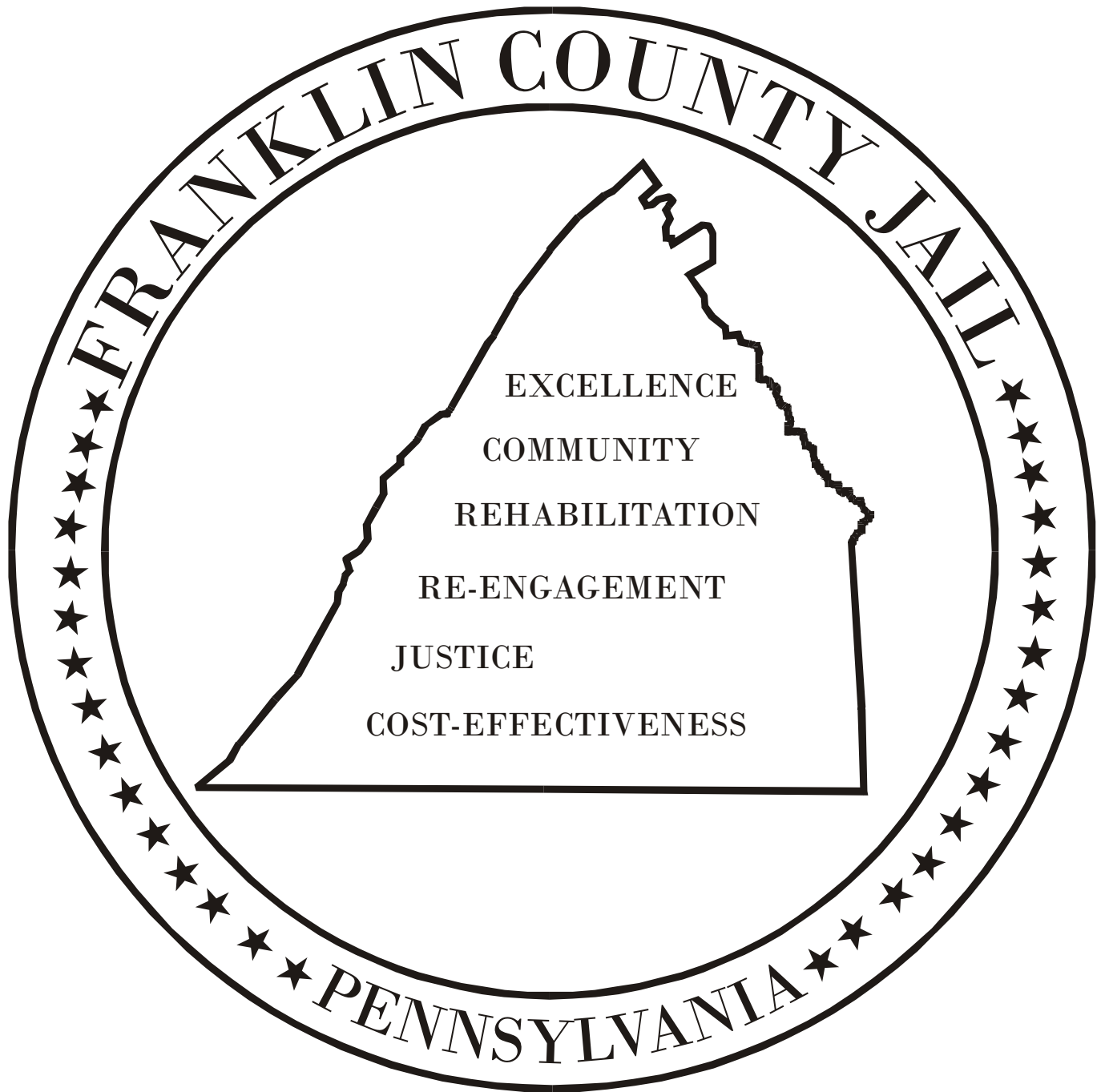


Franklin County Jail Yearly Report 2009



INTRODUCTION

Build it and they will come . . . At least that's what everyone told us would occur when we opened the new jail in June of 2007. Two years later, the prognosticators apparently have been proven wrong in Franklin County, PA, as our population for the year 2009 is at its lowest level since 1999. Beyond that, the overall crime rate in Franklin County is down to an all-time low.

While this report will spend a fair amount of time drilling down into both our significant population reduction at the jail and the reduction in crime in general in Franklin County, those results are more a testament to the process that led to significant criminal justice system changes which were initiated in 2005. Arguably, the result is a logical consequence of a successful process.

In 2005, the Franklin County Criminal Justice Advisory Board (CJAB) made several policy statements and set a direction:

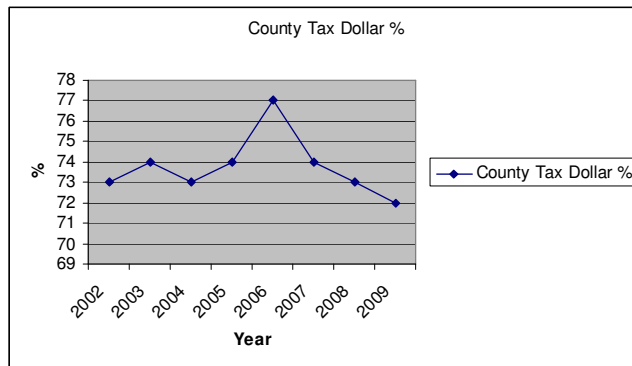
- Jail would be used as a last resort as it is the most expensive option.
- When a lesser means than incarceration is possible, without jeopardizing public safety, it will be used.
- Provide research based programming, both at the jail and in the community, to address the root causes of criminal behavior and ultimately reduce crime.

*“Governance at its best is a **public process that makes conscious policy decisions based on good data and represents the principles and values of the community**”.* This statement describes the process that Franklin County's Criminal Justice Advisory Board utilizes for its decision making. When Pennsylvania established CJABs across the state, surely what they envisioned is what Franklin County has, an active Board that makes good decisions based on frank public discussion and objective data. The Criminal Justice system numbers that you will see in this report are remarkable, however, the work of the CJAB is even more remarkable.

It shouldn't be taken for granted that Franklin County possesses a court system that allows (and even often initiates) public scrutiny of its various processes. A simple look at their mission statement can demonstrate everything one needs to know about this judiciary. *“To remain a vital, progressive and independent institution focused on the delivery of efficient, timely, and impartial justice that keeps the community strong. To insure the success, we will cultivate a deliberate process of knowledge transmission founded upon our heritage of talent and expertise in service to the Court and community.”*

At the same time, the law enforcement agencies in this county are some of the best in the region, led by the Office of the District Attorney. Clearly, Jack Nelson's impact on our system and its initiatives will last for generations to come. The appointment of Matthew Fogal has provided the County with a seamless transition of leadership in this area.

Finally, none of these initiatives would be possible without the leadership of County Administration. We often hear about how the “3 C’s – Courts, Crime and Corrections” is \$.72 of each \$1.00 of a County’s taxes. However, we rarely hear an explanation about or see the results of that expenditure. That \$.72 represents the amount spent by the County to ensure Public Safety as it relates to crime; in viewing the numbers, I feel confident to say that the money is being well spent. While no one enjoys spending money on those that don’t abide by the law, everyone benefits from a criminal justice system that is effective and efficient; these numbers indicate that ours is both. County Administration, led by John Hart; and through both the previous Board of Commissioners consisting of Warren Elliott, Bob Thomas and Cheryl Plummer, as well as the new Board of Commissioners with David Keller and Bob Ziobrowski joining Bob Thomas; have consistently been committed to supporting these initiatives, at times in spite of opposing popular opinion, as long as they passed through the “filter” that is the Franklin County CJAB. This commitment has clearly paid dividends. And now, the percentage of county tax dollars spent on the criminal justice system is at its lowest level since 2002.



2005 Criminal Justice System Improvement Outline

- New Jail
 - Design for 470 inmates
 - Maximize “hard cells” to account for any increase in crimes due to population growth in the community
 - Reduce work-release “beds” from 170 – 84
 - Maximize in-house “Jail Industries” work potentials
 - SECURE ENVIRONMENT
 - Maximize Education and Counseling opportunities for inmates returning to Franklin County community
 - Central Booking
 - Staff efficient design
 - Energy efficient design
 - Hi-tech
- Criminal Justice Systems Modifications
 - Day Reporting Center (DRC)
 - Technical Parole Violators (TPV)
 - Sentenced Inmates at 2/3 of their Sentence
 - Intermediate Punishment direct sentence
 - Court Case Processing
 - Reducing the time it takes to process a case, from ARREST – SENTENCING
 - Standard TPV hits
 - Assess and program TPV’s based on their needs
 - DRC another step in Probation/Parole’s sanction continuum PRIOR to returning a violator to jail (when PUBLIC SAFETY allows)

METHOD

All information used in this analysis was garnered from public sources of information.

