



WASHINGTON COUNTY, ARKANSAS
County Courthouse

MEETING OF THE
WASHINGTON COUNTY QUORUM COURT
JAIL/LAW ENFORCEMENT/COURTS COMMITTEE

Monday, October 7, 2019
Immediately following Personnel Meeting
Washington County Quorum Court Room

Judith Yanez
Patrick Deakins
Sam Duncan

Chair Lance Johnson

Shawndra Washington
Vice-Chair Willie Leming
Ann Harbison

AGENDA

1. CALL TO ORDER AND WELCOME

2. ADOPTION OF AGENDA

At the beginning of each meeting, the agenda shall be approved. Any JP may request an item be added or removed from the agenda subject to approval of the Committee.

REPORTS

3. JUVENILE DETENTION

- Monthly Statistics Report (3.1 – 3.6)

4. SHERIFF'S OFFICE

- Enforcement Activity Report (4.1)
- Detention Activity Report (4.2)
- Pre-Trial vs Total Bed Count (4.3)

5. OMBUDSMAN'S REPORT (5.1)

6. WASHINGTON COUNTY CRIMINAL JUSTICE WORKGROUP REPORT

7. PUBLIC COMMENT

Twelve-minute comment period with a three-minute limit for each individual to comment on items on the agenda.

8. ADJOURNMENT

Washington County Juvenile Detention Center
885 Clydesdale
Fayetteville, AR 72701
Kendrick Sexton
444-1670, ext.3

Joseph Wood
Washington County Judge

Memo

To: Judge Wood
From: Kendrick Sexton
CC: Carl Gales, Patricia Burnett, Norma Frisby
Date: 10/1/19
Re: Juvenile Detention Monthly Statistics Report/September

Attached you will find the following for September 2019 statistical reporting for JDC:

- * Daily Population Count
- * Detention comparisons date for 2018 and 2019
- * Totals and Averages
- * Average Daily Population for September: 36.2
- * Number of Transports: 19

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**JUVENILE DETENTION CENTER
DAILY POPULATION COUNT FOR SEPTEMBER 2019**

This information was developed using the Center's Daily Population Count Forms, which were designed to provide the Juvenile court staff with daily population information.

DAY	MONTH	POPULATION
1	SEPTEMBER	27
2	SEPTEMBER	27
3	SEPTEMBER	29
4	SEPTEMBER	29
5	SEPTEMBER	28
6	SEPTEMBER	32
7	SEPTEMBER	29
8	SEPTEMBER	29
9	SEPTEMBER	36
10	SEPTEMBER	35
11	SEPTEMBER	36
12	SEPTEMBER	36
13	SEPTEMBER	36
14	SEPTEMBER	33
15	SEPTEMBER	34
16	SEPTEMBER	42
17	SEPTEMBER	41
18	SEPTEMBER	39
19	SEPTEMBER	37
20	SEPTEMBER	36
21	SEPTEMBER	37
22	SEPTEMBER	38
23	SEPTEMBER	41
24	SEPTEMBER	40
25	SEPTEMBER	44
26	SEPTEMBER	43
27	SEPTEMBER	43
28	SEPTEMBER	41
29	SEPTEMBER	42
30	SEPTEMBER	43

REGIONAL JUVENILE CENTER DETENTION DATA COMPARISONS

The following information is a comparison of detention data elements for the month of September 2018 and September 2019

STATISTICAL INFORMATION	2018	2019	
AVERAGE NUMBER OF INTAKES PER DAY	1.20	1.93	
NUMBER OF INTAKES (total for period)	36	58	
NUMBER OF DAYS OF DETENTION (total for period)	273	591	
AVERAGE AGE	15.69	15.09	
AVERAGE LENGTH OF STAY	7.58	10.19	
TOP FIVE OFFENSES USED FOR DETENTION			
2018		2019	
OFFENSE	# OF INTAKES	OFFENSE	# OF INTAKES
<i>Battery-3 Misdemeanor</i>	6	<i>Theft By Receiving Felony</i>	13
<i>Controlled Substance Violation Misdemeanor</i>	5	<i>Controlled Substance Violation Misdemeanor</i>	12
<i>Theft By Receiving Felony</i>	5	<i>Theft of Property Misdemeanor</i>	8
<i>Probation Violation Misdemeanor</i>	5	<i>Probation Violation Misdemeanor</i>	8
<i>Criminal Mischief Misdemeanor</i>	4	<i>Breaking & Entering Felony</i>	7

