

Reducing Jail Incarceration in Douglas County

CJCC Meeting
December 13, 2022

Vera Institute of Justice

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About Vera

Founded in 1961, the Vera Institute of Justice is a justice change agent. We work to tackle the most pressing injustices of our day—from ending mass criminalization and incarceration, addressing racial disparities, reckoning with the loss of public confidence in our justice systems, to meeting the needs of justice-involved people who are vulnerable and marginalized.



What this report is and is not

This report is:

- A snapshot of the jail population & pathways into and out of jail
- A menu of evidence-based recommendations, connected to the issues emerging from the data analysis, for your county's consideration

This report is not:

- An evaluation of the work or outcomes of county agencies or courts
- A comprehensive study of factors in decision-making (e.g., criminal history)
- A deep-dive into the numbers or outcomes of various alternatives to incarceration (specialty courts, probation, etc.)

About the data

- This report is focused narrowly on what we can learn from looking only at data from the jail's records management system.
- This analysis is based on data about bookings and charges for people who were released from the Douglas County jail during the 5-year period from January 2017 to December 2021, which includes the onset of the COVID-19 pandemic.
- This analysis draws on the following kinds of data: demographic information, including people's age, gender, race, and ethnicity; admission and release dates and release reasons; information about the court type, case type, and whether someone was being held pretrial, serving a sentence, or on some other judicial status; and information about people's charges and their severity.

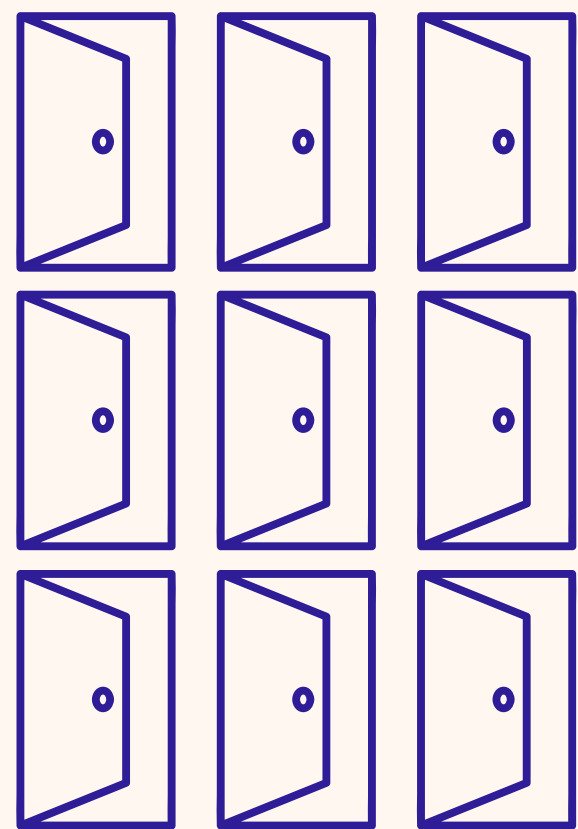
Key limitations of the dataset

- For people booked into jail with multiple charges, the database does not specify the most serious charge, or the charge that is likely driving the arrest.
- The originating charge is not available in the jail management system for people who were admitted for a number of charges that we consider to be administrative in nature, and we don't have info on criminal history.
- The "pretrial" label may be inaccurate in a small number of municipal court cases, because charges originating from municipal court are initially logged as pretrial by jail staff and sometimes not updated in the system

Admissions vs. length of stay vs. bed-days

Jail admissions

Number of times
people admitted to jail



Length of stay

Number of days in jail



Bed-days

1 admission x 3 days = 3 bed-days
1 admission x 1 day = 1 bed-day
1 admission x 5 days = 5 bed-days

sum = 9 bed-days

Characteristics of the jail population

Stark racial
disparities

High jail
exposure

Increasing
women's
incarceration

23%
youth

75% prime
working-age

Main Findings

**Most jail bookings are for
minor, nonviolent charges,
including charges related to
substance use, supervision
violations, and poverty.**

