Jail Charge Data Analysis and Jail Reduction Strategies for Douglas County, Kansas

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Executive Summary

Like many counties across the country, Douglas County, Kansas has experienced a dramatic increase in its jail population over the past several decades, with the per capita jail incarceration rate growing over 70 percent between 1990 and its peak in 2018. In response to concerns about this continued growth, its costs to taxpayers, and its effect on the community, Douglas County stakeholders sought the assistance of the Vera Institute of Justice (Vera) in analyzing the local drivers of jail incarceration and developing strategies to reverse this trend and advance public safety. Since 2019, Vera has used publicly available data to provide research and policy guidance to various Douglas County stakeholders. For this report, Vera used data that is publicly available from the Douglas County "Bookings and Offenses Dashboard" and from the Douglas County Criminal Justice Coordinating Council (CJCC). The data in this report include people released from the jail between January 1, 2017 - December 31, 2021 – just over 10,000 people in total.

Key Findings

- Most bookings into jail are for minor, nonviolent charges, including charges related to substance use, supervision violations, and poverty.
- The Douglas County jail population is primarily driven by pretrial incarceration.
- Failures to appear (FTA), probation violations, remands and municipal charges are significant drivers of the Douglas County jail population, together accounting for just over half of all jail admissions and bed-days from 2017 to 2021.
    - FTAs were the most common top charge for overall admissions: they made up 21 percent of total admissions and accounted for 12 percent of bed-days. Overall, 40 percent of admissions in which FTA was the top charge were classified as traffic cases from either municipal or district court–and in over a third of those cases, the people jailed lived in another county.
    - Probation violations are the second-highest contributor to jail bed-days and the fifth-most-common top charge.
    - Almost a third of admissions with only municipal charges were classified as traffic cases.
- Overall, violent charges contributed to 21 percent of pretrial jail bookings.
    - Domestic violence (DV) charges represent a majority of admissions with a violent top charge. 45 percent of admissions with a DV top charge were dismissed by a judge or not filed by a prosecutor.
- The majority of admissions for drug-related charges were for drug possession rather than drug manufacture or delivery, and a substantial portion were facing low-level charges.
- DUI is a strong driver of pretrial jail admissions but has less of an impact on bed-days.

- About 40 percent of people were admitted two or more times; these individuals made up 70 percent of admissions and 78 percent of bed-days.
- Black people represent just 6 percent of the county population aged 15 or older, but 23 percent of jail bed-days and 18 percent of jail admissions.

Recommendations

- To alleviate jail bookings for low-level offenses, the county should standardize and monitor implementation of alternatives to traditional arrest and booking, such as citations in lieu of arrest, co-response and/or civilian response teams, and a review of the municipal code.
- To reduce pretrial lengths of stay and a system where those who can afford bail are released and those who cannot stay in jail, the courts should expand the use of non-monetary conditions of release at the earliest point possible and eliminate the use of a bail schedule. This may also mitigate some of the racially disparate impacts of detention.
- To reduce the number of people who cycle in and out of jail on substance use charges, the county should enact a public health approach that recognizes the reality of relapse and takes an evidence-based harm reduction approach, investing in a range of necessary services.
- To reduce the number of DUI admissions and lessen the rate of drunk driving in the community, the county should expand accessible public transportation options and divert first-time DUI arrests to a sobering center with referrals to services.
- To address high rates of incarceration for FTAs, the county should develop additional court resources that help increase appearance and reduce bookings for nonappearance in court by enabling officers to reschedule people with FTAs for new court dates on the spot using either a mobile phone app or filling out a brief rescheduling form.
- To prevent the criminalization of poverty, the county should eliminate the use of financial sanctions, eliminate incarceration as a response to non-payment, and conduct indigency hearings at the earliest stage possible so that court debt may be waived.
- To preserve Due Process, the county should ensure all individuals in both municipal and district court have access to adequate counsel at the earliest stage possible.
- To reduce the number of people booked on probation violations, the county should prohibit incarceration for technical violations (e.g. a missed appointment, a positive urinalysis, missed payment of fees, etc).
- To repair harm done to victims and hold individuals accountable, the county should establish or expand a diversion policy that directs prosecutors to divert people to community-based restorative justice programs when both parties agree to participate.

Implementation

There is immense opportunity for Douglas County agencies to expand on the COVID-era jail population reductions by implementing some of the evidence-based reforms recommended in this report. To manage implementation, the CJCC coordinator should lead individual working groups that define parameters and track implementation over time for each commitment that has generated alignment. These working groups should be composed of local government actors, agency representatives, community members, and the senior data analyst.