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Cumberland County Jail 2005 Pre-Arraignments

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CUMBERLAND COUNTY JAIL 2005 PRE-ARRAIGNMENTS

Introduction

This brief addresses the following questions: 1. *What do we know about bookings of arrested persons at the Cumberland County Jail?* 2. *What do we know about pre-arraignment bookings by Cumberland County law enforcement agencies?* In 2006, Cumberland County hired the Muskie School of Public Service to help provide information for county planning purposes. The Muskie School examined the rates of all bookings¹ (including pre-arraignment bookings) originated by all county law enforcement agencies to the jail in 2005.

Over the last ten years the average population in county jails has increased dramatically in Maine. In 2003, the total in-house population in county jails averaged 1,450 inmates, nearly double the average in 1994. This increase is consistent with other state and national county jail population increases. In a time of enormous fiscal constraints, state and county prison and jail expenses are steadily escalating. The result is overcrowding, which adds more wear and tear on existing facilities, and limits the availability of adequate treatment programs.

Maine County Jail Population				
Year	Female	Male	Total	Change
1994	37	694	731	-
2003	153	1,297	1,450	98%

FindingsDemographics

In 2005, the Cumberland County Jail processed 10,260 bookings of persons charged with one or more offenses. In 34% of bookings for which actual residence was known or declared, the person was a Portland resident. In 2005, the census estimated that Portland accounted for 23% of the county population.² Males accounted for 81% of the bookings to the jail in 2005. In 88% of bookings for which race was identified, the person was white.³ In 2004, the population of Cumberland County was 95% white.⁴

¹A booking refers to the recording of the name of an arrested person in a sequential list of police arrests with the details of the person's identity, particulars of the alleged offense, and the arresting officer's name. Black's Law Dictionary, 3rd pocket edition, 2006. When someone is booked they are assigned a judicial status. The most common booking status at the Jail is pre-arraignment. A pre-arraignment occurs before a person is arraigned (officially charged) for an offense in a court proceeding before a judge. Depending on what led to the arrest, a person may be granted bail or held until arraignment. Other types of bookings that occur at the jail are: pre-trial, pre-sentence, sentenced, federal prisoner, immigration prisoner, other agency hold, probation hold, probation revocation, and fugitive.

²[http://factfinder.census.gov/servlet/SAFFPopulation?](http://factfinder.census.gov/servlet/SAFFPopulation?_event=Search&_name=Cumberland+County+&_state=04000US23&_county=Cumberland+County&_cityTown=Cumberland+County&_zip=&_sse=on&_lang=en&pctxt=fph)

[_event=Search&_name=Cumberland+County+&_state=04000US23&_county=Cumberland+County&_cityTown=Cumberland+County&_zip=&_sse=on&_lang=en&pctxt=fph](http://factfinder.census.gov/servlet/SAFFPopulation?_event=Search&_name=Cumberland+County+&_state=04000US23&_county=Cumberland+County&_cityTown=Cumberland+County&_zip=&_sse=on&_lang=en&pctxt=fph)

³Of the other 12%, African Americans accounted for 7%, Hispanics 3%, Asian/Pacific Islander 1%, and Middle Eastern/Arabic 1%. The jail management information system lumps some ethnicities (e.g., Hispanic and Middle Eastern) with the racial categories.

⁴<http://quickfacts.census.gov/qfd/states/23/23005.html>

Publication Date

January, 2007

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This brief can be found at the Maine Statistical Analysis Center website:

<http://muskie.usm.maine.edu/justiceresearch>

Maine Statistical Analysis Center

The SAC serves as a clearinghouse for data collection and statistical analysis for the Maine criminal justice system, promotes a research-based approach and conducts research that support its identified priorities and objectives.

The Maine SAC is located at the Muskie School of Public Service, University of Southern Maine.