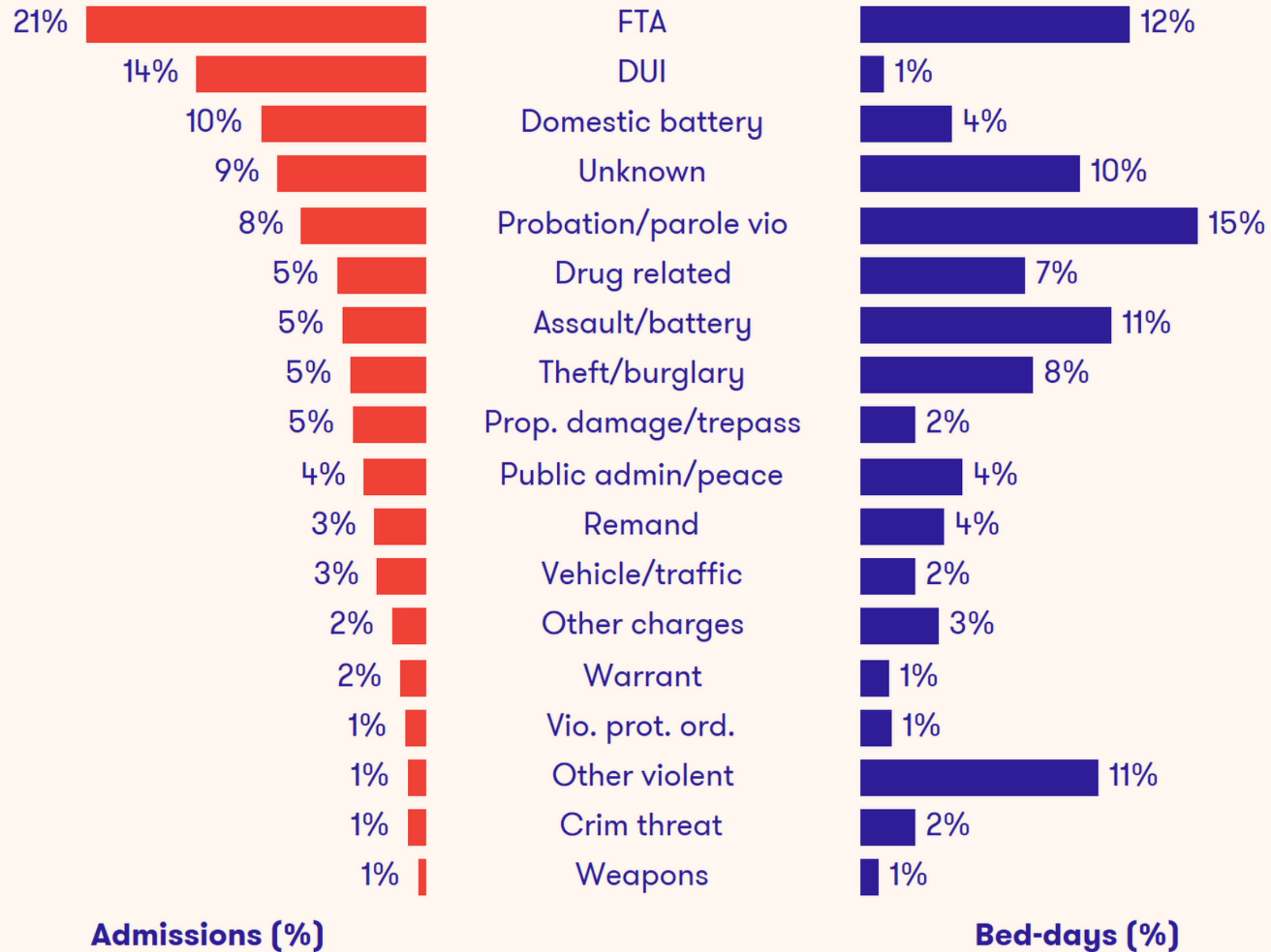
**Administrative charges—
including failures to
appear, violations of
probation, and remands—
are a significant driver of
jail admissions and lengths
of stay.**

**Driving under the influence
and domestic violence are
systemic issues with a
strong impact on local
incarceration.**

**A significant number of
people are facing jail stays
and posting money bail to
secure their release for a
missed court appearance.**

**Municipal court charges
account for a significant
portion of overall
admissions.**

What is driving jail admissions and bed-days in Douglas County?



