

# Pretrial Services Research Report: Recommendations Based Upon Spring 2016 Data From Jail Administrators Survey and October 2014–September 2015 Data From Horry County and Kershaw County Detention Centers



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"THE ART OF THE POSSIBLE"

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## EXECUTIVE SUMMARY

The potential for significant cost savings for local jails based on earlier release of low risk defendants is a key finding of this report on pretrial release presented to the S.C. Department of Public Safety by Tidwell and Associates, Inc.

The report was developed in response to the Department of Public Safety's request for a vendor to study pretrial release patterns in South Carolina and develop recommendations for reforms as appropriate. The study was prompted by two major concerns. First was the lack of readily available information about South Carolina's jail population and how these inmates are being managed. Second was the perception that some individuals currently being detained at public cost could potentially be released prior to trial without endangering public safety. Expectations were to see what impact would result from using a validated risk assessment tool to determine release decisions and to project the financial impact of using such a tool.

In 2013, the city of Columbia, S.C. assembled the Mayor's Panel on Violent Crime and Bond Reform, consisting of law enforcement leaders, victim advocates, legal experts and community members. The panel issued a report which called for the use of a validated risk assessment instrument for making pretrial release decisions. The panel's report led to the passage of Senate Bill 19 that addressed violent crimes committed while an individual has been released on bond for a previous violent offense, specifying revocation of the current bond and allowing no bond for the subsequent offense. It also revised the factors to be considered when determining conditions of release on bond, adding presence in the gang database as a factor to be considered. Finally, it established a study committee to review the state's current bond laws and make recommendations to be considered by the General Assembly.

The team from Tidwell and Associates conducted a statewide survey of local jails and reported these findings: 1) Eleven facilities of the 31 reporting had an average daily population that exceeded their total rated capacity. Seven of the 11 that indicated an overcrowding situation also reported that they were in violation of state minimum standards; 2) Daily costs per inmate varied from \$7 to \$184 and the overall cost per inmate stay varied from a low of \$30 to a high of \$6,864; 3) While 25 of the 31 facilities reported that they used a validated risk assessment tool, only 11 said that they used such a tool in the admission process. Most of the facilities used such a tool for classification purposes, followed by determining assignment to work details. Only eight used the tool for decisions concerning detention/community placement; 4) Eleven facilities reported the use of home detention or electronic monitoring, with the majority of these deeming that both pretrial inmates and other specific groups of inmates are eligible for participation; and 5) The majority of facilities reported having an automated information system, and many of those are maintained by external vendors. Nineteen facilities reported using that automated system for analyzing inmate data.

Because each local jail is administered by local government, there is no statewide authority to address the issue of inconsistency and standardization of pretrial policies and information systems. The S.C. Department of Corrections monitors compliance with standards, but that is the only statewide role now in place for local jails.

In addition to the statewide jail survey, the Tidwell team examined the data from two local detention centers, Horry and Kershaw, to project the potential impact of using a validated risk assessment instrument in those two facilities. While the Public Safety Assessment-Court (PSA-Court) instrument mentioned in the paragraph on the Mayor's Panel was the preferred tool, it has not been released for general use. Therefore, the Kentucky Pretrial Risk Assessment (KPRA-S), a predecessor tool which has been extensively validated, was selected for use in making projections. Case studies were completed on the two detention centers to provide an indication of what the potential impact could be with two examples, which are not representative of the state as a whole. Because of the data limitations and resources allowed for this project, it was determined that this was the best approach. Both counties submitted data records for inmates detained from October, 2014 through September, 2015. Horry County provided 11,245 records and Kershaw provided 3,340 records.

Misdemeanors accounted for the vast majority of bookings at both facilities (Horry-77.5%) (Kershaw-76.9%). At each center, detention stays of 24 hours or less were common (Horry-44.3%) (Kershaw-61.4%). At both centers, more than half of inmates were released on some form of bond, either cash/surety or personal recognizance (PR).

The length of time from booking to bond release was also examined. For the most part, time to release on Personal Recognizance (PR) bond was swift, with nearly all inmates on a PR bond being released in the first 24 hours. Although the median time to release on Cash Surety bond was approximately one day, release took several days for many inmates and more than a week for 10%.

As mentioned earlier, to project the potential impact of using a validated risk assessment tool on release decisions at these two facilities, the KPRA-S was used to calculate risk levels among inmates who were booked at both facilities during the specified time period. The risk factors used were: 1) pending cases, 2) current arrest for failure to appear in court, 3) prior history of failure to appear, 4) prior history of misdemeanor convictions, 5) prior felony convictions, 6) prior violent convictions, and 7) being under probation or parole supervision for a felony offense.

The scores were determined by applying the appropriate weight for each factor to the inmates booked at each detention center. Among Horry inmates, 32.2% were low risk, 35.6 % were low moderate risk, 22.8% were moderate risk, 6.7% were moderate high risk and 2.8% were high risk. Among Kershaw inmates, 23.2% were low risk, 24.4% were low moderate risk, 36.3% were moderate risk, 13.6% were moderate high risk and 2.5% were high risk.

Among Horry low risk inmates, 64.5% were released within 24 hours, and 12.9% spent more than a week in detention. Among low moderate inmates, 43.2% were released within 24 hours, and 25.8% spent more than a week in detention. Among Kershaw low risk inmates, 75.4% were released within 24 hours, and 7.0% spent more than a week in detention. Among low moderate risk inmates, 59.5% were released within 24 hours, and 19.7% spent more than a week in detention.

## Potential Cost Savings under Specific Release Scenarios<sup>1</sup>

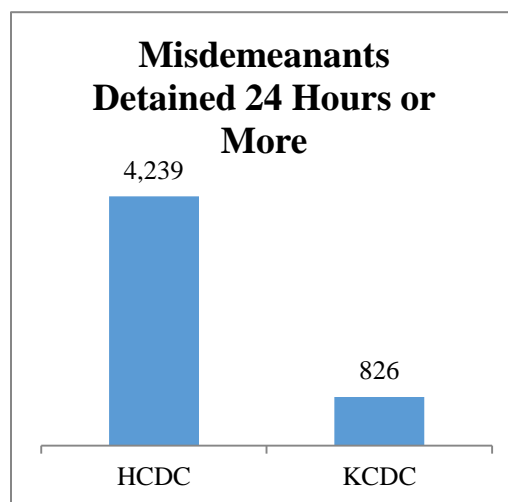
The cost impact of linking various risk scores to pretrial release was calculated for a variety of target groups and included consideration of risk categories within each group. Target groups were based on the most serious booking offense (misdemeanors and felonies by class) for inmates detained more than 24 hours. Inmates detained 24 hours or less were excluded based on the assumption that no cost savings would be forthcoming for these inmates. Because of their extremely serious nature, inmates who were booked for Class X felonies were also excluded from calculations. Cost savings were calculated by applying the cost per day (as determined by HCDC and KCDC's responses to the Jail Administrator Survey) to the average time in detention (calculated by subtracting booking date and time from release date and time minus one day to account for processing) to the number of inmates in each category ([Cost per day x adjusted average days in detention] x number of inmates in category). It is important to note that these analyses represent the *maximum* possible cost savings for each population of interest; that is, each analysis assumes cost savings for every inmate in the target group and for every inmate in each risk category within that target group. *It is also important to note that, although each target group is referred to by their most serious booking offense, this label refers to the booking offense, not prior convictions.*

### Release Scenario: Misdemeanant Target Group

In the HCDC sample, there were 4,239 misdemeanants detained 24 hours or more, or 37.6% of the sample. In the KCDC sample, there were 826 misdemeanants detained 24 hours or more, or 24.7% of the sample.

*Using bed days as a means of calculating savings, if HCDC were to release misdemeanants with a low or low moderate risk level, approximately 32,759 bed days would be saved [(884 low risk x 12.0 avg. days detained) + (1549 low moderate x 14.3 avg. days detained) = 32,759]. Using HCDC's rated capacity of 991 (as reported on the jail administrators survey) results in 361,715 total possible bed days annually, meaning that releasing low and low moderate risk misdemeanants would free up about 9% of the total possible bed days.*

*Again using bed days as a means of calculating savings, if KCDC were to release misdemeanants with a low or low moderate risk level, approximately 1,198 bed days would be saved [(68 low risk x 8.2 avg. days detained) + (58 low moderate x 10.9 avg. days detained) = 1,198]. Using KCDC's rated capacity of 100 (as reported on the jail administrators survey) results in 36,500 total possible bed days annually, meaning that releasing low and low moderate risk misdemeanants would free up slightly more than 3% of the total possible bed days. Using the reported operational capacity of 170 results in 62,050 total possible bed days and yields a savings of almost 2% of the total possible bed days.*



<sup>1</sup> See Appendix 10 for more detailed information.

*Most importantly, both facilities had identifiable sub-populations of inmates with misdemeanor offenses and lower risk scores who were not being released within 24 hours of booking. Such inmates constitute a target group for potential diversion and subsequent cost savings. Among the HCDC misdemeanant target group, the low risk category represented a potential cost savings of more than \$1,000,000. The low moderate risk category represented a potential cost savings of almost \$2,200,000. At KCDC, the scale of potential cost savings was smaller and the target group was a higher risk population. Among the KCDC misdemeanant target group and the low risk category represented a potential cost savings of \$32,000. The low moderate risk category represented a potential cost savings of \$35,000*

Based on the findings of this study, several recommendations are presented below for next steps needed to establish a process for more consistency in the collection of data, establishing best practices, and determining a validated risk assessment instrument to use in South Carolina which provides a structure for making more knowledgeable decisions on pretrial release.

These recommendations are supported by the findings from the jail administrators survey and the detention center data analysis. More detailed discussion of each recommendation and the findings which support it follow.

**Risk Assessment Development Committee:** *A committee responsible for developing administrative and legislative recommendations regarding the implementation of risk assessment instruments for use in determining release or detention decisions should be created.*

While many detention facilities currently use empirical risk assessment instruments, they use different instruments in different ways for different purposes. *Some level of statewide uniformity is likely to improve all aspects of risk assessment implementation.* Public safety stakeholders should be involved in determining the most appropriate ways to use such tools. The Risk Assessment Development Committee should include representatives from the South Carolina Department of Corrections; the South Carolina Sheriffs' Association; the South Carolina Jail Administrators' Association; the South Carolina Commission on Prosecution Coordination; the South Carolina Association of Counties; the South Carolina Office of Revenue and Fiscal Affairs; the South Carolina Department of Probation, Parole & Pardon Services; the South Carolina Judicial Department; the Corrections and Penology committees of the South Carolina General Assembly; the South Carolina Summary Court Judges' Association; the Horry and Kershaw Detention Centers, and the Charleston County Detention Center. **The committee should be formed as soon as possible to determine appropriate legislative recommendations for consideration by the General Assembly.** Although the scope of this report is limited to pretrial detention and jail practices, the committee may wish to consider a wider scope of operation.

**Pretrial Risk Assessment Pilot Project.** *South Carolina should implement a pilot project to identify low risk pretrial detainees charged with misdemeanors who can be released. These detainees should be identified using a validated risk assessment tool which includes flagging those most likely to commit a new violent offense during the pretrial period. The impact of the project on failure to appear for court and commission of new offenses, especially violent offenses, prior to case disposition should be evaluated.*

*Analysis indicates the presence of substantial low risk populations, a large proportion of whom were booked for misdemeanors and detained for more than 24 hours. Cost factor analysis demonstrated that meaningful cost savings could be achieved through releasing low risk, misdemeanor level offenders from pretrial detention.* However, from this analysis, it is impossible to determine whether similar results would be achieved upon implementation in the community. It is also important to determine what modifications to existing policies and procedures might be required to implement a pretrial release program based on inmate risk level. Therefore, South Carolina should conduct a pilot project including several counties of differing sizes; each county should be able to collect and report the data required to evaluate the cost savings and public safety impact of implementing pretrial, risk-based release. The participating counties would apply an empirical risk assessment instrument to inmates within 24 hours of booking. Any calculations of cost savings should consider the cost savings gained by avoiding additional construction of jail space. These savings are particularly important to county governments, who in financial terms, are one of the most important stakeholders in the pretrial detention process. **This Risk Development Committee should seek out funding and technical assistance for the pilot project, with the committee overseeing the project's implementation and evaluation.** Possible funding sources include the Justice Assistance Grant Program through the South Carolina Department of Public Safety's Office of Highway Safety and Justice Programs, state appropriations, as well as private funding sources such as the John D. and Catherine T. MacArthur Foundation. Evaluation results should be used to determine if expansion of such a process is warranted, to identify implementation challenges that need to be overcome, and to identify processes that need to be adopted for a risk based pretrial diversion initiative to be successful.

**Directory of Detention Center Policies, Programs and Practices.** *A detailed survey should be conducted to collect specific information on each detention center's policies, programs and practices.*

Findings indicate that county detention facilities operate a variety of diversionary and other programs. Given the widespread use of such programs, more information needs to be collected, including the degree to which programs are evidence-based, producing outcomes, and/or currently being evaluated. Information regarding the operating policies and procedures associated with these programs should also be collected. A survey of all South Carolina detention facilities should be undertaken by a research team with expertise in jail policies and procedures. After the survey is completed, the research team should produce a directory of detention center facility policies, programs and practices. **The directory can be used to establish a baseline of current practices and the extent to which evidence-based policies and programming are being used. It may also be used to identify specific facilities that are most likely to successfully implement programming to release low risk detainees.**

**Detention Center Data Dictionaries.** *A detailed survey of detention facility information systems should be conducted.*

The findings of the jail administrators survey indicate that all but one of the responding detention facilities has an automated inmate tracking system. Both the jail administrators survey and the detention center data analysis indicate that detention centers have a wide range of capabilities in terms of the data they collect and how they use it. *Detention facility information systems use different release codes, different offense codes, and different racial categories.* Achieving a clear understanding of exactly what information is collected, and how it is stored and maintained is the logical next step. The detailed survey



should include all detention facilities, and outline in great detail, what information is collected and how it is stored. **Upon completion, the survey information should be used to create a data dictionary for each detention facility. Survey results will also serve as the basis for collecting, maintaining and publishing statistical information concerning detention facilities and inmate populations in the future. Adoption of common codes across jurisdictions, such as court docket record codes for offenses, would better enable statewide or multiple jurisdictional analyses. Similarly, common codes for type of release and other variables including personal identifiers would also facilitate the ability to conduct analyses statewide and among counties.**

**Centralized Authority for Detention Center Data and Promotion of Evidence Based Practice.** *A centralized authority with the mandate to continually collect, maintain and publish statistical information concerning detention facilities and inmate populations should be established. The authority should also promote detention center adoption of evidence based practices, including measures aimed at minimizing pretrial detention while promoting public safety. Finally, the authority should maintain the Detention Center Policies & Procedures Directory discussed previously.*

Presently, information concerning jail practices and inmate populations is not readily available. Thorough, reliable data is essential to effective policy development. The results of a survey of existing data detention center information systems (discussed above) will allow for the identification of key data measures to be routinely monitored and regularly published. However, some degree of oversight and governance will be necessary to ensuring data accuracy and reliability. Therefore, a centralized authority responsible for collecting, maintaining and publishing the statistical information is needed.

In addition, the results of the detention facility policies and procedures survey will provide a baseline of information concerning local detention facilities that should be updated on an ongoing basis. It will also allow for the identification of best practices and evidence based programs currently in use by detention facilities. Establishing one centralized authority responsible for overseeing both population and programmatic data collection will create a central point of information and technical assistance for detention facilities. The authority could be located at the South Carolina Department of Corrections which already has experience collecting data from jails and working with them on detention standards, a newly established entity or any other appropriate location.

**Provision of Inmate Records to State Data Warehouse.** *Detention facilities should be encouraged to work with the South Carolina Office of Revenue and Fiscal Affairs to provide inmate records on a regular basis to the State Data Warehouse.*

The detention center analysis demonstrates the added utility of linking jail inmate records to computerized criminal history records. Linking jail inmate records to other data sources would increase the level of knowledge about jail inmates. The State Data Warehouse would be able to link inmate records to client records from other agencies including other criminal justice agencies and service providers and allow for in-depth research concerning inmate risks and needs (such as substance abuse or mental health) without compromising data security or individual privacy.

**Collaboration with Charleston County on its Safety + Justice Challenge Project.** *The committee should collaborate closely with Charleston County on its Safety + Justice Challenge award from the John D. and Catherine T. MacArthur Foundation.*

Recently, Charleston County's Criminal Justice Coordinating Council (CJCC) was awarded \$2.25 million and technical assistance from the John D. and Catherine T. MacArthur Foundation's Safety + Justice Challenge, a national effort to change how America thinks about and uses jails. The award follows local efforts to better understand how Charleston uses its jail. The CJCC has identified and committed to enacting specific reforms to improve the use of the jail and local criminal justice system. It is important for the committee to take advantage of this opportunity and to benefit from the experience of Charleston County as it implements and evaluates its reform initiative.

## INTRODUCTION

The freedom from excessive bail is enshrined in the Eighth Amendment to the Constitution of the United States. While that right is concisely expressed, “Excessive bail shall not be required,” making that principle a reality is neither simple nor straightforward. The right of the community to be secure in their person and property must be balanced along with the rights of the accused, who are presumed to be innocent. Determining the degree of risk presented by the accused is a complex proposition and one for which the state is not presently equipped. As a result, it is difficult to know the degree to which the state’s pretrial detention practices, which vary from jurisdiction to jurisdiction, balance risk and public safety.

To address that uncertainty, in December 2015, the South Carolina Statistical Analysis Center within the South Carolina Department of Public Safety’s Office of Highway Safety and Justice Programs issued a Request for a Quote to complete a pretrial research project. The project’s purpose was to collect data on South Carolina’s pretrial jail population to be used as a foundation for implementing pretrial release programs. This study was prompted by two concerns. The first concern was the lack of readily available information about South Carolina’s jail population and how these inmates are being managed by the county detention centers. The second concern was the perception that individuals currently being detained at public cost could potentially be released prior to trial without endangering public safety. Expectations included collecting extensive information about the pretrial jail population (criminal histories, costs, etc.), as well as using a validated risk assessment instrument to project the cost and public safety impacts of various release scenarios. The project’s findings were to be used to recommend changes in the existing pretrial release system that would balance risk and public safety against justice and cost reductions.

A contract was established with Tidwell and Associates, Inc., a local firm with a solid reputation for providing state agencies, school districts, and other entities with quality assistance in population-based needs assessment and strategy development. Both the Project Manager (Mr. Rob McManus) and the Principal in Charge (Mr. Ritchie Tidwell) possess specific expertise in the public safety field.

## BACKGROUND

The decision to release or detain individuals who have been accused of criminal acts is one of the first steps in the process of dealing with alleged offenders. The decision must balance several, seemingly conflicting, concerns. The American Bar Association enumerates these concerns as providing due process for the accused; ensuring the appearance of the accused at trial; and providing for the safety and protection for crime victims, potential witnesses, and the community as a whole while providing the accused with the least restrictive conditions possible (ABA, 2007).<sup>2</sup> Historically, these concerns have been addressed primarily by allowing those accused of crimes to post bonds of cash or property to secure their release until trial. The problem with this approach is that while it addresses the issues of due process and court appearance, it does not address the issues of community safety, crime victim security and

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<sup>2</sup> American Bar Association. ABA Standards for Criminal Justice Pretrial Release, 3<sup>rd</sup> edition, 2007.

witness protection. In South Carolina, for those accused of bail-eligible offenses, summary court judges are statutorily required to consider criminal record, pending charges, the facts of the current case as outlined in the incident report, status as an illegal alien, and gang membership as identified by the South Carolina Law Enforcement Division (SLED) in making release/detention decisions. Summary court judges are allowed to consider family ties, employment, financial resources, character and mental condition, longevity of residence, prior convictions, and previous failures to appear in court in the detention (SC Statute 17–15–30, SC Statute 22–5–510).<sup>3</sup> Although these considerations are quite comprehensive, they do not specify precisely how these factors are to be weighed and how the synthesis of these factors is to be used to arrive at a specific decision. These tasks are left to judicial discretion.

Empirical risk instruments are widely used for criminal justice purposes. Corrections and community corrections agencies routinely use actuarial instruments to classify their clients for appropriate housing assignments, security levels, and types of community supervision. Parole authorities use risk assessment instruments to assist in the parole release decision process. Although the use of risk assessment instruments for pretrial detention decisions is a more recent development, a number of jurisdictions are currently using validated instruments. These include the federal system; Mecklenburg County, North Carolina; Virginia; Kentucky; Florida; Connecticut; Coconino County, Arizona; Colorado; Ohio; New York; Indiana; California; and Maryland (NCJA, 2015).<sup>4</sup>

### **Selection of the Pretrial Screening Instrument Used in this Project**

As indicated earlier, the most important decisions made during the pretrial phase pertain to whether a defendant will be detained or released before trial.<sup>5</sup> Many defendants are low-risk individuals who, if released before trial, are highly unlikely to commit other crimes and are likely to return to court. Others present moderate risks and can often be managed in the community through supervision, monitoring, or other interventions. There is, of course, a small group of defendants who should most often be detained because they pose significant risks of committing acts of violence, committing additional crimes, or skipping court. The key, then, is to make sure that we accurately distinguish among the low, moderate, and high-risk defendants, and identify those who are at an elevated risk for violence.

