Recommendations Regarding the Composition and Role of a Criminal Justice Coordinating Council in Albuquerque/Bernalillo County New Mexico

Phase I

Technical Assistance Report

Bureau of Justice Assistance

ADJUDICATION TECHNICAL ASSISTANCE PROJECT

A Joint Program of the Bureau of Justice Assistance, U.S. Department of Justice, and The American University School of Public Affairs.
Recommen-dations Regarding the Composition and Role of a Criminal Justice Coordinating Council in Albuquerque/Bernalillo County New Mexico

Phase I

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Court Administrator
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Consultant Assigned:  Walter H. Busher
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Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgment freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice.
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I. ASSIGNMENT BACKGROUND

A. Purpose and Scope of Assistance To Be Provided

In May 1989, in the face of persistent and worsening crowding at the Bernalillo County Detention Center and a burgeoning increase in criminal cases, particularly drug offense, criminal justice system officials in the City of Albuquerque and Bernalillo County, New Mexico, decided to form The Metropolitan Criminal Justice Coordinating Council (MCJCC). The announced purpose of the MCJCC was to bring together City, County and State of New Mexico officials in an effort "to address crowding at the city-county jail". Later the members of the MCJCC expanded the Council's focus to "coordinate various criminal justice agencies". During the mid-1970's, a similar county-wide criminal justice coordinating agency had been established but was subsequently disbanded when Law Enforcement Assistance Administration (LEAA) funding was no longer available.

To plan for the establishment of the MCJCC, local officials began seeking guidance and assistance in organizing their efforts. In August, a representative of the Council contacted The Bureau of Justice Assistance's Adjudication Technical Assistance Project (ATAP) in Washington, D.C. On September 1, 1989, following discussions between ATAP staff and the Council's representative, the ATAP proposed to provide its technical assistance services in three phases which would consist of the following:

1. **Phase I**: a 2-3 day "problem definition visit." During this visit, the ATAP consultant could meet with members of the prospective Council as well as others involved in justice system operations in an effort to:

(a) make suggestions regarding the function which the Council might have, the authority it would require, and issues which would need to be resolved in its formation in order for it to adequately address the justice system issues you've described; and
(b) assist in defining and prioritizing the justice system problems Albuquerque is currently facing and identifying certain base-line information needed (relating primarily to the nature of the caseload the courts are handling, the nature of the pre-trial and probation program operations, etc.) in order to better define and address these problems.

It was anticipated that this visit would provide concrete suggestions regarding the composition, authority and role of the Coordinating Council as well as certain aspects of the detention and caseload problems which were readily apparent; in addition, it was anticipated that the ATAP consultant would identify areas where information would be needed in order to assist the Council in developing a coordinated and comprehensive plan for addressing the detention/caseload problems. The problem definition visit was also designed to the ATAP to determine whether specialized assistance (e.g., in pretrial service programs, differentiated case management, deferred prosecution, etc.) might be appropriate to provide in a subsequent phase.

2. **Phase II**: Based on the results of the problem definition visit and after local officials had an opportunity to gather the information identified during that visit, a second visit of 2-3 days duration would be scheduled as soon as the information identified during the Phase I visit was available, most likely by the same consultant as initially assigned but perhaps accompanied by another consultant(s) with specialized expertise in areas relevant to the problems identified. The focus of this second phase would be determined by the results of the first but might include a meeting of all justice system officials to "walk-through" the criminal justice process, from arrest to disposition, with a view to identifying potential delay points and possible remedial measures for each stage, as well as for the system as a whole. This second visit would result in a series of recommendations.
generated at the meeting with local criminal justice officials which local officials could then consider and adopt as appropriate.

3. **Phase III:** A final phase of assistance (one day) is reserved for a return visit to Albuquerque two to three months following the Phase II visit to follow up with local officials upon their efforts to implement the recommendations generated in Phase II and to address any unanticipated problems that may have arisen.

This report documents the results of the Phase I portion of the technical assistance effort.

**B. Focus of this Report**

To conduct the Phase I portion of this assignment, the ATAP assigned Walter Busher to serve as consultant. Mr. Busher has had extensive experience in working with local officials to develop county-wide organizations similar to that contemplated by Albuquerque/Bernalillo County officials through his work with the ATAP and with the National Institute of Corrections (NIC). Mr. Busher made a site visit to Albuquerque October 10 - 11, 1989 to conduct the problem definition portion of this study. In addition to the general objectives outlined for Phase I, the ATAP requested Mr. Busher to:

(a) provide concrete suggestions regarding the composition, authority and role of the Coordinating Council as well as certain aspects of the detention and caseload problems which are readily apparent;

(b) identify areas where information would be needed in order to assist the Council in developing a coordinated and comprehensive plan for addressing the detention/caseload problems; and
(c) determine whether specialized assistance (e.g., in pretrial service programs, differentiated case management, deferred prosecution, etc.) might be appropriate to provide in a subsequent phase.

