
VII. ATI and Community-Based Programs Impacting on the Jail

As important as a variety of direct in-house services are to those who are incarcerated in the County jail, the Tompkins County community and elected officials have for many years expressed their political, policy and financial support for a wide array of alternative-to-incarceration (ATI) programs¹¹ and other community-based initiatives designed to limit as much as possible the number of inmates in the jail at any given time, consistent with community safety. This chapter explores the programs that currently exist and that are in various planning stages; examines how and where in the system they are used and whom they serve; assesses their current and likely future impact on the jail population; and suggests opportunities for strengthening programs in the future.

Broad oversight of the County's ATI programs is provided by the Criminal Justice ATI Board, whose primary focus is to monitor the jail population and review the various new and emerging ATI programs. The CJATI Board is made up of representatives from all segments of the law enforcement and criminal justice systems, human service providers, ex-offenders and victims, and other community representatives. Most of the ATI programs currently existing are overseen by and operated under the auspices of the County Department of Probation and Community Justice (referred to throughout the rest of the report as the Probation Department). Before discussing the individual programs, and to put them in perspective, some initial words about the overall Probation operation:

Probation Department Overview

In many respects, being sentenced to probation represents the ultimate alternatives program – a sentence to a period of basic supervision under a Probation Officer, with the sentence and its length and possible concurrent conditions determined by a judge based on various factors such as the seriousness and nature of the crime, defendant's previous record, recommendations from the District Attorney and defense attorney, plea agreements where applicable, possible victim considerations, recommendations in many cases from a Pre-Sentence Investigation (conducted by Probation) – all leading to the ultimate judgment of the presiding judicial official, after taking all of these factors into consideration.

Other than fines and conditional discharge sentences most often pronounced for lesser charges, probation (or a combination of probation and jail) is the most likely

¹¹ ATIs are referred to by Probation as Enhanced Supervision and Sentencing Options (ESSO).

sentence imposed as an alternative to a straight jail or prison sentence for more serious charges. In some of those cases, a probation sentence may involve more than routine probation supervision, as it may instead also include a graduated level of supervision or one or more additional alternative conditions, such as drug court, day reporting, or other ATI programs discussed in more detail below.

Basic probation is a core state-mandated service provided by each county in New York and as such adds no distinct contribution to any jail-stay-reduction strategies that are not also in place in every other county in the state. Thus an evaluation of the overall impact of the Probation Department was not part of our study. However, its critical positioning within the County's overall criminal justice system and its oversight of most of the County's ATI programs make it important to understand some core aspects of the Probation Department and how it operates. It should also be noted that the Department is generally very highly regarded among colleagues in the community and throughout the criminal justice system, and even in other parts of the state: its judgments and recommendations are widely respected and relied upon, and its leadership is recognized and valued.

This study could not have been carried out in any comprehensive way without the consistent cooperation of the Probation Department under the leadership of its Director, Patricia Buechel. She and her key staff generously provided considerable time, perspective, clarification of issues, and significant amounts of data that were essential to our understanding of the programs and processes that have considerable impact on who is and is not admitted to the jail at any given time.

Probation Department Budget and Staffing

The overall Probation budget for 2017 is \$3,462, 270, which is partially offset by state aid and other revenues of about \$704,000, leaving a net local Probation budget of \$2,758,133. Almost 93 percent of the total budget is accounted for by salaries and fringe benefits. At the beginning of 2017, 33 people staffed the Department, covering both adult and juvenile/Family Court functions: a Director and Deputy Director, three Supervisors, six Senior Probation Officers, 12 Probation Officers (POs), and 10 in a variety of administrative support, work project supervisor, security officer and employment specialist positions. Most of the leadership, Supervisor and Senior PO positions, and several of the POs, have direct responsibility for the various ATI programs operated within the Department.

Almost two-thirds of the budget is allocated to two categories: planning and coordination, and intake and investigation/case supervision. The remaining 35 percent, or about \$1.2 million, is attributable to a combination of the following budget lines: ATI, ATI Initiatives, Drug Court (a small grant listed separately from other Drug Court costs presumably included in the other ATI categories), and the County's Re-Entry

Initiative described later in this chapter, which is charged to the Probation budget. The ATI separate components of the budget will also be discussed further later in the chapter.

Basic Supervision Cases and Selected Demographic Characteristics

Based on its mission statement, Probation seeks to facilitate “the rehabilitation of individuals” in a manner which promotes both personal responsibility and public safety, and in the process attempts to “reduce reliance on incarceration and the court system.”

Toward that end, the Department supervises hundreds of individuals each year. Over the past four years, the numbers of persons under probation supervision at the end of the year have gradually declined: from 609 individuals at the end of 2013 to 561 at the close of 2016 (an 8 percent reduction). About a third of the cases supervised each year are DWI cases. As indicated earlier in the report, there does not appear to have been any significant shift in the pattern of probation sentences across the courts of the County during that period, so it is not clear why the number of persons under probation supervision has declined. It may be that some of these individuals accounted for more than one case being disposed of, and the average length of probation sentences may have declined over this period of time, thereby helping reduce the numbers of individual persons being supervised. Court data were not available to help shed light on these questions.

Of all cases under active probation supervision, 15 percent were identified in active case files as black, and 4.4 percent as Hispanic. The latter proportion is consistent with the comparable Hispanic proportion in the total County population, with the proportion of arrests attributed to Hispanics, and with the Hispanic proportion of jail inmates in recent years.

Among blacks, however, a different pattern emerges. The proportion of blacks under probation supervision is considerably higher than the population proportion. On the other hand, it is considerably lower than the roughly 20 percent of all arrests in recent years attributed to blacks and about 22-23 percent of all jail inmates in recent years, thus suggesting that blacks are less likely proportionately to be sentenced to probation than they are to be remanded to jail.

The opposite appears to be the case when active probation cases are examined by gender. In recent years females have accounted for about 28 percent of all arrests in the County, and a comparable 29 percent of those on active probation are also females – considerably higher than the female proportion of 20 percent of jail inmates over the past five years. This would seem to suggest that females may be receiving

differential treatment within the criminal justice system, whether consciously or not, with greater proportions sentenced to probation than are being admitted to jail.

The ESSO Review Process

With the exception of domestic violence cases, in which there is often a presumption of a jail sanction if probation terms are violated, the Probation Department's stated policy is, wherever possible, to avoid incarceration, consistent with community safety protections. Accordingly, by policy in all cases in which a recommendation of incarceration is being considered – either as part of a Pre-Sentence Investigation (see following section) or as a sanction in response to a violation of probation (VOP) – there is a departmental requirement that such cases be brought before a regularly-constituted Enhanced Supervision and Sentencing Options (ESSO) committee. This committee meets twice per week as needed, and screens any cases brought before it, with the goal of providing a fresh perspective and helping determine the best possible sentence or sanction that addresses the particular circumstances of each case – a non-incarceration option wherever possible.

Despite the predisposition to avoid incarceration, data provided by the Department for the past two years indicate that in 45 percent of all VOP cases brought before the ESSO Committee, some type of incarceration disposition was recommended (including a few split probation-jail dispositions). The Probation interpretation is that in such cases, the determination was made that all available viable options within Probation had been explored, that no further types of supervision will work, and that there was no choice but to seek a revocation of Probation, with only a jail sanction likely to have any impact on the affected defendant.

Furthermore, data provided in annual statistical summaries for each county via the New York State Office of Probation and Correctional Alternatives (OPCA) confirm that over the past five years, the proportion of cases with violations filed in Tompkins County has consistently exceeded the non-NYC statewide proportion of violations filed by almost half: from 2012 through 2015, the average proportion of cases with violations filed was 15 percent in Tompkins, compared to just over 10 percent statewide. Reflecting a targeted effort within the County Probation Department in 2016 to seek more internal remedies before filing a formal violation, the gap in 2016 closed to 13 percent in the County compared with 12 percent non-NYC statewide. Department officials speculate that part of the reason why the violation rates have been consistently higher in Tompkins is a function of the rates of sanctions being imposed through the Drug Courts that are included in these statistics, as well as two other specialty courts and two Greatest Risk caseloads – all of which have requirements that Probation officials contend increase the likelihood of sanctions needing to be invoked.

Some community stakeholders with whom we met during the study questioned whether some of the Probation Officers and Drug Court officials are sufficiently flexible in their monitoring of cases, particularly those with substance abuse and addiction issues, and whether there is a tendency to impose sanctions and seek violations more quickly than is necessary or appropriate, given the up-and-down, frequent-relapse nature of many of those being supervised. The fact that the violation rate was able to be reduced by 3 percentage points in 2016, based on a targeted focus, suggests that there may be some truth to the contention, and that it may be possible to become less structured and more flexible in imposing sanctions in the future, without undermining the core intent of program supervision. On the other hand, it should be noted that the Probation Director conducted her own study of the violations filed and found that for the most part they were being filed appropriately and in concert with departmental policy. The issue will be discussed in more detail under the ATI program reviews below, and bears continued monitoring.

Filing the VOPs has had significant consequences from an incarceration perspective. Over the past five years, about 44 percent of the violations filed have resulted in re-sentences by the courts (slightly lower rates than non-NYC statewide). And of those re-sentences, about 85 percent over the past five years have resulted in incarceration – about 62 percent in the County jail and almost a quarter to state prisons. Most of those resulting in prison re-sentences originated with violations from felony Drug Court.

Pre-Sentence Investigations

Other than the impact of specific ATI programs discussed below, the other overall Probation Department impact on incarceration rates stems from its role in conducting Pre-Sentence Investigations (PSIs) at the request of a judicial official. PSIs can be requested in many cases, but are required for felony cases and any other cases in which jail sentence of six months or more are being considered. Mandatory PSIs can be waived if all affected parties consent, if incarceration can be satisfied by time already served, a probation sentence has been previously agreed to, or a previous PSI has been completed within the preceding 12 months. Most of the Probation staff who supervise adult criminal offenders are typically involved in the completion of PSIs.

The number of completed investigations has ranged from a high of 550 in 2013 to 446 in 2016. Felony investigations have ranged between 207 and 185 over that period, with misdemeanors declining by 24 percent from a high of 343 in 2013 to 261 last year. Typically, a PSI is completed within five weeks of assignment, with the typical time being reduced to four weeks if the defendant is incarcerated while awaiting sentencing.

Tables 37 and 38 show the major categories of types of PSI sentencing recommendations made by Probation officers over the past three years, and the ultimate dispositions by the courts for those same cases. It is clear that there have been some significant disconnects between recommendations and court dispositions. Despite comments from nearly all the city and county court judges and town/village justices we interviewed in which they emphasized their respect for and value of the recommendations they received in the PSI reports, judges clearly retain their independence and make their own judgments on sentences – factoring in, but by no means being bound by the recommendations they receive via the PSI process.

Table 37

Felony Investigations, 2014-2016*					
Selected Categories	PSI Recommendations		Court Dispositions		% Difference
	Totals	% Total	Totals	% Total	
Jail	122	28%	35	8%	-71.3%
Probation	115	26%	137	31%	+19.6%
State Prison	93	21%	156	35%	+67.7%
Jail, Probation	65	15%	75	17%	+15.4%

Table 38

Misdemeanor Investigations, 2014-2016*					
Selected Categories	PSI Recommendations		Court Dispositions		% Difference
	Totals	% Total	Totals	% Total	
Probation	312	41%	349	45%	+11.9%
Conditional Discharge	163	21%	161	21%	-1.2%
Jail	128	17%	71	9%	-44.5%
Probation, Youthful Offender	51	7%	60	8%	+19.6%
Jail, Probation	47	6%	29	4%	-38.3%

- Note: These tables only include the most prevalent categories of sentences recommended and pronounced. Therefore, the totals do not equal 100% of all recommendations and dispositions. Data only include PSI recommendations where the final sentencing dispositions had been completed. Table based on data provided by the Tompkins County Probation Department.

For both felony and misdemeanor cases, judges proved more likely to sentence defendants to probation (including ATIs in some of those cases; the proportions of such cases could not be determined from the data), compared to the PSI recommendations they received. At the same time, they were more likely to override recommendations to sentence a person to jail, with jail sentences far less likely than would have been the case had the initial PSI recommendations been followed (in some of the PSI jail recommendations for felony cases, judges imposed prison sentences instead). In the case of misdemeanors, there were also fewer split jail and probation sentences than initially recommended.

In the case of felony convictions, the judges were more likely to skip over sentences to the local jail and instead sentence defendants to longer state prison terms, compared to what the PSIs had suggested. In about two-thirds of those prison sentences, judges were operating with different information not part of the PSI process, and were imposing sentences that were mandated by state statute or that were virtually mandated by terms of contracts and felony diversion that kicked in as a result of an unsuccessful felony drug court termination.

Thus judges were a combination of more punitive in their use of prisons than had been envisioned by the PSI process (due largely to the additional mandates to which they were required to respond, as well as in other non-mandated cases perhaps unintentionally saving local jail days as a result of the prison sentences imposed instead), while also being less willing to sentence defendants to local jail time, and more open to making use of probation sentences, alone or in combination with such things as youthful offender status – and to make increased use of other types of sentences not shown in the table, such as conditional discharge, alone or in combination with youthful offender or limited jail time.