The Franklin County population report was attained from Planning Director Phil Tarquino. The population numbers for 1980, 1990 and 2000 are exact, as they are from census data. All other years are projections based on growth patterns.

Franklin County Jail data was gathered from both Prison Board reports, as well as information extracted from the jail's database. Additionally, commitment data was attained from the jail's docket books from 1973 until present. The formula used for the Average Length of Stay (ALOS) is the Average Daily Population (ADP) for any year, multiplied by 365 (number of days in a year), divided by the number of commitments.

The jail incarceration rate is a result of dividing the ADP by the number of citizens in the community. The national jail incarceration rate was taken from the Bureau of Justice Statistics Jail Inmates mid-year reports.

The crime rates were attained from the PA State Police's annual reports using the Uniform Crime Reporting System (<http://ucr.psp.state.pa.us/UCR/Reporting/Annual/AnnualSumArrestUI.asp>). Crime rate is defined in this report as Reported Part 1 plus Reported Part 2 crime/County Population.

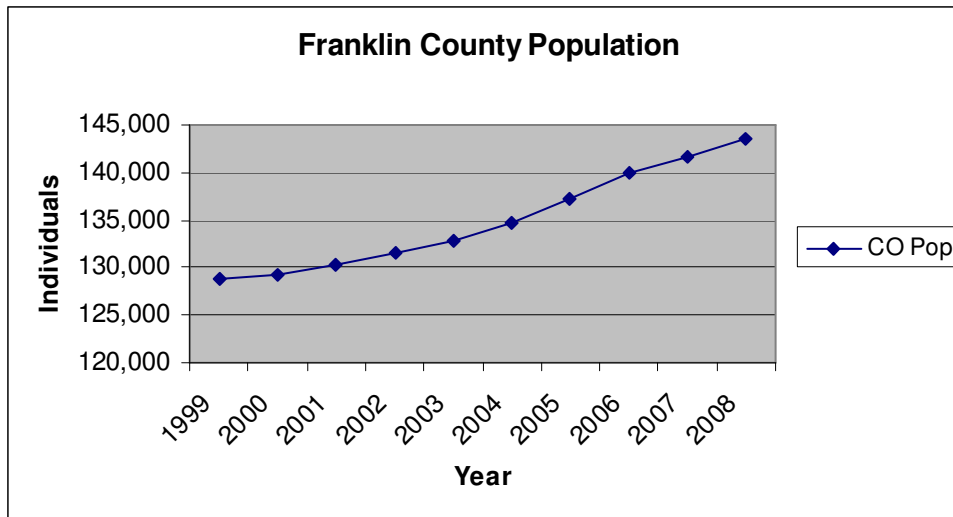
The sentencing data was attained from the PA Commission on Sentencing (<http://pcs.la.psu.edu/>).

Special thanks to:

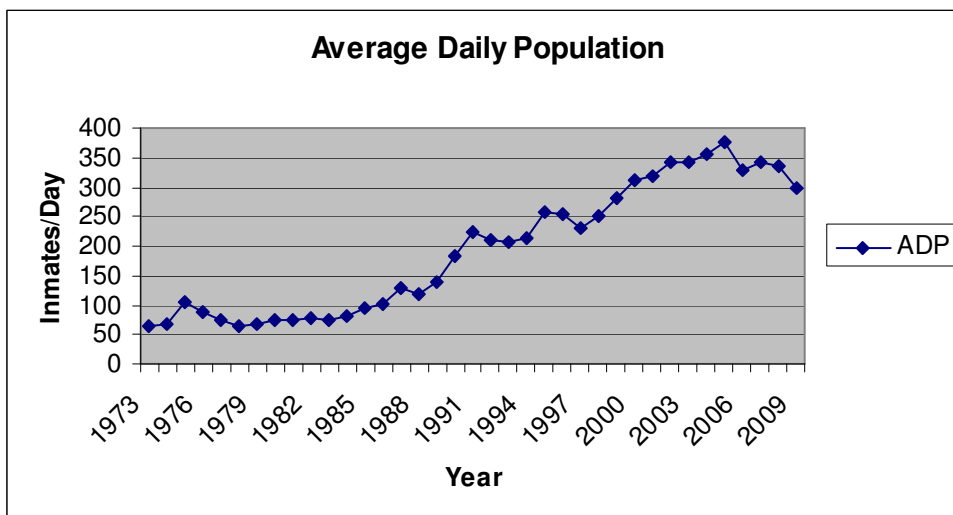
- Michelle Davis, the jail's Crystal Reports expert who spent hours extracting data for the report.
- Danielle Hummel, who updated the jail's study of the implications of the DUI law from 2006.
- Michelle Weller, who is the editor of this report.
- Planning Director Phil Tarquino, who provided the population numbers for Franklin County

THE NUMBERS

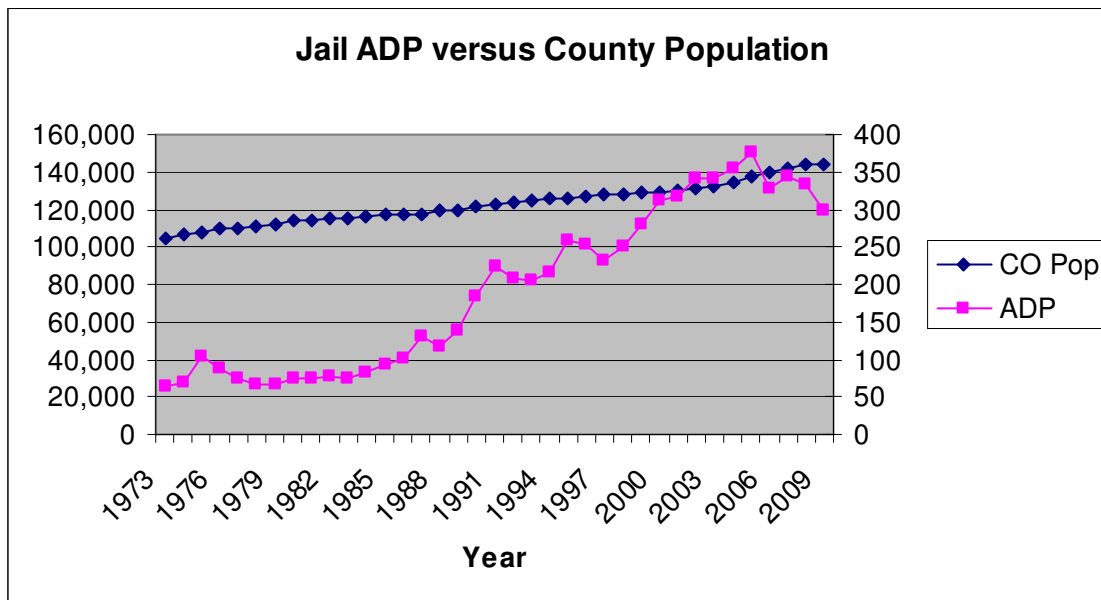
Franklin County is one of the fastest growing counties in the state of PA. As of the 2008 population numbers, Franklin County was ranked 6th in percentage growth and 11th in overall population numbers.



