

Jail Study Committee
Regular Meeting Minutes (same as Notes) – Approved 2-16-17
Thursday, January 19, 2017 5:00 PM
Legislature Chambers

Attendance

Attendee Name	Title	Status	Arrived
Rich John	Chair	Present	
Martha Robertson	Member	Present	
David McKenna	Member	Late	5:15 PM
Anna Kelles	Member	Present	
James Dennis	Member	Present	
Joe Mareane	County Administrator	Present	
Marcia Lynch	Public Info. Officer, County Administration	Present	
Michelle Pottorff	Chief Deputy Clerk	Present	
Patricia Buechel	Probation & Community Justice Director	Present	
Ray Bunce	Jail Administrator	Present	
Kenneth Lansing	Sheriff	Present	
Kevin McGuire	Executive Assistant to the County Administrator	Present	
Paula Younger	Deputy County Administrator	Present	
Frank Kruppa	Public Health Director	Present	
Dooley Kiefer	Legislator	Present	
Karen Baer	Director of Human Rights	Present	
Lance Salisbury	Supervising Attorney, Assigned Counsel Program	Present	
Michael Sigler	Legislator	Present	
Will Burbank	Legislator	Present	

Guests: Stuart Freeman, Community member; Paula Ionide, Associate Professor at Ithaca College

Call to Order

Mr. John, Chair, called the meeting to order at 5:06 p.m.

Changes to Agenda

It was MOVED by Ms. Kelles, seconded by Ms. Robertson, and unanimously adopted by voice vote, to add time to the agenda to hear from community members, Stuart Freeman and Paula Ionide.
MOTION CARRIED.

Approval of Minutes

October 20, 2016

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	James Dennis, Member
SECONDER:	Martha Robertson, Member
AYES:	John, Robertson, McKenna, Kelles, Dennis

October 27, 2016

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	James Dennis, Member
SECONDER:	Martha Robertson, Member
AYES:	John, Robertson, McKenna, Kelles, Dennis

November 1, 2016

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	James Dennis, Member
SECONDER:	Martha Robertson, Member
AYES:	John, Robertson, McKenna, Kelles, Dennis

November 17, 2016

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	James Dennis, Member
SECONDER:	Martha Robertson, Member
AYES:	John, Robertson, McKenna, Kelles, Dennis

December 15, 2016

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	James Dennis, Member
SECONDER:	Martha Robertson, Member
AYES:	John, Robertson, McKenna, Kelles, Dennis

Comments by Guest Community Members

Stuart Freeman provided an overview of his work in places he has worked across the country. He spoke of changes that have taken place and said it is time to examine those things that have changed and examine what is necessary in order to be able to comprehensively and in a long-term way address problems that exist in the criminal justice system. He referred to existing inequalities and also stated the state and federal governments have tremendously retreated from providing support to needed services in communities.

Mr. Freeman said the two locally-based functioning entities in communities are the schools and the criminal justice system. They are working, functional, and are serving a lot of people every day and they are continually being asked to do more things. He said between 50-60% of the individuals who are incarcerated have been diagnosed with a mental health illness and it is time for Tompkins County to increase efforts in response to the changing environment. One thing that can be looked at is the economic status of people incarcerated as most are poor. He said the bail system makes a situation even more difficult for those people and there needs to be real sanctions to solve social problems.

Paula Ionide said she is a national and local researcher of criminal issues and said Tompkins County is currently in a mode of crisis. In part, because the Commission of Correction has pulled the Jail variance and there is an overcrowding problem in the Jail. Although a crisis situation she said this is an incredible moment of opportunity for Tompkins County to be a path-breaking leader in New York State and the nation by continuing to do what it has been doing and a path that many New York State counties have not chosen. That path is funding, implementing, and running alternative-to-incarceration programs that essentially leaves the footprint of incarceration smaller. The current process is one that punishes and contains social problems that have to do with poverty, mental illness, and substance and recycles them into the community and it does not work. She encouraged the Committee, Legislators, and the community to imagine the possibilities of what it means to shrink the footprint of incarceration and moving towards alternatives-to-incarceration that are community-based.

Ms. Ionide said it is a difficult vision to implement and the bureaucratic pathway of setting up a bigger jail looks like a simpler and more direct solution; however, it will lead the County back to the same problems. Alternatives-to-incarceration programs are harder to develop the infrastructure for and implement but in the long-run it will address the root problem so that it doesn't keep cycling back into having to address it again in the future.