William Snell, Assistant to the Metropolitan Court Administrator, Frank Kleinhenz, served as local coordinator for this assignment. Prior to Mr. Busher’s visit, Mr. Snell provided the ATAP with a wide range of documents and statistical reports on local criminal justice operations which Mr. Busher was able to review before arriving in Albuquerque.

C. Summary of On-Site Activities

While on site, the ATAP consultant, accompanied by Mr. Snell, conducted series of interviews with local officials, reviewed additional reports and attended a meeting of the MCJCC. The following persons were interviewed:

- William A. Snell, Assistant to the Metropolitan Court Administrator
- Sam V. Baca, Chief of Police, City of Albuquerque
- Bo G. Vikstrom, Pres./CEO, Human Services Development, Inc.
- Frank Kleinhenz, Metropolitan Court Administrator
- Hon. Elizabeth Love, Chief Judge, Metropolitan Court
- Ralph C. Ruiz, Director, Department of Corrections - Detention
- Charles Rees, Department of Corrections - Detention
- James Farnsworth, Dept. of Corrections - Detention
- Robert Lauer, Dept. of Corrections - Detention
- Gordon Bernell, Dept. of Corrections - Detention
- Robert Shaffer, Director, Pretrial Services Div., Metropolitan Court
Bernalillo County Sheriff Alvin Campbell was unavailable for interview because of illness.

The consultant also briefly observed the public defender conducting pre-arraignment (for Metropolitan Court) interviews with several inmates at the Detention Center; in-custody defendants being arraigned in Metropolitan Court; and the reception-admission areas of the correction-detention facility.
The following reports and documents were reviewed in conjunction with the conduct of this component of the technical assistance study:

- Metropolitan Court Pretrial Services Annual Report, 7/1/89-6/30/89;
- Pretrial Services Statistics, March-August 1989
- Various Forms and Information Sheets Used by Pretrial Services Staff, Table of Organization, Albuquerque City Government Table of Organization, Bernalillo County Government Statistical Data on Driving While Drunk Jail Bookings, March-August, 1989
- Metropolitan Court Filings and Dispositions Data, 1981-1988
- New Mexico Progress Economic Review of 1988
- Albuquerque Police Department Annual Report, 1989
- Bernalillo County Sheriff's Department Annual Report, 1988
- "The Second Judicial District: A Five Year Perspective, by Gina Roberts, Summer 1989
- Assessment Survey of Bernalillo County Jail Population (an in-house study conducted by staff of the Corrections-Detention Department) Corrections and Detention Department Budget, FY '90
- Albuquerque Police Department Budget, FY/'90
- Bernalillo County Budget, FY'90, selected excerpts
- National Institute of Corrections Technical Assistance Report (T.A.#88-J1240): Bernalillo County Department of Corrections, August 8-17, 1988, by Herbert R. Sigurdson
- Federal Law Enforcement Agencies in New Mexico, a publication of The Executive Subcommittee of the N.M. Law Enforcement Coordinating Committee, 8/89
- Miscellaneous releases of the Chamber of Commerce concerning county and city population estimates and projections
- "The Metropolitan Criminal Justice Coordination Council", a position paper prepared for the Metropolitan Court Administrator, 8/16/89
- Minutes of the Metropolitan Criminal Justice Coordinating Council's meeting of 9/7/89
- Resident Summary and Housing Statistics, 10/11/89, daily report prepared by the Bernalillo County Detention Center
- Metropolitan Court's "Fiscal Year 77" Annual Report, covering period 7/1/88-6/30/89
- Bernalillo County Detention Center: Statistical Reports Describing various aspects of jail's intake, releases and daily population for differing periods of time between 1985 and August, 1989
- Correspondence between Metropolitan Court Administrator's office and Adjudication Technical Assistance Project regarding purposes and circumstances of technical assistance requested
- Various articles appearing in the Albuquerque press between 9/13/89 and 10/12/89 relating to local criminal justice matters.
II. CONTEXT FOR EXAMINING JAIL CROWDING

At any given time, a jurisdiction's jail (or jail system) has an assigned and recognized capacity, usually stated in number of beds and/or square or cubic feet of cell space per inmate. These numbers originate with the facility's designer, administrator, state or local standards-setting and inspection agency, or by the Judge of a court which, in response to inmate-initiated legal action, has assumed jurisdiction over the facility's administration. The assigned or specified capacity is intended to establish the maximum number of persons which the facility can accommodate at one time without exposing them to living conditions which constitute a threat to or deprivation of their constitutional rights. The number of beds specified for any institution is usually referred as its "rated capacity."

