



East Baton Rouge Parish

Justice Center Study - Final Report

June 30, 2016



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TABLE OF CONTENTS

1. Executive Summary 1

2. Process Analysis 8

3. Diversion Programs18

4. Cost Analysis 23

5. Conclusion.....27

A. Kentucky Pre-Trial Risk Assessment Tool.....31

References 32

1. Executive Summary

On behalf of Loop Capital Financial Consulting Services (“LCFCS” or “Loop Capital”), we are pleased to provide the final report on the Baton Rouge Justice Center Study. In December 2015, LCFCS was engaged to review current local processes that affect the jail population against national best practices in order to identify improvements that could expedite the classification and processing of individuals from their first encounter with law enforcement through the time they are released from custody. The goal of the engagement is to provide a report that assists policymakers in decisions about the size and scope of a new facility and that will provide a menu of options for more detailed implementation steps in each of the recommendations.

The City of Baton Rouge (the “City”) and the Parish of East Baton Rouge (the “Parish”) are considering the construction of a new criminal justice complex, which will include a new Parish prison, and perhaps offices for criminal justice representatives (including the District Attorney’s office) and medical/social services for inmates with the hope of providing a more secure, more efficient, and more cost effective facility.

Loop Capital gathered information surrounding these processes to help establish and understand national best practices and new innovations in the national criminal justice field. Our team conducted research on the current criminal justice landscape, analyzed data provided by the City and Parish and engaged the City and Parish’s criminal justice representatives in in-depth interviews regarding their experiences in and thoughts about the current system. Loop Capital enlisted such authorities as the McArthur Foundation, BKD and Code for America to better grasp the ways in which other local districts were improving their criminal justice processes. To compensate for gaps in the data concerning the Parish’s current prison population, Loop Capital partnered with students in the Louisiana State University School of Social Work to conduct a comprehensive review of 400 current and previous inmates in order to gain insight into average length of stay, recidivism rates, average bail amounts, and other factors currently affecting the Parish’s prison population.

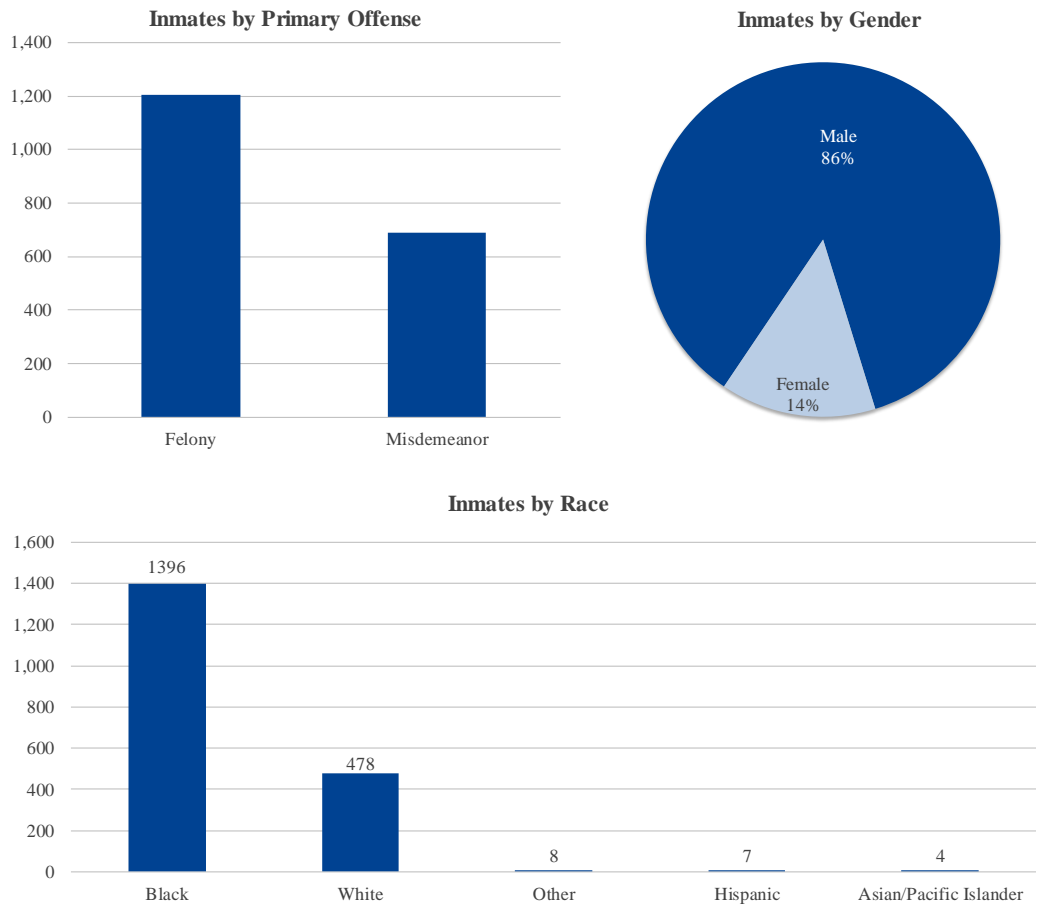
Statement of Problem. The primary problem addressed in this assignment was to identify systemic issues which prolong a defendant’s stay in the East Baton Rouge Parish Prison (the “Parish Prison” or the “Prison”), and thus unnecessarily increases the Prison population size and prison costs to the Parish.

The Parish Prison faces a shortage of space. The Prison, which currently holds approximately 1,594 inmates, sends anywhere between 500 and 700 additional inmates to prisons located in other Parishes at a cost to the East Baton Rouge Parish. The closure of the Earl K. Long Hospital and the downsizing of state mental health facilities, along with recent local budget issues, have exacerbated the Prison’s population, resulting in higher costs and a slower criminal justice process. Baton Rouge officials and criminal justice representatives have expressed concern regarding the slow processing times for booking and release; a lack of communication between judges, arresting agencies, prosecutorial and criminal defense agencies and the prison; a lag in the time of public defender engagement; and an inefficient use of prison resources given the design of the Prison, all of which have increased the overpopulation of the Parish Prison.

As of 2015, approximately 89% of those in the Prison are in jail awaiting trial. The average stay in the Prison for 2015 is 31.77 days. Therefore, our review included the assumption that the vast majority of those helped would be released in a relatively short period of time. For these individuals, the question is whether the delays in the system that result in higher costs to taxpayers produce any additional safety or if jailing some minor and poor offenders may in fact increase criminality.

Figure 1 presents a breakdown of the Parish Prison population by race, gender, primary offense and violent crime as of June 30, 2015. Note that violent crimes include battery, armed robbery, assault, rape and murder.

Figure 1 Snapshot of Parish Prison Population as of June 30, 2015



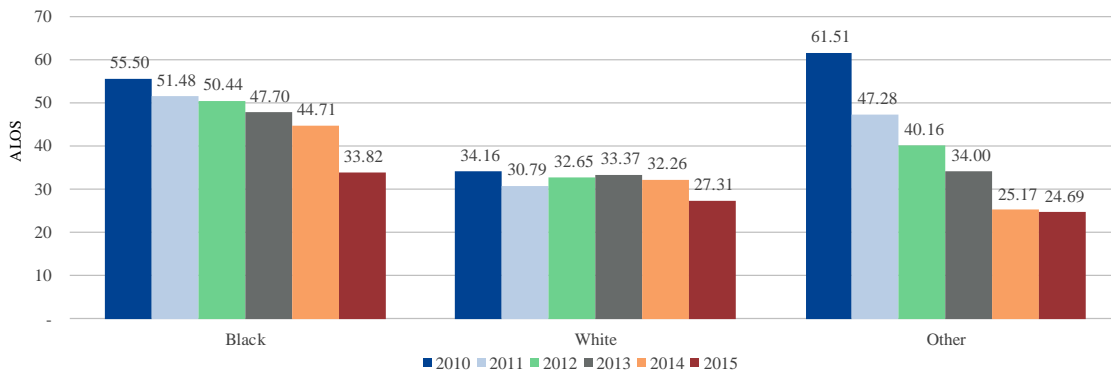
The majority of inmates in the Parish Prison are black men. Felonies outnumber misdemeanors by nearly double, although most felonies and misdemeanors are non-violent.

Source: East Baton Rouge Parish Prison

Figure 2 Average Length of Stay Trends

Average Length of Stay, By race and Violent/Non-Violent							
	2010	2011	2012	2013	2014	2015	Average
Black	55.50	51.48	50.44	47.70	44.71	33.82	47.18
Non-violent	54.22	50.61	48.83	46.20	42.98	32.88	45.86
Violent	71.45	62.85	72.18	67.69	66.84	45.08	64.19
White	34.16	30.79	32.65	33.37	32.26	27.31	31.77
Non-violent	33.54	29.88	31.84	32.45	31.77	26.94	31.07
Violent	49.01	53.73	53.50	56.70	42.81	36.15	48.55
Other	61.51	47.28	40.16	34.00	25.17	24.69	36.61
Non-violent	60.67	42.93	37.41	33.41	24.33	25.03	35.14
Violent	72.46	122.16	68.77	44.37	37.82	16.24	59.58
Grand Total	49.28	45.52	45.36	43.32	40.85	31.77	42.61

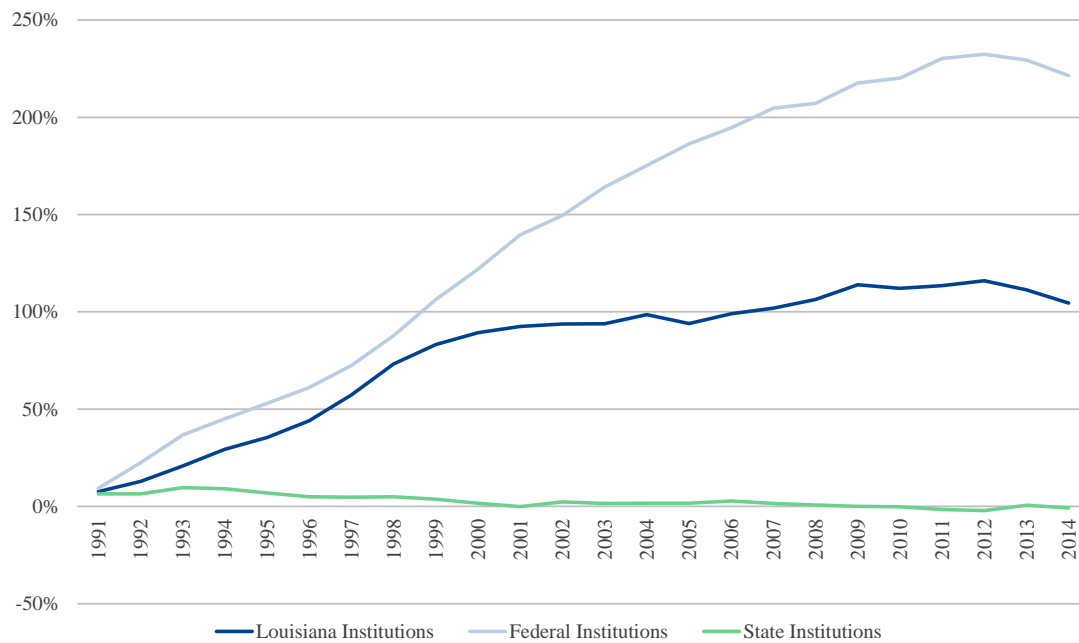
The Prison-wide decline in average length of stay is being largely driven by the decline in average length of stay for black inmates.



Source: East Baton Rouge Parish Prison

Research Overview. The engagement was initiated by reviewing relevant case studies, articles and other data to better understand the current landscape of the national criminal justice field. Over the past 40 years, jail and prison populations have soared due primarily to the war on drugs, which has increased financial strains on the state and local government budgets that are obligated to account for and maintain an ever-growing population of inmates. Since 1990, the United States has seen its incarcerated population balloon to 2.3 million Americans, an increase of 61% (The Pretrial Justice Institute, 2012). East Baton Rouge Parish Prison has not been immune to these trends. Between 2000 and 2012, the overall annual bookings at the Prison have increased 99% for males and 120.5% for females (CGL & GraceHebert Architects, APAC, 2014). This trend continues despite the fact that crime is down to a level not seen since the 1960s (The Pretrial Justice Institute, 2012). The graph on the following page presents the cumulative growth in federal, state and Louisiana institutional populations based on 1990 populations (US Bureau of Justice Statistics, 2014).

Figure 3 Cumulative Growth in Federal, State and Louisiana Institutional Populations based on 1990 Populations



In Louisiana institutions alone, prison population rates have risen 104% between 1990 and 2014.

Source: Bureau of Justice Statistics

Mass incarceration is no longer sustainable or socially acceptable. Dozens of jurisdictions are conducting research and engaging civic organizations and leaders to reduce our national reliance on incarceration, ameliorate racial and economic disparities in the criminal justice system and promote public safety in more socially just and effective ways. These goals are being achieved through the use of pre-trial risk assessment tools, which allow judges and other justice officials to make data-driven bail and bond decisions; jail diversion programs, which allow offenders to receive help with the core cause of their offense; targeted jail reduction programs, like the implementation of a magistrate court and summons or fines to keep non-violent offenders out of jail; and data analysis tools, which allow local authorities to better understand their jail and prison populations and realize programs and initiatives that support and rehabilitate those populations.

Leadership Meeting. Loop Capital met with leaders from the Baton Rouge criminal justice community on December 16, 2015, where we discussed what processes could be improved in the criminal justice system. All major stakeholders were represented at the leadership meeting, including: the East Baton Rouge Sheriff’s Office; the East Baton Rouge District Attorney; the Mayor’s Office, the Parish Attorney’s Office; the East Baton Rouge Finance Department, the Baton Rouge Police Department and the Baton Rouge Area Foundation. The leadership meeting produced a number of ways by which the system could promote lower crime rates, a smaller jail and faster justice, including:

- Changes to the Bond Project, which provides judges with a one-page summary of each offender’s demographic information and current charge
- Increase resources for the mentally ill, which is a central reason behind the engagement of Health Management Associates
- Shorter booking process

Interviews. On December 16, 2015, Loop Capital conducted interviews with stakeholders and representatives from the Parish.