In 2012, only about 10 percent of courts used evidence-based risk assessment instruments to help them decide whether to release, supervise, or detain defendants. This low adoption rate was due in large part to the fact that existing risk assessments required that information be collected through interviews with defendants. Analysis of the eight existing instruments available at that time revealed that static factors such as prior convictions and prior failures to appear were stronger predictors of poor public safety outcomes (new criminal activity, failure to appear) than were dynamic factors such as residence or employment. This research led to the development of the non-interview based Kentucky Pretrial Release

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<sup>3</sup> South Carolina Statutes, 17–15–30, SC Statute 22–5–510.

<sup>4</sup> The National Criminal Justice Association, [www.ncjp.org/pretrial](http://www.ncjp.org/pretrial), 2015.

<sup>5</sup> LJAF is leveraging data, analytics, and technology to improve decision making during the earliest part of the criminal justice process—from the time a defendant is arrested until the case is resolved. All of the material on selecting a Pretrial Risk Screening instrument has been drawn from LJAF material and is discussed in more detail on their website. <http://www.arnoldfoundation.org/about/>. Accessed on 8/6/2016.

Assessment (KPRA-S), derived from Kentucky's earlier instrument that required a defendant interview. While the KPRA-S predicts both new criminal activity (NCA) and failure to appear (FTA), it does not include an independent predictor of the likelihood that a defendant will commit a new *violent* crime between pretrial release and case disposition.

In order to address the issue of predicting subsequent violent crime, the Laura and John Arnold Foundation (LJAF) developed the Public Safety Assessment – Court (PSA-Court). The PSA-Court was created using a database of over 1.5 million cases drawn from more than 300 U.S. jurisdictions. LJAF analyzed the data to identify the factors that are the best predictors of whether a defendant will commit a new crime, commit a new violent crime, or fail to return to court. These factors include whether the current offense is violent; whether the person has a pending charge at the time of arrest; whether the person has a prior misdemeanor conviction; whether the person has a prior felony conviction; whether the person has a prior conviction for a violent crime; the person's age at the time of arrest; whether the person failed to appear at a pretrial hearing in the last two years; whether the person failed to appear at a pretrial hearing more than two years ago; and whether the person has previously been sentenced to incarceration. The PSA does not consider factors that could be discriminatory such as race, sex, level of education, socioeconomic status, and neighborhood. The PSA is more objective, far less expensive, and requires fewer resources to administer than previous techniques. Because it was developed and validated using data from diverse jurisdictions from across the country, it can be used anywhere in the United States. The PSA is currently being used in 29 jurisdictions including three entire states—Arizona, Kentucky, and New Jersey — as well as three of the largest cities and two of the largest jail systems. The PSA-Court is still being tested, and should be freely available to all jurisdictions in the near future.

**Kentucky's Experience: First Six Months.** On July 1, 2013, judges in all 120 Kentucky counties began using the PSA-Court. In the first six months, Kentucky increased the proportion of defendants released pending trial, from 68% during the previous four years to 70%. What makes the increase in release rate notable is that it has been achieved alongside a *15% decrease in pretrial arrests* — those arrests that come during the period between pretrial release and case disposition — with the average pretrial arrest rate for released defendants declining from 10% to 8.5%. Moreover, while more defendants are now being released, Kentucky has not seen any increase in the rate at which defendants miss court. In short, Kentucky is now detaining more high-risk and potentially violent defendants, while more low-risk defendants are being released.<sup>6</sup>

In addition, during the first six months of the PSA-Court implementation, a select group of judges pilot-tested the PSA-Court's violence "flag," that identifies a small group of defendants who are significantly more likely to commit an act of violence if released before trial. Indeed, flagged defendants — just 6% of individuals who were released — were 17 times more likely to be arrested for new violent criminal activity than were defendants who were not flagged. *Among those flagged for potential violence, 8.6% committed a violent act during the pretrial period compared to 0.5% of those who were not flagged.*

**Projecting the Impact of Pretrial Screening.** While the nine factors on which the PSA-Court is based are known, the specifics on how the instrument is scored are not yet publically available. To ensure

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<sup>6</sup> Please note that this is the most recent published information on the PSA-Court's effectiveness. LJAF indicates that a new publication will be available soon.

implementation fidelity, LJAF currently provides technical assistance to implementing jurisdictions and is not yet ready to release the tool for general public use. Therefore, the KPRA-S described earlier was deemed the most appropriate instrument for use in this project. Scoring procedures for the KPRA-S are included in Appendix 9.

**South Carolina's Previous Experience.** Aside from statutes detailing the authority and responsibilities of summary court judges in making detention/release decisions, South Carolina does not have a statewide uniform pretrial release process, and the degree to which risk assessment instruments are currently used is unknown. In 2013 the City of Columbia assembled The Mayor's Panel on Violent Crime and Bond Reform, consisting of law enforcement leaders, victim advocates, legal experts, and community members. The panel, charged with examining the current situation with crime and pretrial detention, issued a wide-ranging report strongly advocating the use of a risk assessment instrument for making pretrial release/detention decisions, specifically citing the PSA - Court instrument. The panel also advocated the adoption of alternative measures to cash and property bonds, such as electronic monitoring, as a means of reducing pretrial detentions, although it noted that South Carolina, unlike some states, lacks the infrastructure that a statewide pretrial services program would require (City of Columbia, 2013).<sup>7</sup> The panel's report led to the passage of Senate Bill 19 that addressed violent crimes committed while an individual has been released on bond for a previous violent offense, specifying revocation of the current bond and allowing no bond for the subsequent offense. It also revised the factors to be considered when determining conditions of release on bond, adding presence in the state's gang database as a factor to be considered. Finally, it established a Study Committee to review the state's current bond laws and make recommendations to be considered by the General Assembly.

## PROJECT METHODOLOGY

In order to address the concerns motivating this project, specifically the lack of information about jails and jail inmates, and the perception that offenders were being unnecessarily detained prior to trial, Tidwell and Associates, Inc. proposed a two part approach to the research project. First, data were to be collected by a survey of all jail administrators in the state. The purpose of this task was to gather information about the inmate population, to determine the costs of detention, and to gather information about information system capacity and other important aspects of detention center operations. Second, detention center inmate records would be provided by select jail facilities and those records would be linked to criminal history and community supervision records from the State Data Warehouse. The purpose of this task was to gather information about inmates released on bond and to use the linked records to populate the risk assessment instrument with the data needed to determine risk levels for inmates. The combined results of this two part approach would be used to fill the existing void of basic information about jail inmate characteristics, to provide insight about inmates released on bond, to provide information about how detention centers collect information and operate, to determine the risk level of jail inmates, and to undertake cost savings analyses based on different release scenarios based on inmate risk.

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<sup>7</sup> City of Columbia. Mayor's Panel on Violent Crime and Bond Reform, 2013.

## JAIL ADMINISTRATORS SURVEY

### Methodology

In the spring of 2016, Tidwell and Associates, Inc. developed a Jail Administrators Survey to be completed by the state's County Jail Administrators. Survey questions were based on the data elements included in the project proposal, as well as review of questions from a similar survey conducted in 2015 by the National Association of Counties. Draft questions were reviewed by the Director of the South Carolina Department of Corrections (SCDC) Division of Compliance, Standards and Inspections. This office provides statewide oversight of the county detention centers and, from 1989 to 2010, administered an annual jail population survey. The Director of SC Department of Public Safety's Statistical Analysis Center also reviewed a draft survey, with suggested revisions incorporated into the final version (see Appendix 1).

After discussion among the various stakeholders, the planned method of survey distribution was modified from the strictly online method originally proposed. First, the SCDC Division of Compliance, Standards and Inspections notified the jail administrators that the survey was coming. Paper surveys with self-addressed stamped return envelopes were mailed to each county jail administrator. Administrators could complete the paper survey or respond to an online version. Forty-four surveys were mailed, with responses requested by April.<sup>8</sup> Tidwell staff sent telephone and email reminders to encourage completion. To accommodate late responses, the deadline was extended an additional month, resulting in 32 responses (23 paper and 9 online). The Project Manager reviewed each response, requesting clarification on specific items as necessary. After multiple clarification requests, one incomplete response was discarded, yielding 31 usable surveys, a 70.5% response rate.<sup>9</sup> A table listing each responding facility is included in Appendix 2.

To prepare for data analysis, the paper surveys were entered into the Survey Monkey portal by Tidwell staff. The raw survey data was then downloaded into an Excel workbook for data cleaning. The cleaning process included adjusting data values as necessary to ensure mathematical accuracy and modifying some of the data as a result of county responses to the Project Manager's clarification requests.

### Summary of Responses<sup>10</sup>

**Overall Population Data.** The average daily population (ADP) represents the number of inmates detained on any given day during calendar year 2015. ADP varied greatly, ranging from a reported low of 12 inmates to a high value of 1,380 inmates. The median value for ADP among the responding facilities was 180 inmates.<sup>11</sup> The mean value for ADP was 289 inmates. The total ADP for the 31 responding facilities was 8,959 inmates.

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<sup>8</sup> The Orangeburg-Calhoun Regional Detention Center and the Sumter-Lee Regional Detention Center serve two counties each.

<sup>9</sup> An additional survey was received after the extended deadline had passed but was not included in the analysis.

<sup>10</sup> See Appendix 3 for more detailed information.

<sup>11</sup> The median value is the middle value in a dataset, while the mean is the average value. When a dataset contains values that differ markedly from others, as do many of the values reported by the jail administrators, the median is often the preferred measure of central tendency.

**Demographics.** The mean percentage of blacks was 53%, followed by whites (41%), Hispanics (5%), and inmates of other races or ethnicities (2%). The mean percentage of males was 84%.

**Length of Stay (LOS).** Among the 19 reporting facilities, the average inmate LOS ranged from 4 to 90 days. The median value for average LOS was 21 days.

**Pretrial Detainee Data.** The term “pretrial detainee” refers to those inmates detained while awaiting trial. Respondents were asked to provide ADP, demographics, and LOS for pretrial detainees as a subpopulation. While several facilities reported they were not able to distinguish between pretrial and other inmates, twenty-three facilities provided ADP for their pretrial population. Among the responding facilities, the median ADP for the pretrial population was 104 and the mean value was 223. The total pretrial ADP for the responding facilities was 5,129 inmates. As with the overall ADP, the ADP for pretrial population varied greatly, ranging from a reported low of 24 pretrial inmates to 1,145 pretrial inmates. The percent of all inmates characterized as “pretrial” ranged from a low of 58% to a high of 99%. Overall, pretrial inmates accounted for 83% of the total inmate population in the reporting facilities.

**Demographics.** Among the responding facilities, the mean percentage of blacks and whites was 46% for each group, followed by Hispanics (7%) and inmates of other races or ethnicities (1%). The mean percentage of males was 85%. Comparing the demographics of the pretrial population to the overall inmate population in these same facilities, the pretrial detainee population was more likely to be male, while race/ethnicity appeared to be comparable.

**Length of Stay (LOS).** The average LOS for pretrial detainees ranged from 1 to 90 days, with the median being 15 days. Overall, LOS was shorter for the pretrial ADP than for the overall ADP, with pretrial inmates having a median LOS of 15 days compared to an overall median LOS of 21 days.

## **Population Management<sup>12</sup>**

**Rated Capacity** represents the number of inmates that a facility is approved to incarcerate according to the standards of the SCDC Jail and Prison Inspections Division. Thirty-one facilities reported their rated capacity, ranging from a low of 28 inmates to a high of 1,917. While the median value for total rated capacity was 167 inmates, the mean capacity was 343 inmates, demonstrating the impact of several high capacity detention facilities on the mean.

The total rated capacity for the 31 reporting facilities (10,633) exceeds the total ADP by 1,674, indicating that the responding facilities are operating at 84.3% of rated capacity. It is important to note that this does not take into account fluctuations in the inmate population that may result in facilities being forced to operate above their rated capacity. It is also important to realize that the overall capacity is of limited value as an indicator of overcrowding since detention facilities operate, for the most part, independently of one another. Eleven facilities (35.5%) reported an ADP that exceeded their total rated capacity, indicating an overcrowding situation for each of those facilities. Seven of the 11 facilities that indicated an overcrowding situation also reported that they were in violation of minimum standards.

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<sup>12</sup> See Appendix 4 for more detailed information.



**Operational capacity** refers to the maximum number of inmates that a facility can safely manage. Operational capacity ranged from a low of 28 inmates to a high of 2,300, with a median of 170. At 10,087 inmates, the total operational capacity was 546 inmates fewer than the rated capacity, or 94.9% of rated capacity. The total operational capacity exceeded the total ADP of the 29 reporting facilities by 1,900 inmates, indicating that the 29 facilities were operating at 81.2% of their operational capacity. Eight facilities (27.6% of those reporting) reported an ADP that exceeded their total operational capacity, another indication of overcrowding. Seven of the 8 facilities that indicated overcrowding on the basis of total operational capacity also reported that they were in violation of minimum standards.

**Minimum Standards Violation.** Nine facilities (29%) reported that they were in violation of minimum standards and needed to build new space. Seven of these had ADPs that exceeded both their rated capacity and their operational capacity.

### Cost Information<sup>13</sup>

Twenty-nine facilities provided their operating budgets for FY 2014–15.<sup>14</sup> Budgets ranged from a low of \$42,340 to a high of \$34,441,866. The median value was \$2,747,123, while the mean was \$6,616,986. The difference between the median and mean values reflects the impact of a few highly funded facilities on the mean (average), a distribution of fiscal resources where a few facilities have much more funding than most other detention facilities.

**Cost per inmate** was calculated both as an annual cost, a daily cost, and a cost per incarceration. Twenty-nine facilities provided both ADP and operating budget information. The annualized cost was calculated by dividing the annual operating budget by the ADP, yielding an annualized cost per inmate. The cost per inmate reflected a wide range — \$2,706 to \$67,233. *The median annualized cost per inmate was \$20,467 and the mean annualized cost per inmate was \$21,467.* The daily cost was calculated by dividing the annual cost by 365. Daily costs ranged from \$7 to \$184, reflecting the same wide range of operating budgets. *The median daily cost was \$56 and the mean was \$59.* Finally, the cost per inmate stay was calculated by multiplying the daily cost by the average length of stay in order to account for the impact of the amount of time an inmate is incarcerated. Much like the other cost measures, the cost per inmate stay reflected a very wide cost range, from a low of \$30 per inmate stay to a high of \$6,864. The median cost per inmate stay was \$1,181, while the mean was \$1,695.

### Use of Validated Risk/Needs Screening or Assessment<sup>15</sup>

**Overview.** *Twenty-five of the 31 respondents reported at least one use of a validated risk/needs instrument or tool with objective factors.* Use of a tool with objective factors for in-house classification was the most common use reported (24 facilities), followed by use for assignment to an outside work detail (19 facilities), and use of a validated mental health screening tool at the time of admission or

<sup>13</sup> See Appendix 5 for more detailed information.

<sup>14</sup> Respondents were asked to include funds appropriated for them in the county's regular budget and funds available for use from other sources, such as telephone revenue, canteen/commissary proceeds, etc. while excluding capital expenditures and other one-time costs.

<sup>15</sup> Validated tools have been determined to reliably predict the risk of certain behaviors, such as recidivism. Assessment tools are validated through statistical analysis of data from the jurisdiction's population. Examples of risk and need screens or assessments include COMPAS, LSI-R, LSI-RSV, or the Proxy Risk Triage Screener.

booking (13 facilities). Use of a tool for decisions regarding detention or community placement was the least frequently mentioned use. Respondents used a variety of specific tools (see Appendix 6).

**At Admission or Booking.** Twenty-nine facilities responded to the item concerning the use of risk and needs assessment tools. *Eleven (37.9%) of the facilities responded that they used a risk/needs instrument in the admission process.*

**Mental health screening or assessment.** *Thirteen jails (44.8% of those responding) reported using a mental health assessment/screening instrument for admissions.* Seven facilities conducted both a risk/needs instrument and a mental health screening at the time of admission or booking.

**Use of Objective Risk Assessment Instruments for Decision Making.** The most frequently reported use of risk assessment tools was for in-house classification. Twenty-four facilities (80%) used a risk assessment instrument for that specific purpose. Nineteen facilities (63.3%) used risk assessment instruments for assignment to outside work details, 10 facilities (34.5%) used risk assessment instruments for assignment to work/punishment programs, and *8 facilities (28.6%) used risk assessment instruments for decisions concerning detention/community placement.* Please see Appendix 6 for a complete list of the instruments used by the responding facilities.

### **Operating Budget and the Use of Validated Risk/Assessment Instruments**

The relationship between available fiscal resources and the use of objective assessment instruments is complex, and it is difficult to draw any overall conclusions from these data. *However, the survey data clearly indicates that facilities in the lowest budget quartile are less likely to use objective instruments than facilities with more fiscal resources.* Use of validated risk/needs instruments at admission or booking was reported by 14.3% of the facilities in the lowest budget quartile, the lowest among the four quartiles. These facilities also reported the lowest use of objective risk assessment for detention and community placement (14.3%), in-house classification (42.9%), and outside work details (28.6%).

### **Pretrial Services<sup>16</sup>**

*Of the 30 responding, 13 facilities (43.3%) said that their county was served by a pretrial services agency or program.* These facilities are Allendale, Barnwell, Cherokee, Chesterfield, Edgefield, Georgetown, Greenville, Greenwood, Kershaw, Richland, Spartanburg, Sumter, and Union. Seventeen facilities (56.7%) had a process in place to review the custodial status of pretrial inmates. These facilities are Allendale, Anderson, Barnwell, Beaufort, Charleston, Chesterfield, Darlington, Georgetown, Greenville, Laurens, Lexington, Newberry, Richland, Saluda, Sumter, Union, and York. Detailed information concerning the specific services provided or processes used by these facilities was not requested.

**Home Detention or Electronic Monitoring.** *Eleven facilities (36.7%) reported that their facility used home detention or electronic monitoring, with the year of implementation ranging from 1992 to 2015.* Ten of the 11 facilities provided information on the groups subject to release under these conditions. *Two*

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<sup>16</sup> A pretrial services agency or program: 1) interviews defendants for the purposes of the bail decision; 2) provides information to the court to assist the magistrate or judge with making the bail decision; and/or 3) supervises defendants released on bail and monitors compliance with conditions of bail.

*facilities (20%) identified pretrial inmates as the only group eligible for release under these conditions, while 8 facilities (80%) identified both pretrial inmates and some other group as being eligible.*

### **Information Management<sup>17</sup>**

Of 25 respondents, 24 said that their facility had implemented an automated information system, with the year of implementation ranging from 1986 to 2014. A variety of different software systems were used by the respondents.

**Equipment Maintenance.** Twenty-seven facilities responded to the item concerning use of external vendors for equipment maintenance, with sixteen facilities (59.3%) using external vendors. Please see Appendix 7 for a list of the external vendors.

**System Utilization.** Twenty-seven facilities provided information about how they used their automated information system. Twenty-two (81.5%) used their automated information system to run automated reports, as well as to export, download, or extract inmate data files. *Nineteen facilities (70.4%) used their automated information system to analyze inmate data.*

## **DETENTION CENTER DATA ANALYSIS**

### **Methodology**

Projecting the pretrial risk levels of jail inmates with a validated instrument required collection of individual inmate records. Horry County Detention Center (HCDC) and Kershaw County Detention Center (KCDC) were approached during the proposal development process and agreed to participate in this portion of the study. These counties were not chosen as a representative sample, but rather as a source of reliable data. The Project Manager worked with each facility to clarify the data elements needed, the time period to be covered, and other logistics. Both counties submitted data records for inmates detained from October 2014 through September 2015. HCDC provided 11,245 records and KCDC provided 3,340 records. Each record represents a separate detention, with many individuals having multiple detentions. Although both counties provided similar information, each had their own distinct processes for entering and maintaining data, as well as their own codes for what those data represented. For example, each county provided data concerning how inmates were released, but used different categorical descriptions. Each county also listed all the offenses involved at each booking. For these analyses, only the most serious booking offense was retained. For each detention, the most serious offense was coded using a hierarchy based on the type of offense (felony more serious than misdemeanor) and, for felonies, the level of seriousness in descending order (X, A, B, C, D, E, F and unclassified).

Classification was accomplished by comparing the offense description to the South Carolina Judiciary Department's court docket record (CDR) code listing. Personal identifiers (name, state ID number, social security number, and birthdate) were used to link the inmate records to records from the computerized criminal history records (CCHR) maintained by SLED and to client records from the South Carolina Department of Probation, Parole & Pardon Services (SCDPPPS). Once linked, in accordance with the

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<sup>17</sup> See Appendix 7 for more detailed information.

process approved by the South Carolina Department of Public Safety Institutional Review Board, the personal identifiers were deleted from each record before the dataset was forwarded to the Tidwell study team. This linking process enabled the study team to extract the specific data elements to be used in calculating each of the risk factors relevant to the KPRA-S (see *Appendix 9*). All data records will be destroyed upon completion of this project.