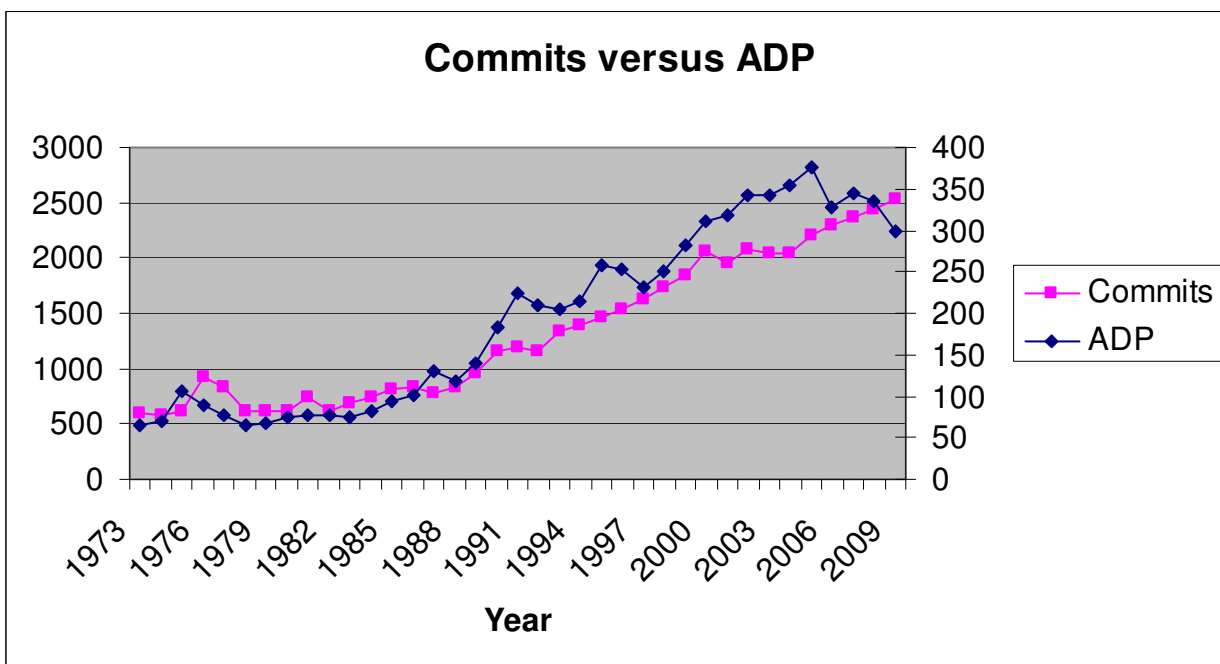
Average Daily Population (ADP) is simply the average number of inmates per day in the jail for any given year. Our ADP for 2009 was 298 inmates per day. The historic significance of this year's population is that it is lower than it has been since 1999, in spite of growth in County Population.



The chart below illustrates the contrast in population growth versus the jail population reduction since 2006. Even assuming a very modest growth in 2009 (the 2009 Franklin county population projection is not yet released so we assumed a modest growth of 1000 individuals which is considerably less than any 1 year in the 2000s), the ADP reduction is striking.



The other factor that makes the reduction in jail population stand out is the number of commitments over the same time frame. This year, more people were committed to the jail than ever before in the history of the jail (2,534). The below chart offers a comparison.



In explaining the stark contrast between an all-time high in commitments and a decade low in population, one need only to look at the **Average Length of Stay (ALOS)** – the average number of days each commitment spends in the jail. ALOS is probably the single most sensitive and effective measure of criminal justice policies and their effect on jail population. Looking at the overall average length of stay historically, it paints a picture of broad criminal justice policy – including state-mandates, local discretionary sentencing policy and criminal case processing.

An interesting side trip to illustrate this point is looking at the number of inmates who are in jail for DUI on a daily basis in Franklin County.

*On February 1, 2004, Pennsylvania’s Driving Under the Influence law was modified to provide more stringent punishments for those who were found guilty of DUI and had a higher **Blood Alcohol Content (BAC)** [see chart below]. It also reduced the legal limit from .10 to .08. There was speculation that these modifications would increase the population at the jail.*

As of February 1, 2004, punishment for DUI convictions is divided into three tiers based upon alcohol levels as follows:

	1st Offense	2nd Offense	3rd Offense	4th Offense
<p>NEW LAW</p> <p>.08 - .099 % BAC</p> <p>Incapable of safe driving</p>	Ungraded misdemeanor 6 months max. probation \$300 fine Attend Alcohol Highway Safety School CRN Evaluation Pending CRN, full assessment and compliance with D&A treatment as part of sentencing	Ungraded misdemeanor 5 days min. imprisonment \$300 - \$2,500 fine 12 month license suspension Attend Alcohol Highway Safety School Mandatory 1 year Ignition Interlock CRN Evaluation Mandatory full D&A Assessment and compliance with D&A treatment as condition of sentencing	2nd degree misdemeanor 10 days min. imprisonment \$500 - \$5,000 fine 12 month license suspension Mandatory 1 year Ignition Interlock CRN evaluation Mandatory full D&A Assessment and compliance with D&A treatment as condition of sentencing	
<p>OLD LAW</p>	No current penalties for .08% BAL conviction	No current penalties for .08% BAL conviction	No current penalties for .08% BAL conviction	
<p>NEW LAW</p> <p>.10 - .159% BAL</p> <p>Incapable of safe driving with crash/injuries Minors (.02% BAL)</p> <p>CDL drivers (.04% BAL) and school</p>	Ungraded misdemeanor 48 consecutive hours imprisonment \$500 - \$5,000 fine 12 month license suspension Attend Alcohol Highway Safety School CRN evaluation Pending CRN, full assessment and compliance with	Ungraded misdemeanor 30 days min. imprisonment \$750 - \$5,000 fine 12 month license suspension Attend Alcohol Highway Safety School Mandatory 1 year Ignition Interlock CRN evaluation Mandatory full D&A Assessment	1st degree misdemeanor 90 days min. imprisonment \$1,500 - \$10,000 fine 18 month license suspension Mandatory 1 year ignition interlock CRN evaluation Mandatory full D&A Assessment and compliance with D&A	1st degree misdemeanor 1 year min. imprisonment \$1,500 - \$10,000 fine 18 month license suspension Mandatory 1 year ignition interlock CRN evaluation Mandatory full D&A Assessment and compliance with D&A

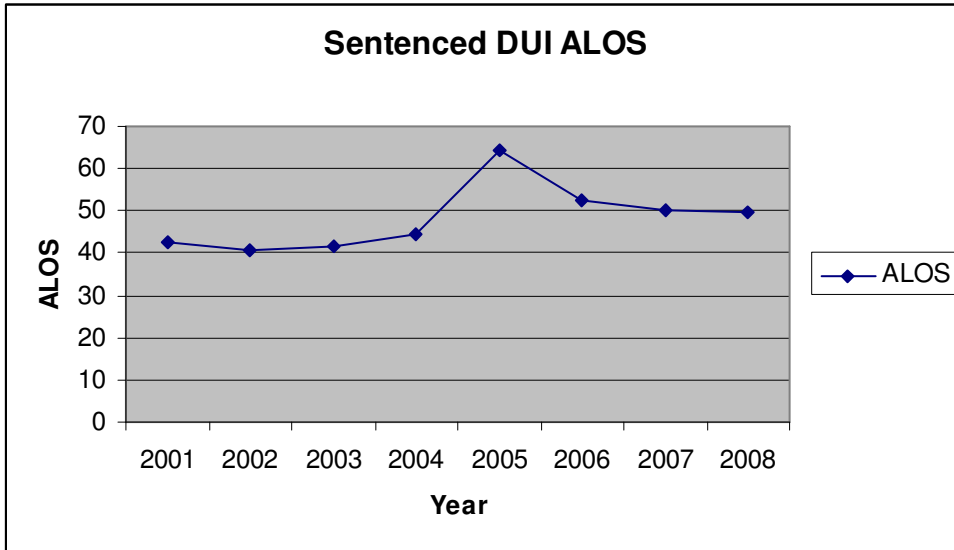
bus/vehicle drivers (.02% BAL)	D&A treatment as part of sentencing	and compliance with D&A treatment as condition of sentencing	treatment as condition of sentencing	treatment as condition of sentencing
OLD LAW (Penalties not linked to BAC level)	2nd degree misdemeanor 48 hours consecutive hours imprisonment \$300 min. fine 12 month license suspension Ignition Interlock optional Attend Alcohol Highway Safety School CRN evaluation and possible treatment if court orders	2nd degree misdemeanor 30 days min. imprisonment \$300 min. fine 12 month license suspension Ignition Interlock mandatory CRN evaluation Mandatory treatment	1st degree misdemeanor 90 days min. imprisonment \$300 min. fine 12 month license suspension Ignition Interlock mandatory CRN evaluation Mandatory treatment	1st degree misdemeanor 1 year min. imprisonment \$300 min. fine 12 month license suspension Ignition Interlock mandatory CRN evaluation Mandatory treatment
NEW LAW .16% BAC or higher Controlled Substances Incapable of safe driving after refusing testing	Ungraded misdemeanor 72 consecutive hours min. imprisonment \$1,000 - \$5,000 fine 12 month license suspension Attend Alcohol Highway Safety School CRN evaluation Mandatory full D&A Assessment and compliance with D&A treatment as condition of sentencing	1st degree misdemeanor 90 days min. imprisonment \$1,500 min. fine 18 month license suspension Attend Alcohol Highway Safety School Mandatory 1 year Ignition Interlock CRN Evaluation Mandatory full D&A Assessment and compliance with D&A treatment as condition of sentencing	1st degree misdemeanor 1 year min. imprisonment \$2,500 min. fine 18 month license suspension Mandatory 1 year Ignition Interlock CRN evaluation Mandatory full D&A Assessment and compliance with D&A treatment as condition of sentencing	
OLD LAW (No current high BAC law in PA)	Same as penalties for .10% BAL - see above	Same as penalties for .10% BAL - see above	Same as penalties for .10% BAL - see above	