Jail Days

Most (86%) bookings resulted in no days spent in jail. Many individuals posted bail, were released and given a court date. Among those booked in 2005 who also spent time in the jail, the average length of stay was 21 days. However, more than half of offenders who spent time in jail (53%) were there for seven days or less. The table below depicts the number of jail days served.

	<u>Frequency</u>	<u>Mean Number of Jail Days Served</u>
Total Bookings	10,260	2.94
Bookings with Jail Days	1,408 (14%)	21.44

Alcohol/Drug Use

In nearly a third (31%) of all bookings at the jail in 2005, the offender had been drinking, was intoxicated and/or was classified as having a narcotics infraction. Some bookings occurred after a court appearance or when a person was reporting for sentencing, rendering it unlikely they were consuming alcohol or other drugs.

Types of Offenses

Misdemeanors account for most Cumberland County Jail bookings. More than three-quarters (83%) of all bookings with a listed offense category were for D & E offenses (misdemeanor offenses).

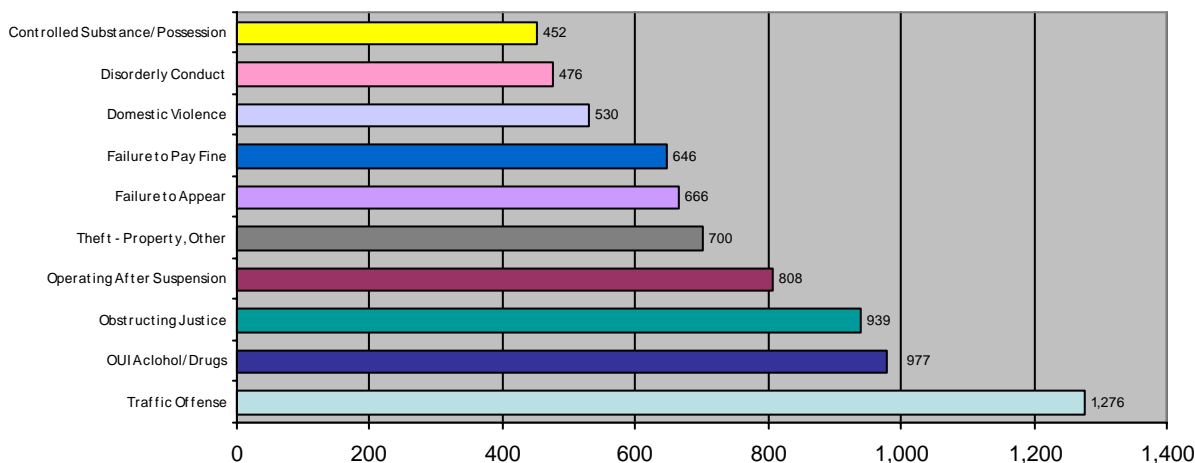
Bookings by Law Enforcement Agency

Of the 9,607 bookings in which a law enforcement agency was designated as the “arresting agency”, Cumberland County law enforcement agencies made 59% of them. The other 41% of all bookings were made by law enforcement agencies outside of the county, including the Maine State Police, courts, and probation. Five Cumberland County law enforcement agencies - Portland, South Portland, Cumberland County Sheriff’s Office, Scarborough, and Westbrook - accounted for 84% of all bookings made by Cumberland County law enforcement agencies in 2005.

Pre-arraignment Offenses

Of 10,260 bookings in 2005, 6,641 (65%) were pre-arraignments. Of the 6,083 pre-arraignment bookings with an offense category listed, 87% were either a Class D or E offense – a misdemeanor. The table below illustrates the ‘top ten’ offense types, which account for 71% of pre-arraignment criminal events, led by traffic offense, OUI alcohol/drugs, and obstruction of justice offenses.

