BCCF

BERKS COUNTY

CORRECTIONAL FACILITY

NEEDS ASSESSMENT UPDATE

FINAL | JULY 2022

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BERKS COUNTY

CORRECTIONAL FACILITY

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EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

Introduction

Berks County is implementing a multi-phase plan to replace the existing Berks County Jail. In 2018, the County contracted with CGL to prepare a Criminal Justice Master Plan to develop a long-term plan for the effective operation of the County's criminal justice system. The master plan addressed:

- Offender population profile
- Forecast capacity requirements
- Staffing assessment
- Criminal justice system stakeholder initiatives
- Program needs
- Strategic plan options

Based upon the system and operational goals and review of alternative facility improvement options, a recommendation was made to replace the jail facility. CGL conducted a Project Delivery Workshop with County Commissioners in 2019 to identify and compare funding and procurement options available to the County. A project pause followed due to the Covid-19 pandemic.

The County resumed project planning in 2021 to include an Organizational Review and Facility Condition Review. The analysis identified cost implications related to operations and existing deferred maintenance for completing a new facility at different timelines. Project development has continued in 2022 with the CGL Team to include Monsma Consulting and LINK to include the following pre-design tasks:

- Update of the 2018 Needs Assessment based on recent trends
- Develop a Public Outreach/Communication Plan
- Prepare a program to define the operational and management philosophy and space requirements of a new facility
- Provide a project cost estimate model for construction and Total-Cost-of-Ownership model
- Identify delivery and procurement method

This report documents the update of the 2018 Needs Assessment and provides the recommended bed space target for planning and program development of the new correctional facility.

Criminal Justice Trends

A wide variety of demographic, crime, court, and jail data variables were collected and analyzed for the Needs Assessment Update.

Demographic Data. Berks County has experienced consistent population growth since 2007. Per the US Census Bureau, the resident population has increased from 402,476 in 2007 to 430,993 in 2021. The "At Risk" population is defined as the age range of 20 between 49 that are more likely to commit a crime and become incarcerated. The "At Risk" population increased from 155,693 in 2007 to 165,969 in 2021, an increase of 6.0 percent.

Per the Center for Rural Pennsylvania, the overall county population is projected to increase to 484,594 by 2035, an increase of 12.4 percent. The "At Risk" population is projected to increase 12.7 percent from 164,969 in 2021 to 2035, an overall increase of over 21,000 residents.

Crime Data. Criminal offenses are violations of ordinances or statutes that can involve not only arrests but also fines and confinement in jail. Part I offenses are defined by the Federal Bureau of Investigation as offenses reported to local law enforcement that have been cleared by arrest or exceptional means. Part II offenses are reported by local law enforcement that include only arrests. As reported by the Pennsylvania Uniform Crime Report, total Part I and Part II offenses reported to law enforcement decreased 52.0 percent from 13,740 in 2007 to 6,602 in 2021.

Arrest Data. Annual arrests overall have decreased by 46.1 percent in Berks County from 4,751 in 2007 to 2,562 in 2021 as reported by the Pennsylvania Uniform Crime Report. This decrease may partially be explained by changes in policing practices. During interviews with criminal justice leaders, most mentioned the diversionary emphasis in policing throughout the County that reduced arrests, especially of the mentally ill and substance abuse offenders.

Court Data. The courts data was obtained from the Unified Judicial System of Pennsylvania's annual reports. Criminal filings data was available from 2011 to 2020. The sum of cases pending, new cases, and reopened cases results in a total of cases available for processing. This total has decreased from 7,927 in 2011 to 6,824 in 2020, a decrease of 13.9 percent. The criminal filings per 1,000 population decreased from 12.72 in 2011 to 8.98 in 2020, a decrease of 29.4 percent. The general population has outpaced the criminal court filing activity in Berks County.

Detail on the types of new cases was obtained for 2011 to 2020. Misdemeanor and felony case filings both decreased by over 20 percent from 2011 to 2020, mostly due to decreases during the beginning of the COVID pandemic in 2020.

Berks County currently employs four problem solving courts: Adult Drug Court, Driving Under Influence (DUI) Court, Mental Health Court, and Veteran's Court. The goal of the problem-solving courts is to divert offenders out of the County Jail and into court monitored treatment programs. The use of problem-solving courts was often mentioned in stakeholder interviews as a very positive contributor to the criminal justice system in Berks County. The COVID pandemic's effects may have limited the number of defendants eligible to participate in the programs.

Adult Probation and Parole Data. Adult probation and parole data for 2010 to 2021 was obtained from the Pennsylvania Board of Probation and Parole. Parole and Probation are both diversion tools designed to minimize the number of beds needed in both state and local detention facilities, while preserving public safety. Parole is the conditional release of a sentenced offender under supervision in the community. Probation is a court sentence of supervision in the community instead of a sentence in a local or state prison.

In Berks County, the number of offenders on parole has declined from 1,068 in 2010 to 448 in 2016 and 422 in 2021, an overall decrease of 60.5 percent. The number of offenders on probation ranged from 2,377 in 2010, 2,612 in 2016, and 2,206 in 2021, a decrease of 7.2 percent over the period.

The number of felony cases in the probation and parole total caseload has increased 185.6 percent from 2010 to 2019, from 953 to 2,722. This is an indication that alternatives to incarceration are being used on an increasing basis for felony cases. The misdemeanor and other cases at the same time have decreased 30.4 and 96.5 percent, respectively. Data for felony, misdemeanor and other cases is not available for 2020 and 2021.

County Jail Data. System wide jail data between 2007 and 2021 was provided by the Berks County Jail (BCJS). The total number of annual admissions (ADM) from 2007 to 2021 decreased by 4,017, from 7,510 to 3,493. This is a 53.5 percent decrease in annual admissions. The ADM per 1,000 Berks County residents decreased by 56.6 percent from 2007 to 2021.

The annual average length of stay (ALOS) of inmates in the system was calculated by multiplying the annual average daily population by 365 and dividing by the annual admissions. The annual ALOS increased 32.7 percent from 2007 to 2021, from 55.8 days to 78.1 days. The recent uptick in ALOS can be the result of inmates with more serious charges being housed in the facility and/or an increase in mental health populations which have on average longer lengths of stay.

The Average Daily Population (ADP) in the County Jail is the primary variable for projections, as it is the variable that determines future bed space need. The annual ADP has decreased from 1,210 in 2007 to 747 in 2021, a total decrease of 38.3 percent. This represents an annual percentage decrease of 3.4 percent. The 14-year average for annual ADP is 1,059.

The incarceration rate (IR) measures the ADP in relation to the resident population. The IR per 1,000 population in Berks County has decreased 42.3 percent from 2007 to 2021, an annual percentage decrease of 3.9 percent. The average IR is 2.55. The 2021 IR was 1.73, the lowest IR of the 14 years of data.

Data was provided from 2017 to 2021 by the BCJS showing the ADP of offenders that were given a rating resulting from the Mental Health Stability Rating Scale (MHSR) intake assessment. The scale has four points that increase in severity, ranging from A to D. The snapshots resulted in an average of 49% of the population diagnosed as C and 10% of the population diagnosed as D. The percentage of mental health population has increased over the snapshot period to a percentage of 10.3% in 2022. The ALOS of the most severe inmates, MHSR D, is 199.7 days, which is over 105 days longer than the MHSR A inmates.

Snapshot Data. Daily snapshot data was provided to examine the number of inmates with pretrial bonds and their respective bond amounts, and the length of time and the number of inmates by classification in the jail. The snapshot data comprises of 37 snapshots from January 2017 to December 2021. The data was provided by Berks Connections/Pretrial Services (BCPS).

The overall ADP from the snapshot data showed 990 inmates held in the BCJS. Most of the inmates are held without the chance for bond, 73 percent. These are inmates that are sentenced, have no bond, or have detainers or holds. The pretrial inmates in the BCJS are classified as true pretrial or total pretrial. The "true pretrial" population are those inmates without other holds and are eligible for release by posting bond. The "total pretrial" population includes the "true pretrial" population and those held on multiple bonds from Berks and other jurisdictions.

Of the 213 "true pretrial" with bonds, 119 had bonds of $50,000 or less. While not everyone with a bond will be able to post the bond for a multitude of reasons, concentrating on lowering the number of inmates with the lower bonds could open jail beds. If 15 percent of those with bonds of less than $50,000 were able to be released, 18 beds on average could be saved in the jail.

Criminal Justice System Components

The stakeholder interviews for the 2022 Update occurred between February and May 2022. Many of the stakeholders were interviewed in 2017 and 2018, and the points made then were re-visited. The focus of the review was to understand policies and practices that have a direct bearing on the processing of individuals through the justice system. A wide range of stakeholders (over 26) in the Berks County criminal justice system were interviewed to include:

- Jail
- Judiciary
- Sheriff
- Police Departments
- County Commissioners
- County Administration
- District Attorney
- Public Defender
- Probation & Parole
- Mental Health/Developmental Disabilities
- Pretrial Services
- PrimeCare
- Council on Chemical Abuse
- Bar Association

Berks County has embraced many new, innovative criminal justice practices over the years, often as a leader. The programs afforded outside the BCJS are often progressive and effective. Criminal justice system initiatives include:

- District Attorney Office's Marijuana Diversion Program
- District Attorney daily review of jail commitment list review for possible outlier bail amounts
- District Attorney policy changes relative to charges arising out of mental health facilities, group homes, hospitals, etc.
- District Attorney use of early plea offers to expedite cases
- District Attorney and Public Defender collaborative relationship to address bail issues
- Berks County participation in the National Association of Counties, Stepping Up initiative to address those with mental health issues in the system
- Mental Health and Developmental Disabilities 24/7 availability of a caseworker to assist law enforcement with individuals with mental health issues

- Court Administration use of a criminal defendant hearing notification system
- Criminal Court Judges and Adult Probation and Parole Office initiative to reduce time frames for violation hearings
- County and Court strong support for increased use of the Court's four treatment courts – Adult Drug, Driving Under Influence, Mental Health, and Veteran's
- Court increased use of pretrial electronic monitoring
- Adult Probation and Parole policy changes relative to the issuance of bench warrants for violations
- Success of the Jail Treatment Program (originally the MA Jail Project)

While programs to reduce recidivism are ahead of the curve, the physical space in the BCJS is a hindrance to promoting and furthering the County's initiatives. The facility should provide a normative and therapeutic environment, focused on rehabilitation of the offender. This is a challenge with the current structure.

The COVID pandemic has forced the county to adapt to new measures for public health reasons and has exacerbated some issues with space in the current facility, especially as it relates to separation of inmates and quarantine. The pandemic has shocked the system and brought about a substantial decrease in the jail population in the past two years. Planned initiatives like video court became a necessity during the pandemic. Understanding these issues and potential to have long-lasting impacts is crucial to the development of a bed space need projection and identification of facility space needs.

Inmate Population & Bed Projection

The projections for average daily population (ADP) and bed space needs are based on three major factors: system based statistical models, demographic based statistical models and time series modeling. The development of the Berks County Jail System ADP and bed space projections uses thirteen models to forecast population levels to the year 2035. The primary factors employed for the models were the annual ADP, annual admissions (ADM), average length of stay (ALOS), and county population projections. The annual data from 2021 serves as the baseline year for the projection models. Thirteen forecast models were run. Models determined to have appropriate statistical reliability and significance were weighted equally to determine forecast figures

Average Daily Population Projections ("Heads"). The average daily population (ADP) defines the number of "heads" to be housed in the facility. Monthly data from January 2007 to December 2021 was provided by BCJS. The female ADP is projected to increase from 71 in 2021 to 86 in 2030, and to 92 in 2035. The male projection is projected to increase 10.0 percent from 676 in 2021 to 724 in 2030, and to 731 in 2035.

Bed Space Need Projections ("Beds"). Criminal justice facilities cannot be planned for the ADP or "heads" solely; peaks in population must be accommodated along with beds for differing inmate classification. A peaking factor accounts for seasonal variations in the inmate population. The peaking value of 6.2 percent for the system is applied using monthly jail population data from January 2007 to December 2021. A classification factor accounts for a fluctuation in the type of inmates held at any given time. A 7.0 percent for a classification factor based on experience working with similar sized jails is applied to the ADP for bed space need projections.

Adding the peaking and classification factors to the projected ADP results in the need for 846 beds in 2021, 917 beds in 2030, and 931 beds in 2035. Comparing the projected jail bed space needs from the 2018 report in the year 2030, the forecast horizon in the previous report, there is a decrease of 338 beds. This represents a 26.9 percent reduction in the number of jail beds from the previous study to the updated study. For space planning purposes, estimating the number of bed spaces needed using architecturally sound typical bed unit configuration for housing (48 to 64 beds), the 2035 bed space need for the BCJS is rounded to 960 beds.

BERKS COUNTY

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SECTION 1

CRIMINAL JUSTICE TRENDS

SECTION 1 CRIMINAL JUSTICE TRENDS

Introduction

A wide variety of variables were collected and analyzed for the Berks County Jail Needs Assessment Update. Data from the 2018 Criminal Justice Master Plan was augmented with new data, with emphasis on keeping variable consistent throughout both reports. The forecast horizon of the update was extended to the year 2035, while the 2018 Master Plan included projections to 2030. The data set used for modeling of the update spans from 2007 through 2021. Historic data was provided by Berks County, Berks County Jail System (BCJS), Berks Connections Pretrial Services, the Unified Judicial System of Pennsylvania (PA), the Pennsylvania Board of Probation and Parole, the Center for Rural Pennsylvania, and the US Census Bureau.

The project team completed a comprehensive study of the justice system's offender population to identify its demographic characteristics, document the type and extent of local criminal activity, and assess program needs. This analysis provides the foundation for our examination of current system operations and potential strategies that may provide alternatives to incarceration.

As a first step in this analysis, an assessment of the quality and extent of offender population data available from the County's data system was completed. Data included offender characteristics, legal status, sentence information, length of stay information, charge characteristics, and custody classification.

The analysis will provide a comprehensive understanding of the demographics, security requirements, and program needs of the Berks County offender population, as well as the County's current approach to managing the flow of offenders through the justice system. For reference, a glossary of terms is provided as an Appendix.

Demographic Data

Historic population data for the Needs Assessment Update was obtained from the US Census Bureau. Population data is a key variable in projections. For the needs assessment, three sub population groups are used in addition to overall population. The disaggregate projections based on gender require that the male and female populations be identified.

The third population is titled the "At Risk" population of residents between the ages of 20 and 44. This "At Risk" population makes up most local Jail populations nationwide. The "At Risk" population is a key variable in the inmate and bed space needs population projections at the Jail.

County Population

Table 1-1 shows the county population trends from 2007 to 2021. Berks County has experienced consistent population growth since 2007. The resident population increased from 402,476 to 430,993, an increase of 7.1 percent.

The male and female population data is from 2007 to 2015. While both populations increased from 2007, the male population in Berks County outpaced the female population increase. The female population increased 5.6 percent to 215,566 in 2021. The male population increased 8.6 percent from 2007 to its current population of 215,427.

The "At Risk" population is defined as the age range of 20 between 49 that are more likely to commit a crime and become incarcerated. The "At Risk" population increased from 155,693 in 2007 to 165,969 in 2021, an increase of 6.0 percent.

Table 1-1
Historic County Population

Year	Berks County	Male Population	Female Population	At Risk (20-49)
2007	402,476	198,365	204,111	155,693
2008	404,771	199,630	205,141	156,919
2009	407,125	200,947	206,178	158,155
2010	411,984	202,155	209,829	159,400
2011	412,715	202,495	210,220	159,348
2012	413,516	203,011	210,505	159,297
2013	413,516	203,323	210,193	159,245
2014	414,360	203,416	210,944	159,194
2015	415,271	203,740	211,531	159,142
2016	415,784	207,013	213,516	159,999
2017	417,511	208,669	212,495	160,856
2018	420,529	210,338	218,511	161,712
2019	421,164	212,021	218,972	162,569
2020	428,849	213,717	222,292	163,426
2021	430,993	215,427	215,566	164,969
Total Change	28,517	17,062	11,455	9,276
% Change	7.1%	8.6%	5.6%	6.0%
Annual % Change	0.5%	0.6%	0.4%	0.4%

Source: US Census Bureau, July 2018 updated Februray 2022.
Note: 2021 Population is projected data.

Projected County Population

The projected Berks County population is from the Center for Rural Pennsylvania, a legislative agency of the Pennsylvania General Assembly. The overall county population is projected to increase to 484,594 by 2035, an increase of 12.4 percent.

The projections for male, female and "At Risk" cohorts were completed by CGL. The trends for all three cohorts are expected to increase overall, with the increase in female population outpacing the male population increase, as shown in Table 1-2.

Table 1-2
Projected County Population

Year	Berks County	Male Population	Female Population	At Risk (20-49)
2021	430,993	215,427	215,566	164,969
2022	436,438	217,150	219,287	166,512
2023	441,882	218,888	222,995	168,055
2024	447,327	220,639	226,688	166,711
2025	456,072	226,061	230,011	171,141
2026	463,941	227,869	236,071	172,781
2027	471,810	229,692	242,117	174,421
2028	479,678	231,530	248,148	176,062
2029	487,547	233,382	254,165	177,702
2030	471,457	234,138	237,319	179,342
2031	474,084	235,512	238,572	180,674
2032	476,712	236,887	239,825	182,006
2033	479,339	238,261	241,078	183,337
2034	481,967	239,636	242,331	184,669
2035	484,594	241,010	243,584	186,001
Total Change	**53,601**	**25,583**	**28,018**	**21,032**
% Change	**12.4%**	**11.9%**	**13.0%**	**12.7%**
Annual % Change	**0.8%**	**0.8%**	**0.9%**	**0.9%**

Source: Center for Rural PA, March 2014 updated February 2022.

The "At Risk" population is projected to increase 12.7 percent from 2021 to 2035, an overall increase of over 21,000 residents. Figures 1-1 through 1-4 show the historic and projected populations for Berks County.

Figure 1-1 shows the resident County Population increasing to 484,594 in 2035.

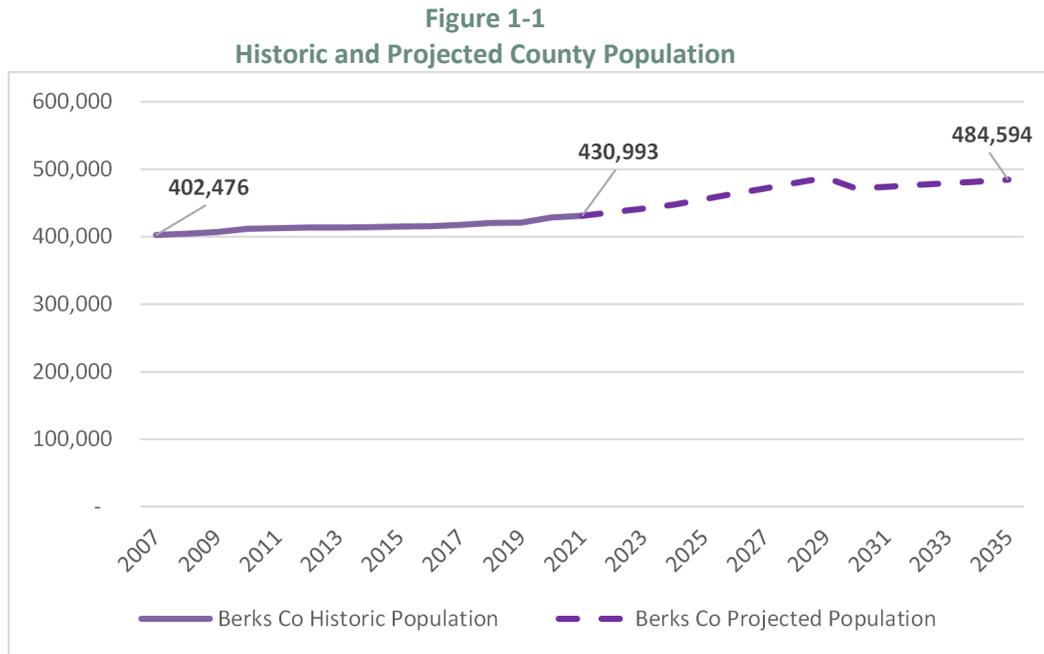**Figure 1-1**
Historic and Projected County Population

Figure 1-2 shows the male resident County Population increasing to 241,010 in 2035.

Figure 1-2
Historic and Projected County Male Population

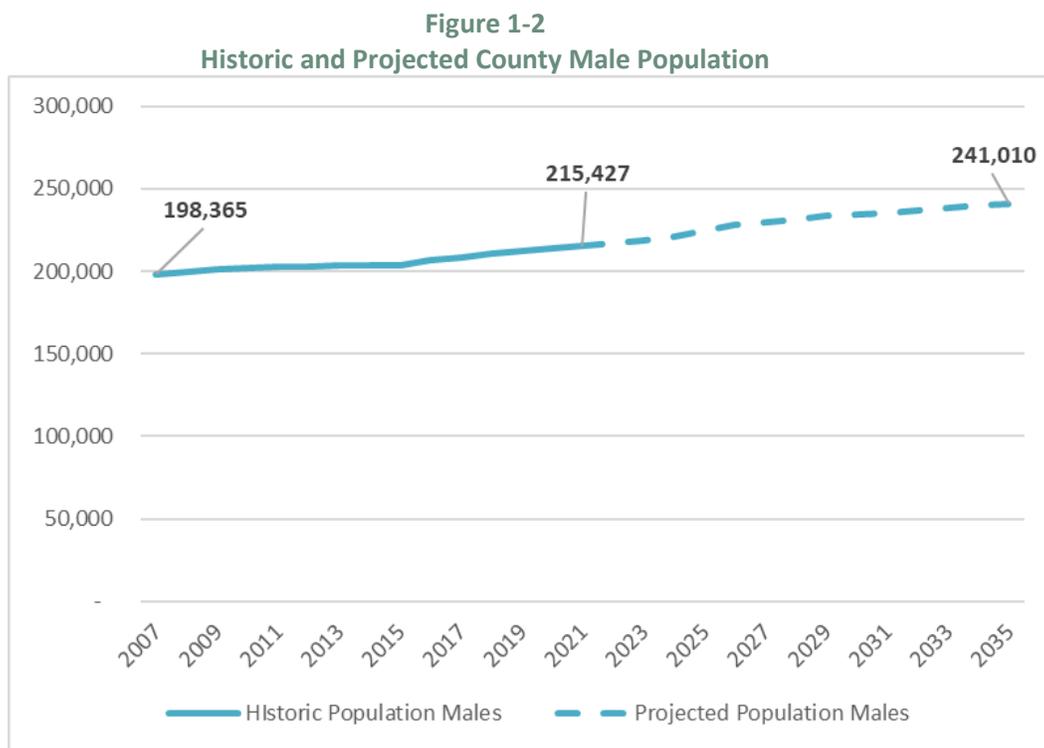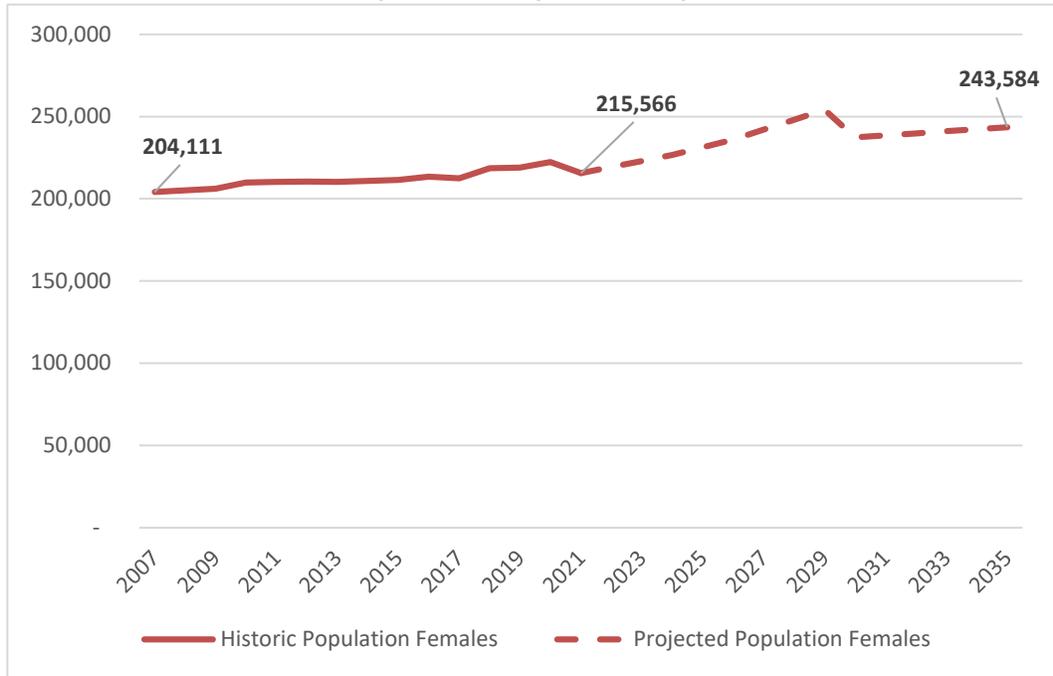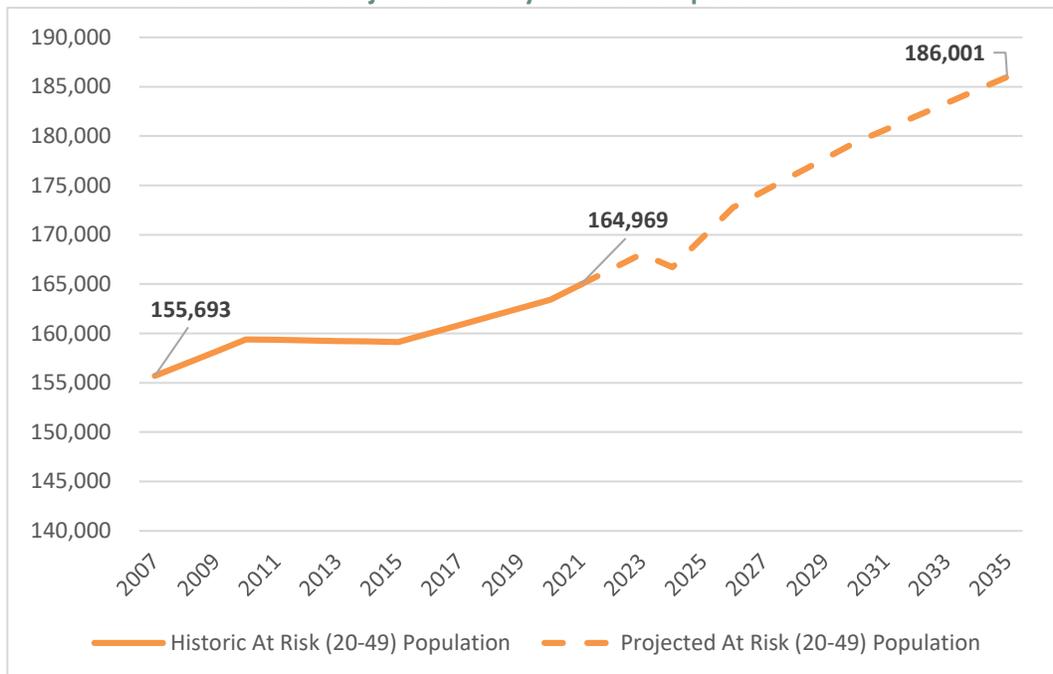Figure 1-3 shows the female resident County Population increasing to 243,584 in 2035. Females are projected to be 50.3 percent of the population in 2035.

