



AMERICAN JAIL ASSOCIATION

1135 Professional Court
Hagerstown, MD 21740-5853
Tel: (301) 790-3930
FAX: (301)790-2941

Supporting Individuals Working in Our Nation's Jails

Gwyn Smith-Ingley, Executive Director
gwyns@aja.org

VIEWS ON S. 714 ***National Criminal Justice Commission Act of 2009***

The American Jail Association (AJA) is a national nonprofit organization dedicated to supporting those who work in our nation's jails and local detention facilities. We represent more than 70,000 jail professionals, and as such, advocate support for S. 714, the National Criminal Justice Commission Act of 2009, with the considerations identified below.

Generally, the American Jail Association (AJA) believes that S. 714 is a very exciting bill that creates endless possibilities and that the goals of the bill are ones we can all endorse. We applaud Senator Webb's initiative in sponsoring it, and appreciate the opportunity to provide input into the process as this bill moves through Congress.

To set the stage for our issues, we provide the following data. According to the United States Bureau of Justice Statistics (BJS, March 2009, NCJ 225709), there were 785,556 inmates at mid-year 2008 incarcerated in our jails on any given day. This represents an increase of 0.7% over the previous year. Additionally, BJS estimates that the more than 3,300 jails in this country process approximately 13 million arrestees each year. These local corrections facilities are responsible for the safe and secure management of pre-trial detainees, short-term sentenced offenders, and sentenced inmates from other jurisdictions such as the State and Federal governments, community supervision programs like pre-trial release and electronic monitoring, drug and alcohol diversion programs, work release, and other intermediate sanctions. Virtually every inmate who ends up in prison must first be processed through a jail.

The following is an outline of some of the areas that we would like to see addressed in the bill language and/or committee report.

1. The differences between jails and prisons are a major priority with any legislation of this type, and the Prison Rape Elimination Act (PREA) standards are a perfect example of the need for distinction between the two.
2. One of the primary directives of the Commission is a comparison between jails in Western Europe and Japan. These systems are essentially unified like those in Rhode Island and Alaska which means that their corrections departments automatically include "jailing". However, there are only six states in the U.S. that have a unified correctional system. Thus, the bill language needs to insert "jails and" in front of those sections

dealing with prisons (such as “decrease jail and prison violence,” or “improve jail and prison administration” and so on). Any examination of a “system” that from the outset forgets the entry point to the system, that being jail, is bound to develop a perspective that will only increase the problem attempting to be abated.

3. Additionally, Indian Country Jails operate differently from other jails, thus, it is necessary that "tribal jails" language be included in the bill.
4. It has been AJA’s experience that prison representatives do not have a full understanding of jail operations. **Thus, it is imperative that local jails specifically have a seat on the Commission and that it not be assumed that a corrections representative can speak to all levels of detention (Federal, state and local).**
5. The Commission should look at the issue of jail and prison standards (or in the case of 17 states, the absence of standards). Any examination of standards must also take into account the differences between jails and prisons. There is not a one-size-fits-all solution.
6. For those states that have correctional facility standards, inspections, certification procedures, etc, the Commission should look at who is responsible for these oversight agencies and programs; that is, what level of experience, education, and training do the officials in these state oversight agencies have and is it sufficient?
7. The proposed Commission should recognize the differences between pre-trial and convicted populations. Economics have always been a primary factor of pre-trial incarceration, and the “danger to the community factor” an afterthought. The language of the bill needs to recognize the roles that pre-trial detainment and bail bonding play in the number of persons incarcerated.
8. We are somewhat concerned that the phrase in the Fact Sheet, “Its task will be to propose concrete, wide-ranging reforms...” may constitute unfunded mandates. Measures must be incorporated into the bill to prevent unfunded mandates.
9. Any discussion of hiring, training, promotions, etc., of correctional officers has to consider smaller jails and their fiscal capabilities and limitations.
10. It would be useful for the Commission to also examine how many true re-entry and rehabilitation programs are on the front end of the criminal justice continuum assisting in preventing incarceration.
11. The bill should consider a formula that can be developed as a guide when providing Federal funding for additional law enforcement (police/sheriffs’ officers). The formula could suggest that for every 50 officers funded, a judge, probation/parole officer, public defender, pre-trial staff, additional halfway houses, etc. must be included. This would be aimed at preventing money from being thrown at the front end of the system without regard for the back end when dealing with offenders post-release. Supporting a balance in the criminal justice system is important.
12. Specific money should be identified to provide necessary funding for forensic hospitals to free up jail/prison cells of those improperly placed in the system. AJA is pleased with the multiple references in S. 714 regarding the mentally ill and those with substance abuse problems who end up becoming involved with the criminal justice system.
13. Consideration should be given to mandatory sentence reduction for inmates convicted of nonviolent drug offenses who are first-time offenders.

Thank you for your consideration of these issues and our position with regard to each. AJA looks forward to working with Senator Webb and Congress to assist in passage of S. 741.