Judges will always make independent decisions, but they also indicate in our conversations with them that they are influenced by objective information from other sources, especially sources they trust, and they invariably include Probation and the PSIs at or near the top of their “trust” lists. Therefore, these data would seem to suggest at least the possibility that PSI recommendations that in the future emphasize greater use of probation sentences – perhaps combined with combinations of ATIs and other community-based services discussed below – might have an even greater effect in shaping increased future proportions of non-incarceration sentences than are reflected in the tables above. There may be opportunities for PSI report writers to challenge themselves to combine appropriate use of these ATI programs with the respect judicial officials and the District Attorney have for Probation and the PSI process – to free them up to be willing to consider “pushing the envelope” a bit more as they consider making their recommendations, thereby in turn challenging judges to expand their use of non-jail sentences.

Probation-Affiliated ATI Programs

Definitions and Terminology. CGR has chosen in this report to use the term Alternatives to Incarceration (ATI) to refer to a wide range of programs designed to help keep people out of jail, or at least to reduce the amount of time they would otherwise spend in an incarcerated setting. Over the past two years, the Probation Department has made a conscious decision to refer to these same programs as Enhanced Supervision and Sentencing Options (ESSO). Their rationale is that use of the term ATIs presumes by default that incarceration is the presumptive sentence or unsentenced state. By contrast, Probation takes the position that the presumption should be toward an approach that recommends enhancements and graduated responses for offenders at both the sentencing and unsentenced stages of involvement in the criminal justice system that will be consistent with improved success rates while maintaining community safety. The focus therefore is on enhanced evidence-based options that have merit in their own right, whether or not they are helping keep people out of jail.

We agree with the logic behind the paradigm shift to the ESSO terminology and philosophy. But in this report we have chosen to use the more traditional ATI reference instead, for several reasons. First, regardless of what we call them, we are either way referring to the same programs, whether labeled ATIs or ESSOs. Secondly, the original County RFP which initiated this study refers to ATIs, and we have chosen to retain the terminology to be consistent with that wording, using terms that most people in the criminal justice system continue to use.

We think of the terms as being somewhat interchangeable, and have used the ESSO reference in a number of settings, but in order to make our intentions and references clear, we typically have come back to the ATI language, because at this point of transition between the traditional and the new language, that is more clearly understood by most people.

Finally, we have chosen to continue to use the ATI reference because, for purposes of this study, we are focused on alternatives to *incarceration*. That is what this study is about in large part: to help determine the extent to which existing or emerging or future alternative programs can help limit the numbers of individuals who need to be incarcerated in future years. So, for the sake of clarity and consistency, and to constantly remind us of the primary focus of this study from the County's perspective, we will continue to make reference throughout the remainder of the report to alternatives to incarceration.

ATIs, as they are described below, typically go well beyond, in various ways, routine Probation supervision – offering specialty services, more intensive levels of supervision and collaborative support services beyond traditional supervision – and represent

program offerings that are often targeted to particular subsets of people in the criminal justice system. The programs most regularly referred to as the County's primary ATI or ESSO programs are the following:

- Pre-Trial Release,
- Greatest Risk Supervision,
- Service Work Alternative Program (SWAP),
- Day Reporting,
- Electronic Monitoring, and
- Felony and misdemeanor Drug Treatment Courts.

Other non-Probation-affiliated community-based alternative programs are also discussed later in the chapter.

Alternative programs must, of course, be strong programs and have value in their own right in order to impact on the criminal justice system and jail population. But at the same time they may have only limited impact if they are not embraced by the components of the law enforcement and criminal justice system with which they interact. These programs can only have their desired effect and value if they are able to work closely and effectively with, and are known and understood by, law enforcement officers, judges, prosecutors and defense attorneys, collaborative community-based agencies, the rest of the Probation staff – and, given the often-interlocking and complementary nature of the programs, with each other.

Costs of ATI Programs. We will discuss program staffing and costs in the context of each program described below, but in order to provide an overall perspective, we first offer this overview of the approximate program costs, based on data provided by Probation. The 2017 County budget outline of the Probation budget, as summarized earlier in the chapter, provides no breakout of the costs of the individual programs. The figures presented below only add up to about half of the total costs allocated in the County budget to Probation's alternative programs. As such, these appear not to include fringe benefit costs, and they appear to reflect only net local costs, after subtracting offsetting non-County revenues. The Drug Court costs only refer to Probation portions of the overall costs, as judge and non-Probation Drug Court Coordinator costs are not included. Staff who spend only portions of their time focusing on a specific ATI program appear to have only the prorated portion of their time allocated within the costs reflected below.

Thus, we caution that these costs should not be thought of as a definitive presentation of the total costs of each program, but rather as a rough order-of-magnitude indication of the costs to Probation of operating these programs.

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- Day Reporting \$174,965
 - Community Service 107,640
 - Drug Courts 104,197
 - Greatest Risk Supervision 79,665
 - Pre-Trial Release 41,741
 - Electronic Monitoring 18,000

A Caution about Program Data. We have used the best available data to estimate the impact of each program, in terms of outcomes and impact on the jail population. However, the available program data place significant limitations on our ability to do so. For example, program data typically do not link information about individuals in one program to other programs that they may also be involved with, or to jail data; do not typically track ultimate case disposition or recidivism rates; and are often ambiguous about what constitutes a successful outcome for that program over particular designated periods of time (e.g., successful termination from the program under various conditions, nature of the final case disposition and sentence, absence of repeat offenses within 6 months or a year, etc.).

The data limitations are further exacerbated by the lack of clear knowledge on the record of the extent to which decisions in each case to release a defendant or to impose a particular sentence are directly attributable to the efforts of that program or would have occurred anyway. Moreover, judges do not typically indicate how seriously they would have considered an incarceration sentence in a particular case had they not invoked a non-jail sentence as a result of having an ATI available.

Thus, it is difficult if not impossible to quantify the precise impact of each ATI on jail population reduction. However, we have been able to use the data that do exist, and supplement those data with guidance from judges and other knowledgeable officials about how and when they tend to use particular alternatives, to develop what we believe are reasonable estimates of the impact of each program, and the impact each one can have under various scenarios going forward. In the final chapter, we offer suggestions concerning ways program and system data can be improved to provide better documentation of outcomes in the future.

We begin our discussion of the alternatives program at the front end of the system with the Pre-Trial Release program

Pre-Trial Release

The County's Pre-Trial Release (PTR) program is essentially a one-person operation, involving the same person doing (1) interviews of new unsentenced admissions to the jail and (2) supervision of persons released to PTR while awaiting disposition of their cases. The program is designed to reduce the incidence of unnecessary incarceration in the jail by facilitating the non-financial release of low-risk defendants who might otherwise continue to languish in custody while awaiting case disposition – and to help ensure that those who are released under the supervision of the program appear for all scheduled court appearances.

PTR's Probation Assistant goes to the jail early each morning, Monday through Friday, and is responsible for interviewing new unsentenced inmates who have been admitted and who have had bail set without being released since her visit to the jail the previous morning. Since there is no weekend coverage, unsentenced defendants arrested and detained in jail from roughly mid-morning Friday through Sunday night or early Monday morning must be interviewed during the Monday morning visit.

During the interviews, which typically last about 15 minutes, the Probation Assistant uses an existing interview template to obtain information on various aspects of the defendant's background, including living arrangements, education and employment status, history of drug or alcohol abuse, extent of community ties, personal references, etc. Following the interview, information is verified and supplemented via follow-up phone calls and check of criminal records and previous court appearance history. All of the information is integrated into a Probation Compas actuarial risk assessment/scoring instrument which provides a numerical score translated into High, Medium or Low risk of failing to appear in court.

The score, in combination with the judgment of the Probation Assistant, results in one of four PTR recommendations: Release on own Recognizance (ROR), Release under Supervision (RUS), Reduced Bail, or Continue Bail (at existing level). The information and accompanying recommendations are forwarded to the applicable court, typically by mid-morning of the same day. Given the one-person operation of the program, staff do not accompany the recommendation or appear in court to expand upon the information being presented in writing.

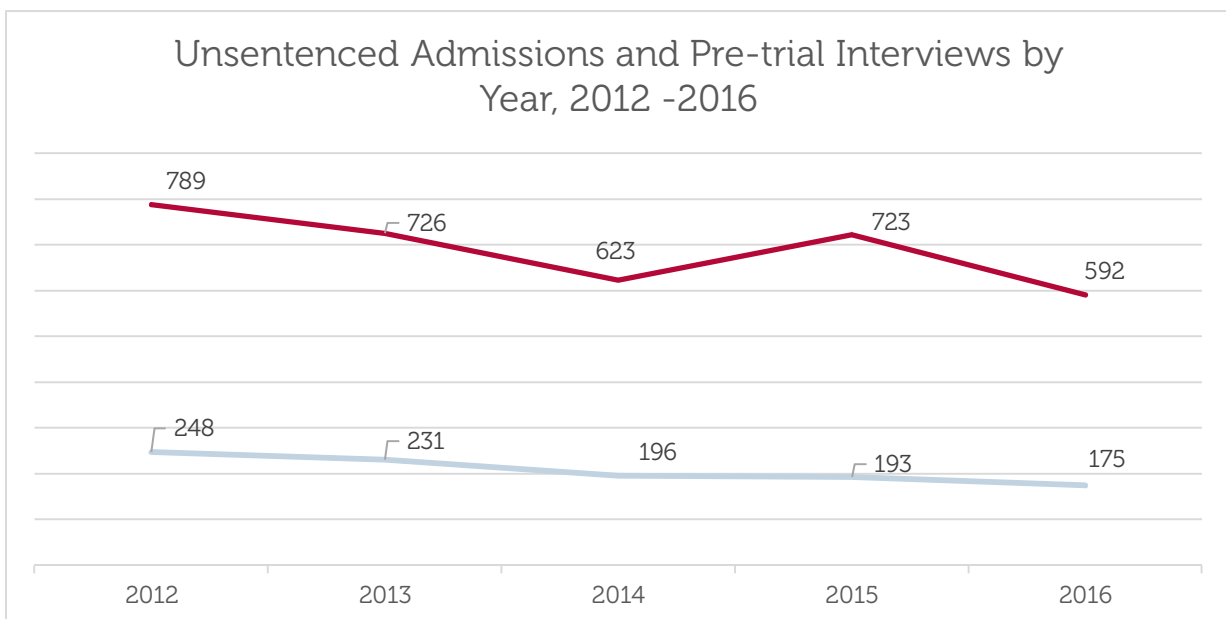
For those who are subsequently released by a court official under the supervision of PTR, the Probation Assistant supervises the defendant and ensures adherence to the release conditions during the pretrial period, for up to 90 days. If the case is still pending at that point, it reverts to ROR status or can go back to the judge to either release the person outright at that point, or extend the supervision period beyond the 90 days. During 2016, an average of just over 12 defendants per month received active supervision under RUS court orders.

Declining Number of PTR Interviews

The number of PTR interviews actually conducted has been steadily declining in recent years. Going back as far as 1997-98, based on data from a 2002 report about the jail, 485 PTR interviews were completed in 1997 and 467 in 1998. In contrast, fewer than 200 interviews have been completed in each of the last three years, as shown in Graph 26. The number of interviews completed in 2016 was 29 percent lower than just four years earlier in 2012. This decline in the number of interviews has exceeded the rate of decline in the number of unsentenced jail admissions in recent years.

The number of completed Pre-Trial interviews each year has represented an annual average of only about 30 percent of all unsentenced admissions to the jail those years (more than 30 percent the first three years, and less than 30 percent in the past two years). During 2016, an average of 14.5 inmates were interviewed per month, including 10 per month in each of the last four months of the year – well less than one completed interview per day.

Graph 26



Probation officials indicate that part of this discrepancy in admissions versus interviews completed is due to the fact that some inmates are routinely not interviewed, such as parolees, those with probation violations or drug court sanctions, and those who may have posted bail prior to PTR staff arriving at the jail on a given day. For example, 18 percent of all 3,455 people who entered the jail as unsentenced admissions in 2012–2016 were released within one day of their admission. In addition,

another 8 percent were admitted after noon on a Friday and released before 9 am on Monday morning – hours during which PTR does not conduct interviews. And over the past five years, an average of 21 inmates per year have declined to be interviewed for various reasons. Adjusting for these categories of inmates that are routinely not interviewed by PTR, interviews were conducted with about 40 percent of the remaining unsentenced admissions to the jail. And these categories of “non-interviews” have been in effect for some time, and do not therefore seem to help explain the declines in interviews in recent years. (PTR also does not interview those admissions to the jail for whom no bail is set, which Probation officials suggest does not represent a large number of “non interviewees.”)

Although it is difficult to fully align data tracked by Probation with Tompkins County Jail data, as another way of looking at the PTR interview data, CGR was able to examine how many of the 1,930 individuals admitted at least once to the jail on an “unsentenced” basis (excluding inmates admitted through a parole violation or as the result of a criminal sentence) from January 1, 2012 through December 31, 2016 were ever interviewed by PTR staff.

About 40 percent of these inmates (776 of 1,930) were ever interviewed by PTR, although some of the 776 were interviewed multiple times during these four years (there were 1,003 total interviews conducted over this period).¹² The 1,154 inmates not interviewed by Probation during this time period had a collective 1,681 admissions to the jail during these four years.