Figure 1-3
Historic and Projected County Female Population

The "At Risk" population increases to 186,001 in in 2035, or 38.4 percent of the county, see Figure 1-4.

Figure 1-4
Historic and Projected County "At Risk" Population

Crime Data

Offenses Known to Law Enforcement

Criminal offenses are violations of ordinances or statutes that can involve not only arrests but also fines and confinement in jail. Part I offenses are defined by the Federal Bureau of Investigation as offenses reported to local law enforcement that have been cleared by arrest or exceptional means. Part I offenses include criminal homicide, forcible rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson. Part II offenses are reported by local law enforcement that include only arrests. Part II offenses include simple assaults, forgery and counterfeiting, fraud, embezzlement, stolen property, vandalism, weapons, prostitution, sex offenses, drug abuse violations, gambling, driving under the influence, and all other offenses.

Table 1-3 shows the total offenses, both Part I and Part II, reported to law enforcement decreased 52.0 percent from 2007, an annual decrease of 5.1 percent.

Table 1-3
Offenses Known to Law Enforcement

Year	Offenses	Offenses/ 1,000 Pop
2007	13,740	34.1
2008	14,978	37.0
2009	13,939	34.2
2010	13,313	32.3
2011	13,452	32.6
2012	14,063	34.0
2013	12,287	29.7
2014	11,757	28.4
2015	11,073	26.7
2016	10,638	25.6
2017	10,019	24.0
2018	9,282	22.1
2019	8,776	20.8
2020	7,293	17.0
2021	6,602	15.3
Total Change	**-7,138**	**-18.8**
% Change	**-52.0%**	**-55.1%**
Annual % Change	**-5.1%**	**-5.6%**

Source: PA Uniform Crime Report, March 2022.

As shown in table 1-3, the number of criminal offenses per 1,000 residents of Berks County decreased by 55.1 percent, or 5.6 percent annually. While the general population has seen a steady increase, the number of total annual offenses had dropped by 7,138. In 2021, there were 15.3 reported offenses per 1,000 residents, the fewest of any year.

The decrease in the annual number of criminal offenses reported to law enforcement has accelerated since the previous report. The previous report had offense data through 2016. Since then, the annual number of criminal offences reported to law enforcement had decreased 37.9 percent, from 10,638 to 6,602 in 2021. The number of offenses per 1,000 residents has decreased by 40.1 percent from 2016 to 2021, from 25.6 to 15.3 offenses reported per 1,000 residents.

Figures 1-5 and 1-6 show the decreasing numbers of offenses as a whole and the rate per 1,000 residents. The data point from 2016 is included, showing the trend since the previous study.

Figure 1-5
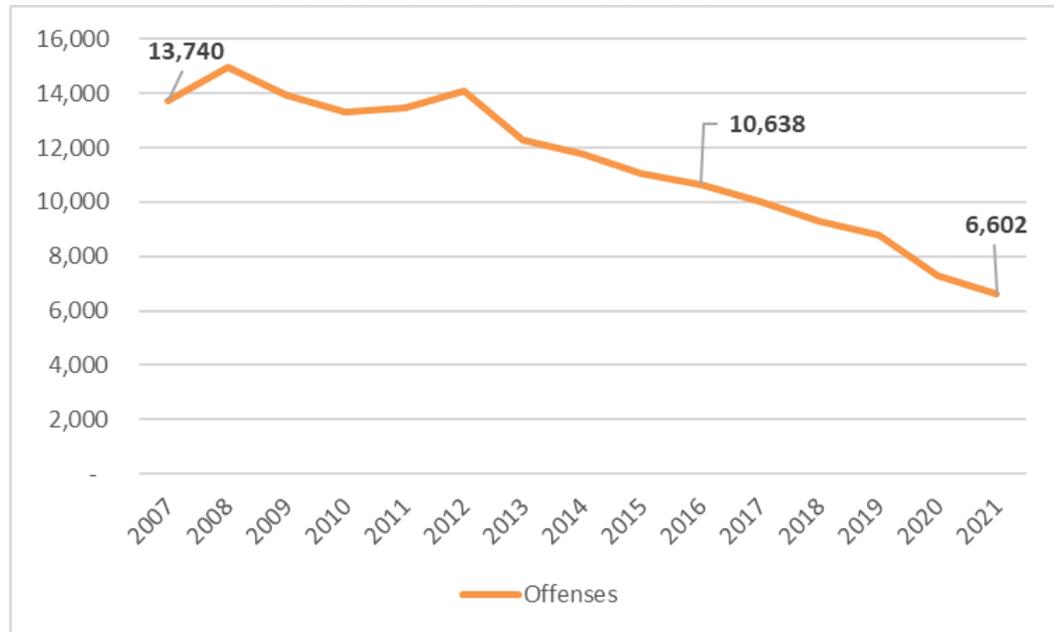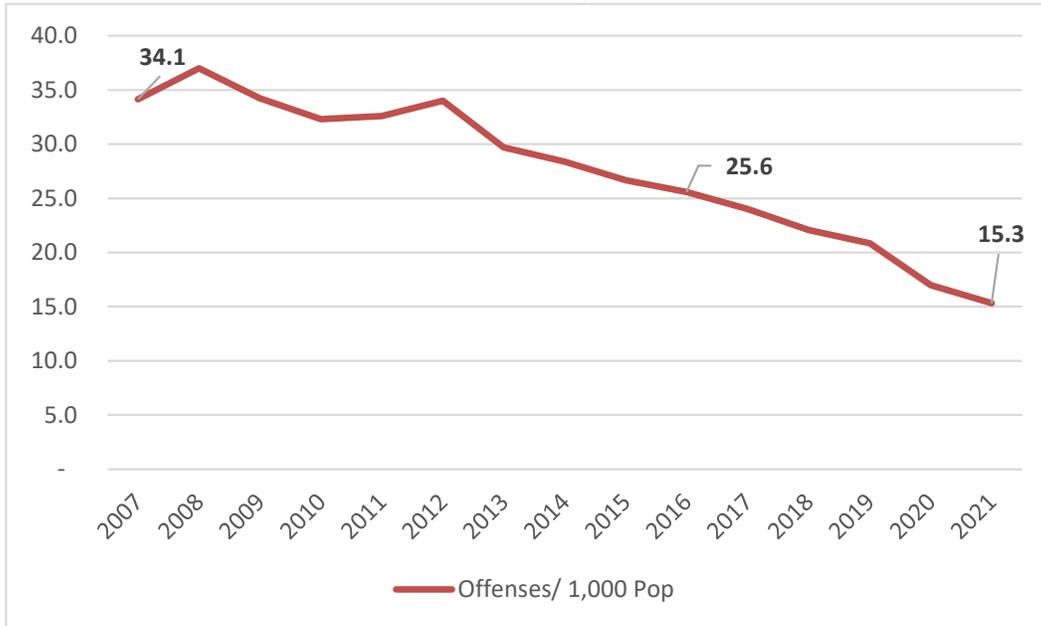**Offenses Known to Law Enforcement**

Figure 1-6
Total Offenses/ 1,000 Population

Arrests

Historical annual arrests are used in population projection modeling, tying the number of arrests to the average daily population (ADP) and the jail admissions (ADM) when the variables are correlated. Most often, annual arrests will correlate more directly with ADM, while the ADP of most jails often do not correlate with the number of annual arrests. ADP is more dependent on the number of admissions (not all arrests will result in an admission to the jail; some are cited and released or ordered to appear in court without being taken to jail).

Annual arrests overall have decreased by 46.1 percent in Berks County from 2007 to 2021. All arrests in the county decreased from 4,751 to 2,526. Since the previous report, the decrease in annual arrests has accelerated, dropping by 43.7 percent. Arrests per 1,000 residents of Berks County has decreased by 49.6 percent since 2007, from 11.8 to 5.9 arrests per 1,000 residents, see Table 1-4.

Table 1-4
Annual Arrests

Year	All Arrests	Arrests/ 1,000 Pop
2007	4,751	11.8
2008	5,279	13.0
2009	4,845	11.9
2010	4,848	11.8
2011	5,030	12.2
2012	5,499	13.3
2013	5,718	13.8
2014	5,361	12.9
2015	4,733	11.4
2016	4,547	10.9
2017	4,291	10.3
2018	4,008	9.5
2019	3,862	9.2
2020	3,157	7.4
2021	2,562	5.9
Total Change	-2,189	-5.9
% Change	-46.1%	-49.6%
Annual % Change	-4.3%	-4.8%

Source: PA Uniform Crime Report, March 2022.

This decrease may partially be explained by changes in policing practices. During interviews with criminal justice leaders, most mentioned the diversionary emphasis in policing throughout the County that reduced arrests, especially of the mentally ill and substance abuse offenders. These populations are diverted to community treatment providers as an alternative to incarceration.

Figure 1-7 shows the decreasing arrests from 2007 to 2021, with the 2016 data point also included. Figure 1-8 illustrates the declining number of arrests per 1,000 residents. The data point from 2016 is included, showing the trend since the previous study.
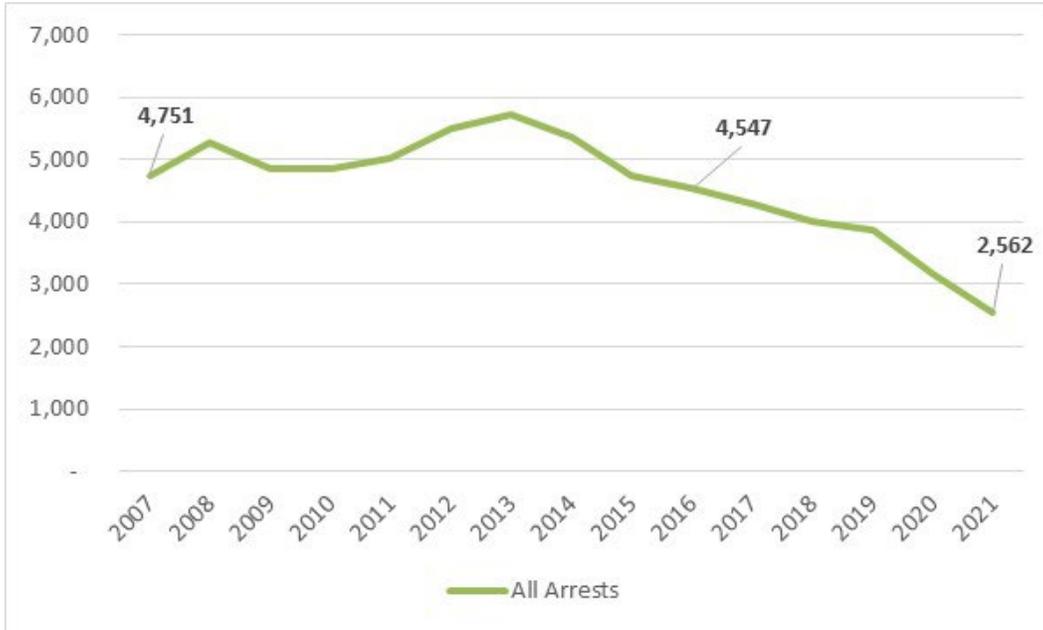
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Figure 1-7
Annual Arrests

Figure 1-8
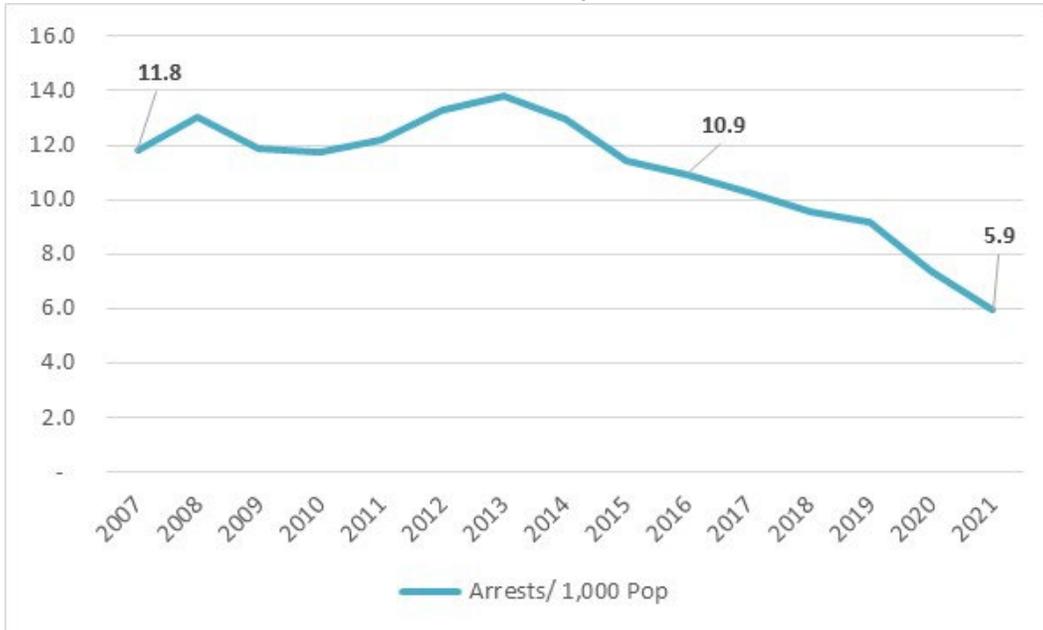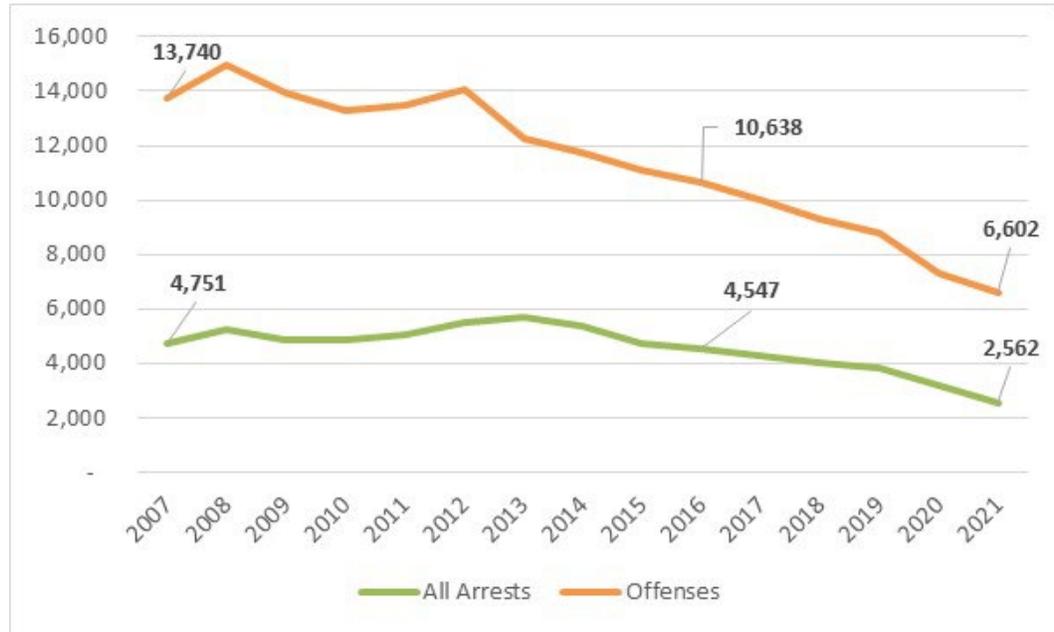**Annual Arrests/1,000 Population**

Figure 1-9 compares the number of offenses and the number of total arrests in Berks County. The number of arrests is fewer than the number of actual offenses, as expected.

Figure 1-9
Annual Offenses and Arrests

Court Data

Criminal Filings

For the jail average daily population and bedspace need projections, variables from other sectors of the criminal justice arena are considered including courts data. The efficiencies of the court system impact the county jail directly, as the longer it takes to dispose of cases the longer inmates will stay in jail. Inmate's length of stay has a direct impact on the number of beds needed in a jail. Historic trends in criminal filings, along with the reported offenses and arrest data is used in the projection models.

The courts data is from the Unified Judicial System of Pennsylvania's annual reports. Court data was available from 2011 to 2020. The number of new criminal cases in Berks County remained steady from 2012 to 2017 in the 6,000-case range. However, new cases decreased starting in 2018 and 2019, and with the COVID pandemic dropped below 4,000 cases in 2020. Overall, from 2011 to 2020 the new criminal cases decreased from 5,249 in 2011 to 3,849 in 2020, a decrease of 26.7 percent. The peak number of new criminal cases in Berks County was 2015 with 6,176 and the low was 3,849 in 2020.

Table 1-5
Criminal Filings

Year	Cases Pending	New Cases	Reopened Cases	Cases Avail Processing	Criminal Filings/1,000 Pop
2011	2,203	5,249	475	7,927	12.72
2012	2,242	6,104	1,149	9,495	14.76
2013	2,618	6,022	391	9,031	14.56
2014	2,926	6,046	420	9,392	14.59
2015	3,077	6,176	528	9,781	14.87
2016	2,985	5,790	571	9,346	13.93
2017	2,666	6,154	405	9,192	14.74
2018	2,612	5,675	486	8,773	13.49
2019	2,696	5,342	634	8,672	12.67
2020	2,544	3,849	431	6,824	8.98
Total Change	**341**	**-1,400**	**-44**	**-1,103**	**-3.74**
% Change	**15.5%**	**-26.7%**	**-9.3%**	**-13.9%**	**-29.4%**
Annual % Change	**3.1%**	**-5.3%**	**-1.9%**	**-2.8%**	**-5.9%**

Source: The Unified Judicial System of PA. August 2018, updated March 2022.

The number of criminal cases pending in Berks County at the beginning of the year increased from 2,203 in 2011 to 2,544 in 2020, an increase of 15.5 percent. This is the one court metric that did not experience a drop with the pandemic in 2020. The peak number of pending criminal cases in Berks County was 2015 with 3,077, which corresponds to the year with the largest number of new criminal cases.

The number of reopened cases generally ranges from 400 to 600, except for 2012 where the number of reopened cases spiked to 1,149. The number of reopened cases did rise to 634 in 2019 and dropped to 431 in 2020, the first year of the pandemic.

Summing the cases pending, new cases and reopened cases results in the cases avail processing column. This total has decreased from 7,927 to 6,824, a decrease of 13.9 percent. Again, the first year of the pandemic caused most court data to decrease except for cases pending.

The criminal filings per 1,000 population decreased from 12.72 to 8.98, a decrease of 29.4 percent. The general population has outpaced the criminal court filing activity in Berks County.

Figure 1-10 shows the criminal filings in Berks County from 2011 to 2020. Data points are provided for the first year of court data, the data point from 2016 which was used as the baseline for the previous study and 2020 the baseline for the updated report.

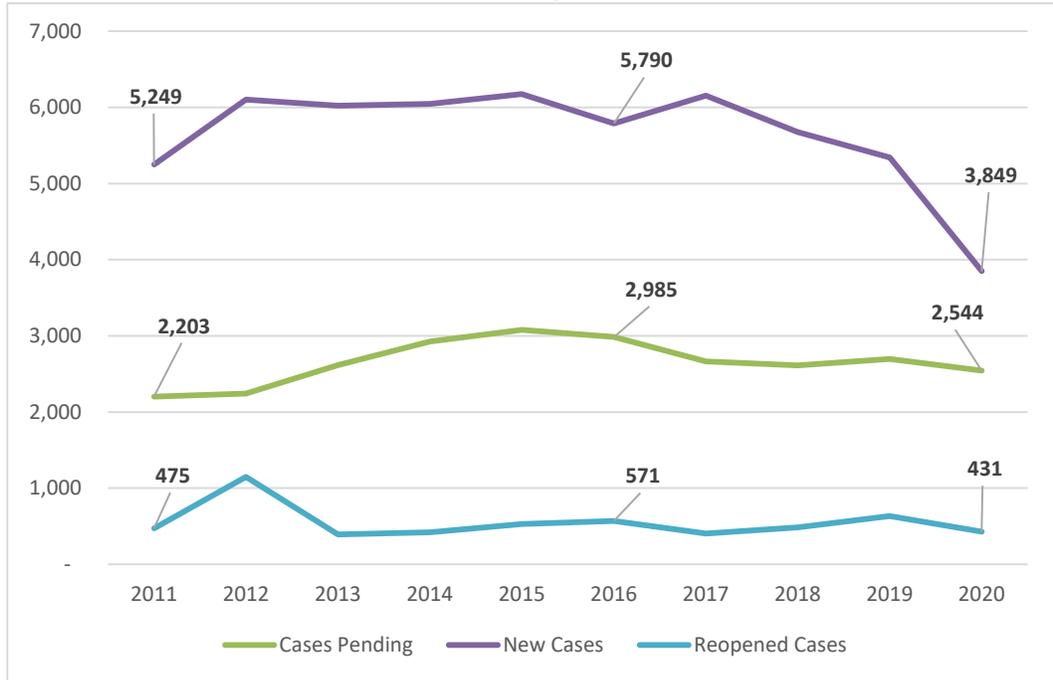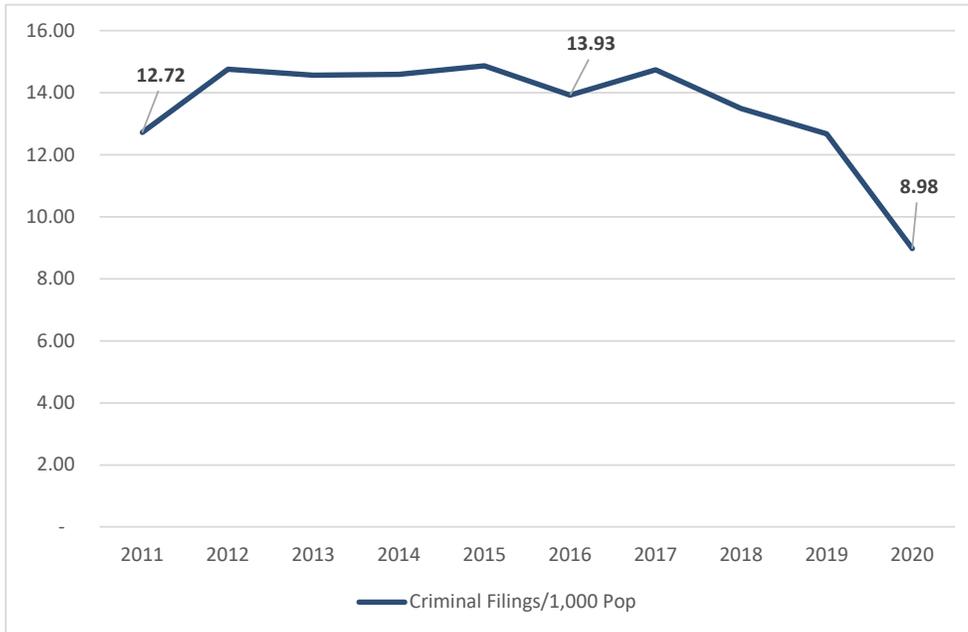**Figure 1-10**
Criminal Filings

Figure 1-11 shows the criminal filings per 1,000 residents in Berks County from 2011 to 2020. The ratio was within the 12.0 to 15.0 range in every year except 2020, when it dropped below 9.0. The population-based statistics are used in jail ADP projections in conjunction with the projected county population and effects on ADP.

Figure 1-11
Criminal Filings per 1,000 Population

The types of new criminal case filings from 2011 to 2020 are shown in Table 1-6. Misdemeanor and felony case filings both decreased by over 20 percent from 2011 to 2020, mostly due to decreases during the beginning of the COVID pandemic in 2020. Misdemeanor new case criminal filings dropped from 3,761 in 2019 to 2,589 in 2020. Misdemeanor new case filings decreased 29.3 percent from 2011 to 2020. Felony new case filings experienced a decrease of 20.8 percent from 2011 to 2020.
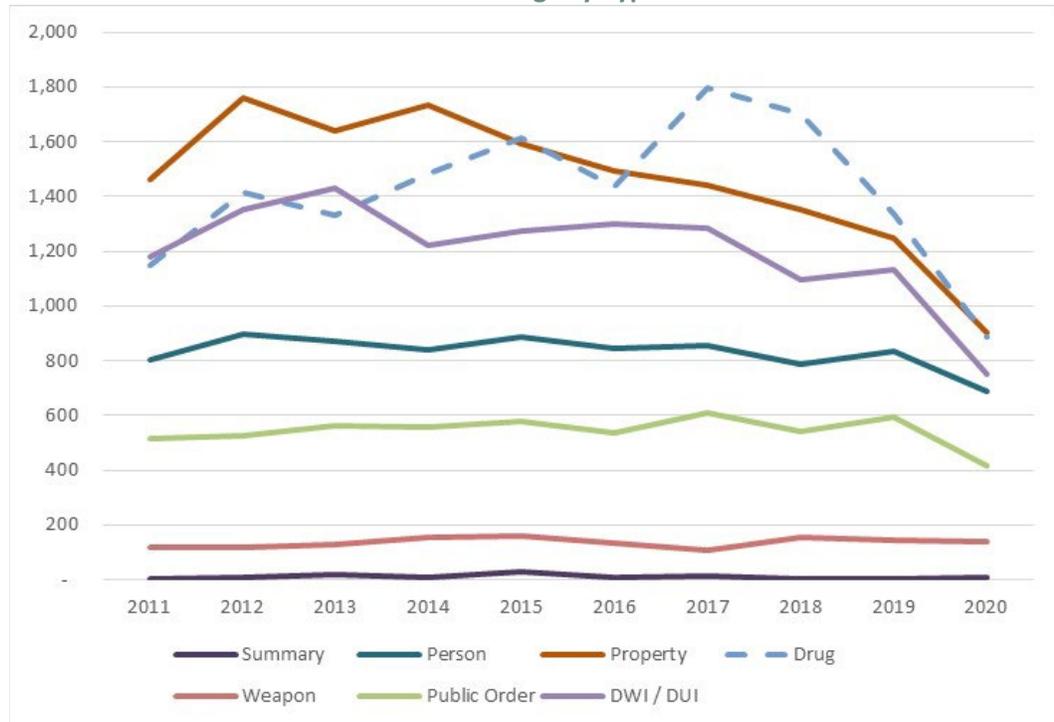
Table 1-6
New Criminal Filings by Type

Year	Felony	Misdemeanor	Summary	Person	Property	Drug	Weapon	Public Order	DWI
2011	1,583	3,662	4	802	1,463	1,149	116	517	1,180
2012	1,918	4,176	10	897	1,758	1,416	119	528	1,354
2013	1,744	4,259	19	871	1,642	1,331	127	563	1,431
2014	1,883	4,152	11	841	1,736	1,484	153	559	1,219
2015	1,747	4,401	28	886	1,592	1,616	159	577	1,276
2016	1,554	4,226	10	845	1,491	1,434	132	536	1,299
2017	1,597	4,543	14	856	1,442	1,795	110	611	1,284
2018	1,572	4,097	6	789	1,354	1,701	154	540	1,096
2019	1,571	3,761	5	837	1,248	1,334	143	595	1,132
2020	1,253	2,589	7	690	904	887	138	415	751
Total Change	**-330**	**-1,073**	**3**	**-112**	**-559**	**-262**	**22**	**-102**	**-429**
% Change	**-20.8%**	**-29.3%**	**75.0%**	**-14.0%**	**-38.2%**	**-22.8%**	**19.0%**	**-19.7%**	**-36.4%**
Annual % Change	**-4.2%**	**-5.9%**	**15.0%**	**-2.8%**	**-7.6%**	**-4.6%**	**3.8%**	**-3.9%**	**-7.3%**

Source: The Unified Judicial System of PA. August 2018, updated March 2022.

