

**Jail Study Committee**  
 Regular Meeting Minutes (same as Notes) – Approved 1-19-17  
 Thursday, October 20, 2016 5:00 PM  
 Legislature Chambers

**Attendance**

Attendee Name	Title	Status	Departed
Rich John	Chair	Present	
Martha Robertson	Member	Present	
David McKenna	Member	Present	
Anna Kelles	Member	Present	
James Dennis	Member	Present	6:20 PM
Joe Mareane	County Administrator	Present	
Brian Robison	Undersheriff	Present	
Marcia Lynch	Public Info. Officer, County Administration	Present	
Dooley Kiefer	Legislator	Present	
Michelle Pottorff	Chief Deputy Clerk	Present	
Ray Bunce	Jail Administrator	Present	
Julia P. Hughes	Program Coordinator, Assigned Counsel Program	Present	
Patricia Buechel	Probation & Community Justice Director	Present	
Lance Salisbury	Supervising Attorney, Assigned Counsel Program	Present	

**Call to Order**

Mr. John, Chair, called the meeting to order at 5:00 p.m.

**Public Comment**

Josephine Cardamone, City of Ithaca, expressed appreciation to the Committee for its work. She has been interested in jail issues for several years and has worked on State issues surrounding State prisons. She serves on the OAR (Opportunities, Alternatives and Resources) Board and is also a member of Jails Justice New York, which is a coalition across the State that collaborates and shares ideas. She provided information on an initiative taking place in Monroe County where they have established a mobile treatment lab and transitional housing for people with mental illness and substance abuse problems. She shared statistics from the program and asked that Tompkins County address other issues and not just the Jail.

Shari Korthius, City of Ithaca, said jails that have expanded in size have since found out that boarding inmates out to other facilities would have been a less expensive option. She provided members of the Committee with a report on the economic impacts of jail expansion and an evaluation and recommendations contained in a report by the Concerned Citizens for Better Herkimer County. She said jail expansion is not a good investment of taxpayer dollars and better use would be to direct funding toward mental illness, substance abuse, and homelessness.

**Minutes Approval**

September 15, 2016

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Anna Kelles, Member
<b>SECONDER:</b>	Martha Robertson, Member
<b>AYES:</b>	John, Robertson, McKenna, Kelles, Dennis

### **Changes to Agenda**

There were no changes to the agenda.

### **Presentation**

Ms. Robertson provided the Committee with an overview of a presentation on Jail construction and expansion projects that she spoke about during the New York State Association of Counties Conference held on September 19, 2016. Presenters at the conference included Thomas Beilein, Chairman of the New York State Commission of Correction; Marcus Molinaro, Dutchess County Executive, and Shaun Groden, Greene County Administrator.

An overview of the presentation is as follows:

#### **The Problem: To Build or Not to Build?**

Faced with crowded jails and high boardout numbers, what should counties do?  
Build new cells OR invest in preventive services and alternatives-to-incarceration?  
Can they do both? Should they?

#### **What to Build?**

Greene County: Population of 48,000

- Currently, 105 year-old jail with 56 beds;
- Boarding out 34-54 inmates/day, for \$1 million/year
- \$52 million, 30-year bond, \$2.7 million/year, for 130 beds

Dutchess County: Population of 300,000

- Current jail 250 beds; about 200 boarded out, \$8 million/year
- \$192 million - 569-bed jail and Sheriff's Office

Tompkins County History

- Rejection of "Big Jail" proposals
- \$20 million (not including staff) in 2002;
- \$29 million today (Greene bid \$52 million);
- Instead: Invested in Alternatives-to-Incarceration

#### **Case Study: 2002-2005 Jail Study**

- Experts projected linear growth
- Experts proposed adding 120 beds (to 75 existing)
- 195 beds to cover peak population
- Average Daily population had been 79 in 2000

#### **What happened:**

- New York State Commission of Correction revoked existing 18-bed variance
- Board-outs soared, but costs were less than debt service on expanded Jail
- County expanded Alternatives-to-Incarceration

### **Results - Average Daily Population**

- In 2000, experts projected: 128 in 2015
- Actual ADP for 2011-2015: 88.5
- Conclusion: Jail population can be reduced with aggressive and effective alternatives.