She said the community is extremely excited and willing to offer a vision for these alternatives and hope that taxpayer dollars will be used in this way instead of for the confinement of individuals. She said these are problems that have as much to do with poverty as racism and studies have shown that although the largest police beat in Tompkins County is in Collegetown, Cornell and Ithaca College students do not tend to be who are in the Jail.

She said there are concrete proposals: the need for diversion programs as there currently is no place for those who have an urgent need to go to a detox center and a need for diversion programs for those with an urgent mental health treatment need. She said these are very implementable as there is both the capacity and infrastructure and the willpower to do this.

Introductory Comments by the Chair

At this time Mr. John thanked everyone for attending and introduced Legislators and County staff in attendance. He explained this is a special temporary committee of the Legislature. The purpose of the Committee is to study the specific question of how to manage the Jail and the specific issue of the variance being pulled by the New York State Commission of Correction. He said this is a very important question from the standpoint of money and there is a lot at stake in the decisions the Legislature makes but it is also a very important question from the standpoint of societal interests. How the County runs its jail is a great reflection in how it sees itself as a community and he believes the decisions on that level are just as important as the financial decisions. Mr. John said the Committee is very sincere in wanting to hear from the public because it is a community decision that will need to be made. He noted the Committee has not written its report and has no conclusions at this point. All Committee meetings are open to the public and information can be found on the County's website.

Mr. John said the County hired CGR, a consulting firm from Rochester, New York, to help the County look at population trends and what the Jail needs might be as a result of that. They are also analyzing the extensive alternative-to-incarceration programs that currently exist to try to determine if they are being run efficiently and also looking at what other possibilities exist and how they may impact the Jail population.

He stated CGR has not been retained to look at design or construction of a jail and if it is

determined that any construction is necessary at the Jail for any purpose that would be treated entirely separate. He explained the Jail operates with a variance that allows for 18 bunkbeds that brings the total capacity to 82; without the variance the total capacity is 64. However, there is an issue of classification rules on how people can be placed in that Jail that must be followed that typically results in 80% of the capacity being able to be housed at the Jail. If there are more people who must be incarcerated they are boarded to adjacent counties and although it solves the immediate issue it removes the inmate from the community and their families, lawyers, and support systems. It is also very costly to board out inmates as there is a cost for housing and transportation. There has been a temporary reinstatement of the variance which in part is due to the creation of this Committee and the County agreed to look very hard at this issue. He said at the end of the process the County will have to provide the State with a very meaningful response and getting input is critical to doing the job right.

Presentation by CGR Consultants

At this time Mr. Rich introduced Don Pryor and Paul Bishop of CGR. Mr. Pryor expressed appreciation for the cooperation they have received and said they have had a lot of helpful conversations from people representing a wide perspective of opinions throughout the community. He reiterated Mr. John's comment that it is way too early to have developed any conclusions on this issue. He did state, however, that this will involve an investment in some way by the community whether that is the Jail facility or adding or creating new programs. He said the community will have to investing additional resources in order to solve this problem other than placing "band aids" on the problem.

Mr. Bishop presented the Committee with a presentation on the work CGR is doing to try to reduce the average daily census at the Jail.

Public Information and Comment Period

Joel Harlin, Newfield, spoke of the need to address drug activities that are taking place in the area of the Friendship Center and also stated there is a need for programs to address drug, alcohol, and mental health issues and said what is currently in place is not working. He said there are individuals who prefer to be incarcerated in the winter to have a place to stay rather than be out in the cold.

Shari Korthuis, City of Ithaca, spoke in opposition to an expansion of the Jail and expressed concerns with the forfeiture account. She provided information on current detainees of Boone County Jail and an article from 2014 on SWAT funding for Ithaca. Ms. Korthuis also spoke of civil rights and her opposition to incarcerating people for use of marijuana.

Ruth Yarrow, Ithaca, said she is a volunteer who drives people to visit family members who are incarcerated. She said family members are important stakeholders and would like more programs for substance abuse, employment, and mental health treatment. She spoke in opposition to any Jail expansion and that emphasis needs to be on alternative-to-incarceration programs.