Summary filings experienced the only percentage increase; however, the numbers are very small. The drug criminal case filings were the next fastest growing type of case in Berks County from 2011 to 2016. But with new alternative to incarceration programs including the Marijuana Diversion program, the new criminal case flings for drug offenses dropped from 1,795 in 2017 to 887 in 2020. DWI / DUI cases in Berks County decreased 36.4 percent from 2011 to 2020, with the effects of lockdowns during the COVID pandemic fueling the decrease in 2020. Public order case filings are violations that interferes with the normal operations of society. Public order crimes do not require identifiable victims. Public order criminal filings decreased 19.7 percent from 2011 to 2020.

Figure 1-12 shows the new case filings by type. The new drug cases are highlighted by a dashed line to illustrate the effects of alternatives to incarceration programs on the number of cases reaching the system dropping significantly.

Figure 1-12
New Criminal Filings by Type

Criminal Dispositions

Criminal dispositions, when considered with criminal case filings, show one aspect of the efficiency of the court system. When the dispositions and filings are relatively close in annual counts, it is usually indicative of a system working efficiently. If cases are slow to finish or if the court is perhaps understaffed, the dispositions will lag behind the filings. When there are inefficiencies in processing criminal cases, often times the County Jail population will be affected, causing longer length of stays and driving up the need for beds.

Table 1-7 presents the annual criminal case dispositions of Berks County. The courts experienced decreasing dispositions of criminal cases from 2011 to 2020. Overall, the number of criminal case dispositions decreased 1.4 percent, to a 2020 figure of 9,368. The annual criminal case dispositions per 1,000 residents in Berks County decreased 5.1 percent, from 23.02 to 21.84.

Table 1-7
Criminal Dispositions

Year	Criminal Dispositions	Criminal Dispositions/ 1,000 Pop
2011	9,501	23.02
2012	9,031	21.84
2013	8,487	20.52
2014	8,371	20.20
2015	8,508	20.49
2016	9,141	21.98
2017	9,192	22.02
2018	8,773	20.86
2019	8,781	20.85
2020	9,368	21.84
Total Change	**-133**	**-1.18**
% Change	**-1.4%**	**-5.1%**
Annual % Change	**-0.3%**	**-1.0%**

Source: The Unified Judicial System of PA, August 2018
updated March 2022.

Figure 1-13 graphs the annual criminal case dispositions by court and overall.

Figure 1-13
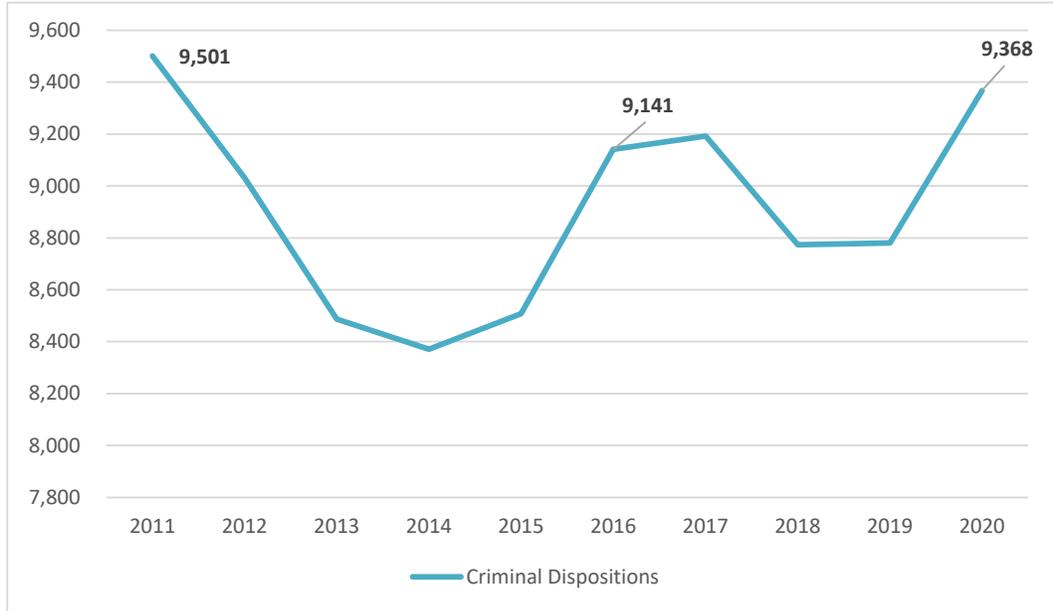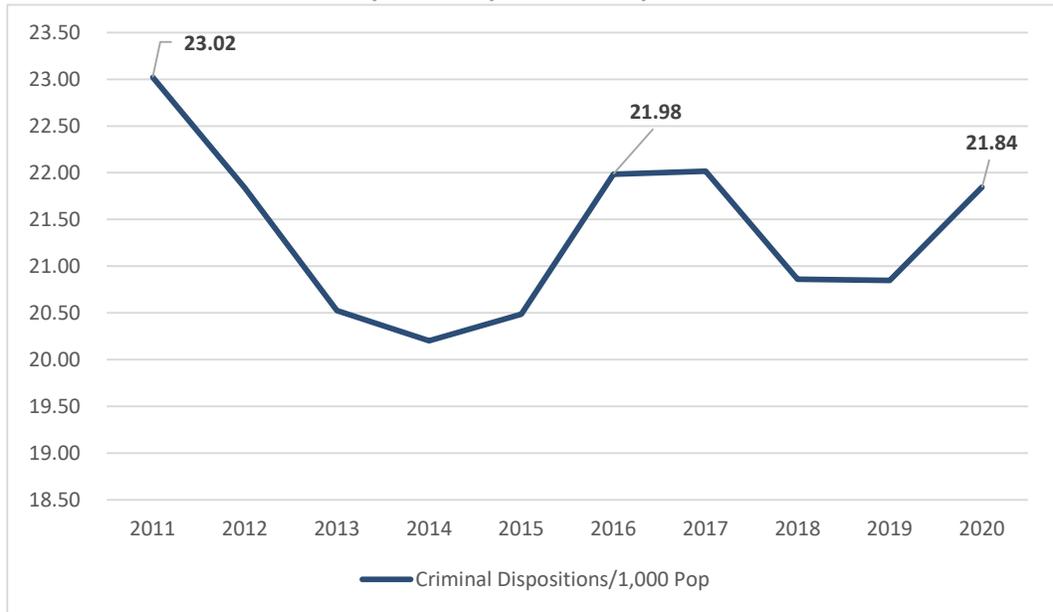**Criminal Dispositions**

Figure 1-14 graphs the annual criminal case dispositions per 1,000 residents in Berks County.

Figure 1-14
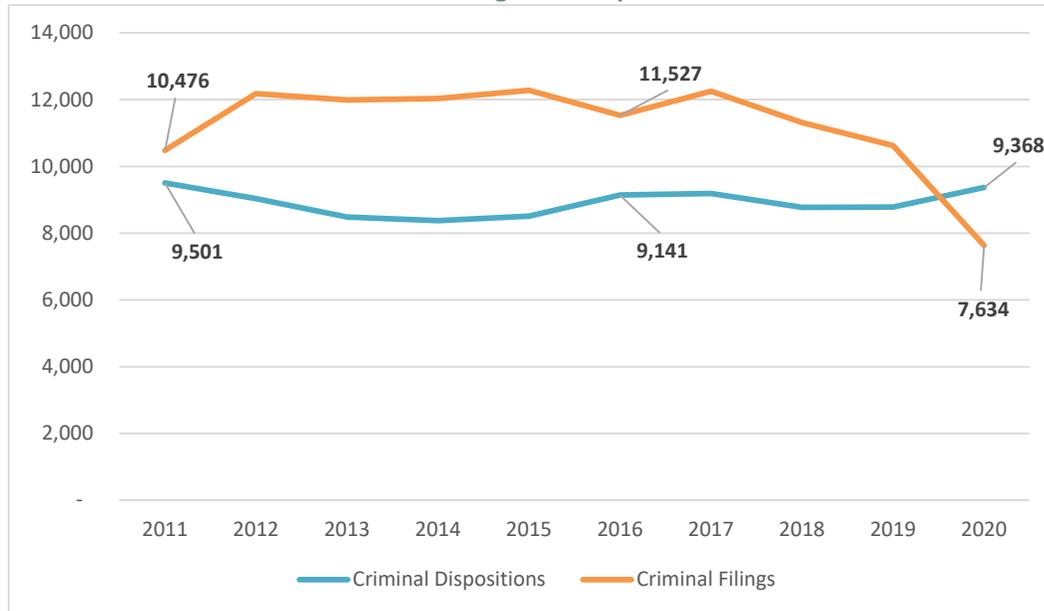**Criminal Dispositions per 1,000 Population**

Figure 1-15 graphs the annual criminal case filings and dispositions in Berks County. The closer these two lines are, the more efficient the court is operating generally. From 2011 to 2019, the number of criminal filings has outpaced the number of criminal case dispositions. During the COVID-19 pandemic in 2020 the number of criminal dispositions outnumbered the number of criminal filings.

Figure 1-15
Annual Criminal Filings and Dispositions

Problem Solving Courts

Another tool in the criminal justice toolbox is Problem Solving Courts. Berks County currently employs four problem solving courts: Adult Drug Court, Driving Under Influence (DUI) Court, Mental Health Court, and Veteran's Court. The goal of the problem-solving courts is to divert offenders out of the County Jail and into court monitored treatment programs.

Figure 1-16 shows the admissions to problems solving Courts in Berks County in 2021 from the Unified Judicial System of Pennsylvania. There were 116 total admissions into problem solving courts in 2016, this number decreased to 91 admissions in 2021. The COVID pandemic's effects may have limited the number of defendants eligible to participate in the programs. The DUI Court had the most admissions in 2016 and 2021, with 43 participants in both years. The Veteran's Court had the least admissions in 2021 at 10. The Adult Drug Court experienced the largest decrease in admissions from 2016 to 2021, falling from 39 to 22.

Figure 1-16
Problem Solving Courts Admissions – 2021

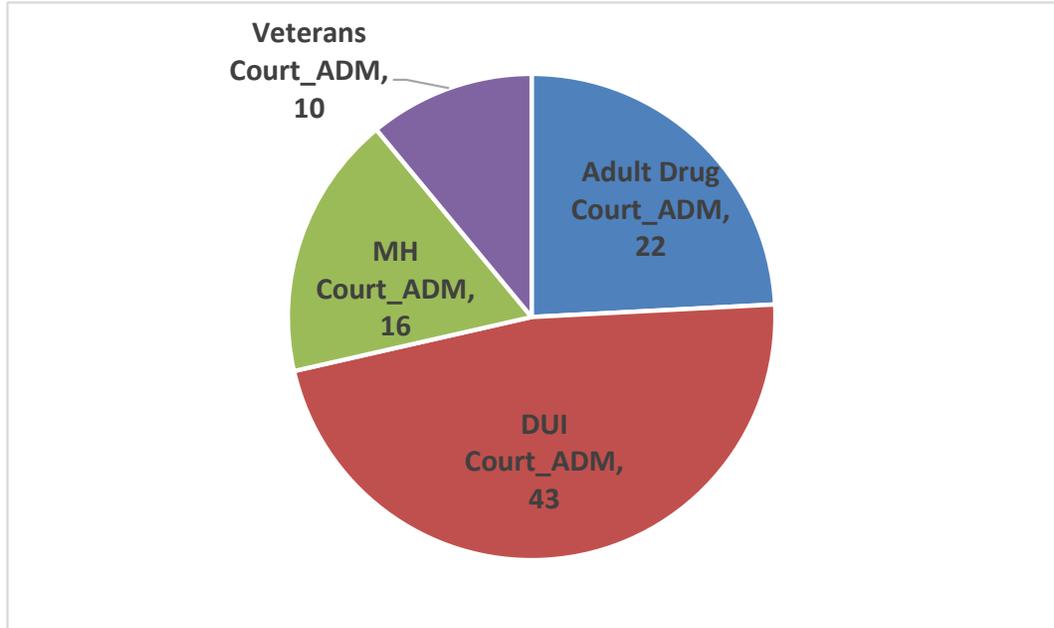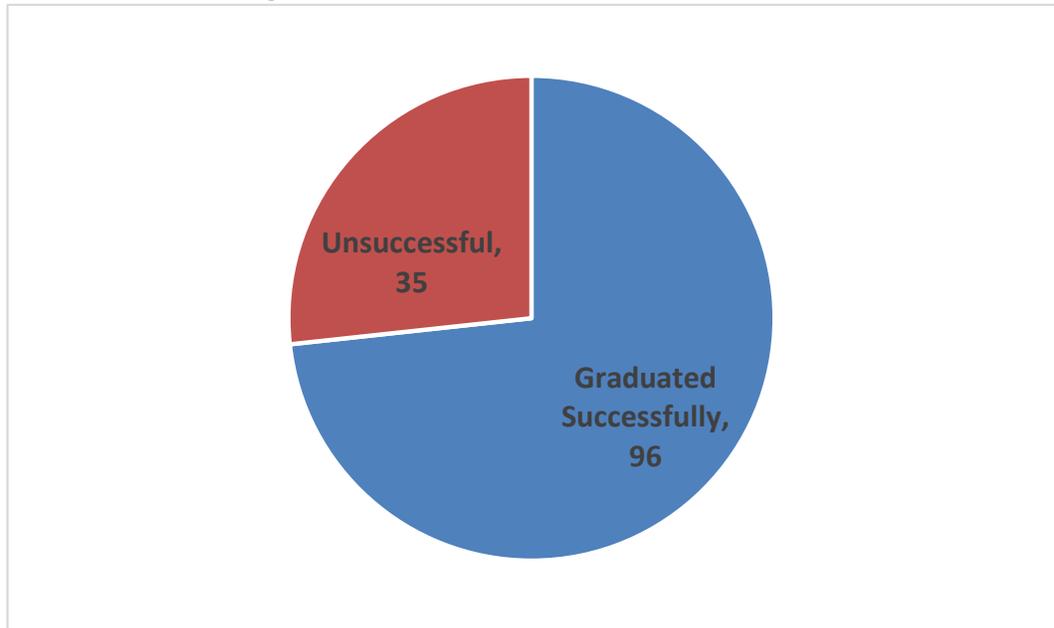Figure 1-17 presents the number of successful graduations and the number of unsuccessful cases in 2021. There were 96 successful graduations in 2021, while in 2016 there were 52. There were 35 unsuccessful cases in 2021 and 31 in 2016. The success rate in 2021 was 73 percent, up from the success rate of 63 percent in 2016.

Figure 1-17
Problem Solving Courts Graduation and Unsuccessful Cases – 2021

The use of problem-solving courts was often mentioned in stakeholder interviews as a very positive contributor to the criminal justice system in Berks County. However, data from 2016 and 2021 indicates it would only have a minor impact on jail beds. Multiple stakeholders attend graduations from these courts and the county's investment seems strong in this arena. For multiple reasons, including reduction of County Jail bed space needs, the increased usage of these courts should be examined as the restrictions from the COVID pandemic recede.

Adult Probation and Parole

Adult probation and parole data is from the Pennsylvania Board of Probation and Parole. The data set available is from the annual statistical reports from 2010 to 2021. Parole and Probation are both diversion tools designed to minimize the number of beds needed in both state and local detention facilities, while preserving public safety. Parole is the conditional release of a sentenced offender under supervision in the community. Probation is a court sentence of supervision in the community instead of a sentence in a local or state prison.

In Berks County, the number of offenders on parole has declined from 1,068 in 2010 to 448 in 2016 and 422 in 2021, an overall decrease of 60.5 percent. The number of offenders on probation ranged from 2,377 in 2010, 2,612 in 2016, and 2,206 in 2021, a decrease of 7.2 percent over the period.

The total caseload is the sum of parole, probation, intermediate punishment, accelerated rehabilitative disposition (ARD), inactive cases, and absconders. The active caseload figure deletes the inactive cases and absconders from the total caseload.

The total adult probation and parole caseload in Berks County increased from 7,170 in 2010 to 7,526 in 2016, an increase of 5.0 percent. However, the total caseload dropped to 3,999 in 2021, a decrease of 44.2 percent from 2010. The active caseload decreased 34.5 percent, from 6,106 in 2010 to 3,999 in 2021, presented in Table 1-8. The Berks County Adult Probation Office noted that in 2020 the way data is reported to the Pennsylvania Commission on Crime and Delinquency's County Adult Probation and Parole Advisory Committee (CAPPAC) for the purposes of Grant in Aid changed, so there is a significant difference in reported active caseload for 2020 and 2021. CAPPAC's new definition of active offender does not include: those who are in absconder status as the result of a judicial action; those pending parole; those who have reached their maximum date of supervision and are only required to pay fines, fees, and/or restitution to the county; or those whole physical supervision has been transferred to another county or another state. These exclusions have resulted in a drop in active caseload reported to the state in 2020 and 2021.
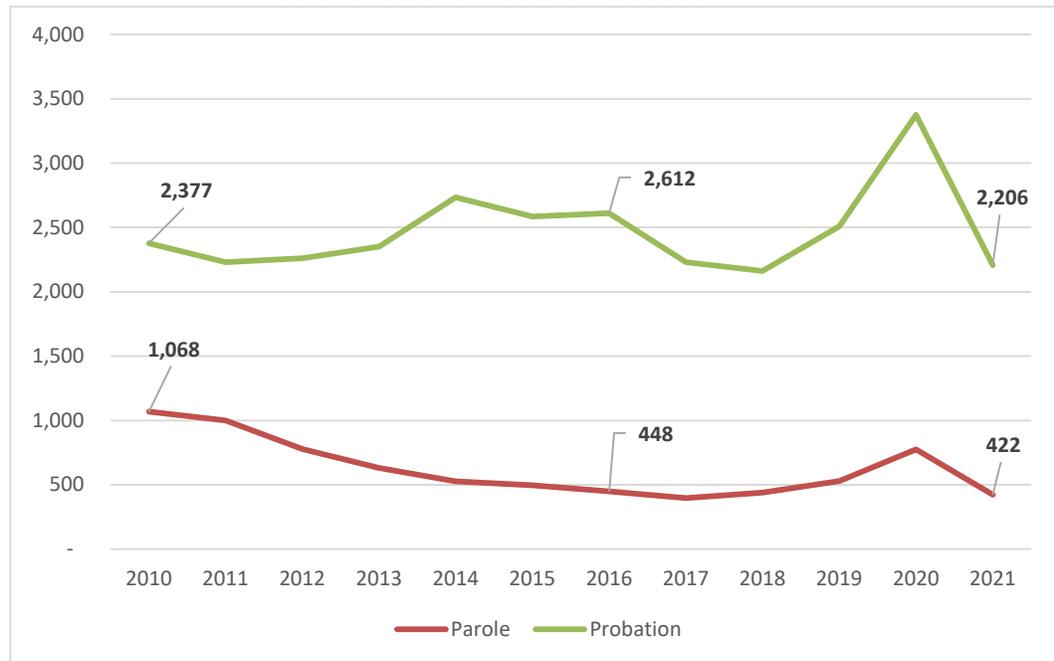
Table 1-8
Adult Parole and Probation Total Caseload

Year	Parole	Probation	Iterm Punishment	ARD	Inactive	Absconders	Total Caseload	Active Caseload
2010	1,068	2,377	593	2,068	851	213	7,170	6,106
2011	999	2,231	578	2,008	736	200	6,753	5,817
2012	778	2,260	488	2,436	990	166	7,118	5,962
2013	632	2,350	434	1,594	738	286	6,034	5,010
2014	528	2,735	441	2,038	1,182	323	7,247	5,742
2015	496	2,584	451	793	2,850	376	7,550	4,324
2016	448	2,612	498	720	2,873	375	7,526	4,278
2017	396	2,229	457	807	3,228	444	7,561	3,889
2018	440	2,161	460	815	2,737	442	7,055	3,876
2019	529	2,510	462	778	1,900	434	6,613	4,279
2020	776	3,374	310	1,197	431	313	5,657	5,657
2021	422	2,206	255	1,116	561	314	3,999	3,999
Total Change	**-646**	**-171**	**-338**	**-952**	**-290**	**101**	**-3,171**	**-2,107**
% Change	**-60.5%**	**-7.2%**	**-57.0%**	**-46.0%**	**-34.1%**	**47.4%**	**-44.2%**	**-34.5%**
Annual % Change	**-8.1%**	**-0.7%**	**-7.4%**	**-5.5%**	**-3.7%**	**3.6%**	**-5.2%**	**-3.8%**

Source: PA Board of Probation and Parole, Berks County APO. October 2017, updated March 2022.

Figure 1-18 graphs the adult probation and parole caseload in Berks County. The probation caseload has experienced a spike in cases in 2020 but has returned to the average range in 2021. The parole caseload has trended downward, except for a slight increase in cases in 2020.

Figure 1-18
Adult Parole and Probation Caseload

Figure 1-19 shows the diverging trends between the active caseload and total caseload in the Berks County probation and parole. The active caseload has declined from 6,106 in 2010 to the most current active caseload of 3,999. The total caseload, in that same time period, has decreased from 7,170 to 3,999.

Figure 1-19
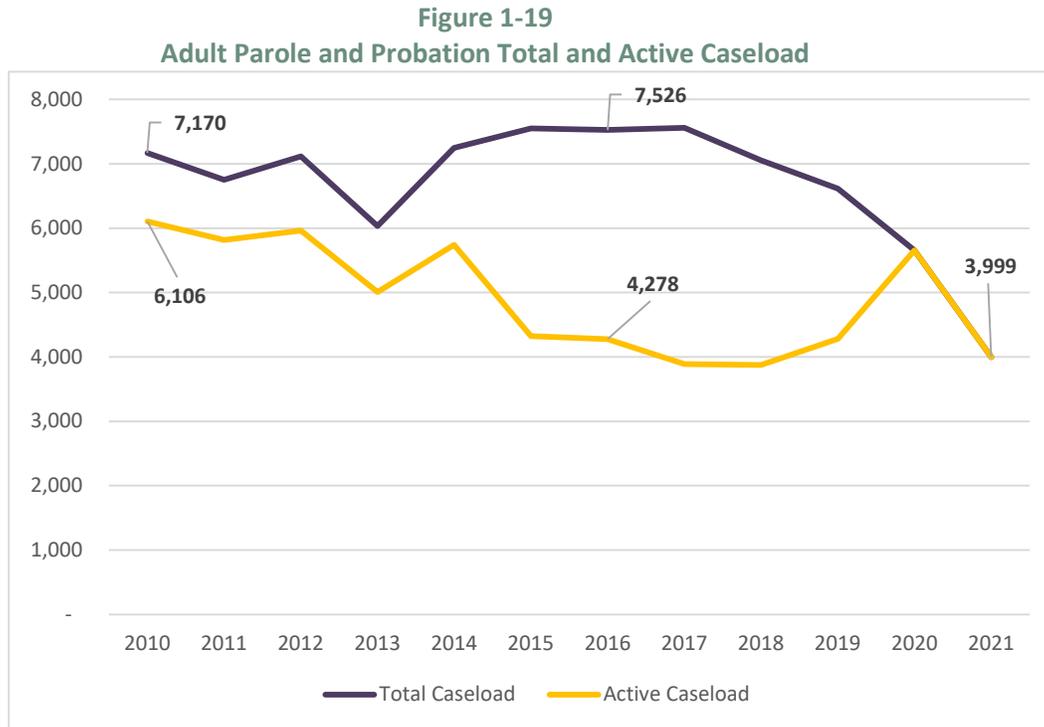**Adult Parole and Probation Total and Active Caseload**

Table 1-9 expands on the type of probation and parole caseload. There has been a recent increase in supervision staff from 40 to 56 from 2010 to 2016. The supervision staff was 56 in 2016, the time of the original report. The number of supervision staff has decreased to 47 currently. The average active caseload per supervision staff peaked at 153 in 2010. After dropping to 76 in 2016, the average active caseload per supervision staff increased to 82 in 2018 and 2019 and now sits at 85. The average total caseload to supervision staff has fallen from 179 in 2010, 134 in 2016, to 85 in 2021.

Table 1-9
Adult Parole and Probation Staff and Caseload

Year	Active Caseload	Supervision Staff	Avg Active Caseload	Avg Total Caseload	Felony	Misd	Other	Male	Female
2010	6,106	40	153	179	953	5,517	1,381	5,878	1,973
2011	5,817	40	145	169	760	4,907	1,641	5,397	1,911
2012	5,962	48	139	166	1,728	5,937	223	5,962	2,072
2013	5,010	50	100	121	1,049	4,707	278	4,447	1,587
2014	5,742	48	120	151	2,150	4,926	171	5,302	1,945
2015	4,324	49	152	255	2,292	4,484	774	5,542	2,008
2016	4,278	56	76	134	2,424	4,210	892	5,582	1,944
2017	3,889	60	65	126	3,446	4,055	60	5,599	1,962
2018	3,876	47	82	150	2,867	4,117	71	5,175	1,880
2019	4,279	52	82	127	2,722	3,842	49	4,849	1,764
2020	5,657	47	120	120	NA	NA	NA	4,240	1,417
2021	3,999	47	85	85	NA	NA	NA	2,960	1,112
Total Change	-2,107	7	-68	-94	1,769	-1,675	-1,332	-2,918	-861
% Change	-34.5%	17.5%	-44.4%	-52.5%	185.6%	-30.4%	-96.5%	-49.6%	-43.6%
Annual % Change	-3.8%	1.5%	-5.2%	-6.5%	12.4%	-3.9%	-31.0%	-6.0%	-5.1%

Source: PA Board of Probation and Parole, Berks County APO. October 2017, updated March 2022.

