

2014 Jail Best Practices Award Official Entry Form

This form must be attached to all entries. Entrants must complete all sections for the entry to be considered complete. A copy of this official entry is available electronically at www.pacounties.org.

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Project Information

Title Population Reduction Initiative Start Date January 2013

Each application must be submitted with two signatures. Place appropriate signatures on two of the lines below:

Clarence P. Stehney
Chair of the Board of County Commissioners
Chair of the county Prison Board

Andrea McClellan
County Chief Executive Officer

Program Narrative

A separate program narrative document must be attached to this form that answers the following questions in the order presented. This must be typed in a Word-document, Times New Roman, 10-point type.

- **Need:** a description of the identified need and the background including what programs were in place before the current project, if any, and how it led to this effort
- **Program/policies:** a description of how the project enhanced general operations programs/policies, treatment, and custody
- **Approach:** a description of the project, including any evidenced-based approaches to jail diversion, community involvement strategies, formation of stakeholder groups, county-wide planning strategies, etc.
- **Evaluation:** a brief description of how the project was evaluated and any lessons learned
- **Stakeholders:** a brief description of the community, including a description of key stakeholders, organizations, and county departments that were involved in the project
- **Processes:** a description of how the activities or processes utilized in this project were altered or will be continued based on experience, including plans for leveraging additional resources
- **Costs:** a description of any costs associated with the project and how it was funded; cost savings, if any and any change in community acceptance, reductions in insurance costs, or inspection improvements that resulted from the program

Scoring will be based on the elements as described above.

Please attach supporting documents, forms or other information that support the award entry. **Entries must be received by close of business on February 14, 2014.** Winners will be announced during the CCAP Spring Conference, March 23 - 25 2014. More information: Brinda Carroll Penyak, bpenyak@pacounties.org or (717) 526-1010.

NEED: *a description of the identified need and the background including what programs were in place before the current project, if any, and how it led to this effort.*

The castle structure of Lancaster County Prison (LCP) was completed in 1851 and could house up to 160 inmates. Since that time many changes and modifications have been completed, the most recent occurred in 1992 with the addition of a four story tower. This section of the prison increased the total number of beds to 1,079. Managing the population well above this number became the norm. Inmates were housed in a Temporary Housing Unit (THU) built to support 56 inmates during construction in 1990. It was not unusual to see up to 96 individuals housed in this temporary structure. In addition four inmates were often housed in 3-man cells and in the gyms on stack-a-bunks. The population rose to an all-time high of 1,309 inmates in May 2012. This not only placed enormous stress on inmates and staff, but the aging building and its outdated infrastructure as well. Inmate misconducts were up in addition to staff overtime.

Realizing that immediate action was necessary, in the spring of 2012, Judge Dennis Reinaker, who serves on the Lancaster County Prison Board, and Paul Smeal who was the Acting Warden, collaborated to find temporary relief for the prison. LCP's Records Department generated a list of inmates whose parole date was approaching and early releases for these inmates were ordered by the courts. However, it was clear that this was only a temporary fix and that without an alternative intervention, the numbers would again rise; and they did.

With an again overcrowded prison, safety of the staff and inmates became a primary concern. In June 2012, the Lancaster County Board of Commissioners entered into contracts with Berks and Montgomery County Prisons to temporarily house 75 inmates at each location until a plan was in place to permanently address LCP's overcrowding. While this plan did reduce some staff overtime, mandatory overtime was still prevalent, and the institution was still overcrowded and averaging approximately 1,150 inmates per day.

This plan however, did not come without a price. The cost per day per inmate was \$60.00 (Berks) and \$74.50 (Montgomery) and in total cost the county in excess of \$1.8 million dollars for a year period. The financial burden of this temporary fix was crippling. Not planned for, the LCP budget could not cover the additional costs and money had to be allocated by the Board of Commissioners. Recognizing that this this fix was financially unsustainable, the Board of Commissioners' informed that they would not continue to budget these costs moving forward. Commissioner Martin, who served as Chairman of both the Prison Board and the Board of Commissioners and his colleagues, pushed for change in both of his roles, realizing the financial instability they faced. Judge Reinaker assumed leadership of these efforts.

With the County unable to afford inmates being housed off-site, Judge Reinaker, the LCP, now led by Warden Dennis Molyneaux, and Lancaster County Adult Probation and Parole Services (APPS) targeted inmates eligible for early parole. In December 2012 inmates housed off-site in Berks and Montgomery Counties were either paroled early or returned to LCP to serve the remainder of their sentence. This however, was again a temporary fix.