Washington County Juvenile Detention Center

Totals and Averages

This report covers 30 days

9/1/2019 to 9/30/2019

The Avg. Daily Intake is 1.93

Intakes	58
Days of Detention	591
Average Age	15.09
Average Stay	10.19

Totals and Averages by County and Percentage of Facility Use

Start Date 9/1/2019

End Date 9/30/2019

This report covers 30 days

County	# Intakes	# Detention Days	Average Stay	Av. Daily Intake	Percentage of Total Days
Madison	2	7	3.50	0.07	1.18 %
Washington	56	584	10.43	1.87	98.82 %
	58	591	10.19	1.93	100.00 %

Totals and Averages by Court

Court	# of Intakes	# of Days	Avg. Stay
Juvenile	57	578	10.14
Circuit	1	13	13.00

Washington County Juvenile Detention Center

Totals and Averages

This report covers 30 days

9/1/2018 to 9/30/2018

The Avg. Daily Intake is 1.20

Intakes	36
Days of Detention	273
Average Age	15.69
Average Stay	7.58

Totals and Averages by County and Percentage of Facility Use

Start Date 9/1/2018

End Date 9/30/2018

This report covers 30 days

County	# Intakes	# Detention Days	Average Stay	Av. Daily Intake	Percentage of Total Days
Washington	36	273	7.58	1.20	100.00 %
	36	273	7.58	1.20	100.00 %

Totals and Averages by Court

Court	# of Intakes	# of Days	Avg. Stay
Juvenile	34	253	7.44
Interstate C	1	1	1.00
Circuit	1	19	19.00

WASHINGTON COUNTY JUVENILE DETENTION CENTER

Sep-19

Sentenced	6
CURRENTLY HOLDING	4
2	Adult charged youth currently holding
0	FINS
3	DYS
1	Early release to treatment or other appropriate facility
0	CSTP
5	Sent to acute placement
TRANSPORTS	
19	Transports
13	Transports in town
6	Out of town transports
3	Other agency transported/parent
16	JDC Transports

