



Jail and Justice System Assessment

A National Institute of Corrections Technical Assistance
Report for Kewaunee County, WI Sheriff's Office

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April 29, 2016

Jail and Justice System Assessment



DISCLAIMER

This technical assistance activity was funded by the Jails Division of the National Institute of Corrections. The Institute is a Federal agency established to provide assistance to strengthen state and local correctional agencies by creating more effective, humane, safe, and just correctional services. The resource persons who provided the onsite technical assistance did so through a contract, at the request of the Kewaunee County Sheriff's Office, and through the coordination of the National Institute of Corrections. The direct onsite assistance and the subsequent report are intended to assist the agency in addressing issues outlined in the original request and in efforts to enhance the effectiveness of the agency. The contents of this document reflect the views of Mr. Joseph Fenton and Ms. Karen Albert. The contents do not necessarily reflect the official views or policies of the National Institute of Corrections.

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Jail and Justice System Assessment

Section 1. Background

Request for Technical Assistance

Sheriff Matt Joski, Kewaunee County, WI Sheriff, submitted a request for a Jail and Justice System Assessment (JJSA) from the National Institute of Corrections. Karen Albert and Joseph Fenton were contracted by NIC to deliver the on-site technical assistance on April 4-6, 2016. Mr. Fenton and Ms. Albert coordinated arrangements for the visit and technical assistance activities with Sheriff Matt Joski.

Jail and Justice System Assessment (JJSA)

JJSA Purpose and Goals

Jurisdictions frequently request the JJSA because the jail is “crowded,” and, as such, under some scrutiny. Jail officials are unable to fully control the flow of inmates in and out of the jail. Policy and practice in individual justice system components are the primary drivers of the inmate population. Although the jail possesses a wealth of information about how the rest of the system is operating, jail staff are often unaware that the information they have in the data they routinely collect will reflect the impact of those system policy and practices. In the meantime, the rest of the criminal justice system is sure it is managing their role in the system the best it can, and often feels taxed to the limit. The key criminal justice partners work well as individuals to respond to the growing crowding issues, including changing their policies to implement measures that may negatively impact crowding.

The purpose of the JJSA is to determine the need for improvements to the existing jail and its operations (including the potential need for new construction and/or renovation) and to determine the need for

National Institute of Corrections

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The National Institute of Corrections (NIC) is a small federal agency within the Department of Justice, Bureau of Prisons. NIC was established in the 1970's to be the primary federal source of assistance to state and local correctional agencies. The Jails Division of NIC helps local jails across the country by providing training, technical assistance, and information services.



improvements to enhance the effectiveness of the overall justice system. This is accomplished through an assessment of the jail against professional standards and accepted management practices and an examination of the major components of the justice system including law enforcement, courts, prosecution, defense counsel, and community sanctioning options.

The JJSA demonstrates to the stakeholders that beyond their common purpose, they can negatively impact the overall criminal justice system by implementing measures to reduce the jail population. The jail benefits by better population management; the other components benefit by sharing information and minimizing redundancy; and all will be working smarter, not just harder.

The JJSA helps to assess how well the system is handling the demands it faces; determine if the existing services and programs are meeting their needs and are consistent with public safety (the community's) concerns; and make sure those programs are having the desired impact on the system, and more specifically, the jail population.

The ultimate goal of the JJSA is to provide the jurisdiction with a solid, unbiased assessment of the condition of the jail and what opportunities could exist in the long-term, and what can be done in the interim period that will assist in making the jail safer and possibly a more efficient operation.

JJSA Activities

The JJSA process includes a brief assessment of the jail, a review of selected jail and system data, interviews with key criminal justice officials, and a community meeting -- all of which occur over a three-day period when the NIC technical resource providers are present in the community. The community meeting provides an opportunity to:

- Educate the participants about the role of justice system policies and practices on the use of the jail and the size of the jail population;
- Provide participants with the technical resource providers' preliminary findings based on the jail assessment and interviews;
- Provide participants with some preliminary options to address detention and other criminal justice system needs; and
- Provide a forum for participants to share their concerns and ideas about the issues raised and initiate discussions about planning for change.

Preparations for the On-Site Visit

Prior to the on-site visit, Karen Albert contacted Sheriff Joski to get further detail on the County's expectations and desired outcomes for the JJSA. Sheriff Joski advised that the request for the JJSA was prompted by a need to address an increasing jail population, lack of appropriate types of housing for inmates – especially females, more violent and special needs inmates, and the need for strategies to educate the community to gain their support addressing gaps in services and for potential funding to

Jail and Justice System Assessment



address these issues. Past initiatives to increase bed capacity have failed, due in part to the lack of community involvement in the program. The JJSA was requested as a way to continue the community discussion about these issues.

These discussions resulted in the following scope of work for the Jail and Justice System Assessment:

- Make necessary preparations for the onsite visit;
- Conduct an entrance meeting with Sheriff Joski and key staff to gather additional background information, review the desired outcomes for the JJSA, and confirm the agenda for the three-day site visit;
- Conduct a brief tour of the Kewaunee County Jail to get an overall perspective of issues and conditions;
- Interview key justice system officials including at a minimum the sheriff, prosecutor, public defender, judges, police, and probation;
- Facilitate a town hall meeting to present information about the local jail and the impact of system policies and practices on its use; present preliminary assessment findings, review jail and system data; present information about the facility development process, and discuss community readiness for planning;
- Conduct an exit meeting with Sheriff Joski and key stakeholders to review the site visit activities and discuss next steps; and
- Prepare a technical assistance report outlining the findings and recommendations developed pursuant to the JJSA.

To prepare for the onsite visit the technical resource providers:

- Outlined the necessary on-site preparations for the local point of contact, including a draft of an onsite agenda and list of persons to be interviewed;
- Developed and forwarded structured interview questions for those justice officials scheduled for interviews;
- Requested selected jail trend and snapshot data;
- Reviewed the pre-JJSA survey completed or coordinated by Sheriff Joski;
- Reviewed and conducted preliminary analysis of jail data provided by the sheriff's office;
- Prepared an agenda and slides for the community meeting;
- Gathered available statistics on county population, arrests, and court filings; and
- Finalized and confirmed the overall agenda for the JJSA with the local point of contact.

The following documents were reviewed during the course of this activity:

- JJSA technical resource materials;
- County jail population data;
- Various documents and reports providing information about criminal justice activity within Kewaunee County.

Jail and Justice System Assessment



The following persons were interviewed during the on-site visit:

- Robert Weidner, County Board Member, Law Enforcement Committee Chair
- Dennis Mleziva, Circuit Court Judge
- Keith Mehn, Court Appointed Judge
- Andy Naze, District Attorney
- Chelsea Place, Department of Corrections
- Rebecca Main, Department of Corrections
- Frank Salentine, Kewaunee City Police Chief
- John Massart, Luxemburg Village Police Chief
- Sheriff Matthew Joski
- Chief Deputy David Cornelius
- Lt. Jason Veaser
- Lt Chris VanErem
- Various other Kewaunee County Jail staff
- Various inmates.

Several of the above-named, along with other officials, attended the Town Hall Meeting as well. A list of the planning meeting participants is included in Appendix B.

Purpose of the Report

The purpose of this report is to document:

- The technical resource providers' impressions regarding the jail facilities and operations;
- The technical resource providers' assessment of local criminal justice system practices and use of alternatives;
- A summary of the interviews conducted with key criminal justice officials;
- A summary of the Town Hall Meeting held during the JJSA in Kewaunee County; and
- The technical resource providers' recommendations regarding the planning process and the steps that should occur to develop a long range plan to meet the County's correctional needs.

Section 2. Community Profile

Developing a Community Profile should include a review of county census information and projections, including population by age, income levels, level of education attainment, employment data and recent increases or decreases in the population. Data affecting population stability; i.e. number of people moving into/out of the county per year, employment rates, family ties to the area should also be reviewed.

Community resources such as health and social services, schools, employment services, etc. should also be surveyed and documented. These are services and resources which may assist the jail and related offender programs in addressing needs and reducing recidivism.

Following is a brief presentation of the types of information which is representative of what might be included in a Community Profile.

Overview of Kewaunee County

Kewaunee County is located in eastern Wisconsin. The county seat is located in **Keweenaw**. The county is 1,084 square miles, including 742 square miles of water. Kewaunee County is bordered by Door County to the north, Brown County to the west, and Manitowoc County to the south. The county population according to the 2010 Census was 20,574.



The County Board of Commissioners is the governing body of Kewaunee County. Consisting of 20 elected officials, the County Board serves as the taxing authority, the contracting body and the chief administrators of public funds. Among other duties, the County Board enacts laws, ensure compliance of laws and secures professional services for the county.

Community Profile

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In order to accurately assess the historical growth in the inmate population, as well as to project that growth into the future, it is necessary to assess the factors external to the criminal justice system that impact the jail population. These include general population changes, economy, crime and other social factors, and changes in laws and/or enforcement priorities. For example, increases in the number of people in the population at-risk (younger, less affluent, less educated people, more transient) are assumed to adversely affect the jail population.



There are two cities in Kewaunee County, as well as a number of unincorporated villages and townships.

Population Profile

Historical Population Trends and Projections

The county population according to the 2010 Census was 20,574. The population peaked at 20,618 in 2012 and fell to 20,474 in 2013, 20,444 in 2014 and 20,366 in 2015. There is little known about the drivers of the population changes over the past several years, other than the closing of the nuclear plant in 2013. Some criminal justice partners expressed concern that the true impact of the plant closure may not have been realized.

Kewaunee County Historical Population Trends



Components of Change

From 2009 to 2012, Kewaunee County's population gained approximately 303 residents although there has been a slight decline since 2012. It is useful to understand the components of population change because it offers insight into the causes of growth or decline and it helps highlight important areas of inquiry. If a large portion of population growth is from in-migration, as it is here, it would be helpful to understand what the drivers are behind this trend. For example, are people drawn by the geographic location, services available in the community, work opportunities, etc.?