As shown in Table 39, while just over 30 percent of these non-interviewed admissions lasted a day or less, and 43 percent less than three days, 57 percent of these stays lasted at least four days, and 43 percent remained in jail for more than a week.

¹² The totals extracted from the database provided by Probation and the totals reflected in annual report data varied slightly, but the minor differences had no effect on any of the analyses in this chapter.

Table 39

Length of Stay of Individuals Not Interviewed by PTR Program		
Length of Stay	# of Admissions	% of Admissions
1 or Fewer Days	511	30%
2 or 3 Days	211	13%
4 to 7 Days	238	14%
8 to 14 Days	143	9%
15 to 30 Days	151	9%
More than 1 Month	427	25%
Grand Total	1681	100%

Although there are clearly legitimate reasons why many unsentenced admissions to the jail are not interviewed by PTR, there also appear to be many opportunities in the future for increasing the numbers of admissions who are interviewed, including revisiting cases who remain in the jail after a few days of not being released on bail, to see if some conditions of release might be recommended to help effect a more timely release, consistent with community safety.

Impact of PTR Interviews on Court Decisions

Not only have the numbers of interviews declined in recent years, but the vast majority of the resulting recommendations in the cases that were interviewed – nearly two-thirds – have resulted in PTR recommendations to continue bail at some level, as indicated in Table 40. Despite its stated goal to attempt to facilitate release for incarcerated individuals awaiting disposition of their cases, PTR has made many recommendations which, rather than facilitating release, would make release more difficult, particularly for defendants of limited financial means – by advocating retention of either the existing bail level or a reduced level, but either way without seeking non-financial release. Based on data provided by Probation, between 2014 and 2016 a total of 499 recommendations were made, resulting in the following:

Table 40

Distribution of PTR Recommendations 2014-16		
Recommendation	#	% of Total
Continue bail as is	210	42%
Reduce bail amount	113	23
ROR	100	20
RUS	74	15
Set Bail	2	<1
Total	499	100%

Over the past three years, the program has recommended ROR in 20 percent of the cases – 100 releases over three years, an average of fewer than three per month. It has recommended Release under Supervision in 15 percent of its recommendations, an average of two per month. By way of contrast, compared to the 35 percent combined ROR/RUS recommendation rate for the Tompkins PTR program, the comparable rate in the much more urbanized Rochester/Monroe County Pre-Trial Release program has slightly exceeded 70 percent in each of the past two years – double the rate of non-financial release recommendations in Tompkins County.

Probation officials offer the following in defense of these tendencies to recommend some level of bail continuation: (1) PTR does not recommend non-financial release if an inmate has an existing warrant or detainer from another court in place. They estimate that this may apply in about one quarter of their interviews. However, depending on the previous crimes and nature of the detainer, and possible changes in circumstances affecting the defendant, it may be reasonable to recommend non-financial release back to the initial court, with supervisory conditions, in at least some of those cases in the future, as is done in pre-trial release programs in other counties. (2) PTR is understandably reluctant to recommend non-financial release in some cases involving domestic violence, which officials estimate may account for up to 40 percent of their interviews. Some unknown proportion of those cases are affected by recent state legislation which mandates that factors such as gun ownership or access to guns and previous failures to obey court orders of protection must be taken into consideration in release recommendations. Such limitations indeed make sense. But the question should at least be raised as to whether some of these individuals will ultimately make bail and be released anyway with no supervisory restrictions, and whether there might be more effective and enforceable restrictions on their access to a domestic partner if their release were tied instead to tight restrictions and supervision, perhaps including use of electronic monitoring.

Taking into consideration all these factors, the PTR recommendations have had consequences in terms of the actual judicial decisions that have followed, as

summarized in Probation data reflected in Table 41.

Table 41

Dispositions of PTR Recommendations		
Recommendation to Continue Bail		
Continue bail	163	78%
Reduce bail	4	2%
ROR	28	13%
RUS	8	4%
RUS - DR	4	2%
N/A	3	1%
<i>total</i>	210	100%
Recommendation to Reduce Bail		
Continue bail	58	51%
Reduce bail	21	19%
ROR	23	20%
RUS	5	4%
RUS - DR	3	3%
N/A	3	3%
<i>total</i>	113	100%
Recommendation to ROR		
Continue bail	25	25%
Reduce bail	4	4%
ROR	61	61%
RUS	9	9%
RUS - DR	1	1%
N/A	0	0%
<i>total</i>	100	100%
Recommendation to RUS		
Continue bail	22	30%
Reduce bail	3	4%
ROR	18	24%
RUS	22	30%
RUS - DR	8	11%
N/A	1	1%
<i>total</i>	74	100%

NOTE: RUS – DR refers to recommendations for RUS + Day Reporting

In 80 percent of the cases in which PTR recommended a continuation of the existing bail amount, the courts continued to keep bail in place (lowering it in 2 percent of the cases). Even where the recommendation was to reduce the bail amount, the judicial decision was to continue it at the existing level in more than half of their decisions, and to maintain some level of bail in fully 70 percent of the cases.

But in the relatively few cases where PTR recommended ROR, the courts went along in more than 60 percent of their decisions, as well as recommending RUS in another 10 percent, with bail continued in fewer than 30 percent of the cases.

When PTR recommended some form of RUS (RUS alone or in combination with Day Reporting), some form of non-financial release resulted in almost two-thirds of the judicial decisions (41 percent with a form of RUS, and a quarter of the cases released on ROR).

We do not know from our data what ultimately happened in the cases where the judicial disposition was to continue bail, either at the existing level or at a reduced amount. It is reasonable to assume that some and perhaps most of those ultimately were released prior to final disposition of their case, but we are not able to determine that from these data.

It seems apparent from these data that judges continue to make independent decisions, based on many factors, only one of which is the PTR recommendation. Thus, regardless of the types of PTR recommendations, it is clear that the ultimate judicial dispositions will differ from the recommendations and from each other in many cases. But by the same token, it is also clear that the pattern and overall profile of the judicial decisions is significantly influenced and shaped by the PTR recommendations. Judges appear to be willing to follow the lead of PTR where it makes sense, all things considered, but also to get out ahead of PTR in making non-financial release decisions in many cases where the initial recommendations were on the more conservative side. These data suggest strong support for PTR and its recommendations, but also suggest that PTR could reasonably consider being more aggressive in its recommendations in the future.

More specifically, as the use of the bail loan fund declines (see later in this chapter), and particularly with the increased emphasis on a presumption of non-financial release for most misdemeanor and some non-violent felony cases, PTR should be in a position to be willing to take more risks in recommending ROR or RUS, including combining basic RUS with other conditions such as electronic monitoring, as discussed in more detail below.

As shown in Table 42, continuing bail versus effecting a non-financial release has a huge impact on how long a defendant remains in jail prior to case disposition.

When bail is recommended and continues, only 20 percent of the cases are released within three days – compared to more than 70 percent of those where ROR is recommended and 57 percent with RUS recommendations. Even after a week, the vast majority of those with bail recommendations continue to remain in jail,

compared with small proportions of those with non-financial recommendations. Just over a quarter of those for whom PTR made recommendations to continue or reduce bail were released within a week, compared with 92 percent of those receiving an ROR recommendation and 83 percent with RUS recommendations.

Table 42

Pre-Trial Release Interviews, 2012-2016			
Days From Interview to Release	Bail	ROR	RUS
0	59	60	16
1	20	51	29
2	13	43	18
3	14	36	5
4	15	18	14
5	10	14	9
6	7	7	6
7	3	9	3
8 to 14	56	9	11
15 to 21	34	7	2
22 to 28	34		2
29 to 35	15	1	
36 to 60	92	2	2
61 to 90	46		
91 or More	120		2
Total	540	259	120

Factors Impacting on PTR Recommendations and Release Decisions

A number of factors may contribute to PTR's historically cautious approach to making non-financial release recommendations. Among those is the residence and stability of the person being interviewed. About 20 percent of those arrested and interviewed by PTR have been from outside Tompkins County, making it more difficult to demonstrate strong local ties and stability in some cases. Moreover, the length of local residency has also been an issue in the past, with as few as about 41 percent of those interviewed as recently as 2014 having lived in their current residence for six months or more. But in the two most recent years, that proportion has increased to about 60 percent.

Employment status can also affect the risk score that helps determine the release recommendation, and that has been a troubling factor in many of the interviews in

recent years. Since 2012, about 64 percent of those interviewed reported being unemployed at the time they were incarcerated.

The Compas instrument used in assessing the risk of flight/missed court appearances is an instrument widely used across the state, and can be an effective tool to provide guidance in the recommendation process, but it has not been conclusively demonstrated how predictive and accurate it is with the local inmates with whom it is used. It has been validated statewide, but not specifically locally, and officials indicate that such a county-specific validation is unlikely. To the credit of the PTR program, individual judgment and other factors are brought to bear on the decision beyond just a strict adherence to the Compas score and risk level itself.

Table 43 provides some indication of the impact the Compas score has on the PTR release recommendation. Not surprisingly, a low score level (lowest presumed risk) is most likely to engender an ROR recommendation, but even at this low level of risk, less than half the interviews recommend ROR, and one-third of the recommendations were to continue some level of bail.

Table 43

Probation Recommendations by Compas Score							
Compas Score	% Bail	# Bail	% ROR	# ROR	% RUS	RUS	Total
1 to 3	32%	55	47%	80	21%	36	171
4 to 6	58%	110	22%	42	20%	37	189
7 to 10	85%	278	6%	19	9%	29	326
Left Blank	68%	170	14%	36	18%	44	250
Total	65%	613	19%	177	16%	146	936

As suggested in Table 44, courts vary in their application of the PTR recommendations and in the decisions they make, with some more prone to continue to maintain bail, rather than release defendants with no financial conditions. Because of the small size of some of the courts, data should be reviewed with caution, but there do appear to be some differences by court in how judges respond to PTR recommendations – in some cases being even more likely than the PTR recommendation to retain bail, and in others, such as Ithaca City Court and Newfield town court, frequently imposing other forms of release other than bail.

Table 44

Comparison of PTR Recommendations for Bail and Court Orders				
Court	% PTR Recommended Bail	% Bail Ordered by Court	Change	Total Recs Made
Caroline Town	60%	40%	-20%	10
Cayuga Heights Village	60%	60%	0%	5
Danby Town Court	57%	71%	14%	14
Dryden Town Court	64%	62%	-2%	203
Enfield Town	66%	75%	9%	44
Groton Town & Village	59%	49%	-10%	86
Ithaca City	74%	60%	-14%	311
Ithaca Town	55%	55%	0%	49
Lansing Town & Village	56%	57%	1%	79
Newfield Town	68%	48%	-19%	31
Tompkins County Court	80%	82%	2%	45
Ulysses Town	45%	40%	-5%	55
Total	65%	59%	-7%	935

Data and consistent observations in interviews over the past several months suggest that at least some serious consideration should be given to determining why, despite high levels of respect among most judges for the PTR program, there is currently a significant degree of disconnect between PTR and judges in determining who gets released, and in what ways, in the County's courts. The discrepancies between PTR recommendations and actual court decisions about release that are clear from the data presented in earlier tables suggest that more effective communications may be needed between judges at all levels and PTR in terms of the criteria being used in making the recommendations, how certain factors may unintentionally discriminate against people with certain demographic characteristics, how various conditions of supervision may be used more effectively in certain circumstances to mitigate certain factors and create greater judicial comfort in releasing defendants, and how changing policies of the District Attorney and an evolving community and judicial mindset concerning the use of bail can help shape PTR recommendations and judicial decisions going forward.

Impact on Jail to Date

Pre-Trial Release appears to have helped reduce the local jail population through its recommendations to release defendants on ROR or Release Under Supervision. It has also been willing to accept cases for supervision on referrals from courts, even when

those were not cases in which they recommended non-financial release. This ATI program is clearly a valuable member of the ATI program community. However, data presented above suggest that the program could have significantly more impact than it currently does, as suggested next.

Likely Future Impact

As suggested above, PTR would appear to fall into the category of “low-hanging fruit” as it pertains to opportunities to expand an existing program with the potential to enhance its impact on minimizing the number of inmates in jail each night. For example, what if the program and jail can find ways to increase the number of completed PTR interviews per day – up from the current average of about one interview per day? And what if the proportion of non-financial release recommendations were to increase from 35 percent to 60 percent, which is still below what many other release programs in other communities are recommending? This combination could have a significant impact on helping facilitate more early releases from the jail in the future.

It is understood that these changes would need to be implemented carefully and with considerable thought as to how to increase the number of interviews and under what circumstances to make more aggressive release recommendations, consistent with community safety. It may be, for example, that higher proportions of release recommendations may entail higher proportions of defendants being released to PTR for supervision, which may impact on existing staff needing to free up added time to supervise more cases during the pretrial period – or may ultimately suggest the need for a new staff position. We have discussed this broad approach with Probation officials, and have discussed with them the potential to implement such an expanded approach on a pilot basis to determine how to proceed and to monitor the impact before making any final decisions about future allocation of staff resources. Probation has expressed an openness to at least consider such an approach.