The closer a jail's population approaches its rated capacity, the less discretion its administration has in assigning individual inmates to special detention areas within the jail on the basis of classification decisions. For this reason, jail administrators seek to operate their facility within its "functional capacity" - a capacity arbitrarily and commonly defined as 80% of the facility's rated capacity. When a jail's population reaches its functional capacity, its administrator will usually still have enough beds and space available to allow him to assign each newly admitted person to a detention area within the jail appropriate to his circumstances as revealed in the course of classification.

(For those who may wish to draw a distinction between "crowding" and "overcrowding," "crowding" can be said to exist when a jail's population consistently exceeds the facility's "functional capacity" and "overcrowding" occurs when the facility's population consistently exceeds its "rated capacity.")

A jail's rated (or functional) capacity represents the supply of beds which a jurisdiction's criminal justice agencies have at their disposal at any given time. Typically, a jurisdiction's
supply of beds increases only periodically when through new construction and/or other means of acquisition authorized by the jurisdiction's executive/legislative body - typically, the Board of County Commissioners - the jail or jail system's rated (and functional) capacity is augmented. Subject to such periodic additions of space, a jurisdiction's jail capacity is essentially fixed.

On the other hand, the demand for the fixed supply of beds is highly variable. Its dimensions and character reflect in the aggregate all the decisions made by representatives of every criminal justice agency operating in the community that has the authority to decide or influence what persons are to be admitted to custody and how long they must remain incarcerated.

A jail-administering jurisdiction has a crowding (or overcrowding) problem whenever the variable demand for incarceration is allowed to exceed on a continuing basis the jurisdiction's available fixed supply of beds.

The demand side of the supply and demand relationship can be factored into at least two parts, not always clearly distinguishable from one another. One part is rooted in the individual points of view of a jurisdiction's judges and, to a lesser extent, other criminal justice officials. These views are partly personal and partly reflective of the officials' perceptions of what the community needs and what its citizens expect from the criminal justice process. This aspect of demand is most clearly evidenced in decisions concerning pretrial release, bond setting and modification practices and sentencing.

This aspect of demand, arising as it does largely from how judges and other officials define and interpret the purposes and requirements of the administration of criminal justice, involves the exercise of discretion accorded individual officials by the Constitution, statutes and tradition. Any modification of demand for the use of jail space involving this discretionary realm is not likely to be achieved through administrative edict. It can be
impacted on a case-by-case basis by the quality of information available to aid officials in making decisions. It can also be impacted through organized consensus-building efforts based on credible information extracted from documentation of the outcome of past decisions made by judges and other officials.

The second element of demand involves how well equipped the jurisdiction's criminal justice apparatus is and how efficiently it functions in moving persons from arrest through the decision points of the criminal justice prices to their ultimate discharge from any and all obligations imposed during prosecution, trial and sentencing.

That segment of demand arising out of deficiencies in the machinery of criminal justice (e.g., understaffing, absence of alternative-to-incarceration programming, inadequate funding) and inefficiencies in the execution of existing programs is much more amenable to modification by active intervention of any officials and citizens bent upon bringing the demand for incarceration within the available supply of beds.

It is much easier to cure resource deficiencies and increase operating efficiency than to impact the underlying philosophies which guide the decisions of officials with respect to individual cases or classes of cases. For this reason the prime thrust of those who set out to address the problem of a jail being used in excess of its capacity needs to be directed primarily to diminishing existing and future demand for scarce jail space through enhancing resources to provide credible alternatives to pretrial detention and post-trial incarceration and by modifying and initiating policies and procedures which assure a more efficient use of the criminal justice processes and available resources.

The interplay of Federalism and the Separation of Powers Doctrine allow for no czar of criminal justice who can direct the many semi-autonomous units of a jurisdiction's criminal justice apparatus to coordinate and integrate their means and ends to
accomplish a common purpose with maximum efficiency. Nor do those who are responsible for carrying out the requirements of criminal law have an unlimited right to all the resources they would wish to apply to their work.