## Summary of Analysis<sup>18</sup>

**Nature of Booking Offenses.** Among HCDC inmates, misdemeanors accounted for 77.5% of booking offenses (most serious offense only), with felonies, most commonly Class E (7.9%) or Class F (5.4%), accounting for 19.9% of booking offenses, and the remaining 2.6% unclassified (neither felony nor misdemeanor). Among KCDC inmates, misdemeanors accounted for 76.9% of booking offenses (most serious offense only), with felonies accounting for 15.7% of booking offenses and the remaining 5.4% unclassified (neither felony nor misdemeanor). *At both detention centers, misdemeanors were the most serious offense reported for more than three-quarters of the inmates booked.*

**Time Served before Release.** The amount of time served before release was calculated by subtracting the booking date and time from the release date and time. Each facility recorded the date and time of booking and release down to the nearest minute, allowing for a precise calculation of the amount of time in detention. At HCDC, the mean length of detention was 16.6 days, while the median was 1.4 days (33 hours). Nearly half (44.3%) of HCDC inmates spent a day or less in detention before being released. At KCDC, the mean length of detention was 8.8 days, while the median was 0.7 days (17 hours). More than half (61.4%) of KCDC inmates spent a day or less in detention before being released. *At each detention center, detention stays of 24 hours or less were common.*

**Type of Release.** The type of release was logged for all detentions. At HCDC, cash or surety bond was the most frequent form of release (4,138 releases or 36.7% of all releases), followed by time served (2,683 or 23.8% of all releases), and personal recognizance bond (2,504 or 22.2% of all releases). At KCDC, personal recognizance bond was the most frequent form of release (1,404 inmates or 42.2% of all releases), followed by cash or surety bond (878 inmates or 26.4% of all releases). The detention centers were different in terms of how inmates were most frequently released. HCDC inmates were most often released on cash/surety bond while KCDC inmates were most often released on personal recognizance bond. *However, at both detention centers, more than half of inmates were released on some form of bond, either cash/surety or personal recognizance.*

**Release on Bond.** Inmates released on bond, both cash/surety (CS) and personal recognizance (PR), were a population of specific interest. For both HCDC and KCDC, release on bond was one of the major ways that inmates were released.

In the HCDC sample, 4,138 (36.7%) inmates were released on CS bond, 2,504 (22.2%) were released on PR bond, and 4,634 (41.1%) were released by all other means. KCDC released a smaller proportion of inmates on CS bond, but a greater proportion on PR bond. Among KCDC releases, 878 (26.4%) were released on CS bond, 1,404 (42.2%) on PR bond, and 1,058 (31.4%) were released by all other means.

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<sup>18</sup> See Appendix 8 for more detailed information.

For both HCDC and KCDC, inmates with a felony booking charge were more often released on CS bond than PR bond. The proportion of inmates released on CS bond and PR bond was different for misdemeanants and felons. Release of felons on PR bond was infrequent. Misdemeanants were more likely to be released on PR bond than felons, although the degree to which misdemeanants were released on personal recognizance varied between the two facilities. These findings point to the importance that the booking charge bears in relation to the type of release as well as a particular reluctance to release felons on PR bond. ***Among HCDC inmates with a misdemeanor charge, 2,940 (33.6%) were released on CS bond, and 2,269 (25.9%) were released on PR bond. KCDC misdemeanants were more likely to be released on PR bond than were those at HCDC; 530 (20.1%) of misdemeanants were released on CS bond and 1,294 (49.0%) were released on PR bond.***

The length of time from booking to bond release was also examined. For the most part, time to release on PR bond was swift, with nearly all inmates released on PR bond being released in the first 24 hours. Release on CS bond was not nearly as expeditious. Although the median time to release on CS bond was approximately 1 day, release took several days for many inmates and more than a week for about 10.0%. ***This finding depicts a population of inmates for whom reconsideration of the level of CS bond required, or release on PR bond, might be appropriate and meaningfully reduce the number of days detained.***

## RISK LEVELS IN THE SAMPLE POPULATIONS

The seven risk factors used in the KPRA-S were calculated for both samples. The risk factors used were pending cases, current arrest for failure to appear in court, prior history of failure to appear, prior misdemeanor convictions, prior felony convictions, prior violent convictions, and being under probation or parole supervision for a felony offense (see Appendix 10 for operational definitions and additional detail regarding this component of the project). The most common risk factors were ***prior misdemeanor convictions*** and ***pending cases***.

### Calculating Inmate Risk Scores using the KPRA-S<sup>19</sup>

KPRA-S scores were determined by applying the appropriate weight for each factor then summing the scores. Scores ranged from 0 to 15, with risk levels assigned on the basis of the score. Among HCDC inmates, 32.2% were low risk, 35.6% were low moderate risk, 22.8% were moderate risk, 6.7% were moderate high risk, and 2.8% were high risk. Among KCDC inmates, 23.2% were low risk, 24.4% were low moderate risk, 36.3% were moderate risk, 13.6% were moderate high risk, and 2.5% were high risk. ***More than two thirds of the inmates in the HCDC sample are low or low moderate risk compared to about half of the KCDC sample. At both detention centers, inmates tend to be moderate or low moderate risk.***

Inmates in the lower risk categories were more likely to be released on PR bond than were inmates in the higher risk categories. The percentage released on PR bond decreased with risk level for both HCDC and KCDC, with the single exception among the ten risk categories that, at KCDC, more moderate risk

<sup>19</sup> See Appendix 9 for more detailed information.

inmates (42.4%) were released on PR bond than were low moderate risk inmates (36.3%). Overall, these findings indicate that the factors defining KPRA-S risk categories already reflect, to some degree, the decision-making processes used to determine type of release.

At both detention centers, high risk inmates were more likely to experience longer detentions than low risk inmates. At HCDC, 69.9% spent more than a week in detention, while only 8.0% were released within 24 hours. Similarly, among moderate high inmates, 49.1% served more than a week while 24.5% were released within 24 hours. ***Among low risk inmates, 64.5% were released within 24 hours, and 12.9% spent more than a week in detention. Among low moderate risk inmates, 43.2% were released with 24 hours, and 25.8% spent more than a week in detention.*** At KCDC, 64.3% of high risk inmates spent more than a week in detention, while only 15.4% were released within 24 hours. Among moderate high inmates, 27.1% served more than a week while 49.6% were released within 24 hours. ***Among low risk inmates, 75.4% were released within 24 hours, and 7.0% spent more than a week in detention. Among low moderate risk inmates, 59.5% were released within 24 hours, and 19.7% spent more than a week in detention.***

### **Risk to Public Safety**

In the HCDC and KCDC samples, recidivism was defined as an in-state arrest within six months of release. The six month window was dictated by the availability of the data; having inmates into October 2015 meant that only minimal follow up (through March 2016) was possible. ***Among the HCDC inmates released, 920 (8.2%) were arrested again within six months. Of the KCDC inmates released, 196 (5.9%) were arrested again within six months.***

Collectively, the various pretrial risk screening instruments indicate that, if the lowest risk group of detainees is released, about 10% will “fail”, defined as failing to appear at court, committing a new offense, or both; a little more than 1% will commit a new violent offense. Data from the Bureau of Justice Statistics indicates that about 19% of all defendants released pretrial for cases disposed in federal courts will commit some sort of pretrial misconduct.<sup>20</sup> This statistic includes defendants charged with more serious crimes who are unlikely to be in the lowest risk group. Among defendants charged with lower level crimes, about 12% of those charged with offenses against the public-order commit pretrial misconduct, as do about 15% of those charged with property crimes.

### **Potential Cost Savings under Specific Release Scenarios<sup>21</sup>**

The cost impact of linking various risk scores to pretrial release was calculated for a variety of target groups and included consideration of risk categories within each group. Target groups were based on most serious booking offense (misdemeanors and felonies by class) for inmates detained more than 24 hours. Inmates detained 24 hours or less were excluded based on the assumption that no cost savings would be forthcoming for these inmates. Because of their extremely serious nature, inmates who were booked for Class X felonies were also excluded from calculations. Cost savings were calculated by

<sup>20</sup> Pretrial Release and Misconduct in Federal District Courts, 2008-2010. Bureau of Justice Statistics, November, 2012. Accessed on 11/14/2016. See <http://www.bjs.gov/index.cfm?ty=pbdetail&iid=4535>.

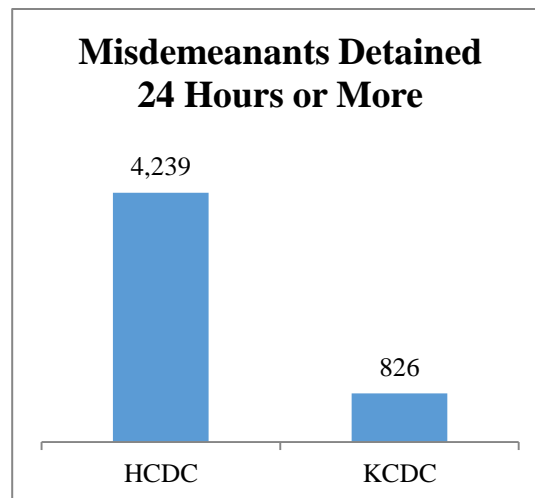
<sup>21</sup> See Appendix 10 for more detailed information.

applying the cost per day (as determined by HCDC and KCDC's responses to the Jail Administrator Survey) to the average time in detention (minus one day to account for processing) to the number of inmates in each category. It is important to note that these analyses represent the *maximum* possible cost savings for each population of interest; that is, each analysis assumes cost savings for every inmate in the target group and for every inmate in each risk category within that target group. ***It is also important to note that, although each target group is referred to by their most serious booking offense, this label refers to the booking offense, not prior convictions.***

### Release Scenario: Misdemeanant Target Group

In the HCDC sample, there were 4,239 misdemeanants detained 24 hours or more, or 37.6% of the sample. In the KCDC sample, there were 826 misdemeanants detained 24 hours or more, or 24.7% of the sample.

*Using bed days as a means of calculating savings, if HCDC were to release misdemeanants with a low or low moderate risk level, approximately 32,759 bed days would be saved [(884 low risk x 12.0 avg. days detained) + (1549 low moderate x 14.3 avg. days detained) = 32,759]. Using HCDC's rated capacity of 991 (as reported on the jail administrators survey) results in 361,715 total possible bed days annually, meaning that releasing low and low moderate risk misdemeanants would free up about 9% of the total possible bed days.*



*Again using bed days as a means of calculating savings, if KCDC were to release misdemeanants with a low or low moderate risk level, approximately 1,198 bed days would be saved [(68 low risk x 8.2 avg. days detained) + (58 low moderate x 10.9 avg. days detained) = 1,198]. Using KCDC's rated capacity of 100 (as reported on the jail administrators survey) results in 36,500 total possible bed days annually, meaning that releasing low and low moderate risk misdemeanants would free up slightly more than 3% of the total possible bed days. Using the reported operational capacity of 170 results in 62,050 total possible bed days and yields a savings of almost 2% of the total possible bed days.*

## SUMMARY OF PROJECT FINDINGS

### Jail Administrators Survey

Pretrial inmates make up about 83% of the overall average daily population. While the responding facilities are operating at 84.3% of their overall rated capacity, more than one in three facilities report an ADP that exceeds their individual rated capacity. In addition, a total of nine facilities are in violation of minimum standards and are being cited for the need to build new space. The ADP of these facilities ranged from 40 to 727, while the ADP as a percentage of the facilities' rated capacity ranged from 68% to 221%. The extreme ranges reported for ADP and rated capacity reflect vast differences in the size and

capabilities of detention facilities in South Carolina. These extreme ranges may also reflect the need to consider means of sharing available resources such as space among facilities.

Reporting facilities' operating budgets ranged from \$42,340 to \$34,441,866. *Daily per inmate costs ranged from \$7 to \$184 per day*, reflecting the same wide range. *Such a wide range leads one to wonder whether a minimally acceptable budget for jail operations, including a minimum daily per inmate cost, needs to be established.* Given the apparent link between the facilities with the lowest budgets and minimal use of risk/needs screening and assessment, establishing a minimally acceptable budget may increase the use of validated tools. *Facilities' reported use of a wide range of validated risk/needs screening and assessment tools suggests the need to explore the factors that led to selection of the specific instrument/s being used, evaluate the quality of each facility's implementation, and determine whether standardizing tools across facilities is feasible.*

Even though pretrial inmates make up about 83% of the overall average daily population, several facilities could not provide separate data for this subgroup of inmates, citing the limitations of their information management systems. *The wide range of such systems being used, coupled with the reports that the majority of responding facilities are using their systems to extract inmate records and analyze inmate data, suggests the need to explore the feasibility of statewide adoption of a standard information management system or, at a minimum, collection of common data elements with standardized coding procedures.* The value of such a system in conducting data analysis is that it would add a capacity for strategic planning that currently does not exist. At present there is no ability to examine or analyze jail populations across the state. As a result, policy makers must rely upon extrapolations of analysis of limited populations, or even on anecdotal evidence. *Given that many facilities are contracting with external vendors for system maintenance, the feasibility of a statewide maintenance contract could also be explored.* It is important to acknowledge that adoption of a statewide information management system would involve additional costs as well as establishing some means of oversight and governance to ensure data quality and reliability.

*The 43.3% of responding facilities that indicate that their county is served by a pretrial services agency or program, as well as the 56.7% who report that there is a process in place to review the custodial status of pretrial inmates, suggests the need to obtain more information on the current status of pretrial services in South Carolina.* Also, six of the eleven facilities that report use of home detention or electronic monitoring report exceeding their rated capacity. Given that most of these programs are not newly implemented, the relationship between their use and jail population management needs to be explored further. In addition, the impact of existing home detention and electronic monitoring programs on public safety should be determined.

### **Detention Center Data Analysis**

The analysis of inmate records from HCDC and KCDC, linked to CCHR and client records from SCDPPPS, provided useful insight regarding the potential of a standard risk assessment for identifying and diverting low risk inmates. The detention centers were dissimilar in several respects. HCDC detained considerably more inmates than KCDC, with reported average daily populations of 614 and 100 respectively. In terms of fiscal resources, HCDC spent \$99 per day per inmate compared to \$56 per day per inmate for KCDC. In terms of the counties they serve, Horry County is the 4th most populous county in the state and an east coast tourist destination while Kershaw County is the 22<sup>nd</sup> most populous county



in the state and is rural/suburban in nature (SCRFAO, 2015). Nonetheless, the similarities in their inmate populations outweighed the differences. Demographically, each had an inmate population that was more often white (HCDC – 67.6%, KCDC – 51.1%) than black, more often male (HCDC – 77.1%, KCDC – 75%) than female, with a median age in the early thirties (HCDC – 32.7, KCDC – 34.2).

The inmate populations were also similar in terms of offense and risk characteristics. ***The most serious offense at booking for each population was most likely to be a misdemeanor (HCDC – 77.5%, KCDC – 78.9%).*** There were some differences between the counties in terms of individual risk factors, most notably in the risk factor concerning pending cases. ***Among HCDC inmates, 41% had pending cases at the time of booking compared to 18.4% among KCDC inmates.*** Overall, KCDC inmates scored lower on the risk scale with 32.1% in the low risk category compared to 23.2% for HCDC inmates.

Release patterns were similar for each facility. For each facility, a large proportion of inmates (HCDC – 44.3%, KCDC – 61.4%) were released within 24 hours of their booking. In each facility, low risk inmates were more likely to have been released on personal recognizance bonds than high risk inmates and higher risk inmates were more likely to have been released on cash/surety bonds. Release on PR bond was most often made within the first 24 hours of detention (HCDC – 90.0%, KCDC – 93.0%). Fewer inmates were released on CS bond within the first 24 hours of detention (HCDC – 49.6%, KCDC – 47.4%),

***Most importantly, both facilities had identifiable sub-populations of inmates with misdemeanor offenses and lower risk scores who were not being released within 24 hours of booking. Such inmates constitute a target group for potential diversion and subsequent cost savings. Among the HCDC misdemeanor target group, the low risk category represented a potential cost savings of more than \$1,000,000 (4.5% of total budget).*** The low moderate risk category represented a potential cost savings of almost \$2,200,000 (9.9% of total budget), the moderate risk category inmates represented a potential cost savings of \$2,500,000 (11.3% of total budget), the Moderate High risk category represented a potential cost savings of \$880,000 (3.9% of total budget) and the high risk category represented a potential cost savings of \$580,000 (2.6% of total budget). At KCDC, the scale of potential cost savings was smaller and the target group was a higher risk population. Among the KCDC misdemeanor target group, the low risk category represented a potential cost savings of \$32,000 (1.6% of total budget). The low moderate risk category represented a potential cost savings of \$35,000 (1.7% of total budget), the moderate risk category represented a potential cost savings of \$179,000 (8.7% of total budget), the moderate high risk category represented a potential cost savings of \$262,000 (12.8% of total budget) and the high risk category represented a potential cost savings of \$128,000 (6.2% of total budget). Additional target groups with more serious offenses at booking (felonies Class A through unclassified) were also identified. Including subsets of these target groups will increase the potential cost savings, but would do so at the potential public safety cost of including inmates accused of much more serious crimes.

## STUDY LIMITATIONS

There are a number of limitations to this study that are important to understanding the findings as well as to guiding any future research efforts. First and foremost, the ability to generalize the results of both the Jail Administrators Survey and the detention center data analysis is limited. Despite a good response rate (71%), the survey results cannot be viewed as representative of the entire state and must be understood in

that context. It is also important to understand that the scope of the Jail Administrators Survey was limited. A great deal of information was gathered concerning the instruments that detention facilities used to determine inmate risk and needs, to assess their mental health status, and to determine their placement in other programs such as home detention or electronic monitoring. Little information was collected concerning the policies and procedures associated with those instruments. ***Important questions such as to which inmates these needs assessment instruments were applied, at what point in the process they were implemented, and other important policy related factors were not addressed in this study.*** As a result, some of the findings were difficult to interpret in any meaningful way, such as the proportion of inmates categorized as low risk in the survey, ranging from 21% to 90%. The most reasonable conclusion reached from these data is that the methods used by facilities to determine risk differ greatly in the way they categorize inmates. Without more detailed information, the proportions themselves are not particularly meaningful.

***The analysis of the HCDC and KCDC inmate records should be viewed as a pair of case studies and, as such, is not representative of jail populations statewide.*** There were other important limitations to the analysis of inmate records. ***The first is that the inmate records were not uniform across the jurisdictions.*** To some degree, each facility collected inmate information that the other did not; common data elements were often formatted differently between the two facilities. ***Each detention center used different coding schemes for a number of variables including type of release, booking offense, race, and other factors.*** These differences made it necessary to analyze the data from each facility separately. While this was a difficult enough task with just two datasets, it would be prohibitively time consuming and complex to undertake any similar analysis statewide under these conditions. Adding to the complexity, each detention center created a separate record for each booking offense per inmate, creating a situation that made analysis on the basis of individual inmates difficult. Despite these limitations, each facility collected and maintained the information they needed to process inmates. In addition, some information, such as time of booking and time released, was formatted uniformly by the two facilities. However, ***any statewide analysis would need to accommodate the data collection and formatting differences in some manner that allowed the data to be combined into a single dataset.*** The use of literal descriptions for both release and offense codes by the detention facilities constituted another limitation for the analysis. This was particularly problematic for classifying offenses, of which there are thousands, into misdemeanors and felony classifications.

To some extent, these limitations arose from the fact that these systems were designed and are used primarily to serve the specific operational purposes of each detention center. It is important to note that while some level of uniformity is certainly desirable, each county has its own informational needs and interests. An example of this was that one detention center used a release code that identified inmates released on their own recognizance from offenses occurring at a specific entertainment event. Clearly, this was considered important information at the county level that needed to be retained for their informational purposes but also complicated any analysis across jurisdictions. One facility listed corresponding statutes for offenses, and both facilities used literal descriptions of each offense that were quite detailed. These descriptions are undoubtedly useful at the operational level, the primary function of these information systems. However, they were not conducive to analysis and served to make the analysis slower, more complex and somewhat limited.

Another important data limitation was encountered in the identification of the risk item concerning pending cases. There were high proportions of cases (HCDC – 52.4%, KCDC – 69.7%) in which an inmate was booked with an arrest date listed on the computerized criminal history records that did not have an associated disposition date. There was no indication that such cases were subsequently disposed of within six or more months of the inmate’s release from the detention center. Since it was impossible to determine if these represented actual pending cases or administrative omissions, the decision was made not to count such cases as pending, making the assumption that, if these were actual pending cases, they would have been disposed of in some manner within six months of their release. This assumption implies that these cases represent errors of omissions on the computerized criminal history, something that cannot be confirmed without further investigation. Also, the use of the KRPA-S was simply to demonstrate the utility and practicality of an empirical risk assessment instrument. The research team has not been trained in the use and application of the instrument and may have applied it differently than originally intended, resulting in different scoring outcomes.