Figure 3 Interviewees

Name	Department	Role
Robert Abbott	Parish Attorney	Special Assistant Parish Attorney
Kim Brooks	Baton Rouge Police Department	Police Department Counsel
Patricia Calfee	Baton Rouge Area Foundation	Project Manager
Carl Dabadie	Baton Rouge Police Department	Police Chief
William Daniel	City of Baton Rouge	Chief Administration Officer
Mark Dumaine	District Attorney's Office	Chief of Administration
Mary Erlingson	East Baton Rouge Sherriff's Office	Sherriff's Counsel
Lieutenant Colonel Dennis Grimes	East Baton Rouge Parish Prison	Warden
David Hamilton	Baton Rouge Police Department	Assistant Police Chief
Marsha Hanlon	City of Baton Rouge	Finance Director
Frank Howze	19 th Judicial District Court – Bonds Department	Bail Bond Coordinator
Honorable Anthony Marabella	19 th Judicial District Court	Chief Judge
Colonel Lawrence McLeary	East Baton Rouge Sherriff's Office	Chief Criminal Deputy
Mike Mitchell	Public Defender's Office	Public Defender
Hillar C. Moore	District Attorney's Office	District Attorney
Nicole Robinson	19 th Judicial District Court	Commissioner

Interview Notes

Listed below is the information gathered from the interview participants.

19th Judicial District Court

The representative from the 19th Judicial Court provided the Loop Capital team an overview of the arresting and bond hearing process. Judges set bonds four or five times a day; bonds are set using defendant demographic and criminal information provided by the Bail Bond Program. Arrestees will typically receive a bond on the day they are arrested, with a hearing conducted within 72 hours of arrest. The District Attorney will receive a copy of the police report within 24 days of arrest. By law, each defendant must be charged within 60 days of arrest, and arraigned within 90 days of arrest.

One concern of the 19th Judicial Court representative is the volume at which people are arrested, making bail and bond decisions more difficult for judges and commissioners. Misdemeanors are the biggest clog to the docket. Without a probation department, or any pre-trial services available to defendants, all arrestees must go through the court system which further exacerbates the high volume.

The Judge also expressed concern regarding the lack of communication between the various actors that affect a defendant's journey through the criminal justice system, including coordination among the judges themselves.

The Judge was generally supportive of implementing electronic monitoring and pre-trial release programs as long as the programs are managed by the Parish to avoid any misuse or abuse.

Bond decisions are difficult due to arrest volume, lack of probation alternatives and the absence of pretrial services.

East Baton Rouge Parish Prison

The Prison holds approximately 1,594 inmates, not including the 40-80 inmates who go through the booking process daily. While in the booking process, these inmates stay in the booking area until booking is completed and they are moved to the main body of the Prison. The majority of the Prison's inmate population is unsentenced (81%).

The booking process includes an orientation, which determines where inmates should be housed, a medical evaluation (which also plays a part in housing), as well as a film on how to report sexual assault. The Prison sends between 500 and 700 inmates annually to prisons located in other Parishes. Other Parishes, however, only take physically and mentally healthy inmates, so a medical summary is done for those inmates who Prison officials believe may be eligible for reassignment in another prison.

The Prison representative indicated that there needs to be more mental health services at the prison aside from the diversion program recommended by Health Management Associates, as this diversion program will not have the capacity to treat all current inmates who are in need of mental health services. The representative also suggested that there should be programs to assist inmates once they are released to reduce the recidivism rate.

Mental health programs are needed to treat inmates; post-release programs are needed to reduce the recidivism rate.

Baton Rouge Police Department

Representatives from the Baton Rouge City Police Department asserted that the District Attorney receives approximately 70% of all police reports within two to three days of an arrest; the remaining 30% of reports are received within two weeks of an arrest. All reports are sent electronically, and the District Attorney has access to these reports as soon as they are made available on an internal system. A completely paperless system is in the works for the Department, to be implemented within the next year. The time required to receive reports is substantially longer than national best practices, some of which involve reports being delivered within hours. This issue should be addressed with the new system and will affect the jail population.

The Department has made a concerted effort to reduce the number of misdemeanor arrests, and has already achieved a reduction in misdemeanor arrests between 2014 and 2015. The Department utilizes a crisis intervention program, whereby their officers receive crisis intervention training to better handle situations involving mentally ill citizens. Officers with crisis intervention training also learn to recognize when someone should be taken to a treatment facility, rather than to the Prison; mentally ill offenders can be submitted to mental health treatment without their consent.

Department representatives support the implementation of a mental health facility, especially because the Department receives approximately 6,000 emotionally or mentally distressed calls per year.

The Department has actively reduced its use of the Parish Prison by 25% for City court arrests and 11% for District court arrests between 2013 and 2015.

East Baton Rouge Sherriff's Office

Representatives from the East Baton Rouge Sheriff's Office provided an overview of the Prison's booking process, and confirmed that the entire process can take anywhere from 6 to 24 hours. Both booking and release occur in the same area within the prison, which serves to exacerbate an already lengthy process.

Representatives from the Sheriff's Office spoke candidly regarding the role of judges in the criminal justice system. Baton Rouge has a large homeless population, which has only been aggravated by the closing of charity hospitals. This population is plagued by mental and physical illness, and subject to committing minor offenses in order to find some respite from their homelessness. The representatives suggested that judges need to be made more aware of each offender's specific situation, including their mental and physical health, in assigning bond amounts and during sentencing. This becomes especially important when considering how heavily the cost of housing and treating physically ill inmates weighs on the Prison budget and resources. Although the inmate may be eligible for Medicaid reimbursement, the City does not receive any reimbursement for inmate medical care. If the defendant were released on their own recognizance, on an affordable bail, or on electronic monitoring, however, and they were treated at a local hospital, they would receive Medicaid reimbursements in most situations. In some jurisdictions, Medicaid eligibility is determined prior to release from the jail. The representatives suggested that judges should take this into consideration.

The Sheriff's representatives also indicated a lack of communication between judges as a factor affecting the criminal justice process. If an offender has warrants out with separate judges, the offender must go before each judge to receive a bond and a separate disposition. Consolidating decision making and/or better information sharing would positively effect docket speed.

The representatives also expressed concern regarding the number of paper processes at the Sheriff's Office and at the Prison that should be electronic. To their knowledge, only one judge makes use of the electronic bond hearing system. More general use of the electronic bond hearing system would generate savings for the Prison as inmates would not need to be transported from the prison to the courthouse for their hearing.

Better communication between judges and different agencies within the criminal justice community could promote faster justice.

19th Judicial District Court – Bond Department (Bail Bond Program)

The representative from the 19th Judicial District Court’s Bond Department, which oversees the Bail Bond Program, provided the Loop Capital team with an overview of the Department’s role in the criminal justice system. Upon arrest, the arrestee’s paperwork is distributed to the Prison and the Bail Bond Program. Once it is decided that a case will be heard in the 19th Judicial District Court, the Bail Bond Project begins preparing a defendant information packet for the judge to review prior to the bond hearing. The packet includes the defendant’s criminal history, as well as a form that presents the defendant’s demographic information, education, income/assets, employment, relatives and current charges. This form is typically completed within an hour or two of the start of the booking process. When able, the Bail Bond Program will interview the defendant to complete information on the form that is not available on the defendant’s criminal history. About one-half of all arrestees are interviewed.

Currently, all interviews take place within the booking area, which is loud and distracting. The representative suggested that all interviews should be conducted in a quieter place where the arrestee can better represent himself.

The Bail Bond Program provides inmate information to aid the judge in bond decisions.

Public Defender

The representative from the Baton Rouge Public Defender indicated that while public defenders are appointed within 72 hours of arrest, they are not truly engaged with the defendant’s case for another 30 to 60 days. The representative supports changes that would allow the public defender to be appointed at the bond hearing in order to best advocate for the defendant’s release, protest the bond that was set, and start working on the defendant’s case. The representative also supported the implementation of Parish-sponsored electronic monitoring to allow more people who should be released to stay out of jail.

The representative noted that the District Attorney typically receives police reports 30 days after arrest, which significantly slows the criminal justice process as the defendant is essentially waiting (whether in jail or out on bond) until the District Attorney can start processing their case. Bond decisions can be changed, which is where the Public Defender can add the most value. The District Attorney also typically takes all of the legally available time to charge someone, meaning that misdemeanor offenders can be in jail for up to 45 days before being charged. There have also been cases where the prosecutor decides not to move forward on a case and lets the defendant out of jail after weeks of being locked up.

The representative supports the implementation of a pre-trial risk assessment tool as long as the arrestee has an advocate to question the assessment as a balance. The representative stressed the importance of mental health care and treatment in the criminal justice system; defendants who are charged with a misdemeanor do not receive a mental health review or treatment through the current system. Only those charged with felony crimes will receive such a review and treatment.

If engaged at the bond hearing, the Public Defender adds the most value as he can advocate for a defendant’s release, protest the bond set, and begin working on the case.

2. Process Analysis

Overview. Through the interview and research process, Loop Capital was able to define specific steps in the Baton Rouge criminal justice process and provide average times between each step in the process. The flow chart presented in Figure 6 presented an overview of the criminal justice timeline, with marked days from arrest. Please note that our analysis includes only information pertaining to District courts and not City court. Please also note that the data excludes information from the

cities of Baker and Zachary.

Initial Point of Contact. Citizens of the City of Baton Rouge and East Baton Rouge Parish can come into contact with law enforcement via arrest or summons. A summons is typically issued for City misdemeanors such as public disturbance, possession of marijuana or reckless driving. Summonses allow offenders to remain out of jail while they await their charge and indictment to be processed. Upon indictment, defendants who are issued a summons will typically be arraigned within 90 days of receipt of the summons. If the defendant does not secure a plea, or pleads not guilty, their charge will go to trial within 435 days of receipt of the summons, with sentencing happening within that same time period. Offenders of District charges must be arrested; summonses are not issued for these offenders.

Booking. The other contact Baton Rouge citizens have with law enforcement is through arrests, which is a focal point of this study. There are approximately 19 different agencies that utilize the Parish Prison, including the Baton Rouge City Police, Louisiana State University, the Louisiana State Police, the East Baton Rouge Sheriff, Southern University, Wildlife and Fisheries and the Levee Police. Upon arrest, the arresting officer will transport the arrestee to the Prison, where he will begin the booking process. Paperwork is received by the Prison from the arresting agency that details the alleged offense. That information is reviewed by the booking officer for completeness. The arrestee is then submitted to a pat down and an informal interview regarding immediate medical needs. If the offender is under the influence of drugs or alcohol upon his arrival at the prison, he will be put into a holding cell until the effects of the drugs or alcohol wear off. If more immediate medical attention is necessary, the offender will typically be escorted to the nearest hospital by the arresting officer for assistance. The Prison also has nurses on hand to assist with less immediate and more common medical needs.

After the arrestee is patted down and determined to not be in need of medical attention, he is submitted to fingerprinting, which is when his fingerprints are run through the Automated Fingerprinting Information System (AFIS), a system that is connected to all agencies that utilize the Parish Prison, to ensure that the offender has no outstanding warrants against him. The Prison then takes a photo of the offender and creates a Prison identification card, which will allow the offender to receive medication, make phone calls, and buy items from commissary, among many other things. The Prison ID features the offender's jacket number, which is a number that is specific to the offender to help with identification. Once the offender receives his Prison ID card, he is allowed one free phone call, which is recorded by Prison staff. After the call, the offender is escorted to a holding cell, where his clothing and other belongings are taken by Prison staff and he is given a standard prison uniform.

For those offenders who were arrested on district charges, the Bail Bond Program is on hand to gather demographic and arresting information via interview. Although it is unclear whether or not the Bail Bond Program has the resources or opportunity to interview all district charges, each offender will have a one-page information sheet with all of his criminal and personal history provided to his judge before his bond is set. In the absence of an interview, Bail Bond Program members look up the offender's criminal history to complete the one-page information sheet for the judges.

The next step in the booking process involves getting the offender ready for life inside the Prison. Each offender is filtered through Classification, which interviews each arrestee to learn more about their criminal history, personal lives, medical histories and charges to best determine where in the Prison that inmate should be assigned. The offender also reviews a video regarding prison rape and how to report it before moving on to a medical screening with Prison nurses. After the medical screen, the prisoner is moved to his assigned place within the prison.

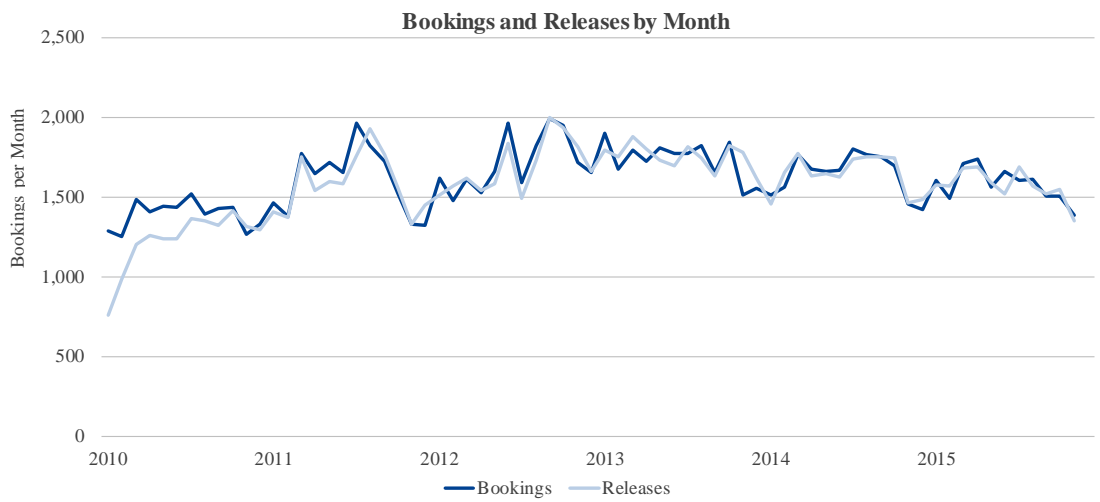
In the event that the Prison's population is close to or at capacity on the day an arrestee is booked, any healthy arrestees (as determined after their medical screen) will be transported to an out-of-Parish prison to await the subsequent steps in the criminal justice process.

