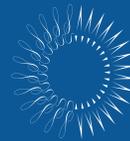




LOCAL JAILS:
Working to Reduce Populations and Costs
November 18, 2010



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EXECUTIVE SUMMARY

Throughout the country, city and county officials are taking steps to reduce jail populations in ways intended to make the criminal justice system more efficient while maintaining public safety. For years, jails across the United States have grown in size and expense. But today, facing tighter budgets, communities big and small are reexamining established policies.

These efforts are having an impact. For the first time in three decades, the average daily jail population in large jurisdictions declined in 2009—down 2.3 percent from the previous year, according to the U.S. Bureau of Justice Statistics. It is too soon to tell whether this one-year dip is the start of a new trend, but many jurisdictions seem intent on reversing the population growth of prior years. From 1999 to 2008, jail populations climbed by 30 percent nationally.

Cost concerns may be one factor behind this recent decline in local jail populations. In hard economic times, many cities and counties no longer view jail growth as sustainable or inevitable. From large metropolitan areas such as Cook County, Illinois, which includes Chicago, and Harris County, Texas, which includes Houston, to smaller places such as Lee County, Mississippi, and Spokane County, Washington, taxpayers are confronting the reality that more money for jails can mean less money for other government services. Earlier this year in Atlanta, officials debated curtailing an expansion of the police force in part to keep pace with a growing jail budget.¹ Voters in rural Murray County, Georgia, approved a tax increase to fund an \$11-million jail expansion and then found that the county could not afford the staff needed to run it.² So the new facility sits empty. And in Corpus Christi, Texas, where the county has experienced a 14-percent increase in local incarceration, headlines in the local paper highlight how taxpayers are “paying the price for locking ‘em up.”³

Over the past decade, county jails—facilities for defendants awaiting trial and sentenced offenders serving short-term sentences or awaiting transfer to state prisons—have consumed a greater and greater share of local tax dollars. Harris County, Texas, spends 14 percent of its entire budget on jails. Philadelphia, which is a combined city/county, spends more on jail than it spends on any other function besides police and human services—and as much as it spends on streets, sanitation and public health combined.

In May 2010, Pew’s Philadelphia Research Initiative (PRI) published an in-depth study of the Philadelphia jail population titled *Philadelphia’s Crowded, Costly Jails: The Search for Safe Solutions*. As part of that study, PRI compared Philadelphia’s jails to other large, urban jurisdictions. They are

Allegheny County (which includes Pittsburgh), the city of Baltimore, Cook County, Fulton County (Atlanta), Harris County, Los Angeles County, Maricopa County (Phoenix), New York City, Suffolk County (Boston) and Wayne County (Detroit). This brief provides an updated summary of the national data collected as part of that report. It shows that even with the recent decline in inmate populations, communities around the country are struggling with crowded, costly jails.

The drop in jail populations parallels a decline in the total population of the nation's state prisons, which was documented in March by the Public Safety Performance Project of the Pew Center on the States. The net decline was 0.3 percent. The Public Safety Performance Project works to help states advance fiscally sound, data-driven policies and practices in sentencing and corrections that protect public safety, hold offenders accountable and control corrections costs.

BALLOONING COSTS IN THE PAST DECADE

As Figure 1 illustrates, over the last decade, four of the jurisdictions studied experienced a 25 percent or greater increase in jail spending when adjusted for inflation. In Maricopa County, Arizona, for instance, the jail budget increased 106 percent between 1999 and 2009; in Philadelphia, it went up 52 percent, in Harris County, 34 percent, and in the city of Baltimore, 27 percent.