In the 5 years since the law was passed, we have seen an increase in the number of commitments for DUI:

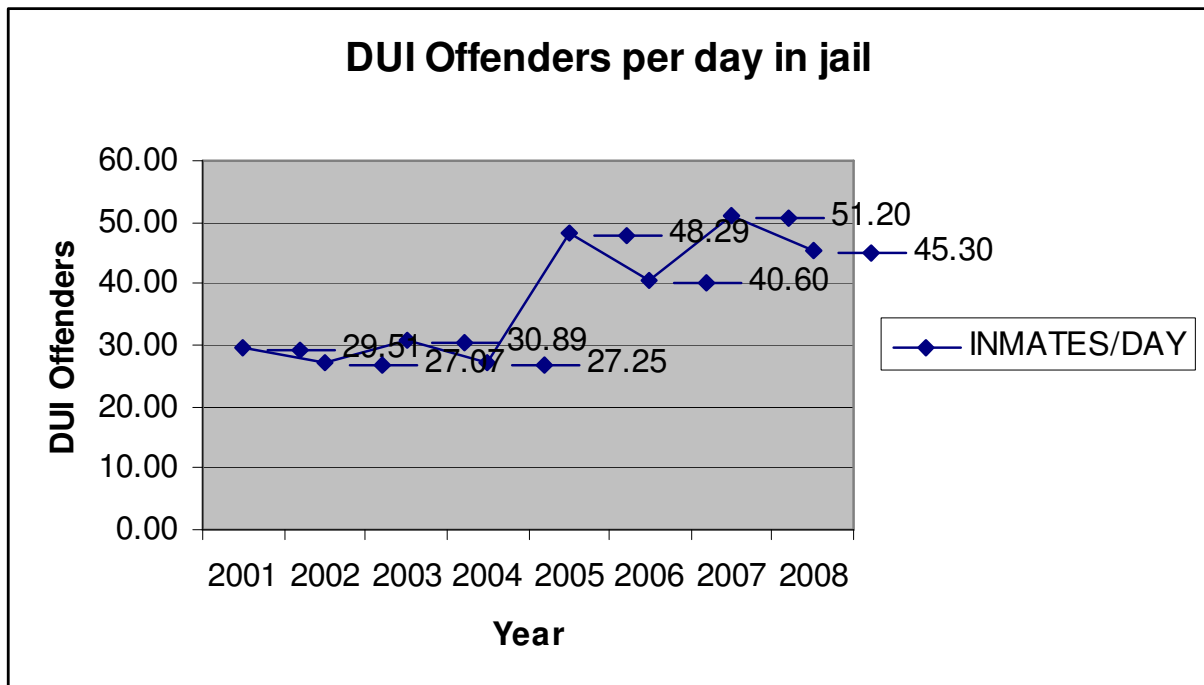
2001	2002	2003	2004	2005	2006	2007	2008
254	244	271	224	275	285	331	317

In the first year after the law was initiated, we saw an increase in the average length of stay of those with DUI sentences. However as alluded to previously, the

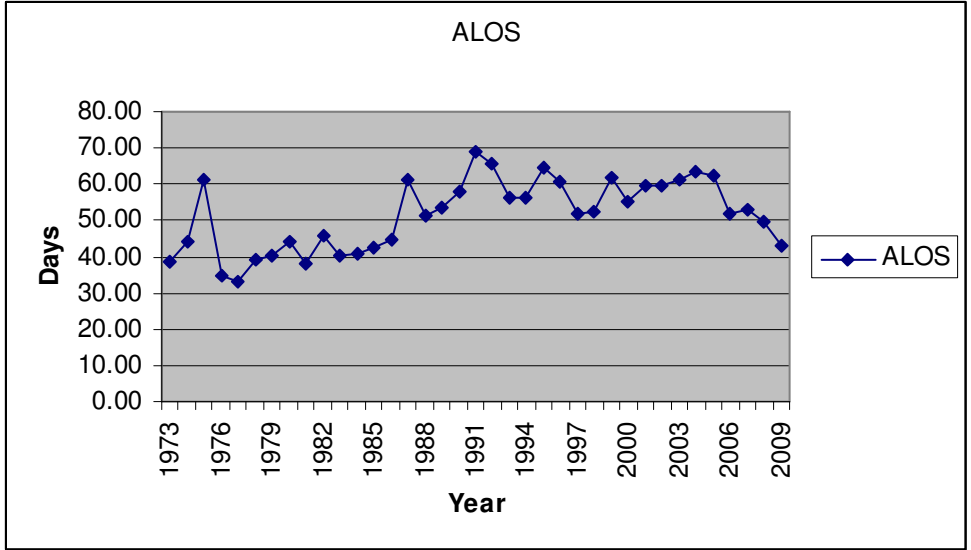
Franklin County criminal justice system is a responsive one, so after the initial increase in ALOS due to the change in law, the system identified ways to mitigate this impact through addressing the root behavior – in other words, combining drug and alcohol treatment combined with a shorter period of incarceration, primarily through the use of the Day Reporting Center. The chart below represents the ALOS of those incarcerated for DUI.



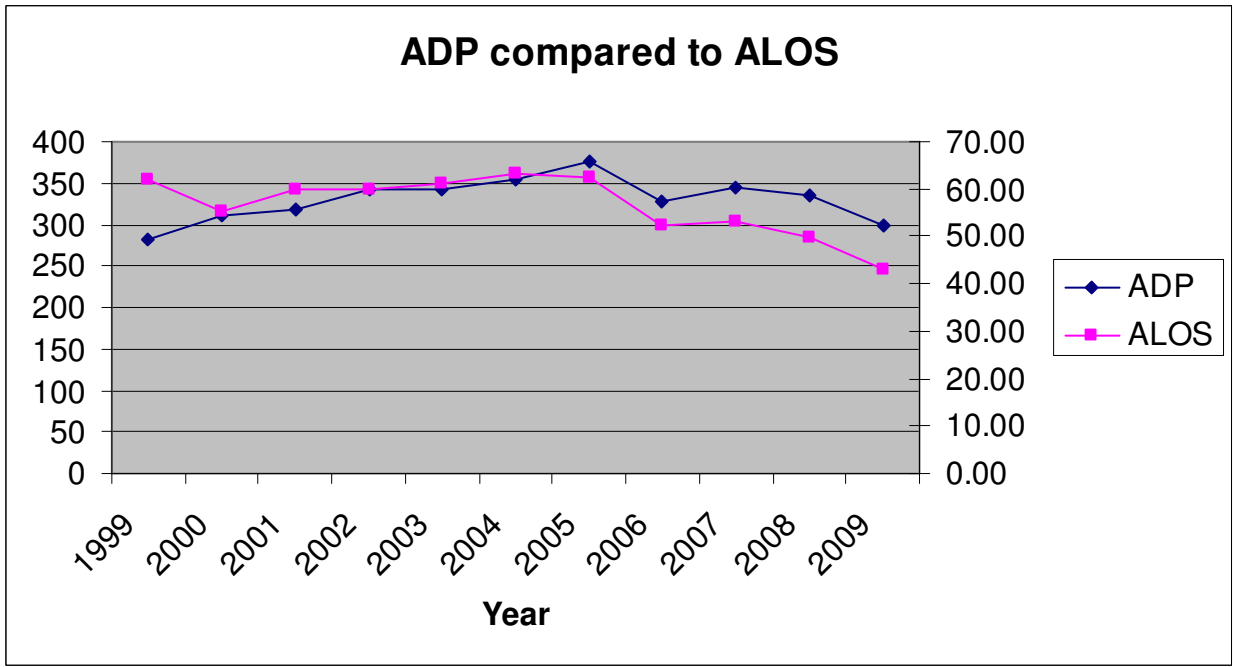
The net result is this: although the number of inmates per day incarcerated for DUI has increased, that increase has been mitigated by a conscious policy decision to address the root cause of the behavior, as opposed to simply incapacitating an offender through incarceration.



Getting back to ALOS, one look at the jail's historic ALOS shows a seemingly significant reduction. This reduction really gains momentum in 2006, a year after the CJAB began initiating the drastic changes to the criminal justice system, and the same year that the **Day Reporting Center (DRC)** was opened.