The booking process is a lengthy one, taking anywhere from 3 to 48 hours depending on when the arrestee is picked up and brought in by the arresting agency. Representatives from Classification do not work on weekends, meaning that the arrestee could be waiting in a holding cell for up to 48 hours if arrested on a Friday evening. Prison officials confirmed that if there is an abnormal amount of bookings over the weekend, they will call in Classification representatives to move the arrestees through the booking process. The booking process is also exacerbated by the small area through which booking and release take place. There are typically either two or three Prison guards working in that area, which also slows the flow of the process

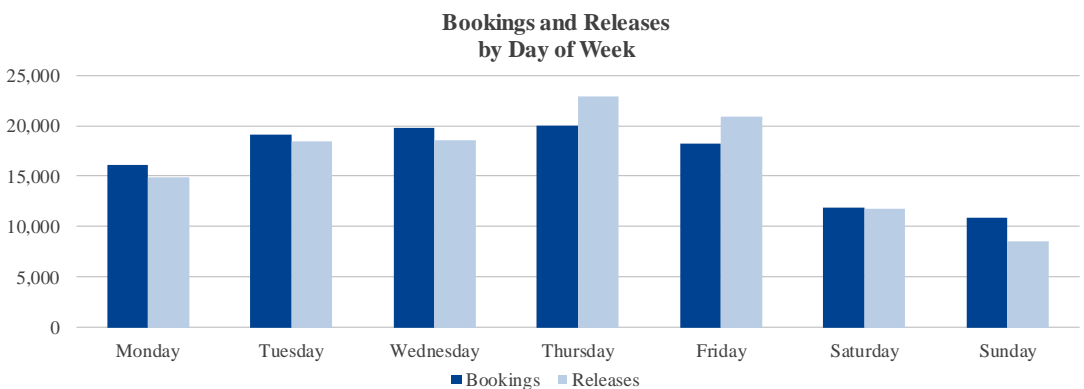
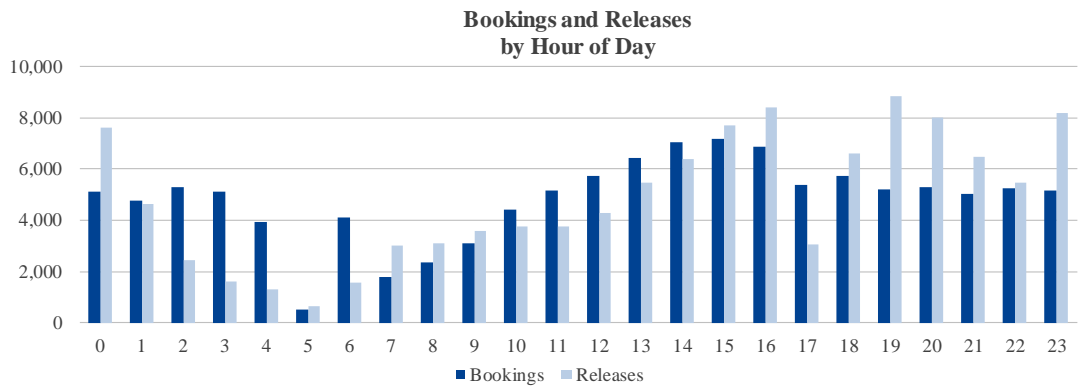
as there is a one-to-one ratio of booking officer and offender.

The charts in Figure 4 present booking by month, hour and by day of the week. Bookings spiked to nearly 2,000 per month in 2011, and dipped to as low as 1,250 per month in 2010. Between 2010 and 2015, 3 PM proved to be the most active time for booking, as nearly 7,000 people were booked around this time. Almost 20,000 people were booked into the Parish Prison on a Thursday during this same time period, far more than the 10,000 people booked on Sundays.

Figure 4 Dashboard of Booking Activity



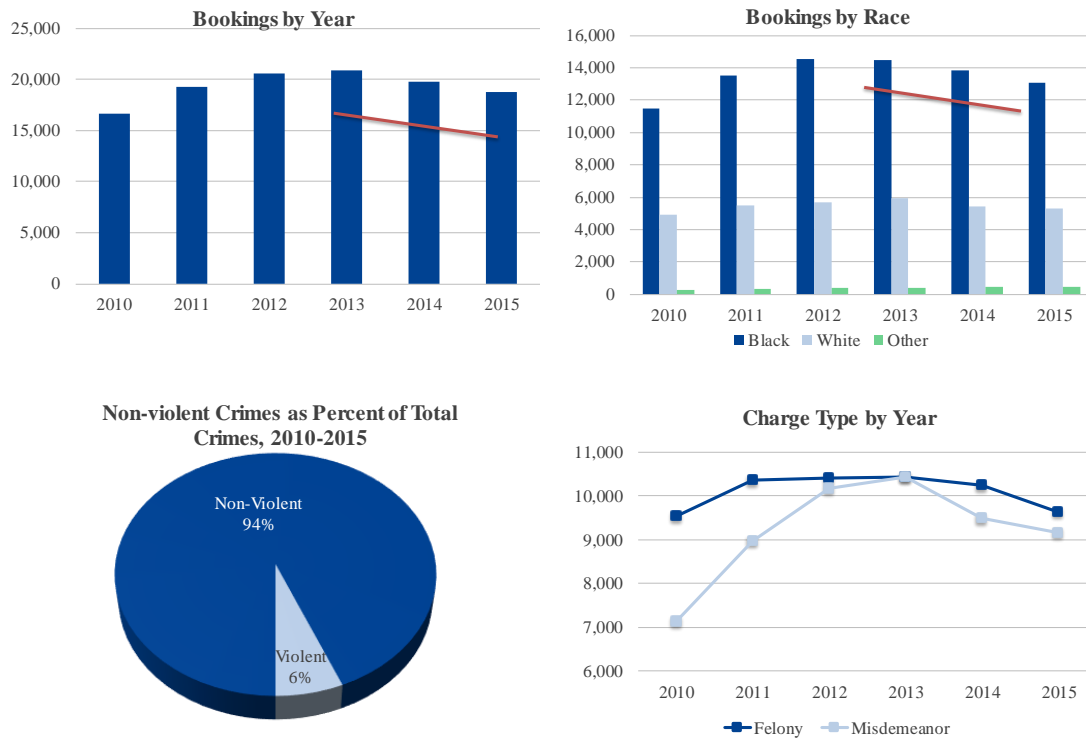
More bookings occur in the middle of the week than at the end of the week. Also, less booking occur on weekends than during the week.



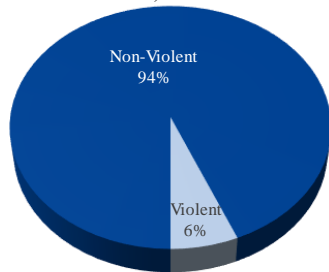
Source: East Baton Rouge Parish Prison

Booking Trends. Per the charts presented in Figure 5, bookings began declining at the Parish Prison in 2013, as evidenced by the upper left-hand graph, with similar declines noted in both categories of crimes (as presented in the graph on the upper-right hand corner). The overall decline in bookings beginning in 2013 was led by decreases in bookings for blacks, a trend that appears to be continuing. Violent crimes peaked in 2014, and have since begun to decline.

Figure 5 Booking Trends



Non-violent Crimes as Percent of Total Crimes, 2010-2015



The City and Parish should review what policies, programs or initiatives have contributed to the decline in both bookings and violent crime.

Source: East Baton Rouge Parish Prison

Bond Set. City and Parish law requires that all offenders receive a bond within 72 hours of arrest. Offenders who were arrested on City charges will have a bond set within a few hours of the completion of their booking, as City charges are all on a bond schedule (which was last set in September of 2010). Those charged with District crimes will need to await a judge or commissioner to make the final call on their bond, and will typically receive their bond amount over a TV callout system within the Prison.

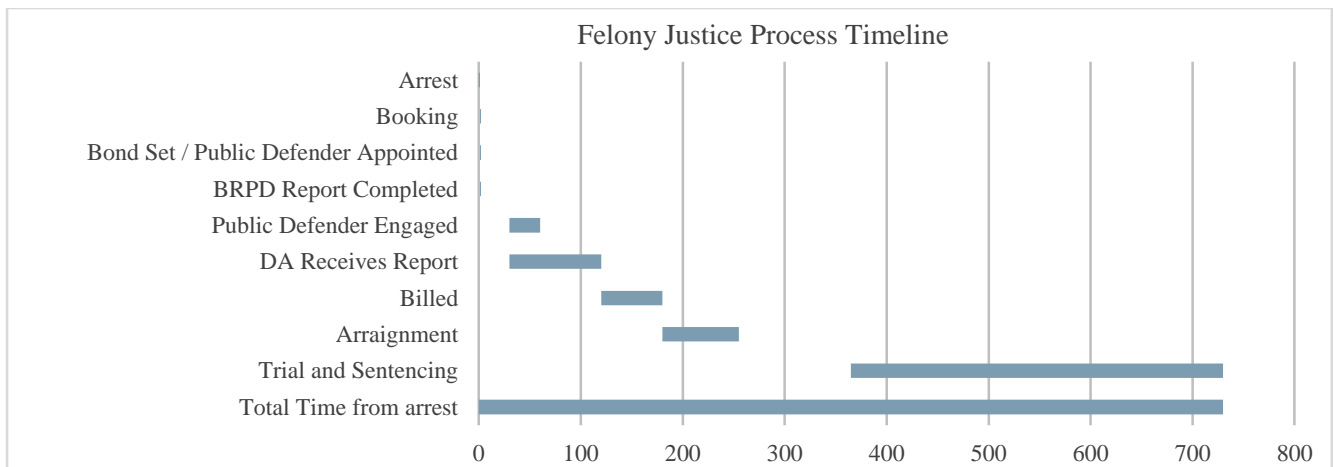
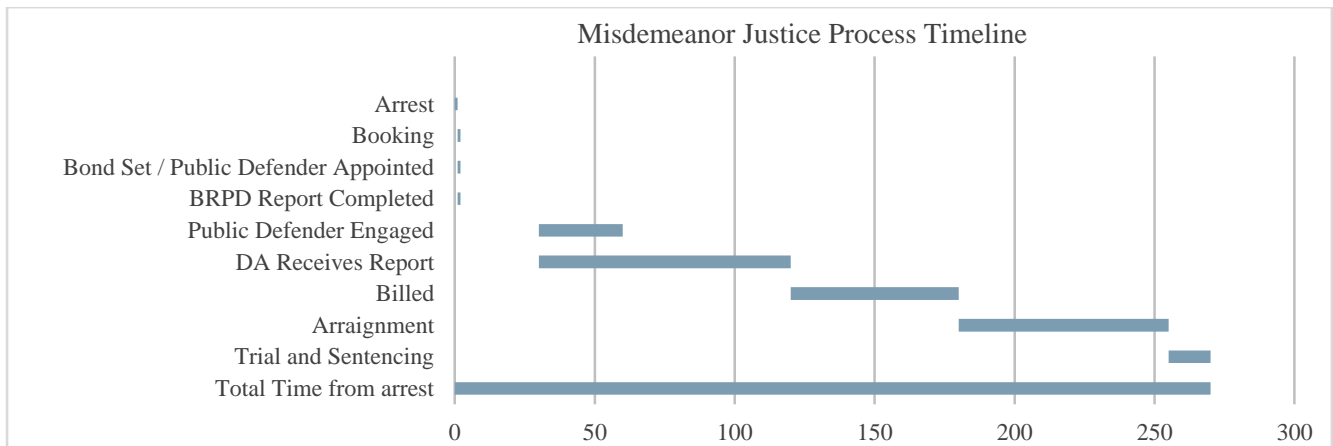
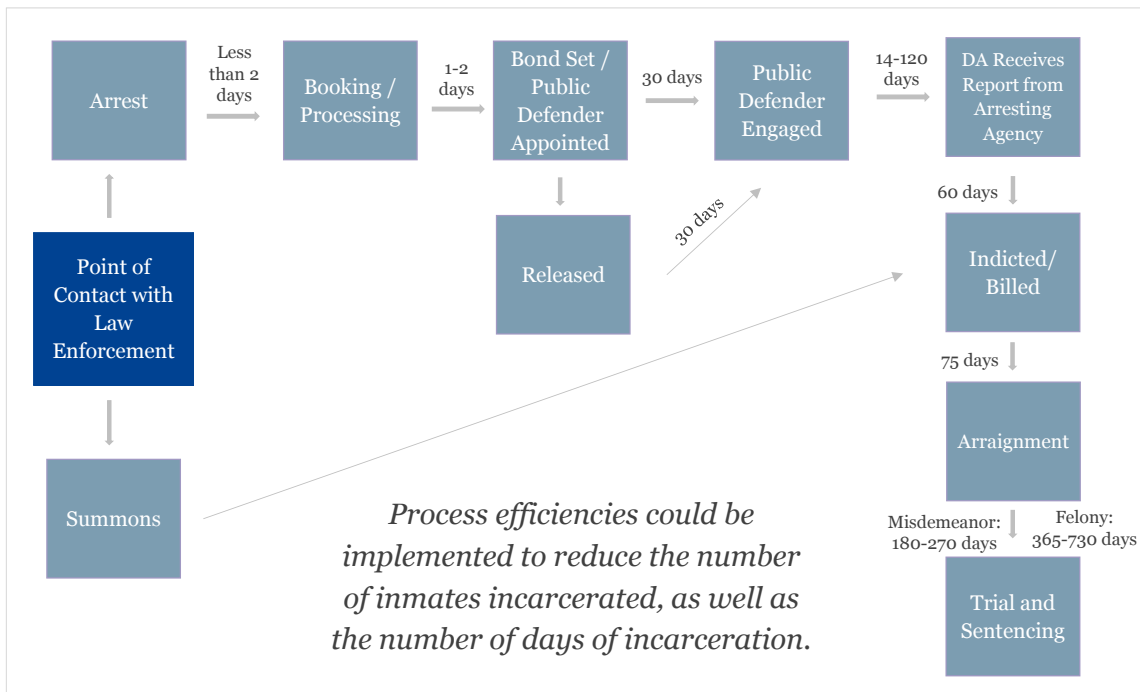
Completion of Police Reports. The amount of time it takes for a police report to be completed depends wholly on the arresting agency. While the Baton Rouge City Police typically complete their police reports within one to two days after an arrest, other agencies can take up to thirty days after an arrest to complete their reports. Those reports are then sent to the District Attorney and the Public Defender (if the offender has opted to use the services of the Public Defender).

Counsel Appointment. Public Defenders are typically appointed within 72 hours of arrest, as the judge or commission who provides the bond hearing has to inquire as to the offender’s counsel. Usually, however, defendants do not meet with the Public Defender until approximately 30 to 60 days after arrest.

District Attorney Receives Police Reports. The District Attorney normally receives reports from the arresting agency anywhere between 14 and 120 days after arrest.

Indictment, Arraignment, Trial and Sentencing. Once the police reports are received by the District Attorney, the offender is charged within 60 days of arrest, and arraigned within 75 days of arrest. Misdemeanor trials and sentencing typically occur within 270 days of arrest, whereas felony trials and sentencing typically occur within approximately 730 days of arrest.