Elan Shapiro, Town of Ithaca and member of Race for Justice, said if the right alternative-to-incarceration programs were put into place the population of the Jail could dramatically be reduced. He said there is a long history of restorative justice efforts that has a long-standing way of diverting people from jail and putting them back into the community. It looks at how to create reconciliation between victims and the offender in a way that benefits the community. It is very labor intensive and involves community volunteers. There is a history of the program in Rochester, New York, entitled Genesee Justice and said he would like this to be taken into consideration.

Phoebe Brown, Tompkins County resident, shared her personal experience and said she will soon celebrate 19 years of being clean because of a program that existed at Cayuga Medical Center. She said there are great alternative-to-incarceration programs and stressed there needs to be more programs in the community that are not punitive and family and friends need to be involved. She said the question of why people are being incarcerated needs to be examined as well and said there are people who are unemployed and having living conditions that lead to their incarceration. Ms. Brown also questioned if the Committee has people of color who are working with it on this.

Edwin Santiago, Tompkins County, spoke of his personal experience and said jail was never a solution. He was able to improve his life because of the people who helped him in the community. He said there are a lot of individuals who are incarcerated who have drug and mental health issues and there needs to more treatment in the community. Mr. Santiago is now helping others and said jail is not the solution and spoke of the impact incarceration can have on families and children.

Cruz Colon, Ithaca, spoke of his personal experience attending drug court and said what really helped was having a father who is a Pastor and also a psychiatrist. He spoke in opposition to expanding the Jail and said if additional cells are constructed they will be filled. The County should invest in programs that help people with things such as education and employment that will help people avoid going back to jail.

Kate Cardona, City of Ithaca, spoke against jail expansion and said this is an opportunity for Tompkins County to be a leader in alternative-to-incarceration programs. She said there are already good existing models and the issue of mass incarceration is a civil rights issue. This community is very engaged in this and groups are looking at the huge race and class disparities that exist within the prison system and it is extremely clear that the system needs to transform.

Jay Beckley, Ithaca, spoke of mental health and alcohol issues he has struggled with and the experiences he has had with the criminal justice system. He is a graduate of Ithaca College, has his Master's Degree, and led a successful career for 25 years in advertising sales. He said this is an opportunity for real progress in the community and instead of spending money on jail construction the County should fund alternative-to-incarceration programs.

Roberta Walleth, Ithaca resident and retired teacher, spoke of the need for there to be programs in schools to prevent people from getting involved in the criminal justice system. She spoke of former students who she knew to be smart, creative, and capable but ended up in the jail. She said it is clear that the current system is not working and would like the County to add a demographic to look at that and that includes people who have grown up in Ithaca, what put them in the jail, and what can be done to make sure that no longer happens.

Khalil Bey, City of Ithaca, said he works with the URO (Ultimate Re-entry Opportunity) as a Mentor Coordinator who helps people who have recently been released from the jail. Mr. Bey said he has experience being incarcerated and believes the jail should be a place that people do not want to return to and there should be an emphasis on employment. A man always feels better when he works and is able to provide for his family. Mr. Bey said in order to be a productive member of society a person needs to work and suggested interviews be done of those who are incarcerated and help prepare them for employment.

Aislyn Colgan, Ithaca, asked who CGR is meeting with and if that information can be shared with the community. She also suggested looking into there being no bail because bails are set so high that only poor people are not able to meet them. If bail was eliminated or dramatically reduced the County could

significantly reduce the jail population. She said there are many people who cannot afford to live in the City or Town of Ithaca and are being pushed to the rural areas. She asked what the biases are with these people who are going through the judicial system in different municipalities and how it may be impacting their bail being set.

Mr. John said bail is set by judges and justices and the County does not have any control over this. There has been an effort to do more ROR (Released on Recognizance). OAR does a very good job posting bail for inmates who cannot afford to do so themselves; however, there are limits to what they can do and he noted judges post the bail.

Mr. Pryor said CGR would be willing to post on the website a list of those they have interviewed and they are very open to receiving suggestions of who else to speak to.

Lily Gershon, Freeville resident, spoke in opposition to any jail expansion and said she supports funding services that will prevent people from being incarcerated. She also agrees that particular attention needs to be directed towards people of color and looking at bail and said even if the County has no control over how bail is set it can place pressure on the justices who do impose it. There are a lot of people in the community who will volunteer to help with providing services.

Katie Cox, Town of Ithaca, asked if the study included looking at the punitive effects of having family members incarcerated. She spoke of her personal situation of having her husband incarcerated and said even after a year passed her family is still destabilized from the experience. How is public safety defined in the study because it involves much bigger issues such as poverty and racism. She said even though the median income looks good in Tompkins County there are many people who are struggling financially.