The number of felony cases in the probation and parole total caseload has increased 185.6 percent from 2010 to 2019, from 953 to 2,722. This is an indication that alternatives to incarceration are being used on an increasing basis for felony cases. The misdemeanor and other cases at the same time have decreased 30.4 and 96.5 percent, respectively. Data for felony, misdemeanor and other cases is not available for 2020 and 2021.

The probation and parole total caseload by gender shows both the male and female caseload has decreased since 2010. The male total caseload has decreased from 5,878 in 2010 to 5,582 in 2016 to 2,960 in 2021. This is a 49.6 percent decrease of males on probation and parole since 2010. The female total caseload has decreased from 1,973 in 2010 to 1,944 in 2016, to 1,112 in 2021. This is a 43.6 percent decrease of females on probation and parole since 2010.

County Correctional Facility Data

The jail data was provided by the BCJS, with monthly data provided from January 2007 to December 2021. For the regression and ARIMA projection models, the monthly data set is used for the modeling to create more data points for stronger analysis. The monthly data was converted to annual data for models that incorporate other data sources, the incarceration rate for example.

The BCJS data includes the dependent variable of the County Jail average daily population (ADP) and several independent variables for the projection model including Admissions (ADM), Average Length of Stay (ALOS), and Releases. The dependent variable is the key variable in the projection models, while the independent variables influence the determined dependent variable.

Admissions and Discharges

Admissions (ADM) were provided from January 2007 to December 2021. The total number of annual admissions from 2007 to 2021 decreased by 4,017, from 7,510 to 3,493. This is a 53.5 percent decrease in annual ADM. The ADM per 1,000 Berks County residents decreased by 56.6 percent from 2007 to 2021 as the annual ADM decreased concurrently with resident population increases, see Table 1-10.

Table 1-10
Annual Admissions and Discharges

Year	County Population	ADM	Discharges	ADM/ 1,00 Population
2007	402,476	7,510	7,520	18.66
2008	404,771	7,530	7,638	18.60
2009	407,125	7,105	7,263	17.45
2010	411,984	6,816	6,743	16.54
2011	412,715	6,557	6,507	15.89
2012	413,516	6,774	6,728	16.38
2013	413,516	7,050	6,955	17.05
2014	414,360	6,816	6,769	16.45
2015	415,271	6,701	6,914	16.14
2016	415,784	6,328	6,334	15.22
2017	417,511	6,994	6,948	16.75
2018	420,529	6,611	6,535	15.72
2019	421,164	6,094	6,262	14.47
2020	428,849	3,623	3,805	8.45
2021	430,993	3,493	3,509	8.10
Total Change	28,517	-4,017	-4,011	-10.55
% Change	7.1%	-53.5%	-53.3%	-56.6%
Annual % Change	0.5%	-5.3%	-5.3%	-5.8%

Source: BCJS, August 2018 updated February 2022.

The ADM annual data is used with the ALOS data in one of the projections models considered. County Jail discharges align very closely with the annual ADM. The total number of annual discharges from 2007 to 2021 decreased by 4,011 (ADM decreased by 4,017), from 7,520 to 3,509. This is a 53.3 percent decrease in annual discharges.

Figure 1-20 graphs the monthly ADM for the BCJS. The peak monthly ADM was 711 in September 2008 and the lowest monthly ADM figure was 94 in April 2020, the beginning of the COVID pandemic.
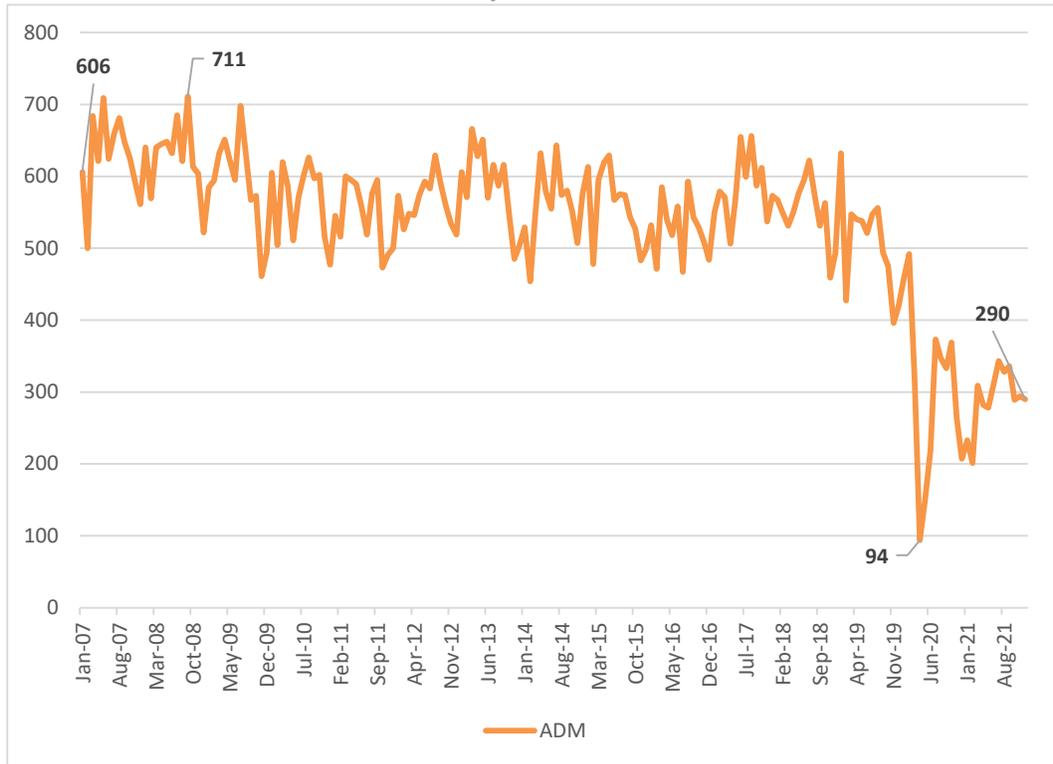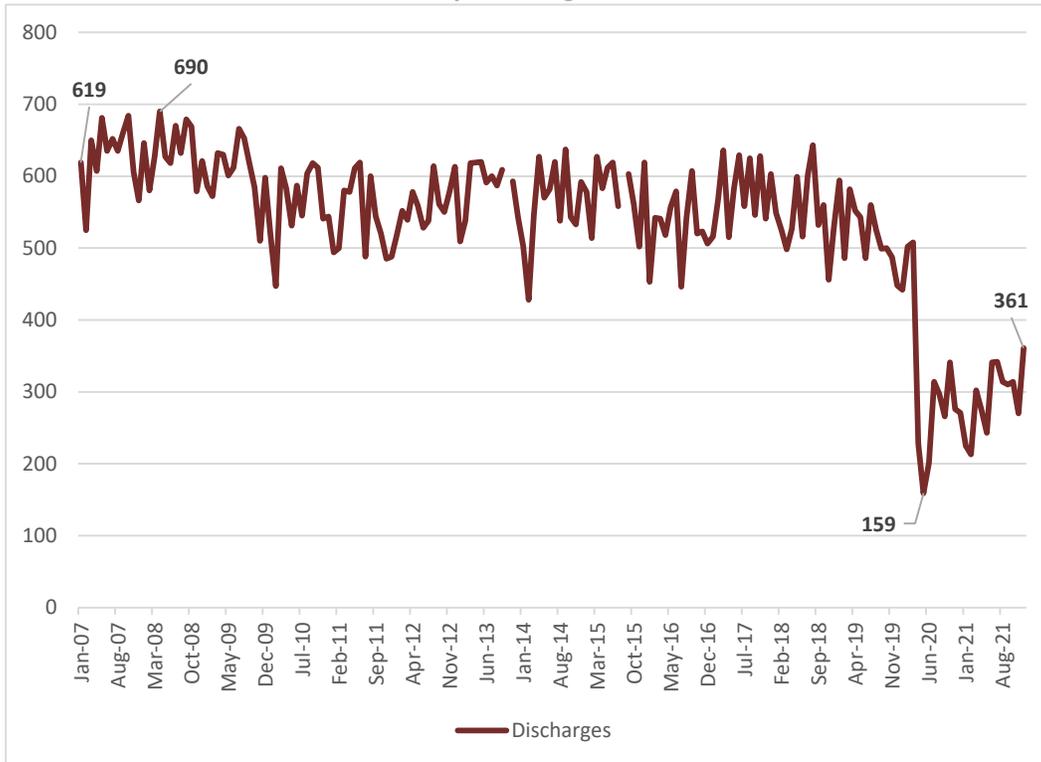
**Figure 1-20
Monthly ADM**

Figure 1-21 graphs the monthly discharges for the BCJS. The average number of monthly discharges from January 2007 to December 2021 is 535. The peak number of monthly discharges was 690 in April 2008 and the lowest number of monthly discharges was 159 in May 2020, the start of the COVID pandemic.

Figure 1-21
Monthly Discharges

Average Length of Stay

The annual average length of stay (ALOS) of inmates in the system was calculated by multiplying the annual ADP by 365 and dividing by the annual ADM. This figure shows how many days the average inmates spent in the BCJS. ALOS has a significant effect on jail populations and is used in conjunction with ADM in modelling. The ALOS of Berks County inmates is shown on Table 1-11, along with the annual ADP and ADM.

The annual ALOS increased 32.7 percent from 2007 to 2021, from 55.8 days to 78.1 days. In 2016, the ALOS was decreasing. The recent uptick in ALOS can be the result of inmates with more serious charges being housed in the facility and/or an increase in mental health populations which have on average longer lengths of stay.

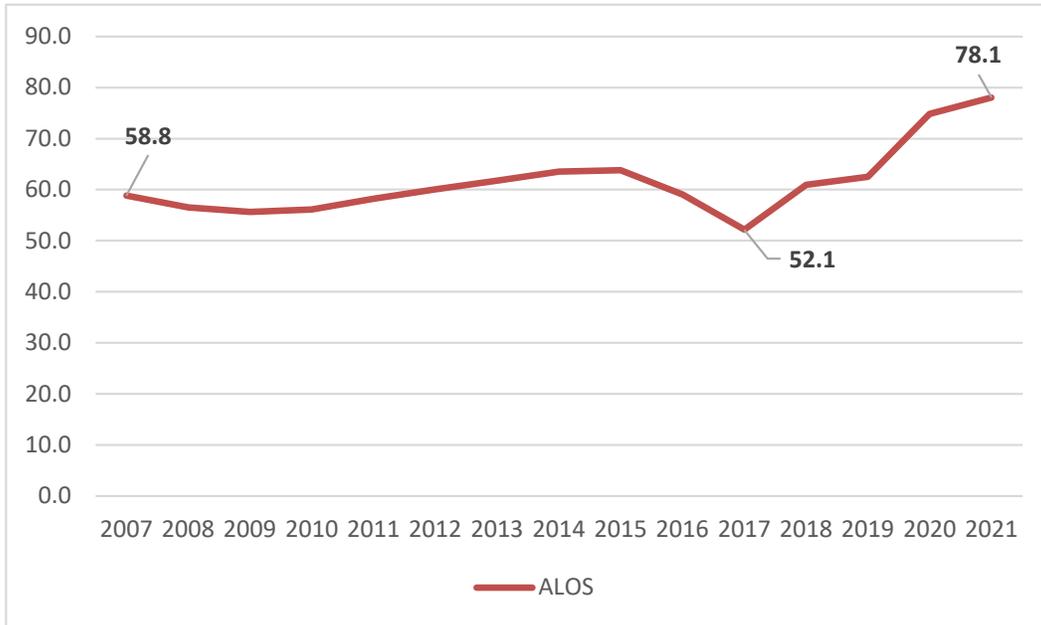### Table 1-11
Annual ADP, ADM and ALOS

Year	ADP	ADM	ALOS
2007	1,210	7,510	59
2008	1,166	7,530	57
2009	1,083	7,105	56
2010	1,048	6,816	56
2011	1,046	6,557	58
2012	1,115	6,774	60
2013	1,193	7,050	62
2014	1,187	6,816	64
2015	1,171	6,701	64
2016	1,024	6,328	59
2017	999	6,994	52
2018	1,104	6,611	61
2019	1,044	6,094	63
2020	743	3,623	75
2021	747	3,493	78
Total Change	**-463**	**-4,017**	**19**
% Change	**-38.3%**	**-53.5%**	**32.7%**
Annual % Change	**-3.4%**	**-5.3%**	**2.0%**

Source: BCJS, August 2018 updated February 2022.
Note: ALOS calculated by Monsma Consulting Group.

Figure 1-22 graphs the annual ALOS in BCJS from 2007 to 2021.

Figure 1-22
Annual ALOS

Average Daily Population and Incarceration Rate

The Average Daily Population (ADP) in the County Jail is the primary variable for projections, as it is the variable that determines future bed space need. The historic monthly ADP data from January 2007 to December 2021 is from the BCJS. The monthly ADP data is used for the linear regression, multiple regression, Box-Jenkins ARIMA, and Exponential Smoothing ARIMA forecast models. The annual ADP, calculated from the monthly data, is used in many of the trend analysis models

The annual ADP has decreased from 1,210 in 2007 to 747 in 2021, a total decrease of 38.3 percent. This represents an annual percentage decrease of 3.4 percent. The 14-year average for annual ADP is 1,059.

The incarceration rate (IR) measures the ADP in relation to the resident population. The IR in Berks County has decreased 42.3 percent from 2007 to 2021, an annual percentage decrease of 3.9 percent. The average IR is 2.55. The 2021 IR was 1.73, the lowest IR of the 14 years of data, presented in Table 1-12.

Table 1-12
Annual ADP and IR

Year	ADP	County Population	Incarceration Rate / 1,000 Persons
2007	1,210	402,476	3.01
2008	1,166	404,771	2.88
2009	1,083	407,125	2.66
2010	1,048	411,984	2.54
2011	1,046	412,715	2.53
2012	1,115	413,516	2.70
2013	1,193	413,516	2.89
2014	1,187	414,360	2.86
2015	1,171	415,271	2.82
2016	1,024	415,784	2.46
2017	999	417,511	2.39
2018	1,104	420,529	2.63
2019	1,044	421,164	2.48
2020	743	428,849	1.73
2021	747	430,993	1.73
Total Change	**-463**	**28,517**	**-1.27**
% Change	**-38.3%**	**7.1%**	**-42.3%**
Annual % Change	**-3.4%**	**0.5%**	**-3.9%**

Source: BCJS, August 2018 updated February 2022.

The monthly ADP from January 2007 to December 2021 is graphed in Figure 1-23. The minimum month population was 580 in May 2020, the beginning of the COVID pandemic. The peak monthly ADP was 1,268 in September 2007.
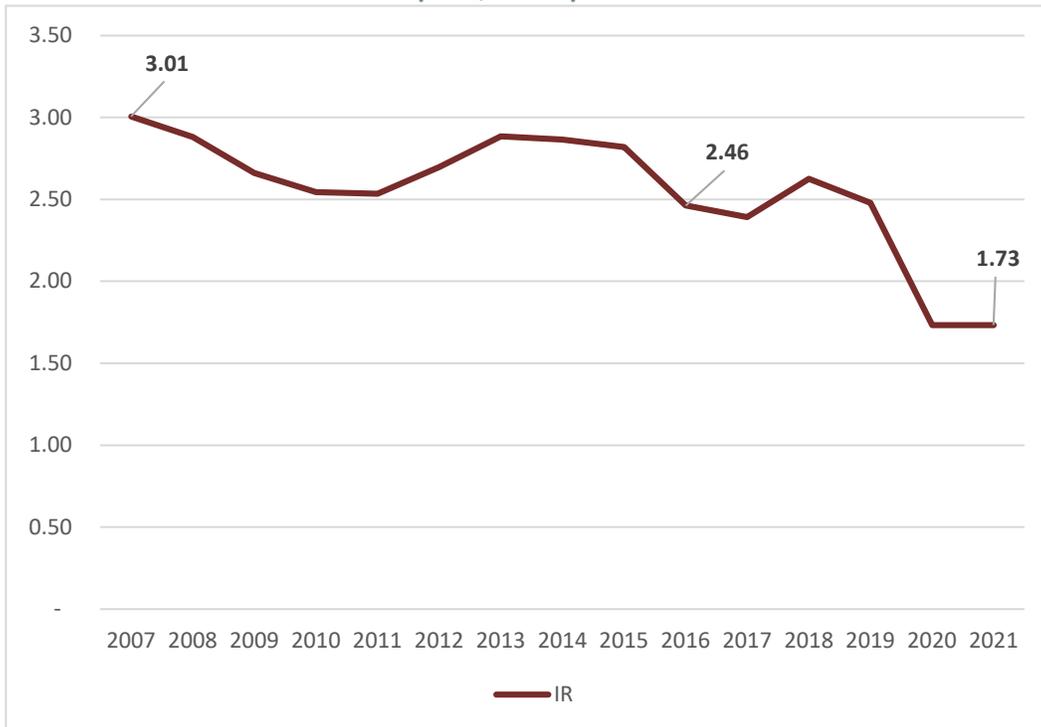
The highest monthly peak is used from each year to determine the peaking percentage for the BCJS. The highest month compared with the annual ADP is determined for each year and averaged to yield the BCJS peaking percentage of 6.2 percent.

Figure 1-24 shows the annual IR per 1,000 residents of Berks County. The IR decreased from 2007 to 2021 with the highest IR in 2007 3.01 to 1.73 in 2020 and 2021.

Figure 1-23
Monthly ADP

Figure 1-24
Annual IR per 1,000 Population

Female Inmate Data

The female inmate ADP in Berks County will be a stand-alone population forecast in Chapter 3 for female bed space needs. The female inmate population data from 2007 and 2008 was not available. Table 1-13 shows the annual trends in the female ADP and the Jail ADP.

Table 1-13
Annual Female ADP

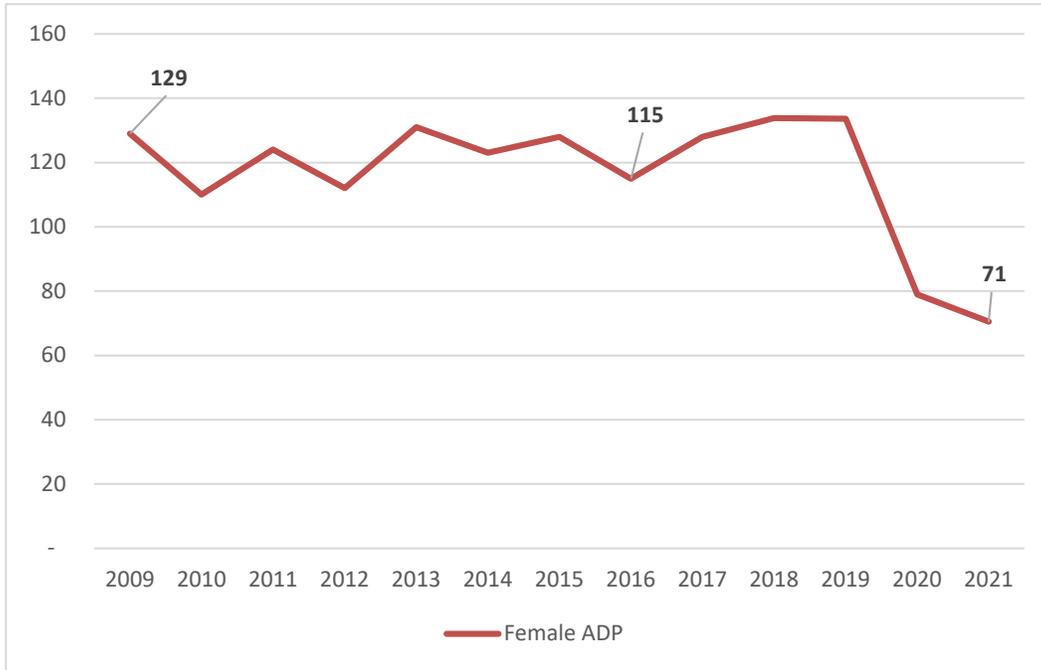| Year	ADP	Total Female ADP
2007	1,210	NA
2008	1,166	NA
2009	1,083	129
2010	1,048	110
2011	1,046	124
2012	1,115	112
2013	1,193	131
2014	1,187	123
2015	1,171	128
2016	1,024	115
2017	999	128
2018	1,104	134
2019	1,044	134
2020	743	79
2021	747	71
Total Change	**-463**	**-59**
% Change	**-38.3%**	**-45.3%**
Annual % Change	**-3.4%**	**-4.9%**

Source: BCJS, August 2018 updated February 2022.

The female inmate ADP in Berks County from 2009 to 2019 stayed relatively constant approximately at 130 female inmates. The female inmate population has decreased with the COVID pandemic, with female inmate populations currently at 71. From 2009 to 2021 the female inmate population has decreased 45.3 percent, compared to the decrease of 31.0 percent of the overall ADP from 2009 to 2021. From 2009 to 2021, the average female ADP is 117.

Figure 1-25 shows the annual female ADP from 2009 to 2021.

Figure 1-25
Annual Female ADP

Weekender Inmate Data

The BCJS houses inmates serving weekend sentences. Most often these are lower custody inmates, serving short sentences during the weekend to continue to work during the week. The BCJS provided monthly data for admissions into the Weekender program from January 2007 to December 2021. Discharge data was also provided for the Weekender program, and the number of admissions and discharges mirror themselves mostly, see Figure 1-26.

The admissions data will be used for the analysis of the Weekender program for projections.

Figure 1-26
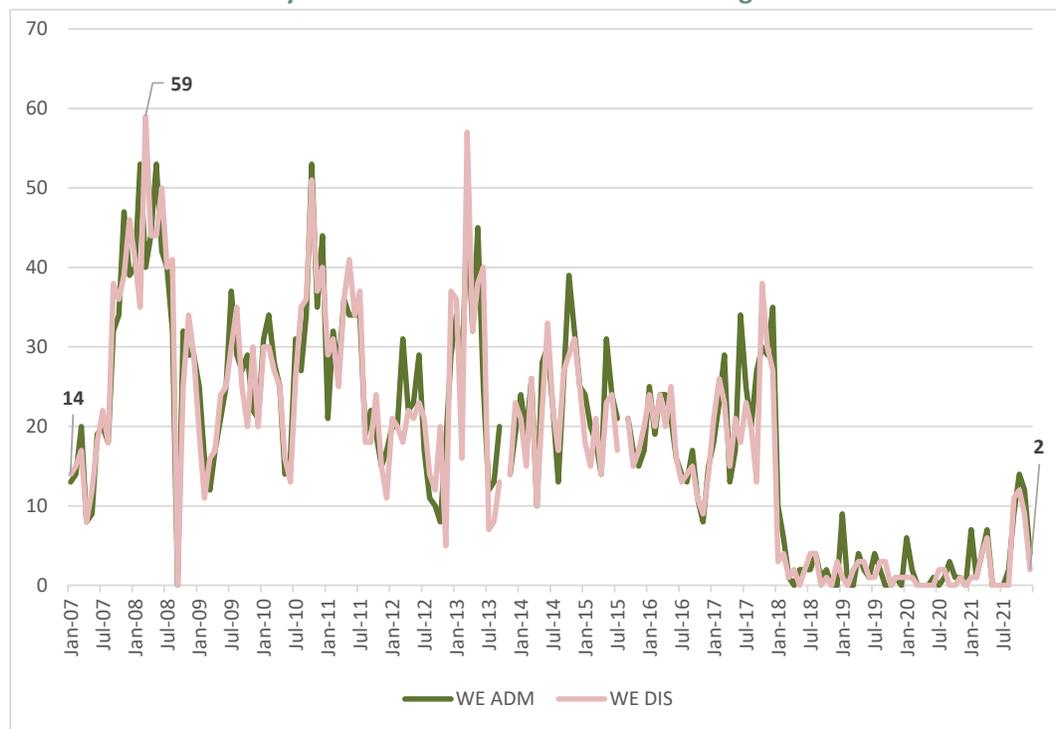**Monthly Weekender Admissions and Discharges**

Figure 1-27 shows the monthly admissions to the Weekender program. The program averages 19 admissions per month. The most admissions in a month was 53 in October 2010, and there were multiple months with no admissions to the program, most recently in July 2021.

Figure 1-27
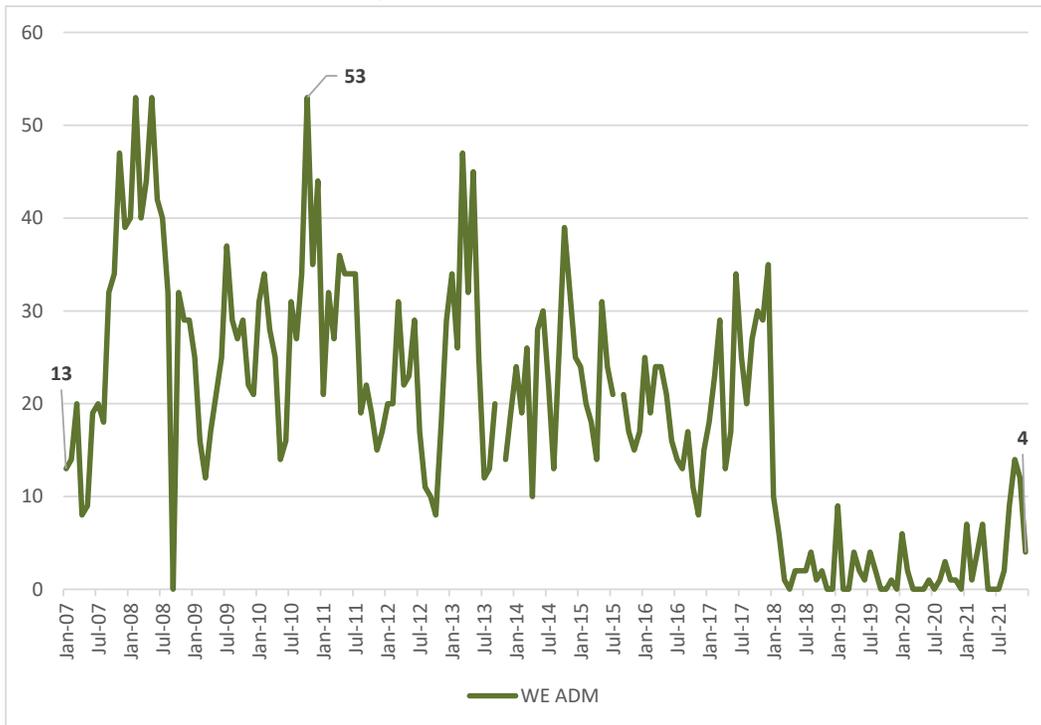**Monthly Weekender Admissions**

Figure 1-28 overlays the monthly admissions to the Weekender program and the County Jail ADP. The Weekender ADP is plotted on the secondary axis because the scale is much lower than the County Jail ADP. Examining the trends of the two data sets shows that there is very little correlation between the number of admissions to the Weekender program and the County Jail ADP.