Figure 6 Baton Rouge Criminal Justice Process Timeline*



*Number of days from time of arrest; minimum and maximum days

Judge Data. As with all other criminal justice systems, the City and Parish’s court system plays an integral role in the Prison population and more general criminal justice processes. Loop Capital was provided court data for 86,505 current and previous inmates to analyze. However, 19,097 of these records did not come with a State ID to tie them to the original data, and 39,532 records presented duplicated State ID, which compromised their records. Another 2,262 records did not match to the original data set provided, and four records presented with unusual court IDs. This left 25,610 records available for analysis. The following tables and graphs present an overview of the data provided broken out by court number. Please note that court-specific data is comprised of raw data, and does not account for the types of cases handled by each court.

Figure 7 General Statistics

Judges Data: Summary Statistics					ALOS - Felony vs. Misdemeanor			
Court	Cases	ALOS	Arrest to Prosecute	Prosecute to Final	Court	Felony	Misdemeanor	Grand Total
1	3,922	53.00	77.97	306.18	1	64.54	33.53	53.00
2	3,229	60.29	72.29	196.72	2	71.82	38.14	60.29
3	3,047	57.08	85.85	270.84	3	68.93	35.77	57.08
4	3,463	46.74	71.81	241.50	4	53.43	35.60	46.74
5	3,253	51.64	66.48	197.46	5	61.30	35.93	51.64
6	2,950	57.20	84.20	269.58	6	66.59	40.95	57.20
7	3,496	51.38	76.71	271.15	7	63.32	30.79	51.38
8	2,250	62.25	68.29	341.33	8	70.22	45.61	62.25

Observations

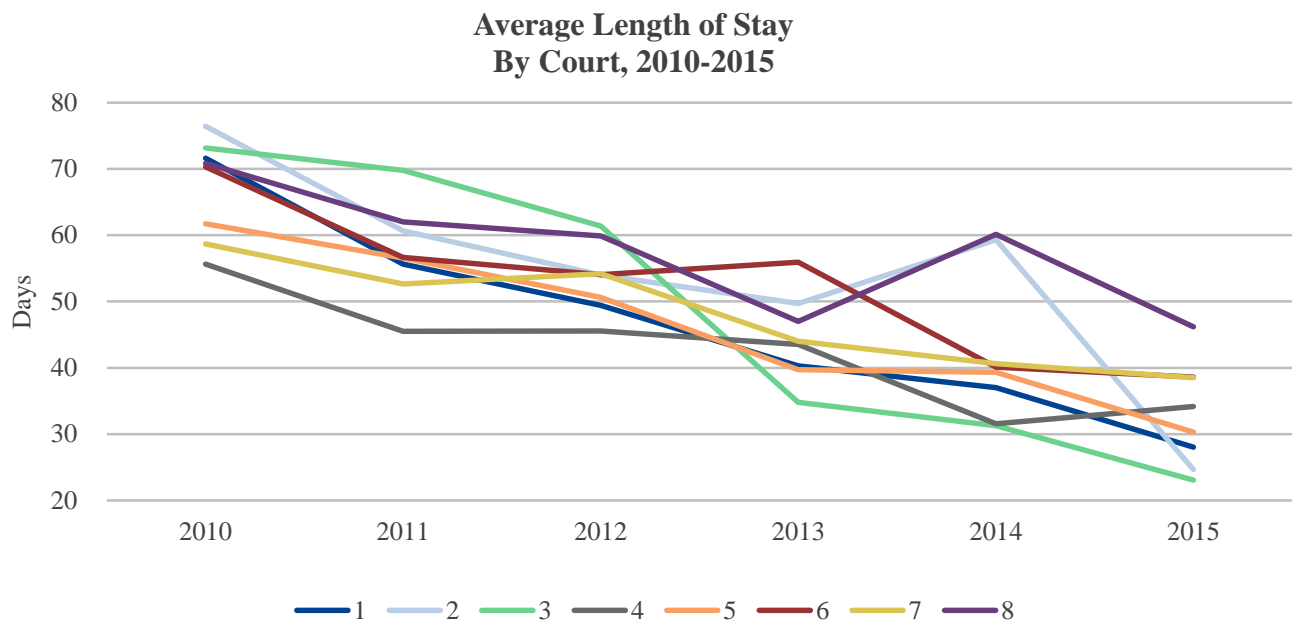
- *Arrest to Prosecute date is days elapsed between arrest and formal prosecution.*
- *Prosecute to Final is days elapsed between prosecution and final disposition (case ends).*
- *ALOS data represents “time in jail”, or difference between booking and release date, and stands for average length of stay.*
- *Court 4 has overall lowest ALOS, including lowest ALOS for felony and non-violent crimes; and lowest days arrest to prosecution. This could be a model for other courts if underlying reasons are found.*
- *Court 7 has the lowest ALOS for misdemeanors.*
- *Courts appear to be improving in efficiencies. Taking a model case such as Court 4, determining underlying causes for low ALOS and arrest to prosecution, then applying that model to other courts to achieve greater efficiencies.*

ALOS - Violent Crimes			
Court	NonViolent	Violent	Total
1	51.20	74.77	53.00
2	58.97	76.01	60.29
3	56.97	58.55	57.08
4	44.82	66.20	46.74
5	49.54	74.59	51.64
6	55.85	73.01	57.20
7	48.99	81.49	51.38
8	62.22	62.62	62.25

Observations

- *Court 4 has the lowest ALOS for non-violent crime and Court 3 has the lowest ALOS for violent crime.*

Figure 7 General Statistics Continued



Observations

- Both ALOS and Days from Prosecution to End have been on a generally downward trend since 2010
- In 2015, Court 3 had the lowest ALOS as well as the lowest Days from Prosecution to End
- In 2015, Court 8 had the highest ALOS and highest Days from Prosecution to End

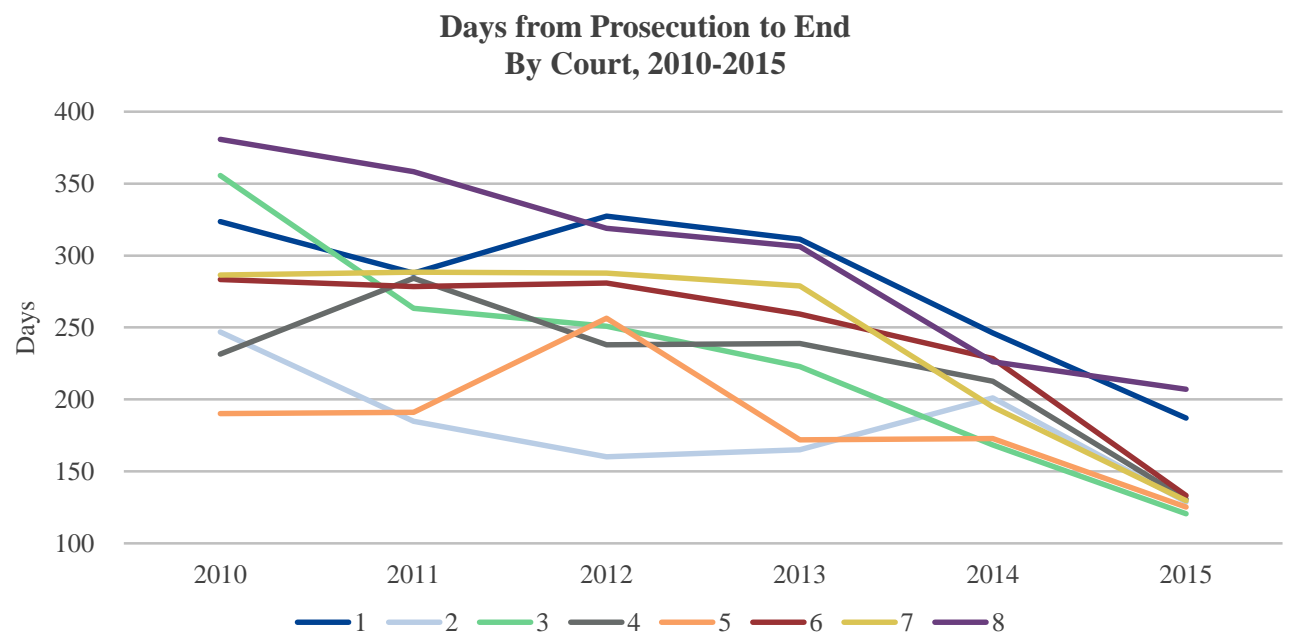


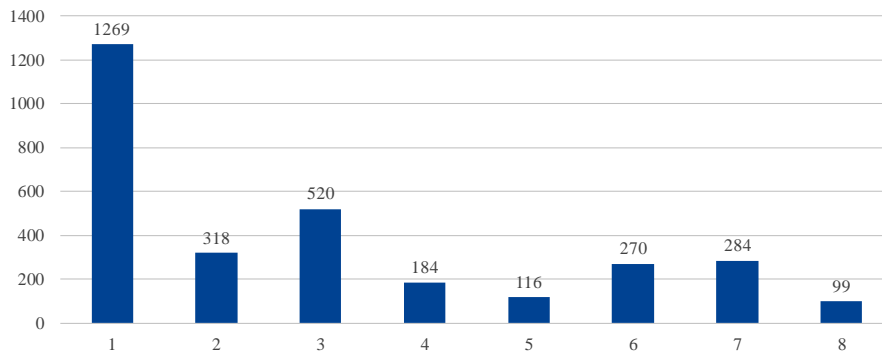
Figure 8 Other Court Observations

Count of Cases by Final Disposition	Court							
	1	2	3	4	5	6	7	8
Acquitted by Judge					1			
Acquitted by Jury							1	
Convicted as Charged by Judge	19	10	10	12	23	9	23	7
Convicted as Charged by Jury	10	14	9	1	11	15	11	3
DA Probation		1						
Dismissed by Prosecutor	8	3	13	8	27	20	9	18
No Billed/Pretermitted	1269	318	520	184	116	270	284	99
Not Guilty by reason of Insanity			1					
PG as Charged after Jury Selection		1	1	3	3	1		2
PG Responsive after Jury Selection	1	1		1	1			1
Pled Guilty as Charged	1507	1797	1687	1177	2030	1705	2137	1295
Pled Guilty to Amended/Non-Responsive	512	537	288	877	359	469	293	551
Pled Guilty to Responsive Charge	591	515	498	1185	679	455	717	256
Pled Nolo Contendere	2	31	20	14	2	4	15	15
Referred to other law enforcement agency						1		
Responsive Verdict by Judge	1				1		4	2
Responsive Verdict by Jury	2	1		1		1	2	1

Observations

- *Court #1 has a very high rate of non-prosecuted or abandoned cases (almost 1/3 of total cases).*
- *This observation may indicate efficiencies or some level of cooperation between prosecution, defense, and the court that could serve as a model for other courts handling of cases.*
- *On the other hand, it would be interesting to determine the rate of recidivism for those 1,269 cases that were not prosecuted.*
- *Court #7 has a significantly lower ALOS for misdemeanor offenses compared to other courts. While this may be a function of population demographics or crime types, determining the underlying cause could help provide insights on efficient handling of these matters.*

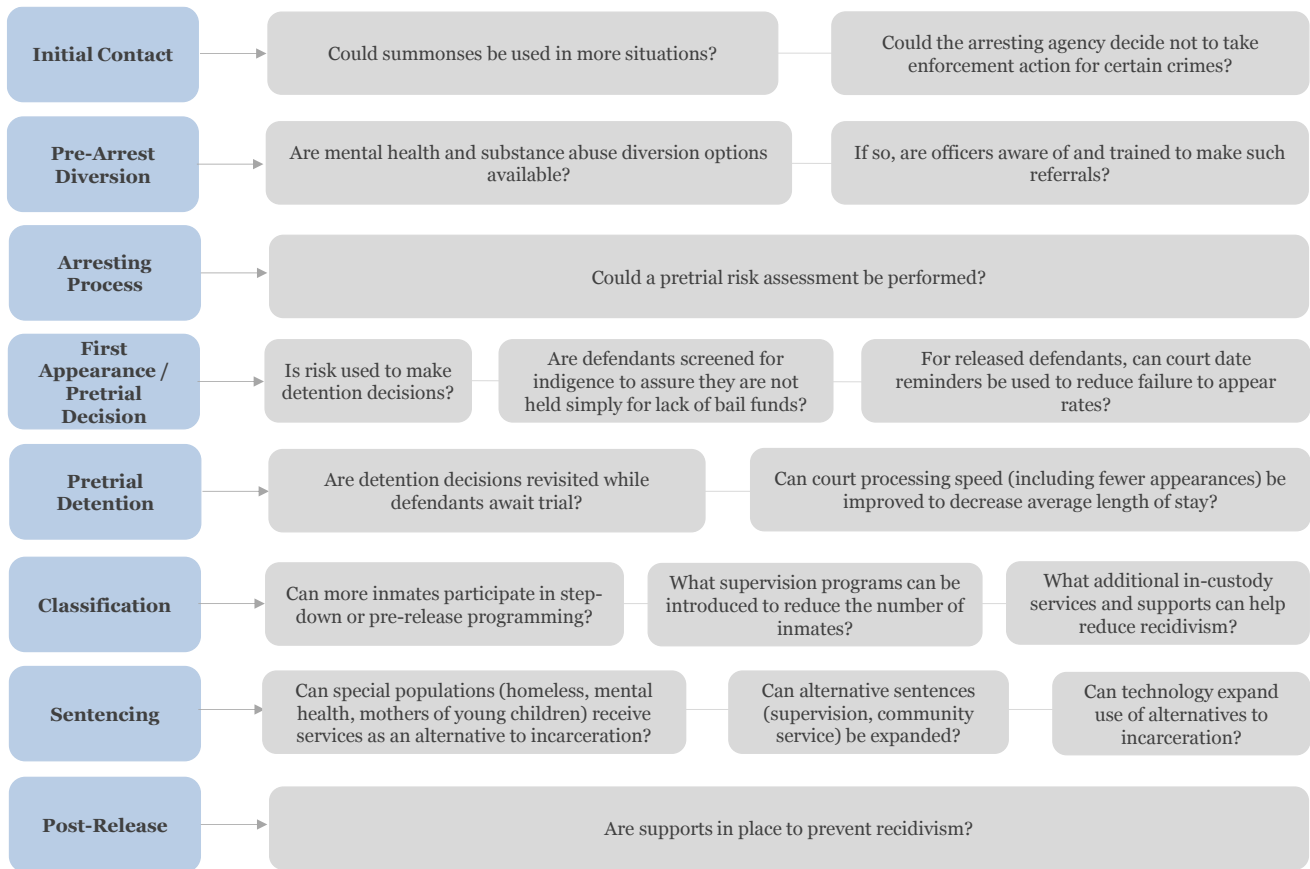
Count of Cases not Prosecuted, or Abandoned



Source: East Baton Rouge Parish Prison; East Baton Rouge District Attorney's Office

Key Drivers at Each Step of the Process. Each step of the criminal justice process should be driven by active thought and consideration regarding how to reduce the amount of time defendants spend in jail, particularly prior to their sentencing. The below chart clarifies the drivers behind each step of the criminal justice process.