In the absence of a single all powerful governor of criminal justice to mandate coordination in the interest of operational efficiency and to satisfy every demand for operational resources, a jurisdiction has an obvious need to develop an organizational vehicle which can undertake these purposes. Among the key functions of such a vehicle should be the management of the jurisdiction's jail capacity by defining the dimensions of demand for jail beds and assuring the timely provision of an adequate supply to accommodate the demand. It is essential, then, that any organizational vehicle created to engage in jail capacity management be composed of officials who have the authority to impact supply as well as demand.
III. OBSERVATIONS AND FINDINGS

A. The Need for Program Coordination

The machinery of criminal justice is owned and operated largely by three levels of government. The city of Albuquerque, the Bernalillo County's Sheriff's Department and the New Mexico State Police are the principle law enforcement agencies operating in the county. The Bernalillo County Detention Center, the only facility for holding pretrial and sentenced prisoners not in state institutions, is administered by the city of Albuquerque, not the county sheriff. Both the city and county provide funds to operate the facility. The District Attorney is elected by the voters of Bernalillo County but his office is funded by the State of New Mexico. The Public Defender is a state official and the Public Defender's Office is state funded. The Metropolitan and District Courts are largely state-funded. The Pretrial Services Unit of the Metropolitan Court is supported by a combination of city, county and state funding. Both the Metropolitan and District Courts have their own and separate state-funded probation units.

With the responsibility for the administration and funding of the criminal justice apparatus so dispersed, the potential for operational conflicts and inefficiencies is considerable. It is remarkable, then, that the various agencies of criminal justice get along together as they apparently do. The consultant heard little that suggested there were any serious turf wars and inter-agency backbiting. What tensions do exist appear to be related to funding arrangements between the city and county governing bodies, not among criminal justice officials.

The fragmented character of the criminal justice structure serving the county's citizens renders it very vulnerable to inefficiency of operation when agency officials and staffs are not as congenial and cooperative as appears to be the case at the moment. It is very important, then, that during a time when compatibility, tolerance and good will exists among various
agencies that their officials seek, as they are now doing, to create, equip and depend upon a coordinating structure capable of analyzing operational problem such as jail crowding and striving for and achieving a level of consensus on ways and means of containing and solving such problems which impact all agencies. The decision of local officials to create a Metropolitan Criminal Justice Coordinating Council is one to be applauded.

B. Need to Strengthen the MCJCC as Presently Constituted

A review of the agendas of two of its meetings and the minutes of one suggests that the MCJCC to date is serving only as a vehicle for its members to be updated on the workloads of the detention center and court agencies. No long range action plan is in evidence. The Council is loosely structured with staff work limited to housekeeping duties. There is ample evidence, however, that the Council recognizes its weaknesses and is seeking both guidance and funding to give direction to and to provide support for its future efforts. Representatives of both the City Council and County Commission are spearheading efforts to gain city and county political and financial backing for an activist MCJCC.

C. Criminal Justice Agencies Lack Adequate Information Systems

To the extent they exist at all, criminal justice agency information systems serve almost exclusively individual agency housekeeping requirements, do not interface with one another and lack the capability of providing either case tracking by common identifier or a description of the flow of the criminal justice workload as it moves from arrest to discharge from prosecution, adjudication and correction. City, county and state agencies are each developing programs and acquiring hardware with little if any concern for what the agencies of other levels of government are planning or doing. City, county and state data processing department personnel do not meet and lack information on
developments occurring elsewhere throughout the criminal justice network of agencies.

D. The Bernalillo County Detention Center (BCDC) is Seriously Crowded

The BCDC (operated by the city of Albuquerque under the terms of a joint powers agreement with the County of Bernalillo) is, and for at least the past two years has been operating well in excess of its rated capacity of 666*. Given the volume of prisoners, the shortage of adequate living accommodations and the inability to fully execute a classification program, it is surprising that the facility has not been the subject of inmate-initiated legal action or periodic inmate uprisings and destructiveness. The BCDC lacks not only enough bed space to keep prisoners off the floor but suitable areas for case processing by center and court personnel and for program activities.

E. Case Screening is Incomplete and Often Delayed

The Albuquerque Police Department which provides the detention center with at least two thirds of its inmates and the County Sheriff's Department which accounts for most of the rest make minimal use of citation release (the issuance of appearance tickets in lieu of detention following arrest). In addition, law enforcement agencies tend to use the detention center for street inebriates, drifters and mentally ill persons, in part because of the scarcity of alternative housing resources and the reluctance of such resources which do exist to accept person brought to them by the police. As a result of these two circumstances, the detention center is having to accept, process in, detain and process out many arrestees of a kind that in other jurisdictions would usually not require the services of jail staff. The presence of such individuals in the detention center burdens not only the

* includes satellite facility
Persons charged with felony offenses by police officers and arrested and admitted to the detention center pose another problem. The felony charges are not always reviewed by law enforcement supervision level personnel for their adequacy prior to booking. Once admitted to the jail, felony-charged individuals frequently are not seen by staff of the District Attorney's Office until after their arraignment in the Metropolitan Court. As a significant number of such cases are eventually found to be more appropriate to be prosecuted on misdemeanor charges, many jail days are put in by such cases simply because the inmates concerned could not obtain their pretrial release on bond or on their own recognizance as long as the felony charges were in effect.