Washington County Sheriff's Office

Activity Report

4.1

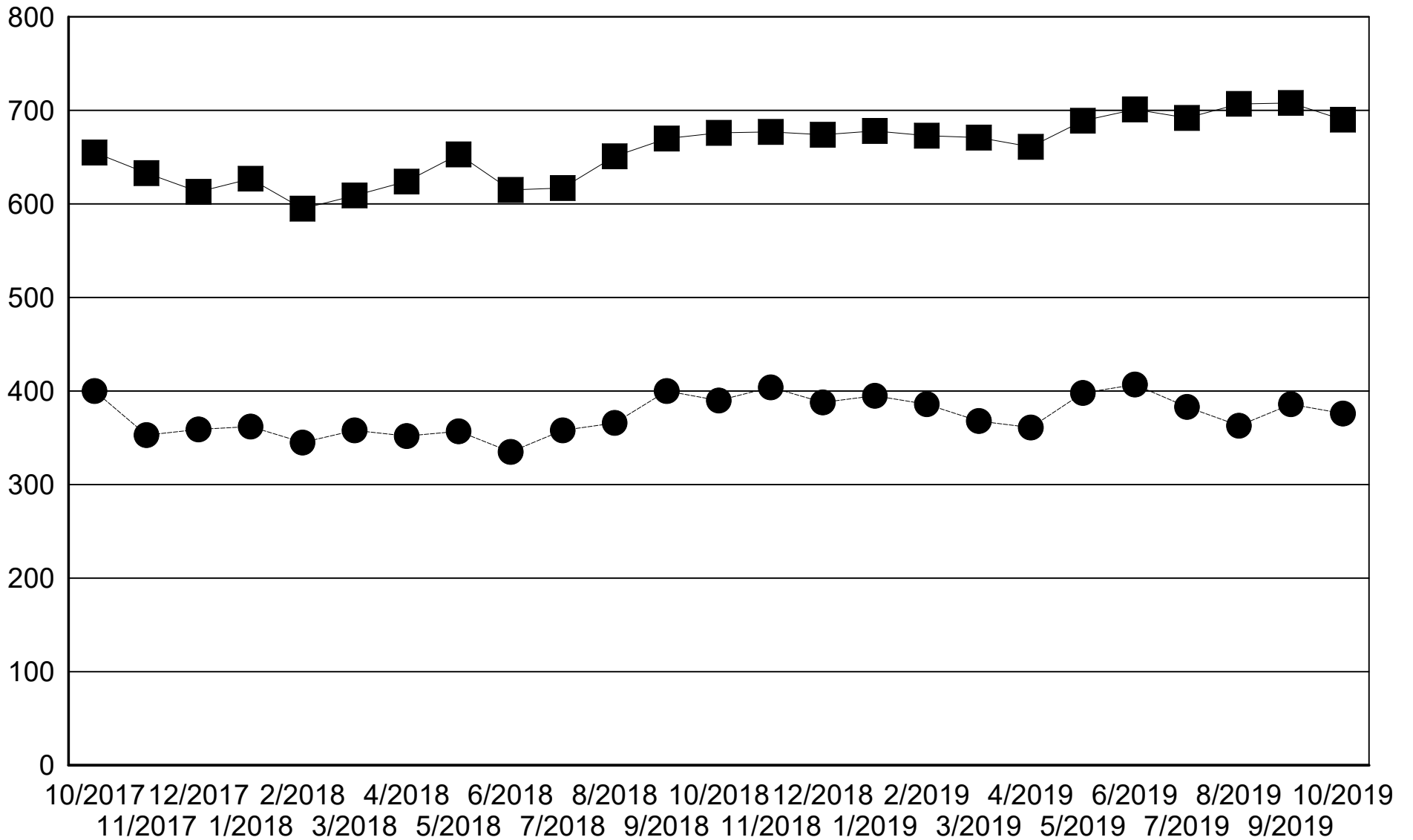
	<u>September</u>		<u>January-September</u>	
	2019	2018	2019	2018
Patrol				
Calls for Service:	2,114	2,298	21,693	20,278
Animal Calls:	121	132	1,140	1,097
Civil Process				
Papers Entered:	279	225	2,892	2,645
No Charge:	201	147	2,013	1,875
Papers Served:	263	225	2,757	2,606
Service Attempts:	313	236	3,771	2,774
Warrants				
Warrants Entered:	531	493	5,459	5,444
Warrants Served:	548	530	6,184	4,859
Training				
Hours Trained:	4,525	3,846	44,573	47,472
Communications				
Regular Calls:	14,979	15,256	136,472	142,131
911 Calls:	620	691	5,910	5,773

Washington County Detention Center

Activity Report

	<u>September</u>		<u>January-September</u>	
	2019	2018	2019	2018
Detention				
Intakes:	1,110	1,193	10,046	10,012
Sent To Prison:	32	39	290	272
Daily Average:	732	693	689	632
Daily Average: (Female)	147	154	135	125
Detention Board Days				
State Prisoners:	3,808	3,283	34,686	33,850
Federal Prisoners:	2,346	2,045	20,187	15,237
County Commits:	1,084	298	4,885	3,603
Pre-Trial:	11,590	12,004	104,676	98,260
All Detainees:	21,249	20,123	187,604	171,982
Outside Workers				
Community Service:	109	66	914	809
Work Release:	70	121	872	1,091
Transport				
Transport Miles:	36,894	46,080	317,523	301,002
In County:	934	1,024	9,013	9,358
Out of County:	133	148	1,491	1,309
Animal Shelter				
Total Workers:	41	57	370	393
Total Hours:	328	456	2,864	3,360