Figure 9 Key Drivers at Each Step of the Process



Source: Marion County Jail Population Analysis

Initial Contact and Arrest. The use of citations and summons in place of arrests could have a significant impact on the Parish Prison population. The decision to utilize a summons or citation versus arresting an offender should be determined by the offender’s danger to the community and to himself. Defendants accused of committing non-violent misdemeanors, especially those for whom this is a first offense, should be provided a summons with a directive to appear in court for a hearing in order to allow them to remain out of jail. There are many benefits to this system aside from reducing the prison population; individuals who are given a summons instead of being arrested are allowed to remain active and productive members of society. As an example, between 2010 and 2015 New Orleans was able to reduce its average daily jail population by 67% through a variety of measures, including issuing a summons for disturbing the peace or marijuana possession. Prior to this, 70% of these individuals were arrested; now 70% are released (Strategic Framework for Marion County Jail Population Analysis, 2015). The department and other arresting agencies should consider other enforcement actions that help reduce the Prison population but that also maintain a standard of community safety.

Arresting Process. It is important to note the successes of many counties and local jurisdictions which have implemented diversion programs. Specifically, Bexar County (TX) built a center for detox and inpatient care to divert non-felony mental health and substance abuse cases from the justice system, contributing to a \$50 million savings over five years. (The Perryman Group, 2015) Additionally, Kings County (NY) achieved success at lower overall cost, and avoided cost for foster care, for women with children sentenced to support housing with treatment (Strategic Framework for Marion County Jail Population Analysis, 2015).

First Appearance and Pretrial Decisions. It is imperative that the Parish Prison screen defendants for indigence to ensure that no defendant is being held in the Prison simply because he or she is unable to afford bond. The only defendants who should be held prior to trial should be those who pose a danger to the community or a flight risk. Holding defendants in jail because they are unable to afford their bond not only strains the budget of the Prison, but can also have deep and long lasting effects on the defendant, including extending an individual's relationship with the criminal justice system, loss of job and/or housing and preventing the defendant from getting any necessary treatment for mental illness or substance abuse (Eaglin & Solomon, 2015). Research shows that low-risk defendants who are detained until their trial were 27% more likely to recidivate within 12 months than low-risk defendants who were released (Eaglin & Solomon, 2015). The longer defendants are held, the larger the impact on pretrial failure. Low-risk defendants detained for just two to three days were 39% more likely to be arrested than those who were released on the first day (Eaglin & Solomon, 2015). Those held between four and seven days were 50% more likely to be arrested, and those held eight to 14 days were 56% more likely to be arrested (Eaglin & Solomon, 2015).

Studies have also shown the success that local jurisdictions have when implementing systems that remind defendants of their court date. For example, Cocinino County (AZ) found that about 23% of their jail population were defendants who were detained for failing to appear at scheduled court dates in 2006 (Subramanian, Delaney, Roberts, Fishman, & McGarry, 2015). The County tested several court reminder systems for defendants who received citations in the field. The failure to appear rate was reduced from 25% in the control group to 6% in the reminder group when the caller spoke directly to the defendant, 15% when a message was left with another person, and 21% when a message was left on an answering service (Subramanian, Delaney, Roberts, Fishman, & McGarry, 2015). In this and other areas, research shows that tailoring release conditions to a defendant's circumstances both facilitates release and increases success during the pretrial period (Subramanian, Delaney, Roberts, Fishman, & McGarry, 2015). Several communities are now using text reminder systems.

Pretrial Detention. In order to ensure each defendant is being held based on his danger to the community or flight risk, as well as to prevent anyone from getting lost in the system, detention decisions should be revisited while the defendant awaits trial. Alongside the Parish Prison, the court system needs to keep track of defendants it sends to the Prison, and regularly evaluate whether or not the defendant should remain in the Prison until his trial. In order to accomplish this, the judges need to be able to communicate more effectively between themselves, but also with the Parish Prison. The implementation of a system that alerts both the Prison and the defendant's judge at regular intervals as a reminder to review the defendant's case would be most helpful.

This system could also help in assigning cases to each judge; if the system could recognize when a defendant already has an open case with one judge, and the defendant is arrested again on a separate charge, the system should automatically assign that case to the same judge in order to efficiently move the defendant through the criminal justice system. Assignment to multiple judges results in an increase the average length of stay in the Prison given the fact that the defendant must appear before each judge when he or she is on rotation. A system by which this process is automated would greatly enhance both the dockets of each judge (as the system could also recognize when one judge has a larger docket than others and assign cases based on size of each docket and the defendant's previous charges) as well as the inmate's interaction with the criminal justice system.

In addition, the Courts could consider, as many other jurisdictions do, the appointment of a magistrate or commissioner with authority to look at a list of those being detained in the Prison on relatively minor offenses and schedule them for bond or plea reviews on a weekly basis. In such a plan pursuant to agreed upon criteria these offenders would appear before the magistrate with public defender and district attorney representatives to evaluate the basis for pretrial detention and allow for expedited pleas as well.

Sentencing. Implementing a probation program could also significantly impact the Parish Prison's population by keeping non-violent offenders out of jail. Aside from defendants being able to be sentenced to supervision, the Parish could also benefit if a defendant is willing to accept a plea deal that allows them to remain out of jail on supervision, by cutting down on the time the defendant would have stayed in jail awaiting their trial. Adopting electronic monitoring and community service work, especially if it is sponsored by the City or Parish, would also help in keeping defendants out of jail both pretrial and after sentencing. Current alternatives in large part depend on the offender's ability to pay for the services which results in those who would be eligible for this programming being unable to afford it and staying in jail, a more costly alternative for

taxpayers than if there were an electronic monitoring or community work option.

While supervision can and will reduce the use of the Parish Prison, research shows that supervision without treatment does not reduce recidivism. Treatment programs, like that which has been recommended by the Health Management Associates, will help defendants find treatment for the root cause of what has put them behind bars. Diversion programs like these have been adopted by numerous local jurisdictions around the country with great success; these will be explored at greater length in subsequent sections.

Jail Sentencing and Post-Release. While the Parish Prison does have numerous in-house programs to help inmates, an expansion and recommitment to these programs will help to reduce the recidivism rate. Programs that are specific to education and job training should be adopted and enhanced to ensure that the inmate has the best chance of growing strong roots in the community once he is released. Getting to know the Prison's population, demographics and history through data collection and analysis would greatly help in deciding exactly what programs inmates need in order to get a strong foothold in their community upon release.

Communities like Marion County (IN) have already experienced success with pre-release and stepdown programs, in which inmates are offered the opportunity to take on more responsibilities, and thus more privileges, as their behavior and engagement in the jail progresses (Strategic Framework for Marion County Jail Population Analysis, 2015). Although the Parish Prison does make use of a type of stepdown program, by which inmates are classified and employed in the prison based on their bond amount and charge, further options including reevaluating its stepdown policies in order to ensure that each inmate is getting a chance to improve their standing in the prison. Stepdown programs like these prepare inmates for the responsibilities and struggles of living life on the outside, and can therefore help to reduce the Prison's recidivism rate.

Importance of Data Collection and Analysis. Understanding the characteristics of the local jail population is a critical first step to reducing a jurisdiction's reliance on its detention facilities. The local jail and prison is a central hub within a jurisdiction's criminal justice system, housing individuals at all stages of the criminal process – from the point of arrest through court hearings, trial, sentencing, and beyond. Each decision point, though rarely controlled by a single agency, can affect the number of people in all parts of the system. The decision points are not discrete, may overlap in time, and may not be imposed in every case. Once jurisdictions understand the composition and movements of the local criminal justice population, they can pinpoint inefficiencies that lead to overuse of incarceration. It is critical that the City and Parish evaluate steps to begin collecting more data on the Prison population in order to better understand the most effective route by which the Prison population can be reduced.

3. Diversion Programs

Overview. The past decade has seen local jails and prison become the de facto destination for the mentally ill as budget cuts and austerity programs continue to curb publicly available mental health services. Data from 2014 shows that almost two-thirds of jail inmates had mental health problems and almost the same percent (68%) suffered from substance abuse problems (Murphy & Barr, 2015). Not only do offenders who suffer from mental illness fail to receive the treatment they need, but they also become much more likely to remain in the system than non-mentally ill offenders. Data from Orange County, FL, details the average stay of an inmate to be 26 days, whereas mentally ill inmates stay 51 days on average (Murphy & Barr, 2015). Mentally ill inmates in New York's Rikers Island jail stay on average 215 days, an increase of 173 days in comparison to their non-mentally ill counterparts (Murphy & Barr, 2015).

The National Survey on Drug Use and Health (NSDUH) estimates that 9.6 million Americans, or 4.1% of the population, suffered from a serious mental illness in 2012 (The Perryman Group, 2015). Relative to the national average, Louisiana has a slightly higher prevalence of mental illness with 4.2% of the State's population experiencing serious mental illness (The Perryman Group, 2015). The average percentage of Louisiana adults with any mental illness (20.1%) was also higher than the national average (18.6%) (The Perryman Group, 2015).

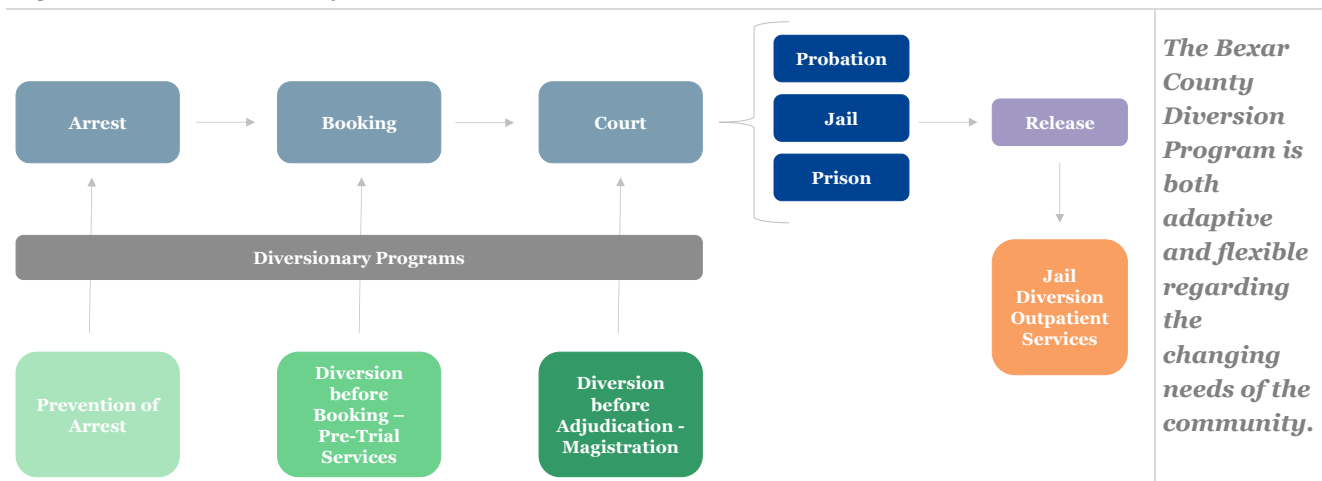
Predictably, mental illness is even more prevalent within state and local jails and prisons. The most recent data from the Bureau of Justice showed that more than half of the prison and jail inmates in the United States had a recent history or showed symptoms of a mental health problem (The Perryman Group, 2015). Specifically, 56% of state prisoners and 64% of

local jail inmates showed a history of mental illness in 2006 (The Perryman Group, 2015). However, only 24% of state prisoners and 21% of local jail inmates reported a recent history of mental health problems, as measured by whether an inmate was told by a mental health professional that he had a disorder, used prescribed medication, or received professional mental health therapy due to a mental health problem (The Perryman Group, 2015).

Case Study. Jail diversion programs that focus on mental health and substance abuse have seen great success throughout the country. One case study that our research has indicated as one of the most successful programs is that of Bexar County, Texas, which was “developed to assist individuals diagnosed with major depression, schizophrenia, or bipolar disorder” who have been accused of committing a certain class of misdemeanor or less to avoid jail time (The Perryman Group, 2015). Funding for the program comes from a combination of federal, state and local funding, as well as from Medicaid, Medicare and contributions from various health organizations.

What makes the Bexar County model so powerful and effective is the fact that the program contains several points of diversion, including pre-booking and post-booking diversion programs. The pre-booking diversion program relies on police dispatch reaching out to officers who are specially trained to handle situations with mentally ill offenders, who will intervene with a suspect exhibiting behavioral problems. The officer also has access to a Deputy Mobile Outreach Team in which “trained county sheriff officers may be accompanied by mental health professionals” to provide further assistance to the officer (Cowell, Aldridge, Broner, & Hinde, 2008). Once the offender is in custody, he will be escorted by the officer for a pre-booking mental health screening at the Crisis Care Center, where arresting officers will search the offender’s criminal history and perform a more in-depth psychiatric assessment. The below figure presents the three phases of diversion in the Bexar County system.

Figure 10 Bexar County Phases of Diversion



Source: Blueprint for Success: The Bexar County Model; How to Set Up a Jail Diversion Program in Your Community

Another diversion point in the Bexar County model is the post-booking bond. Once an offender has been booked, he could potentially be offered a bond with mental health conditions. Offenders can be deemed eligible for a post-booking bond either in court or at the jail, where nurses are on hand to identify those who are eligible.

The third and final point at which an offender may be diverted from jail is through the post-booking mental health docket, which occurs once a week and focuses solely on persons with mental illness. Eligibility for a post-booking mental health docket can be determined through on-going monitoring, which includes a check to see if the offender has ever utilized mental health services in the State of Texas.

Once diverted, the offender is referred to a mental health treatment facility.

