

## ATTACHMENT D

### **Supervisor Hazen Question: Most Frequently Charged Offenses**

After the presentation by Mr. David Voorhis of Voorhis-Robertson Justice Services, Supervisor Hazen asked for a concise presentation of data concerning the most frequently charged offenses. Supervisor Hazen suggested that the study focus on those offenses that meet a threshold number of charges, e.g., 50. This memorandum and the attached one-page spreadsheet respond to that request.

*Definitions.* The following definitions may help readers better understand the information in this memorandum and the attached spreadsheet:

- ADP: Average Daily Population; the average number of jail inmates over a specified period of time (e.g., year or month).
- ALOS: Average Length of Stay; the average time spent in the Racine County Jail by a particular category of inmate (e.g., inmates charged with specific offenses or inmates for whom detainers have been issued, etc.).
- Bed days: number of days a jail bed/slot is occupied by an individual; 365 bed days (or, in a leap year, 366) is equivalent to an ADP of 1.
- Detainer: A request by another jurisdiction (e.g., Wisconsin Department of Corrections, another Wisconsin county, or an out-of-state jurisdiction) to hold an individual in the jail.
- Most serious offense charged: Especially because many inmates have been charged with multiple offenses, it is most useful to know what is the *most serious* offense charged. For these purposes, the seriousness of offenses is, in descending order:
  - Felonies: crimes for which a person may be incarcerated in the Wisconsin prison system.
  - Misdemeanors: all other crimes.
  - Ordinance violations: infractions of county or municipal ordinances.
  - Court offenses: contempt or other disobedience of court orders.
  - Detainers: requests by other jurisdictions to hold individuals for further action.

Within a particular category, the relative seriousness of offenses is based on the classification of the offense as, for example, a Class A or B felony or a Class A or B misdemeanor.

*Spreadsheet overview.* The spreadsheet presents, in descending order of frequency, the 31 offenses that, in 2004, were most often charged against persons brought to the Racine County Jail with “fresh arrests.” They range in frequency from 831 (Disorderly Conduct) to 52 (Operating a Vehicle with a Prohibited Alcohol Concentration). Among the persons admitted to the Racine County Jail in 2004, the inmates charged with those 31 offenses accounted for an ADP of 303—46.6% of the jail’s rated capacity.

*Detainer cases.* Ironically, however, the “most frequent offense charged” may have been “no offense charged.” The top line of data shows that 2,102 persons were admitted to the Racine County Jail in 2004, with no charge listed in the Warrants file. Of that number, at least 1,853 were simply being held on detainers for other jurisdictions (Department of Corrections, other Wisconsin counties, or other jurisdictions outside Wisconsin) and were not charged with any

criminal offenses in Racine County. More inmates were held in the Racine County Jail simply on detainers than for disorderly conduct and for obstructing/resisting an officer, combined.

Even among cases in which Racine County charges were filed, the number of cases for which detainers had been issued was often significant. Overall, detainers were issued for individuals in 19.6% of the group of the 31 most frequently charged offenses. For certain kinds of otherwise minor offenses, the number of admissions that also involved detainers was substantial. For example, over 31% of those arrested for obstructing or resisting officers had detainers, as did 30% of those charged with operating a vehicle without owner's consent.

What is of even greater importance is the effect of the detainers on the average length of stay (ALOS) for a particular offense as well as on the total jail bed days attributable to that offense. For example, the ALOS for disorderly conduct was 4.7 days without a detainer, but 21.8 if a detainer was involved; for obstructing or resisting an officer, the ALOS was 8 days without a detainer, but 33.4 days if a detainer was involved.

Moreover, the greater ALOS for most of these offenses translated into a substantially increased burden on the jail's capacity. These figures indicate that, in 2004, the jail's average daily population (ADP) was increased by 79 because of the detainers associated with these 31 offenses alone. Of the ADP of 303 associated with these 31 most common charges, 26% was attributable, not to the charges themselves, but to the detainers on which the inmates were also being held.

The importance of detainers is shown even more clearly by the fact that ADP was increased by an additional 53—for a total of 132—when the “no charges” detainers are factored in. And, when one considers the detainers on *all* inmates in 2004 (i.e., including those held on less common charges), the total of extra days accounts for an ADP increase of about 151. Phrased another way, in 2004, 23% of the Racine County Jail's rated capacity of 650 was devoted to holding persons on detainers.