Electronic Monitoring

Electronic Monitoring (EM) uses GPS and related technology linked to an ankle bracelet that can monitor 24 hours a day the whereabouts of unsentenced or sentenced offenders. Electronic devices send signals to determine if the person is where he/she is supposed to be at any given time, as matched against an approved schedule. EM can be a cost-effective, safe alternative to maintaining a defendant/offender in jail, and can be available as both a pretrial and sentencing option to all criminal courts.

Many counties make significant use of the technology to enable persons who would otherwise be confined in jail to remain in the community, carrying out most basic activities of life, but with restrictions on where they can and cannot be at specified

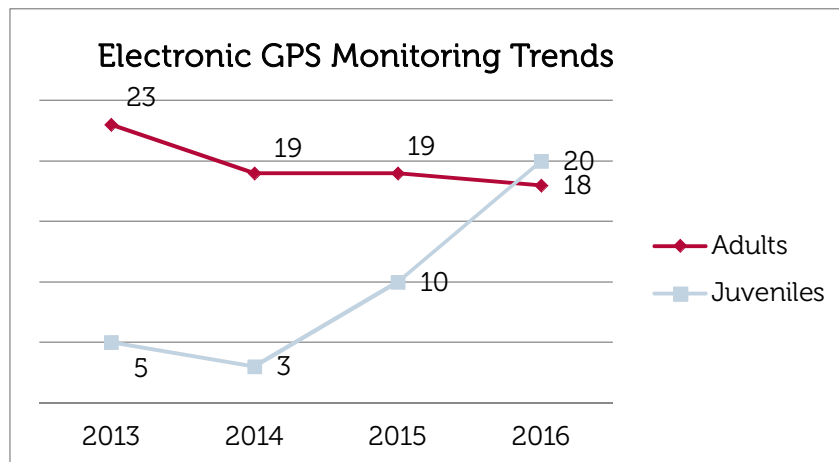
times. EM enables the person being monitored to retain a job, tend to family obligations and, as approved, attend services or treatment, but with appropriate restrictions designed to limit any “unproductive” activities.

Cost Effective Use of EM

As the least expensive of the ATI programs, Electronic Monitoring is also arguably the most versatile. It can be used in various capacities: as a condition of supervised release (in conjunction with RUS), as a sentencing option – typically in conjunction with basic probation supervision or with something like Drug Court – or as a graduated sanction as a step prior to violation or revocation of probation or as an alternative to a jail sanction in Drug Court.

The Probation Department used 16 EM bracelet units at various points in 2016, and pays only a daily monitoring fee of \$7 for each day a unit is in use – much cheaper than the cost of either juvenile detention or adult jail. But as versatile and cost effective as EM is, it has received relatively little use in recent years, though usage has increased significantly among juveniles over the past two years, in an effort to reduce expensive juvenile placements. As indicated in Graph 27, the use of the EM option among juveniles eclipsed the use by adults for the first time in recent years in 2016. In the past four years, the number of days EM has been used by juveniles has increased by 77 percent to 883 days last year, while during the same period of time, use among adults has fallen by 25 percent, to 944 days in 2016.

Graph 27



During 2016, there were an average of only 3.5 open adult EM cases per month, despite the low cost of operating the program.

Because monitoring of the use of the EM devices can be done as part of the job of other Probation staff, there are no personnel costs allocated to the EM budget, which is limited to the daily \$7 costs per unit in operation. Last year's total of 38 adult and juvenile users was by far the largest in recent years. As a result the 2017 budget for EM was increased to \$22,500, up from \$18,000 in 2015. In fact, in no recent year have actual EM expenditures come close to matching or exceeding the budgeted amount for the year. In 2014 just over half of the budgeted \$24,000 was actually spent. In 2015 and 2016, only an average of about \$14,500 per year was spent – between 75 and 80 percent of the budgeted amounts for those years. Thus each year much of the potential capacity of this alternative has gone unused.

The limited use of the EM devices is particularly curious because Probation touts the cost savings associated with the use of this alternative. Annual taxpayer savings of more than \$383,000 were attributed to EM in 2016, due primarily to the avoided high costs of juvenile detention, but with adult savings of \$72,688 also figured into that total. The adult savings are figured based on the premise that each of the days with electronic monitoring devices in use is a jail day avoided, and the further assumption is that each of those days saved would have been boarded out – a questionable assumption, especially last year, when boarding-out days were the lowest in many years. Thus the savings attributable to the use of electronic monitoring devices appears to be somewhat overstated, but the basic underlying assumption nonetheless remains: this appears to be a low-cost, underused alternative with the potential for increased future use leading to increased impact in reducing the jail population in the future, as suggested in the next section.

The actual and potential future value of EM is further enhanced by its success rate, as measured by successful completion of supervised cases in which EM was ordered by the court. Over the past two years, 37 adult cases were ordered to have EM in place in a variety of circumstances, including under PTR supervision (RUS), conditions of probation sentences, violation of probation, and drug court sanctions. In the 33 of those cases which had been completed, 26 had been successfully terminated (a 79 percent success rate).

Probation officials have indicated that it would be possible to expand the use of Electronic Monitoring among adults, even as juvenile use increases, given the existing budget and the ability to request increased funds if necessary, given sufficient justification for its expanded use.

Likely Future Impact on the Jail

Whatever the cost savings attributable to the use of the EM option, the true untapped potential of the possibility of its future increased use as an adult alternative is in its potential for reducing the number of inmates in the jail on a daily basis. Given its versatility in being able to be placed in operation in a variety of situations as a case

wends its way through the criminal justice system, it would appear to be ripe for a significant expansion of its use in the future. Depending on how and where in the system EM is used, it has the potential to save significant amounts of jail days. One knowledgeable official estimated that it would not be unreasonable to anticipate that EM could be successfully engaged in as many as 20 percent of all Probation revocations, thereby avoiding significant numbers of jail days likely to result from re-sentencing as part of revocation proceedings.

A study conducted by CGR in Steuben County about 10 years ago documented that an EM program in place at that time was reducing the daily jail population in the county by an average of almost 15 inmates per day, with the potential at little additional cost to expand EM use to make possible a further reduction of an estimated seven additional inmates per day. Given the broad expression of support for this option expressed by many of those we met with during this study in Tompkins, the limited cost of the option, and the various points at which its use could be justified, it does not seem unreasonable to assume that a census reduction of 10 inmates per day could result from a targeted expansion of the option.

Some legitimate concerns have been expressed about the potential for using this option to inadvertently “expand the net” of restrictive sanctions on those in the criminal justice system. But with appropriate controls and careful monitoring in place to make sure that the option is only used in cases where incarceration would be highly likely were EM not invoked, we believe that this can become a responsible alternative option to significantly reduce the jail population of the future. As a further protection to ensure that the alternative is being used appropriately with appropriate safeguards, and that it is indeed helping to reduce the daily jail census, a pilot project could be undertaken to test the value of expanding the use of EM before making any final determinations about its ultimate expanded use.

Day Reporting

The Day Reporting (DR) program is a structured offering designed to provide people in various stages of the criminal justice system with linkages to needed services and community resources, while strengthening core competencies (e.g., education, employment training and placement) and holding participants accountable for their actions and making progress while in the program. The program operates in a secure, centralized setting within the County Human Services Building housing both Probation and the Department of Social Services. The program offers a variety of classroom instruction and services between 8:50 and 1:30, with focus on substance abuse education, life skills, individualized education programs and GED preparation, work readiness and other employment-related issues, community service, healthy family relationships, and leadership initiatives.

During 2016, 207 individuals were referred to the DR program, 48 percent more than the 140 who entered the program in 2014. The program is designed for an enrollment of 15 or so per day, with a maximum of 30, which is probably stretching the capacity of the staff and available space. Length of participation in the program tends to range from about 10 days to as much as 90 participant days. During 2016, there were an average of about 29 open cases per month, with not all open at the same time or engaged on a daily basis. The program is staffed by a full-time Senior Probation Officer (who also supervises the SWAP program described below), with other support staff providing various services as needed.

Summary of Previous Evaluation

In 2010, an evaluation of the Day Reporting Program was completed by Deana Bodnar, Program Development Specialist at the Tompkins County Department of Social Services. The evaluation covered the years 2006 through September 2009. Even though this was several years ago, and aspects of the program have changed since then, it is nonetheless instructive to examine the findings to provide historical context for what exists today.

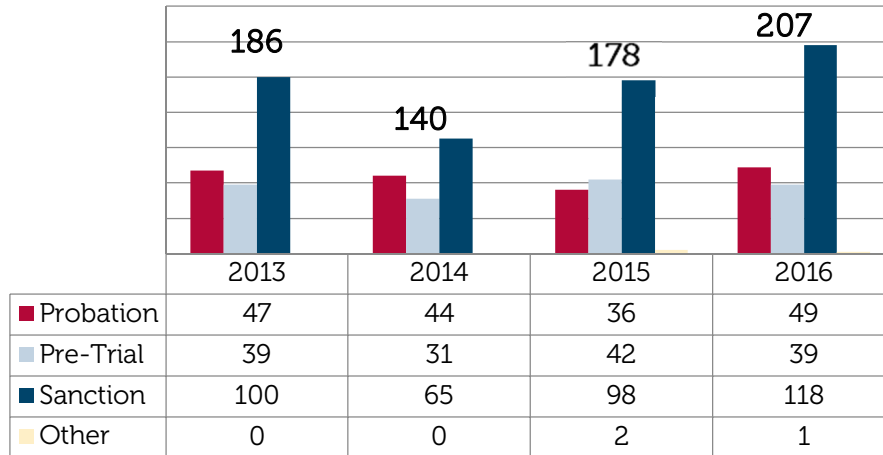
The evaluation showed “strong positive results,” based on 58 percent of the participants over that period of time completing the program or being successfully released. The evaluation also showed strong outcomes regarding the educational and employment services of the program. Of the 35 percent of participants who did not successfully complete the program, a quarter wound up being incarcerated.

Impact of the DR Program

Similar to the Electronic Monitoring program, the Day Reporting ATI receives referrals from different sources and points of contact within the criminal justice system. It is not as cost effective as EM because of its higher use of staff and contractual services, making it the highest-cost Probation-based ATI. But it has a broad ability to have an impact on several different stages of the criminal justice system: It can be used to enhance supervised release, as a condition linked to a basic probation sentence, or as a graduated sanction from Drug Court or sanction/violation of probation. As indicated in Graph 28, use of Day Reporting as a condition of probation and as a condition of pre-trial release (through the RUS program) have remained relatively stable in recent years, while its use as a sanction or violation has increased substantially over the past three years (up 81 percent from 2014).

Graph 28

Referral Sources to Day Reporting



Although impact of the program on the jail population cannot be determined definitively, given some of the data limitations referenced earlier, it is reasonable to make some assumptions based on data that are known, and observations from people knowledgeable about the program and its operations. First, straight use of DR as a condition of basic probation supervision is not viewed as having a significant impact on the jail population, over and above whatever impact has already occurred via the core initial probation sentence. Second, it is generally assumed that the use of DR as a condition as part of an RUS release does contribute to the release of defendants at the pretrial, unsentenced stage of their cases, and therefore does have some impact on reducing the jail population.

The most significant impact on the jail population is likely to be as a result of increasing uses of DR as an option imposed as a violation of probation or as a Drug Court sanction. In either case, the assumption is that absent the sanction, the defendant would likely have been headed to jail or, in the case of felony cases, perhaps to prison.

Thus, for 39 individuals who entered Day Reporting through the pre-trial process in 2016, the program may have helped those 39 remain free in the community, other than in jail during their pretrial period. It is of course possible and probably even likely that some of these would eventually have been released anyway by making bail or other form of release at some point prior to their case disposition, whether or not they had been referred to DR, but it seems reasonable to conclude that in most of these cases, jail days were saved as a result of the DR intervention.

The likely bigger impact comes from the sanction referrals. Based on Probation Department data on violations of probation and assumptions about Drug Court sanctions, it seems reasonable to assume that about one-third of these overall sanctions would have resulted in re-sentences to prison, with the rest to the jail. And in roughly 40 percent of the cases, those sentences would probably not have been totally avoided and would have occurred anyway, given unsuccessful termination of the cases without completing the terms of the DR program.

Likely Future Impact on the Jail

Although referrals from sanctions and violations of probation increased in the past two years, the average numbers of referrals in those two years were only slightly higher than the corresponding number of referrals as recently as 2013. Meanwhile, the referral numbers for probation and pre-trial (RUS) have remained stable over the four-year period. Rates of unsuccessful terminations from Day Reporting, which are likely to trigger jail or prison re-sentences, have fluctuated up and down a bit from year to year, but overall have remained relatively constant. Thus, we believe the likely future impact of the DR program on incarceration rates is relatively consistent and “baked in” to any calculations of likely future rates.

Only if there were to be significant changes in the numbers or makeup of the Day Reporting program in the future would we expect significant further impact on incarceration rates, and we see little evidence that such changes are likely. We project significant increases in the impact of Electronic Monitoring on the jail population, because there is evidence to support the likelihood of substantial increasing use of that option. By contrast, given that DR appears to be operating at a level consistent with its capacity and efficient operation, we do not see any clear indication that the use of DR is likely to change in any material ways over the next few years, and therefore we do not project any future change in the number of jail cells likely to be impacted by this program in the foreseeable future.