How did we avoid linear growth of jail population, while improving public safety?

### **ATIs in 2000**

- County already had a wide variety of pre-trial and post-sentence programs
- Consultants: ATI programs are "...major reason Tompkins County has such a low incarceration rate (93/100,00) compared to NY (187/100,000) and the U.S. (212/100,000)
- But we could do more, so we did.

### **Probation as of 2000**

- Intensive Supervision
- Domestic Violence Intervention
- Electronic Monitoring
- Release Under Supervision; Pre-Trial Diversion
- Service Work Alternative Program (SWAP)
- Reduced Incarceration Program (RICS)
- Local Conditional Release Commission

### **Defense, Bail, and Transition**

- Assigned Counsel Program: lawyer within 24 hours, low caseloads, ROR (Release on Own Recognizance) more likely
- OAR (Opportunities, Alternatives, and Resources), a community non-profit: bail fund help with DSS and Assigned Counsel applications, drop-in center, direct phone line in Jail

### **Drug Courts**

- Misdemeanor Court begun in 1998
- Added:
- Felony Drug Court
- Family Treatment Court (for family reunification)

### **Added Day Reporting**

- Structured, five-day program
- GED, workforce preparation, "life skills," anger management, substance abuse and mental health counseling
- Gave justices a safe, reliable sentencing option
- New \$1.5 million Day Reporting Center opened in 2014

### **Re-Entry Pilot Program**

- In Jail: Corrections, DSS, Mental Health, OAR, Probation, substance abuse counselors
- 143 sentenced inmates, from 2008-2012
- 64% not reincarcerated
- Good, but better resources will yield better results

### **Variances Reinstated in 2009**

- NYS Commission of Correction allowed double-bunking in 18 cells

- Capacity grew from 57 to 75, but need remained to reduce jail population

### **OAR Bail Fund**

- In 2002, OAR bailed out 68 individuals - estimated savings: \$459,000

However, in the last two years:

- New statutory \$2,000 limit on size of bail non-profits can offer
- \$2,000 limit has kept more people in jail

### **Related Support and Prevention Services**

- Youth programs
- Mental Health programs
- Broad range of other human services

Tompkins County spends significantly more (\$8) Per capita spent on youth services compared to other counties (less than \$1)

### **Counsel at First Appearance**

- Started in 2014; one of the first NYS counties
- With advocate guaranteed at arraignment, ROR and lower bails much more likely
- Bail levels are outside Legislature's control

### **Results**

Incarceration Rate in Tompkins County is among the lowest in New York State

93/100,000 in 1997

91/100,000 in 2014

Only four counties in New York State have a lower incarceration rate per 1,000 residents (2012 data)

### **Still, Too Many Boardouts**

- New York State Commission of Correction pressure to cut boardouts
- Added seven beds in 2015
  - Renovated little-used indoor recreation space; replaced indoor recreation space with sheltered outdoor facility
- Boardouts dropped to single digit
- New York State Commission of Correction increased capacity to 82 (100 with variances)

### **Re-Entry Initiatives - 2015-2016**

- Park Foundation: \$135,000 granted over two years for re-entry program through local non-profit
- County: \$100,000 allocated in ongoing funds for new re-entry case management and expanded Day Reporting
- Strong collaboration, but results take time

### **Living Without Variances**

- July 2016: NYS Commission of Correction decision to revoke 18-bed variances as of September
- If licensed capacity is 82, functional number is 66 with classifications
- County appeals. NYS Commission of Correction grants extension to January 2017 with directive to "get the numbers down."

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- What else can we do?