Marietta Synodis, Freeville resident, spoke in opposition to jail expansion and in support of redirecting funds to improve alternative-to-incarceration programs and services. She gave thanks to the Multicultural Resource Center which is hosting a community-wide Jim Crowe reading that has opened her eyes to the many issues and challenges that surround mass incarceration. She also spoke of an event recently facilitated by URO that led to a discussion of services that should be available at the jail before people are released such as obtaining an identification card, Social Security card, and access to a shelter prior to release.

Barbara Regenspan, Ithaca, said her area of expertise is in educational studies and specifically about how people talk about social issues and how people experience conversation about social issues. She noted that every speaker before her this evening was against constructing more jail cells and the overwhelming issue related to incarceration is racism. She suggested that to become knowledgeable about the community CGR should read the Michelle Alexander book "The New Jim Crow". Tompkins County is going to fight racism and to do so there needs to be education, excellent detox programs, decent housing, a world-class school system, and a program to multiply jobs.

Harry Pruyale, Ithaca, spoke in opposition to any expansion of the Jail. He believes police and corrections officers are asked to do more than they can and are not trained to provide mental health or drug abuse services. He said most of the crimes that happen aren't dangerous. He spoke of the City receiving tax abatements and continues to allow rent to be raised and take transportation from people that displaces families and said they are the criminals.

Louise Bailey, Ithaca resident, said Ithaca has been good to her. She spoke of being incarcerated in 1992 and then came to Ithaca ten years ago. She said she has spoken to a lot of women who have been

incarcerated and who want to relocate but are not being allowed to. She is now a mentor for the URO and is trying to give back to the community that helped her and said there is a need for more programs.

Jessie Goldberg, City of Ithaca, said the problem involves money and societal issues. He asked how CGR will be looking at the difference in the effectiveness of the cost of programs that are happening within the jail versus treatment in another facility and also how are costs being factored in such as the cost to families. He also spoke of there being continued race and class disparities in the jail population and asked how that would be measured as a cost.

Mr. Pryor said the cost issue is critical and as they go through various options they plan to lay out the various costs. This will have dollar implications but also societal implications. He said it would be difficult to associate a cost with those issues but there can be discussion of those within the context of the various things that are looked at.

John Paul Mead, City of Ithaca resident and a primary-care physician who works in the Emergency Room at Cayuga Medical Center, spoke in opposition to jail expansion. He has professional and personal experience with incarceration, substance abuse, and mental health issues and said physicians at Cayuga Medical Center are supportive of detox rehabilitation facilities and mental health treatment services being provided in the community.

Claire Grady, City of Ithaca, thanked the speakers and said the system has to be changed. She said it costs \$15,000-\$40,000 to incarcerate someone which is the same amount to put a person in college. There is no solution to decreasing jail population unless it includes making amends for the systemic crime of enslaving black people in this country.

Jim Kerrigan, local attorney and former judge, addressed comments made this evening. He said he has set bail and concurs that all bail for misdemeanors should be abolished. He said it has been suggested that this is not a County function but he believes it is. The County pays the salary for the District Attorney and all of that person's assistants and they appear before judges to recommend bail. He said in the six years he served as a judge in the City court he did not see anything gained by incarcerating anyone before trial. In his 50 years he is aware of only one person who jumped bail. In most circumstances pleading and not returning to court is far worse than facing the consequence of a charge. Mr. Kerrigan also suggested that the County advise the District Attorney's Office to make no bail recommendations and to recommend ROR as an automatic recommendation for any misdemeanor and any D and E felonies. Lastly, he would like there to be a policy that there be a very substantial reason set for any sentence of less than a year imposed in this County as it does no good.

Mr. Salisbury, Supervising Attorney for the Assigned Counsel Program, said although a judge has the authority to impose bail, a prosecutor's opinion is given great weight in a bail decision.

The Committee thanked members of the public for attending. Mr. Dennis said the County is under pressure by the Commission of Correction in terms of overcrowding but hopes by the end of the process a solution will be found that will be satisfactory to everyone. Ms. Robertson commented that bail reform is on the list of things CGR is looking at. The County is also working on establishing a third County Court. Mr. John expressed appreciation to everyone who spoke and invited the public to continue to submit comments.

Adjournment

The meeting adjourned at 7:05 p.m.