## IMPLICATIONS FOR FUTURE RESEARCH

The diversity noted among detention facility information systems represents a challenge for any statewide research efforts. *A census of local detention facility information systems to determine what data are collected, what codes are used, how the data are stored, and how they may be retrieved and used would better enable future research efforts concerning inmate populations and detention facility practices.* This would also provide an initial understanding regarding the data availability and practices required to establish a statewide jail information system. *Such an information system would enable ongoing monitoring of population levels, inmate characteristics, and other factors important to future policy decisions.*

The use of risk assessment instruments is widespread among detention facilities. However, we do not know if the instruments in use have been validated nor do we have any detailed information concerning how they are employed. *A survey of the risk assessment instruments used to determine if they are validated or evidence based should be undertaken. Additionally, a process evaluation to determine if these instruments are being used appropriately would be worthwhile.*

Future research efforts with a broader scope of inquiry should be undertaken. One such area would include the calculation of the costs of pretrial detention. The cost of pretrial detention is not limited to the actual costs of incarceration. Inmates who are detained may lose wages. Detention could disrupt employment, housing, family life and other social relations. It is equally important to remember that these costs are balanced against risks to personal safety and property of the community. Another such area would involve consideration of circumstances such as additional levels of supervision under which higher risk individuals might be released from custody.

## RECOMMENDATIONS

The recommendations that follow flow from the findings of the survey of detention facilities and the analysis of inmate data records. They also try to be mindful of the real life conditions encountered in administering detention facilities and the limitations of the analysis upon which the recommendations are based. These recommendations also take into account the fact that the state's jails represent a fragmented system. The jails are local entities, largely independent from central oversight as well as from one another. The diversity found among the detention facilities is likely a result of this independence. Recommendations to provide sufficient uniformity to allow for the formulation of statewide jail policy also seek to work within the system of local administration. Each recommendation cites the findings upon which it is based and outlines the expected benefits.

**Risk Assessment Development Committee.** *A committee responsible for developing administrative and legislative recommendations regarding the implementation of risk assessment instruments for use in determining release or detention decisions should be created.*

While many detention facilities currently use empirical risk assessment instruments, they use different instruments in different ways for different purposes. Since detention facilities operate under county authority, with no centralized oversight other than that from the South Carolina Department of Corrections Division of Compliance, Standards and Inspections to monitor adherence to mandated detention standards, such diversity in policies and procedures is not surprising. However, if there is to be state level policy regarding risk assessment, some level of uniformity will be required. *Some level of statewide uniformity is likely to improve all aspects of risk assessment implementation.*

Public safety stakeholders should be involved in determining the most appropriate ways to use such tools. **The Risk Assessment Development Committee should include representatives from the South Carolina Department of Public Safety, S.C. Department of Corrections; the South Carolina Sheriffs' Association; the South Carolina Jail Administrators' Association; the South Carolina Commission on Prosecution Coordination; the South Carolina Association of Counties; the South Carolina Office of Revenue and Fiscal Affairs; the South Carolina Department of Probation, Parole & Pardon Services; the South Carolina Judicial Department; the Corrections and Penology committees of the South Carolina General Assembly; the South Carolina Summary Court Judges' Association; the Horry and Kershaw Detention Centers, and the Charleston County Detention Center.** *The Risk Assessment Development Committee should be formed as soon as possible to determine appropriate legislative recommendations for consideration by the General Assembly.* Although the scope of this report is limited to pretrial detention and jail practices, the committee may wish to consider a wider scope of operation.

**Pretrial Risk Assessment Pilot Project.** *South Carolina should implement a pilot project to identify low risk pretrial detainees charged with misdemeanors who can be released. These detainees should be identified using a validated risk assessment tool that includes flagging those most likely to commit a new violent offense during the pretrial period. The impact of the project on failure to appear for court and commission of new offenses, especially violent offenses, prior to case disposition should be evaluated.*

The analysis of detention center data indicated that it was both possible and practical to use an empirical risk assessment instrument to identify inmates on the basis of risk. Application of a risk instrument demonstrated the presence of substantial low risk populations. Further analysis showed that, although most low risk inmates were released within 24 hours, a large proportion were detained longer, some for a week or more. Applying the expenditure data from the Jail Administrator Survey to a variety of target groups based on risk level, seriousness of booking offense, and length of stay, it was clear that meaningful cost savings could be achieved if low risk, misdemeanor level offenders were diverted from detention. *In summary, analysis indicates the presence of substantial low risk populations, a large proportion of whom were booked for misdemeanors and detained for more than 24 hours. Cost factor analysis demonstrated that meaningful cost savings could be achieved through releasing low risk, misdemeanor level offenders from pretrial detention.*

However, from this analysis, it is impossible to determine whether similar results would be achieved upon implementation in the community. It is also important to determine what modifications to existing policies and procedures might be required to implement a pretrial release program based on inmate risk level. Therefore, South Carolina should conduct a pilot project including several counties of differing sizes; each participating county should be able to collect and report the data required to evaluate the cost savings and public safety impact of implementing pretrial, risk-based release. Any calculations of cost savings should consider the cost savings gained by avoiding additional construction of jail space. These savings are particularly important to county governments, who in financial terms, are one of the most important stakeholders in the pretrial detention process. *The Risk Assessment Development Committee should seek out funding and technical assistance for the pilot project, with the committee overseeing the project's implementation and evaluation.*

**Directory of Detention Center Policies, Programs and Practices.** *A detailed survey should be conducted to collect specific information on each detention center's policies, programs and practices.*

Findings indicate that county detention facilities operate a variety of diversionary and other programs, including home detention, electronic monitoring, and mental health assessment. Given the widespread use of such programs, more information needs to be collected, including the degree to which programs are evidence-based, producing outcomes, and/or currently being evaluated. Information regarding the operating policies and procedures associated with these programs should also be collected. A survey of all South Carolina detention facilities should be undertaken by a research team with expertise in jail policies and procedures. After the survey is completed, the research team should produce a directory of detention center facility policies, programs and practices. *The Directory of Detention Center Policies, Programs and Practices can be used to establish a baseline of current practices and the extent to which evidence-based policies and programming are being used. It may also be used to identify specific facilities that are most likely to successfully implement programming to release low risk detainees.*

**Detention Center Data Dictionaries.** *A detailed survey of detention facility information systems should be conducted.*

The findings of the Jail Administrators Survey indicate that all but one of the responding detention facilities has an automated inmate tracking system. Both the Jail Administrators Survey and the detention center data analysis found that detention centers have a wide range of capabilities in terms of the data they collect and how they use it. ***Some facilities could not distinguish between pretrial and sentenced inmates. Detention facility information systems use different release codes, different offense codes, and different racial categories, with systems maintained by a variety of vendors.*** While this information is an important first step towards understanding what data are available from the jails, more information is needed to understand what needs to be done to improve the availability and quality of statewide jail inmate data. Achieving a clear understanding of exactly what information is collected, and how it is stored and maintained is the logical next step. The detailed survey should include all detention facilities, identify the information collected by each facility, outline the associated processes, catalog how the data are coded, and explain under how and under what conditions the data can be accessed. ***Upon completion, the survey information should be used to create a data dictionary for each detention facility. Survey results will also serve as the basis for collecting, maintaining, and publishing statistical information concerning detention facilities and inmate populations in the future. Adoption of common codes across jurisdictions, such as court docket record codes for offenses, would better enable statewide or multiple jurisdictional analyses. Similarly, common codes for type of release and other variables including personal identifiers would also facilitate the ability to conduct analyses statewide and among counties.***

**Centralized Authority for Detention Center Data and Promotion of Evidence Based Practice.** *A centralized authority with the mandate to continually collect, maintain, and publish statistical information concerning detention facilities and inmate populations should be established. This authority should also promote detention center adoption of evidence based practices, including measures aimed at minimizing pretrial detention while promoting public safety. The authority should be charged with reviewing detention center policies, programs and practices in order to recommend ways to strengthen the use of evidence-based practices. Finally, the authority should maintain the Detention Center Policies & Procedures Directory discussed previously.*

Presently, information concerning jail practices and inmate populations is not readily available. Thorough, reliable data is essential to effective policy development. The results of a survey of existing data detention center information systems (discussed above) will allow for the identification of key data measures to be routinely monitored and regularly published. However, some degree of oversight and governance will be necessary to ensuring data accuracy and reliability. Therefore, a centralized authority responsible for collecting, maintaining, and publishing the statistical information is needed.

In addition, the results of the detention facility policies and procedures survey will provide a baseline of information concerning local detention facilities that should be updated on an ongoing basis. It will also allow for the identification of best practices and evidence based programs currently in use by detention facilities. Establishing one centralized authority responsible for overseeing both population and programmatic data collection will create a central point of information and technical assistance for

detention facilities. The authority should also be able to provide vital information for statewide policy development. Due to the Department's existing experience with collecting data from jails and working with them on detention standards, the authority could be located at the South Carolina Department of Corrections; it could also be located at a newly established entity or another appropriate location.

**Provision of Inmate Records to State Data Warehouse.** *Detention facilities should be encouraged to work with the South Carolina Office of Revenue and Fiscal Affairs to provide inmate records on a regular basis to the State Data Warehouse.*

The detention center analysis demonstrates the added utility of linking jail inmate records to computerized criminal history records. Linking jail inmate records to other data sources would increase the level of knowledge about jail inmates and the state's ability to conduct more sophisticated data analyses. The State Data Warehouse can link inmate records to client records from other agencies including other criminal justice agencies and service providers and allow for in-depth research concerning inmate risks and needs (such as substance abuse or mental health) without compromising data security or individual privacy. The State Justice Statistics Program for Statistical Analysis Centers should be considered as a funding source for costs incurred in this capacity building measure.

**Collaboration with Charleston County on its Safety + Justice Challenge Project.** *The committee should collaborate closely with Charleston County on its Safety + Justice Challenge award from the John D. and Catherine T. MacArthur Foundation.*

Recently, Charleston County's Criminal Justice Coordinating Council (CJCC) was awarded \$2.25 million and technical assistance from the John D. and Catherine T. MacArthur Foundation's Safety + Justice Challenge, a national effort to change how America thinks about and uses jails. The award follows local efforts to better understand how Charleston uses its jail. The CJCC has identified and committed to enacting specific reforms to improve the use of the jail and local criminal justice system. It is important for the committee to take advantage of this opportunity and to benefit from the experience of Charleston County as it implements and evaluates its reform initiative.

## Appendix 1:

### Pretrial Survey - Jail Administrators

Dear Jail Administrator:

The following questionnaire is part of a project sponsored by the South Carolina Department of Public Safety and the United States Bureau of Justice Statistics. The purpose of this project is to learn more about the pretrial detainee population in South Carolina in order to better inform future policy decisions. The specific intent of this questionnaire is to determine the size and characteristics of the pretrial detainee population in South Carolina's jails, the costs associated with operating the jails, and the inmate information that is collected and maintained in jail management information systems. Hopefully, the results derived will serve to create awareness for public policy makers regarding this important part of the criminal justice system. Please answer each question as accurately and completely as possible. If you cannot respond to a particular question, please leave it blank.

Please return the completed survey to the following address:

Tidwell and Associates  
 Attn: Jail Administrators Survey  
 13 Surrey Court, Suite 100  
 Columbia, SC 29212

If you prefer to complete the questionnaire electronically, please click on the following link: <https://www.surveymonkey.com/r/Pretrial-Survey>. If you have any questions or concerns, please contact Mr. Rob McManus or Ms. Maria McCall at (803) 772-8985 or at [tidwell@grantmaster.org](mailto:tidwell@grantmaster.org). Thank you in advance for your participation and response!

<b>Contact Information</b>	
County name (e.g., Charleston County; Jasper County):	
Name of jail facility:	
Your name (First Last):	
Your position:	
Your email address:	
Your phone number:	
What is the best way to contact you if we have any follow-up questions or need any clarification of your responses?	<i>Circle one</i> a) Email b) Phone



2015 Data on Jail Population				
<b>Average Daily Population for Calendar Year 2015 (January 1, 2015 – December 31, 2015)</b>				
What was the average daily population of <i>all</i> inmates held in your jail system during Calendar Year 2015?			Provide # here;  <i>Insert # in Column 1 of the Total Count row below</i>	
Of that total number of inmates, what was the average daily population for <b>only the pre-trial detainees</b> held in your jail system during Calendar Year 2015?			Provide # here;  <i>Insert # in Column 2 of the Total Count row below</i>	
<p><b>For each column in the table below, please insert the appropriate count of inmates and the average length of stay in days. If any of these figures are unavailable, please write "NA" instead of leaving blank.</b></p> <p><b>(See Minimum Standard 1005(ad) for more explanation on determining this number.)</b></p>				
Calendar Year Average	Count of All Inmates	Avg. Length of Stay	Count of Pretrial Detainees	Avg. Length of Stay
	<i>Column 1</i>		<i>Column 2</i>	
<b>Total Counts</b>				
Broken down by:				
African American				
Caucasian				
Hispanic				
Other				
Broken down by:				
Male				
Female				

<b>2015 Data on Jail Operating Costs</b>	
<p>What is the total rated capacity of your jail system?</p> <p><i>Rated capacity is the total number of recognized beds in a facility, as approved by the SCDC Jail and Prison Inspection-Division, based upon criteria stated in the Minimum Standards for Local Detention Facilities in South Carolina.</i></p>	Provide # here
<p>What is the total operational capacity of your jail system?</p> <p><i>Operational capacity is the optimum number of inmates that a facility can efficiently and effectively manage and classify. (Minimum Standard 1005(ae) has more guidance for determining this number.)</i></p>	Provide # here
<p>To your knowledge, is your facility in violation of Minimum Standards and being cited for the need to build new space?</p>	Write in Yes or No
<p>What was your jail system's Total Operating Budget for Fiscal Year 2014-2015?</p> <p><i>Include funds appropriated for you in the county's regular budget and funds available for your use from other sources, such as telephone revenue, canteen/commissary proceeds, etc. Do <b>not</b> include capital expenditures and other one-time costs.</i></p>	Provide # here

<b>County Justice System Operations</b>	
<p>Does your jail system use a validated risk and needs screen or assessment tool as part of the admission and booking process?</p> <p><i>Validated tools have been determined to reliably predict the risk of certain behaviors, such as recidivism. Assessment tools are validated through statistical analysis. Analysis requires data on the population in your jurisdiction. Examples of risk and need screens or assessments include COMPAS, LSI-R, LSI-RSV, or the Proxy Risk Triage Screener.</i></p>	Write in Yes or No
<b>IF YES</b> , Based on the categories identified by the risk and needs screen or assessment tools used during the admission and booking process, what is the risk profile of your jail system?	
What percentage of your system jail is <b>LOW</b> risk?	Provide percentage
What percentage of your jail system is <b>HIGH</b> risk?	Provide percentage
<p>Does your jail system use a validated mental health assessment or screening instrument as part of the admission and booking process?</p> <p><i>Examples of validated tools include the Kessler-6, the Patient Stress Questionnaire, the Referral Decision Scale, the Global Assessment of Functioning, &amp; the Brief Jail Mental Health Screen.</i></p>	Write in Yes or No

Do you use a risk assessment instrument that includes objective factors such as offense, criminal history, failure to appear, or other factors related to past behavior for:	
	Write in Yes or No for each
• Detention/community placement decisions?	
• In-house classification?	
• Outside work details?	
• Work/Punishment (work release) program?	
If yes to any of these, what instrument or instruments? <i>Write in their names below.</i>	
To the best of your knowledge, is your county served by a pretrial services agency or pretrial services program? <i>A pretrial services agency or program performs one or more of the following functions:</i> <ul style="list-style-type: none"> <li>• <i>Interviews defendants for the purposes of the bail decision</i></li> <li>• <i>Provides information to the court to assist the magistrate or judge with making the bail decision</i></li> <li>• <i>Supervises defendants released on bail and monitors compliance with conditions of bail.</i></li> </ul> <i>These programs may be located in a variety of administrative centers, including the sheriff's office, jail, the court, probation departments, the public defender's office, the prosecutor's office, the state probation, pardon and parole agency, and non-profit organizations.</i>	Write in Yes or No
To the best of your knowledge, is there a process in the county, whether formal or informal, to review the custodial status of pretrial detainees who are held in jail on bond?	Write in Yes or No

<b>County Release Policies</b>	
Does the jail system in your county use any type of home detention or electronic monitoring?	Write in Yes or No
<b>IF YES</b> , What groups in custody are subject to release from confinement under this policy?	<b><i>Choose One</i></b>
	Pretrial detainees only
	Others – but not Pretrial detainees
Both Pretrial detainees and some other group	
In what year did the county implement this program?	Provide year

<b>Data on Information System Capacity</b>	
In what year did you implement an automated information system to track your inmate population? <i>If your facility is not automated, please indicate.</i>	Provide # here
What software do you use to operate your automated information system?	Provide the name of the software
Do you use an external vendor to maintain the necessary equipment?	Write in Yes or No
If so, who do you use?	Provide the name of the external vendor
Do you use your automated system to:	
Run automated reports?	Write in Yes or No
Analyze inmate information?	Write in Yes or No
Export/download/extract inmate data files?	Write in Yes or No

**Appendix 2:**  
**Responding Facilities**

<b>Facility</b>	<b>Administrator</b>
Abbeville County Detention Center	Joseph Battle
Allendale County Detention Center	Tonia Capers
Alvin S. Glenn DC (Richland County)	Ronaldo D. Myers, CJM
Anderson County Detention Center	Garry Bryant
Barnwell County Detention Center	Deloris B. Charlton, CJM
Beaufort County Detention Center	Quandara Grant
Cherokee County Detention Center	Robert Padgett
Chesterfield County Detention Center	Sheila Gillespie
Darlington County Detention Center	Mitch Stanley
Edgefield County Detention Center	Polly Hall
Fairfield County Detention Center	Teresa Lawson
Georgetown County Detention Center	Michael Schwartz
Greenville County Detention Center	Scotty Bodiford, CJM
Greenwood County Detention Center	Capt. Kenny Downing
Hill-Finklea DC (Berkeley County)	Randy Demory
J. Reuben Long DC (Horry County)	Tom Fox
Kershaw County Detention Center	Director Peggy Spivey
Lancaster County Detention Center	Deborah Horne
Laurens County Detention Center	Joseph Tyson
Lexington County Detention Center	Kevin Jones, CCM, CJM
Marlboro County Detention Center	Earl Hood
McCormick County Detention Center	Carolyn Price
Newberry County Detention Center	Shane Kitchen, CJM
Pickens County Detention Center	Capt. Marvin Nix
Saluda County Detention Center	Janice B. Ertle
Sheriff Al Cannon DC (Charleston County)	Chief Willis Beatty
Spartanburg County SO Detention Center	Neal Urch
Sumter-Lee Regional Detention Center	Simon Major
Union County Jail	Robbie Hines
Williamsburg County Detention Center	Nadia Pressley
York County Detention Center	J. Freddie Arwood

## APPENDIX 3

## Jail Administrators Survey — Inmate Characteristics

**Overall Population Data.** The average daily population (ADP) represents the number of inmates detained on any given day during calendar year 2015. This table also provides demographic information for the ADP.

Overall Jail Population Characteristics				
Overall	N	Range	Mean	Median
Avg. Daily Population	31	12 – 1,380	289	180
Race/Ethnicity of Overall ADP <sup>22</sup>	N	Range	Mean	Median
% Black	22	24% – 98%	53%	51%
% White	22	1% – 70%	41%	42%
% Hispanic	22	0% – 31%	5%	3%
% Other race/ethnicity	22	0% – 10%	2%	1%
Sex of Overall ADP	N	Range	Mean	Median
% Male	27	69% – 100%	84%	85%
% Female	27	0% – 31%	16%	15%

**Length of Stay (LOS).** Nineteen facilities reported LOS, the average inmate LOS ranged from 4 to 90 days. The median value for average LOS was 21 days.

Avg. LOS for Overall ADP <sup>23</sup>	N	Range	Mean	Median	Notes
Avg. LOS	19	4 – 90	26	21	Removed outlier of 358; it is unlikely that the avg. LOS is that high

**Pretrial Detainees.** The term “pretrial detainee” refers to those inmates detained while awaiting trial. Among the responding facilities, the median ADP for the pretrial population was 104 and the mean value was 223. The total pretrial ADP for the responding facilities was 5,129 inmates. Pretrial inmates accounted for 83% of the total inmate population in the reporting facilities. The mean percentage of both blacks and whites was 46% each, followed by Hispanics (7%) and inmates of other races or ethnicities (1%). Fourteen facilities provided information concerning the sex of the inmate population. The mean percentage of males was 85%. Comparing the demographics of the pretrial population to the overall inmate population in these same facilities, the pretrial detainee population was more likely to be male, while race/ethnicity appeared to be comparable.

