for prosecution and defense counsel to meet to discuss the possibility of a plea, at which the prosecutor’s office would be prepared to make its best offer to the defendant. A week after that conference would be the last date on which the defendant could accept the prosecution’s best offer. If the defendant sought to plead guilty after that date, he or she would have to plead to the original charge filed by the prosecutor. There would be no benefit for the defendant to wait, since the prosecutor’s offer would not “get better” from a defense perspective. Refer to Principal Court Management Consultant for the NCSC David C. Steelman’s Elements of a Successful “Plea Cut-Off” Policy for Criminal Cases.
9. Implement status conferences within 7 days after arrest.
10. Implement settlement conferences for those cases not resolved with status conference, to occur shortly after indictment.
11. Set up a small fund, public or private, to provide bail to low-level offenders who can’t meet bail. This concept was recently implemented in New York

through The Bronx Freedom Fund. For-profit bail bond companies frequently refuse to write bonds in cases where they see little profit in providing small amounts of bail, leaving those at the very bottom of the economic heap without any recourse. The central mission of the Fund is to try to post bail for those least able to afford it and most likely to return to court. The Fund posted bail of up to \$1,500 for defendants charged with misdemeanors or nonviolent felonies and who were considered to have a low risk of fleeing while their cases were pending. From 2007-2009, the Fund reported a 93% appearance rate for participating defendants and helped release 160 defendants, who on average would have spent 16 days each in jail awaiting trial.¹⁰

12. In summary, if you stand strong now, it is highly likely that, with CJAB in place with a strong outside facilitator, a refusal to ship, and your combined direct power outside of the Manager's Office, you will get the system to manage itself and comply with the settlement as outlined herein, without major conflict or even more millions lost.

¹⁰ From a Memorandum: "The cost for posting a \$500.00 bond for 750 inmates would be \$375,000.00... On the other hand, if these inmates are kept in custody, it costs the County \$63 per day, per inmate... According to [Lisa Simpson], the average length of stay of an inmate at Bernalillo County Detention Center is 180 days... it would cost the County... a total of \$4,231,500.00 for just 90 days to house 750 inmates."

APPENDIX A.
LENGTH OF STAY IN DETENTION FACILITIES

Looking only at arrestees charged with at least one felony from 2003 to 2010:

- Median length of stay increased 31% for arrestees who spent their entire stay in an unsentenced status (from 112 to 147 days).
- Not accounting for sentence status, total median length of stay increased 2.8% (from 176 to 181 days).
- Median length of stay varied by location.
- Curry and San Miguel counties' total median length of stay decreased by 25%.
- Dona Ana county's total median length of stay decreased by 11%.
- Total median length of stay increased by nearly 13% for Bernalillo, and 3% for Eddy and San Juan.

Looking only at arrestees charged with new charges in District court from 2003 to 2010:

- Median unsentenced length of stay increased 16% (from 167 to 193 days).

Major Findings from 2010 Study

- Arrestees charged only with misdemeanors spent a median of 80 days in detention facilities.
- Arrestees booked on probation violation in district court spent a median of 70 days in an unsentenced status.
- Arrestees booked on warrant in district court spent a median of 114 days in an unsentenced status.
- 4.3% of arrestees had an I-247 Immigrations Customs Enforcement Detainer.
- 3.1% of arrestees had a mental health competency proceeding filed during the course of their stay. A supplemental report will be written detailing the outcomes of these arrestees.
- 123 arrestees were still in custody on June 30, 2012. Their median length of stay up to that point was 761 days.

Length of Stay in Detention Facilities: A Profile of Seven New Mexico Counties

In 2004, the New Mexico Association of Counties (NMAC) contracted with the New Mexico Sentencing Commission (NMSC) to conduct a study to estimate the cost of housing arrestees charged with felonies in New Mexico detention facilities. Fiscal impact was the primary focus of the study; however, a second report *Length of Stay for Arrestees Held on Felony Charges: A Profile of Six New Mexico Detention Facilities* was published that analyzed the amount of time arrestees charged with felonies spent in jail. In subsequent years, the cost estimate has been updated annually (funding provided by the County Detention Facility Reimbursement Act, see Section 33-3B-1 NMSA 1978).

The length of stay study had not been updated since 2005. In June 2011, NMAC contracted with NMSC to update the length of stay study. Rather than just look at arrestees with felony charges, the update includes arrestees charged with misdemeanor charges as well as collection of other data elements.

Research Design

The original sample of county detention centers (Bernalillo, Curry, Dona Ana, Eddy, San Juan and San Miguel) were included in the update along with the addition of Cibola county. Data was collected from each facility to create a snapshot for June 30, 2010. The number of arrestees in the study sample comprised just over 70% of all arrestees held in New Mexico detention centers on that date. Automated information was used for Bernalillo and Dona Ana counties. Information for all other counties was collected from files maintained by the detention centers. The New Mexico Administrative Office of the Courts provided additional information.

This study does not measure daily turnover, how many arrestees are booked and released each day. Rather this study looks at a single day to determine how long each arrestee was in custody from booking to release. Arrestees were categorized as either *unsentenced*, meaning charged but awaiting trial, or *sentenced*, meaning convicted and sentenced. The median length of stay for both the unsentenced and sentenced proportions as well as the total length of stay for each arrestee were calculated. Arrestees were further categorized by court jurisdiction and type of charge.

Since there was considerable variation in the length of stay data, we used the median to report the length of stay instead of an average (mean). The median statistic is best because it represents the middle score in the data: half the scores are greater than the median and half are less than the median. In situations where there is a large dispersion (standard deviation) in the data the median is a more accurate measure. Cases that yielded suspicious estimates were excluded from the analysis.

Results

Among the 5,109 arrestees in our sample, 24.4% were younger than 25 years of age, 34.5% were between 25 and 34 years of age, and 41.1% were 35 years or older. Men comprised 83.7% of the sample.

Of the 5,109 arrestees in the sample, 98.2% were booked prior to June 30, 2010. Of the 93 arrestees booked on June 30, 2010, their median length of stay was 8 days. Over a quarter (28%) were released within a day.

Table 1 - Median Length of Stay for Arrestees with Felony Charges

	2010		2003	
	Median	Number	Median	Number
Bernalillo	206	2,131	183	1,446
Cibola	167	106		
Curry	146	218	196	170
Dona Ana	149	444	168	332
Eddy	169	119	164	108
San Juan	149	298	144	415
San Miguel	109	78	147	52
Total	181	3,394	176	2,523

For the 5,016 booked prior to June 30, 2010, 66.7% had already been in the detention center for 30 days or more.

Length of Stay Arrestees Charged with Felonies

Over 66% of arrestees were charged with at least one felony, down from 2003 (68.9%). It is important to note that one possible explanation for the decline is the increase in dollar threshold amounts for property crimes. In 2006, the legislature addressed the effects of inflation on penalties for property crimes in House Bill 80 (Chapter 29) by increasing the dollar amounts for property offenses that would trigger sanctions. Consequently, some property offenses that had previously been 4th degree felonies became misdemeanor offenses. Table 1 describes the number of arrestees charged with a felony by detention facilities and their median length of stay for arrestees.

The median length of stay for 2010 increased by 2.8%. For Curry and San Miguel the total length of stay decreased by 25%, and length of stay also decreased 11% for Dona Ana. Length of stay increased by nearly 13% for Bernalillo, and 3% for Eddy and San Juan.

Nearly half of arrestees charged with felonies will spend only time unsentenced or awaiting outcome on their case, while only a small portion will spend time

Table 2 - Total Length of Stay by Sentence Status for Arrestees with Felony Charges

Category	2010		2003	
	Median	Number	Median	Number
Arrestees who spent time both Unsentenced & Sentenced	228	1,495	224	1,256
Arrestees who only spent time unsentenced	147	1,686	112	1,152
Arrestees who only spent time Sentenced	163	213	151	96

only sentenced, meaning they are completing a court ordered sentence (6%). 44% of arrestees will spend a portion of stay both unsentenced and sentenced. Table 2 again focuses only on arrestees charged with felonies. Arrestees in the both category spent a median of 7.5 months in a detention center (228 days up nearly 2% from 2003). The median amount of time for an arrestee charged with a felony who was unsentenced their whole stay was 147 days, up 31% from 2003. For arrestees who only spent time sentenced, their median stay was up 8% to 163 days from 149.

Length of Stay Arrestees Charged with Misdemeanors

Median length of stay for arrestees with misdemeanor charges is considerably shorter (80 days). Table 3 lists the total length of stay for arrestees charged with misdemeanors by county.

Table 3 - Median Length of Stay for Arrestees with Misdemeanor Charges

	2010	
	Median	Number
Bernalillo	84	1,076
Cibola	21	15
Curry	77	103
Dona Ana	32	69
Eddy	106	80
San Juan	87	302
San Miguel	41	25
Total	80	1,670

A higher portion of arrestees charged with misdemeanors are booked to only serve a sentence (13% compared to 6% of arrestees charged with a felony).

The median length of stay for a sentenced arrestee charged with a misdemeanor was 88 days.

Interestingly, the portion of arrestees who spend a portion of stay both unsentenced and sentenced is the same for arrestees charged for misdemeanors as it was for arrestees charged with felonies (44%). The median length of stay for an arrestee who spent time both sentenced and unsentenced was 97 days.