F. Prosecutorial, Adjudicatory and Correctional Agencies are Overloaded

It appears to this consultant that the detention center's overload is, to a considerable degree, due to delays and processing inefficiencies directly traceable to the inability of the courts and correctional services to cope with their workloads with available staff and judges. It is widely believed by judges and court personnel that "the system is near collapse". The consultant's brief view of the way cases must be screened by the public defender and arraigned in Metropolitan Court gave reason to believe such an assessment has enough substance to justify serious attention by state and local legislative/executive bodies. At a minimum, it is a subject which should be addressed during the Phase II component of this technical assistance effort.

G. Few Alternatives to Incarceration Available to the Courts

The number of private and public resources to which the courts and court agencies could turn for assistance with the non-institutional management of cases with special needs (mental health, alcoholism, drug addiction, domestic abuse, etc.) appeared
to be inadequate in terms of their capacities to accommodate the level of need reported by agency personnel. Also, agencies making use of volunteers to strengthen and extend case services reported recruitment and supervision problems.
V. RECOMMENDATIONS

A. Introduction

The short term nature of this problem definition visit did not permit the consultant to become sufficiently informed on any one, let alone all, of the many programs and procedures in use in Albuquerque which are defining the dimensions of the detention center's population. For this reason, the consultant cannot and has not formulated and documented specific recommendations addressing the day-to-day operations of the community's criminal justice agencies. What the consultant has attempted to do below is to describe for those who requested technical assistance a series of measures which should provide form, strength and direction to their efforts to activate their Metropolitan Criminal Justice Coordinating Council. Properly implemented and directed, the MCJCC should be able to undertake its own systematic and comprehensive analysis of every aspect of the Albuquerque/Bernalillo community's criminal justice operation. A beginning for this effort can be laid during the Phase II t/a study. In the course of this self-study, the members of the MCJCC will gain the kind of information required to arrive at the formulation of measures which, when taken, will make it possible to bring the demand for detention and the resources required to satisfy the demand into balance and to maintain that balance.

In resurrecting the Law Enforcement Assistance Administration-sponsored Albuquerque area regional criminal justice planning body, city and county officials have taken the all-important first step. Now it is necessary for the new MCJCC sponsors to convert the newly reborn organization into a proactive force for problem analysis, consensus building, and the criminal justice program efficiency. Only when the MCJCC is geared up to coordinate and provide guidance to the operations of each element of the criminal justice "system" can the detention center's capacity matters be rationally managed. It is hoped that the recommendations which follow will
provide assistance to local and state officials as they seek to make the MCJCC an effective entity.

B. Specific Recommendations

1. RECOMMENDATION NO. ONE: Formation, Composition and Role of the MCJCC

a. Summary

It is recommended that the Metropolitan Criminal Justice Coordinating Council (herein after referred to as the MCJCC):

- be formally established as a permanent entity by resolutions enacted by both the Albuquerque City Council and the Bernalillo County Commission and that the resolutions cite a need to develop alternatives and to recommend special actions, priorities and strategies for alleviating present and future overcrowding of correctional detention facilities operating in Bernalillo County;

- adopt a primarily proactive approach to issues rather than a reactive stance to problems; and

- include in its core membership at least the following officials and representatives:

  - Bernalillo County Sheriff
  - at least one member of the Bernalillo County Commission
  - City of Albuquerque Chief of Police
  - at least one member of the Albuquerque City Council
  - Director, Department of Corrections - Detention
  - District Attorney
It is further recommended that:

- the core members be formally appointed to the MCJCC by the city council and county commission following their nomination by their parent governmental body.
- the Albuquerque City Council and the Bernalillo County Commission each request a member of the county's legislative delegation to serve as a core member of the MCJCC; and
- core members, once appointed, decide to what extent other city, county and state officials and representatives of non-governmental organizations should be added to the MCJCC's membership and in what capacity (full membership, associate membership, technical advisory committee, etc.).

The role of the MCJCC should be to:

- Undertake a systematic review of the criminal justice process from arrest through the termination of jurisdiction, focusing on each decision point and the extent of use of each option available at each decision point;
Identify and quantify any operational inefficiencies and staff program deficiencies which translate into unintended jail bed days;

Seek consensus on program, policy and procedural innovations and/or modifications which can be expected to expedite the processing of defendants between their arrest and dismissal or sentencing;

Collectively endorse and facilitate changes decided upon;

Monitor and evaluate the impact of changes sponsored and support any indicated modifications;

Share the risk embodied in the execution of any programs, policies and procedures endorsed on the basis that their potential advantages are expected to outweigh their disadvantages; and

Direct staff to incorporate its programs, policies and procedures into a formal written jail capacity management plan which can be modified as necessary on the basis of monitored operating experience.