Figure 1-28
Monthly Weekender and Overall ADP

The Weekender program data will be used with the overall bed space projections with the closing of the CRC.

Work Release Inmate Data

Starting in December 2014, a work release program was offered in the BCJS to provide job placement in the community to prepare an inmate for life after release. To be eligible for the work release program, the inmate must be at the Trustee level, which is eligible to work in the facility. The inmate must also be involved in recommended programming among other internal requirements for participation. This program is for sentenced inmates only.

Table 1-14 provides the monthly averages of Trustee status inmates at the BCJS and the average number of inmates in the work release program, by gender. Overall, the monthly average of Trustee inmates is 61, with 54 males and 7 females. The work release program from 2015 to 2021 averaged 19 inmates, with 18 males and 1 female.

The work release program has been suspended during the COVID pandemic. There is potential for the program to return after the COVID restrictions subside.

Table 1-14
Monthly Average Work Release ADP

Year	Male_Trusty	Male_WR	Female_Trusty	Female_WR	Total
2015	47	16	5	0	68
2016	59	17	6	0	83
2017	59	21	8	1	89
2018	76	32	11	2	122
2019	80	38	10	3	130
2020	34	5	5	1	46
2021	20	-	2	-	22
Total Change	-27	-16	-3	0	-46
% Change	-57.5%	-100.0%	-56.7%	-100.0%	-67.3%
Annual % Change	-13.3%	-100.0%	-13.0%	-100.0%	-17.0%

Source: BCJS, August 2018 updated February 2022.

Pretrial Services Data

Berks County runs a vibrant pretrial services program, Berks Connections/ Pretrial Services (BCPS), with programming for inmates returning to the community. Many of the services provided by the pretrial services impact the jail population but are not quantifiable, for example the staff work with local law enforcement on training to identify and divert the mentally ill from jail to alternatives in the community.

Pretrial Services data that directly impacts the BCJS is shown on Table 1-15. The annual data on Table 1-15 is the sum of monthly data for jail bed days saved and assessments to court.

Table 1-15
Pretrial Services: Pretrial Population Summary

Year	Defendants Interviewed	Client Accepted Jail Pop Reduced	# of Clients
2011	2,290	561	883
2012	2,171	493	773
2013	2,224	437	715
2014	2,574	438	688
2015	2,476	558	797
2016	2,203	542	848
2017	2,228	626	930
2018	2,355	531	840
2019	1,800	379	652
2020	1,011	162	393
2021	1,346	206	357
Total Change	-944	-355	-526
% Change	-41.2%	-63.3%	-59.6%
Annual % Change	-5.2%	-9.5%	-8.7%

Source: Berks Connections/ Pretrial Services, March 2022.

The defendants interviewed reflects the total individuals were under BCPS supervision during that year. The number of individuals under BCPS supervision has decreased 41.2 percent from 2011 to 2021, from 2,290 to 1,346. Prior to 2019, the number of individuals under BCPS supervision was above 2,300.

The number of clients accepted by BCPS that reduced the jail population has decreased by 355 from 2011 to 2021, a decrease of 63.3 percent. The overall number of clients decreased by 59.6 percent during the same time.

Severely Mentally Ill Inmate Data

The mentally ill population incarcerated is a crucial component of jail planning across the country. The BCJS has researched a myriad of issues impacting the mentally ill in the Jail, from forming a Comprehensive Behavioral Health Task Force to understand specialty populations, to analysis of average length of stay of mentally ill offenders.

Snapshot data from 2017 to 2021 was provided by the BCJS showing the ADP of offenders that were given a rating resulting from the Mental Health Stability Rating Scale (MHSR) intake assessment. The scale has four points, ranging from A to D. Mental health patients with no identified needs or history of psychiatric treatment for five years are classified as A. This is the second largest number from the snapshot with an ADP ranging from 88 to 168. From the 68 snapshots, the average number inmates rated MHSR A averages 127, which is 14 percent of the overall jail ADP.

Patients that have a history of treatment but no longer need services are designated as MHSR B. This is the smallest segment of the population with an ADP ranging from 41 to 146. From the 68 snapshots, the average number inmates rated MHSR B averages 87, which is 10 percent of the overall jail ADP. MHSR A and B inmates from the snapshots are graphed in Figure 1-29.

The largest number of MHSR intakes are MHSR C patients that have current treatment with the mental health department, including counseling and medication utilization. The ADP of MHSR C inmates ranges from 265 to 638 in the snapshot. From the 68 snapshots, the average number inmates rated MHSR C averages 463, which is 49 percent of the overall jail ADP.

Patients with Severe Mental Illness (SMI) diagnosis are rated as D with MHSR. The ADP of the MHSR D inmates range from 55 to 111. From the 68 snapshots, the average number inmates rated MHSR C averages 84, which is 9 percent of the overall jail ADP. Figure 1-30 illustrated the MHSR C and D inmate graphs.

Figure 1-29
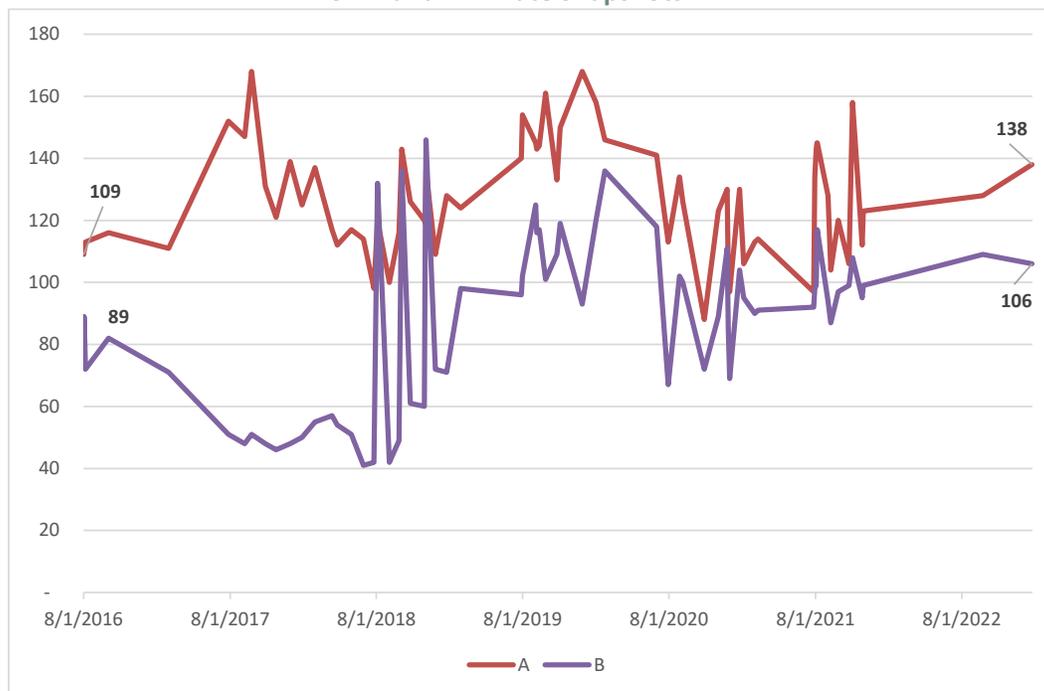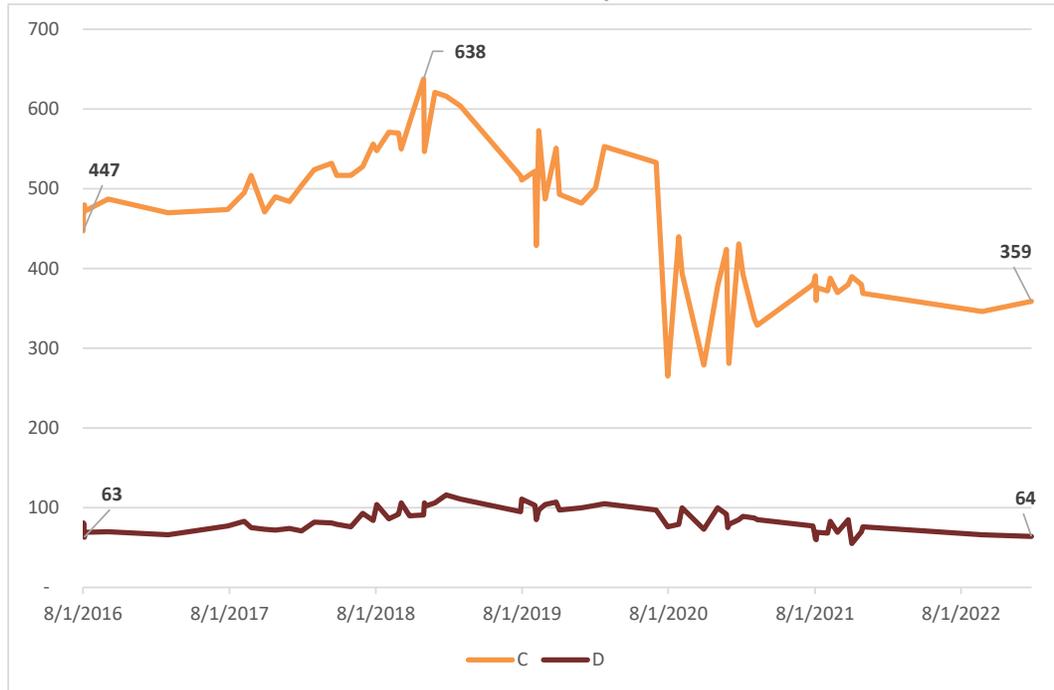### MHSR A and B Inmate Snapshots

Figure 1-30
MHSR C and D Inmate Snapshots

The total number of MHSR A-D diagnosed inmates averaged 762 in the 68 snapshots. This represents an average of 82.1 percent of the BCJS' ADP.

Having a MHSR diagnosis does not necessarily mean the inmate needs to be separated from the general population. The BCJS provided snapshots from 2018 and 2022 specifying the percent of beds needed away from the general population needed for medical and mental health inmates. The number of beds for medical inmates is stable while the percentage need for mental health inmates away from the general population has increased during the pandemic, see Table 1-16

Table 1-16
Medical and Mental Health Bed Need Snapshot

Date	ADP	Mental Health Beds	Medical Beds
4/14/2018	1,106	6.6%	1.1%
7/21/2018	1,177	7.5%	0.9%
2/6/2022	742	7.5%	1.3%
2/23/2022	709	10.3%	1.1%
Average	**934**	**8.0%**	**1.1%**

Source: BCJS, March 2022.

The acuity level of mental health inmates does affect the average length of stay (ALOS) of mental health inmates. Table 1-17 shows the ALOS of MHSR inmates in the BCJS and compares the more seriously mental ill's ALOS with the least acuity level – MHSR A. The ALOS of the most severe inmates, MHSR D, is 199.7 days, which is over 105 days longer than the MHSR A inmates. From interviews with the county stakeholder, one reason that the MHSR D inmates' length of stay is so long, is that they often must wait for a bed to open at the State Hospital.

Table 1-17

Mental Health Inmates ALOS

MHSR	ALOS (Days)	Additional from A
A	93.9	-
B	96.3	2.4
C	130.4	36.5
D	199.7	105.8

Source: BCJS, March 2022.

Snapshot Data

Daily snapshot data was provided to examine the number of inmates with pretrial bonds and their respective bond amounts, and the length of time and the number of inmates by classification in the BCJS. The snapshot data comprises of 37 snapshots from January 2017 to December 2021. The data was provided by Berks Connections/Pretrial Services (BCPS).
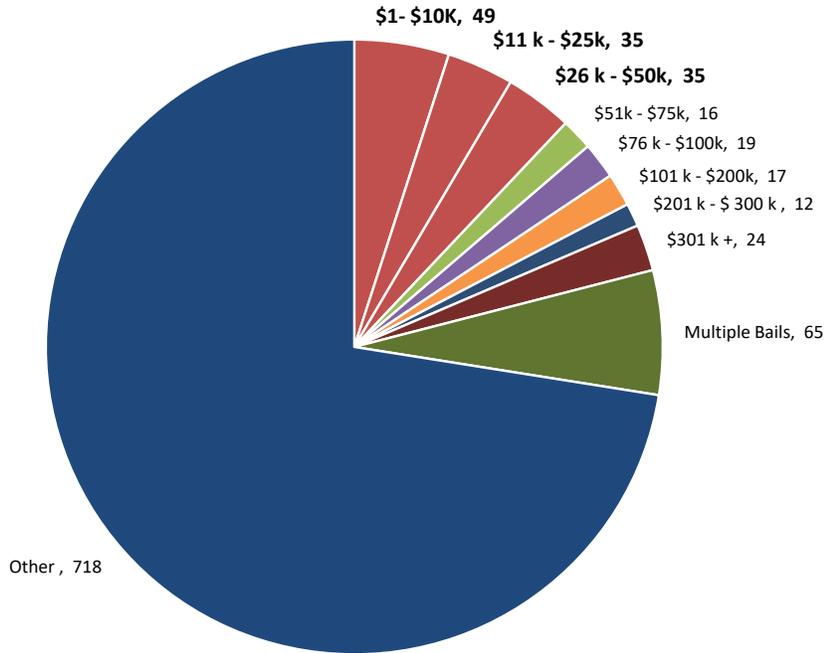
The overall ADP from the snapshot data showed 990 inmates held in the BCJS. Most of the inmates are held without the chance for bond, 73 percent. These are inmates that are sentenced, have no bond, or have detainers or holds.

The pretrial inmates in the BCJS are classified as true pretrial or total pretrial. The "true pretrial" population are those inmates without other holds and are eligible for release by posting bond. The "total pretrial" population includes the "true pretrial" population and those held on multiple bonds from Berks and other jurisdictions.

Of the 213 "true pretrial" with bonds, 119 had bonds of $50,000 or less. While not everyone with a bond will be able to post the bond for a multitude of reasons, concentrating on lowering the number of inmates with the lower bonds could open jail beds. If 15 percent of those with bonds of less than $50,000 were able to be released, 18 beds on average could be saved in the BCJS. Figure 1-31 shows the composition of the jail population by bond amounts.

Figure 1-31
Pretrial Inmate Bond Amounts Snapshot Data

Inmate Snapshot (2017-21): Average Bail Amounts

Source: Berks Connections Pretrial Services, April 2022.

Note: "Other" in the chart includes inmates ineligible for bail or those held on detainers, sentenced, or awaiting transfer to another facility.

Table 1-18 breaks out the daily snapshot data by classification of the inmate from four random dates provided by the BCJS. Snapshot dates were April 18 and July 28 in 2018 and February 6 and February 23 in 2022.

Table 1-18
Classification Snapshot Data

Classification	Average Count	Percent
Admin PC	1.8	0.2%
MHSR-C	1.0	0.1%
Cell Alone	0.3	0.0%
COVID 19 (Qrt)	1.5	0.2%
MHSR-D	1.3	0.1%
Medium	382.0	40.9%
Disciplinary	27.5	2.9%
Medical	10.3	1.1%
Level 2	0.5	0.1%
Maladaptive	7.3	0.8%
Mental Health	70.3	7.5%
Trusty	52.0	5.6%
Minimum	52.5	5.6%
Protective Custody	67.3	7.2%
Pandemic Isolation	15.8	1.7%
Quarantine	59.8	6.4%
Security	3.0	0.3%
Maximum	178.0	19.1%
Other	1.7	0.2%
Grand Total	**933.5**	**100%**

Source: BCJS, March 2022.

The ADP from the four snapshots is 933.5 with most inmates classified as medium (40.9%) and maximum (19.1%). Minimum inmates average 5.6%; however, the number of minimum inmates were higher pre-pandemic (70 and 64) compared with the minimum inmates from 2022 (37 and 39). The inmate classification snapshots will be used for bed space allocations.

BERKS COUNTY

CORRECTIONAL FACILITY

BCCF

SECTION 2

CRIMINAL JUSTICE COMPONENT UPDATE

SECTION 2 CRIMINAL JUSTICE SYSTEM COMPONENTS

Introduction

To understand the context for the specific factors influencing the size of the correctional facility and probation populations, a comprehensive understanding of the policy context for local justice system processes and operations is essential. Accordingly, a thorough review of the local agency operating policies and procedures that govern the processing of persons through the justice system was conducted. The focus of inquiry will address understanding policies and practices that have a direct bearing on the processing of individuals through the justice system.

The goal of the justice systems component analysis is to evaluate the relationship of policies and practices in these areas to current and historical crime, and arrest trends as well as demand for jail beds and probation services. A wide range of stakeholders in the Berks County criminal justice system were interviewed for the 2018 Master Plan and for the 2022 Needs Assessment Update.

The stakeholder interviews for the 2022 Update occurred between February and May 2022. Many of the stakeholders were interviewed in 2017 and 2018, and the points made then were re-visited. This chapter summarizes the discussions including the individual system components and identification of potential future improvements.

Jail Staff

The Project Team meet with the Berks County Jail System (BCJS) staff in February 2022. Attendees included Chris Monsma, Warden Jeffrey Smith, Assistant to the Warden Traci Rhoads, and Chief Stephanie Smith. This group also met on multiple occasions in the summer of 2018, which included a full tour of the Jail and the Community Reentry Center (CRC) that was operational at that time. The following was observed or discussed during the updated interviews.

- COVID has had the most impact on jail population. Jail population so far in 2022 has ranged from the high 700s to the 500s and was 714 on the day of the meeting.

- Currently there are no Community Release crews.

- Currently there are no Community Service crews.

- The expanded use of Video Court has reduced inmate transport and expedited cases. Warden envisions the practice continuing post-pandemic. Office space was built in the gym for Video Court with 4 or 5 booths. I-pad is used for quarantined inmates to appear from cell.

- For inmates that attend court in-person, there is a quarantine period based on CDC recommendations upon return to the BCJS.

- COVID protocols started on 03/12/2020, with COVID policies and numbers reviewed monthly and as needed.

- Community Reentry Center (CRC) closed 11/08/2019.

- CRC is currently used for staff training academy and new employee training, in-service training, fitness center, and various training opportunities.

- Outside contractors occupy space at CRC (Berks Counseling Center, TASC, BCPS, and APO). There is a current need for 8 to 10 contractor spaces in the BCJS, plus growth for more programs.

- Juveniles are currently housed in Lehigh County. At time of visit there was 1 juvenile in custody.

- In August 2019, the Pennsylvania Department of Corrections (DOC) terminated Technical Parole Violator (TPV) contracts. As such, BCJS no longer houses TPVs. There was an immediate decline in ADP – historically as high as 50.

- Currently the courts are opening, arrests are limited, and ADP is increasing back to about 700. Staff expect population to rise again.

- County is still active with the Stepping Up Initiative. Berks County is an Innovator County and in the process of getting dashboard ready to cross reference data from OMSE, Health Choices, and Homeless Coalition, etc.

- County Forensic Diversion programs confer together monthly to evaluate the Mental Health population and to monitor the Mental Health court docket.

- Some program space at BCJS is in the gym, which has been repurposed for other activities during the pandemic (video court). Programming is conducted individually in cells with information packets. Central groups have not been meeting since COIVD. There is no dedicated space for one-on-ones to be conducted.

- A Live Scan machine has been added at the BCJS for the Sheriff to conduct digital finger printing after sentencing.

- County on wait list for mental health beds at the State Forensic Hospital – turn around is about a week. Bottleneck on civil side, Not Guilty by Reason of Insanity (NGRI) are diverted but may wait for months for a bed to transfer to the Wernersville State Hospital.

- No improvements have occurred with the vehicular sallyport since 2017.

- BCJS issues tablets to each inmate thru GTL. Inmates can access law library, message loved ones, and visit via video with 2 – 15-minute sessions per week. There is 1 docking station per cell, must be docked to do video visit. Update May 2022 – jail is scheduling in-person visitation.

- Commissary is provided through Keefe on the tablet. There are kiosks in housing units. Closed custody inmates use bubble sheet for ordering.

- Reentry groups done with cell work, but jail staff sees the reentry program structure changing and expanding.

- Medical provider is PrimeCare with psych techs and groups for SMI in segregation added in about 2018.

- BCJS added 2 body scanners in 2019/2020 and located in booking and inmate worker processing area.

- County still involved with Opioid Coalition. PrimeCare asks at Admissions if inmate interested in nasal NARCAN kits upon release. NARCAN kits provided upon release (given out 18 in first week).

- Schuylkill County inmate contract ended in June 2019.

- Currently Weekenders are in the quarantine unit.

- Challenge finding eligible inmates for work crews and trustees with eligible sentence/classification.

- BCJS needs more flexible spaces for programming.

Judiciary

Consultants met with the Court Administrator, President Judge, Court of Common Pleas judges, and Magisterial District Judges (MDJs) to discuss court practices. Interviews were done in person and by video conference. The discussions centered around the courts influence on the BCJS population. Other components of the criminal justice system interaction with the judiciary were also discussed.

In February 2022, Chris Monsma and Chloe Jaco met with Presiding Judge Thomas Parisi.

- Judge anticipates jail population exceeding 1,000 in 4 or so years.

- In the early 2000s, the jail population increased with a tough-minded District Attorney (DA). The current DA is more cooperative with plea bargains and alternatives to incarceration.

- The attitude on crime pendulum tends to go back and forth.

- With the nature of sentences, releases on bail increased during COVID.

- Video Court was barely used prior to the pandemic, now most pretrial hearings are conducted through video resulting in less transports between the BCJS and Courthouse. The use of video can continue as long as supported by the Supreme Court. Status hearings are also conducted on video, with some on cell phone. Polycom is still used for State Prison hearings, currently using Teams with the BCJS.

- Post-conviction release act hearings are conducted with Polycom.

- Activity is resuming back to normal since COVID, but not 100%.

- Currently there is 1 vacant position of the 13 Court of Common Pleas Judges and 5 Senior Judges.

- MDJ totals have remained at 17.

- Four to five Adult Probation officers have been added in last 5 years due to high caseloads.

- Noted the variance in use of bail amounts among MDJs and the need to review guidelines. COVID resulted in a lot of persons being released on personal recognizance. Pretrial Services constantly reviewing BCJS population to identify potential releases.

- Usually, Senior MDJs conduct Night Court and use payment plans in lieu of incarceration.

- County still challenged to access Mental Health beds at state facility (Norristown).

In March 2022, Criminal Court Judge and Chair of the Criminal Justice Advisory Board (CJAB) Judge Teresa Johnson met virtually with Chris Monsma.

- Pandemic changed how criminal court is handled, as inmates are not being transported and hearings are being conducted by video. Expect this practice to continue.

- Courts worked to remove low level offenders from the BCJS during pandemic, especially those held on child support charges. Overall arrests were down, and crime was lower.

- System has experienced an increase in domestic violence cases, numbers are going up as Children Youth Services had not been going into homes during the pandemic. A potential increase is expected in child abuse cases.

- Of the 13 judges, there is 1 vacancy for a Civil position. There is no expected future increase in the number of criminal judges.

- MDJs are using video now and serve as the first court to see an individual as a preliminary hearing within 10 days. The ability for an attorney to meet those in BCJS is often done in MDJs office, slowing the process.

- Current problems with the sound system in courtrooms, attorneys must speak into a microphone for video proceedings.

- Beneficial that each judge works with the same Public Defenders (PDs), and PDs now have laptops.

- DA not sending people to the BCJS for low level offenders. DA changed offers during COVID, not certain if that practice will continue.

- DUI Court cases have been down but anticipate them going up.

- There is no place to house female juveniles in the County.

- There have been no changes in bail practices since 2018.

- Drug Court numbers are down, especially lower with DA position on incarceration decisions on possession (Marijuana Diversion Program). Unsure about the numbers for Mental Health (MH) and Veterans Court but can see an expansion of the MH Court.

- There is a general challenge with turnaround time from the State Police Crime lab.

- Not all judges use the same system for calendaring. Personally, likes current system with judges being accountable for their own schedule.

- BCJS needs multiple video and hearing rooms for PDs, private counselors, and MDJs and inmates.

- Participants in Drug Court must receive their GED, requiring spaces at BCJS for education.

In March 2022, Municipal District Judge (MDJ) Andrea Book met virtually with Chris Monsma and Bob Williams.

- Video court thru COVID has been outstanding with the BCJS.

- MDJs handle all the bail in the County. With COVID and staffing issues, verifying bail has been an issue. There is a desire to post all bail at the BCJS.

- Central processing would like to have bail posted at the BCJS via Teams/Polycom and to not have to transport.

- Challenge with defendants' ability to talk to attorney during video court in private.

- At times, the courtroom has to be cleared so the PD can talk individually with their client. Typically have 2 video hearings a week.

- Court dockets/ calendaring sometimes has issue getting time at the BCJS for MDJs cases.

- Potential to use the CRC for a therapeutic program, drug and alcohol program, community services one stop shop, or step down/halfway house.

- For juveniles charged as an adult, MDJ coordinates with the DA. Electronic Monitoring is used for serious charges for females, as no beds are available.

- Judge has 200 criminal cases a year, about 100 are DUI cases.

- Judge does not see growth in DUI court.

- Approval of Electronic Monitoring cannot be ordered by MDJs, must be ordered by DA and monitored by BCPS.

- More alternatives are needed in the rural parts of county, does not want to set people up to fail by sending them into the city for alternative programs.

- Judge believes that the jail population will increase. Criminal caseload filings were down with everyone at home but seeing more transient population will increase jail numbers due to being a flight risk.

- BCJS needs more housing and meeting/program spaces for females. G Block created in 1993 for females insufficient.

- Many defendants come into her court intoxicated, would like some emergency supplies for someone that may be overdosing.

Municipal District Judge David Yoch met virtually with Chris Monsma and Rick Davidson in March 2022.

- Video conferencing is a benefit to all. In future, technology will still be utilized, how much will depend on resident judge's desire.

- Mental health problems increased since 2018 in the BCJS. Fair number of medical issues and a lot with Mental Health issues ending up incarcerated due to crimes or inability to find a room/housing.

- County needs more programming for Mental Health populations and a separate area to address multiple concerns.

- Substance abuse defendants are on the rise, often with dual diagnosis with Mental Health.

- Judge estimates 70% of cases involve drugs and Mental Health, seeing a lot of marijuana cases in court. If marijuana gets legalized, expect an increase of caseload with increase in DUIs with alcohol and marijuana. Marijuana Diversion program includes paying a fee to COCA and completing a 3- or 4-hour program. Judge has seen some recidivism in Marijuana Diversion Court, no limit in times entering the program.

- Trends in jail go hand in hand with drug offenses. More Domestic Violence cases during the pandemic, expect to see them decrease. Uptick in drug cases could drive jail bed needs higher.

- The BCJS needs the ability to separate different population groups and be adaptable for next pandemic.

- Judge recommends placing at a court in the BCJS – always beneficial to have courts in the communities. Arraignment and/or preliminary hearings at jail would be beneficial for transportation reasons.

- Traffic numbers are down a lot during COVID, likely due to less traffic enforcement during pandemic. Judge thinks criminal cases are already on the rise in 2022.