For arrestees charged with misdemeanors who only spent time unsentenced, their

Table 4 - Total Length of Stay by Sentence Status for Arrestees with Misdemeanor Charges

Category	2010	
	Median	Number
Arrestees who spent time both Unsentenced & Sentenced	97	730
Arrestees who only spent time Unsentenced	55	718
Arrestees who only spent time Sentenced	88	222

median length of stay was 55 days. Table 4 contains the median length of stay by sentence status for arrestees charged with misdemeanors.

Booking Categories

Nearly 62% of arrestees were booked on a new charge. Probation violations were the second most common category (18.1%), followed by warrants (17.1%). Table 5 lists booking categories.

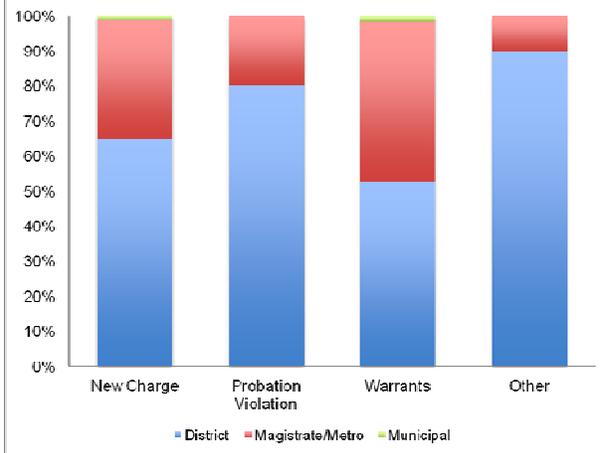
Booking categories are presented graphically in Figure 1 to show the relative percentage of bookings by court jurisdiction. There are very few cases where arrestees’ most serious booking is a case in municipal court. Arrestees with new charges, probation violations, and other bookings are more likely to have cases in district court. Warrants are almost evenly split between district and magistrate/metropolitan courts. Failure to appear is the most common warrant type (53%), followed by failure to comply (31%).

Probation can be supervised by different agencies. New Mexico Correction Department (NMCD) Probation Parole Division (PPD) supervises offenders who are sentenced to probation by district court. Typically these offenders are convicted of felonies; however in jurisdictions that do not have magistrate court probation it can include individuals who are convicted of misdemeanors. Bernalillo County Metropolitan

Table 5 - Booking Categories

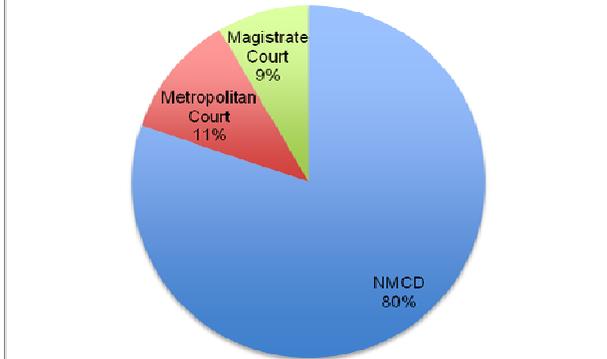
Booking Categories	2010	
	Count	Percent
New Charge	3,164	61.9%
Probation Violation	924	18.1%
Warrants	875	17.1%
Other: Court Commitments/ Here For Court / Protective Custody	106	2.1%
Parole	40	0.8%
Total	5,109	100.0%

Figure 1 - Booking Categories by Jurisdiction



Court and some magistrate courts also supervise probationers. In metropolitan court, judges sentence the offender to probation and court-employed probation officers supervise them. In magistrate court, county-employed compliance officers supervise offenders sentenced to probation. The vast majority of arrestees booked on probation violations are supervised by NMCD (80%). Figure 2 shows the breakout by supervising agency.

Figure 2 - Breakout of Probation Supervision



Most Serious Charge

Looking only at arrestees booked on new charges, the most serious charges at arrest were categorized. DWI was the most frequent charge (20.1%), followed by property (16.2%), and assault/battery (9.8%). Table 6 lists the charge categories in order by frequency.

The top 10 most serious charge categories are presented graphically in Figure 3 to illustrate the relative percentage by court jurisdiction. DWI and public order are more common in magistrate/metropolitan court, while domestic violence is nearly evenly split between magistrate/metropolitan and district courts.

Table 6 - Most Serious Charge for Arrestees Booked on a New Charge

Charge	Count	Percent
DWI	635	20.1%
Property	513	16.2%
Assault/Battery	310	9.8%
Violent	275	8.7%
Domestic Violence	231	7.3%
Possession	214	6.8%
Public Order	209	6.6%
Criminal Justice Interference	179	5.7%
Trafficking	175	5.5%
Sexual Offense	137	4.3%
Traffic	83	2.6%
Other	81	2.6%
Murder	71	2.2%
Robbery	51	1.6%
Total	3,164	100.0%

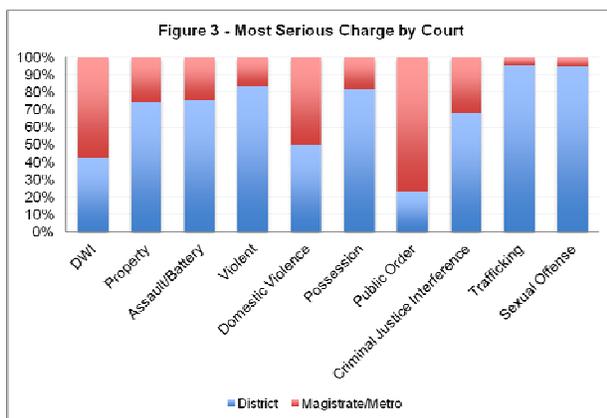
Unsentenced Length of Stay

Using booking category (was the arrestee booked on a new charge, a warrant, a probation violation, or a parole violation), Table 7 looks at the unsentenced length of stay by court jurisdiction and county for arrestees that spent time in the detention center in an unsentenced status.

District Court

Looking at cases in district court, the median number of days unsentenced for an arrestee charged with a new charge was up 16% from 2003 (2003 - 167 days 2010 - 193 days). Bernalillo County had the longest length of stay in this category (222 days) and Curry County had the shortest (135 days).

From 2003, the median number of unsentenced days for an arrestee charged with a probation violation was up 6% (2003 - 66 days 2010 - 70 days). In 2003 parole violations were not separated from probation violation.



Subsequently to the 2005 publication, parole violation information was separated. In 2010, arrestees booked on a parole violation spent a median number of 28 days.

Data from warrants is not directly comparable with the 2003 data. In 2010, all warrants in Bernalillo county were manually reviewed so all arrest and grand jury warrants could be categorized by the underlying charge as they were in all the other counties. In 2010 all warrants were for court compliance issues: the arrestee failed to appear, comply, pay, etc.

The legal culture, law enforcement investigation routines, and court scheduling policies may have an effect on the amount of time arrestees on new charges spend in jail. Rule 5-604 the “six-month rule,” which allowed for 182 days before the defendant must be tried was eliminated in March 2011, when many of these cases were not yet adjudicated. The practical effect of the elimination is probably minor as in the past the rule required that extensions be requested and they were typically granted.

Additionally due to fiscal conditions in New Mexico, the courts, the district attorneys, and public defenders had significant vacancies during the time period. It is interesting to note that despite these staffing conditions, Curry County reduced its median unsentenced length of stay for arrestees with new charges by 31%, and 61% for arrestees with probation violations.

Magistrate/Metropolitan Court

Looking at cases in magistrate/metropolitan court, the median number of unsentenced days for an arrestee charged with a new charge was 55. The median number of unsentenced days was similar for an arrestee charged with a probation violation (53 days). Arrestees arrested on a warrant spent a median number of 37 days unsentenced.

Sentenced Length of Stay

Using booking category, Table 8 looks at the sentenced length of stay by court jurisdiction and county for arrestees who spent time in the detention center in a sentenced status.

District Court

Arrestees with new charges in district court spent a median number of 36 days, while arrestees booked on a warrant spent a median number of 32 days. This was half of the 2003 median, and most likely in part related to the increase in median unsentenced length of stay. The median sentenced length of stay was down 15% for probation violators from 92 to 78 days.

Table 7 - Unsentenced Length of Stay By County, Court Jurisdiction and Charge Type*

	District							
	New Charge		Warrant		Probation		Parole	
	Median	Number	Median	Number	Median	Number	Median	Number
Bernalillo	222	1,255	158	267	74	465	27	26
Cibola	215	54	112	24	152	22		
Curry	135	133	76	27	71	44	124	5
Dona Ana	178	258	91	25	61	114	49	4
Eddy	183	61	35	27	49	12	25	1
San Juan	140	182	39	47	51	45	25	4
San Miguel	150	35	93	31	75	11		
Total	193	1,978	114	448	70	713	28	40
Magistrate/Metropolitan								
Bernalillo	54	549	47	244	64	124		
Cibola	23	13	21	1	1	1		
Curry	51	72	57	15	24	12		
Dona Ana	59	28	25	31				
Eddy	48	37	5	20	8	4		
San Juan	67	193	17	55	22	24		
San Miguel	46	20	24	5				
Total	55	912	37	371	53	165		

* For arrestees who spent time unsentenced and sentenced, both sentenced and unsentenced length of stay was calculated resulting in duplicated counts in tables 7, 8, and 9.