Demographics

The following tables provide a breakdown of the Kewaunee County population by race and age groupings in 2014.



Population by Race (2014)		
Race	Population	Percent
American Indian	141	0.7%
Asian	78	0.4%
Black	80	0.4%
Pacific Islander	0	0.0%
White	19,945	97.1%
Two or more races	183	0.9%
Other single race	118	0.6%

Population Estimates by Age (2014)		
Age Category	Population	Percent
Preschool (Under 5)	1,151	5.6%
School Age (5 to 17)	3,575	17.4%
College Age (18 to 24)	1,397	6.8%
Young Adults (25 to 44)	4,623	22.5%
Older Adult (45 to 64)	6,184	30.1%
Seniors (65 and older)	3,616	17.6%

The county population is predominantly White (97.1%) according to U.S. Census Bureau 2014 population estimates. Individuals of Hispanic or Latino ethnicity represent 2.3% of the county population. 49.2% of the county population is female compared to 50.3% for the State and 50.8% in the U.S. The median age of the county population is slightly older than the state at 43.3 vs. 38.8 years. The demographics of the community are important to understand to identify the numbers and trends of at-risk age groups.

Socioeconomic Profile

A number of indicators determine the economic health of a jurisdiction. No single indicator should be considered by itself. Rather, a range of indicators should be analyzed together to get a comprehensive view of the economy. Several indicators for Kewaunee County which are representative of the types of data essential to review in developing a Community Profile for Kewaunee County are presented below.

Income and Poverty

Kewaunee County lags the state in personal income, but is doing better than the state of Wisconsin as a whole according to household income and poverty indicators from the Census Bureau. The following table provides a breakdown of key county income and poverty data with comparisons to the state data. While the personal income in Kewaunee County in 2014 was 92% of statewide levels, the median household income was 100.5% of the state median. The county poverty rate was 75.2% of the state rate.

Income and Poverty (2014)		
	Kewaunee County	Wisconsin
Per Capita Income	\$25,651.00	\$27,907.00
Median Household Income	\$53,023.00	\$52,738.00
Poverty Rate	10.0%	13.3%



Income data can be an indicator of how well the county is faring in the current economic climate and how stressed individuals and families may be due to their economic condition. It would be helpful to understand the correlation between crime and the economy as it impacts both bedspace needs for the jail and the ability of the county to pay the costs of incarceration and other public safety services.

Employment

The employment rate is another indicator of the economic condition of the county. The annual unemployment rate for Kewaunee County (5.5%) was significantly lower than the state rate in 2014 (7.2%). More recent unemployment rates in February 2016, according to the Wisconsin Department of Workforce Development, show Kewaunee County (5.7%) slightly higher than the Wisconsin unemployment rate (5.5%). This change in the unemployment rate could be a result of the closing of the nuclear plant in 2013. The unemployment rate is the number of unemployed as a percent of the entire labor force. It is helpful to look at the rates over time to see if they are increasing or decreasing. Further investigation might provide insight into what may be driving the rates in either direction.

Education

Education is yet another factor that contributes to the overall community profile. Kewaunee County compares favorably with the rest of Wisconsin in its residents’ high school graduation rate, some college, and associates degrees. County residents appear to lag behind the state average in attaining Bachelors and advanced degrees, possibly due in part to the rural, agriculture based economy of the county. Lower educational attainment, along with economic stressors, are community risk factors that can impact public safety demands.

Educational Achievement for Residents age 25 and over		
	Kewaunee County	Wisconsin
Less than 9th Grade	3.5%	3.2%
9th Grade to 12th Grade, no diploma	5.1%	6.0%
High School graduate or equivalency	45.6%	32.4%
Some College, no Degree	20.8%	21.1%
Associate's Degree	10.6%	9.9%
Bachelor's Degree	10.7%	18.1%
Graduate or Professional Degree	3.7%	9.3%

Community Resources

All communities have programs and services that serve at-risk and justice-involved individuals. Some may be used extensively by the justice system, while others exist as hidden resources waiting to be discovered. A Community Profile should include an inventory of community assets and resources which could serve justice involved persons both in the jail and in community alternatives. An example

Jail and Justice System Assessment



of a format for gathering information about the programs and services that may be available in the community is presented on the following page.

There was a general perception among the criminal justice stakeholders that there are not sufficient resources in the county to address the criminal justice need. This perception is described further throughout this report.

Jail and Justice System Assessment

Criminal Justice System Program/Services Inventory									
Program	Operator	Purpose(s) Services Offered	Eligibility Criteria	Exclusionary Criteria	Referral Sources	Functional Capacity	Length of Stay	Ave. Per Diem Cost	Funding Source
Example: Domestic Violence Program	County	To decrease the prevalence and incidents of domestic violence, to educate and provide awareness of Domestic violence, emergency shelter and services as available	Victim of Domestic Violence or Sexual Assault	None	Application/self-referral, referrals from other domestic violence programs	Emergency shelter holds up to 3 families at a time, other services are open	Up to 90 days with follow up as needed	N/A	Federal and State

Section 3. Criminal Justice System Profile

In developing the criminal justice system profile, information describing current criminal justice agency staffing, resources, and workload is gathered and reviewed. Historical law enforcement data, including information on reported crime, crime rates, offense types, and law enforcement policies and practices is collected and analyzed.

Historical court data including information on court structure and schedules, misdemeanor and felony filings, etc. is also collected and analyzed.

Key criminal justice policymakers including the judges, probation, prosecuting attorney, public defender, the sheriff, jail administrator, and other local law enforcement agency representatives are typically interviewed to get their input and perspective on the needs of the criminal justice system and the jail.

The results of this review are used to develop the Criminal Justice System Profile.

Overview of Kewaunee County Criminal Justice Agencies

Law Enforcement

The primary local law enforcement agencies in Kewaunee County include the Kewaunee County Sheriff's Office, City of Kewaunee Police Department, Algoma Police Department, and Luxemburg Police Department. The state police and the State Department of Natural Resources also provide for law enforcement in the County.

Law enforcement representatives report that there is a significant and growing population of persons with mental illness and/or substance abuse. Resources for persons with mental health issues are reportedly limited to business hours in Kewaunee County or emergency placement hospital outside of the county. Both jail and law enforcement staff reported extended waiting periods to find an available bed, and more significantly, law enforcement officials may be required to travel to more than one facility for placement.

Criminal Justice System Profile

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A justice system needs assessment should include a review of the overall functions and resources of the existing county criminal justice system with the intent of answering the following questions:

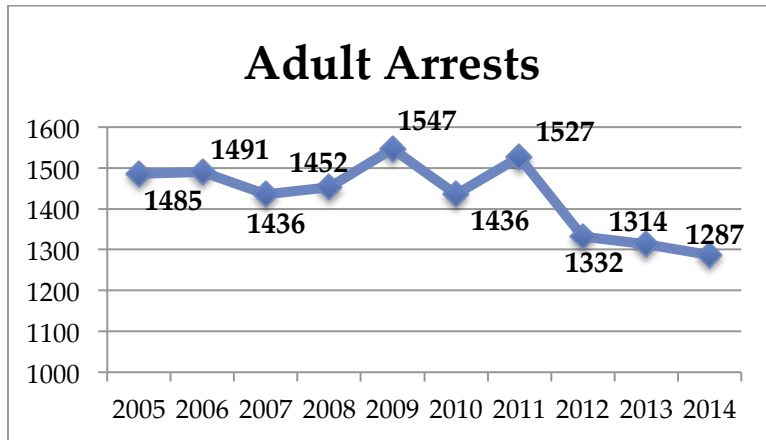
- How well is the current system working?
- Are existing services and programs used to their fullest extent and effectiveness?
- Are there apparent gaps in services and programs?
- Are cases processed through the system in a timely and efficient manner?
- How can the criminal justice system do a better job?

The results of this review are used to develop the Criminal Justice System Profile.



The two city/village police chiefs interviewed indicated that their arrest policies are based on community safety rather than any potential impact on jail crowding. These findings suggest that arrest practices will not be altered as a result of a jail expansion. However, the availability of resources such as detox centers or 24-hour local access to mental health care could potentially reduce the number of arrests.

The chart below highlights the trend in arrests in Kewaunee County during the ten-year period of 2005 through 2015.



Despite the stability of the overall County population, the number of arrests declined from 2011 to 2015. Identifying the reason(s) for this decline, as well as the population increases in 2009 and 2011, can assist decision-makers in determining future bed needs.

Courts

The role of the courts in managing the county criminal justice system cannot be overstated. Case processing, judicial decisions and understanding of the role of the jail can influence the number of inmates housed in the county jail.

The case filings warrant having only one judge serving the entire County, including criminal, civil and traffic cases as well as both juvenile and adult cases. Court Commissioners are part time judges used to cover periods when the full-time judge is not available. The current judge, who plans to retire, has indicated that he is as responsive to the jail crowding as is reasonable. Additional alternatives including a supervision component would be used if available. There is much speculation about the potential for increased sentencing with a new judge. Kewaunee County criminal justice partners should monitor the impact of such changes if they occur.