**Next Steps: In the Pipeline**

- Criminal Justice/Population Trend Study
- Architectural Study of Jail based on population study
- 25 new in-patient drug treatment beds
- Ban the Box: Implementing new County policy can improve employment outcomes
- Justice court reform task force: presumptive ROR, lower misdemeanor bails, and 3<sup>rd</sup> County Court (DWI)
- Upstate College Initiative - 20 students this fall; already 18 for spring; weekly classes in jail
- ACT - Assertive Community Treatment (OMH)

**Next Steps: In Development**

- LEAD (Law Enforcement Assisted Diversion program)
- Acute Detox facility with 25 beds by local non-profit
- Reinstate Local Conditional Release Board
- Much-needed transitional housing
- Other initiatives suggested in Population Trend Study

**It's not just about the dollars**

- Spending to build or expand jails “crowds out” financial ability to try alternatives;
- Build it and fill it? Do empty beds ever stay empty? Human costs.
- Long-term sustainable solutions deal with underlying causes of incarceration. “If you think education is expensive, try ignorance.”

Ms. Kelles thanked Ms. Robertson for the presentation and said she would like to hear more on the Re-entry program. She spoke to the complexity of the issue and her experience when visiting the jail and said while she was initially of the belief that double-bunking was inhumane that was not fully her experience as she heard from women at the Jail that they preferred double-bunking. She said it is easy to make assumptions but it would be best to have conversations rather than make assumptions.

Mr. John asked what the response was at the Conference to the presentation. Ms. Robertson said she thinks others did see value in putting more effort towards ATI programs but some are already down the road to building a bigger facility. There was particular interest in the OAR Bail Program.

Ms. Kelles said the argument has been for or against expanding the size of the Jail; however, the quality of the facility dictates the quality of the life of the inmates and the staff and there are some aspects of the quality of Tompkins County’s facility that is an issue and wants this to be part of the conversation.

**Discussion of Local ATI Programs**

Ms. Buechel provided the Committee with an overview of existing ATI programs/ESO) Enhanced Sentencing Options. She referred to the synopsis of programs that she distributed at the last meeting and said it contains information on all of the programs.

Pre-trial Release Program. This program has been in existence for 31 years. A Probation Officer goes to the Jail every day to interview inmates on a voluntary basis. That Officer assesses the inmates’ ties to the community, runs the case through the Risk and Needs Assessment to determine the risk for appearing in court. Based on the information gathered a report is prepared and is sent to the Judge who sets the bail in time for the next court appearance. Based on the report the Judge can make a decision to

ROR (Release on Own Recognizance), RUS (Release Under Supervision) to the Probation Department or the Day Reporting Program, or set bail. If released under the Probation Department's supervision, the Probation Officer will see the person as many times as the Judge orders and is responsible to ensure the next court appearance. The program generally lasts for 90 days.

Community Service Work Alternative Program (SWAP). This program began in 1985; it started out as a weekend community service program and is now offered every day of the week and there are worksites all over the County where individuals participate in productive service at various non-profit agencies.

Intensive Supervision Program. This program also began in 1985 as an alternative to keeping people out of State prison. The individual is assigned to a Probation Officer who provides an extremely high level of supervision and scrutiny. The name of the program changed to the Greatest Risk Population and is based on the Risk and Needs Assessment and involves those individuals who are at the greatest risk for reincarceration or recidivism.

RICS (Reduced Incarceration Community Service) Program. This program began in 1996 and ran for ten years. The concept was that an individual would receive a shorter jail term in exchange for performing a certain number of hours of community service. Because usage dropped and judges were not sentencing people to the program, as well as the number of jail days saved didn't cover the cost of the program it was deemed to be uneconomical and the program ended.

Electronic Monitoring Program. The program began in 1988 and has evolved over time due to technology. It has GPS and the capability for a Probation Officer to speak to someone through their ankle bracelet. There have been as many as seven and as little as two individuals in the program in a month. Ms. Buechel said the program sends an alert when a person is not following the parameters that are set and it works very well. *She will provide Ms. Kelles the number of juvenile who have been in this program.*

Misdemeanor Drug Court. This program is for people who have serious addiction issues that are fueling their criminal behavior. The program aims to interrupt that cycle and focus on treatment programs. It is a combination of Probation Officer and judicial oversight because the program requires the person to report back to the Judge. The program rewards good behavior but is also responsive to non-compliant behavior. *Ms. Robertson asked that Legislators be informed of the graduation ceremony announcements.*

Day Reporting Program. This program began in 2001 as a structured full-time program with classes in areas such as GED (Graduation Equivalency Diploma), life skills, employment, healthy family, healthy relationships, etc. Because of budget constraints in 2008 the program was reduced to a shortened day but has not suffered a lack of referrals. Ms. Buechel said although she has tried and they acknowledge it is a good thing, she has not been successful to have the State Parole system, which sees their parolees at the Human Services Building, refer individuals to the Day Reporting Program.