Pretrial Detainee Population Characteristics				
Pretrial Detainees	N	Range	Mean	Median
Avg. Daily Population ( <i>pretrial only</i> )	23	24 – 1,145	223	104
% of Overall ADP made up of pretrial inmates	23	58% – 99%	83%	83%
Race/Ethnicity of Pretrial ADP <sup>24</sup>	N	Range	Mean	Median
% Black	8	23% – 98%	46%	41%
% White	8	2% – 69%	46%	51%
% Hispanic	8	0% – 32%	7%	2%

Pretrial Detainee Population Characteristics				
Pretrial Detainees	N	Range	Mean	Median
% Other race/ethnicity	8	2% – 7%	1%	0%
Sex of Pretrial ADP	N	Range	Mean	Median
% Male	14	69% – 100%	85%	86%
% Female	14	0% – 31%	15%	14%

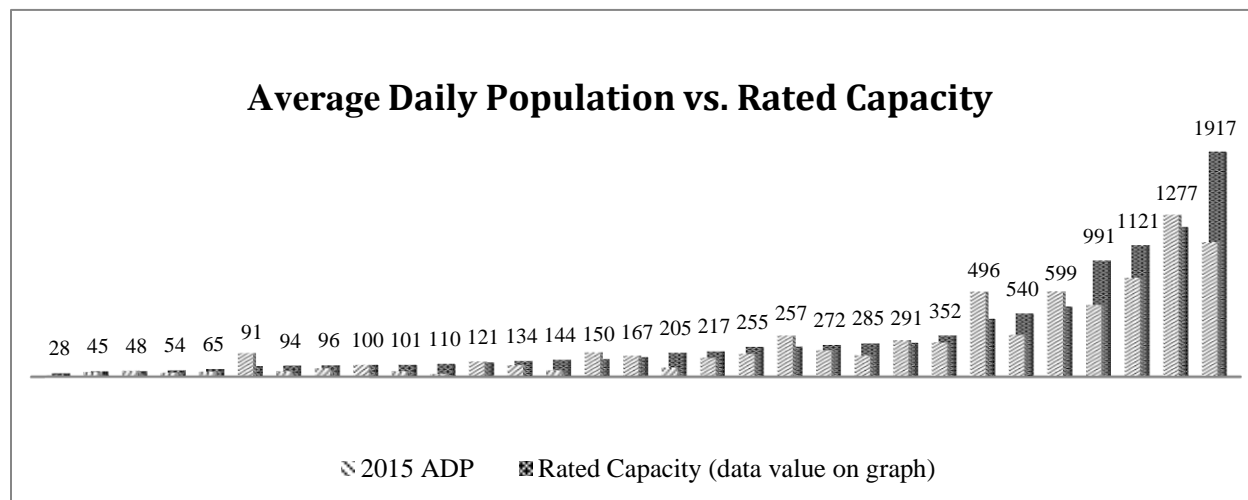
**Length of Stay (LOS).** The average LOS for pretrial detainees ranged from 1 to 90 days, with the median being 15 days. LOS was shorter for the pretrial ADP than for the overall ADP, with pretrial inmates having a median LOS of 15 days compared to an overall median LOS of 21 days.

Avg. LOS for Pretrial Inmates	N	Range	Mean	Median	Notes
Avg. LOS for Pretrial ADP	16	1 – 90	23	15	
Avg. LOS for Overall ADP	19	4 – 90	26	21	Removed outlier of 358; it is unlikely that the avg. LOS is 358 days.

## APPENDIX 4

### Jail Administrators Survey — Population Management

**Rated Capacity.** The rated capacity represents the number of inmates that a facility is approved to incarcerate according to the standards of the SCDC Jail and Prison Inspections Division. Thirty-one facilities reported their rated capacity, ranging from a low of 28 inmates to a high of 1,917. While the median value for total rated capacity was 167 inmates, the mean capacity was 343 inmates, demonstrating the impact of several high capacity detention facilities on the mean.



The total rated capacity for the 31 reporting facilities (10,633) exceeds the total ADP by 1,674, indicating that the responding facilities are operating at 84.3% of rated capacity. Eleven facilities (35.5%) reported an ADP that exceeded their total rated capacity, indicating an overcrowding situation for each of those facilities. Seven of the 11 facilities that indicated an overcrowding situation also reported that they were in violation of minimum standards.

Rated Capacity	N	Range	Mean	Median
Total rated capacity	31	28 – 1,917	343	167
ADP as a percentage of rated capacity	31	23% – 221%	86%	76%

**Operational capacity** refers to the maximum number of inmates that a facility can safely manage. Operational capacity ranged from a low of 28 inmates to a high of 2,300, with a median of 170. At 10,087 inmates, the total operational capacity was 546 inmates fewer than the rated capacity, or 94.9% of rated capacity. The total operational capacity exceeded the total ADP of the 29 reporting facilities by 1,900 inmates, indicating that the 29 facilities were operating at 81.2% of their operational capacity. Eight facilities (27.6% of those reporting) reported an ADP that exceeded their total operational capacity, another indication of overcrowding. Seven of the 8 facilities that indicated overcrowding on the basis of total operational capacity also reported that they were in violation of minimum standards.

Operational Capacity	N	Range	Mean	Median	Notes
Total operational capacity	29	28 – 2,300	348	170	Revised one value from 10 to 101 due to an apparent typographical error



<b>Operational Capacity</b>	<b>N</b>	<b>Range</b>	<b>Mean</b>	<b>Median</b>	<b>Notes</b>
ADP as a percentage of operational capacity	29	17% – 261%	91%	69%	

**Minimum Standards Violation.** Nine facilities (29%) reported that they were in violation of minimum standards and needed to build new space. Seven of these detention facilities had ADPs that exceeded both their rated capacity and their operational capacity.

<b>Minimum Standards Violation</b>	<b>N</b>	<b>Yes</b>	<b>% Yes</b>	<b>No</b>	<b>% No</b>
In violation/being cited for need to build new space	31	9/31	29%	22/31	71%

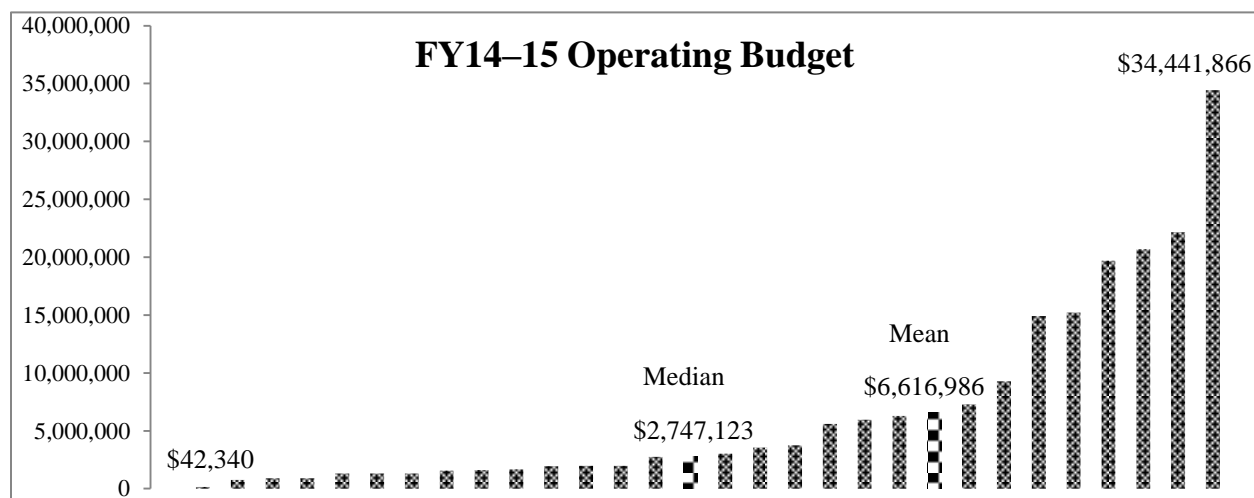
## APPENDIX 5

### Jail Administrators Survey — Cost Information

Twenty-nine facilities provided their operating budgets for FY 2014-15.<sup>25</sup> Budgets ranged from a low of \$42,340 to a high of \$34,441,866. The median value was \$2,747,123, while the mean was \$6,616,986.

Operating Budget (FY14-15)	N	Range	Mean	Median
All responses	29	\$42,340 – \$34,441,866	\$6,616,986	\$2,747,123

The difference between the median and mean values reflects the impact of a few highly funded facilities on the mean (average); i.e., a distribution of fiscal resources where a few facilities have much more funding than most other detention facilities.



**Cost per inmate** was calculated both as an annual cost, a daily cost and a cost per incarceration. Twenty-nine facilities provided both ADP and operating budget information.

Cost Estimates	N	Range	Mean	Median
Cost per inmate (Budget divided by ADP)	29	\$2,706 – \$67,233	\$21,446	\$20,467
Daily Cost (Cost per inmate divided by 365)	29	\$7 – \$184	\$59	\$56
Cost per inmate stay (Daily cost multiplied by average length of stay)	18	\$30 – \$6,864	\$1,695	\$1,181

<sup>25</sup> Respondents were asked to include funds appropriated for them in the county's regular budget and funds available for use from other sources, such as telephone revenue, canteen/commissary proceeds, etc. while excluding capital expenditures and other one-time costs.

## APPENDIX 6

### Jail Administrators Survey — Use of Risk/Needs Screening and Assessment

**Risk/Needs Screening or Assessment.** *Twenty-five of the 31 respondents reported at least one use of a validated risk/needs instrument or tool with objective factors.* Facilities' responses are summarized in the table below, with respondents reporting an average of 3.4 different ways in which these tools were used.

**At Admission or Booking.** Twenty-nine facilities responded to the item concerning the use of risk and needs assessment tools.

Risk and Needs Screen or Assessment Tool	N	Yes	% Yes	No	% No
As part of admission or booking	29	11/29	37.9%	18/29	62.1%

**Mental health screening or assessment.** *Thirteen jails (44.8% of those responding) reported using a mental health assessment/screening instrument for admissions.* Seven facilities conducted both a risk/needs instrument and a mental health screening at the time of admission or booking.

Mental Health Screen or Assessment Tool	N	Yes	% Yes	No	% No
As part of admission or booking	29	13/29	44.8%	16/29	55.2%

**Use of Objective Risk Assessment Instruments for Decision Making.** Twenty-four facilities (80%) used a risk assessment instrument for in-house classification. Nineteen facilities (63.3%) used risk assessment instruments for assignment to outside work details, 10 facilities (34.5%) used risk assessment instruments for assignment to work/punishment programs, and *8 facilities (28.6%) used risk assessment instruments for decisions concerning detention/community placement.*

Assessment Tool w/Objective Factors	N	Yes	% Yes	No	% No
Detention/community placement decisions	28	8/28	28.6%	20/28	71.4%
In-house classification	30	24/30	80.0%	6/30	20.0%
Outside work details	30	19/30	63.3%	11/30	36.7%
Work/Punishment (work release) program	29	10/29	34.5%	19/29	65.5%

**Operating Budget and Use of Validated Risk Screening or Assessment Instruments.** The relationship between available fiscal resources and the use of objective assessment instruments is complex, and it is difficult to draw any overall conclusions from these data. *However, the survey data clearly indicates that facilities in the lowest budget quartile are less likely to use objective instruments than facilities with more fiscal resources.* Use of validated risk/needs instruments at admission or booking was reported by 14.3% of the facilities in the lowest budget quartile, the lowest among the four quartiles. These facilities also reported the lowest use of objective risk assessment for detention & community placement (14.3%), in-house classification (42.9%) and outside work details (28.6%).

<b>Use of Risk/Needs Screening and/or Assessment Tools with Objective Factors by Budget Quartile</b>					
	<b>Overall (N=28)</b>	<b>Lowest Quartile (N=7)</b>	<b>Second Quartile (N=7)</b>	<b>Third Quartile (N=7)</b>	<b>Highest Quartile (N=7)</b>
Avg. 2014-15 Budget	\$ 7,514,563	\$ 941,825	\$ 1,929,000	\$ 5,060,462	\$ 19,475,892
<b>Percentage Responding YES to Use of Instrument for This Purpose</b>					
Validated risk/needs instrument at admission or booking	37.0%	14.3%	50.0%	28.6%	57.1%
MH screen at admission or booking	46.4%	28.6%	71.4%	28.6%	57.1%
Objective risk assessment for:					
Detention/community placement	29.6%	14.3%	50.0%	28.6%	28.5%
In-house classification	78.6%	42.9%	100.0%	71.4%	100.0%
Outside work details	60.7%	28.6%	85.7%	57.1%	71.4%
Work/punishment (work release)	35.7%	28.6%	57.1%	28.6%	28.6%

Note: Each cell in this table represents the percent of positive responses for those responding to that particular use of an instrument. Consequently, the percent in each cell can range from 0 to 100%.

Use of Validated Risk/Needs Screening and/or Assessment Tools with Objective Factors								
County	Total # of Uses	Risk & needs @ adm/booking	MH @ adm/booking	In-house classification	Outside Work Detail	Work Release	Detention or Community Placement	Name of Instrument/s
Cherokee	6	1	1	1	1	1	1	National Institute of Corrections classification
Fairfield	6	1	1	1	1	1	1	Jail Management System screening & officer familiarity with inmate behavior
Georgetown	6	1	1	1	1	1	1	Custody assessment scale, American Jail Association classification system
Greenville	5	0	1	1	1	1	1	Objective Jail Classification Decision Tree; Jail Management System Rpts
Richland	5	1	1	1	1	0	1	Northpointe Assessment Scale
Saluda	5	1	0	1	1	1	1	Name not provided
Williamsburg	5	1	1	1	1	1	0	Classification System using Law-Tracks, In-house determination using past history, Criminal History, Nature of crime, and etc.
Greenwood	4	0	1	1	1	1	0	Past behavior in jail, current charges, past charges
Charleston	4	1	1	1	1	0	0	Northpointe and Compass
Horry	4	1	0	1	1	1	0	Department of Justice Objective Classification Form
Laurens	4	1	1	1	0	0	1	Lawtrak Classification Form, National Crime Information Center, Criminal Justice Information Services
Anderson	3	0	0	1	1	1	0	Objective classification tree that considers prior assertive felonies, behavioral issues, and escape risk
Chesterfield	3		1	1	1	0		Chesterfield Detention Center internal classification notice
Lexington	3	0	1	1	1	0	0	Brief Jail Mental Health Screen and Referral Decision Scale
Newberry	3	0	0	1	1	1	0	Classification Application in Lawtrak; Objective Jail Classification
Pickens	3	0	1	1	0	0	1	Name not provided
Kershaw	3	1	0	1	1	0		In-house classification using a number tree. Outside workers are placed once the in-house classification has reviewed their criminal history and past history.
Beaufort	2	0	0	1	1	0	0	North Pointe Objective Jail Classification Model
Berkeley	2	0	0	1	1	0	0	Northpoint Decision Tree, aka Compass
Edgefield	2	0		1	1		0	Medical staff, receiving, screening form, suicide prevention screening, TB screening, screening for risk of victim/assailant of sexual abuse, primary classification decision tree
Lancaster	2	0	0	1	1	0	0	National Crime Information Center/criminal charges past and present
Spartanburg	2	1	0	1	0	0	0	Work/Punishment — in process of implementing
Marlboro	1	0	1	0	0	0	0	Name not provided
Union	1	0	0	1	0	0	0	LawTrak Classification / Review of inmate charges
York	1	0	0	1	0	0	0	Northpointe Classification Tree

## APPENDIX 7

### Jail Administrators Survey - Information Management Systems

Of 25 respondents, 24 said that their facility had implemented an automated information system, with the year of implementation ranging from 1986 to 2014. Only one respondent indicated that their facility was not automated. Twenty-two facilities identified the software that they used, with sixteen different software products mentioned: LawTrak, Southern Software & Jail Management Systems, Offendertrak and Zuercher Suite were mentioned by multiple respondents.

<b>Jail Management Systems Used by Responding Facilities</b>	
<b>Name of Jail Management System</b>	<b>N = 22</b>
LawTrak by Norton Business Systems	4
Southern Software and Jail Management Systems (JMS)	3
Offendertrak by Motorola	2
Zuercher Suite	1 + 1 in process
Aegis MSP	1
Agisent	1
County Developed JMS	1
Gere Public Safety Current Inform	1
Interact Hail Tracker	1
Jail Management System provides our department with averages not total breakdowns that are requested	1
JMS, JailTracker, and we are currently switching to Zuercher.	1
One Solution JMS	1
Police Central	1
Spillman	1
Sungard OSSI	1
vConnect	1

**Equipment Maintenance.** Twenty-seven facilities responded to the item concerning use of external vendors for equipment maintenance, with sixteen facilities (59.3%) using external vendors. Fourteen facilities provided the name of the external vendor (*see below*).

<b>External Vendors</b>	<b>N</b>	<b>Yes</b>	<b>% Yes</b>	<b>No</b>	<b>% No</b>
County uses an external vendor to maintain the necessary equipment	27	16/27	59.3%	11/27	40.7%

<b>Name of External Vendor</b>	<b>N = 14</b>
Nicholson Business Systems	2
Southern Software	3
Interact	1
Motorola	1
New World Systems	1
Norton Business Systems	1
Spillman Technologies, Inc.	1

<b>Name of External Vendor</b>	<b>N = 14</b>
Sungard OSSI Public Sector	1
Tyler Technologies	1
Tyler Technologies, Simplex, Southern Health Partners	1
Zuecher	1

**Automated Information System Uses.** Twenty-seven facilities provided information about how they used their automated information system.

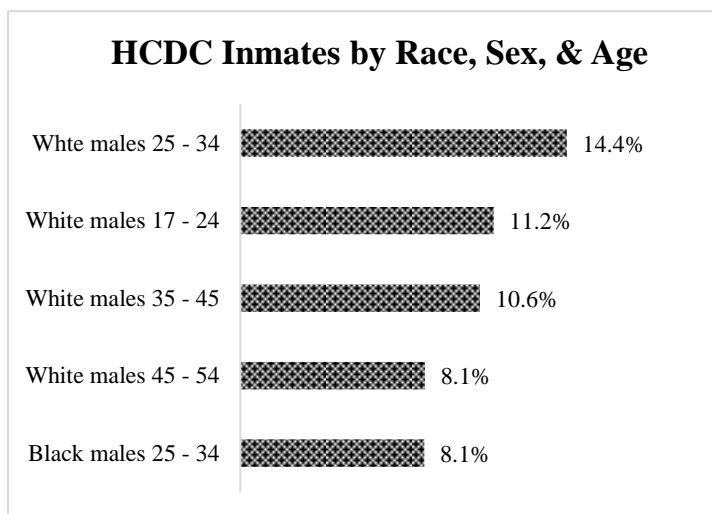
<b>Uses of Jail Information Systems</b>	<b>N</b>	<b>Yes</b>	<b>% Yes</b>	<b>No</b>	<b>% No</b>
Run automated reports	27	22/27	81.5%	5/27	18.5%
Analyze inmate information	27	19/27	70.4%	8/27	29.6%
Export/download/extract inmate data files	27	22/27	81.5%	5/27	18.5%

## APPENDIX 8

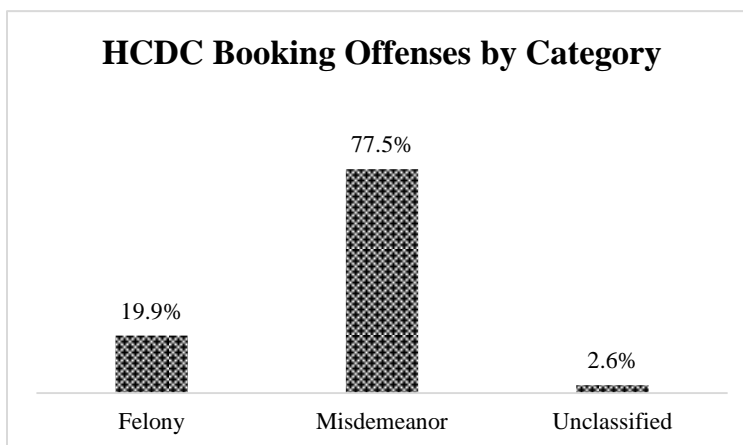
### Detention Center Analysis - Inmate Overview

#### Sample One: Horry County Detention Center (11,245 records)

**Inmate Characteristics.** The five most frequent race, sex, age groups booked were white males 25 -34, white males 17 – 24, white males 35 – 34, white males 45 – 54 and black males 25 – 34.

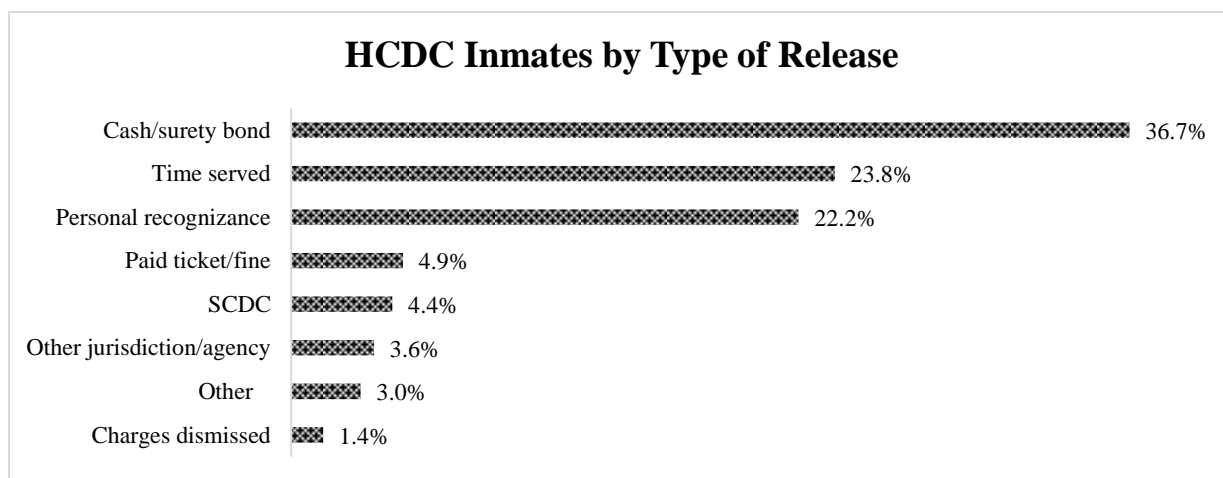


**Booking Offenses.** Misdemeanors accounted for 77.5% of booking offenses (most serious offense only), with felonies, most commonly Class E (7.9%) or Class F (5.4%), accounting for 19.9% of booking offenses, and the remaining 2.6% unclassified (neither felony nor misdemeanor).