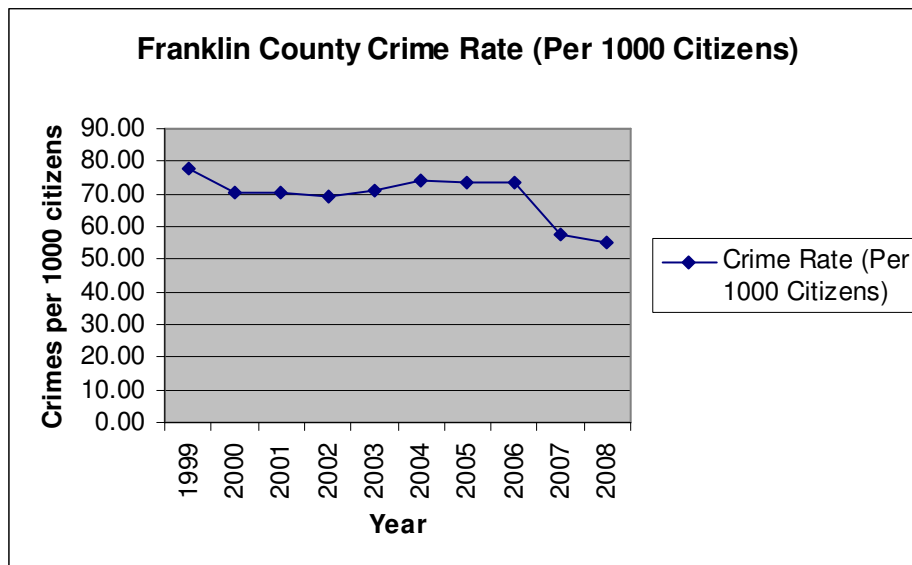
A 10-year look back in comparing ALOS to ADP perhaps gives us a better view, where you will see how the ADP generally co-varies with the ALOS.



Any time modifications like this are made to criminal justice systems in order to become more efficient and effective, there are those who will question (and rightfully so) what the impact on crime as a whole will be. Nationally, we will often see budget crises lead to lawmakers somewhat blindly releasing criminals from jails and prisons; including a percentage of criminals who should arguably remain incarcerated; and it has a negative effect on the community. This possibility demands that we examine both the incarceration rate and crime rate in Franklin County and compare these to either national or state wide standards. The comparison period is from 1999-2008 – the 10 years that includes the modifications to the criminal justice system and the subsequent opening of both the DRC and the new jail.

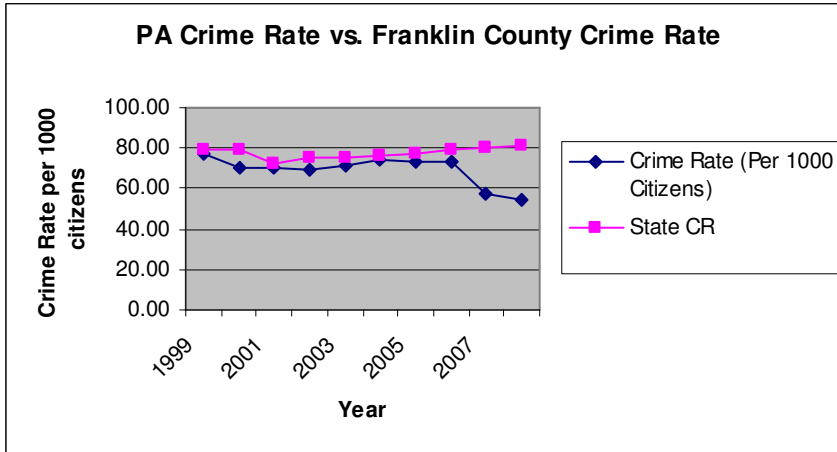
Franklin County Crime Rate

The first and most obvious measure used to ensure that criminal justice system modification has not had a negative effect on the community is the crime rate. While it is very difficult to establish a true causal relationship between a policy that addresses a system as complicated as the Criminal Justice system and crime rate, we can infer that if there is a change in a policy and we see a significant positive or negative change in the crime rate, the policy change was at least likely to have had some effect. For instance, had the crime rate increased after the opening of the DRC, then at the very least the CJAB would have cause for concern and it would merit a review of the policy to ensure that although jail population has been positively impacted, the community as a whole may be negatively impacted. Fortunately that has not happened. As a matter of fact, quite the opposite has happened. There has been a large decrease in the crime rate in 2007 and 2008, with 2008 having the lowest crime rate over the past 10 years. While I must emphasize that 2 years is not enough history to be called a trend, it is enough to say that there at least hasn't been a negative impact on the community, and perhaps enough to even suggest that these policy changes have had a positive effect.



YEAR	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
FCCR	77.56	70.64	70.16	69.08	71.25	74.35	73.63	73.58	57.46	54.89

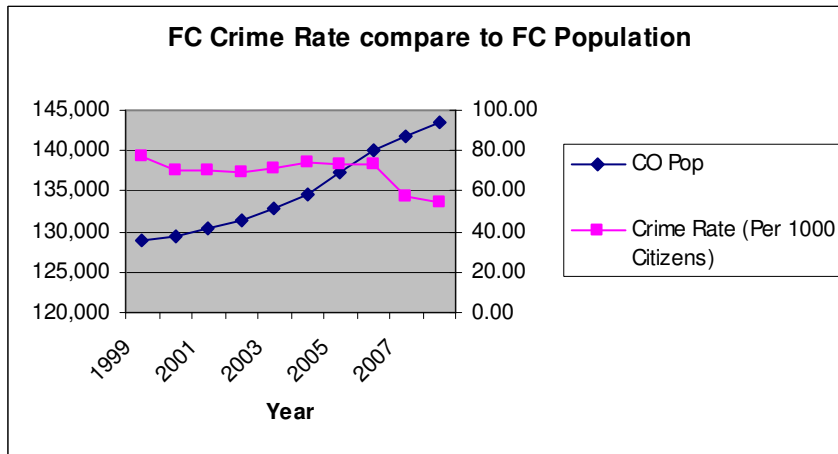
To provide some perspective, let's look at a comparison of the average crime rate for the entire state of Pennsylvania versus the crime rate of Franklin County over the same time-frame.



FCCR	77.56	70.64	70.16	69.08	71.25	74.35	73.63	73.58	57.46	54.89
PACR	79.21	79.59	72.66	75.00	75.16	76.73	76.89	79.11	80.01	80.95

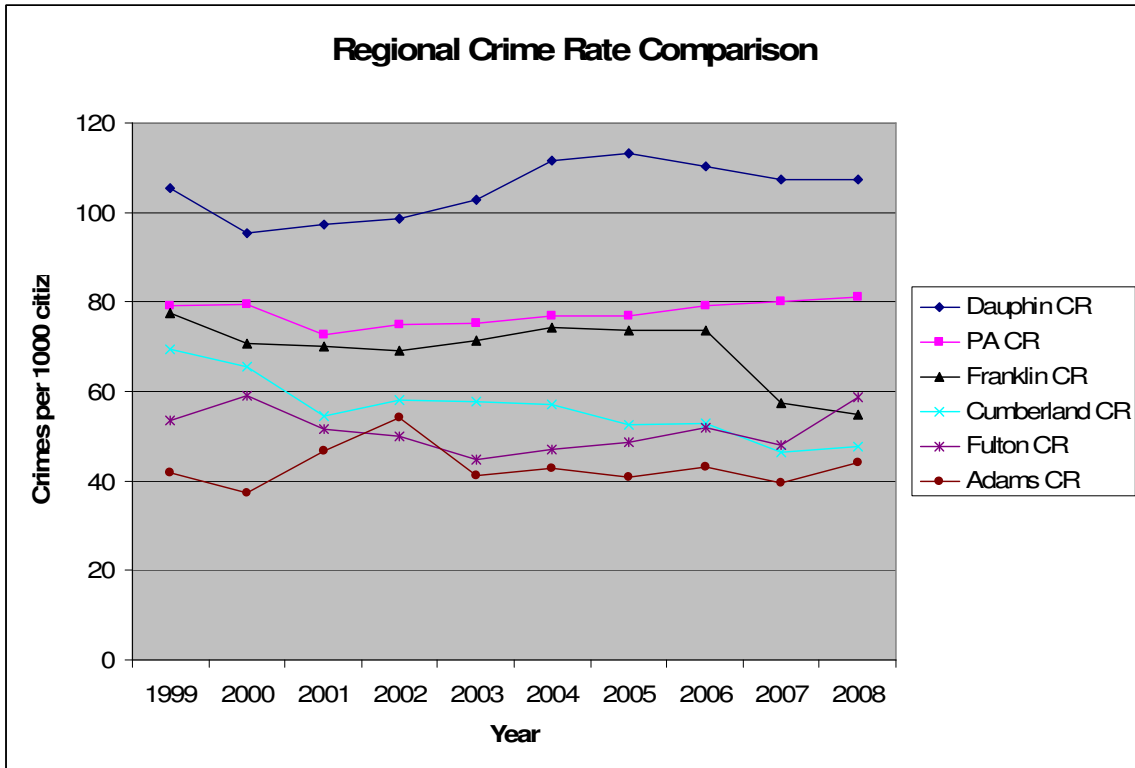
What is obvious is that, over the 10 years that are examined, the overall crime rate across the state has remained relatively steady at nearly 80 crimes per 1000 citizens, whereas Franklin County had consistently been slightly below the state's rate, basically mirroring it until 2007, when we saw our sizeable reduction. So to answer the question – “Has the policy decision to use the jail as a last resort in Franklin County led to an increase in crime?” - well, the answer is a resounding no.