- Judge is in favor of central booking at the new BCJS.

- Probation and Parole do not interact on a frequent basis with the Judge, current local rules prohibit Misdemeanor 3 cases and above.

- Challenge in housing juveniles who commit serious crimes in the county, especially with sight and sound from adults.

- Judge interested in renovating and repurposing the CRC.

Court Administrator Steve Webber met with Chris Monsma and Bob Williams in February 2022.

- Criminal court filings peaked in 2017 at over 6,000, now under 4,000. Some reduction is due to COVID, but also due to police manpower with decriminalization and greying of police force.

- Sentencing guidelines are to be changed in the next couple years and will increase court caseload.

- Courts are not incarcerating for summary offenses.

- Court has observed MDJs using alternatives to incarceration instead of bail.

- De-criminalization of parking tickets has been a big impact on jail population.

- MDJs could be located at the BCJS.

- Video Court use will continue in the future, as transportation has been reduced from 20/day to 4-5/day for Common Pleas and from 20/day to 4-5/day for MDJs as well.

- Treatment Courts could be expanded in the future. County is still running a DUI Halfway house that saves jail days.

- Feels the courts are using bail wisely.

Sheriff

The Sheriff is elected to a four-year term. The Sheriff's Office is responsible for security of all criminal and civil courts and all inmate transportation. The current jail is eight (8) miles from the courthouse and the intake area. There are not enough individual holding cells in the intake area.

Sheriff Eric Weaknect met virtually in May 2022 with Chris Monsma, Bob Williams, and Chloe Jaco.

- Number of defendants at jail getting back to normal level since COVID.

- Live Scan system at the BCJS is big improvement with 242 defendants at getting fingerprinted in 2021 and 47 in the first four months of 2022. Live Scan 210 dedicated space at the BCJS for 1 employee and 1 defendant. Adult Probation also has a Live Scan machine, work together to reduce the amount of time to fingerprint.

- Biggest challenge process wise is staffing at Booking at the BCJS and the associated wait time for law enforcement staff.

- Policies on admitting medical inmates a concern, especially inmates that cannot be booked into jail and must be transported to the hospital.

- Sheriff oversees transports to the BCJS for new defendants and processing of inmates to the Courthouse. Judges have started to request more defendants appear in person, feels transportation levels increasing and coming back to normal.

- Central Processing space has not changed since 2018, land locked area in the Courthouse.

- Central processing in downtown Reading at the Courthouse is beneficial to Reading Police Department for transport reasons.

- Crime in the county has been increasing, and there has been a spike in murders in Reading.

- The use of constables by MDJs is still a concern with costs and coordination with the Sheriff's Office.

Police Chiefs

Police Chiefs and their staff from multiple jurisdictions were interviewed by phone and video. Central Berks Police Department (CBPD) Chief Ray Serafin met with Chris Monsma virtually in March 2022.

- CBPD still covers 4 municipalities: Mount Penn Borough, St. Lawrence Borough, Oley Township, and Lower Alsace Township.

- Officers still at 21.

- General population has grown.

- There has been an uptick in crime, majority in Mt. Penn (close to the city, more urban). Part 1 and 2 crimes increase have been consistent since 2018. There was an increase in Domestic Violence cases during the lockdown, which are violent. Assaults have also increased.

- There has been an uptick in school problems (student, family, and faculty problems) with school board meetings, requiring PD to post officers at all school board meetings in the last 3 months.

- Threats of violence on social media are causing more investigations and arrests. Arrests overall are trending up.

- Minor issues of restrictive access to interview inmates due to COVID, caused delays of a day or two.

- BCJS did well coming up with methods of access during the pandemic.

- Feels that jail population will increase to level of 5 years ago.

- Drugs are still a major driver in the community which results in a lot of the crime. There has been an increase in property crimes.

- CBPD could support a new Central Processing at the BCJS, if sized correctly.

- CRC was a positive when it was open.

Reading Police Department (RPD) Chief Richard Tornielli met with Chris Monsma virtually in March 2022.

- Jail interaction is buffered with Central Processing, with Sheriff performing the transportation.

- BCJS needs interview space.

- Challenge with jail facility and changes in criminal justice system, i.e., not arresting for parking tickets.

- Pandemic caused jail to use tablets, concern if not monitored efficiently crimes can be directed from within the cell.

- Property storage an issue at jail with city residents (some homeless) when arrested, as there is no space to maintain property. Sometimes property has to be stored at City Hall.

- Jail population should stay consistent, as low-level offenders will continue to stay out of the facility and more diversion programs will be used for drug arrests.

- RPD staffing approved levels are the same, currently down 20 officers with retirements and transfers.

- Crime decreased the past 3 years, 6,000 Part 1 crimes in 2000 is currently 1,800.

- Homelessness is an issue in Reading, these challenges increased during pandemic. Dropping off at the jail is not a solution. There is a Task Force with social service agencies and nonprofits to engage with homeless with mental health and addiction issues.

- RPD still using cite and release as much as possible.

- Central Processing has space issues, need to create a "Drunk Tank" type of temporary holding solution.

- Drug Court seems to be working for low level offenses, especially marijuana possessions offenses.

- Electronic Monitoring is helpful, seems to be at the same level as 2018, especially with juvenile offenders.

- Biggest problem is juvenile violence and arrests. There is no physical space to put violent juvenile offenders and they are being re-released. Desperately need a juvenile detention facility in the community.

Bern Township Police Department (BTPD) Chief Wesley Waugh met with Chris Monsma virtually in March 2022.

- BTPD has experienced steady growth in criminal activity and incidents are more complex. Investigations are yielding a lot of arrests that were not issues 10 years ago, specifically drug related.

- Politically driven outcomes for treatment versus incarceration, how do treatment solutions impact victims of crime.

- Feels the jail population will increase. If the emphasis on treatment decreases and the use of incarceration increases in the future, jail numbers will increase.

- COVID measures included looking at traffic enforcement differently, reduced officer-initiated incidents.

- Concurrent jurisdiction for incidents at the BCJS, State Police investigate inside the fence and Bern Township outside fence. Less visitation has decreased the need for investigation at the jail, fewer calls.

- BTPD staffing has remained the same.

- MDJs relations are still very good.

- Mental health still a major problem in the county and need to focus on treatment for mental health, officers need resources.

- BTPD would support Central Processing at a new facility, would lessen travel times for Bern Township.

- Interest in creating a security checkpoint at a new facility, with something near road that delineates the jail property to resolve issues in parking lot.

West Reading Police Department (WRPD) Acting Chief Ryan Phillips met with Chris Monsma virtually in March 2022.

- WRPD feels jail population could increase depending on the courts.

- West Reading Part 1 and 2 crimes have slowly declined, those that effect the jail are decreasing. Summary violations are increasing.

- Mental health is a concern. DA has grasp of not locking people up that need treatment.

- Small possession programs go through the new Marijuana Diversion program. West Reading MDJ uses the diversion program a lot.

- WRPD still using cite and release.

- Geographically, Central Processing at a new facility would be more time consuming, prefer downtown location.

- WRPD does not arrests many juveniles. When it does occur, it is taxing for officers to take them out of county for housing.

Spring Township Police Department (STPD) Chief Stephen Powell met with Chris Monsma virtually in March 2022.

- STPD has 28 sworn law enforcement personnel, hope to add 2 more administrative staff this year.

- Few interactions occur with the jail. Central booking runs very well.

- Post pandemic, continue trend of not incarcerating low level offenders.

- Crime dropped in height of COVID but has been increasing lately.

- Specialty courts are useful and helpful.

- For alternatives to incarceration, youth aid panels have been useful to keep youths out of the facility. Mental health alternatives to arrests are good. Marijuana diversion program is used extensively for possession arrests, very supportive of that tool.

- Probation and parole relations is very good. Emergency Response Team is very valuable to the force.

County Commissioners

Virtual interviews were conducted with all three County Commissioners. County Commissioner Kevin Barnhardt met virtually with Chris Monsma, Rick Davidson, Bob Williams in March 2022.

- Changes in the jail with respect to the pandemic include the need to plan for communicable diseases. Space for youth in the County needs to be addressed.

- Inmates have more mental health conditions, need more treatment, fitness, and medical areas. Space constraints at the existing facility need to be addressed for recreation, program, and cell areas.

- Population is down through efficient processes and programs in the county.

- Jail needs to be service focused, build for the next generation.

- Energy efficiency that is cost effective is a goal.

- General support for a new facility for number of years. Jail has become mental health provider with the State providing less services.

- Jail must provide proper accommodations for females, with access to more services.

- Jail population trending up after the pandemic lows. Population of 700+ is an encouraging number, as system continues to use best practices to keep numbers down. Diverting adults and juveniles from incarceration is better use of funds with improved outcomes.

- Adult Probation and Parole (APPO) using more of the same tools that juvenile probation have successfully used.

- Public relations for the new jail must include evidence-based information to show the need, such as trauma influenced design with female population. Concepts must be explained to the larger community with a focus on outcomes and the path to improving the lives of inmates when released.

- CRC building is not part of the future, as it is disconnected from the campus. CRC needs major upgrades, plus PREA compliance issues. All services for the new jail facility must be co-located.

- County will continue to visit other facilities and observe adopted new tools in corrections.

- Understand there is a space impact for flexible program space that can be managed by staff (both in secure/living units and shared areas of the facility). New jail facility needs quality and flexibility of space.

- Video Court can be enhanced in a new facility, safety and transportation concerns can be mitigated.

- Treatment Courts certainly work and have provided positive outcomes, need more utilization of the existing courts.

- There is opportunity for flexible court space in new jail, a co-located service center.

- Probation and parole trends must be monitored. A lot of it is working and needs to be funded. Electronic Monitoring and Marijuana Diversion Courts are helping to keep jail populations down.

- Reading PD crime numbers and investigations are down.

- Central processing needs improved space, best location a question.

- Mental Health diversion facilities needed as alternative to jail.

County Commissioner Christian Leinbach met virtually with Chris Monsma, Rick Davidson, Bob Williams, Chloe Jaco and Babette Macy in March 2022.

- Still learning across the country from the power of disruption with COVID and impact on the criminal justice system.

- Technology has been impacted. Late 2019 updated to Microsoft 365 and started using Teams. Judges have embraced video conferencing with inmates, a lot do not want to go back to in person meetings for some proceedings, which is much more efficient for transportation.

- Jail population was at 950 pre-pandemic, went down to the 500s during pandemic, and numbers started to increase in the Fall of 2021. The use of more Electronic Monitoring to lower jail populations was a great decision. Overall, do not want the population to go back to high levels, still not certain what is the new norm and can it be lower.

- Serious debate around bail is needed and best use, need action from judiciary and state law. Pandemic proved that community safety is not dependent on large jail populations. Feels county is doing a better job on bail transformation and trying to find balance of lower jail population and public safety.

- County to understand if people on electronic monitoring are showing up for hearings and not re-offending.

- There are issues with violent crimes in Reading and staffing at Reading PD. However, those cases do not impact who is in or not in the jail.

- Right sizing jail a priority, does not think the capacity needs to be at 2018 levels (1,200 – 1,500). Social component is a bigger issue, keeping those out of jail helps keep people employed, engaged with their families, on medical insurance, and stop societal breakdowns.

- Feels it is immoral to incarcerate people that are not a threat to themselves or others and not a flight risk. We need to look at a community service solution and non-incarceration solutions to certain crimes.

- Plans to support a final solution on the jail after the elections in 2023 at the end of 2023/early 2024.

- Pretrial monitoring guidelines can be created at the local level, with local agreement on a risk assessment for pretrial offenders. The key is the president judge to institute the change needed for pretrial monitoring and bail practices for the MDJs. Also involves APO, JPO, DA, and Commissioners coming together to find the solution, especially a verified assessment tool.

- Started a juvenile detention risk assessment in 2006, ended up closing the juvenile detention center. Stakeholders got involved and established and validated an assessment tool. Once there is a tool, need to evaluate the data.

- CJAB could ask pretrial diversion to start planning an adult evaluation tool to present before the presiding judge in 2023.

- APO use of Electronic Monitoring for pretrial offenders could be used to decrease the use of jail for probation and parole violators, but it must be done by an order by the judge.

- Open to alternative financing models and options being considered with nonprofits developing the facility, such as use of a Redevelopment Authority as the owner of facilities and lease back to county.

- Open to re-branding of jail, concerned with the term "prison".

- CRC was used to add capacity for the jail at first. Community re-entry center becomes another point in transition, need all functions to be located together in one facility. Facility needs programming and space to transition out of incarceration and lessen recidivism.

- PrimeCare does a good job with the mental health population in jail considering the environment. Hundreds of people have been diverted from jail through Stepping Up Initiative. The Stepping Up Initiative may need to be re-introduced to count criminal justice stakeholders. Open Lattice online tool is going away, the database initiative will need to be relaunched sometime later in 2022.

- There is a short fall of mental health beds in the region. Health care staffing levels were also exacerbated by pandemic. Acuity levels are much higher now due to diversion of minor cases staying out of the jail.

- The use of psychotropic drugs is about 50% in the jail, which seems high. Community options are limited, and most are short term solutions for mental health issues.

- Mental health is the most significant health care area for the jail and there are currently not many options. Diversion options are group homes and more caseworkers.

- Juvenile housing options are a challenge, issue with PREA at current facility. County needs to understand what is most effective in terms of cost and social impact in regards to housing juveniles, especially if they go out of state.

- Probation and Parole is very effective in their mission, a great partner going forward.

- Marijuana Possession diversion program is used by the DA and supported overall. The DA is crucial to keeping people out of jail. One challenge is utilization of the program by MDJs.

- Public outreach for the new jail facility project is vital, County must be clear and concise in messaging.

County Commissioner Michael Rivera met virtually with Chris Monsma, Bob Williams, Chloe Jaco, and Babette Macy in March 2022.

- Commissioner Rivera was elected in 2020. COVID delayed the jail project.

- County still understanding the effects of COVID on incarceration.

- Feels the jail is not the solution for low level ordinance offenses, use alternatives like Electronic Monitoring.

- Hope numbers will not go up to pre-pandemic levels, though does not expect the population to go down further that the pandemic levels. System needs to continue to explore new alternatives for lower jail populations.

- Negative impacts on the use of jail include loss of job for low level offenders.

- Mental health population is not being helped by being incarcerated.

- Crime has gone up recently, many serious offenses like shootings. Gun violence in Reading is the biggest concern the Commissioner is hearing for crime.

- State says juveniles must be in a separate facility from adults.

- Problem solving courts work well. Diversionary programs are a positive for the county. There is a concern with leniency for DUI sentences, especially with repeat offenders.

- Probation and Parole funding can be expanded to focus on nonviolent offenders to keep them out of the jail.

- Video court is being studied by the county's savings and efficiency team. Judges are over the hump of using video technology, hope to be more seamless in future.

- Jail is there to rehabilitate and prepare people to be productive in society, this should be the focus. There is concern about the jail being too comfortable.

- Outreach to the Latino Community is needed for the project, bi-cultural need for community engagement. Media for the Latino population should incorporate radio.

- Several Latino groups work with the jail population or recently released individuals, i.e., a GED type program for Spanish speakers.

- New facility needs to be expanded easily in the future if necessary.

County Administration

County administrator Ron Seaman met with Chris Monsma in February 2022.

- County must rethink how things are done with COVID, leaner operations. One positive impact is a smaller jail population. Also, shows how inadequate the current facility is for reforming individuals at the jail (lack of classrooms, program space). Effective outcomes may be dependent on more space in the facility.

- Though not clear on the right jail size, do not think it will go back to the 1,500 bed need.

- CRC needs to be repurposed; another entity could lease the building.

- Feels public still supportive of the treatment courts.

- Lack of juvenile beds statewide is an issue.

- New facility needs to be focused on rehabilitation.

District Attorney

The District Attorney (DA) is the chief law enforcement officer in the County. The DA is an elected position, serving 4-year terms. There are currently 31 attorneys, 33 detectives, 2 analysts and 24 support personnel in the DA's Office.

DA John Adams met with Chris Monsma and Bob Williams in February 2022.

- Guidelines that will change criminal law are planned in 2024, which will provide more complex sentencing guidelines and may slow down the system.

- Proposed rule change for bail may reduce the number of pretrial detainees. PD and DA will need more staff to manage.

- DA reviews jail commits and bail daily.

- Jail population is stable, cases are down. Biggest impact on cases is Reading PD and major crimes. Number of police is down. Minor crimes are not making it to case.

- There is a need for a juvenile facility in the county, and there is demand for juvenile beds in the region.

- There are no beds available for female juveniles, use Electronic Monitoring.

- Legislation regarding Direct File, there is an age change (raise from 15 to 16 or 17) and potentially eliminating.

- Children Alliance Center opened in January 2020 with 4 staff, interview victims of physical and sexual abuse and determine how best to handle the case.

- Failure to Appear (FTA) notification with text has been effective. COVID will skew the numbers for FTA with court date changes.

- There is support for Treatment Courts, want to see program growth with the normalization after COVID. Marijuana diversion program has been very successful, deferring cases from court (would not generally go to jail). Marijuana diversion program had 469 referrals in 2019, 494 referrals in 2020, and 475 referrals in 2021.

- Continue to do more activities virtually, support the video court system implemented during COVID, though hearing is more difficult.

- There is potential to reuse the G Block at the jail for Drug and Alcohol offenders.

- Diverting as much mental health as possible from the jail but cannot divert all mental health inmates due to lack of available options.

- Overall, thinks planning for 725 to 1,000 beds is right size for the jail.

Public Defender

The Public Defender (PD) provides representation of indigent persons charged with crimes. Each county in Pennsylvania funds the Public Defender Office under the Public Defender Act, with the exception of Philadelphia. Between 2007 to 2021, the Common Pleas Court caseload for the Berks County PD decreased 23.8 percent and averaged 3,216 cases per year. The PD's support enforcement, state parole violation, and appellate brief caseloads have decreased between 2007 and 2021, while the mental health hearings and county parole violations caseload have increased during the same time frame.

PD Glenn Welsh met with Chris Monsma and Bob Williams in February 2022.

- PD staffing has increased since 2016, currently sufficient. Office has changed investigator role to client service/ sentence mitigation position with a more social worker type focus.

- PD has 24 attorneys with 4 attorneys per courtroom except for Parisi and Lillis with only 3 attorneys.

- With COVID, attorneys are better prepared and get list of preliminary cases and schedule to talk with clients. Overall, there is shorter turn around.

- Video changes in court have resulted in more work for PD than DA.

- Judges do not bring people down from jail. Guilty plea must be signed in advance. Attorneys go to jail for signature and then fax to judge.

- Technology has helped, Teams meetings with clients and Polycom in office. There are more hours available to consult with clients at the jail with video. Applications can take 5 to 10 minutes, challenge with Spanish speakers.

- Caseload is down since 2016, because of DA diversion programs. A lot of cases are resolved in common hearings. DA intake list (admission until Midnight) is used to get application process. People are getting out faster by reviewing the list daily.

- Repeat offenders can use same application if the charge is less than 6 months (approximately).

- Juvenile caseload and adult caseload are down. Parole violations are not down.

- PD able to use digital signature for applications.

- Application is online, first in the state in Spanish and English. Inmates have tablets, request to put application on the tablets for inmates or on a kiosk in the dayroom.

- PD used office in old gym at jail for interviews often pre-pandemic.

- Courts set bail, new cash bail ruling from State Supreme Court.

- For a juvenile arrested on homicide, there is an issue with housing and site and sound separation for adults. Problem with not being able to house juveniles in Berks County. During COVID had 2 juveniles housed in Lehigh County, had to use Teams and travel to Lehigh facility to connect.

- Rules Committee proposal for arraignment in bail, limited cash bail instead of programs. MDJ can appoint PD at bond hearings for indigent and non-indigent clients. There is an issue with staffing the number of courts (Night Court, Weekend Court). If proposal passes, there will be an impact on jail population as serious offenders can qualify for bail.

- Some clients express that Treatment Courts are too lengthy in time.

Probation and Parole

Staff from the Adult Probation and Parole Office (APPO) discussed the services provided to rehabilitate offenders, working relationships with the courts, and education in the community. Chief Probation Officer Dan Heydt, Adult Probation Officer Brendan Harker, and Juvenile Probation Officer Jeff Gregro met with Chris Monsma and Bob Williams in February 2022.

- Currently have 69 adult and 36 juvenile officers, hired a Quality Assurance Coordinator for each group.

- Additional pretrial positions have been approved for 8 new officers.

- There is a caseload savings of 40 to 50 beds per officer.

- G Block Wing at jail could be used for substance abuse offenders with a 6-month program.

- There is a need for trauma informed care for female offenders at jail, classroom setting preferred.

- There is a need for office and interview space at the jail for intake officers and for interviews/assessment at the jail. Space could be shared with other agencies.

- APPO needs access to housing portion of jail to meet with inmates.

- Majority of inmates on violation status, APPO works with judge's staff to expedite time for hearings. Gagnon 1 hearing can be waived for Gagnon 2 hearing, Gagnon 1 hearings 5 business days and Gagnon 2 hearing in 2-3 weeks.

- Video Court grant written 7 years ago part of reason for speeding up technology use. APPO no longer sharing with PD for Polycom. Video being conducted on the unit, much more efficient with 12 machines on each of the blocks with more time slots available.

- Currently not communicating with offenders through the tablets at the jail.

- Caseload sizes today are down by 16, 20% from COVID. Total cases are about 6,800 versus 7,500, but numbers are going up.

- There is a desperate need for juvenile detention beds. One time had 48 beds, 20 were used. Operation cost $600 to $700/day, closed in 2012. County moved to a private facility, Abraxas Academy, with 36 beds shared with Dauphin County. Number of beds available are not guaranteed, usually have 6 to 8 per day needing detention beds.

- Many juvenile detention centers have closed. Kids with bench warrants often use electronic monitoring. Those charged as an adult cannot be held in the BCJS. ADP for Berks County juvenile was about 20 between 2001 and 2012, and then dropped to about 8 between 2020 and 2021.

- SCI Pine Grove has beds for youth, with per diem rates up to $480/day.

- Berks County contract with Lehigh County does not accept female juveniles, use Electronic Monitoring or house in Chester County.

- Juveniles can stay up to 13 months waiting for resolution of trial and can stay until they are 21.

- There is a need for a wing of 12 juvenile beds for direct file kids and traditional juvenile detention youth.

- There may be potential to use CRC for mental health outpatient, family therapy, or assessments if operationally feasible.

- Accelerated Rehabilitative Disposition (ARD) caseload of 1,100 includes Administration, Pending Removals, and DUIs. ARD reduces the need for jail beds.

- For Treatment Courts, judges use jail as sanction usually for 24 to 72 hours. Weekend sentences are still being used. Numbers are down overall. DUI Court is used most.

- New curriculum in March and new Assessment tool to be implemented for DVSC, 4 DV officers increasing to 5.

- On 02/02/2022, Electronic Monitoring had 55 APO, 16 JPO, SCRAM Alcohol Monitoring/ DUI had 26, and GPS (Substance or another court without alcohol component) had 29.

- Jail has a dedicated area on each block for video visitation machines on the ground floor. Savings in time and expedited jail releases are dependent on functioning video visitation.

Mental Health and Developmental Disabilities

Staff from the Office of Mental Health and Developmental Disabilities (MH/DD) met with the consultants to share observations of the system as a whole and their interface with the criminal justice system as a whole. Pamela Seamen met with Chris Monsma in February 2022.

- Monthly meeting is conducted with the Deputy Warden to review the jail roster for MH/DD issues, diversion opportunities, and information sharing. Forensic Diversion Program person is involved to provide options to court.

- There is a waiting list for Norristown State Hospital commitments. Competency questions for Norristown placement are reviewed with MH Court Officers.

- Making good progress for data base development for Stepping Up Initiative and data driven policies, paused currently with vendor going out of business in December of 2021. Process includes looking at benchmarks with length of stay and population of SMI and making connections outside of the jail. Goal to identify targets for reduction of SMI inmates and recidivism.

- Being an Innovator County puts Berks in connection with similar counties.

- SMI and Substance Abuse issues driving population at jail.

- Forensic Diversion includes 2 people - 1 in community and 1 in the jail – who work with MDJs and PDs. Program had 17 forensic apartments, now down to 11. There is a plan to purchase a building for forensic diversion housing, short-term housing, usually 6 months.

- Forensic Case Management has 3 case managers.

- Struggle with the technology connections in the jail for the Forensic Diversion contractors.

- Work with DA and PD to identify the DD population (typically co-occurring conditions) in jail and to find community alternatives.

- Subcontractor Service Access and Management are involved in all the Treatment Courts, plan to continue.

- Assertive Treatment Team addresses the highest level of acuity for treatment with nurse, therapist, peer, and others to work with SMI and history of community interventions. Service comes to the client in the community and can continue in jail if person becomes incarcerated.

- Younger males with physical aggression and SMI are usually not willing to enter treatment, engagement with MH/DD staff is key.

- Work with BCPS for a Forensic Employment Program to teach a trade, program since 2020 for finding employment, and caseload is 15 to 16.

- MH/DD program currently has 7 staff.

Pretrial Services

The pretrial release and diversion programs have been growing in Berks County, contributing to the jail population reductions. Berks County Pretrial Services (BCPS) is a tax-exempt charitable organization that works with adult defendants and inmates among others. Pretrial services in Berks County is currently expanding the use of pretrial assessment at the Magisterial District Judge level. Pretrial staff conduct interviews and assessments of criminal defendants. The assessments provide the court with information on the defendant's risk level and identifies those that are held only because they are unable to fiscally afford bail. BCPS staff Peggy Kershner and Nikki Schnovel met with Chris Monsma and Bob Williams in February 2022.

- During COVID, in person interviews turned virtual. Video interviews are very helpful for operations, helped to streamline BCPS.

- BCPS continues to provide assessments.

- Relationship with MDJs remains strong, utilization of services constant.

- Staff are not present at Central Court in the evening, used to have staff at preliminary arraignment. BCPS ready to return to Night Court.

- Conduct interviews at Central Processing during the day, also meet people at the jail in the evening. Low risk offenders are analyzed, and then confer with DA and PD.

- Staff have an office at the jail, will need at least 1 office in a new facility for interviews, which occur 24/7. Also need reentry space to include office and classrooms at jail.

- Reentry service has been at jail since 2010. This was negatively impacted by COVID. Video conferencing not as effective as in person with re-entry.

- Reentry is not able to keep up with BCPS programs for assessment. PACCD grant for class held in closet at jail for re-entry, lack of space.

- DOJ grant application not awarded; one problem was lack of classroom space in the jail. Program not able to chase some grants due to lack of space.

- Exploring idea of using pretrial electronic monitoring with BCPS clients.

- Electronic monitoring works well for treatment courts.

- Currently house 4 staff at the CRC, share 1 large office space with 4 desks - 3 case managers and 1 supervisor. Desire is to add 3 or 4 staff at the jail, not in housing unit but in central location.