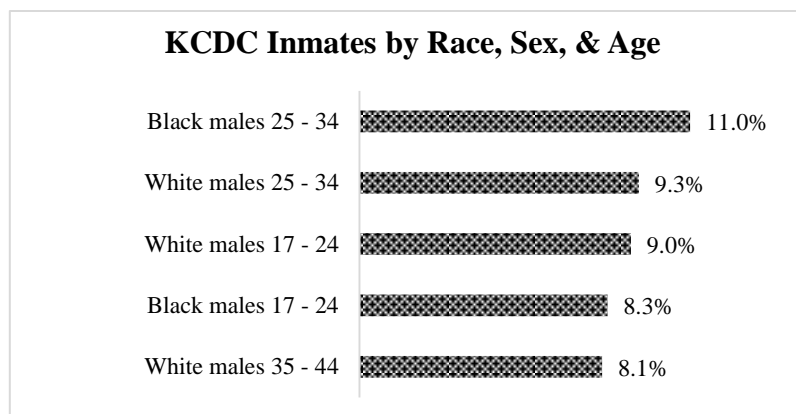
**Type of Release.** The type of release was logged for all detentions. *Cash or surety bond was the most frequent form of release (4,138 releases or 36.7% of all releases), followed by time served (2,683 or 23.8% of all releases), and personal recognizance bond (2,504 or 22.2% of all releases).*



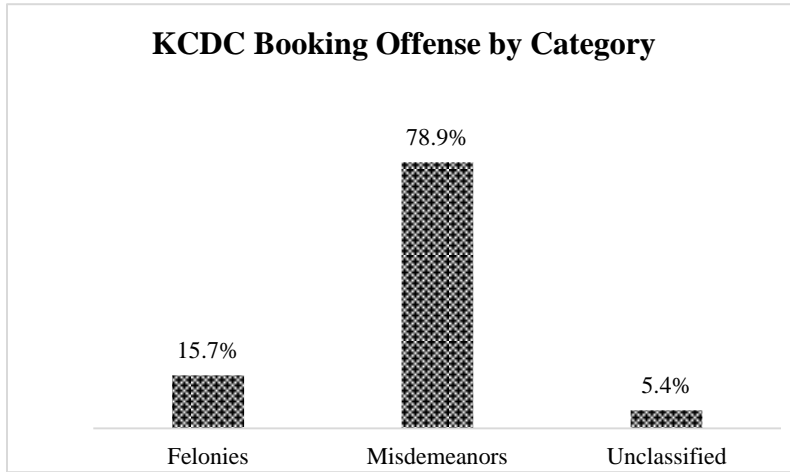
### Sample Two: Kershaw County Detention Center (3,340 records)

#### Inmate Characteristics

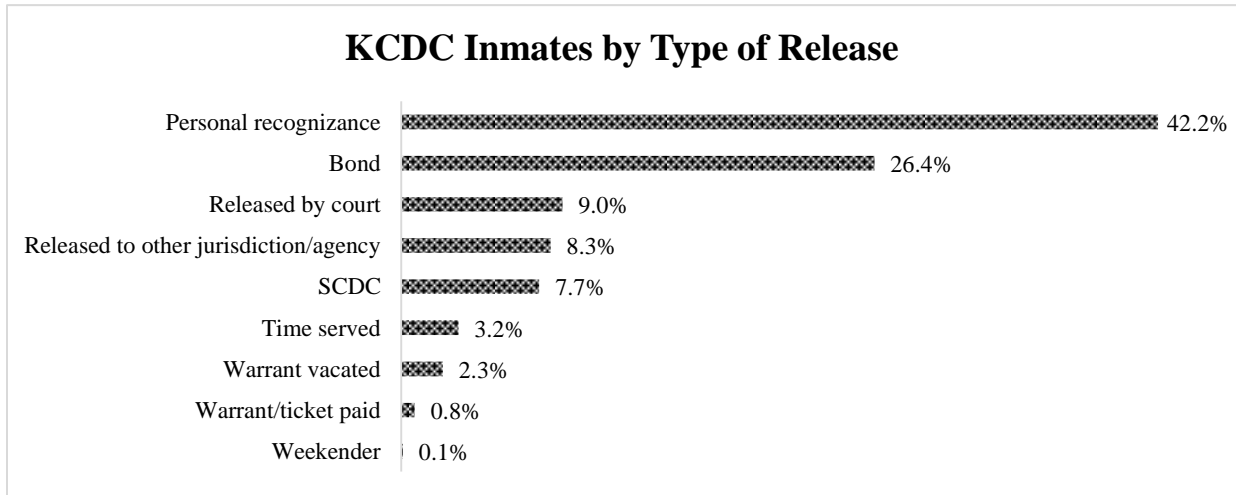
Black males aged 25–34 were the largest single race, sex, & age group, accounting for 11.0% of inmates, followed by white males aged 25–34 (9.3%), white males aged 17–24 (9.0%), black males aged 17–24 (8.3%), and white males aged 35–44 (8.1%). These five groups accounted for almost half of the inmate records studied.



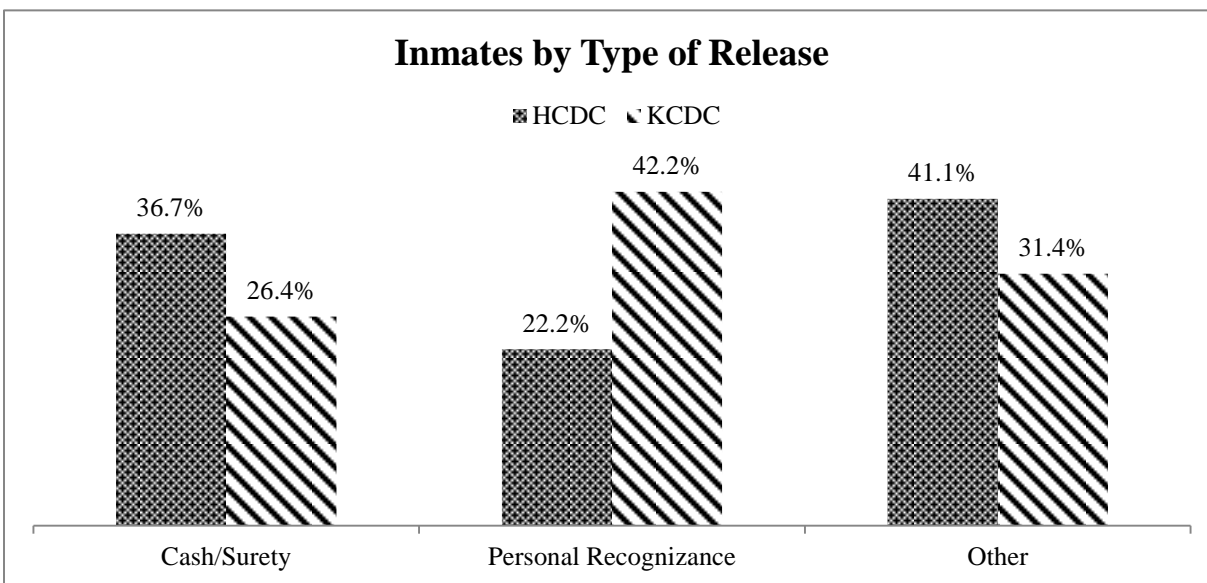
**Nature of Booking Offenses.** *Misdemeanors accounted for 78.9% of booking offenses (most serious offense only), with felonies accounting for 15.7% of booking offenses and the remaining 5.4% unclassified (neither felony nor misdemeanor).*



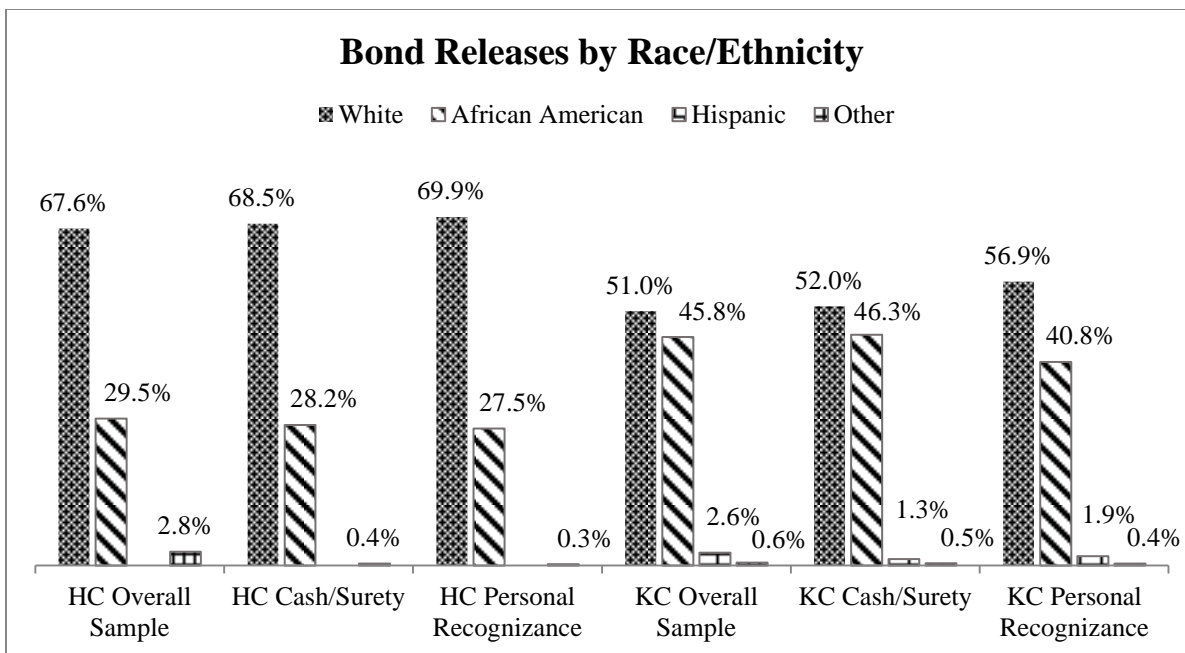
**Type of Release.** The type of release was logged for all detentions. *Personal recognizance bond was the most frequent form of release (1,404 inmates or 42.2% of all releases), followed by cash or surety bond (878 inmates or 26.4% of all releases).*



**Inmates Released on Bond.** Inmates released on bond, both cash/surety (CS) and personal recognizance (PR), were a population of specific interest. For both HCDC and KCDC, release on bond was one of the major ways that inmates were released.

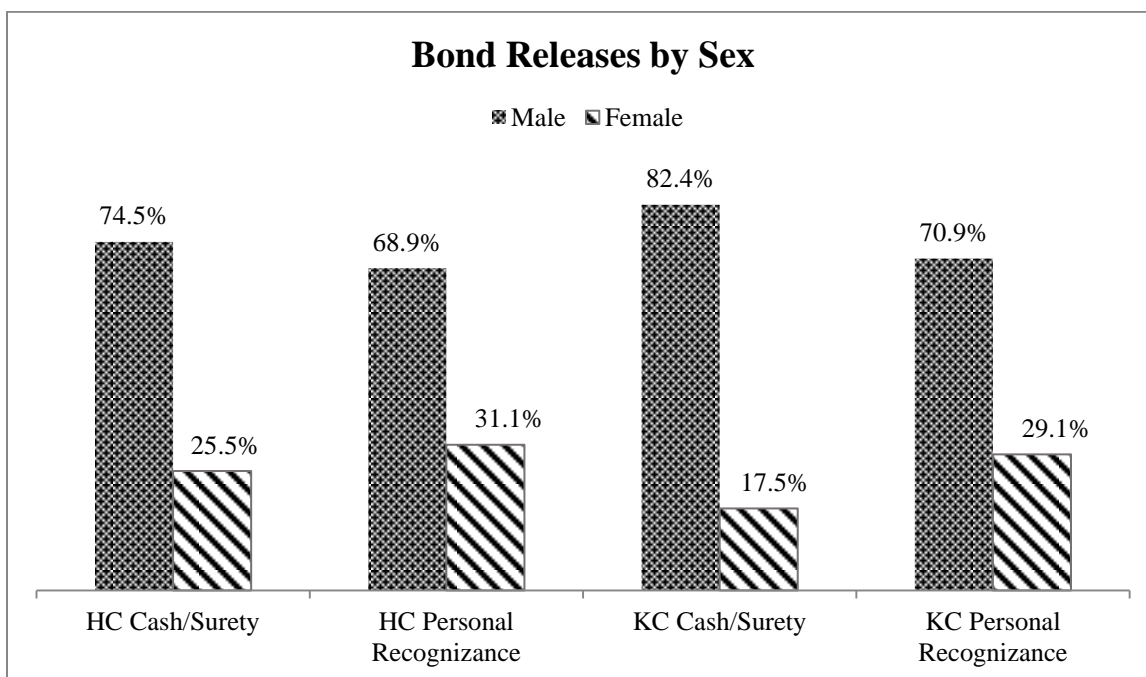


In the HCDC sample, 4,138 (36.7%) inmates were released on cash/surety bond, 2,504 (22.2%) were released on personal recognizance, and 4,634 (41.1%) were released by all other means. KCDC released a smaller proportion of inmates on cash/surety bond, but a greater proportion on personal recognizance. Among KCDC released, 878 (26.4%) were released on bond, 1,404 (42.2%) on personal recognizance, and 1,058 (31.4%) were released by all other means.



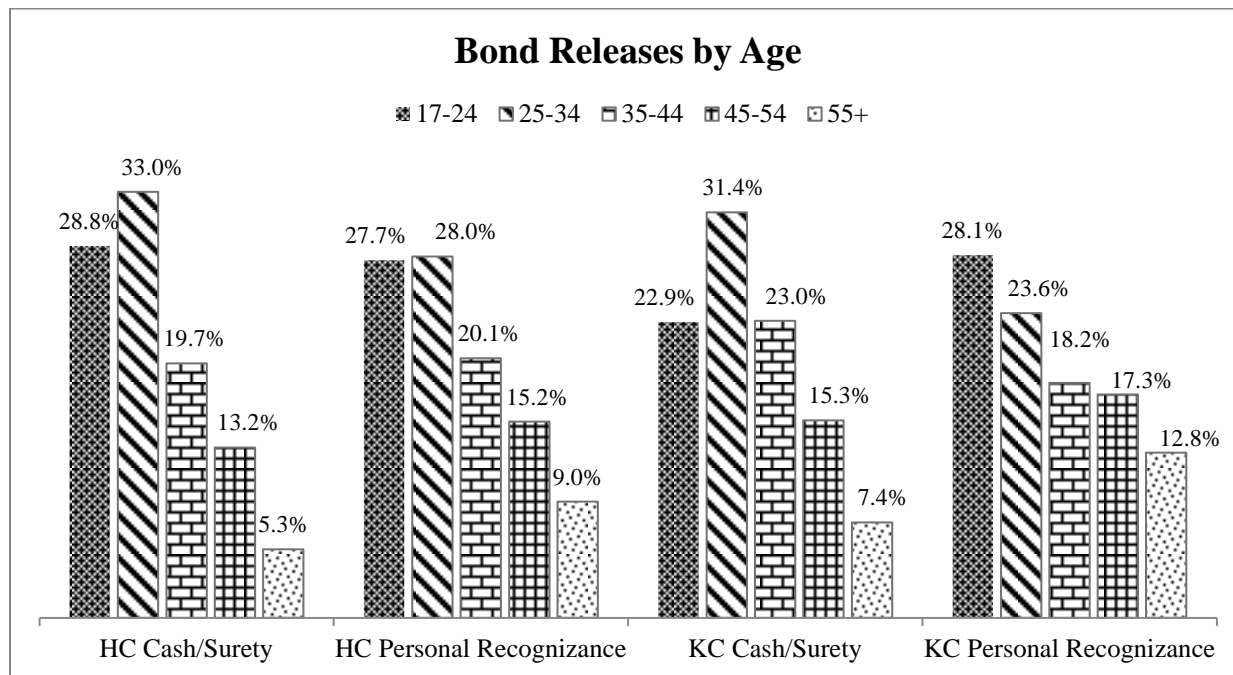
HCDC inmates released on cash/surety bond were 68.5% white, 28.2% black, and 0.4% other or unknown race. Among HCDC inmates released on personal recognizance, 69.9% were white, 27.5% were black, and 0.3% were of other or unknown race.

KCDC inmates released on cash/surety bond were 52.0% white, 46.3% black, 1.3% Hispanic and 0.5% other or unknown race. Among KCDC inmates released on personal recognizance, 56.9% were white, 40.8% were black, 1.9% were Hispanic, and 0.4% were of other or unknown race.



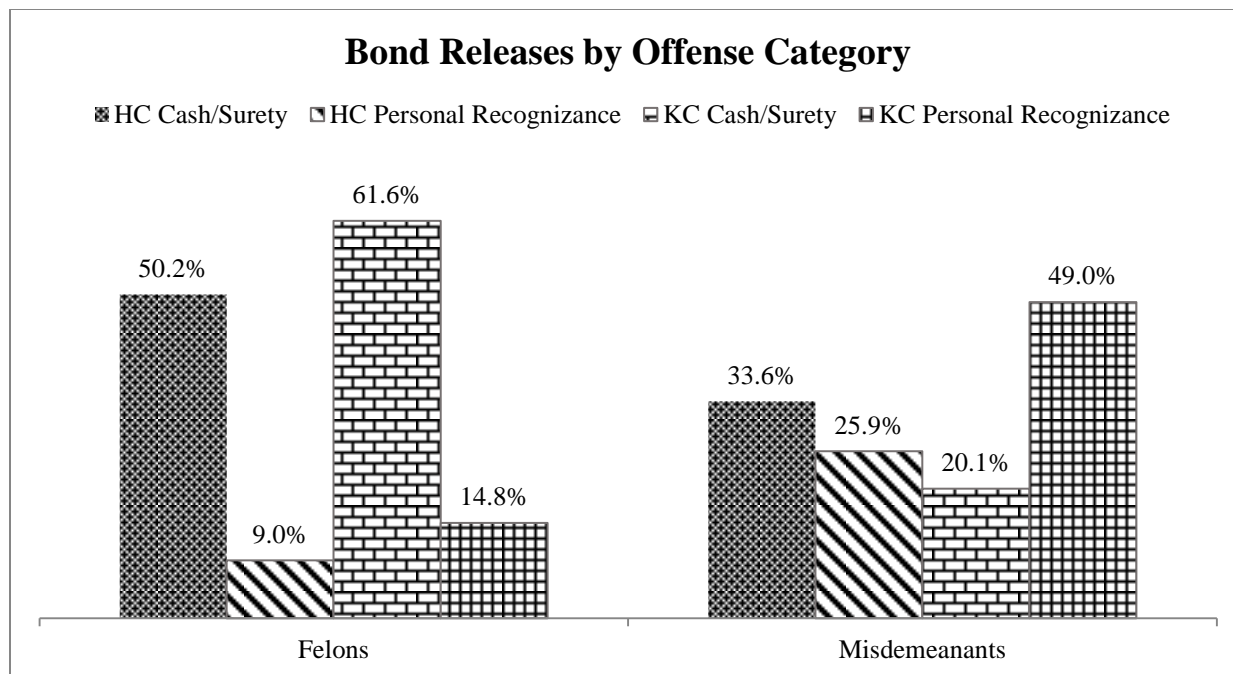
Among HCDC inmates released on cash/surety bond, 74.5% were male, 25.5% were female. Among HCDC inmates released on personal recognizance, 68.9% were male, 31.1% were female.

Among KCDC inmates released on cash/surety bond, 82.4% were male and 17.5% were female. Among KCDC inmates released on personal recognizance, 70.9% were male and 29.1% were female.