**Top 10 Pre-Arraignment Criminal Events Booked at Cumberland County Jail (N=7,470)
1/1/05-12/31/05**



Pre-arraignments and Location of Offense and Offender Residence

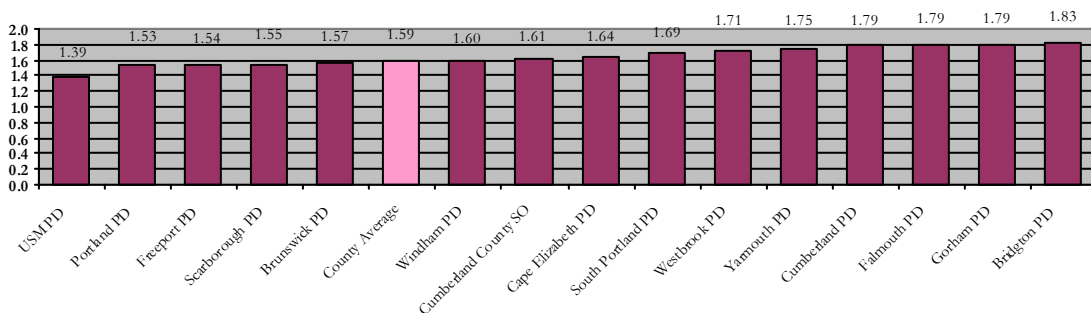
In more than three-quarters (76%) of pre-arraignment bookings, Portland, South Portland, Scarborough, Westbrook, and Gorham were listed as the areas in which the offense occurred. In 41% of all pre-arraignments, the offender listed Portland as his/her city of residence.

Pre-arraignments and Geographic Location of Law Enforcement Agency

County law enforcement agencies less than 10 miles from the jail tended to pre-arraign persons issued with a criminal citation at the jail more so than agencies further away. Agencies less than 10 miles away pre-arraigned 55% of persons issued a criminal citation compared to 24% among agencies further away from the jail.

The Bridgton Police Department recorded the most offenses per ‘decision to book’ an offender at the pre-arraignment stage at the Cumberland County Jail (1.83 offenses per booking). Given the distance, roughly 40 miles, and resources consumed in delivering an offender to the jail, an offender with multiple offenses appears to be one criterion for deciding who to transport to the Jail by the Bridgton Police Department. The USM and Portland police departments – those departments closest to the jail - had the lowest offense to booking rates at 1.39 and 1.53 respectively.

**All Offenses per Pre-Arraignment Booking for Cumberland County LEAs (N=5,671)
1/1/05-12/31/05**



Pre-Arraignments among Repeat Offenders

The majority (64%) of 5,088 offenders pre-arraigned in 2005 were booked just once at the jail. Fourteen percent (23%) of offenders were pre-arraigned twice, 8% three times, and 5% four or more times.

Implications

In her recently released report, *Pretrial Case Processing in Maine: A Study of System Efficiency & Effectiveness* to Maine’s Corrections Alternative Advisory Committee, Dr. Marie VonNostrand recommends that “Law enforcement agencies should develop or review policies ... and ensure that by policy, practice, and through training, officers are strongly encouraged to utilize summonses in lieu of arrests...”⁵ The current practice in Cumberland County is contributing to the rising number of inmates incarcerated pending trial. Since 2002, the percentage of inmates awaiting trial has risen from 65% to 87%.⁶ While the percentage of inmates awaiting trial is higher at the jail, the increase is consistent with state and national trends. What this means is that only 13% of the inmates at the jail have been sentenced.

More than three-quarters (83%) of all bookings and 87% of pre-arraignment bookings with a listed offense category were for D & E offenses (misdemeanor offenses). The findings suggest that some county law enforcement agencies might be able to issue summonses “in the field” for these types of offenses instead of bringing them to the jail. The use of summonses would reduce costs for the jail and the arresting agency. Some or all county law enforcement agencies might choose a class of crimes, such as E offenses, or a particular type of misdemeanor crime(s) to test the use of issuing summonses in the field.

⁵VonNostrand, M. *Pretrial Case Processing in Maine: A Study of System Efficiency & Effectiveness*, September 2006. A study prepared for the Maine’s Corrections Alternative Advisory Committee

⁶Ibid