It should be noted that some have anticipated that if more use is made of Electronic Monitoring in the future, it may draw some individuals away from referrals to Day Reporting. That could be true, but if so, we anticipate that other referrals to DR would fill the slots of those placed instead in EM bracelets. Moreover, with higher reported success rates for EM than for DR, this would likely result in a net positive impact on reducing jail census rates, as suggested in the previous section.

One final thought about the Day Reporting program: some concerns have been expressed about the possible limitation of access to the program for those in rural areas without access to a car or not on or near public bus routes – or who may need transportation to access the program and related services or job opportunities at times when routes are not in service. Some justices in rural areas have implied some concerns as a result about referring persons to this program that they otherwise like.

This issue is part of a larger community conversation about public transportation and access to jobs, medical services, other community-based services, and appointments that may be part of requirements imposed on defendants in the criminal justice system by programs such as Day Reporting, Drug Courts and to a lesser extent Probation.

And a final thought about the DR location: the space made possible by the recent renovation and relocation of the DR program may offer an opportunity to house services in a convenient location which are related to re-entry program connections with inmates returning to the community. This issue is addressed in more detail in subsequent discussions in the report of the County's re-entry initiatives.

Greatest Risk Supervision

This is the first of the ATI programs being discussed which is clearly strictly a sentencing option. Based on the former Intensive Supervision Program, the reconstituted and renamed Greatest Risk program (GR) is targeted to primarily felony offenders (and some misdemeanors) with significant legal histories, often failures on other forms of probation, often histories of substance abuse – and who have been identified by a risk assessment instrument as having high levels of risk of recidivism and of being incarcerated in the jail or state prison without the intervention of this program.

Those in the program receive the highest level of intensive monitoring and supervision available under probation supervision, including, where appropriate and helpful, contacts with family members, employers and treatment providers. Accordingly, two Senior Probation Officers who are responsible for the adult GR program typically maintain uncharacteristically low supervision caseloads, normally ranging between about 25 and 35 cases at a time. One of the Senior POs typically oversees four to five juveniles as part of her caseload, with the remainder Greatest Risk adults.

With individuals entering and leaving the program, an average of almost 48 adult GR cases were open in an average month throughout 2016, with as many as 55 open cases during the month of December. Over the past four years, the program has admitted an average of 42 new participants each year.

The program is described by many as offering its participants their last best shot at remaining in the community, with the understanding that prison or jail is likely to await them should they fail or leave the program without successfully reducing their risk assessment level. GR is designed in part to help reduce the risk level of participants so that over time they can be removed from the Greatest Risk caseload and returned to a basic probation less intense supervisory relationship.

Some enter the GR program as part of an initial probation sentence, while for others, the referral to the program occurs later, when it becomes clear that a basic supervision regimen will not meet the needs of the individual, and an enhanced level of supervision is needed to have any hope of turning the person's situation around in a positive direction. In addition, recent data suggest that 13 or 14 persons a year are added to the program caseload via graduated sanctions, in the hopes that this will avoid a violation of probation that would likely culminate in incarceration.

Program Impact

A recent review by the Probation Director of individuals supervised over the past two years under the Greatest Risk program provides some insights as to how difficult it is for these high-risk offenders to succeed, even with the high level of attention they are receiving. With 45 percent of the cases still open, 18 percent had been successfully discharged from the program, for what Probation reported as a combined 63 percent success rate. But another 30 percent had been revoked and resentenced, typically to a jail or prison term. Assuming that all of the current active participants remain on target and are successfully discharged at some point from the program, such an overall 63 percent success rate would probably be reasonable and even good for such a difficult group of offenders. On the other hand, it seems unlikely that all 45 percent of the current caseload will complete the program without some types of sanctions or formal violation of probation or revocation.

Although it cannot be confirmed directly from any program data, the assumption is that about half of those in the Greatest Risk program would likely have been sent to prison were it not for the program (or should they fail to successfully complete it), with the other half likely to have been incarcerated via sentence to the jail. Thus, if these assumptions are correct, half of those in the program are preventing local jail time. However, it is also assumed from partial data and Probation staff observations that about half of these cases will ultimately be violated and presumably wind up in jail anyway, so that with those offsets, perhaps a quarter or so of those in the program over time are actually having a net positive impact on reducing the numbers of inmates in the jail.

There is evidence from Probation data of judicial decisions that convincingly demonstrate the impact of the program on the jail population. Out of 26 domestic violence and sex offender cases in 2016 in which the ESSO committee made recommendations, in seven of those cases the ESSO recommendation was incarceration, but the ultimate judicial decision was to instead refer the offender to Greatest Risk. Clearly in these cases, Probation staff who seek non-incarcerative sentences wherever possible found direct evidence of the power this program has to persuade judges to see it as at least a temporary alternative to sending someone to jail or prison.

Likely Future Impact on the Jail

On the one hand, the Greatest Risk program received few indications of unsolicited support in our interviews, compared to such programs as PTR, Day Reporting, Electronic Monitoring and Drug Court, all of which received frequent statements of their value. On the other hand, the evidence just cited demonstrates that the program is clearly on the radar screen of some judges, who single it out for referral rather than sentence someone to a jail term. It is possible that with greater education and orientation of judges about the value of the program, it might gain even more support and users in the future.

However, the GR program may already be reaching a saturation point in terms of the appropriate staff caseload numbers ideal for fully accomplishing the goals and stated standards of the program. Thus we would not recommend any increase in the number of referrals to the program at this point, for fear that it could further reduce the ability of staff to provide the levels of intense supervision expected of the program. And before any additional staff are added to potentially expand the program, we suggest that a more careful assessment of its impact be undertaken. Rather than assuming that active cases are successes, such an assessment would wait until all participants in a particular GR cohort (e.g., admissions within a particular year) have completed the program and then determining how many have successfully completed the GR requirements, how many had to be dismissed unsuccessfully, and of those, how many were re-sentenced to jail or prison. Such an assessment could help determine whether adding staff to the program and promoting its expanded use with judges makes sense in the future. In the meantime, we would recommend leaving the program as is, with no likely change in the foreseeable future in its impact on the jail census.

Service Work Alternative Program (SWAP)

SWAP is a supervised community service program. More than 40 percent of the current SWAP caseload of 33 are DWI convictions, and more than 70 percent of those are felony cases. This is viewed by Probation as a typical SWAP caseload. DWI offenders are required by law to complete 240 or 480 community service hours, depending on their recidivism history. The program is viewed by program officials as an alternative to what otherwise would be likely to result in a jail sentence or sanction. Offenders are ordered to provide certain numbers of hours of community service, with the number of hours depending on the nature and severity of the offense and previous criminal record. Court-ordered community service is typically imposed at sentencing as a condition of probation or as a graduated sanction in lieu of jail on a violation of probation. It appears to be used most frequently to get an offender's attention after a second or third crime, rather than on a first offense.

Work shifts can occur during traditional day-time hours, or can also be served during evenings and on weekends. One of the intents of the program is to minimize disruption to jobs, family life and the overall life circumstances of the program participants.

Typically the number of hours of service ordered is based on the level of the offense, as follows: a B misdemeanor: 50-75 hours; A misdemeanor: 75-100; E felony: 100-200; D felony: 200-300. DWI offenders may have additional hours added to their sentence, as noted above. To the extent that the program is used as an alternative to incarceration, this is the ATI most clearly focused on preventing days in the local jail, with few if any community sentences being in lieu of prison time.

Program Impact

The second most expensive of Probation's ATI programs, SWAP in 2016 averaged 34.5 open regular/sentenced cases per month, plus an additional 11 cases being monitored for Drug Court or other probation sanctions. Two work project supervisors oversee the work of the offenders at various community sites. In each of the last two years, 33 individuals successfully completed their community service obligations. In 2016, those obligations were carried out in about 25 separate worksites, down from more than 40 sites reported in 2015 (the larger number of sites remains available, as determined by needs at any given time). The number of reported service hours in 2016 was down from the previous year by more than 200 to just over 3,500, but that total was about 500 higher than in 2013. The program reports that 98 percent of the community service hours ordered were satisfied at case closings in 2016, up from 84 percent the previous year.

Probation officials indicate that this alternative is highly valued by the courts, but almost no judges or town/village justices mentioned it when asked what ATIs they most valued, and relatively few appear to use it as a sentencing option (about 37 new referrals to the program per year across all courts over the past three years). About one-third of referrals to the program in 2016 were for DWI charges. Compared to data available from almost 20 years ago, this community sentencing option seems to have become less popular as a judicial sentencing option, perhaps in large part due to the expansion of other ATI options during that time.

In addition to the program's efforts to reduce the jail population and individual recidivism, SWAP also is believed to be a benefit to the community organizations to which offenders are assigned, with thousands of hours of free service provided to those sites. The numerical value of the services to those sites has not been reported, and the extent to which the services provided are essential services that others would otherwise have to do, versus representing various degrees of "make work" assignments, is not always clear. On the other hand, a number of heart-felt testimonials to the value of the program are received each year.

It is difficult from existing data to determine to what extent the program actually functions as a true alternative to incarceration. Community service sentences are often imposed as a condition of Probation, and as such it cannot usually be determined whether the addition of the SWAP option tipped the scale to a non-incarceration sentence, or whether SWAP was just an “add on” to a probation sentence that was already likely to occur, whether with or without the community sentencing. Some acknowledged that the option is sometimes used as an add-on, but in most cases this could not be determined from any available records.

It is likely that this option acts as a true ATI when it is imposed as a graduated sanction in response to a probation or drug court violation or sanction. In such cases, the intent seems to be that in the absence of successful completion of the community sentence, some jail time would be likely.

Likely Future Impact on the Jail

To the extent that SWAP functions as a true alternative to incarceration, that impact is focused on reducing the local jail population, rather than impacting on state prisons. But data are simply not available to make any realistic assessment of the extent to which SWAP is having any measurable effect on the jail population on a day to day basis. It is reasonable to conclude that some jail days are avoided through the efforts of the program, but it seems unlikely from available evidence that more than a handful of inmates per day are avoided on the average, if that. This is not to say that the program is not valuable in other ways, but that it probably should not be counted on to have any additional impact on the jail census of the future, unless clear changes are made in how it operates.

Perhaps efforts can be made to educate and orient judges across the system to become more aware of the program’s potential value, and to help promote the use of community sentencing as a viable option in lieu of imposing a relatively short jail sentence. Such an effort to remind judges and justices of the intent and potential value of this option seems worth doing. And perhaps SWAP can be featured more often in PSI recommendations. But short of a significant uptick in the numbers of referrals to the program, with clear documentation of the fact that these referrals are instead of a jail sentence that would otherwise have been imposed, it does not seem likely that SWAP will have any future impact on the jail population over and above what it has today.

Drug Court: Ithaca Community Treatment Court (ICTC)

One of two adult drug courts in the county, the Ithaca City Court misdemeanor drug treatment program (referred to as misdemeanor Drug Court or ICTC throughout the report) serves not only misdemeanants with drug and alcohol problems from the city, but also receives referrals from village and town justice courts for admission to the

program. The program, started in 1998, does not focus on drug dealers, but rather on individuals caught up within the criminal justice system with substance abuse problems and in some cases addiction issues that help fuel or contribute to criminal behavior. Participants may or may not have been arrested on drug-specific charges, as long as underlying issues are substance-abuse related.

The program is designed as a 9-month program, which can be and often is extended beyond that as needed. The goal of the Drug Court is to help the participants break the cycle of addiction, substance dependence and related criminal behavior. The ICTC program provides a highly structured but collaborative environment that brings together intensive probation supervision with judicial oversight, and a treatment team that includes the judge, Senior PO, a program coordinator, prosecuting and defense attorneys, substance abuse counselors, forensic counselor, education and employment supports and other community connections. Progress of each participant, including regular drug testing, is closely monitored through regular meetings of the team and participants, with a blend of encouragement and reinforcement of positive behavior mixed with graduated sanctions for behavior that is deemed to be not consistent with program and individual goals.

The overall ATI budget for the combined two Drug Court programs in 2016 was about \$104,000, with presumably roughly a third of that total allocated to the misdemeanor program with its single Senior PO overseeing the program, compared with two such senior Probation staff responsible for the larger felony caseload discussed below. These costs do not reflect the much larger costs associated with the judge, program coordinator, and multiple other partners involved in the program.

Generally the candidates for misdemeanor ICTC admission are those with a history of past failed probation terms and substance abuse treatment outcomes, and are generally considered to be on their way to a jail term, absent effective intervention. Although not always the case, in the vast majority of referrals the underlying assumption is that a jail term would have been likely without the ICTC intervention, or is likely to occur should the person be unsuccessfully dismissed from the program.

People can be admitted to the misdemeanor Drug Court in various ways, including admission as part of an initial judicial sentence (often as a condition of a probation sentence), or as a graduated sanction designed to enhance supervision and prevent a violation and possible revocation. Based on information supplied by the Drug Court Coordinator, the ICTC admitted 34 new participants in 2016, consistent with the average number of new admissions over the past four years. Just over half of the referrals the past two years came from the Probation department, including specific ATI programs, with 37 percent coming from Ithaca City Court judges or other courts, and 12 percent on referral from an attorney. A separate partial summary of referral data suggested that about 27 percent came to the program as a direct sentence to

Probation with a Drug Court condition, while another 13 percent were judicial referrals based on assurances that charges would be reduced or dismissed upon successful program completion. Another 46 percent were considered referrals based on a violation or graduated sanction request.