- Other services to expand include family reunification, which can be extended inside the jail, i.e., Mother's Voice and Father's Voice programs (reading program with children). These initiatives have been on hiatus during pandemic.

- Celebrations could be held in the jail, bring family in during holidays and special events. Desire to expand these programs after pandemic eases. Events could be held in a multipurpose room.

- Full time person assigned to all problem-solving courts except Veterans Court for Workforce Development.

- Pretrial caseload reduced during the pandemic.

- Emergency Motions Judge concept has not progressed, but still have a good working relationship with DA and PD.

- Satellite office is now the primary office, as grew out of the Courthouse, now have a floor and a half.

- Looking at COVID response grant from United Way to operate a Re-Entry Resource Center. Model around the State for 1 stop shop for individuals coming out of jail. Full time position for referrals to the system for basic needs in reentry, i.e., ID services, insurance transportation.

PrimeCare

PrimeCare Medical, Inc. provides comprehensive healthcare services to county jails, prisons, and juvenile detention centers throughout the Northeastern United States. PrimeCare Medical specializes in correctional healthcare management through the significant contributions and strong moral values of our employees. PrimeCare Chief Operating Officer Todd Haskins met with Chris Monsma in February 2022.

- Feels there is a good handle on suicide prevention, as a substantial issue in jails. Individuals coming in are using different drugs, lack of access to health care, individuals more medically complex, and Mental Health issues.

- Pandemic plan was created in 2008, only lacked a quarantine time in the policy.

- Population has decreased in the jail. Intake process is a 13 page long ADM330 tool from NIC with a depression scale for male/female, illness screening, receiving screen, work clearance, etc. There is a 14-day physical to catch any inmates with no indicators at intake.

- Juvenile facilities in County have closed. There is a lack of beds and issues with PREA and sight and sound separation.

- Jail added and tweaked personnel, more Mental Health staff to include Psychiatric Nurse Practitioners and Psychiatric Registered Nurse.

- Medically Assisted Treatment (MAT) is labor intensive. NARCAN at release, suboxone can be continued. For methadone patients, recidivism rate is lower compared to relapse.

- Medical Department not functional currently. COVID forced bringing treatment to the inmate in addition to cart for pill call. Higher labor draw to bring service to the unit.

- D classification should be segregated from the population.

- Inmate intake/ quarantine must be suicide proof, issue with break-away hooks, bunks not held to wall, and top bunks with holes. Fixing bunks is a significant issue and expense. There is a concern with top bunks in Intake, Quarantine, and Detox Units.

- Staff support an open concept for booking.

- Medical staff part of release from the jail by coordinating medications and healthcare services.

Council on Chemical Abuse

The Council on Chemical Abuse, also known as COCA, is a non-profit agency that provides addiction resources, prevention education and recovery support for Berks County. Council on Chemical Abuse Executive Director Stan Papademetriou met with Chris Monsma in February 2022.

- Diversion programs have become more solidified for treating people in and outside the jail. Treatment Courts and Probation are good at intervention and redirecting people coming into the system.

- Vivitrol program offered for 30 days when released from jail.

- New jail needs more space to provide behavioral health services to include offices, individual meeting, and group program spaces, privacy issues with multi use room. Telehealth is increasing in capabilities and there is access to inmates.

- Council is an administrative unit that contracts with providers (Berks Counseling Center, Treatment Access and Services Center) for outpatient drug and alcohol assessments and counselling.

- Deflection and diversion are starting to work with the DA and PD at arrest level.

- G Block was providing a Drug and Alcohol therapeutic community to provide partial hospitalization treatment. Overcrowding forced the disbanding of the G Block therapeutic dedication unit. Continuity of care is paramount and this needs to be reactivated.

- While providing services to inmates, there is a desire to add a family component to the treatment.

Berks County Bar Association

The mission of the Berks County Bar Association is to support the legal profession by promoting professional excellence, encouraging collegiality, and exercising advocacy on its behalf. The Association also strives to support the community by publishing the Berks County Law Journal, providing educational programs for the public, assuring access to justice, and protecting the integrity of the legal system in Berks County. Andrea Mertz from the Bar Association met virtually with Chris Monsma in March 2022.

- Major issue with the interaction between defense attorneys and inmates.

- To show video, attorney must bring computer to the facility to share discovery. There should be a room with the ability to put in a CD of USB jump drive to show material to the inmate. This slows the process of discovery. Volume is substantial.

- Currently using video conferencing on the block for inmates, would like this practice to continue. Public attorneys have access now, private attorneys would like access as well. Currently private attorneys must call by phone.

- Since COVID it is difficult to have inmates sign papers. Jail had allowed faxes to be sent for signature, no longer doing this administration. There needs to be a room for signatures during a pandemic.

- At jail currently meet inmates in a multipurpose room that is not private (visually). This is a problem when inmates are interacting with law enforcement. There is a secured room for law enforcement interviews.

- Jail needs larger lockers for visitors, i.e., winter coats, so attorneys can leave things securely in the facility.

- Bails have been consistent and are being examined currently with legislators and judges. Sentencing guidelines are being examined in the State.

- Problem solving treatment courts have been very effective for Berks County residents. The courts are excellent for those who want to change, sometimes there are transportation issues and a cost for the program.

- Juveniles housed in other counties is a huge issue for transportation. Attorneys need to see the defendants.

- Persons going into jail with medications are not getting a continuance of care. Sometimes takes days to get medications reestablished.

- There is a new behavioral health center with Tower Health and Reading Hospital with approximately 40 beds.

Conclusion

Berks County has embraced many new, innovative criminal justice practices over the years, often as a leader. The programs afforded outside the BCJS are often progressive and effective. The county has embraced Treatment Courts as one method to diversion from incarceration and the support of these Treatment Courts is far ahead of many counties.

While programs to reduce recidivism are ahead of the curve, the physical space in the BCJS is a hindrance to promoting and furthering the County's initiatives. The facility should provide a normative and therapeutic environment, focused on rehabilitation of the offender. This is a challenge with the current structure.

The COVID pandemic has forced the county to adapt to new measures for public health reasons and has exacerbated some issues with space in the current facility, especially as it relates to separation of inmates and quarantine. The pandemic has shocked the system and brought about a substantial decrease in the jail population in the past two years. Planned initiatives like video court became a necessity during the pandemic. Understanding these issues and potential to have long-lasting impacts is crucial to the development of a bed space need projection and identification of facility space needs.

BERKS COUNTY

CORRECTIONAL FACILITY

BCCF

SECTION 3

INMATE POPULATION & BED PROJECTION

SECTION 3 INMATE POPULATION & BED PROJECTION

Introduction

The Project Team has developed a sophisticated model for simulating and forecasting pre-trial, sentenced, probation, and other correctional populations. Because no two criminal justice systems are the same, the model allows analysts to customize and construct processes that mimic the actual flow of offenders through a jurisdiction's criminal justice systems, based on the unique sentencing structure and policy environments of the target system.

The output of the model is a projection of the number of persons as they flow through each component of the county justice system to the year 2035. By changing key assumptions, the model also provides a means for specifically measuring the impact of changes in policy, law, or operational practices on each component of the justice system. This will allow us to test the impact of specific alternative programs or policies upon the status quo forecast of system populations.

The next step is to forecast the current bed capacity needs for each of these same offender groups. Because in-custody populations may fluctuate dramatically, it will be necessary to establish a population peaking factor that reflects the percentage the correctional system was historically over the average population annually. These data are vital in establishing policy on how to manage the system at the margins of its capacity.

The peaking factor is calculated by measuring the population counts for the major sub-groups over a 12-month period. The current bed capacity levels are established for the same offender classification typologies and comparisons between the population levels over a 12-month period with the established capacity figures are calculated. The daily population counts recorded over the past 12 months are examined to identify seasonal and weekly fluctuations.

Having mapped out the current bed capacity and the historic population counts, the current bed capacity needs both overall and within specific offender groups can be established. Opportunities for policy changes or programs that may reduce the jail population are considered and modeled to project the impact of these changes upon the justice system.

Modelling Methodology

The projections for average daily population (ADP) and bed space needs are based on three major factors: system based statistical models, demographic based statistical models and time series modeling.

The development of the Berks County Jail System (BCJS) ADP and bed space projections uses thirteen models to forecast population levels to the year 2035. The primary factors employed for the models were the annual ADP, annual admissions (ADM), average length of stay (ALOS), and county population projections. The annual data from 2021 serves as the baseline year for the projection models. The following is a description of each model considered, broken into the three modeling categories.

System Based Statistical Models

- Model 1 - Historical Trend Percentage Change calculates the total percentage change from the beginning point to the end point of the historical data series. The annual percentage increase rate used in the model was applied to the base year and subsequent years to calculate future ADP levels.

- Model 2 - Historical Compound Annual Growth Rate (CAGR) uses the historic annual growth rates to determine a percentage of growth. Often used in financial forecasting, the CAGR is applied to the projection end date of 2035.

- Model 3 - Mean Deviation compares the peak year population to the average from the historic data. The model is standardized by dividing the number of years observed. The mean deviation model shows the high points in most models as it is projected forward.

Demographic Based Models

- Model 4 - Incarceration Rate Percentage Change uses the historic change in ADP per 1,000 residents of Berks County, also known as the Incarceration Rate, and extends the change in incarceration rate to the year 2035. The percentage is applied to the Berks County population projections.

- Model 5 - Ratio to Population is dependent on annual population projections for residents of Berks County. The difference in models 4 and 5 is that the percentage change is not considered in model 5, as the existing, high, average and low historic incarceration rates are applied to the population projections. The incarceration rate is the driving factor of model 5.

- Model 6 - Ratio to At-Risk Population model singles out the At-Risk population, those aged 20 to 49, who make up the bulk of the

inmates in the jail system. The existing, high, average and low incarceration rates compared with the At-Risk historic population is applied to the projected at-risk population to the year 2035.

- Model 7 - ALOS to Projected Admissions Model applies existing, high, average, and low ALOS rates from the base year and applies it to the projected admissions to 2035.

- Model 8 - Ratio to Violent and Property Crimes uses the historic ratios of violent and property crimes to inmate population. The ratio is then applied to projected crimes based on historic trends.

- Model 9 - Ratio to Arrests uses the historic ratios of arrests to inmate population. The ratio is then applied to projected arrests based on historic arrest trends.

Time Series Modeling

- Model 10 - Linear Regression determines a best fit line considering the historic ADP over time. This best fit line is extended to 2035.

- Model 11 - Multiple Regressions determines a best fit line considering the ADP over time and Berks County population. Multiple regressions are run on time and population, arrests, and jail admissions. This best fit line is extended to 2035.

- Model 12 - Box-Jenkins ARIMA uses an Autoregressive Integrated Moving Average technique from a computerized formula. Model 12 uses the Box-Jenkins model of ARIMA which is used typically for accurate short-term projections of data that shows predictable repetitive cycles and patterns.

- Model 13 - Exponential Smoothing ARIMA identifies levels and trends by smoothing the latest data points to decrease irregularity and adds a seasonality factor. The seasonal indexes are obtained by smoothing seasonal patterns in the historical data. Exponential Smoothing is an alternate ARIMA model. The exponential smoothing model gives older data progressively-less weight while new data is weighted more.

While thirteen models are run, not all are used in the averaging of models for ADP projections. Models determined to have appropriate statistical reliability and significance were weighted equally to determine forecast figures. For the ARIMA models, the r-squared values below 0.8 were not used in the final average. R-squared shows the amount of explained variance in the statistical model.

Historical trend analysis models and ratio models were included unless the population forecast looked unrealistic. An unrealistic forecast, for example, would be downward trends that fell below zero. These were not considered in the final models.

A total of eight models, with at least one from each of the three subsections, were selected and averaged. Each model presents a differing snapshot to the future that is beneficial to the final projection. To dampen the limitations of the forecast models, equal weighting and averaging of models is used. The averaging of the models, while not perfect, does reduce some of the flaws of the individual forecasting models and shows patterns of model agreement. Targeting models from each of the three subsections produces a more robust model. Models selected are not as subjected to volatility of historic trends as those not selected.

Average Daily Population Projections ("Heads")

The Average Daily Population (ADP) projections for the BCJS is based on nine models. The only models excluded from the projection model were the Compound Annual Growth Model, Ratio to Offenses Know to Law Enforcement Ratio, Linear Regression, and ARIMA Box-Jenkins model. The excluded models did not have statistical strength or yielded a result that is not practical (system trends that yield negative population for example).

The models used are given equal weight. Projections are in five-year increments to the year 2035. The ADP is projected to increase from 747 to 823, an increase of 10.1 percent, see Table 3-1.

Table 3-1
ADP Projection: Recommended Model

Item	2021	2025	2030	2035	# Change	% Change	Average
Berks County Population	443,329	456,072	471,457	484,594	41,265	9.3%	467,975
At Risk Population	164,969	171,141	179,342	186,001	21,032	12.7%	175,626
Criminal Case Filings	6,947	7,440	8,056	8,672	1,725	24.8%	7,810
Admissions	3,493	4,236	5,165	6,094	2,601	74.5%	4,794
Recommended ADP	747	799	810	823	76	10.1%	803
IR / 1000 Pop	1.68	1.75	1.72	1.70	0.01	0.8%	1.72

Source: CGL Companies, August 2018 and updated Monsma Consulting Group, March 2022.

After discussions with criminal justice stakeholders in Berks County, a common theme was a return to some pre-pandemic indicators, including jail admissions, arrests, and criminal case filings. These variables were gradually returned to 2019 levels over the projection horizon. Along with the projected population increase, and at-risk population increase, results in the increase in jail ADP to 2035.

Comparing the ADP projection from the 2018 master plan, which projected an ADP of 1,137 in 2030, there is a 26.4 percent reduction of ADP. The previous master plan projected ADP to the year 2030.

In terms of incarceration rate (IR) per 1,000 residents of Berks County, the updated projection has the IR increasing slightly from 2021 to 2035, from 1.68 to 1.70 inmates per 1,000 residents. Comparing with the 2018 study, the projected IR for 2030 was 2.41 inmates per 1,000 residents. The new projection has the IR at 1.72 in 2030, a reduction of 28.6 percent.

For alternative projections, the lower and upper bounds for the recommended ADP and jail bed space projections are calculated.

The lower bound and upper bounds of the projected ADP is shown in Table 3-2. The same models used in the projected ADP are used for the lower and upper bound projections. The lower ratios and lower confidence intervals of the regression models yield the lower bounds. The higher ratios from the historical data and the upper confidence intervals of the regression models are used for the upper bounds.

The lower bound ADP is projected to increase by 1 in 2035. The upper bound ADP is projected to increase from 747 in 2021, to 903 in 2035. The range between lower and upper bound ADP projections in 2035 is 155. This is often referred to as the cone of confidence of the projections.

Table 3-2
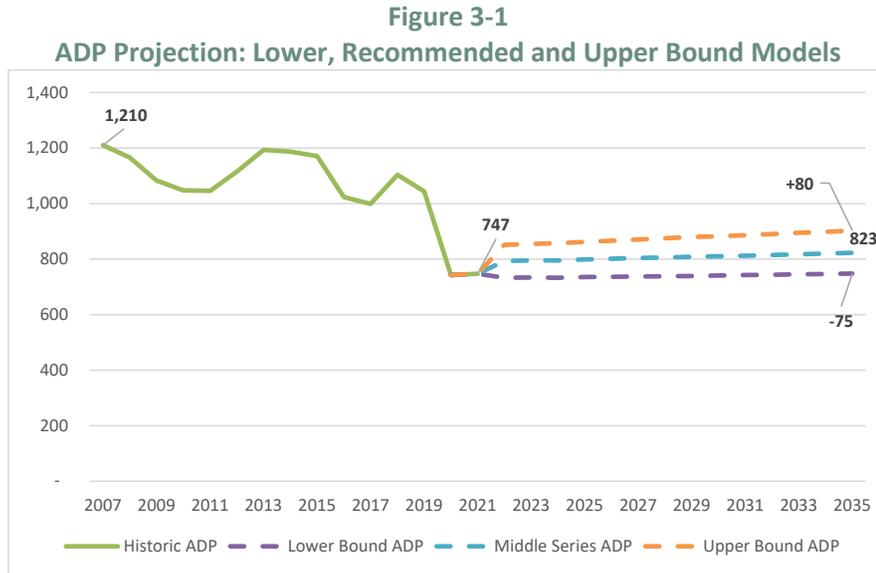**ADP Projection: Lower, Recommended and Upper Bound Models**

Item	2021	2025	2030	2035	# Change	% Change	Average
Jail ADP - Lower Bound	747	735	741	748	1	0.2%	740
Jail ADP - Recommended	747	799	810	823	76	10.1%	803
Jail ADP - Upper Bound	747	862	882	903	156	20.9%	868

Source: CGL Companies, August 2018. Updated Monsma Consulting Group, March 2022.

Figure 3-1 illustrates the difference in the lower and upper bound ADP projections. The historical annual ADP is decreasing overall. The recommended, lower bound and upper bounds ADP projections all fall below the pre-pandemic ADP data.

Figure 3-1
ADP Projection: Lower, Recommended and Upper Bound Models

Separate projections were run for females and males, using the same models used for the aggregate projections, presented in Table 3-3. From the Center for Rural PA projections, the male population is projected to increase faster than the female population in the county to 2035. The males in BCJS are projected to increase by 13.7 percent, while the female population increases by 6.1 percent. Females will still outnumber males in the county in 2035.

Table 3-3
ADP Projection: Recommended Model by Gender

Item	2021	2025	2030	2035	# Change	% Change	Average
Berks County Male Population	213,717	226,061	234,138	241,010	28,989	13.7%	228,199
Berks County Female Population	229,612	230,011	237,319	243,584	13,972	6.1%	238,698
Male ADP	676	719	724	731	67	10.0%	717
Female ADP	71	79	86	92	13	16.6%	83

Source: CGL Companies, August 2018 and updated Monsma Consulting Group, March 2022.
Source: Center for Rural PA, March 2022.

The female population has decreased from 129 in 2009 to 71 in 2021. The female ADP is projected to increase from 71 in 2021 to 86 2030, and to 92 in 2035. The male projection is projected to increase 10.0 percent from 2021 to 2035, from 676 to 731.

Bed Space Need Projections ("Beds")

Criminal justice facilities cannot be planned for the ADP solely; peaks in population must be accommodated, along with beds for differing inmate classification. A peaking factor accounts for seasonal variations in the inmate population. There needs to be enough beds to accommodate seasonal increases without overcrowding. The peaking value of the system is calculated using monthly jail population data from January 2007 to December 2021. The percentage difference from the highest month was compared to the annual ADP for each year to determine the peaking factor of 6.2 percent for the BCJS.

A classification factor accounts for a fluctuation in the type of inmates held at any given time. There may be times where there are more maximum security inmates than the average number, conversely there may be times when there are more minimum security inmates than the average. There needs to be enough flexibility in the type of beds at any given time to provide appropriate separations between the classification levels of inmates. It is very difficult or impossible to ascertain a historic percentage for a classification factor, as systems do not retain classification data in an aggregate manner historically. As such a 7.0 percent for a classification factor based on experience working with similar sized jails is applied to the ADP for bed space need projections.
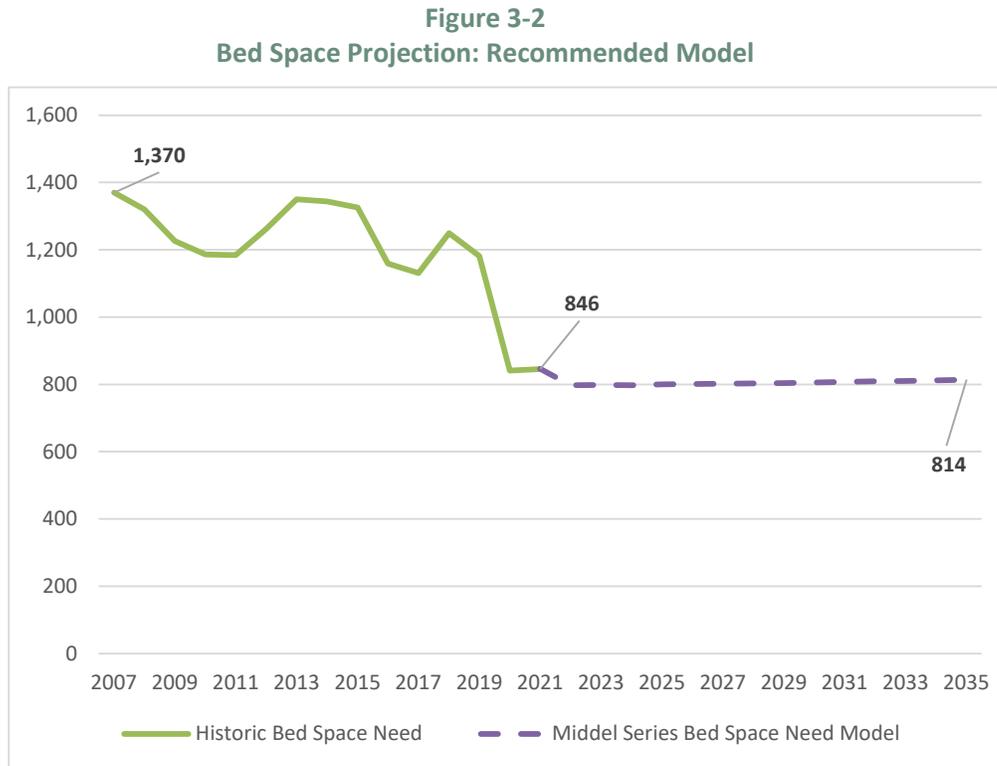
The peaking and classification factors are added together and then added to the projections to calculate the number of beds needed. As detailed in Table 3-4, the projected system-wide bed space need for Berks County is 846 in 2021 and 931 in 2035.

Table 3-4
Bed Space Projection: Recommended Model

Item	2021	2025	2030	2035	# Change	% Change	Average
Recommended ADP	747	799	810	823	76	10.1%	803
Peaking (6.2%)	46	50	50	51	5	10.7%	50
Classification (7%)	52	56	57	58	6	10.7%	56
Recommended Bed Space Need	**846**	**904**	**917**	**931**	**90**	**10.7%**	**905**

Source: CGL Companies, August 2018 and updated Monsma Consulting Group, March 2022.

Figure 3-2 graphs the historic and recommended bed space needs.

Figure 3-2
Bed Space Projection: Recommended Model

Converting the lower and upper bound ADP to projected jail bed space need is the same process as the recommended jail beds space need. The only difference is that the peaking values are set to the lowest annual peaking percentage for the lower bound at 1.8 percent, and the highest annual peaking percentage for the upper bound at 8.8 percent. The lower bound bed space need remains relatively even, with a projected bed space need of 814 in 2035. This is a 0.2 percent increase in needed jail beds from 2021, reference Table 3-5.

Table 3-5
Bed Space Projection: Lower Bound Model

Item	2021	2025	2030	2035	# Change	% Change	Average
Jail ADP - Lower Bound	747	735	741	748	1	0.2%	740
Peaking (1.8%)	13	13	13	13	0	0.2%	13
Classification (7.0%)	52	51	52	52	0	0.2%	52
Lower Bound Bedspace Need	**813**	**800**	**806**	**814**	**1**	**0.2%**	**805**

Source: CGL Companies, August 2018 updated Monsma Consulting Group, March 2022.

The upper bound bed space need grows from 864 beds in 2021 to 1,044 beds in 2035, a 20.9 percent increase in needed jail beds from 2021, see Table 3-6.
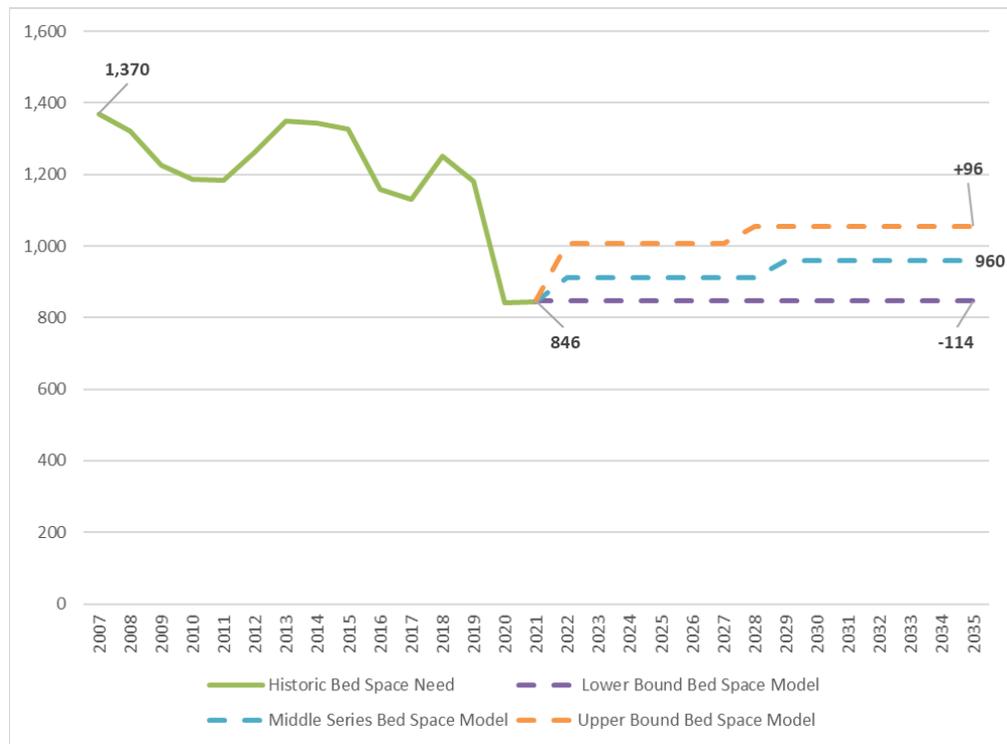
Table 3-6
Bed Space Projection: Upper Bound Model

	2021	2025	2030	2035	# Change	% Change	Average
Jail ADP - Upper Bound	747	862	882	903	156	20.9%	868
Peaking (8.6%)	64	74	76	78	13	20.9%	75
Classification (7.0%)	52	60	62	63	11	20.9%	61
Upper Bound Bedspace Need	**864**	**997**	**1,019**	**1,044**	**180**	**20.9%**	**1,003**

Source: CGL Companies, August 2018 updated Monsma Consulting Group, March 2022.

Figure 3-3 graphs the historic and lower bound, recommended, and upper bound system-wide bed space needs.