Magistrate/Metropolitan Court

Arrestees sentenced on new charges in magistrate/metropolitan court spent a median number of 50 days in jail. Arrestees sentenced on a warrant had the lowest median sentenced length of stay (32 days), while arrestees sentenced on a probation violation had the longest sentenced length of stay (87 days).

From Sentencing to Transport for Arrestees Sentenced to Prison

Among arrestees charged with felonies, the percentage who were ultimately sentenced to the New Mexico Corrections Department (NMCD) was higher in the 2010 sample (19.7% compared to 18.2% in 2003). The median number of days from the time the arrestee was

Table 8 - Sentenced Length of Stay By County, Court Jurisdiction and Charge Type*

	District					
	New Charge		Warrant		Probation	
	Median	Number	Median	Number	Median	Number
Bernalillo	43	598	26	71	118	232
Cibola	16	36	1	13	3	11
Curry	31	90	3	13	46	25
Dona Ana	55	147	13	10	42	68
Eddy	32	64	70	25	87	11
San Juan	24	160	41	48	55	49
San Miguel	12	11	7	7	11	3
Total	36	1,106	32	187	77	399
Magistrate/Metropolitan						
Bernalillo	71	396	28	67	84	87
Cibola	4	2				
Curry	8	39	3	4	113	10
Dona Ana	15	12	13	14		
Eddy	37	35	70	27	88	7
San Juan	20	159	41	64	97	24
San Miguel	25	2	7	2		
Total	50	645	32	178	87	128

* For arrestees who spent time unsentenced and sentenced, both sentenced and unsentenced length of stay was calculated resulting in duplicated counts in tables 7, 8, and 9.

Table 9 - From Date of Sentence to Date of Transport

	Median	Number
Bernalillo	20	333
Cibola	27	15
Curry	21	57
Dona Ana	18	140
Eddy	34	38
San Juan	17	67
San Miguel	13	17
Total	20	667

sentenced to time that they were transported to NMCD was very similar (20 days - 2010 and 19 days - 2003). We were not able to track the time from sentencing hearing to signed judgment and sentence or the time from signed judgment and sentence to transport for all cases. Table 9 lists the median number of days from date of sentence to date of transport.

Conclusion

Much of the conclusions from the 2005 report are still relevant. Jail population is a consequence of two factors: the number of jail admissions and the length of stay. Robert Cushman observes in a 2002 NIJ publication, *Preventing Jail Crowding: A Practical Guide*, that often times jail management is reactive rather than proactive. Many communities leave the jail population to seek its own level. Jail managers do not control how people get in or out so little is done to analyze the jail composition. However, an examination of the type and duration of the length of stay and the sources of admission can give jail managers the information to formulate policy and improve public protection. Variations exist in the length of stay by county. Efforts need to continue to be made to:

- Analyze the detention process in each county to determine efficiencies and positive externalities.
- Determine how county detention centers, courts, district attorneys, public defenders, and private attorneys can work together to reduce unsentenced length of stay.
- Work with county detention centers and sheriffs to reduce the delay in transferring arrestees to prison after the judgment and sentence is signed.
- Consider ways to hear probation revocations more quickly to reduce unsentenced length of stay for probation violators.

Methodology & Terms

NMSC staff collected data from seven detention centers in New Mexico. A cross-sectional approach similar to a census was used. We collected information for all arrestees in custody in the detention centers in the sample on June 30, 2010. Detention centers provided lists of arrestees in custody on that day. We determined the most serious charge for each arrestee. In cases where arrestees were held on multiple charges or warrants, we chose their most serious charge as the one that held them in the facility. Where an arrestee was held on a warrant and a probation violation, we categorized them by the probation violation. If an arrestee was held on a probation violation and new charges, they were categorized by the new charge. All escapees were excluded. Bernalillo County's custody list included arrestees on community custody which were excluded from the 2003 sample. Any cases that yielded suspicious estimates were excluded.

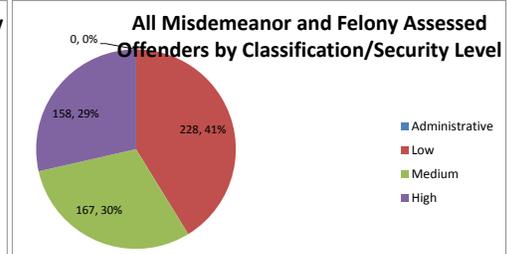
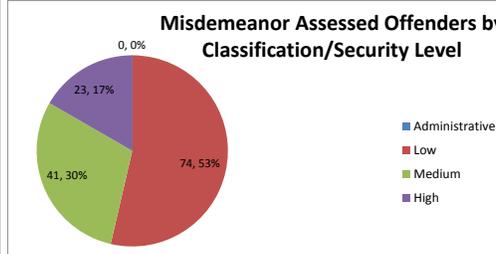
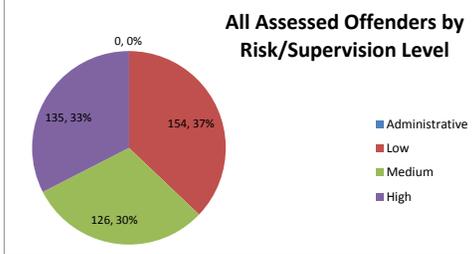
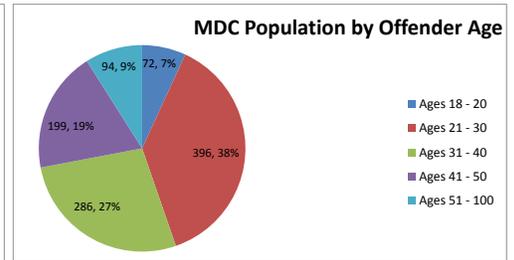
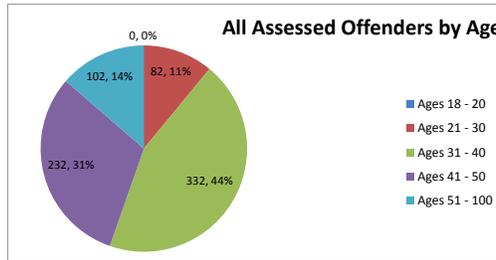
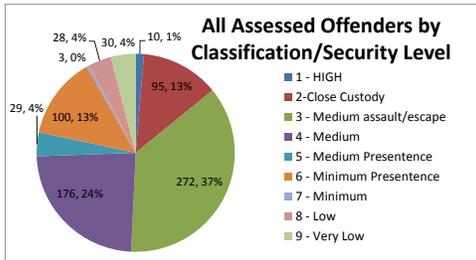
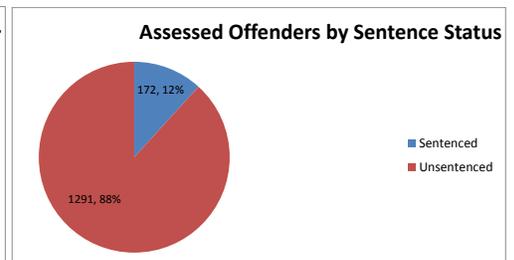
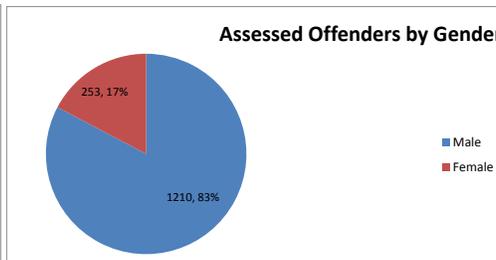
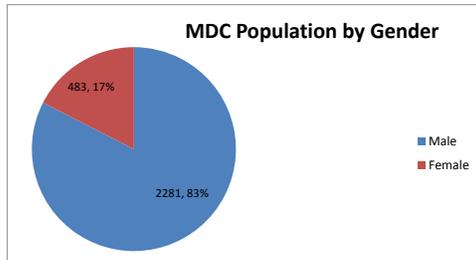
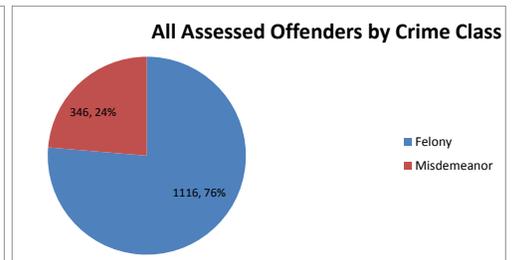
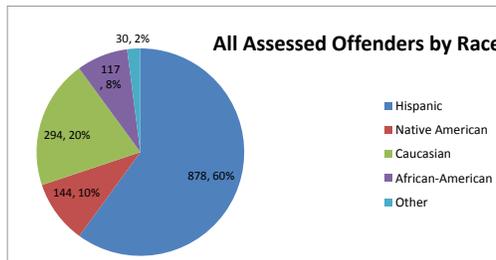
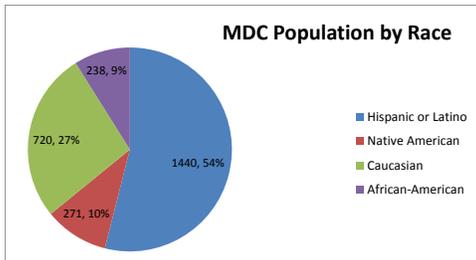
The analyses in this report focuses on the median length of stay of arrestees based on the sentence status and release type. We report on each arrestees' unsentenced, sentenced, and total length of stay. Additionally by looking at the arrestees total length of stay we determined how each arrestee was released from detention. Of the 5,109 arrestees in the sample, 123 were still in custody when facilities were contacted in late June 2012. This date was used to calculate their length of stay.