The tasks which the MCJCC should undertake include:

Discuss and define its purpose and role.

Determine how it should be organized to carry out its purpose.

Decide issues regarding adding citizen representation.

Develop meeting schedules and decide on agendas for meetings.

Decide upon an action plan.
o Acquire a staff person and define his/her role and duties.

o With staff help, develop a criminal justice operations flow chart which identifies (1) each decision point in the criminal justice process between arrest and final discharge from all system imposed obligations and (2) every option available to decision makers at each decision point.

o Formulate hypotheses and questions concerning the impact of the use of existing programs, policies and procedures and of alternative options.

o Authorize staff to initiate data collection and analysis effort to address hypotheses and questions raised.

o Assure staff access to data sources.

o Review interim reports and data summaries prepared by staff.

o Review reports of council committees.

o Make findings on the causes of crowding.

o Define target populations for special program attention.
b. Rationale

Admissions to the BCDC are now occurring at the rate of about 34,000 per year. Persons being admitted stay for periods ranging from a few minutes to well over a year. Who is admitted and the length-of-stay of each person brought to the reception area of the BCDC are determined to decisions made by hundreds of employees of more than a dozen criminal justice organizational entities. Some of these employees work for and are paid by the city of Albuquerque, others by the county of Bernalillo and most of the rest by the state of New Mexico. Some criminal justice agencies serving Bernalillo County are administered by officials appointed by and answerable to the City Council. Other officials are appointed by and answer to the County Commission. Most of the other of the agencies are headed by state administrators appointed by the state legislature.

The multitude of individuals and organizations which deliver criminal justice services in Bernalillo County do so without reference to any master plan. Though several agencies may share a common clientele, no agency is obligated by any formal agreement to act in a way which is consistent and operationally compatible with the actions taken by other agencies sharing the same clients. The criminal justice agencies function less as participants in an integrated system than as parts of a conglomerate held together by an informal and unsupervised network of evolved arrangements and understandings.

If there is little coordination among the component parts of the criminal justice apparatus, there is even less among the governing bodies of the city, county and state. Each of the three bodies respond to different constituencies, not to an organized assemblage of law enforcement, court and correctional agencies and officials seeking understanding and support for an integrated and consistent set of program activities. Problems arise when one level of government increases or decreases the capabilities of one or more of its agencies without first
considering the impact such changes may have on agencies of the other levels of government.

The long existent and now steadily increasing crowding at the BCDC is in large part the consequence of numerous city, county and state criminal justice and legislative officials and bodies failing to plan and coordinate their programs, policies, priorities and procedures in the course of carrying out their responsibilities. At present each official is virtually free to make decisions without contemplating the effect the implementation of their decisions will have on the operations of other officials. Unwittingly, the decisions of one official can compromise and complicate the impact the force of other officials dealing with the same criminal justice clientele. The inefficiencies and contradictions which result inevitable lead to unintended and often unnecessary jail admissions and lengths-of-stay. These consequences may well be inconsistent with the level of jail resources resulting from the decisions made by legislative and executive officials.

In order to minimize the problems (including jail crowding) which are rooted in the fragmentation of responsibility for the adequate operation of criminal justice in Bernalillo County, all parties exercising a share of the responsibility need to be brought together and kept together in a single organizational vehicle which can define and foster the pursuit of common principles and objectives which will lead ultimately to a condition where the amount and kind of detention space provided in Bernalillo County is kept in balance with the level of need determined by a consensus of all officials.

To date, the BCDC has escaped having to cope with the consequences of successfully prosecuted inmate-initiated legal action or mass inmate uprisings aimed at seeking relief from conditions caused by crowding. However, the experience of many other jail-administered jurisdictions points to the fact that sooner or later unrelieved crowding is likely to result in
jurisdictions having their administrative discretion over jail operations restricted by judicial intervention or their financial circumstances disrupted by the costs of repairing construction damage and/or paying penalties for non-conformance with court orders to resolve crowding in the jail.

2. RECOMMENDATION NO. TWO: Provide the MCJCC with Necessary Staff

a. Summary

It is recommended that in conjunction with the resolution(s) formally establishing The Metropolitan Criminal Justice Coordinating Council the City Council and/or County Commission provide for equipping the MCJCC with such staff as it shall require to support its study, consensus building and collective action.

The MCJCC staff person (or persons) should be selected by the MCJCC on the basis of his or her (1) familiarity with the workings of all elements of the criminal justice apparatus, (2) knowledge of manual and automated criminal justice information systems, (3) research skills and, above all else, (4) professional and personal qualities which will engender the trust and confidence of MCJCC members.