Detention Pre-Trial vs Total Bed Count



WASHINGTON COUNTY JAIL OMBUDSMAN PROJECT

REPORT TO THE WASHINGTON COUNTY QUORUM COURT JAIL COMMITTEE, AND TO THE COUNTY JUDGE AND THE JUSTICES OF THE PEACE OF THE FULL QUORUM COURT FOR SEPTEMBER, 2019

Submitted by Stanley E. Adelman
Washington County Jail Ombudsman
October 3, 2019

1. INTRODUCTION

I am pleased to report to the Quorum Court that the Washington County Jail Ombudsman Project is now “up and running.” With the assistance of Lexi Acello and Hannah Andrews, two able and dedicated students at the University of Arkansas School of Law, we began interviewing detainees at the jail on September 9, and in three weeks of providing Ombudsman services we have met with 17 detainees and secured the release thus far of three detainees deemed not to present a significant risk to public safety, with the agreement of the Washington County Prosecuting Attorney’s office. The release of these three individuals has saved the County approximately 143 “bed-days” thus far. In addition to these three persons, we are also in the midst of efforts to secure the release of several others. I cannot thank Sheriff Helder, Prosecuting Attorney Matt Durrett, Chief Public Defender Denny Hyslip, and their staffs enough for the support and the indispensable help they have all provided in this endeavor.

2. HOW THE JAIL OMBUDSMAN PROJECT OPERATES

Intake

We meet with detainees at the jail twice a week, more often if necessary to do follow up after our initial interviews. Ms. Acello, Ms. Andrews, and I all work for the Jail Ombudsman Project on a part time basis, and we plan our interviewing hours at the jail to fit with their school schedules and obligations, and with my teaching duties. Since we are not a permanent office with full time staff, we must limit the number of interviews we do so as not to exceed our capacity to do the necessary follow up work.

Prior to each session of initial jail interviews, we review pretrial population names and relevant data and information the jail has provided us, to determine as best we can who are the most likely detainees to interview. The factors we look at most closely are: the seriousness of the pending charge(s), the existence (or not) of other warrants, detainers (“holds”), or other pending actions from other courts and law enforcement agencies, the amount of bond set by the court, the history, if any, of previous failures to appear (“FTA”), the detainee’s ties to the community, and any treatment needs such as drug, alcohol, or mental health services.

Initially, when the jail posted notice of our services to the jail populations, we were, frankly, overwhelmed by requests from more than 300 detainees for our services, well over half of the jail's pretrial detention population, far more than we can hope to process, and also including many who do not meet the criteria (based on our assessment of flight risk and danger to public safety) for our project's advocacy. Since that initial shock, we have been working with the diligent assistance of the Sheriff's staff, to get that number of requests down to one that is manageable and to prioritize as best we can the detainees who seem to be the most suitable and urgent candidates for release advocacy.

Follow up

After a face to face interview, in which we explain the nature of our program and advise all interviewees that we are not authorized to act as anyone's attorney and that our conversations are not legally "privileged," we make a determination as to whether we might be in a position to seek some form of pretrial release, or bond reduction, or expedited court dates. Obviously, the more serious the charge, the higher the bond, and the more extensive the history of FTA's or of parole or probation violations, the less likely it will be that we can help. If we cannot be of help, we explain to the detainee why this is so. If we feel we can be of help, we go over with the detainee what our plan of release assistance should be, without making any promises or guarantees that our efforts will be successful since the ultimate decision is for the court to make, based on input from the Prosecuting Attorney's office.

After our intake interview and agreeing on a release advocacy plan in a particular case, the hard work begins. Our follow up involves contacting the Prosecuting Attorney's office to see if that office will agree to a reduced bond, a release on recognizance or citation, or an expedited court date. We also make sure that the Public Defender's office is fully apprised of our plans and efforts on behalf of their clients. If we are able to get bond lowered to a reasonable and attainable amount, we may then, as appropriate, refer the detainee to the Bail Project, which is actually able to post bail, within certain limits, for the pretrial release of detainees who do not appear to present an unreasonable risk of flight or of dangerous or violent behavior. One additional major advantage of working with and through the Bail Project in appropriate cases is that they follow up in the community with defendants they have helped release to assure that they make all required court appearances and meet all other court-ordered obligations, such as entering and staying in treatment programs as a condition of their release.