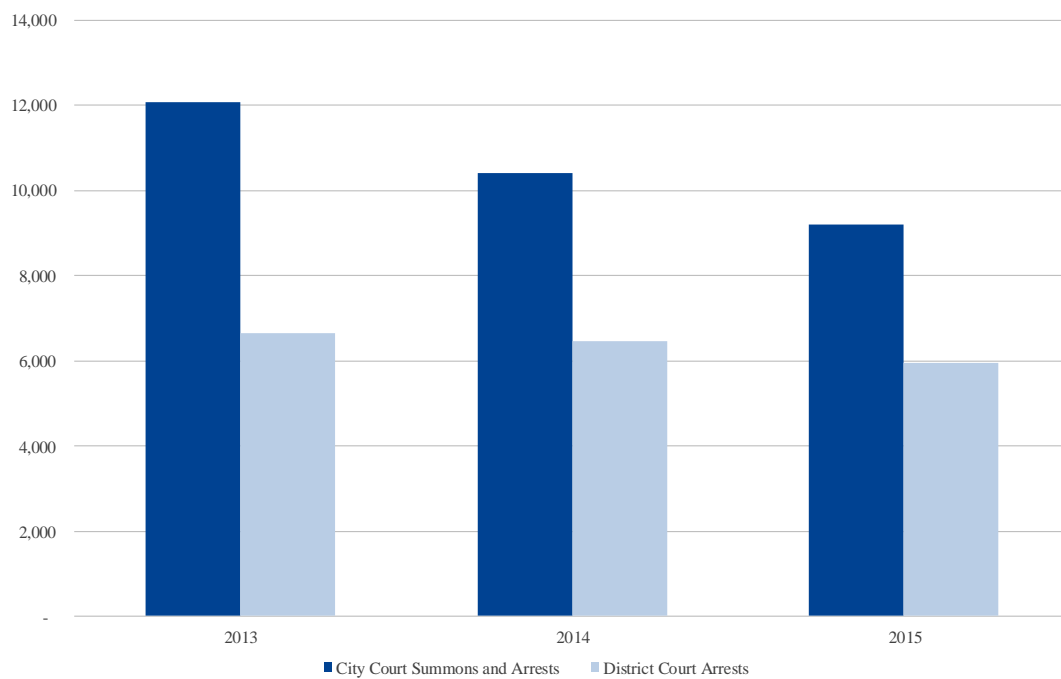
Total direct cost savings resulting from the diversion programs exceed \$50 million over a five-year period, with a decidedly upward trend over time. These savings are realized through a variety of channels, including:

- Reduced use of the emergency room for injured prisoners, public inebriates, and the mentally ill
- Decreased workloads for the court system and police department
- Reductions in jail times

Health Management Associates Engagement. The City and Parish can benefit from the implementation of a mental health diversion program. As presented by the Perryman Group in a July 2015 report commissioned by the City and Parish, there are direct cost savings to be realized by the City and Parish as “individuals receive needed treatment for mental disorders through the crisis care continuum rather than spending time in jail” (The Perryman Group, 2015). The Perryman Group found direct cost savings to be \$54.9 million in total over the first 10 years of the mental health diversion program, with the potential for even more savings as these savings are spent for other goods and services. To this end, the City and Parish has engaged Health Management Associates (“HMA”) to review the City and Parish’s mental health population and how the lack of mental services affects the prison population. HMA is in the process of completing their final report, but HMA’s senior staff has confirmed that their report will be recommending the implementation of a mental health pre-trial diversion program, which will also work to serve those with alcohol and substance abuse problems.

Prevention of Arrest. Arresting agencies that utilize the Parish Prison should attempt to align the goals of their organization with those of the Parish Prison, specifically in regards to preventing arrests, in order for the Prison to realize a decrease in its population. For example, Baton Rouge City Police Department (the “Department”) has made a concerted effort over the past few years to reduce their reliance on the Parish Prison. According to Department data, City court summons and arrests dropped by 25% between 2013 and 2015 and District court arrests dropped by 11% over the same time period. The Department was able to achieve these figures despite the fact that calls for service decreased by only 3% over that same time period. Figure 4 chart illustrates the decline in City and District summons and arrests between 2013 and 2015.

Figure 11 Baton Rouge City Police Department Arrest and Summons Reductions, 2013 - 2015



All arresting agencies need to align their goals to that of the Prison in order to reduce the number of arrests and therefore the population of the Parish Prison.

Source: Baton Rouge City Police Department

Diversions before Booking. More often than not, a defendant's access to money will be the determining factor as to whether or not he sits in jail before trial (The Pretrial Justice Institute, 2012). This results in many defendants staying in jail awaiting trial, regardless of their flight risk or danger to society, because they are not able to access the funds needed to pay their bond. In fact, some scholars partially attribute the immense growth in local jail and prison populations to an increase in the use of money bonds (The Pretrial Justice Institute, 2012). A multijurisdictional study completed in 2010 identified over 11,000 defendants who were charged with misdemeanor offenses in a one-year period who sat in jail until their cases were disposed of because they could not access \$100 or less for their bond (The Pretrial Justice Institute, 2012).

Upon arrest, an offender can either be released on his own recognizance, without any financial conditions, offered a money bond, or be held without bond. The bond decision is based on the defendant's likelihood of appearing in court and whether the person is a threat to public safety. In many jurisdictions, setting a money bond amount is used as a proxy for this analysis. Ideally, the bond ensures that the defendant will appear in court and will not engage in criminal activity.

There are many inherent risks in this system, the most potent of which being that over-reliance on the money bond system ensures that the poor remain behind bars regardless of their flight risk or danger to the community as they are less likely to be able to afford even lower bonds. The concentration of poverty in minority communities can aggravate the racial effects of this process.

The money bond system is, however, not without its merits. For overworked and under-resourced court and criminal justice systems, the money bond allows officials to quickly and effectively move people through the criminal justice process depending on their current and previous charges. Bond schedules can move the defendant in and out of jail even more quickly, if he can afford the bond. However, in order to avoid the substantial downfalls of a pure money bond system, bond decisions and bond schedules must be informed by data-driven analysis that can assist judges and other officials in making sound and consistent bond decisions.

Pre-Trial Risk Assessment. To dilute the challenges of over-reliance on the money bond system, local jurisdictions around the country have implemented pre-trial risk assessment tools. A pre-trial risk assessment is an instrument that relies on data collected within the jurisdiction regarding previous offenders and their behavior, and uses that data to predict the likelihood that a defendant may fail to appear for court hearings or be arrested on a new charge prior to the completion of their case. Pre-trial risk assessment tools provide suggested bond amounts based on this data to guide judges and other officials in their bail and bond decisions. These tools weigh a number of factors, usually including static factors (which cannot change, such as criminal history) and dynamic factors (which can change, such as drug and alcohol dependence, mental health, community ties and employment). A sample pre-trial risk assessment tool has been provided in **Appendix A**.

Case Study. On July 1, 2012, Mesa County (CO) implemented evidence-based pre-trial reforms with technical assistance from the National Institute of Corrections. To implement the reforms, Mesa County formed a Pretrial Committee which included judges, public defenders, district attorneys, private defense lawyers, pretrial services officials, Mesa County jail officials and victim advocates to specifically focus on the area of evidence-based decision making in the local criminal justice system (Bishop, 2015).

Prior to implementing pre-trial reforms, Mesa County utilized a traditional system, in which defendants were arrested and booked into the jail, and bonded out only if they could afford their bond or make use of a commercial surety bondsman. Defendants' release from jail depended on their ability to post the money bond 76% of the time, while 24% of the time they were being released from on their own recognizance (Bishop, 2015).

In 2010, Mesa County was chosen by the National Institute of Corrections to receive technical assistance in analyzing their current practices and in making evidence-based upgrades to their system. This assistance did not come with additional funding, however, and the assistance is largely available to any jurisdiction who desires to implement evidence-based practices (Bishop, 2015). (Please refer to nicic.gov for more information.)

An analysis of Mesa County's practices revealed a lack of evidence-based decision-making throughout the pre-trial process. The County's pre-trial services were not based on risk, but rather on crime class. The system's bond schedule was also based on crime class alone with arbitrary money amounts assigned to various crime types. The County's response to violations was not based on best practices, but rather on local tradition. There was no adequate statistical tracking of pre-trial outcomes.

Since Mesa County had no mechanism to determine empirical risk, it was unknown how many lower risk individuals charged with lower level crimes were being held for an indeterminate amount of time simply because they didn't have a few hundred dollars. A comment was made by the jail commander that he held one inmate in jail for three months on a \$100 bond for a misdemeanor crime and that this was a common occurrence in the jail (Bishop, 2015).

To address these issues, the County first defined their project goals, which included developing a collaborative vision statement for pre-trial practice, identifying and implementing an evidence-based pre-trial assessment tool, developing evidence-based bond guidelines to replace the existing money bond schedule, implementing a response to violations system that is consistent with best practices in this area, and developing an advance data tracking system to measure outcomes with regular statistical updates.

The County then identified the necessary resources to achieve their project goals. After determining that their local government already had the resources to realize their project goals, the County then established a functional leadership group that included key stakeholders such as the Chief Judge, the District Attorney, the head of the Public Defender's Office, private defense lawyers, the Police Chief, the Sherriff, the Probation Chief and other key leaders to review the progress of the project goals, as well as the work group's product. The work group, which included more ground-level members and technical experts of the criminal justice system, was then appointed to form the basis of pre-trial justice reform.

The leadership group was also tasked with identifying a collaborative pretrial vision statement, which involved extensive research by the group to determine the goals of the pre-trial justice system. The vision statement laid the foundation for accomplishing subsequent goals, as well as getting the various factions of the leadership committee on the same page.

Next, data targets were identified, which included the following:

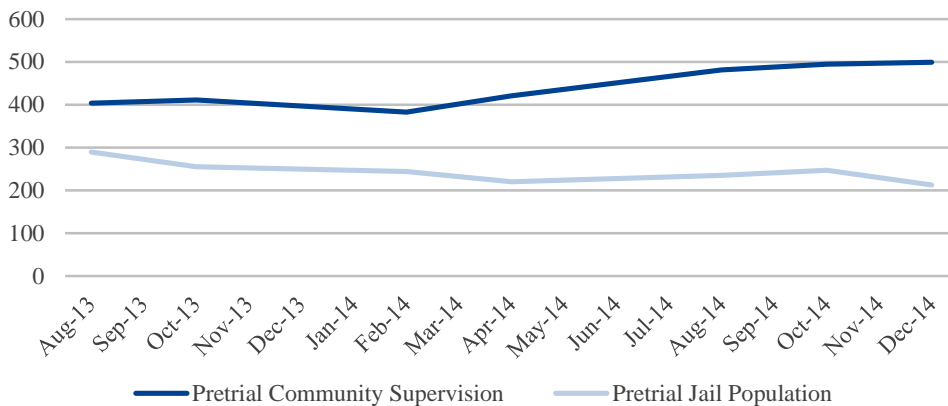
- Regular empirical risk profiles of the local jail(s)
- Safety rate outcomes: the rate at which defendants released with or without conditions in the community are charged with a new misdemeanor or felony while on bond
- Appearance rate outcomes: the rate at which defendants appear in court
- Release rates: the rate at which defendants are released from jail by empirical risk level and type of bond granted

The final steps of the implementation process revolved around the details and logistics of adopting an empirically-based pre-trial risk assessment. These steps were specific to the issues that plagued the Mesa County criminal justice system, as well as the data collected during the previous steps, but included employment of both a pre-trial risk assessment tool as well as a methodology by which the tool should be utilized. The County went even further to replace their existing money bond schedule with evidence-based bond guidelines, which removed money as the primary decision-maker regarding who is in or out of jail. The professional judgement of Mesa County judges, combined with empirical risk factors, has become the new decision-maker regarding the jail population.

In order to ensure a sustained implementation of these practices, Mesa County requested that stakeholders from each constituency who were part of building the project and planning for implementation be involved in the training and on-going coaching and mentoring plans.

As a result of this two-year process, Mesa County has seen a decrease in the pre-trial jail population without a negative effect on public safety rates. Personal recognizance bonds have doubled in Mesa County, while there has also been an increase in high cash bonds used to hold more dangerous defendants. Approximately 80% of the County's jail population is now in the higher risk categories on their pre-trial risk assessment, which has created challenges for the jail in managing higher risk individuals but is a key outcome (Bishop, 2015). Lower risk defendants are rarely being held in jail just because they can't buy their way out. Judges are making more targeted hold/release decisions based on empirical information, which Mesa County identified as more a legal and rational approach to making pre-trial release decisions. The below figure presents the effect of the pre-trial risk assessment tool on the number of jail beds (Bishop, 2015).

Figure 12 Mesa County Pre-Trial Risk Assessment Tool Effect on Jail Beds



As of December 2014, the pretrial jail population has decreased by 27%, and the pretrial community supervision population has increased by 24% since the pretrial risk assessment tool has been implemented.

Source: Mesa County Evidence-Based Pretrial Reform, 2015

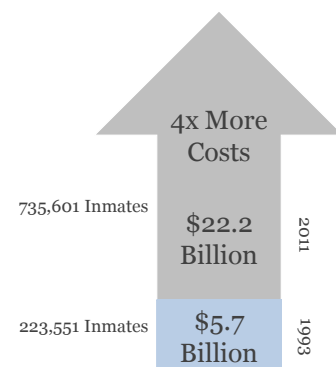
Electronic Monitoring. Many local jurisdictions make use of electronic monitoring, which effectively keeps defendants who are neither a flight risk nor a danger to the community out of jail but still under supervision. For example, while Miami-Dade County (FL) has an electronic monitoring program sponsored by the County, where they see real savings is using the program as a threat for released defendants rather than using it as a primary course of action. To be clear, when a defendant is released prior to trial, the County makes clear that the defendant will be put on electronic supervision should they violate the terms of their release.

Diversion before Trial. The final point in the criminal justice process when a diversion could occur is before the defendant goes on trial. Although it requires a larger commitment from the City and Parish and the court system, a magistrate court could be implemented that allows for the Parish Prison to be emptied of prisoners awaiting trial who would prefer to take a deal. A magistrate court would also provide an opportunity for judges’ dockets and the general Prison population to be reviewed at a regular interval to ensure that no one is falling through the cracks in the justice system and remaining in jail for reasons that are illegal or unethical. The magistrate court could also provide bond hearings and attorney assignments when judges and/or commissioners are unavailable.

4. Cost Analysis

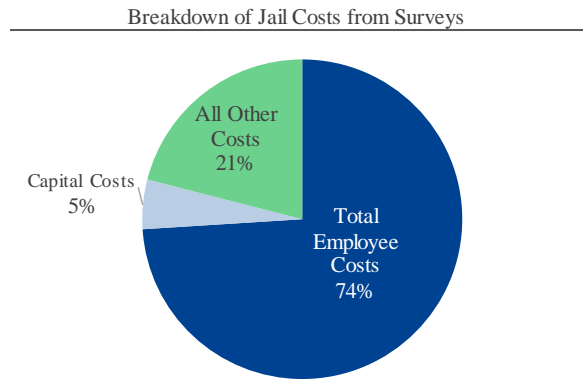
Overview. Each year, jails are one of the most significant public safety expenses of a community (Henrichson, Rinaldi, & Delaney, 2015). The larger the jail population, the more each community pays for staff, intake, diagnostic and release, in addition to costs for basic necessities such as clothing, food and healthcare. Rising inmate populations lead to rising costs of jail employees. Since 1983, there has been one jail employee for every 3.3 inmates, with only nominal changes to this proportion since then (Henrichson, Rinaldi, & Delaney, 2015). These costs may not include jail employee benefits, health care, and education programs for the incarcerated (Henrichson, Rinaldi, & Delaney, 2015).