Individual efforts were being made by various departments with hopes of impacting the prison population. These efforts included but are not limited to Judge Reinaker recognizing the need to address cases that were languishing, identifying them and taking them on himself and Patricia Spotts, Senior Assistant Public Defender, reviewing the list of new commitments each week, identifying those whose preliminary hearing were not yet scheduled and inquiring why with the MDJ offices. Despite these efforts and others similar, the prison remained overcrowded.

A permanent solution was imperative. Judge Reinaker and Warden Molyneaux determined that the next best step was to evaluate exactly who was at the prison and why in hopes of finding the answer; something that had never been done before in Lancaster County. In October of 2012 the Court of Common Pleas began developing the Prison Population Reduction Initiative (Initiative) and in January 2013 they initiated the Prison Population Reduction Committee (Committee).

PROGRAM/POLICIES: *a description of how the project enhanced general operations programs/ policies, treatment, and custody.*

Communication, education and accountability, the backbone of this initiative, have not only reduced the prison population by large proportions but have also yielded greater efficiencies, both expected and unexpected. For the first time, the County of Lancaster took a comprehensive look at exactly who is sitting in the prison and why, and the outcome has been nothing less than astonishing. Operated by a collaborative group of high ranking county representatives from each criminal justice entity that plays a role in the process and spearheaded by Judge Reinaker, the Committee has generated a ripple effect of positive change throughout the 2013 year, saving the county millions of dollars and streamlining practices.

The Initiative, which provides key stakeholders the opportunity to come together in a neutral setting in support of the same end goal, has opened and strengthened lines of communication between all parties and afforded its members a greater understanding of each department's policies and procedures. This understanding has proven invaluable in advancing the Committee's mission of reducing and then maintaining the prison population.

Prison overcrowding is a complex issue which requires a multifaceted solution. The immediate result of this Initiative is a maintained reduction in the prison population, however, the process of making that happen required the full commitment of all parties involved. A truly collaborative effort, there are many enhancements made to our general operations that occurred as a result of the Initiative including: greater coordination in scheduling times for guilty pleas and Probation and Parole violations; a decrease in the time between the preliminary hearing and the trial; Magisterial District Justices' (MDJ) expediting the time preliminary hearings are scheduled, being more selective in the continuances granted, the bail set and when a prison sentence for a summary conviction is used; an ongoing review of inmates who may be eligible for early release; use of video conferencing to streamline the process of interviewing prospective pretrial release candidates; the development and implementation of new procedures for Fines & Costs; increased use of electronic monitoring, house arrest, ARD programs and treatment courts; police departments working to have officers available for preliminary hearings; the Sheriff's office's commitment to prompt transportation for those sentenced to State or Federal prison; and extremely important, the support of county staff who have made the commitment to do their part in ensuring this Initiative is a success.

APPROACH: *a description of the project, including any evidenced-based approaches to jail diversion, community involvement strategies, formation of stakeholder groups, county-wide planning strategies, etc.*

Because a permanent fix to correct LCP's overcrowding was necessary, in January 2013, with a prison population of approximately 1,150, the Prison Population Reduction Committee (Committee) was established. Committee members included Lancaster County Court of Common Pleas Judge Reinaker, who leads the group, along with departments: Adult Probation and Parole Services (APPS), Public Defenders, District Attorney's Office (DA) and Bail Administration as well as LCP Administration and Records staff. Since the committee's inception, Magisterial District Judges (MDJ) and Court Administration have also joined the group. Early in the planning process it was mandated that each representative at the table would have the authority to make immediate decisions at the meetings on behalf of their department. This is a key element of the Initiative's success, especially with regards to the Public Defender's Office and the District Attorney's Office.

In February 2013, the Committee began meeting weekly to review the legal status of individual commitments with the intent to expedite case processing and make appropriate recommendations to the court. Initially the Committee only focused on the 50 longest incarcerations without being sentenced, but by March 2013, they had expanded their focus to also include a review of all new commitments.

Each week committee members are presented with two lists, one is a list of the 50 longest incarcerations without being sentenced and the second is a list of all new commitments since the last meeting. Each list provides the

following essential information on each inmate: Date of Commitment, Committing Authority, Charges, Docket number, Sentence, Detainers, Bond, Legal Representation, Number of Continuances and Number of Previous Commitments and Prison Misconducts.

Collaboratively, members review the list case by case flagging anything that looks awry in any categories. In some cases, changes can be made on the spot between the Public Defender, District Attorney and Judge, such as resetting bail; however in other instances, such as why a preliminary hearing has not been scheduled, cases may need to be researched outside the meeting.

In addition to the above listed, Bail Administration also provides members with two pie charts showing, in percentage, what brought an inmate to prison (i.e. probation violation, failure to pay fines and costs, awaiting trial, serving sentence, etc.). One pie chart displays the percentage breakdown for all inmates in the LCP and the second pie chart shows the breakdown for new commitments only. These graphs have become valuable tools in assessing where additional problems may lie. As an example, evaluation of the pie graphs over time has revealed that Adult Probation consistently drives about half of the prison population - 1/3 being new charges and 2/3 being technical violations. As a result of this finding, there are tentative plans to place additional focus on the operations of Probation and Parole in the future.