Several dates were collected for every arrestee: the date booked into the detention center, the date released from the detention center, and if applicable the date of a sentencing hearing. When feasible, the date the arrestee's sentence was signed was also collected.

APPENDIX B.
BERNALILLO RISK AND NEED INMATE PROFILE

Summary of All Offenders Assessed Using the Extended COMPAS Assessment

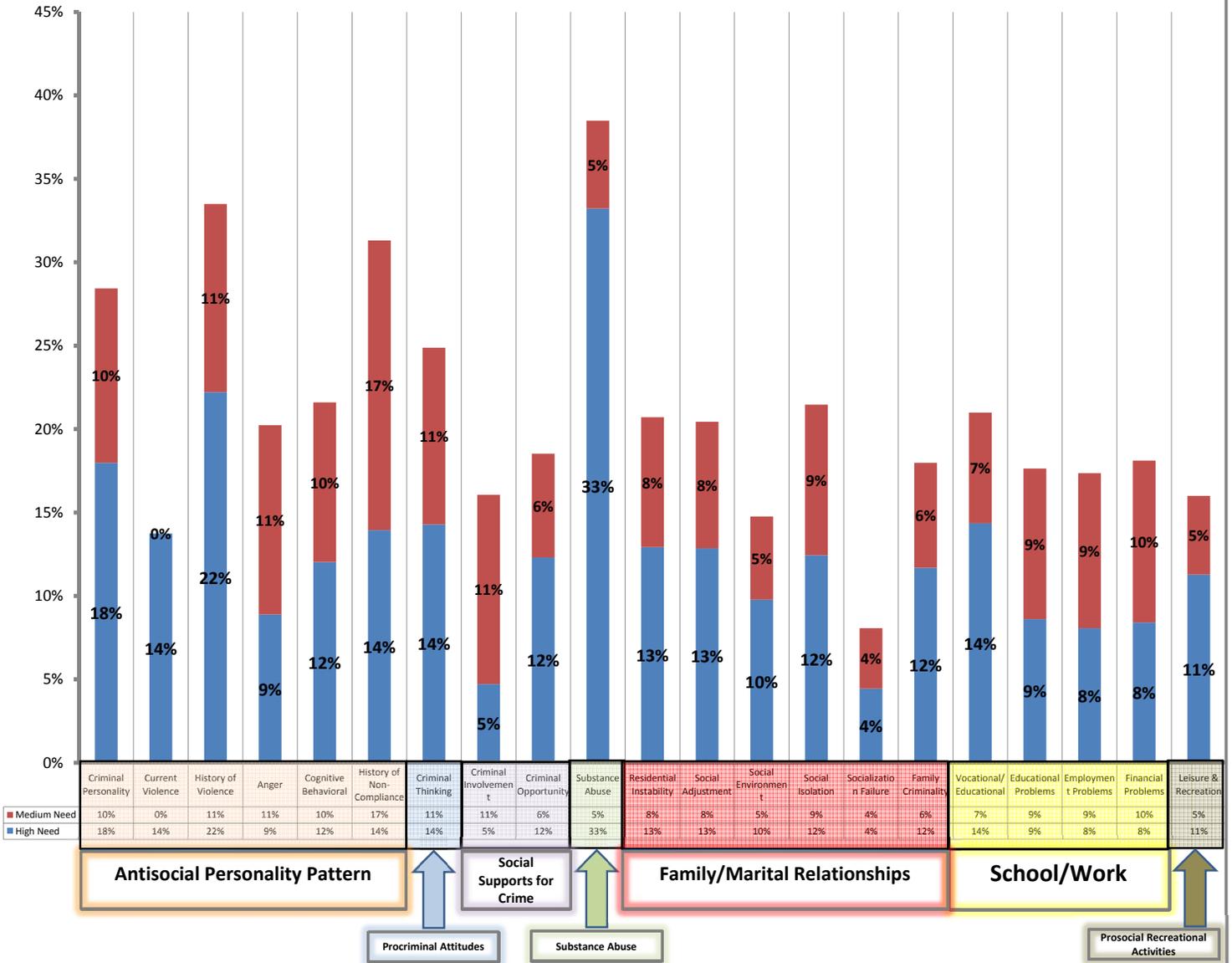
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Percent of Assessed Offenders by Age

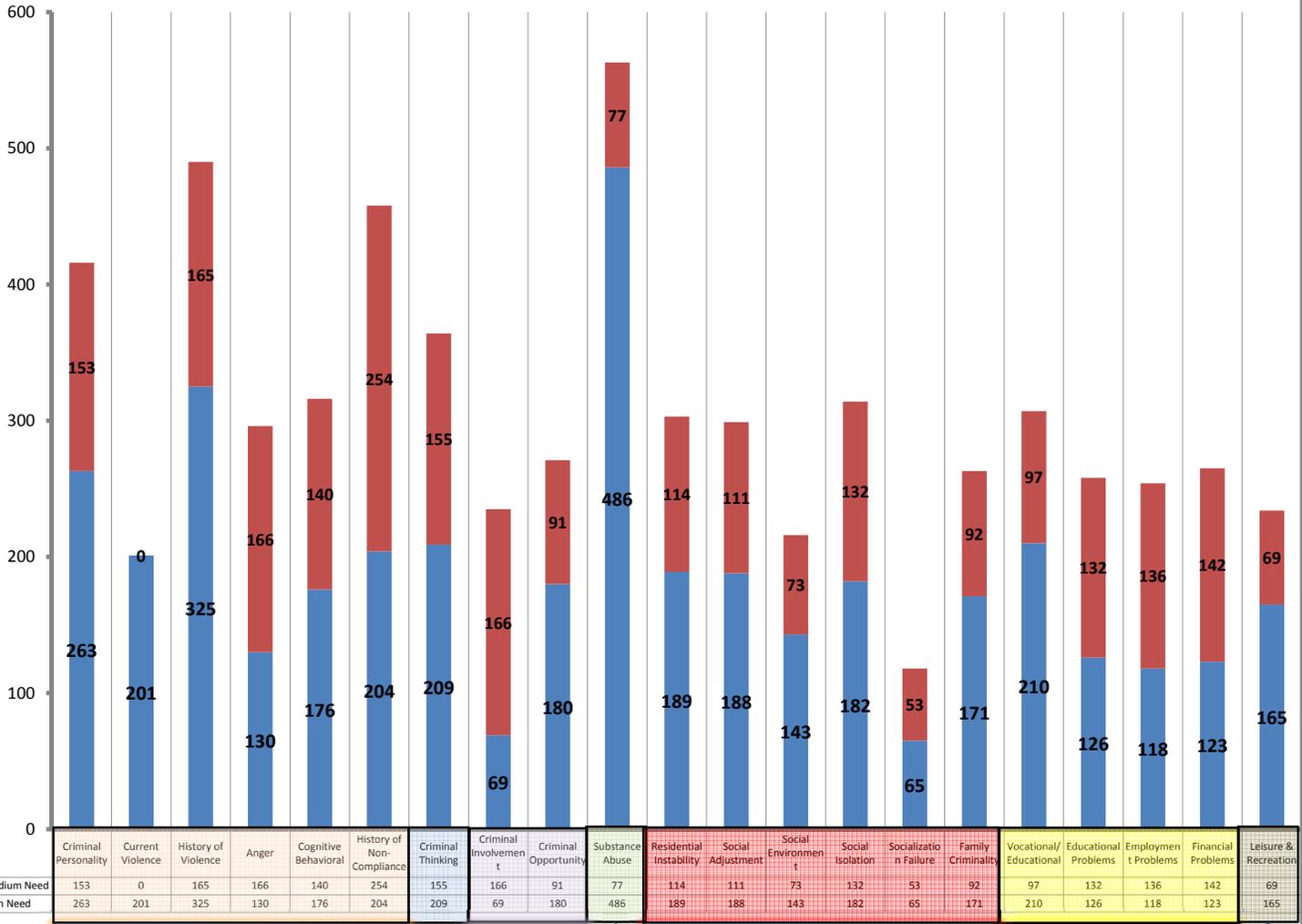
■ High Need

■ Medium Need



Total Number of Assessed Offenders in Custody Who Have Medium to High Need to Address Major Criminogenic Factors

■ High Need ■ Medium Need



Antisocial Personality Pattern

Social Supports for Crime

Family/Marital Relationships

School/Work

Procriminal Attitudes

Substance Abuse

Prosocial Recreational Activities

Criminal Personality

HOW IS THIS SCALE MEASURED:

The items in this scale cover the main dimensions identified as components of the criminal personality (e.g. impulsivity, no guilt, selfishness/narcissism, a tendency to dominate others, risk-taking, and a violent temper or aggression.)