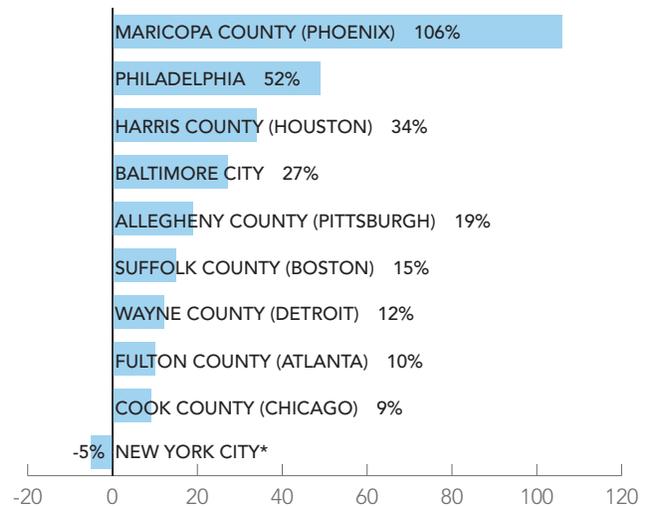
While some of the increase in spending can be explained by rising pension, health-care and maintenance costs, those jurisdictions with significant increases in expenditures have also experienced substantial growth in their jail populations. See Figure 2.

Without taking steps to manage population growth, local jurisdictions have three options, all of them costly.

Building a New Facility. The most expensive option is to build a new jail. Harris County and Maricopa County have opened new jails in the last decade. Harris County, Los Angeles County, Wayne County and the city of Baltimore have plans for future building. In Fulton County, county officials are considering purchasing the city of Atlanta's detention center and incorporating

FIGURE 1

PERCENTAGE CHANGE IN JAIL EXPENDITURES 1999 - 2009 (AFTER INFLATION)



SOURCE: Allegheny County Prison System, Maryland Department of Corrections, Cook County Hospital & Health System and Cook County Department of Management and Budget, Fulton County Sheriff's Department, Harris County Sheriff's Department, Maricopa County Sheriff's Department, New York City Office of Management and Budget, Philadelphia Prison System, Suffolk County Sheriff's Department, and Wayne County Communications Department.

NOTE: For all jurisdictions, inmate healthcare was included in the calculation. For Baltimore City, Fulton County, Harris County, Philadelphia, and Suffolk County, this was included in the county jail budget. In Allegheny County, inmate health care cost was obtained from Allegheny's Office of Budget and Finance; in Cook County from Cook County Health and Hospitals System; in Maricopa County from Maricopa's Office of Management and Budget; in New York from the New York City Office of Management and Budget; and in Wayne County from Wayne County Communications.

The following jurisdictions do not include employee benefits in their jail budgets: Cook County, New York City, Philadelphia, and Wayne County.

Los Angeles County is not included because the County Sheriff's Department was unable to provide FY1999 expenditures.

*New York City numbers are based on 2000 expenditures.

it into the county jail system, rather than build anew. In some cases, this new construction is due not only to increased population but also to the need to replace outdated facilities.

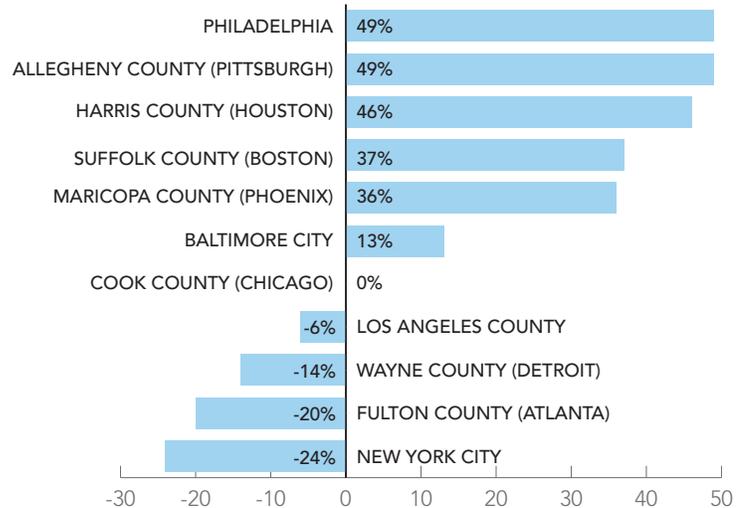
Stretching Capacity of Existing Facilities.