Historical data indicate that in 1998, 51 ICTC participants were active at the close of the year. Numbers dwindled in some of the intervening years, but a new City Court judge responsible for the ICTC has helped to rekindle interest in the program, and active participants have grown over the past four years – doubling from 21 participants active at the end of 2013 to 42 at the end of 2016. Program graduates have increased from eight and seven in 2013 and 2014, respectively, to 19 last year.

From an ATI oversight perspective, the program is overseen by a Senior PO who is responsible for an ideal active caseload of about 30. During 2016, there were an average of about 37 active open cases per month.

Issues Affecting Misdemeanor Drug Court

Several issues have been raised concerning the current and future operations of the Drug Court. Among them is the use by town and village courts of the Ithaca Court program. Some of the justice courts do make referrals to the ICTC, and though we were not able to obtain any data about number of referrals by court, anecdotally we were told by several sources that such referrals have been increasing in recent years. Those same sources also indicated that the referrals are not consistent, and that there is considerable upside opportunity to increase the referrals of appropriate cases from those courts. Most agree that this would be a positive development in enabling more people with the potential to benefit from the program to be referred.

However, the possibility of more referrals from justice courts could have the potential to unintentionally exacerbate another issue that is viewed as a potential barrier to program success. Access to court appearances, to progress meetings, and to possible community-based services to which a participant may be referred can be a problem for those in some rural areas of the county without a car or easy access to the County's bus routes. Questions have been raised as to whether such access issues may limit the prospects for program success for those in outlying areas. Program adherents emphasize that the DC partners provide bus tokens and try to make other arrangements to minimize any transportation-related barriers, and they are aware of the concern, but it remains an unresolved issue, and may be a contributing factor to the reluctance of some justices to make greater use of the DC option.

This in turn raises the issue of Drug Court sensitivity to particular needs and circumstances of individuals in the program. Even some advocates of the Drug Court concept have raised questions about the perceived rigidity of some of the DC approaches and processes, and ask if there aren't ways that more flexibility can be

employed as decisions are made about how to address particular issues program-wide and with respect to the issues unique to individual participants. Some of these issues have to do with transportation, others with family or job-related issues, others with how issues are discussed in ways that respect the values and perceived worth of those in the program. Some suggest that the program bends over backwards to be sensitive and respectful, with care taken to be considerate of special needs of individuals and to engage them in any decisions that may need to accommodate any particular concerns that may arise. But others suggest that much of the perceptions of inflexibility or rigidity stem not from the well-meaning efforts and best intentions of caring members of the Drug Court team, but rather from the structure itself, with the participants by definition in a position where they have little power, and even the most thoughtful and well-meaning judicial and other program partners may seem insensitive to program participants simply because of the differential power and control relationships inherent in the ICTC dynamics.

This question of perceptions and communications and sensitivity is overlaid in many cases with the additional dynamics of the reality that many issues that are inherently medical in nature (substance abuse, addiction, related health and behavioral health issues) are being dealt with in a criminal justice system environment not always trained or oriented to be sensitive to these types of issues. Many of the questions addressed in a Drug Court setting are probably best addressed through a medical model rather than a traditional criminal justice approach. If there is any place within the criminal justice system that a medical model can be applied – with a recognition of likely relapses and up-and-down, forward-and-back intermittent progress on individual journeys to breaking substance abuse patterns – it is likely to be in a Drug Court setting. There is certainly some sensitivity to this issue among ICTC leadership, but more work will be needed to find ways to modify the culture if the concerns of supportive critics are to be heeded and addressed.

And a final related concern has to do with the issue of Drug Court sanctions. Several of those we interviewed, including judicial officials, raised the question of whether Drug Court should consider modifying its use of sanctions, especially those that send people to jail for varying amounts of time. There are guidelines that suggest the types of jail and other sanctions appropriate for various “infractions” or violations. Examples of jail amounts for various infractions include: “up to 7 days,” “7 days,” “minimum 14 days,” “up to 21 days.” While such sanctions are likely to be needed in some cases to get a person’s attention, suggestions were also made by knowledgeable observers that in many of those cases all that may be needed are a couple days of jail to accomplish the objective, with the potential to add more as needed. Presumably this is the intent behind language suggesting “up to” specific amounts, but some have suggested that the guidelines should reflect such smaller amounts to begin with, as part of a culture change within the Court to see if such a different approach to the use of jail sanctions,

in the context of other changes suggested above and ideally incorporating evidence-based practices, might result in improved outcomes for those in the program.

Such a potential shift in the use of jail sanctions could, in the view of several stakeholders, be accompanied by increased use of other non-jail alternative sanctions such as SWAP, Day Reporting, Electronic Monitoring. Changes in approaches along these lines could be experimented with during a pilot test period over a few months, carefully assessing the impact before locking in on any permanent changes. And indeed, recent communications suggest that changes are being made to modify sanctions imposed early in a person's exposure to the program.

Misdemeanor Drug Court Impact

In 2010 and 2012, a series of evaluations were conducted of both Drug Courts, examining program outcomes, recidivism and costs for each (conducted by Deana Bodnar, Program Development Specialist at DSS). For the Misdemeanor Drug Court, examining participants from 2004 through 2009, the evaluation concluded that the "Treatment Court shows moderate results with regard to analysis of program outcomes." Tracking cases for various periods of time after they entered the program, the evaluation concluded that of all exits, regardless of when they left, 51 percent were considered successful/graduates and 45 percent unsuccessful, with four percent with unknown outcomes. The recidivism rates one and two years following program entry were significantly lower for program participants – both successful graduates and unsuccessful terminations – than for a comparable control group.

The study also concluded that successful participants in the misdemeanor Drug Court cumulatively saved an average of 41 jail days per person as a result of their program engagement (most unsuccessful participants wound up serving jail time they would have served anyway had they not entered the program). However, the jail time savings could have been even higher, except for two factors: per the discussion above, an average of 10 days per person spent in the jail to serve time for various sanctions (70 percent of all participants had at least one jail sanction while in the program), and an additional average of 19 days spent during the participants' stay in the program waiting in jail for access to various inpatient treatment programs. Had jail sanctions been eliminated or substantially reduced, and had it been possible to implement quicker inpatient treatment placements, up to 29 additional jail days could have been saved across the program participants. These two categories of jail time continue to limit the potential jail time savings attributable to the Drug Court today. Both will be addressed in more detail in the recommendations at the end of the report.

Factoring in jail day savings and economic benefits projected for program participants, compared with costs of operating the misdemeanor Drug Court, the study concluded that the ICTC provides a net economic benefit to residents of the County.

Even though that evaluation is now several years old, it provides a point of departure for assessing Drug Court impact today. And because the current data are so murky and incomplete, there is no information that is currently readily available that would enable tracking of participant outcomes, recidivism and jail days saved. Even the definitions used to define ICTC success are inconsistent, and often are tagged to individual circumstances and starting points, vs. progress made against that individual benchmark, as opposed to more consistently-defined standards of program success. Data are rarely if ever reported by program officials by cohort or at various consistent points following entry into or exit from the program (e.g., six months following admissions, one year later, etc.). Thus the analyses done several years ago will have to remain the best source available on the current impact of the program.

But best estimates ventured by knowledgeable judges and program officials suggest that those findings may not be that different today. These suggest that it is reasonable to conclude that probably about 80 percent of misdemeanor ICTC participants today would probably be facing a jail term were it not for the program. Factoring in the reality that only about two-thirds of all sentences are actually served, a typical actual jail time of about five months seems reasonable per case, as the time not spent in jail as a result of the ICTC experience. We have no way of knowing from existing data what proportion of participants have one or more jail sanctions imposed while in the program, and their cumulative length, but it is probably not unrealistic, for planning purposes, to assume that most program participants receive some jail sanctions at some point during their program engagement, and the 70 percent, 10-day-per-person figure used in the earlier evaluation seems as good a place to start as any, given the lack of relevant current data.

Thus it seems realistic to conclude that the misdemeanor ICTC continues to save jail days at this time, savings already being reflected in the recent jail census trends over the past few years. The question is whether anything is likely to change historic patterns and lead to either a reversal of those patterns away from savings, or alternatively to create even more jail-reduction impact in the future.

Likely Future Impact on the Jail

If the Ithaca misdemeanor Drug Court were to continue as is, with approximately the same size program, similar patterns of referrals and of jail time avoided offset in part by jail sanctions, it is likely that we would see no particular changes in impact on the jail population attributable to the DC operation.

However, most of those who ventured a comment on the future of the Ithaca DC argued that the program is strong, albeit needing improvements along the lines of issues raised above, and that there are reasons to support expansion of the program. We heard suggestions ranging from adding 10 slots with some expansion of staff, to increasing the size of the program by 50 percent, and absorbing the expansion with

existing staff. CGR believes there is sufficient need and demand for the program to justify expansion, particularly if more referrals can be enticed from the justice courts. If the program were to explore on a pilot basis the expansion of the caseload by 10 in the first year, it could test that and see if those increases could be absorbed with reallocation of existing Probation staff, or if more staff would be needed, and with the support of the current Court Coordinator. It might be necessary to explore with the State Office of Court Administration whether it would be willing to consider additional support for that position, or the County could consider adding financial support to supplement the position, perhaps buying some enhanced data maintenance and tracking capacity in the process.

At 10 additional people in the program per year, at an average jail time saved of five months per person (150 days), and an assumption of a 50 percent reduction in jail sanction days per person (five days each), this would represent a total savings of 155 days per person in the cohort, that would equate to a total of about 1,550 days saved per year, an average of about 4.2 beds saved per day. This would be a modest savings, but it could represent a relatively cautious expansion and rethinking of the program that could potentially lead to greater impact over a longer period of time.

Drug Court: County Felony Drug Treatment Court

As the second of the adult drug courts in the county, the Felony Drug Court (Felony DC) is larger than the misdemeanor program, with two Senior Probation Officers overseeing separate caseloads averaging about 30 each, the same ideal size of the single misdemeanor DC caseload. Presumably the felony DC program captures about two-thirds of the combined roughly \$104,000 Drug Court ATI budget (Probation share of the program only, and not including the additional judicial, Court Coordinator and other agency costs associated with the program). The felony program began in 2000.

As with the misdemeanor DC program, felony DC focuses on individuals within the criminal justice system with substance abuse problems and in some cases addiction issues that help fuel or contribute to criminal behavior. Participants may or may not have been arrested on drug-specific charges, as long as underlying issues are substance-abuse related.

Similar to its misdemeanor counterpart, the goal of the felony Drug Court is to help the participants break the cycle of addiction, substance dependence and related criminal behavior over a typically minimum three-stage, 12-month period, which can be and typically is extended as needed. The DC program provides a similar highly structured but collaborative environment that brings together the same type of intensive probation supervision, judicial oversight, and treatment team as described above for the misdemeanor court, with similar regular meetings and blend of encouragement and reinforcement of positive behavior mixed with graduated

sanctions for behavior that is deemed to be inconsistent with program and individual goals.

Generally the candidates for felony DC admission are those with a history of past failed probation terms and substance abuse treatment outcomes, and are typically considered to be on their way to an incarceration term, absent effective intervention. In the vast majority of referrals to the program, the underlying assumption is that a state prison or jail term would have been likely without the DC intervention, or is likely to occur should the person be unsuccessfully dismissed from the program.

Based on information supplied by the Drug Court Coordinator, the felony DC admitted 46 new participants in 2016, consistent with the average number of new admissions over the past four years. The majority enter the program through the felony diversion option, which typically involves a second felony arrest or a predicate felon. Most of these would therefore be facing a prison sentence were it not for DC intervention, rather than a local jail sentence. Successful completion of the program could help avoid a felony conviction on their record. Almost 60 percent of the referrals over the past two years came into the program under the judicial diversion sentencing option, another 3 percent as DA contracts, and another 17 percent came to the program as a direct sentence to Probation with a linked Drug Court condition. Thus in contrast to the misdemeanor DC program, about 80 percent of all felony DC referrals come into the program as part of the initial sentence. The final 20 percent were considered referrals based on a violation or graduated sanction request originated within Probation or another ATI program.

Numbers of active participants in the felony program have remained relatively consistent in recent years – with an average of about 63 participants active at the end of the last four years. The program has graduated an average of about 20 persons a year over that same period.

From an ATI oversight perspective, the program is overseen by two Senior POs, each responsible for an ideal active caseload of about 30. During 2016, there were an average of about 56 active open felony cases per month.

Issues Affecting Felony Drug Court

The issues outlined above in the discussion of misdemeanor DC also pertain to the felony court, and will not be repeated here. One additional issue that affects both programs, but has particular resonance with felony DC, has to do with the lack of easy access to an ability to track and measure progress of individuals at any given time through the DC process. This is particularly problematic because of the need for reliable data on successful completions from the program, the ability to assess recidivism over time and, particularly in the context of this study, the ability to monitor the impact the program has on state prisons as opposed to the local jail impact. The

ability to monitor the impact of sanctions and violations within the program and how they are treated from the perspective of the jail is especially important from a jail reduction perspective. In addition, it is important to be able to track the numbers of persons related to Drug Court who are detained in jail while awaiting substance abuse assessments and follow-up placements in inpatient rehab facilities (part of a larger problem discussed earlier in the report).