NOTES AND TREATMENT IMPLICATIONS:

Personality factors are important primarily for their linkage to responsivity. There seems to be much consensus that very high or extreme scores may identify persons with a psychopathic tendency who are often seen as highly resistant to treatment. However, impulsive decision-making may be amendable to some form of Cognitive Therapy. Effective interventions have been reported in regard to training programs focused on modifying thoughtless or impulsive decision-making. A more in-depth mental health assessment may also be appropriate.

Current Violence

This short scale measures the degree of violence in the present offense. The central item that defines the scale is whether the present offense is an assaultive felony. Other key items involve whether or not a weapon was used, if there was injury to a person, etc.

NOTES AND TREATMENT IMPLICATIONS:

A high score indicates an assaultive offense with a probable victim (s). This may bring victim notification, restraining orders, etc. into the case plan.

History of Violence

HOW IS THIS SCALE MEASURED:

The aim of this scale is to reflect the seriousness and extent of violence in an offender's criminal history. It focuses on the frequency with which violent felony offenses have occurred, the use of weapons, and the frequency of injuries to victims. The frequency of several specific violent offenses are also included in the scale e.g. robbery, homicide, and assaultive offenses.

NOTES AND TREATMENT IMPLICATIONS:

Multiple episodes of violence may suggest the need for more detailed psychological evaluation. Additionally, if the offender is to be released into the community, requirements regarding victim notification may be important. Anger management training and problem-solving skills may be relevant. Programs regarding social cognition to reduce feelings of hostility etc. may also be relevant.

Anger

HOW IS THIS SCALE MEASURED:

Treatment goals for a person scoring high on the anger scale would generally include creating an awareness of the triggers related to the behavioral expression of anger, recognition of internal and environmental patterns that lead to angry feelings and ineffective expression of them, and creating new coping skills to employ when angry feelings arise. Interventions typically include a cognitive behavioral approach through various programs and anger management courses focused on the process of awareness and ultimately new behavior.

NOTES AND TREATMENT IMPLICATIONS:

Treatment goals for persons scoring high on the anger scale would generally include learning to control their emotions and temper, learning to recognize and avoid situations that may precipitate their anger. These goals may be achieved through appropriate anger management programs and cognitive programming to reframe emotional triggers that may precipitate, as well as cognitive reframing to provide better strategies of conflict resolution.

Cognitive Behavioral

HOW IS THIS SCALE MEASURED:

This is a higher order scale that incorporates the concepts and items included in the Criminal Associates, Criminal Opportunity, Criminal Thinking, Early Socialization, and Social Adjustment scales.

NOTES AND TREATMENT IMPLICATIONS:

Scores of 7 and above may suggest a need for cognitive restructuring intervention as part of the case management plan. A high score in this scale may also indicate the need for close supervision of the case. For very high scoring cases, cognitive interventions, coupled with substance abuse treatment (for example), may best begin in a controlled setting that is separated from all community/peer distractions. This might be sequenced prior to other community placement/probation program conditions.

History of Non-Compliance

HOW IS THIS SCALE MEASURED:

This scale focuses on the number of times the offender has failed when he or she has been placed in a community status. The central defining item is the number of times probation or parole has been suspended or revoked. Related items include the number of times the offender has failed to appear for a court hearing, the number of times a new charge/arrest or technical rules violation has occurred while on probation, parole and prior community corrections program placement failures (i.e. electronic monitoring, community service work, day reporting, etc.) Thus the scale involves the risk of technical rules violation failure leading to revocation of probation, pretrial release, or community corrections placement status.

NOTES AND TREATMENT IMPLICATIONS:

Scores of 8 and above indicate a high risk of rules infractions, or technical violations if placed in the community. These offenders have failed multiple times in the past and have other characteristics which put them at risk of non-compliance. A highly structured supervision and case management plan may be in order.

Criminal Thinking

HOW IS THIS SCALE MEASURED:

This scale brings together several cognitions that serve to justify, support, or provide rationalizations for the person's criminal behavior. These dimensions include moral justification, refusal to accept responsibility, blaming the victim, and rationalizations (excuses) that minimize the seriousness and consequences of their criminal activity. These include rationalizations such as: drug use is harmless because it doesn't hurt anybody else, criminal behavior can be justified by social pressures, theft is harmless if those stolen from don't notice or don't need what was taken, etc.

NOTES AND TREATMENT IMPLICATIONS:

Scores of 7 and above may suggest a need for cognitive restructuring intervention as part of the case management plan. Failure may be high if the offender continues to excuse and rationalize his behaviors. A high score in this scale may also indicate the need for close supervision of the case. For very high scoring cases, cognitive interventions, coupled with substance abuse treatment (for example), may best begin in a controlled setting that is separated from all of the community/peer distractions. This might be sequenced prior to other community placement/probation program conditions.

Criminal Involvement

HOW IS THIS SCALE MEASURED:

This scale is defined by the extent of the offenders' involvement in the criminal justice system. A high score indicates a person who has had multiple arrests, multiple convictions, and prior incarcerations. The items centrally defining this scale are the number of arrests and number of convictions. A low score identifies the person who is either a first-time arrest or has minimal criminal history. Thus the central meaning of this scale is the extensiveness of the criminal history.

NOTES AND TREATMENT IMPLICATIONS:

Scores of 8 and greater suggest an extensive criminal history. High scores on criminal history scales will be linked to certain patterns of risk factors.

Criminal Opportunity

HOW IS THIS SCALE MEASURED:

This higher order scale assesses criminal opportunity by using items that represent a combination of the following: time in high crime situations, affiliation with high risk persons who often engage in illegal activities, an absence of pro-social or constructive activities (e.g. working, spending time with family, etc.), an absence of social ties, high boredom, high restlessness and being in a high risk age group. The central items include: being unemployed, living in a high crime area, having friends who engage in drug use, and having no constructive activities.

NOTES AND TREATMENT IMPLICATIONS:

Scores of 7 and above suggest a person who has a fairly high risk lifestyle and for whom it may be important to have increased involvement in more positive and socially constructive activities. Idleness, boredom, unemployment, high-risk friends, drug use, etc., are all valid reasons for interventions. Helping these persons to seek more positive role models, more socially productive activities, and to develop positive social bonds may gradually have a positive impact. Case plans may call for highly structuring the offender's idle time.

Substance Abuse

HOW IS THIS SCALE MEASURED:

The present scale is a general indicator of substance abuse problems. A high score suggests a person has drug or alcohol problems and may need substance abuse treatment intervention. The items in this scale cover prior treatment for alcohol or drug problems, drunk driving arrests, blaming drugs or alcohol for present problems, drug use as a juvenile, and so on.

NOTES AND TREATMENT IMPLICATIONS:

Given the high incidence of alcohol and drug problems in offender samples, it is likely that offenders with scores of 6 and above have serious alcohol or drug problems. It will be important to assess the extent of previous treatments, current attitudes toward treatment, and the responsibility of the offender. Relapse prevention plans may be critical for such offenders. Given the very high frequency of substance abuse problems among offenders, a score of 4 and above indicates a definite need for a more specialized substance abuse assessment inventory (i.e. ASI, SASSI, etc.).

Residential Instability

HOW IS THIS SCALE MEASURED:

This scale measures the degree to which the offender has long term ties to the community. A low score on this scale indicates an offender who has a stable and verifiable address, local telephone and long term local ties. A high-score would indicate a person who has no regular living situation, has lived at the present address for a short time, is isolated from family, has no telephone, and frequently changes residences.

NOTES AND TREATMENT IMPLICATIONS:

This scale may signal weak social ties and stress due to a changing, unstable, and disorganized lifestyle. A high score would suggest a focus on obtaining more stable living arrangements, and building more conventional social ties. The case plan may call for stabilizing the living situation, reestablishing family contacts, etc. Referral to financial supports or subsidized housing may be relevant.

Social Adjustment

HOW IS THIS SCALE MEASURED:

This scale is higher order in the sense that it uses items from other scales that crosscut several domains. It aims to capture the degree to which a person is unsuccessful and conflicted in his/her social adjustment in several of the main social institutions (school, work, family, marriage, relationships, financial.) A high score indicates a person who has been fired from jobs, had conflict at school, failed at school or work, has conflict with family, exhibits family violence, cannot pay bills, has conflicts over money, etc. Thus, the common theme is problematic social relationships across several key social institutions.

NOTES AND TREATMENT IMPLICATIONS:

Good social skills and social supports have been linked to stress and anxiety reduction, and the reduction of both violent and criminal acts. Therefore, high scores (8 and above) may be regarded as a signal that supervision should focus on building stronger social skills and social supports. It is particularly important that social support be built around pro-social companions and pro-social activities (e.g. work colleagues, sports team members, teachers, & family members, if pro-social). A cognitive program may also be appropriate.

Social Environment

HOW IS THIS SCALE MEASURED:

This scale focuses on the amount of crime, disorder, and victimization potential in the neighborhood in which a person lives. High crime is indicated by the presence of gangs, ease of obtaining drugs, the likelihood of being victimized, a belief that a weapon is needed for protection, and so on.

NOTES AND TREATMENT IMPLICATIONS:

Offenders with scores of 7 and above may require help in relocating to a lower risk neighborhood if this is possible, or finding safety in their residential area. This scale often links to other high risk factors (e.g. residential instability, poverty, criminal opportunity, etc.) Therefore, the multi-modal treatment approach may be appropriately aimed at improving residential arrangements, lifestyle issues, and to upgrade conventional skills (i.e. employability).