Interim Supervision. This program has been in existence for a long time. This is not a sentence; the court places an individual under Probation supervision for a trial period. This is for high-risk people who, if successful, can go back to court and are sentenced to Probation. There are conditions that must be followed and this is a way for them to have reduced charges.

Local Conditional Release Program. This used to fall under the Probation Department and involved three individuals who would review applications by inmates in the Jail who would submit a

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request to get an early release from their sentence. The Commission would investigate and review the case and if they thought the candidate was a good candidate for release they would allow for release under supervision. At the time it was in effect they would be released to the Probation Department for supervision. It has been many years since this was in existence; the program is now handled by Parole. The status of the program was unknown; however, it was stated it was a program with a very narrow scope.

Ms. Buechel briefly spoke of ways in which one could assess the qualitative versus quantitative results of the program. Ms. Robertson spoke of the importance of having the District Attorney's Office participating in these courts and alternative sentencing options. She suggested that the Committee review the work done during the Jail Study Task Force evaluation and a report produced by Deana Bodnar of DSS. Ms. Buechel said there are many benefits derived from these programs that affect a person's life that may or may not impact the Jail costs. Ms. Kelles said these are important aspects and the conversation should not focus solely on the numbers.

Ms. Buechel distributed a matrix showing the number of individuals participating in each of the programs; she noted there could be duplication of some individuals.

#### **Comments from the Multicultural Resource Center**

Fabina Colon, Director of the Multicultural Resource Center and a participant in the Ultimate Re-Entry Opportunity Initiative, said they have a group that meets every Thursday and is receiving anecdotal information from people who have received some of the ATI services. She said it is great to have these programs and would like to learn not only how many people have participated but how many have successfully completed and benefitted from the program. She would also like to know how the programs are being evaluated and whether participants are being included in that evaluation. Lastly, the population under discussion are individuals who are facing specific social situations and often have housing, employment, and transportation problems; she asked if any of the ATI's are partnering with agencies in the community that are looking toward addressing the housing problem. She said there are initiatives that are currently under consideration such as My Brother's Keeper by the City of Ithaca that will involve a significant investment.

Mr. John thanked Ms. Colon for her comments and said the Committee would like to invite her back at a future meeting to talk in greater detail.

#### **Discussion on consideration of Demographic Study RFPs**

Mr. John proposed including Mr. Mareane, Ms. Buechel, and Mr. Bunce to join the Committee for the purpose of reviewing the responses to the Requests for Proposals for Criminal Justice and Jail Population Trends. It was MOVED by Mr. John, seconded by Mr. Dennis, and unanimously adopted by voice vote to include those individuals on the Review Committee for those proposals. MOTION CARRIED.

The Committee scheduled two meetings to review proposals: October 20 at 5 p.m. and November 1<sup>st</sup> at 1 p.m. in order to meet the timeline of the Legislature taking action at its November 15 meeting.

Mr. Dennis was excused at this time.

The Committee discussed the format for the meetings and Mr. Mareane noted the first portion of the proposals contain the substance of the responses, the remainder of the document contains boilerplate

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contract information. Mr. Mareane said the document provided does not contain information on fees. There will need to be a discussion of what will be done in open session versus executive session; Mr. John said he would like as much done as possible in open session. In the meantime he will ask the County Attorney to review the responses to determine if the contents include any proprietary information.

#### **Next Agenda**

Mr. John said he would like to also have a discussion of new programs that involved medical assisted treatment.

#### **Adjournment**

The meeting adjourned at 6:37 p.m.