Pretrial programming has not been implemented in the County, although many of the criminal justice partners (i.e., judge, district attorney, probation staff, etc.), appear to be amenable to exploring the benefits of such programs. The town meeting attendees referenced a risk assessment instrument that

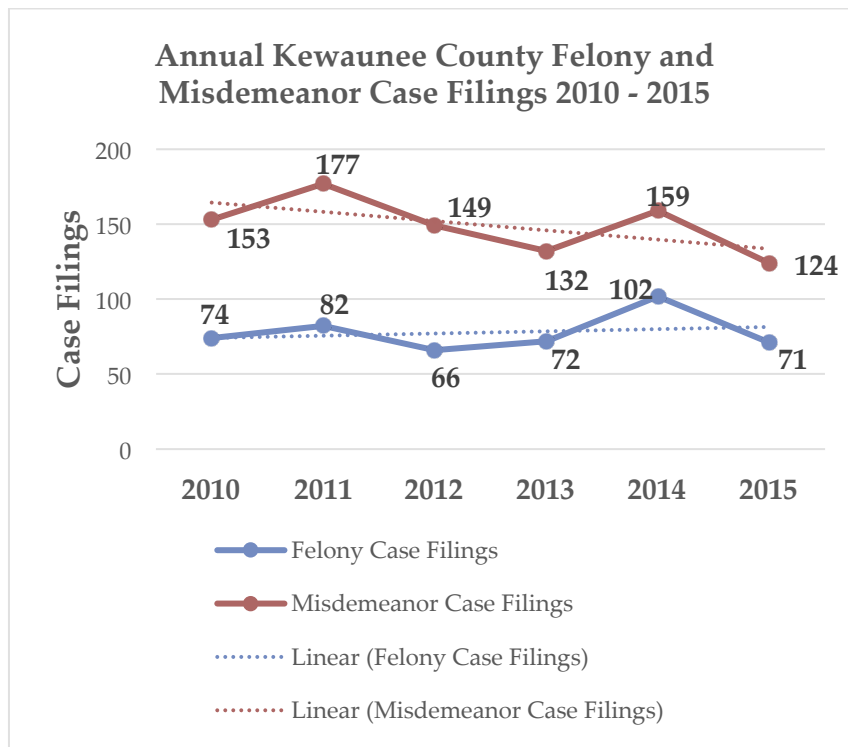


should be available from the the Department of Corrections in the near future to assist with determining an arrestee’s risk to the community.

Most in-custody arraignments are conducted via video conferencing. This allows for enhanced security to avoid transporting or escorting inmates to the courthouse. Moreover, it can result in more efficient processing of the court flow.

Sentencing options are somewhat limited to the Huber program, diversion sentencing, and probation. Although the judge can require a treatment program as a condition of sentence, there are limited supervision options with the exception of probation and parole, and limited treatment program options in the county. There is a desire for more sentencing options if there is evidence of their success.

The graph below shows the number of felony and misdemeanor court filings in Kewaunee County from 2010 through 2015. The numbers indicate filings for felony cases trended up during this period and misdemeanor cases have trended down slightly over the period. Filings rose significantly in 2014 over 2013 filings for both felonies (41%) and misdemeanors (20.5%). Filings are an indicator of the court’s workload. Workload may impact the efficiency with which cases are processed through the system. This, in turn, may impact the numbers and length of stay of inmates in the jail during case processing.





Prosecutor

The Kewaunee County Prosecutor's Office has one full-time and one part-time attorney who are responsible for prosecuting all Kewaunee County cases involving felony offenses, juvenile diversion, child protective actions and mental commitments. The office is also responsible for prosecuting all misdemeanor offenses and infractions occurring outside the cities/villages of Kewaunee, Luxemburg, and Algoma. Each of those cities has their own prosecutors for misdemeanor offenses and infractions. The prosecutor represents all Kewaunee County elected officials and departments, including the sheriff's office and the jail.

Public Defender

The Public Defender's Office provides legal representation as court-appointed attorneys for indigent clients in criminal cases, including felony, misdemeanor and selected civil cases, as well as for juveniles in criminal cases, and for children and their families in child protective hearings. Kewaunee County uses the district office public defender office located in Green Bay, WI.

In lieu of meeting with the public defender, we interviewed a local attorney who serves as a court commissioner: an alternate judge in the absence of the county judge. While the court commissioner does not represent the public defender, bonding decisions are considered in relation to community safety and expectation of court appearance. The court commissioner indicated that additional community alternatives could likely reduce the jail population.

Parole and Probation

The Parole and Probation Department is a state agency with a supervisor that also oversees the department in neighboring Door County, three agents, and one office support staff. The office supervises offenders released from the Department of Corrections with a condition of parole and county felony offenders sentenced to a period of probation. The probation officers are also responsible for pre-sentence investigations, which are typically conducted within six weeks of a felony conviction, for use in a sentencing hearing. Electronic monitoring and discretionary time (i.e., no more than 72 hours of jail incarceration before judicial review) is available for State parolees.

Probation can also be used as an alternative to incarceration upon conviction. Deferred sentencing afford the offender the opportunity to participate in programming, with successful completion serving as a suspension of sentence. Unfortunately, the access to resources limits the ability of offenders to complete their program requirements (i.e., the substance abuse treatment programming is not "approved" to meet the OWI mandatory requirements).



Department staff reported that in calendar year 2015 there were 3 sanctioned offenders, and since June 2015 there have been approximately twenty parole revocations. Parole revocations can result in offenders spending over three months in jail while investigation, scheduling and holding a revocation hearing and appeal. It was reported that some offenders waive a hearing and are recommitted to prison rather than wait in the Kewaunee County jail for a hearing. The number of parole and probation holds accounted for approximately 25% of the snapshot jail population on March 3, 2016 and may be a driving force in the rising jail population and length of stay in the jail.

Probation staff reported reasonable access to their probationers in jail; however, meeting space is severely lacking. Staff most often meet with the clients in the inmate side of the visitation area. This space includes three fixed stool seats that does not provide for acceptable personal space – especially in circumstances that may be adversarial. Moreover, when female inmates are housed outside of the County, probation staff must travel to see their clients, resulting in additional strain on the criminal justice system (e.g., travel to the site, difficulty making community connections due to the lack of proximity, etc.).

Case Flow Mapping

Although it is beyond the scope of the JJSA, a criminal justice profile should include an assessment of the process by which cases move through the justice system. Case flow maps describe each of the steps and key decision points in the justice process and include such information as the policies and practices of agencies/officials involved at each stage, workload, policy and program options that may be available at each stage, average timelines, and any gaps or inefficiencies in the process.

Recommendations resulting from this case flow review may include changes in policies and practices, improvements in communication and coordination, and implementation of alternative programs and/or services. The goal is to identify opportunities for maximizing the efficiency and overall effectiveness of the justice system. See Appendix C for more information about the key decision points in the case flow process and the program and process options which may improve the functioning of the justice system and potentially reduce crowding in the jail.



Section 4. Jail Population Profile

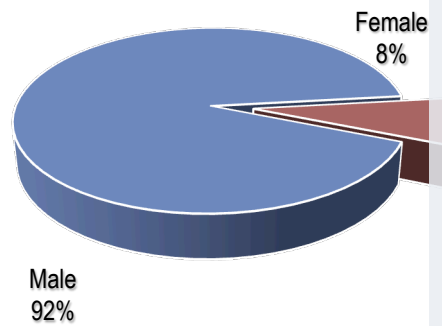
Inmate Profile

The technical resource providers requested selected jail data prior to the onsite visit. This section of the report provides a summary of the technical resource providers' preliminary analysis of the data provided. The data included a sampling of a one-day snapshot.

Below are several charts highlighting some of the key characteristics of the inmate population drawn from the data provided. The charts are representative of the types of profile information which should be collected and analyzed, but are based on a very limited amount of data.

Inmate Profile - Gender

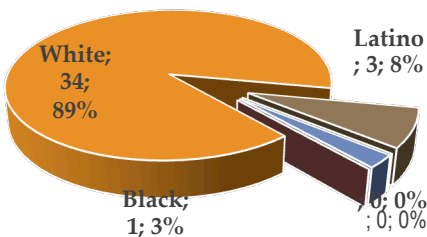
The female population in the 2014 sample accounted for 8 % of the total held – lower than the 14% national average for females in jail. Often these females are housed outside of the County due to lack of separation space and insufficient staffing (i.e., female jail staff)



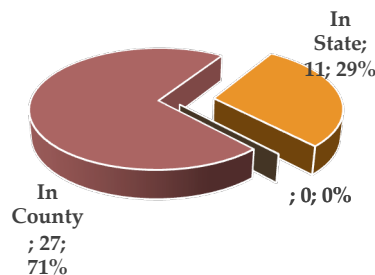
staff)

Inmate Profile - Race

The inmate population in 2014 was predominately White (89%).



One Day Snapshot – Residence Most of the inmates in the one-day sample were county residents (71%). It is suspected that the majority of the out-of-county inmates are located in surrounding counties.



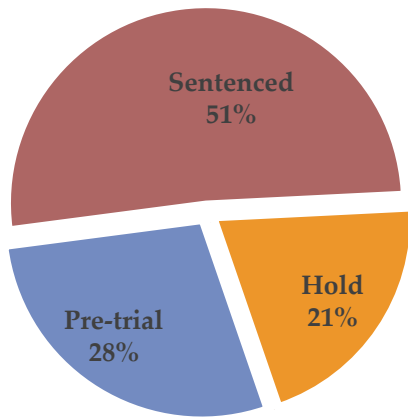
Jail Population Profile



Data on the current jail population is collected and analyzed to develop a profile of its criminal, adjudication, behavioral, social, and demographic characteristics.

The profile is useful in several ways:

- Developing forecasts of space needs and specifications for detention and alternative programs;
- Identifying classifications of offenders based upon risk and offenses;
- Determining specific programs and services required to address offender needs; and
- Developing strategies for managing offenders through a continuum of community sanctions and programs.



One Day Snapshot – Custody Status

More than one half (51%) of the inmates represented in the one-day snapshot were listed as being sentenced inmates.

Approximately one-quarter of the inmates were held on a temporary hold due to potential probation or parole violations or waiting for a bed in the Alternative to Revocation (ATR) program.

Implications for Planning

Inmate profile data provides a picture of who is in jail and their characteristics. This information is helpful in providing a breakdown of future housing needs by size, classification and custody level. It also provides information about the types about the risks and needs of offenders that the facility must be prepared to address.