We also know that over the same time, the population of the county has continued to increase, so this reduction is certainly not a by-product of fewer people in the county. Conversely, the crime rate has been reduced IN SPITE OF the growth in population.



What we can say, without a doubt, is that over the past 2 years, crime was at its lowest rate over that past decade.

In taking a broader perspective, below is a chart that looks at the crime rates of other counties in our region to include Adams, Cumberland, Dauphin and Fulton counties – as well as the average for the state of Pennsylvania over that same time frame.



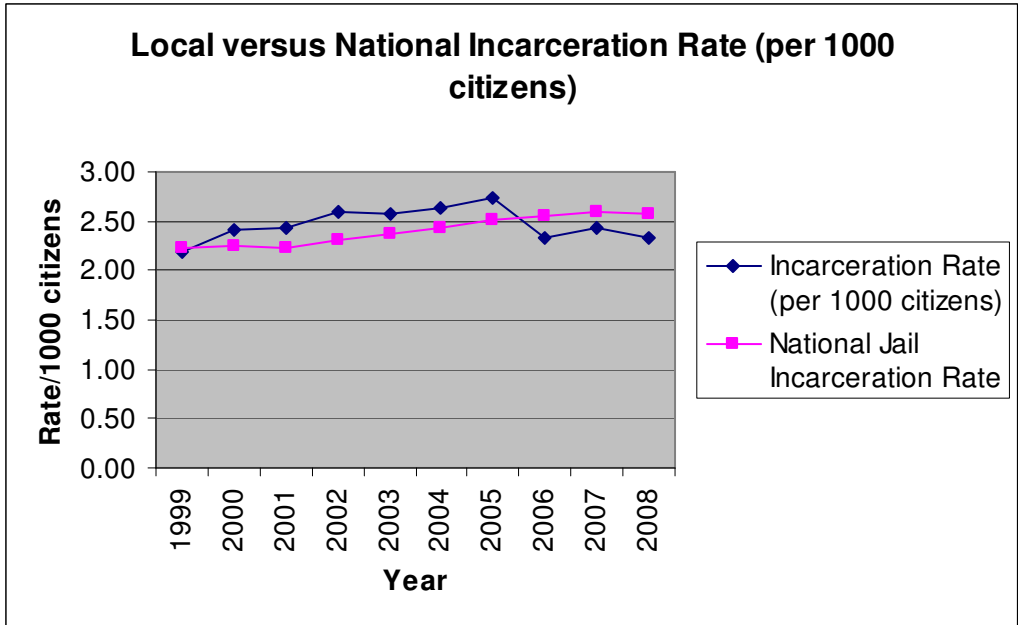
YEAR	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
PA	79.21	79.59	72.66	75.00	75.16	76.73	76.89	79.11	80.01	80.95
Dauphin	105.27	95.32	97.22	98.52	102.82	111.5	113.09	110.42	107.51	107.33
Franklin	77.56	70.64	70.16	69.08	71.25	74.35	73.63	73.58	57.46	54.89
Cumberland	69.46	65.49	54.41	58.06	57.57	57.03	52.41	52.77	46.47	47.72
Fulton	53.62	58.91	51.70	49.86	44.67	46.99	48.56	51.74	47.95	58.79
Adams	41.71	37.30	46.78	54.17	41.08	42.71	40.85	43.28	39.66	44.27

- The 16 point drop in Franklin County’s crime rate between 2006 and 2007 is the largest 1 year drop of the counties reviewed.
- Over the decade reviewed, Franklin County has been able to reduce our crime rate to the greatest degree, specifically a reduction of 22.67 points. Cumberland County has been able to reduce their crime rate by 21.74 points, the second greatest reduction over the time period reviewed.
- The remainder of reviewed counties and the state all saw a net increase
- Pennsylvania and increase of 1.74 points
- Dauphin County an increase in 2.06 points
- Adams County an increase in 2.56 points
- Fulton County saw the greatest increase, one of 5.17 points.

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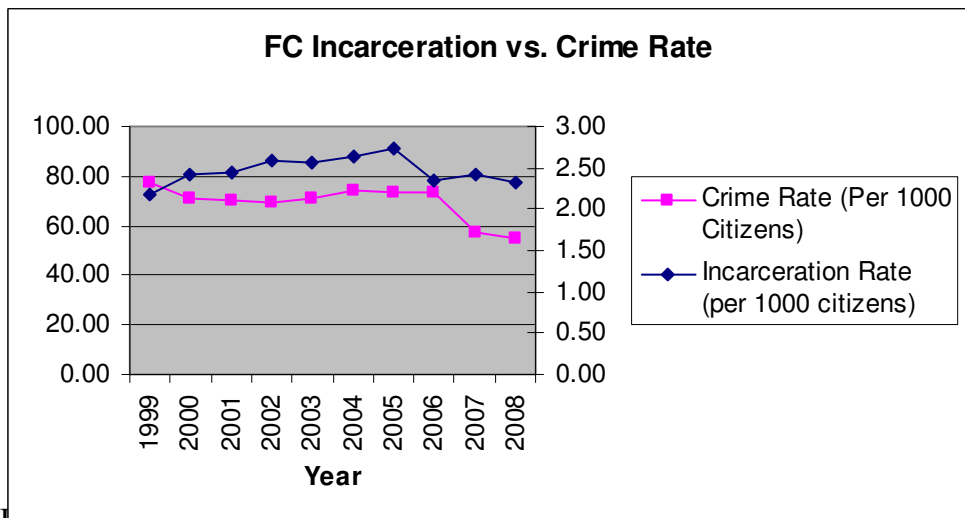
Local versus National Jail Incarceration Rates

Between the years of 2000 and 2005, Franklin County’s incarceration rate surprisingly exceeded the national jail incarceration rate. Then, in 2006, ours dropped below the national average and has remained below. There is a component of the incarceration rate that is prescribed through mandatory sentences and sentences guidelines, and there’s also a portion that can directly be attributed to policy decisions. An example of this would be the disposition of parole violations where policy rather than mandatory guidelines prevail.

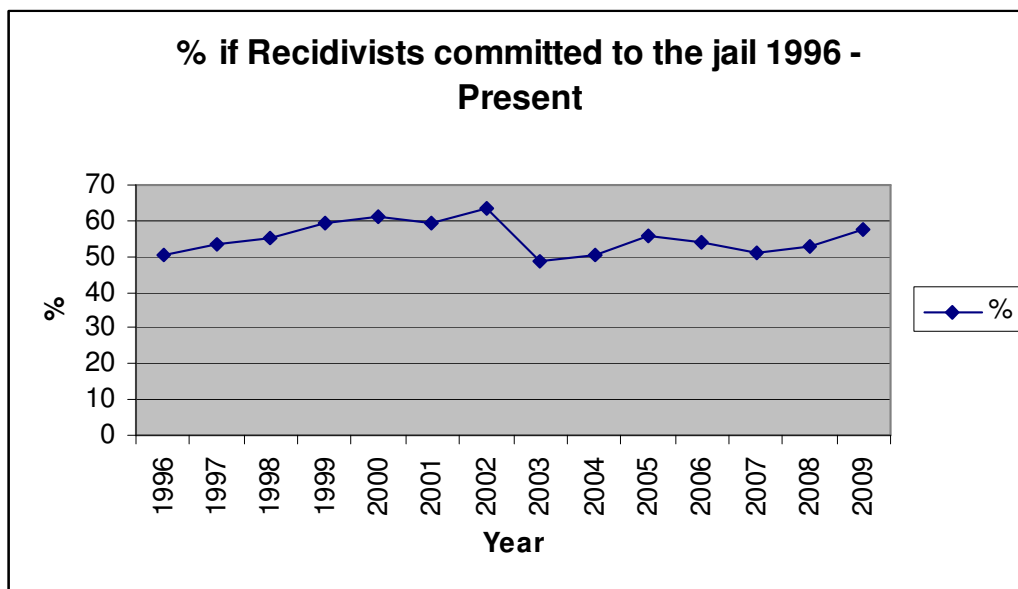


YEAR	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
FCIR	2.18	2.41	2.44	2.59	2.57	2.64	2.74	2.34	2.43	2.33
NJIR	2.22	2.26	2.22	2.31	2.38	2.43	2.52	2.56	2.59	2.58

Crime is also an obvious factor in the incarceration rate, and as was already discussed, crime had been reduced, as well. As you can see below, the incarceration rate increased steadily from 1999-2005 and then decreased. The crime rate remained relatively steady from 1999-2006 and then reduced substantially in 2007 and 2008.