Figure 3-3
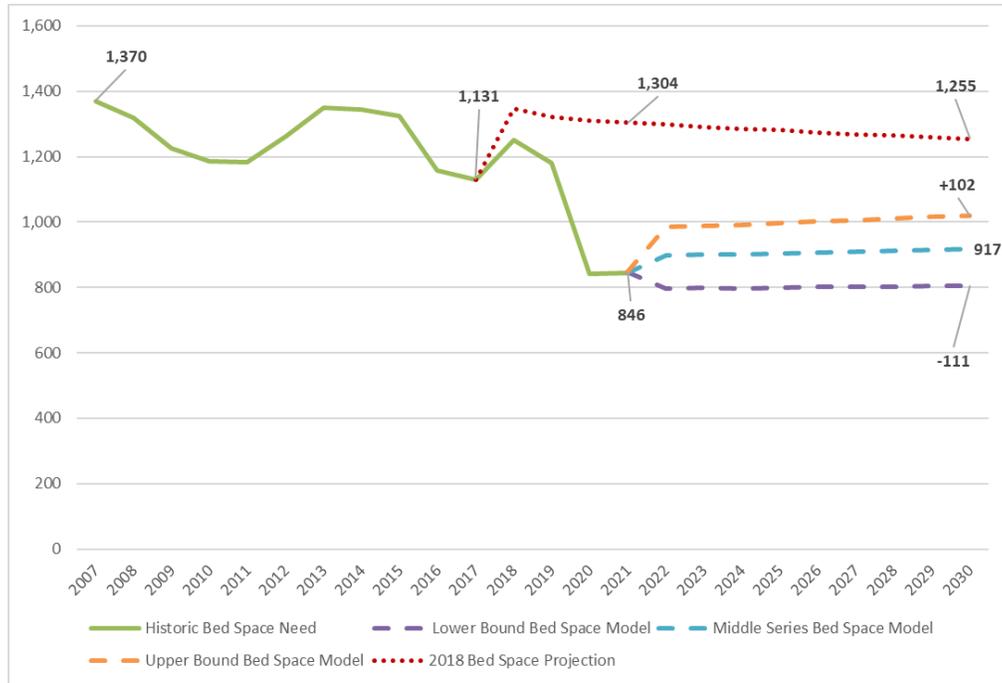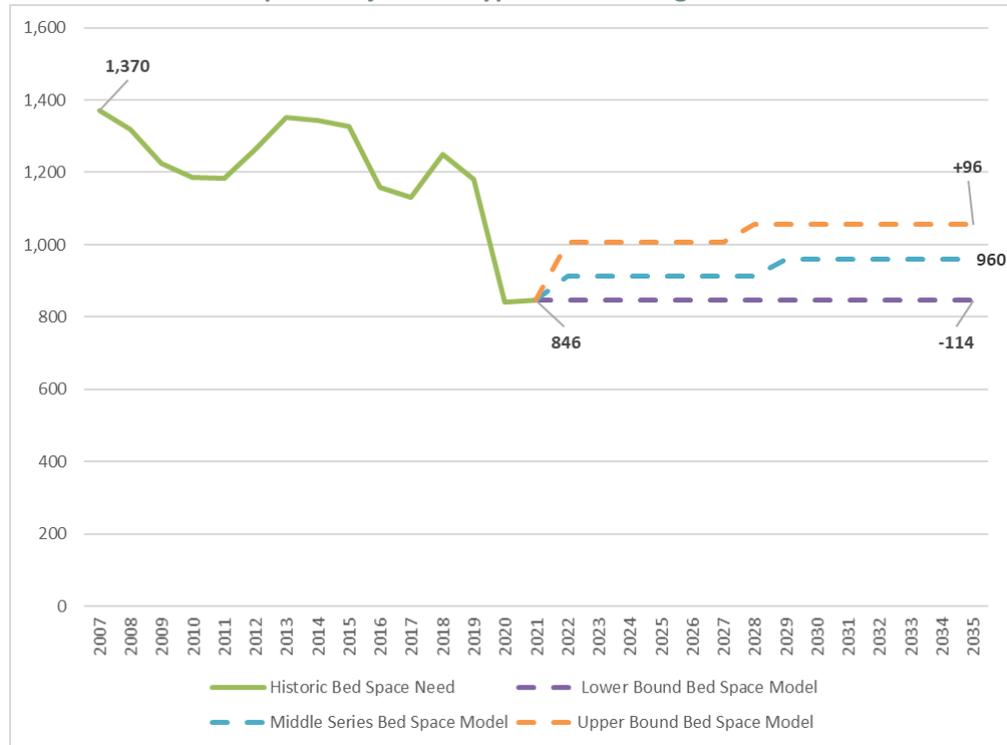**Bed Space Projection: Lower, Middle and Upper Bound Models**

Comparing the projected jail bed space needs from the 2018 report in the year 2030, the forecast horizon in the previous report, there is a decrease of 338 beds needs. This represents a 26.9 percent reduction in the number of jail beds from the previous study to the updated study. Figure 3-4 compares the previous bed space projection and the updated beds space projections.

Figure 3-4
Bed Space Projection:
Lower, Middle and Upper Bound Models Compared to Previous Study

For space planning purposes, estimating the number of bed spaces needed using architecturally sound typical bed unit configuration for housing (48 to 64 beds), the 2035 bed space need for the BCJS is rounded to 960 beds. The lower bound bed space need is 846 beds, and the upper bound bed space need is 1,056, illustrated in Figure 3-5.

Figure 3-5
Bed Space Projection: Typical Bed Configuration

Disaggregate projections by gender are based on the percentage of gender occupancy in the monthly data from January 2009 to December 2021, presented in Table 3-7. The monthly number of females in the overall population ranges from 51 to 162. Using the recommended peaking and classification figures, the bed space need for females in BCJS increases from 84 in 2021 to 109 in 2035, an increase of 29.8 percent. The corresponding bed space need for males increases 8.0 percent, from 762 in 2021 to 823 in 2035.

Table 3-7
Bed Space Projection: Recommended Model by Gender

Item	2021	2025	2030	2035	# Change	% Change	Average
Jail Bed Space Need - Females	84	93	101	109	25	29.8%	98
Jail Bed Space Need - Males	762	811	816	823	61	8.0%	811
Jail Bed Space Need - Total	**846**	**904**	**917**	**931**	**86**	**10.1%**	**909**

Source: CGL Companies, August 2018 updated Monsma Consulting Group, March 2022.

From snapshot data between September 2018 and February 2022, average percentages for mental health inmates, medical inmates, and security level classifications were applied to the bed space need. The results are presented in Table 3-8.

Table 3-8
Bed Space Projection: Recommended Model by Classification

Item	2021	2025	2030	2035	# Change	% Change	Average
Jail Bed Space Need - Minimum	47	51	51	52	5	10.1%	51
Jail Bed Space Need - Medium	346	370	375	381	35	10.1%	372
Jail Bed Space Need - Maximum	162	173	175	178	16	10.1%	174
Jail Bed Space Need - Medical	9	10	10	10	1	10.1%	10
Jail Bed Space Need - Mental Health	118	126	127	129	12	10.1%	126
Jail Bed Space Need - PC	63	67	68	69	6	10.1%	67
Jail Bed Space Need - Flex	101	108	110	112	10	10.1%	109
Jail Bed Space Need - Total	**846**	**904**	**917**	**931**	**86**	**10.1%**	**909**

Source: CGL Companies, August 2018 updated Monsma Consulting Group, March 2022.

The minimum, medium and maximum general population beds are reflective of past practices of classification in the jail. Medical beds are for those that need to be separated from the general population for medical reasons. The number of mental health beds averages 126 for all acuity levels. Based on prior snapshots, about half of the mental health need (64 beds) is for the highest level acuity of D. The breakout includes flex space of about 100 beds to adapt to future needs. Flexibility in jail space was mentioned by several criminal justice stakeholders during the project.

BERKS COUNTY

CORRECTIONAL FACILITY

BCCF

APPENDIX A

GLOSSARY

APPENDIX A: GLOSSARY OF ABBREVIATIONS

ADM – Admissions

ADP – Average Daily Population

ALOS – Average Length of Stay

APPO – Adult Probation and Parole Office

ARD - Accelerated Rehabilitative Disposition

ARIMA - Autoregressive Integrated Moving Average

BCJS - Berks County Jail System

BCPS - Berks Connections Pretrial Services

BTPD -Bern Township Police Department

CAPPAC - Pennsylvania Commission on Crime and Delinquency's County Adult Probation and Parole Advisory Committee

CAGR - Compound Annual Growth Rate

CBPD - Central Berks Police Department

CJAB - Criminal Justice Advisory Board

COCA - Council on Chemical Abuse

CRC – Community Resource Center

DA – District Attorney

DOC - Pennsylvania Department of Corrections

DUI – Driving Under the Influence

FTA - Failure to Appear

IR – Incarceration Rate

MAT - Medically Assisted Treatment

MDJs - Magisterial District Judges

MH – Mental Health

MH/DD - Office of Mental Health and Developmental Disabilities

MHSR - Mental Health Stability Rating Scale

NGRI - Not Guilty by Reason of Insanity

PD – Public Defender

PREA – Prison Rape Elimination Act

RPD - Reading Police Department

SMI – Severe Mentally Illness

STPD - Spring Township Police Department

WRPD - West Reading Police Department

BERKS COUNTY

CORRECTIONAL FACILITY

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APPENDIX B

COMMUNITY INPUT

APPENDIX B: COMMUNITY INPUT

July 12, 2022

Appendix to Needs Assessment Update Report from Community Input

We appreciate the thoughtful and thorough feedback on the Berks County Correctional Facility 2022 Needs Assessment Update provided by community members. The entirety of comments received, along with our responses, are included in this response. Our responses to community input center on two common themes, and they are like comments we have received from communities across the country in our four-plus decades of providing justice system consulting.

Data collection and comparison between 2018 report and 2022 update
Due to different reporting methods and structures over time, certain data from 2018 could not be replicated in the same manner for the 2022 report. The data collection does not impact our recommended projection.

Policy decisions on models used to project number of beds
We recommend using the middle bound projection to ensure optimal operations, management and flexibility. It is not prudent to use the higher bound, as that could result in over-building; likewise, it is also not prudent to use the lower bound, as under-building may result in overcrowding. Under-building limits the jail's ability to provide proper classification, which can have impacts on overall security and positive outcomes for individuals. It is important to keep in mind criminal justice facilities should be planned for the population, but also for peaks in that population as well as flexibility for differing inmate classifications and needs.

The recommended model is a total of eight models, with at least one from each of the three subsections selected and averaged. Each model presents a differing snapshot to the future that is beneficial to the final projection. To dampen the limitations of the forecast models, equal weighting and averaging of models is used. The averaging of the models, while not perfect, does reduce some of the flaws of the individual forecasting models and shows patterns of model agreement. Targeting models from each of the three subsections produces a more robust model. Models selected are not as subjected to volatility of historic trends as those not selected.

Providing the "right" number of beds is certainly a primary goal for this project. Alternatives to incarceration, whether deflection from the justice system, diversion from incarceration, changes to bail policy and legislation, and the variety of tools in the hands of all partners in the justice system, has certainly had an impact on the number of people in custody. Data analysis leading to the projected number of beds did include trends related to alternatives to incarceration. Regardless of that, there will continue to be a population for whom they are not applicable, and the number of beds planned for this facility is evidence-based, data-informed, and to the best of our collective ability right-sized.

We appreciate the public interest in this important project, and we will continue to work with community groups across the county as the project progresses to ensure the voices of all citizens are heard.

Questions from Crystal Kowalski, Building Justice in Berks

Hello Stephanie, Steering Committee, Commissioners and CGL,

Thank you for the opportunity to review the draft of the Needs Assessment Update.

I have some basic definition/logistic type questions to start with:

What does PC stand for in Table 3-8?

PC stands for Protective Custody.

In the 2018 report, the terms Part 1(more serious) and Part 2(less serious) offenses were used. How do Felony, Misdemeanor, and Summary fit over these terms?

Offenses are the crimes committed; felony/misdemeanor/summary are the charges filed by the State and/or County against the person who committed the crimes. Part 1 offenses are serious crimes that occur on a regular basis. (Criminal Homicide, Forcible Rape, Robbery, Aggravated Assault, Burglary, Larceny, Motor Vehicle Theft, Arson). Part 2 represents less serious crime classifications (other assaults, forgery and counterfeiting, fraud, embezzlement, stolen property, vandalism, weapons, prostitution, sex offenses, drug abuse violations, gambling, DUI, liquor laws, drunkenness, disorderly conduct, vagrancy, and all other offenses not specifically identified as Part I or Part II offenses).

In the 2022 report, the terms Maximum, Medium, and Minimum are used. How do Felony, Misdemeanor, and Summary fit over these terms?

Maximum, Medium and Minimum are classification levels the jail uses when assigning housing for the temporarily incarcerated. Felony / Misdemeanor / Summary are the charges from the State and/or County.

In the 2022 report- Table 1-8, what is "Item Punishment?" Are these probation or parole violations?

'Iterm Punishment' is shortened for Intermediate Punishment Program, which is a form of sentencing for non-violent offenders available as an alternative to straight prison time. This is a data point for Adult Probation and Parole caseload; however, intermediate punishment is within the discretion of the court.

In Table 1-9, what does "Other" refer to?

This refers to other Parole and Probation cases -- for example, absconders and probation cases that are still active but transferred to another county.

Could you please explain Table 1-18 in the current report? I need help with the classifications and how the four snapshots fit together in the table.

This data was provided by the jail as daily snapshot data of how each inmate is housed by classification. We arrive at each figure through an average of the four snapshot days.

In Table 3-8 of the updated report does "Jail Bed Space Need – Flex" account for the peaking and classification percentage increase?

Jail bed space need – flex relates to the management of inmates and allows for flexible space that is desperately needed in most local jails. The space can be used for different populations as needed. This is related to the peaking and classification percentage.

In Table 3-8 of the update, the projected bed space need in 2035 is 931 beds. CGL is advising to build for 960 beds. Is this because of a pod/unit having a given or set number of beds(for example 40 beds/pod)?

For space planning purposes, the 2035 bed space need for the Berks County Correctional Facility is rounded to 960 beds. This is based on the number of bed spaces needed using architecturally sound typical bed unit configuration for housing (48 to 64 beds).

In comparing the 2018 report and the 2022 updated needs assessment I have some comments and questions:

I did not find counterparts in the 2022 update to the following tables from the 2018 report:1-16, 1-17, 1-18(Pretrial Services), 1-22(Inmates by time in jail), 1-23 (Comparison to other counties), 2-1(Detox Trends), Figure 1-20(Monthly ADM and ADM with Bail)

Due to different reporting methods and structures, certain data from 2018 could not be replicated in the same manner for the 2022 report. The data collection does not impact our recommended projection.

In the 2018 report there was a very useful table that appeared twice, once as ES-1 and once as Table 3-10. The table in the update that has a very similar title is Table 3-8. Is this meant to be the counterpart?

Table ES-1 of the 2018 report included snapshot release data from the jail that gave inmate length of stay and categorized them by Pretrial Felons; Pretrial Misdemeanants; Pretrial Ordinance; DOC-TPV; and Sentenced. Due to different reporting methods and structures, certain data from 2018 could not be replicated in the same manner for the 2022 report. The data collection does not impact our recommended projection. The bed space delineation in the current report (reference table 3-8) is a better delineation of the beds for jail planning purposes.

Table 3-5 in the 2018 report uses a recommended peaking percentage* of 5.3% within a confidence range of 2.9%(lower bound) – 10.3%(upper bound). This recommendation is 2.4 points from the lower bound and 5 points from the upper bound. Table 3-4 in the Update uses a recommended peaking percentage of 6.2% within a confidence range of 1.8%(lower bound) – 8.6%(upper bound). This current recommendation is 4.4 points from the lower bound and 2.4 points from the upper bound. Why was the decision made to recommend closer to the upper bound in the current projection?

> **CGL's explanation of a peaking percentage: "The peaking value of the system is calculated using monthly jail population data from January 2007 to December 2021. The percentage difference from the highest month was compared to the annual ADP for each year to determine the peaking factor of 6.2 percent for the BCJS."*

The number of beds included in this project is grounded firmly in data analysis and accounts for potential fluctuations in the size of the population as well as anticipated further diversion of people through alternatives to incarceration. It would be truly beneficial to all our communities if fewer people are incarcerated. For those who are incarcerated, however, it is also very important that they are housed as humanely as possible in a facility that is not overcrowded and is planned with enough space to provide programming aimed at supporting the people in custody.

Peaking percentages consider seasonal variations in the inmate population and are determined using monthly jail population data; therefore, they are not a static number and have changed since our 2018 report. The peaking percentage we use is the average of the peak annual percentages from 2007 to 2021.   The recommended peaking percentage is independent of the upper-bound and lower-bound recommendations.

In CGL's four-plus decades of providing consulting services to jurisdictions planning for new justice facilities, we have consistently recommended an average of the upper bound and lower bound data to ensure optimal operations, management and flexibility of the facility. It is not prudent to use the higher bound, as that could result in over-building; likewise, it is also not prudent to use the lower bound, as under-building may result in overcrowding. Under-building limits the jail's ability to provide proper classification, which can have impacts on overall security and positive outcomes for individuals. It is important to keep in mind criminal justice facilities should be planned for the population, but also for peaks in that population as well as flexibility for differing inmate classifications and needs.

If we look back at the 2018 bed space need projections with the benefit of hindsight, we see that the lower bound projections were the closest to being accurate, although much higher than actual. The current lower bound projection still provides for peaking and classification needs. Knowing this, wouldn't it be wise to use the lower bound projection?

The reason the current population is closer to the lower bound projection in the 2018 report is due to the drop in inmate population during the pandemic, which is a trend we saw nationwide. To take a broader look beyond the pandemic dip, we reviewed historic data from 2011 to 2021. Peaking and classification have been applied to all projections, including our recommended projection as well as the lower bound and upper bound projections. Our recommendation remains the model presented, with a bed space number of 960 beds.

Comments and Requests:

I would like to see an update of Table ES-1 from the 2018 report without altering the items listed. I request that an update be included in the final version of the Needs Assessment Update.

Table ES-1 of the 2018 report included snapshot release data from the jail that gave inmate length of stay and categorized them by Pretrial Felons; Pretrial Misdemeanants; Pretrial Ordinance; DOC-TPV; and Sentenced. Due to different reporting methods and structures, certain data from 2018 could not be replicated in the same manner for the 2022 report. The data collection does not impact our recommended projection. The bed space delineation in the current report (reference table 3-8) is a better delineation of the beds for jail planning purposes.

The 2022 Update uses the terms – Pretrial, Felony, Misdemeanor, and Summary much less frequently than the 2018 report. Using alternate terms is making it difficult to understand the update. I request that the terms – Pretrial, Felony, Misdemeanor, and Summary- and the updated data associated with them be included in the final version of the Needs Assessment Update. The terms - Pretrial, Felony, Misdemeanor, and Summary are categorical. You either fit in the category or not. The terms - Minimum, Medium, and Maximum feel like a scale-somewhat subjective.

Due to different reporting methods and structures, certain data from 2018 could not be replicated in the same manner for the 2022 report. For the 2022 report, we used data, including but not limited to the Berks County Jail, Berks Connections Pretrial Services, The Unified Judicial System of PA, and Adult Probation and Parole. The terms used in the report are consistent with the sourced data provided. The data collection does not impact our recommended projection.

Regarding terminology, offenses are the crimes committed; felony/misdemeanor/summary are the charges filed by the State and/or County against the person who committed the crimes. A detainee can have multiple charges; the jail classifies into one of three classifications: minimum, medium or maximum.

I would like to see the proactive guidance that was included in the 2018 report included in the Update.

> *Excerpt from 2018 Report - "From the data presented in Table 1-22, Berks County could potentially reduce the jail ADP by over 44 percent with the timely disposition of pretrial misdemeanants, felons, ordinance violators and technical probation violators. The numbers of pretrial misdemeanants and ordinance violators that have been in the Berks County Jail more than 90 days suggests further investigation on why these level of offenders are in custody."*

If we have solved these problems, it would be helpful to see a table indicating and acknowledging that.

Due to different reporting methods and structures, certain data from 2018 could not be replicated in the same manner for the 2022 report. The update does provide snapshot data of pretrial inmate bond amounts and identified on page 1-40: "Of the 213 "true pretrial" with bonds, 119 had bonds of $50,000 or less. While not everyone with a bond will be able to post the bond for a multitude of reasons, concentrating on lowering the number of inmates with the lower bonds could open jail beds. If 15 percent of those with bonds of less than $50,000 were able to be released, 18 beds on average could be saved in the Berks County Correctional Facility.

In Table ES-1 of the 2018 report, the jail population is projected to decrease as it moves into the future. In Table 3-4 of the 2022 Update, it is projected to increase. Page 94 of the Update ties this increase largely to Stakeholders opinions/projections. There are 4 stakeholders making these projections of an increase.

- **Jail Staff, the President Judge, an MDJ, and CBPD Chief**
- **There are 2 that mention increase in crime, but don't expressly say it will raise the jail population.**
- **There are two police chiefs that say it is largely dependent on attitude about treatment and what the courts do.**
- **RPD Chief Tornielli believes the jail population will stay consistent.**
- **Every commissioner expressed the desire that it should not increase to previous levels.**
- **The DA says the jail population is stable and that minor crimes are not making it to case.**

At the Visioning Session, a sentiment that was expressed by many of the attending stakeholders was: We have to be willing to change. We can't fall back to the way we always did things.

I request that the bed projections be based on data using the lower bound projection, and not heavily influenced by the past experiences of a few stakeholders.

This jail bed need increase is from increasing demographics county wide and projected increases in admissions from the historic lows during the pandemic.

We have made our evidence-based recommendations with more than 25 stakeholders from across the county and used our database that extends to 2011 to develop our conclusions. These stakeholder interviews helped us to understand some of the reasons behind the data trends, but that is not the only information we use to arrive at our recommendation. We also factor historic data, industry norms and nationwide trends to drive our projection models and our jail bed space need recommendations. Our outreach with community groups across the county will continue as the project progresses to ensure the varied voices of all citizens in the County of Berks are heard.

Questions from Retired Judge Art Grim

I have had an opportunity to review the Berks County corrections facility needs assessment update final draft of June 2022 and find it interesting and informative. Having served a term as president Judge in Berks County as well as a 30 year career on the bench I have a degree of familiarity with serious issues, concerns, and opportunities presented in the building and operation of a new corrections facility. From a long term historic perspective there has clearly been a waxing and waning of criminal offenses within our county and throughout the country. It is easy to suggest that because the trend over the past five years has generally been downward that this will continue but that is only part of the picture. Research and data show unequivocally that once jurisdictions such as a Berks County implement research-based outcome measured programs with fidelity that these variations are minimized. As a result of a lot of research hard work and implementation of alternative to incarceration programs in Berks County, as well as a commitment on the part of stakeholders to continue a rigorous ongoing review of options and a willingness to make appropriate change, we are well situated programmatically now and for the future. Please do not over build based on conjecture and what if's. Ensure the new corrections facility is right sized!

Providing the "right" number of beds is certainly a primary goal for this project. Alternatives to incarceration, whether deflection from the justice system, diversion from incarceration, changes to bail policy and legislation, and the many number of tools in the hands of all partners in the justice system, has certainly had an impact on the number of people in custody. The data analysis leading to the projected number of beds for this project did include trends related to alternatives to incarceration. It should be understood that regardless of the growing number of alternatives to incarceration, there will continue to be a population for whom they are not applicable, and the number of beds planned for this facility is evidence-based, data-informed, and to the best of our collective ability right-sized.

Questions from Louise Grim

Thank you for sharing the needs assessment with some of us, who are very interested in the most costly government project to ever be undertaken in our community.

I read with interest the document and was impressed with the initial progress, implemented through criminal justice reforms, These reforms, I believe, have begun to get results evidenced by the facts that most stats presented in the report show the incarceration rates trending down pretty significantly, with no apparent negative effects on the safety of the community, which is of course very encouraging and is a credit to all individuals in our county involved in positions of responsibility in regards to this issue.

My concern is that despite the downtrends in most areas, borne by the stats, we are not decreasing the number of beds sufficiently to reflect those stats, ultimately resulting in much greater costs to the tax payer. While admittedly the numbers can go up and down over time, the trend over the past several years (5) has generally been downward and the cost implications of building a larger facility are enormous, not just regarding the initial costs of building, but also the ongoing costs of personnel and maintenance of the infrastructure over time.

Increasing participation in the new diversionary programs will likely further decrease incarceration rates. Commissioner Leinbach rightly addressed, in his interview comments, that incarceration can have serious implications not only for the inmate but for our community at large not to mention the cost to tax payers and most would agree that jails should be reserved for people who have committed serious offenses and are a flight risk and or danger to the community.

Considering the downward trends identified throughout the document and the effects of new criminal justice reforms among other things, please insure that these factors are being given adequate consideration in right sizing this new facility, to among other things minimize the cost to the tax payer If some people are concerned about the possible increase in serious crimes , not borne out by recent stats, the possibility of adding to the facility, at a later date, should be seriously considered.

Thank you for the opportunity to comment and I hope all comments submitted will be taken into consideration in the final draft.

The number of beds included in this project is grounded firmly in data analysis and accounts for potential fluctuations in the size of the population as well as anticipated further diversion of people through alternatives to incarceration. It would be truly beneficial to all our communities if fewer people are incarcerated. For those who are incarcerated, however, it is also very important that they are housed as humanely as possible in a facility that is not overcrowded and is planned with enough space to provide programming aimed at supporting the people in custody. While designing a facility for long-term flexibility and adaptability are indeed important goals that must be included in this project, it should be noted that the population that is planned for the new facility is actually not much larger than the current population. It is understood that foresight into phased growth in case it is needed in the future should be a consideration as part of the design, but expansion projects are often costly and imperfect, especially when considered alongside an option to build for an anticipated near-term need in the present.

Questions from Jane Palmer

Thank you, Stephanie, Commissioners and CGL, for such a thorough draft needs assessment. You've analyzed an impressive variety of demographic, crime, court, and jail data and interviewed numerous stakeholders in the Berks County criminal justice system. What's missing are voices from the community at large, including incarcerated and formerly incarcerated people and their families, plus community groups who serve and fight for marginalized people including Building Justice in Berks (BJB), Safe Berks, Make the Road, and The Real Deal610. (BJB was told they would be interviewed but were not.)

This gap in the stakeholder interviews points to another gap, the absence of policy-driven imperatives based on the will of the community. Berks has done a terrific job over the years in reducing the jail population, and we are agreed we want that trend to continue. Policy is values written into code, so what are our community values? If we value keeping folks out of jail because that's better for everyone, let's build small accordingly. If we believe, as Commissioner Leinbach stated in his interview, it is immoral to incarcerate people who are not a threat to themselves or others and not a flight risk, let's build for justice.

The community has been invited to regular public meetings regarding the new correctional facility, and there was a public visioning workshop also open to public participation. Data-driven analysis along with research into Berks County jail diversionary programs has led to the current number of beds planned for the new facility. The County continues to support policies that are moving the justice system in the right direction. The next step is to follow through on project goals established through consensus at the public visioning workshop. Our outreach with community groups across the county will continue as the project progresses to ensure the varied voices of all citizens in the County of Berks are heard.

BERKS COUNTY

CORRECTIONAL FACILITY

BCCF

CGL