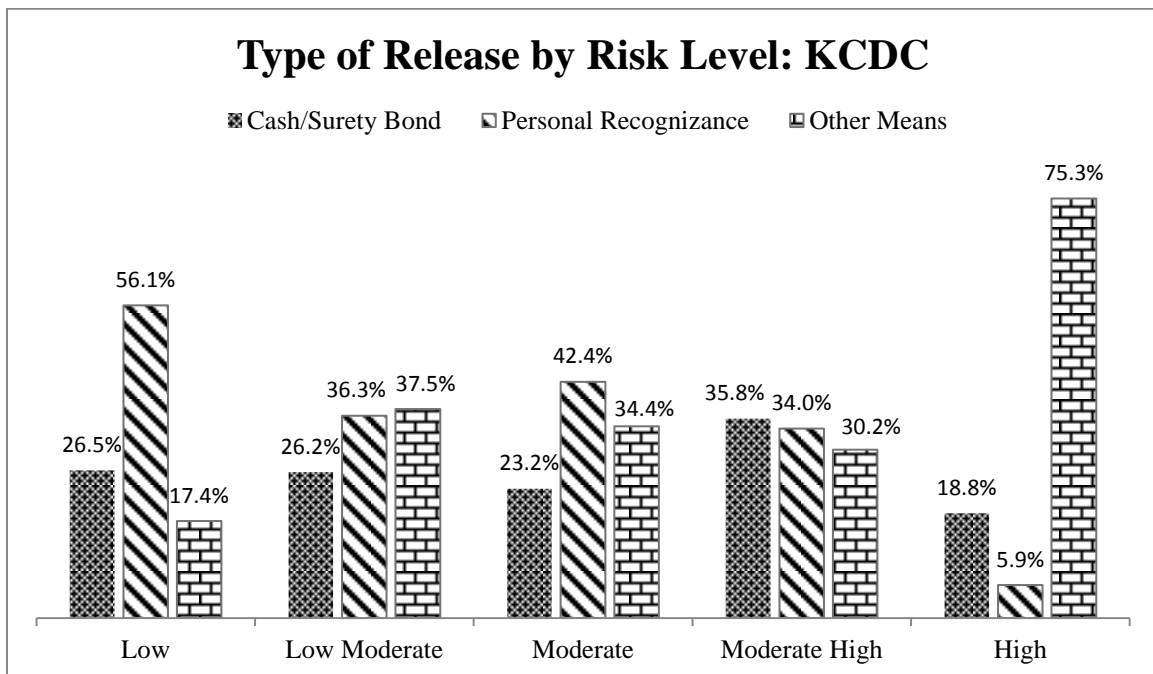
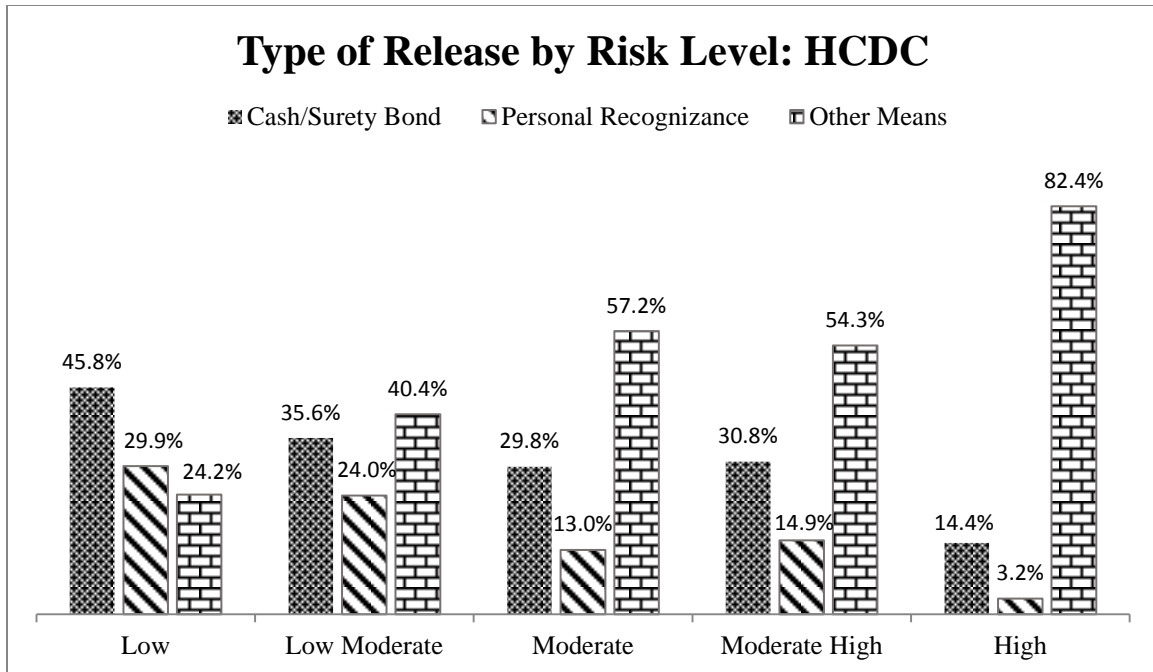
Among HCDC inmates, the largest age group released on cash/surety bond was the 25 to 34 year old age group, accounting for 33.0% of the total. Among HCDC inmates released on personal recognizance, the largest age group was 25 to 34 years of age, accounting for 28.0% of the total.

Among KCDC inmates released on cash/surety bond, the largest age group was the 25 to 34 year old group, accounting for 31.4% of the total. Among KCDC inmates released on personal recognizance, the largest age group was the 17 to 24 year old age group, accounting for 28.1%.



For both HCDC and KCDC, inmates with a felony booking charge were more often released on cash/surety bond than personal recognizance. Among HCDC inmates with felony booking charges, 1,126 (50.2%) were released on cash/surety bond, and 201 (9.0%) were released on personal recognizance. Among KCDC inmates, 324 (61.6%) of KCDC inmates with felony booking charges were released on cash/surety bond, and 78 (14.8%) were released on personal recognizance.

The proportion of inmates released on cash/surety and personal recognizance bond was different for misdemeanants and felons. Release of felons on personal recognizance bond was infrequent. Misdemeanants were more likely to be released on personal recognizance than felons, although the degree to which misdemeanants were released on personal recognizance varied between the two facilities. These findings point to the importance that the booking charge bears in relation to the type of release as well as a particular reluctance to release felons on personal recognizance. ***Among HCDC inmates with a misdemeanor charge, 2,940 (33.6%) were released on cash/surety bond, and 2,269 (25.9%) were released on personal recognizance. KCDC misdemeanants were more likely to be released on personal recognizance than were those at HCDC; 530 (20.1%) of misdemeanants were released on cash/surety bond and 1,294 (49.0%) were released on personal recognizance.***

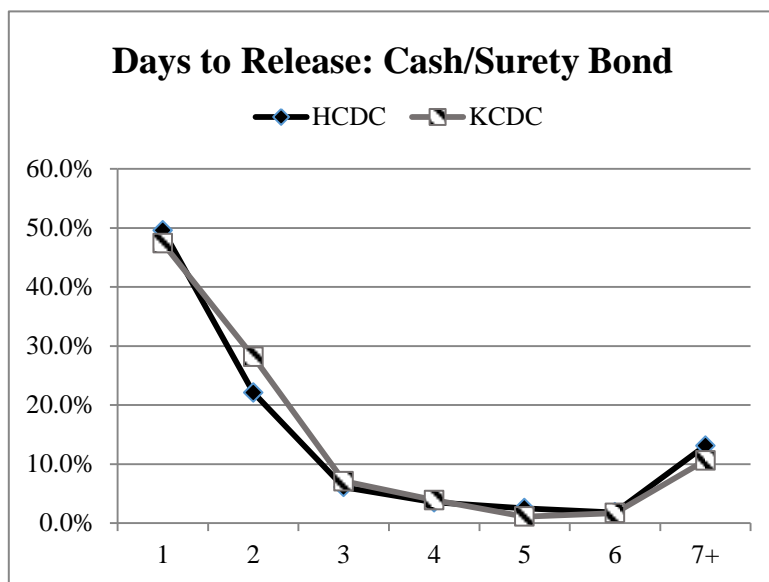


Inmates in the lower risk categories were more likely to be released on personal recognizance than were inmates in the higher risk categories. The percentage released on personal recognizance decreased with risk level for both HCDC and KCDC, with the single exception among risk categories that, at KCDC, more moderate risk inmates (42.4%) were released on personal recognizance than were low moderate risk inmates (36.3%). Overall, these findings indicate that the factors defining KPRA-S risk categories already reflect, to some degree, the decision-making processes used to determine type of release.

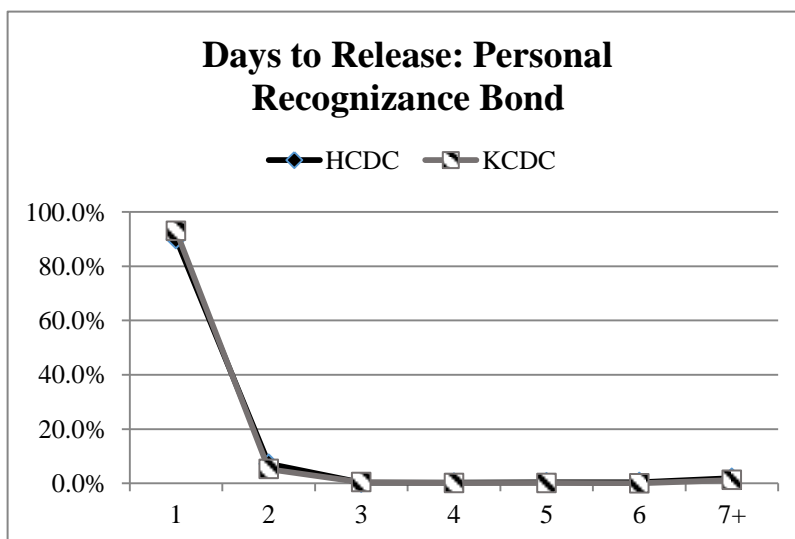
## Time to Release

The length of time from booking to release was another factor examined. For the most part, time to release on personal recognizance bond was swift, with nearly all inmates released on personal recognizance being released in the first 24 hours. Release on cash/surety bond was not nearly as expeditious. Although the median time to release on cash/surety bond was approximately 1 day, release took several days for many inmates and more than a week for about 10%. *This finding depicts a population of inmates for whom reconsideration of the level of cash/surety bond required, or release on personal recognizance, might be appropriate and meaningfully reduce the number of days detained.*

**Cash/Surety Bond.** Among HCDC inmates, the mean time from booking to release on cash/surety bond was 6.6 days, with the median 1 day. Nearly half (49.6%) of those released on cash/surety bond were released within 24 hours of booking, while another 22.1% were released within 48 hours. A similar pattern was observed among KCDC inmates. The mean time between booking and release was 5 days, and the median was 1.1 days. Nearly half (47.4%) of KCDC inmates released on cash/surety bond were released within 24 hours; another 28.2% were released within 48 hours.



**Personal Recognizance Bond.** Among HCDC inmates released on personal recognizance, the mean time to release from booking was 1.4 days, with the median 0.5 days. Within this group, 90.0% were released within 24 hours; another 7.2% were released within 48 hours. Similarly, among KCDC inmates released on personal recognizance, the mean time to release was 1 day, with the median 0.5 days. Within this group, 93.0% were released within 24 hours and another 5.2% were released within 48 hours.





## APPENDIX 9

### Detention Center Analysis — Risk Factors

#### Operational Definitions for Risk Factors

**Pending cases.** This risk item was scored using CCHR data. Arrests that preceded the booking date of interest, with the disposition date for that same arrest following the booking date, were scored as pending cases.

**Current arrest for failure to appear in court.** This risk item was scored using the booking offense from the detention center data files. Any arrests for failure to appear were logged separately from the most serious offense and retained in order to identify such cases. Any cases with a booking offense of failure to appear were scored as having a current arrest for failure to appear in court.

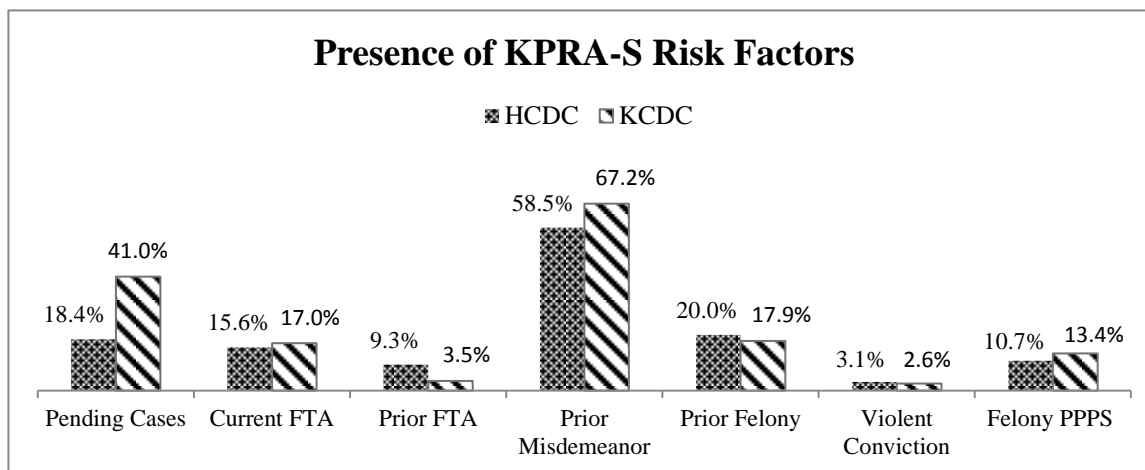
**Prior history of failure to appear.** This risk item was scored using CCHR data. Any arrests for failure to appear preceding the booking date were defined as meeting this criterion.

**Prior misdemeanor convictions.** This risk item was scored using CCHR data. The felony/misdemeanor indicator in the CCHR judicial record was used, the presence of the misdemeanor indicator with an associated disposition date preceding the booking date was defined as meeting the criterion for that risk item.

**Prior felony convictions.** This risk item was scored using data from the CCHR. The felony/misdemeanor indicator in the CCHR judicial record was used, the presence of the misdemeanor indicator with an associated disposition date preceding the booking date was defined as meeting the criterion for that risk item.

**Prior violent convictions.** This risk item was scored using data from the CCHR. Violent convictions were identified using both CDR codes and the offense description, and applying the statutory definition of a violent crime as specified in section 16-1-60 of South Carolina Statutes. Any violent crime with an associated disposition date preceding the booking date was defined as meeting the criterion for that indicator.

**Currently under probation or parole supervision for a felony offense.** This risk item was scored using data from SCDPPPS client records in the linked records. Inmates were scored as being under probation or parole for a felony offense if they were under probation or parole supervision at the time of booking and one of the offense codes associated with the case at that time was a felony.



The most frequently recorded risk factor was prior misdemeanor convictions. Pending cases was the second most commonly recorded risk factor, and had the most variance between the two samples.

### Calculating Inmate Risk Scores using the KPRA-S

To score the KPRA-S, the defendant's status on each of the risk factors above was first determined, with 'Yes' answers being indicative of risk. Each item was then weighted (*see weights in table below*), with weights based on the degree to which a factor was deemed predictive of NCA or FTA in the validating studies. Scores ranged from 0 to 15.

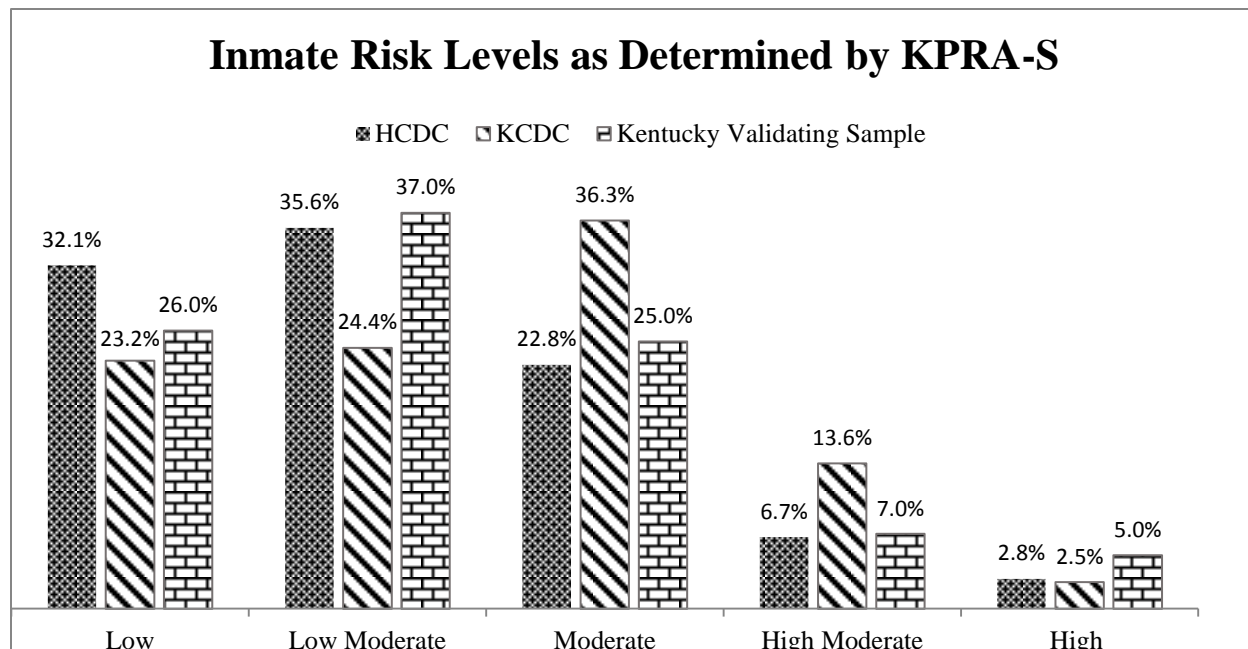
KPRA-S Risk Factors & Scoring Weight	Response	Weight
Does the defendant have a pending case?	Yes	7
Does the defendant have an active warrant(s) for FTA? If no, does the defendant have a prior FTA on a misdemeanor or felony charge?	Yes	2
Does the defendant have a prior FTA on a criminal or traffic violation?	Yes	1
Does the defendant have prior misdemeanor convictions?	Yes	2
Does the defendant have prior felony convictions?	Yes	1
Does the defendant have prior violent crime convictions?	Yes	1
Is the defendant currently on probation/parole from a felony conviction?	Yes	1

The KPRA-S was applied to the 11,285 HCDC inmates and the 3,340 KCDC inmates using the data supplied by each detention center linked to the computerized criminal history records for each inmate. The scores were calculated from these data, resulting in scores ranging from a low score of 0 to a high score of 15 points. At HCDC, the modal score was 0 points, the median score was 8 points and the mean average score was 6 points. At KCDC, the modal score was 0 points, the median score was 4 points and the mean average score was 4.9 points. Scores for each detention center are included below.

KPRA-S Risk Levels	
Risk Level	Score
Low	0
Low moderate	1-3
Moderate	4-9
Moderate high	10-11
High	12+

Score	HCDC		KCDC	
	Frequency	Percent	Frequency	Percent
0	2997	26.6	775	23.2
1	146	1.3	41	1.2
2	1081	9.6	601	18.0
3	178	1.6	174	5.2
4	266	2.4	270	8.1
5	35	.3	81	2.4
6	14	.1	27	.8
7	874	7.7	122	3.7
8	166	1.5	16	.5
9	2330	20.6	695	20.8
10	1261	11.2	236	7.1
11	1185	10.5	217	6.5
12	500	4.4	59	1.8
13	204	1.8	23	.7
14	47	.4	3	.1
15	1	.0	0	0
Total	11,285	100.0	3,340	100.0

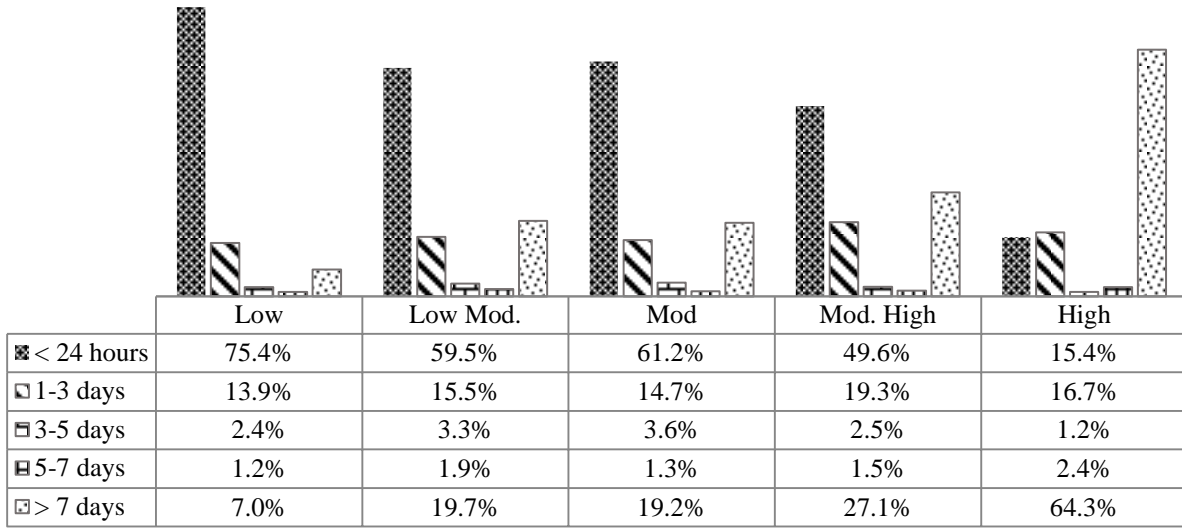
*More than two thirds of the inmates in the HCDC sample are low/low moderate risk compared to about half of the KCDC sample. Almost half of the KCDC sample is moderate/moderate high risk compared to about one third of the HCDC sample.* The HCDC sample is more similar to the Kentucky sample used in the initial validation of the KPRA-S than is the KCDC sample.