Upon reviewing the data provided, several trends became apparent including: bail being set too high, long delays between commitment dates and the scheduling of the preliminary hearing, and a high number of people in the LCP for failure to pay fines and costs. In response to these findings, Judge Reinaker reached out to the MDJs offering education on the issue and later including the MDJs on the Committee. As a result of the MDJ's willingness to evaluate their own practices and procedures there has been an extreme decrease in the amount of time a preliminary hearing is scheduled after a person is committed. Prior to each Committee meeting, a list of all new cases, along with the scheduled preliminary hearing date if one has been set, is distributed to each MDJ. This effort enhances communication and affords the MDJs the ability to review unscheduled cases that fall under their jurisdiction and provides a better understanding of why the Committee may follow-up with them after the meeting. The MDJ's are all committed to this Initiative with almost all hearings now being scheduled within a week from the commitment date, a vast change from the initial time of several weeks to months. This scheduling change alone drastically minimizes the amount of time individuals spend in prison.

Additionally, MDJ's across the board have become more attentive to their approval of continuances, only granting them in necessary occurrences. Likewise, in a ripple effect, many local police departments have recognized the Initiative and, in their part, now make every effort to get an officer to a preliminary hearing if the arresting officer is unable to attend.

Another great efficiency gained from the Committee is Bail Administration and the LCP's use of video conferencing for interviewing prospective pretrial release candidates. This process used to take up to several weeks and costs hours of valuable staff time as they waiting at the prison to meet with each candidate. However, with two video conference rooms in place, almost every candidate is now interviewed within one day of being committed, drastically minimizing the number of days this population spends at the LCP.

In a parallel effort, the Public Defender and Assistant District Attorney have a neutral stage with the Committee to discuss bail assigned and seek resolution on the spot if it is believed that bail is set too high. This is saving considerable time and resources.

The number of people in the prison for failure to pay fines and costs was another concern identified by the Committee. In response, Judge Reinaker formed a sub-group consisting of himself, two MDJ's and the Public Defenders' Office to investigate this abnormality and determined that the high numbers partially stemmed from the difficulty in understanding the complex procedures around a person's right to be represented by an attorney at fines

and costs hearings. To address the issue, the sub-committee developed a new procedure, which was accepted and implemented by MDJ's across the board. *(The State Supreme Court has since published rules addressing this matter state-wide.)* As a result of these efforts, the percentage of the prison population that was there because of failure to pay fines and costs has decreased from 3-5% to 1-2% since the initiation of the committee.

Although unexpected, it is believed that efforts and changes at the MDJ level are one of the main reasons this Initiative is so successful. Prior to the Committee forming, knowledge of these problems were isolated to a few individual departments. Recognizing and addressing these issues on a global scale has had a resounding impact on the Committees mission, accomplishing in a few months what many have tried to do individually for years.

Many additional efficiencies were achieved as a result of this Initiative that have also aided greatly in the Prison Population Reduction Initiative. First is the increased efficiencies and focus of staff across the board. Staff in general is keenly aware of the problem and the Initiative and takes pride in doing their part to keep the process moving and is open to doing things a little differently where they can. In many cases, staff morale is heightened because focus is being placed on these cases and processes. In addition, having a watchful eye in place has been a driving motivator for all involved to be sure that each is upholding their part of the process. A shining example of this is the Assistant District Attorney's challenge to be prepared with discovery and an offer for all cases at all times.

A second efficiency is the reduction in time between the preliminary hearing and the trial. Cases that appear to have lagged for too long are flagged by the committee and then investigated by the Judge. This practice has encouraged staff in both the Public Defender's Office and the District Attorney's Office to be proactive in moving cases along, especially those which may be outstanding.

Third, the Court of Common Pleas strive to schedule guilty pleas expeditiously by working with each judge to schedule individual cases flagged by the committee or the DA's office. This is a universal effort made by all the judges, with Judge Reinaker's strong leadership at the forefront. In addition, the court works closely with the District Attorney's Office to schedule blocks of time for guilty pleas as needed and with Probation and Parole Services in scheduling blocks of time for Parole Violation hearings as needed.

A fourth efficiency is that the committee looks for inmates who may be eligible for early release, such as when a prisoner has not made bail, has minimal charges or who has already served the majority of their sentence. The Committee also looks for all cases where a parole violation hearing has not been scheduled.

A fifth efficiency is the increased use of electronic monitoring among all judges. Use of this equipment enables more judges to use alternative sentencing such as house arrest, treatment courts and ARD programs where appropriate. The use of these practices helps to minimize the number of inmates at the LPC.

