

GUIDELINES SENTENCING & THE CONTROL OF COUNTY JAIL POPULATIONS

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PRESENTATION CONTEXT

➤ CCAP JAIL CROWDING PROJECT

- PHASE I – NIC SURVEY

 - ⇒ EXTENT OF PROBLEM

- PHASE II – NIJ ACTION RESEARCH STUDY

 - ⇒ REASONS & REMEDIES

POPULATION CONTROL FACTORS

➤ 3 LEVELS OF ANALYSIS

- STRATEGIC MANAGEMENT & PLANNING FACTORS
- EXTERNAL FACTORS
- CASE-PROCESSING FACTORS

PHASE II METHODOLOGY

➤ FOUR RELATED COMPONENTS

- Primary Component

 - ⇒ Intensive Site Visits – 14 Counties

- Supplemental Components

 - ⇒ NIC Archive Analysis

 - ⇒ NACo Best Practices Survey

 - ⇒ PA County Survey Follow-up

SGL-RELATED FINDINGS & CONCLUSIONS

- POLICY VALUES AND OPERATIONAL RULES UNDERLYING SGL SYSTEM NEGATIVELY IMPACT POPULATION CONTROL CLIMATE AT EVERY LEVEL OF ANALYSIS
 - CONFLATES JUSTICE WITH RETRIBUTIVE SUFFERING & INCARCERATION
 - CREATES SYSTEM OF INCARCERATION GUIDELINES > SENTENCING GUIDELINES
 - LEGITIMIZES “JAIL IS PRESUMPTIVE BEST OPTION” MINDSET
 - CASTS COMMUNITY-BASED SANCTIONS AS DUBIOUS AFTERTHOUGHT
 - MUDDLES UNDERSTANDING OF ACCEPTABLE ALTERNATIVES [IP/RIP/PROBATION]

SGL-RELATED FINDINGS & CONCLUSIONS (cont.)

- POLICY VALUES AND OPERATIONAL RULES UNDERLYING SGL SYSTEM NEGATIVELY IMPACT POPULATION CONTROL CLIMATE AT EVERY LEVEL OF ANALYSIS
 - DEVALUES PURSUIT OF EXTERNAL “ROOT CAUSE” INITIATIVES
 - PROMOTES SUPERFICIAL CONSISTENCY OVER RATIONAL INDIVIDUALIZATION IN SENTENCING DISPOSITIONS
 - DEVALUES INFORMATION-DRIVEN SENTENCING DECISION-MAKING
 - DEVALUES EFFECTIVENESS/RECIDIVISM/RISK/NEEDS CONSIDERATIONS
 - DEVALUES PARSIMONY/COST/POPULATION CONTROL CONSIDERATIONS

SGL-RELATED FINDINGS & CONCLUSIONS (cont.)

- POLICY VALUES AND OPERATIONAL RULES UNDERLYING SGL SYSTEM NEGATIVELY IMPACT POPULATION CONTROL CLIMATE AT EVERY LEVEL OF ANALYSIS
 - REINFORCES IMBALANCE BETWEEN PROSECUTORIAL vs. DEFENSE INFLUENCE OVER SENTENCING DECISIONS
 - TRIVIALIZES ROLE OF PROBATION PSI & REFORM/CONTROL SERVICES
 - CHILLS AND MINIMIZES ROLE OF SENTENCING JUDGE

RECOMMENDATIONS FOR IMPROVING SGL POPULATION CONTROL PROSPECTS

➤ ELEVATION OF STATUS OF POPULATION CONTROL AS SYSTEM GOAL

➤ REVERSE JAIL VS IP/RIP PRESUMPTION

- JUSTIFY ON RECORD JAIL VS IP/RIP SENTENCE

➤ PROACTIVE PSI/CSP/DBA SENTENCE & REVOCATION PROPOSALS

➤ REALIGNMENT OF SYSTEM RESOURCES TO “TRIAGE” MOST LIKELY JAIL-BOUND CASES

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