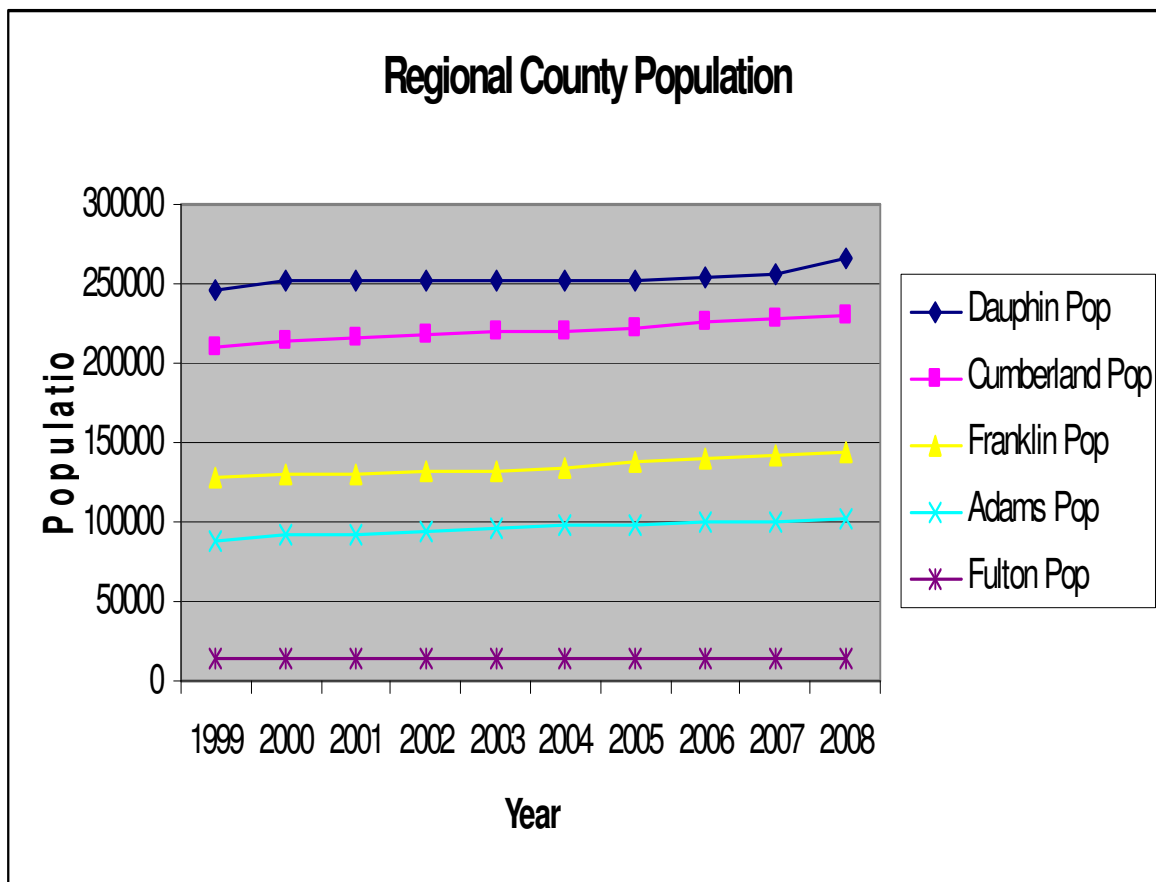
The recidivism rate is a piece of data that is often used in measuring the effectiveness of criminal justice programs. The most often used definition, nationally, describes a recidivist as an offender who, after release from incarceration, returns to jail within 3 years for a new crime. Unfortunately, we do not have a way to easily collect the information needed to research this definition, forcing a burdensome manual retrieval and calculation of this data. We are in the process of working on the 10-year recidivism report, but it will not be completed until later in the year. However, we would be remiss if we excluded all measures of recidivism, so the chart below looks at the percentage of commitments to the jail over the year who had previously been incarcerated since records were automated, which is 1992.



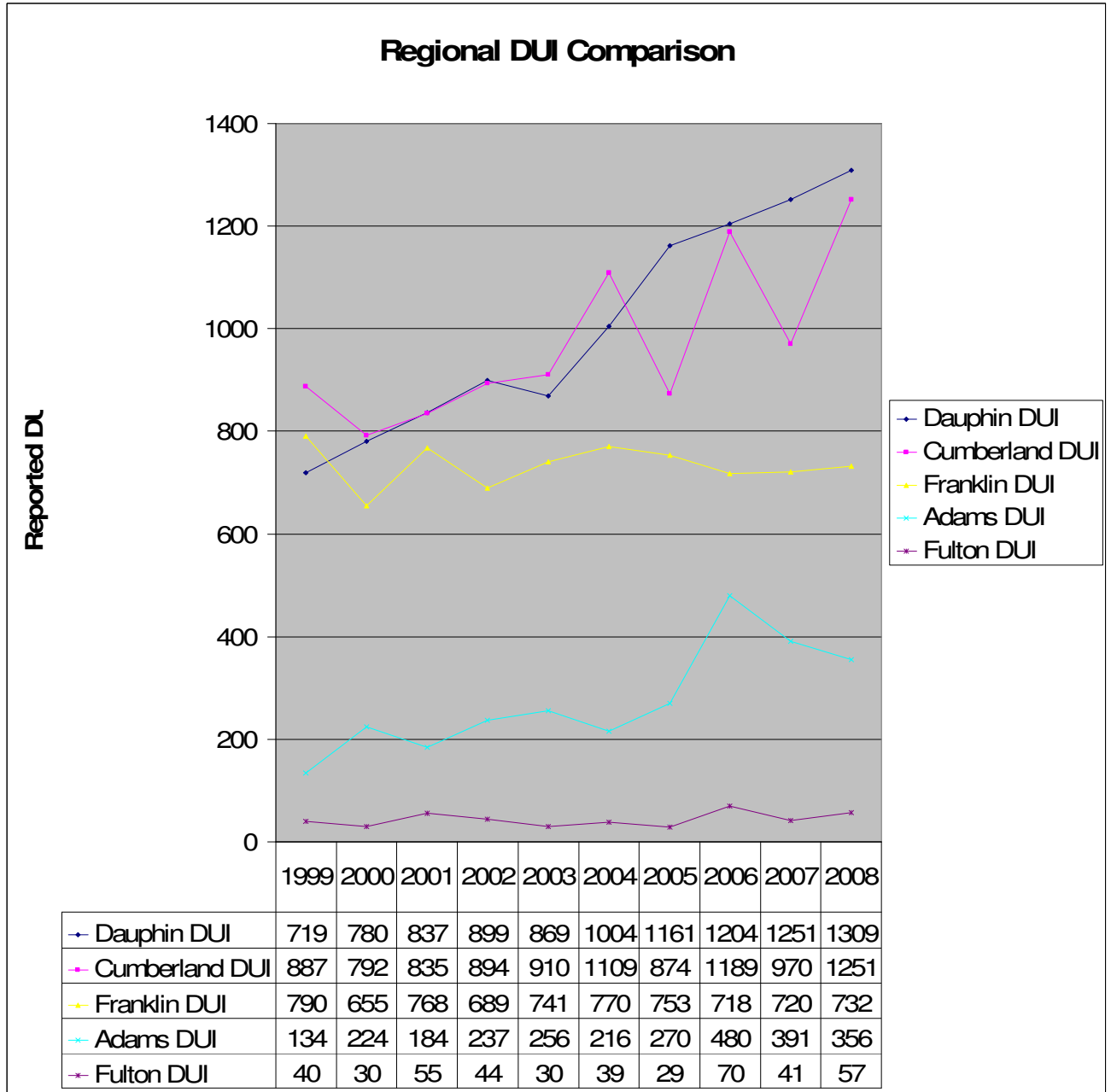
As you can see, our percentage of commitments who are recidivists ranges from a high of 60.99% in 2000 to a low of 48.73 in 2003 – with the rate for 2009 at 57.34%. As alluded to earlier, the manner wherein this data is collected does not lend itself to national comparisons in its current form, as it includes those who are re-incarcerated for a technical parole violation without committing a new crime, as well as those who make bail as pre-trial detainees and later return to serve a sentence for the same offense. Accordingly, little should be read into these numbers. For instance, an individual may be returned to the jail for shock incarceration as a sanction from the DRC and would contribute to the percentage. We look forward to completing the full report later this year.