Staff should be expected to perform the following tasks, among others:

- Prepare and distribute meeting agendas developed by the MCJCC; record and distribute minutes of MCJCC meetings; secure meeting space;

- Respond to the information needs of the MCJCC by acquiring operational data from available sources and presenting it to the Council in readily comprehensible form for the Council's
consideration;

- Draft a flow chart of the criminal justice process in Bernalillo County for the county's use in its systematic examination of operational practices and decision options;

- Arrange for procuring any technical assistance personnel or other resources requested by the MCJCC;

- Prepare drafts of any reports requested by the MCJCC and policy statements and procedural guidelines which the Board has developed for its endorsement;

- Subject to direction from the Council's chairman, handle any public relations matters arising out of the Council's work; and

- Serve as a member of any users' committees consisting of city, county and state justice agencies organized to plan and implement an integrated criminal justice information system.

b. Rationale

Officials recommended for appointment to the MCJCC are assumed to be busy persons who will not have the time (nor should they be expected to find it) to engage in the extensive fact-finding activities which will be required to generate the information base needed by the MCJCC for consensus building, collective decision-making and program monitoring. The membership of the MCJCC should be expected only to consider and act on information provided at its request at an appropriate time and in
finding and recording effort. Exchange of information is time consuming, incomplete and awkward.

Of even greater consequence is the fact that in the event there were a demand for it, there is currently no way of generating information on the flow of all or segments of the total criminal justice workload being arrested, detained, prosecuted and disposed of. As a result information being collected and stored cannot be readily retrieved to provide answers to any questions which individual officials or bodies of officials might wish to pose for management purposes. For example, no official or body such as the MCJCC can at present routinely monitor the relationship between citation release or release on recognizance and failure-to-appear, processing time and sentences imposed on persons whose pretrial diversion status is revoked by the District Attorney and the degree of correlation which exists between the length of pretrial detention and the likelihood of receiving probation upon conviction. In short, present record keeping practices do not allow for the identification, description and quantification of practices which in the aggregate contribute to the dimensions of the detention center's population.

4. RECOMMENDATION NUMBER FOUR: Consider Developing a Data Base Using a Random Sample As Soon As Possible

a. Summary

It is recommended that the Metropolitan Criminal Justice Coordinating Council give serious consideration to seeking the necessary funding to undertake, under the direction of MCJCC staff, the development within six months of a credible data base based on the collection and analysis of data derived from an analysis of a random sample of all cases arrested and admitted to the detention center during the period 3/1/88 and 2/28/89.
b. Rationale

In all likelihood, at least two years will be required for an integrated criminal justice information system to be designed and implemented. Therefore, management information derived from current practice will not be available to the MCJCC for some time. Although basing future policy and programming on past practices has limitations, the development of data base founded on recent operations can provide a useful fund of information which the MCJCC can use for consensus building and policy development purposes. The data base can be acquired within a six month period. The process of designing and carrying out the study will also be instructive to those designing a CJIS.

The procedure for a data collection and analysis project evolved out of the experience of around fifty jail-administering jurisdictions that participated in the Law Enforcement Assistance Administration's jail overcrowding project during the period, 1978-1982. In recent years the procedure has been employed by several other counties at the suggestion of U.S. Department of Justice's National Institute of Corrections and Bureau of Justice Assistance.

A manual is available describing the procedure in detail. A copy of this manual is in possession of the Metropolitan Court Administrator's staff.

5. RECOMMENDATION NUMBER FIVE: The MCJCC Should Draw Upon the Experiences of Other Jurisdictions

a. Summary

It is recommended that the Metropolitan Criminal Justice Coordinating Council give early consideration to drawing upon the experiences of other jurisdictions, such as Thurston County (Olympia), Washington, which have addressed the problems the MCJCC is now confronting.
b. **Rationale**

Thurston County, in response to a growing jail population problem, has launched and is now well into a well planned and executed effort to develop a jail capacity management plan. Planning organizational and implementation measures to date are well documented. A meeting of Albuquerque/Bernalillo County officials with the task force chairman and staff director could provide an opportunity for Thurston County officials to report their experience, answer questions and offer suggestions. Such "hands on" assistance should prove very helpful at a time when the MCJCC is defining its role and developing its action agenda.

6. **RECOMMENDATION NUMBER SIX: Prepare a Flow Chart of the Criminal Justice Process**

a. **Summary**

It is recommended that as soon as the Metropolitan Criminal Justice Coordinating Council acquires a staff person, that individual immediately begin the task of preparing a flow chart of criminal justice operations from the point of initial law enforcement contact with suspects through every process by which suspects and defendants are discharged from all obligations imposed by their arrest, prosecution, adjudication and/or correction. The chart should detail every decision point to which subjects are exposed and every option available to decision-making officials at each decision point.