Historical Trends

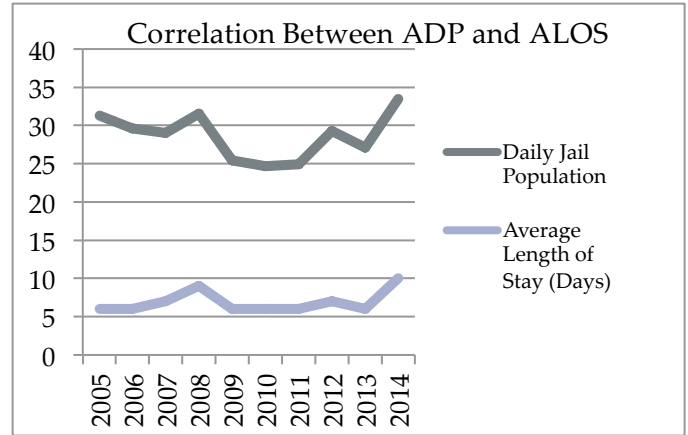
The following table shows the annual historical trends and rates of change on several factors that influence the size of the jail population. The chart that follows shows the cumulative rates of change for these factors.

Historical Trends and Annual Rate of Change of Factors

Year	County Population	Arrests	Jail Admissions	Total Jail Days	Average Daily Jail Population	Average Length of Stay	Incarceration Rate per 100,000
2005	20,448	1485	367	12,002	31.3	6	153.07
2006	20,508	1491	340	11,457	29.6	6	144.33
2007	20,402	1436	331	11,032	29.04	7	142.34
2008	20,319	1452	316	11,944	31.53	9	155.17
2009	20,315	1547	349	10,197	25.47	6	125.38
2010	20,574	1436	500	9,676	24.67	6	119.91
2011	20,617	1527	478	9,922	24.91	6	120.82
2012	20,618	1332	456	11,427	29.31	7	142.16
2013	20,474	1314	423	10,701	27.13	6	132.51
2014	20,444	1287	436	13,738	33.43	10	163.52
Ave. Rate of Change	-0.02%	13.33%	18.80%	14.46%	6.81%	66.67%	

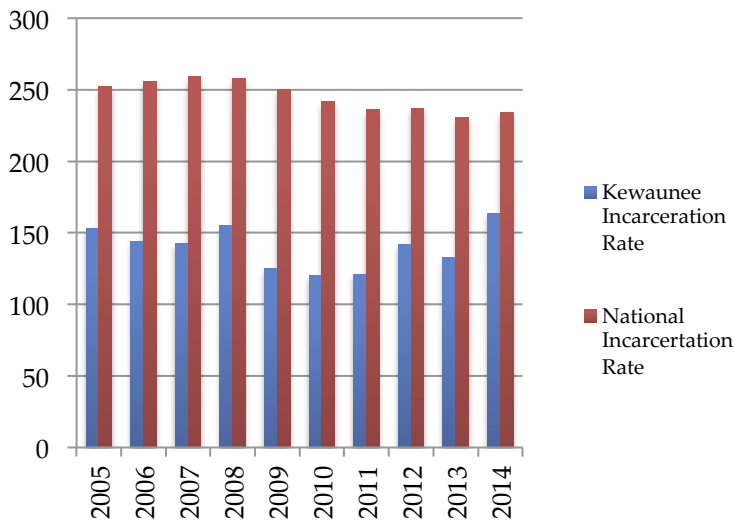


In 2009 there was a marked decline in the average length of stay (ALOS) and the average daily population (ADP) – two factors that are closely related as will be discussed in greater detail later in this report. Other population drivers were considered such as number of arrests, jail admissions and the overall County population. It appears ALOS the only variable that correlates with the increased jail population



It is also helpful to look at comparative data to see how Kewaunee County compares nationally in its rate of incarceration. While the national incarceration rates have generally declined or remained relatively steady since 2007, the Kewaunee County incarceration rates have been much more sporadic and have noted a trend of increase over the past five years.

**U.S. and Kewaunee Incarceration Rates (per 100,000 population)
2005 - 2104**



Trend data such as that presented here is useful in determining what may be driving jail population trends, and it provides direction for further analysis to see how policy and practices of the criminal justice system may be impacting the jail. Comparative data can provide insight into how Kewaunee County incarceration levels compare with similar sized jurisdictions in-state and nationally.

The State Office of Justice Assistance issued a report in January 2001 noting that the need for beds in Kewaunee County would continue to increase. They noted a 5% increase in the ADP from 1990 – 2000. The table that follows summarizes their findings and their projections for the ADP and bed needs compared to the actual data to date.

Jail and Justice System Assessment



ADP and Bed Needs Projections¹

	2005	2010	2015	2020
ADP	23.1	25.4	28	30.7
Bed Needs*	29	32	35	38
ACTUAL ADP	31.3	24.67	33.02	

*Bed needs includes a 10% classification factor and a 10% peaking factor. These factors are described in greater detail later in this report.

Although the projected ADP and the Actual ADP are tracking very closely, it should be noted that the ADP for the first quarter of 2016 is at 37.58, well above the projected 2020 ADP.

¹ Everson, T. (2001). Kewaunee County Jail: Population and bed needs forecast 2000-2020. Madison, WI: State of Wisconsin Office of Justice Assistance. 1-5.

Section 5. Facility Assessment

The Kewaunee County Jail was opened in 1968 with a capacity of 22 inmates. The facility is located in what used to include the sheriff's office that has since been relocated to the courthouse during the renovation and expansion several years ago. Many of the jail related functions (e.g., interviews, intoxilyzer, Huber screening, etc., continue in the existing jail facility, but in controlled space (i.e., monitored), not secure space (i.e., use of security locks with access granted by staff in a control room).

The average daily population for 2014 was 33.4 inmates: 28.6 male, and 4.8 female. Female inmates are housed outside of Kewaunee County due to space limitations and availability of female supervisory staff. Female deputies serve as school resource officers during the school year but may be available to supervise inmates during the summer, if space is available in the jail to move female inmates back to the jail. Consideration should be given to ensuring female officers are available at all times female inmates are housed in the facility.

Access to the facility for new arrests occurs through a secure vehicle sallyport/garage. Inmates are then escorted through the controlled, but not secured lobby corridor, to the booking area. The booking area is located adjacent and accessible to the communications center. Limited space is available to process an arrestee and conduct necessary reporting requirements.

Once booked, the inmate will typically be placed in one of three intake holding cells. Due to lack of appropriate housing, these spaces are also used for special needs and special management inmates (suicide watch, administrative segregation, medical, etc.)

The housing is linear and includes: one, four-person single cell housing unit; two, two-person single cell housing units; and one, fourteen bed dormitory unit. The linear design of the facility significantly restricts the ability for staff to effectively observe and supervise inmates.

Jail Assessment

• • •

A primary goal of a Jail Assessment is to compare and evaluate the performance of existing facilities with current and future needs. Building soundness and adaptability, living conditions and sanitation levels, fire and life safety, safety and security, programs and services, inmate classification and housing, compliance with standards, layout, and capacity are all considerations in conducting an assessment.

The assessment provides information for the jurisdiction to determine the need for facility improvements or the development of new facilities.

64% of the beds are dormitory housing; and the remaining 36% are single cell housing. The majority of beds in dormitory housing result in housing inmates classified as medium security with inmates classified as minimum security who may leave the facility for work or school. Despite the crowded conditions, the jail staff report minimal incidents although they have noted a rise in incidents between inmates. It should be noted that the inmates observed and interviewed during the site visits were compliant, respectful and answered questions candidly and honestly – a credit to the jail staff who informed the inmates of the activities that were to occur during that time-period.

Building Soundness and Adaptability

Given the age of the building, the technical resource providers noted that the physical plant has been well maintained and noted no significant structural problems. Kewaunee staff noted that the roof has been neglected over the years and will need repair or replacement at some point. The linear design, compact footprint, and adjacency to residential areas would limit the ability to add beds to the current facility.

The county maintenance staff have provided ongoing maintenance to the jail in a manner that has

likely prolonged the viability of the facility beyond its anticipated life-cycle. The locking system has been maintained by foraging parts from neighboring county facilities that have closed, or by milling new parts to replace worn locking parts. New technology, including cameras, video arraignment, telephone systems, etc., has been incorporated into the jail, but the retrofit results in exposed conduit that may become a security problem.



Door Control Locking System



Electronics Retrofit

Living Condition and Sanitation Levels

Generally, the facility is very clean and orderly. The dormitory unit has mostly original porcelain bathroom fixtures that have withstood the use and abuse of a correctional setting. Most of the single cells have had bathroom fixtures replaced by stainless steel units as a policy decision to harden the facility as a result of crowding. The heating system seemed to be functioning appropriately and air conditioning was observed in each housing unit.

The facility was basically clean due in part to the conscientiousness of the staff. Staff perform most of the housekeeping functions in the facility to reduce the potential for contraband passing through the facility from Huber inmates. All showers, except for the dormitory, are operated from a central location. Once showers are activated inmates in the main housing are free to shower as needed; inmates in lockdown units are escorted to a central shower accessed from the corridor. There is no outer drying area to the shower in the main housing, therefore the inmates must exit the shower, obtain their towel and clothing and dress in their cell raising several potential privacy and Prison Rape Elimination Act (PREA)² issues.

Neither the showers nor the toilet areas have access to grab bars for persons who require these ADA compliant measures. One inmate interviewed indicated difficulty accessing the toilet.

Fire and Life Safety

Evacuation of the facility would require inmates to exit the secure perimeter, through the control area, to a secure area (i.e., parking lot) between the jail and courthouse. Evacuation placards are posted throughout the facility. Two Self Contained Breathing Apparatus units are available in the staff meeting room, outside the secure perimeter of the facility.

Inmates are limited to what they can keep at their bunk area or cell to limit combustibles. There is limiting monitoring of the property inmates maintain due to minimal staffing requirements.