3. OUR SUCCESSES THUS FAR

* With the approval of the Quorum Court I have entered into a contract to serve as Washington County Jail Ombudsman on a "pilot project" basis. I will be reporting monthly to the Jail Committee (in writing, and whenever possible in person at Committee meetings) on the progress of this pilot project.

* As discussed above, I have secured the assistance of *pro bono* law students, Ms. Acello and Ms. Andrews. Their contributions to our pilot project have already been invaluable.

* We have gained the ready approval and support of the Washington County law enforcement community, and encountered no opposition or discouragement, in endorsing the Ordinance that the Quorum Court adopted this summer, embodying the principle that no defendant should be detained pending trial solely because of financial inability to post a reasonable bail or bond through traditional channels. We are also finding widespread support for our call for the County, at all levels of government, to take a resource-management approach to pretrial detention, recognizing that jail space is a finite commodity and that jail beds be reserved and prioritized, first and foremost, for those individuals who present the most serious flight risk or risk of dangerous or violent behavior. (We take no position on the need, or the extent of the need, for further jail expansion, other than to acknowledge, as has been the experience of state and local governments throughout the country, that we can't keep taxing our communities and seeking to resolve our jail population problems, here as elsewhere, by relying on building exclusively and indefinitely. To the extent possible, a proactive population-management approach is required.)

* In our three weeks of operation, as discussed above, we have secured the release of three detainees, and have several more "in the pipeline." We believe that with more experience and with our continuing efforts, we will be able to save significant jail bed space, within the limitations of our project's size, to the county.

4. OUR CHALLENGES EARLY ON

* The combination of a high bond and a long next court date can be devastating to detainees and their families, and also result in a dangerously overcrowded jail facility and unnecessary costs to the county and its taxpayers. We have observed this combination particularly in the case of FTA's who, despite having possibly created their own mess, are still not major public safety risks. It is a natural human tendency for judges to come down hard on FTA's, to send a message both to the FTA'er and to defendants and the broader community generally that non-appearance is taken seriously and will not be tolerated. An unfortunate by-product of this totally justified firmness is jail overcrowding, delays in resolving cases via trial or plea agreement, and a significant number of "stuck" cases clogging the court's calendars. Perhaps there is a more effective way to deal with FTA's at the lower end of the danger risk scale than the high-bond-long-continuance-date combination (such as the setting of an unattainable \$50,000 or \$75,000 bond and a 2 or 3 month next court date for some FTA's – the resulting delay benefits no one). I hope to enter a dialogue with judges in the county about possible alternative ways to deal with this problem firmly and effectively, but without the additional harmful "collateral damage" noted above (possibilities such as short detention for contempt of court but avoidance of long continuances, and use of alternatives such as home confinement and electronic monitoring come to mind).

* Out of all the detainees we have interviewed with thus far, few if any present a serious risk to public safety if released pending their trials. Our main task and objective is to try to unstick the “stuck” cases. This involves trying to catch up and follow up with very busy prosecutors and defenders to discuss and reality-check the possible release of detainees through lowered bond, advanced court dates, and the removal of “holds” from other jurisdictions. Our initial impression remains that despite everyone’s best efforts, there are still significant numbers of pretrial detainees who do not need to be in jail in order to protect the community. More can and needs to be done, and I hope to report back to the Jail Committee and the full Quorum Court with more specific recommendations in the future.

I wish to again thank the Justices of the Peace for re-initiating the Jail Ombudsman project and for the trust and confidence they have again placed in me to try to help the County in mitigating overcrowding in our jail through effective case-by-case release of suitable low-risk detainees. I will be pleased to answer questions and to respond to any concerns of the JP’s at the Jail Committee’s October meeting and beyond.

Respectfully submitted,

Stan Adelman
Washington County Jail Ombudsman