In preparing the flow chart, MCJCC's staff person should enlist the expertise and assistance of appropriate persons in each city, county and state criminal justice agency to insure that the chart in its final draft will be complete and accurate.

Once completed by staff and accepted as adequate in every detail by the MCJCC, the flow chart should be reproduced in a form which can be displayed at all MCJCC meetings and serve as a reference document during presentations and deliberations.
b. **Rationale**

Every member of the MCJCC needs to come to be acutely aware of the relationships which exist between decisions made by one official and those of other officials. Each member needs to come to think in terms of being an integral part of a complex system rather than as an official operating in some self contained organizational precinct. The presence during MCJCC discussions of a visual portrayal of the total criminal justice process as it exists in Bernalillo County can be a means of heightening such an awareness.

A detailed flow chart can and should serve as the basis for an action agenda for the MCJCC. It provides, in effect, a list of operational areas which the MCJCC may wish to systematically explore over time. In anticipation of any point of focus for study, the staff can acquire, organize and present in a readily digestible format all available pertinent statistical and other information for the MCJCC’s consideration.

The preparation of a comprehensive flow chart will also facilitate discussions and planning among data processing officials engaged in designing a criminal justice information system.

Finally, in the event the MCJCC wishes to commission a project to develop a data base prior to the development of a CJIS, a flow chart will prove crucial in defining and facilitating data collection and analysis efforts.

7. **RECOMMENDATION NUMBER SEVEN:** Consider the Development of a County-Wide Uniform Citation Release Program

a. **Summary**

It is recommended that the Metropolitan Criminal Justice Coordinating Council invite the District Attorney for Bernalillo County to convene and host a series of meetings with the Sheriff, Albuquerque Chief of Police, and metropolitan judiciary representatives, court administrator, pretrial release program
director and information systems analyst to consider the design and implementation of a county-wide, uniform citation release program. The goal of the program should be a significant reduction in admissions to the BCDC of misdemeanor-charged persons who (1) can be expected to appear in court pursuant to instructions provided at the time of citing and (2) who under present practice are gaining their release following admission on release on recognizance or low bail.

b. Rationale

The need to reduce the volume of processing activity by BCDC and pretrial staff concerned with misdemeanor-charged persons who pose little risk of not keeping court dates and committing new offenses pending their court appearances seems very apparent to most local officials. Therefore, it should not be necessary for the MCJCC to sponsor any detailed study before sponsoring action.

Manuals on program development and implementation have been written and are available through the National Institute of Correction's Information Center in Boulder, Colorado.

8. RECOMMENDATION NUMBER EIGHT: Assess the Adequacy of Available Volunteer Services

a. Summary

It is recommended that the Metropolitan Criminal Justice Coordinating Council sponsor an effort to assess the adequacy of volunteer services presently used by state, county and city criminal justice agencies. The assessment should involve an inventory of current available resources, an estimate of unmet need and recommendations concerning ways of means which user agencies might employ individually and/or collectively to increase the numbers of persons and organizational and material resources available to support client services.
b. **Rationale**

The consultant gained the impression from his interviews with agency administrative and supervisory personnel that while most agencies had developed some volunteer support to augment staff efforts, volunteers as a resource were in short supply. There also appeared to be little if any coordination among agency staffs of their individual efforts to recruit, screen, train and deploy volunteer help.

9. **RECOMMENDATION NUMBER NINE:** **Assess Procedures and Staffing Requirements of the District Attorney and Public Defender Offices**

   a. **Summary**

   It is recommended that the Metropolitan Criminal Justice Coordinating Council, after conferring with the District Attorney and Public Defender and with their approval, consider conducting an evaluation of these offices in terms of current staffing requirements relative to workloads, and obtaining recommendations regarding any indicated program and procedural changes which can increase the adequacy and efficiency of both departments' operations.

   b. **Rationale**

   There can be little doubt that both the District Attorney's and Public Defender's staffs are hard pressed to service their respective workloads in a manner which meets professional standards. Case backlogs, incomplete investigations, high staff turnover and other problems are increasingly causing operational inefficiencies which delay the processing of cases of defendants held at the BCDC. In the aggregate, these delays add up to sizable number of bed-days and contribute to the BCDC's population overload.
While everyone seems to agree that both the District Attorney and Public Defender need more staff and less staff turnover, there is no formal documentation of this need by independent, competent studies. Such studies should be sought on the basis of the need to improve internal operations and indirectly as a means of addressing a contributing cause of population build up at the BCDC. The operations of these offices should also be addressed during the course of the Phase II technical assistance effort.