Measuring a Jail’s Cost. In February 2015, the Vera Institute of Justice attempted to determine how much jails actually cost the community in which they reside by surveying 35 local jails around the country. The survey captured all of the costs incurred to run a jail, as well as the extent to which those costs were included in the jail’s budget or were paid by another department. The survey also asked about the sources of revenue that supported the jail’s expenses, to document the extent to which jail costs were paid with county, state or federal dollars, or other sources.



The 35 jail jurisdictions that returned the surveys represent small, medium and large jails in 18 states from every region in the country. Combined, the surveyed jurisdictions have an average daily population of 64,920, representing approximately 9% of all people incarcerated in the nation’s jails (Henrichson, Rinaldi, & Delaney, 2015).

The most potent insight to come from these surveys was that the largest jail costs are those associated with personnel. Because these expenses are driven by jail population, jurisdictions that wish to lower their costs must take sustainable steps to reduce the number of people they incarcerate (Henrichson, Rinaldi, & Delaney, 2015). The accompanying graphic presents a breakdown of total reported costs from the surveys. It is important to note that Employee Costs include salaries, fringe benefits and pension contributions; Capital Costs include capital expenditures and debt service; and All Other Costs include non-personnel expenses such as contracts, supplies and utilities (Henrichson, Rinaldi, & Delaney, 2015).



Another insight from the surveys was that every jurisdiction that responded indicated that at least a portion of total jail costs was paid by another government agency – ranging from approximately 1% to more than 53% of total costs (Henrichson, Rinaldi, & Delaney, 2015). These outside costs typically fall into six categories: employee benefits, inmate health care, capital costs, administrative costs, legal judgments and claims and inmate programming and other costs. Vera found that employee benefits and inmate health care made up the largest share of jail costs that were typically outside jail budgets, with employee benefits averaging more than 20% of total jail spending and inmate health care averaging approximately 10%, although health care costs were higher in large cities (Henrichson, Rinaldi, & Delaney, 2015).

Case Study. The following case study illustrates exactly how inmate populations drive costs. Johnson County, KS, and Bernalillo County, NM, are relatively the same size. However, jail is more expensive in Johnson County, with the community paying \$191.95 per inmate per day compared to \$85.63 per inmate per day in Bernalillo County (Henrichson, Rinaldi, & Delaney, 2015). This is because Johnson County has a lower staffing ratio and higher salaries; the average officer working in the jail makes approximately \$94k per year and monitors 1.4 inmates, whereas his Bernalillo County counterpart makes approximately \$54k per year and monitors 4.1 inmates (Henrichson, Rinaldi, & Delaney, 2015). However, Johnson County has a lower incarcerated population, with 693 inmates (or 121 per 100,000) compared to 2,496 inmates (or 369 per 100,000) in Bernalillo County (Henrichson, Rinaldi, & Delaney, 2015). Therefore, taxpayers in Johnson County spend less on the jail; Johnson County has a total annual cost of \$49 million (or \$82 per resident) while Bernalillo County spends \$78 million per year (or \$113 per resident) on its jail.

This case study becomes particularly significant when considering that despite jail being more expensive in Johnson County, taxpayers pay less there because the inmate population is so low, thus highlighting how much each jurisdiction could save by taking steps to reduce its inmate population.

City and Parish Costs. In 2015, the City and Parish paid more, on average, for out-of-Parish prisoners than in-Parish prisoners. The accompanying table presents relevant 2015 costs regarding the Parish Prison.

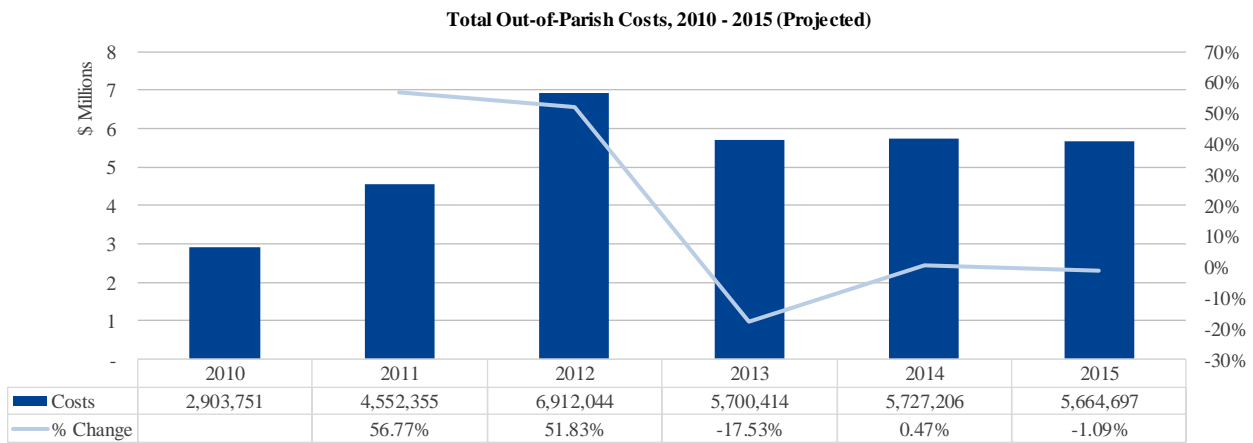
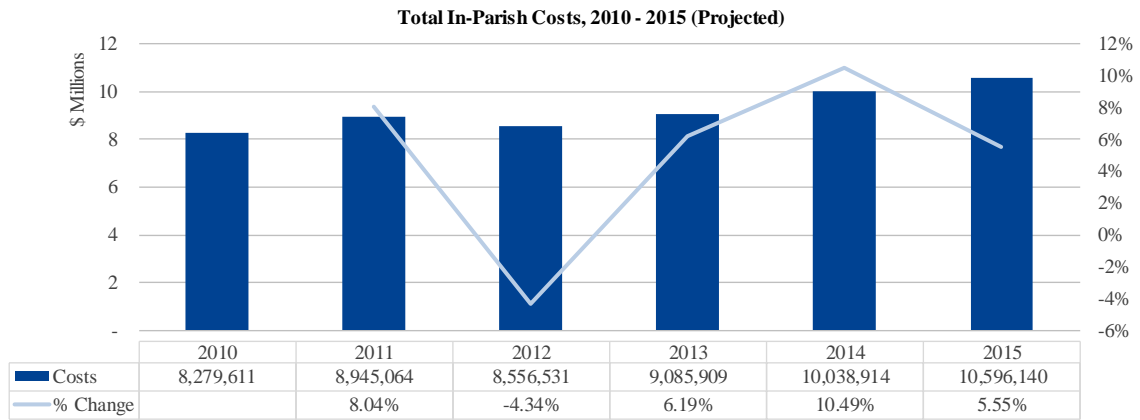
2015 Cost Breakdown	
2015 Average In-Parish Population	1,514
2015 Est. Out-of-Parish Population	600
2015 Total Prison Population	2,114
2015 In-Parish Costs	\$10,596,140.22
2015 Out-of-Parish Costs	\$5,664,696.61
2015 In-Parish Cost/Day/Prisoner	\$19.18
2015 Out-of-Parish Cost/Day/Prisoner	\$25.87

Source: City of Baton Rouge-Parish of East Baton Rouge Finance Department

On average, the City and Parish is projected to spend approximately \$19.18 per in-Parish prisoner per day in 2015, whereas the City and Parish paid \$25.87 per prisoner per day for each out-of-Parish prisoner. Total in-Parish prison costs were \$10.60 million in 2015, an increase of 5.55% from 2014 total in-Parish costs. In fact, in-Parish costs have been on the rise since 2013, with the largest rise in costs being in 2014, which had a 10.49% increase in costs over 2013. Comparatively, 2015 out-of-Parish costs are projected to be \$5.66 million, a 1.09% decrease over 2014. There can be anywhere from 500 to 700 prisoners being housed out-of-Parish on a daily basis. The below charts illustrate the trend in both in-Parish and out-of-Parish costs over the past six years (with 2015 figures being

projected). Note that these are major costs, and do not include costs of the East Baton Rouge Sherriff.

Figure 13 Total In-Parish and Out-of-Parish Costs, 2010 – 2015



Source: City of Baton Rouge – Parish of East Baton Rouge

Daily Costs. Using the average in-Parish 2015 per prisoner per day cost of \$19.18, and the provided out-of-Parish per prisoner per day cost of \$25.87, we have compiled the below in-Parish and out-of-Parish daily costs by number of days and number of prisoners. Of particular note is that the City and Parish spends about \$6,500 per prisoner per year on in-Parish prisoners, and \$9,125 per prisoner per year on out-of-Parish prisoners, thus highlighting why it is imperative that the City and Parish and each part of the criminal justice system work to reduce the amount of prisoners sent out of Parish.

Figure 14 Estimated In-Parish and Out-of-Parish Daily Costs

Estimated In-Parish Daily Costs							
Days							
No. of Prisoners	1	30	60	90	180	270	365
1	19.18	575.34	1,150.67	1,726.01	3,452.02	5,178.03	6,999.93
25	479.45	14,383.41	28,766.83	43,150.24	86,300.48	129,450.71	174,998.19
50	958.89	28,766.83	57,533.65	86,300.48	172,600.95	258,901.43	349,996.37
75	1,438.34	43,150.24	86,300.48	129,450.71	258,901.43	388,352.14	524,994.56
100	1,917.79	57,533.65	115,067.30	172,600.95	345,201.90	517,802.85	699,992.75
200	3,835.58	115,067.30	230,134.60	345,201.90	690,403.81	1,035,605.71	1,399,985.50
300	5,753.37	172,600.95	345,201.90	517,802.85	1,035,605.71	1,553,408.56	2,099,978.24
400	7,671.15	230,134.60	460,269.20	690,403.81	1,380,807.61	2,071,211.42	2,799,970.99
500	9,588.94	287,668.25	575,336.51	863,004.76	1,726,009.52	2,589,014.27	3,499,963.74
600	11,506.73	345,201.90	690,403.81	1,035,605.71	2,071,211.42	3,106,817.13	4,199,956.49
700	13,424.52	402,735.55	805,471.11	1,208,206.66	2,416,413.32	3,624,619.98	4,899,949.23

Estimated Out-of-Parish Daily Costs							
Days							
No. of Prisoners	1	30	60	90	180	270	365
1	25.87	775.99	1,551.97	2,327.96	4,655.92	6,983.87	9,441.16
25	646.65	19,399.65	38,799.29	58,198.94	116,397.88	174,596.81	236,029.03
50	1,293.31	38,799.29	77,598.58	116,397.88	232,795.75	349,193.63	472,058.05
75	1,939.96	58,198.94	116,397.88	174,596.81	349,193.63	523,790.44	708,087.08
100	2,586.62	77,598.58	155,197.17	232,795.75	465,591.50	698,387.25	944,116.10
200	5,173.24	155,197.17	310,394.33	465,591.50	931,183.00	1,396,774.51	1,888,232.20
300	7,759.86	232,795.75	465,591.50	698,387.25	1,396,774.51	2,095,161.76	2,832,348.31
400	10,346.48	310,394.33	620,788.67	931,183.00	1,862,366.01	2,793,549.01	3,776,464.41
500	12,933.10	387,992.92	775,985.84	1,163,978.76	2,327,957.51	3,491,936.27	4,720,580.51
600	15,519.72	465,591.50	931,183.00	1,396,774.51	2,793,549.01	4,190,323.52	5,664,696.61
700	18,106.34	543,190.09	1,086,380.17	1,629,570.26	3,259,140.52	4,888,710.77	6,608,812.71

A reduction of 300 in-Parish inmates over three months would save the City and Parish over \$500k. Similar savings could be realized by reducing the out-of-Parish population by 75 inmates over nine months.

Out-of-Parish costs do not include in-Parish services used to process inmates.
 Source: City of Baton Rouge-Parish of East Baton Rouge Finance Department

Prison Population Analysis. The Parish Prison provided Loop Capital with historical Prison population data, which we have analyzed along with the annual in-Parish Prison costs. The most useful insight to come from this analysis is that while the prison population has, on average, declined by 1.40% over the past five years, the average daily cost per prisoner has increased by 6.84%. The Prison’s average population since 2010 is 1,557, and the average daily cost per prisoner \$16.32. The average daily cost per prisoner has been on a steady increase since 2010, with the Prison paying an average of \$13.91 per prisoner in 2010 to \$19.18 per prisoner in 2015. Figure 15 presents further details regarding the Prison’s historical population and costs.

Figure 15 Historical Jail Population Analysis, 2010 - 2015

Historical Jail Population Analysis, 2010 - 2015							
	2010	2011	2012	2013	2014	2015	5-Year Average
Avg. Population	1,631	1,605	1,506	1,583	1,505	1,514	1,557
YoY Change in Pop.		-1.57%	-6.21%	5.15%	-4.96%	0.61%	-1.40%
Costs	8,279,610.72	8,945,064.34	8,556,531.34	9,085,908.81	10,038,914.48	10,596,140.22	9,250,362
Cost Day/Prisoner	13.91	15.27	15.57	15.72	18.28	19.18	16.32
YoY Change in Costs		7.89%	6.68%	6.49%	7.39%	5.74%	6.84%
Cost Year/Prisoner	5,076.66	5,572.38	5,683.20	5,739.37	6,672.59	6,999.93	5,957
YoY Change in Costs		0.02%	0.02%	0.02%	0.02%	0.02%	0.02%

Year-over-year costs per prisoner per year have steadily increased at around 0.02% per year.

Source: City of Baton Rouge-Parish of East Baton Rouge Finance Department

5. Conclusion

In the preceding report, Loop Capital has detailed specific measures and initiatives implemented by local jurisdictions around the country to realize cost savings as they relate to the criminal justice process. The goal of our effort was to identify systemic reforms that could enhance justice while at the same time reducing the size of a future jail. The reductions, of course, not only affect the capital costs of a new building but carry with it very large implications on the twenty-year NPV of operating additional jail beds. We found the insights and candor of the officials in the Parish valuable, highly professional and immensely helpful.