FTAs are the single most common top charge overall, for pretrial admissions, and for admissions from municipal court.

- People with an FTA top charge were the most likely to be released with some form of financial bond
 - Black people w/ FTA top charge more likely than white people to be released on financial bond
- A large number of FTA warrants seem to occur following a traffic or parking-related offense:
 - 40% of admissions with an FTA top charge were traffic cases--58% from municipal court.
 - 35% of traffic-related cases with an FTA top charge were for non-residents.

Address FTAs

Personnel

Peer Navigators

Commissioners, Courts

Defense Counsel

Commissioners, KS Leg.
KS Holistic Defenders

Programmatic

Redesign Summons Form

Courts, Chiefs, Sheriff

Implement Portable Court Rescheduling

Courts, Chiefs, Sheriff

Provide text/phone follow- up after missed court date to reschedule

Courts, Pretrial, Peer Navigator

Daily FTA Docket

Judges

Infrastructure

Public Transit/Rides to Court

Commissioners

Self-Help/Family Resource Center

Commissioners

Policy/Practice

Enable attorneys to appear without client when possible

Judges

Issue continuances and/or notice to appear in lieu of warrants

Judges

Eliminate court fines/fees

Commissioners, Courts

Give counsel/pretrial /peer navigator a grace period to produce client

Judges, Defense Counsel

Driving under the influence is a major driver of jail admissions

- DUI was the third-most-common top charge (overall and pretrial)
 - DUI is typically a class A/B misdemeanor requiring mandatory arrest in Kansas
 - 91% of DUI charges in the data are misdemeanors (3+ convictions become a felony)
- DUI charges account for a lot of admissions but fewer bed days
 - 65% of admissions are released on their own recognizance and 29% are released with financial bond.
 - People between the ages of 18 and 25 account for 37% of admissions with a DUI top charge.

Address DUIs

Personnel

Programmatic

Infrastructure

Policy/Practice

Safe Driving Training
Pretrial, DA, Judges

Expand Public Transit
Commissioners

**Diversion for 1st time
charges & young adults**
DA, Judges

Sobering Center
Commissioners, Health
Department

Domestic violence represents a majority of admissions with a violent top charge.

- Domestic assault/battery top charges made up 62% of overall admissions / 65% of pretrial admissions with a violent top charge
 - 65% of DV admissions were for men, 35% were for women
- 45 percent of admissions with a DV top charge were dismissed by a judge or not filed by a prosecutor.
 - Domestic violence charges require mandatory arrest in Kansas, but most people admitted on DV charges are released quickly (median LOS is 1 day).
 - While mandatory arrest policies for DV are meant to protect survivors, they can have unintended consequences.