Social Isolation

HOW IS THIS SCALE MEASURED:

This scale assesses the degree to which the person has a supportive social network and is both accepted and well integrated into this network. The scale is scored such that a high score represents an absence of supports and feelings of social isolation and loneliness. The defining items include: feeling close to friends, feeling left out of things, the presence of companionship, having a close best friend, feeling lonely, etc

NOTES AND TREATMENT IMPLICATIONS:

The case management strategy for offenders scoring high in this scale may include emphasis on working within the family and community (i.e. church, support groups, etc.), to mend or strengthen bonds. Social skills improvements may be appropriate; and work on social cognitions related to negative perceptions and rejection may be important.

Socialization Failure

HOW IS THIS SCALE MEASURED:

This scale combines items reflecting family problems, early school problems, and early delinquency, all of which suggest socialization failure, (how the offender was socialized growing up). The intent is to examine socialization breakdown through its early indicators in school, delinquency, and family problems. A high score would represent a person whose parents were jailed or convicted or had alcohol or drug problems. In addition, a high score is associated with early behavior problems in school (being expelled, failing grades, skipping classes, fighting) and would also manifest serious delinquency problems.

NOTES AND TREATMENT IMPLICATIONS:

A high score on this scale may suggest long term patterns of criminality and deep-seated attitudes and values linked to impaired socialization. Responsivity to treatment may be a problem given the long term and persistent nature of some of the risk factors. High scoring cases may also require specialized supervision to improve responsivity. A cognitive program may be needed.

Family Criminality

HOW IS THIS SCALE MEASURED:

This scale assesses the degree to which the person's family members (mother, father, and siblings) have been involved in criminal activity, drugs, or alcohol abuse. The items cover: arrests of each family member, whether they have been in jail or prison, and whether the parent or parental figure has a history of alcohol or drug problems.

NOTES AND TREATMENT IMPLICATIONS:

A high score in this scale may indicate the need to minimize or structure the contact with certain members of the family to minimize adverse sibling or parental influence and/or exposure to inappropriate substance use. It may further assist in understanding the clients own criminal involvement.

Vocational/Educational

HOW IS THIS SCALE MEASURED:

This higher order scale assesses the degree of success or failure in the areas of work and education. A high score represents a lack of resources. Those who score high will present a combination of failure to complete high school, suspension or expulsion from school, poor grades, no job skills, no current job, poor employment history, access only to minimum wage jobs, etc. Thus, the scale represents a lack of educational and/or vocational resources.

NOTES AND TREATMENT IMPLICATIONS:

Scores of 6 and more may suggest that vocational, educational and employability skills training would be beneficial. Additionally, help may be required in both job seeking and job maintenance. It is important to establish the specific training that is required.

Educational Problems

Employment Problems

Financial Problems

HOW IS THIS SCALE MEASURED:

This scale assesses the degree to which a person experiences poverty and financial problems. It assesses whether the person worries about financial survival, has trouble paying bills, and has conflicts with friends or family over money.

NOTES AND TREATMENT IMPLICATIONS:

Scores of 6 and above (given the overall frequency) on this scale may suggest a strong need for a focus on financial management, finding and keeping jobs, negotiating social assistance, welfare, and so forth. The person may require help in understanding the use of food stamps, unemployment compensation, and other ways of negotiating government social assistance. Counseling on money management and addressing outstanding child support issues may be required. Coupled with vocational/employment information, the case plan may call for priority in stabilizing the person's income, and developing budgeting skills.

Leisure and Recreation

HOW IS THIS SCALE MEASURED:

This scale assesses the degree to which the person experiences feelings of boredom, restlessness, or an inability to maintain interest in a single activity for any length of time. Thus, this scale may be regarded as reflecting a psychological dimension rather than representing the amount of constructive opportunities in the person's community environment.

NOTES AND TREATMENT IMPLICATIONS:

High scores in this scale may require a highly structured case management strategy similar to that mentioned for the criminal opportunity scale as well as consideration, in conjunction with other scales, of the need for a cognitive therapy program. Increasing pro-social activities may be emphasized.

APPENDIX C.
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APPENDIX D.
CONTACT LIST

Contact List

A contact list was created of nearly fifty persons, but upon careful consideration and advice of outsiders with experience in New Mexico, it is omitted herein. Suffice it to say that the Consultant spoke with a great many persons with direct knowledge of all aspects of the jail and system in the County, and determined at the end that it was more likely helpful to not list each person.

APPENDIX E.
ALAN KALMANOFF RESUME

ALAN KALMANOFF

Qualifications

Dr. Kalmanoff, a national law and policy consultant on criminal justice, has taught at UC Berkeley's Boalt Hall School of Law, and directed over 450 police, jail, prison, and related criminal justice system studies for counties for over forty years. An expert witness, he has consulted often with the U.S. and California Departments of Justice, the National Institute of Corrections, and the California Department of Corrections in addition to various legislatures (New Mexico, California, Arkansas, and Florida), cabinet, and court agencies. He has also been appointed to oversee large prison system cases, jail systems of all sizes, and a variety of police and other agencies. His assessments have been featured on "60 Minutes," and he has authored a textbook considered a standard in the field. A skilled facilitator, Dr. Kalmanoff has been appointed to oversee compliance with best practice and court orders in justice systems throughout the nation.

Dr. Kalmanoff examines how a given system operates and what changes can substantially affect cost savings, constitutionality, efficiency, effectiveness, and public safety. This has resulted in improved facilities and processing, employee and client population management, and facility development to realize savings of hundreds of millions of dollars annually.

Education	1972	Ph.D., University of California, Berkeley, College of City and Regional Planning – Social Policies Planning
	1969	M.S.W., University of California, Berkeley, School of Social Work – Community Organizing
	1967	J.D., University of California, Berkeley, Boalt Hall School of Law
	1964	B.A., University of Wisconsin, Madison, Honors in Political Science

Experience

1979-Present	<u>Founder and Executive Director</u> , Institute for Law & Policy Planning (ILPP), Berkeley, CA. <ul style="list-style-type: none">ILPP enjoys a national reputation for objectivity and cost savings
1971-Present	<u>President/Lead</u> , California Planners, Berkeley, CA. <ul style="list-style-type: none">California Planners is a nationally recognized justice system firm specializing in investigations, compliance, monitoring, and training. With thirty-five years of working experience with various aspects and levels in law and civil rights issues, Dr. Kalmanoff has developed and led workshops and development of manuals in:<ul style="list-style-type: none">Employment DiscriminationAdvanced Management Training, Team BuildingSexual Harassment, Sexual Assault Investigations, Child Abuse InvestigationMedia RelationsManaging/Adapting to ChangeMediation and NegotiationDisability Access and Compliance
1972-1992	<u>Founder and Chairman of the Board of Directors</u> , Disability Rights Education and Defense Fund, Berkeley, CA. <ul style="list-style-type: none">He was Vice President of the Board of Directors of Disability Rights Advocates and a founding board member. His extensive work with these two boards included establishing the legal foundations for both organizations, participating in initial hearings and revisions to the Americans with Disability Act, and long-term involvement with litigation committees. Dr. Kalmanoff has spent nearly forty years advising federal, state, and local agencies in compliance with the constitutional requirements of disability rights.
1998-1999	<u>Federal Court Appointed Special Master and Monitor</u> , various jail, prison, and police cases.

Includes total California Prison System (mental health) as well as frequent nationwide work as an expert witness.

- 1967-present Attorney at Law.
- Handled complex criminal law and constitutional issues, managed all aspects of cases from inception through completion.
- 1973-1999 Faculty, University of California (UCB), Berkeley, Schools of Social Work, Criminology; Political Science, and City and Regional Planning, ending at UCB's Boalt Hall School of Law.
- 1976-1979 Faculty, California State University at San Francisco, Departments of Sociology and Political Science.
- 1971-1973 Director, Oakland Police Department, California
- Directed a large federal grant to conduct a reorganization of the entire police department.
- 1969-1970 Executive Director, Oakland, California Lawyers' Committee for Civil Rights.

Selected Consulting Engagements

- 1981-Present Criminal Justice System Management Consultant.
- Assessing organizations and developing recommended strategies for population management and major policies and facilities planning in county and state systems.
 - Led projects in over half of California's counties and over 350 counties nationwide.