Safety and Security

The jail is staffed by two officers who are also responsible for Sheriff's Office dispatch, monitoring cameras at the courthouse and jail, and

responding to the public who come to the jail. Security rounds are conducted at 30-minute intervals and are recorded using a watchman device. Officers view the housing units through portals from the main corridor, which offers limited viewing

Sheriff's Dispatch



Housing unit view port

² The Prison Rape Elimination Act, 42 U. S. C. 15602-15609 (2003) provides for standards for the prevention, detection, response and monitoring of sexual abuse in adult prisons and jails.

Retrieved from http://frwebgate.access.gpo.gov/cgi-bin/getdoc.cgi?dbname=108_cong_public_laws&docid=f:publ079.108.pdf

into dayrooms and minimal viewing into cells. Use of the view ports likely provides sufficient warning of staffs' presence to alert inmates to cease any unauthorized behavior.

Officers arriving to commit offenders to the jail have access to a one-vehicle sallyport. Officers escort the inmate from the vehicle sallyport into a controlled public corridor to access the secure area of the jail. When more than one offender is delivered to the jail, one offender is secured in the visitor side of the visiting area while the other is being booked. The booking area is not sufficiently sized to accommodate the jail staff, law enforcement officer(s) and offender.

The dormitory unit is designated as the 'Huber Unit,' and some of the inmates assigned to that unit do leave the facility for work or other programming. Inmates who leave the facility and return may be pressured by other inmates to return to the secure facility with unauthorized items. While staff use personal searches and facility shakedown to discover attempts to bring in contraband, the physical plant does not support critical separations.

Programs and Services

Services such as food, communication to the outside, and commissary are provided in the facility.

The availability of programs for recreation, education, religion, substance abuse, mental health services and others is limited due to the lack of appropriate space for the programs. There is no formal reentry programming from the jail back to the community. Current programs are mostly limited to providing the inmates with leisure reading materials and television.

Inmates currently have no access to indoor or outdoor recreation space, and the dayroom space is not sufficiently sized to accommodate meaningful exercise.

Food service is prepared from a facility kitchen staffed by two food service staff who alternate schedules. Three meals are provided daily; breakfast and lunch are generally cold meals (lunch may include an instant soup) and dinner is a hot meal. The food service preparation area was observed as being clean and having appropriate equipment to prepare meals for the inmate population. Meals are served to inmates in the housing units.



Facility Kitchen



Visiting is available Saturday and Sunday from 12:30 PM – 2:30 PM. The visiting area has three stations that are not ADA accessible. The visiting area is small and does not provide for private conversation. The visiting space is also used for professional visits and holding inmates awaiting the booking process.

Inmate Visiting Area

Facility health care is provided by a visiting nurse who is at the facility 2 days a week and available outside regularly scheduled hours on an on-call basis. The medical examination room is a multipurpose room that also serves as the video arraignment room and an interview room. Inmate medicine is bubble packed and secured in a locked cabinet in the multipurpose room. Medicine is distributed by security staff. Adjacent counties typically will not accept inmates with health care issues and the Kewaunee County Jail is not equipped to hold inmates with medical issues. These inmates may be highly considered for electronic monitoring, a consideration likely known to the inmate population, and therefore a means to manipulate the system.

Commissary is provided by Swanson, a contract commissary provider.

Inmate telephones are also contracted through a private provider. Inmates with money in their commissary accounts may set up an account with the telephone provider, or family or friends can also set up accounts for the inmate to make phone calls.



Laundry Service

overloading the washer and dryer typically results in reducing the life-cycle of this equipment.

Inmate laundry is washed and dried by the security staff using a standard household washer and dryer. Limited training is provided to the officers in terms of appropriate separation of different types of laundry and the recommended load level. Sheets and towels were noted as appearing gray, more than likely due to combining light and dark clothing. Although this is not a significant issue, it could encourage a perception that linens and towels are not clean and/or that there is not an expectation that the inmates should keep their areas clean. Moreover,

Inmate Classification and Housing

The jail has a classification assessment tool that is used to assess the appropriate classification of incoming inmates. The booking officer completes a short form of the classification document to assess immediate threats including suicidal tendencies and threats to other inmates or staff. A more formal classification document is completed by a sergeant before housing in the general population housing units.

Jail and Justice System Assessment



The current crowding situation in the facility limits the ability of the jail staff to separate inmates according to the most appropriate classification. In some cases, inmates are housed in areas more secure than appropriate for their classification, and in others situations, inmates are housed in the Huber Dormitory who might be better suited for housing in the secure units.

Female inmates are currently held in a neighboring county facility at a cost of \$55/day due to lack of female deputies available to supervise them in the Kewaunee County Jail (female deputies serve as school resource officers). The availability of female officers to supervise female inmates may return during summer months but returning female inmates to the jail may further limit the ability to properly separate male inmates based on their custody level and classification.

Compliance with Standards

Although this assessment was not an audit of compliance with applicable jail standards, the consultants did observe operations, interview staff and inmates and observed virtually all areas of the facility. There was no indication of significant standards-compliance issues outside the physical limitations of the facility noted in this report. The State inspector, who completed an inspection of the facility in August, 2015, found the Jail in compliance with the standards but noted several areas that need improvement. These areas included the implementation of programs and continued improvement of medication distribution.

The linear layout of the jail limits the staff ability to supervise inmates, which would be a significant deterrent to meeting PREA standards. The assessment team also noted several areas where there is a lack of ADA compliance.

Layout

The facility is a compact layout with a linear design. The compact layout allows two staff to make rounds in the jail every thirty minutes, but the linear design limits the ability for staff to truly monitor inmate activities in the housing units. There is a notable lack of program and recreation space in the facility.

Capacity

Based on the most recent jail population statistics, the 22 beds available in the jail are not sufficient to meet the current number of inmates committed to the jail. Moreover, the current capacity does not allow for peaking





factors (unusually high arrest rates due to drug arrests, and other city or county events, etc.) and classification factors (allowing space for inmates to be housed appropriate to their classification).

The Needs Assessment chart illustrates the ADP with a 20% peaking and classification factor (the true bed needs) along with the currently facility capacity with the 20% peaking factor. As noted in the chart, the Jail has not meet the bed needs fro many years.

The Sheriff's Office currently uses electronic monitoring to help alleviate the crowding in the jail, by placing sentenced inmates on electronic monitoring in the community, and houses female inmates in an adjoining county at a cost of \$55/day. As a result the sheriff bears all of the risk for these alternative housing options.

Summary

In summary, the existing jail facility has a number of issues that include:

- Lack of sufficient overall capacity;
- Inefficient layout and design – the linear design of the facility and staffing levels prevent the staff from observing all areas of each housing unit, without physically entering the unit and observing each cell;
- Custody staff has many activities including Sheriff dispatch, inmate laundry, booking, visiting, medication distribution, and others that frequently distracts from actively supervising the inmate population;
- Inadequate support services space including; medical exam areas, video arraignment, visiting, program space, indoor and outdoor recreation;
- Inadequate meeting spaces for law enforcement, probation and parole; and other official visitors;
- Inadequate storage space;
- Inadequate space in intake and booking; requires committing officers to move offenders through public areas to access the secure jail;
- The 'Huber dorm' has a mixture of minimum and medium security inmates, some of whom leave the facility for work or school, creating a potential contraband problem, although considerable effort is employed to eliminate the introduction of contraband.

The technical resource providers (TRPs) noted that the staff of the facility seems committed to providing a safe and secure facility, and the facility was noted as clean, well-maintained and orderly. The TRP's were able to enter each of the housing units and interact with the inmates in the units. While the facility has limitations due to age, capacity, and layout, the jail staff appears to be using sound correctional principles to manage the inmate population.

Section 6. Town Hall Meeting

Introductions and Expectations

The town hall meeting was opened with a welcome and introductions of the technical resource providers and the attendees. A list of participants attending the meeting is provided in Appendix B. The following expectations for the meeting were offered by attendees:

- Consider options to address mental health and substance abuse;
- Determine the options for using technology (2 participants);
- Identify the planning process;
- Develop the best information (3 participants);
- Keep the public informed (be transparent) (4 participants);
- Develop idea for improving criminal justice options;
- Be in a position to use criminal justice sentencing options;
- Address the issues; keep focus on the City of Kewaunee;
- Better understand and learn;
- Protect the public;
- Explore options;
- Determine how to maximize resources in the most cost effective manner; and,
- Work through the process as a team.

Overview of the National Institute of Corrections

The technical resource providers provided a brief overview of the National Institute of Corrections.

The National Institute of Corrections is an agency within the U.S. Department of Justice that was established to provide leadership, training, and technical assistance to the field of corrections. NIC provides technical assistance to individual jurisdictions. The technical assistance is usually an on-site evaluation of a specific problem the agency is trying to solve. It is followed up with a written report that contains recommendations for addressing the issue.



The NIC Information Center, based in Aurora, CO, is a clearinghouse for a variety of corrections-related information. The Information Center contains video tapes, publications, sample manuals, training plans, etc. on a variety of jail topics. Some of the materials are provided at no charge, others may be borrowed, and still others may be viewed at the Information Center.

NIC has a website that is an excellent resource for everyone in corrections. Visitors can download a variety of documents from the publications section. The website also includes descriptions of programs and services, training schedules, and links to other useful websites. NIC also supports several online communities for correctional professionals.

Jail and Justice System Assessment Purpose and Process

The technical resource providers briefly described the JJSA purpose and process.

The purpose of the JJSA is to assist communities in beginning the process of determining the need for improvements to the existing jail and its operations (including the potential need for new construction and/or renovation) and/or the need for improvements to enhance the effectiveness and efficiency of the overall justice system.