A sixth efficiency is that staff at the LCP is no longer required to work overtime to accommodate the prison overcrowding. In addition, inmates are less hostile and there are fewer fights resulting in safer work conditions.

EVALUATION: *a brief description of how the project was evaluated and any lessons learned.*

The primary intent of this Initiative was to build a sustainable system or method to maintain a reduced prison population. When the initiative began, the population was around 1,300, with a goal to reduce the population to 1,050, a number they felt the prison could adequately hold, and then maintain that level moving forward. A year later, the prison population has stabilized around 950 and very rarely goes above 1,000. At its lowest point since program inception, the prison population had decreased 31%. Looking at that goal alone, the Initiative has been widely successful.

This Initiative however, can also be evaluated by the monetary savings realized by the County. In 2013, it is estimated that the County of Lancaster saved in excess of 2.3 million dollars; a savings which can be compounded yearly. This savings is calculated based on the 2 million dollars spent for housing inmates at two off site prisons in 2012 and the \$375,000 spent in overtime costs which were required to safely accommodate the overcrowded prison. With the prison population reduction system in place, neither offsite location nor additional staffing is required, resulting in a significant savings for the County.

Factoring in all the efficiencies gained and communication improvements, this Initiative has been more successful than anyone could have imagined at the start. With the framework in place, the Committee anticipates further successes and efficiencies as they continue to evaluate their own processes and stumbling blocks moving forward.

Listed below are some tangible results from the first year of the Initiative:

- Inmate population decreased from 1,300 to a low of 909 in December 2013, a 31% decrease since the inception of the Prison Population Reduction Committee.
- The County saves approximately 1.8 million dollars annually not housing inmates in other county prisons.
- In conjunction with other Initiatives within the institution, mandatory overtime has decreased 48% since February 2013.
- Correctional Officer overtime was reduced in excess of \$375,000 from the previous year
- Inmate Major Misconducts have decreased by 39% since February 2013. Increasing safety at the prison.
- Increase in staff morale at prison is overwhelming.
- Beds added to cells, gyms, and temporary housing areas due to overcrowding have now been removed.
- Since this initiative began, the percentage of the prison population that was there because of failure to pay fines and costs has decreased from 3-5% to 1-2%.
- With the use of video conferencing, Bail Administration is now able to interview prospective pretrial release candidates within a day of commitment instead of taking up to several weeks.

STAKEHOLDERS: *A brief description of the community, including a description of key stakeholders, organizations, and county departments that were involved in the project.*

With exceptional leadership from the courts, members of the committee have developed a strong working relationship based on sharing of information. Better understandings of prison policies, capacity, and the effect of overpopulation have been gained. The Committee has served as a resource for sharing of information regarding prison capacity, daily prison population and related problems within the local criminal justice agencies. Changes to said policies have led to the implementation of new procedures to improve efficiencies to the system. Through the effective communication, coordination and collaboration of all committee members, the prison population has decreased.

- Court of Common Pleas
- Prison
- District Attorney
- Public Defender
- Probation & Parole
- Bail Administration
- Court Scheduling
- Magisterial District Judges
- Sheriff's Office
- Local Police Departments

PROCESS: *a description of how the activities or processes utilized in this project were altered or will be continued based on experience, including plans for leveraging additional resources.*

The Committee only made slight logistical changes since its origination. The first was the addition of representation from the MDJ's and Court Administration. The second change was when the Committee, who initially met once a week began meeting weekly, bi-weekly or monthly as needed.

The Committee has only altered its focus slightly from the onset. The group was originally created to do a thorough evaluation of the inmates who had been at the LCP the longest but within a short time, realized the benefit of also doing a comprehensive evaluation of all the cases coming into the prison. The Committee also began looking at who was sending individuals to prison, i.e. what were the infractions for both old and new cases, in addition to the extensive information, listed previously, for each inmate.

The committee has become extremely efficient in the case review process, where each member has reviewed the material in advance and anticipates the questions or concerns that will be raised at each meeting. However, despite this efficiency, it is the intention of the Committee to continue to meet indefinitely. Regularly scheduled meetings help to maintain their essential communication infrastructure, allows for the Committee to collectively address upcoming concerns, and very importantly, holds each representative and their staff accountable for their role in the process. As long as they continue to meet in their current fashion, the Committee feels that the Prison Population Reduction Initiative will stay in the forefront and the current exemplary work ethic among all employees at all levels will be maintained.

COSTS: *a description of any costs associated with the project and how it was funded; cost savings, if any and any change in the community acceptance, reductions in insurance costs, or inspection improvements that resulted from the program.*

There is no cost to implement the Prison Population Reduction Initiative, aside from staff time and normal office resources.