Address Domestic Violence

Personnel

DV-trained crisis responders/co-responders

Commissioners, Chief, Sheriff

Violence Interruptors

Commissioners, Police Chief, Sheriff, Community Orgs

Programmatic

Peer-led support services for all parties

Community orgs + Self-Help Ctr

Restorative Justice Diversion

DA, Community orgs

Infrastructure

Community Housing Options

Commissioners

Self-Help/Family Resource Center

Commissioners

Policy/Practice

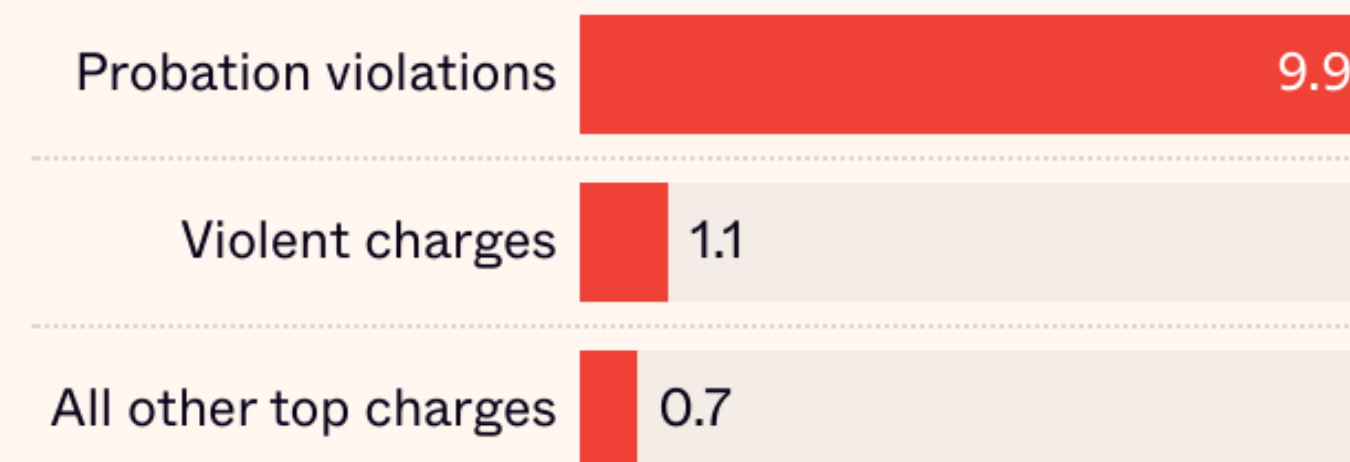
Collect and analyze data on arrests of survivors

Local research orgs

Probation violations are 2nd-highest contributor to jail bed-days and the 5th-most-common top charge.

- Kansas law allows jail time as a sanction for not meeting probation conditions; however, research shows this practice is ineffective.
- The prominence of PVs in the data likely speaks to people's difficulty meeting conditions.
- The median length of stay for people admitted with a PV top charge in 2021 was 12 days (up from 8 days in 2017), compared to 1.1 days for people with a violent top charge.

Median days in jail



Represents median length of stay over 2017-2021

Probation Violations

Personnel

Defense Counsel

Commissioners, KS Leg,
KS Holistic Defenders

Community-Based Peer Navigators

Commissioners, Community
Orgs, Probation

Programmatic

Eliminate fines and fees
associated with
supervision

Probation, Commissioners

Infrastructure

Provide rides to probation
appointments

Commissioners, Probation

Shift to virtual
appointments & provide
tablets/phones

Probation, Commissioners

Policy/Practice

Establish early
termination & goal-based
(not time-based) terms

Probation, Judges

Prohibit use of jail for
non-criminal violations

Probation, Judges

Reduce use of drug testing

Probation, Judges

Drug possession was the 7th most common reason for admission

- Drug possession charges made up 73% of all admissions for drug-related charges
 - The most common drug possession charge was possession of an opiate, opium, narcotic or stimulant.
 - 40% of drug possession charges were misdemeanors.
- Drug possession is a stronger driver of jail admissions than drug manufacturing/distribution, but the latter leads to longer jail stays.
 - Drug possession charges made up 4 percent of overall admissions and 4 percent of bed-days.
 - Drug charges where there was intent to sell or distribute made up 1.5% of admissions and 3.4 percent of bed-days.

Address Criminalization of Substance Use

Personnel

Street Outreach Teams

Commissioners

Crisis Responders

Commissioners, Chiefs, Sheriff

Programmatic

**Community education
and harm reduction
resources**

Commissioners, Health
Department

Early Diversion & ATIs

DA, Judges

**Voluntary MAT in
community**

Health Department

Infrastructure

Expand Housing First Pilot

Commissioners

**Robust mental health
services**

Commissioners, Health
Department

Policy/Practice

**Shift to a public health
approach to drug use**

Commissioners, Chief, Sheriff,
DA, Judges

**Pass a local Good
Samaritan Ordinance**

Commissioners

**Prevent incarceration as a
response to relapse**

Judges

Why did remand as a top charge increase from 2 to 8 percent of overall admissions from 2017 to 2021?