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|---|-------------------------|-----------------------------|
| ▪ Alameda County, CA (2) | ▪ Jefferson County, OR | ▪ City of San Francisco, CA |
| ▪ Allegheny County, PA (5) | ▪ Kings County, CA | ▪ San Joaquin County, CA |
| ▪ Amador, Calaveras, &
Tuolumne Counties, CA | ▪ Knox County, TN | ▪ San Mateo County, CA |
| ▪ Butte County, CA (2) | ▪ Lassen County, CA | ▪ Santa Clara County, CA |
| ▪ Bernalillo County, NM | ▪ Leon County, FL | ▪ Sedgwick County, KS |
| ▪ Champaign County, IL | ▪ Mariposa County, CA | ▪ Snohomish County, WA |
| ▪ City of Caddo Parish, LA | ▪ Merced County, CA | ▪ Somerset County, PA |
| ▪ Contra Costa County, CA | ▪ Montgomery County, AL | ▪ Spartanburg County, SC |
| ▪ Dane County, WI (2) | ▪ Nevada County, CA | ▪ St. Lucie County, FL (2) |
| ▪ Douglas County, NE (2) | ▪ Orange County, FL (2) | ▪ Summit County, OH |
| ▪ Greene County, MO | ▪ City of Olympia, WA | ▪ Sutter County, CA |
| ▪ Hennepin County, MN | ▪ Palm Beach County, FL | ▪ Tehama County, CA |
| ▪ Hillsborough County, FL (2) | ▪ Placer County, CA | ▪ Ventura County, CA |
| ▪ Humboldt County, CA | ▪ Polk County, FL | ▪ Washington County, OR |
| ▪ Inyo County, CA | ▪ Polk County, IA | ▪ Yakima County, WA |
| ▪ Jefferson County, AL | ▪ Salt Lake County, UT | |
| | ▪ San Diego County, CA | |

- 1983-present Planning Consultant
- Directed the preparation of comprehensive master plans and long-range human resource assessment services for government agencies in many statewide, local, and international fields
 - Evaluated California's facility planning goals and policies and made recommendations to the Legislature.

- | | |
|---|--|
| ▪ California Auditor General | ▪ City of Marina, California |
| ▪ California Department of Corrections | ▪ State of New Mexico, NM |
| ▪ California Department of Justice | ▪ Republic of Singapore, Dept. of Prisons, (training and planning work including alternative dispute resolution) |
| ▪ California Employment Development Dept. | |
| ▪ California Student Aid Commission | |

- 1995-2000 Founder, Access Justice, software company employing XML to integrate criminal justice system databases in seamless management dashboard and comprehensive data integration.
- 1980-2000 National Institute of Corrections Lead Consultant and Trainer.
- Led various courses on Title VII employment discrimination, management, facilities and program planning, leadership, management of change, legal issues, direct supervision, managing media, system assessment, managing overcrowding, PONI (planning new institutions), and more
 - Responded to overcrowding and communities, to trainees from all states and counties, and to various foreign governments.
- 1976-present Disability Law Consultant. Chaired (for 20 years) Board of Disability Rights, Education and Defense Fund, the agency that authored the Americans with Disabilities Act (ADA); Founding Board Member, Disability Rights Advocates, the agency that litigates the ADA.
- 1977-present General Legal Consultant.
- Assessed, trained, and evaluated agencies under legal attack, testified as Expert Witness in cases on jails, appointed Special Master and Monitor in Federal law suits on prisons and jails in California as well as police in Ohio; Facilitated criminal justice policy boards and acted as Master of criminal justice, (3 years in Minneapolis, 10 years in Pittsburgh)
 - Worked with various agencies to comply with consent decrees and other court orders
 - Developed program monitoring curriculums, trained state and regional planning agency staff, and developed proposals regarding various facility planning issues.
- 1975-1986 Trainer/Consultant.
- Subjects included: interviewing and interrogation skills, handling sexual assault and child abuse, supervision and management, and constitutional issues involving employment
 - Provided advanced in-service training for over 150 law enforcement agencies (in effect every California law enforcement agency including the Highway Patrol), National Institute of Law Enforcement and Criminal Justice (NILECJ), numerous California counties, and the U.S. Department of Justice.
- 1976-1979 Director, Alameda County, California. Revenue sharing evaluations of over 300 community-based social service and mental health programs over 3 years.
- 1964- 1994 Faculty, University of California, Berkeley, in Social Welfare, Criminology, City Planning, and Law; taught courses on plea bargaining, criminal justice agencies, justice system planning, and the role of attorneys.

Selected Publications

Criminal Justice: Enforcement and Administration. Boston, Massachusetts: Little, Brown & Co., 1976.

“Double Trouble: The Alienation of Disabled Inmates.” *Corrections Today*, December 1982.

Over 1,000 publications on criminal justice issues and projects over 45 years.

APPENDIX F.
SELECTED LETTERS OF REFERENCE

CRIMINAL JUSTICE COORDINATING COMMITTEE

*Room A680 Jefferson County Courthouse
716 Richard Arrington Jr. Blvd., North
Birmingham, AL 35203*

(205) 328-8231 or 325-5348

April 7, 2003

Institute for Law and Policy Planning (I.L.P.P.)
P. O. Box 5137
Berkeley, CA 94705

Attention: Al Kalmanoff

Hi Kal:

Foster and I have collaborated in providing you some information that should give you a general overview of the activities of the Criminal Justice Coordinating Committee.

The most important "non-event" is that we have not built another jail of any kind! Cost avoidance over the past three years amounts to approximately \$100 million; construction and operating costs. Not bad for an "unpaid" committee.

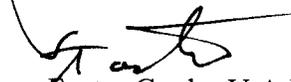
Cooperation between the independently elected officials; i.e., Sheriff, District Attorney, judges, etc., has been good overall. And, our work program for 2003 looks promising.

Drop us a line when time permits.

Best regards,



Joe Curtin, Consultant to the
Jefferson County Commission



Foster Cook., U.A.B., TASC, etc.

Enclosure

P.S. Foster, Doug and myself have continued to parlay support to the Committee, with periodic assistance from Dan.

COURT OF COMMON PLEAS



ALLEGHENY COUNTY
PITTSBURGH, PENNSYLVANIA
15219

ROBERT A. KELLY
PRESIDENT JUDGE

JUDGE'S CHAMBERS
(412) 350-5404

December 17, 2003

Alan Kalmanoff, Executive Director
Institute for Law and Policy Planning
P.O. Box 5137
Berkeley, CA 94705

Dear Mr. Kalmanoff:

As my term as President Judge of Allegheny County is coming to a close, I wanted to take this opportunity to convey my sincere appreciation and commend you on your work here in Pittsburgh.

It would be an understatement for me to confess that I was less than convinced that a Criminal Justice Policy Board was a sound concept in our politically charged environment. Not only were the principal players from different sides of the political spectrum, open hostilities among the group were commonplace. You entered this minefield with confidence, a sound knowledge base of the issues, and a style that allowed all at the table, for at least the 90 minutes of our meetings, to lay down their swords and talk freely without fear of political reprisal.

I am also greatly impressed with the methods you have employed to address the problem areas identified by the Board. Your analyses and reports of jail overcrowding and initial arrest processes were concise and provided timely.

I will certainly pass along to my successor my thoughts on your work. I wish you success in all of your future endeavors.

Sincerely,

A handwritten signature in cursive script that reads 'Robert A. Kelly'.

ROBERT A. KELLY

RAK/mem



JAMES C. RODDEY
CHIEF EXECUTIVE

County of Allegheny

101 COURTHOUSE ♦ 436 GRANT STREET
PITTSBURGH, PENNSYLVANIA 15219
PHONE (412) 350-6500 ♦ FAX (412) 350-6512

December 15, 2003

To Whom It May Concern:

I am writing to endorse and recommend the services of the Institute for Law and Policy Planning (ILPP). I do so in my capacity as Chief Executive of Allegheny County, Pennsylvania. Allegheny County has a population of 1.3 million and 130 municipalities, the largest of which is the City of Pittsburgh. The County government has 6,000 employees including over 500 law enforcement officers, operates a court system and a 2,400 capacity jail. The annual budget of the County is \$1.3 billion.

ILPP was engaged by Allegheny County to facilitate the County Criminal Justice Policy Board which I co-chaired with the President Judge of the Common Pleas Court. The objective of the Board is to explore methods to improve the County Criminal Justice System. Participants include the County Chief Executive, County Manager, the Common Pleas Court, the District Attorney, the County Sheriff and the Public Defender. The issues are wide ranging and include: computer systems, communications, jail overcrowding, overlapping responsibilities, etc. Mr. Alan Kalmanoff, JD, MSW, Ph.D., Board President and Executive Director of ILPP and Mr. Thomas Eberly of ILPP have been responsible for the engagement.

The work performed by Messrs. Kalmanoff and Eberly has been exemplary. They brought structure to a very complicated mosaic of departments, created clearly defined goals, divided the task into manageable components and carefully and effectively maneuvered through the mine fields of egos and territorial fiefdoms.

ILPP demonstrated superior knowledge of their field and the ability to put complicated discussions into concise reports. Dr. Kalmanoff is a skilled and experienced facilitator. He brought clarity to our discussions and managed to satisfy the diverse needs of all participants.

I highly recommend ILPP for any engagement related to any and all functions of the Criminal Justice System.

Respectfully,


James C. Roddey

OFFICE OF THE COUNTY MANAGER



ROBERT B. WEBB
COUNTY MANAGER

County of Allegheny

119 COURTHOUSE • 436 GRANT STREET
PITTSBURGH, PA 15219
PHONE (412) 350-5300 • FAX (412) 350-3581

NANCY L. CARROLL
DEPUTY COUNTY MANAGER

December 29, 2003

I am proud to recognize the Institute for Law and Policy Planning (ILPP) for its efforts on behalf of the Criminal Justice Policy Board (Board) of Allegheny County, Pennsylvania and highly recommend them to your organization. Under the leadership of Board President and Executive Director Dr. Alan Kalmanoff J.D. MSW, Ph.D., the ILPP has provided a sterling work product and valuable guidance to our County as it seeks comprehensive solutions to public safety issues.

