

## ATTACHMENT B

### **Chairman Vetovec Question: Review of long stays identified in Jail Population Study**

*Background.* During his March 15, 2005 presentation to the County Board, Mr. David Voorhis of Voorhis-Robertson Justice Services noted that, in the data he examined, as many as 84 individuals spent at least 300 days in the Racine County Jail. Those cases, of course, accounted for a substantial number of jail bed days.

*Cases reviewed.* Recognizing the importance of saving bed days whenever doing so is consistent with public safety and fiscal needs, we have undertaken a closer examination of most of those cases. Mr. Voorhis has provided us a list of cases that can be identified by booking number and/or admission date; we have been able to confidently assign names to 64 of those cases. The names are necessary for retrieval of case processing and disposition information from the Wisconsin Consolidated Court Automation Programs (CCAP).

*Report format.* Attached is a spreadsheet that lists those 64 cases, in descending order of length of stay (“LOS”), as reported by Voorhis-Robertson Justice Services. In addition to name and length of stay, it reflects the most serious offense *charged* and three factors that sometimes contribute to case resolution delays: defense counsel changes, time between conviction and pre-sentencing investigation (PSI), and time between the court’s receipt of the PSI and the imposition of sentence. The “Remarks” section notes unusual aspects of the case.

*Overview of factors associated with longer stays in Racine County Jail.* The complexity of the criminal justice process and the almost infinite number of variables in any particular case make it difficult, at best, to generalize about the reasons why these individuals spent 300 days or more in the Racine County Jail. Some factors do, however, arise with sufficient frequency to merit particular mention.

1. *Seriousness of offense.* As one might expect, the great majority of these cases involve serious, often extremely serious, offenses. Among them are
  - Seven homicides or attempted homicides.
  - Nine sexual assaults, mostly of children.
  - Nine cocaine cases, at least eight of which involve possession with intent to sell or deliver.
  - Five robberies
  - Six reckless endangerment charges
  - Five burglary-related offenses
  - Four cases of repeat OWI (operating while intoxicated) offenses
  
2. *Defense counsel changes.* In at least 11 cases, the defendant was represented by a series of three or more defense counsel. Often, the defense counsel change had an

The information in this cover memo and the attached spreadsheet reflects work performed by Voorhis-Robertson Justice Services, Sheriff’s Department Staff, and Office of the County Executive.

appreciable effect on the progress of the case, even if the defendant was able to replace one counsel with another in relatively short order. Sometimes, however, it took literally months for the defendant to find, or be assigned, a counsel who was willing and able to take on the case.

3. *Time between conviction and imposition of sentence.* In at least 11 cases, three months or more elapsed between the finding of guilt and the imposition of sentence. The reasons vary, but they include delays in preparation of pre-sentencing investigations, changes of defense counsel, and scheduling conflicts. (It should be noted that, even when an individual is sentenced to serve a term in a Wisconsin Department of Corrections facility, he or she does not immediately leave the Racine County Jail. Some period of time will elapse between imposition of sentence and the individual's transportation to a DOC facility.)

4. *Extended sentences to jail time.* In at least five cases, the individual was sentenced to serve one year in the Racine County Jail—either as the individual's entire period of incarceration, or as a condition of staying a lengthier sentence in a Department of Corrections facility.

5. *Ordinary processing sequences.* These do not, of course, exhaust the important factors that may be associated with stays of 300 days or more in the Racine County Jail. Indeed, stays of long duration may be most attributable to the nature of the criminal justice process. Especially with some of the serious and complex cases described in paragraph 1, above, there can be a number of reasons why the process appears to an outsider to move more slowly than expected. These may include the following:

- Complex cases require time-consuming investigation, thorough preparation, and orderly consideration and resolution of procedural and evidentiary issues.
- Reduced staffing of prosecutor and defense offices can extend already lengthy processing times.
- Although most people would normally prefer a speedy trial, individuals who expect to be convicted and sentenced to a Department of Corrections facility may prefer to delay their trials, thereby extending their time near home while still accruing "time served" credit against their ultimate sentences.

These, then, are some of the inferences that can be drawn from this particular list of persons who have served at least 300 days in the Racine County Jail. Persons interested in more detailed information about a particular case can access the Wisconsin Circuit Court Access web site at <http://wcca.wicourts.gov/index.xsl>. Cases can be searched by name and county.