- Remands were the 8th most common reason for jail admission and the 8th-biggest contributor to jail bed-days.
- The use of remand increased from 2017-2021, particularly in Lawrence municipal court.
- While difficult to assess, the data suggests remand is primarily being used for less serious charges, and is frequently related to traffic charges.
- How and under what circumstances is remand being used?

Financial bond

- About 30% of pretrial admissions were released with cash, surety, or credit card bond.
- People admitted with failure to appear as a top charge were the most likely to be released with some form of financial bond (compared to people admitted with other top charges).

MONEY BAIL IS NOT NECESSARY TO ENSURE COURT APPEARANCE

Harris County, TX

Implemented pretrial reform in 2019

65% Misdemeanant defendants
released before the bail hearing

93% Return to court

92% given money bail --> **14%**

New Jersey

Eliminated money bail in 2012, only
detains 5.7% of pretrial defendants

93% Released without cash bail

90% Court appearance rate

PRETRIAL DETENTION ≠ PUBLIC SAFETY

Kentucky

Mandatory release for misdemeanors since 2017, expanded in 2020 to include non-violent felonies

8% Re-arrest rate in 2019

11% Re-arrest rate in 2020

.5% Re-arrest rate for violent felonies



Jail population decreased by 12%

New Jersey

Eliminated money bail in 2012, only detains **5.7%** of pretrial defendants

13% Re-arrest rate for indictable & disorderly offenses

.4% Re-arrest rate for serious charges



Jail population decreased by 50%

Strengthen Pretrial Process

Personnel

Defense Counsel
Commissioners, KS Leg
KS Holistic Defenders

Court resource coordinators
Commissioners

Additional Pretrial Services Staff
Commissioners, Pretrial Services

Programmatic

Ability to Pay Calculators
Courts

Regular bond-review docket
Resource Coordinators,
Judges

Infrastructure

In person first-appearance
Courts

Policy/Practice

Pre-judicial administrative release
Judges, Pretrial Services

Eliminate use of a bail schedule
Judges

Decrease DA opposition to pretrial supervision release for eligible individuals
DA, Pretrial Services

Eliminate drug testing as a condition of pretrial sup
Judges, Pretrial Services

Municipal-only bookings accounted for 30 percent of jail admissions from 2017 to 2021

- Douglas County has 3 municipal courts: Lawrence, Eudora, Baldwin
- Municipal court primarily handles low level misdemeanors and local ordinance violations.
- Almost 1/3 of municipal-only admissions were classified as traffic cases—and half of those had an FTA top charge.
- The use of remand by the municipal courts has increased in recent years, primarily in relation to traffic-related cases.

Reduce Outsize Impact of Muni Court

Personnel

Defense Counsel
Commissioners, KS Leg,
KS Holistic Defenders

Programmatic

Redesign Summons Form
Courts, Chiefs, Sheriff

**Implement Portable Court
Rescheduling**
Courts, Chiefs, Sheriff

**Provide text/phone follow-
up after missed court date
to reschedule**
Courts, Pretrial, Peer Navigator

Daily FTA Docket
Judges

Infrastructure

**Public Transit/Rides to
Court**
Commissioners

**Self-Help/Family Resource
Center**
Commissioners

Policy/Practice

Amend Municipal Code
City Commissioners, City
Manager, City Attorney

**Alternative Responses for
Traffic Violations**
Commissioners, Chiefs,
Sheriff

Eliminate court fines/fees
Commissioners, Courts

**Issue notices to
appear/continuances in
lieu of warrants**
Judges

Implementation / Evaluation Framework

Implementation & monitoring

An implementation & monitoring strategy should include, at minimum:

- input from people with direct experience of the local criminal legal system
- clear goals and expectations for the policy/s
- clear parameters on the population/s that would be most impacted
- baseline information on the current state
- a timeline for periodic assessment of progress along a range of metrics
- a process for making the results transparent to the public

Q&A

Thank you.

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Supplemental Material