The process typically includes four main steps:

1. Jail assessment. The technical resource providers conduct a brief assessment of the jail including the physical plant and operations, to identify potential life, health, safety, and liability issues that may be important for the community to address both in the short term and in the long term.
2. Review jail and justice system data. This includes inmate profile data (typically one-day snapshot) to describe who is in jail, inmates profile characteristics, and the levels of risk and need they may present in the community. It may also include trend data on jail use that show the use of the jail over time and includes such indicators as number of admissions, average daily population, average length of stay, and rate of release. It may also include other justice system data that may indicate the impact of the system on the use of the jail. Such data typically includes arrests, court filings, dispositions, etc. Historic and projected population changes are also key data to review.
3. Interviews with key justice system officials. Discussions with justice system officials help bring a common understanding of the policies and practices of the agencies that comprise the local justice system. This helps the County understand how the system works and why it is important to provide an opportunity to address inefficiencies and/or incongruence in policy and practices that adversely affect the jail. The interviews also provide an opportunity to get the impressions of key policy makers on the "jail issue" and the role they can play in helping solve problems.

Jail and Justice System Assessment



4. Town hall meeting. The JJSA typically culminates with a town hall meeting which brings together justice system officials with funding authority representatives and community members. The purposes of the community meeting are to:
 - Educate the participants about the influence of justice system policies and practices on the use of the jail and the size of the jail population.
 - Provide participants with the technical resource providers' preliminary findings based on the jail assessment and interviews.
 - Provide participants with some preliminary options to address detention and other criminal justice system needs.
 - Provide a forum for participants to share their concerns and ideas about the issues raised and initiate discussions about planning for change.

Issues Prompting the Request for the JJSA

The Kewaunee County Sheriff requested technical assistance from NIC to provide the county with resources and education as to how to go about planning for, and meeting, its current and future incarceration needs. The jail reached its capacity and efforts to get approval for further expansion have not been successful. The Sheriff's Office is currently housing inmates out of county in other facilities at considerable expense. Technical assistance from NIC in the form of a Jail and Justice System Assessment was requested as a step to finding a solution to the crowding issue.

Preliminary Assessment Findings

The technical resource providers reviewed their preliminary assessment findings with the participants.

Current Jail Conditions and Concerns

- Lack of sufficient overall capacity;
- Lack of sufficient appropriate housing to manage different custody levels and separate high risk and special needs inmates;
- Inefficient layout and design;
- Lack of staff posts in or near housing allowing for active supervision of inmates;
- Inadequate support services space (laundry, housekeeping, medical, etc.);
- Inadequate storage space;
- Lack of adequate space to provide inmate programs;
- Lack of indoor or outdoor recreation.

Local Justice System Policy and Practice Issues

The TRPs noted the degree to which most of the criminal justice partners demonstrated effective communication with and deference for the other partners. While this suggests that the criminal justice system is working well, there are also results of this collaboration and cooperation that do not result in the preferred outcomes of community safety and ensuring defendants appear in court and are held accountable for their actions.

The technical resource providers identified the following justice system policy and practice issues based on interviews with justice system officials:

- Lack of a pretrial services program;
- Lack of sufficient access to alternatives to incarceration including exploring day reporting where persons under court supervision would be required to participate in programs, seek employment and improve their education while being supervised;
- Are there options for managing the Huber (work/study release) authorized inmates;
- Insufficient mental health and substance abuse services in the jail and community generally;
- Fee-based services may have the result of excluding people who require services but are unable to pay; and
- Need for better understanding the drivers of the average length of stay.

Facility Development Process

The technical resource providers provided a brief overview of the facility development process.

The facility planning process starts with determining if building a new jail is the best and most appropriate option to consider. It is likely to result in system-wide improvements that enhance the



efficiency and effectiveness of the justice system and may, or may not, result in the construction of facilities.

- Phase 1: Project recognition - This phase includes a problem definition, an assessment of the current facilities, programs, liabilities, and resources. This is the point where the justice agencies need to work together to identify the key issues they are facing, develop work groups to focus on specific processes, and consider how to proceed.
- Phase 2: Needs Assessment - Phase 2 includes information gathering, identifying options (facility, alternatives, and policy changes), and continuing the evaluation of facilities, operations, and programs. This phase is discussed in greater detail later.
- Phase 3: Pre-architectural Program Development - This next phase includes activities that take place when there is a decision to build. These activities include functional and space programming, scenarios, planning for future operations, and operational efficiencies that may be realized. Projected staffing must also be addressed.
- Phase 4: Project Definition and Implementation Plan - Phase 4 includes an analysis of all options to meet the program, economic feasibility, life cycle evaluation of the options, and conceptual design drawings. In addition, the jurisdiction should be developing support for the preferred and alternative options, and working to move to the next stage in planning.

In this phase, the burning questions about a new jail project are addressed. These include:

1. Who would be in the jail? (*Are there more alternatives available that will keep offenders out of jail, classifications, types of beds?*)
2. How big would the jail be? (*Directly related to decisions about alternatives, arrest and sentencing practices, number of beds.*)
3. How would it operate? (*Type of inmate supervision, centralized or decentralized services, visiting method, etc.*)
4. What would it look like? (*Not actual design, but instead a study of the stacking and organization of the building: 1 story, 2 story, how the building positions on the site.*)
5. What site may be selected and where is it? (*Evaluation of potential sites, test fitting the program and parking requirements on the site, environmental studies, etc.*)

Jail and Justice System Assessment



6. When will it be ready to use? (*Schedule for funding, design, construction, transition, and opening of new facility.*)
 7. How much does it cost? (*Preliminary cost estimates*)
 8. What happens to the old jail? (*Demolish, refurbish for another purpose, etc.*)
- Phase 5: Design Phases - Phase 5 includes schematic design where the building layout and appearance begin to take shape, design development where the drawings are refined and systems and materials are selected, and construction documents that are final and used for bidding the project.
 - Phase 6: Bidding - The bidding phase includes advertising the bid, determining bidder qualifications, selection of the successful bidder, and contract negotiations.
 - Phase 7: Construction - This phase includes permitting, construction monitoring and supervision, contract administration, and materials testing. Construction completion also includes punch listing the building, commissioning, testing the systems, warranties, as-built drawings, etc. The facility transition planning process should begin at this phase.
 - Phase 8: Occupancy - Phase 8 includes all of the activities needed to accept the building and get it ready for occupancy. This includes activities such as installation of owner supplied furnishings and equipment, opening ceremonies/activities, begin the maintenance cycle, occupancy permits, and moving in.
 - Phase 9: Post-Occupancy - Phase 9 includes fine-tuning the facility, policies and procedures. After 6 months, conducting a post-occupancy evaluation of how the facility works—both operationally and the physical plant.

Several of these phases may overlap during the facility development process, but none should be omitted unless there is a determination to suspend the process.

Needs Assessment

Phase I - project recognition – was initiated during the JJSA process. The criminal justice partners have determined the need for some action to be taken with respect to the jail crowding.

Jail and Justice System Assessment



After project recognition, the next step is to conduct a thorough needs assessment – Phase 2. The technical resource providers reviewed the needs assessment process, providing feedback on their initial impressions of facility needs and data provided by the jail.

The components of a good, thorough needs assessment include:

1. Interviews with/information collection from all Criminal Justice System (CJS) partners, including:
 - a. What are the current policies/practices for each CJS component?
 - b. What issues (e.g., booking fees; workloads; changes in laws) must be considered?
 - c. Are the policies/practices mandated or elective?
2. Design a data collection instrument to quantify system processing (courts, sentencing options, etc.) of accused and convicted offenders, collect and analyze the data. This data collection is broader than a jail data collection. This type of data would be collected when assessing the justice system as a whole. Data collected must include:
 - a. Volume/type of contacts/arrests;
 - b. Decisions - street (to arrest, summons, etc.) and jail;
 - c. Types of releases and lengths of stay.
3. Describe current policies, issues considered, and the workloads being experienced.
4. Design a data collection instrument to take a snapshot of who is in jail, collect and analyze the data. The data collected must include a number of elements, including but not limited to:
 - a. Gender
 - b. Race
 - c. Ethnicity
 - d. Residence
 - e. Charge Status
 - f. Charge Type
 - g. Date and time booked into jail and date and time of release
 - h. Release type
5. Evaluate alternatives to incarceration.
 - a. Inventory the available alternatives;

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- b. Determine level of alternatives usage and coordination; and
 - c. Discuss possible additional alternatives and/or different/expanded use of existing programs.
6. Population Projections and Capacity Recommendations
- a. Examine jail data (admissions, length of stay, average daily population), and
 - b. Correlate the CJS data collected above and develop different forecast scenarios.
7. Conduct an evaluation of the facilities used to hold individuals who are sent for diversion, alternatives, and jail. The evaluation should include an assessment of the facility conditions, compliance with building codes and operational standards (i.e., determine the standards they are accountable to). It should also include an analysis of the current facility location and whether or not the location continues to be effective (e.g., is public transportation available to the site).
8. Jails have a tendency to become crowded before the population growth is identified if it is not continually monitored, so it is important to effectively and regularly monitor the jail population. A series of recommendations should result from a complete needs assessment and should include alternatives to incarceration, changes to the justice system and/or case processing, and, if supported by data, construction of new facilities (jail or alternatives).

Community Readiness

Throughout the systems planning process, a determination of readiness must be assessed. Local officials must ensure that the planning process will provide the maximum benefit. Planning takes time, coordination, expertise, objectivity and preparation. By making sure that justice system officials and community leaders are ready to invest these resources in the process, it is more likely the planning effort will have a positive outcome. Additionally, if justice system officials are not ready to plan, strategies can be developed to get their “buy-in” before proceeding with the planning process.

Assessing readiness can help identify:

1. Issues/obstacles that may impede the process;
2. Opportunities for strengthening the process; and
3. Potential allies or supporters who will help move the planning process forward.