Because the understanding of knowledgeable officials is that most of the felony DC cases are facing the possibility of prison time if they are not successful in the program, the felony program is likely to have less direct impact on the local jail population than the misdemeanor DC. However, any sanctions while in the program that involve incarceration are likely to be served in the jail and – depending on the severity of the charge and the progress any unsuccessful DC terminations may have made before exiting the program – some re-sentences for unsuccessful terminees could involve long jail sentences rather than prison time. In such cases, felony DC could actually have the unintended consequence of contributing to the jail population at some level, rather than helping to reduce it, compared to if the program participants were simply sentenced initially to prison. The ability to limit the effects of program failures and jail sanctions along the way has direct bearing on this issue and its jail impact in the future.

Felony Drug Court Impact

As noted above, in 2010 and 2012, a series of evaluations were conducted of both Drug Courts. Examining participants from 2004 through 2009, the evaluation concluded that the Felony Drug Court “shows generally positive results with regard to analysis of program outcomes.” Tracking cases for various periods of time after they entered the program, the evaluation concluded that of all exits, regardless of when they left, 51 percent were considered successful/graduates and 45 percent unsuccessful, with four percent with unknown outcomes (identical overall outcomes as reported for the misdemeanor DC program). Program retention rates at one- and two- year intervals were considered higher than most comparable programs in the state. Also, the recidivism rates one and two years following program entry were significantly lower for felony DC program participants – both successful graduates and unsuccessful terminations – than for a comparable control group.

The study also concluded that the efforts of the felony Drug Court were instrumental in saving significant numbers of jail days as a result of participant program engagement. However, CGR believes those reported savings may have exceeded the likely impact resulting from today’s felony DC program. During the earlier evaluation, the assumption was made that at the time, only about 25 percent of the DC participants would have been sentenced to prison, so that potential jail savings occurred in 75 percent of the cases. Today, knowledgeable estimates are that at least

60 percent, with some saying as much as 75 percent or even 80 to 90 percent of felony DC participants would be likely to have been sentenced to prison (or in some cases 10 to 12 months in the local jail) without the DC intervention.

Thus, as suggested above, we conclude that because the likely alternative sentence for most participants is viewed as prison, the felony DC does not currently have significant direct impact on reducing the jail population, compared with the misdemeanor DC program, other than perhaps helping to prevent recidivism and subsequent admissions to the jail – and in preventing initial jail sentences in perhaps a quarter of the participants' cases.

In some ways, the bigger concern may be that keeping many of these program participants in the local community instead of sentencing them directly to prison may actually have some negative unintended impact on the jail, given the potential instead for many of them to be sanctioned to local jail time while in the program, with some also receiving a re-sentence that may involve jail rather than prison time if they are unsuccessfully terminated from the program. (It is also understood that even though jail sanctions may have a negative impact on the jail population, they may have value in other aspects of a participant's journey through the Drug Court process. We do not mean to overlook such value, but have focused our primary attention on the impact on the jail population for purposes of this study.) Because of the data problems noted earlier, we are not able to provide accurate assumptions about how frequently either of these jail-impact events occurs. Either way, these effects of the felony DC program are already being reflected in the recent jail census trends over the past few years. The question is whether anything is likely to change historic patterns and lead to different jail-reduction impact in the future.

Likely Future Impact on the Jail

If the felony DC were to continue as is, with approximately the same size program, similar patterns of referrals and of jail and prison time avoided – offset in part by jail sanctions – it is likely that we would see no particular changes in impact on the jail population attributable to the DC operation. Indeed, that is what we project to occur.

Because of the lack of good data at this point to be able to consistently track the extent of successful program outcomes, recidivism, effects of internal sanctions, and the extent and impact of any post-program re-sentences imposed, we are not able to state with any degree of conviction whether the felony DC program should remain as is, or expand or contract. Given the absence of compelling evidence to provide definitive indication of the extent of successful program outcomes (little is provided concerning proportion of successful vs. unsuccessful closures), and relatively little active push for program expansion – and given the assumption that the program is probably not having a major impact at this point in helping reduce the jail population, and could even have some reverse impact with sanctions factored in – CGR concludes

that this is a time to maintain the status quo, thereby leaving the felony DC program essentially operating as is for the foreseeable future.

Non-Probation Community-Based Programs

In addition to the ATI programs under the overall supervision of the County Probation Department, several other community-based initiatives are important to note for their current and potential future impact on the jail population.

Re-Entry Services

In 2015 a high-level Reentry Subcommittee (RES) was formed by the County's Criminal Justice Alternatives to Incarceration Board to develop recommendations concerning how best to transition inmates from the jail into the community. The group was co-chaired by the Director of Probation and the Director of OAR (see OAR discussion below). In September of that year, it issued its seminal report to the CJATI Board and the County Legislature. Since the report's release, significant amounts of community resources have been devoted to a variety of re-entry initiatives, some progress has arguably been made in addressing issues raised in the report, and considerable work remains to be done.

The report documented the results of an early pilot re-entry project that had been carried on within the jail over several years, with the jail, OAR, Probation and DSS collaborating to identify and track a sample of sentenced individuals returning to the community and not under other forms of supervision. The project helped link these individuals with public assistance and transportation to DSS upon release. The report indicated that 64 percent of those in the program had avoided a return to the jail, and concluded as a result "that re-entry interventions are effective at reducing recidivism." The report went on to identify a number of barriers to successful re-entry and recommended, among other things, that the County hire two full-time Re-entry Coordinator/Discharge Planners charged with "conducting a preliminary assessment and discharge plan for all inmates incarcerated in the Tompkins County jail, coordinating identified services and providing follow-up in the community."

Since the report was issued, two separate formal re-entry initiatives have emerged and evolved, along with other less formal efforts that might be considered a part of the re-entry process. The formal funded re-entry programs are: Ultimate Re-Entry Opportunity (URO) under the Multicultural Resource Center, now in its third year with primary funding by the Park Foundation, and the Cooperative Extension (CE) re-entry program, currently in the latter stages of its first year of funding with a grant from the County. In addition, OAR has historically used its funding over the years in part to play a significant role in helping connect people in the jail with services as they transition back into the community, although funds are not explicitly targeted to re-entry

services. Also, the County's Human Rights office provides some services that help with re-entry, and the Department of Mental Health is beginning to be more of a player in the re-entry arena. The Department of Social Services, a part of the initial pilot project, remains involved to some extent, but not to the extent some think would be helpful.

Ultimate Re-Entry Opportunity

The URO re-entry initiative appears to have been designed initially to focus primarily on systemic change issues, as well as to create a cadre of 10 mentors with previous direct experience as inmates in the jail who had subsequently resettled back into the community. These part-time mentors were to each work with two "mentees," returning from either state prison or the local jail, beginning to establish relationships with them while they were incarcerated and helping them make positive connections with services needed to smooth their transition back into the community. The mentor component of the initiative appears to have had limited success, with some mentors hired, but relatively few direct relationships established with mentees or service providers, and difficulties maintaining relationships as the mentees re-engaged in the community.

The systems change aspect of the URO effort seemed to focus by design as a broad effort to take on community-wide issues such as equity, inclusion, racism and cultural competence as much as addressing how to more effectively link ex-inmates upon their release with key service systems. All of these are important issues that face the community, but many felt that extensive focus on these concerns detracted from the efforts to help improve conditions for inmates currently returning from the jail to the community. In turn, URO often felt excluded from community conversations about re-entry, and indeed there appears to have been considerable confusion about what impact their efforts were having. These perceptions appear toward the end of our study to be changing, with new leadership of the URO program, and conscious efforts between URO, CJATI, the Park Foundation and County leadership to improve understanding, communications and accountability between the respective parties.

Cornell Cooperative Extension

The Cooperative Extension re-entry program has also had its share of detractors who have been uncertain as to what it was accomplishing, although some have acknowledged that some of the uncertainty and frustrations have been at least in part just the normal growing pains and evolution of a program in its early stages. Not unlike URO, it was conceived with two roles: to assess system and service gaps, while at the same time to reach out to individuals in the jail and help connect them with services as they made the transition back to their respective communities. As with URO, there was a bit of a natural tension between the two roles, with insufficient time to do both well, and especially to maintain connections as inmates re-entered the community.

The Cooperative Extension effort has been staffed by two part-time coordinators, who were both attempting to balance the mapping of community service gaps with individual inmate assessments of both personal needs as they re-enter the community and risk of future recidivism. Preliminary data shared with CGR mid-way through the first year of operation suggested that the program has been able to develop a workable process and criteria which enabled staff to document risk levels and areas of need for services at the individual level. What was less clear was how successful any efforts were in triaging the most important needs and highest risk individuals to followup with, and linking those individuals having particular self-identified needs with services designed to address those needs. In that regard, both the Cooperative Extension and URO efforts seem to have struggled with helping make those personal connections, given the investment of time needed to ensure that anything more than a broad referral was able to be initiated in most cases, especially as new inmates were admitted to the jail and also needed attention.

Linkages

Both URO and Cooperative Extension are expected to present reports on their findings and experiences within the next two to three months. At that time it will be important to take stock of the two separate approaches and determine how to proceed with the important re-entry process going forward. For the most part, the two initiatives have not communicated effectively with each other, or with logical partners such as OAR, Human Rights, DSS, Mental Health and potential support agencies such as CARS and Alcohol and Drug Council. Such communication does seem to have improved recently, however, with conscious efforts continuing to make that happen, as noted above. But there remain concerns about potential overlap and duplication of efforts, and missed opportunities for strengthened communications and development of collaborative ways that efforts of the organizations could complement and build on each other.

Meanwhile, there is little evidence of very many inmates receiving tangible support from either organization in their efforts to create a new life as they re-entered the community following their jail experience. Maybe that is too much to expect as one program (URO) changed leadership and the other (CE) was evolving in its first year. But with more than \$200,000 invested annually in these two programs – and the potential for increased collaboration with other agencies that could significantly enhance the re-entry prospects of substantial numbers of returning inmates in the future – the next few months provide the perfect opportunity to recalibrate and figure out the best way to make the most cost effective investment in re-entry services going forward.

URO, Cooperative Extension and OAR all have opportunities to have people in the jail working with inmates in preparation for their return to the community. But there is

little coordination of those efforts, which not only creates missed opportunities for the inmates - and an inefficient use of limited resources - but also puts a drain on the jail itself, as it attempts to balance the comings and goings of multiple people trying to do similar things in limited available space.

The Future

Assessments of the future of the re-entry effort should also consider how the initial efforts of helping connect people in jail with post-jail services can begin with more effective provision of direct services within the jail, presuming more space in the future – services that are designed specifically to help pave the way for post-jail linkages with particular services in the community. This period of rethinking of the process should also consider ways that the ongoing efforts of the jail nurse, the substance abuse assessments done by the DSS nurse assigned to the assessment process at the jail, and the emerging mental health assessments of all inmates can be built into the assessment process that the re-entry programs are attempting to develop. There appear to be numerous separate efforts underway, all well-meaning, that should be better coordinated for more efficient outcomes, and better opportunities to make post-incarceration connections in the community.

Attention should also be given to how best to take advantage of the fact that the mental health system has case managers within clinics, and numerous health home care managers, all of whom can potentially help ex-inmates connect with a range of services once individuals are referred initially to their services. Thus it may be less important for the various re-entry staff to stay in touch with inmates for extended periods of time once they are back in the community – if initial connections have been made within the jail, and if once people return to the community they can be connected with service systems that have their own built-in service coordination staff who can help with ongoing links to services within and across systems. This use of existing systems would also help free up more time of the re-entry staff to cultivate the initial inmate connections and prepare them for discharge with the appropriate tools to proceed. Development of such connections should involve careful attention to preparing service providers for particular issues they are likely to need to address as they work with ex-inmates, including the development of culturally sensitive communications skills in working with individuals from varied backgrounds.

Finally, as this opportunity presents itself to refocus on the best way to make re-entry services work in the future, it would be a good time to revisit the initial Reentry Subcommittee report and reconsider the potential of blending resources to create the types of positions recommended at that time: two full-time Re-entry Coordinator/ Discharge Planner positions. The idea of having discharge plans developed and discussed with at least the inmates with the highest likelihood of recidivating following release seems to make sense, particularly if they can be developed in conjunction with

and building on expanded in-jail services. There seems to be a logic, based on what has been learned to date by the re-entry initiatives, to having designated people with specific responsibilities for developing such discharge plans and helping make the initial handoffs to community organizations which in turn are charged to follow up with the inmates once they return to the community.

Careful attention needs to be given to how the success of the re-entry efforts will be measured to date and going forward. For example, what are the reasonable expectations of success, what are the best metrics to assess progress against those expectations, what are the best criteria to use in determining who gets primary attention in the re-entry process, how will the community and funders know that the efforts are being successful in reducing recidivism and providing help and hope for those returning from the jail to the community?

Opportunities, Alternatives and Resources (OAR)

OAR is an invaluable not-for-profit community resource which acts as an all-purpose provider of multiple alternative services, many of which are designed to help reduce the jail population, and to provide services to those who are incarcerated.