In some of its facilities, Philadelphia assigns a third inmate to cells that are rated for two, a practice known locally as triple celling. Fulton County has taken a similar approach and is currently under a consent decree which prohibits it from housing more than two inmates in a cell. Los Angeles County has population limits on its facilities stemming from previous litigation on overcrowding. According to the Bureau of Justice Statistics, jails in Baltimore, Fulton County, Philadelphia and Suffolk County all exceeded rated capacity in 2009. Although putting additional inmates into existing space is not as expensive as sending them to other counties, it can result in increased overtime pay for guards, and litigation resulting from these conditions can be expensive.

Sending Inmates Out of County. To manage overflow, Baltimore, Fulton County, Harris County and Philadelphia pay for local inmates to be housed in other jurisdictions. This is typically more expensive than housing them in local facilities. For example, Philadelphia spends approximately \$90 a day for each inmate housed in another jurisdiction; the cost of adding an inmate to Philadelphia's jail population is a fraction of that amount, and can be as low as \$20.⁴

FIGURE 2

PERCENTAGE CHANGE IN JAIL POPULATIONS 1999 - 2009



SOURCE: U.S. Department of Justice, Bureau of Justice Statistics, Jail Inmates at Mid-year, Average Daily Population 1999 and 2009.

THE POLICIES THAT DRIVE THE TRENDS

What lies behind the rising and falling number of inmates in jails? The number of arrests is one factor. But in many places, the size of the jail population is determined largely by a series of policies and procedures that answer the following questions:

- Who should be detained prior to trial, and who should be allowed to remain in the community while his or her case proceeds?
- How long does it take to try a case?
- Are other sanctions besides jail time used to punish those who break the rules governing their probation or parole?
- Which convicted inmates serve out their sentences in the local jail and which are sent to state prisons?

These factors determine how many people are jailed, how long they stay and, consequently, how much money a community spends on incarceration.

FINDING SAVINGS IN REFORM

Strapped for money, many jurisdictions are reexamining these policy choices and asking whether there are different practices that could reduce the jail population and save money without endangering public safety. Some are finding that the answer is “yes.”

- In Cook County, after years of overcrowding, the jail now has empty beds—so many of them that Sheriff Tom Dart has announced the closure of two jail units. Dart credits the population decline in part to a drop in arrests but notes it is not the only factor. “Through some management methods we have utilized here—we have found ways to save money,” he said. These methods include transferring state parole violators to state custody and consolidating inmate housing units. The county projects the unit closures will result in more than \$10 million in savings annually.⁵

NOT JUST AN URBAN ISSUE

Rising jail populations and increasing costs have also had a major impact in smaller jurisdictions.

Take, for example, suburban Hernando County, Florida, where the county jail population has doubled in the last decade and the jail budget has increased 225 percent.⁶ Or rural Lee County, Mississippi where county officials have voiced concern that the cost of defending and settling overcrowding lawsuits may soon eclipse the price of building a new facility.⁷

Likewise, cost-saving reforms are not just a big-city trend.

- Alternatives to incarceration have saved small Tompkins County, New York, an estimated \$1.89 million in jail costs over the last five years. These programs include a day reporting center—a place where defendants and offenders check-in daily and are supervised while remaining in the community—and a treatment court where offenders participate in drug and alcohol treatment in lieu of incarceration. The county calculates that these programs generated an additional \$1 million per year in economic benefits due to increased employment, education and a reduced reliance on public assistance.⁸
- In Spokane County, Washington, expedited plea agreements and new alternative sentences have contributed to a reduction in the average length of jail stay from 18 days to 12. As a result, the average daily population shrunk 36 percent from 2008 to 2010, according to Lt. Mike Sparber of the Spokane County Sheriff’s Department. With a smaller number of inmates, the county has cut its jail staff by approximately 80 positions.
- In Santa Cruz County, California, the probation department noticed that a lot of people were in jail for missing probation meetings. That was because the department had been issuing arrest warrants for anyone who missed a meeting. In 2005, the department contracted with a community-based organization to track down lapsed probationers before warrants were issued. Once located, these probationers often resume attending probation meetings and thus avoid further court-ordered sanction. According to Probation Division Director Barbara Lee, the program was initiated because putting many violators in jail seemed inappropriate. “They aren’t dangerous, they’ve just been irresponsible,” she said. Since the program’s inception, Santa Cruz has cut the number of warrants filed by 51 percent.