Some tips for assessing readiness to proceed with the system planning process are:

1. Identify criminal justice system partners and/or stakeholders who will drive the overall project. These are people who are well respected and committed to seeing the project to its conclusion. They have the enthusiasm to motivate participants and are committed to being inclusive.
2. Find out what the needs are of those who are slow to come on board and use those needs as a “jump-start” for their involvement. The process should be of benefit to individual agencies (e.g., human services, etc.) as well as the system as a whole.
3. Develop a work plan to structure the process and help planning team members understand their role, responsibilities, and time commitments.

There are a number of challenges to effective systems planning. As the planning process begins, some of the challenges not addressed by the previous suggestions may include:

1. Lack of understanding of the purpose and benefits of planning;
2. Lack of leadership “buy-in” to the process;
3. Lack of participation -- “It’s not my job;”;
4. Lack of commitment – “It’s OK if someone else is willing to do it;”
5. Denial – “If it ain’t broke, don’t fix it;”
6. Competing demands for time;



7. Failure to commit adequate resources to the process;
8. Getting the right players to the table;
9. Getting the right consultants/advisors/architects.

It will be important to consider each of these challenges and develop a way to address them as the planning process begins.

Next Steps

The technical resource providers and attendees discussed the following next steps (in the next 3-6 months) necessary to continue moving forward to addressing the jail issue.

- Establish a formal Criminal Justice Coordinating Council (CJCC) to provide a forum to address system issues impacting the jail and to improve functioning of the system.
- Reach out to NIC, Jails Division to determine if technical assistance can be provided to facilitate the implementation of the CJCC and presenting the JJSA information to the County Board.
- Initiate a comprehensive systems planning process to determine gaps in systems services and strategies to address the gaps.

NIC Resources

NIC jail planning training programs and technical assistance are available at each phase of planning:

Planning of New Institutions (PONI): Appropriate when entering or just beginning needs assessment. The team should be comprised of the operating agency CEO (sheriff, director of corrections), the jail administrator, a commissioner, and a fourth team member who may be another commissioner, the finance manager, a judge, etc. All team members must be policy-level decision-makers. This training is held National Academy of Corrections in Aurora, CO and all travel, lodging, and meal costs are reimbursed by NIC.

Managing Jail Design and Construction (MJDC): Appropriate when the needs assessment is complete or nearly complete and a decision to proceed has been made. This training is provided on-site as technical assistance. The team must include the project manager, the jail administrator, staff selected to work on the project. Because this is taught on-site, more team members are encouraged to attend so there is an overall understanding of the design and construction processes. Others who may attend include commissioners, operating agency staff, etc.

Jail and Justice System Assessment



How to Open a New Institution (HONI): This should be requested at least 18 months in advance of opening. It is recommended that the transition team be formed earlier than this and receive the training during design. This helps them to be more effective during both design and construction. This is an on-site program for the transition team.

Section 7. Conclusions and Recommendations

1. The population of Kewaunee County has been relatively stable over the past ten years. Although it does not appear to be a significant driver of the jail population, the correlation between the county population and jail population should continue to be monitored.
2. The driver of the inmate population appears to be the increase in the number of days inmates are held in the jail. The average daily population and the average length of stay indicate a significant correlation. The reason for the increase in the average length of stay should be explored further to determine the cause of the increase.
3. The sheriff has employed alternatives to crowding the jail by housing inmates out of county or releasing inmates on electronic monitoring.
4. The facility is generally in sound physical condition. It has been well-maintained with a focus on cleanliness and organization.
5. The design limits opportunities for active supervision of the inmate population. The housing units are relatively small for adaptation to direct supervision without substantial increases in staffing or modification to units to allow staffing to manage more than one unit at a time.
6. There is no program space that supports addressing inmate criminogenic needs (e.g., substance abuse, education, etc.) necessary for successful community reentry.
7. There is no recreation space for inmates to exercise. Outdoor recreation, indoor recreation and even space in the dayrooms for recreation activities is essential to effective behavior management.
8. The lack of recreation space, program space and the inability of staff to effectively supervise inmates make this jail vulnerable to litigation. Although courts typically consider the totality of the jail conditions in determining whether crowding impacts conditions of confinement, it would be difficult for Kewaunee County to defend against such litigation.

Recommendations

The technical resource providers offer the following action steps to move forward in assessing and addressing detention needs and in developing systemic strategies to better manage the use of the jail.

1. The County should establish a criminal justice coordinating council to provide a forum to address criminal justice system issues. The Law Enforcement committee represents many of the key criminal justice stakeholders, but the other stakeholders, such as human services (i.e., veterans, mental health, etc.) and education, must also be included.

Jail and Justice System Assessment



2. The County and local justice system should support continued development of community supervision and sanctioning options through probation and pre-trial programming.
3. Key officials of the Kewaunee County justice system and county government should continue discussions to determine the need for new jail construction and/or repurposing the existing facility to address current and future incarceration needs.
4. The criminal justice coordinating council should consider opportunities to streamline and combine service delivery to: (a) community residents, (b) the population in the criminal justice system (e.g., probation and parole), and (c) persons who are incarcerated in the Kewaunee County Jail.
5. At a point when construction of a new jail facility appears necessary, a county board member, the sheriff and either the jail administrator or other criminal justice stakeholder should attend the NIC PONI Program and take advantage of any follow-up assistance which might be available.
6. Visit other new facilities to get a sense of what is required in contemporary detention facilities and operations.
7. Conduct a staffing analysis of the existing jail with a focus on providing increased active supervision.

The action steps outlined above are excellent first steps. They should place the County in a good position to determine their detention needs and make needed improvements to the overall justice system.

The technical resource providers wish to commend Sheriff Joski, Lt. VanErem, Sheriff's Office staff, and local county officials for their hard work and time in preparing for the JJSA and supporting the technical resource providers while on-site. Their efforts were instrumental to a successful effort.

Appendix A - Kewaunee County Jail and Justice System Assessment - *On-site Agenda*

Day One – April 4, 2016

9:00 AM– 10:00 AM	Entrance Meeting with Sheriff, Jail Administrator, and other key officials to clarify the purpose of the JJSA, gather additional background information, review the desired outcomes for the technical assistance activity, and confirm the agenda for the three-day site visit
10:15 AM – 11:15 AM	Interview with Sheriff and command staff (RE: jail and law enforcement)
11:15 AM – 2:00 PM	Tour and brief assessment of the jail
2:00 PM – 3:00 PM	Interview Kewaunee Police Chief
3:00 PM – 5:00 PM	Unscheduled (Technical Resource Providers meet to review jail impressions)

Day Two – April 5, 2016

8:15 AM - 9:15 AM	Interview: Circuit Court Judge Dennis Mleziva
9:30 AM - 10:30 AM	Interview: Probation & Parole Supervisor (Chelsea Place)
10:45 AM – 11:45 AM	Interview: DA Andrew Naze
LUNCH (11:45 AM 1:00 PM)	
1:00 PM - 2:00 PM	Interview: Chief, Luxemburg Village, John Massart
2:15 PM - 3:30 PM	Interview: Keith Mehn, Court Appt Judge (private attorney)
3:30 PM – 5:00 PM	Unscheduled (Technical Resource Providers meet to review jail impressions and preparation for Community Meeting)

Day Three – April 6, 2016

8:00 AM – 11:30 AM	Community Meeting
11:30 AM - Noon	Closeout meeting and discussion of next steps

JJSA Town Hall Meeting Agenda

April 6, 2016 – 08:00 AM – 12:00 noon

- I. Welcome and introductions; JJSA overview
 - What is NIC?
 - NIC Resources and Services
 - Attendee introductions and expectations
 - What is a JJSA?
- II. Presentation of jail observations and impressions, jail data indications
- III. Review of the inventory of existing and potential alternatives or processes that could impact jail population
- IV. Facility development process overview with special emphasis on Needs Assessment as a starting point in the planning process
- V. Readiness assessment planning
- VI. Next steps
- VII. Adjourn

Appendix B – List of Town Hall Attendees

Patrick F. Benes, County Board Member
Linda Sinkula, County Board (Vice Chair)
Robert A. Weidner, Member, Law Enforcement Chair
Kyle Ellefson, City of Kewaunee Administrator
Dennis Mleziva, Judge of Circuit Court
Rebecca Deterville, Clerk of Circuit Court
Andrew Naze, District Attorney
Matthew Joski, Sheriff
Jeff Wiswell, Algoma City Administrator
Frank Salentine, Kewaunee Police Chief
Chelsea Place, Department of Corrections
Rebecca Main, Department of Corrections
David Cornelius, Chief Deputy, Sheriff's Office
Jason Veaser, Lieutenant, Sheriff's Office
Chris VanErem, Lieutenant, Sheriff's Office
NIC representatives Karen Albert and Joseph Fenton

Appendix C - A Comprehensive Approach to Addressing Jail Overcrowding and Use of Alternatives

This appendix includes information for the local jurisdiction to consider in developing a systemic approach to addressing jail overcrowding.³ It expands on the discussion of decision points in the criminal justice case flow process presented in the Town Hall Meeting.

In developing a comprehensive approach, it is helpful to integrate policies, practices and programs within the context of the case flow process for the jurisdiction. Case processing is basically a series of stages or decision points that occur as the case of a person accused of a crime moves from arrest through final disposition. Day-to-day decisions and agency policies of key criminal justice system policy-makers impact outcomes and use of limited resources. Functions overlap and there is interdependence among all justice system components -- changes in one area may have positive or negative impact on other areas. Policies and practices can be modified at each stage to achieve optimal use of the jail and other alternative programs available to the system. There is joint responsibility among key actors for management and use of resources and for achieving desired results.

The types of improvements that can be made to improve the efficiency of the system to manage jail overcrowding include both process and policy changes:

Process changes include changes in practice or policy intended to improve efficiency of the case handling process. Results of process changes may include:

- Reduce delays in case processing;
- Reduce need for costly programs;
- Reduce length of confinement in detention.