The County currently contributes more than \$330,000 in its 2017 budget to the overall operations of OAR, which accounts for 90 percent or more of its total operating budget. This represents a substantial investment by the County – up from about \$200,000 as recently as the 2014 budget – in underwriting the important community services OAR provides.

In-Jail Services

OAR staff are in the jail four days a week, providing a variety of support services for many inmates. These services include, among other things:

- Interviews with inmates for potential bail fund eligibility (see further discussion below);
- Interviews and applications done on behalf of the Assigned Counsel office, to determine eligibility for AC representation for inmates;
- Support in completing inmate applications for public assistance and other supports available through the Department of Social Services;
- Applications to help access substance abuse programs;
- Support in helping access community housing upon release from jail;
- Provision of phone line relay service to help connect inmates with family, employers and attorneys;

- Provision of re-entry supports for inmates in preparation for transitioning from the jail to the community (see previous discussion of re-entry services);
- Provision one day a week of mentoring and tutoring as part of a College Initiative Upstate program, cited as the only re-entry program providing post-secondary education services in an upstate jail; and
- Volunteer transportation support to help community residents access the jail on visitation days.

Bail Fund

One of OAR's signature programs and most prominent ways of impacting on the jail population has historically been its operation of a revolving bail loan fund designed to help obtain the release of low-income inmates who cannot afford to make relatively low bail amounts on non-violent misdemeanor charges. County funding has underwritten the costs of the fund, which is constantly being replenished as loan funds are paid back. New York state law has limited the bail fund to bail loans of no more than \$2,000 for individual inmates, and those charged with felonies are ineligible.

Between 2007 and 2013, the bail fund made loans that led to the release of an average of 62 inmates per year. As recently as 2012, 67 inmates were released through the fund, with resulting estimated savings to the County of about \$459,000, assuming each of the jail days saved would have been boarded out. Even if those estimated savings may be overstated, the reality is that over those seven years, each person released represented an average of 130 jail days avoided – and three-quarters of those released had been sitting in jail with bail amounts of less than \$1,000. Thus the program was clearly having an impact in removing people from the jail who were there simply because of financial considerations.

In the three most recent years, however, the use of the bail fund has declined significantly, to an average of 32 loans in the most recent three years (about half of the previous seven-year average), and a low of 20 loans were made in 2016.

The loans have represented a very safe investment. Over the past five years, there have been only seven forfeitures – a 3.2% forfeiture rate.

Recent restrictions on bail loans between \$2,000 and \$2,500 have limited the use of the bail fund to some extent, but the use of the fund had been declining even before those restrictions were put in place. And over the years there had been relatively few loans in that range anyway. Other reasons for the decline in the use of the bail fund are not clear. But with increased official focus and attention being placed on the presumption of non-financial release – and if other recommendations in this report

are followed that would make it more feasible to effect such forms of release – it may be that there will continue to be less demand and need for this bail fund resource in the future, and that these funds will only be needed on a limited basis where other forms of release cannot be effectuated.

OAR Re-Entry Services

OAR has for years been actively engaged in efforts to smooth the transition from jail back into the community, working with inmates, family and friends. The agency's executive director was a co-chair of the Re-entry Subcommittee which issued its report in 2015 to the County on re-entry issues (see above). OAR has provided direct services for individual clients making the transition, as well as advocating for systems changes around a variety of issues such as housing, transportation, and employment. It has worked unilaterally on its own, as well as collaborating with various other service providers and policymakers to effect change, as part of its broad funding portfolio.

One of the agencies with which OAR has partnered is Challenge Industries, sharing case management responsibilities for 50 individuals returning from incarceration (mostly parolees from state prison), helping them find and retain employment, in combination with helping meet housing needs in some cases. The two agencies are discussing an expanded partnership to help provide similar services more directly targeted to those planning their return from the local jail.

Re-Entry Transitional Housing Support

OAR's re-entry focus over the years identified transition housing as perhaps the greatest barrier to a successful return to the community. To help reduce the cycling of former inmates in and out of homelessness, OAR has received financial support from the County and is seeking additional support from other funders to purchase, renovate and operate a home in Ithaca that will provide clean, safe, affordable housing for four or five former inmates returning to the community. This is viewed by the agency as a pilot project that it hopes to expand over time into a network of shelters that will offer stable transition housing for many former inmates in the future. The support housing is designed in part to provide a stable base from which the ex-inmates can work on other re-entry issues such as education, job training and placement, and mental health and substance abuse treatment. The hope is to have this first home, called Endeavor House, ready to accept its first residents later this year.

Cayuga Addiction Recovery Services (CARS)

CARS is a not-for-profit substance abuse treatment agency with primary services provided in Trumansburg and Ithaca. Along with the Alcohol and Drug Council, CARS is one of two community-based agencies offering outpatient treatment programs in

Tompkins County. It is also the only treatment provider in the county to offer in-patient residential care.

Since 1972, CARS has provided service and treatment for residents of Tompkins and neighboring counties with a wide range of chemical dependency recovery needs. It provides frequent services to those in the criminal justice system, including referrals from the jail and from the county's drug courts. Services to those in treatment for heroin addiction have increased dramatically in recent years. Between 2012 and 2015 (latest year CGR could access data) the people annually seeking treatment services from CARS increased from 84 to 190, a 126 percent increase.

Outpatient Services

CARS provides a combination of outpatient clinic/treatment and rehabilitation services, offering a holistic range of individual and group services and support groups to growing numbers of clients. Between 2013 and 2015, the individuals annually served in these programs increased by 45 percent from 611 to 886.

In-Patient Residential Rehabilitation Services

CARS operates the only in-patient rehab center in the county, a 60-bed coed facility located in Trumansburg. In 2013, it served 196 individuals in the residential unit, with an average of 221 served in the next two years.

Effective January 2017, changes in regulations have affected the ways in which substance use treatment is billed and paid for. One of the direct effects of the change is that stays in intensive inpatient treatment/rehab facilities are becoming shorter. Most stays will be reduced to an expected 6–10 week period. In the first quarter of the year, the average length of stay among residents was just over 50 days, a significant decline from an average stay of 190 days before the regulatory change. The practical impact of this in terms of how patient outcomes will be affected is yet to be determined. On the other hand, one early positive impact in the early months of the new approach is that there has been a marked increase in the numbers of individuals who can be admitted for shorter periods of treatment. The number of admissions in the early months of 2017 was 80, up from 30 during the comparable period in 2016.

Anticipated Changes

CARS is in the process of developing with grant funding a new 25-bed rehab facility specifically designed for women. The project has been approved and is in various stages of design and fund-raising. It is currently expected to open for residents in the latter half of 2019, and is expected to fill an important service/treatment gap in the community.

On a smaller but also important scale, CARS has offered to provide the jail with a few hours of nursing services per week at no charge. This would represent an important addition to on-site services at the jail, which currently reports few if any substance abuse services being offered. Such services might include some assessment support, although the specifics are still to be finalized as this report is written. But at least part of the service package appears to be based on a treatment readiness model, which would be focused on offering a form of an intake and orientation group to inmates. The group would be designed to provide the beginning of a treatment focus, but with the primary intent of helping inmates to understand the value of post-jail services and to prepare them for “treatment ready” direct access to services as soon as they are released back to the community.

Alcohol and Drug Council

Along with CARS, the Alcohol and Drug Council of Tompkins County (ADC) is one of two community-based not-for-profit agencies in the county to offer outpatient substance abuse treatment services. It began in 1965 as the Alcoholism Council, offering community education and referral services, and over time began to serve individuals dealing with a wide range of addiction and substance use and abuse issues, changing its name to reflect its wider mission in 2002.

The Council provides a wide range of interventions, community education, prevention and treatment and support services. It operates with a \$1.5 million annual budget and is licensed and significantly funded by the state Office of Alcohol and Substance Abuse Services.

Treatment components include assessment and diagnosis, intensive treatment, individual and group therapy, and aftercare treatment and support. Its services are based on the premise that addiction is a treatable disease with biological, psychological, social and spiritual components. Programming is based in the public health approach, and is typically gender-specific, allowing treatment to address issues appropriate to both men and women.

Outpatient Services

Of most direct relevance to this study, the ADC estimates that about a third of its clients are involved in various ways with the criminal justice system. However, it has relatively little direct involvement with the jail. It receives a few referrals from the jail for inmates needing substance abuse services, but ADC officials indicate that most substance abuse referrals from the jail to a local agency go directly to CARS, as most need intensive in-patient rehab services. ADC is open to providing direct services in the jail, but without ways of paying for any services they would provide, budget restrictions make it difficult to free up staff to play any significant role within the facility, unless sources of funding became available.

In 2016, ADC reports that it provided outpatient treatment services to 798 individuals, with a mixture of individual and group therapy sessions. Another 162 individuals participated in an intensive outpatient 3-hour, 3-day-a-week service. While some of these clients are involved in the criminal justice system, there is no method for tracking that information.

Anticipated Changes

The Council has recently been awarded a half million dollar grant to support the development of a residential detox/stabilization center to be located in Tompkins County. The plan is for a 20- to 24-bed facility that would also serve residents of Schuyler and Cortland counties. Tentative plans anticipate 3-5 days of detox under medical care, followed by up to 14 days of stabilization, with additional rehab time to be provided in the CARS residential facility as needed. This voluntary inpatient detox service would be the first of its kind in the county, and would address a need broadly supported by many community leaders and advocates, and underscored by findings from this study.

Potential Alternatives in Process

In addition to ATIs and other community-based services with implications for the size of the jail population needed in the future, other community initiatives are in various stages of consideration and planning. Some have already been mentioned briefly. They are summarized briefly here, and in more detail in the recommendations at the conclusion of the report.

Law Enforcement Assisted Diversion (LEAD)

A concept which is growing throughout many communities across the country, LEAD is an initiative whereby law enforcement officers exercise discretionary authority at the point of arrest or field contact to divert individuals to a community-based intervention designed to address behavioral health needs, rather than to enter the first phase of the criminal justice system. The approach typically relies on the existence of a case manager who accepts referrals from the law enforcement officers and helps the individual being diverted to navigate one or more services designed to address underlying behavioral health issues that may be contributing to the criminal behavior that initiated the contact with the officer.

The focus is primarily on diverting individuals picked up by law enforcement officers on relatively low-level non-violent offenses such as prostitution, drug possession, street sales and other lower level misdemeanors. As practiced in other communities, law enforcement officials, with the cooperation of prosecutors, help communities focus attention on ways they can bring fresh public health approaches to underlying needs such as addiction, untreated mental illness, homelessness and poverty that

often contribute to criminal activities that result in individuals cycling in and out of the criminal justice system, often including stops in jail.

This idea started in Seattle, is now operating or about to launch in about a dozen other communities, and is in various stages of development and exploration in many others. Initial research suggests that the approach can be effective in reducing the frequency of subsequent arrests.

There appears to be broad public support for the LEAD concept in Tompkins County, including among some key law enforcement leadership, although others are somewhat skeptical of how much impact it will have on top of other community initiatives and already-existing frequent use of appearance tickets. At this point, one of the issues holding up the effort to implement the project, at least on a pilot basis, is agreement on how to address the case management issue. Possible ways of addressing this issue could include linking it in some way to the resources of the re-entry initiative, or linkage with a care manager in the health home network which is a growing part of the mental health/behavioral health system. This issue is addressed further in the recommendations chapter.

New Residential Rehab Treatment Facility

As noted in the discussion above of CARS, the development of a new 25-bed inpatient rehab facility is underway. Assessments done in the jail of individuals with serious substance abuse problems frequently lead to recommendations for placement in such a rehab facility, and local beds are now often full, creating the need to seek placement in in-patient facilities outside Tompkins County. Beds in these facilities are also scarce, and often inaccessible even if available. As a result, long delays in activating placement are frequent, often resulting in elongated time in jail waiting for a bed to surface. Expansion of local beds would create a significant step forward in the effort to minimize the number of jail beds needed in the future.

Potential Creation of New Detox/Stabilization Facility

The Alcohol and Drug Council has developed, in conjunction with various community partners, a proposal for a 20- to 24-bed residential detox/stabilization center, which as noted above would be the first of its kind in the county. The proposed center would provide voluntary supervised medical oversight for an anticipated 3-5 days of detox, followed by up to 14 days of stabilization, with additional rehab time to be provided in the CARS residential facility. Evidence gathered as part of this study suggests that such a local detox facility could have a significant impact on reducing the number of beds needed in the jail each night, as it is not unusual to have several inmates on any given night in various phases of the detox/withdrawal process. Anecdotally, they have been placed in jail to enhance their own personal safety and public safety after committing a crime, but the underlying cause is related to substance abuse.

Some have proposed an alternative to the Council's voluntary approach to providing detox services. This alternative would create a more mandatory, secure detox facility connected to but separate from the main jail. These people currently forced to spend time in jail, scattered within the overall inmate population while detoxing, would under court order be placed in a separate secure detox setting, under careful medical supervision, throughout the initial detox phase – prior to perhaps then being transferred to the voluntary detox facility during the stabilization period.

There are strong advocates of both approaches, and some who are willing to entertain both ideas as potentially complementary to each other. This issue is discussed further in the recommendations chapter.