The citizens of Allegheny County approved a Home Rule Charter which established a new form of government in 2000 with an elected Chief Executive and appointed Manager. As the first appointed Manager, I sought to address the fragmented decision making, poor communication and lethargic bureaucracy that hampered the government for many years. Based upon recommendations of the Pennsylvania Commission on Crime and Delinquency, I worked with the local Court Administrator to establish a Board to focus on the public safety aspects of the new government.

A national search for a consultant to assist the process was conducted and the ILPP was the consensus choice. Dr Kalmanoff, with the outstanding assistance of Mr. Thomas A. Eberly, Senior Criminal Justice Planner, helped organize the Board and skillfully worked with its members to establish a new, collaborative way of making public safety decisions. During its first year of operation, the Board focused on jail overcrowding and information technology. With the talented guidance of Dr. Kalmanoff and Mr. Eberly, the Board became a place where a diverse group of elected and appointed officials could comfortably meet and set priorities for important issues of mutual concern. After twelve months, the Board is poised to move into an extensive examination of the criminal justice system in Allegheny County and has a mechanism for building a consensus to resolve its most difficult problems.

Dr. Kalmanoff and Mr. Eberly have a thorough understanding of public policy issues and regularly use their extensive experience to facilitate discussion and identify options for the Board's consideration. They pursue the best interests of their client with determination and deliver their services with a caring, personal touch.

I enthusiastically encourage your organization to consider engaging ILPP. If you have any questions about this recommendation I can be reached at (412) 767-5277 or at webb@nauticom.net

Sincerely,

A handwritten signature in black ink, appearing to read "Robert B. Webb".

Robert B. Webb
County Manager





BOARD OF SUPERVISORS County of Dane

ROOM 118, CITY-COUNTY BUILDING
210 MARTIN LUTHER KING, JR. BOULEVARD
MADISON, WISCONSIN 53703-3342
608/266-5758 • FAX 266-4361 • TDD 266-4121



October 3, 2007

To Whom it May Concern:

The Dane County Board of Supervisors retained the services of the Institute for Law and Policy Planning (ILPP) in March, 2007 to conduct a comprehensive criminal justice system assessment. We have found their report to be thorough, insightful, and most helpful in setting a course for improved efficiencies in our justice system.

Dane County, Wisconsin has a population of approximately 460,000 people, and is home to Wisconsin's capital city of Madison. We have seventeen elected circuit court judges, and also separately elect the District Attorney, Sheriff, Clerk of Courts and County Executive. The county is governed by a thirty-seven member Board of Supervisors, who elect their own chair.

Over the last several years, Dane County has been faced with increasing jail populations, the need for facilities improvements, and renting jail beds in other counties. We asked the ILPP, led by Dr. Alan Kalmanoff, to come into this complex, politically sensitive system in the hopes that he could identify improvements that could be undertaken in order to relieve jail overcrowding in the near term, and provide longer term efficiencies in the operations of the courts and other parts of the system

We were very impressed with the quality of the ILPP team that worked on this project. We found the ILPP team to be professional, knowledgeable, and skilled in working with the range of municipal, county and state government staff and elected officials who have roles in the Dane County system.

I found Dr. Kalmanoff to be candid, direct and independent, yet very responsive to our concerns and issues. He was more than willing to discuss his findings and recommendations with the various elected officials who are stakeholders in the system, and accommodate their concerns, while at the same time maintaining his objectivity and critical insights.

In the budget currently being considered by the County Board, we have used the ILPP assessment to estimate \$3 million in savings this year alone. We have also put on hold several expensive jail expansion plans until our actual jail bed needs are determined. If you have any questions, feel free to call my office at 608-266-5758.

Sincerely,

A handwritten signature in cursive script, appearing to read "Scott McDonell".

Supervisor Scott McDonell, Chair
Dane County Board of Supervisors



DANE COUNTY

Kathleen M. Falk
County Executive

October 5, 2007

To Whom It May Concern:

I am writing this letter on behalf of Dr. Alan Kalmanoff, Executive Director of the Institute for Law and Policy Planning. Dr. Kalmanoff and the ILPP recently completed a report assessing the criminal justice system in Dane County, Wisconsin, which the Dane County Board of Supervisors had requested.

The resulting report, the final version of which Dr. Kalmanoff delivered to the County Board and to my office on September 20, 2007, provided over 100 recommendations for improved efficiencies in our courts, our district attorney's office, and in our sheriff's department. The report also included a thorough assessment of the inefficiencies in our current system, and the ways these inefficiencies contribute to higher jail population rates and longer lengths of stay in the jail. In addition, Dr. Kalmanoff's study provided us with an overview of our current IT systems, the ways these systems do (and do not) work together, and ways we can go about improving integration for added efficiencies.

The report has created a road-map for us to follow in improving the workings of our criminal justice system, and promises to save us over \$3 million in the coming year by helping us end the costly practice of transporting and housing inmates in neighboring counties to deal with the crowding in our county jail. Dr. Kalmanoff's good work promises to save our taxpayers millions of dollars while providing for improved public safety, a more efficient criminal justice system, and improved delivery of justice both to defendants and victims.

I have made implementation of the ILPP study an integral part of my 2008 proposed budget, and I believe we will be using this study for many years as we develop better methods of managing our criminal justice system.

In addition, Dr. Kalmanoff brought together an excellent team of scholastic and experienced technicians to do this work. The process he lead was on time. Finally, he and his team were very professional and delightful to work with.

I recommend Dr. Kalmanoff and the ILPP as useful and knowledgeable resources for any jurisdiction seeking to deal with issues of jail crowding and criminal justice system efficiency.

Sincerely,

Kathleen Falk
Dane County Executive

C. WILLIAM FOUST
Chief Judge
Room 7107, Dane Co Courthouse
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Telephone (608) 266-4200

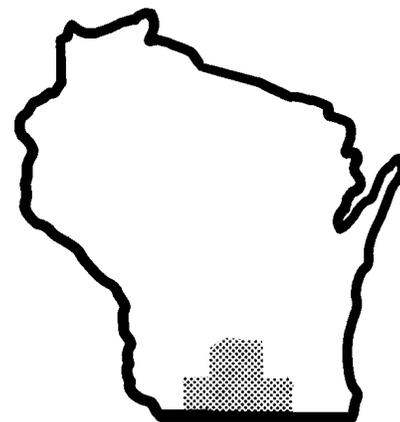
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STATE OF WISCONSIN

FIFTH JUDICIAL DISTRICT

215 S. HAMILTON STREET
MADISON, WISCONSIN 53703-3295
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A letter to the editor

September 28, 2007

Dear Sir,

The Dane County Judges have now had an opportunity to read the September 20, 2007 Criminal Justice System Assessment Final Report, submitted by the Institute for Law and Policy Planning. This report focuses on reducing the number of inmates in the Dane County jail. No one and no group, either within the criminal justice community or outside of it, is more concerned with jail overcrowding than the Judges. This is a topic of critical importance to the county; for both financial and philosophical reasons. The County Board is to be commended for bringing in an outside consultant to offer a fresh perspective and make recommendations for positive change.

As acknowledged in the report, the Dane County Circuit Court has over time "...thoughtfully evaluated the functions of the criminal justice system and has initiated alternative programs aimed at reducing (jail) crowding." I believe we can diligently and conscientiously continue to explore ways to improve the system in a manner that is both cost-effective and safe for our citizens and which does not negatively affect the remainder of the judicial system (i.e., family law, small claims, civil and probate). Some things can be done immediately or in the short term. Others will involve more time and collaboration. Some may save money or have an immediate impact on the jail population while others may not. Some may cost money.

In a meeting on Thursday, September 27, the Judges agreed to take the following steps immediately, as recommended by the report. Information on in-custody defendants will be regularly provided by the jail, and in conjunction with existing court reports, be used to process in-custody cases more quickly. Court automation, provided by the state court system, will provide a tickler system to be used to identify cases approaching the time for disposition to alert courts to prioritize a hearing. I have approached the Dane County Municipal Judges to explore the use of collection agency referrals in place of commitment to the Dane County jail for failure to pay municipal court fees and fines. This has a potential of reducing the jail population. A group has already met once to develop fair, consistent and rapid procedures to evaluate those arrested to facilitate earlier release. The Drug Treatment Court already eliminated the Education Track earlier this year. Courts will implement procedures to increase efficiency in scheduling. Other changes that can be implemented without delay will become apparent as we move forward.

I am confident that the judges, working with system partners, will identify areas where modifications to current practices can be introduced and, if given county administrative support, can be successfully implemented. I pledge the efforts of the court to a timely, comprehensive and systemic examination of the recommendations, balancing the goal of relieving jail crowding against the protection of individual rights, public safety and the integrity of the law.

Sincerely,
C. William Foust, Chief Judge
5th Judicial District



**Carlo Esqueda
Clerk of Circuit Court
and Register in Probate**

The work of ILPP in Dane County opened our eyes to the systemic problems of our criminal justice system but, more importantly, provided a framework for understanding how we can address these problems through collaborative means. ILPP's thorough, rigorous analysis will help us improve the policies, procedures and technology of our justice system, but it doesn't stop there. We've been given a roadmap to re-engineering the very culture of our justice system-- and moving toward that goal is what will pay off in the long run in terms of increased service, greater efficiency and substantial cost savings.

Carlo Esqueda
Clerk of Circuit Court and Register in Probate