Program changes involve implementation of interventions for specific offender populations intended to improve effectiveness of system. They may be designed to:

- Address a specific social problem;
- Improve offender competencies and skills to reduce recidivism;
- Help hold offenders accountable;
- Provide less restrictive and less costly options.

³ The content in this section is excerpted from the "Project Guide – Alternatives to Incarceration for Offenders", a publication authored by Mark Martin for the DOJ Native American and Alaskan Technical Assistance Project (2005).

A number of policy, practice and program options appropriate to each key decision point are outlined below.

DECISION POINT #1 – Decision to Arrest

Following a report or observation of an offense, law enforcement has several options in dealing with the alleged perpetrator. The officer may elect to:

- Warn and release;
- Issue a citation;
- Divert or refer the alleged perpetrator to other services; or
- Arrest and transport to jail

The system goals at this point are to stop the offending behavior, report the behavior to the prosecutor for the possible filing of charges, and to assure the alleged perpetrator's appearance in court. Many situations can be resolved informally at this stage by law enforcement officers possessing good problem assessment and resolution skills and discretion to divert alleged perpetrators to alternative services. Policy and practice options that should be in place at this stage include:

- Agency policy authorizing citation in lieu of arrest for specified offenses;
- Agency policy authorizing diversion in lieu of arrest for specified offenses;
- Court policy authorizing summons in lieu of arrest for persons with active warrants; and
- Mental health crisis intervention training for law enforcement officers.

Alternative programs and strategies to consider for use at this stage of the process include:

- Detoxification services;
- Emergency mental health services;
- Mobile crisis intervention services; and
- Law enforcement diversion programs.

DECISION POINT # 2 –Decision to Detain Pre-trial

Once the alleged perpetrator is taken into custody, a decision regarding the need for pre-trial detention is made. This decision is typically based upon the severity of the charges, the alleged offender's level of stability in the community, and his or her behavior at the time of arrest. The availability of resources in the community to mitigate the risk of further offending is also often a factor. The judge may delegate release authority to the jail or other criminal justice officials for certain offenses based upon some preset criteria. Some jurisdictions have established pre-trial release programs to conduct pre-trial release screening and supervision. Pre-trial screening programs are able to conduct more in-depth background assessments and often use risk assessment instruments to measure and predict risk of re-offending of offenders who may be released. Pre-trial programs may also screen individuals who may be appropriate for diversion from formal processing.



The goals of the system at this stage are to prevent further offending and to assure availability of the accused for appearance in court. Policy and practice options that improve decision-making and outcomes at this stage include:

- Court delegated release authority;
- Court established bail schedule and procedures;
- Use of validated risk instruments;
- Pre-trial release and diversion screening.

Alternative programs and strategies to consider at this stage include:

- Pre-trial services program with release conditions;
- Community supervision;
- Electronic monitoring;
- Day reporting;
- House arrest;
- Urinalysis;
- Access to mental health and substance abuse services.

DECISION POINT #3 – Decision to Prosecute

When a case is presented for prosecution, the prosecutor reviews the arrest report or citation and decides how to proceed. The prosecutor may proceed with the original charge, amend the charge based upon the facts of the case, or decline prosecution. The prosecutor may also elect to defer prosecution while providing the accused the option of participating in a diversion program if such is available.

The prosecutor is the gatekeeper of the system. He or she or she decides what cases get filed and at what level of charges. The prosecutor also influences how quickly cases get processed through the system. A number of policy and program options are appropriate at this stage to improve the efficiency of the system and assure appropriate use of program resources. Policy and practice options include:

- Early case screening;
- Accelerated calendar for jail cases;
- Use of diversion.

Alternative programs and strategies to consider at this stage include:

- Diversion programs;
- Dispute resolution and mediation programs;
- Access to mental health and substance abuse services;
- Community service and competency development programs.



DECISION POINT #4 – Decision to Release from Pre-trial Detention

If an individual is initially detained upon arrest, he or she has the right to a detention hearing before a judge. The judge may elect to release the accused from detention with or without conditions. The goal of the system at this stage is to provide the level of supervision and structure necessary to prevent further offending and to assure the availability of the accused for court. Information about the alleged crime, the individual's background and home situation, and risk of re-offending are helpful to the judge in making the pre-trial release decision.

Policy and practice options that improve decision-making and outcomes at this stage include:

- Prompt bail settings;
- Realistic bail schedules;
- Timely bond review hearings;
- Range of non-bail release options:
 - Release on Recognizance (ROR) (unsupervised)
 - ROR (supervised)
 - Third party release
 - Conditional release
- Range of bail release options:
 - Unsecured bail
 - Deposit bail
 - Property bail
 - Surety bail
 - Full cash bail
- Access to counsel or advocate at initial hearing.

Alternative programs and strategies to consider at this stage include:

- Pre-trial release screening programs;
- Community supervision;
- Electronic monitoring;
- Day reporting;
- House arrest;
- Urinalysis;
- Access to treatment and support services as needed.



DECISION POINT # 5 -- Decision of Guilt or Innocence

As the case proceeds, there may be several hearings including a preliminary hearing, arraignment, trial, etc. The goal of the system is to make a determination of guilt or innocence. The timeliness and efficiency of the trial process has a significant impact on use of the jail and other resources.

There are a number of policy and program options that serve to reduce the amount of time accused offenders spend in jail awaiting the outcome of their case. Policy and practice options include:

- Effective calendaring of cases;
- Docket priority for in-custody cases;
- Adoption of case progression standards;
- Periodic bond review by jail staff, prosecutor, public defender and court administrator.

Alternative programs and strategies that support efficient functioning of the system at this stage include:

- Expediter program;
- Community supervision;
- Electronic monitoring;
- Day reporting;
- House arrest;
- Urinalysis;
- Access to services.

DECISION POINT # 6 –Sentencing Decision

If the offender has been found guilty at trial, the court has several options. It may order a pre-sentence investigation, impose a sanction immediately, or defer sentencing pending successful completion of specified conditions. The timeliness and efficiency of the pre-sentence investigation process is a factor at this stage. Time delays between the finding of guilt and imposition of sentence impact detention usage. Having a range of sentencing options available at this stage provides the court the flexibility to impose sanctions and conditions that may be more effective in addressing the offending behavior.

The goals of the system at this stage are to protect the community, hold the offender accountable, and to prevent future offending through rehabilitative programming. Policy and practice options that may improve decision-making and outcomes at this stage include:

- Timely preparation of Pre-Sentence Investigations;
- Enhanced case advocacy at sentencing;
- Criteria for use of alternative sanctions;
- Use of risk assessment tools to decide level of supervision.

Alternative programs and strategies to be considered to provide a range of sanctioning options include:

- Fines and restitution;
- Community service;
- Day fines;
- Community supervision and case management;
- Intensive community supervision;
- Electronic monitoring;
- Day reporting;
- Drug testing;
- Alternative education programs;
- Job training and placement services;
- Mediation and Victim reconciliation programs;
- Counseling;
- Substance abuse treatment;
- Family Support Services;
- Work programs;
- Residential programs (halfway houses, residential treatment).

DECISION POINT #7 – Sentence Modification Decision

After conviction, the sentences offenders receive may be modified under certain circumstances. For some, good behavior and compliance with the provisions of their sentences can lead to early release or discharge. More often, sentence modifications occur as a result of a violation of a condition of probation or parole. When a probation or parole violation is alleged, the offender is often placed into jail pending a hearing on the matter. When limited options are available to respond to such violations, revocation often results in additional jail time for offenders. Many communities discover a sizable portion of their jail population to be comprised of probation and parole violators. A number of policy and program options may be considered to manage the use of detention for this population while holding them accountable for their behavior on community supervision. Policy and practice options to consider include the following:

- Use of graduated sanctions in lieu of detention for probation and parole violations;
- Time sensitive policies regarding detainers and revocations;
- Use of good time;
- Use of incentives including early release for good behavior and program progress and completion.

Program options include many of those listed in the previous decision point as sanctioning options. The goal is to think strategically in the use of these sanctions in level of intensity and in combinations



that allow a “ratcheting up” in response to misbehavior and a “ratcheting down” as offenders demonstrate positive behavior and compliance with conditions of community supervision.

Structured Decision-making

A comprehensive justice system model utilizing an array of alternative programs and strategies requires policies and tools that structure decision-making within the case process. That is, decision-makers use objective criteria and risk assessment instruments to match offenders with the appropriate levels of supervision and programs based upon an assessment of their risks and needs. *Risk instruments*⁴ are typically used within the criminal justice system to guide pre-trial release decisions and placement decisions after disposition. These instruments generally measure the probability that an offender will re-offend within a particular time frame if placed in community supervision.

Before developing or adapting an existing risk instrument, the justice system needs to decide what it wants to accomplish with the risk instrument. In a pretrial context, it may be to decrease failure to appear rates and further criminal actions by defendants awaiting trial, while releasing the maximum number of defendants under the least restrictive conditions. Research into different risk instrument models helps to answer questions about what characteristics to measure, how this is accomplished, what interventions are most effective, what client populations are most positively impacted, and how community safety can be taken into consideration.

Summary

The development of an effective system of local alternatives and sanctions is largely dependent upon the ability of the jurisdiction to bring key criminal justice decision makers together as a “policy team” or “criminal justice coordinating committee”. Typically no single agency or person has the authority, or ability, to bring about changes in “system” policies that impact every agency that has a stake in how the local criminal justice system functions. If the highest authority sanctions a policy team, effective leadership is established and the membership represents all major system players, and is charged with a definitive mission with clear goals and objectives, the opportunity to implement lasting, effective and efficient change is substantial. In order for alternatives to traditional detention placement to have lasting system wide impact, the effort must be well organized, with thoughtful input, consistent participation and on-going support.

⁴ It is important to note that a pretrial risk assessment looks at factors in terms of public safety and likelihood of court appearance. Separate and different risk assessment instruments are also used to determine how inmates should be managed while in the jail.



Appendix D – Town Hall Meeting Slides