Below is a chart depicting the county population in the regional counties discussed.

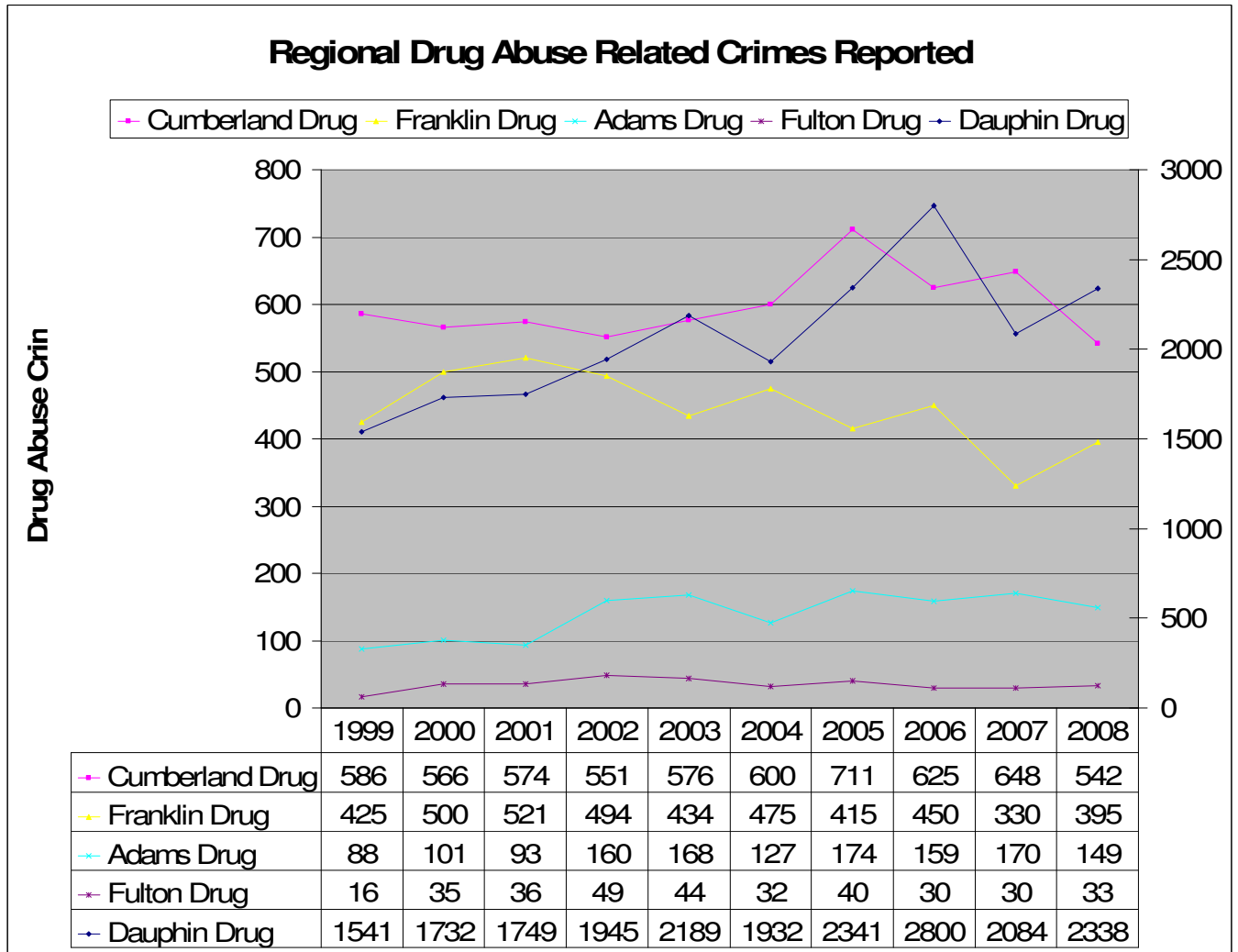
Year	Dauphin Pop	Cumberland Pop	Franklin Pop	Adams Pop	Fulton Pop
1999	245576	210663	128812	87697	14528
2000	251805	213987	129,313	91585	14258
2001	251534	215055	130,296	92768	14196
2002	252418	217181	131,502	94137	14281
2003	252654	219050	132,754	95681	14440
2004	252329	220661	134,629	97491	14513
2005	252721	222538	137,273	98778	14579
2006	253811	225488	139,991	99859	14748
2007	255592	227203	141,665	100519	14952
2008	265562	229361	143,495	101110	14935



Below is a comparison of the number of DUIs reported in the regional counties reviewed.



Below is a chart depicting the number of reported drug abuse – related crimes in the regional counties reviewed.



DISCUSSION

Bill Parcells has been widely quoted as saying that in football, at the end of the day, you're as good as your record says you are. The field of criminal justice is similar in that you can provide all the programming you want, talk about all the initiatives you wish, but at the end of the day, you are what the measures say that you are. Granted, while a football team likely has a lot more control over their success or failure, we in criminal justice have a duty to regularly measure our progress, or lack thereof, and adjust accordingly by attacking problems with research based methods. In many ways, Franklin County has made progress toward improving the criminal justice system.

However, it's also been said that the most important play in a football game is the next play. In other words, forget whatever happened the play before (good or bad), and focus on where you are headed. To that end, there are several areas where we can likely focus our efforts to further improve our system.

Increasing/Improving the research based interventions designed to reduce criminal behavior in the jail. The fact that 57% of the commitments to the jail were recidivists, in spite of some of the potential explanations as to why, is unacceptable and needs to be a target for system improvement. The jail staff, led by the newly re-organized treatment department, will undergo a review of our assessments, programs and the delivery of both and develop a new plan to improve each.

Continued efforts toward increasing the efficiency of the Court's processing of criminal cases, especially of those incarcerated. As a system, we've made tremendous strides in improving the processing of criminal cases; however, there is always more that can be done. The seating of the 5th judge, in theory, should have a positive effect, although some of the increase is mitigated by the facility challenges. It is likely that the 5th judge's effectiveness will not be maximized in the current facilities. Additionally, identifying more uses for videoconferencing will also have a very positive effect.

Doing a better job of assessing and programming technical parole and probation violators. Perhaps the area where we have seen the greatest improvement over the past several years is the reduction of the ALOS of technical parole violators. Prior to 2006, the ALOS was consistently around 90 days, in 2009, that average is closer to 60 days. None the less, we could further improve by first, collecting better data regarding the nature of the violation, and subsequently assessing violators using the available tools, to develop treatment plans more responsive to their needs. With this start, we will be able to better provide responsive programming in order to reduce the behavior that was the root cause of the violation as opposed to simply reacting to the "symptom" ie. address the cause of the substance abuse, as opposed to punishing the hot urine. Jail Administration as well as Treatment Staff will meet with Probation Administration and staff to develop a mechanism to accomplish this.

Explore the expansion of the weekender program to include non-DUI offenses who are currently sentenced to 60-days or less. We have realized a reduction of 5 inmates per day during the week due to this program. Expansion of the program would have a positive

effect on the population while keeping more offenders engaged in the community through working, keeping medical benefits and supporting their families, and therefore mitigating the effect of incarceration on their family members and public assistance.

Continue to pursue a court facility that will be operationally efficient and built to support the mission and vision of the Court. A physical facility which supports an organization's mission will have a positive effect on organizational outcomes. There's not a better example of that than is demonstrated by this report, as it relates to the reduction in jail population, after occupying a facility that allowed us to operating in a manner consistent with our vision. A court facility in which judges can be scheduled to maximize their courtroom time, as well as centralize the operations that support and augment the operation of the Court will obviously provide a big improvement in the operation of the criminal justice system as a whole.

Be more active in ensuring inmates are released at their minimum. While the number of inmates who are in the jail beyond their minimum has decreased, we can further reduce this number by doing a better job of identifying those with appropriate housing challenges at commitment.

SUMMARY

Franklin County has seen both a decrease in jail population and a decrease of crime in the county in the several years since undertaking a process which honestly and thoroughly examined its criminal justice operations and made data-driven decisions on how to better operate.

The challenge to the system now is to continue to scrutinize itself and find ways to be even more efficient. With the reduction in state funding, especially as it relates to human services, it would be easy to reduce programs all together. However, now more than ever, we must continue to make the difficult decisions based on the long-term benefits as opposed to short-term quick fixes.

In a state where the Department of Corrections is forced to send inmates to other states due to serious over-crowding, we should embrace our ability to have a process in place that takes a system-wide approach to criminal justice problem solving, always mindful that "system-wide" will include meaningful input from the community and all the other stake holders through our Criminal Justice Advisory Board.