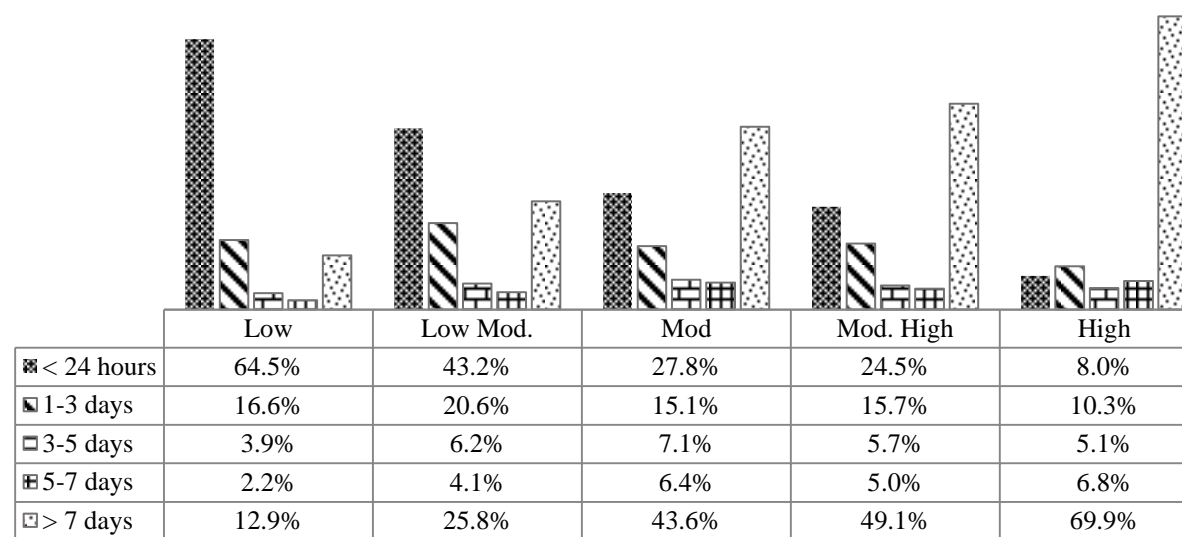
Among HCDC inmates, a higher percentage of high and moderate high risk inmates had lengthy periods of detention than low and low moderate risk inmates. Among high risk inmates, 69.9% spent more than a week in detention, while only 8.0% were released within 24 hours. Similarly, among moderate high inmates, 49.1% served more than a week while 24.5% were released within 24 hours. ***Among low risk inmates, 64.5% were released within 24 hours, and 12.9% spent more than a week in detention. Among low moderate risk inmates, 43.2% were released with 24 hours, and 25.8% spent more than a week in detention.***

The length of detention among KCDC inmates by risk level was similar to that among HCDC inmates. Among KCDC high risk inmates, 64.3% spent more than a week in detention, while only 15.4% were released within 24 hours. Among moderate high inmates, 27.1% served more than a week while 49.6% were released within 24 hours. ***Among low risk inmates, 75.4% were released within 24 hours, and 7% spent more than a week in detention. Among low moderate risk inmates, 59.5% were released within 24 hours, and 19.7% spent more than a week in detention.***

### Risk Level by Length of Detention: KCDC

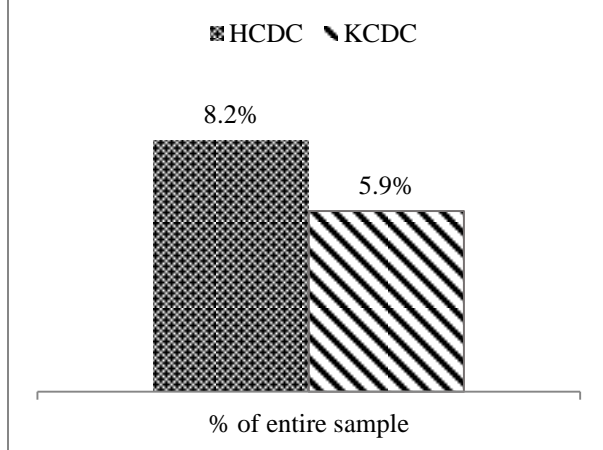


### Risk Level by Length of Detention: HCDC

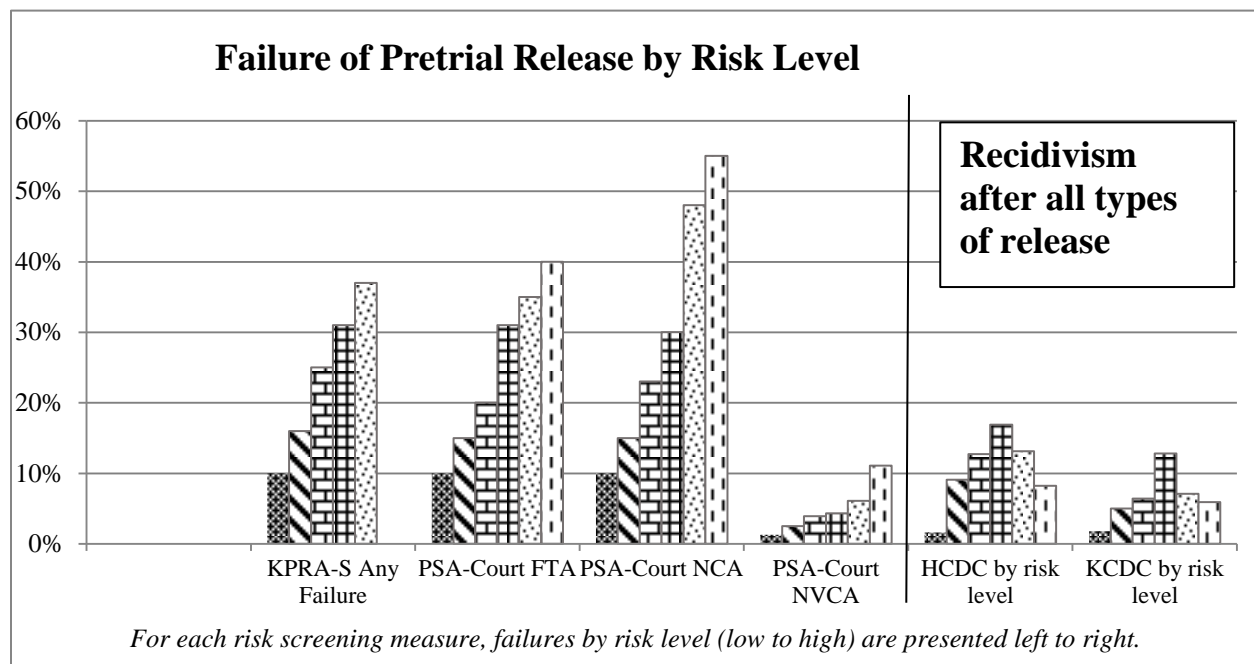


**Risk to Public Safety.** Among the HCDC inmates released, 920 (8.2%) were arrested again within six months. Of the KCDC inmates released, 196 (5.9%) were arrested again within six months.

### Six Month Re-Arrest Rates



Both of the pretrial risk screening instruments referenced in this report have published data on the likelihood that those released pretrial will fail to appear for a court date (FTA) and/or commit a new offense (NCA) before the current case is resolved. The PSA-Court also includes a violence flag (NVCA) that predicts the likelihood that an inmate will commit a new violent offense before the case is resolved. As the graph above clearly indicates, as risk level increases, so does the risk to public safety.



Collectively, the various pretrial risk screening instruments indicate that, if the lowest risk group of detainees is released, about 10% will ‘fail’, defined as failing to appear at court, committing a new offense, or both; a little more than 1% will commit a new violent offense. For the next lowest risk group of detainees, around 15% will fail and about 2.5% will commit a new violent offense.

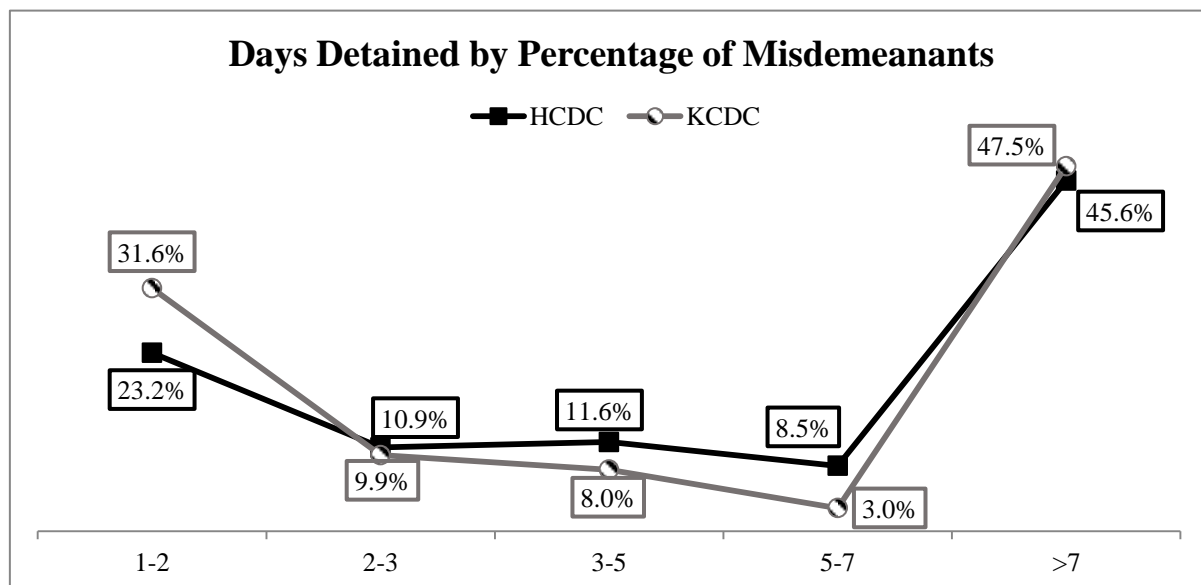
In contrast, the six month recidivism rates among the HCDC and KCDC samples have more of a normal distribution. However, there are some fundamental differences between the pretrial risk instruments included in the graph and the six month recidivism measure used in this project, primarily the period of time studied (release to case disposition in the pretrial instrument vs. six months after release in this study). A number of factors, including the variance in case processing time for inmates with differing offenses, are likely to be affecting the distribution. Without further research, attempting to explain the distribution would be mere conjecture.

## APPENDIX 10

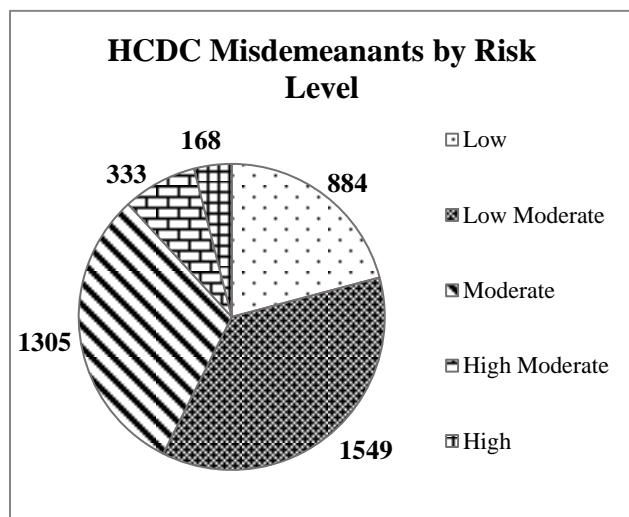
### Potential Cost Savings under Specific Release Scenarios

The cost impact of linking various risk scores to pretrial release was calculated for a variety of target groups and included consideration of risk categories within each group. Target groups were based on most serious booking offense (misdemeanors and felonies by class) for inmates detained more than 24 hours. Inmates detained 24 hours or less were excluded based on the assumption that no cost savings would be forthcoming for these inmates. Because of their extremely serious nature, inmates who were booked for Class X felonies were also excluded from calculations. Cost savings were calculated by applying the cost per day (as determined by HCDC and KCDC's responses to the Jail Administrator Survey) to the average time in detention (minus one day to account for processing) to the number of inmates in each category. It is important to note that these analyses represent the *maximum* possible cost savings for each population of interest; i.e., each analysis assumes cost savings for every inmate in the target group and for every inmate in each risk category within that target group. *It is also important to note that, although each target group is referred to by their most serious booking offense, this label refers to the booking offense, not prior convictions.*

**Release Scenario: Misdemeanant Target Group.** In the HCDC sample, there were 4,239 misdemeanants detained 24 hours or more — 37.6% of the sample. This target group had a mean length of detention of 18.2 days, with the two most common detention periods being a week or longer (45.6%) and 1 to 2 days (23.2%). The mean risk score was 3.9 — at the high end of the low moderate risk level. In the KCDC sample, there were 826 misdemeanants detained 24 hours or more — 24.7% of the sample. This target group had a mean length of detention of 14.8 days, with the two most common detention periods again being a week or longer (47.5%) and 1 to 2 days (31.6%). The mean risk score was 5.4 — in the moderate range.



For the HCDC sample, applying the HCDC reported inmate cost per day of \$99 to 4,239 detainees times an average of 17.2 days, the *maximum* potential annual savings for the HCDC misdemeanor target group is \$7,228,079.<sup>26</sup> In practice, the facility is more likely to determine that inmates of a certain risk level will be released. Therefore, savings by risk level are included in the table above.

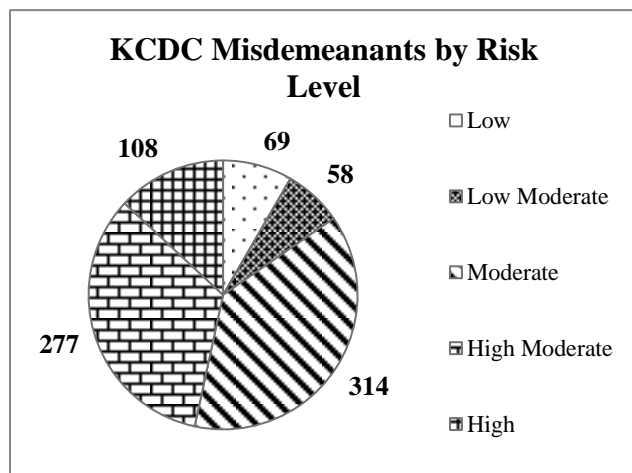


Potential Cost Savings Associated with Pretrial Release of HCDC Misdemeanants				
Risk Level	Number Inmates	Daily Cost	Avg. days detained	Savings
Low	884	\$99	12.0	\$1,050,192
Low Moderate	1549	\$99	14.3	\$2,192,919
Moderate	1305	\$99	19.5	\$2,519,303
Moderate High	333	\$99	26.7	\$880,219
High	168	\$99	35.2	\$585,446

*Using bed days as a means of calculating savings, if HCDC were to release misdemeanants with a low or low moderate risk level, approximately 32,759 bed days would be saved [(884 low risk x 12.0 avg. days detained) + (1549 low moderate x 14.3 avg. days detained) = 32,759]. Using HCDC's rated capacity of 991 (as reported on the jail administrators survey) results in 361,715 total possible bed days annually, meaning that releasing low and low moderate risk misdemeanants would free up about 9% of the total possible bed days.*

<sup>26</sup> Average time detained minus one day processing.





Potential Cost Savings Associated with Pretrial Release of KCDC Misdemeanants				
Risk Level	Number Inmates	Daily Cost	Avg. days detained	Savings
Low	69	\$56	8.2	\$31,685
Low Moderate	58	\$56	10.9	\$35,403
Moderate	314	\$56	10.2	\$179,357
Moderate High	277	\$56	16.9	\$262,153
High	108	\$56	21.3	\$128,822

For the KCDC sample, applying the KCDC reported inmate cost per day of \$56 to 826 inmates times an average of 14.8 days, the *maximum* potential annual savings for the KCDC misdemeanor target group is \$637,420. Again, the facility is more likely to determine that inmates of a certain risk level will be released. Therefore, savings by risk level are included in the table above.

*Again using bed days as a means of calculating savings, if KCDC were to release misdemeanants with a low or low moderate risk level, approximately 1,198 bed days would be saved [(68 low risk x 8.2 avg. days detained) + (58 low moderate x 10.9 avg. days detained) = 1,198]. Using KCDC's rated capacity of 100 (as reported on the jail administrators survey) results in 36,500 total possible bed days annually, meaning that releasing low and low moderate risk misdemeanants would free up slightly more than 3% of the total possible bed days. Using the reported operational capacity of 170 results in 62,050 total possible bed days and yields a savings of almost 2% of the total possible bed days.*

There are innumerable additional ways that pretrial release scenarios could be structured. One could decide to release all low risk inmates, all of those in specific offense categories, or a combination. The two tables that follow, one for HCDC and one for KCDC, include the same information as that presented for the misdemeanor target groups on the preceding page; information is organized by booking offense category and risk level. The row specific savings associated with specific risk levels and/or offense categories can be summed to obtain an estimate of the overall cost savings associated with a specific scenario. Examples of each offense category were provided in the beginning of the section on the detention center data analysis.

<b>HCDC Sample — Potential Cost Savings by Felon Target Group</b>					
<b>Offense Category</b>	<b>Risk Level</b>	<b>Number Inmates</b>	<b>Daily Cost</b>	<b>Avg. Days Detained</b>	<b>Potential Savings</b>
Unclassified	Low	6	\$99	54.9	\$32,611
	Low Moderate	8	\$99	56.3	\$44,590
	Moderate	6	\$99	50.2	\$29,819
	Moderate High	2	\$99	45.8	\$9,068
	High	0	\$99	0	\$0
Class F	Low	85	\$99	35.7	\$300,416
	Low Moderate	176	\$99	34.3	\$597,643
	Moderate	111	\$99	43.4	\$476,923
	Moderate High	63	\$99	46.3	\$288,773
	High	29	\$99	74.9	\$215,038
Class E	Low	117	\$99	34.7	\$401,930
	Low Moderate	246	\$99	40.0	\$974,160
	Moderate	213	\$99	56.4	\$1,189,307
	Moderate High	96	\$99	70.2	\$667,181
	High	60	\$99	57.4	\$340,956
Class D	Low	54	\$99	21.3	\$113,870
	Low Moderate	79	\$99	32.0	\$250,272
	Moderate	77	\$99	46.3	\$352,945
	Moderate High	37	\$99	42.3	\$154,945
	High	12	\$99	105.1	\$124,859
Class C	Low	7	\$99	35.7	\$24,740
	Low Moderate	6	\$99	100.0	\$59,400
	Moderate	3	\$99	193.3	\$57,410
	Moderate High	2	\$99	94.4	\$18,691
	High	4	\$99	90.1	\$35,680
Class B	Low	2	\$99	45.9	\$9,088
	Low Moderate	9	\$99	73.8	\$65,756
	Moderate	8	\$99	141.6	\$112,147
	Moderate High	2	\$99	148.0	\$29,304
	High	0	\$99	0.0	\$0
Class A	Low	51	\$99	60.8	\$306,979
	Low Moderate	85	\$99	84.7	\$712,751
	Moderate	55	\$99	102.7	\$559,202
	Moderate High	28	\$99	114.5	\$317,394
	High	9	\$99	176.4	\$157,172

<b>KCDC Sample — Potential Cost Savings by Felon Target Group</b>					
<b>Offense Category</b>	<b>Risk Level</b>	<b>Number Inmates</b>	<b>Daily Cost</b>	<b>Avg. Days Detained</b>	<b>Potential Savings</b>
Class F	Low	23	\$56	4.8	\$6,182
	Low Moderate	25	\$56	17.6	\$24,640
	Moderate	35	\$56	26.8	\$52,528
	Moderate High	26	\$56	37.9	\$55,182
	High	7	\$56	17.6	\$6,899
Class E	Low	15	\$56	14.8	\$12,432
	Low Moderate	26	\$56	34.9	\$50,814
	Moderate	31	\$56	12.1	\$21,006
	Moderate High	37	\$56	36.1	\$74,799
	High	9	\$56	49.8	\$25,099
Class D	Low	9	\$56	5.8	\$2,923
	Low Moderate	14	\$56	14.2	\$11,133
	Moderate	7	\$56	19.4	\$7,605
	Moderate High	12	\$56	25.9	\$17,405
	High	2	\$56	43.3	\$ 4,850
Class C	Low	2	\$56	6.9	\$773
	Low Moderate	2	\$56	153.8	\$17,226
	Moderate	2	\$56	0.71	\$80
	Moderate High	1	\$56	0.1	\$6
	High	2	\$56	93.6	\$10,483
Class B	Low	3	\$56	120.3	\$20,210
	Low Moderate	2	\$56	37.1	\$4,155
	Moderate	3	\$56	0.7	\$118
	Moderate High	1	\$56	0.7	\$39
	High	0	\$56	0	\$ 0
Class A	Low	6	\$56	70.4	\$23,654
	Low Moderate	8	\$56	59.9	\$26,835
	Moderate	4	\$56	26.8	\$6,003
	Moderate High	7	\$56	35.3	\$13,838
	High	3	\$56	90.3	\$15,170