- New York City has experienced a sustained decline in jail use. This year, according to *The New York Times*, New York houses fewer inmates than at any point in the last 24 years. Said Corrections Commissioner Dora B. Schriro, “As low as the numbers have gotten, I believe it’s possible to make them lower still.” To reduce the population, New York has employed measures aimed at reducing the number of probation violations by making probation reporting easier, increasing the use of community courts and continuing to develop its pretrial risk assessment and services—tools that determine who needs to be held before trial.⁹
- In Philadelphia, a decline in the inmate population allowed the city to reduce the jail budget by \$6 million for FY2011. In the first week of November, the jail census stood at about 8,000, down from a peak of 9,787 in January 2009. Wanting to capitalize on this trend—which began with the transfer of a group of sentenced inmates to the state—local stakeholders are undertaking additional reforms. The district attorney’s office has restructured its charging unit to be more selective in the cases and charges it prosecutes. In April 2010, the office announced it would no longer charge low-level marijuana possession cases as misdemeanors; instead, it would treat them as summary offenses—cases that receive citations and cannot be booked into jail.¹⁰ In addition, the courts are expanding programs designed to reduce the time it takes to get a violation of probation heard by a judge. These efforts should reduce admissions for pretrial detainees and length of stay for inmates held on probation violations.

Reforms like these are getting other cities to reconsider plans for new facilities. Richmond, Virginia, and Orleans Parish, Louisiana, intend to build new jails to address overcrowding. In both places, officials are debating just how large a new jail needs to be: should it be designed for the current population or for a reduced population that policymakers believe could be obtained with reforms like those undertaken in Chicago, New York and Philadelphia?¹¹

A few years ago, Franklin County, Ohio, which includes Columbus, had plans to build a \$154-million jail to address a 400-bed shortage. Rather than build, the county instituted several policy changes, including investments in diversion programs that offer alternatives to incarceration and having police issue summonses rather than make arrests for some lower-level offenses. According the U.S. Bureau of Justice Statistics, the county’s average daily population has declined 13 percent from 2006 to 2009. And today, the county reports having beds to spare.¹²

REDUCING THE POPULATION SAFELY

The stakes for these reforms are high. “You could drop [the jail population] by 10, and if it’s the wrong 10, the city is going to be more dangerous,” says Philadelphia Police Commissioner Charles H. Ramsey. “You could also probably drop the population by 1,000 without impacting public safety—but what matters is who those 1,000 people are and what we’re doing with them.”

Reducing the jail population safely requires the consensus of the criminal justice community, the support of elected officials and the acceptance of the public. Without careful monitoring and data gathering to document the relative effectiveness of these efforts, the public is unlikely to support innovations that claim to reduce jail populations without compromising public safety. But the experiences of a number of jurisdictions indicate that it is possible for communities to have fewer people in jail, save money and be just as safe. ■

ENDNOTES

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- ⁴ For a discussion of how the per-inmate cost is calculated see *Philadelphia's Crowded, Costly Jails: The Search for Safe Solutions*, www.pewtrusts.org/philaresearch.
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ABOUT THE REPORT

This report was written by Claire Shubik-Richards, senior associate at The Pew Charitable Trusts' Philadelphia Research Initiative, and edited by Larry Eichel, project director of the Initiative. The work was done in consultation with Adam Gelb and Ryan King, our colleagues at the Public Safety Performance Project of the Pew Center on the States. Melanie Sciochetti in Pew's Research Services also provided research support.

The jurisdictions studied were chosen based on several criteria. Suffolk County (Boston) and Baltimore were selected because they are in the same part of the country as Philadelphia; Allegheny County (Pittsburgh) because it operates under the same state legal system as Philadelphia; and Fulton County (Atlanta) and Wayne County (Detroit) because they have high crime rates. Also included were New York City and the counties containing the four other U.S. cities more populous than Philadelphia—Los Angeles, Cook (Chicago), Harris (Houston) and Maricopa (Phoenix).

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