The challenges facing Baton Rouge of course are not unique. Local governments across the country grapple with costs, crime and a broad national rethinking about the social costs of pretrial incarceration. Although each of the jurisdictions illustrated throughout this report materialized solutions specific to its community, each one has the same foundation that bolsters its success: a coordinated effort among all of its criminal justice agencies to achieve a common goal driven by clear performance metrics. In each of the exemplars we reference, the jurisdiction both identified specific goals and enhanced communication essential to achieving lower prison populations and thus greater cost savings. In Baton Rouge setting clear objectives and comprehensive communication may be achieved through shared technologies, which could be especially helpful in both managing and balancing judges’ dockets, assigning cases and tracking defendants and inmates throughout their journey through the criminal justice system. Data analysis is a crucial piece to tracking and developing goals, and helps the criminal justice community remain responsible and accountable to the people they serve.

In conjunction with a decision on a new Prison, the following recommendations should be considered:

1. Arrest or Summons: The City and Parish should make more use of summons in lieu of arrest. The City of Baton Rouge Police Department has been a leader in this regard and its training and policies should be extended to other departments that utilize the Prison. The monitoring and training of such use by individual officers will produce further benefits.
2. Pre-Trial Services: The new prison should include better organized and more space for such services. Pre-trial assessments with a more comprehensive and formal matrix, bolstered by up-to-date systems that can verify certain data elements will result in better initial bond settings and fewer individuals kept in the jail simply because they are unable to afford bail. For example, the City of Chicago utilizes a risk assessment test to determine if an offender should be treated for drug abuse or is in need of other social services to avoid having the defendant enter the criminal justice system. The Chicago program boasts a 60% success rate, with those who fail the program being sent to court. Pre-trial services could also help in tracking those who are arrested and serve time more frequently than the rest of the population, and target this population to better understand the source of their re-offenses and perhaps prevent them from being re-arrested.
3. Probation: A formal Probation Department will provide alternatives to incarceration in pre- and post-trial environments. The cost of electronic monitoring is substantially less than incarceration; yet only those offenders

who can afford to pay for their monitoring are eligible to receive it. This results in nonviolent minor and poor offenders kept in jail at higher taxpayer expense. Probation monitoring of offenders will reduce expenses compared to jail for offenders who can be safely released without electronic monitoring options as well.

4. **Magistrate Court:** The Parish should consider certain services to be offered by the Court as a system instead of by each judge. For example, a magistrate-type court to set initial bonds located in the new prison would more efficiently reduce the prison population by simply reducing delays. Such a court could also receive en banc authority to meet, for example, on Fridays to take up the case of minor offenders still in jail awaiting court settings. For example, New York City has a magistrate court that allows for all misdemeanors to be arraigned within 24 hours and all felonies to be indicted within six days.
5. **Mental Health and Public Intoxication Options:** Increasing these options to include a place other than the jail to take non-criminal persons acting out and in need of such services would not only assist the individuals, it would shift costs to Medicaid for treatment and sharply reduce the intake costs to the Parish. For example, Cook County's takes a few minutes to interview inmates regarding their mental health history during the booking process to determine if they should be diverted to a mental health treatment program.
6. **Charging Times:** The time period it takes to file a police report greatly exceeds national best practices, driven both by custom and the lack of an electronic system. Reducing such time from 21 days to a day is possible with a resulting ripple impact throughout the system.
7. **Case Load Management:** Just as in other systems some courts have longer periods for disposition than others. These variations can be driven by public defender or DA workloads, the judge's practices or the nature of the offense. There are dashboards that would allow an official or organization like a criminal justice coordinating council and presiding judge to make management decisions that would speed dockets and save time and prison days. Expedited case management has proven quite successful in other jurisdictions, assisting in the rapid processing of minor offenders who otherwise may become more serious criminals while incarcerated even while increasing costs for taxpayers.
8. **Monitoring Reforms:** A formal criminal justice coordinating council of senior officials should meet regularly to monitor reforms and metrics concerning the above. The City and Parish should investigate possible technological solutions that would better connect the various criminal justice agencies and collect data on defendants, as well as past and present inmates.

Diversion programs have become a pre-eminent method by which local jurisdictions have achieved lower jail and prison populations while still keeping their communities safe and providing necessary medical, social and mental health treatment for those in need. These programs typically use data collected by the criminal justice community to discover qualified defendants who may benefit from a diversion program, benefitting qualified offenders who have become entangled in the criminal justice system via a mental illness, substance abuse or other social factors, allowing these individuals to minimize their time in jail. Research has proven that the less time an individual spends in jail, the less likely they are to reoffend, which allows jurisdictions to not only realize savings from reducing their jail population today, but also future cost savings from preventing a higher jail population moving forward. The City and Parish would greatly benefit from implementing a diversion program, via a pre-trial risk assessment tool, mental health and substance abuse screenings, and the use of electronic monitoring. Once the programs have been enforced, defendants should be monitored and evaluated at each step of the criminal justice process to ensure that he or she cannot benefit from a diversion program.

Loop Capital also recognizes that there are a number of process improvements that the City and Parish could implement which would produce faster justice. Arresting agencies should make better use of summons and citations for non-violent and first-time offenders in order to allow defendants to be processed through the criminal justice system faster while remaining out of jail. The implementation of a magistrate court, to be utilized to control overflow and during off-hours, could ensure that no defendant stays behind bars longer than necessary. Court assignment smoothing via the implementation of a shared technological solution to manage the downtime before a defendant goes on trial would both help defendants move through the court system faster and ensure that no judge's docket is significantly larger than the others. Comprehensive pre-trial

bond services could ensure that no defendant is sitting in jail simply because he cannot pay the bond assigned. Engaging the public defender or a private lawyer, if opted for by the defendant, at the setting of the bond, rather than weeks after arrest, would give counsel the opportunity to lobby the court for a lower bond, and allow counsel to begin working the case as soon as possible.

Clearly many of these recommendations will cost money even while reducing other expenses, but the City and Parish should consider all-in costs of criminal justice. More debt for a larger prison generates the need for more correction officers which drives up annual operating costs. The purpose of this study is to suggest that funds invested in operational efficiencies will save much more in the hard costs associated with incarceration and related personnel and medical costs, as well as future operational savings.

All of these measures, save the addition of extra space for pre-trial services, can be taken prior to the construction of a new Parish Prison, and should be implemented before planning for the new Prison so as to better understand how many inmates the new Prison should house.

These and other process improvements could result in significant savings for the City and Parish. The below tables provide estimated scenarios at each step in the process and break down exactly how much the City and Parish could save by implementing these suggestions. The first table, Potential Savings for Diversion Programs, assumes that the City and Parish can make use of each type of diversion program for at least 100 potential inmates, saving a total of \$5.665 million over one year and over \$113.294 million over 20 years. Loop Capital assumes 100 inmates could be diverted given the various diversion programs based on the estimated number of out-of-Parish prisoners, in an effort to remove the out-of-Parish prison population all together. The cost per day per prisoner figure, \$25.87, was calculated based on an estimated out-of-Parish prison population of 600 inmates, and the 2015 out-of-Parish prison costs provided by the City of Baton Rouge Finance Department.

Figure 16 Potential Cost Savings – Diversion Programs

Potential Annual Savings for Diversion Programs						
Description	Cost per Day per Inmate*	Prison Days Per Year	Number of Inmates	Potential Annual Cost Savings	Potential Cost Savings over 20 Years	Net Present Value Savings
Summons	\$ 25.87	365	100	\$ 944,116.10	\$ 18,882,322.03	\$ 13,887,794.36
Pre-Trial Diversion	25.87	365	100	944,116.10	18,882,322.03	13,887,794.36
Probation	25.87	365	100	944,116.10	18,882,322.03	13,887,794.36
Magistrate Court	25.87	365	100	944,116.10	18,882,322.03	13,887,794.36
Mental Health Assessment	25.87	365	100	944,116.10	18,882,322.03	13,887,794.36
Case Management	25.87	365	100	944,116.10	18,882,322.03	13,887,794.36
Total				\$ 5,664,696.61	\$ 113,293,932.20	\$ 83,326,766.15

Source: City of Baton Rouge-Parish of East Baton Rouge Finance Department

*Based on a 2015 average out-of-Parish prison population of 600 with a total cost of \$5.7 million

The second table, Potential Savings for Process Improvements, looks at the 2015 in-Parish and out-of-Parish prison population and applies those numbers to the possible savings realized through process improvements. The cost per day per prisoner figure in this chart, \$21.08, was calculated using a weighted average of the in-Parish and out-of-Parish prison populations, as both populations will be effected by process improvements within the City and Parish system. Loop Capital recognizes that over 18,000 inmates were booked in 2015, but because costs specifically related to the booking process were not identified in the data received, we have conservatively assumed that only the total 2015 in-Parish and out-of-Parish populations would be affected by booking process improvements. In total, if the City and Parish were to implement all suggested process improvements, average prison time can be shaved down by 80 days for misdemeanor defendants, and by 110 days for felony defendants. Days saved include sequential processes, and not processes that occur concurrently.

Please note that Loop Capital did not investigate specific court processes; days saved during trial and sentencing are based on

anecdotal data provided during interviews with representatives from the Baton Rouge criminal justice community and should only serve as a basis for further investigation into how the court system affects the greater goals of the Parish Prison.

Figure 17 Potential Cost Savings – Process Improvements

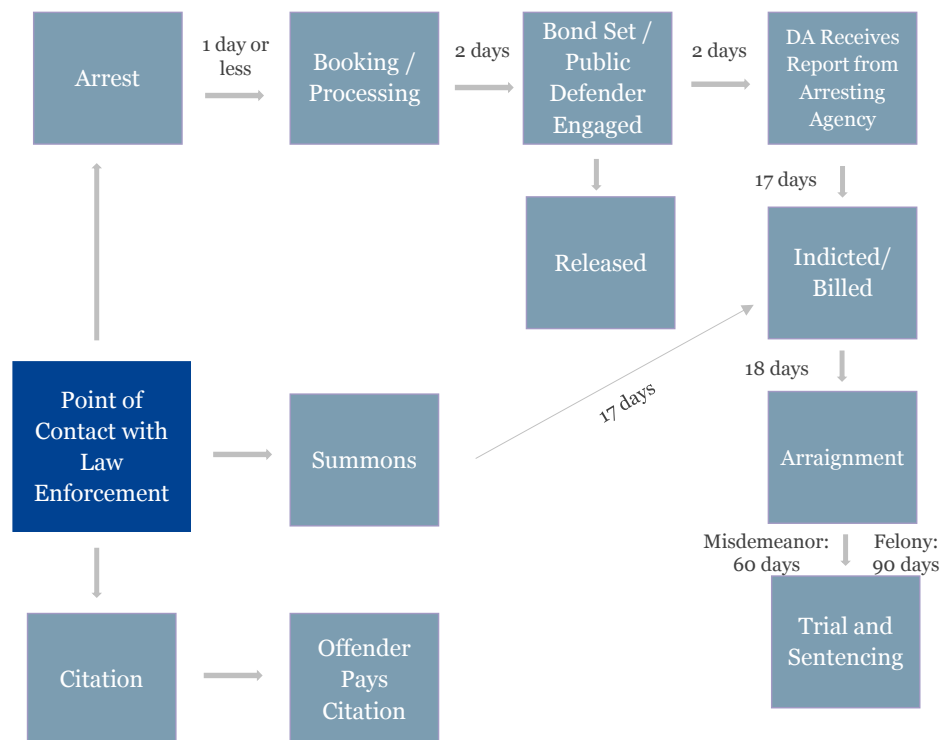
Potential Annual Savings for Process Improvements									
Process	Cost per Day per Inmate*	Current Process (Average)	Improved Process (Average)	Number of Days Saved	2015 In-Parish and Out-of-Parish Pop.	Potential Annual Cost Savings	Potential Cost Savings over 20 Years	Net Present Value Savings	
Booking	\$ 21.08	2	1	1	2,114	\$ 44,555.51	\$ 891,110.14	\$ 655,404.26	
Bond Set / Public Defender Engaged	21.08	28	2	26	2,114	1,158,443.18	23,168,863.63	17,040,510.86	
DA Receives Report from Arresting Agency	21.08	28	2	26	2,114	1,158,443.18	23,168,863.63	17,040,510.86	
Indicted / Billed	21.08	30	14	10	2,114	445,555.07	8,911,101.40	6,554,042.64	
Arraignment	21.08	14	1	13	2,114	579,221.59	11,584,431.82	8,520,255.43	
Trial and Sentencing (Misdemeanor)	21.08	60	30	30	1,375	869,507.67	17,390,153.48	12,790,316.52	
Trial and Sentencing (Felony)	21.08	120	60	60	739	934,315.07	18,686,301.42	13,743,622.79	
Total				Misdemeanor: 80 Felony: 110		\$5,190,041.28	\$ 103,800,825.53	\$ 76,344,663.37	

Source: City of Baton Rouge-Parish of East Baton Rouge Finance Department

*Based on a 2015 average in-Parish prison population of 1,514 with a total cost of \$10.6 million and a 2015 average out-of-Parish prison population of 600 with a total cost of \$5.7 million

The below chart details how many days Loop Capital recommends for each step in the process (from arrest).

Figure 18 Improved Criminal Justice Process



APPENDIX

A. Kentucky Pre-Trial Risk Assessment Tool

Table 11
The Current And New Weighting Rules For The Revised Pretrial Risk Assessment Instrument.

	Scoring Items	Current		Modified	
		Yes	No	Yes	No
1	Does the defendant have a verified local address and has the defendant lived in the area for the past twelve months?		1		2
2	Does the defendant have verified sufficient means of support?		1		1
3	Did a reference verify that he or she would be willing to attend court with the defendant or sign a surety bond?		1	Removed	
4	Is the defendant's current charge a Class A, B, or C Felony?	1		1	
5	Is the defendant charged with a new offense while there is a pending case?	5		7	
6	Does the defendant have an active warrant(s) for Failure to Appear prior to disposition? If no, does the defendant have a prior FTA for felony or misdemeanor?	4		2	
7	Does the defendant have prior FTA on his or her record for a criminal traffic violation?	1		1	
8	Does the defendant have prior misdemeanor convictions?	1		2	
9	Does the defendant have prior felony convictions?	1		1	
10	Does the defendant have prior violent crime convictions?	2		1	
11	Does the defendant have a history of drug/alcohol abuse?	2		2	
12	Does the defendant have a prior conviction for felony escape?	1		3	
13	Is the defendant currently on probation/ parole from a felony conviction?	2		1	
	Did you receive special education services in school for an emotional or behavioral problem?	Not Used			
	Have you ever spoken to a counselor or psychologist about a personal problem?	Not Used			
	Violated conditions of pretrial release in last 12 mos	Not Used			
	If yes, was bond revoked?	Not Used			

Table 12:
The Current And New Cut-Points For The Revised Pretrial Risk Assessment Instrument

	Current	Modified
Low	0-5	0-5
Moderate	6-12	6-13
High	13-High	14-High

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